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### PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

#### Report of the Secretary-General

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## I. INTRODUCTION

1. At its 95th plenary meeting, on 15 December 1980, the General Assembly adopted resolution 35/160, entitled "Peaceful settlement of disputes between States", the operative part of which reads as follows:

"The General Assembly,

...

"1. Calls again upon all States to adhere strictly in their international relations to the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

"2. Considers that the question of the peaceful settlement of disputes should represent one of the central concerns for States and that, to this end, the efforts for examining and further developing the principle of the peaceful settlement of disputes between States and the means of consolidating its full observance by all States in their international relations should be continued;

"3. Considers also that the elaboration, as soon as possible, of a declaration of the General Assembly on the peaceful settlement of international disputes is likely to contribute to the strengthening of the role and the efficiency of the United Nations in preventing conflicts and settling them peacefully;

"4. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to continue the elaboration of the draft Manila declaration on the peaceful settlement of international disputes with a view to submitting it for further consideration to the General Assembly at its thirty-sixth session;

"5. Refers to the Special Committee the report of its Working Group on the Peaceful Settlement of Disputes, 1/ as well as the views expressed at the current session of the General Assembly on the contents of the declaration;

"6. Expresses the hope that the States which have not yet transmitted to the Secretary-General their opinions on that matter will do so as soon as possible in order to contribute, in this way also, to the elaboration of the declaration;

"7. Decides to include in the provisional agenda of its thirty-sixth session the item entitled 'Peaceful settlement of disputes between States'."

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1/ A/C.6/35/L.21.

2. By a note dated 2 February 1981, the Secretary-General drew the attention of Member States to paragraph 6 of resolution 35/160.
3. As at 21 September 1981, views and comments had been received from Venezuela.
4. Any further comments and observations that may be forthcoming will be issued in addenda to the present report.

## II. OBSERVATIONS RECEIVED

### VENEZUELA

[Original: Spanish]

[2 June 1981]

1. Venezuela has supported those initiatives aimed at enhancing the effectiveness of the Charter of the United Nations, under which States have an obligation to settle their disputes through the peaceful means envisaged in the Charter. In this connexion, Venezuela has been following the debate on the peaceful settlement of disputes, particularly the debate on the draft Manila declaration. 2/
2. My country believes that the draft declaration is a step towards the codification and development of international law prompted by the high degree of tension now present within the international community.
3. My Government believes too that, at the forthcoming session of the General Assembly, the element of "co-operation among States" should be incorporated in the draft, such co-operation being one of the obligations that States would assume in adopting the declaration. My Government also stresses the role of the General Assembly, as the main organ of the United Nations, in the settlement of international disputes.
4. With respect to the International Court of Justice, although Venezuela has affirmed the importance of including in the declaration a reference to the Court, since it is the judicial organ of the United Nations, we must reiterate that such a reference should be in broad, clear terms if it is to be accepted by countries, such as Venezuela, which have constitutional difficulties in agreeing to compulsory submission of international disputes to the Court at The Hague.
5. Finally, on the question of concluding a general treaty on the peaceful settlement of disputes, it is essential to lay more emphasis on the use of peaceful means and to recognize that the obligations laid down in the Charter in this area are equivalent to the provisions which a treaty of this kind might contain.
6. In addition, experience shows that States, in elaborating their international agreements, are more inclined to include a special régime for the settlement of disputes than to seek to formulate a general treaty on the peaceful settlement of disputes.

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2/ See Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 33 (A/36/33), sect. III.