

## PREFACE TO THE 5TH, REVISED EDITION

The first edition of this book was published in 1962. New editions, in the form of up-dates, were published in 1963, 1973 and 1989. However, much has occurred in the interval both in the general structure of international relations and in the affairs of the Court. I therefore felt that the time had come for a complete review and revision of the book.

As was the case of the previous editions, the aim is to give to the politician, the diplomat, the member of parliament, the student of international law and international relations, and the enquiring members of the public at large, all who are interested in international affairs and the organs through which they are conducted, a guide and introduction to the main factors which make the International Court of Justice what it is and cause it to work as it does.

The previous editions were mostly based on the Rules of Court of 1946, with indication of the changes introduced in 1972 and 1978. This particularly affected the description of how a case is tried. That was based on a case which had been prominent in the late 1950s, and which had concerned topics which have little relevance today. This edition is based squarely on the current Rules of Court adopted in 1978. Chapter 5, on how a case is tried, takes as its model the *Military and Paramilitary Activities in and against Nicaragua* case. That case was before the Court from 1984 until 1991 when it was discontinued by Nicaragua. It was also before the Security Council and the General Assembly, and it raised almost every conceivable issue likely to be encountered in modern international litigation before the International Court. So long as that case was pending and *sub judice*, I did not think it appropriate to have recourse to it in that way. Its removal from the Court's General List has dissipated that reticence.

While this book was in preparation, evidence came to light demonstrating that the applicant government (the Sandanista Government of Nicaragua) had been deceitful in its presentations to the Court – a very rare instance of this kind of behaviour. Because of the value of the Court's *proceedings* as an illustration of how a case is tried, I decided to retain this chapter, with the addition of an appropriate postscript. Those revelations only strengthen criticisms which I have ventured, here and elsewhere, at different decisions of the Court in that case.

I have also paid careful attention to the Notes. Given the reader for whom this book is intended, I feel that it is not necessary to clutter it up with masses of notes customary (and necessary) for most legal works. I have found it

possible to reduce considerably the number of notes and their length, so that they should include only essential information for the reader who may wish to pursue any item further. In addition, I have placed them all together at the end of the text, and not at the end of each chapter as previously.

As in all my works on the Court, I have enjoyed kind assistance from the Registrar and the staff of the Registry of the Court in answering my requests for enlightenment. Once again I have the pleasure of expressing my appreciation to Mr Alan Stephens and Ms Annebeth Rosenboom of Martinus Nijhoff Publishers B.V. for seeing this book through the press.

If the Court has not yet been enabled to meet all the expectations of its founders and supporters, nevertheless it has, in its capacity of a principal organ and the principal judicial organ of the United Nations, rendered important services in the evolution of international law through the United Nations and in the peaceful settlement of international disputes, more in the last decade than in the first forty years of its existence since 1946, and more than in the whole existence, from 1922, of its predecessor, the Permanent Court of International Justice. I have continued to treat the subject on the basis that for a proper understanding of the International Court and its role in international affairs, the interplay of the political and the legal factors bearing upon the Court must be placed in due perspective. It is my hope that this book will contribute to a better and a wider understanding of what the Court is and how it works.

This edition was completed on 28 February 1994.

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