

DRAFT RESOLUTION

The CONGRESS OF THE MEMBERS OF THE COURT OF THE PERMANENT COURT OF ARBITRATION, meeting at the Peace Palace, The Hague, on 12 to 14 June 2024, in commemoration of the 125th anniversary of the Permanent Court of Arbitration (the “PCA”);

RECALLING that the establishment of the PCA was the crowning achievement of the First International Peace Conference, held in The Hague in 1899, “with the object of seeking the most objective means of ensuring to all peoples the benefits of a real and lasting peace”, and that the 1899 and 1907 Conventions for the Pacific Settlement of International Disputes (the “Conventions”) established the PCA as the first permanent institution “accessible at all times” for the peaceful settlement of international disputes;

RECALLING that the Members of the Court represent the third constitutive body of the PCA and that it is constituted of persons of “known competency in questions of international law, of the highest reputation and disposed to accept the duties of arbitrators”, who are entitled to nominate candidates for the election to the International Court of Justice and to the Nobel Peace Prize;

RECOGNIZING that the Conventions empower the PCA to provide support not only in arbitration but also in other forms of alternative dispute resolution, including fact-finding commissions of enquiry, mediation, conciliation, and other forms of peaceful dispute resolution agreed upon by States;

NOTING WITH SATISFACTION that a multitude of international treaties and instruments refer disputes for resolution under the auspices of the PCA, expanding its services to disputes involving various combinations of States, State entities, intergovernmental organizations, and private parties;

NOTING WITH SATISFACTION the exponential growth in the use of dispute resolution services of the PCA, with 82 new registry cases in 2023, representing the highest caseload in its history;

NOTING WITH SATISFACTION the strong cooperation between the PCA and other intergovernmental organizations, including the observer status of the PCA in the United Nations General Assembly since 1993, as well as the support and participation of the PCA in the work of organizations of the United Nations system, including the United Nations Commission on International Trade Law, the International Law Commission, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, the United Nations Environment Programme and the secretariat of the United Nations Framework Convention on Climate Change;

NOTING WITH APPRECIATION the Resolution dated 1 August 2023 of United Nations General Assembly welcoming the the 125th anniversary of the establishment of the PCA and recognizing the “important contribution of the PCA to the peaceful settlement of disputes”;

NOTING WITH APPRECIATION the support of the Contracting Parties in ensuring that the PCA is “accessible at all times”, through the expansion of the global presence of the PCA and making its services more widely accessible through the conclusion of host country agreements and the establishment of international offices in Mauritius, Argentina, Singapore, Austria, and Viet Nam;

DESIROUS of further strengthening the role of the PCA and facilitating the continued adaptation of the organization as it carries out its high mission and fulfils the aspirations of the Contracting Parties to the Conventions;

DESIROUS also of improving awareness of the valuable contribution that PCA has been making and continues to make to the resolution of international disputes;

BEARING IN MIND the Resolutions adopted at the Conference of Members of the Permanent Court of Arbitration on 10 and 11 September 1993, and the Centenary Resolution of the Administrative Council dated 8 April 1999;

REALIZING that thirty-four new Contracting Parties have acceded to the Founding Conventions of the Permanent Court of Arbitration since the last Congress of the Members in 1999;

NOTING the mandate given by the Administrative Council in its Resolution at its 209th Meeting on 19 April 2023 for the International Bureau of the PCA to prepare and plan for the meaningful commemoration of the 125th anniversary of the PCA, authorizing the creation of a special working group of the Administrative Council for such purpose and constituting a special panel of experts to assess the workings of the PCA, with a view to reporting on recommendations for the future of the organization;

DEEPLY CONVINCED of the relevance of the role of the Members of the Court in the promotion of the peaceful resolution of disputes and of the services made available by the PCA;

RECOGNIZING also the significance of the collaborative endeavors of the Members of the Court for the continual development of the PCA;

1. *Welcomes* the 125th anniversary of the First Hague Peace Conference and of the establishment of the PCA;
2. *Expresses its appreciation* to the Administrative Council and the Secretary-General of the PCA in convening the Special Working Group for the anniversary and constituting the Special Panel of Experts to assess the workings of the PCA and to propose strategic guidelines ;
3. *Heeds* the call of the Administrative Council and the Secretary General for the Members of the Court to observe the work of the PCA and engage in research and dialogue with a view to providing recommendations for the development of the PCA's services;
4. *Accepts* the encouragement for the Members of the Court to take all appropriate steps to make the role of the PCA better known, both to their appointing States and amongst a wider audience, through conferences, seminars, and publications that focus on the competencies of the organization in facilitating the settlement of inter-State, investor-State and contract-based disputes;
5. *Appreciates* the invitation for the Members of the Court to promote the inclusion of the PCA and the use of the procedural rules of the PCA as a recourse, where appropriate, in dispute resolution clauses in international agreements and contracts;
6. *Invites* the Administrative Council and the International Bureau to explore ways of enhancing the role of the PCA by further developing relations with the United Nations and other international and regional organizations, taking into account that the PCA is the only institution authorized by multilateral agreement to organize four of the third-party settlement methods listed in Article 33 of the United Nations Charter, namely fact-finding commissions of enquiry, mediation, conciliation, and arbitration;
7. *Invites* the Administrative Council and the International Bureau to continue their efforts to encourage States that have not yet done so to accede to the 1899 and 1907 Conventions for the Pacific Settlement of International Disputes, and calls upon the Contracting Parties and the Members of the Court to cooperate with the International Bureau and support those efforts with a view to achieving universal membership to the Conventions;
8. *Encourages* the Contracting Parties, consistent with their obligations under international law, to make full use of the PCA's services in arbitration, conciliation, mediation, commissions of inquiry and other peaceful means of dispute resolution, and to support the activities of the PCA and contribute to its programmes;

9. *Encourages* the Contracting Parties to fulfill their duties under the Conventions of maintaining the PCA and reminding other States of the possibility of resolving disputes before the PCA, taking into account that even without any prior agreement, the parties to a dispute may jointly refer any dispute to the PCA, not only for conciliation and arbitration, but also for assistance in negotiations, fact-finding, good offices or meditation;
10. *Expresses* its appreciation to the Administrative Council and the International Bureau for convening the Third Congress of the Members of the Court and invites the Administrative Council and the International Bureau to consider facilitating a more regular interaction amongst the Members of the Court, taking advantage of new and cost-effective technologies, including by creating a website portal or newsletter or convening events and activities to keep the Members abreast of developments in the PCA on a regular basis;
11. *Calls* on the entire Permanent Court of Arbitration, its Administrative Council, International Bureau, and the Members of the Court of the PCA, to ensure the readiness of the Organization for the future as a permanent institution ensuring to all peoples the benefits of a real and lasting peace, accessible at all times for the peaceful settlement of international disputes, and able to adapt to the evolving challenges of international dispute resolution in fulfilment of the aspirations of the Contracting Parties to the Founding Conventions.

The Hague, [*] June 2024