PEACEFUL SETTLEMENT OF THE INTERNATIONAL DISPUTES

Objectives:

The notion of Peaceful Settlement of International Disputes has attained the status of *jus cogens* norm. In the context of achieving International Public Order it plays a cardinal role. The United Nations Law in particular the Manila Declaration has indeed marked a blanket ban on the forcible means of settlement. The course aims to provide the essence of the subject; significantly it fosters a jurisprudential base wherein the contemporary issues can be addressed in the pragmatic sense.

I INTRODUCTION

1.1 Definitions of ‘Peace’ and ‘International Dispute’;
1.2 International Law on Forcible Settlement and Peaceful Settlement;
1.3 Notion of Independent Obligations;
1.4 Juristic works on Amicable Settlement;
1.5 Relevance of National Legal Systems.

II CODIFICATION

2.1 Hague Conventions of 1899 and 1907 - Convention for the Pacific Settlement of International Disputes;
2.2 The Covenant of the League, 1919;
2.3 Geneva Protocol for Pacific Settlement of International Disputes, 1924;
2.4 Treaty of Paris (Kellogg-Briand), 1928;
2.5 Charter of United Nations, 1945;
2.6 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 1970;
2.7 Manila Declaration on the Peaceful Settlement of International Disputes, 1982;
2.8 Other Relevant Documents.

III DIPLOMATIC METHODS

3.1 Negotiation;
3.2 Good Offices;
3.3 Mediation;
3.4 Inquiry and Fact Finding;
3.5 Conciliation;

IV JUDICIAL MODES

4.1 Arbitration;
   (a) The Permanent Court of Arbitration.
   (b) Mixed Arbitral Tribunals.
       • International Centre for Settlement of Investment Disputes;
       • Iran-US Claims Tribunal;
4.2 International Courts;
   (a) The Permanent Court of International Justice;
   (b) The International Court of Justice;
4.3 International Tribunals;
   (a) International Tribunal for the Law of the Sea;
   (b) Relevant UN Tribunals;
4.4 Judicial Techniques;
4.5 Select Case laws.

V ROLE OF REGIONAL MOVEMENTS ON PACIFIC SETTLEMENT

5.1 SAARC;
5.2 African Union;
5.3 Organisation of American States;
5.4 European Union;
5.5 League of Arab States.

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REFERENCES


LIST OF INTERNATIONAL DECISIONS


➢ Lockerbie Incident (Libya v. United Kingdom) Provisional Order, International Court of Justice (ICJ).

➢ Mavrommatis Palestine Concessions Case, Permanent Court of International Justice (PCII).

➢ Para-Military Activities in and against Nicaragua, (Nicaragua v. USA), International Court of Justice (ICJ).

➢ Case concerning the Convention on the Elimination of All Forms of Racial Discriminations (CERD), Georgia v. Russian Federation (Preliminary Objections) (ICJ).

➢ Oil Platforms case (Iran v. USA).

➢ Case concerning the Difference in the Immunities and the Legal effect with the Special Rapporteur of Human Rights Commission, (Advisory Opinion), (ICJ).

➢ Legal Consequences of Construction of Wall in Occupied Palestine, Advisory Opinion (ICJ).

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