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International mechanisms for the settlement of international environmental disputes

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Abstract---Transboundary environmental disputes have witnessed a notable increase with the escalation of challenges arising from marine pollution and activities harmful to the marine environment. This development necessitates the activation of peaceful settlement mechanisms that strike a balance between states' interests and sovereignty on the one hand, and the protection of the shared environment on the other. This study seeks to analyze the international mechanisms available under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), distinguishing between non-judicial mechanisms (negotiation, mediation, conciliation) in the first section, and judicial mechanisms (the International Court of Justice, the International Tribunal for the Law of the Sea, and arbitration) in the second section. The study aims to assess their adequacy and effectiveness in addressing the central question: to what extent do these mechanisms achieve a balance between state sovereignty and the protection of the marine environment? The analysis reveals a dual system combining voluntary and compulsory procedures, which has proven effective in certain cases—such as the Bluefin Tuna arbitration—but which continues to suffer from gaps in jurisdiction and coordination with other treaties, such as the UNFCCC.
Keywords---dispute settlement; marine environment; law of the sea convention; international court of justice; international tribunal for the law of the sea.

Introduction

The modern international legal system bears witness to a significant evolution in mechanisms for the settlement of disputes, particularly in light of the international prohibition on the threat or use of force in international relations, as enshrined in the provisions of the United Nations Charter concerning the maintenance of peace. This evolution reached its culmination with the adoption of Article 33 of the Charter, which obliges disputing states to resort, in the first instance, to peaceful means such as negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, or recourse to regional organizations, with the aim of preventing the escalation of disputes that threaten international peace and security.

In the context of international environmental disputes—which have intensified with the worsening of global challenges such as marine pollution and transboundary environmental harm—the 1982 United Nations Convention on the Law of the Sea (UNCLOS) has emerged as a fundamental reference framework. Annex XV of the Convention establishes a comprehensive system for dispute settlement, encompassing non-judicial mechanisms that yield optional outcomes (such as negotiation and conciliation) and binding judicial mechanisms (such as the International Court of Justice or the International Tribunal for the Law of the Sea). This system reflects a balance between the flexibility of diplomacy and the rigor of adjudication in enforcing rules for the protection of the marine environment. These mechanisms are not merely technical procedures; rather, they constitute a guarantee of international cooperation

in the face of disputes arising from the exploitation of maritime spaces, which represent a core source of contention between coastal and landlocked states.

The importance of studying these mechanisms lies in their capacity to address contemporary environmental challenges, such as marine pollution caused by waste and oil spills, which require a diversity of settlement tools to ensure peaceful resolution without undermining state sovereignty. International environmental law—developed through numerous multilateral treaties such as the OSPAR Convention (1992) and others—relies on principles of preventing transboundary harm and on the shared obligation to protect the environment. It also depends on institutions such as the Permanent Court of Arbitration (PCA) and others to resolve mixed disputes involving states and private entities. Nevertheless, these mechanisms face practical challenges in implementation, stemming from inequalities of power among parties or the absence of political will, which necessitates a systematic analysis of their effectiveness.

This study aims to analyze international mechanisms for the settlement of environmental disputes, focusing on a comparative analytical approach between non-judicial mechanisms (Section One) and judicial mechanisms (Section Two), drawing upon the provisions of UNCLOS and its practical applications. Through this analysis, the study seeks to assess the extent to which these mechanisms contribute to enhancing environmental justice and sustainable development, while proposing recommendations to strengthen their effectiveness in confronting escalating environmental threats.

Section One: Non-Judicial Mechanisms for the Settlement of International Environmental Disputes

Non-judicial mechanisms constitute the backbone of the international system for the peaceful settlement of disputes, particularly in the field of the marine environment. They are distinguished by their rapid ability to produce recommendations or solutions compared to lengthy judicial procedures, as they do not require strict adherence to complex formal conditions or protracted evidentiary processes. This advantage stems from their cooperative nature, which is based on the principle of mutual sovereignty and direct dialogue. Consequently, they serve as an ideal preventive tool to limit the escalation of disputes arising from marine pollution or transboundary environmental harm, as emphasized by the United Nations Convention on the Law of the Sea (1982) in its Annex XV.

These mechanisms are divided into two main categories: diplomatic mechanisms (Subsection One), which emphasize political flexibility, and international arbitration (Subsection Two), which offers technical and legal independence. This diversity reflects an adaptive approach suited to the complexity of contemporary environmental disputes.

Subsection One: Diplomatic Mechanisms for the Settlement of International Environmental Disputes

Diplomatic mechanisms form the primary foundation for the settlement of international environmental disputes. Article 33 of the United Nations Charter mandates their use as an initial amicable means before recourse to judicial settlement, thereby reinforcing cooperation and the preservation of sovereignty. These mechanisms comprise a variety of tools that should be relied upon in attempts to resolve disputes, and they are divided into informal mechanisms (A) and institutional mechanisms (B), in order to meet the needs of complex environmental disputes through diplomatic flexibility.

(A) Informal Mechanisms

These mechanisms include **negotiation**, which is relied upon for the direct settlement of disputes between the concerned parties without the intervention of a third party[1]. It is considered one of the primary and most frequently used means of resolving any international dispute, as well as one of the most effective. Negotiation takes place through the exchange of views between the disputing parties with the aim of reaching a solution[2].

The method of negotiation has been incorporated into most agreements related to the marine environment. It is characterized by flexibility, which enables the body responsible for environmental protection to identify the nature and scope of the dispute[3]. It is also marked by confidentiality, as the details of the dispute remain confined to the disputing states alone[4], thereby facilitating its swift resolution. Moreover, its effectiveness stems from the political level at which negotiations are conducted, often providing a peaceful and amicable atmosphere between the parties, which allows environmental disputes to be resolved without recourse to judicial settlement[5]. This method is not limited to resolving disputes; it also enables the concerned parties to establish rules and conditions to prevent the emergence of future disputes and to strengthen their relations[6].

Negotiation has been relied upon in resolving numerous disputes, such as the dispute between the United States of America and Canada concerning pollution of Arctic waters[7].

The second method is **mediation**[8], which constitutes an amicable mechanism whereby a dispute is settled with the assistance of a third party, usually a friendly actor possessing good political standing and accepted by the parties. The purpose of mediation is to bring the viewpoints of the disputing parties closer together, and it is not binding upon them unless they agree to that effect. Mediation may be initiated at the request of the parties or at the initiative of the mediator, who has the right to submit appropriate proposals to facilitate settlement. The mediator's role ends after

thirty days from assuming the task, or when it becomes apparent that the parties no longer desire mediation, or when it is clear that the proposed mechanisms have not been accepted by the parties[9]. Mediation plays a preventive role, as it calms tensions, prevents the dispute from escalating into a crisis, and strengthens the position of the party advocating the legality of its stance by reducing the surrounding ambiguities of the dispute[10].

Mediation is provided for in many international agreements, such as the Helsinki Convention on the Protection of the Baltic Sea[11], and the 1996 Convention for the Conservation of Cetaceans of the Black Sea, Mediterranean Sea, and the contiguous Atlantic area, subject to the acceptance of the mediator by the parties[12].

(B) Institutional Mechanisms

These are referred to as institutional mechanisms because they are open to states and international organizations, but not to private individuals. They are classical techniques of a customary nature and include **inquiry**, which is conducted by commissions established pursuant to an agreement concluded between the disputing parties. Their task is to objectively examine the facts and verify the causes of the dispute, and then to prepare a report after employing all available means of proof[13]. Accordingly, inquiry should take place immediately after the dispute arises, in order to prevent the disappearance of evidence, and must be conducted with impartiality, neutrality, and without bias.

The intervention of such commissions has become widespread at the international level, with more than thirty-two inquiry commissions established for this purpose during the period from 1974 to 2007. Nevertheless, it cannot be definitively concluded that this method[14] constitutes a decisive mechanism for the settlement of disputes[15].

The reports issued by inquiry commissions contain a detailed assessment of the facts, but they cannot be regarded as arbitral awards or judicial judgments, as they lack binding force[16].

Another method is **conciliation**, which is carried out by neutral commissions composed of prominent figures from various fields, depending on the nature of the dispute, and who possess international standing. These commissions are accepted in advance by the disputing states. In this respect, conciliation resembles inquiry, but it goes beyond merely presenting reports, as it studies the dispute and proposes a solution[17]. Conciliation is characterized by flexibility and respect for the sovereignty and freedom of the parties. Conciliation commissions may be permanent, established by an international convention to which any party may have recourse, or temporary, created after the dispute arises and dissolved once it is resolved[18].

Conciliation is provided for, in addition to the aforementioned agreements, in the Brussels Convention of 1969, Article 8(1).

Subsection Two: The Mechanism of International Arbitration

Although international arbitration is closer to international adjudication, it nevertheless remains classified among the non-judicial mechanisms for the settlement of international disputes, to which international treaties have called for recourse. It is considered one of the oldest peaceful means of settlement and has gained increasing importance in the field of environmental disputes. Accordingly, this subsection addresses its concept (A) and the extent of its role in resolving environmental disputes (B).

(A) Concept of the Mechanism of International Arbitration

International arbitration is resorted to for the settlement of disputes between states instead of judicial settlement, pursuant to an agreement or a special clause included in disputes arising between them concerning their contractual or non-contractual relations. In this context, states choose the applicable law as well as the persons before whom they will submit their dispute, known as arbitrators, in accordance with the principle of state sovereignty. Arbitrators may be prominent figures in the international community, political committees, or international bodies, with the aim of resolving the existing dispute.

Arbitration arises from an agreement between the parties and concludes with a binding award issued by the arbitrators, who are vested with the authority to decide the dispute in place of the competent court[19]. An agreement to arbitrate may take the form of an arbitration clause included in a contract, whereby future or related disputes arising from that contract are submitted to an arbitral tribunal or arbitrator[20], or it may take the form of a separate arbitration agreement concluded independently of the original contract. Arbitration has been defined in legal doctrine as an agreement between the concerned parties to submit a dispute to specified persons for settlement outside the courts, with their commitment to accept the binding award rendered, which enjoys the authority of res judicata[21].

Arbitration differs from judicial settlement in several respects, including the fact that the disputing parties in arbitration have the right to choose the person or body that will decide the dispute, as well as to determine the procedures and substantive rules applicable, unlike judicial proceedings. Moreover, judicial judgments are generally subject to appeal, whereas arbitral awards may only be challenged through an action for annulment[22].

Arbitration is characterized by the speed with which disputes are resolved, confidentiality, neutrality, and independence from any official authority, and by the

fact that it is not subject to any law other than that agreed upon by the parties. However, these advantages may turn into disadvantages if the dispute is entrusted to arbitrators lacking sufficient competence, resulting in outcomes that deviate from justice and correctness[23].

Unlike conciliation commissions, the decisions of arbitral tribunals are binding upon the disputing parties[24].

(B) The Extent of International Arbitration's Role in the Settlement of Environmental Disputes

International arbitration has intervened in the settlement of numerous environmental disputes, owing to the disputing parties' selection of arbitrators with high technical expertise and specialization in environmental matters, which qualifies them to adjudicate environmental disputes arising between states[25]. It has played a prominent role with respect to transboundary environmental harm, contributing to the development of general principles of international law upon which international courts rely in establishing liability[26].

Among international arbitral bodies is the Special Arbitral Tribunal established under Annex VIII of the United Nations Convention on the Law of the Sea, which specializes in marine environmental disputes. This tribunal settles specific disputes in the maritime domain relating to fisheries, the protection of the marine environment, marine scientific research, and navigation disputes, including pollution caused by vessels through the dumping of toxic substances that lead to marine pollution[27].

Examples of disputes resolved through international arbitration include the case concerning the oil spill from the vessel *Bristol Rina*, owned by the company IMS[28].

Section Two: Judicial Mechanisms for the Settlement of International Environmental Disputes

States may at times be unable to resolve their environmental disputes through diplomatic means, as some states consider such methods inadequate due to inequalities in power between the disputing parties, whereby the stronger party may impose solutions in its own favor, contrary to the principles of justice. Consequently, states may prefer to resolve their disputes through judicial means, represented by international courts, such as the International Court of Justice (Subsection One), in addition to the International Tribunal for the Law of the Sea (Subsection Two).

Subsection One: The International Court of Justice

The International Court of Justice (ICJ) is considered one of the principal judicial organs of the United Nations pursuant to Article 92 of the Charter. Established on 26 June 1945, it has demonstrated its effectiveness in resolving numerous disputes

through peaceful means and was created to entrench the principle of the force of legal argument rather than the argument of force[29].

Accordingly, this subsection examines the Court by addressing the manner in which it operates (A) and its jurisdiction (B).

(A) The Functioning of the Court

The Court is composed of fifteen judges elected for a term of nine years by the United Nations General Assembly and the Security Council, with one-third of the members renewed every three years[30]. As regards the procedures for seising the Court, cases may be brought before it in two ways: either by notification of a special agreement (*compromis*), whereby the parties conclude an agreement in advance to submit the dispute to the Court in the event of the failure of diplomatic[31] methods; or by the submission of an application by one of the parties to the Registrar in the form of a written request. This constitutes a necessary formal requirement for placing the matter before the Court. The Registrar then notifies the Secretary-General of the United Nations, who in turn informs all the parties to the dispute as well as all Members of the United Nations[32].

With respect to the conduct of hearings, the Court sits as a full bench except in exceptional circumstances, provided that the number of judges does not fall below nine[33]. The sessions are presided over by the elected President of the Court; in his absence, the Vice-President assumes this role, and in the absence of both, the most senior judge present presides. Hearings are, as a general rule, held in public and are open to the public and all forms of media[34]. They may, however, be held in camera at the discretion of the Court or at the request of one of the states concerned if their publicity would endanger the vital interests of the state or impede the proper conduct of the proceedings[35]. In all cases, acceptance or rejection of such a request remains within the discretion of the Court.

The Court's judgments are final and not subject to appeal. However, if a judgment is tainted by ambiguity, the parties to the dispute may request its interpretation or clarification[36]. An application for revision of a judgment is admissible only upon the discovery of a fact which was unknown to the party requesting revision at the time the judgment was rendered and which would be decisive, provided that the ignorance of such fact was not due to negligence[37]. The Court's decisions are binding and enforceable; nevertheless, if a state against which a judgment has been rendered fails to comply, the Charter authorizes the Security Council to take such measures as it deems appropriate to ensure compliance[38].

(B) The Jurisdiction of the International Court of Justice

The jurisdiction of the International Court of Justice extends to all cases submitted to it by states and to all matters specifically provided for in the Charter or in treaties in force[39]. The Court, however, adjudicates only disputes between states[40], on the condition that the states concerned are Members of the United Nations. If a state is not a Member, it suffices that it be a party to the Statute of the Court. If the state is neither a Member of the United Nations nor a party to the Statute, the Security Council determines the necessary conditions under which it may appear before the Court[41].

By way of exception, the ICJ has adjudicated a dispute in which one of the parties was an international organization, namely the dispute between the World Health Organization and Egypt concerning the interpretation of the agreement concluded between them in 1951, in which judgment was delivered in January 1980[42].

There are two types of jurisdiction: optional jurisdiction, based on the consent of all parties to the dispute; and compulsory jurisdiction, applicable to states that have previously accepted the Court's jurisdiction. Compulsory jurisdiction is limited to legal disputes relating to the interpretation of treaties or questions of international law[43]. The Court also exercises two distinct functions: a judicial function, under which it adjudicates international disputes submitted to it in accordance with the provisions of the Charter and the Court's Statute[44]; and an advisory (consultative) function, under which it renders advisory opinions when requested by an authorized body in accordance with the Charter[45]. This type of jurisdiction is provided for in Article 96 of the United Nations Charter[46].

Advisory opinions are delivered in public session and are not legally binding on the requesting state or organization. Nevertheless, the issuance of an advisory opinion by a court of the stature of the International Court of Justice carries significant moral and persuasive authority[47].

With regard to its role in resolving environmental disputes, the Court has intervened in numerous cases, both directly and indirectly. An example is the *Corfu Channel* case, in which the Court affirmed the principle that a state must not allow its territory to be used for acts contrary to the rights of other states, thereby causing harm. This judgment indirectly contributed to the consolidation of the "no-harm" principle as a fundamental rule of international environmental law[48]. Further evidence of the Court's concern with environmental disputes is the establishment of a specialized Environmental Chamber on 19 July 1993.

The Court's jurisdiction over environmental disputes depends on several considerations related to states' acceptance of its jurisdiction, whether through

unilateral acceptance by the state affected by pollution without the need for agreement with the polluting state, pursuant to Article 36(2) of the Court's Statute. The number of international environmental disputes examined by the Court reached 136 cases up to 2007, including, for example, the dispute over pollution of the San Juan River between Nicaragua and Costa Rica[49].

Subsection Two: The International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea (ITLOS) represents a permanent, specialized international judicial body established in 1982 pursuant to Article 287(a) of the United Nations Convention on the Law of the Sea. Its creation followed developments that took place after the United Nations Conferences held between 1980 and 1985, which highlighted the need to conclude a new convention specifically addressing the settlement of all disputes relating to the law of the sea[50]. The Tribunal is headquartered in Hamburg, Germany, and its Statute is set forth in Annex VI to the 1982 Convention. It possesses legal capacity to acquire rights and assume obligations and enjoys an independent international legal personality.

The Tribunal has adjudicated numerous disputes relating to marine pollution and has played a prominent role in establishing rules of international law. Accordingly, this subsection addresses its functioning (A) and its jurisdiction (B).

(A) Functioning of the International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea began exercising its functions in 1996. Access to the Tribunal is open to all States Parties to the Convention and to international organizations that are parties thereto[51]. The Tribunal may also hear all cases submitted to it by non-party states, international organizations, and other legal or natural persons, provided that the parties to the dispute accept its jurisdiction through a special agreement[52].

The Tribunal is composed of twenty-one judges with recognized competence in the field of the law of the sea, elected by the States Parties[53]. No State may nominate more than two candidates, in accordance with the procedures and conditions set forth in Article 4 of the Tribunal's Statute. Judges serve for a term of nine years[54]. The elected members choose from among themselves a President and a Vice-President for a term of three years, renewable. Members enjoy diplomatic immunity and are required not to engage in any political, administrative, or commercial activity related to institutions involved in the exploitation of marine resources. They may not act as agents or advisers in any case, nor may they adjudicate any dispute in which they have previously been involved as counsel or as a judge in a national or international court[55]. The Tribunal may render judgments with a quorum of no fewer than eleven judges[56]. It may establish chambers as necessary, which may be temporary—created at the request of the parties and dissolved upon resolution of the dispute[57]—or permanent[58],

such as the Chamber for Maritime[59] Delimitation, established on 14 February 1997 by decision of the Tribunal.

Proceedings are instituted either by a written application submitted to the Registrar or by notification to the Registrar of a special agreement, accompanied by the original agreement or a certified copy thereof, indicating the subject matter of the dispute and identifying the parties. The Registrar then notifies all parties to the dispute and any other interested parties, in accordance with Article 24 of the Tribunal's Statute.

Hearings are presided over by the President of the Tribunal, or by the Vice-President in case of impediment. If neither is able to preside, the most senior judge present assumes the role. Hearings are public unless one of the parties requests otherwise, pursuant to Article 26 of the Statute. Decisions are taken by a majority of the judges present; in the event of an equality of votes, the President or the presiding judge has a casting vote. Judgments rendered by the Tribunal are final and binding on all parties, who are obliged to comply with them[60]. The Tribunal does not permit applications for revision of its judgments, even where new evidence or documents emerge that were unavailable at the time the judgment was delivered and that could have altered its outcome. However, the parties may agree to discontinue the proceedings before the final judgment is rendered[61].

(B) Jurisdiction of the International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea exercises two types of jurisdiction. The first is judicial jurisdiction, which constitutes its primary competence and extends to all maritime disputes, including those concerning the interpretation and application of international conventions[62]. This jurisdiction is conferred by a written agreement of all parties concerned, provided that no other agreement exists between them—regardless of its nature—stipulating recourse to another judicial means, in accordance with Article 282 of the United Nations Convention on the Law of the Sea, and subject to the exhaustion of ordinary and extraordinary domestic remedies pursuant to Article 295 of the Convention[63].

The Tribunal also enjoys compulsory jurisdiction by operation of law, which may arise either under the provisions of the Convention itself or through the prior consent of the parties to accept the Tribunal's jurisdiction under Article 287 of the Convention. The Tribunal may exercise its jurisdiction upon the submission of an application by the injured state, notably in cases concerning the prompt release of vessels and their crews under Article 292 of the Convention. In such cases, the Tribunal rules without prejudice to the merits of the main dispute, as the detention may ultimately prove lawful[64]. The Tribunal may also prescribe provisional measures when necessary, without rendering a final judgment on the merits, and such measures are

characterized by their urgency, with the judge having discretionary authority to determine their necessity on a case-by-case basis.

Finally, the Tribunal exercises jurisdiction through the Seabed Disputes Chamber, established pursuant to Article 287(1) of the Convention. This Chamber alone is vested with the Tribunal's second type of jurisdiction, namely advisory jurisdiction. It is empowered to render advisory opinions on questions relating to activities carried out in the Area, in accordance with Article 187 of Annex VI to the Convention.

Conclusion

The increasing scale of international environmental challenges—foremost among them marine pollution—highlights the importance of international mechanisms for the settlement of environmental disputes as a vital means of ensuring international cooperation for environmental protection.

Studies have shown that the institutional and legal framework, whether through environmental treaties, the United Nations, or international courts, provides a structure for resolving disputes. Nevertheless, this framework continues to face challenges related to implementation and comprehensiveness. Judicial mechanisms, such as the International Court of Justice and the International Tribunal for the Law of the Sea, offer guarantees for the fair and lawful resolution of disputes on the one hand, while non-judicial mechanisms provide greater flexibility for resolving disputes within the context of international cooperation on the other. Despite this, these mechanisms still require further strengthening.

The success of the peaceful settlement of international environmental disputes depends on the extent of states' willingness to commit to cooperation and to adopt comprehensive approaches that integrate environmental justice with sustainable development.

Protecting the environment is not the responsibility of a single state; rather, it is a collective obligation that requires strengthening trust among states and developing more effective mechanisms to confront environmental crises before they escalate.

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1 Ismail al-Ghazal, Public International Law, University Institution for Studies, Publishing and Distribution, Beirut, Lebanon, 1st edition, 1986, p. 174.

2 Muhammad Dawoud Sankar, The International Legal Regulation for the Protection of the Environment from Pollution: A Comparative Analytical Study, Zain Legal Publications, Lebanon, 1st edition, 2017, p. 186.

3 Abdelaziz Lotfi Jadallah, Legal Liability for Marine Oil Pollution under National and International Laws, previously cited work, p. 340.

[4] Muhammad Dawoud Sankar, The International Legal Regulation for the Protection of the Environment from Pollution, previously cited work, p. 187.

[5] Salah Abdullah al-Hadithi, "Compliance with Multilateral Environmental Agreements," Journal of the College of Law, Al-Nahrain University, Iraq, Vol. 15, Issue 9, 2009, p. 143.

[6] Ahmed Shousha, The Golden Encyclopedia on the Protection of the Atmospheric Environment, Vol. 4: Settlement of Environmental Disputes and International Humanitarian Mobility, Dar al-Nahda al-Arabiya, Cairo, Egypt, 1st edition, 2010, p. 772.

[7] The dispute centers on the route that the United States sought to open in order to transport quantities of oil from Alaska to markets in the eastern United States, while taking precautionary measures to preserve the environment in the Arctic region. Canada, however, sought to use the area for navigation and to monitor vessels entering the region in order to prevent pollution. This provoked objections from the United States, which protested Canada's decision and requested negotiations to conclude a treaty on the matter. See: Sonia Bizat, International Mechanisms for the Settlement of International Environmental Disputes, Al-Wafa Legal Library, Alexandria, Egypt, 1st edition, 2017, pp. 58–59.

[8] Muhammad Bousaltan, Principles of Public International Law, Vol. 2, Dar al-Gharb for Publishing and Distribution, Algeria, 2002, p. 215.

[9] Article Eight of the Second Hague Convention.

[10] Abdelaziz al-Ashawi, Lectures on International Responsibility, Dar Houma, Algeria, 2nd edition, 2009, p. 31.

[11] The purpose of the Helsinki Convention was to protect the Baltic Sea region from pollution. It was adopted in 1974 and entered into force in 1988, and was revised on 09/04/1992. It obliges the contracting parties to settle disputes arising between them through peaceful means, including mediation, as provided for in Article 26.

[12] See Article 12 of the Convention on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea, and the contiguous Atlantic area (1996).

[13] Muhammad Bousaltan, Principles of Public International Law, Vol. 2, Dar al-Gharb for Publishing and Distribution, previously cited work, p. 296.

[14] Abdelaziz al-Ashawi, Peaceful Settlement of International Disputes, Dar al-Khaldounia for Publishing, Algeria, 1st edition, 2010, p. 281.

[15] Dominique Carreau, Droit international public, 6th edition, A. Pedone Publishing, 1999, p. 590.

[16] Zaza Lakhdar, Rules of International Responsibility in Light of Public International Law, Dar al-Huda, Algeria, 2011, p. 675.

[17] Salah Yahya al-Shaʿari, Peaceful Settlement of International Disputes, Madbouly Library, Cairo, Egypt, 1st edition, 2006, pp. 69–70.

[18] Omar Saadallah, International Law for the Settlement of Disputes, Dar Houma, Algeria, 2nd edition, 2010, p. 131.

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[20] Fouad Abdel Daim, Arbitration within the Framework of Administrative Contracts, Al-Wafa Legal Library, Egypt, 2019, p. 14.

[21] Bilal Abdel Muttalib Badawi, Electronic Arbitration as a Means for the Settlement of Electronic Commerce Disputes, Dar al-Nahda al-Arabiya, Cairo, Egypt, 2006, p. 11.

[22] Raed Jamal Suleiman al-Zugharti and Ahmed Muhammad al-Baghdadi, "Arbitration and Dispute Settlement," Benha Journal of Humanities, Issue 01, Vol. 02, Faculty of Law, Benha University, Egypt, 2022, pp. 231–232.

[23] Sinan Talib Abd al-Shahid, "Judicial Means for the Settlement of International Disputes," Adab al-Kufa Journal, Issue 25, Iraq, 2015, p. 398.

[24] Raed Jamal Suleiman al-Zugharti and Ahmed Muhammad al-Baghdadi, "Arbitration and Dispute Settlement," previously cited work, p. 232.

[25] Riyad Saleh Abu al-ʿAta, The Role of Public Law in Environmental Protection, Al-Nahda al-ʿArabiyya for Publishing and Distribution, 2nd edition, Cairo, Egypt, 2008, p. 158.

[26] Bashir Jumʿa Abd al-Jabbar al-Kubaisi, Transboundary Harm Resulting from Activities Not Prohibited by International Law, Al-Halabi Legal Publications, 1st edition, Beirut, Lebanon, 2013, p. 145.

[27] Article One of Annex VIII to the United Nations Convention on the Law of the Sea (1982).

[28] In 2002, the vessel Bristol Rina ran aground on rocks off the coasts of Spain and Portugal, causing a massive oil spill estimated at 64,000 tons. International arbitration intervened to settle the dispute that arose between the concerned governments and the ship-owning company (IMS) regarding the determination of responsibility for the resulting environmental damage as well as the amount of compensation. The ship-owning company and its insurers paid compensation amounting to approximately €204 million. These compensations included the costs of environmental restoration of the affected area and compensation for economic losses suffered by farmers, fishermen, and the tourism sector in general.

[29] Muhammad al-Majdhoub and Tareq al-Majdhoub, International Judiciary, Al-Halabi Legal Publications, Beirut, Lebanon, 2009, 1st edition, p. 60.

[30] See the Rules of Court of the International Court of Justice adopted on 14 April 1978 pursuant to Article 30 of the Statute of the International Court of Justice, which provide that "the Court shall make rules for carrying out its functions." See also the official website of the International Court of Justice: https://www.icj-cij.org/ar (accessed on 9 October 2023).

[31] Article 40(1) provides that cases shall be brought before the Court, as the case may be, either by notification of a special agreement or by an application addressed to the Registrar; in both cases, the subject of the dispute and the parties must be indicated.

[32] Muntasir Saʿid Hamouda, The International Court of Justice, Dar al-Fikr al-Jamiʿi, Egypt, 2012, pp. 215–216.

[33] Muhammad al-Majdhoub, International Judiciary, previously cited work, p. 76.

[34] Muntasir Saʿid Hamouda, previously cited work, pp. 217–218.

[35] See Article 46 of the Statute of the International Court of Justice.

[36] Article 60 of the Statute of the International Court of Justice provides that "the judgment of the Court shall be final and without appeal," while at the same time allowing an application to the Court for revision of the judgment in the event that new facts, unknown to the Court and to the party requesting revision at the time the judgment was rendered, come to light and are of such a nature as to be a decisive factor in the case.

[37] Article 61(1) of the Statute of the International Court of Justice provides that such ignorance of the fact must not be due to negligence.

[38] Suhayl Hussein al-Fatlawi and Ghalib ʿAwwad Hawamdeh, Public International Law, Part Two: Rights and Duties of States – Diplomatic International Disputes, Dar al-Thaqafa for Publishing and Distribution, Amman, Jordan, 1st edition, 2009, p. 196

[39] Duncan Brack, International Environmental Disputes, Department of the Environment, Transport and the Regions, Royal Institute of International Affairs, March 2001, p. 4.
Article 34 of the Statute of the International Court of Justice provides that "only states may be parties in cases before the Court."

[40] Article 35, paragraph 2, of the Statute of the International Court of Justice provides that "the Security Council shall lay down the conditions under which other states may have access to the Court, subject to the special provisions contained in treaties in force; however, such conditions shall in no case place the parties in a position of inequality before the Court."

[41] Joutiar Muhammad Rashid Sadiq, International Responsibility for Violations of Human Rights by Multinational Corporations, University Publications House, Alexandria, 2009, p. 440.

[42] Nouri Rashid Nouri al-Shafiʿi, The Environment and Pollution of International Rivers, Modern Book Institution, Beirut, 1st edition, 2011, pp. 219–220.

[43] Ahmed Serhal, Law of International Relations, previously cited work, 1993, p. 462.

[44] Article 65 of the Statute of the Court provides that the Court may give an advisory opinion on any legal question at the request of any body authorized by the United Nations Charter to make such a request, or which has been authorized to do so in accordance with the provisions of the Charter.

[45] Article 96(1) provides that "the General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question." Paragraph 2 of the same article provides that "other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

[46] Hani Hassan al-Ashri, Procedures in the International Judicial System, Dar al-Jamiʿa al-Jadida, Alexandria, 2011, p. 84.

[47] Emmanuella Doussis, "The Protection of the Environment in the Jurisprudence of the International Court of Justice: Concerning the Pulp Mills on the River Uruguay Judgment (20 April 2010)," Hellenic Review of International Law, Hellenic Institute of International and Foreign Law, 64th year, Athens, No. 2/2011, p. 664.

[48] The dispute revolves around Nicaragua's infringement of the territorial sovereignty of Costa Rica through the construction of a canal along the San Juan River, which runs along the border between the two states. This project caused serious environmental damage to the river and its ecosystem, threatening the destruction of wetlands and protected natural reserves. Consequently, Costa Rica filed a case against Nicaragua before the International Court of Justice on 19 January 2010, requesting the Court to order Nicaragua to restore the situation to its previous state prior to the execution of the project, to bear all costs resulting from the environmental damage inflicted upon the river, and to refrain from carrying out any further works in the future.

[49] The Court adopted a number of provisional measures, including authorizing Costa Rica to send a group of environmental protection experts to the disputed area to assess the extent of the damage in the area protected under the Ramsar Convention. The Court also requested Costa Rica to conduct consultations with the Ramsar Convention Secretariat regarding the project that caused the environmental harm, in order to alert Nicaragua to the nature and harmful effects of the activities it had undertaken and to advise it toward reaching a solution acceptable to all parties. On 16 December 2015, the Court ruled that Nicaragua was obliged to pay appropriate compensation to Costa Rica as reparation for the environmental damage resulting from its internationally wrongful acts in the San Juan River area. As the parties failed to agree on the amount of compensation, the International Court of Justice, upon the request of one of the parties, issued a judgment on 2 February 2018 determining the amount of compensation owed by Nicaragua to Costa Rica.

[50] Abdelali al-Dribi, International Protection and Its Dispute Settlement Mechanisms, previously cited work, pp. 215–216.

[51] Noha al-Sayyid Mustafa Muhammad Saleh, The International Tribunal for the Law of the Sea, PhD dissertation in Law, Faculty of Law, Mansoura University, Egypt, 2013, p. 37.

[52] Article 20 of the Statute of the International Tribunal for the Law of the Sea provides:
"1. Access to the Tribunal shall be open to States Parties. 2. Access to the Tribunal shall be open to entities other than States Parties in any case expressly provided for in Part XI or in any case submitted to the Tribunal pursuant to any other agreement conferring jurisdiction on the Tribunal and accepted by all the parties to that case."
Article 21 further provides: "The jurisdiction of the Tribunal comprises all disputes and all applications submitted to it in accordance with this Convention and all matters specifically provided for in any other agreement conferring jurisdiction."

[53] Maher Mallandi, The International Tribunal for the Law of the Sea, p. 4, published on the website: https://www.arab-ency.com, accessed on 18/10/2023.

[54] See Articles 3 to 9 of the Statute of the International Tribunal for the Law of the Sea.

[55] Laamari Assaad, The Conciliatory Provisions of the United Nations Convention on the Law of the Sea (1982), PhD dissertation in Law, Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, Algeria, 2014, p. 199.

[56] Cherrad Sofia, Rules Governing the Jurisdiction of the International Tribunal for the Law of the Sea, Al-Mufakkir Journal, Faculty of Law and Political Science, Mohamed Khider University, Biskra, Algeria, Vol. 01, Issue 9, May 2013, p. 156.

[57] Article 15(1) of the Statute of the International Tribunal for the Law of the Sea provides that "the Tribunal may form special chambers composed of three or more of its elected members, as the Tribunal considers necessary for dealing with particular categories of disputes."

[58] Hashmi Hassan, The Legal Framework of the International Tribunal for the Law of the Sea, Journal of Legal and Political Sciences, Faculty of Law and Political Science, Hamma Lakhdar University of El Oued, Algeria, Issue 16, June 2016, p. 288 ff.

[59] Boualem Bouskra, The International Area under Part XI of the United Nations Convention on the Law of the Sea (1982), p. 174.

[60] Assaad Laamari, Conciliatory Provisions of the United Nations Convention on the Law of the Sea (1982), PhD dissertation in Law, Mouloud Mammeri University, Faculty of Law and Political Science, Department of Law, Tizi Ouzou, Algeria, 2014, p. 199.

[61] Abdelmonem Muhammad Dawoud, International Law of the Sea and Arab Maritime Problems, previously cited work, pp. 365–366.

[62] List of international agreements conferring jurisdiction on the International Tribunal for the Law of the Sea, available at: https://www.itlos.org/fr/competence/accords-internationaux-conferant-competence-au-tribunal

[63] A coastal state has the right to detain any vessel that harms its interests, violates its maritime rights, or breaches its laws and regulations adopted in accordance with the relevant international conventions, and that exposes its maritime zones to pollution, as provided for in Articles (70, 129, 129, 119) of the United Nations Convention on the Law of the Sea.

[64] Noha al-Sayyid Mustafa Muhammad al-Salih, The International Tribunal for the Law of the Sea, Dar al-Jamiʿa al-Jadida, Alexandria, Egypt, 2017, pp. 186–187.