GLOBALIZATION AND THE RISE OF INTERNATIONAL ADJUDICATION

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Rise of the International Adjudication

Three Aspects
- States are now more willing to create international courts or tribunals
- States are more willing to acknowledge compulsory jurisdiction of international courts or tribunals
- States are now more willing to submit their disputes to international adjudication
Causes for the Rise of Adjudication

- Fundamental changes in international relations
- Globalization
- Democratization and expansion of global norms

“The more our world is globalized, the less the State retains its monopoly as an international actor and the more system of dispute settlement we are likely to find.” (Rosalyn Higgins)

- Rise of Adjudication may not be a temporary uptick but a rather enduring phenomenon
Implications

- Positive
  - Peaceful settlement of international disputes
  - Contribution to development of international law
  - Provision of improved judicial service
  - Expansion of the rule of law in international relations
Implications

- Negative
  - Possible fragmentation of international law
  - Judicialization of international relations
  - Escalation of disputes and abuse of litigation
  - Forum shopping

“The variety of views on what the rules of international law are, the debates over those judicial decisions when they may differ, and the resolution of issues will help the international community discover what may be the most acceptable interpretation of international law.”

(Jonathan Charney)
Conclusions

- The rise of international adjudication is complex phenomenon with both positive and potentially worrisome implications
- No clear evidence for negative implications to materialize
- So far the multiplication of international courts or tribunals has worked well
- The implication of rise of adjudication to East Asia