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Peaceful Settlement of International As Well As Political And Religious Disputes

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ABSTRACT: Peaceful Settlement of International as well as Political and Religious Disputes.

In the 76 years that have passed since the adoption of the United Nations Charter, the international society continues to face disputes and situations regarding interstate relations that it tries to resolve by peaceful means or, as the case may be, by resorting to force. Conflicts are an inevitable reality of relations between states, as inevitable as in the case of interpersonal relations. Often, states can pursue the same finality, but the ways of achieving the goal pursued or the claims that are raised differ, a factor that can lead to the arisal of conflicts.In the process of peaceful settlement, states enjoy full freedom of choosing the means of peaceful settlement, in such a way that they correspond to the characteristics of the dispute and ensure its resolution. Thus, the subjects of international law have a wide range of possibilities, starting from simple consultations and up to jurisdictional means. Peaceful settlement instruments can be used at any time, regardless of the order, but states have the obligation to act in good faith in order to find a solution to end the conflict.

Keywords: International disputes; conflicts; religious views; legal subjects; peaceful settlement

Introduction

The jurisprudence of the Permanent Court of International Justice defines the notion of international dispute as "a disagreement on a matter of law or fact, a conflict of legal opinions or interests between states". In international documents, such as the O.N.U. Charter, we also find the notion of a situation, representing a state of affairs that could lead to international friction or bring about a dispute.

In order to find ourselves in the scenario of a dispute, the accumulation of several elements is necessary, namely: a state or several states manifesting claims or opinions that are divergent regarding an issue that represents an element of conflict in the relations between them, an opposition from the state to which the views or claims in question are addressed and a rejection of its views or claims by the complaining state [1]. The principle of peaceful settlement of disputes between states and the international law procedures for its realization have experienced a long and complex evolution from a historical stand point. The process of peaceful settlement of international disputes encompasses legal as well as moral, religious and international political aspects.

1. The historical evolution of peaceful means of settlement for political and religious differences between states

The peaceful resolution of conflicts is a desire comparable in age to the use of force and actions specific to war to settle problems between states. From the point of view of the methods used since ancient times to resolve conflicts, although they have experienced various refinements and developments during the evolution of humanity[2] and relations between states, we do not find fundamental differences compared to those used today. However, the year 1928 represents a

[1]Trocan Laura Magdalena, „General considerations regarding international disputes", *Annals of the "Constantin Brâncusi"*, University of Târgu Jiu, Legal Sciences Series, No. 2/2012.

[2] Ioan-Gheorghe Rotaru, "A look at how the concept of human rights has evolved over time", *Journal For Freedom of Conscience (Jurnalul Libertății de Conștiință*), vol 11, no.2 (2023), pp.825-874.

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reference year in the evolution of the principle of peaceful settlement of international disputes as it marks the adoption of the Briand-Kellogg Pact [3], which recorded the condemnation of war and the renunciation of its use as an instrument to fulfill the national policy. Moreover, the Pact also records the commitment of the parties to settle international disputes only by peaceful means. It is important to note that, until the adoption of the Pact, war was considered to be the main tool of achieving the foreign policy of states. War was naturally used to resolve international issues, being accepted as such by international law[4].

The concept of finding a peaceful solution to the issue at hand has its origins in ancient Greece. The ancient Greeks used the institution of arbitration in situations where disputes arose regarding the demarcation of borders and exits to the sea, those regarding commercial relations, privileges granted in ports or even in order to resolve conflicts of political nature.

In the Middle Ages, the most common methods of resolution used were mediation, arbitration and conciliation. The mediation process was based on the application of the judicium parium principle. However, the use of peaceful means of resolving disputes was only a recommendation, as it emerges from the works of the classics of international law, for example Hugo Grotius or Gentilis.

Another reference point in the history of the peaceful settlement of disputes is marked by the Westphalian peace process of 1648. This moment records the use of a multilateral framework of treaties for the first time in history. Conducting negotiations in a multilateral framework developed as a result of the organization of international conferences and, later, through the appearance of the first international organizations in the interwar period.

A consequence of the development of the international society is represented by the emergence of the need for states to create conventional norms to regulate the peaceful settlement of disputes on an interstate level. Thus, the 18th and 19th centuries mark the appearance of many international conventions and agreements that regulate this field.

The Hague Peace Conferences of 1899 and 1907 represent an important contribution to the promotion of the concept of peaceful settlement of disputes. For the purpose of "peace, disarmament and arbitration", the conferences succeeded in codifying the peaceful settlement procedures of that time, namely good offices, mediation, international inquiry and international arbitration[5]. However, the conventions resulting from these conferences contained only recommendations, thus it was left to the discretion of the states to settle disputes peacefully or to use non-peaceful means.

Until the end of the First World War, we cannot discuss the existence of any norm of international law that would establish the obligation of states to settle disputes peacefully, war remaining the main instrument of instilling the states' policy.

The idea of prohibiting war as a means of expressing sovereignty in conflictual relations first appeared in the Covenant of the League of Nations, signed at Versailles in 1919. Although the main purpose of the Covenant was to maintain peace, it is important to note that it did not prohibit entirely resorting to war as a tool for achieving foreign policy, the preamble of the act specifying that the signatories accept only "certain obligations" not to resort to war. Later, the League of Nations contributed to the development of the peaceful settlement of disputes by institutionalizing international justice and by giving the Council powers in this field. Moreover, by creating the Permanent Court of International Justice, the League of Nations has made a notable contribution to the development of international arbitration and conciliation.

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[3]The multilateral treaty for the cessation of war, signed in Paris in 1928. So named after the foreign ministers of France and the United States at that time who, starting from the renewal of a bilateral arbitration treaty, decided to broaden the negotiations, thus reaching a multilateral treaty.

[4] Magdalena-Denisa, Lungu, *The role of international organizations in the peaceful settlement of international disputes,* Bucharest, Universul Juridic Publishing, 2010.

[5] Marilena Marin, **"**Legal Protection of Human Rights between Custom, Law and Jurisprudence", *Intercultural Management,* Volume XVI, Number 30 / 2014, Iasi.

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The Locarno Treaties, from 1925, between Germany, Belgium, Italy, Great Britain and France established the obligation of the parties to use conciliation in order to resolve any differences between them. These, although later developed by the conclusion of four other arbitration treaties between Germany and France, Belgium, Poland and Czechoslovakia, did not show much value, being denounced by the German state in 1935.

The General Agreement for the Peaceful Settlement of International Disputes of the Assembly of the League of Nations of September 1928 was revised and adopted by the UN General Assembly, through Resolution 268/III of April 1949, thus regulating the possibility of combining the faculty to refer to the International Court of Justice with other mechanisms such as international arbitration or conciliation. Moreover, the O.N.U. Charter itself enshrines the principle of peaceful settlement of international disputes as an international obligation of states and, at the same time, as a principle of public international law [6].

Political-diplomatic means can be considered as belonging to the oldest arsenal of dispute resolution procedures. The purpose of these tools is to crystallize the views of the parties in such a way as to contribute to finding a mutually acceptable solution. It is interesting that, in international practice, we are often in the position of qualifying with difficulty the diplomatic instrument used, for example the similarity between the characters of mediation and conciliation or the imperceptible transition from good offices to mediation. This very characteristic increases the degree of attractiveness for states in choosing political-diplomatic means in persute of conflict resolution. It is fundamental to note that these tools prove effective only in situations where both parties agree to participate in the proceedings in good faith.

A general classification of these instruments can be given by the participation or lack of participation of a third party in the procedure for the peaceful settlement of an international situation. Thus, the instrument that does not involve the participation of a third party is negotiation, and the means in which the presence of a third party is necessary are good offices, mediation and conciliation. Along with these categories, the international investigation is also added, having an auxiliary role and being able to be used whenever the situation requires additional clarifications. Thus, with the exception of negotiations, an essential factor in international relations, the most used tools are good offices and mediation.

Negotiation, as a means of peaceful settlement, is a complex notion that reveals multiple dimensions with a closer analysis of the term. It represents a process intended to take place within the limits conferred by public international law and is intended to ensure the ideal environment for avoiding potential disputes or of settling existing ones. Negotiations can take ad hoc or permanent forms, institutional, bilateral or multilateral forms.

Direct diplomatic negotiations between states will be conducted by the ministries of foreign affairs of the states concerned, by the heads of government or, in more special cases, by the heads of state themselves. As for negotiations between international organizations, they will be carried out by their highest officials: presidents, directors or general secretaries. International practice shows that "all means of peaceful settlement are initiated through negotiations and often also concluded through negotiations."

In contrast to the jurisdictional means of settling disputes, in the case of negotiations we cannot discuss strict rules of procedure, the parties involved being the only ones in a position to decide all the details of the negotiation. Despite the lack of procedural rules, the parties that take part in the negotiation must respect the fundamental principles of international law, among which we mention: the prohibition of the use of force, the obligation to resolve the conflict without putting international peace and security at risk, the sovereign equality of states and prohibition of interference in internal affairs. In the situation where the direct negotiations do not reach any result or as a result of the aggravation of the dispute, the existence of a third party has a fundamental role in restoring the

[6] Adrian Năstase, Bogdan Aurescu, *Public International Law. Syntheses,* 6th Edition, Bucharest, CH Beck Publishing, 2011.

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dialogue between the parties in order to de-escalate the conflict and in finding compromise solutions to settle the dispute. Third party intervention in the settlement of an international dispute can take the form of good offices, mediation or conciliation.

Good offices can be defined as the approach taken by a third party - state or international organization - on its own initiative or at the request of the parties, to determine the litigating states to resolve it through diplomatic negotiations. Another definition of good offices is any interposition of a third party in conflictual relations between states, where direct negotiations between the parties are impossible due to the existence of political or legal obstacles.

The object of good offices is to prevent the appearance of conflicts between states or to resolve disputes that have already arisen, these include a series of activities with the purpose of facilitating contact between the parties in conflict and ensuring a favorable framework for the conduct of negotiations. This tool of peaceful settlement for international disputes can take either written or oral form, the choice of one or the other is made taking into account the particularities of each individual situation. The written method, materialized through the use of diplomatic notes, telegrams, letters, etc., has the advantage of keeping the whole process in an authentic form. On the other hand, the oral form also has some advantages. For example, the third party can adapt according to each situation encountered, the replies and objections received, thus creating the advantage of flexibility regarding the removal of potential difficulties that may arise.

It is fundamental that the third party demonstrates objectivity, discretion, prudence and, above all, impartiality, the latter being an obligation imposed by international law. Moreover, although it aims to facilitate the start of negotiations, the third party will not be present at the negotiations, nor will it offer solutions related to the settlement of the dispute.

In international practice, good offices are sometimes confused with mediation, other times differentiated. The main difference with mediation is that, once negotiations begin or are resumed, the role of the third party is fulfilled and ends there. Obviously, the third party who goes beyond its duties and proposes means to reach a compromise, turns into a mediator.

In settling a dispute, mediation implies active participation of a third party in the negotiations, the third party offering solutions or bringing proposals with the purpose of resolving the conflict and its role ends after reaching a result. Thus, we can affirm without reservation that mediation represents a more complex version of good offices. The mediator can be a state, an international organization or even a mere person. We believe that an important point to make is that the third party's proposals are not binding to the parties involved in the conflict.

Mediation fulfills several functions, including: ensuring good offices and facilitating communication between the parties, de-escalating situations and creating a favorable atmosphere for negotiations, encouraging the parties to realistically assess the situation, offering satisfaction to all parties involved in the conflict.

From a procedural point of view, mediation is characterized by full adaptability regarding the circumstances of the conflict as it is intertwined with direct negotiations between the parties in dispute. However, this tool will be effective not only as a result of the acceptance by all parties of this peaceful means of settlement, but also through the acceptance of a mediator and his ideas. If the parties feel that they are not well understood, that the third party does not show sympathy, that he is totally on the side of one of the parties, or that he is more interested in his own interests than those of the conflicting parties, the mediation is certain to be unsuccessful.

If mediation is a natural extension of negotiations, conciliation places the intervention of the third party in a formal, legal position and institutionalizes it in a manner comparable to investigation or even arbitration.

International conciliation can be defined as a procedure of examining an international dispute, by a commission pre-established by a bilateral or multilateral treaty or established ad hoc, composed of people appointed or accepted by the parties in dispute, with the aim of facilitating the reconciliation of the parties. The body that carries out the conciliation, having no political or judicial authority, but enjoying the trust of the parties in dispute, following the impartial examination of all

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aspects related to the conflict, will formulate solutions with the value of proposals that the parties can accept or reject.

Enshrining conciliation in international treaties came later than mediation and good offices. Having common features with both mediation and jurisdictional means, we can say that this instrument represents the link between political-diplomatic means and jurisdictional means.

Characteristic for the international conciliation is the combining of the formal nature of the procedure for setting up a permanent or ad hoc commission, with the issuance of a non-binding solution. Thus, although the commission offers solutions, as in the case of judicial means of peaceful resolution, their non-binding character and the mechanism of mutual concessions concretely distinguishes conciliation from judicial means.

The tasks of the conciliation commission are stipulated in the Revised General Act on the Peaceful Settlement of International Disputes, of 1949. Thus, the conciliation commission must represent the resolution of the issues in dispute, the collection of the necessary information by way of investigation or any other way and the factor leading to reconciliation of the parties. It must, after examining the case, inform the parties of the terms it deems most suitable for the settlement of the dispute and fix a period of time in which the parties must reach a decision.

Regardless of the form in which the third party's intervention in an international dispute takes place in (good offices, mediation, conciliation, arbitral or judicial court), before the start of the settlement procedure, the international investigation can be used.

The concept of international investigation is based on the idea that, in order to resolve an international dispute amicably, it is essential to know the exact, complete and correct facts that generated that conflict. Considering the auxiliary character, it can be stated that the international investigation represents a traditional, customary investigative tool, and not a proper means of peaceful settlement of disputes between states.

The international investigation can be defined as an adjacent procedure, preceding the proper means of peaceful settlement of international situations, with the role of elucidating some factually controversial issues, which form the object of a conflict including religious, carried out by a commission constituted by the litigant parties. The results of that investigation are recorded in a report that will be forwarded to the parties, who have the option to take it into account or not for the resolution of the conflict in question.

All the instruments detailed in this subchapter are available to states when conflicts of an international scope arise. Given that the settlement of disputes by peaceful means is an obligation of international actors, they must use any suitable political and diplomatic means to extinguish conflicts, regardless of their nature or the phase in which they are.

2. The specificity of the jurisdictional means in relation to the political-diplomatic-religious ones

In contrast to the diplomatic means, the jurisdictional ones usually imply the existence of a legal obligation for the parties in dispute to resort to these instruments and to accept the decision of an arbitral or judicial court.

Compared to the contentious procedures of domestic law, on an international level states benefit from the right according to which they can submit the conflict to jurisdictional procedures only if they wish to do so and only in the situation where all parties involved in the dispute express their agreement for an arbitral or judicial court to obtain jurisdiction on the situation in question [7].

[7] Marilena Marin, International Conference "Human Dignity and Religious Freedom", organized by the Conscience and Freedom Association, the Romanian Parliament and the Romanian Academy, October 1-3, 2019, Palace of the Parliament, Bucharest, *Journal of freedom of conscience*, vol. 7, no. 1, Les Arcs, France, Editions IARSIC, 2019.

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Jurisdictional regulation operates on the basis of the law applicable between the parties, any other considerations being excluded. That being the case, jurisdictional instruments are techniques in making the right, and less for resolving disputes [8].

If in the case of political-diplomatic means the main purpose is to bring the points of view of the litigating parties closer until a compromise is reached, in the case of jurisdictional means we can state that their purpose is to settle the dispute, regardless of the risk of intensifying the antagonism between the parties. This is the very reason why the judicial solution, although it has the authority of res judicata, must be fully accepted by all parties involved. That is why it is fundamental that the judge or arbitrator issues judgments based on law that is fair and acceptable to the parties, but also to the international community.

While diplomatic means can be used in the first phase with the purpose of solving any type of conflict, entrusting the settlement of a dispute through jurisdictional means is conditioned by the view of the parties involved on the object of the conflict: whether it can be resolved by applying the norms of international law or not. In general, a state will use jurisdictional means when it observes that its own legal position is superior in relation to that of the opponent or when the interest of resolving the case is more important than that regarding the object of the conflict itself.

Unlike political-diplomatic means, for the activation of jurisdictional means, the existence of a conventional provision is always necessary - a compromise clause or a compromise. This condition both the quality of states as sovereign entities, and the constraining nature of these means.

We also find some differences between the jurisdictional procedures, for example, arbitration is a much more flexible tool and allows a certain control of the parties over the entire case resolution process. However, since both means aim to achieve the right, it is necessary that both operate according to clear rules and principles.

The decisions of the judicial or arbitration courts are binding for the litigating parties, having a definitive and enforceable character, this being in contrast to the diplomatic means, in which case we are talking about decisions of a recommendation nature.

It is important to note that in the process of peaceful settlement of a dispute, the combination of the two types of instruments often happens, they can follow each other or be used simultaneously. By way of example, negotiation may be present or may occur at any time during the settlement process, regardless of the proceeding in progress.

International arbitration is described in the Hague Convention of 1907 as a means of resolving disputes between states, based on the rules of international law considered by the litigating parties to be conclusive for the resolution of the case in question, by means of an arbitrator chosen by the parties in conflict . Arbitration is a procedure for settling an international dispute in a contentious framework, based on an agreement concluded by the litigating parties, by a third party whose decision is binding [9].

Recourse to arbitration involves voluntary compliance with the arbitral judgement. This jurisdictional instrument is frequently used in the case of certain types of disputes, namely: of a legal nature, of a commercial nature, of a territorial nature or related to the interpretation of treaties.

Conceptually, international arbitration represents "a form of arbitration that contains an element of foreignness, determined by national law". Arbitration is considered by some doctrinaires to be a pseudo-judicial mechanism for resolving disputes. Thus, it is a process between two opposing parties, governed by the principle of autonomy, so the actors involved decide whether to resort to arbitration to resolve the conflict or not.

Moreover, the authority of the arbitrators derives only from the will of the parties, thus highlighting the importance of consent from the parties regarding all elements related to the

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[8] Magdalena-Denisa Lungu, *The role of international organizations in the peaceful settlement of international disputes,* Bucharest, Universul Juridic Publishing, 2010.

[9]Alexandru Bolintineanu, Adrian Năstase, Bogdan Aurescu, *Contemporary International Law,* Bucharest, All Beck Publishing, 2000.

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arbitration procedure. Having a jurisdictional nature, arbitration involves an adversarial procedure that ends with the issuance of a binding decision by a body independent of the parties.

Each arbitration process is carried out according to the characteristics of each dispute subject to this instrument, from this particularity deriving the flexible nature of this means of resolution. In addition, the arbitral tribunal is temporary and limited in nature because, based on the agreement of the parties, it deals with the dispute submitted to the arbitration process, after which it ceases to exist.

The existence of arbitration as a means of peaceful settlement of international disputes resides in the consent of the parties, which may be given for a specific dispute or may be a commitment of principle. The manifestation of will from the actors involved can take the form of special treaties (compromise) or clauses (compromise clauses).

Compromise can be defined as an international treaty by which the parties agree to submit their dispute to an arbitral tribunal. The compromise must contain, inter alia: the firm and clear commitment of the states to resort to the arbitration, the object of the dispute, the method of constitution of the arbitral body, the competence of the tribunal to adopt its rules of procedure, the number of arbitrators, the applicable law, the manner of adopting the final decision, the terms in which the sentence must be pronounced, the working and drafting languages. The arbitration clause is that regulation, of a special or general nature, included in a treaty concluded between the parties, by which they agree to submit any conflicts arisen between them to an arbitration court. Unlike the compromise, the clause doesn't precede the outbreak of a dispute, referring to the eventuality of such a situation. The arbitration clause is general when it refers to all disputes that may arise between the parties or special, when it refers, as a rule, to disputes that may arise regarding the application and interpretation of the treaty.

The existence of the arbitration agreement, regardless of whether we are talking about a treaty or an arbitration clause, is essential for establishing the exact object of the dispute, the arbitral body chosen to settle the matter, the extent of the prerogatives of the arbitrators and the applicable law. All practical details such as rules of procedure, deadlines or expenses are settled by the arbitration agreement.

The general normative framework that is often referred to in practice is the Hague Convention of 1907, which states that "in matters of a legal nature and, primarily, in matters of interpretation or application of international conventions, arbitration is recognized by the contracting powers as the most effective and, at the same time, the most equitable means of settling disputes that have not been resolved through diplomatic means. Consequently, it is desirable that in disputes over the above-mentioned matters states resort, if necessary, to arbitration, as far as the circumstances permit." However, often in practice the recourse to arbitration is provided quite ambiguously, being necessary to conclude a compromise in situations where this means of resolution is preferred by the litigating parties.

From the point of view of the moment in which a compromise is concluded (prior or subsequent to the emergence of the conflict), arbitration is mandatory or optional. Related to optional arbitration, the validity of the consent and obligation to arbitrate is strictly dependent on the validity and enforceability of the compromise. The validity conditions of the compromise are identical to those of the treaties, being provided by treaty law. In the situation where the parties in dispute express in advance their agreement to resort to arbitration in the event of a conflict, as well as the procedure to be followed, then the arbitration is mandatory and permanent.

The permanent arbitration treaty is that special treaty drawn up to record the commitment in principle to resort to arbitration. After the end of the First World War, there were no longer treaties specifically dedicated to arbitration, but bilateral or multilateral treaties designed for the peaceful settlement of disputes. Currently, the arbitration clause is most often used.

Given that it is established solely by the will of the parties, the international arbitration procedure can be very different from one case to another. This tool can be used to resolve any dispute, regardless of its nature. If the parties agree to use international arbitration, neither the seriousness of

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the political interests at stake, nor the very technical character of the dispute constitute obstacles to the use of this means of peaceful resolution [10].

The arbitral body is a third party to the parties, does not represent the interests of either party, and as such is independent and impartial. As a rule, the members of the arbitration body are appointed ad hoc, for each individual conflict.

An aspect that involves difficulties in practice is represented by the actual creation of the tribunal. All formulas are possible, respecting the odd composition to avoid a possible deadlock: single arbitrator, tribunal made up of three arbitrators (two national arbitrators, the third being neutral), a tribunal made up of five or nine members. The most delicate aspect of these equations is the appointment of the chief arbitrator or neutral members, which can be done either by the parties or by the national arbitrators.

In any case, each side will be tempted to nominate a person favorable to it [11]and to recuse the other side's nominees. In the situation where the neutral part of the tribunal cannot be appointed by the parties, this task will fall to a third party, agreed to in advance by the parties. In practice, most treaties nominate the O.N.U. Secretary-General, the president of the International Court of Justice, a head of state or any other independent person to fulfill this role.

A disadvantage of resorting to arbitration is the possibility of encountering blockages in the procedure for setting up the arbitral tribunal. Thus, in the situation where one of the parties refuses to appoint its arbitrator or arbitrators, the procedure will be blocked. For example, this situation arose during the interpretation of the peace treaties between Bulgaria, Romania and Hungary from 1950. The arbitration commissions in charge of interpreting the treaties in question ran into the refusal of the parties to appoint their representatives, thus paralyzing the procedure.

Such a deadlock can also occur during the course of the trial in the event that one of the arbitrators withdraws. There are situations in which the arbitral tribunal will continue to function in incomplete form, but only with the agreement of the parties. In other cases, rules are provided to solve the problem of vacancies, but the whole trial suffers delays.

Conclusions

Currently, the parties use the formula of three or five members to make up the arbitral tribunal, their preponderance differing: two representatives of the states in dispute and three neutrals, two or four nationals and one neutral or only neutrals. The structure of the tribunal is established by compromise or further negotiations. The doctrine considers the formula of five members (two national and three neutral) to be the most balanced from a technical stand point because it clearly meets the criteria of impartiality.

It is important to note that the role of national arbitrators is to ensure the court's knowledge of the legal systems of the parties, their correct interpretation as well as access to the components of their legal superstructure. The arbitrators nominated by the litigating parties may be international personalities, specialists in international law, perople from the state structure (head of state, head of government, diplomats, etc.) or representatives of independent bodies.

The chief arbitrator, having the role of president of the arbitral tribunal, is appointed by agreement of the parties. In the event that the parties cannot agree on a person for this role, the designation will be made by an impartial third party (for example, heads of state or international officials - the O.N.U. Secretary General) or, by way of compromise, it may be determined that the designation to be made by a third state or even by drawing lots.

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[10] Marin, Marilena, „Acta Pilati, Between Law, Morals, and Religion”, *Journal for Freedom of Conscience*, vol. 9, no. 1, 2021, Les Arcs, France, Editions IARSIC.

[11]Oglindă Bazil, „Key criteria in appointment of arbitrators in international arbitration”, *Tribuna Juridică*, vol. 5, no. 2, 2015.

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After the completion of the constitution process, the arbitral body will not change its composition until the resolution of the case and the formulation of the sentence. Substitution of an arbitrator is permitted only with the consent of all parties involved in the dispute.

International arbitration jurisdiction derives from the arbitration agreement. Having a jurisdictional character, the arbitral body has the ability to interpret the compromise. Thus, it can resolve the dispute of the parties regarding the extent of its jurisdiction. However, any extensive interpretation of the compromise represents an abuse of power on the part of the arbitral tribunal.

It is possible for the parties to request an advisory arbitration, the conclusion of which is not legally binding to them. By way of example, the Franco-American Air Agreement of March 27, 1946 stated that "the parties will do everything within their legal power to give effect to the advisory opinion." For the interpretation of this agreement, the parties resorted, in 1963, to arbitration, having previously agreed through an exchange of letters that the decision of the arbitrators would be binding.

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