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**COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW  
(CAHDI)**

**33<sup>rd</sup> meeting  
Strasbourg, 22-23 March 2007**

**THE PERMANENT COURT OF ARBITRATION -  
BACKGROUND INFORMATION ABOUT**

Secretariat Memorandum prepared by the  
Directorate General of legal Affairs

## Background information about the Permanent Court of Arbitration<sup>1</sup>



### Main Activities

#### Services Provided by the International Bureau

*- a unique international organization, offering a wide range of dispute resolution mechanisms*

The PCA is perfectly situated at the juncture between public and private international law to meet the rapidly evolving dispute resolution needs of the international community. Under its own modern rules of procedure, which are based upon the highly regarded and widely used UNCITRAL Arbitration Rules, the PCA administers arbitration, conciliation and fact finding in disputes involving various combinations of states, private parties and intergovernmental organizations. Not only do states more frequently seek recourse to the PCA, but international commercial arbitration can also be conducted under PCA auspices.

The PCA's Secretariat - the International Bureau, headed by its Secretary-General - consists of an experienced team of legal and administrative staff of various nationalities. It can provide full registry services and legal support to tribunals and commissions, serving as the official channel of communications and ensuring safe custody of documents. The International Bureau can also arrange the provision of services such as legal research, financial administration, logistical and technical support for meetings and hearings, travel arrangements, and general secretarial and linguistic support.

The International Bureau is also available to provide information and advice to parties contemplating dispute resolution, including states and nationals of states that are not parties to the Conventions.

The two official working languages of the PCA are English and French, but proceedings may be conducted in any language agreed by the parties.

*- filling gaps in international dispute resolution*

The majority of the PCA's most recent and innovative sets of rules and procedures originated in expert working groups and

<sup>1</sup> Source : <http://www.pca-cpa.org>.

steering committees established to identify existing gaps in the international dispute resolution framework and, in appropriate cases, to develop procedural rules to fill such gaps.

### **Arbitration and Alternative Dispute Resolution**

Appointment and Selection of Arbitrators and Other Adjudicators

The International Bureau is available to assist parties in selecting adjudicators with the requisite qualifications and expertise. It maintains specialized lists for this purpose. In addition, each Member State of the PCA is entitled to nominate up to four distinguished jurists for inclusion in the general list of Members of the Court. They are listed as a part of the website (PCA members - [Panel of Arbitrators](#) page), as well as in the PCA's Annual Report. Parties to dispute resolution may, but are not obliged to, select arbitrators or other adjudicators from among them.

Designation of Appointing Authorities Under UNCITRAL

The 1976 United Nations UNCITRAL Arbitration Rules entrust to the Secretary-General of the PCA the role of designating, upon request of a party to arbitration proceedings, an "appointing authority" to decide on the appointment or rule on questions concerning the challenge of arbitrators. Recent years have seen a dramatic increase in the number and complexity of such requests, emanating from ad hoc arbitrations worldwide. In addition, the Secretary-General has with increasing frequency been requested to serve directly as appointing authority in UNCITRAL arbitrations.

### **Publications**

- and a center for scholarship and publication ...

The International Bureau has compiled and edited a collection of scholarly works examining mass claims settlement processes. The volume, *Redressing Injustices Through Mass Claims Processes: Innovative Responses to Unique Challenges*, was published in 2006 by Oxford University Press.

The first volume in the PCA's Award Series, *The Eritrea-Yemen Arbitration Awards 1998 & 1999*, was published in 2005 by T.M.C. Asser Press.

For further details on these publications, please visit our [Research and Publications](#) page.

Peace Palace Papers

The PCA's Publications Department has published the proceedings of the PCA's International Law Seminars in the seven-volume Peace Palace Papers series. These volumes incorporate papers submitted by the panelists, moderators and other eminent specialists in those fields.

The first volume is entitled *Institutional and Procedural Aspects of Mass Claims Systems* (2000), and the second is entitled *International Investments and Protection of the Environment: The Role of Dispute Resolution Mechanisms* (2001). The third

volume is entitled *Arbitration in Air, Space and Telecommunications Law: Enforcing Regulatory Measures* (2002), and the fourth is entitled *Strengthening Relations with Arab and Islamic Countries through International Law: E-Commerce, the World Trade Organization Dispute Settlement Mechanism and Foreign Investment* (2002). The fifth volume is entitled *Resolution of International Water Disputes* (2003), the sixth is entitled *Labor Law beyond Borders: ADR and the Internationalization of Labor Disputes* (2003), and the seventh is entitled *Resolution of Cultural Property Disputes* (2004).

Other publications edited by the International Bureau include:

The Permanent Court of Arbitration: International Arbitration and Dispute Resolution - Summaries of Awards, Settlement Agreements and Reports (1999)

The Permanent Court of Arbitration Centennial Papers: International Alternative Dispute Resolution - Past, Present and Future (2000)

For further details of these publications, please visit our [Research and Publications](#) page.

Activities with ICCA:  
International Council for  
Commercial Arbitration

The PCA makes office space available and provides support to the International Council for Commercial Arbitration's (ICCA) editorial staff. ICCA's publications include the *Yearbook Commercial Arbitration*, the *International Handbook on Commercial Arbitration* and the *ICCA Congress Series*.

In 2005, Volume XXX of the *Yearbook Commercial Arbitration* was published, reaching the milestone of thirty years of documenting the law and practice of commercial arbitration.

For further information regarding these publications, please visit our [ICCA - International Council for Commercial Arbitration page](#).

**Mass Claims Processes**

The PCA Steering Committee on Mass Claims Processes, chaired by Judge Howard Holtzmann, met at the Peace Palace in June, 2005. The Steering Committee, which is composed of individuals who hold pre-eminent positions in two or more of the mass claims processes currently operational, was established in response to the proliferation of mass claims systems in recent years.

Under the guidance of the Steering Committee, the PCA's International Bureau has assumed the task of facilitating, collecting, analyzing and comparing various mass claims procedures to create a conveniently accessible source of

useful information for those involved in existing mass claims tribunals as well as those responsible for the design of future ones. The Steering Committee has produced a comprehensive checklist, addressing such matters as funding, balancing arbitral and administrative approaches, key elements in drafting rules of procedure, establishing standards of proof, defining the respective functions of arbitrators and the secretariat and utilizing computer technology. This is expected to be published in 2006.

For further information, visit our [Mass Claims Processes](#) page.

## **Environmental Dispute Resolution**

### Environmental Arbitration Rules

On June 19, 2001 the PCA Administrative Council adopted by consensus the Optional Rules for Arbitration of Disputes Relating to the Environment and/or Natural Resources ("Environmental Rules"). These rules result from the efforts of the International Bureau together with a working group and drafting committee of experts in environmental law and arbitration. (For sets of the various PCA optional rules, see the [Basic Documents](#) section of this website). The Environmental Rules seek to address the principal lacunae in environmental dispute resolution identified by the working group.

### Environmental Conciliation Rules

The [environmental conciliation rules](#), adopted by the Administrative Council on April 16, 2002, complement the environmental arbitration rules. Herewith, the PCA provides the international community with a wide variety of procedural machinery for addressing environmental disputes.

The PCA also provides guidance on drafting environmentally related dispute settlement clauses, and participates in international environmental conferences to that effect.

For more information, see the [Environmental Dispute Resolution](#) section of this website.

## **International Law Seminars** *- a forum for legal discourse ...*

### International Law Seminars

The PCA's program of publications and seminars ensures its place at the forefront of current developments in international dispute resolution.

The PCA has hosted seven International Law Seminars, covering the following topics:

*Institutional and Procedural Aspects of Mass Claims Settlement Systems (December 1999);*

*International Investments and Protection of the Environment: The Role of Dispute Resolution Mechanisms (May 2000);*

*Arbitration in Air and Space Law, Including Telecommunications Activities: Enforcing Regulatory*

*Measures (February 2001);*

*Strengthening Relations with Arab and Islamic Countries through International Law: E-Commerce, the World Trade Organization Dispute Settlement Mechanism and Foreign Investment (October 2001);*

*Labor Law beyond Borders: ADR and the Internationalization of Labor Disputes (May 2002);*

*Resolution of International Water Disputes (November 2002);*

*Resolution of Cultural Property Disputes (May 2003).*

See the [International Law Seminar](#) section of this website for more information.

## History

The century-old Permanent Court of Arbitration (PCA) was established by the Convention for the Pacific Settlement of International Disputes, concluded at The Hague in 1899 during the first Hague Peace Conference. The Conference was convened at the initiative of Czar Nicolas II of Russia "with the object of seeking the most objective means of ensuring to all peoples the benefits of a real and lasting peace, and above all, of limiting the progressive development of existing armaments." The most concrete (and therefore important) achievement of the Conference was the establishment of the PCA: the first global mechanism for the settlement of inter-state disputes. The 1899 Convention, which provided the legal basis for the PCA, was revised at the second Hague Peace Conference in 1907.

## Peace Palace

The PCA is housed in the Peace Palace in the Hague, which was completed in 1913 and specifically built to accommodate this institution. The Peace Palace hosts not only the Permanent Court of Arbitration, but also the International Court of Justice, the Carnegie Foundation, the Hague Academy of International Law, and the renowned Peace Palace International Law Library.

## Contracting States, PCA Members and Panel of Arbitrators

In recent years there has been a sharp increase in accessions to the Conventions of 1899 and 1907 establishing the PCA. There are currently 106 States which are parties to one or both of the Conventions. Each Member State may designate up to four arbitrators, known as "Members of the Court." They are listed as a part of the website ([PCA members - Panel of Arbitrators page](#)), as well as in the [PCA's Annual Report](#). Parties to dispute resolution may, but are not obliged to, select arbitrators or other adjudicators from among them.

## Schedule of Fees & Costs

Parties using PCA facilities or support pay no overheads, but only those costs directly involved in their own case. The Member States of the PCA help offset the expense of the organization's operations through annual contributions to its budget. Rather than adhering to a rigid fee schedule, the PCA adopts a flexible approach in fixing the amount of adjudicators'

remuneration, taking into account the particular circumstances of the case.

A [Schedule of Fees & Costs](#) is available for the services of the International Bureau, ranging from arbitrations and the designation of appointing authorities, to registry services and the use of PCA facilities for tribunals.

The PCA [Financial Assistance Fund](#) aims at helping developing countries meet part of the costs involved in international arbitration or other means of dispute settlement offered by the PCA. A Qualifying State may seek such financial assistance by submitting a written request to the Secretary-General. An Independent Board of Trustees decides on the request.

## PCA Banking Information

### Banker

ING Bank N.V.  
Schenkkade 65  
2595 AS The Hague  
The Netherlands

### Bank Identifier Code (BIC)

INGBNL2A

### Main account numbers

67 80 88 438 (any currency)  
IBAN NL31 INGB 0678 0884 38

or,

02 02 86 597 (USD only please)  
IBAN NL81 INGB 0020 2865 97

### Beneficiary

Permanent Court of Arbitration

### Checks should be made payable to:

Permanent Court of Arbitration  
Peace Palace  
Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

**For specific payment instructions, please click on one of the following options:**

[Membership Contributions](#)

[Arbitration, Registration Fee](#)

[Arbitration Deposit](#)

[UNCITRAL \(Designating or Acting as Appointing Authority\)](#)

[Financial Assistance Fund contributions](#)

Other (please use banking information above)

### Facilities and Support for Guest Tribunals

The PCA is competent for all arbitration cases submitted to it by agreement of the parties and is accessible at all times. The PCA has a spacious and well-appointed court room, hearing rooms and administrative areas which are available for guest tribunals that wish to hold their hearings in the Peace Palace and utilize the services of the PCA. The PCA also has qualified and experienced multilingual counsel and administrators available to provide support, in The Hague or elsewhere. Further assistance can be provided by the PCA's own research and publications department, with access to electronic databases and the Peace Palace International Law Library.

For additional information about [the Peace Palace International Law Library](#), call +31 (0)70 302 4125 or email [peacelib@ppl.nl](mailto:peacelib@ppl.nl).

### Internship Program and Employment

Prospective Interns are invited to apply to the PCA for three month affiliations. For further details about the PCA's Internship program or employment opportunities with the PCA, please visit our [Employment and Internship Opportunities page](#).

### Contact Information

The PCA can be contacted by:

- phone: (+31 for the Netherlands) (0)70 302 4165

- fax (+31) (0)70 302 4167

- email: [bureau@pca-cpa.org](mailto:bureau@pca-cpa.org)

#### Group Visits

For Peace Palace tours, contact the Carnegie Foundation at:(+31) (0)70 302 4242.

### Frequently Asked Questions

1. Is the PCA part of the United Nations system?

No, it is an independent intergovernmental organization with its own constituent conventions (1899 and 1907).

2. What is the number of member states?

Currently 106.



3. What is the role of the Members of the Court? Do they meet regularly?

Each Member State can appoint up to four members to act as arbitrators. An individual member can be called upon to perform this role of arbitrator by the State party to a dispute. Together they constitute that country's PCA '[National Group](#)' which, at the request of the United Nations Secretary-General, can be called upon by their governments to propose a candidate for a vacant position on the bench of the International Court of Justice for their respective region. There have only been two of these conferences both in the last decade.

4. Where can I order the PCA and ICCA publications mentioned on the website?

The PCA and ICCA do not sell these publications directly. The publisher's link follows the descriptions of each publication.