

MANILA DECLARATION ON THE PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

Consideration of the topic of peaceful settlement of international disputes started in 1978, in the context of the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (established by General Assembly resolution 3499 (XXX) of 15 December 1975). During the Special Committee's session held at United Nations Headquarters from 27 February to 24 March 1978, two working papers concerning this topic were submitted, respectively, by the United States (A/AC.182/WG/21) and Algeria (A/AC.182/WG/22), and discussed by the Committee. Although progress was made, the Special Committee was unable to complete its work (see A/33/33). Following its consideration of the report of the Special Committee, at its thirty-third session, the General Assembly adopted resolution 33/94 of 16 December 1978, by which it requested the Special Committee to "complete the listing and examination of proposals made by Member States on the question of peaceful settlement of disputes".

The topic was again considered by the Special Committee at its following session, held in Geneva from 19 February to 16 March 1979 (see the report of the Special Committee to the General Assembly, A/34/33).

By a letter of 16 July 1979, Romania requested the inclusion of the item entitled "Settlement by peaceful means of disputes between States" on the agenda of the thirty-fourth session of the General Assembly and suggested the idea of a declaration on the subject (A/34/143). The item was included in the provisional agenda of that session and allocated to the First Committee for consideration. The First Committee held its debate on the item on 28 and 29 November 1979. On the recommendation of the First Committee (see the report of the First Committee to the General Assembly, A/34/790), the General Assembly adopted, without a vote, resolution 34/102 of 14 December 1979 under this item, in which, bearing in mind the report of the Special Committee and taking into account the relevant opinions and suggestions submitted during that session, it *inter alia* urged all States to cooperate in the elaboration of a declaration of the General Assembly on the peaceful settlement of disputes between States. In the same resolution, the General Assembly further invited Member States to transmit to the Secretary-General their opinions, suggestions and proposals on the matter. At the same session, following its consideration of the annual report of the Special Committee, the General Assembly also adopted resolution 34/147 of 17 December 1979, by which it decided that the Special Committee should continue its work on the proposals that had been made or would be made in the Committee.

Pursuant to the request contained in resolution 34/102, the Secretary-General submitted a report containing comments received from States, in 1980 (A/35/391 and Add.1). The question of a declaration was discussed by the Special Committee at its session held in Manila (Philippines) from 28 January to 22 February 1980. For the purpose of considering the topic, the Special Committee established a working group, open to all Committee members. Several drafts were submitted for consideration by the working group, including a "draft Manila declaration on the peaceful settlement of international disputes" sponsored by several delegations. Following the discussion of the latter proposal, a revised draft declaration was submitted, which could not be

discussed for lack of time and was reproduced in the report of the Special Committee (see A/35/33, para. 164).

The item “Peaceful settlement of disputes between States” was again included in the agenda of the General Assembly at its thirty-fifth session, in 1980. It was mainly considered in the Sixth (Legal) Committee, concurrently with the consideration of the report of the Special Committee. The Sixth Committee established a working group, open to all Member States, to pursue the work towards a declaration on this subject undertaken by the Special Committee at its 1980 session. The Working Group on the Peaceful Settlement of Disputes held ten meetings between 30 October and 2 December 1980 and used as its basis for discussion the latest revision of the draft Manila declaration. The report of the Working Group summarized the general comments made on the draft, as well as proposals regarding specific provisions (A/C.6/35/L.21). The Sixth Committee took note of this report on 4 December 1980 (A/35/737). Thereafter, the General Assembly adopted resolution 35/160 of 15 December 1980, by which it requested the Special Committee to continue the elaboration of the draft Manila declaration with a view to submitting it for further consideration to the Assembly at its thirty-sixth session.

The Special Committee considered again the topic at its following session, held at United Nations Headquarters from 17 February to 14 March 1981. It notably had before it the second revised version of the draft Manila declaration of 1980 and the report of the Working Group on the Peaceful Settlement of Disputes. Following its discussions, and in view of the progress made on the draft Manila declaration, the Special Committee suggested that the Assembly establish a working group to finalize the text at its thirty-sixth session (see the report of the Special Committee, A/36/33).

At the thirty-sixth session of the General Assembly, in 1981, the item “Peaceful settlement of disputes between States” was again allocated to the Sixth Committee, which established a working group as proposed. The working group held fifteen meetings between 1 October and 27 November 1981 and, although progress was made, it was unable to finalize the text of the declaration (see the report of the working group, A/C.6/36/L.19). On 10 December 1981, on the recommendation of the Sixth Committee, the General Assembly thus adopted resolution 36/110, by which it again requested the Special Committee to finalize the draft Manila declaration with a view to its consideration and adoption by the Assembly, and to submit it to the Assembly at its thirty-seventh session.

At its following session, held in Geneva from 22 February to 19 March 1982, the Special Committee discussed the topic in the context of an open-ended working group, which held meetings from 2 to 12 March. Within the working group, a drafting group was established to discuss certain pending points. A finalized version of the draft declaration was agreed upon and submitted to the General Assembly in the report of the Special Committee (A/37/33).

At the thirty-seventh session of the General Assembly, the report of the Special Committee, including the draft declaration, was discussed in the context of the Sixth Committee from 18 to 28 October 1982. On 27 October 1982, the Sixth Committee adopted by consensus the draft declaration, which was sponsored by 40 States and introduced by Romania (see the report of the Sixth Committee to the General Assembly, A/37/590). By resolution 37/10 of 15

November 1982, the General Assembly adopted, without a vote, the Manila Declaration on the Peaceful Settlement of International Disputes between States.