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## PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Sixth CommitteeRapporteur: Mr. Carlos VELASCO MENDIOLA (Peru)

## I. INTRODUCTION

1. The item entitled "Peaceful settlement of disputes between States" was included in the provisional agenda of the forty-third session of the General Assembly pursuant to paragraph 5 of General Assembly resolution 42/150 of 7 December 1987.
2. At its 3rd plenary meeting, on 23 September 1988, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with the item, the Sixth Committee had before it section III of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/ as well as the report submitted by the Secretary-General (A/43/530 and Add.1 and 2) pursuant to paragraph 4 of General Assembly resolution 42/150.
4. The Committee also had before it the following documents:
  - (a) Letters dated 22 and 24 December 1987, 4 January, 1, 12, 16, 19 and 26 February, 4 March, 12 April, 5 and 20 July, 29 September and 2 November 1988 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent

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1/ Official Records of the General Assembly, Forty-third Session, Supplement No. 33 (A/43/33).

Mission of Thailand to the United Nations addressed to the Secretary-General (A/43/64-S/19378, A/43/68-S/19385, A/43/76-S/19401, A/43/117-S/19472, A/43/140-S/19504, A/43/155-S/19512, A/43/160-S/19522, A/43/174-S/19545, A/43/205-S/19586, A/43/306-S/19777, A/43/444-S/19988, A/43/472-S/20040, A/43/662-S/20209 and A/43/772-S/20257);

(b) Letters dated 28 and 30 December 1987, 6, 7, 12, 19 and 26 January, 8, 10, 13, 18, 19, 25 and 29 February, 1, 22 and 25 March and 29 April 1988 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of the Lao People's Democratic Republic to the United Nations addressed to the Secretary-General (A/43/69-S/19389, A/43/74-S/19395, A/43/80-S/19407, A/43/83-S/19414, A/43/87-S/19426, A/43/93-S/19438, A/43/110-S/19457, A/43/128-S/19481, A/43/137-S/19498, A/43/151-S/19505, A/43/158-S/19520 and Corr.1, A/43/159-S/19521 and Corr.1, A/43/167-S/19539, A/43/180-S/19556, A/43/225-S/19645 and Corr.1, A/43/234-S/19667, A/43/256-S/19688 and A/43/343-S/19851);

(c) Letters dated 8 and 12 July and 27 October 1988 from the Permanent Representative of the Lao People's Democratic Republic and the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General (A/43/455-S/19997, A/43/458-S/20009 and A/43/758-S/20245);

(d) Letters dated 5 and 11 January, 10 February, 2, 9, 10, 25 and 29 March, 12, 18, 27 and 28 April, 2, 11, 12 and 25 May, 2, 9, 15, 27 and 28 June, 14 July, 3, 8 and 25 August, 1, 7, 26 and 27 September and 4 November 1988 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of Pakistan to the United Nations addressed to the Secretary-General (A/43/81-S/19411, A/43/82-S/19412, A/43/84-S/19422, A/43/136-S/19497, A/43/204-S/19582, A/43/211-S/19606, A/43/212-S/19607, A/43/257-S/19689, A/43/269-S/19716, A/43/270-S/19717, A/43/299-S/19766, A/43/300-S/19767, A/43/301-S/19768, A/43/315-S/19795, A/43/335-S/19843, A/43/342-S/19850, A/43/349-S/19859, A/43/359-S/19879, A/43/364-S/19890, A/43/378-S/19905, A/43/391-S/19925, A/43/400-S/19932, A/43/409-S/19941 and Corr.1, A/43/412-S/19945, A/43/428-S/19964, A/43/440-S/19984, A/43/465-S/20019, A/43/503-S/20087, A/43/515-S/20101, A/43/577-S/20160, A/43/585-S/20167, A/43/598-S/20180 and Corr.1, A/43/641-S/20201, A/43/649-S/20204 and A/43/783-S/20260);

(e) Letters dated 29 January, 12, 16 and 22 February, 16, 21, 25 and 30 March, 6 and 14 April, 2, 17, 19 and 27 May, 8, 18 and 25 July and 18 October 1988 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of Viet Nam to the United Nations addressed to the Secretary-General (A/43/113-S/19463, A/43/139-S/19501, A/43/154-S/19511, A/43/162-S/19523, A/43/221-S/19634, A/43/229-S/19662, A/43/255-S/19685, A/43/266-S/19712, A/43/292-S/19746, A/43/307-S/19778, A/43/346-S/19856, A/43/365-S/19891, A/43/371-S/19894, A/43/381-S/19910, A/43/454-S/19994, A/43/470-S/20032, A/43/481-S/20056 and A/43/725-S/20233);

(f) Letters dated 10, 17 and 26 February, 1, 2 and 16 March, 6, 7 and 19 April, 28 June, 6, 7 and 21 July, 8 August and 11 November 1988 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/43/134-S/19494, A/43/156-S/19517, A/43/175-S/19546,

A/43/187-S/19566, A/43/190-S/19575, A/43/224-S/19640, A/43/290-S/19744,  
A/43/291-S/19745, A/43/293-S/19750, A/43/294-S/19751, A/43/322-S/19812,  
A/43/431-S/19969, A/43/447-S/19990, A/43/451-S/19996, A/43/474-S/20044,  
A/43/511-S/20098 and A/43/804-S/20270);

(g) Letter dated 19 May 1988 from the Permanent Representative of Afghanistan and the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/43/374);

(h) Letters dated 25 February, 15, 25 and 28 March, 5 April and 13 May 1988 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of China to the United Nations addressed to the Secretary-General (A/43/168-S/19540, A/43/218-S/19625, A/43/240-S/19683, A/43/259-S/19694, A/43/285-S/19739 and A/43/363-S/19887);

(i) Letters dated 9 March and 5 July 1988 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General (A/43/209-S/19597 and A/43/446);

(j) Letters dated 30 March, 6 June and 7 October 1988 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General (A/43/273-S/19720, A/43/393-S/19930 and A/43/692-S/20220);

(k) Letter dated 21 April 1988 from the Permanent Representative of Bolivia to the United Nations addressed to the Secretary-General (A/43/332);

(l) Letter dated 31 May 1988 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General (A/43/384-S/19915);

(m) Letter dated 22 July 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Antigua and Barbuda to the United Nations addressed to the Secretary-General transmitting the communiqué of the ninth meeting of the Conference of Heads of Government of the Caribbean Community held at Deep Bay, Antigua and Barbuda, from 4 to 8 July 1988 (A/43/480);

(n) Letters dated 15, 18 and 19 August, 19 and 29 September 1988 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/43/537-S/20125, A/43/546-S/20135, A/43/550-S/20138, A/43/621-S/20195 and A/43/666-S/20211);

(o) Letter dated 29 September 1988 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General transmitting the final documents adopted by the Conference of Foreign Ministers of the Movement of Non-Aligned Countries held at Nicosia from 5 to 10 September 1988 (A/43/667-S/20212);

(p) Letter dated 6 October 1988 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General transmitting the Final Communiqué adopted at the Meeting of Ministers and Heads of Delegation of Non-Aligned Countries to the forty-third session of the General Assembly on 3 October 1988 (A/43/709).

5. The Sixth Committee considered the item at its 14th to 20th, 42nd and 45th meetings, from 14 to 20 October, and on 15 and 21 November. The summary records of those meetings (A/C.6/43/SR.14-20, 42 and 45) contain the views of the representatives who spoke on the item.

## II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/43/L.8

6. At the 42nd meeting, on 15 November, the representative of Romania introduced a draft resolution (A/C.6/43/L.8) sponsored by Angola, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Burundi, Cape Verde, the Central African Republic, Colombia, Costa Rica, Cyprus, Democratic Yemen, the Dominican Republic, Ecuador, Guatemala, Guinea, Guyana, Honduras, Indonesia, Lesotho, Liberia, Madagascar, Mali, Mauritius, Morocco, Nepal, Nicaragua, the Niger, Nigeria, Pakistan, Panama, Paraguay, the Philippines, Romania, Sierra Leone, Somalia, Sri Lanka, the Sudan, Swaziland, Togo, Trinidad and Tobago, Uganda, Uruguay, Yugoslavia and Zaire, later joined by Burkina Faso, Haiti, India, Malaysia, Mozambique and Singapore.

7. At the 45th meeting, on 21 November, the Committee took the following action on the draft resolution:

(a) Operative paragraph 4 was adopted by a roll-call vote of 78 to 7, with 23 abstentions. The voting was as follows: 2/

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Barbados, Benin, Bolivia, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Oman, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Singapore, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: Belgium, France, Germany, Federal Republic of, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

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2/ The representatives of Qatar and of the Central African Republic subsequently indicated that they had intended to vote in favour of paragraph 4.

**Abstaining:** Australia, Austria, Brasil, Canada, Central African Republic, Denmark, Finland, Iceland, Ireland, Israel, Italy, Jordan, Mexico, New Zealand, Norway, Peru, Portugal, Qatar, Senegal, Spain, Sweden, Turkey, Venezuela.

(b) Operative paragraph 5 was adopted by a roll-call vote of 82 to 17 with 10 abstentions. The voting was as follows:

**In favour:** Afghanistan, Albania, Algeria, Angola, Bahrain, Barbados, Benin, Bolivia, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Oman, Panama, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

**Against:** Australia, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Israel, Italy, Japan, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

**Abstaining:** Argentina, Austria, Belgium, Brazil, Ireland, Jordan, New Zealand, Peru, Turkey, United Republic of Tanzania.

(c) Draft resolution A/C.6/43/L.8, as a whole, was adopted by a roll-call vote of 90 to none, with 20 abstentions (see para. 9). The voting was as follows: 3/

**In favour:** Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahrain, Barbados, Benin, Bolivia, Botswana, Brasil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Kenya, Kuwait, Lao People's

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3/ The representative of Somalia subsequently indicated that, had he been present, he would have voted in favour of the draft resolution.

Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Oman, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

**Against:** None.

**Abstaining:** Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Israel, Italy, Japan, Jordan, Netherlands, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

8. A statement in explanation of vote was made by the representative of the United States of America before the vote. Statements in explanation of vote after the vote were made by the representatives of Greece (on behalf of the 12 States Members of the European Community), Japan, Peru and Denmark (on behalf of the Nordic countries).

### III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

#### Peaceful settlement of disputes between States

The General Assembly,

Having examined the item entitled "Peaceful settlement of disputes between States",

Recalling its resolution 37/10 of 15 November 1982, by which it approved the Manila Declaration on the Peaceful Settlement of International Disputes, annexed thereto,

Recalling also its resolutions 38/131 of 19 December 1983, 39/79 of 13 December 1984, 40/68 of 11 December 1985, 41/74 of 3 December 1986 and 42/150 of 7 December 1987.

Deeply concerned at the continuation of conflict situations and the emergence of new sources of disputes and tension in international life, and especially at the growing tendency to resort to force or the threat of the use of force and to intervention in internal affairs, and at the escalation of the

arms race, which gravely endanger the independence and security of States as well as international peace and security,

Taking into account the need to exert the utmost effort in order to settle any situations and disputes between States on the basis of sovereign equality and exclusively by peaceful means, in conformity with the Charter of the United Nations, and to avoid any military actions and hostilities against other States, which can only make more difficult the solution of existing problems,

Considering that the question of the peaceful settlement of disputes should represent one of the central concerns for States and for the United Nations and that efforts for strengthening the process of peaceful settlement of disputes should be continued,

Emphasizing the responsibility of every State for promoting a policy of respect of the national independence and sovereignty of other States, non-interference in internal affairs and good understanding and co-operation, which is a basic requirement for reducing tension and for establishing a climate of peace and mutual confidence in the world,

Taking note with interest of the report of the Secretary-General <sup>4/</sup> submitted in accordance with resolution 42/150, which contains useful opinions, proposals and considerations for a broader implementation of the Manila Declaration,

1. Again urges all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes in the settlement of their international disputes;
2. Stresses the need to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field;
3. Calls upon Member States to make full use, in accordance with the Charter of the United Nations, of the framework provided by the United Nations for the peaceful settlement of disputes and international problems;
4. Requests the Secretary-General to submit to the General Assembly at its forty-fourth session a further report containing the replies of Member States, relevant United Nations bodies and specialized agencies, regional intergovernmental organizations and interested international legal bodies on the implementation of the Manila Declaration on the Peaceful Settlement of International Disputes and on ways and means of increasing the effectiveness of this document;

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<sup>4/</sup> A/43/530 and Add.1 and 2.

5. Decides that the question of the peaceful settlement of disputes between States shall be examined at its forty-fourth session as a separate agenda item, in conjunction with the item of the provisional agenda entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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