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examines a number

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criticisms of the

way in which the

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The book takes the position that such criticisms are warranted and that the ICJ's current approach to fact-finding falls short of adequacy, both in cases involving abundant,

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particularly
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reactive approach
to fact-finding. It
was argued that the
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appoint experts or
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the Court ...

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~~The practice of
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...

On the striking
cover of this
important work,
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evidence and
procedure before
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and tribunals seek
to enable them to

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Establish a factual foundation upon which to base legal determinations, even where the parties before the tribunal cannot come to an agreement on the facts relating to the dispute.

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Teitelbaum,
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Developments at
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(2007) 6 The Law
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119 – 58, at 122. 2 S

Torres Bernardez,

‘ Article 48 ’ in A
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Statute of the
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Devaney, James

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Thirdly, relating to
both the fact-finding
and fact-

assessment

processes, Section

4.3 explores the

possibility of

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increased use of experts, the refinement of the current procedure for the presentation of expert evidence and greater use of cross-examination as a way of aiding the Court in effectively assessing the facts put before it by the parties.

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