

OAS and Interstate Dispute Resolution at the Beginning of the 21st Century: General Pattern and Peculiarities

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Abstract—The paper describes the OAS role in dispute resolution. The authors make an attempt to identify a general pattern of the OAS activities within the peaceful settlement of interstate conflicts, in the beginning of 21st century, as well as to analyze some features of Honduras–Belize, Nicaragua–Honduras, Honduras–El Salvador, Costa-Rica–Nicaragua, Colombia–Ecuador cases.

Keywords—OAS, regional security, peace maintenance, border dispute, dispute resolution, peaceful settlement.

I. INTRODUCTION

THE Organization of American States (OAS) is a multifunctional institution. The OAS is known as the oldest regional body traced back to the Pan-American Union and the first Pan American conference held in 1889-1890. The primary purpose of the OAS is to maintain peace and security in the Western Hemisphere [1]. Although the conflict potential of the Latin America is incomparably smaller than anywhere else, peace and prosperity perspectives in the region are still under the threat of unsettled interstate conflicts.

When two countries decide to hold talks under auspice of the OAS, some serious progress can be achieved. The OAS provides technical and political assistance in accordance with the OAS peace instruments facilitating the negotiations under the agreements achieved by governments.

The terms “peace” and “security” can be understood differently, especially since the 1990s when the OAS established a link between democracy and security.

A conflict between two states is a very typical kind of conflict. International disputes exist today and were a threat to the regional security in the past. They present a barrier to economic and social development of the region; they frustrate international cooperation in general, and even may lead to armed conflicts up to war.

One of the main principles of the OAS, established by the Charter, is peaceful settlement of disputes. The same principle was incorporated in the United Nations (UN) Charter and has been reaffirmed in a number of UN General Assembly resolutions and different international declarations. The interconnection between the principle of peaceful settlement of disputes and other specific principles of international law, such as non-intervention or non-use of force in international relations, is highlighted by many international multilateral and

bilateral documents.

Latin America has always been characterized by the lowest number of international conflicts and the widest range of peaceful settlement tools, as B. Martynov points out [2], [3]. While the Latin American nations are notable for their contribution to the international law, a vague distinction between inter- and intra-state conflicts facilitated the US interference in Latin American affairs. The US intervention was made possible under the heading of countering external aggression [4]. And that was the distinctive feature of the OAS peaceful settlement activities for the whole period of bipolar confrontation.

The long history of the OAS has demonstrated the dualist character of the organization. From its origins the OAS incorporated the principle of juridical equality, which means that each member state has one vote and no provisions exist for veto power. But the OAS has always exercised the economic and political power asymmetry.

The collapse of the Soviet Union changed the world international and geopolitical context and shifted some accents in relations within the Western Hemisphere. As far as the Cold War prism proved to be irrelevant, a natural question arose: how did these changes affect the conflict resolution pattern within the OAS?

The present article analyzes the role of the OAS in peaceful settlement in the post-Cold War period. It will first present an outline of some normative provisions, institutions, procedures and mechanisms that are at the disposal of the organization. Then it discusses some aspects of the OAS general practices. It concludes with several case studies that allow us to determine some peculiarities of the OAS actions in case of a real international conflict.

The authors argue that the OAS, during its long history, has elaborated an extensive machinery of the conflict resolution system able to evolve introducing up-to-date approaches in accordance with a new regional context and political will of the member-states.

II. BIBLIOGRAPHY AND METHODOLOGY

The literature on the OAS and its activities was limited until the 1990s. Papers published during the Cold War usually describe the OAS as either an instrument of the US foreign policy or an inefficient and irrelevant institution. Since the end of the Cold War the investigative approach has changed. The majority of studies on the OAS are devoted to the wide range of issues, primarily security, democracy or human rights. Among the profound and comprehensive works we can mention those written by [5] and [6].

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The careful research that has been developed recently introduced new studies on regional cooperation and the OAS role in contemporary regional system. Unfortunately most of them are policy-oriented and descriptive, lacking theoretical analysis.

However there are distinguished scholars, such as [7]-[11] who focus their research on different aspects of Inter-American relations, as well as on domestic and international politics in Latin America and the Caribbean.

B. Weiffen [12], [13], M. Hirst [14], and R. Diamint [15] have also made a significant contribution to the research on regional security in the Western Hemisphere.

C. M. Shaw [16] prepared one of the most complex studies, "Cooperation, Conflict and Consensus in the Organization of American States", where the author has carried out a thorough empirical and analytical study on the OAS decision-making process.

The most recent contributions, e.g. [17] or [18], present the OAS as a multifunctional organization.

While the processes of regionalization and integration shape the regional relations in the beginning of the XXI century, there is a strong necessity of studying OAS activities in the field of inter-state conflict resolution.

Since nowadays the OAS is the largest regional forum to deal with problems of all matters and the conflict resolution is very complex phenomenon therefore the authors have chosen an interdisciplinary approach based on descriptive analysis augmented by some elements of case studies.

III. THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

During the Inter-American Conference on the Problems of War and Peace, held in Mexico City, in 1945, the Act of Chapultepec was adopted. This document called for the regional *collective response* to any act of aggression against any American state.

Two years later, in 1947, 19 countries adopted the document that embodied this concept, as well as laid down a security regime of the Western Hemisphere, – the Inter-American Treaty of Reciprocal Assistance (IATRA), and better known as "Rio Treaty". It was designed to (1) deal effectively with armed attacks and threats aggression against member states, and to (2) assure peace in the region through improved pacific settlement procedures. The treaty incorporated many principles that have been elaborated previously within the Inter-American system including formal condemnation of war or the use of force against other sovereign states, support of non-intervention, and continental solidarity [16].

The "Rio Treaty" imposes a consultative mechanism and considers the military component of the OAS security system. The treaty makes provision for the state under armed or non-armed aggression may request a Meeting of Consultation of Ministers of Foreign Affairs (specified in the Article 6) to seek the assistance of other contracting parties who are free to decide by itself in what way it will provide such assistance.

The Meeting may decide on possible counter-measures, and

its decisions need the approval of two-thirds of the signatory states. If adopted measures involve armed force they are not obligatory for those who didn't vote for them, but otherwise the coercive counter-measures, such as the rupture of diplomatic relations, economic or communications sanctions are binding [19].

The treaty was invoked numerous times. The September 11 attacks were the last time of the IATRA invocation. However the Falklands/Malvinas war of 1982 became the final nail in the coffin of the "Rio Treaty". Therefore the current role of the IATRA is obscure. The treaty has been denounced by Mexico (2002), Nicaragua (2012), Bolivia (2012), Venezuela (2013), and Ecuador (2014) [19].

IV. THE OAS CHARTER AND THE "PACT OF BOGOTÁ"

The OAS actually came into being after a signing of the OAS Charter by 21 country of the Western Hemisphere in 1948 in Bogotá.

The OAS became the first regional organization responsible for realization of the principles of peaceful settlement agreed under the UN Charter on the regional level that is subordinated to the UN Security Council in the field of peace enforcement.

Caroline M. Shaw points out that although the OAS Charter did not include the "Rio Treaty" in its entirety, it did coordinate the two instruments by including provisions such as the one concerning the Organ of Consultations [16].

Chapter V (Articles 24-27) of the OAS Charter deals specifically with the peaceful settlement of disputes. Article 24 provides that international disputes between American states shall be submitted to the peaceful procedures, which are the following in accordance with Article 25: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time [1].

The OAS Charter endows the Permanent Council with the functions in the field of peaceful settlement. It includes the Council's assistance in dispute settlement on demand of any party to a dispute through good offices, recommendations, investigation, or establishing ad hoc committees [1].

At the same time in 1948 the American Treaty of Pacific Settlement known as the "Pact of Bogotá" was signed. The "Pact of Bogotá" was signed by 21 country of the Western Hemisphere, however only 16 countries ratified it. Like the OAS Charter itself, the "Pact of Bogotá" obliges the parties to a conflict to settle controversies by peaceful means and lists the procedures to be followed: mediation, investigation and conciliation, good offices, arbitration, and judicial recourse to the International Court of Justice of The Hague, as well as other means of choice of the parties to the dispute. The "Pact of Bogotá" argues that conflicts should be primarily settled within the regional system rather than referring them to the UN Security Council. El Salvador denounced the Pact in 1973, and Colombia – in 2012.

The "Pact of Bogotá" has not been as encompassing as the OAS Charter or "Rio Treaty" has been. They created the new

security regime in the region and codified the norms evolved within the Inter-American system during the past years. In order to contradict the US dominance in the OAS, the member states were deprived the veto right, adopting a clear provision for equal vote and the priority for consensus.

V. REGIONAL SECURITY CONCEPT: COLLECTIVE AND COOPERATIVE MODELS

The OAS had been quite successful in prevention and settling the conflicts during the Cold War. It ensures a space for debate on inter-state, as well as intra-state conflicts. The use of force by the OAS was extremely rare: the only case when the peace forces were created took place in 1965 during civil war in Dominican Republic. In this case the OAS served as a legal coverage for the US intervention in the internal conflict in the Dominican Republic.

In 1969 the OAS acted successfully during the so-called Soccer War between Honduras and El Salvador and put pressure on El Salvador, threatening the government with economic sanctions and a ceasefire was reached.

The Inter-American institutions played a role at times in war prevention, but more important was the role they played in containing wars or militarized disputes. In the second half of the XX century, the OAS was more effective than the Organization of African Unity, the Arab League, and the UN in addressing the outbreak of wars and other international crises in their respective domains [3].

M. Herz states that the OAS became less active in security sphere during 1970s and 1980s. The OAS shifted its attention to social and economic issues. Negotiations of the Central American crisis were pursued outside the OAS framework and the organization had no significant role to play in cases of invasion of Grenada and Panama or the Falklands/Malvinas war [17].

The main reason for that is the lack of interest to the OAS institutions within the Latin American governments under the US monopoly to define the external security threat.

The post-“Cold War” era required a new content of the regional security concept [20].

In 1991 the OAS General Assembly committed to the renewal of the Inter-American security system in accordance with new political context. It was decided to incorporate new approaches to the security threats within the Inter-American security system. While the traditional treats were pushed to the sidelines, security concerns have expanded to include protection of democracy, as well as a wide range of non-traditional threats in general, including migration, drug trafficking, arms trade, citizen security, natural disasters, and etc.

The regional focus on democratic dimension led to the formation of *cooperative security* arrangements or security management aimed at the promotion of peaceful change based on agreement upon norms, rules, and procedures [12].

The cooperative security model is oriented on risk management and possesses a promising preventive potential. The shift from logic of confrontation to the logic of cooperation promotes the development of some specific

security measures, as well as encourages an aspiration to preventive diplomacy. Some of these measures include a program of notification to joint military exercises, participation in arms monitoring and disposal, the exchange of various types of military-related information, the establishment of confidence-building measures (CSBMs), peace education and the intensification of cooperation within the OAS framework to combat terrorism, drug trafficking, arms distribution, and piracy.

Instruments designed for the support or/and defense of the democracy in the Western Hemisphere are also the means of conflict prevention in some way. The Santiago Commitment (1991), accompanied by the Resolution 1080 (1991) set up procedures of collective democracy defense resulted in a debate on the future of Inter-American Defense Board (IADB), established in 1942, and the IATRA, whether they were still needed.

In accordance with a new democracy regime the Committee on Hemispheric Security (CHS) became a permanent organ of the OAS in 1995. The primarily responsibility of the CHS was all the OAS activities on security including the CSBMs. The OAS determines political, diplomatic, military, cultural, and education CSBMs aimed at information exchange, transparency and communication in terms of prevention conflicts.

The OAS turned into a democracy defender, but this didn't lead to a substitution of the collective security with the cooperative security. On the contrary, the democracy regime was agreed to defense collectively.

The Special Conference on Security, held in Mexico in 2003, adopted the Declaration on Security in the Americas defining the non-traditional threats and establishing a multidimensional approach to the security [21].

On the one hand, the multidimensional concept combines many different security concerns relevant for different sub-regions and guaranties the mutual international assistance under the principle of collective security, but on the other hand, it produces a risk of securitization of non-security matters and certain confusion in military and police functions. In terms of inter-state conflicts the multidimensional security concept increases interdependence of states and lows conflict probability. It doesn't eliminate a conflict potential or a conflict per se, but creates states' interest in maintenance of status quo in their bilateral controversies.

VI. OAS AS AN ORGAN OF PACIFIC SETTLEMENT

A. Normative Dimension

During the 1990s the OAS has adopted new mechanisms provided emphasis on representative democracy. This shift led to stronger consensus among member states concerning support for democracy; however, it didn't eliminate prefunded controversies among Latin American states and the USA.

Generally speaking, the Inter-American collective security regime has never been based on genuine hemispherical unity or reasonable balance of states' national interests. Therefore, the OAS doesn't have a universal mechanism of conflict

resolution: there is a number of limits and variables within the general pattern (see Fig. 1), which is, however, the following.

If the security is under threat the IATRA or the OAS Charter may be invoked. There is no any regulation on what document should be invoked, therefore in some cases both of them have been used, as it happened after September 11 in 2001.

M. Herz points out that the political process in each case will determine the choice. The IATRA indicates that stricter sanctions could be applied. The Permanent Council of the OAS meets and determines whether the request is justified and whether to convene the Organ of Consultation. Frequently an investigating committee is formed and reports back to the Organ of Consultation. Finally, resolutions may be voted for. Several options are available: sending an observation committee, sanctions or even the use of armed force. At any point the organization may consider the crisis solved or may simply choose to withdraw from the case. The Special Representatives and Envoys of the Secretary General are engaged in preventive diplomacy and mediation in the hemisphere's trouble spots and/or appointed to head OAS missions [22].

B. Institutional Dimension

Within the OAS there are several institutions in charge of security matters.

- 1) General Assembly – as a supreme organ of the OAS.
- 2) Permanent Council – as an acting organ in case of a threat to hemispheric peace and security. Since 1985 the Permanent Council was given more power to gather involved parties to the dispute.
- 3) Committee on Hemispheric Security (CHS) within the Permanent Council to provide civilian control over security policy.
- 4) Secretary-General – as far as he/she may bring to the attention of the General Assembly or the Permanent Council any matter which in his/her opinion might threaten the peace and security of the hemisphere.
- 5) Department of Sustainable democracy and Special Missions, which is a part of Secretariat for Political Affairs – responsible for handling political and institutional conflicts in the region, including inter-state controversies.
- 6) Secretariat for Multidimensional Security – dealing with more security than peace matters.
- 7) Inter-American Defense Board (IADB) – technically autonomous body responsible for military and defense cooperation, including compiling, studying, and analyzing military and defense information in terms of CSBMs.

At the turn of the century the OAS created new instruments of conflict resolution. In 1998 the Program Education for Peace in the Hemisphere was introduced by the General Assembly resolution 1604 (XXVIII-O/98), and in 2000 by the Resolution 1756 (XXX-O/00) the Peace Fund was created in order to deal with territorial disputes. The parties to the dispute appeal to the OAS for technical and financial assistance. The OAS provides special expertise in

international law, diplomacy, and even cartography.

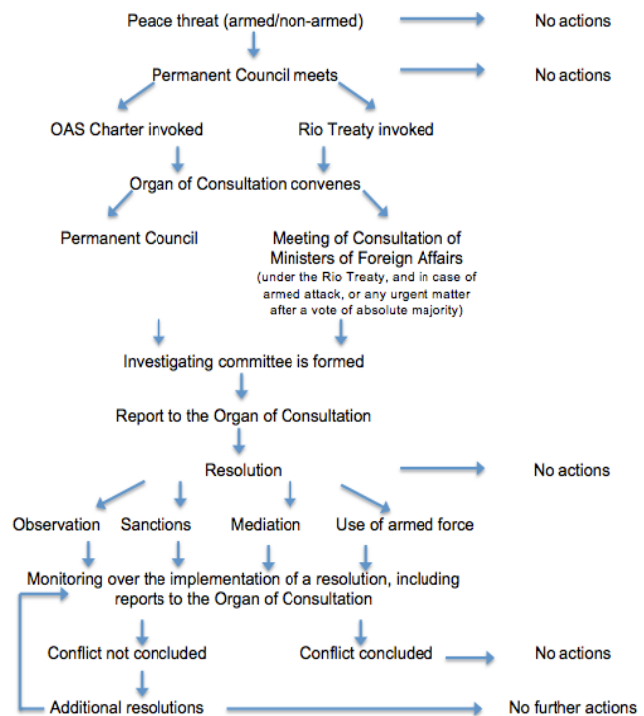


Fig. 1 Peaceful resolution procedure

The creation of the Peace Fund purposed the support for small states, which are often lack financial and human resources to resolve their conflicts peacefully. It includes a General Fund, which provides seed money during unanticipated conflicts, and sub-funds established for specific disputes. The Peace Fund is open to contributions from OAS member states, permanent observers, and other states, as well as other entities, including companies and individuals. The Peace Fund operates within the OAS Secretariat for Political Affairs, through its Department of Democratic Sustainability and Special Missions [23].

Under the OAS Peace Fund the Inter-American Peace Forum operates in effort to promote seminars and conferences, specialized reports and publications, as well as other initiatives with a special emphasis on the peaceful settlement of differences. The Peace Forum was launched in 2008 aimed at fostering a continuous, open, and wide-ranging dialogue promoting universal values and social practices related to ideas of solidarity, friendship, and mutual understanding to achieve a pacific and democratic coexistence within and among the OAS members.

Regional integration and broadening security agenda reduce risks of inter-states disputes, but traditionally heightened role of military structures in Latin American civil affairs (de-facto, in some cases de-jure) as well as maintenance of armaments supplies, generates distrust among the region [24]. Therefore, the concept CSBMs is of particular importance. As far as the OAS Working Group reports, CSBMs contribute to "increasing stability, safeguarding international and

hemispheric peace and security and consolidating democracy"; it is a central topic of the OAS since 1991 [25]. However, member states present their reports to the OAS irregularly, therefore it is difficult to evaluate, whether the CSBM were effectively executed [26]. As to military spending, the South America has greater levels of transparency than Caribbean. All the countries remain strongly committed to the principle of sharing information in order to build mutual trust and confidence via UN and OAS instruments. Indeed, the Union of South American Nations (UNASUR) established another set of CSBMs [27].

VII. INTERNATIONAL CONFLICTS IN LATIN AMERICA AND THE CARIBBEAN IN THE EARLY XXI CENTURY

Regarding the inter-states conflicts in the Americas, at the beginning of a new millennium there are (1) territorial disputes, and (2) inter-states conflicts of other nature.

International conflicts of any type have typically been perceived as an obstacle to economic and political cooperation between the states; however, boundary disputes in Latin America occur even between partners. And the OAS role as facilitator or the third party is recognized as essential. Since 1999 the OAS has helped to manage half a dozen different disputes in Latin America.

Since the beginning of the 21st century the OAS has been involved in several territorial disputes:

A. Honduras and Nicaragua

A maritime dispute between Honduras and Nicaragua was the first dispute where the Peace Fund was involved. In 2001 the parties signed a Technical Verification Agreement establishing confidence-building measures to ease tension between two countries. At the same time, the Fund for Peace supported the Diagnostic Assessment, Protection, and Development of the Río Negro Basin project in the border area.

However the proceedings at the International Court of Justice (ICJ) were instituted by Nicaragua in 1999. The issue was to establish a single maritime boundary between the two countries. In the same time the governments of Honduras and Nicaragua requested the OAS Permanent Council to convene a special session to address existed tensions. As a result the Secretary General became a special representative to "evaluate the situation, facilitating dialogue, and formulate recommendations aimed at easing tension and preventing acts that could affect peace in hemisphere" [28].

Working with the OAS envoy, Honduras and Nicaragua signed a series of agreements to ensure peaceful relations. In 2000, the two Foreign Ministers signed a memorandum of understanding detailing specific measures that covered such matters as maintaining communications between the two countries' armed forces, restricting military activities along the border.

Despite the Technical Verification Agreement of 2001, there was an Agreement for OAS International Verification Mission signed in 2001. The agreement set two objectives: (1) "to verify the number and location of military and police posts

along the land border, and the number of personnel assigned to each post", and (2) "to verify that the military and police posts in the Caribbean Sea were being kept at the same level as on September 1, 1999" [29].

The OAS Mission undertook several onsite visits financed by the OAS Peace Fund. The report presented by the Secretary General to the Foreign Ministers of Honduras and Nicaragua was positive. Also an Agreement for bi-national border development plan and an Agreement on police cooperation and military movement notification were reached. These three elements are considered to be the key elements in the OAS contribution to the conflict resolution.

The end to the dispute was put in 2007 with the final judgment of the ICJ, which was accepted by both countries [30].

B. Honduras and El Salvador

El Salvador and Honduras sought for assistance in the completion of the demarcation of the border. In 1992 was passed a ruling of ICJ establishing the border between the two countries, but certain difficulties arose during the demarcation process. As a result of these difficulties, and of the decision to expedite the demarcation of the border, the governments of El Salvador and Honduras requested technical assistants from the OAS and from the Pan American Institute of Geography and History (PAIGH). The General Peace Treaty signed in 1980 by the two countries contained provisions assigning specific responsibilities to the PAIGH for naming a third-party expert charged with settling technical differences between the Parties with respect to the demarcation of the border [31].

In 2006 with the participation of the OAS El Salvador and Honduras reached an agreement regarding their common border.

C. Belize and Guatemala

In 2000 the governments of Belize and Guatemala decided to restart talks on their longstanding territorial dispute under the auspice of the OAS. The first Agreement on confidence building measures was signed in 2000. In 2003 was signed a second Agreement to establish a transition process and confidence building measures between Belize and Guatemala, which was in 2005 amended by the Agreement on a framework negotiations and confidence building measures between Belize and Guatemala aimed at maintaining good bilateral relations while the permanent solution is in a search.

The Secretary General took an active part in the settlement. In 2006 he offered step-by-step approach. In addition A Negotiation Group was formed to meet on both, ministerial and technical level coordinated and facilitated by Secretary General's Special Representative.

After the parties failed to reach an agreement after two years of negotiations, the Secretary General proposed to appeal to ICJ. Therefore, in 2008 the Foreign Ministers of the parties to the dispute signed the Special agreement to submit Guatemala's territorial, insular and maritime dispute to the International Court of Justice. Both countries agreed to submit to simultaneous referenda the decision to appeal to ICJ. In

2010 a high level working group was created.

In 2012 the Ministers of Foreign Affairs of Belize and Guatemala met with the OAS Secretary General, and agreed the date of simultaneous referenda and both governments requested the support of the General Secretariat for the education and sensitization campaigns. However some difficulties arose and the referenda were suspended [32].

In the beginning of 2014 the Foreign Ministers of Belize and Guatemala and the OAS Secretary General signed a Road Map and Plan of Actions in order to strengthen bilateral relations and set a new date for the referenda. Joint Commission was established to discuss a wide range of aspects of security and economic cooperation of the countries.

D. Costa Rica and Nicaragua

In 2010 the Governments of Nicaragua and Costa Rica requested the OAS assistance in resolving an international dispute over Calero Island in San Juan River. The OAS Secretary General headed the on-site mission for preparing a special report. Later a Special Meeting of the Permanent Council has adopted a resolution CP/RES. 978 (1777/10), "Situation in the Border Area between Costa Rica and Nicaragua", based on the Secretary General recommendations, including a meeting of the Binational Committee; an immediately renew of conversations on the demarcation of the border; avoiding the presence of the armed or security forces in the area; and instructing the pertinent authorities to review the mechanisms of bilateral cooperation to combat drug trafficking, organized crime and arms trafficking in the border area.

A Meeting of Consultation of Ministers of Foreign Affairs of the OAS approved a resolution RC.26/RES. 1/10 on the situation between Costa Rica and Nicaragua that called upon the parties to implement, simultaneously and without delay, the resolution CP/RES. 978 (1777/10).

In 2011 ICJ made a binding judgment on preliminary measures in the dispute between Costa Rica and Nicaragua. Among these measures the Court resolved that both parties refrain from sending or maintaining military or security personnel to the disputable area, thus coinciding with the OAS recommendations [33].

VIII. INTER-STATE CONFLICTS OF OTHER NATURE

As regards the other conflicts, in Latin America there is a tension between Ecuador and Colombia. Colombia accuses Ecuador in support for Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), and on the other hand, Ecuador accuses Colombia in violations its sovereignty by military operation in 2008.

This incident led to a Special Meeting of the OAS Permanent Council, followed by the 25th Meeting of Consultation of Ministers of Foreign Affairs.

The activation of Inter-American System aimed at reestablishment of diplomatic relations between Colombia and Ecuador. The convened Meeting of Consultation of Ministers of Foreign Affairs resolved "to instruct the Secretary General to use his good offices to implement a mechanism for

observing compliance with resolution and the restoration of an atmosphere of trust between the two Parties" [34]. Thus the OAS Good Offices Mission in Ecuador and Colombia (MIB/OEA) was established.

The OAS participation led to the reestablishment of bilateral relation in 2010.

At the same time the role of the OAS as a principal peace and security body is challenged by UNASUR, which played a key role in mediating the Colombia-Venezuela crisis in 2010 by bringing together Venezuelan and Colombian President – Hugo Chavez and Juan Manuel Santos. In accordance with Venezuelan position the OAS was isolated from handling diplomatic controversies.

The most significant thing about UNASUR is the establishment of the South American Defense Council within the group, analogous to IADB within the Inter-American system. Along with UNASUR, other sub-regional bodies, such as MERCOSUR, also incorporate security dimension. This tendency consists with the cooperative security concept, but the overlapping is becoming rather controversial: on the one hand it means some power distribution and subsidiarity, and on the other hand it is a source of political competitiveness, redundancy and ineffective resource management.

Another ambitious body emerged within the region to promote peace is the Community of Latin American and Caribbean states (CELAC). In 2010 member states agreed to promote the implementation of region's own mechanisms for the peaceful conflict resolution. In 2014 Latin American states unanimously adopted a proclamation declaring the area a zone of peace in which differences between nations are peacefully settled through dialogue and negotiations or other means in accordance with the international law [35]. However for now CELAC is nothing more than a higher political forum lacking real mechanisms and events.

It is important to mention that in the region there are other controversies under discussion within the OAS framework. Year after year the Falkland/Malvinas Islands issue is brought up at the General Assembly of the OAS. The declarations are being adopted, providing a moral support of the Latin American states to Argentina. The OAS calls for negotiations between Argentina and the United Kingdom over the status of the Falkland/Malvinas Islands.

Although the Latin America is one of the peaceful world regions, there are still a number of disputes. We can name those have been in the ICJ: maritime and territorial dispute between Colombia and Nicaragua, the dispute between Argentina and Uruguay over the establishment of a pulp mill on the Uruguay River; the maritime boundary dispute between Chile and Peru; the dispute between Ecuador and Colombia over chemicals dropped from airplanes to eradicate illegal crops; and the claim of Bolivia against Chile for access to the sea. Some other disputes, mainly territorial ones, remain latent. A solution of any of them can be found with the support of the OAS, at the request of national governments.

Also there is a controversy between Cuba and the USA, lasting more than fifty years. Unfortunately there is no possibility to resolve it within the OAS for now, while Cuba

doesn't participate in the OAS activities. US-Cuban conflict seems to be merely political one, however too rooted in mentality and political culture of both societies. Some experts concede that US-Cuban conflict could escalate into an armed conflict, and neither the OAS, nor the UN is able to prevent such scenario [36]. The authors do not concur such a scenario. Forthcoming Summit of the Americas to be held in Panama in April 2015 will clarify the Cuban and American positions on Habana's reintegration into Inter-American system.

IX. SOME CONCLUSIONS

The OAS is the most universal institution in the hemisphere, joining all 35 sovereign states. The IATRA, "Pact of Bogotá", and the OAS Charter became the foundation of regional security framework. Peaceful settlement of disputes as part of peace and security maintenance was enunciated among the main objectives of the OAS. The Charter of the OAS incorporates the principles of non-intervention, juridical equality and the peaceful settlement of disputes.

The OAS directs its efforts at establishing favorable conditions for the dialogue, preferring negotiations, mediation or good offices to the use of force (collective actions of the OAS members). The reason for that is a legal tradition of Latin American states, promoting the principles of non-intervention and peaceful settlement of disputes.

The OAS has profound expertise in the field of peace maintenance. The OAS works closely with the UN in the field of conflict resolution and conflict prevention: UN provide special training for the Latin America government officials through the OAS_UN partnership, as well as assists the OAS to increase mediation expertise [37].

The OAS significant achievement is the establishment of democratic regime and promoting its defense, ensuring shift from confrontation to cooperation in terms of cooperative security. Unfortunately, operational and structural conflict prevention activities are not a panacea for inter-state disputes.

Since its origins the OAS has been engaged in mediation of inter-state disputes and has faced successes and failures. The OAS General Assembly, its Permanent Council, as well as Council of Ministers provide space for debate on any controversies.

However today the "Pact of Bogotá", specifying the normative framework for pacific conflict resolution, is more a symbolic document: it was ratified by 14 American states, but it has never been applied [13], while the IATRA has been "frozen". The OAS Charter contains provisions devoted to the peaceful settlement of disputes, but no mechanism and procedures to be applied in case of aggression.

Concerning the boundary disputes the OAS has proven to be successful regional organ, as well as the Peace Fund, thus the 44th OAS General Assembly unanimously adopted a resolution "Fund for Peace: Peaceful Settlement of Territorial Disputes" in support of the Peace Fund.

As to other types of conflicts, they are often politically motivated and are very difficult to deal with within the OAS framework.

The inability of the OAS to improve the US-Cuba relations

is a main weakness of Inter-American system challenging the OAS peace and security regime. Therefore the key factor shaping the OAS efficiency is still the political will of its member states.

The procedures for the settlement of conflicts may seem puzzled by a number of international, Inter-American, and national documents deals with the matter. Nevertheless, the peace maintenance and conflict prevention is critical and predominantly successful within the OAS.

Political practice shows that the conflict management, as well as warning and preventive actions, is vital for peace maintenance and regional security. Despite the deep controversy between international and national context, international organizations seem to be able to introduce some predictability and consistency in world affairs.

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