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PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Sixth Committee

Rapporteur: Mr. Mehmet GÜNEY (Turkey)

I. INTRODUCTION

1. The item entitled "Peaceful settlement of disputes between States" was included in the provisional agenda of the thirty-ninth session of the General Assembly in accordance with resolution 38/131 adopted by the General Assembly on 19 December 1983.
2. At its 3rd plenary meeting, on 21 September 1984, 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 this 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/
4. The Committee also had before it working papers submitted by Nigeria, the Philippines and Romania concerning the establishment of a commission for good offices, mediation and conciliation and functions and procedures (A/38/343, annex, A/C.6/39/L.2), as well as the following documents:

(a) Letters dated 22 December 1983, 9 January, 2 February, 6 March, 11 April, 1 May, 28 August and 14 September 1984 from the Chargé d'Affaires a.i. of the Permanent Mission of Panama to the United Nations addressed to the Secretary-

1/ Official Documents of the General Assembly, Thirty-ninth Session, Supplement No. 33 (A/39/33).

General (A/39/56-S/16231, A/39/71-S/16262, A/39/95-S/16304, A/39/126-S/16394, A/39/187-S/16489, A/39/226-S/16522, A/39/448-S/16723 and A/39/495-S/16742);

(b) Letters dated 20 December and 28 December 1983, 14 March, 28 March, 2 April, 19 April, 20 June, 10 August, 17 August, 6 September, 4 October, 8 October, 26 October, 29 October, 5 November, 19 November, 26 November, 28 November and 6 December 1984 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/39/59-S/16241, A/39/60-S/16242 and Corr.1, A/39/134-S/16418, A/39/158-S/16445, A/39/163-S/16460, A/39/203-S/16496, A/39/318-S/16637, A/39/396-S/16697, A/39/413-S/16707, A/39/473-S/16734, A/39/552-S/16769, A/39/561-S/16774, A/39/611-S/16802, A/39/616-S/16805, A/39/632-S/16816, A/39/671-S/16833, A/39/672-S/16834, A/39/691-S/16840, A/39/721-S/16848 and A/39/794-S/16853);

(c) Letter dated 9 February 1984 from the Permanent Representatives of Costa Rica and Panama to the United Nations addressed to the Secretary-General (A/39/110);

(d) Letter dated 23 July 1984 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General (A/39/360);

(e) Letter dated 5 December 1984 from the Permanent Representative of the German Democratic Republic to the United Nations addressed to the Secretary-General (A/39/763-S/16849);

(f) Letters dated 4 October and 31 October 1984 from the Permanent Representative of Thailand to the United Nations addressed to the Secretary-General (A/39/550-S/16767 and A/39/626-S/16811);

(g) Letters dated 15 October and 20 October 1984 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General (A/39/581-S/16782 and Corr.1 and A/39/596-S/16789);

(h) Letter dated 15 October 1984 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General (A/39/590 and Corr.1);

(i) Letter dated 29 November 1984 from the Permanent Representative of Romania to the United Nations addressed to the Secretary-General (A/39/720);

(j) Letter dated 6 December 1984 from the Permanent Representative of the Lao People's Democratic Republic to the United Nations addressed to the Secretary-General (A/39/796).

5. At its 6th meeting, on 28 September 1984, the Committee agreed on a timetable whereby items 124 (Peaceful settlement of disputes between States) and 133 (Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization) would be considered from 17 to 30 October.

6. The Sixth Committee considered the item at its 23rd to 31st and 64th meetings, held between 18 and 31 October and on 6 December. The summary records of those meetings (A/C.6/39/SR.23-31 and SR.64) contain the views of representatives who spoke on the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/39/L.7

7. At the 64th meeting, on 6 December 1984, the representative of Romania introduced a draft resolution (A/C.6/39/L.7) sponsored by Australia, Bolivia, Costa Rica, Cyprus, the Dominican Republic, Egypt, Ethiopia, Guinea, Guyana, Indonesia, Madagascar, Mali, Mexico, Nigeria, Panama, the Philippines, Romania, Rwanda, Senegal, Singapore, the Sudan, Togo, Uruguay, Yugoslavia and Zambia, later joined by Chile, Guatemala, Morocco, Suriname, Uganda and Zaire.

8. At the same meeting, the Committee adopted draft resolution A/C.6/39/L.7 without a vote (see para. 10).

9. The representative of the Union of Soviet Socialist Republics spoke in explanation of his position after the adoption of the 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 approved the Manila Declaration on the Peaceful Settlement of International Disputes, annexed thereto,

Recalling its resolution 38/131 of 19 December 1983,

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 the utmost effort 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 efforts for strengthening the process of peaceful settlement of disputes should be continued,

Taking note of the working papers on the establishment of a 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/

Taking into account the elaboration by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization of the outline for the handbook on the peaceful settlement of disputes between States and the conclusions thereon, 3/

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 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 1985, to continue its work on the question of the peaceful settlement of disputes between States and, in this context:

(a) To continue the consideration of the proposal contained in the above-mentioned working papers; 2/

(b) To examine the report of the Secretary-General on the progress of work on the draft handbook on the peaceful settlement of disputes between States;

2/ A/38/343, annex; A/C.6/39/L.2.

3/ See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 33 (A/39/33).

4. Requests the Secretary-General to prepare, on the basis of the outline elaborated by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and in the light of the views expressed in the course of the discussions in the Sixth Committee and in the Special Committee, a draft handbook on the peaceful settlement of disputes between States and to report to the Special Committee at its next session on the progress of work, before submitting to it the draft handbook in its final form, with a view to its approval at a later stage;

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