

## RESOLVING INTERNATIONAL DISPUTES USING VARIOUS METHODS, IN PARTICULAR, BY USING MEDIATION AND NEGOTIATIONS

**Sultonova Dinora Otabek kizi**

Student of UWED, master's degree

Phone: +998(99) 862 17 11

E-mail: [dsultonova999@gmail.com](mailto:dsultonova999@gmail.com)

**Abstract:** Bearing in mind that at the modern stage many international disputes arise between subjects of International Law and these disputes develop into long-term conflicts, the purpose of this scientific work is to analyze modern international disputes, conflicts, incidents and identify effective ways to resolve them.

**Key words:** International law, government, dispute, peaceful methods of dispute resolution, peaceful methods of dispute resolution, mediation.

In modern international law, there are several mechanisms for resolving disputes when they arise. Along with judicial proceedings, states can also resort to peaceful means of resolving conflict situations. In this publication we will look at a mechanism that is being resorted to more and more often - mediation.

Before we begin to directly consider the mediation method, we must consider such a concept as PMDR (peaceful methods of dispute resolution) and what mechanisms it includes. PMDR first began to be used in the 70s of the last century, in the United States of America; later, other English-speaking countries began to adopt these methods, and by the 1990s, these methods were widespread as an alternative to the judiciary.

The fundamental 10 principles of International Law, enshrined in the UN Charter, the Declaration of Principles of International Law and the Final Act of the Helsinki Conference on Security and Cooperation in Europe, state that international law actors should not use force and the threat of use of force and resolve disputes by peaceful means.

In particular, the UN Charter of 1945 contains a text in which the phrase "by peaceful means" is repeatedly repeated, namely in Article 1.2 it states that states must avoid the use of force and the threat of use of force, and resolve all disputes that arise by peaceful means on the basis of justice and equality. Chapter 6 of this Charter provides more detailed instructions on the use of these peaceful methods of resolving disputes.

These documents became the basis for the further development of peaceful methods of resolving disputes. IFAs include mechanisms such as negotiations, mediation, good offices, and arbitration. I would like to briefly examine these concepts.

Negotiations are a discussion of a specific dispute in order to achieve a common resolution; negotiations are carried out directly by the two parties to the conflict/dispute. Good offices is a method of peaceful conflict resolution, the purpose of which is to establish contact between the disputing parties for the further use of another type of mechanism, for example, negotiations. Those. a third state or international organization not participating in the conflict prepares the "ground" for further settlement of the conflict. Arbitration is an alternative to court proceedings; its procedure is similar to that of a court, but does not depend on the domestic legislation of any country. There are two types - institutional (permanent) and ad hoc (temporary, created for a specific dispute).

Finally, we will begin to consider the mediation method of resolving the dispute. Mediation occurs through the involvement of a third party, uninterested in the dispute; the mediator can be either a state or an international organization, for example, the UN. Mediation is carried out on the conditions of the mediating party, which is why the mediator must look at the dispute and its participants through the prism of impartiality, although the decision made during mediation is discretionary and its implementation depends only on the good faith of the parties.

It is worth noting that there are different stages of inconsistency between states; three types are enshrined in international doctrine: situation, dispute, conflict. These types have their own nature and degree of intensity of relations between the subjects of small business. It is recommended to use mediation at an early stage of the development of the conflict, before it develops into an armed conflict, because it will be difficult to resolve through mediation.

The parties to an international conflict are endowed with a number of rights, namely, they have the right to choose a mediator themselves (both/all parties must agree to the mediation procedure and the mediator himself); defend your interests and express your position; reject the mediator's decision, which they consider obviously unacceptable for resolving the dispute/infringing on their interests; and, of course, refuse the services of a mediator if there are compelling reasons, for example, the mediator putting pressure on one of the parties.

One of the successful examples of mediation is the Nagorno-Karabakh conflict, which began in 1988. As we know from history, this dispute was territorial between Armenia and Azerbaijan, mainly taking place in Sharur-Nakhichevan, Zangezur, Karabakh. The conflict began on the basis of social, ethnic and religious contradictions between Azerbaijanis and Armenians. The Russian Federation acted as a mediator in this conflict. Russia contributed to its end in 1994 by concluding a truce between Azerbaijan, on the one hand, and Armenia and Nagorno-Karabakh, on the other.

For comparison, consider the mediation process, which was not successful due to the mediators and disputing parties ignoring the specified principles and guidelines. The conflict in the Serbian province of Kosovo, which until 1989 had autonomous status, and then lost many powers and served as the beginning of an armed conflict between the Serbian military and the Kosovo resistance forces. It should be emphasized that the conflict in Kosovo took place against the backdrop of the collapse of the Socialist Federal Republic of Yugoslavia. The current situation caused concern on the part of the international community and in 1992 the OSCE came up with the first mediation initiative, but all attempts to establish a dialogue between the leaders of the Kosovo Albanians and the authorities of Belgrade by the international organization were insignificant, since the position of the authorities of Belgrade, led by President S. Milosevic, was uncompromising.

Next, consider the air incident between Turkey and the Russian Federation.

In the broadest sense, these include various incidents and disputes related to airspace - violation of the airspace of one state by a military aircraft of another country (a type of border incident), a collision of civil aircraft, an explosion of an aircraft by a bomb or its crash as a result of being hit by a projectile.<sup>1</sup>

Let us consider this type of dispute using the example of Turkey and the Russian Federation. The incident occurred on November 24, 2015 on the territory of Syria, namely, a Su-24M front-line bomber of the Russian Aerospace Forces was shot down by an air-to-air missile fired by an F-16C

<sup>1</sup> Peaceful resolution of international disputes, B.D. Krivokapic, page.83.

fighter of the Turkish Air Force in the area of the Syrian-Turkish border at an altitude of about 6000 meters, and fell on the territory Syrian province of Latakia.

The crew of this aircraft ejected, one of the pilots died, the other was evacuated. A rescue operation was carried out, the pilot of the Mi-8 helicopter, Alexander Pozynich, died during the destruction of the helicopter by pro-Turkish rebels.

The pilots who shot down the Su-24 were arrested for participating in an attempted coup in Turkey, but they acted on the basis of an order issued by Turkish Prime Minister Ahmet Davutoglu. The actions of the Turkish government caused a negative reaction from Russia and subsequently led to a CRISIS in relations between the two states.

This incident led to the following consequences:

- On November 28, 2015, President of the Russian Federation Vladimir Putin signed the “Decree on measures to ensure the national security of Russia and the protection of Russian citizens from criminal and other illegal actions and on the application of special economic measures in relation to Turkey.” According to this decree, a ban or restriction on foreign economic transactions involving the import of certain types of Turkish goods into the country (their list should be determined by the government of the Russian Federation) was temporarily introduced on the territory of Russia. A ban was introduced for organizations under the jurisdiction of Turkey to perform certain types of work and provide services in Russia. A ban was introduced for employers to hire employees from Turkish citizens from January 1, 2016;
- The Russian Ministry of Foreign Affairs stated that it does not recommend that Russians visit Turkey, explaining this by “the increase in terrorist threats from Turkish territory,” and therefore, on the recommendation of Rostourism, tour operators suspended the sale of tours to Turkey;
- On November 27, 2015, Russian Foreign Minister Sergei Lavrov announced the suspension of the visa-free regime with Turkey from January 1, 2016;
- On November 27, 2015, Russia suspended its participation in Blackseafor.

And etc.

This incident could have led to a conflict between Turkey and Russia, but at the end of June 2016, President of the Russian Federation Vladimir Putin received a message from Turkish President Recep Tayyip Erdogan, in which the sender expressed his interest in resolving the situation related to the death of the plane.

This dispute was settled after this apology.

What was broken:

1. The definition of aggression was formulated by UN General Assembly Resolution 3314 on December 14, 1974.

“Aggression is the use of armed force by a state against the sovereignty, territorial integrity or political independence of another state,” the document says.

The Russian military vessel crossed the borders of Turkey and was in Turkish airspace for several minutes, the Turkish government claimed that they sent warning signals to which there was no response.

2. The UN in the third article of its resolution 3314 calls aggression, in particular, “an attack by the armed forces of a state on the land, sea or air forces, or sea and air fleets of another state.”

The plane was shot down over Syrian territory and also fell into Turkish territory, which cast doubt on the legality of Turkey’s actions.

The procedure for intercepting a military aircraft violating state borders is not clearly stated in international treaties.

This issue is discussed in some detail by the Chicago Convention on International Civil Aviation, but in relation to civil aircraft. It contains a procedure for actions and even a system of signals that the interceptor must give to the intercepted aircraft and response actions on the part of the intercepted aircraft.

From all of the above, we can conclude that mediation is an effective way to resolve international disputes only if all conditions, principles and norms of International Law are observed. In the realities of our time, when conflicts arise on the basis of territorial/ethnic disagreements, it is important to regulate disputes at the early stages of their occurrence; this is precisely the key goal of mediation.

Also, any rash action of the government of a state can lead to a dispute, a long-term crisis between them (strained relations, termination of diplomatic relations, sanctions, etc.). Such incidents can also lead to armed conflicts, however, fortunately, in this particular case, the dispute was resolved at a moment of crisis and did not escalate into a more serious stage. To avoid these situations, states must carefully consider the steps they take in different circumstances. International law is multifaceted and consists not only of legal foundations, but also of diplomatic components

#### **List of used literature:**

1. United Nation charter;
2. Peaceful resolution of international disputes, B.D. Krivokapic;
3. UN General Assembly Resolution 3314.