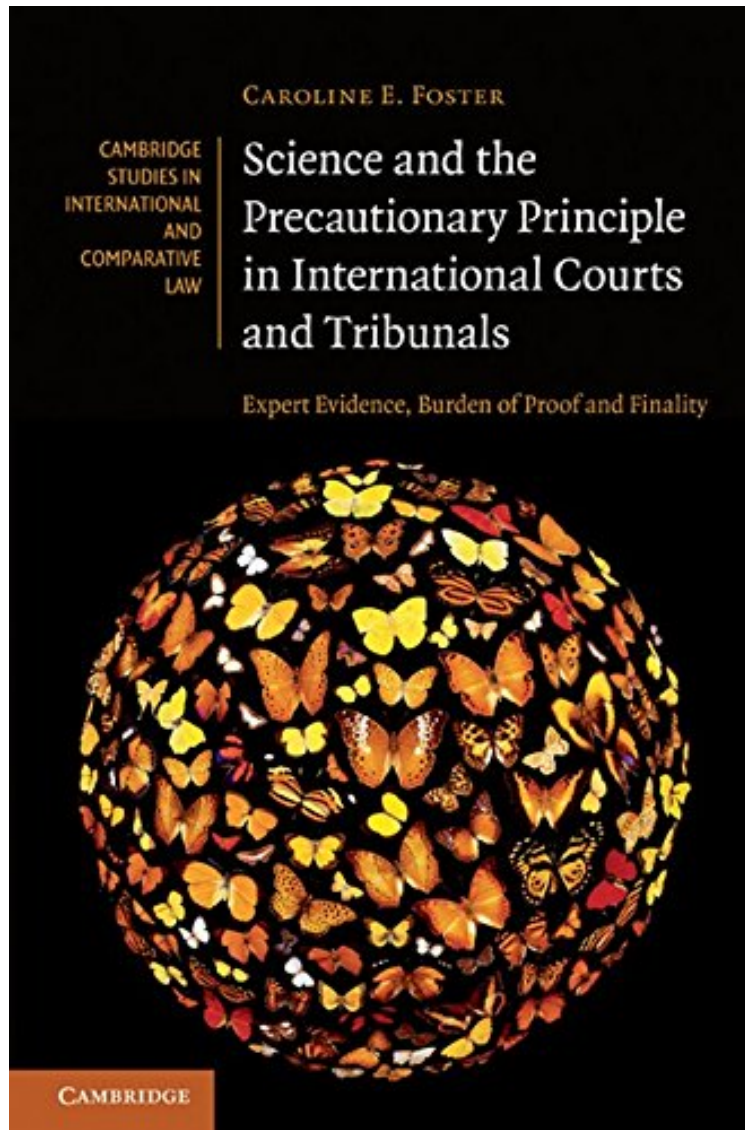


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Principle in International Courts and Tribunals: Expert Evidence, Burden of Proof and Finality (Cambridge Studies in International and Comparative Law):

By canvassing a range of international scientific disputes, including the EC-Biotech and EC-Hormones disputes in the WTO, the Case concerning Pulp Mills and the Gabckovo-Nagymaros case in the International Court of Justice, and the Mox Plant and Land Reclamation cases dealt with under the United Nations Convention on the Law of the Sea, Caroline Foster examines how the precautionary principle can be accommodated within the rules about proof and evidence and advises on the boundary emerging between the roles of experts and tribunals. A new form of reassessment proceedings for use in exceptional cases is proposed. Breaking new ground, this book seeks to advance international adjudicatory practice by contextualizing developments in the taking of expert evidence and analyzing the justification of and potential techniques for a precautionary reversal of the burden of proof, as well as methods for dealing with important scientific discoveries subsequent to judgments and awards.

"Caroline Foster's book constitutes an important addition to the literature on international tribunals and the inter-linkage between science and law in the international domain. The book includes a detailed analysis of the place of scientific evidence in international disputes, the role of adjudicators and experts, and the way in which these issues are influenced by the precautionary principle." Oren Perez, *European Journal of International Law* "... provides a useful insight into the commonalities and differences between ... international adjudicative bodies ... makes an ambitious contribution to the literature in drawing together the practice of multiple courts and tribunals and raising awareness of the key problems that scientific complexity and uncertainty pose for international adjudicative procedure." Christopher A. Thomas, *International and Comparative Law Quarterly*"Caroline Foster provides a highly informative account of the role of expert evidence in the peaceful settlement of international disputes where science is challenged, uncertain, or even contestable. The use and application of scientific knowledge by international courts and arbitrators is examined via careful analysis of a wide range of subjects, including fish stock conservation, radioactive pollution of water and air, global warming, coastal erosion, nuclear weapons, release of carcinogens in pulp and paper processing, white asbestos, use of growth hormones in beef production, and the safety of genetically modified organisms in the food chain and biosphere." Mihalis Kritikos, *Transnational Environmental Law*About the AuthorCaroline E. Foster is a senior lecturer in the Faculty of Law at the University of Auckland, New Zealand. She also advises governments and NGOs on matters relating to disputes before international courts and tribunals and issues arising in public international law more generally.