



**Universiteit
Leiden**

Grotius Centre for
International Legal Studies

**Call for Papers
International Conference
on
'Comparative Procedure in State-to-State Disputes'**

28-29 May 2019

The Hague

The Grotius Centre for International Legal Studies organizes a conference on “Comparative procedure in state-to-state disputes”.

The objective of the conference is to engage in a transversal and comparative analysis of the procedural aspects of the settlement of interstate disputes in international law. The conference will take stock of the procedure applicable in various interstate dispute settlement bodies, including international courts and tribunals and arbitration, but will also cover regional courts and tribunals. As the settlement of interstate disputes through recourse to courts and tribunals has grown gradually over the years, not only through the creation of new mechanisms to that effect but also through the use of existing courts and tribunals, the organizers of the conference are convinced that a comparative view and analysis at the procedure – in theory and practice- is beneficial to better understand the strengths and weaknesses of the various procedural rules and regulations, and in the end contribute to foment cross-fertilization between interstate dispute settlement bodies.

The conference has been divided into several panels based on substantive procedural issues rather than on specific courts and tribunals, to reflect the comparative approach to the topic. Each panel will combine invited speakers and speakers which have been accepted through a call for papers. To that end, the organizers invite academics and practitioners to submit proposals for the following panels. Authors are encouraged to provide proposals that are comparative in nature, rather than focusing on one body or institution. To that effect, a non-exhaustive list of interstate dispute settlement bodies is attached to this Call for Papers.

Panel I. The Impact of the Interstate Nature of the Dispute on the Procedure

Topics to be covered include, amongst others:

- Establishing jurisdiction over states
- Applicable law
- Challenge, Appeal, and Enforceability
- Procedural considerations related to sovereignty
- Political nature of court or tribunal / link of the court or/tribunal to a particular international or regional organization / reliance on states for funding and existence
- Transparency in state to state disputes

Panel II. Selection and Appointment of Judges and Arbitrators



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Topics to be covered include, amongst others:

- Election/appointment procedures
- Lifetime appoints vs. limited-term appointments
- “Sitting” vs. “occasional” judging
- Number of judges to hear a dispute (related to deliberation and awards/judgments)
- Conflicts/challenges
- Gender and diversity

Panel III. Procedures for written and oral argument

Topics to be covered include, amongst others:

- Limitations on, format of, and consideration of written argument
- Decisions on written argument without oral presentation
- Time periods
- Availability of oral argument
- Time for counsel
- Presentation format/order of argument
- Questions from the bench
- Language/translation

Panel IV. Evidence and Witness

Topics to be covered include, amongst others:

- Submission of evidence
- Rules of evidence
- Privileges specific to sovereigns (e.g. deliberative process)
- Appropriateness of adverse inferences in sovereign context
- Availability of witness testimony
- Written vs. oral submissions
- Immunity considerations with respect to state officials
- Experts

Submission of Proposals and the Timeline

- Paper proposals should include a description of maximum 500 words and the applicant’s curriculum vitae.
- Email to: n.walstra@law.leidenuniv.nl
- The deadline is 31 December 2018. Selected participants will be notified by 30 January 2019.
- Participants are expected to submit draft papers by 1 April 2019.
- We plan to publish a selection of the contributions in an edited collection with an international publisher.
- Please note that we cannot contribute to travelling and accommodation expenses.



Non-Exhaustive List of Interstate Dispute Settlement Bodies

International

- International Court of Justice
- Permanent Court of Arbitration
- International Tribunal for the Law of the Sea
- World Trade Organization Dispute Settlement Mechanism
- Council of International Civil Aviation Organization (ICAO)
- International Court of Environmental Arbitration and Conciliation (ICEAC)

Regional

a. Europe

- European Court of Justice
- European Court of Human Rights [Art. 33]
- Court of Justice of the Benelux Economic Union
- Organization for Security & Cooperation in Europe (OSCE) Court on Conciliation and Arbitration
- European Nuclear Energy Tribunal
- Court of Justice of the European Free Trade Association States (EFTA)

b. Americas

- Inter-American Court of Human Rights
- Mercosur dispute settlement system
- Central American Court of Justice
- Caribbean Court of Justice
- Court of Justice of the Andean Community

c. Africa

- African Court on Human and Peoples' Rights [cases referred by African Commission]
- East African Court of Justice
- Court of Justice of the Common Market for Eastern and Southern Africa (COMESA)
- Eritrea-Ethiopia Claims Commission
- Economic Community of West African States (ECOWAS)

d. Middle East/Asia

- ASEAN Dispute Settlement Mechanism
- Court of Justice of the Arab Maghreb Union
- Judicial Board of the Organization of Arab Petroleum Exporting Countries (OPEC)
- UN Claims Commission (Iraq/Kuwait)

e. Other

- Iran-U.S. Claims Tribunal
- Economic Court of the Commonwealth of Independent States (Europe/Asia)