

# Opening Address

*Rüdiger Wolfrum\**

Also on behalf of Armin von Bogdandy, my colleague, I would like to welcome you at this seminar on ‘International Dispute Settlement: Room for Innovations?’.

Let me briefly explain the objective of this seminar. This is not meant to be a seminar on dispute settlement as it is. We all know how international dispute settlement works. The title is ‘Room for Innovation’ with a question mark and I would very much appreciate if that could be the focus of that seminar. We have combined various aspects and for that reason, I hope that we are going to have some cross-fertilization for we are dealing with dispute settlement procedures, which normally are not dealt with in the same seminar.

We will start with WTO dispute settlement since this is, in my opinion, the most modern dispute settlement procedure. I hope we will appreciate its particularities and we should consider whether they indicate a trend to be pursued also in other procedures. In my view the involvement of the parties and the two stage procedure are of particular interest.

The next topic is dealing with advisory opinions. The reason for touching upon this issue and for giving it so much room is that advisory opinions have been marginalized in practice and perhaps underrated in literature. Recently the International Tribunal for the Law of the Sea has had some positive experience with that procedure.

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The third issue is dealing with 'Interaction between Counsel and International Courts and Arbitral Tribunals'. This is the topic so far hardly dealt with in seminars. Philippe Sands has distributed guidelines on that, which give already an indication in the way he is going to argue.

The topic on the lawmaking functions of international courts and tribunals is, maybe, a controversial issue. Under this topic we will have to deal with the question to what extent international courts or tribunals contribute to the progressive development of international law – which is significant – and whether this may be qualified as lawmaking. This is not only a semantic question but an issue entailing significant consequences such as the appropriate foundation of the legitimacy of international courts and tribunals.

The final presentation concerning 'Privatization of the Settlement of International Disputes' again has an innovative aspect. It will deal with the issue that many legal disputes between States are, in fact, disputes between a State and a private entity. As far as investment disputes are concerned procedural consequences have been drawn resulting in the privatization of the settlement of disputes.

Thereafter, I will try to summarize the discussion.