



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED

A/C.1/34/L.49
27 November 1979

ORIGINAL: ENGLISH

Thirty-fourth session
FIRST COMMITTEE
Agenda item 122

SETTLEMENT BY PEACEFUL MEANS OF DISPUTES BETWEEN STATES

Romania: working paper

Draft declaration on settlement by peaceful means of
disputes between States

The General Assembly,

Recalling the determination of the peoples of the United Nations to practise tolerance and live together in peace with one another as good neighbours, to unite their strength to maintain international peace and security, and to accept principles and institute methods that ensure that armed force shall not be used, except in cases provided for in the United Nations Charter,

Reaffirming its full adherence to the principle according to which States shall settle their international disputes by peaceful means, in such a manner that international peace and security, and justice, are not endangered,

Reaffirming that this principle should be universally and effectively applied in international relations and that the United Nations should bring an active contribution in this respect,

Deeply concerned at the continuation of conflict situations and at the emergence of new sources of conflict and tension and particularly at the tendencies to use force, military and economic pressure, to have recourse to intervention against sovereign States and interfere in their internal affairs, which gravely endanger independence and security of the respective peoples and States, as well as peace and security in the world,

Bearing in mind the importance of maintaining and strengthening international peace and security based on principles of international law concerning friendly relations and co-operation among States, irrespective of their political, economic and social systems or level of their economic development,

Considering that States shall refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity, unity and political independence of any States or in any other manner inconsistent with the purposes and principles of the United Nations,

Recalling the duty of States to refrain in their international relations from military, political and economic coercion as well as from any other form of pressure against the sovereignty, political independence or territorial integrity and unity of any State,

Recalling also the duty of all States to respect the following principles: inviolability of legally established frontiers, inadmissibility of threat or use of force, as well as non-recognition of situations brought about by the threat or use of force, inalienable right of each individual people to decide its own fate and freely choose its political, economic and social system, in accordance with its own will and aspirations, without any foreign interference,

Convinced that any dispute, however complicated it may be, can be settled by peaceful means by the parties concerned,

Recognizing the important role of the United Nations in the promotion of the peaceful settlement of international disputes and the prevention of the outbreak of armed conflicts among States, and in bringing about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace,

Determined to contribute to the development of friendship and co-operation among States and, to this end, to the peaceful and just solution of any disputes among them,

I

Solemnly declares the following:

1. All States have the duty to settle all their international disputes exclusively by peaceful means, in such a manner that national independence, territorial integrity, international peace and security and justice are not endangered.
2. States parties to a dispute have the duty to seek in good faith and in a spirit of co-operation to reach an early and just settlement of their dispute through negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, regional agencies or arrangements or other peaceful means of their choice, as may be appropriate to the circumstances and nature of the dispute, including any settlement procedure agreed upon between the parties prior to their dispute.

/...

3. All international disputes shall be settled on the basis of sovereign equality of rights of States and of self-determination of peoples, under colonial and foreign domination.

4. States parties to a dispute submitted to a means of peaceful settlement freely chosen by them, as well as the other States shall act in accordance with the principles of the Charter in order to facilitate the solution of the dispute and shall refrain from any action which may aggravate the dispute, or constitute an obstacle to, or cause the delay of, the settlement.

5. All States have the duty to contribute to the peaceful settlement of international disputes acting in this respect in conformity with the purposes and principles of the United Nations Charter, as well as with the principles contained in the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

6. The initiative proposed by third parties arising from the commitment contained in the above paragraph with a view to achieving the settlement of disputes will be considered by the parties to a dispute as an initiative made in good faith and not as an unfriendly act.

7. The establishment of one of the means of pacific settlement of a dispute, mentioned in paragraph 2 above, will be done by the free choice and common agreement of the States parties to the respective dispute.

8. States parties to a dispute have the duty in the event of failure to reach a solution by any of the peaceful means mentioned in paragraph 2 above to continue to seek a settlement of the dispute by any other peaceful means agreed upon by them.

9. States parties to a dispute may agree to submit their dispute to a compulsory jurisdiction for the purpose of its peaceful settlement.

10. Member States of the United Nations have a duty to fulfil their obligations under the Charter and, in accordance with its provisions, to implement the resolutions of the General Assembly and the Security Council.

11. None of the provisions of the present Declaration should be interpreted as affecting:

(a) The right of every State to settle itself, without foreign interference, the matters pertaining to its own exclusive competence;

(b) The inalienable right of every State to use all legitimate means in self-defence against any violation of its sovereignty and national independence, including military means if an aggression against it is committed;

(c) The right to self-determination, freedom and independence of peoples under colonial and alien domination.

12. Neither the existence of a dispute nor the failure of a procedure of peaceful settlement of a dispute the continuation of which is likely to endanger the maintenance of peace and security could legitimate resort by one of the States parties to the dispute or any other State, to the use of force or threat of force, or to political or economic pressure or to other forms of coercion against the other State party to the dispute.

II

1. Solemnly invites all States to observe and promote in good faith in their international relations and activities the above-mentioned principles;

2. Considers that the elaboration of a general treaty on peaceful settlement of disputes, based on the above-mentioned principles could contribute towards equitable international relations, enhance the security and independence of States and exert a profound positive influence on the world political climate;

3. Decides to continue the efforts aimed at the elaboration of such a general treaty under the aegis of the United Nations which shall codify principles and norms governing peaceful settlement of international disputes and establish concrete ways of tackling and settling the disputes.
