

RESOLUTION OF THE CONGRESS OF THE MEMBERS OF THE COURT

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;

RECALLING that the establishment of the Permanent Court of Arbitration 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 Permanent Court of Arbitration as the first permanent institution “accessible at all times” for the peaceful settlement of international disputes;

BEARING IN MIND the importance of the principle of peaceful settlement of international disputes as enshrined in the Charter of the United Nations, and that the maintenance and development of international measures for prevention of the occurrence and escalation of international disputes and for management of such disputes with a view to their peaceful settlement continue to be matters of the highest importance for the members of the international community as a whole;

RECALLING that the Members of the Court represent the third constitutive body of the Permanent Court of Arbitration 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 election to the International Court of Justice and may be entitled to do so for the International Criminal Court, through their national groups, and for the Nobel Peace Prize, in accordance with relevant instruments;

RECOGNIZING that the Permanent Court of Arbitration has evolved into a modern, multifaceted arbitral institution in response to the dispute resolution needs of the international community, with significant growth in its services and a multitude of instruments referring to the Permanent Court of Arbitration for the resolution of disputes involving States, State entities, intergovernmental organizations and private parties;

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

NOTING WITH SATISFACTION that a multitude of treaties and other international instruments refer disputes for resolution under the auspices of the Permanent Court of Arbitration, 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 Permanent Court of Arbitration, with 82 new registry cases in 2023, representing the highest caseload in its history;

NOTING WITH SATISFACTION the strong cooperation between the Permanent Court of Arbitration and other intergovernmental organizations, including the observer status of the Permanent Court of Arbitration in the United Nations General Assembly since 1993, as well as the support and participation of the Permanent Court of Arbitration 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 Program and the secretariat of the United Nations Framework Convention on Climate Change;

NOTING WITH APPRECIATION United Nations General Assembly resolution 77/322 of 1 August 2023 welcoming the 125th anniversary of the establishment of the Permanent Court of Arbitration and recognizing the “important contribution of the Permanent Court of Arbitration to the peaceful settlement of disputes”;

NOTING WITH APPRECIATION the support of the Contracting Parties in ensuring that the Permanent Court of Arbitration is “accessible at all times”, through the expansion of the global presence of the Permanent Court of Arbitration and making its services more widely accessible through the conclusion and entry into force of host country agreements with Argentina, Austria, Chile, China (in relation to Hong Kong SAR), Costa Rica, Djibouti, India, Ireland, Malaysia, Mauritius, Paraguay, Portugal, Singapore, South Africa, Uruguay and Viet Nam, and the establishment of international offices in Mauritius, Argentina, Singapore, Austria and Viet Nam;

NOTING WITH APPRECIATION the efforts of the International Bureau to ensure that the organization is able to work in all six official languages of the United Nations;

DESIROUS of further strengthening the role of the Permanent Court of Arbitration 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 the Permanent Court of Arbitration has been making and continues to make to the peaceful settlement 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 Conventions since the last Congress of the Members of the Court 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 Permanent Court of Arbitration to prepare and plan for the meaningful commemoration of the 125th anniversary of the Permanent Court of Arbitration, 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 Permanent Court of Arbitration, 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 settlement of disputes and of the services made available by the Permanent Court of Arbitration;

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

1. *Welcomes* the celebration of the 125th anniversary of the First Hague Peace Conference and of the establishment of the Permanent Court of Arbitration;
2. *Expresses its appreciation* to the Administrative Council and the Secretary-General of the Permanent Court of Arbitration in convening the Special Working Group for the anniversary and initiating the constitution of the Special Panel of Experts to assess the workings of the Permanent Court of Arbitration and to propose recommendations towards the future;
3. *Heeds* the call of the Administrative Council and the Secretary-General for the Members of the Court to engage in research and dialogue with a view to providing guidance for the development of the Permanent Court of Arbitration;

4. *Encourages* the Members of the Court to take all appropriate steps to make the role of the Permanent Court of Arbitration better known, both to the Contracting Parties to have appointed them and amongst a wider audience;
5. *Invites* the Members of the Court to promote the inclusion of the Permanent Court of Arbitration and the use of the procedural rules of the Permanent Court of Arbitration as a recourse, where appropriate, in dispute resolution clauses in international agreements, contracts and other instruments;
6. *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 Conventions, 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;
7. *Encourages* the Contracting Parties to make use of the services of the Permanent Court of Arbitration, consistent with international law, in arbitration, conciliation, mediation, commissions of inquiry and other peaceful means of dispute resolution, and to support the activities of the Permanent Court of Arbitration and contribute to its programs;
8. *Recalls* the duty of the Contracting Parties pursuant to the Conventions to organize and maintain the Permanent Court of Arbitration and to remind each other that the Permanent Court remains open to them;
9. *Invites* the Administrative Council and the International Bureau to explore ways of enhancing the role of the Permanent Court of Arbitration by further developing relations with the United Nations and other international and regional organizations, taking into account that the Permanent Court of Arbitration is an institution authorized by multilateral agreement to organize four of the third-party settlement methods listed in Article 33 of the United Nations Charter, namely inquiry, mediation, conciliation, and arbitration;
10. *Underlines* the importance of the role played by the Members of the Court who, through national groups, are entitled to nominate candidates for election of judges at the International Court of Justice in accordance with the ICJ Statute and may be entitled to nominate candidates for election of judges to the International Criminal Court in accordance with its own Statute, and encourages the Administrative Council and the International Bureau to explore ways of providing support to national groups in that role;
11. *Invites* the Administrative Council and the International Bureau to explore ways to develop further mutual supportiveness and synergies between the Permanent Court of Arbitration and other international dispute settlement mechanisms, particularly domestic and regional institutions dedicated to dispute resolution;
12. *Invites* the Administrative Council and the International Bureau to explore ways to effectively promote progressively the use of all six official languages of the United Nations in the work and activities of the institution as an additional means to enhance and further develop the role of the Permanent Court of Arbitration;
13. *Invites* the Administrative Council and the International Bureau to explore ways of enhancing the role of the Permanent Court of Arbitration by further developing relations with institutions and programs providing academic or professional training in the field of international dispute settlement;
14. *Notes with appreciation* the International Bureau's successes in the administration of dispute resolution proceedings between States and encourages the International Bureau to explore avenues to further the resolution of disputes involving States through the development and

appropriate use of non-binding approaches, including good offices, mediation, and conciliation, as well as the possibility of advisory proceedings;

15. *Notes with appreciation* the International Bureau's experience in the administration of dispute resolution proceedings involving State contracts and encourages the Administrative Council and the International Bureau to support the development, optimization and modernization of relevant rules, protocols and guidelines in matters such as expedited procedures, multi-tiered arbitration clauses, bifurcation, transparency and consolidation;
16. *Notes with appreciation* the International Bureau's experience in the administration of dispute resolution proceedings concerning investments and encourages the International Bureau to continue its active involvement in the ongoing investor-State dispute settlement reform process, including by encouraging and facilitating the use of mediation and conciliation in investor-State disputes, engaging with the Contracting Parties and ongoing harmonization efforts on contractual dispute settlement provisions, and taking the necessary measures to ensure that the International Bureau is prepared to provide any services within its mandate in any reformed system, if called upon to do so;
17. *Notes with appreciation* the International Bureau's efforts in pioneering dispute resolution solutions, including in the fields of climate change, international trade, international taxation, and business and human rights;
18. *Encourages* the Contracting Parties and the Permanent Court of Arbitration to promote inclusiveness and diversity in international arbitration, and in particular through consolidating gender equality and to promote the presence of women in technical and decision-making positions within the institution, further increasing the number of female arbitrators appointed, and raising awareness amongst the Contracting Parties to achieve an increasing participation of women in other instances, such as national groups;
19. *Encourages* the Administrative Council and the International Bureau to ensure that the Permanent Court of Arbitration remains at the forefront of international dispute settlement, including through the development of dispute resolution procedures and the appropriate use of emerging technologies;
20. *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 explore opportunities for further engagement with the Members of the Court and for more regular interaction amongst the Members of the Court, including in a regional framework;
21. *Calls* on the entire Permanent Court of Arbitration, its Administrative Council, International Bureau, and the Members of the Court, 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 Conventions.

The Hague, 14 June 2024