



General Assembly

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13 December 1983

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Thirty-eighth session
Agenda item 124

PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Sixth Committee

Rapporteur: Mr. Soud Mohamad ZEDAN (Saudi Arabia)

I. INTRODUCTION

1. The item entitled "Peaceful settlement of disputes between States" was included in the provisional agenda of the thirty-eighth session of the General Assembly in accordance with decision 37/407 adopted by the General Assembly on 15 November 1982.
2. On the recommendation of the General Committee, the General Assembly, at its 3rd plenary meeting, on 23 September 1983 decided to include the item in the agenda of its thirty-eighth session. At its 4th plenary meeting, on the same day, the Assembly decided to allocate it to the Sixth Committee.
3. In connection with the item, the Committee had before it section IV 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 following documents circulated under this item:
 - (a) Letter dated 30 December 1982 from the Permanent Representative of Romania to the United Nations addressed to the Secretary-General (A/38/57);
 - (b) Letter dated 4 January 1983 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/38/61-S/15549);

1/ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 33 (A/38/33).

(c) Letters dated 7 February, 2 May, 6, 9 and 10 June, 4 August and 12 September 1983 from the Permanent Representative or the Deputy Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/38/89-S/15596, A/38/177-S/15743 and Corr.1, A/38/267-S/15824, A/38/268-S/15825, A/38/269-S/15826, A/38/330-S/15915 and A/38/408-S/15983);

(d) Letters dated 22 February and 21 July 1983 from the Permanent Representative, or the Chargé d'Affaires a.i. of the Permanent Mission, of Nicaragua to the United Nations addressed to the Secretary-General (A/38/106-S/15628 and A/38/308);

(e) Letters dated 30 March, 28 July and 10 October 1983 from the Permanent Representative of India to the United Nations addressed to the Secretary-General (A/38/132-S/15675 and Corr.1 and 2, A/38/321-S/15896 and A/38/495-S/16035);

(f) Letters dated 22 April, 13 and 31 May, 1 August and 12 September 1983 from the Permanent Representative, or the Chargé d'Affaires a.i. of the Permanent Mission, of Panama to the United Nations addressed to the Secretary-General (A/38/164-S/15727, A/38/234, A/38/256-S/15809, A/38/322-S/15900 and A/38/407-S/15982);

(g) Letter dated 19 July 1983 from the Permanent Representatives of Colombia, Mexico, Panama and Venezuela to the United Nations addressed to the Secretary-General (A/38/303-S/15877);

(h) Letter dated 2 August 1983 from the Chargé d'Affaires a.i. of the Permanent Mission of Venezuela to the United Nations addressed to the Secretary-General (A/38/324-S/15904);

(i) Letter dated 2 August 1983 from the Permanent Representatives of Bolivia, Colombia, Ecuador, Panama, Peru and Venezuela to the United Nations addressed to the Secretary-General (A/38/325-S/15905);

(j) Letters dated 4 August, 19 September, 13 October and 1 November 1983 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/38/327-S/15911, A/38/432-S/15992, A/38/507-S/16044 and A/38/559-S/16118 and Corr.1);

(k) Letter dated 16 August 1983 from the Permanent Representatives of Nigeria, the Philippines and Romania to the United Nations addressed to the Secretary-General (A/38/343);

(l) Letter dated 24 October 1983 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General (A/38/529).

4. At its 4th and 5th meetings, on 3 and 4 October, the Sixth Committee agreed on a time-table whereby four meetings were allocated to item 124 (Peaceful settlement of disputes between States) and six to item 134 (Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization), it being understood, in view of the elements common to the two items, that the delegations could deal with the two items in the way which seemed to them to be the most convenient.

5. The Committee considered the item at its 51st, 55th to 62nd, 64th, 65th and 70th meetings, on 23 November, 28 November to 5 December and 8 December. The summary records of those meetings (A/C.6/38/SR.51, 55-62, 64, 65 and 70) contain the views of representatives who spoke on the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/38/L.9

6. At the 51st meeting, on 23 November, the representative of Romania introduced a draft resolution (A/C.6/38/L.9) sponsored by Bangladesh, Bolivia, the Congo, Costa Rica, Cyprus, Ecuador, Egypt, Ethiopia, Guinea, Guyana, Madagascar, Mali, Mexico, Morocco, Nigeria, the Philippines, Romania, Rwanda, Senegal, Sierra Leone, Singapore, the Sudan, Uganda, the United Republic of Cameroon, the Upper Volta, Uruguay, Yugoslavia and Zambia, later joined by Australia, Chile, the Dominican Republic, the Ivory Coast and Togo.

7. At the 70th meeting, on 8 December, the Chairman announced that it was the understanding of the Sixth Committee that the item "Peaceful settlement of disputes between States" would be considered at the next session of the General Assembly in conjunction with the consideration of the Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

8. At the same meeting, the Committee adopted draft resolution A/C.6/38/L.9 without a vote (see para. 10).

9. Also at the 70th meeting, the representatives of Somalia, the United Kingdom of Great Britain and Northern Ireland, Peru, the Union of Soviet Socialist Republics and the Federal Republic of Germany made statements in explanation of their respective positions on the above-mentioned draft resolution.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. 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 adopted the Manila Declaration on the Peaceful Settlement of International Disputes,

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 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 utmost efforts in order to settle any situations and disputes between States exclusively by peaceful means and to avoid any military action 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 the efforts for strengthening the process of peaceful settlement of disputes should be continued,

Taking note of the working paper on the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States, submitted to the General Assembly by Nigeria, the Philippines and Romania, 2/

1. Urges again all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes, adopted by the General Assembly in its resolution A/37/10, 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. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, during its session in 1984, to continue its work on the question of the peaceful settlement of disputes between States and in this context:

(a) To consider the proposal contained in the above-mentioned working paper;

(b) To continue, in conformity with the agreement reached by the Special Committee, the consideration of the proposal concerning the elaboration of a handbook on the peaceful settlement of disputes between States;

4. Requests the Secretary-General, in the light of the report of the Special Committee, 3/ to prepare a preliminary outline on the possible content of a handbook on the peaceful settlement of disputes between States, which will comprise all existing means and mechanisms available for the purpose, and to submit this outline to the Special Committee at its session in 1984;

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

2/ A/38/343.

3/ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 33 (A/38/33), paras. 109-110.