

Islamic Law States and Peaceful Resolution of Territorial Disputes

Emilia Justyna Powell
University of Notre Dame

This research examines Islamic law states' (ILS) decisions to use international conflict management venues in the context of territorial disputes (1945–2012). The dissonance between the Islamic legal tradition and international law is particularly apparent in the context of territorial claims, because Islamic notions of land ownership and territorial sovereignty are religious in nature. Not all ILS approach international conflict management in the same way. Secular—or rather shared—legal features, such as the presence of a secular court system and constitutional mentions of peaceful resolution of disputes, have the power to attract such ILS to international legalized approaches, arbitration and adjudication. In contrast, mediation and conciliation are most appealing to those ILS whose legal systems are deeply infused with traditional Islamic precepts. Such states are morally committed to these procedures. In an important way, there is a synergy between norms of traditional Islamic dispute resolution and international nonbinding third-party mechanisms.