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REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL
AGENDA OF THE THIRTY-FOURTH SESSION

SETTLEMENT BY PEACEFUL MEANS OF DISPUTES BETWEEN STATES

Letter dated 16 July 1979 from the Minister for
Foreign Affairs of Romania addressed to the
Secretary-General

On behalf of the Romanian Government I have the honour to propose the inclusion in the provisional agenda of the thirty-fourth session of the General Assembly of an item entitled "Settlement by peaceful means of disputes between States".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is attached to this letter.

(Signed) Stefan ANDREI
Minister for Foreign Affairs of the
Socialist Republic of Romania

ANNEX

Explanatory memorandum

1. The peoples of the United Nations have declared themselves, in the Preamble to the Charter, determined to practise tolerance, to live together in peace with one another as good neighbours, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest.

One of the major purposes of the United Nations is to maintain international peace and security, and to that end to bring 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.

The States Members of the United Nations have undertaken, in the terms of the Charter, to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

2. The peoples are, with good reason, concerned at the fact that there have been and still are many cases in which, instead of using peaceful means to settle disputes between States, recourse has been had to force or the threat of force, which has engendered military conflicts resulting in the violation of the sovereignty and territorial integrity of States, thus creating grave dangers for the peace and security of the entire world.

Such conflicts and disputes often involve developing countries, whose efforts and resources, limited at best, are thus diverted from their economic and social development goals. These disputes and conflicts endanger general peace and security, give impetus to the arms race, poison relations between the States concerned and throughout the region where they occur, impair co-operation among such States, and, in the final analysis, affect the accomplishment of the purposes of the United Nations.

The Government of the Socialist Republic of Romania considers that nothing could justify the use of force or the threat of resorting to force in relations between States, the recourse to armed confrontations, the recourse to war.

Lasting and truly viable solutions to disputes of any kind, however complicated they may be, can be found only through talks between the parties concerned, at the negotiating table. Romania is convinced that the United Nations should assume greater responsibility with respect to efforts to prevent conflicts between States, setting up for that purpose, if necessary, a permanent body to which States could have recourse in seeking to promote the solution of disputes by means of negotiations before such disputes degenerate into armed confrontations and even wars.

Thus the President of the Socialist Republic of Romania, Nicolae Ceaușescu, stated in May 1979:

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"It is better to appeal to the United Nations, to its good offices, than to resort to arms. Arms can only complicate matters and prejudice the friendship of peoples, peace and détente.

"Negotiations, the direct discussion of problems - these are the only rational, reasonable way of pursuing friendship, co-operation and peace."

3. Since the establishment of the United Nations, Member States have concluded many bilateral or regional agreements organizing procedures for the peaceful settlement of disputes, or treaties containing clauses to that end. Meanwhile, furthermore, the practice of States in connexion with the specific settlement of disputes has been subject to developments and innovations which call for the development and codification of the principles and rules of international law relating to this field.

In order to accelerate the process of codification of these principles and rules so as to ensure the effective functioning of the procedures for and means of peaceful settlement, it would seem appropriate to formulate and adopt an international instrument in which specific procedures for the settlement of disputes between States would be provided for and regulated. It should be noted in this connexion that during the most recent session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization a consensus was reached on the desirability of formulating a declaration of the General Assembly concerning the peaceful settlement of international disputes.

4. The strengthening of the role of the United Nations in the prevention and the solution of international disputes and in the adjustment at an early stage of misunderstandings between States highlights the need for a re-examination of the instruments for the peaceful settlement of disputes which the United Nations has at its disposal. This re-examination should lead to the adoption of measures for bringing up to date, perfecting and completing existing procedures in order to make them more effective and to encourage States to have recourse to them with greater confidence. To this end Romania as far back as 1975 ^{a/} proposed the establishment of a permanent committee of the General Assembly whose functions would include good offices and conciliation. This Commission not only could provide the framework for finding practical ways and means of bringing about the peaceful settlement of existing differences but also should play an active role in preventing the emergence of situations of tension and keeping them from becoming aggravated and degenerating into open armed conflicts. The permanent commission should be set up in such a way as to enable the States concerned which were not parties to the dispute under consideration, notably the States of the area affected by the dispute, to participate in its activities. Such a United Nations body should, in principle, be open to participation by all Member States, which would enable them to contribute to the solution of the

^{a/} A/C.6/437, annex, p. 9.

problems in dispute. That would also strengthen the confidence of States in the capacity of the United Nations to fulfil its functions with respect to the maintenance of peace and security, transforming into a general rule the use by Member States of the framework offered by the United Nations for the settlement of disputes.

5. The Romanian Government considers that everything should now be done to eliminate international conflicts and to find negotiated solutions for all international disputes. For these reasons it deems it necessary and appropriate that a far-reaching discussion should be initiated in the General Assembly on the problem of the settlement by peaceful means of disputes between States.

The Romanian Government is convinced that the States Members of the United Nations will give their full attention to this problem and will contribute to identifying specific measures enabling the United Nations to fulfil the mission which the peoples have conferred upon it under the Charter, namely, to save succeeding generations from the scourge of war and to bring about the peaceful settlement of all international disputes.