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Berne, 24 April 1990

Mr. Minister, dear Colleague,

As you are well aware, a Meeting of Experts of the Conference on Security and Co-operation in Europe (CSCE) will convene in Valletta from 15 January to 8 February 1991 in order to examine and elaborate a method for the peaceful settlement of disputes aimed at complementing existing procedures.

Switzerland has always stressed the importance of establishing an effective method for the settlement of conflicts and has worked towards that end in compliance with the commitment made by the participating States in Helsinki in 1975, commitment which has been repeatedly reaffirmed and last spelled out in 1989 in the Concluding Document of the Vienna Meeting on the Follow-up to the CSCE.

The numerous developments taking place on the Continent make the need for such a method all the more necessary. If the political change under way appears to be very conducive to co-operation, it also gives rise to a number of uncertainties. It is thus imperative that the community of States be provided with mechanisms capable of resolving disputes and, if need be, bringing about the adjustments called for by change in international relations. Indeed, there cannot be any genuine security without an effective method for the peaceful settlement of disputes, i.e. without means allowing to forego the temptation to resort to force in a difficult situation.

My country has initiated its preparation for the meeting in Valletta with the conviction that the odds have never been better with respect to the implementation of that goal. In our view, the method to be worked out should feature the following characteristics:

- include the right for each party, in the event of failure of negotiations, to turn to procedures involving the intervention of a third party, be it through conciliation, mediation or arbitration, as the nature of the case may require
- be evolutive in kind and perfectible, so as to be capable of being kept in line with the changes taking place on the Continent
- be subsidiary in nature, parties to a dispute remaining free to adopt, at any time, other procedures of their own choice
- take into consideration existing procedures and institutions.

The above considerations have led me to direct my Ministry to draft the main lines of a concrete proposal which Switzerland plans to submit at the beginning of the meeting in Valletta, either on her own or jointly with other participating States. My staff is about to complete a working paper which sets forth the relevant principles of this method and outlines its working mechanisms. It is my intention to dispatch, during the course of the following weeks and months, Minister Blaise Godet, Deputy Director of the International Public Law Division of my Ministry, to all CSCE capitals which may wish to examine this paper, discuss it and in turn inform us about their opinions and suggestions.

It is my conviction that only a very careful preparation with prior consultations between participating States will produce successful results at the meeting in Valletta, namely the laying out of the groundwork of an effective method for the peaceful settlement of disputes, which represents in itself an indispensable milestone on the road to genuine regional security.

Please accept, Mr. Minister, dear Colleague, the assurances of my highest consideration.

René Felber