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["Reflections on the South China Sea Arbitration Rulings"](#)

New Zealand International Review, Vol. 42, No. 1, Jan/Feb 2017: 5-9

[Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 9/2019](#)

[KENNETH J. KEITH](#), Victoria University of Wellington - Faculty of Law

Email: ken.keith@vuw.ac.nz

Sir Kenneth Keith comments on the international arbitral tribunal's recent awards in the case brought against China by the Philippines.

["The ICJ – Some Reflections on My First Year"](#)

New Zealand Journal of Public and International Law, Vol. 5, pp. 201-210, 2008

[Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 10/2019](#)

[KENNETH J. KEITH](#), Victoria University of Wellington - Faculty of Law

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In this essay Sir Kenneth Keith reflects on his first year as a judge of the International Court of Justice. He includes some comparisons with his earlier judging and arbitrating experience – national and international – to help provide context. The essay concludes with a comment about universities, as Sir Kenneth has spent most of his working life at the Victoria University of Wellington. That final comment consists of a story told by a great Victorian scholar about an even greater English one.

["The International Court of Justice: Primus Inter Pares?"](#) 

(2008) 5 International Organisations Law Review 7

[Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 11/2019](#)

[KENNETH J. KEITH](#), Victoria University of Wellington - Faculty of Law
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Sir Kenneth Keith here addresses the question of whether the International Court of Justice is, among international tribunals which exist today, first among equals. After making several preliminary points on the 1907 Hague Convention, the author discusses the significant growth over the past 50 years of regional and universal tribunals applying international law. It is this proliferation of decision makers and the many statements of the law they produce that has given rise to the fear of the fragmentation of international law. In response to this, the author asks, first, whether there is in fact chaos or fragmentation in the body of international law, second, to what extent, if it does exist, it is necessarily a bad thing, and, third, the ways, in practice and in principle, with which we may deal with chaos or fragmentation. Finally, while highlighting in particular the inclusive make-up of the ICJ bench and its inclusive decision-making process, the author concludes that the ICJ is, at both a formal and practical level, *primus inter pares*.

The content of this article was originally given as part of the Seminar on the Centenary of the 1907 Hague Convention, held on 18 October 2007.

Abstract by Juliet Bull

["The Advisory Jurisdiction of the International Court of Justice: Some Comparative Reflections"](#) 

(1996) 16 Australian Yearbook of International Law 39

[Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 12/2019](#)

[KENNETH J. KEITH](#), Victoria University of Wellington - Faculty of Law
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The article begins with a comparison of the permissibility of advisory opinions in several jurisdictions, offering reasons for the differences. This provides background for the article's discussion of the justification, possible use and practical operation of the advisory jurisdiction of the International Court of Justice. The author considers, first, whether the consent of the interested parties is essential to the exercise of advisory jurisdiction. Secondly, the author discusses procedural matters, particularly the redrafting of the questions put to the Court. Thirdly, the author considers the possible uses for the Court's jurisdiction, especially as part of political processes. This third matter is particularly relevant because of the limited use of the advisory jurisdiction in the past 25 years, the proposals for greater use of the jurisdiction, and the two pending requests relating to the lawfulness of the use of nuclear weapons.

["The Nuclear Test Cases after Ten Years"](#) 

(1984) 14 Victoria University of Wellington Law Review 345

[Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 13/2019](#)

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Kenneth Keith reflects in this article on the Nuclear Tests cases, in which he was counsel for New Zealand, which were initiated against France in the International Court of Justice. The article discusses the jurisdictional issues in the case, the political factors and pressures facing the Court and the 1973 and 1974 proceedings. Its emphasis is principally on questions of process and on the Court as an institution for the settlement of disputes; this paper is not concerned with the substance of the arguments. The author concludes by making several points on the wider context of nuclear disarmament, the effect of the proceedings on the Court, and whether the Court's approach to the dispute was the correct one.

Abstract by Juliet Bull.

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About this eJournal

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.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

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.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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