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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

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Draft report

Rapporteur: Mr. Dié Millogo (Burkina Faso)

III. Peaceful settlement of disputes

1. The Special Committee considered the item entitled “Peaceful settlement of disputes” during the general exchange of views held at its 290th and 291st meetings, on 19 February, and during the 2nd meeting of the Working Group of the Whole, on 21 February.
2. During the general exchange of views and in the Working Group of the Whole, delegations expressed their support for all efforts to promote the peaceful settlement of disputes. Delegations recalled that States should refrain from the threat or use of force, highlighting the obligation to settle disputes by peaceful means pursuant to Articles 2 (3) and 33 of the Charter. A view was expressed that Article 33 was applicable only to disputes of an international nature to the exclusion of domestic disputes. Several delegations emphasized the right of States to freely choose the peaceful means to settle international disputes. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex) was recalled in that respect. The importance of State sovereignty, territorial integrity and non-interference in internal affairs was also noted.
3. Several delegations asserted the importance of preventative diplomacy and conflict prevention in the peaceful settlement of disputes. The importance of the participation of women in all stages of conflict resolution was also underlined. Several delegations pointed out the importance of multilateralism in the peaceful settlement of disputes. Several delegations also underlined the importance of regional arrangements in the peaceful settlement of disputes. A view was expressed that a holistic approach had to be taken to reach tangible results in the peaceful settlement of disputes.
4. Several delegations reaffirmed the role of the International Court of Justice, as the principal judicial organ of the United Nations, in promoting the peaceful settlement of disputes. The usefulness of the Court’s advisory opinions on legal



questions was also noted. The significance of the Manila Declaration on the Peaceful Settlement of International Disputes, approved by the General Assembly in 1982 and annexed to its resolution [37/10](#), was also recalled.

5. A number of delegations stated that the annual thematic debate on the means for the settlement of disputes contributed to the more efficient and effective use of peaceful means and promoted a culture of peace among Member States. In the general exchange of views and in the Working Group of the Whole, a number of delegations expressed the view that the Special Committee should analyse all means envisaged in Article 33 of the Charter.

6. Delegations reiterated their preference that, in accordance with the mandate of the Special Committee, the question of the peaceful settlement of disputes remain on its agenda.

A. Means for the settlement of disputes: exchange of information on State practices regarding the use of mediation

7. In accordance with paragraph 5 (a) of General Assembly resolution [73/206](#), delegations focused their debate on the subtopic “Exchange of information on State practices regarding the use of mediation”.

8. Delegations generally emphasized the importance of mediation, noting that it was a key aspect of preventative diplomacy and an effective tool widely used in practice to peacefully settle disputes. Delegations underlined that mediation should be applied in accordance with the Charter and that the consent of parties to a dispute to mediation was essential. Several delegations asserted that mediation played an important role in easing tensions and narrowing the gaps between the positions of the parties, as well as in creating an environment conducive to the peaceful settlement of a dispute.

9. Several delegations recalled that mediation involved the participation of a third party, the mediator, whose purpose was to assist parties to a dispute in communicating with each other, clarifying issues and reaching a mutually acceptable solution. A number of delegations stressed that the mediator should take into account the particularities of each conflict, be independent, impartial, fair, transparent and neutral, and act in good faith. A view was expressed that a party to a conflict could not act as a mediator in that same conflict. It was clarified that any proposals or suggestions offered by the mediator were not binding on the parties; rather, their acceptance and implementation depended on the good faith and political will of the parties. The need for confidentiality during a mediation process was noted.

10. The importance of the engagement of women and civil society in mediation and reconciliation processes was highlighted, in particular the role of networks of women mediators, such as the Mediterranean Women Mediators Network, the Nordic Women Mediators Network and the African Women Leaders Network. It was noted that contemporary conflicts required a multidisciplinary approach, allowing for ample and inclusive agreements to be reached. A view was expressed that caution ought to be exercised when involving civil society in mediation processes.

11. Delegations recalled instruments relevant to mediation, such as the Hague Conventions of 1899 and 1907, General Assembly resolutions [68/303](#) and [70/304](#), the United Nations Guidance for Effective Mediation of 2012, the protocol to the Charter of the Association of Southeast Asian Nations on dispute settlement mechanisms and the Concept on Strengthening European Union Mediation and Dialogue Capacities. The Group of Friends of Mediation and the Security Council debate of 2018 on mediation and the peaceful resolution of conflicts were also recalled. The unique

position of the United Nations to serve as a mediator in situations of conflict, as well as the good offices of the Secretary-General and the contribution of the Mediation Support Unit and the United Nations special envoys, were emphasized. It was suggested that the Organization's role in responding to ongoing conflicts needed to be improved and strengthened.

12. Delegations offered practical examples of mediation, such as the mediation by the Secretary-General's good offices of the armed conflict in El Salvador, pursuant to the Geneva Agreement of 1990, which promoted the peace process and the signing of the peace agreement between the parties to the conflict in 1992; the good offices exercised by the Soviet Union in the conflict between India and Pakistan, which led to the Tashkent Declaration of 1966; the facilitation of the Belgrade-Pristina dialogue by the European Union; the role of the United Nations in the Geneva international discussions; the mediation of peace agreement processes in Northern Ireland and the Balkans by the United States of America; peace and reconciliation processes mediated by Qatar in Afghanistan and the Sudan; the mediation by the Organization for Security and Cooperation in Europe of the Nagorno-Karabakh conflict; the use of mediation to settle the conflict involving the Sudan and South Sudan; the mediation by the Sudan in the Central African Republic; the Personal Envoy of the Secretary-General for the talks between Greece and the former Yugoslav Republic of Macedonia;¹ the involvement of the United Nations and Morocco in reducing tensions and defining an acceptable solution to all parties in the conflict in the Central African Republic; and the Libyan political dialogue facilitated by the Special Representative of the Secretary-General for Libya and hosted by Morocco, which led to the signing, on 17 December 2015, of the Libyan Political Agreement in Skhirat, Morocco.

13. It was noted that mediation could serve as an alternative for resolving disputes at the national level, such as disputes relating to labour and employment issues, family issues, environmental management and criminal justice. In that regard, reference was made to the negotiations at the United Nations Commission on International Trade Law to create a uniform framework for the recognition of settlement agreements resulting from mediation.

14. The Special Committee recommends that the thematic debate to be held at its next session be on the subtopic "Exchange of information on State practices regarding the use of [conciliation]".

¹ As of 14 February 2019, North Macedonia.