

Overview	17
Table of Contents	17
List of Abbreviations	29
Chapter A: Introduction	33
I. Introduction to the Research Theme	33
II. Motivation for the Research	39
III. Outline of the Research and Methodology	42
IV. Focal Questions	45
Chapter B: The Notion of Judicial Independence – The Analytical Framework	47
I. Introduction	47
II. The Usefulness of Legal Definitions	47
III. Textual Approach – What do We Mean by Judicial Independence?	49
IV. Substantive Approach – Theoretical Justification and Concretization	55
V. Summary	87
Chapter C: The International Judiciary – Defining the Object of Investigation	89
I. Introduction	89
II. Judicial Independence in its Historical Context – From Ad Hoc Arbitration to Compulsory Jurisdiction	89
III. Why does Independence Matter?	102
IV. The Basis for a Systematic Approach – Defining International Courts and Tribunals	111
V. Summary	121
Chapter D: Judicial Independence in the International Court of Justice	124
I. Introduction	124

Overview

II. Genesis and Organizational Setting of the ICJ	125
III. The Functions Served by the ICJ	135
IV. The Notion of Judicial Independence in the Statute of the ICJ	144
V. Structural Independence	152
VI. Personal Independence	171
VII. Conclusions	208
Chapter E: Judicial Independence in the International Tribunal for the Law of the Sea	212
I. Introduction	212
II. Genesis and Organizational Setting of the ITLOS	214
III. The Functions Served by the ITLOS	221
IV. Structural Independence	229
V. Personal Independence	268
VI. Conclusions	281
Chapter F: Judicial Independence in the International Criminal Court	284
I. Introduction	284
II. Genesis and Organizational Setting of the ICC	285
III. The Functions Served by the ICC	292
IV. Structural Independence	298
V. Personal Independence	328
VI. Conclusions	340
Chapter G: Judicial Independence in the Ad Hoc International Criminal Tribunals for the Former Yugoslavia and Rwanda	343
I. Introduction	343
II. Genesis and Organizational Setting of the ICTY and ICTR	344
III. The Functions Served by the ICTY and ICTR	352
IV. Structural Independence	363
V. Personal Independence	396
VI. Conclusions	422
Chapter H: Judicial Independence in the European Court of Human Rights	425
I. Introduction	425

II. Genesis and Organizational Setting of the ECtHR	426
III. The Functions Served by the ECtHR	439
IV. Structural Independence	443
V. Personal Independence	492
VI. Conclusions	509
 Chapter I: Summary of Conclusions and Outlook	 512
I. The Need for an Independent International Judiciary – Balancing Independence and Courts' Political Nature	512
II. Contents and Deficits of a Common Core of Judicial Independence	513
III. The Prospects of an Independent International Judiciary	520
 Annex: Ad Hoc Judges of the ICJ	 523
 Appendix: International Courts – A Chart	 525
 Zusammenfassung: Die Unabhängigkeit internationaler Gerichte – Die Einhaltung eines grundsätzlichen Werts der Rechtspflege durch die internationale Judikative	 531
I. Problemstellung und Aktualität der Fragestellung	531
II. Untersuchungsgegenstand	533
III. Gang der Untersuchung	533
IV. Ergebnis	534
 Bibliography	 539
I. Monographs	539
II. Articles	549
III. Treaties, Conventions and Other Legal Instruments	566
IV. Table of Cases	588
V. Press	593
VI. Other Sources	594