ZAC Conference Series: Social Sciences and Humanities
(ZACCS: SSH)
https://conf.zenithacademic.co.uk/index.php/zacsssh
ISSN (Print): 3049-7760 ISSN (Online): 3049-7779
3rd International Humanitarian Conference, Baghdad 2024
Volume 001, Issue 01, 2024, pp. 001-224
https://doi.org/10.70516/zaccsssh.v1i1.42

Peaceful Methods of Resolving International Disputes

Talal Jassim Hammadi[1, a)]

[1] Department of Law, Al Hikma University College, Baghdad, Iraq

[a)] Corresponding author: hicnas.2024@hiuc.edu.iq

Abstract. International disputes that have not reached permanent solutions lead to serious dangers that threaten international peace and security. International law has stipulated ways to resolve these international disputes by political or judicial means, such as resorting to justice or international arbitration to settle them between the disputing parties. The Charter of the United Nations, under Chapter VI, has defined multiple settlement methods.

Keywords: Peace, International Disputes, International law, justice.

INTRODUCTION

International conflicts are one of the renewed and old topics in international societies as a result of the convergence of international relations and their development in accordance with the international interests that arise on them. They are of various types and causes, as their effects sometimes extend to threats to international peace and security. The international organization, through specialized international and regional organizations, has resorted to finding advanced methods and treatments for international conflicts as stipulated in international charters, most of which were based on peaceful solutions as alternative ways to the traditional wars that the international community lived through, especially after the experiences of the First and Second World War, to avoid the use of military force.

Disputes resulting from disputes between two or more States in any material incident due to the conflict of material and political interests, the reasons for which are difficult to ascertain, are essentially a violation of the principles of international law and the rights of States. In the past, States resorted to means of coercion to resolve those disputes arising from the use of armed force. However, the development of international law has become the resolution of those disputes by States and peace-loving parties by peaceful means instead of the use of force in settling them. Various agreements and provisions have been adopted, including those approved by the Charter of the United Nations in its texts, including the text of Article 2 of the third paragraph, "All members of the Commission shall settle their international disputes by peaceful means in a manner that does not make peace, security and international justice vulnerable." Article 33 of the Charter states that these means" The parties to any dispute that may continue to endanger international peace and security shall seek to resolve it by means of negotiation, investigation, mediation, arbitration, judicial settlement, or resort to regional agencies and arrangements or other peaceful means of their choice." Accordingly, this principle has defined peaceful means and given the international judiciary and arbitration a fundamental role in resolving these international disputes. It has also urged States to follow these methods as one of the correct ways and means of dealing with them in accordance with the rules of international law.

The research will be addressed according to the following topics:

The first topic: International conflicts in jurisprudence and international justice

The second topic: Methods of resolving international disputes

The third topic: The competencies of the Security Council in resolving the international conflict

First Section:

International Disputes in Jurisprudence and International Jurisprudent

Differences arise in the subject of international disputes between international law scholars due to their importance and the difficulty of determining their content, divisions and jurisprudential classifications between legal and political disputes, in addition to the recent technological developments through which technical disputes have emerged. In light of this, I will address in this section the concept of international conflict in jurisprudence and in international conventions according to the following two demands:

The first requirement: Introducing international law

The second requirement: Classification of international conflict

First Topic

Introduction to International Disputes

The conflict is defined as the language of dispossession, which means the removal of the thing from its place, that is, the castle. It is said that the thing was removed if it disrupted and spoiled it. The source of the act is the conflict and the dispute, which means the dispute. Terminology means the clash or incompatibility of interests between the different directions of two or more parties, which leads to non-acceptance of the existing situation and trying to change it [8].

In its special judgment in the land and maritime boundary case between Nigeria and Cameroon, the International Court of Justice affirmed that the dispute in the general sense is the dispute over the real factual and legal points and the conflict of views or interests. In order to prove this to the Court, one of the parties is exposed to the other party [11].

The international dispute was stipulated in most international agreements, including the Hague Agreements for Peaceful Settlement in 1889 and the Peace Conference in 1907, as well as in the Locarto Agreements in 1925, supplementing the Versailles Agreements, where the international dispute, the subject of which is a right disputed by two parties, is defined and resolved by a judicial ruling issued by an international arbitral tribunal or the International Court of Justice, as stated in the Montreal Convention for the Suppression of Unlawful Acts against the Safety and Security of Civil Aviation in 1977, which stipulated in its article 14 "that the international dispute between two or more parties when it cannot be resolved through negotiations is resolved by resorting to international arbitration [15].

The Charter of the United Nations has previously differentiated between the conflict and the situation in a number of its articles, as Article 1 states " settlement of the conflict or situations of a nature that may disturb the peace", while Article 11 states in its third paragraph "a situation that may put international peace and security at risk" , but Article 14 states "any situation that may prejudice the public interest or distort international relations between nations ", thus Article 34 states "a situation that may result in misunderstanding between nations or the outbreak of conflict"[8].

As a result, the terms state and pressure remain synonymous and balanced because of their nature, and they are considered less than the conflict, which is more accurate and stronger.

International jurisprudence differed on the subject of international disputes and many differences arose to determine its definition, as it was defined jurisprudentially as the interactive relationship of interest between countries characterized by their conflict on the basis of conflicting interest or lack of agreement on a realistic legal issue, that is, the conflict between the parties to the legal opinions when there is a dispute between two or more countries whose reasons lie in the desire to expand or because of mineral or oil resources or common borders between countries. Most international law scholars have stated that the international dispute is the dispute arising between two countries for contradictory realistic legal reasons that contradict the benefits of both countries [17].

The conditions for the establishment of an international dispute have been determined as follows:

1. This conflict should be between the subjects of international law.

   When the conflict is between the subjects of international law, it is mostly between two or more states. It may be between a state and an international organization or between two international organizations or between a state and a liberation movement. Examples of international disputes include the conflict between Iraq and Iran on the Shatt al-Arab since the 1960s , the conflict between India and Pakistan over the border area of Kashmir since 1947. Examples of disputes between an organization and a state include the conflict between Iraq and the United Nations on weapons of mass destruction in 1991 , and the dispute between Egypt and the World Health Organization in 1980 over the interpretation of the agreement concluded between them in 1951. Examples of disputes between states and liberation movements include the conflict between Morocco and the Polisario movement, between Sierra Leone and the Revolutionary Front, and between Sri Lanka and the Tamil Tigers [1].

Thus, disputes between individuals or between individuals and international legal persons are not subject to the rules of international dispute settlement except in very rare cases.

2. It should arise from conflicting interests between the parties.
   The conflict arises when there is a claim from one party with a contradictory claim from the other party, such as one of the disputing parties requests the other party to do something, refrain from doing something, or hand over something. The difference between the nature of political and ideological systems is due to the difference in military, scientific and cultural capabilities and the difference of views in international political issues that do not entail obligations or rights for the other parties and do not lead to an international conflict.
3. Continuity of claim for contradictory claims
   Continuing to claim claims is one of the matters pursued by the right holder and the dispute remains as long as the claim continues. In the event that the claim is stopped, this is not considered a dispute between the two parties and it is explained that it has stopped or has been settled. Therefore, the continuation of the claim to the right is one of the important conditions in the international dispute.
4. The conflict should have an international character, not a national one.
   The dispute must be of an international character and be about an international political issue or relate to the provisions of international law. When it is of a special character, it is not subject to the rules of dispute settlement defined by international law. When the dispute is about the problems of the parties in the subject of marriage, inheritance, and movable and immovable property, it is the competence of the private law that falls within the jurisdiction of the consulates of the two countries. Thus, it is subject to the rules of jurisdiction contained in private international law [6].
5. Impossibility of Dispute Resolution
   When it is not possible to settle the dispute between two countries and make satisfaction, this is not subject to the rules of international dispute settlement, as in the case of a request by one country to extradite one of the criminals on the territory of another country, but the criminal escaped to an unknown destination or died, and thus the settlement of the dispute is impossible.

Second Topic

Classification of International Disputes

The classification of disputes and the limitation of the reasons that led to them is due to the difference between countries, no matter how simple it is, it has different dimensions and renewed reasons can not be found until after their occurrence, where the disputes are classified and divided into legal disputes and political disputes and their common share is that they are international disputes and international jurisprudence had different views and trends in that, including:

First Opinion:

Legal disputes are subject to the jurisdiction of international courts, while political disputes are not subject to that jurisdiction. Article 36, paragraph 3, of the Charter of the United Nations stipulates that "legal disputes shall be submitted to the International Court of Justice". Although international courts do not have jurisdiction to hear political disputes, legal disputes can be resolved by political means. Many legal disputes have been dealt with by political means, including the conflict of Iraqi weapons of mass destruction, although they represent a legal dispute, but the UN Security Council has taken it upon itself to decide on them and they have not been raised or resolved before the International Court of Justice [4].

Second Opinion Services

The holders of this view distinguished that the dispute that responds to the right as a legal dispute, but if it is over the interest, it is a political dispute and it is difficult to distinguish between the right and the interest to mix the two in most cases because jurisprudence says that the right is the interest protected by law.

Third Opinion

The correctness of this view took the graphic method in order to distinguish between the legal and political dispute, as they identified the topics of the legal dispute in multiple cases, and unless it is mentioned in those

cases, it is a political dispute, including those related to the interpretation of international treaties, the topics of international law, the violation and violation of international obligations, and the estimation of the amount of compensation for those affected [5].

As for political disputes, they do not include the aforementioned topics and are not subject to the judiciary, but rather include addressing the situation between the parties. In practical applications, most countries resort to legal status in political disputes with other countries in order to give them the legitimacy of their demands. Examples of political disputes justified by the aggressor countries as legal disputes of Zionist aggression against neighboring Arab countries in 1967, where the Zionist entity justified that it used the right of legitimate defense and was marketing to occupy Arab lands and for the purpose of achieving political goals, as well as the aggression carried out by the United States of America in 1998 when it bombed Iraqi facilities under the pretext that Iraq did not allow the inspection committees to carry out their duties. The goal of the aggression was also to achieve political goals, and the United States of America bombed Al-Shifa pharmaceutical factory in Sudan in 1999 under the pretext that Sudan was linked to the bombing of the US embassy in Kenya [13].

We believe that it is difficult to find the boundaries between legal disputes and political disputes, as it should be noted that the main objective of the attempt to distinguish is to facilitate the presentation and classification of these disputes, while finding appropriate means of addressing and resolving them. Is the use of peaceful judicial means or peaceful diplomatic means, and each according to its classification? When a dispute is classified as legal, it is resolved by peaceful legal means, which is one of the appropriate solutions, and when it is classified as a political dispute, it is resolved by peaceful diplomatic means that are compatible with the nature of this dispute.

Second Section

Methods of resolving international disputes

The multiplicity of international conflicts and their differences have found many hypotheses that contribute to the solution commensurate with the objectives in order to reach the sound and correct methods that can be applied in resolving the international conflict. The Charter of the United Nations has identified in some of its articles ways that can be resorted to in order to be suitable for a peaceful settlement. The topic has been divided into the following two demands:

The first requirement: Political or diplomatic means
The second requirement: Legal or judicial means

First Topic

Political or diplomatic means

In the international agreements that preceded the Charter of the United Nations, such as the Hague Conventions of 1899and 1907, some peaceful means of resolving international disputes were mentioned, and we will review those methods as follows:

1. Negotiation.

   Negotiations are the means by which the parties to the conflict exchange views for the peaceful settlement of the dispute between them. They are one of the oldest and accepted means of wide support and can be successful in reaching a positive solution between the parties because they are the fastest and most effective ways. Negotiations may be an exchange of views orally between the parties directly and are answered by the other party in a clear form in which the parties to the conflict submit their proposals or may be in the form of mutual memoranda through the diplomatic envoy or through other diplomatic means [12].

   Those who carry out these negotiations are the diplomatic envoys of the parties to the conflict, and they may be directly or through memoranda or in both ways. The parties to the conflict lay the general basics for the success of the negotiations, investigate the causes and nature of the conflict, and create the appropriate and appropriate conditions after the documents and documents related to the conflict are evoked. The appropriate time and calm political climate are chosen to be away from external influences such as other countries and public opinion in order for the negotiators to be able to work without pressure, and for mutual trust and sincere desire to resolve that conflict in order to reach a settlement , and for there to be some kind of equality between the parties to the conflict from a legal point of view and to take into account the interests of each party and to be keen to continue negotiating and not dominate another party

that leads to the cessation of negotiations and resort to another method that results in the complexity of the conflict instead of settling it [12].

2. Good offices
   It is the process that precedes negotiations in the event of a dispute between two countries that led to the diplomatic estrangement because of it. A third party intervenes peacefully between the two countries to bring the views closer together to sit at the negotiating table or talks between the parties to the conflict. This means is carried out by a neutral country, an international organization or a well-known international figure to liquidate the atmosphere between the conflicting parties. Its beginning may be confidential in order to achieve the goals set because the third party is the owner of the initiative. The conflicting parties must agree to this assistance. The intervention may be at the request of one or both parties. Its role is to improve the atmosphere, reduce tension or stop confrontations. Its role is limited to bringing the parties to the table of talks or negotiations. When submitting a proposal, it is not binding on any party except in the event that the conflicting parties accept that proposal [10].
3. Brokerage:
   Mediation in the Holy Quran came as a compulsory means in the Almighty's saying: (And indeed, two sects of believers were killed, so they made peace between them, so if one of them wants to make peace with others, then kill those who want to be faithful to the command of Allah, then if they make peace between them in justice and despair, then Allah loves those who are just) { Surat Al-Hujurat verse 9}.
   Thus, it does not end the role of the mediator in the event that the parties to the fighting refuse to resort to mediation and reconciliation, but the actual intervention in the conflict until it ends. In law, it means the peaceful efforts made by a neutral party other than the parties to the conflict to settle it, which exists between two or more countries and has the right to participate in negotiations and to propose appropriate solutions and is similar to good offices, but it is fundamentally different from them in participating in negotiations and proposing solutions. Its importance lies in the fact that it is not binding on the parties to the conflict and there is no binding text in the rules of international law for States to refer to mediation.
4. Investigation
   States resort to the aforementioned methods of peaceful resolution, but at certain stages they may not reach solutions due to the complexities of the conflict and its lack of clarity, which necessitates resorting to a new method, which is the formation of commissions of inquiry to investigate the reality of the conflict, which is to authorize a specific committee of international standing to examine the facts, prove the events, examine the conflict, and then submit a detailed report in full impartiality and determine the party responsible for the conflict. As for the mechanism of forming commissions of inquiry, it is first by choosing and agreeing with the parties to the conflict without looking at the nationality of the members or their work, and it is mostly composed of five members, each party chooses two, and then the fifth member is chosen by the committee. States may choose members from their own countries , and some international agreements have indicated that the members of the committees are permanently formed to resort to them when an international conflict erupts, and it is not permissible to resort to war without the investigation committees finishing their work and submitting their reports to the parties to the conflict [.
5. Matching
   The international group has found a method of conciliation to resolve international disputes, which differs from its predecessor, but it is similar in some respects. It is an international committee that studies the international dispute in detail and then submits its report, which includes the causes of the dispute and a proposal for appropriate solutions in a conciliatory and neutral manner. The proposals do not include the mandatory character. Conciliation committees are mentioned in the Charter of the United Nations in the text of Article 33. This method was also formally adopted after the First World War in the Geneva Charter of 1928. The nature of the formation of these committees is formed before the occurrence of conflicts and stipulated in international treaties when they are stipulated in one of their articles to form a conciliation committee in the dispute that occurs between the parties to the treaty. Thus, their formation is either previously in a special agreement or later when an international dispute occurs [7].

Second Topic

Legal or judicial means

The importance of legal and judicial means lies in reaching a solution to the international dispute chosen by countries after they knew that political means did not work because of the inequality between the parties to the dispute and the control of one of the parties and its violation of the rules of justice and fairness. As is known, all countries are equal in rights, duties and sovereignty, regardless of the form of the state, small or large. Therefore,

most countries resort to judicial means to resolve their disputes because it is the best solution. In this demand, I address the role of international arbitration and the International Court of Justice as follows:

First: International Arbitration for the Settlement of International Disputes.

Arbitration in language is the delegation in the judgment and taken from the wisdom and judgments, so he became an arbitrator in what he has as an arbitration and made him the arbitrator, so he appealed to him in that [2].

Arbitration was defined in advance in the Hague Conventions, which provided for the settlement of disputes between States by judges chosen on the basis of respect for the law, which is the judicial method and an optional process for the disputing parties, but it is binding in the decisions issued by the arbitral tribunal. The Permanent Court of International Arbitration was established after the Hague Conference, which laid the firm foundations for this method and considered the most effective and equitable means of settlement that diplomacy failed to resolve or settle. After the coming of the League, the Member States signed in 1928 the Charter of General Arbitration, which had the effect The actor in solutions, Chapter VI of the Charter of the United Nations devoted Article 33 of the first paragraph, which stipulated arbitration clearly and explicitly, and the General Assembly of the United Nations formed the International Law Commission, whose task was to develop international law and arbitration procedures between States. It also developed a mechanism to prevent States from evading their obligations by resorting to arbitration. In 1958, the General Assembly of the United Nations adopted a model for arbitration rules, which became familiar when resorting to arbitration between States and became one of the main methods of resolving disputes when signing bilateral and collective treaties. effectively among international organizations [1].

One of the substantive arbitration conditions, as in the conditions provided for in the validity of any international treaty and similar to the arbitration treaty, is called the arbitration charterparty, which is:

A. Eligibility
   States must enjoy full sovereignty and independence in order to be able to fulfil the obligations they sign and bear the consequences.
B. Satisfaction
   This element must be available to the signatory parties and there should be no coercion of any kind to any party and not to resort to other methods such as fraud and legal errors.
   The arbitration proposal must specify the subject matter of the dispute when it is signed, and the subject matter of the dispute must be clear and specific when presented to the arbitration committee, and all data related to it must be mentioned and accurately identified so that the court can consider it and give correct results.

Constitution of the Arbitral Tribunal

States have the right to agree to submit the dispute to the arbitral tribunal and to choose the tribunal because resorting to this is optional and its most important advantage is that the tribunal has the authority to adjudicate definitively and not subject to appeal or cassation. The arbitrator can be one agreed person or a panel consisting of several persons, either three or five. The stipulation shall agree on the number of members nominated by each party and the method of choosing the ruling and other procedures, including the place of the court and its powers by the parties to the dispute [10].

As for the nature of the judgment, it is binding on the parties to the dispute, regardless of the judgment issued, as long as the court did not exceed its powers stipulated and signed in the arbitration charter, which is originally due to the freedom to resort to arbitration. Thus, the parties to the dispute are obliged to accept the judgment. As mentioned above, the judgment is final and cannot be appealed or appealed, except in special cases, if the court exceeds the limits of its powers granted to it according to the arbitration charter, or if a clear error in the judgment is contrary to the law and reality. The appeal is before the court itself, the court sits and considers the appeal and issues its judgments again. It should be noted that there is no international force to implement the judgments issued, but it is customary that States respect their agreements in arbitration courts and accept them without objection. The reason for not implementing the judgments by force in the event of rejection is because there is no higher international authority that has this competence [18].

As for the exceptions to some disputes that are not referred to arbitration courts, they are:

- Disputes affecting the independence of the State and its vital political interests.
- Disputes affecting the interests of other States not parties to the dispute.
- Disputes in which the constitution of one of the parties is required to be amended.

Second: International Court for Justice

The International Court of Justice exercises its wide judicial activity after authorizing States to consider it as well as the legal advisory role required of it. The Court was formed in 1945 and is one of the main organs of the United Nations and is mentioned in the Charter of the United Nations. It consists of fifteen judges of different nationalities who are elected secretly by the United Nations Security Council and the General Assembly of the United Nations for a period of nine years. The geographical distribution of judges is taken into account, where three judges are from Asia, three from Africa, two judges are from Eastern Europe, two judges are from Latin America and five judges are from Western Europe and other countries. The judge may not be removed for special reasons by his country [3].

Submission of a matter to the court

Recourse to the Court shall be optional, provided that the State is sovereign and that its recognition of the compulsory jurisdiction of the Court in the dispute before it. On the contrary, the Court shall dismiss the case, and the dispute of any kind shall be submitted to the International Court of Justice after the agreement of the States parties to the dispute to submit it to the Court and consider it in accordance with the legal rules derived from international treaties, international custom or the principles of public international law. When it does not find appropriate solutions, it shall resort to the provisions of international courts [11].

As for the termination of the lawsuit, it ends in the following cases:

- If it is agreed between the States Parties that it is a dispute in any way.
- The issuance of the judgment shall not be subject to appeal or appeal and shall be binding on the parties. The implementation shall be through the UN Security Council in accordance with the provisions of Article 94 of the Charter.
- States Parties to the dispute may abandon the lawsuit or withdraw it at any stage of the lawsuit.

Section Three

Terms of reference of the Security Council in resolving international conflict

The United Nations has allocated in its Charter articles to resolve disputes by peaceful means between States, as Chapter VI of the Charter deals with the powers and procedures that the Council can take regarding any dispute that threatens international peace and security. Articles 33to 38 of the Charter stipulate the right of the Council to intervene to resolve disputes and disputes that, if they continue, threaten international peace and security, whether at the request of a member or the intervention of the Council on its own initiative in accordance with Article 34 of the Charter. The discussion was divided into the following two requirements:

The first requirement: the right to intervene to resolve international disputes

The second requirement: The organizational competence of the Council in resolving the dispute

First Topic

Right to intervene to resolve international disputes

Based on the authority of the United Nations Security Council in resolving international disputes in accordance with Article 33, paragraph 1, of the Charter by various means that enable States to resort to them, including negotiations, investigation, mediation, conciliation, arbitration, judicial settlement or resort to international organizations. The second paragraph of Article 33 of the Charter specifies that the Security Council calls on the parties to the dispute to settle disputes among themselves by peaceful means, but the text of Article 36 in its first paragraph stipulates that "The Security Council may recommend what it deems appropriate in the procedures or methods of settlement" (Article 33, paragraph 2, of the Charter and Article 36 of the Charter) .

The text of Article 36 differed from the text of Article 33, as the Security Council calls on the conflicting countries to peaceful means to resolve their disputes in Article 33, while Article 36 specified the appropriate means for resolving disputes, which it considers to be the correct way to resolve the dispute, regardless of the UN

Security Council's call for a peaceful solution. As for the recommendations taken by the Council under the two articles, they do not bind those to whom it is addressed because in those cases the Council is subject to the consent of the parties, although according to the provisions of Article 34, it has the right to intervene directly, even if it is not requested to do so in the event that international peace is not threatened [9].

The Charter of the United Nations left it to the Security Council to determine the controls that can be resorted to to determine the nature of the international conflict and the extent of its impact on international peace and security, and left the field open to the discretionary powers of the Council, which is the absolute authority in the report or determine the seriousness of the conflict after investigating its circumstances, then it acts in accordance with Article 34. Article 35, paragraph 1, of the Charter states that "Every Member of the United Nations may draw the attention of the Council to any dispute or situation that threatens international peace. Article 2, paragraph 1, of the Charter has already stipulated that any State that is not a Member of the United Nations may alert the Council to any dispute to which it is a party, provided that it accepts in advance peaceful solutions to this dispute. The United Nations and its Secretary-General shall also have the right to alert the Security Council to any dispute or situation that endangers international peace and security [14] .

The most important measures of the UN Security Council in resolving conflicts are :

- Interim measures in accordance with Article 49 in Chapter VII of the Charter .
- Measures that do not require the use of force in accordance with Article 41 of Chapter VII of the Charter.
- Measures requiring the use of force in accordance with Articles 42to 47.

Second Topic

The organizational competence of the Security Council in resolving international conflict

The competencies of the International Security Council in conjunction with the General Assembly of the United Nations in the admission of new members and the cessation of membership and the dismissal of members from the international organization and the selection of the Secretary-General of the United Nations and the election of members of the International Court of Justice and the conditions of accession to the Statute of the International Court of Justice, as for the Security Council has been unique in determining the conditions for States that are not parties to the Statute of the Court, provided that they are sued before the International Court of Justice (Article 35 of the Statute of the International Court of Justice).

The Council is also competent to supervise the strategic regions subject to the guardianship system, develop and regulate armament plans, and use the armed forces, and to recommend or decide on measures to ensure the implementation of the judgments issued by the International Court of Justice (Article 94 of the United Nations Charter).

The most important competence of the UN Security Council to consider international disputes under the authorization of the Charter of the United Nations and this competence has wide powers and practical means in order to be able to implement its decisions and has two types of competencies. The first is to intervene indirectly and peacefully in the settlement of international disputes. This intervention is to prevent the development of conflict between States to maintain international relations. This action is considered one of the preventive measures. The second is its direct intervention in the ways permitted after exhausting all peaceful means. This procedure is therapeutic for the settlement of international dispute [3].

As for the role of the United Nations, it has other means to settle disputes, whether through the Council or other bodies or the formation of committees entrusted with resolving the dispute. The Secretary-General of the United Nations has another mediating role in resolving international disputes. Thus, the international organization follows all methods in order to reach a settlement. The same applies to regional organizations and has the same goal because the legitimacy of all international and regional organizations stems from the Charter of the United Nations.

UNSC Settlement Processes

In the early stages of the twentieth century, the UN Security Council issued international resolutions prohibiting the use of force under the right of veto, as it was equal to other contrary resolutions. Then, the Security Council evolved in taking decisions in another style, as its recommendations were made under Chapter VI of the Charter in the 1990s when UN Resolution 660 was issued in 1990, which condemned the Iraqi invasion of Kuwait and demanded the immediate withdrawal of its forces from Kuwait without conditions [23].

As a result of the subsequent conflicts, the Security Council was able to radically increase its activity and established an important body that is meeting continuously to take important decisions, which led to giving an

important role to the United Nations in the development of international relations and the resolution of armed conflicts. However, the international confrontation between the major powers led to the transformation of crisis management to be an issue related to direct relations between them and dealt with conflicts through bilateral consensus that is devoid of solutions because of those tensions between the major powers, the most prominent of which were issues of armaments and nuclear weapons [16].

The crises that occurred in the 1990s led in fact to an increase in the experience of the major countries to deal with international conflicts. The Kuwait crisis in 1990 formed the international consensus among these countries in the United Nations Security Council, but this was not useful in preventing the use of armed force, especially after China abstained from voting on the international resolution. However, it did not move to obstruct the issuance of the resolution, as the Council issues its resolutions unanimously. The Council also witnessed the abstention of three of the permanent members of the Council in 1991, namely China, France and Russia. The decision was about sending inspection teams to Iraq, which is the unique case [19].

We believe that the unity of the Security Council is of great importance in strengthening international peace and security. More importantly, it is the cooperation of the permanent member states in consolidating peace processes that cannot be compromised, but rather provide radical solutions that can be implemented for all countries that belong to the international organization. This is not an exception for countries that contribute to provoking international conflicts and threaten, endanger and sponsor world peace. This is supported by some of the major powers. An example of this is the conflicts in the Middle East region, specifically the issue of the Israeli occupation of Palestine, and the Council's failure to adopt any international resolutions that lead to resolving this long-term conflict and the ongoing wars in our Arab region, which contributed to their increase without a fair settlement and an end to the external interventions that were supposed to contribute to the Security Council by taking appropriate action using its second competence, which is the remedial one mentioned above, to protect international peace and security and resolve all international conflicts.

CONCLUSION

The multiplicity and difference of international disputes made the peaceful ways of resolving them different with the type of dispute. The Charter of the United Nations, in Chapter VI, referred to various peaceful methods. It also referred to the International Court of Justice, the judicial organ of the United Nations, which is the auxiliary means of adjudicating international disputes. However, the general rule of this court is that its jurisdiction is optional with the consent of the disputing parties, as well as the international judiciary, which referred to the available peaceful means based on the basis of conciliation between the disputing States. Perhaps the judicial settlement of the Arbitration Court and the International Court of Justice, which rely on international law in settling disputes because the two parties differ in resorting to them because the Arbitration Court is temporary and the selection of judges is one of the disputing parties in the adjudication of the international dispute. As for the International Court of Justice, it is a permanent court whose judges are selected from the United Nations and not determined by any dispute it, but rather in all international disputes referred to it with the consent of the parties. The following conclusions and recommendations can be drawn:

Findings

1. The resolution of the dispute by judicial means differs from the diplomatic methods of binding force by legal means because the decisions issued by them are binding and therefore resorted to.
2. International arbitration is resorted to under an optional agreement or under a previous treaty, and here it is compulsory, and here the judicial way is better than the political means subject to international will.
3. The selection of arbitration from the disputing States and the designation of the arbitral tribunal allowed the participation of arbitrators from the disputing States and was limited to the interpretation of international treaties or the rules of international law.
4. The decisions of the International Court of Justice are binding and must be implemented under the Charter for those against whom they were issued and the Security Council may issue a decision for those who refuse to implement.

Recommendations

1. Grant the International Court of Justice powers to exercise its role of maintaining international peace and security

2. The role of the Security Council in legal disputes should be to recommend to the disputing parties that the matter be referred to the International Court of Justice as stipulated in the Charter.
3. Creating an international mechanism in the implementation of the judgments issued by the International Court of Justice, especially when the decision is issued against one of the great powers (permanent members of the Security Council).
4. The conflicting parties must resolve the international conflict by peaceful means before it develops and threatens international peace and security and resorts to international organizations.

REFERENCES

1. Ibrahim Al-Anani ,Resorting to International Arbitration,Cairo , Dar Al-Fikr Al-Arabi Publications,1984.
2. Ibn Manzoor ,Abu al-Fadl Jamal al-Din al-Masri, Lisan al-Arab, Beirut,Dar al-Fikr for Printing, Publishing and Distribution ,1990.
3. Ahmed Abu Al-Wafa , Judiciary of the International Court of Justice,Dar Al-Nahda Al-Arabiya , Cairo ,2007.
4. Ahmed Abu Al-Wafa ,Mediator in the Law of International Organizations, Al-Nahda Al-Arabiya ,Cairo,2011.
5. Ahmed Abu Al-Wafa, International Negotiations, Dar Al-Nahda Al-Arabiya,2005.
6. Ahmed Mohamed Bouta , United Nations and International Justice Organization, Modern University Office,Cairo 2009.
7. Saeed Mohammed Ahmed, Principles of International Law in Time of Peace and the Law of International and Regional Organizations, Al-Resala Foundation,Beirut,1985.
8. Suhail Al-Fatlawi , International Disputes: A Study in the Peaceful Settlement of International Disputes and the Use of Military Force in the Light of the Provisions of International Law, Kuwait, Legal Series,1986No. 11.
9. Salah Amer ,Law of International Organization,Cairo , Al-Nahda Al-Arabiya, 1998.
10. Abdulaziz Sarhan , International Dispute Settlement, Ain Shams University, Second Edition,1986.
11. Essam Al-Attiyah, Public International Law, Fifth Edition, Baghdad 1992.
12. Ali Sadiq Abu Al-Heef , Public International Law, Al-Maaref Establishment - Alexandria,1996.
13. Mohamed Sameh Amr , The Relationship of the Security Council with the International Criminal Court, Dar Al-Nahda Al-Arabiya,2008.
14. Mohamed Talaat Al-Ghunaimi , International Organization, Al Maaref Establishment, Alexandria ,1974.
15. Mohieddine Ibrahim, The Role of the United Nations in Resolving International Disputes that Threaten International Peace and Security,Faculty of Law,University of Oran,2017.
16. Peter Wallenstein , Introduction to Understanding Conflict Resolution - War, Peace and World Order, translated by Faisal Al-Saad , Amman , Scientific Center for Political Studies,2005.
17. Charles Rousseau, Public International Law, translated by Shukrallah Khalifa, Beirut ,Al-Ahlia Publishing,1982.
18. Talal Jassim Hammadi , Litigation before the International Court of Justice, Middle East Journal of Legal and Jurisprudential Studies,Amman,2022.
19. Safo Nargis , Restrictions on the Powers of the UN Security Council, Egyptian Journal of International Law,Volume Seventy-Two,2016.
20. International Laws and Agreements
21. Charter of the United Nations
22. Statute of the International Court of Justice.
23. UN Security Council Resolution 660 of 1990