



## Interim Report of the Expert Group on the Future Development of the Permanent Court of Arbitration

7 December 2025

*Pursuant to Paragraph 4.1 of the Terms of Reference of the Expert Group on the Future Development of the Permanent Court of Arbitration, this Interim Report is produced to the PCA Secretary-General by the Co-Chairs of the Expert Group. Pursuant to Paragraph 5.2 of the Terms of Reference, the Interim Report is to be published on the PCA website at the direction of the Secretary-General following transmittal to the PCA Administrative Council.*

### Introduction

1. By correspondence addressed to Professor Gabrielle Kaufmann-Kohler and Sir Daniel Bethlehem KC dated 24 November 2023, the Secretary-General of the Permanent Court of Arbitration, in contemplation of the 125th anniversary of the PCA, proposed their appointment as Co-Chairs of an envisaged expert group “to consider how the PCA’s successes of the last 25 years can be consolidated and sustained, and to identify steps that either the PCA or its Contracting Parties could take to better position the organization for the unfinished task of peacefully settling international dispute”. Professor Kaufmann-Kohler and Sir Daniel warmly welcomed and accepted the invitation, on an honorary basis.
2. In close consultation with the Co-Chairs, the Secretary-General thereafter invited the participation of a further 15 “eminent international judges and arbitrators, legal practitioners, and academics” to serve as members of the Expert Group “in their personal capacities without regard to State, judicial, arbitral, academic, or other professional affiliations”. Each accepted the invitation, also on an honorary basis. Along with the Co-Chairs, the membership of the Expert Group reflects balanced representation across geographic regions, genders, culture, and legal systems, mirroring the multilateral and multi-cultural, including multi-legal-cultural, profile of the PCA and its now 126 Contracting Parties.
3. Pending the formal constitution of the Expert Group, the PCA held a number of global events in the course of 2024 to mark the 125th anniversary of the 1899 Convention for the Pacific Settlement of International Disputes, pursuant to which the Permanent Court of Arbitration was established. Under the title “Taking Stock; Looking Forward”, Sir Daniel Bethlehem gave a keynote address at the Congress of the Members of the Court at the Peace Palace in The Hague on 12 June 2024, anticipating the work of the Expert Group. Under the title “125 years and what next?”, Professor Kaufmann-Kohler gave a keynote address at the conference in Buenos Aires on 9 October 2024 marking the PCA anniversary, similarly canvassing a vision of the work of the Expert Group.
4. The Expert Group was formally convened by the Secretary-General at a two-day meeting in the Peace Palace in The Hague on 20–21 March 2025 on the basis of the Secretary-General’s Terms of Reference for the Group, attached at Appendix A hereto, and a [Concept Note](#) prepared by the Co-Chairs, attached at Appendix B hereto. Alongside the Co-Chairs, the composition of the Expert Group included the following:

Professor Mohamed Abdel Wahab  
Professor Dapo Akande  
Professor Nadia de Araujo  
Mr Gourab Banerji  
Professor Bing Bing Jia  
Judge Joan E. Donoghue  
Ms Sarah Grimmer  
Professor Shotaro Hamamoto  
Ms Dyalá Jiménez  
Judge Roman A. Kolodkin  
Ambassador Rena Lee  
Mr Salim Moollan KC  
Professor Phoebe Okowa  
Professor Monica Pinto Dr Danilo Türk

5. Brief [biographies](#) of the members of the Expert Group, together with an overview of the Expert Group's objectives and working methods, are posted on the [PCA website](#).
6. On her election as a Judge of the International Court of Justice, Professor Phoebe Okowa indicated her intention to resign as a member of the Expert Group.
7. The Expert Group is actively and ably advised and assisted by members of the International Bureau of the PCA and by Ms Talia Zybutz, Assistant to Sir Daniel, and Dr Johannes Fahner, Assistant to Professor Kaufmann-Kohler.

### **Terms of Reference, Working Methods and Meetings of the Expert Group**

8. As set out in its Terms of Reference, the mandate of the Expert Group is “to assess the PCA’s practices and develop forward-looking recommendations that uphold its foundational principles while addressing the evolving demands of international dispute settlement.” In doing so, the Expert Group is asked to:
  - conduct a thorough evaluation of the PCA’s existing procedures and operations to assess their effectiveness, efficiency and alignment with the PCA’s foundational mission of promoting peaceful resolution of international disputes;
  - analyse global developments—such as technological innovations, economic transformations, and shifting geopolitical landscapes—and evaluate their implications for the PCA’s mandate and operations;
  - formulate targeted proposals to strengthen the PCA’s institutional framework, aimed at enhancing the PCA’s operational efficiency, broaden accessibility, and increase its capacity to address diverse and complex dispute resolution needs, ensuring the PCA remains at the forefront of international dispute settlement; and

- explore opportunities to expand and improve the PCA’s role in fostering international peace and cooperation, including by identifying and recommending innovative approaches, mechanisms and rules that address contemporary and future challenges, while preserving the PCA’s foundational principles of impartiality, independence and adaptability.
9. Following its inaugural in-person meeting in The Hague in March 2025, the Expert Group resolved to take forward its mandate under the framework of three Working Groups. These are convened, respectively, by Ms Sarah Grimmer (Working Group 1), Ms Dyalá Jiménez (Working Group 2), and Professor Monica Pinto (Working Group 3). While the Co-Chairs have allocated areas of focus to each of the Working Groups, the remit of the Working Groups is to bring to the Expert Group as a whole, for plenary discussion and decision, provisional reflections on the topics into which they are inquiring. Each Working Group is assisted by one or more members of the International Bureau, and includes participation, on behalf of the Co-Chairs, by Ms Zybutz and Dr Fahner.
  10. Having regard to the geographic distribution of the members of the Expert Group, both the Expert Group as a whole, for purposes of plenary discussion, and the Working Groups, have taken forward their inquiries and deliberations through a mix of virtual meetings, correspondence, and in-person meetings. In plenary format, the Expert Group has held five meetings to date—on 20–21 March 2025, in person in The Hague, on 5 June 2025, by video-conference, on 26 August 2025, by video-conference, on 3–5 September 2025, in person in Singapore, and on 27 November 2025, by video-conference. Other plenary meetings, including in-person meetings, are planned.
  11. The Expert Group expresses its appreciation to the Government of Singapore for hosting the plenary meeting of the Expert Group on 3–5 September 2025, and for its warm welcome and facilitation of the work of the Expert Group at this meeting.
  12. In the course of its inquiries, in fulfilment of its mandate, the Expert Group, as well as drawing on the rich and diverse expertise of its members, has had the benefit of plenary discussions with a number of external expert discussants, whose insights have served to better inform the Expert Group on a number of issues within its mandate. The Expert Group records its appreciation for the unrecompensed time and insight of these expert discussants to facilitate the work of the Expert Group.
  13. While the deliberative discussions of the Expert Group are confidential, for purposes of facilitating candid exchanges, the Interim and Final Reports of the Expert Group are intended to be public, and published on the PCA website. The Expert Group has also resolved to consider in due course whether other reference or working documents of the Expert Group may also usefully and appropriately be published. Consideration of this element will follow the completion of the Expert Group’s work.
  14. The Expert Group anticipates completing its deliberative work in mid-2026, with the submission of its Final Report to the Secretary-General expected around September- October 2026.
  15. As noted, in fulfilment of their mandate, the members of the Expert Group are acting in their personal capacities and without payment.

## The Expert Group's Inquiries and Preliminary Reflections

16. Reflecting the breadth of its mandate, and the long-term vision that it has been invited to bring to its deliberations, the Expert Group is proceeding in its work both with attention to the PCA's current and historic practice, procedures and operations and with a keen appreciation of the importance of bold ideas informed by, and to inform, a long-term vision for the future development of the PCA. In so doing, the Expert Group is guided by the visionary ideals of those who gathered in The Hague in 1899, by the challenges of the present moment, and by the importance of marrying vision and pragmatism when looking to the future.
  
17. To this end, the Expert Group, in both its Working Group inquiries and its plenary discussions, has included on its deliberative agenda a range of topics for investigation, including the following:
  - (a) The enhancement and development of the PCA's established mechanisms of dispute resolution, including in respect of:
    - the PCA's role as Appointing Authority;
    - the possibility and desirability of establishing standing rosters of arbitrators, conciliators and inquirers, either with general dispute resolution expertise or in specialist areas, such as, for example, the environment and climate change, artificial intelligence, outer-space activity, etc;
    - emergency arbitration;
    - the revision of existing or preparation of new model clauses, procedural rules, including on the use of AI in dispute settlement, and other model texts aimed at facilitating easy and uncontentious recourse by disputing parties.
  
  - (b) The scope for developing PCA engagement in, and for encouraging greater use of, non-adjudicatory mechanisms of international dispute resolution, including inquiries, mediation and conciliation, each of which are rooted in the PCA's founding conventions of 1899 and 1907 but have been under-utilised in recent years.
  
  - (c) The scope for, desirability of, and (assuming the foregoing) formulation of potentially new bases of PCA jurisdiction, including by reference to un- or under-utilised provisions in the PCA's founding conventions and/or through new approaches and instruments.
  
  - (d) The scope for and desirability of PCA engagement in areas of international dispute resolution in respect of which the PCA has to date been largely unrepresented, including areas such as:
    - international trade disputes;
    - international tax disputes;
    - international cyber disputes;
    - emerging disputes in the field of artificial intelligence.

- (e) The scope for, desirability of, and mechanisms to achieve bold step-change initiatives in international dispute resolution modalities, such as:
- advisory opinion or preliminary reference mechanisms that might be accessible to municipal courts, other State institutions, inter-State organisations, private international organisations, international non- governmental organisations, and/or other bodies, on questions of international law;
  - arbitral appellate mechanisms, whether ad hoc or standing and multilateral;
  - international post-conflict accountability and reconciliation mechanisms.
18. Separate from, but associated with the above, the Expert Group is also considering potential “outreach” initiatives to more effectively showcase PCA expertise and its available dispute resolution “toolkit”, including to international policy strategists and decision-makers, notably in governments and international organisations, with the view to introducing PCA “toolkit” modalities into policy formulation discussions at an early stage. Consideration is also being given to opportunities for the PCA to initiate and facilitate discussions, in coordination with other dispute settlement organisations, to advance shared objectives and information, including on potential procedural innovations and opportunities.
19. The Terms of Reference of the Expert Group require the submission of a Final Report to the Secretary-General in the course of 2026 “addressing the PCA’s practices and making actionable forward-looking recommendations to uphold and advance the PCA’s foundational principles”. Having regard to its mandate, to the wide-ranging scope of the potential initiatives on which it is deliberating, and with the appreciation that proposals might usefully range from what may be near-term achievable through to medium-term desirable and longer-term visionary, the Expert Group is also giving thought to the form that the recommendations to be made in its Final Report should usefully take.
20. In all of the above, the Expert Group, both through its Co-Chairs and in its plenary discussions, is engaging closely with the Secretary-General and the senior leadership of the International Bureau to ensure that the outcome of the Expert Group initiative will assist and advance the work of the PCA in a spirit that is faithful to its founding ideals.

**Professor Gabrielle Kaufmann-Kohler**  
Geneva

**Sir Daniel Bethlehem KC**  
London

7 December 2025

**Attachments**

- Appendix A — Expert Group Terms of Reference
- Appendix B — Expert Group Concept Note



## PERMANENT COURT OF ARBITRATION

### Expert Group on the Future Development of the Permanent Court of Arbitration

#### *Terms of Reference*

#### 1. Establishment of the Expert Group

- 1.1. The Permanent Court of Arbitration (the “PCA”), established under the Hague Conventions of 1899 and 1907, is the world’s oldest existing institution dedicated to the peaceful settlement of international disputes. It was founded with the overarching aim of extending the rule of law and fostering international justice. With its Headquarters in the Peace Palace in The Hague, and a network of International Offices around the world, the PCA has evolved into a cornerstone of international dispute settlement, recognized globally as a leading institution for ad hoc resolution of disputes involving States, international organizations, and private parties. Its expanding role reflects its adaptability and enduring relevance to the dynamic needs of the global legal landscape.
- 1.2. To mark its 125th anniversary, with the approval of its Administrative Council, the Secretary-General of the PCA (the “Secretary-General”) hereby establishes an Expert Group to reflect on the PCA’s historical contributions, evaluate its contemporary relevance, and chart a strategic course for its future. This initiative seeks to ensure that the PCA remains at the forefront of international dispute resolution in an increasingly complex world.
- 1.3. Co-chaired by Professor Gabrielle Kaufmann-Kohler and Sir Daniel Bethlehem KC, the Expert Group is composed of eminent international judges and arbitrators, legal practitioners, and academics, invited to serve in their personal capacities without regard to State, judicial, arbitral, academic, or other professional affiliations. Alongside its Co-Chairs, reflecting balanced representation across geographic regions, genders, cultures, and legal systems, the other members of the Expert Group are as follows:

Professor Mohamed Abdel Wahab  
 Professor Dapo Akande  
 Professor Nadia de Araujo  
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 Ms Dyalá Jiménez  
 Judge Roman A. Kolodkin  
 Ambassador Rena Lee  
 Mr Salim Moollan KC  
 Professor Phoebe Okowa  
 Professor Monica Pinto  
 Dr Danilo Türk

## **2. Objectives**

- 2.1. The mandate of the Expert Group is to assess the PCA's practices and develop forward-looking recommendations that uphold its foundational principles while addressing the evolving demands of international dispute settlement.
- 2.2. *Assessment of Current Practices:* The Expert Group will conduct a thorough evaluation of the PCA's existing procedures and operations. This will include an examination of its approaches to arbitration, mediation, conciliation, and other dispute resolution mechanisms. The aim is to assess their effectiveness, efficiency, and alignment with the PCA's foundational mission of promoting peaceful resolution of international disputes.
- 2.3. *Evaluation of Emerging Challenges and Opportunities:* The Expert Group will analyse global developments—such as technological innovations, economic transformations, and shifting geopolitical landscapes—and evaluate their implications for the PCA's mandate and operations. This assessment will identify key challenges and emerging opportunities to enhance the PCA's relevance and responsiveness in an evolving international legal context.
- 2.4. *Development of Strategic Recommendations:* The Expert Group will formulate targeted proposals to strengthen the PCA's institutional framework. These recommendations will aim to enhance the PCA's operational efficiency, broaden accessibility, and increase its capacity to address diverse and complex dispute resolution needs, ensuring the PCA remains at the forefront of international dispute settlement.
- 2.5. *Innovation in Dispute Settlement Mechanisms:* The Expert Group will explore opportunities to expand and improve the PCA's role in fostering international peace and cooperation. This includes identifying and recommending innovative approaches, mechanisms, and rules that address contemporary and future challenges while preserving the PCA's foundational principles of impartiality, independence, and adaptability.

## **3. Working Methods**

- 3.1. The Co-Chairs will lead the Expert Group, providing strategic direction, fostering effective collaboration among members, and ensuring the Group's deliberations are coherent, focused, and aligned with its objectives.
- 3.2. Under the direction of its Co-Chairs, the Expert Group will conduct its work through a combination of in-person and virtual meetings, and correspondence, to ensure effective collaboration and thorough deliberations.
- 3.3. Additional consultations with external experts, stakeholders, or specialised practitioners may be organised to incorporate diverse perspectives and expertise into the Expert Group's work.
- 3.4. The International Bureau of the PCA will act as the secretariat of the Expert Group, providing comprehensive administrative, logistical, and research support. It will coordinate meetings, facilitate communication among members, and ensure the availability of necessary resources and data to support the Group's work. Additionally, the International Bureau will assist the Co-Chairs in drafting and finalising documents, reports, and recommendations, ensuring alignment with the Group's objectives and the PCA's overarching mandate. Maintaining the central role of the International Bureau, the Co-Chairs, in coordination with the International Bureau, may be assisted by a member of their office or chambers to facilitate their work.

- 3.5. The Expert Group will strive to achieve consensus in its recommendations to ensure collective ownership of its outcomes. In instances where consensus cannot be reached, the Co-Chairs will exercise their authority to finalise reports and recommendations, as well as working procedures and decisions, of the Expert Group, safeguarding the Expert Group's objectives and maintaining progress.

#### **4. Report and Recommendations**

- 4.1. The Co-Chairs will produce to the Secretary-General by the end of 2025 an Interim Report addressing progress in the work of the Expert Group and providing preliminary conclusions or other updates as may be appropriate. At the request of the Secretary-General, the Co-Chairs may be invited to provide an oral interim update on the work of the Expert Group to the Administrative Council.
- 4.2. Under the control of the Co-Chairs, the Expert Group will submit a Final Report to the Secretary-General in the course of 2026 addressing the PCA's practices and making actionable forward-looking recommendations to uphold and advance the PCA's foundational principles.
- 4.3. Subject to paragraph 3.5 above, under the control of the Co-Chairs, the Interim and Final Reports shall be reports of the Expert Group as a whole, without reference to the separate views of any of its members. Any member of the Expert Group who dissents from a report, or any part thereof, may request that such dissent be noted in the report in question in terms to be agreed with the Co-Chairs.
- 4.4. The Secretary-General will formally present the report and recommendations to the Administrative Council to facilitate their integration into the Council's deliberations and decisions.

#### **5. Transparency**

- 5.1. The appointment of the Expert Group, and its Co-Chairs, and the identity and summary biographies of its members, together with these Terms of Reference and an associated Concept Note, will be made public on a dedicated page on the PCA website. Following consultation with the Secretary-General, under the control of the Co-Chairs, the Expert Group may publish on the PCA website other reference or working documents for public information or consultation.
- 5.2. The Interim and Final Reports of the Expert Group will be published on the PCA website at the direction of the Secretary-General following transmittal to the Administrative Council.
- 5.3. Following deliberation by the Administrative Council, the Secretary-General will prepare a statement in response to the Final Report of the Expert Group. The Secretary-General's statement will be published on the PCA website at the direction of the Secretary-General.

#### **6. Fees and Expenses**

- 6.1. Members of the Expert Group, including the Co-Chairs, will serve on a voluntary basis and will not receive any remuneration for their contributions.
- 6.2. All reasonable administrative expenses incurred in connection with the fulfilment of their tasks associated with the Expert Group by the Co-Chairs, other members of the Expert Group, assistants to the Co-Chairs appointed under paragraph 3.4 above, and persons engaged under paragraph 3.3, including but not limited to travel and accommodation for in-person meetings, shall either be reimbursed or directly covered by the PCA. For travel related to meetings of the

Expert Group, reasonable expenses shall be understood to include air travel at a level not exceeding business class, using the most direct or cost-effective route. Train travel may be in first class.

- 6.3 To ensure cost-effectiveness and consistency, the PCA will, in principle, arrange and book travel and accommodation for individuals specified in the preceding paragraph. Any expenses not arranged directly by the PCA should receive prior authorization from the International Bureau before being incurred.

COUR PERMANENTE D'ARBITRAGE



PERMANENT COURT OF ARBITRATION

## PERMANENT COURT OF ARBITRATION

### Expert Group on the Future Development of the Permanent Court of Arbitration

#### *Concept Note*

The Permanent Court of Arbitration (“PCA”) was established by the Convention for the Pacific Settlement of International Disputes of 1899 concluded at The Hague as part of the first Hague Peace Conference. The 1899 Convention was affirmed and revised by a further convention adopted at the second Hague Peace Conference of 1907.

The opening words of the 1899 Convention—“Animated by a strong desire to work for the maintenance of general peace ... Desirous of extending the empire of law, and of strengthening the appreciation of international justice”—rooted the purpose of the Convention in the wider object and far-reaching vision of the Peace Conference with respect to disarmament, the laws and customs of war, and the settlement of international disputes. While not all of the objectives of that conference were achieved, the suite of conventions adopted in 1899, elaborated upon in 1907, still stand as cornerstones of the contemporary system of international law and justice of both binding and aspirational intent.

Article 20 of the 1899 Convention contemplated the organisation of a Permanent Court of Arbitration “[w]ith the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy”. To this end, an International Bureau was established to serve “as record office for the Court.” The 1899 Convention also laid down “Rules which shall be applicable to arbitral procedure”, a first endeavour to establish a uniform code of procedural rules for international arbitration.

Amongst the new preambular paragraphs of the 1907 Convention was a commitment by the contracting parties to insure “the better working in practice of Commissions of Inquiry and Tribunals of Arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure.” The new Convention built on and elaborated upon the provisions of the 1899 Convention with regard, *inter alia*, to the institution of the PCA and its arbitral rules. New provisions addressing “Arbitration by Summary Procedure” were introduced. Amongst other new provisions introduced by the 1907 Convention, Article 47 authorised the Bureau to place its offices and staff “at the disposal of the Contracting Powers for the use of any special Board of Arbitration”, thereby opening up the possibility of the use of the PCA for dispute settlement proceedings going beyond the scope of what was expressly envisaged in the Convention. Article 48 went on to contemplate the possibility of a Contracting Party, acting alone, declaring that it would be ready to submit a dispute that had arisen with another Contracting Party to arbitration, and that the Bureau of the PCA “must at once inform the other Power of the declaration.”

By the Conventions of 1899 and 1907, the PCA, through both its Court and its Bureau, became a focal point for the peaceful settlement of international disputes and the pursuit of international justice.



With the establishment of the Permanent Court of International Justice (“PCIJ”), following the Resolution to this effect by the Assembly of the League of Nations and the adoption of the Statute of the PCIJ in December 1920, the national groups of the PCA were given the task of nominating candidates for election to that Court. This task remains today with respect to candidates for election as judges of the International Court of Justice (“ICJ”).

Since its establishment in 1899, the role and record of the PCA in the settlement of international disputes has grown remarkably to a point at which it is today the torch bearer of ad hoc international dispute settlement. Whereas the vision of 1899 and 1907 saw arbitration as distinct from other forms of dispute settlement, such as fact-finding, inquiry, mediation and conciliation, the PCA has since formulated a range of optional rules designed to facilitate not only arbitration in traditional inter-State cases but also mediation and conciliation rules, rules for fact-finding commissions of inquiry, and bespoke arbitration rules that may assist the resolution of disputes relating to natural resources and the environment, to outer space activities, between States and non-State parties, and between international organisations and private parties.

This wider focus on the settlement of international disputes in all of their forms has seen the work of the PCA grow almost exponentially, from its first inter-State case in 1902—*The Pious Fund of the Californias (The United States of America v. The United Mexican States)*—to its heavy docket of proceedings today stretching from traditional inter-State arbitrations to inter-State neutral expert proceedings, investor-State arbitrations and contract-based disputes involving a State or State-owned entity. Past cases have included inter-State conciliation proceedings, review panels on the conservation and management of high seas fisheries, and contract based mediations/conciliations. A fallow period in the PCA’s inter-State dispute settlement work in the period 1925 to 1996, in part a consequence of the emergence of the PCIJ and ICJ, is now a distant memory, with the PCA being increasingly seen as the preferred forum for the ad hoc settlement of inter-State, investor-State, and other cases of international dispute.

The 1907 Convention took as its task the development of better working practices. That call for renewal, revision and self-scrutiny has been a hallmark of the flexibility that the PCA has brought to its task over the past three decades of spiralling activity. From its first vantage point, and still its headquarters, in the Peace Palace in The Hague, with its access to humbling, compelling and unparalleled facilities, the PCA has put down physical roots globally, with regional offices in Buenos Aires, Ha Noi, Mauritius, Singapore and Vienna. Overseen by the PCA Administrative Council, the International Bureau, headed by its Secretary-General, is an active presence in global fora convened to address the imperative of international dispute settlement in an increasingly complex and often fractious international climate.



On the occasion of the 125<sup>th</sup> anniversary of the establishment of the PCA, the Secretary-General and International Bureau, with the blessing and support of the Administrative Council, considers that it is both an auspicious moment for the PCA and a moment required by the changing pressures of global developments to set in motion a review and evaluation of the work of the PCA and to look to the future. The visionaries of 1899 and 1907 had a sense of the paramount importance of mechanisms and modalities of international dispute settlement that, through their institutions and flexibility, would work to extend the empire of law and strengthen the appreciation of international justice. The past 125 years, and even the past 25 years, since the centenary of the founding of the PCA, have seen changes and the emergence of challenges that warrant an exercise of stock-taking, of review and assessment, and of a parallel endeavour of visionary peering into the future.

To guide this task, the Secretary-General has enlisted the assistance of two long-standing friends of the PCA who bring a deep and independent vision of the place, purpose and demands of international dispute settlement in both contemporary and contemplated international life—Professor Gabrielle Kaufmann-Kohler and Sir Daniel Bethlehem KC. With the assistance of an Expert Group, reflecting the diversity and engagement of the community served by the PCA, Professor Kaufmann-Kohler and Sir Daniel have agreed to lead the review and report, both historic and visionary, of the work and role of the PCA in contemporary and future international life.

The maintenance of peace through the settlement of inter-State disputes is where the PCA began. While this remains a vitally important part of the PCA's work, it is today only a portion of that work, which now extends more widely to include all forms of dispute that involve States or international organisations as parties. In circumstances in which other international dispute settlement institutions or mechanisms are hampered by jurisdictional clauses that impose personal, subject-matter, temporal or other constraints, access to and the engagement of the PCA is subject to no inherent constraints apart from the consent of the disputing parties. This positions the PCA well for the future. There is an adaptability in the structure, remit and focus of the PCA that enables flexibility to engage with the changing face of the global community. In circumstances in which the international dispute settlement challenges of what has been described as Globalisation 3.0 have yet to be fully assessed and addressed, a vision of the coming period, even if not of the next 125 years, will be an important exercise in testing resilience, both for the PCA as an institution and in respect of its function to facilitate the settlement of international disputes in pursuit of extending the empire of law and the appreciation of international justice.

There is, or may be, a cumbersome and overbearing quality to the international dispute settlement architecture crafted in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries—formal, costly, time-consuming—that may be less well suited to the requirements of the mid-21<sup>st</sup> century. The 1899 and 1907 Conventions conceived of international dispute settlement as a backstop, a failsafe, in circumstances in which diplomacy failed. In such circumstances, there was virtue in formality and the careful and forensic engagement that came with an adjudicatory process that stretched over time. It is a matter for inquiry



about whether such procedures are always suitable today and as we move into the future. Certainly, there are more recent examples of international dispute settlement mechanisms that have adopted a more nimble and efficient approach.

Is the PCA well placed to serve a changing society that may have other priorities—or are the stately imperatives of diplomatically-inspired procedures still the aspirational standard? Are there particular types of disputes that would benefit from special mechanisms or rules? Should existing procedures be improved? What about the pool of arbitrators—the members of the Court and beyond? Is it sufficiently wide, representative and expert? Are there issues to be addressed with respect to the engagement, or lack of engagement, between PCA-hosted settlement procedures and national procedures to which they may relate? Is there reason, and would there be means, to build better bridges between such mechanisms or between related international proceedings? Could costs and efficiency be streamlined? Is there a need to focus on impartiality and ethics more generally? How can diversity be enhanced?

These and many more questions merit thoughtful enquiry—even if only to lay them to rest in circumstances in which they are already part of the wider discussion of international dispute settlement that is already taking place. The Expert Group, under the leadership of Professor Kaufmann-Kohler and Sir Daniel Bethlehem, and with the assistance and involvement of the Bureau, will begin this process. It will report to the Secretary-General and Administrative Council on a schedule and in accordance with its mandated Terms of Reference.

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