

Report of the Fifth Meeting of the PICT Steering Committee

Florence, 23 June 2002

1. The fifth meeting of the PICT Steering Committee was held on Sunday 23 June from 3p.m. to 6p.m. at the Grand Hotel Minerva, Florence.
2. The following people participated in the meeting:

PICT Steering Committee Members: Laurence Boisson de Chazournes; Pierre-Marie Dupuy; Florentino Feliciano; Eduardo Valencia Ospina; Monica Pinto; Allan Rosas; Tullio Treves; and Nina Vajic.

PICT staff: Shepard Forman; Thordis Ingadottir; Ruth Mackenzie; Nathan Miller; Cesare Romano; and Philippe Sands.

3. The meeting was chaired by Tullio Treves.

Review of PICT Activities 2001-2002

4. PICT staff reported on activities undertaken by the Project during the period March 2001-June 2002. A written report on activities was distributed to the Steering Committee in advance of the meeting. The Steering Committee noted the reports and discussed a number of aspects in more detail. Only those issues, which were the subject of specific discussion at the meeting, are noted in this report. Where updated information is available on matters discussed in the meeting, this is noted in brackets.

ILA Study Group on the Practice and Procedures of International Courts and Tribunals

5. The Study Group noted the establishment of the ILA Study Group on the Practice and Procedures of International Courts and Tribunals in collaboration with PICT. The first topic taken up by the Study Group is the independence of the international judiciary. One question that has arisen whether any guidelines or similar output of the Group on this issue should be taken to a formal ILA Committee for further elaboration and eventual adoption by the ILA. The Steering Committee discussed what the role of PICT should be in the development and adoption of such guidelines, and in particular whether it was the role of PICT itself to promulgate guidelines and standards. The general view was that it was not for PICT itself to set standards, but rather to raise issues, disseminate information, produce policy papers, and promote debate. It was noted that early discussion and proposals on the issue of judicial independence would be helpful and that PICT had a significant role to play here. In this regard, it was noted that the Study Group will work to produce its output in a relatively short timeframe – most likely over the next 18 months, and that any draft guidelines produced by the Group should serve to stimulate wide debate regardless of how they were eventually taken forward within the formal ILA process.

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6. The Steering Committee welcomed the interest of the ILA in this issue. It was also noted that the IDI has decided to establish a commission addressing the role of the international judge, but that this has not yet commenced its work. It was generally agreed that PICT should continue to collaborate with the Study Group.
7. During the course of the discussion on the ILA Study Group, it was proposed that PICT should also consider producing a separate study on the review of the WTO Dispute Settlement Understanding.

Women and Public International Litigation

8. The next issue taken up by the Steering Committee was the question of follow-up to the seminar held in London in July 2001 on “Women and Public International Litigation”. There was some discussion on the reasons for the relatively low number of female judges on international courts and tribunals to date. With regard to future work, it was noted that PICT is planning a follow-up workshop on this issue, focusing on the election of judges to the International Criminal Court, to be held in New York on 9 September 2002. It was suggested that PICT should monitor the election of female judges to the ICC, and analyse the election process after the event. This issue was taken up again in the discussion of future work of PICT (below).

Institutional developments and funding

9. The Steering Committee noted that the London “home” of PICT had moved from FIELD to the Faculty of Laws, University College London in March 2002. The formal launch of the Centre for International Courts and Tribunals at UCL will be held in October.
10. The Steering Committee also noted the renewed and increased support that PICT had received from the Hewlett Foundation, and the ongoing application to the MacArthur Foundation. (In July 2002, the MacArthur Foundation approved a grant of US\$225, 000 to CIC over two years to support work on PICT.)
11. With regard to other potential funding sources, it was suggested that PICT approach the Public International Law group of the EU Council, through the Danish presidency. An initial approach might be made through Michael Wood, Legal Adviser at the UK Foreign and Commonwealth Office. There was also some discussion as to the extent to which PICT should feel comfortable approaching government and/or private law firms for support. In general it was felt that this was acceptable provided there were no conditions attached.

Future work

International Criminal Court

12. PICT has been actively involved in the Preparatory Commission for the ICC over the last three years. The Steering Committee discussed what role PICT should play following the entry into force of the Court’s Statute and the establishment of the Court. The general view was that PICT should continue to work on the ICC.

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13. PICT has produced a paper on the nomination and election of judges to the ICC for the forthcoming PrepCom in July 2002. In relation to this issue, the question was raised whether PICT should now work with others who wish to establish some scrutiny mechanism for the election of international judges. One possibility raised was that PICT might develop a questionnaire for potential judges related to the criteria for appointment set out in the ICC Statute. Other possibilities would be for PICT to monitor how the nomination and election process works as a whole, and/or to monitor what is happening in specific countries with regard to the nomination process.
- 14 It was agreed that as an initial step PICT would develop a draft questionnaire and send this to the members of the Steering Committee for comment and review.

Courses

15. It was noted that PICT was in the process of planing two potential courses: a general course in London in 2003, and a regional course in Indonesia at the end of 2002. The regional course was dependent upon the Indonesian partner securing funding. (In July 2002, we were informed by the Indonesian partner that funding for the course had not been obtained, and thus the course will not take place in 2002). The possibility of conducting a training course specifically for East Timor was also discussed, and it was noted that funding might be available from UNDP for such a course. (Since the Indonesia course will not take place, we are now exploring the possibility of running such a course with East Timor).
16. With regard to other possible regional courses, it was suggested that PICT contact Professor Maurice Kamto with a view to exploring the possibility of running a course in Cameroon.

Conferences

17. A number of potential topics were put forward for a PICT conference in 2003. These included "The US and the Unmaking of International Law"; "The Review of the WTO Dispute Settlement Understanding"; and "Compulsory Jurisdiction of Courts and the Limits of the International Judicial Function". There was some discussion of the latter topic, and it was suggested that this could be pursued, perhaps with special reference to the WTO. It was noted that this type of conference could also assist in serving PICT's outreach function.
18. A member of the Steering Committee noted that there would be a conference in Italy in autumn 2003 on the role of NGOs in international litigation, and that PICT may wish to explore a link to this conference.