

Contents

Preface	<i>page</i> ix
Table of cases	xi
Table of treaties and agreements	xvii
List of abbreviations	xxiv
List of websites	xxvi
1 Negotiation	1
Consultation	2
Forms of negotiation	8
Substantive aspects of negotiation	11
Negotiation and adjudication	16
Limitations of negotiation	21
2 Mediation	26
Mediators	27
Consent to mediation	29
Functions of mediation	33
The limits of mediation	37
3 Inquiry	41
The 1899 Hague Convention	41
The <i>Dogger Bank</i> inquiry	42
Inquiries under the 1907 Hague Convention	44
Treaty practice 1911–40	47
The <i>Red Crusader</i> inquiry	48
The <i>Letelier and Moffitt</i> case	51
The value of inquiry	53
4 Conciliation	58
The emergence of conciliation	58
The work of commissions of conciliation	60
The practice of conciliation	65
The place of conciliation in modern treaty law	69
Further developments	74
The significance of conciliation	79

5 Arbitration	83
Forms of arbitration	83
The selection of arbitrators	86
Terms of reference	89
Basis of the decision	94
Effect of the award	100
Private international arbitration	106
The utility of arbitration	111
 6 The International Court I: organisation and procedure	 116
Contentious jurisdiction	116
Jurisdictional disputes	119
Incidental jurisdiction	124
Advisory jurisdiction	132
Membership of the Court	134
Chambers	137
 7 The International Court II: the work of the Court	 142
The Court's decision	142
Extension of the Court's function	147
Legal and political disputes	152
The effect of judgments	156
The significance of the Court	161
 8 The Law of the Sea Convention	 167
The Convention and its system	167
The principle of compulsory settlement	169
Exceptions to the principle of compulsory settlement	172
Conciliation	174
Arbitration	176
Special arbitration	179
The International Tribunal for the Law of the Sea	181
The Sea-Bed Disputes Chamber	183
Inaugurating ITLOS	186
The significance of the Convention	189
 9 International trade disputes	 194
From GATT (1947) to the World Trade Organization	194
The Dispute Settlement Understanding	195
Consultations	197
Good offices, conciliation and mediation	199
Panel proceedings	201
Appellate review	205

Implementation of rulings and recommendations	210
Arbitration	213
The WTO system in context	215
10 The United Nations	219
The machinery of the Organization	219
The Security Council and General Assembly in action	221
The role of the Secretary-General	225
The political organs and the International Court	231
Peace-keeping operations	236
Action under Chapter VII	242
Are decisions of the political organs open to legal challenge?	247
The effectiveness of the United Nations	250
11 Regional organisations	257
The range of regional organisations	257
The role of regional organisations in disputes	264
Limitations of regional organisations	271
Regional organisations and adjudication	274
Regional organisations and the United Nations	279
12 Trends and prospects	284
Dispute settlement today	284
A political perspective	286
A legal perspective	290
Improving the capacity of political methods	295
Improving the capacity of legal methods	301
Conclusion	308
Appendices	310
A. Agreement between Argentina and the United Kingdom establishing an Interim Reciprocal Information and Consultation System, 1990	310
B. Report of the Commission of Inquiry into the Red Crusader Incident, 1962 (extract)	312
C. Conciliation Commission on the Continental Shelf Area between Iceland and Jan Mayen, May 1981	314
D. Arbitration Agreement between the United Kingdom and France, July 1975	315
E. Special Agreement for Submission to the International Court of Justice of the Differences Between the Republic of Hungary and the Slovak Republic Concerning the Gabčíkovo-Nagymaros Project (1993)	319
F. Optional Clause Declarations (Peru, Djibouti, Japan, Germany)	322

G. WTO: Rules of Conduct for the Understanding on Rules and Procedures Governing the Settlement of Disputes (extract)	325
H. Security Council Resolution 915, establishing UNASOG, May 1994	326
I. Terms of Reference of the Trust Fund for the International Tribunal for the Law of the Sea (2000)	328
J. Ruling Pertaining to the Differences between France and New Zealand Arising from the Rainbow Warrior Affair (extract)	330
K. CIS: Concept for Prevention and Settlement of Conflicts in the Territory of States Members of the Commonwealth of Independent States (1996)	334
Index	341