



# General Assembly

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

New York, 20–28 February 2024

### Draft report

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### III. Peaceful settlement of disputes

1. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the peaceful settlement of disputes during the general exchange of views held at its 308th and 309th meetings, on 20 February 2024, and during the 2nd meeting of the Working Group of the Whole, on 22 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 Disputes<sup>1</sup> and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.<sup>2</sup> Several delegations emphasized the right of States to choose freely a 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 full and equal 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.

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<sup>1</sup> General Assembly resolution [37/10](#), annex.

<sup>2</sup> General Assembly resolution [2625 \(XXV\)](#), annex.



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 expressed their views on particular proceedings before the Court and 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" ([A/AC.182/L.162](#)).

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 use of good offices**

8. In accordance with paragraph 6 (a) of General Assembly resolution [78/111](#), delegations focused their debate on the subtopic "Exchange of information on State practices regarding the use of good offices".

9. Delegations reiterated the importance that they attached to all peaceful means for the settlement of international disputes and supported efforts in promoting such means, including the use of good offices. Several delegations underscored the freedom of choice of means of peaceful settlement of disputes, as recognized in Article 33 of the Charter. The importance was highlighted of the principles of State consent, sovereign equality, territorial integrity, non-use of force, non-interference and good faith in the peaceful settlement of disputes. It was noted by many delegations that the use of good offices had the potential to lead to the resolution of disputes, in appropriate cases and when employed in accordance with international law. It was further noted that good offices could be effective through all stages of disputes, including in instances where parties had deviated from peaceful means.

10. Delegations recalled Article 33 of the Charter and noted that, while it did not specifically mention good offices, it encouraged the parties to a dispute to use "other peaceful means of their own choice". It was suggested that the phrase encompassed creative, bespoke solutions that parties to a dispute may employ, including the use of good offices.

11. Delegations noted that the use of good offices as a means for the peaceful settlement of disputes had been highlighted in several resolutions of the General Assembly and Security Council, including the 1982 Manila Declaration on the Peaceful Settlement of International Disputes and the 1988 Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field. The view was expressed that, in the context of conflict resolution and management, good offices had emerged as central to the processes employed to bring about the end of violent conflict. It was highlighted that good offices forms an integral part of

regional regimes for the peaceful settlement of disputes and of regional peace and security frameworks.

12. Delegations also noted that good offices were a voluntary means of peaceful settlement of disputes of a diplomatic nature, characterized by the intervention of a third party, with the objective of encouraging or facilitating the resumption of direct negotiations between the parties to a dispute. Some delegations noted that good offices were different from mediation, which entailed an involvement of the third party in the substance of the dispute, while other delegations did not exclude the possibility of direct participation of the third party providing the good offices in the negotiations. It was also noted that the use of good offices must be consensus-based and not imposed and could not be considered either legally or politically binding.

13. The importance of the full, equitable and meaningful participation of women in all stages of conflict resolution was also underlined. In that regard, the work of the United Nations aimed at reinforcing the important role of women on peace and security, in particular in the exercise of good offices, advocacy in the political sphere and strategic communications, was commended.

14. Delegations shared their views on and experiences of the use of good offices and highlighted the value and contributions of such efforts in the peaceful settlement of a wide range of disputes, in particular on the prevention of the recourse to armed force.

15. The important role of the Secretary-General in the prevention and settlement of disputes, through his good offices missions, was highlighted by delegations. Many delegations recalled that the good offices functions of the Secretary-General derived from Chapter XV of the Charter. Many delegations also noted that both the General Assembly and the Security Council had requested the Secretary-General to become involved through his good offices in a number of crises. The examples cited by delegations included the good offices of the Secretary-General and/or their Special Representatives and Envoys in the Suez crisis in 1956, the 2007-2008 Kenyan election, the 2014 situation in Burkina Faso, the national dialogue in the context of electoral processes in Guinea (2013-2015) and Benin (2016), and the negotiations for the settlement of the Cyprus question. A reference was made to the request by the Security Council that the Secretary-General undertake a mission of good offices in a resolution concerning the “question concerning the situation in the region of the Falkland Islands (Islas Malvinas)”, which was later reiterated by the General Assembly. It was also noted that the Security Council had welcomed and supported the work undertaken by the Secretary-General in furtherance of the use of his good offices, in particular the work by the Office of the Special Envoy of the Secretary-General for the Great Lakes Region, the Special Representative of the Secretary-General for Libya and the Secretary-General’s Personal Envoy for Western Sahara. The view was expressed that the Secretary General’s good offices remained suboptimally used as a means to settle disputes.

16. Delegations also highlighted the important role of regional and subregional organizations through the provision of good offices. In the Africa region, delegations highlighted the work of the African Union, notably through the Chairpersons of the African Union, the African Union Commission and the Panel of the Wise, as well as the work of the Economic Community of West African States, the Intergovernmental Authority on Development, the Southern African Development Community, the East African Community and the International Conference on the Great Lakes Region. In the Latin America and the Caribbean region, delegations highlighted the work of the Contadora Group to support peace efforts in Central America. In the Asia-Pacific region, a delegation noted that recourse to good offices had contributed to creating conditions conducive to the evolution of the Association of Southeast Asian Nations.

17. A number of delegations were of the view that all efforts in employing good offices, including those of the Secretary-General, should be in compliance with the fundamental principles of international law and the principles set forth in the Charter, in particular the principles of non-intervention, territorial integrity and sovereign equality, and should be based on impartiality. It was noted that the resort to good offices did not preclude recourse to other peaceful means of settling disputes.

18. The view was expressed that diplomatic endeavours, negotiations and good offices aimed at establishing peace and security and ceasefires during wars were not incompatible with the exercise of the functions of United Nations organs under the Charter. Diplomatic endeavours should not be relied on as a pretext for paralysing the work of the Security Council, and in that circumstance, States might resort to different bodies, such as the General Assembly.

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