Peaceful Resolution of International Disputes

1 UNG Rotha, 2 Dr. Chan Savary, 3 Dr. Long Sovang
1 Department of Public Administration, Graduate School, Western University, Phnom Penh, Cambodia
2 Lecturer, Department of Public Administration, Western University, Phnom Penh, Cambodia
3 Dean of Graduate School, Western University, Phnom Penh, Cambodia
Email – 1ungrotha.wu@gmail.com, 2chan.savary@gmail.com, 3longsovang@gmail.com

Abstract: This research will bring more in-depth knowledge to be used in various fields of state institutions, especially in the executive branch. The research will also explore technical knowledge to bilateral or multilateral negotiations to find solutions to conflicts that arise in our country with other countries in various fields. It should be remembered that not all conflicts are easy to find a solution to, it is sometimes stuck for decades to resolve successfully. When they do not resolve the issue, they often resort to other means, either through diplomacy or through international courts, or through the use of force. But the use of force is the last resort in resolving disputes between states after it has no other choices.

Key Words: conflict, dispute, resolution, international dispute.

1. INTRODUCTION:
International disputes are often referred to as disagreements over the rule of law or facts, misunderstandings, disputes over the paper, or conflicts of interest between the two states (Pauwelyn, 2003). In order to prove the existence of an inspector, it is necessary to show that the demands of one party clearly conflict with the opposition of the other party, and on the other hand, the existence of an inspector must be ratified (Walter, 1997). A new tactic presents a distinction between two notions: one “different perspectives” and the other "superintendent". Already, it needs to be addressed by referring the analysis to further legal rules (Sell, 1995).

Political commentator refers to disagreements over the amendment of existing rules and regulations, it cannot be resolved legally because it is a conflict that leads to future developments (Bothe et al., 1982).

The benefits of this division emphasize the choice of how to resolve disputes. In this regard, legal disputes can be resolved through arbitration or court proceedings, while political disputes can only be resolved diplomatically or politically (Klein, 2005). There is no definition of a legal dispute in the text of the treaty, only a description. It can also raise the notion of political tensions that manifest as individual conflicts and lead to a peaceful settlement of disputes (Dixon, 1994). The term “crisis” refers to a chaotic situation and does not have a clear legal definition in the context of international law (Roth, 2000). Diplomats or courts can be a beacon for all generations of Cambodians to use in situations to resolve disputes with foreigners (Bjola & Kornprobst, 2018).

2. RESEARCH QUESTIONS:
For these reasons, it is difficult for us to provide a model rule that can be applied effectively in all circumstances. Therefore, there are some problems such as:
Is it the duty of the parties to the conflict to require him to resolve his dispute through negotiations or diplomacy?
Can all disputes be resolved by the parties themselves or not?
What mechanisms should the parties rely on to resolve their disputes?
What is the solution that can effectively end the conflict between states?

3. METHOD:
In order to obtain compelling quality research, the research is divided into three stages:
Stage 1. Introduce key theories (works by world-renowned philosophers) related to the topic of "peaceful conflict resolution" in their work, read and explore in-depth and highlight key points.
Stage 2. Find new examples in theory from online literature and printed materials to match with the theory to make the research more detailed.

Stage 3. Analyse and consider the above research data, and weigh the strengths and weaknesses to reflect for the Cambodian people to understand and use effectively.

4. FINDINGS & DISCUSSION:

4.1 Diplomatic Dispute Resolution

In addition to the ban on the use of force during confrontations, the United Nations Constitution sets out the obligations of the parties to the conflict to resolve disputes peacefully (Chesterman, 2002). According to the ruling of the Permanent International Court of Justice (PICJ) in the case of the Mavrommatis concession in Palestine in 1924, the court defined "conflict" as "disagreement over any point of law or fact: Dispute is the opposite of a thesis, legal, or interest between two individuals or entities (either human or states) (Klabbers, 2020). The will to urge states to resolve their disputes peacefully was first documented in The Hague Convention of 18 October 1907 on the Settlement of International Disputes. Currently, the obligation to resolve disputes peacefully is enshrined in Articles 2.3 and 33 of the UN Charter, as well as in the Declaration on the Principles of International Law on International Relations and Cooperation between States. Resolution of the General Assembly 2625 (XXV) 24/10/1970) (Merrills & De Brabandere, 2022).

All states are free to choose how they will resolve their disputes, that is, they can choose between out-of-court or judicial means, as enshrined in Article 33 of the UN Charter (Biehler, 2008). Disputes can be settled in a treaty, and in the event of a dispute with any party to the treaty, a Contracting State is willing to settle the dispute in the manner enshrined in the treaty (Collier & Lowe, 2000).

Conflicts must be resolved primarily through the efforts of the parties to the dispute (negotiation), and then resolutions involving third parties at various levels (Zartman & Touval, 1985).

4.2 Resolve disputes peacefully through UN roadmap

In this first section, the ideas to be studied are, the question of the mechanism for the peaceful settlement of disputes between states within the framework of the United Nations, which body is responsible for resolving the council? Security or the United Nations General Assembly or anyone else (Tiewa, 2012). And after knowing who is in charge, we should find out how they deal with it. To answer these questions, the UN Dispute Resolution Body (paragraph 1) and then the scope of the UN implementation (paragraph 2) were presented as the following.

Paragraph 1: United Nations Dispute Resolution Body

The main body for resolving international disputes is the Security Council, both by force and by diplomatic means (peaceful settlement) (Boutros-Ghali, 1992). A resolution must be made within the framework of the Security Council, while the UN General Assembly and the Secretary-General can also contribute to the resolution, but he has no power to decide, only the Security Council is rich. It is in part of the UN Charter that a peaceful settlement of disputes is made (Tryggestad, 2009). Article 24 states that the Security Council is primarily responsible for maintaining international peace and security, so it must play a key role in this (Carswell, 2013). However, the General Assembly and the Secretary-General also plays an important role in this regard, in that he can attract the attention of the United Nations in general and the Security Council, in particular, to consider resolving disputes for the state by means of peace, but whether it is successful or not, it is not certain, in fact, this seems to have a lot of good results (Butler, 2012).

Paragraph 2: Scope of implementation of the United Nations

Dispute resolution between member states must be done within the framework of the entire international organization, although sometimes there is no clear dispute resolution mechanism within that organization (Rusakova et al., 2019). Conflicts sometimes arise under the influence of diplomatic pressure or have to be turned into politics to be resolved multilaterally through conferences or meetings of some states (Willets, 2001). However, the United Nations strives to avoid such conflicting tendencies and to reduce or ban conflicts and transform them into conflicts (Doyle & Sambanis, 2006).

4.3 International Arbitration Dispute Resolution

An arbitral tribunal is a state-to-state dispute settlement mechanism in which the parties to a dispute choose a judge (arbitrator) to resolve their dispute on their own, as there is no permanent judge (arbitrator) at this point. Unlike the ICJ, which has 15 permanent judges (Wang, 2017). The arbitral tribunal has a long history of formation, although there are no permanent judges. But the analysis also focuses on the Permanent Court of Arbitration, an intergovernmental
body with a seat in The Hague, the Netherlands (Guillaume, 2007). The Permanent Court of Arbitration is responsible for resolving state-to-state disputes, between states and international organizations, and between states and private individuals (multinational investors) (Abbott & Snidal, 1998). The analysis in this paper emphasizes only state-to-state conflicts, not state-to-state conflicts with others, because of such defining topics (Smith, 2004).

4.4 Dispute Resolution by the International Court of Justice (ICJ)

The International Court of Justice (ICJ) is the main body of the United Nations. The International Court of Justice (ICJ) is a permanent body, unlike the tribunal, which is not a permanent body of the United Nations. The statute of the International Court of Justice (ICJ) is part of the UN Charter (Amr, 2021). This statute stipulates the conditions for appeals to the International Court of Justice (ICJ) by UN member states and by non-UN states, the appointment of judges, financing, and dependencies (Hernández, 2014). To the United Nations Security Council to ensure the execution of the ICJ ruling as enshrined in Article 94 of the UN Charter. How does the International Court of Justice (ICJ) resolve disputes between states? To answer this question, the analysis focuses on three main areas (De Wet, 2004). We will first talk about the history of the establishment and organization of the International Court of Justice (ICJ), then the complaint to the International Court of Justice (ICJ), and finally about the functioning of the International Court of Justice (ICJ), with a summary to summarize the upcoming description (Posner & Figueiredo, 2005).

4.5 Dispute Resolution by Special Court

In this section, only two courts are analysed: the International Court of Justice and the European Court of Justice. The International Tribunal for the Law of the Sea is a tribunal responsible for resolving disputes concerning the interpretation and implementation of the 1982 Montegovery Convention on the Law of the Sea (Babatunde, 2014). The Convention was adopted by the Third United Nations Conference on 30 April 1982 and entered into force on 16 November 1994. It should also be noted that of its 165 members, one is an international organization, the European Union (La Communauté Européenne) (Pineschi & Treves, 2021). The first election of judges was on October 1, 1996. The tribunal has a seat in Hambourg, Germany. The tribunal is an independent body with close ties to the United Nations (Gautier, 2003). The court signed an agreement with the United Nations on cooperation and relations between the two institutions. The United Nations has approved the tribunal to serve as an observer at the UN General Assembly. Not only that, court staff receive salaries and other salaries in accordance with the UN regulations. The budget of this court shall be approved annually by a session of the State Party, which reviews the budget proposal proposed by the court (Ginsburg, 2003). The meeting took place at the UN seat at the invitation of the UN Secretary-General. The share of contributions to be paid by the States Parties shall be taken by the same barracks, and the share of contributions of the members of the United Nations and the European Union shall be paid in accordance with the terms of the Meeting (Wuthnow, 2013).

The European Court of Justice was established in 1952 to ensure the rule of law in the interpretation and implementation of treaties. In carrying out this task, the court has the following missions:

- Check the legitimacy of EU regulatory documents
- Monitor the observance of the obligations of the state in treaties
- Interpret European law at the request of the National Judges of the Member States.

Therefore, the European Court of Justice is the judicial authority of the European Union, whose role is to monitor the collaboration with the local jurisdiction of the EU member states in order to reach a consensus on EU law and monitor its implementation (Kelemen, 2016). The European Court of Justice has seats in Luxembourg and is divided into three bodies: the la Cour de justice, the Tribunal, which was established in 1988, and the Tribunal de la Fonction Publique 2004 (Bobek, 2015). And these three institutions have already tried more than 15,000 cases. However, please note that in this paper, we do not refer to the Civil Service Court as the subject of this paper deals only with the resolution of disputes between states. The European Court of Justice is a multilingual judicial body of EU member states (Cortés, 2010).

**5. CONCLUSION AND RECOMMENDATION:**

Finally, after we have cited analysis related to the long-term peaceful settlement of disputes between states, such as negotiations between the parties to the conflict directly, negotiations with third parties in the first level, persuasion in the second level, and third level Conflict Resolution and Observation of Conflict Resolution before the United Nations, Regional Organizations such as the Arab League, the African Union, US States, European Union, ASEAN, and its institutions, dispute resolution by international courts, including the International Court of Justice, the
International Court of Justice, the International Court of Justice and the European Union Each conflict resolution has its own strengths and weaknesses.

But the important thing is that each state must consider the best way to resolve the conflict, adapting to the situation of each conflict and the strength of each state in terms of political strengths, human resources of the state, and loyalty. Which the state sends to fulfil its obligations and so on. In conclusion, each state must avoid its own internal conflicts, seek internal unity, strengthen the rule of law to a high level, strive to train the next generation of high-quality resources, and promote better economic and technical development compared to neighbouring countries. And far, especially to learn to produce enough to meet the needs of the country distributed to ensure the market to local producers.

Once a state has these concessions, other countries will not dare to violate them. It should be remembered that the ambitions of each state are always there and want others, especially countries that are weaker than themselves, so each state must not forget itself, must strive and encourage its children and youth for the country to prosper in the long run.

REFERENCES:


