

CONTENTS

Preface	vi
I. INTRODUCTION	1
II. BACKGROUND	3
A. Methods of Dispute Settlement	3
B. Historical Background	5
1. Growth of Arbitration	5
2. Early Court Proposals	6
3. Hague Peace Conferences	7
4. Central American Court of Justice	8
5. The Permanent Court of International Justice	9
6. The International Court of Justice	10
C. The United States and the Court	11
1. Traditional U.S. Support of Arbitration	11
2. Isolationism Prevents the U.S. From Joining the PCIJ	12
3. U.S. Leadership Leads to Creation of the U.N. and the ICJ	13
4. U.S. Retrenchment Arising from the <i>Nicaragua Case</i>	15
Table — Contentious Cases Involving the United States	16
III. THE ROLE OF THE COURT IN DISPUTE SETTLEMENT	19
A. Utilization of the Court	19
B. When is Adjudication Appropriate?	20
IV. THE JUDICIARY	24
A. Improving the Selection Process	24
B. Ad Hoc Judges	27
V. JURISDICTION	28
A. Special Agreements	28
B. Treaties & Conventions	28
C. The Optional Clause	31
1. Creation, Duration & Termination of Declarations	32
2. Reservations	33
D. Advisory Jurisdiction	36
1. Appeals from Administrative Tribunals	38
2. Making Advisory Opinions Binding	39
E. Proposals to Enhance the ICJ's Jurisdiction	39
1. Expanding Access to International Organizations	40
2. Encouraging Greater Use by States	42
3. Allowing Access by Domestic Courts	44
4. Opening the Court to Individuals & Corporations	46
VI. ADMISSIBILITY	47
VII. CHAMBERS	51
A. Ad Hoc Chambers	51
B. Chambers Procedures Need Clarification	55
VIII. MAKING PROVISIONAL MEASURES MORE EFFECTIVE	57
IX. IMPROVING THE HANDLING OF MULTILATERAL DISPUTES	60
A. Relaxing Limits on Intervention	60
B. Indispensable Parties	65
X. PROOF OF FACTS	67
A. The Problem of Non-Appearance	68
B. Improving the Method of Proving Facts	69
XI. ENSURING COMPLIANCE WITH ICJ JUDGMENTS	71
A. Security Council Enforcement	72
B. Enforcement Through Domestic Courts	73
C. Other Enforcement Mechanisms	75
XII. CONCLUSION & SUMMARY OF RECOMMENDATIONS	76