

International Dispute Settlement

The latest edition of this successful textbook on the techniques and institutions used to solve international disputes, how they work and when they are used, looks at diplomatic (negotiation, mediation, inquiry and conciliation) and legal methods (arbitration, judicial settlement). It uses many, often topical, examples of each method in practice to place the theory of how things should work in the context of real-life situations, helping the reader to understand the strengths and weaknesses of different methods when they are used. Fully updated throughout, the sixth edition includes all the latest case law, as well as new sections on investment arbitration and regional trade disputes. It is an essential resource for advanced undergraduate and postgraduate courses on international dispute settlement.

J. G. Merrills has taught international law all over the world for more than forty years. He held visiting posts at the Universities of Auckland and Toronto, twice served as Dean of the Faculty of Law at Sheffield University and for eight years was Alternate Member of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. He is the author of numerous books and journal articles on international law, and is a member of the American Society of International Law. In 2007 he was elected an Associate Member of the Institut de Droit International.

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Sixth edition

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Preface

Since the fifth edition of this book was published in 2011 there have been several developments with a direct bearing on its subject. Instability in the Middle East, the growing influence of China in the world and political developments in Africa and Europe all have a significant impact on the activity of both the United Nations and regional organisations. The World Trade Organization, already an established player in 2011, has maintained its prominence, and its arrangements for dispute settlement continue to be widely used. The complex system set up by the 1982 Law of the Sea Convention has been consolidated as cases have been taken to the International Tribunal for the Law of the Sea or to arbitration, while the International Court of Justice is busier now than at any previous time in its history. It must, of course, also be noted that solutions to such long-standing international problems as Cyprus, Kashmir and Israel/Palestine seem as far away as ever, reminding us, yet again, of the distance to be travelled if institutional provisions for dealing with the most serious disputes and situations are to be effective.

The aim of this new edition is to examine the techniques and institutions available to states for the peaceful settlement of disputes, taking full account of recent developments. Chapters 1 to 4 examine the so-called 'diplomatic' means of settlement: negotiation, where matters are entirely in the hands of the parties, then mediation, inquiry and conciliation, in each of which outside assistance is utilised. Chapters 5 to 7 deal with legal means, namely, arbitration and judicial settlement through the International Court of Justice, where the object is to provide a legally binding decision. To underline the interaction of legal and diplomatic means and to show how they are used in specific contexts, Chapter 8 reviews the arrangements for dispute settlement in the Law of the Sea Convention and Chapter 9 considers the provisions of the World Trade Organization's remarkable Dispute Settlement Understanding. The final part of the book considers the role of political institutions, the United Nations (Chapter 10) and regional organisations (Chapter 11), while the final chapter reviews the current situation and offers some thoughts for the future.

Those familiar with the previous edition will find new material in every chapter, including references to recent arbitrations, to the developing practice of the International Tribunal for the Law of the Sea, the jurisprudence of the International Court of Justice and practice under the WTO

system, as well as new material relating to peace-keeping and other activities of regional organisations and the United Nations. I have included a new section on investment arbitration, since this is a subject that is now too important to omit. There is also an outline of regional systems for dealing with trade disputes in Chapter 9 and some reflections on the limitations of international adjudication in the final chapter. In discussing the various techniques and institutions, my object has remained to explain what they are, how they work and when they are used. As before, I have sought to include enough references to the relevant literature to enable the reader to follow up any points of particular interest. With a similar objective I have retained and updated the appendices setting out extracts from some of the documents mentioned in the text.

For permission to quote the material in the appendices I am again grateful to the editors of the *International Law Reports*. My thanks are also due to Julie Prescott at the University of Sheffield for preparing the manuscript, to anonymous colleagues for their suggestions concerning updating, to Valerie Appleby at Cambridge University Press, and to my wife, Daryl, whose encouragement, as always, was invaluable.

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Abbreviations

AFDI	Annuaire Français de Droit International
AJIL	American Journal of International Law
<i>Annuaire</i>	Annuaire de l'Institut de Droit International
Archiv des Völk.	Archiv des Völkerrechts
Aust. Year Book Int. L	Australian Year Book of International Law
BYBIL	British Year Book of International Law
Calif. Western Int. LJ	California Western International Law Journal
Can. Bar Rev.	Canadian Bar Review
Can. Yearbook Int. L	Canadian Yearbook of International Law
CML Rev.	Common Market Law Review
Colum. J Transnat. L	Columbia Journal of Transnational Law
Denver J Int. L and Pol.	Denver Journal of International Law and Policy
Ga J Int. and Comp. L	Georgia Journal of International and Comparative Law
Global Community	Global Community Yearbook of International Law and Jurisprudence
YBILJ	Grotius Society Transactions
Grotius Soc. Trans.	Harvard International Law Journal
Harv. Int. LJ	International and Comparative Law Quarterly
ICLQ	International Legal Materials
ILM	International Law Quarterly
ILQ	International Law Reports
ILR	Indian Journal of International Law
Ind. J Int. L	International Organization
Int. Org.	International Relations
Int. Rel.	Iran–United States Claims Tribunal Reports
Iran–United States CTR	Israel Law Review
Israel L Rev.	Journal of Transport Security
J Transp. Secur.	Journal of World Trade
J World Trade	Leiden Journal of International Law
Leiden JIL	Melbourne Journal of International Law
Melbourne JIL	Michigan Law Review
Mich. L Rev.	Netherlands International Law Review
Neth. Int. L Rev.	Nederlands tijdschrift voor internationaal recht
NTIR	New York University Journal of International Law and Politics
NYUJ Int. L and Politics	

Ocean Devel. and Int. L	Ocean Development and International Law
Rev. Egypt. Droit Int.	Revue Egyptienne de Droit International
RGDIP	Revue Générale de Droit International Public
RIAA	Reports of International Arbitral Awards
San Diego L Rev.	San Diego Law Review
Syr. J Int. L and Com.	Syracuse Journal of International Law and Commerce
U Chi. L Rev.	University of Chicago Law Review
U Toronto Fac. L Rev.	University of Toronto Faculty of Law Review
U Toronto LJ	University of Toronto Law Journal
UKTS	United Kingdom Treaty Series
UNTS	United Nations Treaty Series
Va JIL	Virginia Journal of International Law
YBIEL	Yearbook of International Environmental Law
Yearbook of WA	Yearbook of World Affairs

Websites

African Union, www.au.int/
Arab League, www.arableagueonline.org/
Council of Europe, www.coe.int
Economic Community of West African States, www.ecowas.int
European Court of Human Rights, www.echr.coe.int
European Court of Justice, www.curia.europa.eu/
Inter-American Court of Human Rights, www.corteidh.or.cr
International Centre for the Settlement of Investment Disputes,
www.icsid.worldbank.org/en/
International Court of Justice, www.icj-cij.org
International Criminal Court, www.un.org/law/icc/
International Criminal Tribunal for Rwanda, www.unicttr.unmict.org/
International Criminal Tribunal for the Former Yugoslavia, www.un.org/icty/
International Tribunal for the Law of the Sea, www.itlos.org
Iran–United States Claims Tribunal, www.iusct.org
North American Free Trade Agreement Secretariat, www.nafta-sec-alena.org
Organization for Security and Co-operation in Europe, www.osce.org
Organization of American States, www.oas.org
Organization of the Islamic Conference, www.oic-oci.org
Permanent Court of Arbitration, www.pca-cpa.org
United Nations, www.un.org
UN Department of Peacekeeping, www.un.org/en/peacekeeping/about/dpko/
UN General Assembly, www.un.org/en/ga/
UN Security Council, www.un.org/en/sc/
World Trade Organization, www.wto.org