

35. JURISPRUDENCE

ROLE OF LAWYERS IN PEACEFUL RESOLUTION OF INTERNATIONAL DISPUTES

Kyrylo Merkulov,

Fourth Year Student Majoring for Bachelor Degree,
7908183@stud.kai.edu.ua,

Specialty 293 “International Law”,

Faculty of Law and International Relations,
State University “Kyiv Aviation Institute”,

Kyiv, Ukraine

Nataliia Vasylyshyna,

Dr.Sc. in Pedagogics, Professor,

nataliia.vasylyshyna@npp.kai.edu.ua,

Professor of Foreign Languages and Translation Department,

Faculty of Law and International Relations,

State University “Kyiv Aviation Institute”,

Kyiv, Ukraine

Abstract. The article investigates the role of lawyers in structuring negotiations, monitoring compliance, and transforming political compromises into treaties in order to achieve peaceful settlement. The research findings have revealed the study of the range of legal documents involved in peaceful resolution of diplomatic cooperation.

Key Words: lawyers, conflicts, peaceful, settlement, final decision.

The role of lawyers in the peaceful settlement of international conflicts cannot be overestimated: they help states and organizations turn political will into legitimate procedures and sustainable agreements. The UN Charter obliges states “to settle their international disputes by peaceful means” (Art. 2(3)), and Chapter VI, particularly Article 33, defines procedures such as negotiation, mediation, conciliation, arbitration, judicial review, and regional mechanisms. The lawyer’s first task is to assess the legal nature of the dispute and translate political positions into legally verified claims: determine the subject, facts, violated norms, and possible means of protection. Lawyers explain the consequences of each method — mediation retains control over the outcome, arbitration and litigation lead to binding decisions, and conciliation provides recommendations. Such legal mapping allows parties to choose procedures consciously, making law a practical tool for peace [1, 2].

Lawyers play a key role in keeping mediation processes effective. The UN Guidance for Effective Mediation sets the main principles: preparation, party

consent, impartiality, inclusion, clear mandates, coordination, and implementation tools. Lawyers transform these into rules — meeting procedures, confidentiality, and clear action plans. They ensure measurable commitments, safety guarantees, and monitoring systems. Without this structure, mediation remains a political statement that collapses at the first crisis [3].

When a political agreement is reached, lawyers give it legal form — from a short protocol to a full treaty. The Vienna Convention on the Law of Treaties requires good faith enforcement (“*pacta sunt servanda*”, Art. 26) and defines interpretation rules. Lawyers formulate obligations clearly and consistently with law, adding dispute resolution mechanisms. Failure to do so can turn an agreement into a new conflict source: vague wording invites disputes, and absence of procedures leads to impunity. Thus, the legal design of peace is the foundation of a sustainable settlement [4].

Not all disputes are resolved through political agreements; some require binding, impartial decisions. The International Court of Justice (ICJ) resolves disputes between states and issues advisory opinions, while the Permanent Court of Arbitration (PCA) addresses inter-state and mixed disputes in accordance with United Nations Commission on International Trade Law (UNCITRAL) rules. Legal practitioners confirm jurisdiction, prepare legal submissions and supporting evidence, and establish procedures to ensure fairness and efficiency. These judicial mechanisms promote legal certainty and reduce the risk of renewed conflict [5, 6, 7].

Trade disputes within World Trade Organization are another area where lawyers ensure peaceful resolution. Understanding procedures under the Dispute Settlement Understanding (DSU) — from consultations to panels and appeals — helps states solve economic conflicts peacefully. The process itself reduces tension through clear steps and deadlines that push parties to settle early [8].

Peace agreements must also be implemented, often in complex political conditions. Lawyers integrate international obligations into national law, draft legislative changes, establish institutions, define budgetary obligations, and design control mechanisms. They also create systems for resolving further disputes, from commissions to arbitrations. This work, based on the principle of good-faith implementation in the Vienna Convention, reduces the risk of manipulation during enforcement [4].

If agreements are violated, the doctrine of state responsibility codified by the International Law Commission in the Articles on State Responsibility for Internationally Wrongful Acts applies. Lawyers determine whether a violation exists, attribute actions to the state, and prepare claims for termination, guarantees of non-repetition, and compensation. Correct application of these norms often brings the process back onto a legal track without escalation [9].

At the regional level, lawyers support mediation and dialogue platforms such as the Organization for Security and Co-operation in Europe (OSCE), providing legal advice, mission training, and standard preparation. They design dialogue

formats, selection rules, and security guarantees, reconciling local processes with international law and strengthening legitimacy [10].

Lawyers also contribute to fact-finding. Under Article 33 of the UN Charter, inquiry allows a neutral body to establish disputed facts. Lawyers define mandates, standards of proof, access to evidence, and witness protection. Their work limits propaganda and promotes dialogue instead of escalation [2].

Execution design and monitoring are another key field. Lawyers create arbitration channels for technical disputes, financial guarantees, and procedures for review of obligations. These mechanisms act as “valves”, allowing parties to resolve minor disputes legally without political confrontation [4].

Many conflicts have an economic or regulatory dimension. In such cases, special regimes like WTO trade settlement or investment arbitration help de-escalate tensions. Lawyers guide states in using these tools as part of conflict-management strategies [11].

Mediation is also increasingly used in commercial and mixed disputes. The Singapore Convention on Mediation allows enforcement of international mediation agreements across States parties, providing a quick and less adversarial method of settlement. Lawyers integrate these tools into wider peace arrangements involving states and private actors [12].

Finally, peace is impossible without credibility. Lawyers build it by ensuring procedural fairness through transparency, impartiality, equal access, and the right to be heard, as well as legal predictability with clear obligations, realistic deadlines, and sanctions for non-compliance. When parties trust the process, they are more likely to support and uphold it [3].

Therefore, the role of lawyers in peaceful settlement is not an addition to diplomacy but its foundation. They structure negotiations, monitor compliance, and transform political compromises into treaties. In case of violations, the doctrine of state responsibility restores legality. Legal instruments make peace sustainable and predictable, requiring from lawyers both skill and ethics, but resulting in less violence and more stability.

REFERENCES

1. Charter of the United Nations, 1945. Chapter I: Purposes and Principles. United Nations. URL: <https://www.un.org/en/about-us/un-charter/chapter-1>
2. Charter of the United Nations, 1945. Chapter VI: Pacific Settlement of Disputes. United Nations. URL: <https://www.un.org/en/about-us/un-charter/chapter-6>
3. United Nations, 2012. Guidance for Effective Mediation. United Nations Department of Political Affairs. URL: <https://peacemaker.un.org/guidance-effective-mediation>

4. United Nations Convention, 1969. Vienna Convention on the Law of Treaties. United Nations Treaty Collection. URL: https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
5. International Court of Justice. Jurisdiction / How the Court Works. ICJ. URL: <https://www.icj-cij.org/en/how-the-court-works>
6. International Court of Justice. How the Court Works. ICJ. URL: <https://www.icj-cij.org/how-the-court-works>
7. Permanent Court of Arbitration. About the PCA. URL: <https://pca-cpa.org/en/about/>
8. World Trade Organization, 1994. Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU). WTO. URL: https://www.wto.org/english/tratop_e/dispu_e/dsu_e.htm
9. International Law Commission, 2001. Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries. United Nations. URL: https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf
10. Organization for Security and Co-operation in Europe. Mediation and Mediation Support: Reference Materials. OSCE. URL: <https://www.osce.org/mediation>
11. World Trade Organization. Chapter 1.2.1: The Dispute Settlement System of the WTO. WTO. URL: https://www.wto.org/english/tratop_e/dispu_e/disp_settlement_cbt_e/c1s2p1_e.htm
12. United Nations Convention, 2018. United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention). UNCITRAL. URL: https://uncitral.un.org/en/texts/mediation/conventions/international_settlement_agreements