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PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Sixth Committee

Rapporteur: Mr. Guillaume PAMBOU-TCHIVOUNDA (Gabon)

I. INTRODUCTION

1. The item entitled "Peaceful settlement of disputes between States" was included in the provisional agenda of the forty-fourth session of the General Assembly pursuant to paragraph 5 of General Assembly resolution 43/163 of 9 December 1988.
2. At its 3rd plenary meeting, on 22 September 1989, 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 V 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/44/460 and Add.1) pursuant to paragraph 4 of resolution 43/163.
4. The Sixth Committee also had before it the following documents:
 - (a) Letters dated 22 December 1988, 31 March and 3 October 1989 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of Thailand to the United Nations addressed to the Secretary-General (A/44/57-S/20353, A/44/204-S/20556 and A/44/609-S/20884);

1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 33 (A/44/33).

(b) Letter dated 13 January 1989 from the Permanent Representatives of Thailand and Viet Nam to the United Nations addressed to the Secretary-General (A/44/80-S/20397);

(c) Letters dated 5 April, 27 July 1989, 8 and 27 September, 2 and 16 October and 1 November 1989 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General (A/44/214-S/20572, A/44/419-S/20753, A/44/512-S/20838, A/44/568-S/20864, A/44/596-S/20879, A/44/651-S/20907 and A/44/699-S/20932);

(d) Letters dated 9, 10, 11, 18, 24 and 26 January, 21 February, 6, 8, 10 and 14 March, 6, 10, 27 and 28 April, 1, 4, 8 and 16 May, 5 July, and 15 and 21 September 1989 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/44/73-S/20381, A/44/75-S/20388, A/44/77-S/20389, A/44/85-S/20408, A/44/92-S/20418, A/44/97-S/20426, A/44/123-S/20460, A/44/136-S/20475, A/44/137-S/20476, A/44/162-S/20504, A/44/168-S/20511, A/44/170-S/20513, A/44/172-S/20514, A/44/173-S/20518, A/44/213-S/20571, A/44/219-S/20583, A/44/257-S/20610, A/44/258-S/20612, A/44/263-S/20613, A/44/265-S/20616, A/44/270-S/20621, A/44/283-S/20638, A/44/369-S/20717, A/44/530-S/20849, A/44/531-S/20850 and A/44/546-S/20859);

(e) Letters dated 17 January and 8 March 1989 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General (A/44/84-S/20407 and A/44/167-S/20510);

(f) Letters dated 23 January, 2 February, 20 March, 8 April, 4 and 16 May, 7 June, 5 July, 10, 22 and 31 August, 29 September, 5 October and 2 November 1989 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/44/91-S/20417, A/44/112-S/20446, A/44/184-S/20538, A/44/218-S/20581, A/44/267-S/20618, A/44/281-S/20636, A/44/307-S/20678, A/44/370-S/20718, A/44/452-S/20781, A/44/472-S/20804, A/44/496-S/20825, A/44/589-S/20876, A/44/614-S/20887 and A/44/703-S/20938);

(g) Letters dated 22 February and 25 July 1989 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General (A/44/138-S/20477 and Corr.1 and A/44/415-S/20749);

(h) Letter dated 8 March 1989 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/44/171) and letter dated 29 September 1989 from the Deputy Head of the Delegation of the Union of Soviet Socialist Republics to the forty-first session of the General Assembly (A/44/585);

(i) Letters dated 13 and 22 March, 3 and 23 May, 7 June, 5 and 12 July, 21 and 22 August 1989 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of Afghanistan to the United Nations

addressed to the Secretary-General (A/44/175-S/20526, A/44/189-S/20545, A/44/269-S/20620, A/44/294-S/20654, A/44/308-S/20680, A/44/368-S/20716, A/44/390-S/20730, A/44/473-S/20805 and A/44/476-S/20806);

(j) Letter dated 24 April 1989 from the Permanent Representative of the Byelorussian Soviet Socialist Republic to the United Nations addressed to the Secretary-General (A/44/238 and Corr.1);

(k) Letter dated 12 July 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Albania to the United Nations addressed to the Secretary-General (A/44/395-E/1989/128);

(l) Letter dated 24 July 1989 from the Permanent Representatives of the Lao People's Democratic Republic and Viet Nam to the United Nations addressed to the Secretary-General (A/44/413-S/20746);

(m) Letters dated 26 and 31 July and 29 September 1989 from the Permanent Representative of the Lao People's Democratic Republic to the United Nations addressed to the Secretary-General (A/44/417-S/20751, A/44/429-S/20761, A/44/591-S/20878);

(n) Letter dated 31 July 1989 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General (A/44/428-S/20760);

(o) Letter dated 19 July 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Zimbabwe to the United Nations addressed to the Secretary-General (A/44/409-S/20743 and Corr.1 and 2);

(p) Letter dated 22 September 1989 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General (A/44/551-S/20870);

(q) Letter dated 2 November 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Panama to the United Nations addressed to the Secretary-General (A/44/706).

5. The Sixth Committee considered the item at its 7th to 15th, 44th and 46th meetings, on 29 September, from 3 to 10 October and on 21 and 22 November 1989. The summary records of those meetings (A/C.6/44/SR.7-15, 44 and 46) contain the views of the representatives who spoke on the item.

II. CONSIDERATION OF PROPOSALS

6. At the 44th meeting, on 21 November 1989, the representative of Romania introduced a draft resolution (A/C.6/44/L.7) sponsored by Angola, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Burkina Faso, Burundi, the Central African Republic, Colombia, the Congo, Costa Rica, Cuba, Democratic Yemen, Ecuador, Ghana, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Lesotho, Liberia, Madagascar, Malaysia, Mali, Mauritius, Mozambique, Nepal, Nicaragua, the Niger, Nigeria, Pakistan, Panama, Paraguay, the Philippines, Romania, Rwanda, Saint Lucia,

Sierra Leone, Somali, Sri Lanka, the Sudan, Suriname, Swaziland, Togo, Trinidad and Tobago, Uganda and Uruguay, later joined by Afghanistan, Albania, Cameroon, Cape Verde, Cyprus, Guyana, the Libyan Arab Jamahiriya and Myanmar, which read as follows:

"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 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, 42/150 of 7 December 1987 and 43/163 of 9 December 1988,

"Recalling also its resolution 43/51 of 5 December 1988, by which it approved the 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, annexed thereto,

"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 the promotion of a policy of respect of national independence and sovereignty of other States, of non-interference in internal affairs, of good understanding and co-operation which is a basic requirement for reducing tension, for the establishment of a climate of peace and mutual confidence in the world,

"Welcoming the decision to proclaim a United Nations Decade of International Law (1990-1999) which will contribute to the strengthening of all means of peaceful settlement of disputes between States,

"Taking note with interest of the report of the Secretary-General, 2/ submitted in accordance with resolution 43/163, 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-fifth 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 and on ways and means of increasing the effectiveness of this document;

"5. Decides that the question of the peaceful settlement of disputes between States shall be examined at its forty-fifth 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'."

7. At the same meeting, the representative of Denmark introduced amendments (A/C.6/44/L.17) to draft resolution A/C.6/44/L.7, sponsored by Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Hungary, Iceland, Italy, Japan, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

The amendments were as follows:

(a) Replace the fifth preambular paragraph by:

"Welcoming the growing tendency to settle regional conflicts by peaceful means,";

(b) Delete operative paragraph 4;

(c) Replace operative paragraph 5 by a new operative paragraph 4 reading as follows:

"4. Decides, in view of General Assembly resolution 44/23 of 17 November 1989, that the question of the peaceful settlement of disputes between States will be examined in the framework of the United Nations Decade of International Law".

8. At the same meeting, the representative of Romania orally submitted the following amendments to document A/C.6/44/L.17: (a) insertion of the text within quotation-marks set forth in paragraph (a) of document A/C.6/44/L.17 before the fifth preambular paragraph of draft resolution A/C.6/44/L.7; and (b) in operative paragraphs 4 and 5 of the draft resolution, replacement of the word "forty-fifth" by the word "forty-sixth".

9. At the 46th meeting, on 22 November, the representative of Denmark read out, on behalf of the sponsors of document A/C.6/44/L.17, the following text prepared in the context of informal consultations, which was intended as a replacement for the fifth preambular paragraph of draft resolution A/C.6/44/L.7:

"Considering that the world political climate has improved and, although sources of disputes and tension in international relations still remain, including the use of force and threat thereof, encouraging progress has been made towards finding peaceful solutions to regional and global problems."

That text was accepted by the sponsors of draft resolution A/C.6/44/L.7 as the new fifth preambular paragraph of the draft.

10. Also at the 46th meeting, the representative of Romania withdrew the amendments referred to in paragraph 8 above.

11. At the same meeting, the Committee, having taken a recorded vote, rejected amendment (b) contained in document A/C.6/44/L.17 by 58 votes to 29, with 33 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Peru, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Albania, Angola, Argentina, Bahrain, Bangladesh, Barbados, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chile, Colombia, Congo, Cuba, Ecuador, Ethiopia, Ghana, Guatemala, Guinea, Honduras, India, Indonesia, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mongolia, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines,

Romania, Saudi Arabia, Somalia, Sudan, Swaziland, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen.

Abstaining: Afghanistan, Algeria, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, China, Côte d'Ivoire, Czechoslovakia, Egypt, German Democratic Republic, Guinea-Bissau, Iran (Islamic Republic of), Iraq, Kuwait, Madagascar, Mauritania, Morocco, Oman, Poland, Qatar, Rwanda, Saint Vincent and the Grenadines, Senegal, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Zaire.

12. At the same meeting, the Committee, having taken a recorded vote, rejected amendment (c) contained in document A/C.6/44/L.17 by 52 votes to 28, with 41 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Brazil, Canada, Côte d'Ivoire, Denmark, Finland, France, Germany, Federal Republic of, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Peru, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Albania, Angola, Argentina, Barbados, Bolivia, Botswana, Burkina Faso, Cameroon, Central African Republic, Chile, Colombia, Congo, Cuba, Ecuador, Ethiopia, Ghana, Guinea, Honduras, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Mali, Mauritania, Mongolia, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Romania, Saudi Arabia, Somalia, Sudan, Suriname, Swaziland, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen.

Abstaining: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Djibouti, Egypt, German Democratic Republic, Guatemala, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Kuwait, Madagascar, Malawi, Malaysia, Mexico, Morocco, Mozambique, Oman, Poland, Qatar, Rwanda, Saint Vincent and the Grenadines, Senegal, Syrian Arab Republic, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire.

13. Statements in explanation of vote after the vote on the two amendments were made by the representatives of Tunisia, Guatemala and the Union of Soviet Socialist Republics.

14. At the same meeting, the Committee adopted draft resolution A/C.6/44/L.7, as orally revised, by 103 votes to none, with 21 abstentions (see para. 16). A recorded vote was taken, and the voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Djibouti, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire.

Against: None.

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

15. Statements in explanation of vote after the vote were made by the representatives of France (speaking on behalf of the 12 States members of the European Community), Finland, Peru and Poland.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

16. 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 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, 42/150 of 7 December 1987 and 43/163 of 9 December 1988,

Recalling also its resolution 43/51 of 5 December 1988, by which it approved the 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, annexed thereto,

Considering that the world political climate has improved and, although sources of disputes and tension in international relations still remain, including the use of force and threat thereof, encouraging progress has been made towards finding peaceful solutions to regional and global problems,

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

Welcoming its decision 3/ to proclaim a United Nations Decade of International Law (1990-1991) which will contribute to the strengthening of all means of peaceful settlement of disputes between States,

Taking note with interest of the report of the Secretary-General, 4/ submitted in accordance with resolution 43/163, which contains useful opinions, proposals and considerations for a broader implementation of the Manila Declaration,

3/ See resolution 44/23 of 17 November 1989.

4/ A/44/460 and Add.1.

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-fifth 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 and on ways and means of increasing the effectiveness of this document;
5. Decides that the question of the peaceful settlement of disputes between States shall be examined at its forty-fifth 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".
