



Failings of the International Court of Justice

A. Mark Weisburd

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Failings of the International Court of Justice critically examines the jurisprudence of the International Court of Justice. Even though the legal instrument that establishes the Court provides that its judgments have no formal precedential value, those judgments are treated as authoritative by international lawyers throughout the world. In this book, A. Mark Weisburd argues that the Court's decisions are, in a large minority of cases, poorly reasoned and doubtful as a matter of law, and therefore ought not to be accorded the deference they receive.

The book seeks to demonstrate its thesis by a careful review of the Court's errors. It begins with an examination of the law that created and empowered the Court. It then describes the body of law upon which the Court was intended to base its decisions, and the mistakes in the arguments supporting the Court's drawing legal rules from other sources. The book goes on to analyze in detail cases in which the Court has made serious legal errors, first addressing procedural errors, then turning to mistakes in the application of substantive international law. The book closes with a quantitative summing up of the Court's performance, and a tentative explanation for its relatively disappointing record.

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