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PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Secretary-General

Addendum

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UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[7 October 1988]

1. The principle of the peaceful settlement of international disputes through the use of all possible political and juridical means is legislatively enshrined in the Constitution of the USSR and is the basis of the Soviet Union's foreign policy. Guided unswervingly in its approach to the settlement of disputes and conflicts between States by the purposes and principles of the Charter of the United Nations, the Soviet Union believes that in the nuclear age the task of preventing and settling international disputes and conflicts acquires decisive significance, for the world has become too fragile and interdependent and failure to resolve protracted conflicts has a destabilizing effect on the state of international relations.

2. In present conditions any regional conflict not only brings incalculable disaster and suffering upon the peoples of States directly involved and distracts them from solving problems of economic and social development, but also seriously threatens the whole world and is fraught with the danger of world-wide catastrophe.

3. The concept of comprehensive international security promoted in the United Nations by the group of socialist countries includes, as an integral element, the peaceful settlement of existing regional conflicts and prevention of the emergence of new ones. That concept envisages the further intensification of United Nations efforts to break the deadlock in regional conflicts through observance of the principle of non-interference in the internal affairs of States and full respect for the rights of peoples to choose their own paths of development.

4. The Soviet Union notes that the Manila Declaration on the Peaceful Settlement of International Disputes, adopted by the General Assembly at its thirty-seventh session, in 1982, played an essential role in affirming and developing the principles set forth in the Charter for settling conflicts and disputes on the basis of the freedom to choose the means of peaceful settlement and the sovereign equality of all States. Having solemnly declared that all States shall act in good faith and in conformity with the purposes and principles enshrined in the Charter with a view to avoiding disputes among themselves, and shall live together in peace with one another as good neighbours, the Declaration called for the settlement of international disputes exclusively by peaceful means, making active use of the mechanisms and organs of the United Nations.

5. In the period since the Manila Declaration was adopted, the efforts of the Soviet Union have been directed towards assisting the peaceful settlement of a number of international disputes and conflicts, lowering the level of dangerous confrontation both on a global and on a regional scale, and advocating a reasonable and constructive approach to the consideration of the most acute and vexed problems in a spirit of new political thinking. This approach has been reflected in the steps taken to settle the Afghan problem, in the support for efforts to break the deadlock in other conflicts, and in the initiatives aimed at fully utilizing the

whole gamut of ways and means for the peaceful settlement of disputes and conflicts envisaged by the Charter and at giving the greatest possible effectiveness to this fundamental principle of international law.

6. The principle of the peaceful settlement of international disputes is reflected in important instruments which the Soviet Union has signed with other States, including the joint declarations of the member States of the Warsaw Treaty Organisation, the Delhi Declaration on Principles for a Nuclear-Weapon-Free and Non-Violent World, and a number of other treaties and agreements.

7. The forty-third session of the General Assembly is being held at a time when discernible progress has been made, with the active participation of the United Nations, its Secretary-General and its Security Council, in resolving a whole range of the most acute international conflicts. This positive trend is serving to enhance the authority of the United Nations and increase the effectiveness of its Charter, which stipulates that disputes between States must be settled by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their own choice. The United Nations must perform fully its main function as a centre for the settlement of international conflicts by united forces. In the opinion of the Soviet Union, for that task to be achieved, all the means and machinery envisaged by the Charter must be fully utilized.

8. The Soviet Union believes that, as laid down in the Charter, the main role in the peaceful settlement of disputes and conflicts rests with the Security Council, which may require the parties to settle their disputes by peaceful means and has the right to recommend appropriate procedures or methods of adjustment. The effectiveness of the Security Council would be increased by working out measures: procedures and mutual commitments in a spirit of discretion and self-restraint which would preclude the major Powers' being drawn into confrontation over regional conflicts; by reviewing the situations prevailing in zones of conflict within the framework of consultations among the five permanent members of the Security Council with the involvement of the Secretary-General; by enhancing the role of informal consultations among the members of the Council, with the participation of the Secretary-General and the interested parties; and by holding periodic meetings of the Security Council at the foreign-minister level.

9. The Soviet Union reaffirms its acclaim of the role of the General Assembly in the peaceful settlement of disputes, believing that the consideration at its sessions of conflict situations and the adoption of the relevant resolutions would facilitate the search for ways to resolve them. In the Soviet Union's view, the proportion of the total number of General Assembly resolutions adopted by consensus could be increased, and this would be one of the most effective means of achieving a balance in the interest of States.

10. The Soviet Union advocates enhancing the role of the Secretary-General in the solution of conflicts between States by negotiation, mediation, conciliation or the exercise of good offices and considers that, in accordance with the Charter and the confirmed practice in the United Nations, the Secretary-General is justified in showing initiative, thereby facilitating the prevention and peaceful solution of conflicts.

11. It should be possible, under United Nations auspices and in conformity with the Charter, to establish an international control mechanism which, in addition to monitoring compliance with agreements on tension reduction and arms limitation, would watch over the military situation in areas of conflict. This mechanism would employ various forms and methods of monitoring for the gathering of information and its regular submission to the United Nations. In this way an objective picture could be formed of events in progress, and timely measures could be taken to avert a military conflict or prevent it from expanding and heating up.

12. In the Soviet Union's view, the present situation in the world and in the United Nations favours broader utilisation of United Nations military observers and peace-keeping forces as one of the most important instruments for averting or resolving regional conflicts, monitoring the cease-fire and the compliance with armistice agreements, and separating the armed forces of opposing sides.

13. With a view to the peaceful settlement of disputes between States, broader use could be made of the potential of the International Court of Justice, which in recent years has assisted in settling a number of contentious issues. The USSR favours continued consideration of the question of mutually agreed conditions for recognising the compulsory jurisdiction of the Court. This approach to the role of the primary judicial organ of the United Nations would be in keeping with an interdependent world and the present-day sense of legality.

14. The Soviet Union favours the adoption on the basis of general agreement during the forty-third session of the General Assembly of the draft declaration on the prevention and removal of disputes and situations which may threaten international peace and security and on the role of the United Nations in this field. This would make a practical contribution to comprehensive security.

15. The Soviet Union supports the proposal by Romania on the resort to a commission of good offices, mediation or conciliation within the United Nations as a possible mechanism for settling disputes between States on the basis of their sovereign equality and observance of the principle of the free choice of means in keeping with their commitments under the Charter and the principles of international law.

16. The Soviet Union believes that consideration of the question of the peaceful settlement of international disputes should be continued, together with that of strengthening international peace and security on a priority basis through the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organisation.

17. In reaffirming its attachment to the Manila Declaration on the Peaceful Settlement of International Disputes and in advocating enhancement of the morally and politically binding nature of that effective United Nations instrument, adopted on the basis of consensus, the Soviet Union is ready to continue to co-operate with other members of the international community for the consistent implementation of that instrument. In the opinion of the Soviet Union, this goal would be assisted by periodical consideration at regular sessions of the General Assembly of the progress of implementation by States of the provisions of that Declaration, and by

the elaboration and adoption in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and by the General Assembly itself, of agreed practical measures which would facilitate the investigation and establishment of the factual circumstances of disputes and conflicts between States, their early anticipation and prevention, action to prevent them from escalating into armed conflicts, their solution by peaceful means, and impartial monitoring of compliance with agreements for resolving them.

18. The Soviet Union is firmly convinced that through the strict and unswerving observance by all States of the provisions of the Charter and the use of the peace-making potential embodied therein, and given the existence of good will, any international dispute can be settled and any global or regional problem solved by peaceful means.
