

Lalive lecture explores “fragmented justice”

5 min read | 27 October 2026



Mónica Pinto

*In this year's Lalive lecture, Argentine professor **Mónica Pinto** explored how international disputes are increasingly fragmented before multiple courts and tribunals and under different legal regimes.*

Drawing on her experience as arbitrator, international judge, United Nations mandate holder and professor emerita at the University of Buenos Aires, Pinto argued that modern disputes rarely fit neatly within the jurisdiction of a single forum and its legal framework. Instead, states, corporations, individuals and other stakeholders increasingly seize a specific issue and pursue it before the relevant forum. As a result, the dispute is pursued as strategic litigation in parallel proceedings with the aim of advancing broader legal, political and other objectives.

The lecture was held at the Graduate Institute in Geneva on 11 May 2026. **Michael Schneider**, one of Lalive's founders and senior counsel at the firm, explained the history of the lecture series, which is held annually by the law firm in partnership with the Graduate Institute of International and Development Studies in Geneva, as a forum for academia and legal practitioners analysing developments at the interface between public and private international law. **Nico Krisch**, head of the department of international law at the Graduate Institute, introduced Pinto and her distinguished career in public international law, human rights and international dispute resolution.

Pinto opened by observing that what used to be hypothetical scenarios in international dispute resolution are now quite common in practice: a human rights court addressing issues arising under a bilateral investment treaty; the International Court of Justice scrutinising a death penalty case in the context of the law of consular relations; or a regional organisation intervening in parallel with other international actors leading to criminal pursuit in a legal action in a transitional justice process. Although the classical definition of a dispute established by the Permanent Court of International Justice in [*Mavrommatis Palestine Concessions*](#) remains unchanged, the legal landscape in which disputes are addressed has transformed dramatically.

According to Pinto, globalisation has led to a proliferation of international courts, tribunals and specialised legal institutions. Alongside traditional institutions such as the International Court of Justice and the Permanent Court of Arbitration, a growing number of specialised bodies now operate in areas such as human rights, trade, investment, international criminal law and the environment. As a result, a broad and multisectoral dispute may involve a diverse range of actors with overlapping or competing interests.

A central theme of the lecture was the distinction between disputes and claims. International courts and tribunals are typically asked to adjudicate only a particular aspect of a broader dispute. Consequently, different elements of the same controversy may be pursued separately and often simultaneously before multiple institutions. Pinto suggested that international adjudication should therefore be understood not only as a dispute-settlement mechanism but also as part of a wider process through which the application of legal norms is pursued, public narratives are shaped, and relationships between parties are managed. Strategic litigation, she noted, increasingly plays an important role in achieving these broader objectives.

Pinto illustrated these themes using the examples of four case studies.

First, the cases brought by Paraguay, Germany and Mexico against the United States before the ICJ related to US death penalty judgments of their nationals. While the proceedings did not prevent the executions at issue, they contributed significantly to the development of international law through the recognition of individual consular rights, the clarification of due process guarantees, and the confirmation of the binding nature of provisional measures. The cases demonstrated how adjudication can influence legal development even when it does not resolve the underlying dispute.

Second, the prosecution of former Chadian President Hissène Habré. Pinto described these proceedings as a successful example of strategic litigation involving domestic courts in Belgium and Senegal, the UN Committee Against Torture, the ICJ in the proceedings between Belgium and Senegal, the African Union, and civil society organisations. The eventual conviction of Habré before the Extraordinary African Chambers, established by agreement between Senegal and the African Union, illustrated how coordinated action at multiple legal and political levels can create the conditions necessary for accountability and justice.

Third, Qatar's response to the 2017 Gulf crisis. Rather than seeking to resolve the dispute in a single forum, Qatar pursued claims before a range of international bodies, including the International Civil Aviation Organization (ICAO), the World Trade Organization and the ICJ, as well as other institutions operating within trade and human rights regimes. According to Pinto, this strategy helped manage the broader dispute, reduce political pressure and create space for dialogue, ultimately contributing to the lifting of the blockade in 2021.

Fourth, the business and human rights disputes *Sawhoyamaxa v. Paraguay* and *South American Silver v. Bolivia*. These cases, involving proceedings before the Inter-American Court of Human Rights in *Sawhoyamaxa* and arbitration under the 1988 Bolivia-UK bilateral investment treaty in *South American Silver*, highlight tensions between investment protection and indigenous rights, while also illustrating the fragmented nature of contemporary international adjudication. Different tribunals may approach the same underlying dispute from markedly different perspectives and with varying degrees of openness to human rights considerations.

Pinto concluded that concerns regarding the fragmentation of international law may be overstated. While courts and tribunals generally address only specific claims rather than entire disputes, they contribute to clarifying legal norms, facilitating dialogue, and reducing tensions between competing actors. International legal fora have increasingly become strategic arenas in which parties seek not only legal remedies, but also legitimacy, visibility and broader normative change. Understanding that strategic dimension of adjudication, she argued, is now as important as understanding the applicable law itself.

Asked about the perceived advantages and disadvantages of fragmented adjudication, Pinto suggested that international dispute settlement should not always be viewed through the traditional lens of winners and losers. The objective is not necessarily to achieve a definitive resolution, but rather to manage disputes peacefully and prevent escalation. Strategic litigation can also play a role in advancing broader legal change, and courts and tribunals can contribute significantly to the progressive development of international law through interpretation and adjudication.

Report prepared by Lalive.