This examination of the jurisdiction of international courts and the admissibility of cases before them analyses jurisdictional and admissibility rules in light of the roles assumed by international courts in international life and in light of the roles that jurisdictional and admissibility rules play in promoting the effectiveness and legitimacy of international courts. The theory pursued views jurisdiction as a form of delegation of power (the power to exercise judicial power and decide on the interpretation and application of the law) and regards admissibility as a framework for deciding upon the propriety of exercising such power. On the basis of this theoretical framework, the author critically evaluates the exercise of judicial discretion in the existing case law of a variety of international courts, distinguishing between the category-based case selection implicit in jurisdictional rules and the case-by-case analysis and selection implicit in rules on admissibility.

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Questions of Jurisdiction and Admissibility before International Courts

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Preface

This book is based on a series of lectures delivered in the Lauterpacht Centre for International Law at the University of Cambridge during the spring of 2012 as part of the Sir Hersch Lauterpacht Memorial Lecture Series. The invitation to deliver the lecture series was particularly meaningful and moving for me, since I have been very fortunate to hold the Hersch Lauterpacht Chair in Public International Law at my home university – the Hebrew University of Jerusalem, and I was very pleased and honoured to have been given the opportunity to be associated with the prestigious lecture series bearing the name of this giant of public international law. I am thus extremely grateful to the organizers of the lecture series for inviting me to speak therein, and I am in particular indebted to Professor James Crawford, the then director of the Centre, and to Sir Eli Lauterpacht, who opened the lecture series and has been a constant source of support and inspiration.

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