



Statement on behalf of the European Union and its Member States

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

United Nations

New York

22 February 2024

— CHECK AGAINST DELIVERY —

Thank you, Mr./Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries North Macedonia*, Montenegro*, Ukraine, the Republic of Moldova, Bosnia and Herzegovina* and Georgia align themselves with this statement.

We are pleased to participate in the thematic debate on the subtopic 'Exchange of information on State practices regarding the use of good offices.'

As the UN Secretary-General Javier Pèrez de Cuéllar said, good offices is a form of 'quiet diplomacy.' Given its discrete terms of operation, it has proven an efficient means of peaceful settlement. In its classical meaning, it involves the intervention of a third party, with the objective of encouraging or facilitating talks, active participation in negotiation, implementation and supervision of peace agreements as well as settlements involving humanitarian and human rights law. Good offices are often exercised in addition to mediation or conciliation, as a diplomatic means of dispute settlement.

[legal basis]

Mr./Madam Chair,

Article 33 of the UN Charter does not refer to good offices as one of the means of peaceful settlement of disputes. However, good offices have been referenced in a number of resolutions of the Security Council and General Assembly. Resolution 43/51 on the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and

* North Macedonia, Montenegro, and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

Resolution 37/10 on the Manila Declaration on the Peaceful Settlement of Disputes between States are some notable examples.

The use of good offices has largely been developed by practice. Good offices is a long-standing tradition, which helps build bridges and support opposing parties in their search for a negotiated solution.

[SG and good offices]

The UN Secretary-General, through his good offices missions, has contributed greatly to solving a number of crises, thus building international peace and security. He has exercised his good offices in situations of conflict, in the field of human rights, in cases of enforced or involuntary disappearances of persons or to ensure full enjoyment of human rights by the UN staff. Through his good offices, the Secretary-General has also contributed to the implementation of the responsibility to protect principle.

The Secretary-General's good offices functions derive from Article 98 of the Charter, which states that the Secretary-General 'shall perform such other functions as are entrusted to him by [the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council].' The Secretary-General may take action himself or may appoint special representatives and envoys to carry out good offices on his behalf.

Both the Security Council and the General Assembly have requested the Secretary-General to become involved through his good offices in a number of crises. The Suez crisis of 1956 is a good example of a Security Council mandating the Secretary General to use his good offices. The then Secretary-General Dag Hammarskjöld played a central role in relaxing the tensions between the parties, and his active involvement was much appreciated. Another example concerning an EU Member State is the Good Offices mission the UN

Secretary General has undertaken in Cyprus since 1975, aiming to facilitate comprehensive negotiations for the settlement of the Cyprus question, based on UNSC Resolutions.

[humanitarian good offices]

The exercise of good offices has a long tradition in the humanitarian field. The UNHCR, UNESCO and the ICRC have been actively involved in good offices at various times and levels. They assisted the parties in alleviating human suffering and other devastating consequences of conflicts.

The contracting powers of The Hague Conventions of 1899 and 1907 agreed to have recourse, in case of serious disagreement or dispute, to the good offices of one or more friendly powers. Likewise, the Geneva Conventions invited the protecting powers and the ICRC to offer their good offices to facilitate the institution of hospital and safety zones and localities.

Through its neutral and impartial stance and good offices, the ICRC has been key in facilitating communication and addressing the human consequences of armed conflicts. It has reconnected family members often separated due to displacement, arrests, or other consequences of hostilities. We cannot but encourage the ICRC to continue its good offices to help alleviate the dire consequences of conflicts raging on around the world.

[EU good offices]

As acknowledged by our partners, the European Union has been working closely both bilaterally and within multilateral settings, such as the United Nations, in carrying out preventive diplomacy, providing good offices and promoting the settlement of disputes through peaceful means. For instance, the EU facilitates the Belgrade-Pristina Dialogue, which aims to achieve a

comprehensive legally-binding normalisation agreement between Kosovo* and Serbia that will bring stability and prosperity for both Serbia and Kosovo*, as well as for the entire Western Balkans region. The High Representative of the European Union for Foreign Affairs and Security Policy together with the EU appointed Special Representative for the Dialogue are offering their good offices to that extent.

[no binding force]

Like mediation, good offices has no legally binding force. Article 6 of the 1899 Convention for the pacific settlement of international disputes explicitly states that '[g]ood offices and mediation have exclusively the character of advice, and never have binding force.' While not having legally binding effects, good offices have nevertheless played an important role in solving conflicts and crises.

In concluding, Mr./Madam Chair, the EU and its Member States believe that good offices is an important means of furthering peaceful solutions to international disputes. The exercise of good offices by the EU, UN and other political or humanitarian actors contributes greatly to a peaceful world.

I thank you.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.