



Special tribunal or claims commission

Kyiv Arbitration Days 2022: "After the war: the legal battles" Panel 2: Where to go?

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Introduction and general aspects

- Currently initiatives within the UN General Assembly and the European Council.
- Aim for political support followed by a process to elaborate.
- Need to gather and safeguard evidence.
- Further discussion and development of details regarding establishment, mandate and functioning.
- Precedents exists.

Special tribunal



- Criminal matters.
- Previous special tribunals e.g. UN International Criminal Tribunal for the former Yugoslavia, International Criminal Tribunal for Rwanda.
- Currently International Criminal Tribunal.

Claims commission



- International instrument to resolve claims arising out of a crisis.
- Compensation of damages.
- Previously e.g. Iran-US Claims tribunal, the UN Compensation Commission.
- Instead of possible several *ad hoc* mechanisms, such as arbitration?



Concluding remarks

- Further discussion and work on details: establishment, mandate, functioning and funding.
- Relation to existing mechanisms - possible complementary or replacing role to national and international mechanisms?
- Need to ensure legitimacy, fair process and the respect of rule of law.
- Political interest prevails.