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Introduction. The preceding chapter set out a number of recent criticisms of the ICJ's current reactive approach to fact-finding. It was argued that the Court's current reactive approach to fact-finding is not fit for purpose both (i) where there are abundant, particularly complex or technical facts, since the Court's reluctance to appoint experts or conduct cross-examination impede the Court ...

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The development of the rules of evidence before the International Court of Justice Rules of evidence and procedure before international courts and tribunals seek to enable them to 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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See also R Teitelbaum, 'Recent Fact-Finding Developments at the International Court of Justice' (2007) 6 The Law and Practice of International Courts and Tribunals 119–58, at 122. 2 S Torres Bernardez, 'Article 48' in A Zimmerman and others (eds), The Statute of the International Court of Justice, A Commentary (OUP 2012) 1217.

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Thirdly, relating to both the fact-finding and fact-assessment processes, Section 4.3 explores the possibility of 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.

~~Winds of change: the possibility of reform (Chapter 4 ...~~

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