

The Peaceful Settlement of International Disputes through the Charters of Regional Organizations

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Received: 2026-01-21

Accepted: 2026-05-10

Published: 2026/06/06

Abstract:

Regional organizations spread across the world's continents play a leading role in contributing to the settlement of various international disputes, especially those related to regional sovereignty or border demarcation. This is done in pursuit of establishing peace, security, and stability, in line with the noble objectives adopted by the Charter of the United Nations in 1945. The charters of regional organizations were inspired by this Charter through their founding texts, which aim to prevent the use of force in international relations and to work toward achieving and maintaining peace within their geographical areas.

Keywords: International disputes; United Nations Charter; Regional organizations; Peaceful settlement.

المخلص: تضطلع المنظمات الإقليمية المتوزعة عبر قارات العالم بدور ريادي من أجل المساهمة في تسوية مختلف النزاعات الدولية ولاسيما تلك المرتبطة بعائديه الإقليم أو ترسيم الحدود ، ذلك سعيا لإرساء السلم و الأمن و الاستقرار تماشيا و الأهداف السامية التي تبناها ميثاق الأمم المتحدة عام 1945 ، و الذي استلهمت منه مواثيق المنظمات الإقليمية من خلال نصوصها المنشئة الهادفة لمنع استخدام القوة في العلاقات الدولية و الحرص لأجل العمل على تحقيق و استتباب السلام في محيطها الجغرافي.

الكلمات المفتاحية : النزاعات الدولية، ميثاق الأمم المتحدة، المنظمات الإقليمية، التسوية السلمية.

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1-Introduction:

The calamities and tragedies that have afflicted humanity since ancient times as a result of wars and their devastating consequences have driven many thinkers and politicians to seek effective means to establish peace. Over time, these efforts materialized through the Hague Conferences of 1899 and 1907 and the emergence of the League of Nations in 1919, which considered the achievement of international peace and security an absolute necessity to prevent the annihilation of humankind. Its successor, the United Nations, was established in 1945 and reorganized the methods of peaceful settlement of disputes, giving new momentum to the process of disarmament, the prevention of war, and the promotion of peace¹. This was done within a legal framework embodied in several provisions of the UN Charter, foremost among them Article 2, paragraph 3, which stipulates that Members of the Organization shall settle their international disputes by peaceful means in such a manner that international peace, security, and justice are not endangered. In light of this, it becomes clear that the UN Charter links peaceful settlement with international justice, suggesting that any peaceful settlement acceptable under the Charter must be a just one².

In another context, Article 33, paragraph 1, of the same Charter affirms the obligation to settle international disputes by peaceful means in the first instance, through negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, or by resort to regional agencies or arrangements, or other peaceful means of their own choice.

Given that the United Nations Charter, in several of its provisions, recognizes the importance of regional international organizations as instruments for the peaceful settlement of international disputes, the role of these organizations has become prominent in resolving many conflicts that had previously been difficult to settle. Such organizations have become effective contributors to numerous peace processes over the last two decades of this century³.

To shed light on the concern shown by regional organizations, through their founding charters, in contributing to the resolution of these disputes that have come to represent a serious threat to international peace, we have chosen to address the topic by posing the following research question:

What are the foundations and principles governing the settlement of international disputes according to the provisions of the charters of regional organizations?

¹Basic Facts about The United Nations , Department of Public Information , United Nations , New York , 1992, P. 27.

²Nabil Ghalib Al-Zaatari, The Importance of Regional Organisations in Resolving International Disputes, Queen Arwa University Journal, Sana'a, Yemen, Issue: 17, July–December 2016, P. 32.

³Peter Wallenstein, Anders Bjurner , Regional Organizations and Peacemaking Challengers to the UN? , Routledge Editions , New York , 2015 ,P.1.

In order to address all aspects related to this topic, a descriptive and analytical approach has been adopted, as the nature of the research requires a review of the charters of several regional organizations and the circumstances surrounding their adoption, along with an analysis of the relevant provisions. Accordingly, the study has been divided into two main sections: the first highlights the implementation of the peaceful settlement of international disputes through the major regional organizations in Africa and Asia, while the second is devoted to the same objective with regard to Europe and the Americas.

2. The Peaceful Settlement of International Disputes through the Charters of African and Asian Regional Organizations

The emergence of international regional organizations in Africa and Asia is not a recent development; rather, it dates back to the mid-1940s with the establishment of the League of Arab States on 22 March 1945, prior to the creation of the United Nations. This was followed by the Organization of African Unity in 1963 and the Association of Southeast Asian Nations in 1967. Collectively, these organizations have emphasized, through their founding charters, the principle of the peaceful settlement of regional disputes, in view of the negative effects left by European colonialism, particularly with regard to political borders, which this study seeks to examine.

2.1. The League of Arab States

The League of Arab States is considered one of the oldest regional organizations in the Arab world. Its establishment dates back to the efforts that intensified between the Egyptian government and the Arab states in 1942, which resulted in the convening of a Preparatory Committee for the Arab Conference during the period from 25 September to 7 October 1944. The work of this committee included representatives from Syria, Lebanon, Transjordan, Iraq, Saudi Arabia, and Egypt, as well as an observer from Yemen. The committee was tasked with preparing the principles that were later agreed upon as the Charter of the organization⁴.

On the basis of these principles, the Alexandria Protocol was drafted and signed on 19 March 1945, followed by the official declaration of the conference on 22 March 1945 and the establishment of the League of Arab States. The founding states signed its Charter, which consists of twenty articles and includes three annexes: the first concerning Palestine, the second dealing with cooperation with Arab countries that are not members of the League, and the third concerning the appointment of a Secretary-General of the League⁵.

A review of the Charter of the League of Arab States reveals the extent to which the member states were keen to support international peace and security, given the international circumstances in which it was created, namely the end of the Second World War and the severe negative effects

⁴Mohammed al-Majzoub, International Organisation, University Press, Beirut, 1998, P. 320 .

⁵Ibid , P.320 .

it had on humanity, in addition to its coincidence with the birth of the United Nations, the primary sponsor of peace and security at the international level.

This orientation is reflected in the objectives set out in the Charter of the League, which include:

- Safeguarding the independence of the member states;
- Achieving Arab cooperation in political matters and strengthening cooperation in the economic and social fields;
- Settling Arab disputes by peaceful means⁶

The Charter of the League of Arab States considered that the attainment of these objectives, which ensure the preservation of fraternal and friendly relations and prevent the outbreak of disputes among member states, can only be achieved through a set of principles, namely:

- Equality among the member states and respect for their independence;
- Non-interference in the internal affairs of member states;
- Repelling aggression against Arab states;
- Non-recourse to force in the settlement of disputes, with a commitment to resolving them by peaceful means⁷.

In implementation of the above, the Charter of the League contains provisions referring to the peaceful settlement of disputes through mediation and arbitration. This is set out in Article 5 of the Charter, which provides that:

“The use of force shall not be permitted to settle disputes between two or more states of the League. If a dispute arises between them that does not concern the independence, sovereignty, or territorial integrity of a state, and the disputing parties resort to the Council for the settlement of the dispute, its decision shall be binding and enforceable. In this case, the states between which the dispute has arisen shall not participate in the deliberations and decisions of the Council. The Council shall mediate in disputes which may lead to war between any state of the League and any other state, whether a member of the League or not. Decisions of arbitration and mediation shall be taken by a majority vote.”

A review of the above article shows that arbitration is considered one of the methods adopted for resolving disputes among Arab states, subject to several conditions, including:

The Charter authorizes the Council of the League to act as a mediator, conciliator, or arbitral body in the event of disputes among member states.

Resort to the Council of the League for arbitration is optional and depends on the consent of all parties to the dispute. This means that the Council cannot automatically consider a dispute,

⁶ Preamble and Articles 2, 5 and 6 of the Charter of the League of Arab States.

⁷ Articles 2, 6 and 8 of the Charter of the League of Arab States and Article 2 of the Treaty of Arab Joint Defence.

nor can it do so at the request of only one of the parties, and issue an arbitral decision unless all parties agree. Consequently, a party accused of aggression may block any arbitral procedure before the Council simply by refusing to submit to arbitration, since there is no provision in the Charter compelling it to do so. This reveals a serious flaw in the Charter, reflected in the weak wording of Article 5.

Although the Council acts as an arbitral body, the nature of its composition makes it, in practice, a political arbitral body, unless it seeks the assistance of judges or experts in international law to deal with the legal aspects that any arbitral decision may involve.

1 The Charter excludes from arbitration disputes relating to the independence, sovereignty, or territorial integrity of states. This implicitly leaves the door open to the use of force in resolving such disputes. It also enables member states to paralyze the League's ability to address any dispute they consider contrary to their interests by claiming that the subject of the dispute concerns their independence, sovereignty, or territorial integrity. This is another serious defect in the Charter, which marginalizes the League's role in settling disputes among its members.

The Charter prevents the states that are parties to the dispute from participating in the deliberations and decisions of the Council; therefore, they are not counted in the majority required to adopt an arbitral decision, nor among the opposing votes.

2. The Council's arbitral decisions are binding and enforceable upon the parties that voted for them or accepted the submission of the dispute to the Council for arbitration. However, implementation remains the responsibility of the authorities of the state seeking enforcement of the arbitral decision, in accordance with its domestic laws. This is also supported by Article 7 of the Charter of the League, which states that "decisions taken by the Council unanimously shall be binding upon all the states members of the League, while decisions taken by a majority shall be binding only upon those that accept them"⁸.

2.2. The African Union

The adoption by African states of the principle of respect for colonial inherited borders known as *Uti Possidetis Juris* was primarily intended to spare the African continent further wars and conflicts, which it could ill afford. This African orientation became evident with the establishment of the Organization of African Unity (OAU) in 1963, which considered the principle of respect for borders inherited from colonialism as a strategic choice. This is reflected in Article 3, paragraph 3, of the Charter of the Organization, which provides for respect for the sovereignty, territorial integrity, and independence of each state. This African choice was further reinforced at the African Summit Conference held in Cairo on 21 July 1964, where the African states then assembled pledged to resolve border disputes on the basis of the principle of peaceful settlement,

⁸Kamal Abdel Aziz Nagi, *The Role of International Organisations in Implementing International Arbitration Decisions*, Centre for Arab Unity Studies, Beirut, 2007, P.P. 396–397.

in order to prevent foreign powers from intervening in the continent's affairs through border disputes at the borders existing at the time of independence⁹.

In support of the peaceful option for the settlement of border disputes on the African continent, the will of the majority of African states sought, through the Charter of the Organization, to establish mechanisms for peaceful settlement that would ensure peace and stability, similar to those provided for in the Charter of the United Nations. This African orientation was embodied in the Commission of Mediation, Conciliation, and Arbitration as an organ of the Organization, entrusted with the task of settling potential disputes between member states by peaceful means, with the exception of the following disputes:

- Disputes that may arise between a member state and the Organization of African Unity;
- Disputes that may arise between a member state and a natural or legal person;
- Disputes that may arise between a member state and a non-member state of the Organization of African Unity¹⁰.

In order to preserve the borders inherited from European colonialism and prevent the outbreak of disputes among the states of the continent, the Charter of the Organization of African Unity attached great importance to the sovereignty, territorial integrity, and independence of African states, in addition to emphasizing the necessity for African states to resort to peaceful settlement of their disputes through negotiation, mediation, conciliation, or arbitration. To illustrate the role of these peaceful settlement mechanisms in resolving border disputes, we have chosen to highlight the following:

A-The Commission of Mediation, Conciliation, and Arbitration

The Commission of Mediation, Conciliation, and Arbitration is considered the quasi-judicial organ of the Organization of African Unity (OAU). Article 19 of the Charter defines the conditions for the establishment of this Commission and its powers in accordance with a protocol approved by the African Heads of State and Government, which also constitutes an integral part of the Charter of the Organization.

This protocol laid down the methods for the settlement of international disputes, including border disputes, as follows:

– Mediation

Under this method, if an African dispute is submitted to the Commission for mediation, the Chairperson of the Commission, with the consent of the parties, appoints a mediator who seeks to

⁹Guillhaudis, Jean François, Remarques à Propos des Récents Conflits Territoriaux entre Etats Africains (Bande d'Aozou, Ogaden, Saillant de Kayaka) in : A.F.D.I, Vol 25, 1979, P. 235.

¹⁰ Articles 1 and 2 of the Charter of the Organisation of African Unity.

reconcile the disputing states. After examining the matter, the mediator submits proposals to the parties. If the disputing states accept these proposals, they sign a document incorporating them; if they do not accept them, the mediator's mission is terminated. The mediator must be one of the members of the Commission.

– Conciliation

Under this method, the Chairperson of the Commission, in agreement with the concerned parties, establishes a conciliation commission composed of three members chosen from among the members of the Commission. This body seeks to reach an agreement between the two parties to the dispute. After completing its work, it submits a report explaining the efforts made to achieve a settlement, at which point its mission comes to an end.

– Arbitration

This method is resorted to by the disputing parties as a means of resolving their dispute. According to Article 27 of the Protocol, each party must select one arbitrator from among the members of the Commission. The two arbitrators chosen by the parties then jointly select a third person from among the members of the Commission to serve as the President of the arbitral tribunal. The President of the tribunal has the right to appoint two additional members of the conciliation tribunal if the disputing parties agree. These additional members must also be chosen from among the members of the Commission, but once selected, they do not enjoy all the powers granted to the other members of the arbitral tribunal.

There is a clear resemblance between this Commission and the Permanent Court of Arbitration in The Hague, established in 1899. Both bodies are composed of a group of experts in international law and international affairs, placed at the disposal of disputing states, which select from among them a group entrusted with settling their disputes through mediation, conciliation, or arbitration. However, despite this flexible framework and the various technical means that states may choose according to their preferences, policies, and the specific circumstances of their disputes, the Commission of Mediation, Conciliation, and Arbitration has experienced several failures, as some African states have preferred to resort to other mechanisms for the settlement of their disputes. This reluctance by most African states can be attributed to several reasons, including:

The delay by the OAU in establishing this Commission, despite repeated calls by states for its activation whenever possible, especially during meetings of African Heads of State and Government, which consistently urged the Secretary-General to operationalize the Commission ¹¹.

The emergence of ad hoc alternatives for settling certain African border disputes. During the outbreak of some conflicts, such as the Algerian-Moroccan dispute or the Ethiopian-Somali conflict, the OAU took the initiative to establish temporary political committees to perform the

¹¹Guilhaudis, Jean François, OP Cit, P.241.

functions that the Commission of Mediation, Conciliation, and Arbitration was supposed to carry out.

The Charter of the OAU provided alternatives to the Commission of Mediation, Conciliation, and Arbitration by encouraging member states to resort to judicial settlement before the International Court of Justice. Accordingly, the border dispute between Nigeria and Cameroon was submitted to the International Court of Justice upon the recommendation of the OAU, which also encouraged several states to bring their disputes before the Court, including the maritime border dispute between Senegal and Guinea-Bissau from 1991 to 1995, and the dispute between Libya and Chad over the Aouzou Strip from 1990 to 1994¹²

The Commission of Mediation, Conciliation, and Arbitration was later replaced by the African Peace and Security Council following the establishment of the African Union, in an effort to strengthen and give practical effect to the peaceful settlement of disputes.

B-The African Peace and Security Council

Despite the failure of the Commission of Mediation, Conciliation, and Arbitration to curb border disputes in Africa, this did not deter the Organization of African Unity from making efforts to strengthen peace and security mechanisms on the continent. This led to the establishment of the African Peace and Security Council upon the declaration of its creation in Durban, South Africa, on 26 September 2002. The Council constitutes a modern African mechanism whose mission is to promote peace and security on the continent through the peaceful settlement of disputes, respect for borders inherited from colonialism, and respect for the unity and sovereignty of member states, together with non-interference in their internal affairs.

According to Article 2 of the Protocol relating to the Council, the African Peace and Security Council is a standing decision-making organ for the prevention, management, and resolution of conflicts within the African Union, with the aim of ensuring security. In carrying out its functions, it is assisted by the Panel of the Wise, the Commission, the Continental Early Warning System, an African Standby Force, and a Special Fund¹³.

¹²Omar Saadallah, *International Borders - Theory and Practice*, Dar Houma, Algiers, 2007, P. 243.

¹³Mohammed Heba Ali Ahthia, *The Role of the African Peace and Security Council in Conflict Resolution and Settlement in Africa*, Damascus University Journal of Economic and Legal Sciences, Vol. 27, No. 3, 2011, P. 632.

In order to achieve its primary objective of establishing peace and security across the continent, the African Peace and Security Council considers that this can only be attained by fulfilling a set of goals, namely strengthening peace, security, and stability so as to ensure the protection and preservation of the lives, property, and environment of African peoples; creating favorable conditions for sustainable development; preventing the outbreak of conflicts; promoting all means of peace; and supporting democratic practices, good governance, the rule of law, and the protection of human rights and international humanitarian law, in order to prevent conflicts in all their forms¹⁴

To achieve these objectives, the Council has laid down a set of principles that form the basis for the peaceful settlement of continental disputes, particularly border disputes. These principles include respect for the borders inherited at independence, respect for the sovereignty and territorial integrity of member states, and the right of intervention in their internal affairs only in three cases, namely:

- War crimes.
- Genocide.
- Crimes against humanity.

In addition, the Council has recognized the right of any member state to request intervention by the African Union in order to restore peace and security¹⁵.

2.3. The Association of Southeast Asian Nations (ASEAN)

Border disputes in Asia are very similar to those in Africa and Latin America, as they are the result of borders drawn by European colonial powers primarily to serve their economic interests. In order to overcome the disputes created by colonial powers, the stance of regional organizations in Asia has mirrored the African position with regard to the settlement of such disputes. In this context, the Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967 in Bangkok, the capital of Thailand, by five states: Indonesia, Malaysia, the Philippines, Singapore, and Thailand. It was later joined by Myanmar, Laos, and Cambodia, and its headquarters is located in Jakarta, Indonesia¹⁶. ASEAN represents one of the most important regional organizations at the Asian level, and it has set out a number of objectives, which can be summarized as follows:

- Accelerating growth in all fields among the member states;
- Achieving regional peace and stability among the states of the Association;

¹⁴Article 3 of the Protocol on the African Peace and Security Council.

¹⁵Article 4 of the Protocol on the African Peace and Security Council.

¹⁶Muhammad Budiana ,Regional Organizations and Global Governance: The Case of ASEAN ,Journal of Student Collaboration Research , Vol. 1, No. 2, May-August (2024), Bandung, Indonesia, P1.

Strengthening cooperation among members in all areas of common interest, especially in the trade and economic fields. In this regard, in 1992 ASEAN decided to establish a free trade area by 2003, and several states adopted measures such as reducing customs tariffs and opening national markets to the products of member states;

-Cooperating to ensure the optimal use of the agricultural and industrial resources of member states, expanding trade, and improving transport and communications;

-Contributing to the provision of assistance in training, research, and educational facilities to the countries of the region.

At the political level, the parties agreed not to engage in activities that would undermine the security and stability of the region. The first initiative in this respect was the effort by members to make the region free of nuclear weapons and to affirm its neutrality vis-à-vis rival global powers, under the slogan “Zone of Peace, Freedom, and Neutrality,” and to prevent the outbreak of wars among its members¹⁷.

In general, the principle of the peaceful settlement of disputes is deeply rooted in ASEAN’s founding principles, particularly non-interference and consensus. While these principles help ensure regional cooperation and peace, they also contribute to what has been described as ASEAN’s “inability to deal successfully with internal conflicts,” as this reluctance to intervene in internal affairs limits its effectiveness¹⁸.

In line with this approach, ASEAN has supported the peaceful settlement of disputes, especially those threatening the borders or territorial integrity of member states. This position was explicitly expressed in the Treaty of Amity and Cooperation in Southeast Asia, concluded in Bali on 24 February 1976, in which all parties committed themselves to settling all disputes by peaceful means¹⁹.

ASEAN has also made continuous efforts to prevent the outbreak of border disputes, including the Thai–Cambodian dispute over sovereignty over the Preah Vihear Temple. In the same context, ASEAN opposed the use of force by disputing states over sovereignty claims in the South China Sea and obliged them to resort to peaceful means to settle such border disputes.

¹⁷Jamal Abdel Nasser Mana, International Organisation, Dar Al-Ouma Publishing and Distribution, Annaba, 2006, p.p 346- 347.

¹⁸ Saima Gul , The Rule of Regional Organisations in Conflicts Resolution : A Comparative Study of ASEN , AU , and EU , Global International Relations Review : Vol : XII , Issue : III , Summer (September 2024) , Glasgow , Scotland , UK , P 77 .

¹⁹ Treaty of Amity and Cooperation in Southeast Asia, Article 2.

To give effect to the Treaty of Amity and Cooperation, ASEAN established mechanisms at the Hanoi meeting on 23 July 2001, entrusting a High Council with the task of resolving disputes that may arise among member states²⁰.

3. The Peaceful Settlement of International Disputes through European and American Charters

Regional international organizations in Europe and the Americas did not differ from their counterparts in Africa and Asia in adopting peaceful solutions for the various disputes facing their member states. They drew inspiration from the high objectives established in the United Nations Charter. To illustrate this, we will review how the charters of the most important regional organizations in these two continents, the European Union and the Organization of American States, emphasize the choice of peaceful dispute settlement.

3.1 The European Union

Europe was the site of two world wars that resulted in severe human and material losses, which prompted European states to adopt peaceful means to resolve all their disputes, particularly border disputes. European regional organizations, even during the socialist, capitalist conflict in the continent, sought to exclude war as a means of dispute resolution and instead embraced peaceful solutions.

After World War II, European regional organizations worked to strengthen economic cooperation among their members as a first and crucial step toward political unity of the continent, and to enhance security and peace in order to reduce conflicts between states and promote the common interests of European countries.

One of the most prominent regional governmental organizations in Europe pursuing this aim is the Council of Europe, whose establishment stemmed from a series of private initiatives, most notably the “Conference on Europe” held in The Hague from 7 to 10 May 1948, convened by the International Committee for the Coordination of Movements Aiming at European Unity. At the conclusion of this conference, several resolutions were adopted, including the establishment of a European Court of Human Rights with the authority to adjudicate violations and abuses of human rights and impose necessary sanctions.

Further initiatives followed, culminating in another European conference held in London in March 1949, where the Council of Europe was formally established. On 5 May 1949, the Council’s charter was signed, and its permanent seat was set in Strasbourg, France.

Initially, however, the Council of Europe did not include any provisions in its constitutional documents regarding dispute settlement among its members. After persistent urging by the Advisory Assembly, the European Convention for the Peaceful Settlement of Disputes was signed

²⁰Ibid, Article 14, 15, 15 and 17

on 29 April 1957 in Strasbourg. Article 1 of this convention stipulates that all legal disputes between contracting states shall be referred to the International Court of Justice. Non-legal disputes must be settled by conciliation or, failing that, by arbitration²¹.

The Treaty establishing the European Coal and Steel Community, signed in Paris on 18 April 1951, established a Court of Justice to ensure the rule of law in interpreting and applying the treaty and related regulations. According to Article 33 of this treaty, the court has jurisdiction to hear appeals from any member state or from the Ministerial Council of the Community to annul decisions and recommendations of the High Authority on grounds of lack of competence, procedural irregularities, breach of the treaty, violations of applicable law, or abuse of power²².

The European efforts initiated in the late 1940s gradually expanded cooperation across broader domains, including justice, internal affairs, and a common foreign and security policy. This culminated in the signing of the Maastricht Treaty in the Netherlands on 7 February 1992 by twelve European states (at the time), which entered into force on 1 November 1993. The European Union thus created a unified and stable framework governed by peace and security, particularly in relations among member states. Article 2 of the Maastricht Treaty sets out the EU's objectives, including:

- Promoting social and economic progress, high employment, and balanced development, particularly through the creation of a borderless area facilitated by social and economic cohesion and the establishment of an economic and monetary union culminating in a single currency;

- Strengthening the Union's identity internationally, particularly through a common foreign and security policy, including a common defense policy as per Article 17;

- Protecting the rights and interests of EU citizens through the introduction of EU citizenship;

Maintaining and developing the Union as an area of freedom, security, and justice²³.

The European Union bases its work on the following principles:

- Respect for the national identity of member states, whose governance systems are founded on the principles of democracy;

- Respect for the fundamental rights enshrined in the European Convention on Human Rights, and for the essential freedoms deriving from common constitutional traditions, considered as general principles of European law.

These achievements and objectives, reached after decades of sustained efforts, particularly in legal and dispute settlement fields, were consolidated in the Maastricht Treaty, which functions as EU

²¹Droit International, Conventions du Conseil de L'Europe, Edition du Conseil de L'Europe, Strasbourg, 1999, P.11

²²Omar Saadallah, Resolving International Disputes, University Publications Office, Algeria, 2005, pp. 118–119.

²³Kamal Abdel Aziz Nagi, Op. Cit . P359.

law, taking precedence over national laws. This is a critical factor that prevents the emergence of border disputes between member states that are integrated into the EU framework.

The EU has repeatedly expressed its commitment to resolving European border disputes peacefully. For example, following the declaration of independence of the former Yugoslav republics and regarding the border dispute between Hungary and Slovakia along the Danube River, the European Parliament in Strasbourg, on 12 March 1993, called on the disputing parties to refer the matter to the International Court of Justice ²⁴.

3.2. The Position of the Organization of American States (OAS)

Since the early 19th century, during the wave of independence in Latin America, the newly independent states sought to respect the sanctity of borders inherited from Spanish and Portuguese colonial rule by adopting the principle of *Uti Possidetis* of 1810. This principle was intended to prevent border disputes between newly independent states whose boundaries were based on the administrative divisions of the former colonial territories. Despite this choice, numerous border and territorial disputes, particularly in Central America and the Caribbean region, have continued to threaten peace and hinder cooperation among regional states²⁵.

The efforts of these states intensified between World War I and World War II, during which they emphasized the principles of good neighborliness and non-intervention in the internal affairs of states. To implement this, the foreign ministers of the American states met in Panama in 1939 and decided to establish a security zone surrounding the continent, extending 300 nautical miles offshore. In 1940, they met in Havana and agreed on the administration of European colonies in the Americas. Following Germany and Italy's declaration of war on the United States on 11 December 1941, the foreign ministers affirmed the solidarity of the American states against fascist aggression.

In 1945, a meeting was held in Mexico to establish a new organization for the American Union, later named the Organization of American States (OAS). At the ninth conference of the American Union in Bogotá in 1948, 21 countries (excluding Canada) participated, and the Bogotá Charter was signed, replacing the old Union with a new organization, the OAS, which came into effect on 13 December 1952. The Charter has since been amended through the Buenos Aires Protocol on 27 February 1967, the Cartagena de Indias Protocol on 5 December 1985, the Washington Protocol on 14 December 1992, and finally the Managua Protocol on 10 June 1993, which together form the OAS Charter²⁶.

²⁴Greg Englefield , The International Boundary Between Hungary And Slovakia: The Nagymaros - Gabčíkovo Dispute, Boundary and Security Bulletin, July 1993the International Boundaries Research Unit (IBRU) , Durham University , Durham , UK.P 69 .

²⁵Dominguz, Jorge I . Boundary dispute in Latin , United States Institute Of Peace, Washington, 2003, P.19

²⁶Gamal Abdel Nasser Mana,op cit , . P338.

The OAS Charter outlines a set of objectives primarily aimed at maintaining peace and security on the continent, creating suitable conditions for the peaceful settlement of disputes among member states, providing solutions to political, legal, and economic problems that arise between member states, and promoting joint action to strengthen the development of member states through cooperation in all matters ²⁷.

To achieve these objectives, the Charter also establishes a set of principles that form the common foundation necessary for attaining these goals, including:

- Commitment to international law as the standard of conduct for member states in their mutual relations;
- Respect for the personality, sovereignty, and independence of member states;
- Acting in good faith in international relations;
- Each state's undertaking to fulfill its international obligations arising from treaties or other sources of international law;
- Settlement of disputes by peaceful means;
- Considering any attack on a member state as an attack on all member states;
- Social justice and social security as the basis for lasting peace;
- Educating populations in justice and peace;
- Economic cooperation;

Practical adherence to parliamentary democracy²⁸.

The OAS has consistently encouraged the use of international arbitration and the reconciliation of views among disputing states to peacefully settle border disputes. Among its roles is mediating the border dispute between Honduras and Guatemala in 1957 and facilitating other initiatives that contribute to peace and security. Examples include Costa Rica's successful mediation in the border dispute between Honduras and El Salvador, and the mediation by the Pope of the Vatican in securing Argentina's acceptance of the arbitral decision regarding the Beagle Channel dispute with Chile, which culminated in the signing of the Treaty of Peace and Friendship between the two countries in 1984²⁹.

²⁷Charter of the Organisation of American States (OAS), Article 2.

²⁸Charter of Organisation of American States (OAS), Article 3.

²⁹Hassan Adel Abdullah, *Judicial Settlement of International Border Disputes*, First Edition, Dar Al-Nahda Al-Arabiya, Cairo, 1997, P. 118 .

4- Conclusion :

In general, this study, which focused primarily on the peaceful settlement of international disputes through the charters of regional organizations, has examined the positions of the founding charters of the most important such organizations across the continents. The following conclusions can be drawn:

The stance of international regional organizations regarding the settlement of international disputes aligns closely with that of the United Nations. They unanimously reject the use of force or the threat of force to resolve such disputes and emphasize the need to resort to various political and judicial means. This approach serves the aspirations and objectives of the peoples of these regional organizations, which include overcoming the negative legacies of colonialism and pursuing economic and social programs aimed at supporting international peace and security.

The regional organizations studied have worked to strengthen relations among their member states through cooperation in various fields, foremost among them the economic sphere, and this approach contributes to the maintenance of international peace and security.

Many regional international organizations have successfully settled numerous disputes, particularly border disputes. This is evident in Africa and the Arab world, where several disputes that at certain stages had escalated to military confrontation were resolved.

The European Union stands out among the regional organizations examined in this study for its success in mediating disputes among its member states. Its founding framework effectively eliminates most potential causes and factors of conflict due to the Union's nature as a political and economic bloc comprising 27 member states as of 2025. In constitutional terms, it is closest to a federal union, which represents one of the strongest forms of composite states.

Regional international organizations, particularly the Arab League and the African Union, possess the necessary capacities to resolve most disputes submitted for settlement. This is largely due to their proximity to the issues and their understanding of the motivations and circumstances, which allows them to prevent the internationalization of disputes and to resolve them within a regional framework.

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