

***The Project on International Courts and Tribunals***  
***Report of the Interim Meeting of the Steering Committee***  
***of the Project on International Courts and Tribunals and Follow-Up Plan***  
***(New York, October 1, 1998)***

## **INTRODUCTION**

On October 1<sup>st</sup>, 1998, the Steering Committee of the Project on International Courts and Tribunals (Steering Committee), on the occasion of the Symposium “The Proliferation of International Tribunals: Piecing together the Puzzle”, held a two-hours long interim meeting at the Center on International Cooperation, New York.

The following members of the Steering Committee attended the meeting:

- G. Abi Saab
- M. Arsanjani
- L. Boisson de Chazournes
- P.M. Dupuy
- D. Kennedy
- K. Hossain
- H. Owada
- M. Pinto
- A. Rosas
- B. Simma

The meeting was chaired by G. Abi Saab in place of the co-chairs R. Jennings and M. Shahabuddeen who were unable to attend. FIELD was represented by Philippe Sands and Ruth Mackenzie and the Center on International Cooperation by Shepard Forman and Cesare Romano. Yuval Shany acted as rapporteur of the meeting.

## Summary of Meeting

During the two-hours interim meeting, the following issues were discussed:

### 1. Handbook

Sands reported to the Steering Committee on the progress on the Handbook. A draft of the Handbook, written by Shany under the guidance of Sands, was distributed between the members of the Steering Committee. It was reported that the work on some remaining chapters would be completed by the end of October. The Steering Committee decided that the Handbook needed to be standardized. In addition, members of the Steering Committee undertook to review the contents of the handbook in accordance with their respective areas of specialty. The division of labor is as follows:

*Rosas* - WTO, ECJ and EFTA

*Simma*: UN human rights bodies

*Arsanjani*: International Criminal Court

*Abi-Saab*: ICJ

*Dupuy*: OSCE Court

*Hossain*: ICC

*Pinto*: Inter-American courts

*Boisson de Chazournes*: General overview and ICSID and Inspection Panels.

Some members suggested that an introduction should be appended to each part of Handbook to explain the essence of the procedure to the lay reader; it was also proposed that the general introduction should define the terms used throughout the Handbook. Some members expressed interest in expanding the handbook so to include a comparative or critical review of the different courts and tribunals. This was resisted by other members who claimed that the preparation of a comparative review to be burdensome and of relatively little utility. It was agreed nevertheless that the comparative matrix prepared for the web site should be appended to the handbook.

Some members suggested that the handbook would be translated into French and possibly Arabic, Chinese and Spanish. Dupuy and Arsanjani took upon themselves to check with potential sponsors of translations. It was understood that translated copies may require revision of the bibliographical section.

As to the question of publishing, it was agreed that the goal is to reach wide and inexpensive dissemination. Sands reported that several publishers expressed interest in publishing the handbook and that an arrangement which involves reduced royalties in return for free copies (or copies at reduced rate) could be worked out.

### 2. Research Matrix

Romano presented the matrix project, which involves a comparative mapping of the different courts and tribunals, in accordance to several categories. The matrix would be displayed on the project's web site and would enable sophisticated cross-data research. The first version of the matrix would be prepared by January.

The Steering Committee agreed that the matrix would be a valuable research tool. Few members suggested adding on to the matrix other comparative parameters such as language, transparency and background of judges. It was generally understood that the matrix could be thickened through time, but that it should not be overburdened with information as to curb its user-friendly character.

### 3. Brochure

Romano presented before the Steering Committee the draft format and text of the brochure. The members were invited to make their comments available. In addition, members were requested to help with distribution of the brochure, using their own networks.

### 4. Project Web Site

Romano reported to the committee that the web site has been put into operation. Its address is <<http://pict-pcti.org>>. At present there are no contents on the site, but there are already plans for the following pages: home page, calendar of events, what's new, archive, publications, links and chat room forum.

### 5. PICT Papers

Sands reported on papers to be prepared by FIELD on comparative practice of submission of *amicus curiae* briefs and provisional measures order. Mackenzie undertook to prepare a draft paper on *amicus curiae* briefs for the next meeting of the Steering Committee. Romano reported on plans for research on financing the international criminal court and on the way judgments are reached. On the last topic, several members have expressed reservations on the feasibility of studying the informal decision making process (as opposed to the formal rules for rendering judgments and the relevant time frames).

The question of commissioning external research was discussed. Sands, Kennedy and Simma reported on research proposals on women's participation in international dispute settlement, biases in commercial arbitration against participants from third world countries and compliance with the ICJ decisions. It was agreed that a sub-committee of the Steering Committee will be established in order to vet the different proposals in accordance with criteria, which still needs to be agreed upon. Abi Saab, Hossain and Simma expressed their willingness to

comprise the sub-committee. The selected works will receive financial support from the limited funds available.

Forman reported that additional funding is necessary to meet future costs of commissioning research. It was agreed that additional avenues for financing external research need to be explored, including possible linking with Volkswagen (Forman and Simma will examine this possibility).

## 6. Seminars

Sands reported that a seminar cosponsored with UNITAR will be held in Mauritius during the Spring of 1999. The topic will be law of the sea dispute settlement.

## 7. Next Meeting

It was generally agreed that the Steering Committee should strive to meet next spring or summer. Although Cambridge was offered as possible venue, it was also suggested that a possible link between the next meeting of the Steering Committee and the PCA centenary events in The Hague should be explored. Forman undertook to notify the members on the place and date of the next meeting. A working group will meet in March during the ASIL annual meeting to finalize the schedule for the next meeting. It was agreed that the next meeting will include a substantive discussion on access to courts and transparency.