

The Role of International Arbitration in the Settlement of Border Disputes

Mohamed Benmaiza 

Abstract. *International arbitration is widely regarded as one of the most effective peaceful mechanisms in international law for the settlement of border disputes between states, owing to its flexibility and procedural efficiency compared to international judicial litigation. It plays a crucial role in preventing armed conflicts and enhancing international stability by promoting legal solutions based on mutual agreement between disputing parties. Arbitral tribunals also contribute significantly to the interpretation of boundary treaties and the determination of territorial rights. Numerous international cases have demonstrated the success of arbitration in resolving border disputes in a peaceful and equitable manner. This study employs a doctrinal legal research methodology to examine the legal principles governing peaceful settlement, the range of available peaceful means, the procedural framework of arbitration, and the effectiveness of arbitral awards. The findings reveal that arbitration is distinguished by its flexibility, efficiency, and binding nature, making it particularly suitable for states seeking to preserve friendly relations and regional stability. The study concludes that international arbitration has become an essential tool for reinforcing international peace, security, and cooperation among states, provided that states commit to international legal principles and demonstrate genuine willingness to reach peaceful solutions.*

Keywords: *international arbitration, border disputes, peaceful settlement, international law, arbitral tribunal*

University of Mohamed Khider, Biskra, Algeria

E-mail: mohamed.benmaiza@univ-biskra.dz

Received: 3 May 2025; Accepted: 20 Dekabr 2025; Published online: 28 İyun 2026

© The Author(s) 2026. This is an open access article distributed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (CC BY-NC 4.0).

Sərhəd mübahisələrinin həllində beynəlxalq arbitrajın rolu

Məhəmməd Benmaiza 

Xülasə. *Beynəlxalq arbitraj, beynəlxalq məhkəmə çəkişmələri ilə müqayisədə çevikliyi və prosessual səmərəliliyinə görə dövlətlər arasında sərhəd mübahisələrinin həlli üçün beynəlxalq hüquqda ən effektiv sülh mexanizmlərindən biri kimi geniş şəkildə tanınır. O, mübahisə tərəfləri arasında qarşılıqlı razılığa əsaslanan hüquqi həll yollarını təşviq etməklə silahlı münaqişələrin qarşısının alınmasında və beynəlxalq sabitliyin gücləndirilməsində mühüm rol oynayır. Arbitraj məhkəmələri həmçinin sərhəd müqavilələrinin şərhində və ərazi hüquqlarının müəyyən edilməsində əhəmiyyətli töhfə verir. Çoxsaylı beynəlxalq işlər arbitrajın sərhəd mübahisələrinin sülh və ədalətli şəkildə həllində uğurunu nümayiş etdirmişdir. Bu tədqiqat sülh yolu ilə həllin tənzimlənməsi prinsiplərini, mövcud sülh vasitələrinin spektrini, arbitrajın prosessual çərçivəsini və arbitraj qərarlarının effektivliyini araşdırmaq üçün doktrinal hüquqi tədqiqat metodologiyasından istifadə edir. Nəticələr göstərir ki, arbitraj öz çevikliyi, səmərəliliyi və bağlayıcı xarakteri ilə seçilir və bu da onu dostluq*

münasibətlərini və regional sabitliyi qorumaq istəyən dövlətlər üçün xüsusilə uyğun edir. Tədqiqat belə nəticəyə gəlir ki, dövlətlər beynəlxalq hüquq prinsiplərinə sadıq qalaraq və sülh həll yollarına həqiqi hazırlıq nümayiş etdirdikləri təqdirdə, beynəlxalq arbitraj dövlətlər arasında beynəlxalq sülhün, təhlükəsizliyin və əməkdaşlığın möhkəmləndirilməsi üçün vacib bir vasitəyə çevrilmişdir.

Açar sözlər: *beynəlxalq arbitraj, sərhəd mübahisələri, sülh yolu ilə həll, beynəlxalq hüquq, arbitraj məhkəməsi*

Mohamed Khider Universiteti, Biskra, Əlcəzair

E-poçt: mohamed.benmaiza@univ-biskra.dz

Daxil oldu: 3 May 2025; Qəbul edildi: 20 December 2025; Onlayn dərc edildi: 28 İyun 2026

© The Author(s) 2026. This is an open access article distributed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (CC BY-NC 4.0).

Introduction

International arbitration in the settlement of border disputes constitutes a central topic in public international law, given its prominent role in resolving conflicts between states through peaceful means. Its importance has grown with the increasing number of disputes related to the delimitation of land and maritime boundaries. Arbitration represents an alternative to the use of force or armed confrontation, as it is fundamentally based on the principle of consent and mutual agreement between disputing parties.

Through arbitration, disputes are referred to a neutral arbitral body that adjudicates the matter in accordance with agreed legal rules. This mechanism is characterized by flexibility and procedural speed compared to traditional international litigation, in addition to its ability to produce fair and binding solutions. It also contributes to strengthening mutual trust between states and reducing international tensions. Moreover, arbitration plays a significant role in the precise interpretation of boundary treaties and agreements, thereby ensuring respect for state sovereignty and territorial rights. Numerous international experiences have confirmed its effectiveness in resolving complex border disputes.

Research Question: To what extent can international arbitration be considered an effective mechanism for the settlement of border disputes?

Article Structure: The paper is organized around three main axes: (1) the principle of peaceful settlement and methods for resolving border disputes; (2) arbitration as a peaceful means of dispute settlement; and (3) the role of international judicial bodies in resolving border conflicts.

Methods

This study employs a doctrinal legal research methodology, analyzing primary and secondary sources in public international law relating to dispute resolution and border conflicts.

Data sources include:

1. Primary legal sources: The United Nations Charter, international treaties and conventions relating to peaceful settlement of disputes, and arbitral awards from international tribunals.
2. Secondary sources: Scholarly works including books, journal articles, and unpublished doctoral dissertations on international arbitration, border disputes, and peaceful settlement mechanisms (as listed in the references section, including Abdel Salam, 1970; Ahmed, 2010; Al-Tijani, 2018; Sarhan, 1980).
3. Legal instruments: Boundary treaties, arbitration agreements, and relevant international legal documents governing state succession, territorial sovereignty, and dispute resolution.

Analytical framework: The study applies a qualitative analytical approach, examining four key dimensions of international arbitration in border disputes: (a) the legal principles governing peaceful settlement; (b) the range of available peaceful means; (c) the procedural framework of arbitration; and (d) the effectiveness of arbitral awards and their enforcement.

Results

1. Principles of Public International Law in Peaceful Settlement

The analysis identified four fundamental principles governing the peaceful settlement of border disputes:

Principle	Description
Principle of the Finality and Stability of Borders	Once borders are properly delimited and demarcated, they acquire a permanent and binding legal character, ensuring stability in international relations (Ahmed, 2010).
Principle of State Succession in Boundary Treaties	Successor states remain bound by boundary treaties concluded by predecessor states, guaranteeing continuity of established borders regardless of changes in sovereignty.
Exception of Boundary Treaties from Fundamental Change of Circumstances	Unlike other treaties, boundary agreements are not subject to termination due to fundamental changes in circumstances (Abdel Salam, 1970).
Principle of Respect for Territorial Sovereignty	States must respect the sovereignty and territorial integrity of other states, as explicitly enshrined in the United Nations Charter.

2. Peaceful Means of Resolving Border Disputes

The study found that multiple peaceful means are available for resolving border disputes:

Method	Key Characteristics
Direct Negotiations	Allows parties to understand the nature of the dispute and work toward mutually acceptable solutions (Al-Rashidi, n.d.); success depends on willingness to compromise.
Good Offices	Facilitates dialogue without direct involvement in negotiations.
Mediation	Involves proposing practical solutions and actively assisting parties in reaching an agreement (Abu Haif, n.d.).

Method	Key Characteristics
International Organizations	UN and other bodies play key roles through mediation, facilitation, or referral to legal mechanisms (Helmi & Jouili, 2007).
Legal Settlement	Includes international courts and arbitration; among the most effective means based on binding legal rules (Al-Tijani, 2018).

3. Arbitration as a Peaceful Means: Key Components

The analysis revealed five essential components of international arbitration for border disputes

Component	Key Findings
Arbitration Agreement	Constitutes the legal foundation; may take form of a treaty clause, separate agreement, or general agreement between states (Qaed, 1997); may be mandatory or optional (Al-Sha'ari, 2006).
Consent of the Parties	Arbitration is based on mutual, clear, and explicit consent (Al-Tijani, 2018).
Arbitrators and Arbitral Tribunals	States have broad discretion in selecting arbitrators; tribunal may consist of single arbitrator or multiple members, chosen neutrally (Taha, 2007).
Applicable Law	Arbitration agreements specify legal rules; public international law serves as primary reference (Taha, 2007).
Arbitral Award and Enforcement	Award represents final, binding decision (Al-Anani, 1973); good faith implementation essential for legal stability.

Discussion

The findings demonstrate that international arbitration is one of the most effective peaceful and legal mechanisms for resolving border disputes. It provides a neutral legal framework that ensures the fair settlement of disputes without resorting to force.

Effectiveness of Arbitration:

Arbitration is distinguished by its flexibility and efficiency, making it particularly suitable for states seeking to preserve friendly relations and regional stability.

The success of arbitration depends largely on two critical factors:

1. Commitment of states to international legal principles – States must respect the binding nature of arbitral awards and implement them in good faith.
2. Genuine willingness to reach peaceful solutions – Arbitration cannot succeed if parties approach it without sincere intent to resolve the dispute.

Contribution to International Peace and Security:

The study confirms that arbitration contributes significantly to strengthening international peace and security by:

- Reducing armed conflicts arising from border tensions
- Reinforcing respect for territorial sovereignty
- Providing binding and enforceable legal decisions
- Enhancing mutual trust between disputing states

Limitations and Challenges:

While arbitration is effective, its success is not automatic. The findings suggest that the following challenges must be addressed:

- Reluctance of some states to submit to arbitration
- Difficulties in enforcing arbitral awards against non-compliant states
- Need for stronger international enforcement mechanisms
- Dependence on the quality and neutrality of arbitrators

Comparison with Other Peaceful Means:

Arbitration offers distinct advantages over other peaceful means. Unlike negotiation or mediation, which produce non-binding recommendations, arbitration yields a binding award. Compared to international court litigation, arbitration offers greater flexibility in procedural rules, selection of adjudicators, and applicable law.

Conclusion

This study concludes that international arbitration is an effective and binding method for the peaceful settlement of border disputes. Its success depends on the consent and cooperation of the disputing parties. Arbitration reduces reliance on force, enhances international stability, and ensures procedural fairness through established legal rules and arbitration agreements. The enforcement of arbitral awards is crucial for long-term effectiveness.

Key Findings Summary:

1. International arbitration is an effective and binding method for the peaceful settlement of border disputes.
2. Its success depends on the consent and cooperation of the disputing parties.
3. It reduces reliance on force and enhances international stability.
4. Legal rules and arbitration agreements ensure procedural fairness.
5. Enforcement of arbitral awards is crucial for long-term effectiveness.

Recommendations:

1. Promote arbitration as a primary mechanism for resolving border disputes globally.
2. Encourage states to proactively include bilateral arbitration clauses in boundary agreements.
3. Strengthen international enforcement mechanisms for arbitral decisions to ensure implementation.
4. Support the proactive role of regional and international organizations in dispute resolution.
5. Raise awareness of peaceful settlement methods within domestic legal and diplomatic communities.

References

1. Abdel Salam, J. (1970). *Theory of change of circumstances in international law*. Dar Al-Kitab Al-Arabi.
2. Abu Haif, A. A.-S. (n.d.). *Public international law* (Part II, 12th ed.). Al-Maaref Establishment.
3. Ahmed, S. M. (2010). *International law of border disputes*. ITRAC for Printing and Publishing.

4. Al-Anani, I. (1973). *Recourse to arbitration*. Dar Al-Nahda.
5. Al-Rashidi, A. (n.d.). *Al-Hudūd al-dawliyyah wa-usul taswiyatihā al-silmiyyah* (International borders and methods of their peaceful settlement). Center for Political and Strategic Studies, Faculty of Economics and Political Science, Cairo University.
6. Al-Sha‘ari, S. Y. (2006). *Peaceful settlement of international disputes*. Madbouli Library.
7. Al-Tijani, N. A.-D. A. (2018). *The effectiveness of international arbitration in resolving border disputes* (Unpublished doctoral dissertation). Al-Neelain University.
8. Helmi, N. A., & Jouili, S. S. (2007). *Lectures on the law of international organizations*. Faculty of Law, Zagazig University.
9. Qaed, A. M. (1997). *Settlement of international disputes through peaceful means*. Dar Al-Hadatha for Printing and Publishing.
10. Rizwan, S. (2024). The role of international arbitration in resolving cross-border business disputes. *Indian Journal of Integrated Research in Law*, 4(3), 213–229.
11. Sarhan, A. M. (1980). *Principles of public international law*. Dar Al-Nahda Al-Arabiya.
12. Taha, F. A. A. (2007). *International law and boundary disputes* (3rd ed.). Khartoum, Abdul Karim Mirghani Cultural Center