

Methods / Techniques/ Instruments of peaceful Settlement of International disputes

There are a variety of instruments for peaceful settlement, oDiplomatic instruments: including negotiation, commissions of inquiry, Mediation, Conciliation and Good Offices. Judicial settlement

What is an "international conflict"

oTraditionally, the term "international conflict" referred to conflicts between different nation-states and conflicts between people and organizations in different nation-states. ????? ?????????... 1 -Negotiation:

oIt is the first and simplest method of peaceful settlement of disputes. It is the most common form of dispute resolution. Usually, negotiations are carried out either by the head of state or their appointed authority, following an initial exchange of correspondence to clear up the point of controversy.

Negotiation 2 oNegotiation is a non-binding procedure in which discussions between the parties are initiated without the intervention of any third party. oIn the negotiation process, parties should first determine what they want by identifying their own interests, motivations, and perceptions, as distinct from those of their opponents. oThere are four characteristics of a good negotiated settlement:

1. Fairness 2. Efficiency 3. Wisdom 4. Stability. ????? ?????????... Negotiation 3 oEach party needs to explain its own interests, listen carefully to the opposition's position, and understand its perspective. oThe negotiation should take place without the intervention of a third party. In international disputes, the negotiating parties must consider national interests and public opinion. oNegotiation develops cordial future relations and maintains friendly relations among states, as issues are settled with mutual understanding. oAlthough negotiation may not fully resolve a dispute, it serves to reduce tensions between states. Negotiation 4 oNegotiations took place between India and Pakistan when the Indian prime minister Mr. Vajpayee and Pakistan President Mr. Pervez Musharraf met at Agra (India) to settle all the disputes pending between India and Pakistan including Kashmir. oNegotiations took place in the French city of Evian-les-Bains, on the border with Switzerland. The Evian Accords were a set of peace treaties signed on 18 March 1962 by France and the Provisional Government of the Algerian Republic that sought Algeria's independence from France. o The Accords ended the 1954-1962 Algerian War with a formal cease-fire proclaimed for 19 March and formalized the idea of cooperative exchanges between the two countries. Continue- oThe Camp David Accords were a pair of political agreements signed by Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin on 17 September 1978,[1] following twelve days of secret negotiations at Camp David, the country retreat of the President of the United States in Maryland.[2] The two framework agreements were signed at the White House and were witnessed by President Jimmy Carter. - Continue The Oil-for-Food Program (OIFP), oEstablished by the United Nations in 1995 under Security Council Resolution 986, the program was enacted under Chapter VII of the UN Charter, making it legally binding. The purpose is to allow Iraq to sell oil on the world market in exchange for food, medicine, and other humanitarian needs for ordinary Iraqi citizens, without allowing Iraq to boost its military. oIn May 1996, after long negotiations with the United Nations Secretariat, Iraq signed a memorandum of understanding, outlining the arrangements made to implement the Security Council resolution. oResolution 2390 was unanimously adopted by the Security Council on 8 December 2017. In it, the Council concluded that the measures imposed under Chapter VII had been fully implemented. The resolution confirmed the end of Iraq's obligations under Chapter VII regarding the Oil-for-Food Program after its full implementation. In the Case concerning Military and

Paramilitary Activities in and against Nicaragua (1984), oThe International Court of Justice (ICJ) ruled that there is no requirement in international law for successful negotiations to be conducted as a requirement for the Court's jurisdiction. o This principle was affirmed when the U.S. objected to Nicaragua's case on the grounds that direct negotiations had not been pursued, 2 – Mediation oThe term mediation is sometimes used as a synonym for intervention, but mediation differs from it in being purely a friendly act. oMediation is a method under which a third party, either at its own initiative or at the request of the disputant parties, assumes responsibility for the settlement of the dispute. oTo mediate is to act as a neutral third party who helps conflicting parties find a mutually acceptable agreement. oThe mediator proposes a basis for the agreement and works to make it acceptable to all sides. ????? ???????... Mediation 2 oMediation is a non-binding procedure in which an impartial and neutral third party, (the mediator) assists (to help) the parties to a dispute in reaching a mutually satisfactory and agreed settlement of the dispute. oThe mediation process is informal and an assisted negotiation of a dispute settlement. o The mediator actively participates in the dispute. However, the suggestions made by the mediator are not binding on the parties. . oMediation Examples: Tashkant agreement between India and Pakistan in 1965–66. oThe soviet Union took initiative steps to reduce the conflicts between India and Pakistan and created a propitious atmosphere for settlement. oThe mediation of the United States in the Israeli–Egyptian negotiations that led to the Camp David agreement of 1979. In this regard, the United States played the role of the sole mediator in the so-called peace process oThe refusal to mediate is not considered a violation of international law, even if the refusal is considered an unfriendly act. For example: the Netherlands rejected the mediation of China in the dispute between it and Indonesia in 1947. oIn 1950, India rejected Australia's mediation to end the dispute between it and Pakistan over Kashmir, and Morocco rejected Egypt's mediation in the dispute between it and Algeria over the border in 1961. Norway's mediation in the Oslo Accords oNorway played a mediating role as a small state between vastly unequal parties oNorway was a small, neutral country with no direct stake in the conflict. This was crucial, as both parties distrusted the major powers oIt acted as a facilitator—providing a confidential, neutral space—rather than a forceful mediator imposing solutions. The benefits of mediation include 1– Cost: While a mediator may charge a fee comparable to that of an attorney, the mediation process generally takes much less time than moving a case through standard legal channels. While a case in the hands of a lawyer or a court may take months or years to resolve, mediation usually achieves a resolution in a matter of hours. 2–Confidentiality: While court hearings are public, mediation remains strictly confidential. Only the parties to the dispute and the mediator or mediators know what happened. Confidentiality in mediation has such importance that in most cases the legal system cannot force a mediator to testify in court as to the content or progress of mediation. 3– Control: Mediation increases the control the parties have over the resolution. In a court case, the parties obtain a resolution, but control resides with the judge or jury. Often, a judge or jury cannot legally provide solutions that emerge in mediation. Thus, mediation is more likely to produce a result that is mutually agreeable for the parties. The benefits of mediation 2: o4– Compliance: Because the result is attained by the parties working together and is mutually agreeable, compliance with the mediated agreement is usually high. This further reduces costs, because the parties do not have to employ an attorney to force compliance

with the agreement. o5–Mutuality: Parties to mediation are typically ready to work mutually toward a resolution. In most circumstances, the mere fact that parties are willing to mediate means that they are ready to "move" their position. good offices examples 2: oThe best example of the successful endeavor undertaken by the Secretary–General of the League of Arab States in 1977 AD, to end the conflict between the Tunisian and Libyan governments, which culminated in the agreement of the two parties on the appropriate means to resolve their differences over the continental shelf, and the extraction of oil from the Gulf of kabes. The two Hague Conventions of 1899 and 1907 established commissions of inquiry as formal institutions for the pacific settlement of international disputes oCommissions of inquiry conduct hearings for witnesses or field visits to the area in which the conflict took place. oBroad Sense: It covers a wide variety of methods whereby a dispute is amicably settled with the help of other states or impartial bodies, such as commissions of inquiry or advisory committees. oIt issued a non–binding report suggesting compromise solutions, which helped de–escalate relations and paved the way for subsequent agreements that improved political cooperation. oThis illustrates how conciliation functions as a tool for defusing tensions and suggesting balanced settlements, without imposing binding obligations. 5

– Enquiry oOne of the common obstacles preventing the successful settlement of a dispute by negotiation is the difficulty of examining the facts that resulted in the differences between the parties. Good Offices: 2 oThe function of the third party is to act as a link, transmitting messages and suggestions to create or restore a suitable atmosphere for the parties to agree to negotiate or resume ...?????????????..negotiation