

MECHANISMS FOR THE PREVENTION AND MANAGEMENT OF INTERNATIONAL CONFLICTS WITHIN THE UNITED NATIONS AND THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

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Abstract:

In a geopolitical context marked by tensions and conflicts, international mechanisms for the peaceful resolution of disputes play an essential role in maintaining global stability. The United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE) are two of the most important international entities involved in the prevention and management of international conflicts. This article analyses the specific approaches adopted by these organizations, highlighting the strengths, limitations and effectiveness of the methods used in the mediation and resolution of international disputes.

Keywords: *mechanisms for prevention; conflict management; United Nations; OSCE; international cooperation.*

1. Introductory considerations

The involvement of international organizations in conflict resolution has dated since 1019, with the founding of the League of Nations. With the establishment of the United Nations in 1945, states have undertaken to prevent conflicts and promote international cooperation. Thus, “the UN and its specialized agencies have made significant efforts to resolve conflicts, conducting peacekeeping operations, facilitating diplomatic negotiations and providing humanitarian aid in conflict-affected regions around the world. Notable milestones include the end of colonial conflicts, such as the independence of Namibia in 1990, and the resolution of inter-

state disputes, such as the UN-mediated peace process in Northern Ireland”¹.

The constituent acts of international organizations provide for and develop, on a case-by-case basis, specific procedures for the peaceful resolution of disputes between states. International organizations resort to various actions, such as mediation, peacekeeping, humanitarian assistance and post-conflict reconstruction. They facilitate dialogue and negotiation between the parties to the conflict, with the aim of reaching mutually acceptable agreements and preventing the escalation of the conflict.

The process of peaceful conflict resolution within international organizations has the following features²: any state may

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¹ Arzoo Afridi, *The role of international organizations in conflict resolution*, March 2024 (<https://www.pakistanoday.com.pk/2024/03/10/the-role-of-international-organizations-in-conflict-resolution/#:~:text=International%20organizations%20play%20a%20vital,assistance%2C%20and%20facilitating%20peacebuilding%20efforts>, accessed on 2 July, 2025).

² According to Raluca Miga-Besteliu, *Drept internațional public*, vol. II, Edition 2, C.H. Beck Publishing House, Bucharest, 2014, pp. 23-24.

request the initiation of a conflict resolution procedure when it considers that another state, through its behaviour, endangers international peace and security or the purposes of the organization; the constituent acts of international organizations contain provisions that provide states with “systems for the regulation of conflicts that allow each conflict to be treated separately according to its characteristics”; “international organizations provide a framework conducive to negotiations and material conditions for their conduct”; “the constituent acts of organizations provide for the possibility of applying sanctions against states that violate their rules”.

It is important to remember that international organizations cannot impose on member states the use of certain means of dispute settlement, nor can they impose a particular solution to resolve the dispute³.

2. The role of the UN in the peaceful settlement of disputes

Under Article 1, para. (1) of the UN Charter, one of the purposes of the organization is to maintain “international peace and security”. In this regard, the UN is obliged to adopt “effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace, and to bring about, by *peaceful means* and in accordance with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”.

The UN institutions involved in the peaceful settlement of disputes are the Security Council and the General Assembly. “The Secretary-General also has a certain involvement, without any specific provisions being specified in the Charter in this regard”⁴.

A. Security Council

Pursuant to Article 24 para. (1) of the UN Charter, the Security Council is responsible for the maintenance of international peace and security. At the same time, the Charter also provides that any problem concerning international peace and security shall be referred by the General Assembly to the Security Council⁵.

The legal basis for the action of the Security Council, with regard to the peaceful settlement of disputes, is represented by Chapter VI of the UN Charter.

a. Referral to the Security Council. If the parties to a dispute fail to resolve it by the peaceful means provided for in the UN Charter, they shall submit it for settlement to the Security Council.

The UN Security Council may intervene only following a referral received, as the case may be, from: the states parties to the dispute; only one state party to the dispute; another UN member state; a state that is not a UN member or from a UN organ. The possibility of these subjects of law to refer the matter to the Security Council results from the provisions of the Charter, as follows: the Security Council may, if *all the parties* to a dispute so request, make recommendations to the parties with a view

³ According to Grigore Geamănu, *Drept internațional public*, vol. II, Didactic and Pedagogical Publishing House, Bucharest, 1983, p. 427.

⁴ Alexandru Burian (editor-coordinator of the edition), *Drept internațional public*, Third Edition (revised and added), Typogr. „Elena-V.I.” SRL, Chișinău, 2009, p. 634.

⁵ Article 11 para. (2) of the UN Charter.

to the peaceful settlement of the dispute⁶; if *any of the parties to a case* fails to perform its obligations under a judgment of the Court, the other party may refer the matter to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment⁷; *a State which is not a Member of the United Nations* may bring any dispute to the attention of the Security Council or the General Assembly if *it accepts in advance*, in respect of that dispute, the obligations of peaceful settlement provided for in the Charter⁸; *the General Assembly* may bring situations which might endanger international peace and security⁹ to the attention of the Security Council; *The Secretary-General* may draw the attention of the Security Council to any matter which, in his opinion, might endanger the maintenance of international peace and security¹⁰.

b. Actions that the Security Council may take

After being referred to, the Council shall consider whether or not the referral may be placed on the agenda. It is the Security Council that has the power to determine whether or not, in a particular case, there is “a threat to the peace, a breach of the peace or an act of aggression”¹¹.

Once the issue is included on the agenda, the Council may act on its own initiative under Chapter VI¹². Thus, Article 33 para. (2) gives the Council the power to recommend that the parties comply with

their obligations under the Charter, including the obligation to settle the dispute by peaceful means. In other words, the Security Council may invite the parties to a dispute, to settle their dispute, first of all, by “negotiation, investigation, mediation, conciliation, arbitration, judicial settlement, recourse to regional bodies or arrangements, or by other peaceful means”.

At the same time, the Council, under Article 34 of the Charter, may “investigate any dispute or situation which might lead to disagreement among nations or which might give rise to a dispute, to determine whether the persistence of such a dispute or situation appears likely to endanger the maintenance of international peace and security”.

Furthermore, the Council may recommend to the parties, under Article 36 para. (1) of the Charter, a specific method of settlement of a dispute. The only instance¹³ in which the Council recommended that two parties would settle their dispute before the Court, was the Corfu Channel incident. On 22 October 1946, two British destroyers laid mines in the Corfu Channel off the Albanian coast. The United Kingdom accused Albania of having laid mines without justification and referred the dispute to the Security Council. On 9 April 1947, having failed to resolve the matter, the Council, in its Resolution, recommended that the dispute should be referred to the ICJ¹⁴.

However, in making such recommendations, the Security Council shall also take into account the fact that, as a

⁶ Article 38 of the UN Charter.

⁷ Article 94 para. (2) of the UN Charter.

⁸ Article 94 para. (2) of the UN Charter.

⁹ Article 11 para. (3) of the UN Charter.

¹⁰ Article 99 of the UN Charter.

¹¹ See Article 39, 40-42 of the UN Charter.

¹² Or Chapter VII of the UN Charter.

¹³ According to ***, *Manuel du Conseil de sécurité de l'ONU. Guide de l'utilisateur aux pratiques et aux procédures*, New York, 2021, p. 11.

¹⁴ It is about the *Corfu Channel* case, the judgment of April 9, 1949: I.C.J. Reports 1949, p. 4.

rule, the disputes of legal nature must be submitted by the parties, to the International Court of Justice.

If the Security Council considers that the continuance of the dispute is likely, in fact, to endanger the maintenance of international peace and security, it shall decide whether to take such action as may be necessary or to recommend such terms of settlement as it may consider appropriate.

It is for the Council to decide what measures should be taken, in accordance with Articles 41 and 42 of the Charter of the United Nations, and not involving the use of force.

B. The General Assembly

Under Article 10 of the Charter, “the General Assembly *may discuss* any question or matter within the scope of the Charter or relating to the powers and functions of any of the organs provided for in the Charter and (...) *may make recommendations* to the Members of the United Nations or to the Security Council, or to the Members of the Organization and the Security Council on any such question or matter.”

The powers of the General Assembly in the field of peaceful settlement of disputes are as follows: “... *may examine general principles of cooperation for the maintenance of international peace and security, including the principles governing disarmament, and may make recommendations on such principles either to the Members of the United Nations or to the Security Council, or to the Members of the Organization and the Security Council*”¹⁵; “... *may discuss any matters relating to the maintenance of international*

peace and security which may be referred to, by any Member of the United Nations or by the Security Council or (...) by a State which is not a Member of the United Nations and (...) *may make recommendations on any such question either to the State or States concerned or to the Security Council or to States and the Security Council. Any such matter requiring action shall be referred by the General Assembly to the Security Council before or after its discussion*”¹⁶; “... *may draw the attention of the Security Council to situations which might endanger international peace and security*” (Article 11, paragraph (3) of the Charter); “... *may recommend measures for the peaceful adjustment of any situation, regardless of its origin, which it considers likely to endanger the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter, which sets forth the Purposes and Principles of the United Nations*”¹⁷.

C. The Secretary-General

At present, the UN Secretary-General plays an important role internationally, particularly in the field of peacekeeping. Thus, one of the essential roles of the UN Secretary-General is to offer his “good offices”, that is, to resort to his independence, impartiality and integrity to adopt measures with a view to preventing the outbreak, aggravation or spread of an international conflict.

Under Art. 99 of the UN Charter, “The Secretary-General may bring to the attention of the Security Council any matter which, in his opinion, might endanger the maintenance of international peace and security”. In

¹⁵ Article 11 para. (1) of the Charter.

¹⁶ Article 11 para (2) of the Charter.

¹⁷ Article 14 of the Charter.

practice, the Article has almost never been applied directly. There are, however, two cases in which the UN Secretary-General convened the Security Council, namely: in 1960, during the Congo crisis, and in 1979, during the occupation of the United Nations Embassy in Tehran and the taking of its staff, hostage. In both cases, the Secretary-General considered that he was faced to a serious threat to international peace and security and requested an urgent meeting of the Council to find a peaceful solution.

3. The role of the Organization for Security and Co-operation in Europe in the peaceful settlement of disputes

The Organization for Security and Co-operation in Europe (OSCE) is a space for dialogue covering a wide range of security issues and providing a common framework for action aimed at improving the living conditions of individuals and communities. The OSCE contributes to overcoming differences and building trust between states by providing support in conflict prevention, crisis management and post-conflict rehabilitation. With its institutions, expert groups and network of field presences, the OSCE addresses issues related to common security, namely: arms control; terrorism; good governance; security; energy; trafficking in human beings, etc.

The OSCE has its origins in the 1970s, when the Conference on Security and Co-operation in Europe (CSCE) was created as a multilateral forum for dialogue and negotiation between the Eastern and Western blocs. At that level, the Helsinki Final Act was signed in 1975, a document containing a series of key commitments in the political-military, economic, environmental and human rights fields. The Act also contains the fundamental principles

of public international law, principles that guide the behaviour of states among themselves and towards their citizens.

Until 1990, the CSCE mainly held meetings and conferences that complemented and consolidated the commitments of the participating states. With the end of the Cold War, however, the Paris Summit of November 1990 gave the CSCE a new approach. In the Charter of Paris for a New Europe, the CSCE was invited to participate in managing the historic change that was taking place in Europe and to respond to the new challenges of the post-Cold War period, by establishing permanent institutions and operational capabilities. As part of this institutionalization process, the *Conference on Security and Co-operation in Europe* became the *Organization for Security and Co-operation in Europe* by a decision taken at the Budapest Summit of Heads of State or Government, in December 1994¹⁸.

The commitment of all 57 OSCE participating States is to resolve any disputes by peaceful means. This commitment is enshrined in the Helsinki Final Act - Principle V. Thus, dispute settlement mechanisms based on conciliation and arbitration were created through the establishment of the "Valletta Mechanism", the Provisions on an OSCE Conciliation Commission and Directed Conciliation, and the Convention on Conciliation and Arbitration within the OSCE.

A. The Valletta Mechanism

The Valletta Mechanism is the first formal conciliation procedure developed within the Conference on Security and Co-operation in Europe with the aim of resolving disputes peacefully. The mechanism was developed at the Valletta

¹⁸ <https://www.osce.org/fr/history>, accessed on 2 July, 2025.

experts' meeting in January-February 1991 and was approved by the CSCE Council of Ministers in Berlin in 1991. Part of this procedure was revised at the CSCE Council of Ministers in Stockholm in December 1992.

The mechanism is provided in a political document, without legally binding force, and does not oblige States to resort to the procedures provided for.

According to the *Principles for the Settlement of Disputes and the Provisions on a CSCE Dispute Settlement Procedure*¹⁹, "States participating in the Conference shall endeavour to prevent disputes and to develop, use and improve mechanisms for preventing their emergence, including, where appropriate, arrangements and procedures for prior notification and consultation regarding actions taken by a State which could seriously prejudice the interests of another State"²⁰. If, however, disputes arise, the participating States must exercise particular care and not allow the misunderstanding between them to develop in such a way as to endanger international peace, security and justice. Until the dispute is settled, the States have the following obligations: to refrain from any action which might aggravate the situation and make difficult or impossible the peaceful settlement of the dispute and to adopt measures to maintain good relations between them, in particular by adopting provisional measures which do not prejudice their legal position in the dispute²¹.

Recourse to or acceptance of a

procedure freely accepted by States in respect of present or future disputes to which they are or may be parties is not incompatible with the sovereign equality of States, and a request for recourse to a procedure does not constitute an unfriendly act.

In the event that the parties are unable to resolve the dispute through direct consultation or negotiation or to agree on an appropriate procedure for the settlement of the dispute within a reasonable period of time, either party may request the establishment of a mechanism, by notification to the other party. The mechanism shall be flexible, allowing the adoption of its own working methods. It may provide general or specific comments or advice which shall be confidential, unless the parties otherwise agree, and which may be relevant to the initiation or resumption of a negotiation process between the parties to the dispute or to the adoption of any other procedure for the settlement of the dispute²².

The procedure established by the Valletta Mechanism does not apply if the dispute has previously been examined or is being considered in another peaceful settlement procedure or if another process agreed upon by the parties is applicable to the dispute. These limitations have led to the statement that the Valletta Mechanism is

¹⁹ The Principles are the subject of *the Report of the CSCE Meeting of Experts on the Peaceful Settlement of Disputes*, Valletta, 1991 (available at <https://www.osce.org/files/f/documents/0/8/30116.pdf>, accessed on 2 July, 2025).

²⁰ Point 4 of the Principles.

²¹ According to point 5 of the Principles.

²² According to ***, OSCE. *Mechanisms & Procedures*, published by the Organization for Security and Co-operation in Europe (OSCE). OSCE Secretariat, Vienna, 2011, p. 29 (available at <https://www.osce.org/files/f/documents/e/e/34427.pdf>, accessed on 2 July, 2025).

“completely impractical and clearly not intended to be used”²³.

B. Convention on Conciliation and Arbitration within the OSCE

The Valletta Mechanism was amended at the Stockholm Ministerial Council in December 1992. On that occasion, the Ministers adopted the text of a **Convention on Conciliation and Arbitration within the CSCE/OSCE**, which was open for signature by interested participating States and entered into force on 5 December 1994. The Convention is included in the Decision on the Peaceful Settlement of Disputes and is the subject of Annex 2 to the Decision.

Pursuant to Art. 1 of the Convention, the *Court of Conciliation and Arbitration* was established to settle, by conciliation and, where appropriate, by arbitration, disputes submitted to it in accordance with the provisions of this Convention. Conciliation is carried out by a *Conciliation Commission*, consisting of conciliators, established for each dispute, and arbitration is carried out by an *Arbitral Tribunal*, consisting of arbitrators, also established for each dispute. Together, the conciliators and arbitrators constitute the *Court of Conciliation and Arbitration* within the OSCE.

Any State Party to the Convention may submit to the Conciliation Commission, any dispute with another State Party, which has not been settled, within a reasonable period of time, through negotiations. The

Commission is established following a request addressed to the Registrar by any State Party. “The absolute novelty of the Convention is the possibility of unilateral referral”²⁴ of the Commission. The possibility of two or more States Parties addressing a joint request to the Registrar is not excluded either²⁵.

The conciliation procedure is confidential and adversarial. If the parties to the dispute so agree, the Conciliation Commission may invite any State Party to the Convention that has an interest in the settlement of the dispute to participate in the procedure. The Conciliation Commission shall assist the parties to the dispute in resolving it in accordance with international law and the commitments they have subscribed to within the OSCE framework²⁶.

If, during the procedure, the parties to the dispute succeed, with the assistance of the Conciliation Commission, in finding a mutually acceptable solution, they shall record the terms of this solution in a conclusion, signed by their representatives and by the members of the Commission. The signing of this document shall conclude the procedure. The OSCE Council shall be informed, through the Committee of Senior Officials, of the success of the conciliation²⁷.

If a party to the dispute does not accept the proposed solution, the other party or parties shall no longer be bound by their acceptance of the solution in question²⁸.

If the parties to the dispute have not accepted the proposed solution, the report

²³ Alain Pellet, *Note sur la Cour de conciliation et d'arbitrage de la CSCE*, p. 196 (https://www.alainpellet.eu/_files/ugd/fe0af2_417a90a20288451dbed5af4588a0f1e6.pdf?index=true , accessed on 2 July, 2025).

²⁴ Bogdan Aurescu, *Sistemul jurisdicțiilor internaționale*, 2nd Edition, C.H. Beck Publishing House, Bucharest, 2013, p. 100.

²⁵ Under Article 20 of the Convention.

²⁶ Article 24 of the Convention.

²⁷ Article 24 para. (1) of the Convention.

²⁸ Article 24 para. (4) of the Convention.

shall be submitted to the OSCE Council, through the Committee of Senior Officials.

Pursuant to Art. 19 of the Convention, the Conciliation Commission or the Arbitral Tribunal established for the settlement of a dispute shall cease to examine it in the following situations: if, before the referral to the Commission or the Tribunal, the dispute has been submitted to a court or tribunal, the jurisdiction of which the parties to the dispute are obliged to accept or if such a court has already given a decision on the merits of the dispute; if the parties to the dispute have accepted, before the dispute arises, the exclusive jurisdiction of a judicial body other than the tribunal provided for in the Convention, and if that body is competent to decide, with binding force, on the dispute submitted to it, or if the parties to the dispute have agreed to seek settlement of the dispute exclusively by other means; if, at any time, the parties manage to settle the dispute, provided that the tribunal or the Commission has received written confirmation from all the parties that they have settled the dispute.

A dispute may be submitted to an *Arbitral Tribunal*. A request for arbitration may be made at any time by agreement between two or more States Parties to the Convention or between one or more States Parties to the Convention and one or more other OSCE participating States²⁹.

Pursuant to Article 27 of the Convention, if a request for arbitration is made on the basis of an agreement, the latter shall specify the subject matter of the dispute. If there is no agreement, in whole or in part, on the subject matter of the dispute, each party may formulate its own position on the subject matter. If arbitration is requested by means of a request, the latter

shall specify the subject matter of the dispute, the State Party or States Parties to this Convention against which it is directed and the essential elements of fact and law on which it is based.”

The arbitration procedure shall be conducted in an adversarial manner, in accordance with the principles of a fair trial. It shall consist of a written and an oral phase³⁰.

The award must be reasoned and is binding only between the parties to the dispute and only in respect of the case which has been settled. The award is final and may not be appealed. However, the parties to the dispute or one of them may request the Arbitral Tribunal to interpret the award in the event of a disagreement as to its meaning or content³¹.

C. Conciliation Commission and Guided Conciliation

a. Conciliation Commission. The establishment of a Conciliation Commission was intended as a procedure to complement the Valletta Mechanism. Provisions relating to this are contained in Annex 3 - *Provisions on a CSCE Conciliation Commission* - to the Decision on the Peaceful Settlement of Disputes, adopted by the Stockholm Council of Ministers in 1992. Thus, the participating States may establish a *Conciliation Commission* to which the parties may bring a dispute, if they so agree.

As in the case of the Valletta mechanism, the document regulating the Conciliation Commission is political, without legal force. The procedure applies only to disputes between two states, and is not applicable to disputes between several states.

²⁹ Article 26 of the Convention.

³⁰ Article 29 of the Convention.

³¹ Under Article 31 of the Convention.

The procedure before the Commission shall be initiated by a joint written request of the parties addressed to the secretariat. The parties to the dispute shall, within 20 days from the receipt of the written request by the secretariat, appoint a conciliator registered in a register³². The Commission may suggest possible terms of settlement and may set a time limit within which the parties should inform the Commission whether they accept the recommendations. If both parties have not notified such acceptance, the secretariat shall transmit a report of the Conciliation Commission to the OSCE Committee of Senior Officials. The parties may agree to modify the procedure with respect to their particular dispute.

b. Guided conciliation is regulated in Annex 4, entitled *Provisions on Guided Conciliation*, to the Decision on the Peaceful Settlement of Disputes, adopted by the Stockholm Council of Ministers in 1992. Under this Decision, a participating State may at any time declare that it will accept, on condition of reciprocity, guided conciliation between itself and other participating States.

As in the case of the Conciliation Commission, guided conciliation is applicable only to disputes involving two parties. The procedure is initiated by a written request made by either party to the other.

The Council of Ministers or the Committee of Senior Officials may request any other State to assist States which have accepted guided conciliation in the settlement of a dispute. Either entity may direct that the parties to the dispute shall use

the provisions for conciliation on the same basis as if they had made a joint written request to bring the dispute before the Conciliation Commission.

Under point 5 of Annex 4, the following disputes shall not be referred to guided conciliation: those which are settled under another procedure for the peaceful settlement of disputes; those which are the subject of a process outside the OSCE to which the parties to the dispute have accepted, including under an agreement in which the parties have undertaken to settle certain disputes only through negotiations; disputes which raise questions concerning the territorial integrity or national defence of a State, the title of sovereignty over territory or competing claims to jurisdiction over other areas, the provisions of this Annex shall not apply.

4. Conclusions

Over time, the UN and the OSCE have demonstrated that diplomacy and international cooperation can be effective tools in preventing and managing conflicts. Although not all initiatives have been fully successful, these organizations continue to play an important role in maintaining global peace and security. The evolution of modern conflicts, however, requires a constant adaptation of intervention strategies and mechanisms to meet current challenges. In this regard, strengthening international collaboration and optimizing dispute resolution methods will be essential for the future of global stability.

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³² Called the “Valletta Register”.

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