



**Universiteit
Leiden**
Rechtsgeleerdheid

INAUGURAL CONFERENCE

Governance of International Courts and Tribunals: Ensuring Judicial Independence and Accountability

Leiden, 20-21 September 2019

Venue: Leiden Law School
Steenschuur 25, Leiden

Organizers

Prof. dr. Niels Blokker (Leiden University)

Dr. Armin Cuyvers (Leiden University)

Prof. dr. Rick Lawson (Leiden University)

Dr. Sergey Vasiliev (University of Amsterdam)



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Law

The rapidly growing number of international judicial institutions and the increased resort to international adjudication over the past few decades have led to a boom in scholarship on international courts and tribunals. The theoretical and practical dimensions of their operation have been comprehensively studied. An extensive body of analysis of their jurisprudence, institutional organization and procedures is now available.

One important gap in the burgeoning literature has been the aspect of governance of the international courts and tribunals by states and international organizations. The research on the legal nature, practices, and workings of the bodies exercising governance functions vis-à-vis these courts and tribunals remains limited and fragmented. The scarce attention these bodies have received is not commensurate to the critical importance of competent, effective and accountable governance to the orderly functioning of the international judiciaries.

In the present era of nationalist and populist pushback against multilateralism and withdrawal from international institutions by states, various international courts find themselves in a vulnerable position. As their effectiveness and legitimacy come under attack, courts are often left to perform their mandates on shoestring budgets, inadequately staffed, and lacking essential state support.

An ongoing failure to appoint members of the World Trade Organization's Appellate Body and the budgetary constraints and non-enforcement of arrest warrants crippling the International Criminal Court's operations are more than isolated examples. These deficiencies may exemplify a structural problem with judicial governance in the current international context – the problem which inevitably compromises the principles of judicial independence and integrity of international adjudication.

This conference inaugurates the International Judicial Governance project devoted to the study of normative and legal policy questions concerning the status, organization, functions, and accountability of international judicial governance bodies. The objective of this event is to delineate this new field of research and to map out the salient theoretical issues and practical challenges in this domain.

The inaugural conference brings together international legal scholars and practitioners, including international judges, members of the courts' registries, and diplomats with experience in judicial governance matters. It aims to provide a forum for critical reflection and constructive dialogue between the key actors. The purpose is also to enable a cross-cutting analysis of, and comparison between, the governance arrangements for the courts and tribunals representative of the main types of international adjudication.

The discussions will be centered on international courts of general jurisdiction (International Court of Justice) and of specialized jurisdiction (International Tribunal for the Law of the Sea), regional human rights courts (e.g. the European Court of Human Rights), international and special criminal courts and tribunals (UN ad hoc tribunals, the International Criminal Court etc.), and regional integration courts (European Court of Justice and East African Court of Justice).

This conference fosters a multi-faceted and critical outlook on the relationships, power dynamics, and rubbing points between those courts and their governance institutions. The conference proceedings will be instrumental in refining the Project's research agenda and will serve as a stepping stone to sustained and more in-depth inquiries in the coming years.

DAY ONE

Cleveringzaal (C1.31)

- 8.15 – 9.00 Welcome, coffee/tea, music
- 9.00 – 9.15 Opening
Carel Stolker, Rector Magnificus, Leiden University
- 9.15 – 9.30 Introducing the theme
Niels Blokker, Leiden University, Governance Project convenor

Keynote speeches

Perspectives from Courts and Governance Institutions

- 9.30 - 10.00 Abdulqawi Yusuf, President of the International Court of Justice
- 10.00 - 10.30 O-Gon Kwon, President of the ICC Assembly of States Parties
- 10.30 - 11.00 Coffee/tea break

Roundtable discussion

Ensuring Effective Governance and Judicial Independence: Practical Challenges

- 11.00 - 12.30 Moderator: Shehzad Charania (Attorney General's Office, UK)
- Rosalyn Higgins (former President of the International Court of Justice)
 - María Teresa Infante Caffi (Ambassador of Chile to the Netherlands)
 - Rolf Einar Fife (Ambassador of Norway to the European Union)
- 12.30 – 13.00 Q&A
- 13.00 – 14.00 Lunch

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14.00 – 15.30

Panel I

Governance of regional integration courts

Chair: Armin Cuyvers (Leiden University)

- Heikki Kanninen (Court of Justice of the European Union)
- John Eudes Ruhangisa (Founding Registrar of the East African Court of Justice)
- Pola Cebulak (University of Amsterdam)

15.30 – 16.00

Coffee/tea break

16.00 – 17.30

Panel II

Governance of international criminal justice

Chair: Sergey Vasiliev, Governance Project convenor (University of Amsterdam)

- Ekaterina Trendafilova (President, Kosovo Specialist Chambers)
- William Pace (Convenor of the Coalition for the International Criminal Court)
- Huw Llewelyn (Director of the Codification Division, UN Office of Legal Affairs)

17.30 – 18.30

Drinks

18.30

Dinner (speakers only)

DAY TWO

Lorentztaal (A1.44)

8.15 – 9.00 Welcome, coffee/tea, music

9.00 – 9.30 *Keynote speech*

Governance of international courts and tribunals: the WTO Appellate Body crisis and beyond

Peter van den Bossche (World Trade Institute, former Chair of the WTO Appellate Body)

9.30 – 11.00 **Panel III**

Governance of regional human rights courts

Chair: Rick Lawson (Leiden University)

- Dean Spielmann (EU General Court, former President of the European Court of Human Rights)
- Kerem Altıparmak (Chair of the Human Rights Centre at the Ankara Bar Association)
- Roeland Böcker (Permanent Representative of the Netherlands to the Council of Europe)

11.00 – 11.30 Coffee/tea Break

Panel IV

Financial governance of international courts: budgetary issues and audit

11.30 – 13.00 Chair: Maria Manolescu (Leiden University)

- Carolina Fernández Opazo (Committee on Budget and Finance, ICC ASP)
- Sidney Kemble (Ministry of Foreign Affairs, the Netherlands)
- Thordis Ingadottir (Reykjavik University)

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13.00 – 14.00 Lunch

14.00 – 14.30

Keynote speech: national perspectives

Kees Sterk (vice-chair of the *Raad voor de Rechtspraak*, the Netherlands, and chair of the European Network of Councils for Judiciary)

14.30 – 16.00

Panel V

Judicial nominations and elections

Chair: Kritika Sharma (Leiden University)

- Andrew Drzemczewski (former Head of the Parliamentary Assembly of the Council of Europe Legal Affairs and Human Rights Department)

- Liesbeth Lijnzaad (International Tribunal for the Law of the Sea)

- Christiaan Timmermans (former Judge, European Court of Justice; President of the ‘Article 255 Panel’)

16.00 – 16.15

Closing remarks

Niels Blokker / Sergey Vasiliev

16.15 – 17.30

Drinks