

THE SETTLEMENT OF INTERNATIONAL DISPUTES BY MEANS OF ADJUDICATIVE METHODS UNDER PUBLIC INTERNATIONAL LAW

Ihsanullah Butro^{*1}, Tahseen Akhtar Memon², Abdullah Shaikh³, Sania Khair Muhammad⁴

^{*1}Visiting Lecturer, Department of Law, University of Sindh, Jamshoro

^{2,3,4}LLB (Hons.) Batch 2k24, Department of Law, University of Sindh Jamshoro Campus

¹ahsanbutro212@gmail.com, ²memontahseen744@gmail.com, ³abdullahaps635@gmail.com,

⁴saniakhairmuhammad101@gmail.com

DOI:<https://doi.org/10.5281/zenodo.20592200>

Keywords

Public International Law, International Arbitration, Judicial Settlement, Peaceful Settlement of Disputes

Article History

Received: 11 April 2026

Accepted: 23 May 2026

Published: 08 June 2026

Copyright @Author

Corresponding Author: *

Ihsanullah Butro

Abstract

This research examines how countries resolve their disputes through courts and tribunals in Public International Law. The focus is on how these neutral judicial bodies help maintain peace and legal order. It explains that approaching judicial institutions provides a mechanism for countries to settle disagreements using international law. Countries refer their disputes to judicial institutions to work them out amicably. The study also takes a look at the historical development of this system. It starts from arbitration and moves on to the creation of permanent bodies like the International Court of Justice. At the same time it examines the legal framework that supports dispute settlement. This includes treaties, customary international law and the UN system. The research also examines how these methods work in practice. There are problems, such as weak enforcement, political interference, limited jurisdiction and inconsistent state compliance. For example the Corfu Channel case and Nicaragua v. United States show both the power and limitations of adjudication. In the end the study concludes that while going to court promotes conflict resolution more needs to be done. It relies on enforcement, better country cooperation and improved adherence to judicial rulings for real impact. The International Court of Justice plays a central role in this process. Countries must work together to make international adjudication more effective.

1. INTRODUCTION

International disputes are major threat to world peace and stability since they stem from variety of issues including territorial conflicts to trade agreements. The settlement of International disputes is essential for maintaining peace among nations. Adjudicative methods such as International courts and tribunals play a crucial role in the resolution of international disputes. These methods involve the referral of a dispute to a neutral third-party tribunal which then makes a binding decision based on Public International

Law. Unlike negotiation or mediation which rely on consensus-building and compromise, adjudication offers a mechanism for the authoritative interpretation and application of international law by neutral adjudicators.

The growth of adjudicative methods can be witnessed from old times where states would resort to arbitration or mediation by impartial third parties to resolve disputes. The concept of settlement of disputes with binding nature hasn't emerged from the last few centuries as some permanent courts were formed during the last century. In ancient Greek times, states

resolved their disputes through arbitration. Peace treaty clauses signed between Spartans and Athenians stated that disputes would be settled through arbitration rather than engaging in war (Bagnall, 2006). Italian states in the thirteenth and fourteenth centuries resolved their disputes through arbitration. Judicial settlement is one of the most emerged forms of international dispute resolution (Rosenne, 2003). As states evolved in the nineteenth and twentieth centuries, war became a tool and power of sovereignty. The development of ways to solve disputes and to refrain from warfare was sought out. A peace movement was started as the rift between superpowers increased. This led to the Hague Peace Conference in 1899 (Tiefenbrun, 2010). As a result of the participation of 22 states, three conventions came into being, of which one was regarding the peaceful settlement of disputes and the two others related to warfare. In 1907, the second Hague Peace Conference was held in which forty-four states participated and thirteen conventions were signed including peaceful settlement of disputes. Nowadays international disputes can be settled by using numerous ways, many of them were enshrined in the Covenant of the League of Nations. According to Article 12 of the Covenant, member states were required to resolve their disputes through arbitration or judicial settlement, or leave the matter to the League of Nations Council. (League of Nations, 1919) The UN has played a key role in promoting a framework among states to resolve their disputes through amicable methods rather than resorting to war (Posner, 2009). On the other hand, the modern age has witnessed the creation of permanent international courts and tribunals with jurisdiction over particular areas of international law. The establishment of international institutions and some regional courts reflects the growing recognition of the need for an approach to international dispute resolution. Alongside the growth of adjudicative bodies, the body of international law, including treaties, customary law and court rulings has also expanded.

2. Significance of the Study:

In this context, the adjudicative methods of dispute settlement play a pivotal role in upholding justice and preserving global order. The use of adjudicative methods has become increasingly prevalent in recent times as the international arena has sought to safeguard the rule of law and the amicable settlement of disputes. The significance of this research includes an in-depth analysis how international disputes are resolved through adjudicative methods under Public International Law. This research will focus on determining the effectiveness, challenges, and future possibilities of adjudicative processes such as international tribunals, courts and arbitration in resolving legal disputes, interstate conflicts and other contentious matters of global significance. This research will focus on global perspective by examining international disputes resolved through adjudicative methods in International arena.

3. Existing Legal Problem:

The settlement of International disputes by way of adjudicative methods under Public International Law is a crucial aspect of global governance and dispute resolution. Adjudicative systems provide a formalized framework for resolving disputes between sovereign states based on legal norms and principles. The issue at hand is centered on the challenges and complexities that come within the parameters of Public International Law by adjudicating global disputes. Conflicts continue in various areas such as trade disputes, environmental disputes, territorial disputes and human rights breaches even in the presence of established legal frameworks and global organizations for resolving disputes. The jurisdiction of the International Court of Justice is based on the consent of the parties. There are 193 Member States of the United Nations and out of those 73 nations have recognized the jurisdiction of the Court as compulsory. In shaping international law, all the good things that came out of the ICJ are there that the implementation of its decisions and cases of failure to comply with them are fundamental problems. Researchers have also tried to dig out ways of dealing with global disputes in a civilized manner and this is how

peace can be maintained. Judicial settlement is one of the most developed approaches to resolving international disputes. In today's world, there are a number of different ways to resolve international disputes, and many of them have been included in the Covenant of the League of Nations as Article 12 of Covenant states for the settlement of disputes between Member nations by means of arbitration or legal dispute resolution, or leaving it to the Council of the United Nations. The UN has, in particular, has led the establishment of a regime between states that have resolved their disputes by peaceful means. Compared to the war, methods are different, for instance, the UN Charter Article 33 states that the parties to dispute must be resolved by means of negotiation, mediation, investigation, conciliation. Arbitration and judicial settlement, it was deemed to be beneficial. Therefore, the problem statement for this paper is to critically analyze the effectiveness, challenges and future possibilities of settling international disputes through adjudicative methods in accordance with public international law. This paper aims to evaluate the role of international courts and tribunals in promoting justice and peace, identify the challenges to effective dispute resolution and propose recommendations to strengthening the legitimacy and capacity of adjudicative methods in addressing the complexity of modern global governance and dispute resolution. It does this by examining the legal, political, and practical aspects of adjudicative dispute settlement in international arena.

Moreover, practical challenges and restrictions, such as jurisdictional issues, resource constraints and procedural difficulties, pose challenges to the efficient functioning of adjudicative methods in resolving international disputes. States may strategically manipulate legal procedures, explore lacunas in treaties or engage in forum shopping to advance their interests through adjudication rather than seeking resolution by mediation or negotiation.

4. Objectives of the Study:

This paper aims to explore the effectiveness, challenges and future possibilities of adjudicative methods in resolving international disputes within the parameters of Public International Law. This paper aims to evaluate

the role of courts in promoting justice and peace, identify the challenges to effective dispute resolution and propose recommendations to strengthen the legitimacy and capacity of adjudicative methods in addressing the complexity of modern global governance and dispute resolution. It does this by examining the legal, political and practical aspects of adjudicative dispute settlement in the international arena.

5. Scope and Limitations:

The study focuses on the settlement of international disputes through adjudicative methods under Public International Law, particularly legal mechanisms involving international courts and tribunals. It examines the legal, political and practical aspects of adjudicative dispute settlement in the international arena. However, the study is limited by challenges associated with adjudicative methods, including jurisdictional disputes, political interference, enforcement issues, resource constraints, procedural difficulties, and selective adherence to court decisions and challenges to the impartiality of adjudicators.

6. Research Methodology:

This research employs a doctrinal qualitative methodology. Data are collected from primary legal sources, including international treaties, conventions, judicial decisions, and the Statute of the International Court of Justice, as well as secondary sources such as books, journal articles, and scholarly commentaries. A descriptive, analytical, and comparative approach is adopted to examine the legal framework governing adjudicative methods of dispute settlement under public international law and to evaluate the effectiveness of institutions such as the ICJ, PCA and WTO dispute settlement mechanisms.

7. Literature Review:

The use adjudicative methods to settle international disputes has been a focus of extensive scholarly inquiry, reflecting the significance of legal mechanisms in preserving peace, upholding and safeguarding the rule of law and resolution of disputes in the international community. This literature

review provides a comprehensive overview of key themes, debates, and empirical results pertinent to the research topic by using extensive sources of International Law.

i. Historical Evolution of Adjudicative Methods:

The historical evolution of adjudicative methods dates back to ancient times, when states would use diplomatic ways, arbitration and mediation to resolve disputes amicably. The creation of permanent international courts and tribunals, in the contemporary age is indicative of growing recognition of the need for institutionalize dispute resolution mechanisms (Posner, 2005). Landmark rulings, such as the *Corfu Channel Case, 1949* and the *Nicaragua v. United States, 1986* have shaped the jurisprudence of international dispute settlement, establishing precedents and principles that direct the interpretation and application of international law. This development has been highlighted by the Scholars like Schwebel and (Charney, 2017) who emphasized the increasing significance of international courts and tribunals in resolving conflicts between states.

ii. Legal Framework of International Dispute Settlement:

The legal framework regulating resolution of dispute consists of several treaties, conventions and customary norms. The ICJ was created by the UN Charter and statute defines the court's jurisdiction, procedure, powers and provides the fundamental legal framework for settling of interstate disputes (Charney, 2017). The work of ICJ is supplemented by regional courts and tribunals that provide specialize knowledge and regional perspectives on contentious issues (Shelton, 2015). The complex structure of legal principles and norms govern the adjudicative methods used to settle international disputes. These principles have been thoroughly examined by scholars like Brownlie and Shaw who determined these principles in depth, emphasizing their significance in ensuring the legitimacy and efficiency of adjudicative mechanisms within the framework of Public International Law (Brownlie, 2008) (Shaw, 2017).

iii. Case Studies of International Dispute Settlement:

Case studies provide insightful information about the practical use of adjudicative methods in resolving international conflicts in various regions and subject areas. Examples include the Corfu Channel dispute between UK and Albania was settled through adjudication and dispute between US and Nicaragua and the territorial dispute between Cameroon and Nigeria which was settled through adjudication before ICJ.

a) Corfu Channel Case:

The first case was heard by ICJ is *Corfu Channel case* in 1947, regarding state responsibility for damages at sea and principle of innocent passage was discussed. This claim was brought by UK against Albania seeking reparations for damage of two Naval ships and loss to life. Judgment was rendered by ICJ against Albania and awarded compensation of £843,947 to UK, but Albania did not comply with the ruling of ICJ and compensation remained unpaid for more than four decades. Subsequently, another claim was made by UK. The judgment was settled by UK and Albania in 1996.

b) The Republic of Nicaragua V. The United States of America (1986):

In this prominent case, it ruled by ICJ that US has breached norms of International Law by favoring Contras in their rebellion/resistance against the Sandinistas. Subsequently, it was ruled against US and Nicaragua was awarded with reparations.

The court ruled that US has breached its obligations under customary international law by engaging in the use of force against another state, interfering in its internal affairs, infringing upon its sovereignty, and breaching Article XIX of the 1956 Treaty of Friendship, Commerce, and Navigation. In paragraph 9 of the judgment, the court noted that the United States indirectly supported human rights violations committed by the Contras through the dissemination of a manual titled *Psychological Operations in Guerrilla Warfare* (Nicaragua v. United States, 1986). However, it concluded that these actions could not be directly attributed to the United States.

US argued that ICJ does not have jurisdiction to entertain case and denied to partake in the proceedings. Meanwhile, the US blocked the implementation of the decision through SC and Nicaragua was restrained from getting any compensation. In, 1992, Nicaragua withdrew the complaint from the court by repealing the law which authorize the state to obtain compensation from another state.

c. Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening), (2002):

The territorial dispute between Cameroon and Nigeria (Bakassi Peninsula case) was decided by the International Court of Justice (ICJ) in 2002. The dispute concerned sovereignty over the oil-rich Bakassi Peninsula and adjoining border areas. Cameroon initiated proceedings in 1994 requesting delimitation of the land and maritime boundary. The ICJ examined colonial treaties, particularly the Anglo-German Agreements of 1884 and 1913, to determine legal title. Nigeria relied on effective occupation and administrative control, while Cameroon relied on treaty-based sovereignty. The Court held that sovereignty over Bakassi belonged to Cameroon based on valid colonial instruments and subsequent legal developments. It also defined the complete land and maritime boundary between the two states. The ICJ ordered Nigeria to withdraw its administration, military, and police from the area (ICJ, 2002). The Court emphasized the binding nature of international treaties and peaceful dispute settlement under international law. Following the judgment, implementation was facilitated through diplomatic negotiations under the Greentree Agreement (2006). Nigeria peacefully withdrew its forces and transferred authority to Cameroon. The case is a landmark example of effective judicial settlement of territorial disputes under international law.

8. Discussion:

Adjudicative Methods of Dispute Settlement:

The adjudicative methods of settling disputes gives a binding decision, whereas diplomatic methods provide recommendations therefore practice of adjudicative methods is valued more. The binding force of the decisions

differentiae them from other modes of settlement of conflicts. Adjudicative methods are carried out by two courses of action, "arbitration" and "judicial settlement". These are the modes involved in the ascertainment of issues between States through valid and lawful rulings of tribunals. The courts in judicial settlement include permanent ICJ or ad hoc, when it comes to arbitration, it is made by arbitral tribunal. The crucial factor in both of them is that the award is of binding nature and carried with bona fide intention. Adjudicative methods of dispute settlement offer a structured and formal means for resolving international conflicts. These methods ensure that disputes between states, organizations, or individuals are settled based on legal principles rather than political or military actions. International courts use these methods to provide binding rulings, fostering adherence to International Law. These mechanisms often involve a thorough examination of legal arguments, evidence, and international treaties, ensuring fairness and transparency.

i. Arbitration:

One of the most prominent institutions is the Permanent Court of Arbitration (PCA), established in 1899. Although not a court in the traditional sense, the PCA provides administrative support and procedural frameworks for arbitral tribunals dealing with interstate disputes, investor-state disputes, and disputes involving international organizations (Merrills, 2017). Another significant development is the International Centre for Settlement of Investment Disputes (ICSID), established under the 1965 Washington Convention. ICSID specializes in resolving investment disputes between foreign investors and host states and has become a cornerstone of international investment law (Schreuer et al., 2022).

Modern arbitration is also widely used under the United Nations Convention on the Law of the Sea (UNCLOS). Annex VII of UNCLOS provides a compulsory arbitration mechanism for disputes concerning maritime boundaries, navigation rights, and marine resources when parties cannot reach a negotiated settlement (Churchill, Lowe & Sander, 2022). Furthermore, many bilateral and multilateral

treaties incorporate arbitration clauses, enabling parties to submit disputes to arbitration without negotiating a separate agreement after the dispute arises. The effectiveness of modern arbitration stems from several factors, including party autonomy, procedural flexibility, confidentiality, and the binding nature of arbitral awards. However, concerns remain regarding enforcement challenges, costs, lengthy proceedings, and questions of consistency in arbitral decisions, particularly in investor-state arbitration (Schreuer et al., 2022). Despite these challenges, modern arbitration remains a central mechanism for the peaceful settlement of international disputes and continues to contribute significantly to the development of international law. The impact of Arbitration on the resolution of international commercial can be seen on state level as well. (Ahmed et al., 2025)

ii. Judicial Settlement:

When an issue or dispute is invoked before a judicial body in order to achieve a binding decision is said to be 'Judicial settlement'. It has so many similarities with arbitration as being developed by arbitration. Judicial settlement is available accessible for over half a century. International adjudication for many grounds is considered as a beneficial way of settling international disputes. In judicial settlement, the decision maker is a third party. This factor reduces the political cost to the parties and they are more satisfied by this that a third party (neutral) has decided the dispute which ends up the factor of biasness. Additionally in this settlement method, the court and parties may rely on previous similar cases for the decision, which is a favorable element, though there is no clear rule of precedent in international law, even then decided decisions are referred to by parties in similar situations. Furthermore, it gives the possibility for international norms to develop because of the judges deciding the matter. The main ingredient which empowers adjudication over other means of settlement is that determinations are based solely on International law. The rulings might not have an outcome around a global arena, but binding upon parties of the case.

Article 38 of ICJ statute, determines the rules and principles of International law, which are to be followed by ICJ in its decisions. The parties to the dispute have to obey with principles as laid down in international law. They do not have their choice in this regard.

iii. International Tribunal for the Law of the Sea (ITLOS):

The International Tribunal for the Law of the Sea (ITLOS) is a specialized judicial institution established under the United Nations Convention on the Law of the Sea (UNCLOS) 1982. It was created to ensure the peaceful settlement of disputes arising from the interpretation and application of UNCLOS. The Tribunal commenced its operations in 1996 and is headquartered in Hamburg, Germany. ITLOS plays a crucial role in maintaining the international legal order governing the world's oceans by providing an independent and impartial forum for resolving maritime disputes (Churchill, Lowe, & Sander, 2022).

The jurisdiction of ITLOS extends to a wide range of maritime matters, including disputes concerning maritime boundary delimitation, fisheries, marine environmental protection, navigation rights, and the exploitation of marine resources. Under Part XV of UNCLOS, states may submit disputes to ITLOS when diplomatic negotiations fail to produce a satisfactory outcome. The Tribunal also possesses special jurisdiction to order the prompt release of detained vessels and crews and to prescribe provisional measures in urgent cases to prevent serious harm to the marine environment or the rights of the parties (Tanaka, 2019).

One of the distinguishing features of ITLOS is its contribution to the development of the law of the sea through authoritative interpretations of UNCLOS provisions. Its decisions have clarified important legal principles relating to maritime zones, environmental obligations, and state responsibilities in ocean governance. Cases such as *The M/V Saiga* (No. 2) and *The Arctic Sunrise* Arbitration have significantly influenced international maritime jurisprudence and strengthened the rule of law at sea (Rothwell & Stephens, 2016). Despite its achievements, ITLOS faces certain challenges,

including jurisdictional limitations arising from state consent and the preference of some states for arbitration under Annex VII of UNCLOS. Nevertheless, the Tribunal remains an essential mechanism for the adjudicative settlement of maritime disputes and contributes significantly to the peaceful resolution of conflicts, legal certainty, and the effective implementation of international maritime law (Churchill, Lowe, & Sander, 2022).

iv. The International Court of Justice:

The ICJ, established in 1945 as the principal judicial organ of the United Nations (UN), plays a pivotal role in resolving international disputes. Tasked with settling legal disputes between states and providing advisory opinions on international legal questions, the ICJ has contributed significantly to the peaceful settlement of conflicts and the development of international law. Its work underscores the importance of the rule of law in fostering stability and cooperation among states. The ICJ's primary function is to adjudicate disputes submitted by states. Unlike domestic courts, the ICJ does not have automatic jurisdiction over all states; instead, states must consent to its jurisdiction, either through treaties, special agreements, or declarations under the court's statute. Once a case is accepted, the ICJ examines the facts and applies relevant international law to deliver binding judgments. These decisions are authoritative and carry significant weight, as they are based on the impartial application of legal principles. By providing a neutral forum for resolving disputes, the ICJ helps states avoid unilateral actions or violent conflict. The ICJ has resolved numerous high-profile disputes, ranging from territorial and maritime boundary issues to cases concerning environmental protection and human rights. For instance, in the *Nicaragua v. United States* case, the court ruled that the United States had violated Nicaragua's sovereignty by supporting armed groups within its territory. This landmark judgment affirmed the principle of non-intervention in international law and demonstrated the ICJ's commitment to upholding the rights of smaller states. Similarly, the court has played a critical role in resolving boundary disputes, such as the *Cameroon v. Nigeria* case, which addressed

territorial disagreements over the Bakassi Peninsula. By providing clear legal guidance, the ICJ has helped states find peaceful solutions to potentially volatile disputes.

In addition to resolving contentious cases, the ICJ also provides advisory opinions on legal questions referred to it by UN organs or specialized agencies. Although non-binding, these opinions carry considerable legal and moral authority and contribute to the clarification and development of international law. For example, the court's advisory opinion on the legality of the use or threat of nuclear weapons has influenced global debates on disarmament and non-proliferation. Similarly, its opinion on the legal consequences of the construction of a wall in the occupied Palestinian territory has provided a legal framework for addressing issues of occupation and self-determination. Through its advisory function, the ICJ assists international organizations in navigating complex legal issues and fosters the alignment of state actions with international law. The ICJ also contributes to the progressive development of international law by interpreting and applying treaties, customary international law, and general legal principles. Its decisions have shaped key areas of international law, including the law of the sea, environmental law, and the protection of human rights. The court's rulings set precedents that influence subsequent legal interpretations and guide state behavior. For instance, its decision in the *Pulp Mills on the River Uruguay* case emphasized the obligation of states to conduct environmental impact assessments, advancing the principle of sustainable development. Despite its accomplishments, the ICJ faces challenges in enforcing its decisions, as it relies on the voluntary compliance of states. While most states comply with its judgments, the lack of direct enforcement mechanisms can sometimes limit its effectiveness. Nevertheless, the court's authority and the international community's recognition of its importance ensure that its decisions carry substantial weight in shaping state conduct.

In conclusion, the ICJ plays a vital role in resolving international disputes and promoting the rule of law in international relations. By providing a neutral forum for adjudication and

offering authoritative legal guidance, the court helps states resolve conflicts peacefully and contributes to global stability. Its work in interpreting and developing international law has lasting impacts, influencing legal norms and ensuring that justice remains a cornerstone of international governance. Through its continued efforts, the ICJ upholds the principles of peaceful coexistence and legal accountability in an increasingly interconnected world.

a. Jurisdiction of the International Court of Justice:

The court's contentious jurisdiction, as outlined in its statute, is based on the consent of the states involved, allowing it to hear and resolve disputes only when the states agree to submit to its authority. This is somehow similar to the arbitration where consent of the parties matter to invoke the court. The ways mostly used by states to give its consent are as: Firstly, party can give consent, this jurisdiction can be established through a compromissory clause within a treaty or by states accepting the court's authority under Article 36(2) of its statute. Treaties also often provide reference of dispute to the court. Secondly, after a dispute has arisen in a manner in which both parties agree to it can give their consent, this is also called the special agreement. There is also the compulsory jurisdiction which is optional clause to parties, based on Article 36 (2) of the Statute. The court may also give advisory opinion for the contentious jurisdiction. These opinions of the court are non-binding that nevertheless carry slight weight.

The jurisdiction of the ICJ, established under its statute as part of the UN framework, encompasses the authority to adjudicate disputes between states and provide advisory opinions on international legal questions. As the principal judicial organ of the UN, the ICJ plays a critical role in promoting the peaceful resolution of conflicts and advancing the rule of law at the international level. Its jurisdiction is grounded in the consent of states, ensuring that its proceedings align with principles of state sovereignty and international cooperation. Under the optional clause, states can recognize the court's jurisdiction as compulsory in relation to other states that have

made similar declarations. However, the scope of contentious jurisdiction is strictly limited to the disputes and conditions agreed upon by the states involved. Advisory jurisdiction, on the other hand, allows the ICJ to provide non-binding legal opinions on questions referred to it by authorized UN organs or specialized agencies. These advisory opinions aim to clarify legal issues and guide the actions of international organizations, states, or other entities. While advisory opinions do not have binding force, they carry significant legal and moral authority and contribute to the development and understanding of international law. For instance, the court's advisory opinion on the legal consequences of the construction of a wall in the occupied Palestinian territory has been widely cited in debates on international law and human rights. The ICJ's jurisdiction is defined not only by the consent of states but also by the subject matter of the disputes brought before it. Its statute specifies that the court can address disputes related to the interpretation of treaties, questions of international law, the existence of facts that constitute a breach of international obligations, and the nature or extent of reparations for such breaches. This broad scope enables the court to handle a wide array of cases, including territorial disputes, maritime boundaries, state sovereignty, environmental issues, and the use of force. Despite its wide-ranging jurisdiction, the ICJ faces challenges in enforcing its judgments, as it lacks direct enforcement mechanisms. The court relies on the voluntary compliance of states or, in some cases, the intervention of the UN SC to ensure adherence to its decisions. While most states comply with ICJ rulings due to the court's authority and their commitment to the international legal order, non-compliance remains a concern in certain politically sensitive cases.

v. World Trade Organization (WTO) Dispute Settlement System:

The World Trade Organization (WTO) Dispute Settlement System is one of the most significant mechanisms for the peaceful resolution of international trade disputes. Established under the Understanding on Rules and Procedures Governing the Settlement of

Disputes (DSU) in 1995, the system provides a structured and rule-based framework through which member states can resolve disagreements concerning the interpretation and application of WTO agreements. Its primary objective is to ensure predictability, stability, and fairness in international trade relations by encouraging compliance with agreed trade rules (Matsushita, Schoenbaum, & Mavroidis, 2015). The dispute settlement process begins with consultations between the parties. If consultations fail to resolve the dispute within the prescribed period, the complainant may request the establishment of a panel to examine the matter. The panel reviews the legal and factual issues involved and issues a report containing its findings and recommendations. Traditionally, parties dissatisfied with the panel's decision could appeal to the WTO Appellate Body, which reviewed questions of law and legal interpretation. The final reports, once adopted by the Dispute Settlement Body (DSB), become binding on the parties and are expected to be implemented in good faith (Van den Bossche & Zdouc, 2022).

One of the key strengths of the WTO dispute settlement system is its compulsory and quasi-judicial nature, which provides smaller and developing states with an opportunity to challenge trade measures adopted by more powerful economies. The system has contributed significantly to the enforcement of international trade obligations and the peaceful settlement of disputes involving tariffs, subsidies, anti-dumping measures, and trade restrictions (Merrills, 2017).

Despite its success, the WTO dispute settlement mechanism faces significant challenges. The paralysis of the Appellate Body due to the non-appointment of judges has weakened the effectiveness of the system and raised concerns about the future of multilateral trade adjudication. Nevertheless, the WTO dispute settlement system remains a cornerstone of the international trading order and continues to play a vital role in promoting legal certainty and the rule of law in global commerce (Van den Bossche & Zdouc, 2022).

Challenges and Limitations encountered by Adjudicative Methods in resolving International Disputes:

Under International law disputes can be settled by two courses of action, Diplomatic procedure and Adjudication. The use of force towards other state's integrity and political independence is forbidden by United Nations Charter and its members shall adopt peaceful manners for resolving disputes among them. Judicial settlement or adjudicative method is a peaceful method of settling dispute. The international tribunals are formed for the judicial settlement of disputes which works in accordance with the rules and laws regulated by International Law. An international tribunal attains its status as an international entity primarily due to the scope and nature of its jurisdiction. The authority to adjudicate disputes that transcend national boundaries and involve matters governed by international law sets such tribunals apart from domestic judicial bodies. This international jurisdiction enables them to address disputes between states, international organizations, or individuals, depending on their mandate. The jurisdiction of an international tribunal is typically established through treaties, agreements, or international conventions. For instance, the (ICJ) derives its jurisdiction from the UN Charter and its Statute, allowing it to resolve disputes between states that have consented to its authority. Similarly, tribunals like the (ICC) operate under the Rome Statute, granting them jurisdiction over serious crimes such as genocide, war crimes, and crimes against humanity. The ability to adjudicate such issues underscores their international character and distinguishes them as institutions of global significance.

i. Lack of Enforcement Mechanisms:

One of the challenges to the adjudicative methods is its lack of enforcement mechanisms for its decisions. There is no direct means of enforcing the decisions of ICJ even they are of binding nature. This crisis of enforceability of international judicial decisions, non-compliance, gives an unpleasant impact on International law and authorities. Considering such situations some scholars have argued that the lack of enforcement mechanisms

undermines the authority and legality of the ICJ which raises questions about ICJ's effectiveness as being international institution by means of resolving disputes between states. Another reason for non-compliance with decisions is political and strategic considerations. States prefer their national interest and keep their benefits prior to the compliance of decisions as they believe doing so would be detrimental to them. In some cases, states may even challenge the legality of the ICJ's decision-making process and also the authority. An example, the case of *US V. Iran*, where ICJ ruled in the favor of US and ordered Iran to free hostages, however Iran declined to comply with ICJ's judgment.

ii. Judicial Bias:

Another challenge to the authorities is in its composition and representation. As the ICJ is composed of 15 judges, each elected for nine-year term. These are chosen by the United Nations (UN) GA and SC. While the election process is designed to ensure independence and fairness, political considerations often play a significant role. States tend to support candidates from their regions or those who align with their strategic interests. This politicization of judicial appointments raises questions about whether the ICJ is truly free from external influence. The balance of power within the Security Council, where permanent members hold veto power, further exacerbates concerns about political favoritism in the selection process. The ICJ's judges are chosen on basis of their qualifications, competence, fair, and impartiality, but still criticized for the composition for being dominated by Western countries and lack enough representation from other developing countries. The distribution raise questions. This leads to concerns that the ICJ's decisions may reflect biasness at some instant. Unfavorable judgment may hamper future relationships between parties. Whereas the criticism says the judges act in the favor of their state and often influenced by political considerations instead of legal principles. In the case *US V. Nicaragua*, the power possessed by veto members created challenges in ensuring compliance with the ICJ judgment.

Regional representation is another aspect of the ICJ's composition that can potentially lead

to bias. The Court's Statute mandates that the judges collectively represent the world's "principal legal systems and civilizations." While this provision aims to ensure diversity, it has also created a situation where states view judicial appointments as opportunities to advance their national or regional interests. Judges, consciously or unconsciously, may feel an obligation to align their perspectives with the interests of their home countries or regions, especially in cases involving those states. In addition to regional and political influences, there is the issue of re-election. Judges at the ICJ are eligible for re-election, and this can sometimes create an incentive for them to align their decisions or opinions with the preferences of the states that may influence their reappointment. While such behavior is not overt or widespread, the potential for it to exist undermines confidence in the Court's impartiality.

Scholarly research and case analyses have occasionally highlighted instances where judicial decisions appear to align with the interests of the judge's home states or their allies. For example, studies on voting patterns suggest that judges tend to favor their own countries or countries with close political or economic ties in contentious cases. This phenomenon, often referred to as "national bias," poses a significant challenge to the Court's legitimacy, as it contradicts the principle of judicial independence that underpins its functioning. Efforts to address judicial bias at the ICJ have focused on strengthening transparency in the election process and promoting merit-based appointments. Some scholars advocate for reforms that limit the influence of powerful states and enhance the role of impartial experts in the nomination process. Proposals such as fixed non-renewable terms for judges and stricter rules regarding conflict of interest have also been suggested to mitigate the risks of bias. Despite these challenges, it is important to recognize that the ICJ remains a respected institution in international law, and instances of overt bias are rare. The majority of ICJ judges have upheld their duty to deliver impartial judgments, guided by legal principles rather than political considerations. However, the perception of bias, whether real or

perceived, is a critical issue that needs to be continually addressed to maintain the Court's credibility and legitimacy. By ensuring that the appointment and composition processes are transparent and free from undue influence, the ICJ can strengthen its role as an impartial arbiter of international disputes.

iii. Lack on focusing modern issue:

Some scholars have criticized ICJ for being too judicious and conservative in its decisions. While the ICJ's contribution in promoting pacific resolution of disputes is of utmost importance, and for not addressing crucial issues of international concern, like climate change and human rights infringements are deserving of attention. Such criticism is leading towards the idea of these international bodies soon losing their concern. However, its decisions have not been immune to criticism. One recurring critique from scholars is that the ICJ is often too judicious and conservative in its approach, prioritizing caution and state consent over bold interpretations or progressive development of international law. While such an approach may aim to maintain legitimacy and avoid political backlash, it has sometimes limited the Court's effectiveness in addressing pressing international legal issues. The ICJ's conservative approach is most evident in its adherence to strict legal formalism and reluctance to extend its jurisdiction or authority beyond what is explicitly consented to by states. As a court that operates based on the voluntary acceptance of jurisdiction, the ICJ is cautious not to overstep its boundaries. This deference to state sovereignty often results in restrained judgments that prioritize the preservation of diplomatic relations over the advancement of legal principles. Critics argue that such conservatism undermines the ICJ's ability to act as a transformative institution in international law. One example often cited is the ICJ's handling of cases related to the use of force and self-defense. In its advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons* (1996), the Court refrained from making a definitive statement on whether the use of nuclear weapons is categorically prohibited under international law. Instead, it

concluded that the legality of such use would depend on the circumstances, leaving a critical question unresolved. Scholars have criticized this decision as overly cautious, arguing that the ICJ missed an opportunity to clarify and strengthen the prohibition of nuclear weapons in international law.

Similarly, in disputes involving human rights or environmental protection, the ICJ has often avoided taking a progressive stance. For instance, in the *Whaling in the Antarctic case* (2014), the Court ruled against Japan's whaling program on narrow procedural grounds rather than engaging in a broader discussion on the moral and legal implications of whaling practices. While the judgment resolved the immediate dispute, it was seen by some as a missed opportunity to advance international environmental law. The ICJ's reluctance to assert itself is also evident in cases where it could have contributed to the development of customary international law. For example, in the *Case Concerning Armed Activities on the Territory of the Congo* (2005), the Court found Uganda in violation of international law but did not provide robust guidance on the legal framework governing non-state actors' involvement in armed conflict. This restrained approach has been criticized for leaving gaps in the evolving body of international law.

Defenders of the ICJ argue that its cautious approach is necessary to maintain its legitimacy and ensure state compliance with its decisions. They point out that the ICJ operates in a politically charged environment, where overly ambitious or controversial rulings could undermine its authority or discourage states from recognizing its jurisdiction. By prioritizing consensus and legal clarity, the Court seeks to balance the competing demands of judicial independence and political feasibility.

Nevertheless, critics contend that excessive conservatism risks rendering the ICJ irrelevant in addressing global challenges. Issues such as climate change, cyber warfare, and transnational terrorism require bold and forward-thinking interpretations of international law. If the ICJ consistently avoids addressing these issues head-on, it may lose its relevance as a forum for resolving the complex disputes of the 21st century. In conclusion,

while the ICJ's judicious and conservative approach may be rooted in a desire to maintain legitimacy and state cooperation, it has not been without consequences. By prioritizing caution over innovation, the Court has sometimes failed to seize opportunities to advance international law in meaningful ways. Striking a balance between cautious diplomacy and progressive jurisprudence is essential for the ICJ to remain a credible and effective institution in the evolving landscape of international law.

iv. Nature of Dispute:

To determine the dispute between parties is of essential consideration. Adjudicative bodies are limited to deal with legal disputes between parties only. The dispute may arise between parties on two grounds as laid down by International law; **Political and legal**. The distinction between both terms is convenient method of analysis. As, International law deals with legal disputes therefore, the identification of a "legal dispute" does not only depend on the nature of the issue submitted to the court. Determining the nature of dispute is a thoroughly technical process conducted by the participation of the court and states to the dispute. If there exists any question for it is legal or political, it is on the discretion of the court to decide. The (ICJ) has consistently emphasized that its mandate is confined to addressing the legal dimensions of disputes brought before it. When a case involves both legal and political elements, the Court has maintained that it cannot engage with the political aspects of the matter. Its primary function is to interpret and apply international law, leaving political considerations to the discretion of states or other relevant political institutions. This distinction underscores the ICJ's role as a judicial body, separate from political or diplomatic mechanisms. However, disputes with intertwined political and legal elements often highlight gaps or ambiguities in existing international legal frameworks. In such cases, the ICJ's inability to address political dimensions can limit its capacity to provide comprehensive resolutions. Critics argue that such disputes call for a reevaluation or development of international law to bridge these gaps. When the law fails to address

evolving political realities adequately, it becomes necessary to reform or create new legal norms that can address contemporary challenges more effectively. By strictly adhering to its judicial mandate, the ICJ ensures that its decisions are grounded in established legal principles, preserving its neutrality and legitimacy. Nonetheless, the inability to consider political aspects can sometimes lead to incomplete resolutions, requiring states or international organizations to engage in diplomatic negotiations or legislative efforts to address the broader implications of such disputes.

v. Labyrinth Jurisdiction:

ICJ's compulsory jurisdiction is limited. According to Ogbodo, S. Goize (2012) this limited jurisdiction weakens its ability to address disputes comprehensively. The ICJ's ability to determine its jurisdiction is bursting with complexity. The case of *Nicaragua V Colombia* is the example where five years elapsed before the court because of jurisdictional issues. The limitations are not restricted to that only, ICJ still lack in focusing the role of individuals and non state-actors in international relations.

vi. Lack of Coordination with other International Courts:

ICJ operates independently from other International tribunals or courts such as ICC. When it comes to enforcement these complexities create challenges for the effective application of justice and international law. One of the criticisms often directed at the (ICJ) is its lack of coordination with other international courts and tribunals. While the ICJ is the principal judicial organ of the United Nations and plays a central role in resolving disputes between states, there are several other specialized courts and bodies that deal with specific areas of international law, such as (ICC), (ITLOS), and the (ECHR). The absence of effective coordination between these institutions can lead to fragmented jurisprudence, inconsistent rulings, and inefficiencies in the application of international law.

Each international court or tribunal has its own mandate and jurisdiction, and while they

may overlap in some cases, there is often little communication or collaboration between them. This lack of coordination can result in contradictory decisions on similar issues, which undermines the coherence and consistency of international law. Moreover, states may find it challenging to navigate multiple legal proceedings in different forums, leading to delays and complications in the resolution of disputes.

To address these issues, there is a growing call for greater cooperation and harmonization between international courts. Efforts to promote dialogue and coordination could improve the effectiveness of international law and enhance its credibility on the global stage.

9. Findings:

This study shows that adjudicative methods are now an important way to settle international disputes peacefully under Public International Law. These methods give countries a way to solve problems without using force and help keep the world peaceful, secure and stable. When we look at how adjudicative methods have changed over time we see that countries are moving away from war and violence and towards using courts and judges to solve problems.

The research also finds that the International Court of Justice is a part of the international adjudicative system. The Courts decisions and opinions have helped interpret and develop law and have made countries more confident in the law. Important cases like the Corfu Channel Case and Nicaragua v. United States show that international courts can decide who is responsible for something and provide an answer to disputes. The International Court of Justice has played a role in these cases. However, the study also shows that there are some problems with using adjudicative methods. One major issue is that international courts can only hear cases if countries agree to it. This means that many disputes are not looked at by courts. There are also problems with how cases are handled and some countries do not have enough resources to use these methods. The International Court of Justice is an example of a method that faces these challenges.

The findings also show that one of the weaknesses of international adjudication is that decisions are not always enforced. Even though the International Court of Justices decisions are legally binding countries do not always follow them. This is often because of reasons especially when powerful countries are involved. The Security Council is supposed to help enforce these decisions. Its permanent members have a lot of power and can stop things from happening. The International Court of Justice and other adjudicative methods face these problems. Furthermore, the study finds that adjudicative bodies are still struggling with issues like legitimacy and impartiality. Some countries do not always follow the decisions of courts and there are concerns that these courts are not always fair. New problems like cyber warfare and global pandemics are also testing the ability of these courts to handle issues. The International Court of Justice and other adjudicative methods need to be able to handle these challenges.

Overall the research finds that adjudicative methods are still very important for promoting peace, justice and the rule of law. To make these methods work better we need to find ways to enforce decisions effectively get international institutions to work together and get countries to accept the authority of international courts. We also need countries to follow law and work together to solve problems. Adjudicative methods like the International Court of Justice are crucial, to achieving these goals.

10. Recommendations:

One proposal recommends establishing a new enforcement system for ICJ decisions, which could involve forming a permanent enforcement entity authorized to ensure compliance to ICJ decisions. However, establishing such a body would require significant political determination and the agreement of numerous states. Another recommendation is to strengthen the current enforcement mechanisms, such as enhancing the role of the UN (SC) in encouraging compliance with ICJ rulings. The Security Council may need to increase its authority to implement stronger measures ensuring

compliance, or create new methods for collaborating with regional organizations and other entities to encourage compliance. Another recommendation is to promote for the adoption of alternative dispute resolution processes, like mediation or arbitration, as a way to settle disputes between states. This could involve establishing new structures for mediation or arbitration or encouraging the utilization of existing mechanisms such as the ICSID. Consequently, some have recommended the development of new legal frameworks to promote compliance with ICJ rulings. This might involve the creation of new international legal norms or the growth of new mechanisms for holding states accountable for non-compliance with ICJ rulings.

In general, the recommendations for enhancing the enforceability to enforce ICJ decisions are diverse and complex. Although there is an increasing recognition of the need to enhance the enforceability of ICJ rulings, accomplishing this will require substantial political determination, resources and international collaboration. Nevertheless, the creation of new legal frameworks and the strengthening of current enforcement mechanisms offer promising opportunities for fostering compliance to ICJ rulings and preserving the integrity of the international legal regime.

11. Conclusion:

Presently, settlement of disputes by means of adjudicative method is growing concern in international legal system. As the researcher mentioned in the introduction that international community has been jolted by the recent events. In some disputes, civilization has been destroyed by use of force. Probably, all the future international disputes would be resolved through peaceful means, but it is also essential to keep ameliorate the system by evaluating its existing status. With the growth of IL, the impacts of globalization continue to grow every day. Consequently, states are compelled to uphold international principles. Globalization has also led to the rise of social media, which can positively influence the compliance with the decisions of courts, as demonstrated by the impact of reputation costs on state compliance.

The performance of the ICJ has generally been good, although it has not been flawless, particularly in the post-Nicaragua period. Judge Oda's analysis using statistics presents scenario, as from 1948 to 2004 only seven contentious cases out of 99 resulted in a final judgment. These statistics indicate that instances of non-compliance have been relatively rare. Regarding recent instances of non-compliance, it has only been partial. For the ICJ to maintain its positive influence on compliance, the international community must continue to render a crucial role in implementing decisions. Challenges in international adjudication often stem from the political framework within which the system operates. The SC serves as the enforcer for the ICJ, but its effectiveness is hindered by the veto power held by permanent members.

This was evident in Nicaragua case. The US was found to have violated its customary international law obligations. Following the US's failure to comply with the ruling, Nicaragua sought a draft resolution. Since, US did not sign the draft resolution so it could not be adopted. Their objection was rooted in the belief that the ICJ lacked jurisdiction in the matter. Consequently, the US cast doubt on the legitimacy of the ICJ. This case highlighted how the Council's actions, or lack thereof, had a detrimental impact on the ICJ. The US continued dominance of the SC, as seen in cases like La Grand and Medellin, raises concerns about the democratic nature of the SC. Moving forward, the Court should strive to identify and address the various challenges it faces in order to emerge as a more effective and influential institution.

The acceptance of compulsory jurisdiction by states remains insufficient. For instance, the US withdrew from accepting compulsory jurisdiction after losing their case. ICJ needs to monitor the increasing number of other international courts and tribunals, as conflicting jurisprudence could pose a challenge. The Court and the SC should reassess their relationship. Enhanced cooperation between these two bodies could significantly impact International Law.

References:**BOOKS:**

- Ahmed, F. ., Khan, O. ., Ali, R. ., & Akhtar, T. . (2025). *The Impact of Arbitration on the Resolution of International Commercial Disputes in Pakistan*. *ACADEMIA International Journal for Social Sciences*, 4(4(s2)), 1001-1013.
- Bagnall, N. (2006). *The inter-war years 480-431 BC; The Peloponnesian War; Athens Sparta and the struggle for Greece*. Thomas Dunne Books, p.123.
- Rosenne, T. D. G. (2003). *The world court: What it is and how it works*. Brill Academic Publishers, p.3.
- Tiefenbrun, S. (2010). *Decoding international law*. Oxford University Press, p.145.
- Posner E. A. (2009). *The Perils of Global Legalism*. The University of Chicago Press, p. 130.
- Sarooshi D. (1999). *The United Nations and the Development of Collective Security*, Oxford University Press, p. 3.
- Autere T. (1968). *Kansainvälisten Riitojen Rauhanomaisesta Selvittelestä*. Suomalainen Lakimiesyhdistys, p. 34.
- Posner, Daniel, N. (2005). *Institutions and ethnic politics in Africa*. Cambridge University Press.
- Charney, J. B. (2017). *International Law and the Use of Force*. Routledge.
- Shelton, Dinah, (2015). *Remedies in International Human Rights Law*, Third Edition. Oxford University Press, p. 514.
- Brownlie, I. (2008). *Principles of Public International Law*, Oxford University Press, P. 691-692.
- Shaw, M. N. (2017). *International Law*, Cambridge University Press.
- Nii Lante Wallace Bruce. (1998), *The Settlement of International Disputes*, Martinus Nijhoff Publishers, p. 53.
- Shany, Y. (2007). Assessing the Effectiveness of International Courts. *Journal of International Law and Politics*, 40(4), 897-924.
- Churchill, R., Lowe, A., & Sander, G. (2022). *The Law of the Sea* (5th ed.). Manchester University Press.
- Merrills, J. G. (2017). *International Dispute Settlement* (6th ed.). Cambridge University Press.
- Schreuer, C., Malintoppi, L., Reinisch, A., & Sinclair, A. (2022). *The ICSID Convention: A Commentary*. Cambridge University Press.
- Shaw, M. N. (2021). *International Law* (9th ed.). Cambridge University Press.
- Cassese, A. (2013). *International Criminal Law* (3rd ed.). Oxford University Press.
- Matsushita, M., Schoenbaum, T. J., & Mavroidis, P. C. (2015). *The World Trade Organization: Law, Practice and Policy*. Oxford University Press.
- Rothwell, D. R., & Stephens, T. (2016). *The International Law of the Sea* (2nd ed.). Hart Publishing.
- Tanaka, Y. (2019). *The International Law of the Sea* (3rd ed.). Cambridge University Press.
- Matsushita, M., Schoenbaum, T. J., & Mavroidis, P. C. (2015). *The World Trade Organization: Law, Practice and Policy* (3rd ed.). Oxford University Press.
- Van den Bossche, P., & Zdouc, W. (2022). *The Law and Policy of the World Trade Organization* (5th ed.). Cambridge University Press.

STATUTES, LAWS AND PROTOCOLS:

- The Covenant of the League of Nations*, 1919.
- Charter of the United Nations*, 1945.
- Statute of the International Court of Justice*, 1945.
- American Treaty on the Pacific Settlement of Disputes*, 1948.
- Council of Europe, European Convention for the Peaceful Settlement of Disputes, European Treaty Series No.23 (1957).
- United Nations Security Council Resolutions, Resolution 65 (1948)

CASES OF INTERNATIONAL COURTS:

- Corfu Channel Case (United Kingdom v. Albania)*, ICJ Reports 1949, p. 4.
- Nicaragua v. United States of America*, ICJ Reports 1986, p. 14.
- Territorial Jurisdiction of the International Commission of the River Oder (United Kingdom, Czechoslovakia, Denmark, France, Germany, Sweden v. Poland)*, PC.I.J. Series A, No. 23, p. 5 (1929).

Sovereignty over Certain Frontier Land (Belgium v. Netherlands), ICJ Reports 1959, p. 209.
Fisheries (United Kingdom v. Norway), LCJ. Reports 1951, p. 116.
Oscar Chinn (United Kingdom v. Belgium), PC.IJ. Series A/B, No. 63, p. 65.
Border and Transborder Armed Actions (Nicaragua v. Honduras), ICJ Reports 1988, p. 69.
S.S. Lotus (France v. Turkey), PC.LJ. Series A, No. 10, p. 4.

Continental Shelf (Tunisia/Libyan Arab Jamahiriya) (1982), Judgment, ICJ Reports 1982, p. 18.
United States Diplomatic and Consular Staff in Tehran (U.S. v. Iran), 1980 I.C.J. 3.
Case concerning the boundary between Honduras and Nicaragua in the Caribbean Sea (Honduras v. Nicaragua), ICJ Reports 1986, p. 20.
Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria), Judgment, ICJ Reports 2002, p. 303.

