

Foreword

In the Preface to my *The Law and Practice of the International Court* (1965) I expressed the hope that no further large-scale revision would become necessary, and that it would be sufficient to keep the work up to date through supplements to be issued whenever sufficient material was available. Many circumstances have combined to make it impossible to keep to that intention. Jurisprudence alone since that book was completed would require substantial reworking of the central issues of jurisdiction and competence in both contentious and advisory cases. The book's appendices have had to be reproduced as a separate compilation entitled *Documents on the International Court of Justice* (1st ed., 1974; 2nd ed., 1979). Above all, the fact that since 1967 the Court has been engaged on a review and revision of the Rules of Court, of which the first instalment appeared in 1972, meant that any further work on those parts of the book to which the Rules addressed themselves, and that was most of it, had to be suspended temporarily.

In April 1978 the revised Rules of Court were promulgated. They contain a large number of revisions of most of the Articles of the Rules, some major innovations, and a completely new presentation of the material. Accordingly, it seemed preferable to publish now this article-by-article commentary, and to wait until more experience had been gained before returning to the revision of my major work on the Court.

This *Commentary* is therefore designed to be read together with my 1965 work and with my compilation of *Documents*.

Throughout the years I have received continuous assistance, within the limits imposed by the Statute and Rules of Court and other relevant instruments, from the former Registrar of the Court, Mr. S. Aquarone, and members of his staff. With unfailing courtesy they have promptly answered my many enquiries. In this instance I owe the Registrar a special debt of gratitude, for allowing me to use the Index included in the Court's publication *Acts and Documents on the Organization of the Court*, No. 4, in which the 1978 Rules are officially published. That Index refers not only to the Rules but also, where relevant, to the United Nations Charter and the Statute of the Court, both of which, in English and French, are included in that publication, and in my compilation of *Documents*. I feel that such a comprehensive index here would add to the usefulness of this *Commentary*, both for the practitioner (for whom it is intended) and for the student. For the same reason, the English text of the Statute, with indications of all citations to each article particularly in the jurisprudence of the Permanent Court and of the present Court and, where appropriate, some indications of references in United Nations documentation, has been added.

In preparing this book, I have made extensive use of the two Background Notes, Numbers IV and V, issued by the Registry concurrently with the publication of the

amended Rules in 1972 and the revised Rules in 1978 (see the List of Abbreviations) and, where still appropriate, my article 'The 1972 Revision of the Rules of the International Court of Justice', originally published in 8 *Israel Law Review* 197 (1973). I have been sparing in the citation of literature, with few exceptions limiting myself to relevant references to writings of those who have had close association with the Permanent Court of International Justice or the present Court. The *Bibliography of the International Court of Justice*, issued each year by the Registry and prepared in the Court's library, continues to maintain a high standard of excellence and completeness.

This book was completed as at 31 March 1982.

I wish to express my thanks to Dr. Ronald E. Marburg Goodman and his colleagues of Martinus Nijhoff Publishers BV for the care with which they saw this book through the press.

Finally, only my personal responsibility is engaged by this book and its shortcomings.

Beth ha Kerem
Jerusalem
May 1982

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