

Abstract

Carrying the title “International Jurisdiction as an Instrument of peaceful Conflict Resolution” this work focuses on the objective to settle international conflicts and disputes in a peaceful manner guided by the norms of International Law. Hence this study is of political rather than a legal nature. The aim is to examine how violent conflict resolution may be overcome by an increasing utilisation of International Jurisdiction. The historical context of peaceful conflict resolution and International Jurisdiction focusing on the 20th century as well as much earlier times from the Greek Classicism onwards is examined leading to an empirical analysis of diverse resources of 11 International Courts and tribunals (including courts of arbitration), displaying their strengths and deficits.

Subjects to analysis are numerous such as the competences of International Courts, the issues of disputes or the role of parties to a dispute. Special attention is paid to the International Court of Justice (ICJ). All 100 contentious cases before the ICJ until 2001 are structurally analysed, results presented in texts, tables and charts, as it cannot be found in previous literature of the subject. Analysis is performed with regards to the dominant theories in International Relations.

The analytical results show that a court-friendly attitude of states, their will to comply with International Law has not been achieved yet to a full extent. States’ attitudes towards international courts are of a rather dynamic nature. The democratic character of states or their democratisation does not vouch for a friendly attitude towards International Jurisdiction. Proceedings at the ICJ show that compliance with judgements is independent from any type of political system of a state, its status of power or its status within international alliances.

Empirical analysis results in the suggestion of a completion of the current international jurisdictional system. Since states are not prepared naturally to comply with International Law, suggestions include the need to shape the courts’ abilities more convincingly, to induce states to participate in court proceedings and to comply with courts’ judgements. An adequate development of norms, banning the aggressive use of force entirely and making compulsory jurisdiction possible is demanded. Institutions able to enforce these norms are considered to be desperately needed. The reformation of the system as described relies on the understanding of the need for change, by states and all other parties reporting to international courts.

The final consequence is a number of concrete political recommendations summing up to a model of conflict resolution, guaranteeing peace through obligatory International Jurisdiction, with regards to the compulsory application and enforcement of International Law, meaning “Peace through Law”.