



Conference for Security and Co-operation in Europe

PEACEFUL SETTLEMENT OF DISPUTES

MONTREUX

31 October - 11 December 1978

REPORT OF THE MEETING OF EXPERTS REPRESENTING THE PARTICIPATING STATES OF THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE, FORESEEN BY THE FINAL ACT OF THE CSCE IN ORDER TO PURSUE THE EXAMINATION AND ELABORATION OF A GENERALLY ACCEPTABLE METHOD FOR PEACEFUL SETTLEMENT OF DISPUTES AIMED AT COMPLEMENTING EXISTING METHODS

In accordance with the mandate of the Final Act of the Conference on Security and Co-operation in Europe and the relevant provisions of the Concluding Document of the Belgrade Meeting 1977, a Meeting of Experts representing the participating States took place at Montreux from 31 October to 11 December 1978 in order to pursue the examination and elaboration of a generally acceptable method for peaceful settlement of disputes aimed at complementing existing methods.

At the opening meeting the participants were addressed by Mr. Pierre Aubert, Head of the Federal Political Department, on behalf of the Government of Switzerland.

The participants adopted an agenda and proceeded to a general exchange of views after which several proposals aimed at complementing existing methods for peaceful settlement of disputes were submitted and discussed. A working paper based on the "Draft Convention on a European System for the Peaceful Settlement of Disputes" was submitted for consideration which put forward the following subsidiary and compulsory procedures: negotiation, inquiry, mediation, conciliation and arbitration. Another working paper was submitted for consideration which put forward a proposal of mandatory consultations as a possible method for peaceful settlement of disputes. A further paper was submitted which put forward the concept of a comprehensive method for peaceful settlement of disputes within specific subject areas, including appropriate mandatory features. Other proposals and ideas were put forward for consideration. Divergent views were expressed and no consensus was reached on specific methods.

The participants stressed the importance their governments attach to détente, which

has continued since the adoption of the Final Act in spite of difficulties and obstacles encountered. In this context they underlined the role of the CSCE, the implementation of the provisions of the Final Act being essential for the development of this process.

The participants reaffirmed the adherence of their governments to the principle of peaceful settlement of disputes as enshrined in the Charter of the United Nations and in the Final Act of the CSCE. They also stressed the significance of elaborating, in accordance with the mandate contained in the Final Act, a method for peaceful settlement of disputes.

The participants agreed on a common approach to the elaboration of a method for peaceful settlement of disputes between or among the participating States which should be based on the following:

- consistency with the principles and the purposes of the Charter of the United Nations and with the Final Act of Helsinki, especially principle V of the latter document;
- consistency with sovereign equality of States and the free choice of means;
- experience and the treaty and diplomatic practice and the views of all the participating States in this field;
- acceptability to all participating States irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development;
- subsidiarity to existing methods and institutions for the peaceful settlement of international disputes;
- complementarity to existing methods so as to promote, in good faith and a spirit of co-operation, a rapid and equitable solution on the basis of international law;
- flexibility of the method;
- capacity for progressive development of the method.

The method to be elaborated should contribute to peace, security and justice in Europe, to the further development of détente and co-operation among the participating States.

The participants recommended that the participating States consider the possibility of promoting and extending the existing practice of including, in appropriate treaties among and between them, provisions for the peaceful settlement of disputes.

The participants recommended to the governments of States participating in the CSCE that they consider, at the Madrid Meeting, the possibility of convening another Meeting of Experts in order to pursue, on the basis of the Final Act, the examination and elaboration of a generally acceptable method for peaceful settlement of disputes aimed at complementing existing methods, taking into account the common approach set forth above, as well as the various proposals and ideas discussed at the Montreux

Meeting.

The participants recommended that contacts between the governments of participating States continue in order better to acquaint themselves with each other's views on the subject of peaceful settlement of disputes.

The participants expressed their deep gratitude to the Government of Switzerland for the excellent organization of the Meeting and for the warm hospitality extended to them during their stay at Montreux.
