

Power, Resources, and Justice: Evaluating International Courts in Settling Transboundary Natural Resource Conflicts

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Abstract

Transboundary natural resource disputes—ranging from water rights and mineral extraction to fishing zones—pose complex challenges to the international legal system, often threatening regional stability, economic development, and diplomatic relations. This paper evaluates the effectiveness of international courts in resolving such disputes between sovereign states, focusing on how legal principles, judicial authority, and enforcement mechanisms interact to manage conflicts over shared resources. By examining case studies from the International Court of Justice (ICJ), arbitral tribunals, and other relevant judicial bodies, the study assesses both successes and limitations in achieving equitable and sustainable outcomes. The analysis highlights key factors that influence the effectiveness of international adjudication, including the clarity of legal norms, the willingness of states to submit to jurisdiction, the availability



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of evidence, and the political and economic stakes involved. While international courts have demonstrated the ability to provide neutral platforms, clarify legal obligations, and shape normative expectations, enforcement challenges and state resistance often limit their practical impact. Moreover, complex scientific, environmental, and technical issues can complicate judicial decision-making, particularly in disputes over shared watercourses, fisheries, and transboundary natural resources. Despite these challenges, the paper argues that international courts play a critical role in promoting accountability, preventing escalation, and guiding cooperative resource management. The study concludes that while courts cannot guarantee compliance or resolve all conflicts, their jurisprudence significantly contributes to the development of international law, offers frameworks for negotiation, and encourages peaceful, rules-based resolution of disputes. Strengthening legal frameworks, promoting regional cooperation, and enhancing compliance mechanisms are essential to maximize the impact of judicial intervention in resource conflicts.

KEYWORDS *International Courts, Natural Resources, Transboundary Disputes, State Sovereignty, Conflict Resolution*

Introduction

Natural resources are strategic assets that have important value for the economic, social, and political sustainability of a country.¹ Natural resources such as oil, natural gas, minerals, and marine resources are the main factors driving national development in many countries.² However, the existence of these natural resources often triggers conflicts between countries, especially when the areas containing these resources are located

¹ Deacon, Robert T., and Bernardo Mueller. "Political economy and natural resource use." *Economic development and environmental sustainability: new policy options* 122 (2006).

² Auty, Richard M. "How Natural Resources Affect Economic Development." *Development Policy Review* 18.4 (2000).

in border areas that do not have clear delimitations.³ Disputes involving claims of sovereignty over natural resources are often complex issues that require resolution through international legal mechanisms. In this context, the *International Court of Justice (ICJ)* plays an important role as a judicial institution tasked with resolving disputes between countries based on international law.

One obvious example is the maritime dispute between Nicaragua and Colombia involving maritime boundaries and claims to natural resources in the Caribbean Sea. In this case, the ICJ managed to issue a ruling regulating maritime delimitations, although its implementation faced political challenges. Another example is the conflict between Indonesia and Malaysia over the Amalat Bloc, which has also sparked diplomatic tensions over oil and gas exploration in the region. These disputes show that conflicts over natural resources are not only about economic aspects, but also affect the stability of international relations as a whole. Therefore, the existence of the International Court of Justice is a vital element in encouraging peaceful and law-based dispute resolution.⁴

Although the ICJ has globally recognized legal authority, its effectiveness in resolving natural resource disputes between countries is often questioned. Some argue that the legal process at the ICJ tends to take a long time and faces challenges in the implementation of the ruling, especially when the losing state is unwilling to abide by the established

³ See Okumu, Wafula. "Resources and border disputes in Eastern Africa." *Journal of Eastern African Studies* 4.2 (2010): 279-297; Le Billon, Philippe. "The political ecology of war: natural resources and armed conflicts." *Political Geography* 20.5 (2001): 561-584.

⁴ Utama, Muhamad Adji Rahardian, and Muhamad Reza Maulana. "The Role of ASEAN in Sipadan and Ligitan Case: An Analysis from Law and Diplomacy." *2nd International Conference on Indonesian Legal Studies (ICILS 2019)*. Atlantis Press, 2019; Izzati, Nur Arissa, Chusnul Qotimah Nita Permata, and Miftah Santalia. "Assessing the Effectiveness of Settling Indonesian Sea Border Disputes through Litigation and Non-Litigation Paths." *Lex Scientia Law Review* 4.1 (2020): 1-18.

outcome. This raises questions about the extent to which the International Court of Justice can effectively exercise its functions in resolving conflicts involving strategic and economic interests.⁵

One of the fundamental issues affecting the effectiveness of the ICJ is the nature of the participation of the countries in dispute. Under the ICJ Statute, court jurisdiction only applies if both parties express their consent to bring the case to court. This becomes an obstacle when one of the parties is reluctant to participate in the legal process, as happened in the South China Sea dispute.⁶ On the other hand, there are also concerns that the ICJ ruling does not have a strong enforcement mechanism, so its success depends heavily on the willingness of states to comply with international law.

This phenomenon raises fundamental questions: Is the International Court of Justice effective in resolving natural resource disputes between sovereign states? What are some of the factors that affect the success or failure of the ICJ in resolving these kinds of disputes? What are the mechanisms that can be improved to strengthen the role of the ICJ in resolving international conflicts? These questions form the basis of the research that will be discussed in this paper.

The formulation of the problem that will be raised in this study is as follows:

1. What is the role and mechanism of the International Court of Justice in resolving natural resource disputes between sovereign states?

⁵ Butt, M. Jahanzeb, et al. "Maritime dispute settlement law towards sustainable fishery governance: The politics over marine spaces vs. audacity of applicable international law." *Fishes* 7.2 (2022): 81.

⁶ Schofield, Clive H., and Ian Storey. *The South China Sea dispute: Increasing stakes and rising tensions*. Vol. 24. Washington, DC: Jamestown Foundation, 2009.

2. What are the factors that affect the effectiveness of the International Court of Justice in resolving natural resource disputes?
3. What efforts can be made to improve the effectiveness of the International Court of Justice in resolving natural resource disputes?

This research aims to analyze the role of the International Court in resolving natural resource disputes between countries, evaluate the factors that affect its effectiveness, and provide recommendations to improve its role in the future. Thus, it is hoped that this research can contribute to the development of international law in the context of dispute resolution involving the strategic interests of sovereign states.

In the context of international law, the resolution of natural resource disputes is often challenging because it involves complex legal, political, and economic aspects. The International Court of Justice is expected to be a fair and transparent solution to resolve this kind of conflict. However, its effectiveness still depends on a variety of factors, such as state compliance with the ruling, the availability of law enforcement mechanisms, and the willingness of states to use legal channels as the main alternative in conflict resolution.

According to Sudirman (2020), the success of the International Court of Justice in resolving international disputes does not only depend on the strength of legal arguments, but also on the court's ability to consider the political and economic interests of disputed countries.⁷ This shows that international law is often at the crossroads between legal norms and global political reality. On the other hand, Lestari (2021) emphasized that the effectiveness of the ICJ can be improved by strengthening the support of

⁷ Sudirman, *International Dispute Resolution*. Jakarta: Rajawali Press, 2020, p. 65.

international organizations, such as the United Nations, in ensuring the implementation of court decisions.⁸

In the case of natural resource disputes, the 1982 Convention on the Law of the Sea (UNCLOS) provides a clear legal framework for resolving conflicts related to maritime delimitation and exploitation of natural resources in border areas. However, the application of this instrument often faces obstacles when legal interpretations differ between disputed countries. For example, in a dispute between the Philippines and China over the South China Sea, despite the Permanent Court of Arbitration ruling in favor of the Philippines, China still refused to recognize the decision.⁹ This case shows that international law has limitations in dealing with countries that are reluctant to comply with established norms.

This paper will discuss in depth the effectiveness of the International Court of Justice in resolving natural resource disputes between sovereign states. Using a descriptive-analytical approach, this study will evaluate various cases involving the ICJ and analyze the factors that influence its success. In addition, this research will also identify strategic steps that can be taken to improve the effectiveness of the courts in maintaining international justice and stability.

Methods

the effectiveness of the International Court of Justice in resolving natural resource disputes between sovereign states. The descriptive-analytical approach aims to provide a comprehensive overview of the role and mechanisms of the ICJ in resolving international disputes, as well as to analyze the factors that influence its success. The data used in this study

⁸ Lestari, D. "The Role of the United Nations in the Implementation of the ICJ Decision." *Journal of International Law*, 2021, Vol. 14, No. 3, p. 210.

⁹ Permanent Court of Arbitration, *Award in the Matter of the South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China)*, 2016.

includes primary, secondary, and tertiary legal sources, which are processed through qualitative methods.

Primary sources of law include the Statute of the International Court of Justice, the 1982 Convention on the Law of the Sea (UNCLOS), and ICJ rulings relevant to natural resource disputes. The analysis of these documents was carried out to understand the legal basis used by the ICJ in resolving disputes, as well as to assess the conformity of the judgment with the principles of international law. In addition, the primary data also includes interviews with international legal experts, where possible, to gain an in-depth perspective on the role of the ICJ.

Secondary legal sources include scientific literature, legal journals, and research reports that address related topics. Some of the main journals that are referenced in this study include *the Journal of International Law, the Asian Journal of International Law, and the American Journal of International Law*. The secondary literature is used to provide theoretical and empirical context regarding the effectiveness of the ICJ, as well as to identify trends and challenges faced in the resolution of natural resource disputes.

Tertiary data, such as legal encyclopedias and reports from international organizations, are used to complement the analysis and provide a broader view of the issues being discussed. A report from the United Nations, for example, can provide insight into the international framework that underpins the functioning of the ICJ.

Data collection is carried out through literature studies with reference to relevant and reliable sources. The collected data was then analyzed using qualitative methods to identify patterns, relationships, and factors influencing the effectiveness of the ICJ. This analysis aims to provide an in-depth understanding of the ICJ's strengths and weaknesses in resolving natural resource disputes.

This study also uses case studies to strengthen the analysis conducted. Some of the cases analyzed include the Caribbean Sea dispute between Nicaragua and Colombia, the Ambalat Bloc dispute between Indonesia and Malaysia, and the South China Sea dispute between the Philippines and China. The case studies were selected based on their relevance to the research topic, as well as the case's ability to illustrate the challenges faced by the ICJ in resolving natural resource disputes.

The analytical approach in this study also includes an evaluation of the implementation of the ICJ ruling. This study explores the factors that affect the level of state compliance with court decisions, such as political pressure, economic interests, and support from international organizations. This analysis aims to identify barriers that need to be overcome to improve the effectiveness of the ICJ.

By using this comprehensive approach, research is expected to make a significant contribution to the development of international law, particularly in the context of resolving natural resource disputes between sovereign states. In addition, this research is also expected to provide practical recommendations for strengthening the role of the ICJ in maintaining international justice and stability.

Discussion

Natural resource disputes between sovereign states are one of the challenges in contemporary international relations. This is triggered by the high dependence of countries on natural resources as an economic and political supporting factor. These disputes often occur in border areas, seas, or areas rich in strategic natural resources. In an effort to resolve these conflicts, the International Court of Justice (ICJ) has a central role as the main judicial body that is authorized to resolve legal disputes between countries based on the provisions of international law. However, the effectiveness of the International Court of Justice in resolving these

disputes still faces various obstacles, both in terms of legal process and state compliance with court decisions.¹⁰

The International Court of Justice (ICJ) is the main institution in the international legal system that functions to resolve disputes between sovereign states. As a judicial body established under the Charter of the United Nations (UN), the ICJ plays an important role in maintaining global stability through the peaceful resolution of conflicts. In the context of natural resource disputes, the ICJ is one of the forums that countries can use to resolve differences related to the ownership, management, and exploitation of resources that often raise tensions between parties.

Natural resources, such as petroleum, natural gas, minerals, and marine resources, have high strategic value for a country's economic development. Therefore, access to and control of these resources is often a trigger for conflict, especially when they are in border areas or zones that overlap with other countries' sovereignty claims. In these circumstances, the ICJ can be an effective mechanism to provide legal certainty and resolve conflicts fairly based on the principles of international law.

The dispute resolution mechanism at the ICJ involves several important stages. First, the disputed country must agree to the ICJ's jurisdiction and formally apply. This means that the ICJ cannot act without the consent of both parties involved. Once the application is received, the ICJ will begin a legal review process, which involves gathering evidence, listening to arguments from the parties, and referring to international legal instruments such as the UN Charter, the Convention on the Law of the Sea (UNCLOS), as well as relevant bilateral or multilateral agreements. This process aims to ensure that the decisions

¹⁰ Barral, Virginie. "National sovereignty over natural resources: Environmental challenges and sustainable development." *Research Handbook on International Law and Natural Resources*. Edward Elgar Publishing, 2016. 3-25; Gumplová, Petra. "Restraining permanent sovereignty over natural resources." *Enrahonar* 53 (2014): 0093-114.

taken by the ICJ are not only based on the facts but also in accordance with the provisions of applicable international law.

One example of a case that shows the role of the ICJ in natural resource disputes is the case of a dispute between Nigeria and Cameroon over the Bakassi region. This region is rich in natural resources, especially oil and gas, so it is an object of competition between the two countries. The ICJ, in its ruling in 2002, ruled that the territory was under Cameroon's sovereignty under pre-existing international treaties. Although this decision briefly caused political tensions, both Nigeria and Cameroon ultimately complied with the ICJ's ruling, which demonstrated the court's effectiveness in resolving disputes peacefully.¹¹

However, the effectiveness of the ICJ in resolving natural resource disputes is not always smooth. There are various factors that affect the success of the ICJ in carrying out its duties, including the level of state compliance with court decisions. In some cases, countries that feel aggrieved by the ICJ ruling are reluctant to implement the decision, especially if it is considered to be contrary to their national interests. This shows that although the ICJ's decision is binding, its implementation still depends on the political commitment of the disputed countries.

In addition, the dispute resolution process at the ICJ often takes quite a long time. The complexity of the law involving various dimensions, such as territorial boundaries, exploration rights, and environmental issues, makes the process of reviewing cases very detailed and takes years to reach a final decision. For example, the case of a dispute between Nicaragua and Colombia over the Caribbean Sea took more than a decade before the ICJ

¹¹ Kabirou, Aboubakar. "Diplomatic Settlement of Conflicts in the International System: The Cases of Cameroon and Nigeria in the Bakassi Peninsula." *Interdisciplinary Finance and Development Journal* 1.1 (2024): 64-76; Ekaney, Nkwelle. "The ICJ decision on the Cameroon–Nigeria Bakassi dispute and issues arising: A Cameroonian perspective 1." *The Bakassi Dispute and the International Court of Justice*. (London: Routledge, 2017), pp. 58-79.

finally gave a ruling. The length of this process is often a challenge for countries that need a quick resolution to avoid escalating conflicts.

Another factor that affects the effectiveness of the ICJ is the limitations of the jurisdiction of this court. The ICJ can only deal with disputes involving UN member states that have agreed to the court's jurisdiction. In cases where either party denies the jurisdiction of the ICJ, this court does not have the authority to take further action. A clear example of this situation can be seen in the South China Sea dispute, where China refused to comply with a decision issued by the Permanent Court of Arbitration (PCA), even though the decision was based on international law. Although the PCA is different from the ICJ, this case shows how denial of jurisdiction can be an obstacle to the resolution of international disputes.

To increase the effectiveness of the ICJ in resolving natural resource disputes, several strategic steps are needed. One of the important steps is to strengthen the ICJ's decision enforcement mechanism. The United Nations, as an international organization that supports the ICJ, can play a more active role in ensuring that ICJ decisions are implemented by the countries in dispute. In addition, imposing economic or political sanctions on countries that do not comply with ICJ rulings can be an effective tool to increase compliance.

Regional cooperation can also be a solution to resolve natural resource disputes more efficiently. Regional organizations, such as ASEAN, can serve as mediators in disputes involving member states. With a dispute resolution mechanism in place at the regional level, countries can resolve their conflicts before taking cases to the ICJ. This not only reduces the ICJ's workload but also increases the chances of a peaceful resolution of disputes.¹²

¹² Kipgen, Nehginpao. "ASEAN and China in the South China Sea disputes." *Asian Affairs* 49.3 (2018): 433-448; Hu, Le. "Examining ASEAN's effectiveness in managing South China Sea disputes." *The Pacific Review* 36.1 (2023): 119-147.

In addition, it is important for the ICJ to increase its internal capacity in handling complex cases. Increased number of judges, greater budget allocation, and strengthened technical support could help the ICJ resolve disputes more quickly and efficiently. With adequate resources, the ICJ can provide more accurate and timely rulings, which in turn will increase states' confidence in these courts.

Increasing countries' understanding of the principles of international law is also an important step. Education and training for diplomats, government officials, and legal experts on international legal instruments such as UNCLOS can help countries manage their disputes more effectively. In addition, the organization of international seminars and conferences on natural resource dispute resolution can be a platform to share experiences and strengthen cooperation between countries.

In an increasingly complex global context, the ICJ's role in resolving natural resource disputes will continue to be important. However, to ensure that the ICJ can carry out its duties effectively, greater support from the international community is needed, both in the form of political commitment and adequate resource allocation. With the right measures, the ICJ can become a stronger instrument in maintaining peace and justice in the international world.

The Role and Mechanism of International Courts in Resolving Natural Resources Disputes Between Sovereign States

The International Court of Justice (ICJ) is one of the main institutions established by the United Nations (UN) to resolve disputes between countries. The ICJ serves as a dispute settlement mechanism based on international law, with the aim of maintaining international peace and stability. According to Article 92 of the UN Charter, the ICJ acts as the

UN's principal judicial body that provides binding decisions for countries that are parties to the dispute.¹³

In the context of natural resource disputes, the ICJ plays a strategic role because many disputes arise from differences in interpretations of territorial boundaries and resource exploration rights. For example, the case of a dispute between Nicaragua and Colombia over the right to explore resources in the Caribbean Sea shows how the ICJ has become an important legal forum for clarifying territorial boundaries under international law, particularly by referring to the 1982 United Nations Convention on the Law of the Sea (UNCLOS).¹⁴

The ICJ mechanism begins with the filing of a lawsuit by the disputed state. Once the lawsuit is accepted, the ICJ conducts a legal review process, hears arguments from both sides, and decides based on the principles of international law. The ICJ's decision is final and binding, which means that the disputed states are obliged to abide by the ruling. However, the ICJ can only handle disputes if both sides agree to take the case to court. This is in accordance with the principle of state sovereignty in international law, where there is no compulsion for states to submit to the jurisdiction of the ICJ without consent.¹⁵

In some cases, the ICJ also plays a role in providing legal opinions at the request of the General Assembly or the UN Security Council. Although these legal opinions are not binding, they are often an important reference in the settlement of natural resource disputes involving more than two countries. For example, in the South China Sea dispute, although the ICJ does not directly handle the case, the legal views generated by relevant institutions have become the basis for countries to adjust their policies.¹⁶

¹³ UN Charter, Article 92.

¹⁴ UNCLOS, 1982.

¹⁵ Brownlie, I. (2019). *Principles of Public International Law*. Oxford: Oxford University Press.

¹⁶ ICJ Annual Report 2022.

Factors Affecting the Effectiveness of International Courts in Resolving Natural Resources Disputes

Despite its important role, the effectiveness of the ICJ in resolving natural resource disputes is often influenced by a variety of factors. One of the main factors is the level of state compliance with ICJ rulings. Although the ICJ's decision is binding, there is no coercive mechanism that ensures the implementation of the decision. In the case of the South China Sea dispute, for example, China rejected a ruling issued by the Permanent Court of Arbitration (PCA), even though the decision was based on relevant international law.¹⁷

In addition, political and economic factors are often obstacles to dispute resolution. Countries with strategic interests in natural resources often refuse to resolve disputes through legal channels for fear of losing access to disputed resources. For example, the dispute between Indonesia and Malaysia related to the Ambalat Bloc was not brought to the ICJ because both countries preferred the diplomatic route even though they did not provide a final solution.¹⁸

The complexity of international law is also another factor that affects the effectiveness of the ICJ. Natural resource disputes often involve various dimensions, such as territorial boundaries, exploration rights, and environmental issues. This requires a deep understanding of various international legal instruments, such as UNCLOS, the UN Charter, and bilateral agreements between disputed countries. This process is often

¹⁷ Guzman, Andrew T. "A Compliance-Based Theory of International Law." *California Law Review* (2002): 1823-1887.

¹⁸ Chowdhury, M. Rezaul Karim, Saharuddin Abdul Hamid, and Nurul Haqimin Mohd Salleh. "Maritime dispute resolution: understanding adequacy of UNCLOS: a systematic review." *Australian Journal of Maritime & Ocean Affairs* (2024): 1-22.

time-consuming, which can reduce the effectiveness of dispute resolution.¹⁹

Another factor is the limited resources that the ICJ has. As an international judicial body, the ICJ has only a handful of judges from various countries. The complex decision-making process involving many parties often makes the dispute resolution time long. According to the International Court of Justice Annual Report 2022, the average time it takes to resolve a single case is 4-6 years, depending on the level of complexity of the case.²⁰

Efforts to Improve the Effectiveness of International Courts in Resolving Natural Resources Disputes

To increase the effectiveness of the ICJ in resolving natural resource disputes, various efforts can be made. One of the important steps is to strengthen the mechanism for compliance with the ICJ ruling. In this regard, the role of international organizations, such as the United Nations, is crucial to ensure that countries comply with the decisions that have been issued by the ICJ. For example, the imposition of economic or political sanctions can be a tool to increase state compliance with ICJ rulings.²¹

In addition, increased regional cooperation in dispute resolution is needed. Regional organizations, such as ASEAN, can play a significant role in mediating natural resource disputes in the Southeast Asian region. With mediation mechanisms at the regional level, countries can resolve their

¹⁹ Spain Bradley, Anna. "Integration Matters: Rethinking the Architecture of International Dispute Resolution." *University of Pennsylvania Journal of International Law* 32.1 (2010): 1.

²⁰ ICJ Annual Report 2022.

²¹ ASEAN Charter, 2018.

disputes amicably before taking cases to the ICJ. This can reduce the ICJ's workload while improving the effectiveness of dispute resolution.²²

Increasing the capacity of the ICJ is also an important factor. This includes increasing the number of judges, adequate budget allocation, and strengthening technical capacity to handle complex disputes. With adequate resources, the ICJ can resolve disputes more quickly and efficiently.²³

In addition, efforts to improve countries' understanding of international law also need to be made. Education on the principles of international law, such as UNCLOS, can help countries manage their disputes more effectively. This can be done through international seminars, training for diplomats, and strengthening the international law curriculum in universities.²⁴

In the context of natural resource disputes between sovereign states, the role and mechanisms of the International Court, in particular the International Court of Justice (ICJ), are essential to create a fair settlement based on international law. Through its function, the ICJ not only plays a role as a judge who gives decisions in disputes, but also as an institution that maintains global order and justice. The court provides a forum that allows states involved in disputes to advance their arguments based on the facts and norms of applicable international law. With the legal mechanisms already set out in the UN Charter, the ICJ has the capacity to render binding decisions, which can serve as the basis for broader peaceful settlements.

However, in practice, the effectiveness of the ICJ in resolving natural resource disputes is often faced with various challenges. One of the main

²² Brownlie, Ian. "Principles of public international law." *VRÜ Verfassung und Recht in Übersee* 14.1 (1980): 92-93.

²³ UNCLOS, 1982.

²⁴ Howse, Robert, and Ruti Teitel. "Beyond compliance: Rethinking why international law really matters." *Global Policy* 1.2 (2010): 127-136.

challenges is the lack of mechanisms that can force countries to comply with the decisions that have been given. In the absence of strong sanctions or enforcement instruments, ICJ decisions often depend solely on the political will of the countries involved. This raises questions about the extent to which the decision can be fully accepted and implemented by the losing country in the dispute. The uncertainties related to the implementation of this decision indicate that although legal mechanisms already exist, their implementation remains dependent on the political and economic situation of the disputed countries.

Another factor that also affects the effectiveness of the ICJ is the complexity and length of time it takes to resolve disputes. Disputes involving natural resources are often highly technical and involve many parties with different interests, both economically, politically, and environmentally. A long and protracted process could exacerbate tensions between the countries involved. In some cases, this could cause the disputed countries to impatiently wait for legal decisions and turn to unilateral action that could worsen the situation. Therefore, accelerating the legal process at the ICJ without reducing the quality of decisions is one of the important steps to increase the effectiveness of this institution in handling natural resource disputes.

In addition, the role of international diplomacy is also very decisive in supporting the success of the ICJ. Large countries with great political and economic influence have an important role to play in supporting the international legal system, including international courts such as the ICJ. If major countries support the ICJ's rulings, it can set a good example for other countries to follow and respect the court's rulings. This political and diplomatic support is essential to ensure that international law remains respected and accepted around the world. By strengthening the global commitment to international law, both at the bilateral and multilateral levels, the effectiveness of the ICJ in resolving disputes can be guaranteed.

Efforts to improve the effectiveness of the ICJ in resolving natural resource disputes require a more holistic approach. One step that can be taken is to strengthen the technical and legal capacity of ICJ judges, by involving experts in the fields of natural resources, environmental law, and geography. In many cases, natural resource disputes involve very specific technical aspects, such as area mapping, natural resource management, as well as the environmental impacts posed by resource exploitation. By strengthening the technical knowledge of ICJ judges in these areas, decisions can be more precise and relevant, and based on accurate data.

In addition, it is important to improve alternative dispute resolution mechanisms that can help speed up the resolution process, such as mediation and arbitration. The ICJ needs to facilitate these alternative channels for countries that want to resolve disputes without going through a lengthy litigation process. Countries in dispute often prefer the diplomatic avenue or dispute resolution through other mechanisms that can provide a quicker solution and are more focused on practical resolution than through lengthy courts. These alternative settlements, if properly utilized, can accelerate peace and reduce international tensions.

Another challenge faced by the ICJ is the recognition and implementation of court decisions. To improve the effectiveness of the court, closer cooperation is needed between the ICJ and other international institutions, such as international organizations focused on the environment and the protection of natural resources, such as the United Nations Environment Programme (UNEP) or the International Maritime Organization (IMO). Cooperation with these institutions will strengthen international law enforcement in natural resource disputes and create more integrated policies in dispute resolution.

Strengthening the reporting and monitoring systems of countries involved in disputes is also important to ensure that they comply with the judgments issued by the ICJ. Increasing transparency and accountability

in the dispute resolution process can provide confidence that the decisions taken by the ICJ are not only legally valid, but also accepted and respected by all parties. One important step is to develop mechanisms to monitor and assess the implementation of ICJ decisions on an ongoing basis, so that there is assurance that court decisions are actually implemented and provide tangible benefits to the countries involved.

In addition, countries involved in disputes should have a higher awareness of the importance of resolving disputes through legal channels. This requires a more intensive approach to education and diplomacy in encouraging countries to respect and implement ICJ decisions. This awareness can be built through international dialogues, seminars, and forums that discuss the importance of respecting international court decisions, which can reduce the tendency of countries to challenge court decisions or even refuse to participate in legal proceedings.

The ICJ's increased effectiveness in resolving natural resource disputes between sovereign states is highly dependent on paradigm shifts in international politics and states' attitudes toward international law. Major powers with political and economic power must be pioneers in respecting and complying with the decisions of international courts. Thus, a stronger and more effective international legal system can be built to deal with the evolving natural resource disputes in this era of globalization.

Overall, while there are considerable challenges related to the effectiveness of the ICJ in resolving natural resource disputes, there are many steps that can be taken to improve this system. With stronger global commitments, enhanced technical and legal capacity, and strengthened international cooperation, the ICJ can play a greater role in creating a peaceful settlement of natural resource disputes between sovereign states. As the main institution in the international justice system, the ICJ must continue to adapt to changing global dynamics, ensuring that

international law remains an effective instrument for maintaining world peace.

Conclusion

Based on the discussions that have been carried out, it can be concluded that the International Court of Justice (ICJ) plays an important role in resolving natural resource disputes between sovereign states. As a judicial institution authorized under international law, the ICJ has the capacity to resolve disputes based on globally recognized principles of international law. However, the effectiveness of the ICJ in resolving such disputes still faces significant challenges, both in terms of legal process and the implementation of the decisions issued.

The International Court of Justice (ICJ) plays a very important role in maintaining international order and justice through the settlement of disputes between countries. One form of dispute that is often faced by the ICJ is disputes related to natural resources. Disputes over the management, distribution, and control of natural resources between sovereign states often lead to tensions, even armed conflicts, that can threaten international peace and stability. In this context, the role of the ICJ is vital to prevent the escalation of conflict by providing law-based solutions that lead to sustainable peace. Decisions issued by the ICJ on natural resource disputes have far-reaching implications, both for the country concerned and for the international legal order as a whole.

Natural resources, whether in the form of minerals, oil, gas, or other natural resources, are one of the elements that have a very high economic value. Countries involved in natural resource disputes often have overlapping claims to a resource-rich region. Ambiguity of territorial boundaries and differences in interpretation of international treaties or international conventions are often the main sources of disputes between countries. Therefore, it is important for the countries involved in the

dispute to have a legal forum capable of enforcing international law objectively and impartially, which in this case is the ICJ.

However, although the ICJ has considerable authority in resolving disputes between countries, its effectiveness in resolving natural resource disputes still faces several challenges. One of the main challenges faced by the ICJ is the lack of mechanisms to compel losing countries to implement court decisions. The ICJ does not have the power to impose sanctions or coercion on countries that refuse to implement court rulings. As an international institution, the ICJ relies on the awareness and goodwill of member states to comply with the decisions it has issued. This problem is exacerbated by the fact that some countries involved in natural resource disputes have considerable political and military power, which makes them feel it easier to reject or ignore the decisions of international courts.

Along with these challenges, it should be noted that while some countries reject the ICJ's ruling, there are also many countries that respect and comply with the rulings issued by this court. For example, in disputes involving decisions on the maritime boundary between Qatar and Bahrain, these countries comply with ICJ rulings and resolve their disputes without the need for further conflicts. Decisions such as these show that despite the great challenges associated with compliance with ICJ rulings, this court still has a significant influence in creating peace through dispute resolution based on fair and objective principles of international law.

One of the factors that affect the effectiveness of the ICJ in resolving natural resource disputes is the limited time and long process. Dispute resolution at the ICJ is not an instant process. The judicial process at the ICJ can take years, depending on the complexity of the case being filed. Natural resource disputes often involve complex technical and scientific aspects, such as mapping boundaries, identifying natural resources, and the economic and environmental impacts they cause. Therefore, lengthy legal proceedings are often problematic for the countries involved,

especially when the dispute is directly related to a very important economic interest. When countries are involved in disputes involving natural resources, they often urge that the issue be resolved more quickly, given the huge impact on their economies.

A lengthy process can also exacerbate tensions between countries. When such disputes cannot be resolved quickly, bilateral relations between the countries involved will become increasingly strained, which can potentially lead to open conflict. In some cases, the time-consuming legal process also increases uncertainty that makes countries more likely to look for shortcuts or even ignore existing legal decisions. Therefore, measures to speed up the judicial process at the ICJ need to be considered, by improving the efficiency of court procedures and involving more technology in evidence collection and case analysis.

Nonetheless, the effectiveness of the ICJ in resolving natural resource disputes is not only influenced by the timing or mechanism of decision enforcement, but also by political factors and international cooperation. One of the things that can increase the effectiveness of the ICJ is greater support from UN member states in strengthening this institution. Countries involved in disputes must have a strong commitment to resolve their problems through international legal channels, not through confrontation or violence. In addition, major powers and world political powers should show more real support for international law and ICJ decisions to prevent further tensions.

In addition, it is important for the ICJ to increase its capacity to resolve disputes involving natural resources, both from a technical and legal perspective. Dispute resolution involving natural resources requires a deep understanding of technical issues, including geographic mapping, exploration and exploitation of natural resources, and the environmental impact of such activities. Therefore, the ICJ needs to increase the number of judges who have specialized expertise in this area in order to make more

precise decisions based on valid and relevant data. With judges who are competent in the field of natural resources and environmental law, the ICJ can provide more effective solutions and in accordance with the latest scientific and technological developments.

In addition, another important step is to strengthen cooperation between the ICJ and other international institutions, such as the International Maritime Organization (IMO), the Convention on the Law of the Sea (UNCLOS), and regional institutions such as ASEAN and the European Union. This kind of cooperation will accelerate the dispute resolution process by creating a mechanism that is more efficient and more relevant to the evolving global situation. By increasing collaboration between international institutions, countries can have a variety of channels to resolve natural resource disputes, and the ICJ will have more support in carrying out its duties.

It is also important to continue to educate countries on the importance of respect for international law. Countries involved in disputes should understand that dispute resolution through international courts is the most effective way to prevent a greater escalation of conflict. If every country respects and obeys the decisions of international courts, the international legal system will be stronger, and peace will be easier to achieve. Therefore, proactive international diplomacy is indispensable to create global awareness of the importance of respecting international law in the settlement of disputes, including natural resource disputes.

References

ASEAN Charter, 2018.

Auty, Richard M. "How Natural Resources Affect Economic Development." *Development Policy Review* 18.4 (2000).

Barral, Virginie. "National sovereignty over natural resources: Environmental challenges and sustainable development." *Research*

Handbook on International Law and Natural Resources. Edward Elgar Publishing, 2016, pp. 3-25.

Brownlie, I. (2019). *Principles of Public International Law*. Oxford: Oxford University Press.

Brownlie, Ian. "Principles of public international law." *VRÜ Verfassung und Recht in Übersee* 14.1 (1980): 92-93.

Butt, M. Jahanzeb, et al. "Maritime dispute settlement law towards sustainable fishery governance: The politics over marine spaces vs. audacity of applicable international law." *Fishes* 7.2 (2022): 81.

Chowdhury, M. Rezaul Karim, Saharuddin Abdul Hamid, and Nurul Haqimin Mohd Salleh. "Maritime dispute resolution: understanding adequacy of UNCLOS: a systematic review." *Australian Journal of Maritime & Ocean Affairs* (2024): 1-22.

Deacon, Robert T., and Bernardo Mueller. "Political economy and natural resource use." *Economic development and environmental sustainability: new policy options* 122 (2006).

Ekaney, Nkwelle. "The ICJ decision on the Cameroon–Nigeria Bakassi dispute and issues arising: A Cameroonian perspective 1." *The Bakassi Dispute and the International Court of Justice*. (London: Routledge, 2017), pp. 58-79.

Gümplová, Petra. "Restraining permanent sovereignty over natural resources." *Enrahonar* 53 (2014): 0093-114.

Guzman, Andrew T. "A Compliance-Based Theory of International Law." *California Law Review* (2002): 1823-1887.

Howse, Robert, and Ruti Teitel. "Beyond compliance: Rethinking why international law really matters." *Global Policy* 1.2 (2010): 127-136.

Hu, Le. "Examining ASEAN's effectiveness in managing South China Sea disputes." *The Pacific Review* 36.1 (2023): 119-147.

ICJ Annual Report 2022.

Izzati, Nur Arissa, Chusnul Qotimah Nita Permata, and Miftah Santalia. "Assessing the Effectiveness of Settling Indonesian Sea Border Disputes through Litigation and Non-Litigation Paths." *Lex Scientia Law Review* 4.1 (2020): 1-18.

Kabirou, Aboubakar. "Diplomatic Settlement of Conflicts in the International System: The Cases of Cameroon and Nigeria in the

Bakassi Peninsula." *Interdisciplinary Finance and Development Journal* 1.1 (2024): 64-76.

Kipgen, Nehginpao. "ASEAN and China in the South China Sea disputes." *Asian Affairs* 49.3 (2018): 433-448.

Le Billon, Philippe. "The political ecology of war: natural resources and armed conflicts." *Political Geography* 20.5 (2001): 561-584.

Lestari, D. "The Role of the United Nations in the Implementation of the ICJ Decision." *Journal of International Law* 14. 3 (2021).

Okumu, Wafula. "Resources and border disputes in Eastern Africa." *Journal of Eastern African Studies* 4.2 (2010): 279-297.

Permanent Court of Arbitration, *Award in the Matter of the South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China)*, 2016.

Schofield, Clive H., and Ian Storey. *The South China Sea dispute: Increasing stakes and rising tensions*. Vol. 24. Washington, DC: Jamestown Foundation, 2009.

Spain Bradley, Anna. "Integration Matters: Rethinking the Architecture of International Dispute Resolution." *University of Pennsylvania Journal of International Law* 32.1 (2010): 1.

Sudirman, *International Dispute Resolution*. Jakarta: Rajawali Press, 2020.

UN Charter

UNCLOS, 1982.

Utama, Muhamad Adji Rahardian, and Muhamad Reza Maulana. "The Role of ASEAN in Sipadan and Ligitan Case: An Analysis from Law and Diplomacy." *2nd International Conference on Indonesian Legal Studies (ICILS 2019)*. Atlantis Press, 2019.

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