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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

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III. Peaceful settlement of disputes

1. The Special Committee considered the question of the peaceful settlement of disputes during the general exchange of views held at its 304th and 305th meetings, on 21 February, and during the 2nd meeting of the Working Group of the Whole, on 23 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 and instead settle disputes by peaceful means pursuant to Articles 2, paragraph 3, and 33 of the Charter of the United Nations.
3. Delegations highlighted the significance of the Manila Declaration on the Peaceful Settlement of International Disputes¹ and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations² and reiterated the call to all States to observe and promote in good faith the Manila Declaration, on the occasion of its fortieth anniversary, in the peaceful settlement of their international disputes. Several delegations emphasized the right of States to freely choose peaceful means to settle international disputes and maintained that those means should be used in good faith and on the basis of the mutual consent of the parties to the dispute, and should not be subject to abuse.
4. Several delegations asserted the importance of preventive diplomacy in conflict prevention and the peaceful settlement of disputes. The importance of the participation of women in all stages of conflict resolution was also underlined. Several delegations also pointed out the importance of multilateralism and the role of regional arrangements in the peaceful settlement of disputes, as stated in Article 52 of the

¹ General Assembly resolution 37/10, annex.

² General Assembly resolution 2625 (XXV), annex.



Charter and the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security adopted by the General Assembly in resolution [49/57](#).

5. 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. Some delegations stressed the importance of the implementation of the decisions of international adjudicative bodies.

6. 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, and they voiced their support for the Special Committee's continuing to analyse all means envisaged in Article 33 of the Charter. Reference was made to the document entitled "Explanatory note by the Non-Aligned Movement on the identification of 'other peaceful means' of pacific settlement of disputes in Article 33 (1) of the Charter of the United Nations adopted in paragraph 5 (b) of General Assembly resolution [77/109](#)" (see annex ____). It was suggested that, prior to the next session of the Special Committee, the Secretariat could prepare a concept note providing delegations with guidance in their future discussions on other means of peaceful settlement of disputes. It was also emphasized that the input collected within that process could provide a valuable basis for further consideration by the Committee.

7. 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 resort to regional agencies or arrangements

8. In accordance with paragraph 5 (a) of General Assembly resolution [77/109](#), delegations focused their debate on the subtopic "Exchange of information on State practices regarding the resort to regional agencies or arrangements".

9. Delegations reiterated the importance that they attached to all peaceful means of dispute settlement under Article 33 of the Charter, including regional agencies or arrangements. Several delegations underscored the freedom of choice of means of peaceful settlement of disputes, as recognized in Article 33 of the Charter, and highlighted the importance of the principles of State consent, sovereign equality and good faith in the peaceful settlement of disputes.

10. Delegations noted that regional organizations played a significant role in the peaceful settlement of disputes. It was stressed that Article 52 of the Charter provided that regional arrangements and agencies were not precluded from dealing with matters relating to the maintenance of international peace and security, provided that such arrangements and agencies and their activities were consistent with the purposes and principles of the United Nations. It was recalled that the General Assembly, in the 1994 Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, recognized that regional arrangements and agencies could play an important role in preventive diplomacy and in enhancing regional and international cooperation. Many delegations noted that regional agencies or arrangements were also included in the list of peaceful means of dispute settlement in the 1982 Manila Declaration on the Peaceful Settlement of International Disputes.

11. Delegations shared their views on and experiences of participation in the work of regional organizations in various regions and highlighted the value and contributions of such regional efforts in the promotion of social and economic development, the rule of law, international cooperation, peacebuilding and peacekeeping, and the peaceful settlement of a wide range of disputes within their regions.

12. A number of delegations stated that the fact that States were requested in the Manila Declaration to achieve pacific settlement of their local disputes through regional arrangements or agencies before referring them to the Security Council did not preclude them from bringing disputes to the attention of the Council or the General Assembly in accordance with the Charter. Several delegations stressed that, while Chapter VIII of the Charter provided the constitutional basis for the involvement of regional arrangements or agencies in the maintenance of international peace and security, the Security Council was conferred with the primary responsibility for the maintenance of international peace and security in accordance with Articles 24, paragraph 1, and 35 of the Charter. Several delegations reiterated their commitment to promoting multilateral solutions with the United Nations at its core.

13. Other delegations were of the view that Article 52 of the Charter should be interpreted as giving primacy to regional agencies or arrangements in addressing regional and local disputes, especially if such agencies were well equipped and prepared to resolve disputes between their members in an objective and efficient manner. It was stressed that regional and subregional organizations could understand regional and local peculiarities and the root causes of conflicts and disputes within their regions better, and that the proximity of regional agencies or arrangements, both geographically and politically, could provide significant leverage for detecting, preventing and settling disputes, as well as for determining the peaceful means of dispute settlement available to the parties.

14. Some delegations also recognized that regional agencies or arrangements were often confronted with practical, institutional and capacity challenges. It was noted that the lack of adequate human, financial and material resources remained the main constraint of the dispute settlement endeavours of regional agencies or arrangements. A number of delegations stated that regional agencies or arrangements faced exogenous political interventions that weakened their *raison d'être* and that large amounts of external funding compromised their independence and impartiality. It was also mentioned that the selective approach of the Security Council in "accommodating" regional security concerns had further undermined the pacific settlement of disputes through regional arrangements.

15. Nevertheless, delegations generally agreed that the United Nations and regional organizations could work together in synergy and complementarity and that, while regional organizations had a deep understanding of the country situations in their particular region, the United Nations could provide a comprehensive approach to dispute resolution. It was stressed that, for the regional agencies or arrangements to be effective, it was critical to develop and strengthen strategic partnerships between the regional organizations and the United Nations on the basis of the principles of mutual respect and comparative advantage.

16. Delegations encouraged the use of regional agencies or arrangements for the early detection, prevention and peaceful settlement of international disputes, in close coordination with the preventive efforts of the United Nations, and called for enhanced consultations, collaboration and exchange of information between the United Nations and regional organizations to effectively contribute to the peaceful settlement of disputes and the maintenance of international peace and security.