

Arbitration and Pacific Mechanism for International Dispute Resolution and the Russia/Ukraine Crisis

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Abstract

This work was on Arbitration and Pacific Mechanism for international dispute resolution with emphasis on the Russia Ukraine crisis. The aim of the study was to examine the Russia Ukraine debacle to determine the Pacific Mechanism for the resolution of the crisis. As the Principal Body assigned the responsibility to maintain international peace and security, the United Nations efforts in the crisis was also analysed. The study reviewed Arbitration, Mediation, Negotiation, Judicial Settlement, Good Office, Conciliation and inquiry as established and notable pacific mechanisms for disputes, resolution that have enhanced international relations. However, mechanism to be adopted in the settlement of disputes are determined by the type of dispute as there are growing shifts in dispute in the international system. The Russia Ukraine saga is very unique because of the diverse interests involved and the outstanding role of NATO in the crisis. It is the complexity of the conflict that the study contends that Negotiation, Mediation and Good office can be the reliable mechanism for the resolution of the crisis. The techniques in these three mechanisms are interwoven and is in conformity with many Articles of the UN Charter. The study presented several efforts in line with these mechanisms that have been, and are still in operation to resolve the crisis, but NATO's eastward expansion complicates the resolution mechanism in this crisis because Russia is steadily resisting it. It is on the basis of the intricacies of the crisis that the study recommends among others that the Negotiation, Mediation and Good Office Mechanism must be guided by a reshaping of European Security arrangements that will guarantee peaceful coexistence without threat to State's Sovereignty in addition to a revisit of the Minsk Agreement that has been a source of reconciliation of previous conflicts between Russia and Ukraine.

Background to the Study

Dispute is simply disagreement, argument, contest, quarrel, struggle etc over an issue or something. Dispute involves conflicting claims or assertions that will threaten relations between the parties. Dispute is an integral part of the society because of constant struggles for access into the limited resources. Since no man can live as an island, relationships must exist and disagreements and contests are bound to occur but resolutions are steadily made for peaceful coexistence. According to Shaw 2007, international dispute is a disagreement over the rights of two or more states over a number of issues ranging from resources, ethnic or religious, demography and even ambiguous treaties. An international dispute can exist whenever a disagreement involves governments, institutions, jurist, person or corporation or private individuals in different parts of the world.

From the international legal perspective, an international dispute can be seen as disagreement between or among States, which internal dispute settlement technique may be useful in resolving. Notable international disputes include:

1. The war in Afghanistan
2. The North Korea crisis
3. India and Pakistan conflict
4. Instability in Myanmar
5. Ethiopia conflict
6. South Sudan debacle
7. Syria crisis
8. Libya war
9. Yemen crisis
10. Instability in Iraq.
11. The US & China tussles
12. Iran versus the U.S & Israel
13. Israel – Palestine running conflict
14. Haiti crisis
15. Islamists militancy in Africa. (crisis group.org)
16. US North Korea nuclear tussle

The Russia Ukraine crisis is the most current and outstanding dispute threatening the international society because of the highly interconnected and inter-related world we live, that calls for urgent settlement to enhance international peace and security. It is obvious that pacific settlement of international dispute is a fundamental principle of international relations. In the increasingly globalised and complex world, peace should be pursued by all. The preamble of the Charter of the United Nations (UN), emphasized on the need for States to live in peace with one another as good neighbours to attain the laudable objective of the organization which is maintenance of international peace and security.

Objective of the study

This paper tends to examine the Russia Ukraine crisis to determine the pacific mechanism that can be relied on, to settle the dispute for the enhancement of peace in the world. The role of the United Nations in fulfillment of her responsibility to maintain international peace and security will also be analyzed as the crises appears to threaten world peace.

The United Nations and Dispute Settlement

In fulfillment of her main purpose of maintaining international peace and security, the United Nations has from her charter provisions and various resolutions pursued this goal irrespective of the varying promotions of national interests by States. The UN has promoted the principle of peaceful resolution of international disputes in line with the various principles of international law.

Principles of Peaceful Settlement of Disputes Between States

Article 2, paragraph 3 of the UN charter states that “All members shall settle their disputes in a peaceful means in such a manner that international peace and security and justice are not endangered. The UN General Assembly in adopting its 1982 Manila Declaration on the peaceful settlement of disputes emphasized the need to exert utmost efforts in order to settle any conflicts and disputes between States exclusionary by peaceful means and the question of the peaceful settlement of disputes should represent one of the concerns for States and for the United Nations. The purpose of the UN is to maintain international peace and security, and to that end; to bring about, by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to breach of the peace. Article 33 of the charter enjoins “the Parties to any dispute, the continuance of which is likely to endanger their maintenance of international peace and security, to first of all seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The Security Council shall, when it deems necessary, call upon the Parties to settle their disputes by such means.

Chapter VI, Article 33-37 of the charter, Pacific Settlement of Disputes, establishes further obligations of the Parties and various dispute settlement powers of the Security Council. Other articles of the Charter authorize the General Assembly and Secretary General to make recommendations or take certain action with respect to disputes, and encourage the development of pacific settlement through regional agreements. Article 2 (4) of the Charter and by the authority of the Security Council under Chapter VII of the Charter urges the Council to intervene when it determines that any situation or dispute involves a threat to peace, breach of peace or act of aggression. Article 34 expressly authorizes the Council to investigate any dispute, or any situation which might lead to international crisis or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. The principle of the peaceful settlement of disputes has been reaffirmed in several of General Assembly resolutions including resolutions, 2627(XXV) 24 October

1976 and 40/9 of 8th November 1985. Bilateral and multilateral treaties also provide for a negotiated settlement of disputes that may rise up in line with the UN goal to maintain peace and security in the world. (BOSCO 2009)

Arbitrations in Dispute Settlement

According to Best 2006, arbitration is the use and assistance of a neutral third party in a dispute, who hears evidence from both Parties and thereafter decides in the form of an award expecting to be binding on the Parties. Arbitration mechanism permits the Parties to the dispute to choose the arbiter they would wish to sit over their case. Arbitration as defined by the International Law Commission is “a procedure for the settlement of dispute between States by a binding award on the basis of law and as a result of an undertaking voluntarily accepted”. According to Merrills 1993, Arbitration denotes the process of reference of a dispute to Arbitrators, freely chosen by Parties, who makes an award without being bound to pay strict regards to legal considerations. Evidence in international practice have shown that many disputes involving purely legal issues are referred to Arbitrators for settlement on legal basis. According to Shawn 1997, Arbitration began centuries ago but it became recognized in modern times from the famous Jay Treaty of 1794 and Treaty of Ghent of 1814 between the United States and Great Britain in which provisions were made for the establishment of three mixed joint commissions to consider and settle certain differences that were not concluded by an earlier treaty and agreement. This method was subsequently adopted in the Alabama Claims Award of 1872 between the United States and Britain and other cases to the Hague Conferences of 1899 and 1907 and laid the foundation for the eventual establishment of a Permanent Court of Laws on Arbitration.

The Permanent Court of Arbitration is however not permanent, nor is it a court, because State which is party to the Convention appoints four persons with qualifications in international law to make up the panel for such dispute it wishes to submit to the court. It is from this panel of competent lawyers that two Arbitrators are appointed when necessary. These Arbitrators, one of whom may be a National, chosen from the nominees of the panel, in turn choose an umpire who presides over the Arbitral Tribunal. The award is given by majority vote. It is obvious by this arrangement that the Court is not a Permanent Tribunal. Since 1932 resort to this Court has been infrequent but ad-hoc Arbitrators have been in existence.

From this analysis, it is clear that various forms of Arbitration are in existence. They can be National Arbitrators in Commissions, or appointed Umpire or neutral member to whom cases are referred to if the national members cannot agree or even the long-established practice of referring a dispute to a foreign Head of State or Government for decision (sovereign arbitration) or reference to a specially qualified individual for a decision. At present, the most commonly found in modern treaty practice is the Collegiate consisting of an uneven number of persons, generally three or four with the power to decide the case by majority vote when there is need for settlement of a dispute between States and they decide on Arbitration by the Collegiate Body system or any of the methods listed above.

This must be based on consensus. If the choice is with the former, each State must appoint two Arbitrators, one of whom may be its national or chosen from among the four persons appointed to the panel, based on consensus. Parties would also agree on the provision of the compromise (Agreement) in which all issues about the arbitration would be highlighted as guides to the Arbitrators. This usually includes the list of the five Justice and the procedural arrangements, including where the Arbitration is to be conducted, where it is to be held and how the proceedings are to be paid for, time limit, how to obtain evidence-through experts or visits, language to be adopted, how decision will be taken etc.

It is pertinent to note that in which ever form arbitration is adopted, there are inherent difficulties and limitations which includes the followings:

1. There have been instances where the appointment of members of the tribunals, both National arbitrators and Umpire had posed problems. Example includes the Rann of Kutch case where the Secretary General of the United Nations selected the President of the tribunal and for India and Pakistan over the arbitration matter in respect to boundaries. In case of the Peace Treaties involving Bulgaria, Hungary and Romania there was disagreement in the appointment of national arbitrators despite the involvement of the International Courts.
2. Lack of proper definitions of the terms of reference and the criteria to adopt for decisions. The importance of these provisions was high- lighted in the Rainbow warrior case between New Zealand and France where they established the arbitrators jurisdiction by requesting the Secretary- General for a ruling on such issues as the amount to be paid by France for sinking the vessels in Auckland Harbor and the future of the two French intelligence agents serving prison sentences in New Zealand for this action.
3. States are usually reluctant to refer dispute for Arbitration. Most often they resort to war, like India and Pakistan, Eritrea and Ethiopia, Sierra Leone and Guinea etc.
 - a. These limitations do not over rule the fact that Arbitration is an important method of resolving disputes between States. In the first place, authorizing a third party to complete the membership of the tribunal has usually given impetus to the settlement of disputes as no State can frustrate the process by refusing to co-operate. As a neutral member, his vote is important in the voting process and even in avoiding an impasse. The States thus, have the opportunity to obtain decision from Judges of their choice working with the criteria agreed upon.
4. Arbitration has been known to be the less expensive as they are usually conducted without publicity. Parties can agree not to have the wards published.
5. Decisions obtained in Arbitration are binding on the Parties: Provided there is no disagreement with interpretation, an arbitral award should dispose of the matter, though there is no guarantee that the award or decision will be enforced.
6. Arbitration is a flexible procedure which can be combined with other fact- finding processes such as negotiation, conciliation, good offices, mediation and inquiry depending on the case. Arbitration, sometimes in combination with reconciliation is commonly found in the dispute provisions of multilateral and bilateral

conventions on a wide range of subjects. (Shawn 1997 and Umozuruike 1999)
The contributions of Arbitration as a pacific mechanism to the maintenance of international peace as well as the growth of international law are not in doubt. However, the contributions of other pacific mechanisms for dispute resolutions cannot be underrated.

Other Pacific Dispute Resolution Mechanism

Judicial settlement

Judicial settlement is a method brought about by a properly constituted international judicial tribunal applying the rule of law. These tribunals are permanent and because they developed from Arbitration, there is a close similarity between the tribunals which are either of general or specialized jurisdictions. The only general organ of judicial settlement is the International Court of Justice (ICJ) and the Permanent Court of Justice (PCJ). The growth of international law has led to the creation of Tribunals to settle specific disputes. Thus, temporary mechanisms have been set up at different times to resolve mass claims arising from war and other conflicts. Recent examples include the Iran US claims Tribunal which adjudicated claims resulting from the Iranian revolution under the Algeria's Accord 1981, the 1991 Claims Resources Tribunal for dormant accounts opened in Swiss banks by Holocaust victims, and the UN Claims Commission which compensated losses caused by Iraq's invasion of Kuwait in 1991. International Humanitarian law has also created various Tribunal that try individuals including past and serving Heads of States who are perpetrators of humanitarian abuses (Shearer 1994).

Tribunals are often constituted under the rules of arbitral institutions. Some of them are specialized, like the Arbitration Centre for Intellectual property Disputes or the World Banks International Center for the Settlement of Investment Disputes. Others are generalist institutions. The main ones are located in the prime arbitration venues, including Paris, London, New York or Geneva, though, others with rapidly increasing case loads are emerging, such as Singapore, Beijing, Dubai, Latin America, West Africa and Africa. This shift reflects the growing weight of these regions in global economic affairs. (Kaufman 2010).

Negotiation

Negotiation is a means of resolving and also preventing disputes. The process of negotiation consists of both communication and consultation. Consultation aims at heading off a dispute by creating an atmosphere for adjustment and communication. In consultation, State's through specific channels, deliberates with other State or States to obtain necessary modifications for plans to avert likely undesirable consequences. The various forms of negotiation include, the adoption of diplomatic channels, the use of united or joint commissions and summit diplomacy. Diplomatic channels include foreign officers or Diplomatic Representatives who in certain complex cases may lead delegates including several interested departments of the Governments concerned. Alternatively, it could also refer to competent authorities of each State who are representatives of the particular Ministry or Department responsible for the matter in question. Where the Department is subordinated, its action is reported to higher authorities.

The United Nations University for peace, see negotiation as communication, usually governed by pre-established procedures between representatives of Parties involved in a conflict or dispute (Miller 2003:25). Fisher et al 2000, defined negotiation as "... a structured process of dialogue between conflicting parties about issues in which their opinions differ". Negotiation is a direct process of dialogue and discussion taking place between Parties in a dispute. Thus, we have 2 types of negotiation, positional and collaborative negotiations. Positional negotiation is based on the aggressive pursuit of interests by Parties while collaborative negotiations involve enlightenment on the need and concerns of the Parties for mutual understanding. Negotiation is based on dialogue in chains of communication and collaboration. (Best 2006 pp 93-106.)

Negotiation is the simplest and most utilized form of dispute resolution. It consists basically of discussions between the parties. Does not involve any third party, because it is by mutual discussions that the essence of the differences will be revealed and of contentions outlined. Here the parties are so directly engaged and discussions depend on a certain degree of mutual goodwill, flexibility and sensitivity. In some circumstances, it entails a duty to enter into negotiations as a result of particular bilateral or multilateral agreements. Where disputes are by their continuance likely to endanger the maintenance of international peace and security, Article 33 of the UN charter provides that the Parties seek a solution by Negotiation, Inquiry or Mediation and then resort, if the effort have not borne fruit, to more complete forms of resolution.

In situations where the problem is recurrent, States usually adopt the use of mixed or joint commissions for negotiations. This usually comes with the problem of boundary delimitation, where the Commission decides the disputes before referring settlement through diplomatic channels. When these actions are unproductive, Negotiation adopts Summits Discussions between Heads of States and Foreign Ministers to obtain a breakthrough. The difficulty in Negotiation as a pacific dispute settlement mechanism is its high expectation from the public because it is usually in the full glare of the public. Negotiation is also impossible if the Parties to the dispute refuse to deal with one another, because the refusal to recognize another State, lack of common interests to bridge the gap, disagreement on the agenda of discussion and the refusal of acceptance can stand as serious obstacles. In spite of the above, negotiation has been very useful in preserving international peace and security through the work of Commissions and the interaction between leaders.

Good Office

Good office as a pacific mechanism for settlement of international dispute refers to the system of friendly intervention by Third Parties, who could be Head of State or other respected person to bring the disputants together to settle their differences. Good Offices can also be used when a State maintaining diplomatic relations with a State agree to protect the interests of a third State that has severed relations with the host State. Good office involves the use of a third party, individual, a State or Group of State or an International Organization to encourage the contending Parties to a settlement. The U.S.

President in 1906 had used this mechanism in the Russia-Japanese war. Some of Russia in the peaceful settlement of the Indian - Palestine dispute in 1963. The efforts of Nelson Mandela in the conflict between Rwanda and Burundi and the United Nations Secretary Generals, Hammarskjold in the Congo crisis and the Middle-East crisis, and Kofi Anan in Africa, the Middle East and Europe were through the mechanism of Good Office. The UN Secretary-Generals can assume a good office and Mediator role as part of its inherent powers from the United Nations Charter or act upon the invitation of the Parties themselves and in other occasions, he has acted in concert with the relevant Regional Organizations. These efforts are no doubt reliable mechanism for settlement of international disputes.

Mediation

Mediation as a pacific mechanism for settlement of international dispute refers to the intervention of a Third Party as a possible means of breaking an impasse to produce an acceptable solution. The mediator either encourages the Parties to resume negotiations or he investigates the disputes and presents the Parties with a set of proposals for resolution. According to the United Nations University for Peace Mediation is the voluntary, informal, non-binding process undertaken by an external Party that fosters the settlement of differences or demands between directly interested Parties. Mediation is a voluntary process. The aim of mediation is to help Parties in a dispute to reach solutions to their problems. The role of mediators is to create an enabling environment for the Parties to carry out dialogue that will lead to a possible resolution of the problem. The Mediator helps Parties to identify and arrive at common grounds with a view to allaying their fears and satisfying their needs. Mediation can be performed by International Organizations. States or individuals, Algeria for instance acted as Mediator in the US-Iraq hostage crisis in 1980. Nigeria mediated in the Zimbabwean land crisis in 2001 etc. For mediation to be used, the disputants must give their consent. The disputant must agree upon the mediator who must be perceived to be strictly neutral.

Conciliation

Pacific settlement of international disputes is also possible through Conciliation which involves the aid of other State or impartial bodies like Commissions of Enquiry or Advisory Committees. Conciliation is a third-party activity, more of intermediary efforts. The University for Peace sees Conciliation as "the voluntary referral of a conflict to a neutral external party (in the form of an unofficial Commission) which either suggests a non-binding settlement or conducts explorations to facilitate more structures or techniques of conflict resolution..." Conciliation provides the vital background for other mechanisms to follow.

Conciliation Bodies are set up on either permanently or on ad-hoc basis. The assignment of the Commission is basically to investigate the dispute and suggest the terms of possible settlement. In order to achieve its aims, Conciliation Commissions have wide powers of investigation like the interview of people and even experts necessary for decision-making. Membership of the Commissions are mixed as it is made up of lawyers, though Diplomats and Technical experts.

The reports of the Commission take the form of a set of proposal, not a decision. These proposals can either be accepted or rejected and so the usual practice is for the Commission to give the Parties a specified period of a few months in which to indicate their response. If it is acceptable, a process-verbal (agreement) is prepared, recording the fact of the conciliation and the terms of the settlement. However, the fact that the proposals are not binding and can be rejected or accepted, poses a real problem.

Inquiry

The mechanism of inquiry in international dispute settlement refers to the process that is performed whenever a court or other body tries to resolve a dispute issue of fact. It can be said to be a specific arrangement States may select for an issue to be independently investigated. The mechanism at present is not so favourable, but was very much adopted in the past from the Hague Conferences of 1899 and 1907 settlement of international disputes under the auspices of the UN as stated in Article 2 of her charter. The General Assembly and the Security Council are given the authority and enforcement abilities to recommend measures for peaceful settlement of situations that are likely to impair general warfare or friendly relationship among States.

Pacific Mechanism for the Resolution of the Russia Ukraine End Saga

It is important to note that all the pacific mechanism is very reliable in settling international disputes, but mechanisms to be adopted are determined by the type of disputes. There is indeed a growing shift in dispute as seen in the notable international dispute outlined earlier. Some conflicts might require the use of Arbitration, Inquiry and probably Negotiation, while others might involve a different combination. The Russia Ukraine conflict is very unique because of the diverse interests involved and above all, a return of the cold war intrigues. A highlight of some outstanding issues in the crisis is worth noting to determine likely pacific mechanism to resolve it.

The two most notable facts are Russia's efforts to maintain grip on her former Soviet States and the West, under the umbrella of NATO post-cold war expansion into the former Soviet sphere of influence. *It is on these two contests, that Russia is insisting her action in Ukraine is in self-defense. It is also worthy to realize Ukraine's deep cultural, economic political, and historical bonds with Russia. It is this link that place Ukraine of great strategic interest to Russia. Respects for agreements including the Minsk agreement signed between Russia and Ukraine in 2014 and violation of pledges made by the United States and NATO from the early 1990's not to expand Eastward is also a striking issue in the crisis, playing out in the West supports to Ukraine. Other political and economic interests in the crisis are also factors to contend with. China's calls for restraint and diplomatic solution and the steering up of confidence-building measures by the U.S and Russia should be guarding trail for the pacific mechanism to be adopted. It is on this foundation that Negotiation, Mediation and Good Office can be relied upon for resolution of the crisis.

The Mechanism of Negotiation

From Fisher et al 2000, defined Negotiation, as structured process of dialogue between conflicting Parties about issues in which their opinions differ, should be relied as a mechanism to bring Russia and Ukraine into dialogue. Reference to Article 33 of the UN charter that encourages Parties to seek a solution by Negotiation, Inquiry or Mediation, and then resort, if the efforts have not borne fruit, to more complex forms of resolution should be focused. Several negotiation attempts have been made. A recount from google.com says peace negotiations between Russia and Ukraine took place on the 28th February, four days after the invasion. Subsequent attempts were made on the 3rd, 21st, 29th – 30th of March and continued to the 7th of April. By the 11th of April, Chancellor of Austria, Karl Nehammer visited the Russian President in Moscow. 26th of April, the Secretary General of the UN Antonio Guterres also visited Russia. 13th May, the United States Secretary of Defense Lloyd Austin was in talks with his Russian counterpart. 15th May, Putin convened the Collective Security Treaty Organization is made up of, Kazakhstan, Kyrgyzstan, Armenia, Tajikistan and Belarus to discuss peace and border security related to Ukraine and NATO. It is worthy to note that in crisis negotiations, high profile parties are often proposed as potential mediators. Russia and Ukraine should be willing to deal with each other and encouraged to strike a balance on their interests.

The Pacific Mechanism of Mediation

Mediation as earlier noted, is a pacific mechanism for settlement of international dispute that involves an external party that break an impasse to produce an acceptable solution. For the Russia Ukraine crisis, the Mediator would encourage negotiations between the two Parties. Any Mediation attempt to investigate the crisis and presents proposals for resolution may face stiff opposition from Russia and Ukraine because the crisis is complex. Mediation based on prevailing over Russia and Ukraine to reach a solution through dialogue may be a better option. Turkey's President Recep Tayyip Erdogan has played great mediation roles in the crisis.

According to TRT World, Turkiye's role as a Mediator has opened a diplomatic channel for humanitarian corridors and trust building on the Parties. Turkey President has insisted that “peace will have no losers”. Turkey hosted Russian Foreign Minister Sergey Lavrov and his Ukrainian counterpart Dmytro Kuleba in March. Israel, China, United Arab Emirate (UAE), India, South Africa have also played mediating roles on the Parties for the UAE, taking sides would lead to more violence as it is playing. All the Mediating figures have acted as honest brokers (Wintour, P. 2022). According to Antje, H 2007, the only way to a solution through Mediation is to fulfill its essential criteria of equal participation inclusiveness and abidance to the norms of international law.

The Mechanism of Good Office,

Good office as a pacific mechanism to resolve the Russia Ukraine saga will involve a friendly effort to bring the two governments together to iron out issues for a peaceful resolution of the dispute. Most of the Negotiation and Mediation efforts in the Russia Ukraine dispute were initiated in the light of Good Office pacific mechanism. Analysts

have repeatedly warned that continuing NATO expansion would result to a third world war. Of course, NATO's Eastward course must be resisted by Russia. As a writer in a "Policy Seminar in New York opined that, expansion of NATO Eastward "Would Constitute a needless Provocation of Russia". Many Russians see NATO as a vestige of the cold war, directed against their country. After the Warsaw Pact, their own military alliance has been disbanded at the end of the cold war, why should NATO still operate? George Kennan, American's containment policy expert also warned in May 1998, in New York Times Interview against it noting, it is a "tragic mistake, In March 2007, when Putin addressed the Annual Munich Security Conference, he complained that NATO expansion "represents a serious provocation that reduces the level of mutual trust.

Also, Robert Gates who served as Secretary of defense for George W. Bush and Barack Obama in a rebuke to the Younger Bush asserted that "trying to bring Georgia and Ukraine into NATO was truly overreaching" that it was a case of "recklessly ignoring what the Russians considered their own vital national interests. Many are of the view that NATO should be dismantled so peace would reign in the World. In 1997, foreign policy experts also warned against NATO's Eastward expansion calling it policy error of historic proportion in 2000. William Burns, the U.S Ambassador to Russia warned in 2000 that NATO's expansion gives the "brightest of all red lights for the Russian elites and that it was a direct challenge to Russia. Robert Gates, then U.S. Chief of Defense under Bush and Obama saw NATO step as overreaching For Patricia Macpadia, NATO cannot escape what is happening in Ukraine. (Macpadia, P in Gravitas). All these views are pointing reds on NATO.

Conclusion

Dispute is an inevitable trend in life and an intrinsic part of the society. In the international community where there are constant efforts to protect and promote national interests, contests are very common. Resolution of these squabbles is the interesting course of international relations. Pacific settlement of international dispute is a fundamental principle of international relations. It is in pursuit of this, that several mechanisms are relied upon for peaceful coexistence of States for maintenance of international peace and security. The Russia Ukraine debacle is the current dispute threatening relationships and peace in the international society.

Many Analysts see Russia's invasion of Ukraine, though condemnable, but a culmination of Russia's growing resentments towards NATO's post-cold war expansion into the former Soviet sphere of influence, that Russia is acting purely in self-defense. In addition, Russian leaders have alleged that the United States and NATO repeatedly violated pledges they have made not to expand the Alliance into the former Soviet bloc. It is in the face of the complexities in the Russia Ukraine crisis that the pacific mechanism of Negotiation, Mediation and Good office is advocated for resolution of the dispute. Invading a sovereign State cannot be justified, but the strategic interests of a State must not be compromised. The deployment of these mechanisms against an already turbulent backdrop of global inflationary pressures and rising food and energy prices, as fallouts

from the Covid-19 pandemic is most urgent as the war is exacerbating supply and demand tensions eventually threatening global economic growth.

Recommendations

In view of the complicity of the Russia Ukraine crisis, the adoption of the mechanisms of Mediation, Negotiation and Good Office for the resolution of the crisis can be guided by the following recommendations;

1. A reshaping of European security arrangements where States will not be placed at security risk. The E.U. need to find ways to re-organize relationship with Russia and agree on security guarantees and strategies for peaceful coexistence. Peace in Europe must be built on respect for security interests and concerns based on the respect for national sovereignty and territorial integrity.
2. Adoption of engagement policies that will accommodate and respect the identity, customs and language of a multiethnic State. Ukraine has a complex history and polyglot composition that must be respected.
3. A revisit and overhaul of the Minsk agreement. The UNSC should be in the forefront in this course.
4. China's strategic role because of her economic relations with the EU, as well as with Ukraine and her good relations with Russia should be harnessed in mediating efforts.
5. Other efforts should be encouraged, because global challenges as the crisis is gearing up to, can only be solved by joining forces to defend a multilateral order based on international law for the enhancement of international peace and security.

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