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THE INTERNATIONAL DISPUTES SETTLEMENT BY PEACEFUL MEANS

Prof. Dr. Binod Bashyal*

ABSTRACT

This article mainly deals with the traditional non-judicial, quasi-judicial and judicial institutions and methods that are used by the international community to resolve disputes between states. The author has started his article from introduction of international disputes and elaborates various peaceful means to settle those disputes. The author of the article points out some peaceful settlement mechanisms such as diplomatic negotiation, mediation, good offices, conciliation, arbitration and judicial process to settle international disputes. The article also summarized the procedures available within the international order for the peaceful resolution of disputes and conflicts. It explores the crucial field of using peaceful methods to settle international disputes, with a particular emphasis on the function of the International Court of Justice (ICJ). The article highlights the ICJ's distinctive role as the main court of the UN, outlining its powers, workings, and significance in promoting world peace. It also deals with various kinds of international disputes. It highlights how crucial international law is in offering a framework for settling conflicts and preserving peace among states. Finally the author has concluded his article by showing necessity of peaceful means to settlement of international disputes.

Key Words: International disputes, settlement, peaceful means, conflict resolution, negotiation, mediation, judicial settlement, International Court of Justice.

* Former Assist Dean of Faculty of Law, Tribhuvan University, Kathmandu.

INTRODUCTION

A dispute is a disagreement, argument, or conflict between two or more parties. It typically arises when there are conflicting interests, opinions, or claims, leading to a situation where the involved parties cannot reach a consensus. It refers difference of opinion between two or more parties with respect to a subject matter. In this sense, dispute in the municipal system refers to the difference of opinion between two or more persons whereas dispute in international system refers to difference of opinion between the subjects of international law i.e. the states. An international dispute refers to a disagreement, conflict, or contention between two or more sovereign states or entities on the global stage. These disputes can arise from a variety of issues, including territorial boundaries, trade policies, human rights concerns, environmental matters, or differing interpretations of international law.

The Covenant of the League of Nations gave the Council of the League responsibility for formulating plans for the establishment of a Permanent Court of International Justice (PCIJ), which would be competent not only to hear and determine any dispute of an international character submitted to it by the parties to the dispute, but also to give an advisory opinion upon any dispute or question referred to it by the Council or Assembly of the League of Nations.[1] According to PCIJ, international dispute means a disagreement on a point of law or fact, a conflict of legal views or of interest between two parties. Such disputes also arise while interpreting the treaties which are one of the major sources of international law. Both municipal and international law have laid down certain procedure for the settlement of such disputes. It is believed that the settlement of international disputes should be prioritized in comparison to the disputes arising within municipal system. It is so because the disputes arising in the international level are capable of disturbing the international peace and security as well as endangering the international order. In present World, settlement of dispute and maintenance of peace is one of the major tasks of the nations. From the emergence of nations it became one of their core tasks.

[1] *The Covenant of the League of Nations, 1919* Art. 14.

KINDS OF INTERNATIONAL DISPUTES

International disputes can be classified into various kinds. Such as territorial disputes, trade disputes, human rights disputes, environmental disputes, military and security disputes, economic disputes, cultural or religious disputes, diplomatic disputes, cyber security disputes etc. They can be divided on the basis of their nature into (i) legal disputes and (ii) political disputes. Also, according to the charter of the United Nations, international disputes can be divided into (i) disputes endangering world peace and security and (ii) disputes not endangering world peace and security.

Legal and Political disputes

In international law, those disputes which have substantial legal elements in them are recognized as legal disputes. Disputes mentioned within Article 36 of the statute of International Court of Justice are such type of disputes. Similarly, the disputes which have more political elements than legal elements are known as political disputes. Disputes outside the ambit of Article 36 fall under political disputes. Observing Article 36 it seems that the disputes regarding interpretation of treaty, regarding any question involving international law, regarding the presence of any fact breaching international responsibility, regarding compensation arising out of breach of international responsibility are considered legal disputes. All other disputes fall under political disputes. According to L. Oppenheim these are the two types of disputes existing between the state and they can be settled in two ways. They are amicable or pacific and compulsive or coercive means of settlement.

Disputes endangering and disputes not endangering the international peace and security

Charter of the United Nations has mentioned about the disputes endangering and not endangering international peace and security. The Security Council is given the right to investigate, discuss, advice and decide the condition of settlement regarding the disputes endangering international peace and security because such disputes are also a threat to the international community. The Security Council does not give much

concern to disputes not endangering international peace and security because they do not affect the international community. The first class of dispute usually includes disputes which are political in nature. The second class includes commercial, economic, etc. nature of disputes. In relation to the first class of dispute, the United Nations can intervene and even carry military operation according to the necessity. But regarding the second class of dispute, it does not intervene rather leaves the matter to the concerned parties to be settled peacefully.

The ways of settlement of international disputes is mainly divided into two type i.e. peaceful means and compulsive means. The classical international law had prioritized the peaceful means of settlement of disputes, however, had been authorizing the use of force in the settlement of disputes. But the modern international law completely disagrees with such use of force and focuses that all members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.[2] Also, all members shall refrain in their international relations from the threat or use of force.[3] Despite such legal restriction in the use of force regarding the settlement of disputes, we can see that the states use both peaceful and compulsive methods in reality.

PEACEFUL MEANS OF SETTLING INTERNATIONAL DISPUTES

Resolving international conflicts amicably is essential to preserving world peace and harmony. Inquiry, negotiation, mediation, good Offices, conciliation, UN efforts, arbitration and judicial settlements are effective means of resolving disputes without the use of force. Peaceful means of settling international disputes are crucial for maintaining global stability and cooperation. Through mediation and arbitration, nations can address differences and find common ground, promoting a world where conflicts are resolved through communication and mutual understanding rather than force.

Modern international law has displaced coercive means of settlement of disputes which were highly regarded by the classical

[2] UN Charter, Art. 2(3).
[3] UN Charter, Art. 2(4).

international law. Rather, modern international law has focused on the peaceful means of settlement of disputes. Considering Article 2(3) and 2(4) of Charter of the United Nations where states have expressed their intention of settling their disputes in peaceful way and also their intention of not resorting to the use force, the Article 33(1) has laid down that parties 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. Similarly, according to Article 33(2), the Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means. There are several peaceful means for settling international disputes. Here are few:

a) Diplomatic Negotiation
b) Mediation
c) Good Offices
d) Conciliation
e) Arbitration
f) UN Efforts
g) Judicial Settlements

Diplomatic Negotiation

The talks and discussions held by the parties to the dispute for its settlement is known as negotiation. It is regarded as one of the most used and important method of settlement of international disputes. Of all the procedures used to resolve differences, the simplest and most unlisted form of understandably negotiation.[4] Also known as diplomatic negotiation, this process helps to eliminate any kinds of doubts or differences existing between the parties and also helps to clarify each party's view, objective, policy, etc. These negotiations are generally conducted between the head of the states, head of the governments, in the ministerial level or by their accredited representatives. They are also conducted between the ambassadors of the disputant states. Third party involvement is also required in some cases. Such requirement is seen to be usually fulfilled

[4] Malcolm N. Shaw, International Law 882 (9th ed., First South Asia Edition, Cambridge University Press, New Delhi, 2022).

by the United Nations. Firstly, there is correspondence between the disputant states and then the environment for negotiation is created which is known as the foundation of negotiation.

Negotiations can be divided into direct negotiations and indirect negotiations. The negotiation involving the disputant parties themselves is known as direct negotiation whereas negotiation conducted with the help of another helping party is known as indirect negotiation. Even if no settlement is reached after negotiation, there is probability of three types of result (a) reduction of differences (b) flexibility of claim by any party and (c) insistence upon their position by both the parties. So, irrespective of the success or failure of the negotiation in finding the settlement, it has its own importance. Ample examples regarding the use of negotiation can be seen which shows its important position among the pacific means of dispute settlement methods. The following are the reasons for its heightened importance:

- It is an informal and easy way of dispute settlement as negotiation does not follow a fixed, definite procedure, eliminating the strict need for formality.
- There is no involvement of unrelated outside party. So, the solution achieved is stable and durable.
- The facts of the disputes can be kept secret. Strategic matters and matters relating to immunity can also be disused.
- Along with negotiation, other method of settlement of disputes can also be adopted additionally.
- This method is less expensive, less time consuming as well as result oriented.
- Sensitive issues of political importance can be resolved through this process.

There are many examples where disputes have been settled through negotiation. Such examples include negotiations between Iraq and Iran in 1988 with mediation of the United Nations, multiple negotiations from 1982 to 1987 to settle the dispute between India and China, multiple negotiations since 1964 to settle the Kashmir dispute between India and Pakistan, negotiations from time to time to settle the Tamil disputes in Sri

Lanka with the mediation of India, etc. Similarly, the negotiation between the representatives of 7 political parties and representatives Maoist held in Delhi to settle the Maoist dispute has played an important role in the establishment of peace in Nepal.

Mediation

A neutral third party can assist in facilitating discussions between conflicting parties to help them reach a mutually acceptable resolution**.** If negotiations cannot be held with the efforts of the disputant party or if settlement cannot be reached even after negotiation, help of a third party is sought. The process of trying to settle the dispute with a third party playing the role of mediator is known as mediation. The mediator encourages agreement and compromise between the disputant parties to settle the dispute. It is frequently seen in the international area that the states which are not direct parties to the dispute try to settle the dispute between some other states. Such mediators not only facilitate the negotiation between the disputant parties but themselves take active part in the discussion process and even present a proposal for the possible solutions. In this way mediators actively participate in the process of mediation. They give their own suggestion and may also try to bring the disputant parties under their influence. Despite the mediator's activeness and influence, the disputant parties are not obliged to accept mediator's suggestions. Rather the final decision in the settlement will be of the disputant parties themselves. Though the disputant parties are eager to resolve their dispute, it may sometime be impossible to do so without a mediator. Thus, mediation has been an important method of dispute settlement since ancient times. The examples where international disputes have been settled through mediation include the mediation of American President Roosevelt during the Russo-Japanese war (1904-1905), mediation of Soviet Union in the dispute between India and Pakistan, mediation of UN secretary General during the Iran-Iraq war in 1988.

Good Offices

A third party can offer its good offices to assist in resolving a dispute by providing a platform for dialogue and negotiation. Although

good offices and mediation both may appear similar, there is a slight difference between them. In both process, a third party assist the disputant states in the settlement of their disputes; however, good offices are not as active as mediators. In good offices, the third party simply makes a favorable environment for discussions but does not have active participation in it. Unlike mediation the third party in good offices cannot be a direct participant in the discussions. The main function of the third party is to offer its good offices in the agreement or request of the disputant parties where both parties can sit and discuss. It cannot move further than that. It may rather play the role of a supervisor. Since the main objective of a good office is to make conducive environment for the disputant parties for discussion and establish their relation, it has no further duties to perform once that happens i.e. once the parties are brought together for discussion. Despite this, it is hard to distinguish where exactly good offices ends and mediation starts. The condition where, with the approval of the disputant parties, the good offices activates itself during discussions and plays a vital role in the settlement is the condition of mediation. The third party in the good offices may be a state, an international organization or an individual. Nowadays, United Nations as well as the states other than the disputant parties are seen taking the role of third party. The United Nations had appointed committee of good offices for the settlement of dispute between Indonesia and Netherlands in 1947 where as the Russia-Japan war ended in 1905 due to the good offices extended by American president, Roosevelt. Similarly, France took the role of good offices during the war between America and Vietnam.

Conciliation

Similar to mediation, conciliation involves a neutral third party facilitating discussions, but the emphasis is on suggesting solutions rather than merely guiding the process. The process of conciliation involves a third-party investigation of the basis of the dispute and the submission of a report embodying suggestions for a settlement[5]. The third-party takes up the role of bringing the disputant parties to an agreement. As in mediation and good offices, the role is firstly given to a state, an international

[5] *Ibid,* p.890.

organization or an individual. If such appointed state, international organization or individual are unable to reconcile the parties, then the task is given to a conciliation commission. It is taken as a semi judicial process because after finding the facts, it also makes report containing proposal for settlement. Once the suggestions and the proposals are presented, the disputant parties are free to accept or reject it. The statutes of international as well as regional organizations themselves contain the provisions regarding the use of conciliation. Article 33(1) of United Nations Charter as well as Article 3(4) of Organization of African Unity can be taken as examples. This process is a trending practice in American and European continent.

Arbitration

In this process, disputing parties agree to submit their case to a neutral third party (arbitrator) who makes a binding decision. It is believed that the process of arbitration started from the origination of international law itself. It was adopted in ancient Greece to settle the disputes. Grotius had said that war could be prevented through arbitration or mediation.[6] According to Oppenheim, Arbitration is the legal process of settling differences between the states. As the verdict is given by one or more umpires chosen by the parties themselves, it is different than the International Court of Justice.[7] Arbitration is also a form of mediation where the dispute is settled by the persons selected by the parties to the dispute. If the disputes cannot be settled through other means such as negotiation, inquiry, mediation, good offices, the process of arbitration is adopted. The provision regarding arbitration and its process is mentioned in the statutes of international organizations and treaties themselves. Since, the process of arbitration also includes some court process, it is known as Arbitral Tribunal or Court of Arbitration.

The credit of legally codifying the provision regarding arbitration goes to Hague Convention (1899 and 1907). According to Article 37 of Hague Convention 1907, International arbitration is a process which has for its objective, the settlement of disputes between States by Judges of

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[6] Dr. B.L. Phadia, International Law 293 (Sahitya Bhawan, Agra, 2002).
[7] *Ibid*.

their own choice and on the basis of respect for law. In broad sense, arbitration can also be categorized as court procedure itself. The difference between court and arbitration exists in the appointment of judges. The judges in the court are appointed by a pre-determined process and not by the choice of the disputed parties as in arbitration.

International Court of Arbitration

It is also known as the Permanent Court of Arbitration (PCA), which was created as part of the first Hague Peace Conference held in The Hague, Netherlands. The conference aimed to address issues related to war and conflict resolution, and the PCA was a significant outcome of these diplomatic efforts.

The PCA is not a standing court in the traditional sense but rather a mechanism for the peaceful settlement of disputes between states and other international actors. It provides a forum for arbitration and other forms of dispute resolution. The establishment of the PCA marked a groundbreaking development in international law, as it offered a peaceful alternative to the use of force in resolving conflicts. The organs of the PCA are as follows:[8]

(a) Panel of Experts- Each signatory party selects four persons competent in questions of international law and of highest moral reputation and sends the list to International Bureau. The list prepared as such and inscribed in the International Bureau is the list of Experts.

(b) Administrative Council-The Administrative Council comprises of diplomatic representatives of the parties to the convention. The foreign Minister of the Netherland is its ex-officio chairperson.

(c) International Bureau- It comprises of a General Secretary and other necessary employees. With the establishment of this bureau, the records of the court are kept safe. States wishing to use the service of the court are helped by this bureau through correspondence.

Since the court consists of the abovementioned organs including a permanent office, it is called Permanent Court of Arbitration.

[8] Dr. S.K. Kapoor, International Law and Human Rights, 663 (15th ed., Central Law Agency, Allahabad, 2004).

The disputant parties wishing to use the process of arbitration each select two judges from the panel of experts. Although they are selected or appointed on the basis of the consent of the disputant parties, their decision or award is final and binding on the parties. Since, arbitration is essentially a consensual procedure; some of its other advantages are as follows:

(1) This process is simple, easy and cheap.
(2) It is reliable as the decision is given by the judges of their own choice.
(3) Since the judges are reputed persons, they give decision based on reality without any biasness.
(4) The decision is made on legal grounds as both substantive law and procedural law are taken into consideration during the process
(5) If desired by the parties, the decision or award can be kept confidential.

Despite these many advantages, the practice of using arbitration has not grown significantly. The reason behind this may be weaknesses in the process such as difficulty in choosing the experts, the award of the arbitration being valued less in comparison to the decision of international court of justice, difficulty in choosing the procedure, dilemma in the finality of the decision, etc. Nevertheless, due to its positive aspects, the municipal and international law have been recognizing arbitration an established means of peaceful settlement of dispute. Some important cases solved through arbitration are The Pious Fund Case, The North Atlantic Fisheries case, Russian Indemnity case, The Island of Palmas case, etc.[9]

International Center for Settlement of Investment Disputes

The International Centre for Settlement of Investment Disputes (ICSID) was established in 1965 as an autonomous international institution and came into force in 1966. It was established under the sponsorship of the World Bank which operates as one of the five organizations of the World Bank Group, specifically focusing on the resolution of investment disputes between governments and foreign investors.

The ICSID was created to provide a neutral and effective forum for the settlement of investment-related disputes, with the goal of

[9] *Supra* Note no. 6. p. 294.

encouraging international investment and fostering economic development. It has recognized person or individuals as the subject of international law.

The main organs of the International Centre for Settlement of Investment Disputes (ICSID) include:

a) Administrative Council: The Administrative Council is the highest governing body of ICSID. It is composed of representatives from member states and oversees the overall functioning and administration of the Center. The council is responsible for making decisions on important policy matters and the budget.

b) Secretariat: The Secretariat is the administrative arm of ICSID responsible for the day-to-day operations and management of cases. It assists parties in the arbitration process, organizes hearings, and facilitates communication between the parties and the arbitral tribunals.

c) Arbitral Tribunals: Arbitral tribunals are constituted on a case-by-case basis to adjudicate specific investment disputes. These tribunals are composed of arbitrators chosen by the disputing parties or appointed by the ICSID. The tribunals are responsible for hearing arguments, reviewing evidence, and rendering binding decisions on the disputes.

These organs work together to ensure the smooth functioning of ICSID and its role in providing a forum for the resolution of investment disputes between states and foreign investors. The structure is designed to uphold principles of neutrality, fairness, and efficiency in the resolution of disputes. The jurisdiction of this center (ICSID) is based on consent of the parties which is either written in the contract or which may be given when the disputes arises. This jurisdiction is exercised by the panel of conciliators selected by the parties. The conciliators act in their personal capacity. The number of conciliators must be odd such as 3,5,7, etc.

The process is initiated by making a request to the General Secretary. The parties are then free to choose between conciliation or arbitration as a method of settlement. Once the tribunal or commission is established, it applies the rules of the center i.e. ICSID. The recommendation of the conciliation commission is not binding whereas

the Award of the Arbitration Tribunal is binding. The validity of the award cannot be challenged even in the International Court of Justice.[10] The most special feature of this center is that it recognized individuals along with the states as direct parties to the dispute.

UN efforts

The establishment of United Nations is considered to be for the peaceful settlement of international disputes. The charter of the United Nations itself lists down the methods for peaceful settlement of disputes. The fundamental objective of the United Nations is to prevent war. To fulfill this objective, the charter of the United Nations has given some responsibility to the general assembly and Security Council. According to Article 14 of the Charter the General Assembly may recommend measures for the peaceful adjustment of any situation whereas according to Article 33 of the Charter the Security Council, when it deems necessary, may call upon the parties to settle their dispute by peaceful means. Only when the states fail to settle the dispute by the peaceful means, the Security Council can take actions according to Article 41 and 42 of the charter. Thus, it appears that the General Assembly and the Security Council are two vital organs of the United Nations which play important role in the settlement of dispute.

The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations and may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both.[11] Although the states are not compelled to accept such recommendations, there is a moral and political pressure upon them to do so.[12] UN General Assembly, through *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States,* 1970, ordered all the states to settle their international disputes by peaceful means and follow the principles enshrined in the charter.

[10] *Supra* Note no. 8., P.677
[11] UN Charter, Art. 11.
[12] UN Charter, Art. 41-42.

It is observed that with regards to the maintenance of international peace and security, the UN charter has handed over comparatively more important responsibilities to the Security Council. The Charter has provisioned that the Security Council can make recommendations in the request of the member state of the UN regarding any dispute endangering international peace and security. It can also do so, itself, without the request of the member states. According to Article 33(1), the Security Council firstly calls upon the parties to settle their dispute by peaceful means. If the states do not adopt the peaceful means or if the peaceful means is unable to maintain peace or if such dispute disrupt international peace and security, then the Security Council may take other appropriate measures. Such measures include economic sanctions, blockade or even military operations if deemed necessary. The examples of important role played by the Security Council in the settlement of dispute includes, ordering both Governments during the hostilities between Indian and Pakistan in 1965 to issue orders for a cease-fire before negotiation could start, recommendation made in 1967 during Arab Israel hostilities to withdraw Israeli army from Arab territory and adopt peaceful means for dispute settlement, call for an immediate ceasefire between Iran and Iraq in 1987 during Iraq-Iran war, decision to prevent the intervention of Iraq on the sovereignty of Kuwait, etc. In present, the United Nations has also played a significant role in addressing the enduring conflict between Israel and Palestine (Israel-Gaza crisis), and the UN has been actively involved in seeking a peaceful resolution to the Israeli-Palestinian conflict.[13] There is also a high regard for the role played by United Nations in concluding peace process of Nepal. The role of third party taken by the UN secretary general during the process of mediation or good offices can also be considered as UN efforts in the settlement of disputes by peaceful means.

So we can say UN is important peaceful means for settling international disputes. It serves as a framework for peaceful means in settling international disputes through diplomatic channels, negotiations, and various conflict resolution mechanisms. Its foundational principles emphasize dialogue and cooperation as alternatives to conflict and violence.

[13] https://www.un.org/en/situation-in-occupied-palestine-and-israel (March 3, 2024, 10:08 AM).

The organization's commitment to maintaining international peace and security is embodied in its role as a facilitator of peaceful resolutions to disputes among member states.

Judicial Settlement

Countries can bring their disputes before international courts, such as the International Court of Justice (ICJ) to seek a legal resolution. Judicial settlement is an important method of settlement of legal disputes. The process of settling disputes through judicial organs being based on international law is known as judicial settlement. These organs are established through due process and settle disputes with the help of international law. Arbitration tribunal is also an organ of settling dispute, but there is only a panel of experts in arbitration and not proper structure of a court. The work of both arbitration tribunals and courts established by United Nations is to settle disputes on the basis of rules and principles in an unbiased way. The decision of both is binding and the disputant parties are free to submit or not submit their disputes. Despite all these similarities, there are important differences between them. After the establishment of league of nation, a Permanent Court of International Justice was established to rectify the weaknesses of Arbitration tribunal. When the League of Nations collapsed United Nations was established. This further established the International Court of Justice as the successor of the Permanent Court of International Justice. At present this International court of justice occupies the primary place in judicial settlement of disputes.

Permanent Court of International Justice

Although the Permanent Court of Arbitration was established in 1900 as per Hague Convention, the aspiration of the international community of an organ which could make independent and impartial decisions was not fulfilled. So, with the establishment of League of Nations, an independent, impartial, competent and permanent organ to settle the international disputes was felt necessary. As a result, according to Article 14 of the Covenant of League of Nations, the league council, in 1920, formed an advisory committee of legal experts to prepare the statute of an international court.[14] The statute created by the committee was

[14] Ian Brownlie, Principles of Public International Law715 (ELBS/Oxford University Press, 1990).

finalized in 1921 and the court held its inaugural sitting in 1922.[15] This court had the capacity to hear the disputes of international nature and give decision. Initially composed of 11 judges, it was later increased to 15 (with the amendment of statue in 1929). The requirements for judges were "high moral character" and "the qualifications required in their respective countries for the highest judicial offices". They were put before the Council and Assembly for election. The judges served for a period of nine years and were considered eligible for second-election. After the establishment of the United Nations in 1945, the statute of the Permanent Court of International Justice (PCIJ) became the foundation for the statute of International Court of Justice (ICJ). With the resignation of all the judges of PCIJ in 1946, the ICJ was formally established as its successor. The most important feature of PCIJ was that it adopted judicial procedure in the settlement of disputes which was not seen in the previous ways of settlements of disputes. PCIJ during its existence resolved many cases. Not only that, it fulfilled the need of a permanent judicial organ in international law. During the period between 1922 and 1939, the Court heard a total of 66 cases. The Court rendered a total of 28 advisory opinions on the request of league council and 38 judgments.[16] In this way, PCIJ contributed a lot in the settlement of international disputes.

International Court of Justice

Existing as a world court, the International Court of Justice is provisioned as an important and principal judicial organ of the United Nations by its Charter.[17] According to Charter it functions in accordance with Statute of the Permanent Court of International Justice.[18] All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice and a state which is not a member of the United Nations may also become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.[19]

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[15] *Ibid,* p.714.
[16] *Supra* Note no. 6, p.368.
[17] UN Charter, Art. 7 and 92.
[18] UN Charter, Art. 92.
[19] UN Charter, Art. 93.

During the San Francisco Conference, which took place from 25 April to 26 June 1945 and involved 50 countries, it was decided that an entirely new court should be established as a principal organ of the United Nations. Thus, the statute for the International Court of Justice was created. The court was established on the basis of this statute in 1945. As the United Nations was established as the successor of the league of Nations, the International court of Justice was established as the successor of the Permanent court of International Justice. Since, the statute of ICJ was created being based on the statute of the PCIJ, similarities can be found between the objective, function and jurisdiction of both the courts.

Seated at The Hague, Netherlands, ICJ settles disputes between states and gives advisory opinions on international legal issues to the UN and its specialized agencies. The ICJ is composed of fifteen judges elected to 9-year terms by the UN General Assembly and the UN Security Council from among the persons of high moral character who are either qualified for the highest judicial office in their home states or known as lawyers with sufficient competence in international law.[20] No two judges may be nationals of the same state.[21] The membership of the court is supposed to represent the "main forms of civilization and of the principal legal systems of the world.[22] In practice, it is seen that one judge from each member state of the Security Council is taken. The judges can be re-elected after the expiration of their term. The judges select 1 chairperson and 1 vice chairperson from among themselves for a term of 3 years.

CONCLUSION

In conclusion, the fundamental purpose of International law is to maintain international peace, which is possible only by the settlement of international disputes by using peaceful means. The pursuit of peaceful means in resolving international disputes stands as an imperative for fostering global stability and cooperation. As we explored the various kinds and means of settlement, from diplomatic negotiations to international court of justice, it becomes evident that a commitment to dialogue and

[20] Statute of the International Court of Justice, Art. 2.
[21] Statute of the International Court of Justice, Art. 3.
[22] Statute of the International Court of Justice, Art. 9.

understanding is paramount. Choosing peaceful solutions to disputes not only preserves the values of justice but also helps to build enduring relationships between nations in a world where the effects of conflicts have an impact that transcends national boundaries. As we navigate the complexities of an interconnected world, it is through open communication, empathy, and a dedication to resolving differences amicably that we pave the way towards a future where international relations are built on the foundation of mutual respect and shared aspirations for peace. In order to achieve world peace, international law depends on a number of nonviolent strategies, including diplomatic talks to international courts.

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