Preface

There was a long path traversed from the various conceptions, being naive and illusory, regarding the compulsory judicial settlement of interstate disputes to the creation of the first permanent international judicial forum of a universal character, i.e. the Permanent Court of International Justice. Its Statute, by the provisions of the optional clause, finally introduced a system, up until then unknown, of partial obligatory international adjudication based on the full observance of the voluntary acceptance of the Court’s jurisdiction.

That system consists of a network of unilateral declarations in which states assume an obligation, in addition to those specified by the Court’s Statute, to the effect that they oblige themselves to submit their disputes with other states – also having made such declarations – to the decision of the Permanent Court of International Justice, and since 1946 to the International Court of Justice.

This system, since its establishment, has been the subject of controversy, especially because it could not fulfil the expectations regarding a worldwide system of obligatory international adjudication. Nevertheless, it has great merits and it has contributed to the peaceful settlement of international disputes.

The book offers a wide-ranging survey of the development of the optional clause system, the theoretical and procedural aspects of unilateral declarations of acceptance, the different reservations added to these declarations and it seeks to find solutions to the improvement of the system.

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