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["Challenges to the Independence of the International Judiciary: Reflections on the International Court of Justice"](#) 

KEITH, K. (2017). Challenges to the Independence of the International Judiciary: Reflections on the International Court of Justice. *Leiden Journal of International Law*, 30(1), 137-154. doi:10.1017/S0922156516000649

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The International Court of Justice and other international tribunals have a much more prominent role in settling international disputes than they did 50 years ago. It follows that the measures for the protection of the independence of the institutions and their members are even more important. Those protections include the qualifications judges are to have, the methods of their election and selection, their commitment to their responsibilities, and their methods of work. Also important are the reactions to their decisions by states, particularly the parties, the wider international community and the contribution of the rulings of the institutions to the clarification of the law and its development.

["100 Years of International Arbitration and Adjudication"](#) 

(2014) 15 *Melbourne Journal of International Law* 1

A similar version of this paper was also published in (2014) 39(1) New Zealand International Review 1

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In addition to its focus on charting the development of 100 years of international arbitration and adjudication, this paper also comments more generally on the development of other methods of peaceful settlement of disputes and methods of lawmaking. This wider focus is demonstrated from the outset, as the author describes the centrality of the Peace Palace not only to pacific settlement of disputes but also the development and clarification of international law and to international legal scholarship.

The author describes the process of establishing several international institutions, with focus on the resolution of areas of disagreement, including negotiations leading to the Permanent Court of International Justice and the work at San Francisco leading to the United Nations Charter and Statute of the International Court of Justice. The paper then considers the work of the ICJ in more recent decades and the changing perception of that Court. To conclude, the author draws some lessons that indicate the way forward. He comments among other matters on the fear of 'proliferation' and 'fragmentation' of international law, and why this concern is misplaced; the borrowing by international courts of laws of procedure and evidence from other courts; and, finally, the limits of the law and legal process.

["Resolving International Disputes: The Role of Courts"](#)

The New Zealand Yearbook of International Law, Vol. 7, pp. 255-267, 2009
New Zealand International Review, Vol. 35, No. 1, pp. 23-28, Jan/Feb 2011

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While the role of courts in resolving international disputes is now well established, this has not always been the case. This article charts the development of organised international arbitral and judicial processes over the past 100 years. Sir Kenneth Keith offers reasons for the increased volume and complexity in the work of international tribunals and the increased willingness of states to resort to them. He then explains the judicial process of the International Court of Justice and concludes on the possible future role for courts in resolving international disputes.

["The International Court of Justice and Criminal Justice"](#)

International and Comparative Law Quarterly, Vol. 59, No. 4, pp. 895–910, October 2010

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Despite appearances to the contrary, the International Court of Justice can and does have much to say on matters of criminal justice. This article considers four areas in which such matters arise before the Court: jurisdiction over criminal offences allegedly committed abroad and immunity from that jurisdiction; principles of individual criminal liability and the potential for concurrent State responsibility; issues of evidence and proof; and the Court's review of the exercise of those domestic criminal powers which are subject to international regulation. In the process of addressing these issues, the ICJ has contributed to the development of fundamental principles of criminal law, while drawing on the experience of domestic courts.

["The Peaceful Settlement of International Disputes: The Rainbow Warrior Affair – Experiences of a Small State"](#)

Charles C. Jalloh and Olufemi Elias, eds., *Shielding Humanity: Essays in International Law in Honour of Judge Abdul G. Koroma*, Leiden/Boston: Martinus Nijhoff Brill, June 2015 pp. 21-34

[KENNETH J. KEITH](#), Victoria University of Wellington - Faculty of Law
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This paper discusses the means available to States and other international actors to peacefully settle disputes. The author considers this through the Rainbow Warrior case, to show how dispute resolution might take place both inside and outside formal adjudicatory bodies. The paper concludes with the idea that international dispute resolution should not be unnecessarily constricted or channeled by formalist lists.

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Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the [Faculty of Law at Victoria University of Wellington](#). Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on

jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

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Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

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