



# **DJIBOUTI**

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**STATEMENT BY**

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AMBASSADOR, PERMANENT REPRESENTATIVE  
OF THE REPUBLIC OF DJIBOUTI TO THE UNITED  
NATIONS**

**BEFORE THE SECURITY COUNCIL**

**ON**

**“MEDIATION AND THE SETTLEMENT OF DISPUTES”**

**Wednesday – 29 August 2018**

**CHECK AGAINST DELIVERY**

**Mr. President,**

Djibouti is very grateful for the opportunity to address the Council on how it can more effectively support mediation as a means for the pacific settlement of disputes.

My Government would like to thank Lord Ahmed of Wimbledon and the United Kingdom delegation for bringing this important subject before the Council.

Coincidentally, this open debate on mediation and settlement of disputes takes place as we continue to mourn the loss of a truly inspirational leader Mr. Kofi Annan who not only has immensely contributed to peace in the world as Secretary General but has devoted the rest of his life to mediation and crisis resolutions in so many parts of the world. We, in Djibouti, will forever be grateful to him for the support he has given in 2000 to the Djibouti-led IGAD peace process, the so-called Arta Peace Process named after a city called Arta 30 kms from Djibouti City. His support and that of the Security

Council were crucial in the success of the largest Somali-owned peace process (more than 3000 delegates gathered in Arta). It culminated in the formation of the Transitional National Government and offered a basis for peace and national reconciliation in Somalia.

### **Mr. President**

Djibouti's views on mediation are informed by its long and continued involvement in peace and conflict resolution processes in the region and its recent experience of participation in the 6-year mediation effort conducted by Qatar to resolve a territorial dispute and related issues between Djibouti and Eritrea. The mediation ended in failure. But there are important lessons to be learned from it.

First, mediation is not for amateurs. It requires special skills honed by experience. It cannot be performed successfully by just anyone, no matter how well intentioned. This is why Djibouti welcomes the creation of a platform for experience sharing and learning between the members of IGAD roster of mediators, the African Union members of the Panel of the Wise and members of PAN WISE from the RECs/regional

mechanisms. We seize this opportunity to commend those involved in the elaboration of the Strategic Guidelines on Mediation Document which will crucially serve **to borrow the words of Dr. Aleu Garang, Coordinator of the IGAD Mediation Support Unit**, “inform mediators on steps to be followed in order to achieve professionally oriented, impartial and efficient intervention in conflict-prevention and mediation processes”. Most importantly, Djibouti applauds the Secretary-General’s establishment of a High-Level Advisory Board on Mediation, and urges the Council to lend it maximum support. States and international organizations called upon to mediate international disputes should be encouraged to seek the active involvement and assistance of the Secretary-General and the High-Level Board.

Second, there must be a commitment to the process by the disputing States. Lip service is not enough. Mediators cannot succeed when one of the parties refuses to appoint representatives, to appear for meetings, or to cooperate with the mediator’s fact-finding efforts.

Third, there must be accountability, and consequences. Participating States must be made aware that they will be held

accountable for their non-participation in the process, and that there will be meaningful consequences if they fail to act in good faith.

Fourth, there must be a time limit. Otherwise, mediation can be dragged out for years – six in our case – without meaningful progress being achieved. Mediators do not easily admit failure. A cynical party may exploit the cover that mediation provides to extend, rather than expedite, the settlement process, and to avoid, rather than contribute to, an amicable resolution. Time limits address both of these problems.

Fifth, it should be understood from the outset that there will be recourse to another of the settlement procedures listed in Article 33 of the Charter in the event mediation fails. Mediation will have a better chance of success if the parties understand that the consequence of failure is not continued stalemate, but arbitration or litigation. The fundamental objective is not mediation for mediation's sake, but settlement of the dispute. If mediation fails, settlement must be pursued by another peaceful means.

In this regard, we call attention to the Secretary-General's decision, in January 2018, that, following the failure of the good offices process – a form of mediation – to resolve the controversy between Guyana and Venezuela, it must be resolved by judicial settlement at the International Court of Justice. This assures a final and binding – and peaceful – settlement of the dispute.

Another noteworthy precedent is the mediation between Guatemala and Belize conducted by the Secretary-General of the Organization of American States. The agreement that was produced as a result of that process provided that, if the parties were not able to settle their longstanding territorial dispute, they would submit it for resolution by the International Court of Justice. Djibouti understands that both States are now in the process of fulfilling their respective constitutional requirements so that the matter can be resolved by the Court.

To the same end, Djibouti has proposed that the Secretary-General, with the support of the Council, and potentially the High-Level Board, undertake a new, time-limited mediation effort to achieve a final settlement between Djibouti and Eritrea, with the proviso that, if an agreement proves

impossible to reach, the dispute will be submitted to binding arbitration or the ICJ.

**Mr. President**, Djibouti joins you, and all the members of the Council, in support of the peaceful settlement of disputes, in accordance with international law, via the means set out in Article 33. Mediation is one of those means, and, as such, it merits our encouragement. As do arbitration and judicial settlement, when mediation is unavailable or unavailing.

Thank you, Mr. President.