

# 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.
-

## REFERENCES

- R.P Anand, *Compulsory Jurisdiction of the ICJ* (Asia Publication House, 1961).
- R.P. Anand, *Studies in International Adjudication* (Vikas Publications, 1969).
- R.P. Anand, *Salient Documents in International Law* (Vikas Publications, 1994).
- Bruno Simma, Herman Mosler, Andreas Paulus and Eleni Chaitidou, *The Charter of UN: A Commentary* (Oxford University, 2002).
- Constanze Schulte, *Compliance with Decision of the International Court of Justice*, 1<sup>st</sup> Edition (Oxford University Press, 2004).
- John Collier and Vaughan Lowe, *The Settlement of Disputes in International Law-Institutions and Procedures*, 1<sup>st</sup> Edition (Oxford University Press, 2000).
- Alexander Orakhelashvelli, *Peremptory Norms in International Law*, 1<sup>st</sup> Edition (Oxford University Press, 2006).
- J.G. Merrills, *International Dispute Settlement*, 5<sup>th</sup> Edition (Cambridge University Press, 2011).
- Andreas Zimmermann, Karin Oellers-Frahm Christian Tomuschat & Christian J. Tams, *The Statute of International Court of Justice-A Commentary*, 2<sup>nd</sup> Edition (Oxford University Press, 2012).

## **LIST OF INTERNATIONAL DECISIONS**

- Reparations for the injuries suffered in the Service of the United Nations, Advisory Opinion, International Court of Justice (ICJ).
- Lockerbie Incident (Libya v. United Kingdom) Provisional Order, International Court of Justice (ICJ).
- Mavrommatis Palestine Concessions Case, Permanent Court of International Justice (PCIJ).
- 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).

\*\*\*\*\*

