

Evolution and content of the principle of peaceful settlement of international disputes in International Law¹

Evolução e conteúdo do princípio da solução pacífica de controvérsias internacionais em Direito Internacional

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Abstract

This article introduces a brief outline of the inter-State conflict types. The evaluation considers the principle of peaceful disputes' settlement evolution from antiquity to the present based on the legal analysis of historical and international legal sources. The article looks at the content of this principle and a comparative legal study of peaceful dispute resolution laid down in the UN Charter and other international legal instruments. The authors conclude that the peaceful international disputes settlement is a complex, integrated principle with several interrelated elements and the content incorporated in various international legal instruments. The article highlights the vital role of appropriate freedom of States to choose the remedies of settling their disputes. This right is a corollary to two interrelated international law principles – the sovereign equality of states and non-interference in matters within their domestic jurisdiction.

Keywords: Conciliation. International Court of Justice. Mediation. Peaceful Resolution of Disputes. Principles of International Law.

Resumo

Este artigo apresenta um breve esboço dos tipos de conflito entre Estados. A avaliação considera a evolução do princípio da solução pacífica de controvérsias

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desde a antiguidade até o presente, com base na análise jurídica de fontes jurídicas históricas e internacionais. O artigo analisa o conteúdo deste princípio e um estudo jurídico comparativo da resolução pacífica de disputas estabelecidas na Carta das Nações Unidas e outros instrumentos jurídicos internacionais. Os autores concluem que a solução pacífica de controvérsias internacionais é um princípio complexo, integrado com diversos elementos inter-relacionados e conteúdo incorporado em diversos instrumentos jurídicos internacionais. O artigo destaca o papel vital da liberdade apropriada dos Estados para escolher os remédios para resolver suas controvérsias. Este direito é o corolário de dois princípios de direito internacional inter-relacionados - a igualdade soberana dos Estados e a não interferência em questões dentro de sua jurisdição interna.

Palavras-chave: Conciliação. Corte Internacional de Justiça. Mediação. Princípios de Direito Internacional. Resolução pacífica de conflitos.

Introduction

The wrangling between different interests of states in the international arena has become inevitable. Most of the time, the conflict is resolved through diplomatic or judicial means. However, in interstate practice, it is not uncommon that outstanding issues led to a breach of the peace. Armed conflicts of the XX-XXI centuries highlighted the need to search for new and strengthen existing ways of conflict resolution. In that regard, international legal study on the content of the principle of disputes peaceful settlement and its evolution is highly relevant.

This article introduces a brief outline of the inter-State conflict types. The evaluation considers the principle of peaceful disputes' settlement evolution from antiquity to the present based on the legal analysis of historical and international legal sources. The article looks at the content of this principle and a comparative legal study of peaceful dispute resolution laid down in the UN Charter and other international legal instruments.

The article highlights the vital role of appropriate freedom of States to choose the remedies of settling their disputes. This right is a corollary to two interrelated international law principles – the sovereign equality of states and non-interference in matters within their domestic jurisdiction.

1. Types of confrontational States relations

Before examining the evolution and content of the principle of peaceful settlement of international disputes, the types of interstate conflict should be addressed. In international law, two types of relationship are distinguished – a situation or a dispute. There is no definition of these concepts in the UN Charter. Under the practice of the International Court of Justice and the UN Security Council, however, the situation prevails when the competing interests of States are not matched by mutual claims, although it generates tension between them⁴. The situation could become contentious over time.

A dispute occurs when states reciprocally claim the same subject matter⁵. The most practical relevance of the distinction between situations and disputes lies in the procedure before the Security Council⁶. Thus, for example, a member of the Security Council being a litigant is obliged to abstain from voting but considering a situation as a litigator he is entitled to vote.

Two types of disputes and situations are worth noting: threats to peace and security; and disputes unaffected by such a threat⁷. The Security Council has special powers with regard to disputes that threaten peace. It has authority and discretion to investigate such a dispute and recommend appropriate procedures or methods of adjustment. For example, during 2019, the Security Council sent five missions with all 15 members: to West Africa (Côte d'Ivoire and Guinea-Bissau); Sahel (Mali and Burkina Faso); Kuwait and Iraq; Colombia; and the Horn of Africa (Ethiopia and South Sudan). The main objectives of these missions were conflict prevention, assessment of the implementation of various peace agreements, reconciliation and conflict resolution, as well as post-conflict settlement⁸.

⁴ DICTIONARY OF INTERNATIONAL LAW. Exec. ed. Egorov S.A., 3rd ed., Revised. and add. Moscow: Statute, 2014, p. 408.

⁵ DICTIONARY OF INTERNATIONAL LAW. p. 422.

⁶ ABASHIDZE A. Kh. **Peaceful resolution of international disputes**: modern problems [Text]: monograph/A.Kh. Abashidze, A.M. Solntsev. 2nd ed. M.: RUDN, 2012, p. 15.

⁷ INTERNATIONAL LAW: TEXTBOOK. Exec. ed. JD, prof. S.A. Egorov. Moscow: Statute, 2016, p. 702-703.

⁸ REPERTOIRE OF THE PRACTICE OF THE SECURITY COUNCIL 22ND SUPPLEMENT 2019. **Part VI - Consideration of the provisions of Chapter VI of the Charter**. [Electronic resource]. Available at: <https://www.un.org/securitycouncil/ru/content/repertoire/settlements#rel1>. Accessed on: 10 out. 2020. p. 13.

It is worth noting that in its decisions the Security Council recognized the inquiry and fact-finding missions of UN Secretary General to resolve conflict situations⁹.

Some scholars have identified three types of international disputes leading to international tension:

- 1) interstate;
- 2) transnational;
- 3) human rights disputes.¹⁰

Practically every international dispute could be cast in terms of a dispute concerning object and subject, risks to international peace, geographic spread (e.g., global, regional, and local), by the number of actors (bilateral or multilateral), by type of entity (interstate or dispute involving an international organization)¹¹.

It is notable that the UN Charter distinguishes between two categories of disputes: legal and all others. The Art. 36, paragraph 2, of the Statute of the International Court of Justice refers to legal disputes the interpretation of the treaty; any question of international law; the existence of any fact, which, if established, would constitute a violation of an international obligation, and the nature and amount of compensation due for the violation of an international obligation¹².

2. Evolution of the international legal principle of the peaceful settlement of disputes

Although the principle of peaceful international disputes settlement has been enshrined in written sources not so long ago, the first means of settling disputes dates to the period of slavery. In particular, such means of dispute

⁹ REPERTOIRE OF THE PRACTICE OF THE SECURITY COUNCIL 22ND SUPPLEMENT 2019. p. 16-17.

¹⁰ KARON D.D.; SHINKARETSKAYA G.G. Peaceful resolution of international disputes through law. Beyond confrontation. **International Law in the Post-Cold War Period**: Collected Articles. Moscow: Spark, 1996, p. 326.

¹¹ INTERNATIONAL LAW: TEXTBOOK. p. 703.

¹² CHARTER OF THE UNITED NATIONS [Text]: ADOPTED IN SAN FRANCISCO ON 06/26/1945. **Collection of treaties, agreements and conventions concluded by the USSR with foreign states**. Issue. XII. M, 1956. p. 14–47.

resolution as mediation and arbitration has been already used in Ancient India and Ancient China¹³. In ancient Greece conflicts between communities and policies were resolved through negotiations between special authorized persons – ambassadors. In the Homer era they were called “messengers”, and in classical Greece - elders (“presbase”). Moreover, sages, poets, closest friends and brothers of the sovereign, the most authoritative people of the state respected by foreign rulers, the winners of the Olympic Games, for example, acted as parliamentarians¹⁴.

In the early period ancient Rome sought to peaceful resolution in all controversial political issues. Only in case of impossibility to peacefully resolve the dispute did they resort to arms. As D.L. Davydenko notes, during the republican period, the declaration of war was a highly complex procedure. Special commission of four headed by a priest of *fetiales collegia* negotiated on behalf of Rome. This Commission has made several visits to a city in violation of international rules. At the same time, rituals were performed every time and magic words and curses were pronounced in a loud voice against the violator of international law. The commission then returned to Rome and waited 33 days for a response. Failing receipt of a response, the *fetials* would report to the Senate and the People who had the right to declare war. The priest then went for the last time to the border of the city and threw a burnt and bloody dart on the enemy ground¹⁵.

For the first time, the principle of peaceful settlement of international disputes at the universal level was enshrined in the 1899 Convention on the Pacific Settlement of International Disputes. The I Hague Conference, initiated by the Russian Emperor Nicholas II, adopted this Convention. At the II Hague Conference in 1907, this principle was reaffirmed and supplemented. Thus, Art. 2 of the Convention established that States shall, before resorting to weapons,

¹³ HISTORY OF INTERNATIONAL LAW: TEXTBOOK. ANISIMOV, I.O. **Commandants S.V., Scientific.** ed. S.A. Egorov. Moscow: Prospect, 2020, p. 36-37.

¹⁴ DAVYDENKO, D.L. **How conflicts were resolved**: historical incidents. [Electronic resource]. Available at: <http://pravo.ru/review/view/6044/>. Accessed on: 10 out. 2020.

¹⁵ DAVYDENKO, D.L. **How conflicts were resolved**: historical incidents.

as far as circumstances permit, turn to good offices or mediation¹⁶. Hence, there was no prohibition on resolving disputes by military force since the parties might and are not obliged to, resort to good offices or mediation.

The next document that elaborated the principle under consideration was the 1920 Statute of the League of Nations. Art. 12 of the Statute established that if a dispute arises between the members of the League of Nations, which might entail a break in relations, then they would be subject either to arbitration or to the consideration of the Council¹⁷. The parties also agree that they shall not resort to war before the expiry of three months period after the decision of the arbitrators or the report of the Council. Hence, this international legal document also did not provide for a complete prohibition of war as a means of resolving disputes.

For the first time, the imperative nature of this principle was established in the Kellogg–Briand Pact of 1928. Art. 2 contained herein states that when settling disputes, the parties must **always** resort to peaceful means¹⁸.

The next document, outlining the development of the principle of international disputes peaceful settlement is the UN Charter of 1945 where art. 2 para. 3 states that UN members resolve their international disputes by peaceful means in a manner that does not endanger international peace, security and justice¹⁹. Chapter VI of the Charter (Articles 33-38) is entirely devoted to the peaceful settlement of disputes. It sets out, inter alia, the powers of the Security Council to investigate disputes and situations.

The principle of peaceful settlement of international disputes was further elaborated in the 1970 Declaration of Principles of International Law establishing each state obligation to refrain in its international relations from the threat or use

¹⁶ CONVENTION ON THE PEACEFUL SOLUTION OF INTERNATIONAL COLLISIONS OF OCTOBER 18, 1907. [Electronic resource]. Available at: <http://docs.cntd.ru/document/901762207>. Accessed on: 10 out. 2020.

¹⁷ CHARTER OF THE LEAGUE OF NATIONS OF JANUARY 10, 1920. [Electronic resource]. Available at: <http://www.doc20vek.ru/node/451>. Accessed on: 10 out. 2020.

¹⁸ TREATY ON THE RENUNCIATION OF WAR AS A WEAPON OF NATIONAL POLICY (BRIAND-KELLOGG PACT) OF AUGUST 27, 1928. [Electronic resource]. Available at: <http://docs.cntd.ru/document/901786550>. Accessed on: 11 out. 2020.

¹⁹ CHARTER OF THE UNITED NATIONS [Text]: ADOPTED IN SAN FRANCISCO ON 06/26/1945. p. 14–47.

of force against the territorial integrity and political independence of any state and in any other way incompatible with the purposes of the UN²⁰.

Further, other international legal documents, such as the 1975 CSCE Final Act, the 1982 Manila Declaration on the Peaceful Settlement of International Disputes, the 1988 Declaration on the Prevention and Elimination of Disputes and Situations reflect this principle.

3. Content of the principle of international disputes peaceful settlement.

The content of the principle of peaceful disputes resolution can be conditionally reduced to several elements.

First, the States in addition to having obligation to resolve their international disputes by peaceful means are also obliged to prevent conflict situations. Thus, for example, the 1988 Declaration on the Prevention and Elimination of Disputes and Situations established that States must “act in such a way as to prevent the occurrence or aggravation of disputes or situations in their international relations, in particular by fulfilling in good faith their obligations arising from international law”²¹.

Second, states are not entitled to leave their international disputes unresolved. This means the requirement for an early resolution of the international dispute and the need to continue searching for ways of settlement if the way of settlement mutually agreed by the disputing parties does not bring positive results.

Third, states must refrain from actions that could exacerbate a dispute. This is reflected both in the practice of the International Court of Justice and in

²⁰ DECLARATION ON THE PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND COOPERATION BETWEEN STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS. [Electronic resource]. October 24, 1970. Available at: https://www.un.org/ru/documents/decl_conv/declarations/intlaw_principles.shtml. Accessed on: 11 out. 2020.

²¹ DECLARATION ON THE PREVENTION AND ELIMINATION OF DISPUTES AND SITUATIONS THAT MAY THREATEN INTERNATIONAL PEACE AND SECURITY, AND ON THE ROLE OF THE UNITED NATIONS IN THIS AREA OF DECEMBER 5, 1988. [Electronic resource]. Available at: https://www.un.org/ru/documents/decl_conv/declarations/place_threatenning_disputes.shtml. Accessed on: 11 out. 2020.

international legal acts. The 1975 CSCE Final Act established that “the participating States (...) will refrain from any action that may aggravate the situation to such an extent as to jeopardize the maintenance of international peace and security, and thus make the peaceful settlement of the dispute more difficult”²².

Fourth, states must settle their disputes based on international law and justice.

Fifth, states are free to choose specific means of dispute resolution. This element stems from two principles of international law - the sovereign equality of states and the principle of non-interference in their internal affairs. For example, the 1982 Manila Declaration on the Peaceful Settlement of International Disputes stipulates that international disputes are resolved on the grounds of the sovereign equality of states and subject to the principle of free choice of means in accordance with the obligations of the UN Charter and the principles of justice and international law.

The application of any dispute settlement procedure or consent to such a procedure, freely agreed between states in respect of existing or future disputes to which they are parties, should not be considered incompatible with the principle of the sovereign equality of states.²³

Peaceful means of settling disputes. The Art. 33, para 1 of the UN Charter provides a list of such items. These include negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The wording “other peaceful means” implied that list is not exhaustive. The UN Charter does not envisage good offices and consultations.

Let us move on to **negotiations and consultations**. Negotiation has been in the foreground as it is used more often than other means of resolving disputes. Furthermore, it is impossible to use other pre-trial means without them.

²² HELSINKI FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE OF AUGUST 1, 1975. [Electronic resource]. Available at: <http://www.osce.org/ru/mc/39505?download=true>. Accessed on: 11 out. 2020.

²³ MANILA DECLARATION ON THE PEACEFUL RESOLUTION OF INTERNATIONAL DISPUTES OF NOVEMBER 15, 1982. [Electronic resource]. Available at: https://www.un.org/ru/documents/decl_conv/declarations/manila_declaration.shtml. Accessed on: 11 out. 2020.

Negotiation is “a direct discussion, i.e. without the participation of a third party, intermediary or mediator aimed at making a joint solution capable of resolving the differences”²⁴. The parties themselves in accordance with the principles and norms of international law align objectives, participants, level of representation in negotiations and other procedural issues.

Equal footing without undermining the sovereign will of the parties is preferable for negotiating that should begin and undergo without any preconditions and threats. In this context, special agreements play a particular role, allowing detailed modalities for negotiations in the form of consultations and notifications.

As for the negotiation procedure, it usually takes place through diplomatic channels, that is, via the respective missions on the territory of the host state. As L. I. Zaitseva²⁵ notes, “in some cases, negotiations are carried out through authorized bodies, for example, ministries or departments responsible for the channeling of identified activities. Under certain circumstances, a dispute may be transferred to higher authorities if the authorized body is accountable to them”.

Consultation as a arrangement of settling disputes is relatively new. They came into effect after World War II. It is up to the parties to regulate the establishment of an advisory commission. Experts point out that consultations are a form of negotiation and may be both optional and binding on the parties. As previously agreed, States undertake periodical or emergency consultations among themselves to eliminate possible disagreements.

The purpose of the consultations is to exchange views and information on issues of interest; coordination of State positions on the essence of the issues under discussion; preparation and submission of proposals to states and international organizations for balanced steps and joint measures to address an international problem; proposal formulation in the draft agendas of high-level and other meetings.

²⁴ ZAITSEVA, L.I. Negotiations as an alternative way of resolving disputes in public international law. **Baikal Research Journal**, n. 5. 2013. Available at: <https://cyberleninka.ru/article/n/peregovory-kak-alternativnyy-sposob-razresheniya-sporov-v-mezhdunarodnom-publicnom-prave>. Accessed on: 11 out. 2020.

²⁵ ZAITSEVA, L.I. **Negotiations as an alternative way of resolving disputes in public international law.**

International legal acts regulate the consultation procedure in detail²⁶.

Enquiry and reconciliation. Although enquiry and reconciliation are very similar, they have significant differences. Enquiry is an international legal fact-finding procedure for establishing facts in the past²⁷. A survey or commission of inquiry used when the disputing parties disagree on the factual contentious background. A joint commission of inquiry is being set up and a representative of either a third state or an international organization might preside. The commission's results are recorded in a report that should be limited to the fact-finding only. The parties have full freedom to enjoy the findings of the commission. On a practical plane, the term "fact-finding" itself tends to apply solely to a survey. For example, commissions of inquiry that are being set up within the UN system, in most cases referred to as "fact-finding missions"²⁸. An important aspect of the placement of survey in the system of peaceful means of international disputes resolution is its relation to conciliation (conciliation procedure).

Reconciliation, unlike survey, involves not only fact-finding but also developing practical recommendations. The International Conciliation Commission, established on the parity basis, should make recommendations for resolving the dispute. The findings of the commission are optional, that is, not legally binding. As noted by E.A. Pushmin²⁹:

[...] historically, the conciliation has emerged as a further stage in the development of the practice of international commissions of inquiry. Soon after the adoption of the Hague Conventions, the practice of settling interstate disagreements took the path of expanding the competence of commissions of inquiry by empowering them not only to investigate a fact, but also to settle the dispute.

²⁶ See, for example: REGULATIONS ON THE PROCEDURE FOR HOLDING CONSULTATIONS BETWEEN STATES PARTIES TO THE COLLECTIVE SECURITY TREATY OF MARCH 28, 1997. [Electronic resource]. Available at: https://lawrussia.ru/texts/legal_213/doc213a164x923.htm. Accessed on: 11 out. 2020.

²⁷ KUDINOV, A.S. Survey (investigative procedure) in the system of peaceful settlement of international disputes. **Electronic supplement to the Russian legal journal**, n^o. 1. 2018. Available at: <https://cyberleninka.ru/article/n/obsledovanie-sledstvennaya-protsedura-v-sisteme-mirnogo-razresheniya-mezhdunarodnyh-sporov>. Accessed on: 11 out. 2020.

²⁸ KUDINOV, A.S. **Survey (investigative procedure) in the system of peaceful settlement of international disputes.**

²⁹ PUSHMIN, E.A. **Conciliation is a means of resolving international disputes.** Kaliningrad: Book Publishing House, 1973, p. 34.

Moreover, experts note the actual transformation of the commissions of inquiry into conciliatory commissions³⁰.

The modern concept of conciliation is that from an institutional perspective it is like an investigation, from a functional point of view, like mediation³¹.

Therefore, fact-finding is the basis of conciliation, but does not exhaust it. The main purpose of the conciliation commissions is for the parties to reach an agreement based on the evidence collected and the options for resolving the conflict proposed by the commission.

Good offices and mediation. Good offices are actions by a non-disputing party to establish contacts between the disputing parties. As noted by experts, the purpose of good offices is to provide mainly technical assistance during negotiations in a productive atmosphere³². Such assistance may take various forms, most commonly both as response to an interested party request and of their own volition. One should not regard the offer of good offices as an unfriendly act towards the disputing parties.

The good offices party does not participate directly in the negotiations between the disputing parties. This serves as a major difference between good offices and mediation. Furthermore, development good offices into mediation is commonly observed in practice. Mediation implies a third party being directly involved with amicable resolution of a dispute. They are free to offer another alternative of dispute resolution that are not binding. Not only the State but also international organization can mediate. For example, the Art. 25 of the 2001 Convention on the Protection of the Underwater Cultural Heritage provides that disputes can be resolved, inter alia, via mediation through UNESCO³³.

³⁰ PUSHMIN, E.A. **Peaceful resolution of international disputes (international legal issues)**. Moscow: International Relations, 1974, p. 81.

³¹ TOLSTYKH, V.L. **Course of international law: textbook**. Moscow: Prospect, 2019, p. 466.

³² KHASANOVA, L.A. Good services, conciliation and mediation in the WTO: problems and prospects. **Russian law: education, practice, science**, n^o. 5 (107). 2018. Available at: <https://cyberleninka.ru/article/n/dobrye-uslugi-soglasitelnaya-protsedura-i-posrednichestvo-v-vto-problemy-i-perspektivy>. Accessed on: 11 out. 2020. p. 98.

³³ CONVENTION ON THE PROTECTION OF UNDERWATER CULTURAL HERITAGE OF NOVEMBER 2, 2001. [Electronic resource]. Available at: https://www.un.org/ru/documents/decl_conv/conventions/underwater_heritage.shtml. Accessed on: 11 out. 2020.

The 1994 WTO Dispute Settlement Arrangements, the Art. 5 provides the disputing parties in order to finalize a dispute by means of a Mutually Acceptable Solution, a number of conciliation methods including good offices, conciliation and mediation³⁴.

On the part of the UN, the Secretary General or his special representatives carry out mediation based on resolutions of the General Assembly or the Security Council. The order of mediation is regulated in detail in the Hague Conventions on the Peaceful Resolution of International Conflicts of 1899 and 1907.

4. International arbitration and litigation

International arbitration is a freely expressed consent of the disputing parties refer the dispute to a third party for binding solution. There are two types of arbitration in international law: permanent and ad hoc arbitration for the settlement of a particular dispute. International arbitral award is binding and enforceable. The previously mentioned Hague Conventions for the Pacific Settlement of International Disputes played a large role in the development of the institution of arbitration.

There are three ways of referring a case to arbitration:

- 1) Ad hoc agreement (compromise);
- 2) A special provision in a treaty (arbitration clause);
- 3) General arbitration agreement.

The Permanent Court of Arbitration is as an example of international arbitration. It is the oldest body for the settlement of maritime disputes and was established by the Hague Convention for the Pacific Resolution of International Disputes.

Now, the Permanent Court of Arbitration is a list of people for choosing as arbitrators in each specific case. A feature of the Permanent Court of Arbitration is that claims from private companies international in nature are eligible.

³⁴ AGREEMENT ON THE RULES AND PROCEDURES FOR RESOLVING DISPUTES IN THE WTO DATED APRIL 15, 1994. [Electronic resource]. Available at: <http://docs.pravo.ru/document/view/18484490/>. Accessed on: 11 out. 2020.

Moreover, hearings can be in closed sessions and decisions kept confidential at the parties' request.

Litigation is characterized by the fact that the decisions of international courts are final and legally binding only for the litigant parties. The court formation is different in arbitration since the statutes of international courts regulated clearly the composition of the court and the procedure for review. It is worth noting that the Permanent Court of International Justice has become the first permanent international court.

In 1946, the International Court of Justice replaced the Permanent Court of International Justice, now the main court, and its Statute, is an integral part of the UN Charter.

The International Court of Justice is one of the six main organs of the United Nations. It performs both judicial and advisory functions. What is characteristic of the International Court of Justice in this respect is that it can adjudicate within the principle of justice and equity, that is, without being limited to existing rules of international law. It is the only international court with general jurisdiction. The International Court of Justice shall consider a case only if the State has consented to become a litigant. Nevertheless, the State that has accepted the jurisdiction of the court may consider such jurisdiction non-applicable, i.e., there is no dispute with this state, or the dispute is not of a legal nature. Moreover, the State may consider that its consent to accept the jurisdiction of the court is not applicable to this dispute.

The decisions of the International Court of Justice are binding, final and without appeal. The General Assembly and the Security Council may request advisory opinions from the Court on any legal matter. Other organs of the UN and specialized agencies, which at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

The Court is composed of 15 independent judges of high moral character who are lawyers of recognized competence in international law. Judges are elected for a term of 9 years, renewable. A candidate running for the office of judge must have an absolute majority in the General Assembly and the UN

Security Council. For the sake of continuity, 15 judges do not complete their terms at the same time. The terms of service are limited to three-year term for one third of the court members. The International Court of Justice tends to review cases *en banc*. However, its Statute provides for the approval of chambers with three or more judges. Such chambers may specialize in certain categories of cases. For example, chambers for seabed and environmental disputes were established in the 1990s. A chamber may be created to deal with a single case both by the international court itself and at the request of the parties, the number and candidacy of judges is agreed between the court and the parties.

Under the Statute of the International Court of Justice of the United Nations, the Court's decisions were binding only on the parties to the dispute and in respect of the particular case to which the decision pertained. In other words, the decision does not create an authoritative precedent for future sessions.

Conclusion

Having analyzed the evolution and content of the peaceful settlement of international disputes the authors reached the following conclusions.

1. While it was true that the first peaceful means appeared during the period of slavery, the principle of the peaceful settlement of international disputes was introduced at the universal level only in 1899, and its imperative (mandatory) nature was established in the Briand-Kellogg Pact, 1928.

2. The peaceful settlement of international disputes is a complex, integrated principle of several elements whose content being recorded in various international legal instruments.

3. States are free to choose specific means of dispute settlement. This right stems from two principles of international law, namely: the sovereign equality of states and non-interference in internal affairs.

4. Both contentious and non-contentious means (negotiations, consultations, good offices, etc.) play an important role in the resolution of international disputes.

References

ABASHIDZE A. Kh. **Peaceful resolution of international disputes**: modern problems [Text]: monograph/A.Kh. Abashidze, A.M. Solntsev. 2nd ed. M.: RUDN, 2012.

AGREEMENT ON THE RULES AND PROCEDURES FOR RESOLVING DISPUTES IN THE WTO DATED APRIL 15, 1994. [Electronic resource]. Available at: <http://docs.pravo.ru/document/view/18484490/>. Accessed on: 11 out. 2020.

CHARTER OF THE UNITED NATIONS [Text]: ADOPTED IN SAN FRANCISCO ON 06/26/1945. **Collection of treaties, agreements and conventions concluded by the USSR with foreign states**. Issue. XII. M, 1956.

CHARTER OF THE LEAGUE OF NATIONS OF JANUARY 10, 1920. [Electronic resource]. Available at: <http://www.doc20vek.ru/node/451>. Accessed on: 10 out. 2020.

CONVENTION ON THE PEACEFUL SOLUTION OF INTERNATIONAL COLLISIONS OF OCTOBER 18, 1907. [Electronic resource]. Available at: <http://docs.cntd.ru/document/901762207>. Accessed at: 10 out. 2020.

CONVENTION ON THE PROTECTION OF UNDERWATER CULTURAL HERITAGE OF NOVEMBER 2, 2001. [Electronic resource]. Available at: https://www.un.org/ru/documents/decl_conv/conventions/underwater_heritage.shtml. Accessed on: 11 out. 2020.

DAVYDENKO, D.L. **How conflicts were resolved**: historical incidents. [Electronic resource]. Available at: <http://pravo.ru/review/view/6044/>. Accessed on 10 out. 2020.

DECLARATION ON THE PREVENTION AND ELIMINATION OF DISPUTES AND SITUATIONS THAT MAY THREATEN INTERNATIONAL PEACE AND SECURITY, AND ON THE ROLE OF THE UNITED NATIONS IN THIS AREA OF DECEMBER 5, 1988. [Electronic resource]. Available at: https://www.un.org/ru/documents/decl_conv/declarations/place_threatenning_disputes.shtml. Accessed on: 11 out. 2020.

DECLARATION ON THE PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND COOPERATION BETWEEN STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS. [Electronic resource]. October 24, 1970. Available at: https://www.un.org/ru/documents/decl_conv/declarations/intlaw_principles.shtml. Accessed on: 11 out. 2020.

DICTIONARY OF INTERNATIONAL LAW. Exec. ed. Egorov S.A., 3rd ed., Revised. and add. Moscow: Statute, 2014.

HELSINKI FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE OF AUGUST 1, 1975. [Electronic resource]. Available at: <http://www.osce.org/ru/mc/39505?download=true>. Accessed on: 11 out. 2020.

HISTORY OF INTERNATIONAL LAW: TEXTBOOK. ANISIMOV, I.O. **Commandants S.V., Scientific.** ed. S.A. Egorov. Moscow: Prospect, 2020,

INTERNATIONAL LAW: TEXTBOOK. Exec. ed. JD, prof. S.A. Egorov. Moscow: Statute, 2016.

KARON D.D.; SHINKARETSKAYA G.G. Peaceful resolution of international disputes through law // Beyond confrontation. **International Law in the Post-Cold War Period**: Collected Articles. Moscow: Spark, 1996.

KHASANOVA, L.A. Good services, conciliation and mediation in the WTO: problems and prospects. **Russian law**: education, practice, science, n^o. 5 (107). 2018. Available at: <https://cyberleninka.ru/article/n/dobrye-uslugi-soglasitelnaya-protsedura-i-posrednichestvo-v-vto-problemy-i-perspektivy>. Accessed on: 11 out. 2020.

KUDINOV, A.S. Survey (investigative procedure) in the system of peaceful settlement of international disputes. **Electronic supplement to the Russian legal journal**, n^o. 1. 2018. Available at: <https://cyberleninka.ru/article/n/obsledovanie-sledstvennaya-protsedura-v-sisteme-mirnogo-razresheniya-mezhdunarodnyh-sporov>. Accessed on: 11 out. 2020.

MANILA DECLARATION ON THE PEACEFUL RESOLUTION OF INTERNATIONAL DISPUTES OF NOVEMBER 15, 1982. [Electronic resource]. Available at: https://www.un.org/ru/documents/decl_conv/declarations/manila_declaration.shtml. Accessed on: 11 out. 2020.

PUSHMIN, E.A. **Conciliation is a means of resolving international disputes.** Kaliningrad: Book Publishing House, 1973.

PUSHMIN, E.A. **Peaceful resolution of international disputes (international legal issues).** Moscow: International Relations, 1974.

REGULATIONS ON THE PROCEDURE FOR HOLDING CONSULTATIONS BETWEEN STATES PARTIES TO THE COLLECTIVE SECURITY TREATY OF MARCH 28, 1997. [Electronic resource]. Available at: https://lawrussia.ru/texts/legal_213/doc213a164x923.htm. Accessed on: 11 out. 2020.

REPERTOIRE OF THE PRACTICE OF THE SECURITY COUNCIL 22ND SUPPLEMENT 2019. **Part VI - Consideration of the provisions of Chapter VI of the Charter**. [Electronic resource]. Available at:

<https://www.un.org/securitycouncil/ru/content/repertoire/settlements#rel1>.

Accessed on: 10 out. 2020.

TOLSTYKH, V.L. **Course of international law: textbook**. Moscow: Prospect, 2019.

TREATY ON THE RENUNCIATION OF WAR AS A WEAPON OF NATIONAL POLICY (BRIAND-KELLOGG PACT) OF AUGUST 27, 1928. [Electronic resource]. Available at: <http://docs.cntd.ru/document/901786550>. Accessed on: 11 out. 2020.

ZAITSOVA, L.I. Negotiations as an alternative way of resolving disputes in public international law. **Baikal Research Journal**, n. 5. 2013. Available at: <https://cyberleninka.ru/article/n/peregovory-kak-alternativnyy-sposob-razresheniya-sporov-v-mezhdunarodnom-publichnom-prave>. Accessed on: 11 out. 2020.