

Brown Chester
A common law of international adjudication

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Adjudication is the legal process by which an arbiter or judge reviews evidence and argumentation, including legal reasoning set forth by opposing parties or litigants, to come to a decision which determines rights and obligations between the parties involved. Adjudication can also refer to the processes at dance competitions, in television game shows and at other competitive forums, by which competitors are evaluated and ranked and a winner is found. This entry about A Common Law of International Adjudication has been published under the terms of the Creative Commons Attribution 3.0 (CC BY 3.0) licence, which permits unrestricted use and reproduction, provided the author or authors of the A Common Law of International Adjudication entry and the Encyclopedia of Law are in each case credited as the source of the A. Common Law of International Adjudication entry. Please note this CC BY licence applies to some textual content of A Common Law of International Adjudication, and that some images and other textual or non-textual elements may be co Copyright © American Society of International Law 2011. Access options. Get access to the full version of this content by using one of the access options below. If you should have access and can't see this content please contact technical support. References. 1 The words "tribunal" and "court" are used here interchangeably, consistent with the usage in the book under review. 2 Prosecutor v. Tadić, Appeal of Jurisdiction, Case No. IT-94-1-I, para. 11 (Oct. 2, 1995), 35 ILM 32 (1996). 3 Guillaume, Gilbert, The Use of Precedent by International Judges and Arbitrators, 2 J. Int'l Dispute Settlement. This common law, while not universally applied, is evidence of a more coherent international legal order than perhaps such a decentralised and fragmented adjudicative architecture would tend to indicate. The book begins with an explanation of the intended scope of the study, and the procedures and remedies and the form and types of international adjudication it covers. For instance, the author does not attempt to consider every aspect of international adjudication, but rather focuses on a number of key matters faced by international courts and tribunals in the realm of procedure and remedies. The final two chapters of the book examine the reasons behind the developing common law of international adjudication, its limitations and implications. The emergence of a common law of international adjudication has important practical and theoretical implications, as it suggests that international courts can also devise common approaches to the challenges that they face in the age of proliferation. It also suggests that international courts do not generally operate as self-contained regimes, but rather that they regard themselves as forming part of a community of international courts, therefore having positive implications for the development of the international legal system. Discover the world's research.