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Peaceful Mechanisms for Resolving Disputes Between States

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Abstract: This article analyzes disputes arising between states as subjects of international law, as well as the historical development and modern mechanisms of their peaceful settlement. It examines negotiation, mediation, inquiry, conciliation, the jurisdiction of international courts, arbitration procedures, and the role of UN institutions, particularly the Security Council, in resolving such conflicts. The study also highlights the significance of international treaties and principles as the legal basis for eliminating disputes.

Keywords: UN, international law, international treaties, international principles, negotiations, mediation, inquiry, conciliation, International Court of Justice, arbitration, Security Council.

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Introduction

Since the earliest formation of state structures in human history, various reasons have led to the emergence of disputes between them. As times changed, the causes of such conflicts also evolved. While in the early periods disputes arose primarily over territory and natural resources, later these complex situations stemmed from socio-economic and socio-political factors, as well as from the personal hostility of the leaders of states. Confrontations between states often ended in armed clashes. Armed conflicts, in turn, resulted in the deaths of many people and caused significant damage to the environment.

As the number of states increased and relations among them developed, international law also went through its stages of evolution. In the ancient, medieval, and classical periods of international law, one of the main methods of resolving disputes was the conclusion of peace between states. However, peace agreements did not always ensure equality between the parties; in some cases, one side was required to pay compensation or undertake certain political or economic obligations.

It should be noted that the modern mechanism of peace in international law is structured differently compared to previous periods. Historically, peace terms were often violated, leading to renewed conflicts. Therefore, scholars, experts, diplomats, political figures, and other specialists in the field of contemporary public international law have long been researching and developing methods for the peaceful settlement of disputes.

At the foundation of this independent branch of international law lies the principle of the peaceful settlement of disputes. This principle imposes an obligation on subjects of international law—primarily states—to stabilize and resolve interstate conflicts exclusively through peaceful means. There is also another principle: the principle of free choice of the means for the peaceful settlement of disputes. The essence of this principle is that disputing parties, at their own discretion, may choose any international mechanism to eliminate the conflict and restore peace.

The UN Charter lists nearly ten methods, some of which draw on the experience of mechanisms used in classical stages of international law. One of the first international acts adopted on the peaceful settlement of disputes was the **1899 Hague Peace Conference Convention on the Pacific Settlement of International Disputes**. From the end of the nineteenth century onwards, a number of international legal acts dedicated to this issue were adopted.

The term **"international dispute"** itself is used in two meanings: narrow and broad. In the narrow sense, it refers only to situations involving specific participants, clearly expressed mutual claims, and a defined subject matter. In the broad sense, an international dispute encompasses any contentious situations that arise within interstate relations and are often referred to as "situations."

Main Part

States are considered the primary subjects of international law. They possess rights and obligations deriving from international law and may enter into relations regulated by international legal norms. For this reason, disputes arising between them may be referred to as international disputes (situations).

The principle of the peaceful settlement of international disputes is, in fact, one of the ten fundamental principles of international law and is regarded as a procedural principle. In all spheres of cooperation, this principle represents the advanced mechanisms, various methods, and approaches aimed at ensuring and strengthening peaceful collaboration between states—the subjects of international law.

In the final years of the classical period of international law, states began drafting a number of international documents intended to serve as instruments for preventing disputes. This was largely prompted by the fact that, in the early twentieth century, major powers had already engaged in several armed clashes, and the political climate of that era was particularly tense.

The **1907 Convention for the Pacific Settlement of International Disputes** was considered an effective mechanism for preventing certain conflicts. Article 1 of the Convention emphasizes "preventing recourse to force as much as possible," while Article 2 states that "before resorting to arms, the parties shall first call for peace and reconciliation through available means." These articles demonstrate that the principle of non-use of force—a core principle of modern international law—had already been established as a tool for preventing disputes even before the adoption of the UN Charter.

After the end of World War I, the need arose for an intergovernmental international organization. The war had inflicted significant economic and military damage on the participating states. The **League of Nations** was therefore established with the primary goals of disarmament, preventing military actions, and resolving disputes between states through diplomatic negotiations. Its headquarters was located in Geneva, Switzerland, recognized as a neutral state. These developments represent the mechanisms the classical era of international law sought to employ in peacefully resolving future conflicts. The organization was established in 1919–1920 on the basis of the Versailles system of the Versailles–Washington agreements. During its existence, a maximum of 58 states were members of this international organization. Its legal foundation—the Covenant—was adopted in 1922. Article 12 of the Covenant stated that *"in the event that a dispute likely to lead to a rupture should arise between the members of the League of Nations, they agree to submit the matter either to arbitration, judicial settlement, or to the Council of the League."* Even if the dispute between the opposing sides was not fully resolved, member states undertook not to resort to war

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until the expiry of a three-month period after the decision of the arbitral tribunal, the judicial ruling, or the Council's report concerning the matter.

In addition, in 1928, under the sponsorship of the United States and France, the **Paris Pact**, also known as the **Kellogg–Briand Pact**, was signed between states. The pact was named in honor of the efforts of U.S. Secretary of State Kellogg and French Foreign Minister Briand. This international treaty was concluded outside the League of Nations, and its aim was to renounce war as an instrument for resolving disputes, to prevent conflicts, to resolve disagreements in good faith, and to ensure the principle of sovereign equality. Article 2 of the Pact reflects its nature as a general peace agreement. According to it, *"the contracting parties agree that all disputes or conflicts, regardless of their origin or nature, which may arise between them, shall be resolved only by peaceful means."*

However, the mechanisms created to resolve disputes between states proved insufficiently effective. A number of examples from interstate treaties illustrate this. On 23 August 1939, Germany and the USSR signed the Molotov–Ribbentrop Pact in Moscow, a ten-year agreement on mutual non-aggression. Nevertheless, Germany violated this treaty and the international acts mentioned above by invading Soviet territory without warning in June 1941. Toward the end of the classical era of international law, several such examples highlighted the weakness of dispute- resolution mechanisms. Although Belgium declared its neutrality on the eve of World War II, the Third Reich invaded it. Germany had already withdrawn from the League of Nations, and the organization's measures and appeals toward the fascist regime had no meaningful effect.

After World War II concluded and those responsible for initiating the war were sentenced at the Nuremberg International Tribunal, the League of Nations was dissolved in 1946. It became clear that the classical mechanisms and projects developed for interstate dispute resolution were superficial and ineffective. As a result, states agreed on the need to create new mechanisms. The foundation of these new mechanisms became the **United Nations (UN)**. Its organs, Charter-based tools, and the international treaties adopted under its authority formed the new system for the peaceful settlement of disputes. The UN was officially established on 24 October 1945.

The aims and principles of the UN are stated in Chapter I, Articles 1 and 2 of its Charter. One of the primary goals of the organization, as reflected in Article 1, is "to settle or pacify international disputes or situations which may lead to a breach of the peace." Article 2 provides that member states shall resolve international disputes by peaceful means so as not to endanger peace and justice. Thus, the UN developed its own dispute-resolution mechanisms and was itself created by states precisely as an institution that would rely on these mechanisms.

A separate chapter—**Chapter VI**—of the UN Charter is devoted to the peaceful settlement of disputes. Under Article 33, *"the parties to any dispute, the continuation of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."* Moreover, the second part of this article stipulates that the Security Council, if it deems necessary, may also offer its mediation in resolving the dispute.

In addition to the mechanisms outlined in the Charter, other conciliatory tools are also used to maintain stability. These include consultations (good offices), fact- finding (inquiry procedures), and conciliation procedures. The Charter-based and supplementary methods are applied differently and have varying degrees of effectiveness. One of the primary methods to address is **negotiation**. What is it, and how is it applied?

Negotiations refer to direct communication between the parties aimed at reaching a mutually acceptable agreement. Conducting negotiations does not require special organizational preparation, and during the process not only political but also legal issues may be resolved without the involvement of a third party. The resolution of legal issues influences the substance of the dispute itself. Negotiations may be bilateral or multilateral. In all circumstances, this process must be

conducted in good faith and on the basis of equality among international actors. As a general rule, negotiations take place before other methods of dispute settlement are employed, because negotiation is a necessary stage before resorting to other mechanisms provided in international treaties.

In addition, there exists a form of negotiations known as consultations. These may take two forms: informal dialogue conducted without any special formalities at a given moment, or regularized dialogue established for the purpose of monitoring the implementation of specific agreements or observing general relations between states. Consultations often occur between state representatives before formal negotiations begin. Many international treaties provide for the stabilization of disagreements through consultations and negotiations.

Mediation in diplomacy is also one of the methods used to resolve disputes between two or more states. In this method, a third party (usually an international organization, its representatives, heads of state, or their officials) attempts to bring the disputing parties closer on their claims. The mediator offers proposals acceptable to both sides and participates in negotiations to help resolve the issue peacefully and without armed conflict. According to the Hague Conventions of 1899 and 1907 on the Pacific Settlement of International Disputes, the role of a mediator is to reconcile conflicting claims and to ease hostile attitudes between the parties.

As noted above, both states and international bodies, organizations, and even private individuals may act as mediators. The UN has repeatedly performed mediation functions through its General Assembly, the Security Council, and the Secretary-General. For example, the UN contributed to ending wars and armed conflicts in Angola and Namibia in Africa, Nicaragua and El Salvador in Latin America, Cambodia in Asia, and Bosnia and Herzegovina in Europe. In 1952, the International Bank for Reconstruction and Development acted as a mediator between India and Pakistan. In the 1979 dispute between Chile and Argentina, a Catholic cardinal acted as mediator, and the territorial dispute was resolved through a bilateral peace treaty. The Chile–Argentina conflict of 1979 concerned primarily the Patagonia region and involved certain areas of the Andes Mountains. The dispute was linked to the islands Bahía de la Posesión, Picton, Lennox, and Nueva, over which both states claimed sovereignty during the 1970s.

Private individuals also play an important role in mediation practice. For example, in 1999, U.S. presidential adviser G. Smith personally participated in resolving the conflict between Rwanda and Uganda. The Second Congo War, which began in 1998, involved several African states. Uganda and Rwanda sought to expand their influence inside Congo by supporting various rebel groups, and by 1999 this conflict had escalated into direct military clashes between the two states, particularly in regions such as Beni and Kisangani in the Kivu area. This conflict was also viewed as a struggle to control Congo's natural resources, including gold, coltan, and other valuable minerals.

In the same year, during peace talks between the Colombian government and rebel groups, Spain, Mexico, and Norway participated as observers (though not mediators). In 2002, acting as a mediator, the UN developed a plan for resolving the dispute between the Greek and Turkish communities in Cyprus.

For many years, armed conflicts occurred between Armenia and Azerbaijan due to the Karabakh issue. The involvement of Russian President Vladimir Putin as a mediator demonstrated the significance of this role in easing tensions. In reality, this could be better classified as an act of "good offices," since in good offices a state or organization voluntarily facilitates negotiations without directly participating as a mediator. During the 1962 Cuban Missile Crisis between the USSR and the United States, the UN Secretary-General also provided good offices and contributed to the initiation of negotiations.

The Cuban Missile Crisis was one of the most serious international crises, involving a potential nuclear confrontation between the United States and the Soviet Union. The crisis emerged when the Soviet Union secretly deployed nuclear missiles in Cuba. Upon discovering this, President Kennedy declared a naval blockade around Cuba and demanded the removal of the missiles. Diplomatic negotiations and military threats followed. Eventually, an agreement was reached between Khrushchev and Kennedy: the Soviet Union agreed to remove its missiles from Cuba, while the United States promised to withdraw its missiles deployed in Turkey and not to invade Cuba. The crisis remains a significant example of preventing nuclear war through diplomacy. These examples show that not only the UN but also other international structures and private individuals may participate effectively in mediation.

Another peaceful method of international dispute settlement is inquiry (fact- finding). Article 34 of the UN Charter authorizes the Security Council to investigate any dispute or situation that may threaten international peace and security. The Security Council consists of 15 member states, 5 of which are permanent members. Decisions on major issues are usually shaped by the permanent members with veto power: the United States, Russia, China, France, and the United Kingdom. Under Chapter VI of the Charter, the Council may make recommendations to the parties regarding methods of dispute resolution. For example, in the 1980 dispute between Malta and Libya concerning the delimitation of the continental shelf, the UN Security Council recommended referring the case to the International Court of Justice (ICJ), and this recommendation was followed.

Conciliation (arbitration proceedings) is another mechanism used in dispute settlement. In this method, the disputing parties, after attempting other means, agree to reconcile through mediation, negotiation, or consultation. Their mutual interests are thus safeguarded.

Another alternative method under the UN Charter is arbitration. Arbitration is a tribunal established specifically to resolve disputes and functions as a permanent judicial body. International arbitration also exists. The arbitral tribunal does not itself issue binding decisions; rather, decisions are issued on behalf of one or three arbitrators who consider the case and the parties' claims and objections. Arbitrators need not be lawyers but must remain independent of the parties. Parties may choose the location, procedural rules, and language of the arbitration.

Judicial settlement is also used for resolving disputes. The International Court of Justice is a permanent institution composed of independent judges who resolve disputes based on international law and whose decisions are legally binding. As a permanent court, the ICJ ensures more consistency in interpreting and applying international law than arbitration. The ICJ was established under the UN Charter, and its Statute is derived from the Charter. The Court consists of 15 judges.

Regional organizations also play a crucial role in preventing conflicts. They unify states not only legally but also practically. Member states strengthen their relations through both mutual agreements and imperative documents binding on all members. For example, Article V of the Arab League Pact, Section IV of the CIS Charter, and Article IV of the Constitutive Act of the African Union all serve to ensure peaceful cooperation among member states.

Fact-finding (inquiry procedures) is used when it becomes necessary to determine underlying facts—such as violations of treaties. In such cases, a joint commission composed of an equal number of representatives from each party is typically established. Sometimes representatives of a third party are also included, or the commission's functions may be performed by an individual, such as an official of an international organization. The 1963 UN General Assembly resolution on "The Question of Fact-Finding" emphasized the importance of impartial fact-finding, particularly within international organizations. Procedures may involve hearings, witness examinations, and on-site inspections. The results are documented in a report submitted to the parties. Some treaties attach great significance to fact-finding conclusions.

Solutions for the peaceful settlement of disputes are reflected not only in UN documents and regional organizations but also in various international treaties. In 1957, the Council of Europe adopted the European Convention for the Peaceful Settlement of Disputes. Similar to the Statute of the ICJ, the Convention distinguishes between legal and non-legal disputes. Parties have accepted the compulsory jurisdiction of the Court for legal disputes. Even if one party does not consent, the other may still refer the case to the Court. For non-legal disputes, conciliation and arbitration procedures are provided.

Another important international document is the Manila Declaration of 1982. Its principal mechanisms begin with a formal affirmation. Article 5 of the Declaration includes mechanisms such as negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, and recourse to regional arrangements or organizations. Since the UN Charter serves as the basis for these documents, the mechanisms may appear similar. However, the Manila Declaration and the Council of Europe Convention were adopted specifically to address the peaceful settlement of disputes.

Conclusion

Since the emergence of states, disputes have always existed among them. Throughout history, various mechanisms have been used to resolve such conflicts. Even during the classical era, although major wars occurred, theoretical and sometimes practical mechanisms were applied, some of which proved helpful in resolving disputes peacefully. In modern international law, there are many more such mechanisms, yet they are not always sufficient to fully alleviate tensions. Examples include the ongoing and past conflicts such as the Palestine–Israel conflict, the Russia–Ukraine war, and the China–Taiwan tensions. Only when subjects of international law themselves sincerely take initiative to maintain peace can disputes truly be resolved. The mechanisms described above serve to facilitate this initiative.

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