FRIDAY 30 NOVEMBER

WELCOME AND INTRODUCTION
Moderator: Ruth Mackenzie, Deputy Director, Centre for International Courts and Tribunals, University College London

• To what extent have concerns about possible fragmentation of international law as a result of the multiplication of international tribunals been realized in the last decade? How have tribunals sought to deal with any such concerns, and how might they do so in future?

• Is there any need for consideration of further general or specific rules to regulate potential overlaps of jurisdiction among international courts and tribunals? To what extent have such overlaps been a problem in practice in the last decade? Does the decision of the UNCLOS Annex VII-MAXI arbitral tribunal — suspending its proceedings and citing considerations of mutual respect and comity among judicial institutions — represent an appropriate general approach to cases where issues of concurrent or competing jurisdiction arise?

• How far has the array of international courts progressed towards becoming an "international judiciary" in the last decade? To what extent has there been an emergence of common procedural rules or approaches? What mechanisms exist for communication and exchange of information among judges from different international courts and tribunals? Are any additional mechanisms required, and, if so, what form might they take?

SESSION II – TO COURT OR ARBITRATION?
Moderator: Philippe Sands QC, Professor of Law, Director, Centre for International Courts and Tribunals, University College London

• Increasingly, states and other international actors have a choice between different means of dispute settlement. What factors influence the choice? Is arbitration particularly suitable for certain types of international dispute?

• What, if any, are the long-term implications of the increased resort to arbitration for the ICJ and IFLOS? Are changes to procedural rules inevitable?

• What lessons are to be drawn from the arbitration experience under the ICJ’s rules, where arbitration tribunals have given irreconcilably different answers to the same issues of fact and law relating to Argentina’s economic turmoil in 2001?

SESSION III – NATIONAL AND INTERNATIONAL COURTS: DISTANCE OR DANCE?
Moderator: Yuval Shany, Associate Professor, Hebrew University of Jerusalem

• What weight, if any should international courts accord to factual holdings of national courts? To what extent do public international law norms override national law in cases of inter-state disputes? Is the doctrine of jus cogens applicable in the relationship between national and international courts?

• What lessons can one draw from the experience of human rights courts, such as the ECHR in reviewing national court decisions? To what extent are human rights courts supposed to take into account the decisions of their peers?

• From the perspective of national courts, are they obliged to follow international court decisions, which they deem erroneous? What should be the role of the international court in the resolution of such disputes?

• If international courts are to give such decisions binding effect, how does one ensure that they are properly given the same kind of deference by national courts?

SESSION IV – CAN INTERNATIONAL CRIMINAL COURTS DEFERENCE OR DISDAIN?
Moderator: Thordis Ingadottir, Associate Professor, University of Reykjavik

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• If international courts are to give such decisions binding effect, how does one ensure that they are properly given the same kind of deference by national courts?

• What can be done to ensure that national courts are properly given the same kind of deference by international courts?

• Should international judges contribute to the making of national law? Are there any additional mechanisms for communication and exchange of information among international courts and national courts?

SESSION V – THE INTERNATIONAL JUDGE: TOO POWERFUL OR NOT POWERFUL ENOUGH?
Moderator: Cesare Romano, Associate Professor, Loyola Law School Los Angeles

• Is the national jurisdiction able and willing to take on the responsibility for national proceedings? Are changes to procedural rules inevitable?

• What has been, is and will be the contribution of international judges to the making of international law?

CLOSED SESSION – WHERE NEXT FOR INTERNATIONAL COURTS AND TRIBUNALS?
Moderator: Laurence Boisson de Chazournes, Professor, University of Geneva

• What is the scope of the international legal function?

• What has been, and is the future role of international judges in the making of international law?

Saturday 1 December

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• Have we reached the end of the ‘multiplication’ of international courts? Is there a need for more? If so, in which sectors, for what and for whom?

• Do we need specialized chambers in courts and tribunals of general competence? Are they limited to the ’specialization’ phenomenon in the area of international adjudication?

• What is and what will be the role of non-state actors in international dispute settlement?

• What should be the ideal profile of the international judiciary in 25 years from now?

SESSION V – THE INTERNATIONAL JUDGE: TOO POWERFUL OR NOT POWERFUL ENOUGH?
Moderator: Cesare Romano, Associate Professor, Loyola Law School Los Angeles

• Both in the United States and Europe, some claim that international judges have become too powerful. At stake, they say, are the concepts of sovereignty, national identity and freedom. Critics have portrayed international judges as cosmopolitan radicals riding roughshod over swelling nations and peoples in their rush to impose an ill-defined set of “common values”. At the same time, others claim international judges are not powerful enough. For all of their reach, the effectiveness of international judges depends ultimately on the faith and trust of powerful nations, leaving courts vulnerable to the vagaries of international politics. Are means of selection of international judges appropriate given the growing significance of international courts and tribunals?

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The conference takes place in the Academy Hall at the Peace Palace, commencing at 23:00 on Friday 30 November. Discussions will take place primarily in a round-table and conversational format. There are no formal presentations or designated speaking slots. PICT will moderate discussions and all participants are encouraged to play an active role. To ensure an open and frank discussion, the conference will be conducted under the Chatham House (i.e. non-attribution) rule.

Five main themes or issues are identified:

**SESSION I: AN INTERNATIONAL JUDICIAL SYSTEM?**

**SESSION II: TO COURT OR TO ARBITRATION?**

**SESSION III: NATIONAL AND INTERNATIONAL COURTS – CONFLICT OR COMPLEMENTARY?**

**SESSION IV: CAN INTERNATIONAL CRIMINAL COURTS DELIVER JUSTICE?**

**SESSION V: THE INTERNATIONAL JUDGE: TOO POWERFUL OR NOT POWERFUL ENOUGH?**

A final session will wrap up discussions and will seek to map future directions for research on and practice of international courts and tribunals.

Any participants who wish to prepare, or who have written, contributions are encouraged to submit them for publication in a special conference issue of the *Journal of International Criminal Justice*. Please see the website for more information.

For more information on PICT and its activities see: www.pict-pcti.org