CRITERIA FOR DETERMINING INTERNATIONAL LEGAL DISPUTES AND MEANS OF SETTLING THEM

MEKHZOUR BRAHIM[1], ANANE AMAR[2]
[1]PhD student, Faculty of Law and Political Science, University of Algiers 01 (Algeria).
[2]University of Algiers 1(Algeria).
The Author's E-mail: mekhzourb@gmail.com[1], ananeamar@yahoo.fr[2]
Received: 06/2024 Published: 12/2024

Abstract:
International legal disputes are characterized by binding solutions reached through a specialized entity independent of the conflicting parties. The methods of judicial settlement, whether arbitration or adjudication, differ from diplomatic methods such as negotiations, good offices, mediation, or special bodies for investigation and reconciliation. The legal dispute, which is jurisdictional to the international judiciary, is based on the parties prior agreement to abide by the results reached by international judicial bodies. It also involves conducting deliberations on legal basis, aiming to confirm justice and ensure access to rights.
The concept of international conflict is crucial as it forms the basis of the jurisdiction of the international judiciary and impacts the court's ability to make its judiciary evidence of international law. To determine the concept of international legal dispute, it is necessary to clarify its definition according to jurisprudential and legal concepts, and to address the means of settling it through international arbitration or the International Court of Justice.

Keywords: Defining an international legal dispute, The position of jurisprudence and judiciary on international legal disputes, Settlement of international legal disputes through arbitration and international judiciary.

INTRODUCTION

Given the utmost importance of the issue of defining the international legal dispute and distinguishing it from the political dispute, based on which the means of settlement adopted by the parties to the dispute are determined, the judicial settlement of international disputes is characterized by the fact that it includes binding solutions that are reached through a specialized entity that is independent of the conflicting parties. Hence, the methods of judicial settlement Whether it is arbitration or adjudication, it differs from the procedures for settling international disputes through known diplomatic methods such as negotiations, good offices and mediation, or by establishing special bodies concerned with investigation and reconciliation between the two parties. Disputes, which include solutions reached by the conflicting parties, and based on the aforementioned, judicial settlement methods are distinguished in that the solutions or decisions issued are binding on the conflicting parties based on their prior agreement to abide by the results reached by international judicial bodies, and that they are issued by an apparatus independent of States, whether adversarial or countries or organizations outside the conflict. It also includes conducting deliberations through which conflicting claims are exchanged and discussed on a legal basis. Finally, it aims to confirm justice between the conflicting parties and ensure access to the rights in question. For both parties, which makes it important to differentiate between the legal dispute, in which jurisdiction belongs to the international judiciary, and the political dispute, which is settled through diplomatic means between the parties to the conflict, which requires addressing the distinction between the two disputes in order to find out what the legal dispute is, distinguish it from the political dispute, and then determine the means of settling it. As will be explained later.

The first topic: The concept of international conflict and the criteria for determining it between jurisprudence and judiciary

A jurisprudential dispute has arisen over the disputes that must be presented for solution through judicial means, and clarifying the concept of international dispute is extremely important, as it is the basis of the jurisdiction of the international judiciary. This dispute also has an impact with regard to the court's ability to make its judiciary evidence of international law. To clarify this and for the purpose of this study, it is necessary to address in some detail the issue of international dispute and its definition according to the jurisprudential and legal concept, and then to address the means of settling it through judicial means through international arbitration or through the International Court of Justice.

Therefore, it is necessary to clarify the concept of international legal dispute that can be brought before international judiciary and arbitration according to the following details:

The first requirement: The concept of international conflict in international jurisprudence

The term international dispute is similar to many other terms that are characterized by lack of clarity and imprecision. This is because adapting the nature of the conflict is extremely important, especially since jurisprudence has used multiple synonyms for this term, such as disagreement and dispute. It goes without saying that these terms may give It has a different meaning according to the circumstances and nature of the conflict.

A part of international jurisprudence has interpreted international conflict to include all issues that are settled at the international level, and others have defined two meanings for international conflict, a broad meaning that means disagreement in international law or in reality on an issue of law or reality within the framework of relations. International law, which is what the International Court of Justice has reached with regard to the international dispute, as will be explained below, has a guest meaning, which is that one of the parties submits a special claim based on a violation of the law, whether customary or consensual, by a person of international law in While other approaches reject this claim, while others tend to define international conflict as a dispute that arises between two countries over a legal issue or a specific incident, or because of a conflict in their economic, political, or military interests, and the difference in their legal and other arguments. Jurists have relied on multiple foundations and criteria to explain this classification according to a number of criteria that can be mentioned as follows:

First section: The standard is based on inventory and enumeration

This standard is based on limiting the disputes that may be brought before international judiciary, so some jurists called it the principle of limitation and enumeration. This standard is based on three foundations:

Firstly: - The basis based on the inventory contained in international agreements and charters

Article Sixteen of the Hague Convention of 1899, and its corresponding Article Thirty-Six of the Convention of 1907, considered that in matters of a legal nature, international arbitration as a means of judicial settlement is the most effective and fairest means of settling disputes that are settled through diplomatic means.

The second paragraph of Article Thirteen of the League of Nations Covenant specified the forms of legal disputes in disputes related to the interpretation of international treaties or disputes related to any issue of international law, or those related to the investigation of an incident, which, if proven, would be a breach of an international obligation, and finally disputes related to the type of compensation. The consequences of breaching an international obligation, and the extent of this compensation.

It is stated in the Statute of the International Court of Justice that it devotes its coercive jurisdiction based on the declaration of the disputing states and without the need for a special agreement, to consider all legal disputes that arise between them and a state that accepts the same obligation, if they relate to the issue of interpretation of a treaty or any question of law. International, or investigating one of the facts that, if proven, would be a breach of an international obligation, as well as determining the type of compensation resulting from a breach of an international obligation, and the extent of this compensation.

The second paragraph of Article Thirty-Six of the Statute of the International Court of Justice stipulates that: "States that are parties to this Statute shall acknowledge to the Court, in considering

all legal disputes that arise between them and a State accepting the same obligation, whenever these legal disputes relate to The following issues, which is the same enumeration included in Article Thirty-Six of the United Nations Charter.

secondly: - The basis based on the limitation contained in the jurisprudence of public international law

Some jurists in public international law have defined the disputes that are considered legal and those that are considered political. Professor Frederick Pollock argued that legal disputes are those disputes related to the following issues:

1- Limits and financial demands

2- Breach of an international obligation, such as breaking a treaty or breaching neutrality.

C- The so-called wrongs committed against foreigners in a civil war or riot.

While political disputes are every dispute for the sake of superiority in power or dominance[1].

Lauterpacht has identified[2] Four clear ideas regarding legal disputes, and all others are considered political disputes. These ideas are:

A- Disputes that are suitable for issuing a judicial settlement by applying international law.

B - Disputes that are related to matters of small and secondary importance that do not affect the state's supreme interests, internal independence, internal sovereignty, territorial integrity, honor, or any of its important interests, which refer to the restrictive conditions and reservations in arbitration agreements.

C- Disputes that indicate that the existing and applied rules of international law are sufficient to resolve the dispute. D- Disputes involving legal rights that can be distinguished from claims aimed at changing existing law.

Professor Max Sorensen believes that political disputes are those disputes that are not suitable to be the subject of a judicial settlement, and that applications for this can be reached based on the second paragraph of Article Thirty-Six of the Statute of the International Court of Justice. He adds that every dispute includes legal consequences, While few disputes are devoid of political consequences, his point of view is evidenced by what was stated in the ruling of the International Court of Justice on some issues related to United Nations expenditures in 1962, where The majority held that the issue was related to the interpretation of a treaty, while the dissenting opinion of the then Soviet judge « Karetesky » was that one of the results presented to the court was political.[3].

In the opinion of Professor Dr. Jumaa Saleh Hussein, this criterion cannot be relied upon to distinguish between legal disputes and political disputes because its usefulness is limited, and the development of legal thought and the concept of sovereignty may lead - according to his opinion - to changing those concepts and standards.

Therefore, Professor George Sale believes that any attempt to make a distinction between legal disputes and political disputes on the basis of the nature of the dispute is a useless attempt. He concludes by saying that the possibility of limiting the categories of conflict into three groups depends on the extent of the parties' satisfaction with subjecting the dispute to positive law.[4].

Third: - The basis for the limitation provided by the international judiciary:

This basis is based on what was stipulated in Article 33 of the Charter of the United Nations, which recommended that the members of the organization solve their problems by peaceful means, some

[1]Look :

BROCHARD, E. M. : The distinction between legal and political questions, American Society of international law, Washington (1929) P.51.

[2]Look : LAUTERPACHT H., The Function of Law in the International Community, 1933, P 80.

[3]Look : Sorensen Max; Op-cit, P.P673-677.

[4]Look : George Sale, Summary of Public International Law, Paris, 1948, pp. 738-739. Dr. Ibrahim Al-Anani, previous reference, p. 211.

of which are political, such as investigation, good offices, mediation, and conciliation, and some of which are judicial, such as arbitration and the judiciary. There has been disagreement among international law jurists about the priority of resorting to these means and whether it is permissible to resort to more than one means at the same time.

The work in the United Nations has focused on the necessity of resorting to these means according to their arrangement in the aforementioned article, and that resorting to one method rather than another is required by the nature of the conflict and the factors of political accommodation.

The International Court of Justice has resorted to more than one of the previous methods at the same time, and has expressed its opinion twice, the first time when it issued its decision on September 11, 1976, in which it refused to respond to Greece's request to take precautionary measures against Turkey in connection with its dispute over the continental shelf in the Mediterranean Sea. Aegean. The court found that there is nothing preventing Greece from simultaneously resorting to the court, as a judicial body, and the Security Council, as a political body, regarding the same dispute, in that the political dispute has political aspects that concern the Council and other legal aspects that concern the court.

The second time was when this court rejected Turkey's plea, in the same case, and held that continuing negotiations on the dispute rendered the court incompetent, and that considering the dispute before the court hindered the continuation of negotiations and limited their importance.[1].

Hence, determining the subject of the dispute and stating the extent of the court's jurisdiction to consider it after filing a lawsuit by one of the parties is the discretion of the court itself, and hence determining the concept of international dispute is within the discretionary powers of the international court based on the circumstances and circumstances of each incident and according to each dispute.

Second section: Personal standard and objective standard

Part of international jurisprudence has adopted the personal criterion to distinguish between political and legal disputes, meaning that the conflicting parties - based on the freedom to choose the means of settlement - can, according to their desire, give the dispute a legal character, so it is a legal dispute, or a political character, so it is a political dispute. Those who follow this trend believe that any attempt to search for an objective standard is futile[2].

Others argued that there is nothing preventing countries from agreeing among themselves to submit any dispute to arbitration, whether the dispute is legal or political. The work of arbitrators in a political dispute is to reconcile interests, and this detracts from arbitration from its true mission, which is to settle disputes. By applying legal rules to the dispute[3].

There is no doubt that giving a dispute a legal or illegal character is something that must be agreed upon by the conflicting parties. Otherwise, the claim of one of the conflicting parties cannot transform the dispute into the form that it deems to be in its interest.

The state usually resorts to determining the disputes that can be brought before international judiciary and those that it does not wish to bring before it, in light of its concept of national sovereignty, which may conflict with bringing the dispute to international judiciary as it infringes on the supreme interests of the state.

What is taken into account by this criterion is that saying that the conflicting states can give the conflict the character they see fit is a statement that deviates the judiciary from its specific goal.

[1] Dr. Abdullah Al-Ashaal: Arab Journal of International Law, Issue (37), 1987. The dispute between Türkiye and Greece over the Aegean Sea.

[2]Rundstein, The legal character of international disputes, Revue du Droit International et Leg. Comp. 1934, P.387.

[3]Dr. Mahmoud Sami Genena: International Law, 1938, p. 655, (no publishing house).

In contrast, another group of jurists adopted an objective criterion to distinguish between the two types of international conflict, which considers the dispute legal if it is settled in accordance with the rules of international law. It is based on the rules of international law to determine the nature of the international legal or political dispute. The first is settled by resorting to the rules of international law. The political type is settled according to the principles of justice and equity[1].

Oppenheim believes that legal disputes are those disputes in which the parties believe that their claims are based on international law.[2].

While Professor Fenwick argued that legal topics, as a general rule, are the causal topics in which a decision can be issued by an arbitrator or court.[3].

Professor Quincy Wright believes that legal disputes are those disputes in which all parties believe that they can safely achieve their interests by applying the law instead of resorting to some other means. As for political disputes, they are those in which the state relies on economic, political, and moral claims that are not yet regulated by the rules of international law[4].

A group of jurists said that legal disputes are those in which the dispute is based on the application or interpretation of an existing law, without demanding its amendment. In the event that the disputing parties request to amend the existing law, the dispute falls outside its legal framework and is considered a political dispute. Examples of this include the German-Czechoslovak dispute in 1939 regarding the Sudetenland issue and the Polish dispute regarding the Dantrij Corridor[5].

Section Three: Standard based on important and unimportant disputes

This aspect of jurisprudence relied on the importance of the dispute, taking it as the criterion for determining the legal dispute, as Chanel distinguished between important and less important interests, and that it is not valid to request a judicial ruling except when the interests are not essential, and Flinchley relied on the distinction between issues related to The existence, independence and freedom of states and matters of lesser importance in the sphere of administration and judiciary.

According to his opinion, international judiciary can be resorted to in matters of lesser importance so as not to be afraid of attacking the state's sovereignty, and the dispute is political even if it calls for examining legal issues in the event that they affect the state's independence, vital interests, or honor.

On the occasion of the Institute of International Law's discussion in 1922 of the issue of international disputes, a large number of members contented themselves with describing political disputes as those that affect the state's independence, honor, or vital interests[6].

The second requirement: The concept of conflict in international judiciary

In the famous Nottebohm case, the International Court of Justice explained an international dispute as a lack of agreement on a question of fact or law[7]. This definition is considered the closest to logic, because it is characterized by its breadth and contains within it all possibilities. However,

[1]See Dr. Abdel Aziz Sarhan, The Role of the International Court of Justice in Settlement of International Disputes, Second Edition 1980, pp. 20-25.

[2]Oppenheim, H, International Law, (7th edition).

[3]See: Fenwick C., the Distinction between Legal and political question, American Society of inter. Law. Washington (1924) PP.57.67

[4]Wright, Quincy : The distribution between legal and political questions, American Society of inter. Law. Washington (1924), PP 57.67.

[5] Lauterpacht, op-cit, p. 227.

[6]

[7]The "Notuebom" case was presented to the International Court of Justice in 1953 between the Liechtenstein government and the Guatemala government.

it cannot be said that this definition is not devoid of defects, because it did not address precisely the definition of its purpose.

The basic characteristic of international conflict is that it relates to states. However, disputes that arise between individuals from different states are not considered an international conflict, but rather a conflict between individuals or nationals of states that is subject to the provisions of private international law. However, in return, it must be noted that these individual disputes may lead indirectly to An international dispute between the countries to which those individuals or companies belong within the framework of what is called in the field of international law diplomatic protection for the international nationals to which they belong.

Whatever the case, the majority of jurists agreed that the international judiciary can only examine legal disputes, while political disputes fall outside the scope of its jurisdiction, which necessitates for the purpose of this research an attempt to differentiate between legal disputes and political disputes. As a result, the means to solve it were divided into legal means and political means.

Some believe that legal disputes are those that focus on researching or applying the existing law, as they can be resolved by referring to internationally accepted rules, whether customary or conventional. As for political disputes, they are those that arise on the occasion of seeking to amend the existing law, as they relate to subsequent developments in its formation.

Others believe that the distinction lies in the method by which the dispute can be resolved. A legal dispute is a dispute that can be presented to international judiciary and a decision can be issued in accordance with the rules of international law.[1]As for the political dispute, it is the dispute that cannot be brought before international justice and that can be resolved by political means to reconcile conflicting interests. To resolve it, resort to means that the two parties agree upon among themselves, through diplomatic means, or through mediators whose appointment is agreed upon by the opponents, or through an international body that they agree upon. attic.

Hence, it becomes clear that it is difficult to make this distinction, as the dispute is considered legal from the time legal arguments are presented.[2].

The second topic :Means of settling international legal disputes

It is clear from the above that international disputes are so numerous that it is difficult to classify them into legal disputes and political disputes, but the goal of this classification is mainly to define the international legal dispute and determine the means that the parties to the dispute must resort to in order to resolve it. These means are represented in two basic means: arbitration. and international judiciary.

The first requirement: International arbitration

Arbitration is a system known to humanity from its earliest days of life, and its modern history goes back to the Jay Treaty between the United States of America and Britain, and the Hague Conventions of 1899 and 1907 laid the basic foundations for this arbitration.

First section: Definition of international arbitration

International law jurists have defined arbitration as examining a dispute with the knowledge of a person or body that the disputants resort to to present their defenses while committing themselves to implementing the decision issued in the dispute.[3].

I found several definitions of international arbitration, some of which are deficient and others are not clear.

Perhaps the definition closest to accuracy and clarity is what was stated in Article Thirty-Seven of the Hague Convention of 1907 regarding the peaceful settlement of international disputes,

[1]Look : MANIN, op-cit, P. 365.

[2]Dr. Ibrahim Muhammad Al-Anani: Resorting to International Arbitration, Cairo, 1973, p. 208.

[3]See Hudson op. cit., pp. 1-13, and D. Ali Sadiq Abu Haif, Public International Law, op. cit., p. 742.

which states that the purpose of international arbitration is to settle disputes between states by judges they choose and on the basis of respect for international law[1].

On this basis, the most important characteristic of international arbitration is the disputants' selection of their judges and their commitment to respecting the rules of international law.

Second section: Characteristics of international arbitration

It is clear from the previous definition that international arbitration consists of resorting to settling the dispute existing between two or more countries by arbitrators chosen by agreement of the disputing parties, and that the dispute is settled between the disputing parties on the basis of the rules of international law and that the arbitration ruling issued in the dispute at hand is binding on the parties.

It is worth noting that the jurisdiction of international arbitration focuses on settling legal disputes, not political disputes, because they are the only disputes that can be presented to international judiciary or arbitration in accordance with the standards adopted to differentiate between legal and political disputes among the various standards previously mentioned.

The Hague Convention of 1899 established the Permanent International Court of Arbitration with the aim of referring disputes between countries to it. It is responsible for deciding disputes that arise between states, government agencies, international organizations, or private parties, whether bilateral or multilateral disputes.

Article 15 of the Convention for the Peaceful Settlement of International Disputes of 1907 stipulates that international arbitration aims to settle disputes between states by judges appointed by them and on the basis of respect for the law. Article 21 of the same agreement also stipulates that the Permanent Court has jurisdiction over all arbitration cases, unless There is no agreement between the parties to establish special jurisdiction.

The second requirement: International judiciary.

Judicial authority in public international law is still based on will, as after the state's acceptance is a necessary condition for establishing the judicial argument and establishing its jurisdiction in examining the dispute, and this principle has been referred to by both the Permanent Court of International Justice and the International Court of Justice on more than one occasion.[2].

In this regard, the International Court of Justice decided, in its ruling issued on March 24, 1948, in the Corfu Strait case, that the agreement of the parties complicates the court's jurisdiction, and it also decided, in its ruling issued on July 22, 1952, in the Anglo-Iranian Petroleum Company case, that the court's jurisdiction is to consider and decide the dispute in the matter. Depends on the will of the parties.

First section: Permanent Court of International Justice

Two permanent international courts were established in the aftermath of World War I and World War II: the Permanent International Court of Justice (1920) and the International Court of Justice (1945).

The Permanent Court of International Justice was established in implementation of Article Fourteen of the League of Nations, which stipulated that the Council of the League of Nations should prepare a draft of a permanent international court of justice and submit this draft to the members of the League. This court would adjudicate disputes of an international nature that are brought before it by parties. Conflict. The Court also issues advisory opinions on every dispute or matter brought before the Court by the Council of the League of Nations or its General Assembly.

The Council of the League of Nations appointed a committee of jurists to prepare the draft referred to in Article Fourteen of the League of Nations, and after meetings held in The Hague in the

[1] -See in detail:
Scott J.B, The Hague Peace Conferences of 1899 and 1907 (French translation by A. de La Pradelle (1927), Volume 3, P. 46.

[2]- Dr. Abdel Aziz Muhammad Sarhan, The Role of the International Court of Justice in Settlement of International Disputes, Second Edition, 1986, Cairo.

Netherlands in the period from June 16 to July 24, 1920, the committee prepared the first draft of the statute of the Permanent Court of International Justice and presented it. This project was submitted to the League Council, which approved it - after introducing some amendments - on October 28, 1920, and it was also adopted by the League of Nations Assembly after introducing new amendments to it in December 13, 1920. The Statute of the Permanent Court of International Justice, which was prepared in the previous manner, took the form of a protocol, which was opened for signature by states, starting from December 16, 1920. The number of states that had signed it until September 1, 1939 reached fifty-seven states, but It has only been ratified by fifty countries.

The Permanent Court of International Justice consisted of fifteen judges selection, they shall be approved by a majority of both the Council and the Assembly of the League of Nations. In the event that it is not possible to agree between these two bodies on the election of one or some of the candidates, this task shall be undertaken by a joint committee of them in which each of these two bodies shall be represented by three of its members. Nomination requests are not submitted by the governments of the candidates, but they carry out this task, whether under the Permanent Court of International Justice, the International Court of Justice, or the civil divisions of the Court of Arbitration.

As for members of the Organization who are not represented in the Permanent Court of Arbitration, candidates shall be nominated by qualified divisions appointed by their governments for this offer in accordance with the same conditions established for members of the Permanent Court of Arbitration in Article 43 of the Hague Convention of 1907 for the Peaceful Settlement of International Disputes.

Before deciding on the nomination, the civil divisions of the Permanent Court of Arbitration must take the opinion of the judicial and scientific bodies, and the purpose of not leaving the issue of nomination to the governments is to provide the court's judges with guarantees that confirm their independence and not being subject to the influence of these governments.

Second section : International Court of Justice

The establishment of a new court initially raised a problem in that a large number of international treaties stipulate that every dispute related to their interpretation be referred to the Permanent Court of International Justice, and quite a few countries have declared their acceptance in advance of the jurisdiction of this court to decide certain disputes referred to in Article 36 of its system. Establishing a new court would nullify that referral and that acceptance. However, the committee that was entrusted with developing the new court system was able to remedy this problem and stipulate in the new statute that every referral to the old court and every acceptance of its jurisdiction is exclusive to the states that are parties to this system among themselves. To the new court[1]. As for the countries that did not participate in the United Nations Charter, there was no way for their status to be referred to in it, but rather this was done according to subsequent negotiations conducted with these countries, and the burden of moving them on fell on the United Nations General Assembly.

For the election of a candidate, certain conditions must be met, specified in Articles Two and Three of the Statute of the International Court of Justice, which are the same conditions that were also necessary under the Permanent Court of International Justice.

It is evident from Article Two of the Statute of the International Court of Justice that the Court shall be composed of independent judges elected from among persons of high moral character, who possess in their country the qualifications required for appointment to the highest judicial positions, or from legislators recognized for their competence in international law, and all of this regardless of "Their nationality."

According to the text of Article Three of the Statute of the Court, the Court may not have more than one member who is a national of one state, and if a person can be considered, with regard to membership in the Court, to enjoy the patronage of more than one country, then he is considered a national of the state in which he normally exercises his civil and political rights. In addition,

[1]Article 36, paragraph five, of the Statute of the International Court of Justice.

consideration must be given to the issue of not only having the candidate possess the required qualifications, but rather the composition of the court as a whole should be sufficient to represent major cities and major legal systems in the world.

This condition is considered to be the general principles of law, as sources of public international law, as can be understood from the content of Article Thirty-Eight, Paragraph 1/C of the Statute of the International Court of Justice, which specifies the rules that the Court applies to decide disputes or issues that are presented to it in order to issue a ruling or An advisory opinion, because considering a specific legal rule to be a general principle of law requires its recognition by the majority of legal systems in the world, and hence it was necessary to represent the major cities and major legal systems in the world, as stipulated in Article Nine of the Statute. To the International Court of Justice. The members of the Court are elected for a term of nine years. They may be re-elected and continue to carry out their duties until their successors are appointed. In any case, they must decide on the issues they have begun to consider.

Conclusion

In conclusion of the above, it is extremely difficult to find an accurate criterion for separating the legal dispute from the political dispute and to define it precisely due to the overlapping considerations of each type, and leaving the matter to the will of the parties to the dispute to give the dispute the character they see as it may take the judicial authorities beyond the limits of their jurisdiction, which is Resolving disputes by applying the rules of international law, because in this case it is required to apply political methods to legal disputes.

The reasons for this difficulty may also be due to the lack of clarity of international law itself, its lack of generality and abstractness, and the lack of consistency and stability of positive law. Therefore, it is appropriate to classify disputes based on objective rules without neglecting the will of the conflicting parties. Therefore, a legal dispute is a dispute whose parties wish to be brought before the international judiciary (arbitration and judiciary) for the authority to issue a ruling on it in accordance with the rules of international law.

Finally, it can be said that it is advisable to adopt these standards together and reconcile them based on the difficulty of determining the approved standard in the field of determining the nature of international disputes on the one hand, and then the inability to force the conflicting countries to resort to any means to resolve their dispute by peaceful means.

BIBLIOGRAPHY:

[1] BROCHARD, E. M. : The distinction between legal and political questions, American Society of international law, Washington (1929).
[2] LAUTERPACHT H. : The Function of Law in the International Community, 1933.
[3] George Sale : Summary of Public International Law, Paris, 1948.
[4] Dr. Abdullah Al-Ashaal: Arab Journal of International Law, Issue (37), 1987. The dispute between Türkiye and Greece over the Aegean Sea.
[5] Rundstein : The legal character of international disputes, Revue du Droit International et Leg. Comp. 1934.
[6] Dr. Mahmoud Sami Genena: International Law, 1938, (no publishing house).
[7] Dr. Abdel Aziz Sarhan : The Role of the International Court of Justice in Settlement of International Disputes, Second Edition 1980.
[8] Oppenheim, H, International Law, (7th edition).
[9] Fenwick C. : the Distinction between Legal and political question, American Society of inter. Law. Washington (1924).
[10] Wright, Quincy : The distribution between legal and political questions, American Society of inter. Law. Washington (1924).
[11] Dr. Ibrahim Muhammad Al-Anani : Resorting to International Arbitration, Cairo, 1973.
[12] D. Ali Sadiq Abu Haif : Public International Law.
[13] Scott J.B : The Hague Peace Conferences of 1899 and 1907 (French translation by A. de La Pradelle (1927), Volume 3.

[14]Dr. Abdel Aziz Muhammad Sarhan : The Role of the International Court of Justice in Settlement of International Disputes, Second Edition, 1986, Cairo.
[15]Article 36, paragraph five, of the Statute of the International Court of Justice.