



Negotiations in the Case Law of the International Court of Justice: A Functional Analysis

Karel Wellens

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This book examines the multifunctional role negotiations play in the jurisprudence of the International Court of Justice. Prior negotiations may be necessary to bring to the surface and clarify the legal aspects of a dispute before its submission to the ICJ. Negotiations may play a potential and parallel role during the course of the proceedings; results of negotiations may find their way into the judicial reasoning and may even form part of the basis of the judicial settlement. The Court's judgment may require further negotiations for its implementation. A failure of this process may bring the parties back before the Court. This volume presents a detailed and critical examination of the case law of the ICJ through the prism of the functional interaction between negotiation and judicial settlement of disputes. In cases where legal interests of third States are involved this functional interaction becomes even more complex. The focus is not on the merits of each individual case, but on the Court's contribution and clarification of this functional interplay. The systematic analysis of the Court's jurisprudence makes this book essential reading for those involved with and studying international law and justice.

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