

TABLE OF CONTENTS

APPROVAL PAGE	ii
STATEMENT OF AUTHENTICITY	iv
TABLE OF CONTENTS.....	v
LIST OF ABBREVIATIONS.....	ix
ABSTRACT.....	x
INTISARI	xi
CHAPTER I: INTRODUCTION.....	1
A. Underlying Background.....	1
B. Research Question	4
C. Objectives of the Research.....	5
D. Statement of Authenticity	6
E. Benefit of the Research.....	7
CHAPTER II: THEORETICAL REVIEW	9
A. Exhaustion of Local Remedies	9
1. Definition of the rule.....	9
2. Purpose of the rule of exhaustion of local remedies	14
3. Position of the rule of exhaustion of local remedies in customary international law.....	16
4. Exceptions to the rule of exhaustion of local remedies	18
5. Exhaustion of local remedies and diplomatic protection.....	24
B. The Concept of Procedure and Merits	26
C. The Concept of Jurisdiction and Admissibility	29
1. The concept of jurisdiction	30
2. The concept of admissibility.....	32
CHAPTER III: RESEARCH METHODS	35
A. Research Format	35

B. Sources of Data	36
C. Data Collection Method	38
D. Data Analysis	38
E. Delimitations	39
CHAPTER IV: RESEARCH RESULTS AND ANALYSIS	42
A. Exhaustion of Local Remedies as a Procedural Rule	42
1. Exhaustion of local remedies as a rule of substance or merits ..	42
2. Exhaustion of local remedies as a rule of procedure	48
3. Specific parts of international dispute resolution and classification to either procedure or substance of a dispute.....	53
a. Investor-State Arbitration	54
b. ICJ and PCIJ	60
c. International Human Rights	63
4. How international judicial system apply the rule of exhaustion of local remedies as a rule of procedure.....	67
B. Impact of Classifying the Rule of Exhaustion of Local Remedies as part of a Procedural Rule, instead of Merits	70
C. Exhaustion of Local Remedies as a Procedural Rule Constituting Bars of Admissibility or Jurisdiction	71
1. Common distinction between admissibility and jurisdiction.....	72
2. Classification of the exhaustion of local remedies rule – jurisdictional bar, or inadmissibility?	75
CHAPTER V: CLOSURE	81
A. Conclusions	81
B. Recommendations	83