

COMPARATIVE PROCEDURE IN STATE-TO-STATE DISPUTES



Grotius Centre
for International
Legal Studies

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of International Law

● NautaDutilh

Programme

Tuesday 28 May

13.00 - 13.15 **Welcome and Opening Session**

David M. Bigge, Deputy Legal Counselor and U.S. Agent to the Iran-U.S. Claims Tribunal, Embassy of the U.S. in The Hague & Eric De Brabandere, Grotius Centre for International Legal Studies, Leiden University

13.15 - 14.00 **Keynote Address**

H.E. Judge Liesbeth Lijnzaad, International Tribunal for the Law of the Sea and Maastricht University

14.00 - 15.30 **Pre-Hearing and Selection and Appointment of Judges and Arbitrators**

Chair: Nikos Lavranos, NautaDutilh

- The Independence of International Court and Tribunals: The Experiences of the International Court of Justice and The World Trade Organisation Appellate Body
Rishi Gulati, London School of Economics
- The Law and Politics of the Requirement of 'Recognised Competence in International Law': (S)electing Judges and Arbitrators and Controlling the International Bench
Adamantia Rachovitsa, University of Groningen
- The Role of the Judge Ad Hoc at the International Court of Justice
Cecily Rose, Leiden University
- Registries and Secretariats of Dispute Settlement Authorities: Explaining their Modes of Work by Means of Pre-judicial Proceedings
Patrick Wasilczyk, University of Münster

15.30 - 16.00 **Coffee Break**

16.00 - 17.30 **Procedural Issues and the Specificity of the Inter-state Nature of the Proceedings**

Chair: Larissa van den Herik, Leiden University

- Interim measures
Iain Scobbie, University of Manchester
- Procedural Challenges and Strategies in State-to-State Proceedings before the ICJ and ITLOS
Katherine Maddox Davis, Gibson, Dunn & Crutcher
- Achieving Greater Access to Justice through Cost-Efficiency: A Comparative Assessment Across Inter-State Dispute Settlement Institutions
Brian McGarry, University of Geneva & Sciences Po Paris
- Opening Up International Adjudication: Mapping Procedural Transparency in International Disputes
José M. Reis, University of Hamburg

18.00 - 19.30 **Reception (for speakers only)**





Wednesday 29 May

09.00 - 10.30 Evidence and Witnesses

Chair: Makane Mbengue, University of Geneva

- Sensitive Evidence in Inter-State Litigation: Striking the Balance between Co-operation and Confidentiality
Marco Benatar, Max Planck Institute Luxemburg
- The Puzzle of Dispute Settlement Convergence and Evidentiary Divergence
Kathleen E. Claussen, University of Miami
- Testing Witnesses in International Dispute Settlement: WTO Dispute Settlement Procedures versus other International Tribunals
Katherine Connolly & Marie-Astrid Dossche, Sidley Austin
- The Use of Experts in State-to-State Disputes: the Benefits of Cross-Fertilization
Rukmini Das, University of Geneva

10.30 - 11.00 Coffee Break

11.00 - 12.30 Post-Hearing and Effect of Decisions

Chair: Philippa Webb, King's College London

- Finality in International Adjudication: A Comparative View
Alfredo Crosato Neumann, IHEID, Geneva
- Settling a Dispute: The Scope of the International Judicial Function
Guillaume Guez, University of Geneva & Pantheon-Sorbonne
- Rule of Precedent and Rules on Precedent
Niccolo Ridi, King's College London & University of Liverpool
- The Conflict between Consistency within the Courts and Harmonized Operation of the United Nations Convention on the Law of the Sea
Makoto Seta, Yokohama City University

12.30 - 13.00 Closing Address and Conclusions

Dr. Hege Elisabeth Kjos, University of Amsterdam

