Appendix 2: Treaties and Institutions Excluded from Multilateral Treaties of Pacific Settlement (MTOPS) Data Set Version 1.4 (last revised 31 July 2006)

Issue Correlates of War (ICOW) Project
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******Note that this documentation file is still being improved. MTOPS version 1.4 is being released now so that scholars can use it in papers for the 2006 APSA meetings; a final version of the documentation will be released in the future.******

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This appendix lists some of the organizations that have been examined and found not to qualify for inclusion in this data set. If any user feels that one of these organizations has been excluded in error, or that there is another organization or institution that qualifies for inclusion in this data set, please contact Paul Hensel at <phensel@icow.org>, preferably with supporting documentation such as a copy of the organization's charter or a reference to a book, article, or web site that suggests that the organization should be included.

GLOBAL / CROSS-REGIONAL TREATIES & INSTITUTIONS

G8
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Group of 77
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International Monetary Fund
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Organization for Economic Cooperation and Development (OECD)
• This organization emphasizes cooperation on economic matters, and does not explicitly address the peaceful settlement of political disputes among members. While the preamble notes that the signatories are "convinced that broader cooperation will make a vital contribution to peaceful and harmonious relations among the peoples of the world," Articles 1-3 (addressing the aims and purposes of the OECD) focus entirely on economic relations and do not explicitly address political disputes among member states.

Organization of the Petroleum Exporting Countries (OPEC)
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World Bank
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World Trade Organization (WTO)
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WESTERN HEMISPHERE TREATIES & INSTITUTIONS

1890 Commercial Bureau of the American Republics
1901 International Bureau of the American Republics
1910 Pan American Union

• The predecessors of the OAS do not qualify for inclusion. The Commercial Bureau of the American Republics, the first regional organization, was established in 1890 and charged primarily with collecting and disseminating commercial information. This was reorganized at the 1901-2 Mexico meeting as the International Bureau of the American Republics and replaced by the Pan American Union in 1910. According to Atkins (1989: 205), each of these institutions "functioned essentially as an economic organization with no political activities with its functions dominated by the United States." It was not until the OAS Charter, Pact of Bogotá, and Rio Pact that the primary organizations of the Inter-American system would qualify for inclusion in this data set, although a number of treaties were signed in the first half of the twentieth century committing signatories to peaceful settlement of disputes.

1889-90 Washington Conference Arbitration Treaty

• The first International Conference of American States produced an agreement accepting arbitration as a principle of American international law, and as obligatory except for those cases in which a state determined that its independence would be compromised.
• This treaty was signed on 28 April 1890 by ten states (Guatemala, Haiti, Honduras, Nicaragua, El Salvador, Bolivia, Brazil, Ecuador, Venezuela, USA); five other states' representatives at the Washington Conference voted to adopt the treaty, but never formally signed it (Costa Rica, Mexico, Argentina, Colombia, Paraguay, Peru). The treaty never approached the fifteen ratifications needed for entry into force; apparently none of the signatories ever ratified it. (Atkins 1989: 226; Ireland 1941: 392)

1892 Central American Treaty of Peace and Arbitration

• This treaty called for questions to be submitted to the Central American Diet when peaceful mediation had failed. It was signed 23 May 1892 by Guatemala, Honduras, Nicaragua, and El Salvador. Costa Rica declined to sign it, though, and Guatemala never ratified it. This treaty never had enough members to qualify for the MTOPS data. (Ireland 1938: 392)
• For more discussion of early Central American treaties -- including several between 1872-1887 not covered by Ireland -- see William R. Manning, ed. (1924). *Arbitration Treaties among the American Nations*. New York: Oxford University Press.

1895-1898 Greater Republic of Central America Treaties

• One treaty was signed at Amapala on 20 June 1895 by Honduras, Nicaragua, and El Salvador. It called for arbitration by the Central American Diet of all questions which might arise between them. It never had enough members to qualify for this data set. (Ireland 1941: 392)
• Another treaty was signed at Guatemala City between the first three, Costa Rica, and Guatemala, called for the union of the five as the Greater Republic of Central America. None of the signatories ratified it. (Ireland 1941: 392-3)
• A third treaty was signed at Managua on 28 August 1898 by the first three to establish a constitution of the United States of Central America. Ratification was ended by El Salvador's defection on 29 November 1898. (Ireland 1941: 393)

1902 Central American Treaty of Peace and Arbitration

• This treaty called for obligatory arbitration by a tribunal of Central American arbiters of all questions which might present themselves. it was signed at Corinto on 20 January 1902 by Costa Rica, Honduras, Nicaragua, and El Salvador; Guatemala declined to sign. It never had enough members to qualify. (Ireland 1941: 393)

1903 Central American Treaty of Nonintervention and Arbitration

[a] This treaty called for nonintervention as well as for obligatory arbitration. It was signed at San Salvador on 2 November 1i903 by Guatemala, Honduras, Nicaragua, and El Salvador; Costa Rica declined to sign. It never had enough members to qualify. (Ireland 1941: 393)

1906 Central American Treaty of Peace and Arbitration

• This treaty called for arbitration of difficulties by the Presidents of the United States and Mexico. It was signed at San José on 25 September 1906 by Costa Rica, Guatemala, Honduras, and El Salvador, but was only ratified by Guatemala. (Ireland 1941: 394)

1923 Central American-U.S. Convention

• This treaty called for the establishment of international commissions of inquiry; it was signed at Washington on 7 February 1923 by the U.S. and the five Central American states. It does not qualify because of the scope -- ireland (1941: 396-7) writes that it was only meant to deal with "controversies regarding questions of fact relative to provisions of existing treaties which affect neither the sovereign and independence existence of any of the signatory republics, nor their honor or vital interests."

1928 Havana Resolution

• This resolution -- signed at Havana on 20 February 1928 -- declared that "the American republics adopt obligatory arbitration as the means to be employed for the pacific solution of their international differences of juridical character" and set up a meeting within one year for a conference of conciliation and arbitration.
--it was signed by ("among others") Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela. (Ireland 1938: 311)
--this resolution does not qualify for this data set because it was just a statement of intentions, and did not produce any legal institutions or organizations; the following year's treaties would qualify, though (the 1929 General Convention of Inter-American Conciliation and 1929 General Treaty of Inter-American Arbitration).

1934 First Central American Conference

• A treaty of peace and fraternity was signed on 12 April 1934 at Guatemala City, emphasizing the principle of nonintervention in each others' internal affairs and calling for conflicts to be settled only and exclusively by means of arbitration, with no exceptions.
• This treaty was signed by Costa Rica, Guatemala, Honduras (with a reservation), Nicaragua, and El Salvador; it was never ratified by any of them and thus never entered into force. (Ireland 1941: 402)

1936 Convention on the Maintenance, Preservation, and Reestablishment of Peace

• This convention appears to have been aimed more at foreign threats to the region than to interstate threats within the region. It does not contain obligations to avoid conflict or settle disputes peacefully in the first place, but rather provides for states in the region to provide assistance in settling conflicts after they have begun.
• Replaced by the 1948 Pact of Bogotá for states that have signed and ratified that Pact, upon deposit of ratification
• Sources: Ireland (1938, 1941)

1936 Treaty on the Prevention of Controversies

• Signed at Buenos Aires on 12/23/1936; in force 7/29/1937. Article 1 of this treaty calls on signatories to establish bilateral commissions that can be constituted at the request of any government, and Article II calls for these commissions to study topics that might cause future controversies and to issue proposals for dealing with them. This is not explicit enough as a commitment to settle disputes peacefully.

1936 Inter-American Treaty on Good Offices and Mediation

• Signed at Buenos Aires on 12/23/1936; in force 7/29/1937. Article I: "When a controversy arises between them that cannot be settled by the usual diplomatic means, the high contracting parties may have recourse to the good offices or mediation of en eminent citizen of any of the other American countries, preferably chosen from a general list made up in accordance with the following article." This article is too voluntary, and does not constitute an explicit obligation on the part of member states to settle their disputes peacefully.

Caribbean Community (CARICOM) -- established in 1973

• CARICOM primarily addresses economic and social issues in the Caribbean, and as far as I can tell, does not have any treaties or documents that obligate members to settle their disputes peacefully.

• The *Treaty of Chaguaramas / Treaty Establishing the Caribbean Community* (signed on 4 July 1973) lists a number of objectives in Article 4: the economic integration of member states, the coordination of member states' foreign policies, and functional cooperation. None of these objectives includes the pacific settlement of disputes, and the only dispute settlement in the treaty comes in the annex that establishes the Caribbean Common Market. Article 11 ("Disputes Procedure within the Common Market") focuses on a specific category of disputes: "If any Member State considers that any benefit conferred upon it by this Annex or any objective of the Common Market is being or may be frustrated..."

• The *Revised Treaty of Chaguaramas* was put together between 1993-2000, beginning as nine protocols that were then combined into a single treaty. This revised treaty includes many more provisions for dispute settlement (covering eleven pages in the official text), but these provisions are again limited. Article 187: "The provisions of this Chapter [Chapter Nine: Disputes Settlement] shall apply to the settlement of disputes concerning the interpretation and application of the Treaty..."

Organization of Eastern Caribbean States (OECS) -- established in 1981

• *Treaty Establishing the Organization of Eastern Caribbean States* (signed at Basseterre on 18 June 1981): Article 14 ("Procedure for the Settlement of Disputes") only addresses the settlement of disputes related to the treaty itself: "1. Any dispute that may arise between two or more of the Member States regarding the interpretation and application of this Treaty shall, upon request of any of them, be amicably resolved by direct agreement."

Rio Group / Grupo de Rio / GRIO -- founded in 1986

• GRIO (the Permanent Mechanism of Political Consultation and Coordination) is an informal organization that does not have any permanent headquarters, and that meets in annual summit meetings of the heads of state of each member. It is primarily a forum for the discussion of current issues in Latin America, and there is no set of formal rules to govern the actions of member states (such as would be needed to qualify for MTOPS).

• The Declaration of Rio de Janeiro (signed 18 December 1986) lists a number of basic objectives of the group, none of which qualifies for MTOPs. The closest are (a) To expand and systematize political cooperation among our governments, (c) To promote more efficient operation and coordination of Latin American cooperation and integration organizations, (d) To present appropriate solutions to the problems and conflicts affecting the region, (e) To provide momentum through dialogue and cooperation to the initiatives and actions undertaken to improve inter-American relations, and (f) To provide momentum to the processes of cooperation and integration in Latin America.

Mercosur / Common Market of the Southern Cone -- signed in 1991

• For now, Mercosur does not qualify for this data set, as it focuses on economic and social questions rather than on the settlement of political disputes among member states.

• *Treaty of Asunción / Treaty Establishing a Common Market between the Argentine Republic, the Federal Republic of Brazil, the Republic of Paraguay, and the Eastern Republic of Uruguay* (26 March 1991): This treaty addresses dispute settlement in Annex III ("Settlement of Disputes"): "1. Any dispute arising between the States Parties as a result of the application of the Treaty shall be settled by means of direct negotiations.

If no solution can be found, the States Parties shall refer the dispute to the Common Market Group... If the Common Market Group also fails to find a solution, the dispute shall be referred to the Council of the common market to adopt the relevant recommendations."

• *Protocol of Brasilia for the Solution of Controversies* (17 December 1991): Again, this only addresses disputes over the treaty itself, as demonstrated in Chapter I ("Scope of Application"). Article 1: "The controversies which arise between the State Parties regarding the interpretation, application, or non-compliance of the dispositions contained in the Treaty of Asunción, of the agreements celebrated within its framework, as well as any decisions of the Common Market Council and the resolutions of the Common Market Group, will be submitted to the procedure for resolution established in the present Protocol."

• *Protocol of Ouro Preto / Additional Protocol to the Treaty of Asunción on the Institutional Structure of MERCOSUR* (17 December 1994): Dispute settlement is again only covered with respect to disputes over the treaty itself, as seen in Chapter VI ("Dispute Settlement System"). Article 43: "Disputes which arise between the States Parties concerning the interpretation, application, or non-fulfillment of the provisions of the Treaty of Asunción and the agreements concluded within its framework or os Decisions of the Council of the Common Market, Resolutions to the Common Market Group and Directives of the Mercosul Trade Commission shall be subject to the settlement procedures laid down in the Brasilia Protocol of 17 December 1991."

• 1998 *Agreement on International Commercial Arbitration in the MERCOSUR* (or "MERCOSUR Arbitration Agreement") and accompanying Agreement on International Commercial Arbitration between MERCOSUR, Bolivia and Chile: These agreements provided for arbitration of commercial disputes, but did not extend to other political questions.

• 2002 *Olivos Protocol ("Protocol of Olivos for the Solution of Controversies in MERCOSUR")*: This replaces the 1991 Protocol of Brasilia with respect to commercial disputes, but it still does not extend to other political questions.

• *Ushuaia Declaration / Political Declaration of MERCOSUR, Bolivia, and Chile as a Zone of Peace* (24 July 1999): This declaration by the four then-current Mercosur members (Argentina, Brazil, Paraguay, and Uruguay) as well as Bolivia and Chile declared the signatories' territories to be a "zone of peace." The main focus was to prohibit nuclear weapons or other weapons of mass destruction, remove land mines, and slow the proliferation of conventional weapons. There is nothing explicit in this declaration about banning the threat or use of force between member states, or requiring the peaceful settlement of disputes between members. The closest is a call to "strengthen existing consultation and cooperation mechanisms on security and defense issues among its members, promote their progressive coordination, and make progress on cooperation in the sphere of confidence- and security-building measures and promote their implementation."

• I have not yet found any other Mercosur agreements that qualify for MTOPS.

Association of Caribbean States (ACS/AEC) -- established in 1994

• The Convention Establishing the Association of Caribbean States (signed at Cartagena de Indias on 24 July 1994) only includes provisions for settlement of disputes over the treaty or association itself. Article XXIX ("Interpretation and Disputes Settlement"): "Any question or dispute arising among the Members of the Association, relating to the interpretation or application of this Convention, and which cannot be settled by the parties concerned, shall be settled by the Ministerial Council."

Eastern Caribbean Regional Security System -- established in 1996

• The 1996 treaty only addresses the settlement of disputes related to the agreement itself. Article 23: “In the absence of a contrary agreement, all disputes relating to the interpretation or application of this Treaty shall be settled by the Council in accordance with its voting procedures."

South American Community of Nations / CSN -- announced in 2004

• This organization -- announced at the 2004 Third South American Summit -- seems likely to qualify for this data set in the future, but (as of July 2006) it is not yet in actual operation, and the constitution has not yet

been finalized. The following documents and declarations associated with the origins and development of this Community suggest that it is likely to qualify:

• *2000 Brasilia Communique (Meeting of the Presidents of South America)*: "4. The peaceful, friendly, and cooperative atmosphere reigning among the twelve South American countries is a distinctive characteristic that reflects favorably on the region on the international front. The definitive end to differences over territorial boundaries, as exemplified by the 1998 agreement between Ecuador and Peru, is a recent example of the prevailing spirit in South America, which has made and will continue to make this part of the world into an area of peace and cooperation, free of territorial conflicts. The South American Presidents have taken this opportunity to reaffirm their allegiance to the principle of a peaceful and negotiated resolution of disputes, as opposed to the use of force -- or the threat thereof -- against any other sovereign State, pursuant to the applicable rules of International Law."

• *2002 Guayaquil Declaration regarding a South American Peace Zone* (Second Meeting of the Presidents of South America, 27 July 2002): "The Presidents... hereby declare: South America to be a Zone of Peace and Cooperation, ...That in the spite of the above-mentioned instruments, in South America the use of, or the threat of the use of, force between States shall be banned, in keeping with the principles and the provisions of the United Nations Charter and of the Charter of the Organization of American States."

• *2004 Cusco [Cuzco] Declaration on the South American Community of Nations* (Third South American Presidential Summit, 8 December 2004): "I. The South American Community of Nations is formed bearing in mind... The political and philosophical thinking born of their tradition, which... has consolidated a shared South American identity and common values, such as: ...respect for territorial integrity, ...and the peaceful settlement of disputes. (...) Their identification with the values of international peace and security based on the affirmation of the effective exercise of international law and of a renewed and democratic multilateralism..."

• *2004 Declaration of Ayacucho* (Third South American Presidential Summit, 9 December 2004): "5. We, further, underscore the importance of the commitment we have assumed to make the South American Peace Zone a reality and we promise to promote a culture of peace that will make the plural societies identified in our common aims a viable objective."

• *2005 Presidential Declaration and Priority Agenda* (First Meeting of Head of States of the South American Community of Nations, Brasilia, 30 September 2005): "In fulfillment of the Cuzco Presidential Declaration of 8 December 2004, and inspired by shared values such as... respect for territorial integrity... and the peaceful settlement of disputes..." The rest of this declaration involved planning for the new South American Community of Nations, motivated by these general principles.

Caribbean Free Trade Association (CARIFTA)

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Central American Common Market (CACM)

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Latin American Economic System (SELA)

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Latin American Integration Association (LAIA/ALADI)

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North American Free Trade Agreement (NAFTA)

•

Secretariat for Central American Economic Integration (SIECA)

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EUROPEAN TREATIES & INSTITUTIONS

Baltic Assembly

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Baltic Council of Ministers

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Central European Initiative (CEI) - begun in 1992

• This organization dates to the Quadrilateral Cooperation initiative signed by Italy, Austria, Hungary, and Yugoslavia. This grouping was renamed Pentagonal Initiative when Czechoslovakia joined in 1990, Hexagonal Initiative when Poland joined in 1991, and Central European Initiative in 1992 when Bosnia-Herzegovina, Croatia, and Slovenia all joined. The official web site gives more details: <http://www.ceinet.org>.

• The first documentation of CEI principles and goals was the 1995 "CEI Guidelines for Activities and Rules of Procedure. Most of these goals are general in nature (e.g., "strengthening cooperation among and between Member States"). The closest to qualifying for MTOPS is paragraph 2: "The Member States of the CEI are guided by the principles of the UN Charter, of all the documents of the Helsinki process/OSCE." This is not a sufficiently specific obligation to avoid the use of force or to settle disputes peacefully.

Council of the Baltic Sea States

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European Free Trade Association (EFTA)

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European Union (EU) / European Communities

• The treaties shaping the EU and its predecessor organizations do not qualify for this data set. They all share an implicit recognition that greater European integration will promote peace, but they have only explicitly addressed economic and social issues, leaving political and military matters implicit.

• The 1951 Treaty of Paris ("Treaty Establishing the European Coal and Steel Community") begins "CONSIDERING that world peace can be safeguarded only by creative efforts commensurate with the dangers that threaten it, CONVINCED that the contribution which an organized and vital Europe can make to civilization is indispensable to the maintenance of peaceful relations, RECOGNIZING that Europe can be built only through practical achievements which will first of all create real solidarity, and through the establishment of common bases for economic development, ANXIOUS to help, by expanding their basic production, to raise the standard of living and further the works of peace, RESOLVED to substitute for age old rivalries the merging of their essential interests; to create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny henceforward shared..." The rest of the treaty does not require peaceful settlement of disputes or the avoidance of the threat or use of military force, though.

• The 1957 Treaty of Rome ("Treaty Establishing the European Economic Community") begins "RESOLVED to strengthen the safeguards of peace and liberty by establishing this combination of resources, and calling upon the other peoples of Europe who share their ideal to join in their efforts." The only other mention of peace is Article 224: "Member States shall consult one another for the purpose of enacting in common the necessary provisions to prevent the functioning of the Common Market from being affected by measures which a Member State may be called upon to take in case of serious internal disturbances affecting public order, in case of war or of serious international tension constituting a threat of war or in order to carry out undertakings into which it has entered for the purpose of maintaining peace and international security."

The only coverage of disputes between member states concerns disputes over the treaty itself, as in Article 182: "The Court of Justice shall be competent to decide in any dispute between Member States in connection with the object of this Treaty, where such dispute is submitted to it under the terms of a compromise" and Article 219: "Member States undertake not to submit a dispute concerning the interpretation or application of this Treaty to any method of settlement other than those provided for in this Treaty."

• The 1992 Maastricht Treaty ("Treaty on European Union") begins "RESOLVED to implement a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world." The only other mention of peace or peaceful settlement is in Article J.1 about the common foreign policy: "2. The objectives of the common foreign and security policy shall be: (...) to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter." Disputes over issues related to the community itself are addressed in Article K.3 (about the Court of Justice), Article 32 in the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, Article 18 in the Protocol on the Statute of the European Monetary Institute, and in the Declaration on Disputes between the ECB and the EMI and Their Servants.

• The 1997 Treaty of Amsterdam ("Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Related Acts") amended the previous treaty, although not in enough ways to qualify for this data set. The amended treaty begins with "RESOLVED to implement a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence in accordance with the provisions of Article J.7, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world." Article J.1 goes further in discussing the common foreign and security policy: "1. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be (...) to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter; to strengthen the security of the Union in all ways; to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders..." Similarly, the 2001 Treaty of Nice ("Treaty of Nice Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts") further amended the previous treaty, but did not make any changes that would qualify the EU for inclusion in the MTOPS data.

Nordic Council

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North German Confederation

• While the German Confederation of 1815-1866 qualifies for inclusion in this data set, the North German Confederation of 1866-1871 does not. This appears to be primarily a military alliance, with weak political institutions set up but no calls or mechanisms for pacific settlement of disputes among members. (see the 1866 Consolidated Treaty Series volume for the text of the alliance treaties)

AFRICAN TREATIES & INSTITUTIONS

Numerous African treaties are presented in Louis B. Sohn, ed. (1972), *Basic Documents of African Regional Organizations*. With the exception of the UAMD (which is included here), though, all of these treaties and organizations fail to qualify for MTOPS on at least one of two grounds: they do not have enough members (several otherwise qualifying organizations only have three or four members), and/or they do not call explicitly for the peaceful settlement of disputes between members (or for respecting the territorial integrity of members).

African Economic Community (AEC)

• This was established by the OAU in 1991. The AEC does not qualify for MTOPS because it is part of the OAU/AU (which already has qualifying pacific settlement provisions in its charter), rather than a separate institution. It has several provisions that would seem to qualify, though:

--Article 3 (Principles): "The High Contracting parties, in pursuit of the objectives stated in Article 4, of this Treaty solemnly affirm and declare their adherence to the following principles: (...) Peaceful settlement of disputes among Member States, active cooperation between neighboring countries, and promotion of a peaceful environment as a prerequisite for economic development."

--Article 4 (Objectives): "The objectives of the community shall be: (...) To promote cooperation in all fields of human endeavor in order to... foster close and peaceful relations among Member States..."

Arab Maghreb Union (AMU/UMA)

• The aims listed in Article 2 are too vague to qualify: "The Union aims at:

--Strengthening the ties of brotherhood which link the member States and their peoples to one another; (...)

--Contributing to the preservation of peace based on justice and equity;

--Pursuing a common policy in different domains..."

• The same is true for the elaboration of the meaning of common policy in Article 3: "The common policy referred to in the previous Article aims at reaching the following goals:

--In the international field: to achieve concord among the member States and establish between them a close diplomatic cooperation based on dialogue;

--In the field of defense: to preserve the independence of each of the member States..."

• The specific obligations of the treaty are more of a defense pact and a prohibition on supporting action against fellow member states:

--Article 14: "Any aggression directed against one of the member States shall be considered as an aggression against the other member States."

--Article 15: "Member States pledge not to permit on their territory any activity or organization liable tyo threaten the security, the territorial integrity or the political system of any of them. They also pledge to abstain from joining any alliance or military or political bloc directed against the political independence or territorial integrity of the other member States."

• The dispute settlement provisions in Article 13 only addresses the settlement of disputes related to the union itself: “The judicial body will deal with disputes concerning the interpretation and implementation of the treaty and the accords concluded within the framework of the Union which are referred to it by the Presidential Council or any of the States that are party to the disputes... and the verdicts of the body will be binding and final.”

Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA)

• This was the result of a 1991 assembly of 500 African notables (ranging from political leaders to scholars, students, and businessmen) at Kampala, Uganda. This assembly adopted the Kampala Document, which described a vision of a free and prosperous post-Cold War Africa. This document was then presented to the OAU summits in 1991, 1992, and 1993, but no action was taken. It was resurrected at the end of the decade, and the 2000 OAU summit in Lome approved the CSSDCA Solemn Declaration.

• *1991 Kampala Document*: This is not an international treaty or agreement, but rather a recommendation by 500 conference participants (most of whom were not authorized to make foreign policy decisions). It included a number of statements recommending the pacific settlement of disputes (particularly in the "Security Calabash" section) and respecting the territorial integrity of all African states (under "General Principles").
• *2000 CSSDCA Solemn Declaration*: This includes several relevant General Principles, including "(a) Respect for the sovereignty and teh territorial integrity of all member states" and "(d) The peaceful resolution of disputes, with emphasis on seeking African solutions to African problems." The Implementation Mechanism section only discusses implementing the CSSDCA "within the framework of" the OAU, though, so this is not considered a separate treaty or institution outside of the OAU/AU.

East African Community (EAC)
• There are currently only three members (Kenya, Tanzania, and Uganda), although in July 2006 Rwanda and Burundi began talks on joining the EAC. Whenever EAC adds a fourth and fifth member, it will qualify for this data set.
• The founding treaty was signed at Arusha, Tanzania, on 30 November 1999; it entered into force on 7 July 2000. It includes pacific settlement provisions, but not territorial integrity.

Treaty for the Establishment of the East African Community
Article 5: Objectives of the Community
"1. The objectives of the Community shall be to develop policies and programs aimed at widening and deepening cooperation among the Partner States in political, economic, social and cultural fields, research and technology, defense, security and legal and judicial affairs, for their mutual benefit.
3. For purposes set out in paragraph 1 of this Article and as subsequently provided in particular provisions of this Treaty, the Community shall ensure:
(f) the promotion of peace, security, and stability within, and good neighborliness among, the Partner States."

Article 6: Fundamental Principles of the Community
"The fundamental principles that shall govern the achievement of the objectives of the Community by the Partner States shall include:
(b) peaceful co-existence and good neighborliness;
(c) peaceful settlement of disputes;"

Chapter 23: Cooperation in Political Matters
Article 123: Political Affairs
"1. In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty, particularly with respect to the eventual establishment of a Political Federation of the Partner States, the Partner States shall establish common foreign and security policies.
3. The objectives of the common foreign and security policies shall be to:
(d) preserve peace and strengthen international security among the Partner States and within the Community;
4. The Community shall pursue the objectives set out in paragraph 3 of this Article by:
(d) peaceful resolution of disputes and conflicts between and within the Partner States;"

Article 124: Regional Peace and Security
"1. The Partner States agree the peace and security are prerequisites to social and economic development within the Community and vital to the achievement of the objectives of the Community. In this regard, the Partner States agree to foster and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues pertaining to peace and security of the Partner States with a view to prevention, better management and resolution of disputes and conflicts between them.
2. The Partner States undertake to promote and maintain good neighborliness as a basis for promoting peace

and security within the Community."

Economic and Monetary Community of Central Africa (CEMAC)

• This organization was created by a 1994 founding treaty, and came into effect in 1999. It replaced the earlier Customs and Economic Union of Central Africa (UDEAC), which had been founded in 1964 by the Brazzaville Treaty and went into effect in 1966. The six member states of both UDEAC and CEMAC are Cameroon, the CAR, Chad, Congo, Equatorial Guinea, and Gabon. Both groups have been primarily economic in nature, and neither appears to have had any obligations for pacific dispute settlement or territorial integrity.

Economic Community of the Great Lakes States (CEPGL)

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Intergovernmental Authority on Development (IGAD)

• IGAD evolved out of the Intergovernmental Authority on Drought and Development (IGADD), which was formed in 1986 but never qualified for MTOPS. The seven members of IGADD (Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda, and Eritrea) signed the Agreement Establishing the Inter-Governmental Authority on Development (IGAD) in Nairobi on 21 March 1996, replacing IGADD with a new organization with broader goals of expanded regional cooperation.

• IGAD's founding treaty does not quite qualify for MTOPS. It has a number of statements about the goal of peace, including the preamble ("...Inspired by the noble purpose of promoting peace, security and stability, and eliminating the sources of conflict as well as preventing and resolving conflicts in the sub-region...") and Article 7's discussion of aims and objectives ("(g) Promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter and intra-State conflicts through dialogue.") Yet the actual obligations are only to act to preserve peace/security (which could apply equally well to military deterrence) and to establish mechanisms for peaceful settlement:

--Article 18A: Conflict Resolution "Member States shall act collectively to preserve peace, security and stability which as essential prerequisites for economic development and social progress. Accordingly Member States shall:

(a) take effective collective measures to eliminate threats to regional cooperation peace and stability;

(b) establish an effective mechanism of consultation and cooperation for the pacific settlement of differences and disputes;

(c) accept to deal with disputes between Member States within this sub-regional mechanism before they are referred to other regional or international organizations."

• IGAD subsequently signed a 9 January 2002 Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States and an 11 April 2005 Memorandum of Understanding on the Establishment of the Eastern Africa Standby Brigade (EASBRIG). Neither the early warning mechanism (CEWARN) nor the standby brigade (EASBRIG) comes with any pacific settlement provisions, though.

New Partnership for Africa's Development (NEPAD)

• This is an African Union program for economic development. It was adopted at the OAU Summit in July 2001, merging two earlier efforts (the Millennium Partnership for the African Recovery Program and the OMEGA Plan). Its main objectives concern the promotion of accelerated and sustainable development, the eradication of widespread and severe poverty, ending the marginalization of Africa in globalization, and accelerating the empowerment of women. The 2001 NEPAD document calls in general terms for peace in the region as being important for development, but it does not contain any specific obligations to settle disputes peacefully that would qualify for the MTOPS data set.

Non-Aggression and Defense Assistance Agreement (ANAD)

• The treaty establishing ANAD was signed at Abidjan on 9 June 1977, and came into force on 21 November

1983 after it was ratified by all of the signatories. The treaty included the members of the West African Economic Community (CEAO) -- which later became the West African Economic and Monetary Union or UEMAC -- and Togo.

• ANAD ended by being integrated into ECOWAS, in order to avoid duplication of efforts. The exact date of the integration is a bit unclear, with various Web and news sources listing it as occurring in 1999, 2000, or 2001. Several ECOWAS reports (available at the ECOWAS web site) indicate that the matter was discussed at ECOWAS meetings in February and October 2000 without final agreement being reached, so I accept the date of September 2001 listed in footnote 15 of Eric Berman's article "African Regional Organizations' Peace Operations: Developments and Challenges." (http://www.iss.co.za/pubs/ASR/11No4/Berman.html)

• The agreement doesn't quite qualify for MTOPS. Article 1 prohibits the use of force between members (a standard nonaggression clause), but does not explicitly call for the peaceful settlement of disputes: "The Governments of the countries that are signatories to this Agreement undertake not to use force to settle differences between them. They also undertake to provide mutual aid and assistance for their defense against any aggression." (UN Treaty Series #22866)

Sana'a Forum

• There are only four members -- the group was established by Yemen, Sudan, and Ethiopia in October 2002; Somalia's interim government joined in December 2004.

Southern African Customs Union (SACU)

• This organization was founded in 1969. The initial 1969 agreement (the Customs Union Agreement between the Governments of the Republic of South Africa, the Republic of Botswana, the Kingdom of Lesotho and the Kingdom of Swaziland) focused entirely on economic matters and did not include any provisions for pacific settlement or territorial integrity. A revised 2002 agreement added provisions for the settlement of disputes related to the treaty itself (Article 15 calls for the disputants to undertake direct consultations and to report on the results of these consultations before the next meeting of the Customs Union Commission), although this does not cover disputes more generally.

West African Economic and Monetary Union (UEMOA)

• UEMOA is intended to promote economic integration among the member states. It was created by the 10 January 1994 Dakar Treaty, which came into effect on 1 August 1994 after all seven signatories had ratified it. The treaty was signed initially by Benin, Burkina Faso, Cote d'Ivoire, Mali, Niger, Senegal, and Togo; Guinea-Bissau joined in May 1997. The original 1994 treaty and the modified version of 2003 (both of which I have only been able to find in French) focus primarily on economic and monetary policies, and do not appear to include any pacific settlement or territorial integrity provisions.

MIDDLE EASTERN TREATIES & INSTITUTIONS

Arab Cooperation Council (ACC)

• This 1989 agreement between Jordan, Egypt, Iraq, and Yemen only included four states. It has not been active, and in any case does not qualify for MTOPS. Article Two's discussion of the organization's goals only refers to economic and social issues as well as general terms like "coordination, cooperation, integration, and solidarity amongst the Member States" and "enhancement and development of joint Arab action so as to strengthen Arab ties." There are no provisions for pacific settlement or territorial integrity.

Gulf Cooperation Council (GCC)

• The GCC does not qualify because it does not explicitly call for the peaceful settlement of political disputes among members -- at least not in the charter (http://www.gcc-sg.org/CHARTER.html) or in any other official document that I have been able to find so far.

• *GCC Charter*: Article Four ("Objectives") focuses on general cooperation and economic integration, but does not deal explicitly with political questions.

Article Ten ("Commission for Settlement of Disputes") addresses dispute settlement, but does not address political disputes, and instead only provides for settling dispute over the charter itself:

"1. The Cooperation Council shall have a commission called "The Commission for the Settlement of Disputes" which shall be attached to the Supreme Council.

2. The Supreme Council shall establish the composition of the Commission for every case on an "ad hoc" basis in accordance with the nature of the dispute.

3. If a dispute arises over interpretation or implementation of the Charter and such dispute is not resolved within the Ministerial Council or the Supreme Council, the Supreme Council may refer such dispute to the Commission for the Settlement of Disputes.

4. The Commission shall submit its recommendations or opinion, as applicable, to the Supreme Council for such action as the Supreme Council deems appropriate."

An annex with the "Rules of Procedures of the Commission for Settlement of Disputes" was signed and approved on the same day as the full charter. Article 3 (Jurisdiction) indicates that "The Commission shall, once installed, have jurisdiction to consider the following matters referred to it by the Supreme Council: (a) Disputes between member states, (b) Differences of opinion as to the interpretation or execution of the Cooperation Council Charter." While this suggests that the Commission *can* be used to settle disputes between members, even if this was not indicated in the charter itself, there does not appear to be any obligation to do so (which is what would be needed to qualify for MTOPS).

• *2000 Common Defense Agreement*: This was signed at the Manama Summit on 31 December 2000. I have been unable to locate a copy of the actual agreement so far, but the news stories that reference it (several dozen of them on Lexis-Nexis) have only described this as a military alliance that is meant to help defend any member that is attacked. There do not appear to be any qualifying provisions for peaceful dispute settlement, territorial stability, or prohibition of the use of force between members.

• Other GCC documents: I have seen numerous references in summit statements to such concepts as peaceful settlement of disputes and renunciation of force, but these references are usually made with respect to specific international problems (e.g. the Abu Musa / Tunb Islands question with Iran, the Iraq/Kuwait problem, or the Israeli/Palestinian problem). I have not yet found any documents or agreements that explicitly specify these concepts as general principles governing relations between GCC members.

ASIAN AND OCEANIAN TREATIES & INSTITUTIONS

ASEAN Regional Forum (ARF)

• This is an informal forum held along with ASEAN summit meetings, which held its first meeting in 1994. The more than twenty members include all ASEAN member states as well as the United States, Russia, China, the EU, and other interested powers.

• The main objectives of the group were laid out in the Chairman's Statement concluding the first meeting in 1994:

--"4. (...) It was agreed that, as a high-level consultative forum, the ARF had enable the countries in the Asia-Pacific region to foster the habit of constructive dialogue and consultation and political and security issues of common interest and concern. In this respect, the ARF would be in a position to make significant contributions to efforts towards confidence building and preventive diplomacy in the Asia-Pacific region."

--"6. The Meeting agreed to: convene the ARF on an annual basis... and endorse the purposes and principles of ASEAN's Treaty of Amity and Cooperation in Southeast Asia, as a code of conduct governing relations between states and a unique diplomatic instrument for regional confidence-building, preventive diplomacy, and political and security cooperation."

--"8. Recognizing the need to develop a more predictable constructive pattern of relationships for the Asia-Pacific region, the Meeting expressed its firm conviction to continue to work towards the strengths and the enhancement of political and security cooperation within the region as a means of ensuring a lasting peace, stability, and prosperity for the region and its peoples."

• These provisions do not qualify for MTOPS -- but most of the members are already covered by the ASEAN Treaty of Amity and Cooperation, which is in the data set.

Asia-Pacific Economic Cooperation (APEC)

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Central Asian Cooperation Organization (CACO)

• This organization was founded by five Central Asian states in 1991 as the Central Asian Commonwealth, although Turkmenistan soon left. It then transformed into the Central Asian Economic Union (CAEU) in 1994, with three members (Kazakhstan, Kyrgyzstan, and Uzbekistan). With Tajikistan's entry in 1998 it was renamed Central Asian Economic Cooperation, and then the Central Asian Cooperation Organization (CACO) in 2002. Russia joined in 2004 to bring it to the necessary five members, and Uzbekistan made plans to join in 2006 -- shortly before the CACO merged with EurAsEc.

• I have been unable to find copies of the charter or founding treaty, but none of the news stories about this organization (in its various incarnations) suggest that it qualifies for MTOPS, and it also only rarely had the five members that would be needed to qualify.

East Asia Summit

• This is an informal forum held along with ASEAN meetings, which held its first meeting in 2005. As of July 2006, it includes 16 states: the ten ASEAN members, the three additional members of "ASEAN plus three" (China, Japan, and South Korea), and India, Australia, and New Zealand; Russia had also applied for membership.

• This does not appear to have any charter or founding treaty that would allow it to qualify for the MTOPS data set.

Economic Cooperation Organization (ECO)

• This organization was founded in 1977 by Turkey, Iran, and Pakistan; it was then joined in 1992 by Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. The founding Treaty of Izmir, even after 1990, 1992, and 1996 amendments, still does not contain any obligations for peaceful dispute settlement, besides a brief statement in the preamble: "Recognizing the peace and stability

constitute one of the pre-requisites for economic cooperation." There are no corresponding items in Article II (Objectives), Article II (Principles of Cooperation), or elsewhere in the document.

Eurasian Economic Community (EAEC / EurAsEc)

• This organization was founded with a 10 October 2000 treaty between Russia, Belarus, Kazakhstan, Kyrgyzstan, and Tajikistan that went into effect in May 2001 once all five had ratified it. Uzbekistan joined in 2006.

• 2000 Agreement on Foundation of Eurasian Economic Community (EAEC): No mention of peaceful dispute settlement. The closest provision is a single vague phrase in the preamble: "As a demonstration of their commitment to the principles of the Charter of the United Nations Organization and also to the generally accepted principles and disciplines of international law..." The objectives and tasks, described in Article 2, are purely economic in nature.

Pacific Islands Forum

• This group began in 1971 as the South Pacific Forum, before taking its current name in 2000. It primarily covers economic and social issues; none of the treaties or other documents come close to qualifying for MTOPS.

• *2000 Agreement Establishing the Pacific Islands Forum Secretariat*: The preamble briefly mentions political and security matters ("Concerned also to ensure the effective coordination of economic, political, and security matters which are of importance to the region.." but Article III (Purpose) leaves this in vague terms: "The purpose of the Secretariat is to facilitate, develop and maintain cooperation and consultation between member governments on economic development, trade, transport, tourism, energy, telecommunications, legal, political, security and other such matters as the Forum may direct."

• *2005 Agreement Establishing the Pacific Islands Forum*: The preamble briefly touches on peace ("Believing the Pacific region can, should and will be a region of peace, harmony, security and economic prosperity, whose people can all lead free and worthwhile lives..." As with the 2000 agreement, though, Article II (Purpose) leaves this in vague terms: "The purpose of the Forum is to strengthen regional cooperation and integration. including through the pooling of regional resources of governance and the alignment of policies, in order to further Forum members' shared goals of economic growth, sustainable development, good governance, and security."

Secretariat of the Pacific Community (SPC)

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