



Recommendation 426 (1965)¹

Creation of a regional system for the settlement of disputes among member States of the Council of Europe

Parliamentary Assembly

The Assembly,

1. Considering that the Council of Europe lacks at present adequate machinery and procedures to contribute effectively towards the settlement of disputes arising among member States ;
2. Considering that the peaceful settlement of disputes should be one of the most important responsibilities of the Council of Europe ;
3. Recalling that Articles 33 and 52 in particular of the Charter of the United Nations give regional arrangements or agencies a prior opportunity to settle international disputes before the Security Council is seized of them ;
4. Recognising nevertheless that, once the United Nations are dealing with an international dispute, the Council of Europe should be careful to avoid any action that would prejudice the discharge of peacekeeping functions of the United Nations under the Charter ;
5. Noting that the Organisation of American States has set up a system for the settlement of disputes among its Members and that the Organisation for African Unity is following a similar course ;
6. Considering that it is in keeping not only with the European idea but also with the letter and spirit of the Charter of the United Nations that a regional system for the settlement of disputes should operate effectively in the Council of Europe ;
7. Noting that the European Convention for the Peaceful Settlement of Disputes, which was signed on 29th April 1957 and came into force on 30th April 1958, has been ratified by Austria, Denmark, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom, but that Chapter III of the Convention relating to arbitration of disputes of a non-legal character has so far been accepted only by Austria, Denmark, the Federal Republic of Germany, Luxembourg and Norway ;
8. Noting that this Convention has not thus far been given any practical application,
9. Requests the member Governments to hasten the ratification of this Convention and, in particular, to accept Chapters II and III concerning conciliation and arbitration of non-legal disputes ; thus establishing effective machinery for the settlement of disputes in the larger part of Europe ;
10. Recommends the Committee of Ministers :
 - a. to play, in future, a more active role in the settlement of disputes among member States of the Council of Europe ;
 - b. to state the determination of the Council of Europe to make in this way a more constructive contribution at the regional level to the realisation of the aims of the United Nations Charter ;

1. Assembly debate on 27th and 28th September 1965 (8th, 9th and 10th Sitzings) (see [Doc. 1943](#)), Report of the Political Committee. Text adopted by the Assembly on 28th September 1965 (10th Sitting).



- c. and to set up a special committee which might be called an Interim European Committee for the Settlement of Disputes, which would have, in the light of the considerations set out above, power to consider any dispute or threat of a dispute among member States of the Council of Europe with a view to making suggestions and proposals for their solution.