

Abstract

The chapters of the presented diploma thesis "*Consent to the jurisdiction of the ICJ in contentious proceedings with a focus on the so-called automatic reservations*" factually divide into a general and a special part. The general part introduces and defines all ways by which a state in contentious proceedings may consent to the jurisdiction of the ICJ. This part of the thesis explains the advantages as well as the disadvantages of each of these means, with the main focus on the optional clause declarations, as these constitute the basis for the following, specific, part of the thesis. Article 36(2) of the ICJ Statute, the legal basis for optional clause declarations, is analysed in this part for the purpose of defining the features of the optional clause declarations. Of all the specifics and characteristics of this way of establishing the jurisdiction of the ICJ, further attention is given to the reservations that states may condition their declarations with. The thesis not only analyses in detail Article 36, paragraph 3, of the ICJ Statute, but it also presents the most frequently used reservations and it examines the ICJ jurisprudence on the subject. This material is covered in the first three chapters and serves as a context for the next part of the thesis, which focuses only on automatic reservations as the most controversial type of reservations to optional clause declarations. Here, attention is first given to the definition of automatic reservations, an indication of their most common forms, their wording and a mention is made of the current trend in their use. The central part of the paper addresses the question of why automatic reservations are considered controversial and which provisions of the ICJ Statute they potentially contravene. Despite several opportunities, the ICJ hasn't yet answered this question. In fact, generally within public international law this issue has not yet been solved and the academic community offers diametrically opposed views on the issue. This debate is picked up in the last chapter of the thesis, which asks what the consequences for automatic reservations are if they are declared valid, and what the consequences for their use are if the ICJ adjudicates that they are invalid. The thesis concludes by evaluating these different approaches and selecting the solution that would be most favourable to the international community with regard to the object and purpose of the optional clause declarations.