



CHAIR OF THE COORDINATING BUREAU OF THE NON-ALIGNED MOVEMENT



**Statement on behalf of the Non-Aligned Movement
On “Exchange of information on State practices regarding the use of arbitration”
Before the “Special Committee on the Charter of the United Nations and on the
Strengthening of the Role of the Organization”
New York, 17 February 2021**

I have the honor to deliver this statement on behalf of the Non-Aligned Movement.

The NAM welcomes the introduction of the subtopic on the “Exchange of information on State practices regarding the use of arbitration” in op.5(a) of resolution 75/140 as a solid base for discussion in order to enhance the culture of invoking peaceful settlement of disputes mechanisms.

Arbitration is one of the oldest methods in the history of modern international relations to be utilized for the peaceful settlement of disputes. The 1899 and 1907 Hague Conventions for the Pacific Settlement of International Disputes are a testimony to this claim. Furthermore, those Conventions established the Permanent Court of Arbitration for the facilitation of the settlement of disputes where diplomacy had failed to do so. Although there are many similarities between arbitration and the judicial settlement of disputes notably the binding nature of their decisions upon the parties, the flexibility of the former distinguished it from the latter, which is that arbitration is constituted by mutual consent of the State parties to a specific dispute and such parties retain considerable control over the process through the power of appointing arbitrators of their own choice.

Settlement of all international disputes by peaceful means, such as negotiation, conciliation, arbitration or judicial settlement as well as other peaceful means of the parties’ own choice in conformity with the Charter of the United Nations is one of the founding principles of the Non-Aligned Movement.

The Manila Declaration on the Peaceful Settlement of International Disputes also enjoins States to “seek in good faith and in a spirit of co-operation an early and equitable settlement of their international disputes” by, among others, arbitration.

The Non-Aligned Movement is of the strong view of the importance of the advancement the international culture of peace and understanding. The culture of peace can be achieved through dialogue and negotiation while invoking peaceful mechanisms such as arbitration among nations and countries. The NAM expresses its staunch belief that durable peace and sustainable development can be enhanced through inclusive political settlements and conflict resolution.



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Concerned with the possibility of disputes among States, the NAM encourages all States may consider resorting to arbitration mechanisms in their relations in order to solve them peacefully, including the prediction of this mechanism in bilateral and multilateral treaties in the case of arising disputes in interpretation and implementation of the treaties as well as other bilateral and multilateral issues. We believe that arbitration is a mechanism that has been successfully used by States historically, and States may consider to resort to it.

In accordance with Article 33, paragraph 1 of the Charter of the United Nations, it is the responsibility of individual sovereign States to prevent armed inter-State conflict and, to that end, to make use of the tools and forums provided for the peaceful resolution of disputes.

The Non-Aligned Movement stresses the need to continue efforts to strengthen the process of the peaceful settlement of disputes through the progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field. While acknowledging the role and efforts of the International Law Commission in this regard, the Charter Committee may wish to note that resolution 1262 (XIII) entitled “Question of arbitral procedure” and its operational paragraph 4 “invites Governments to send to the Secretary-General any comments they may wish to make on the draft, and in particular on their experience in the drawing up of arbitral agreements and the conduct of arbitral procedure, with a view to facilitating a review of the matter by the United Nations at an appropriate time.”

I thank you.