Part VII

Settlement of Disputes
I. Introduction: The Basic Problem of Compulsory Jurisdiction

The fundamental problem underlying the whole chapter of International Law concerning peaceful settlement of international disputes remains the *vexata quaestio* of compulsory jurisdiction, largely unresolved from the days of the two Hague Peace Conferences (1899 and 1907) to date. For if, on the one hand, the U.N. Charter provides for the general principle of the duty of member States of peaceful settlement of disputes which may put at risk international peace, on the other hand, that duty coexists with the prerogative of the choice left to the contending parties (members or not of the United Nations) of adoption of one of the methods of peaceful settlement of disputes (within and outside the United Nations).

Such ineluctable and persistent ambivalence has had a repercussion in the application of international instruments. Traditional international legal doctrine has been, somewhat surprisingly, generally conniving with permissiveness (as to choice of methods). Dispute settlement has thus remained particularly vulnerable to manifestations of State voluntarism, thereby resisting attempts of codification or systematization. Yet, multiple instruments of dispute settlement

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