A COMPARATIVE HISTORY OF THE GLOBAL AND PAN-AMERICAN EARLY DEVELOPMENTS ON INTERNATIONAL ADJUDICATION

The idealist international law of the early twentieth century was characterised by the promotion of institutions to subordinate power to an international rule of law. Many of these institutional projects relied on compulsory arbitration and the establishment of international tribunals, as the PCIJ and the ICJ. Latin America faced a similar landscape. Since the 1920s, states of the Pan-American Union sought to promote regional security through the adoption of pacific settlement treaties. Despite their similarities, the relationship between the origins, development, and actors involved in these parallel global and regional developments remains unexplored.

First, this work aims to identify the historical circumstances leading to the international adjudication project in the global scenario and the ones leading to similar initiatives in Latin America. Second, drawing on works that have considered that the international adjudication project was ideologically dominated by the United States (‘US’), it attempts to explain said country’s role in the global initiatives and contrast it with its behaviour within the Pan-American Union. Crucially, it will seek to explain the US’ soft approach when promoting international adjudication initiatives at the global level (evidenced by its reluctance to accept the compulsory jurisdiction of the PCIJ and the ICJ) vis-à-vis its enthusiastic attitude in the Pan-American Union Conferences (evidenced by its ratification of eight out of the nine treaties that resulted from the codification process).

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