

CONTENTS

Note on Documents and Abbreviations

xxiii

VOLUME I THE COURT AND THE UNITED NATIONS

CHAPTER 1 – INTRODUCTION

I.1.	The Political and the Legal in the Settlement of Disputes	1
I.2.	Arbitration and Judicial Settlement Compared	9
I.3.	The Dissolution of the Permanent Court	15
I.4.	An Historical Appreciation	17
I.4A.	The Multiplicity of International Courts and Tribunals	33

CHAPTER 2 – THE ESTABLISHMENT AND CONSTITUTION OF THE COURT

I.5.	The Outbreak of the War	45
I.6.	Early Inter-Allied Discussions	49
I.7.	The Dumbarton Oaks Proposals	54
I.8.	The Washington Committee of Jurists	57
I.9.	The San Francisco Conference	59
I.10.	The International Court of Justice – A New Court	67
I.10A.	The Language of the Statute	71
I.11.	The United Nations Preparatory Commission	72
I.12.	The Opening of the New Court	73
I.13.	The Functional Continuity of the Two Courts	75
I.14.	Problems of Interpretation	78

I.15.	Political Interpretation	80
I.16.	Judicial Interpretation	83
I.17.	State Practice	88
I.18.	<i>Travaux Préparatoires</i>	89
I.19.	Non-Judicial Precedents	92
I.20.	Amending the Statute	94

CHAPTER 3 – THE POLITICAL AND INSTITUTIONAL ROLE OF THE COURT

I.21.	The Permanent Court and the League of Nations	99
I.22.	The Court and the United Nations	103
I.23.	Charter and Statute	105
I.24.	The Court as a Principal Organ	109
I.24A.	The 2005 Summit Outcome	118
I.25.	The Court and the General Assembly	119
I.26.	The Court and the Security Council	130
I.27.	The Court as Principal Judicial Organ	142
I.28.	The Court and Other Judicial Organs	144
I.29.	The Organs and the Court	147
I.29A.	The Court and the Secretariat	148
I.30.	Litispence, Political and Legal	151
I.31.	The Specialized Agencies and the Court	155
I.32.	The International Tribunal for the Law of the Sea	158
I.32A.	The International Criminal Court	161
I.33.	The Political Function of Judicial Settlement	162
I.34.	The Judicial Role of the Court	169
I.35.	The Attitudes of States towards Judicial Settlement	176
I.36.	The Attitudes of States: The Western Attitude	180
I.37.	The Attitudes of States: The Marxist-Socialist Attitude	184
I.38.	The Synthesis	190

CHAPTER 4 – THE POST-ADJUDICATION PHASE

I.39.	The Character of the Post-Adjudication Phase	197
I.40.	The Views of the Court	202
I.41.	Underlying Characteristics of the Problem	204
I.42.	The Obligation of Compliance	207

I.43.	Compliance with Incidental and Interlocutory Decisions	208
I.44.	Compliance with Final Decisions	210
I.45.	Compliance through National Courts	215
I.46.	The Consequences of Non-Compliance	223
I.47.	The Role of Self-Help	228
I.48.	Methods to Secure Compliance	232
I.49.	A Comprehensive Example: The <i>Corfu Channel</i> Case	236
I.50.	Compliance through United Nations Charter Machinery	243
I.51.	The Role of the Security Council	245
I.52.	The Role of Other Organs	251
I.53.	Complaint of Iran's Failure to Comply with Indication of Provisional Measures (1951)	252
I.54.	The <i>Arbitral Award of the King of Spain</i> Case (1960–1963)	256
I.55.	The <i>Military and Paramilitary Activities in and against Nicaragua</i> Case	260
I.56.	The <i>Frontier Dispute</i> (Burkina Faso/Mali) Case	262
I.57.	The <i>Territorial Dispute</i> (Libya/Chad) Case	263
I.57A.	The <i>Land and Maritime Boundary between Cameroon and Nigeria</i> Case	264
I.57B.	The <i>Land, Island and Maritime Frontier Dispute</i> between El Salvador and Honduras	268
I.57C.	The Capital Punishment Cases	269
I.57D.	The <i>Frontier Dispute</i> (Benin/Niger) Case	275
I.57E.	The <i>Temple of Preah Vihear</i> (Cambodia v Thailand) Case	275
I.57F.	The <i>Burkina Faso/Niger</i> Case	276
I.58.	An International Force and Judgment Enforcement	276

CHAPTER 5 – ADVISORY OPINIONS

I.59.	The Experience of the League of Nations	279
I.60.	Comparison of Covenant and Charter	285
I.61.	The Principal Organs: The General Assembly	300
I.61A.	Emergency Special Session	308
I.62.	Reception of Advisory Opinions by the General Assembly	310

I.63.	The Principal Organs: The Security Council	322
I.64.	The Principal Organs: The Economic and Social Council (ECOSOC)	327
I.65.	The Principal Organs: The Trusteeship Council	331
I.66.	The Secretary-General	333
I.67.	Other United Nations Organs	334
I.68.	The Specialized Agencies	338
I.69.	The Specialized Agencies: The International Labour Organization	341
I.70.	The Specialized Agencies: World Health Organization	343
I.71.	The Specialized Agencies: UNESCO	344
I.72.	The Specialized Agencies: The International Maritime Organization	345
I.73.	The Specialized Agencies: The World Bank	345
I.74.	The International Atomic Energy Agency	346
I.75.	The Request	349
I.75A.	Reinvigorating the Advisory Competence	359

CHAPTER 6 – THE MEMBERS OF THE COURT

I.76.	Introductory	363
I.77.	The Qualifications of Members of the Court	366
I.78.	The Frequency of Elections	371
I.79.	Nomination of Candidates	373
I.80.	Withdrawal of Candidacies	377
I.81.	The System of Election	378
I.82.	Procedure in the General Assembly	380
I.83.	Procedure in the Security Council	383
I.84.	<i>Meeting and Ballot</i>	385
I.85.	The Avoidance of a Deadlock	387
I.86.	Elections to Fill Occasional Vacancies	387
I.87.	Term of Office of Members of the Court	389
I.88.	Appraisal of the Electoral System	391
I.89.	The Solemn Declaration of a Member of the Court	399
I.90.	The President and Vice-President	400
I.91.	The Order of Precedence of the Members of the Court	406
I.92.	Resignation of a Member of the Court	407
I.93.	The Removal from Office of a Member of the Court	407
I.94.	Incompatibilities	408

I.95.	Attendance of Members of the Court and the Quorum	417
I.96.	Chambers of the Court	419
I.97.	Diplomatic Privileges and Immunities	423

CHAPTER 7 – THE REGISTRAR AND THE REGISTRY

I.98.	The Registrar	427
I.99.	Deputy-Registrar	432
I.100.	Removal from Office	432
I.101.	The Registry Staff	433
I.101A.	The Joint Inspection Unit and the Registry	436
I.102.	Privileges and Immunities	437
I.103.	The Instructions for the Registry	438
I.104.	The Court's Publications	441
I.105.	Relations with the Press	444
I.105A.	The Court's Museum	444

CHAPTER 8 – FINANCE AND ADMINISTRATION

I.106.	The League System	447
I.107.	The Statute of 1945	449
I.108.	The Court's Expenditure	451
I.109.	Unforeseen Expenditure	455
I.110.	The Court's Income	456
I.111.	Salaries of the Members of the Court	458
I.112.	The Revision of 1950	459
I.113.	The Revision of 1961	462
I.114.	The Revision of 1967	463
I.115.	The Revision of 1971	463
I.116.	The Revision of 1973	464
I.117.	The Revision of 1976	466
I.118.	The Revision of 1980	468
I.119.	The Revision of 1985	468
I.120.	The Revision of 1990	469
I.121.	The Revision of 1993–1994	470
I.122.	The Review of 1995	471
I.122A.	The Revision of 1998	472
I.122B.	The Review of 2001	473

I.122C.	The Review of 2004–2005	474
I.122D.	The Reviews of 2006–2008	475
I.122E.	The Review of 2010	478
I.122F.	The Review of 2013	479
I.123.	Education Grant	479
I.124.	Relocation (Assignment) Grant	481
I.125.	Members Retained to Finish a Case	482
I.126.	Special Allowance of President and Vice-President	482
I.127.	Judges ad hoc	484
I.128.	Pensions of Members of the Court	488
I.129.	The Pension Plan of 1946	488
I.130.	The Revised Pension Plan of 1960	491
I.131.	The Revised Pension Plan of 1963	492
I.132.	The Revised Pension Plan of 1980	493
I.133.	The Review of 1995	494
I.133A.	The Review of 1998	496
I.133B.	The Review of 2000–2001	496
I.133C.	The Review of 2004	497
I.133D.	The Review of 2008	498
I.133E.	The Review of 2011	500
I.133F.	The Review of 2013	503
I.134.	Financing the Pensions	504
I.135.	The Registrar’s Salary	506
I.136.	Registry Staff Salary	507
I.137.	Tax Equalization – Staff Assessment	508
I.138.	Travel and Subsistence Allowances	511
I.139.	Witnesses and Experts	512
I.140.	Appraisal of Budgetary Arrangements	513
I.141.	The Registrar’s Pension	516
I.142.	Registry Staff’s Pension	517
I.143.	The Court’s Property	517
I.144.	The Seat of the Court	518
I.145.	Official Mail, Postal Services and Common Services	520
I.146.	The Secretary-General’s Trust Fund	521

VOLUME II

JURISDICTION

CHAPTER 9 – JURISDICTION AND ADMISSIBILITY: GENERAL CONCEPTS

II.147.	The Concept of <i>Dispute</i> : Justiciability and Jurisdiction	525
II.147A.	Justiciability	534
II.148.	Jurisdiction and Competence	536
II.149.	The Meaning of <i>Jurisdiction</i>	543
II.150.	Mutuality and Reciprocity as Elements of Jurisdiction	549
II.151.	Jurisdiction and Propriety	554
II.152.	The Concept of Essential Parties	560
II.153.	Jurisdiction and the Seisin of the Court	568
II.154.	The Consensual Basis of Jurisdiction	571
II.155.	The Expression of Consent	579
II.156.	The Temporal Factor in Jurisdiction	584
II.157.	Consent by Conduct	588
II.158.	Withdrawal of Consent	591
II.159.	Jurisdiction to Decide <i>ex aequo et bono</i>	592
II.160.	The <i>non ultra petita</i> Rule	598
II.161.	Jurisdiction over Incidental Matters	600
II.162.	Jurisdiction to Control Proceedings	606

CHAPTER 10 – QUALIFICATION TO BE A PARTY IN A CASE: JURISDICTION *RATIONE PERSONAE*

II.163.	Introductory	609
II.164.	Members of the United Nations	618
II.165.	Non-Members of the United Nations as Parties to the Statute	620
II.166.	Consequences of Being a Party to the Statute	623
II.167.	Withdrawal from the United Nations, Suspension of Rights of Membership and Expulsion	626
II.167A.	The Termination of the Existence of a State	629
II.168.	Access to the Court of States Not Parties to the Statute	632
II.169.	Access to the Court of States Not Parties to the Statute: Security Council Resolution 9 (1946)	637

II.170.	Access to the Court of States Not Parties to the Statute: Rules of Court, Articles 36 (1946) and 41 (1978)	640
II.171.	Public International Organizations	643
II.172.	International Non-Governmental Organizations	657
II.173.	Individuals	658

CHAPTER 11 – TREATIES AND CONVENTIONS IN FORCE

II.174.	Jurisdiction <i>Ratione Materiae</i>	661
II.174A.	Treaties in Force: Statute, Article 36 (1)	662
II.175.	The Special Agreement	667
II.176.	The Compromissory Clause	669
II.177.	General Treaties for the Pacific Settlement of Disputes	673
II.178.	The Framework Agreement	676
II.179.	Treaties Concluded before 1945: Statute, Article 37	681
II.180.	Matters Provided for in the United Nations Charter: Statute Article 36 (1)	694
II.181.	The General Theory of <i>Forum Prorogatum</i>	697
II.182.	<i>Forum Prorogatum</i> : Early Developments	701
II.183.	The Discussions of 1934–1936	705
II.184.	The Time for Formal Agreement	708
II.185.	Agreement by Successive Acts in the Proceedings	709
II.186.	Agreement Reached in Course of Pleading	716
II.187.	Tacit Consent	718
II.188.	The State Organs Competent to Give Consent	722
II.189.	Evaluation of <i>Forum Prorogatum</i>	724

CHAPTER 12 – THE COMPULSORY JURISDICTION (OPTIONAL CLAUSE)

II.190.	The Origins	725
II.191.	The Statute: Article 36, Paragraphs 2 and 3	730
II.192.	‘ <i>Ipso Facto</i> and without Special Agreement’	732
II.193.	‘States Parties’ and ‘Any Other State’	735
II.194.	‘Accepting the Same Obligation’	736
II.195.	‘Legal Disputes’	738
II.196.	Declarations Made before 1945: Statute, Article 36 (5)	741
II.197.	Form of Declaration	747

II.198.	Deposit and Circulation of a Declaration: Statute, Article 36 (4)	748
II.199.	Reciprocity: Statute, Article 36 (3)	754
II.200.	Reservations and Conditions: Statute, Article 36 (3)	761
II.201.	Objective Reservation of Domestic Jurisdiction: Charter Article 2 (7)	768
II.202.	Subjective Reservation of Domestic Jurisdiction	772
II.203.	Temporal Conditions: Terminology	775
II.204.	Temporal Limitations	777
II.205.	Application of Temporal Limitations	781
II.206.	The Temporal Element of Jurisdiction <i>Ratione Personae</i>	789
II.207.	Special Reservations	793
II.208.	The War Exclusion Clause	796
II.209.	Interpretation of Declarations	800
II.210.	Modification, Amendment and Replacement of a Declaration	807
II.211.	Denunciation of a Declaration	810
II.212.	The <i>Lex Specialis</i> of the System of Compulsory Jurisdiction	813
II.213.	Evaluation	821

CHAPTER 13 – MATTERS OF JURISDICTION

II.214.	The Importance of Matters of Jurisdiction	827
II.215.	Jurisdiction as to the Jurisdiction	836
II.216.	Meaning of ‘Dispute as to Jurisdiction’	842
II.217.	The Consequences of Raising a Matter of Jurisdiction	851
II.218.	Time for Raising a Matter of Jurisdiction	853
II.219.	Preliminary Objections: Rules of 1926/1931, Article 38	854
II.220.	Preliminary Objections: Rules of 1936/1946, Article 62	861
II.221.	Preliminary Objections: The Change of 1972/1978/2000: 1978/2000 Rules, Article 79	867
II.222.	The Isolation of Matters of Jurisdiction by the Court	881
II.223.	The Isolation of Matters of Jurisdiction by the Parties	886
II.224.	Suspension of Proceedings on the Merits	887
II.225.	Successive Objections	889
II.226.	Agreement of the Parties to Defer Objections	893
II.227.	Priorities of Objections	894

II.228.	Pre-Judicatory Proceedings	897
II.229.	The Non-Exhaustive Character of Preliminary Objection Proceedings: Pleas in Bar	900
II.230.	Distinction between Objection and Defence	906
II.231.	Character of the Decision on Preliminary Objection	907
II.232.	Disposal of Objections: Rules, Article 79 Paragraph 9	911
II.232A.	Matters of Jurisdiction in Counter-Claims	920
II.233.	Matters of Jurisdiction Raised by the Court	922

CHAPTER 14 – THE TITLE OF JURISDICTION

II.234.	Meaning of the Term	927
II.235.	Language	931
II.236.	Validity in Time of the Title of Jurisdiction	934
II.237.	The Retroactive Effect of a Title of Jurisdiction	937
II.238.	Multiple Titles of Jurisdiction	945
II.239.	Added Titles of Jurisdiction	953
II.240.	Successive Titles of Jurisdiction	959
II.241.	Termination of the Title of Jurisdiction	964
II.242.	Registration under Charter, Article 102	970

CHAPTER 15 – ADVISORY JURISDICTION

II.243.	General Concepts	973
II.243A.	Facts in Advisory Cases	980
II.244.	‘Any Legal Question’	983
II.244A.	Abstract Question	988
II.245.	‘Arising within the Scope of [Its] Activities’	997
II.246.	The Court’s Discretion	1000
II.247.	Discretion Based on the Court’s Judicial Character	1003
II.248.	Discretion Based on the Court’s Status as a Principal Organ	1012
II.249.	Jurisdiction in Special Advisory Proceedings	1018
II.250.	Judicial Interpretation of an Advisory Opinion	1027
II.251.	Revision of an Advisory Opinion	1034
II.252.	The Treatment of Preliminary Questions in Advisory Proceedings	1035
II.253.	Appraisal	1041

VOLUME III
PROCEDURE

CHAPTER 16 – ELEMENTS OF INTERNATIONAL PROCEDURAL LAW

III.254.	The Basic Approach	1047
III.255.	The Statute and Rules of Court	1054
III.256.	The Function of the Proceedings	1062
III.257.	Evidence and the Burden of Proof	1065
III.258.	The Equality of the Parties	1079

CHAPTER 17 – THE BENCH

III.259.	Terminology	1085
III.259A.	Participation of Members of the Court in a Case	1088
III.260.	Ineligibility and Abstention of a Member of the Court in a Particular Case (Recusal)	1089
III.261.	The Composition of the Bench for a Particular Case	1097
III.262.	Chambers of the Court	1100
III.263.	Special Chambers	1104
III.264.	Ad hoc Chambers	1105
III.265.	The Chamber of Summary Procedure	1110
III.266.	The Concept of Judge ad hoc	1111
III.267.	The Right to Appoint a Judge ad hoc	1118
III.268.	Qualifications of Judge ad hoc	1122
III.269.	Parties in the Same Interest	1126
III.270.	The Problem of Imbalance	1129
III.271.	Non-Appointment of Judge ad hoc	1131
III.272.	Judge ad hoc in Intervention Cases	1132
III.273.	Judges ad hoc in Advisory Cases	1139
III.274.	The President of the Bench	1142
III.275.	Assessors	1147
III.276.	Experts Appointed by the Court	1149

CHAPTER 18 – THE REPRESENTATION OF THE PARTIES

III.277.	The Agent	1151
III.278.	The Agent's Functions	1159
III.279.	Time for the Appointment of the Agents	1162
III.280.	The Agent's Address for Service	1164
III.281.	A Party's Delegation	1165
III.282.	Counsel and Advocates	1166
III.282A.	Eligibility to Be Member of a Delegation	1167
III.283.	Experts of the Parties	1169
III.284.	Witnesses Called by a Party	1171
III.285.	Representatives in Advisory Cases	1172
III.286.	Representatives: Privileges and Immunities	1172

CHAPTER 19 – THE INSTITUTION OF CONTENTIOUS PROCEEDINGS

III.287.	The Seising of the Court	1177
III.288.	The Requirement of Prior Diplomatic Negotiations	1186
III.289.	Requirement of Prior Attempt at Arbitration	1194
III.290.	The Exhaustion of Local Remedies	1196
III.290A.	Exhaustion of Regional Processes	1199
III.291.	The Link of the Dispute with the Title of Jurisdiction	1200
III.292.	The Interest of the Applicant State	1203
III.293.	Methods of Instituting Proceedings	1209
III.294.	Notification of Institution of Proceedings	1214
III.295.	The Court's General List	1216
III.296.	The Title of the Case	1223
III.297.	Notification of Special Agreement	1226
III.298.	Application Instituting Proceedings	1227
III.298A.	Amendment of Application	1232
III.299.	The Relations of the Litigating States	1235
III.300.	Institution of Incidental and Derivative Proceedings	1239

CHAPTER 20 – THE WRITTEN PROCEEDINGS AND RELATED MATTERS

III.301.	The President's Consultations	1243
III.302.	Joinder of Cases and Hearing in Common	1245
III.303.	The Written Pleadings	1256

III.304.	Submissions in Written Pleadings	1262
III.305.	Counter-Claims	1269
III.305A.	Counter-Claims: The Court's Law	1275
III.306.	Pleadings in Incidental Proceedings	1280
III.307.	Documents in Support	1281
III.307A.	The Authenticity of Documents	1286
III.308.	Affidavits and Declarations	1287
III.309.	The Language of Written Pleadings	1288
III.310.	Correction of Errors in a Pleading	1290
III.311.	Confidentiality of Written Pleadings	1290
III.312.	The Order of the Written Pleadings	1294
III.312A.	The Number of Written Pleadings	1296
III.313.	The Fixing of Time Limits	1299
III.314.	Case Ready for Hearing	1304
III.315.	New Documents: Rules, Article 56	1304
III.316.	Costs	1319

CHAPTER 21 – THE ORAL PROCEEDINGS

III.317.	The Significance of the Oral Proceedings	1323
III.318.	Date of Oral Proceedings	1333
III.319.	Preparations in the Registry	1336
III.320.	The Hearing	1337
III.321.	Questions to the Parties	1344
III.322.	The Language of Oral Proceedings	1345
III.323.	Witnesses and Experts	1346
III.323A.	Witnesses and Experts: Examination	1350
III.324.	Statute, Article 49: Obtaining Evidence by the Court	1365
III.325.	Experts Appointed by the Court: Statute, Article 50	1368
III.326.	Witnesses Called by the Court	1375
III.327.	Submission of Evidence by a Third State	1376
III.328.	The Final Submissions	1379
III.329.	The Closure of the Hearing	1381
III.330.	Evaluation of Procedure	1382

CHAPTER 22 – PROCEEDINGS IN CHAMBERS

III.331.	The Invocation of a Standing Chamber	1387
III.332.	The Invocation of an ad hoc Chamber	1390
III.333.	The Procedure in Chambers	1394
III.334.	The Judgment of a Chamber	1396

CHAPTER 23 – NON-APPEARANCE

III.335.	Failure to Appear before the Court	1403
III.336.	Non-Appearance and Provisional Measures of Protection	1414
III.337.	Aspects of Procedure	1415
III.338.	The Resolution of the Institute of International Law	1417

CHAPTER 24 – PROVISIONAL MEASURES OF PROTECTION

III.339.	Statute, Article 41	1421
III.339A.	The Rules of Court	1424
III.340.	The Procedure	1434
III.341.	The Special Function of the President	1438
III.342.	The Time for the Request	1439
III.343.	Fresh Request	1441
III.344.	Urgency	1442
III.345.	The Duration of Provisional Measures	1445
III.346.	The Case Law	1446
III.347.	The Role of the Security Council	1460
III.347A.	Possible Misuse of Provisional Measures Procedure	1463
Appendix to Chapter 24.	Orders on Provisional Measures	1465

CHAPTER 25 – TERMINATION OF PROCEEDINGS

III.348.	Rules, Articles 88 and 89	1473
III.349.	Removal from the General List	1476
III.350.	Termination of the Proceedings by the Parties Jointly	1477
III.351.	Termination of the Proceedings by the Applicant	1481
III.352.	Discontinuance of Preliminary Objection Proceedings	1486

III.353.	Discontinuance of Provisional Measures Proceedings	1487
III.354.	Removal from List by the Court	1487

CHAPTER 26 – INTERVENTION BY THIRD STATES

III.355.	Introduction: Statute, Articles 62 and 63	1489
III.356.	The Background	1491
III.357.	The San Francisco Conference	1495
III.358.	Interpretation of Articles 62 and 63	1496
III.358A.	Rules, Article 43	1507
III.359.	Rules of Court 1922 to 1972	1508
III.360.	Rules of Court (1978), Articles 81 to 86	1511
III.361.	The Application of the Rules	1520
	Article 81	1520
	Article 82	1523
	Article 83	1524
	Article 84	1525
	Articles 85 and 86	1525
III.362.	Jurisdiction <i>Ratione Personae</i> in Matters of Intervention	1527
III.363.	Jurisdiction <i>Ratione Materiae</i> in Matters of Intervention	1528
III.364.	The ‘Incidental’ Character of Intervention	1529
III.365.	The Link of Jurisdiction	1535
III.366.	The Non-Party Intervener	1549
III.367.	Intervention in ad hoc Chamber Proceedings	1559

CHAPTER 27 – THE DECISION

III.368.	The Court’s Decision-Making	1563
III.369.	The Deliberation	1573
III.370.	The Authoritative Text: The Court’s Bilingualism	1577
III.371.	The Secrecy of the Deliberations	1580
III.372.	Individual Opinions	1583
III.373.	The Judgment	1588
III.374.	The Judgment: The Operative Provisions	1589
III.375.	The Judgment: The Reasons in Point of Law: Statute Article 38	1593

III.376.	Statute, Article 38: General Principles of Law	1603
III.377.	Statute, Article 38, Paragraph 1 (d): Subsidiary Means – Generalities	1607
III.377A.	Statute, Article 38, Paragraph 1 (d): Judicial Decisions	1609
III.378.	Statute, Article 38, Paragraph 1 (d): Teachings of Publicists	1615
III.379.	Resolutions of the United Nations General Assembly	1617
III.380.	Decision <i>ex aequo et bono</i>	1619
III.381.	Orders	1620
III.382.	Other Decisions	1623
III.383.	Correction of Errors	1623
III.384.	Critique of Statements of Law	1624
III.385.	Statute: Article 59	1627
III.386.	‘In Respect of That Particular Case’	1635
III.387.	Declaratory Judgments	1637
III.388.	The Protective Function of Article 59: The Non-Party State	1638
III.389.	Inadequacies of Article 59	1643
III.390.	Criticism of Application of Article 59	1648
III.391.	Statute, Article 60: The <i>Res Judicata</i>	1657
III.392.	The Judgment and Third Parties	1663
III.393.	Preliminary Objection Judgments and Later Phases	1665

CHAPTER 28 – INTERPRETATION AND REVISION OF A JUDGMENT

III.394.	General Observations	1671
III.395.	Interpretation: Statute, Article 60	1676
III.396.	‘Final and without Appeal’	1680
III.397.	Revision: Statute, Article 61 and Rules, Article 99	1686

CHAPTER 29 – THE COURT’S EXTRAJUDICIAL FUNCTION

III.398.	Nature of the Practice	1695
III.399.	International Agreements	1701
III.400.	Agreements between a Government and a Private Concern	1707
III.401.	Contracts between Private Concerns	1712
III.402.	Unilateral Invocation of the Extrajudicial Function	1712
III.403.	Evaluation	1713

CHAPTER 30 – ADVISORY PROCEEDINGS

III.404.	Statute, Articles 65 and 66; Rules of Court, Part IV	1717
	Rules, Article 102	1722
	Rules, Article 103	1722
	Rules, Article 104	1724
	Rules, Article 105	1725
	Rules, Article 106	1726
	Rules, Article 107	1726
	Rules, Articles 108, 109	1727
III.405.	The Bench: Court and Chambers: Judges ad hoc	1727
III.406.	The Institution of Advisory Proceedings	1733
III.407.	Accompanying Documents	1735
III.408.	Right of Participation in Advisory Proceedings	1737
III.409.	Principal Features of the Advisory Procedure	1742
III.410.	Hearing in Common of Two Advisory Proceedings	1750
III.411.	Individuals	1751
III.412.	Provisional Measures in Advisory Proceedings	1757
III.413.	The Role of the Secretary-General	1759
III.414.	The Advisory Opinion	1762
III.415.	The Legal Effect of an Advisory Opinion	1765
	Appendix to Chapter 30: Participation of States in Advisory Proceedings	1773

VOLUME IV
BASIC DOCUMENTS AND INDEXES

The Composition of the Court	1775
The Charter of the United Nations	1791
The Statute of the Court	1827
The Rules of Court 1978–2015	1845
Practice Directions	1891
Resolution Concerning the Internal Judicial Practice of the Court	1899
Note for the Parties Concerning the Preparation of Pleadings	1905
Secretary-General's Trust Fund	1907
Table of Cases	1913
Index of Names	1935
Articles of Charter Cited	1945

Articles of Statute Cited	1947
Articles of Rules of 1936/1946 Cited	1953
Articles of Rules of 1978–2005 Cited	1955
General Index	1957