

**The Hague Principles on Ethical Standards**  
**for Counsel Appearing before International Courts and Tribunals**

**The Study Group of the International Law Association on the Practice and Procedure of International Courts and Tribunals:**

*Convinced* that the identification of clear and transparent principles of general application

international courts and tribunals in view of the non-national context in which they operate and differing national ethical rules;

*Noting* that these Principles are not intended to displace any special provision made in the ethical rules of a particular international court or tribunal;

*Recognising* that each international court and tribunal has its own characteristics and functions and that each international court may need to adapt principles to fit its particular circumstances and practices;

*Conscious* that international courts and tribunals have an inherent power and duty to conduct the proceedings before them in a manner that ensures that the parties are treated fairly and with equality and may decide to secure this objective by making procedural or other orders or decisions concerning the role and conduct of counsel;

**PROPOSES** the following Principles on Ethical Standards for Counsel Appearing before International Courts and Tribunals:

## **1. Scope**

1.1 The Principles apply to any person discharging the functions of counsel by representing, appearing on behalf of, or providing legal advice to a party in proceedings before an international court or tribunal, however such person may be described, and whether or not the person has professional legal training or is admitted as a member of a bar association or other professional body.

1.2 ‘International court or tribunal’ refers to a court or tribunal created under and governed by international law, including criminal and non-criminal courts, whether standing or *ad hoc*, and, as appropriate, to an international arbitral tribunal in a proceeding in which one or more of the parties is a state.

1.3 Subject to Principle 5.1, counsel has a duty to ensure, so far as possible, compliance with these Principles in proceedings before an international court or tribunal

2.4 *Confidentiality*: Counsel shall respect the confidential character of any information imparted to him or her in confidence in the litigation.

### **3. Relations with the Client**

3.1 *Loyalty*: Counsel shall loyally discharge his or her professional



4.3.1 has personal links to another party that might create a reasonable risk of a conflict of interest;

4.3.2 has a material personal, professional or financial interest in the outcome;

4.3.3 has a reasonable expectation that he or she may be required to give evidence in the proceedings as a witness of fact;

4.3.4 has served as a judge or other officer of the international court or tribunal within the previous three years or such other period as the court or tribunal may establish by its rules; or

4.3.5 has previously dealt with the case in a judicial capacity.

4.4 Notwithstanding Principle 4, counsel is not precluded from acting in a case in which he or she has made appropriate disclosure in writing of the facts relevant to the Principle on the basis of which the parties have given their express consent.

## **5. Relations with the International Court or Tribunal**

5.1 Counsel shall abide by the rules of conduct, orders and directions of the international court or tribunal.



6.1 Counsel shall present evidence in a fair and reasonable manner and shall refrain from presenting or otherwise relying upon evidence that he or she knows or has reason to believe to be false or misleading.

6.2 Counsel may engage in pre-testimonial communication with a witness, subject to such rules as the international court or tribunal may have adopted.

6.3 Counsel shall comply with the procedural rules of the international court or tribunal when presenting evidence.

6.4 Counsel shall comply with the rules and orders of an international court or tribunal regarding the confidentiality of the proceeding or with any other applicable laws and regulations regarding the confidentiality of the proceeding.

## **7. Relations with Others**

7.1 Counsel shall at all times treat each other, as well as witnesses, third parties, experts and officers of the international court or tribunal, with due respect, courtesy and dignity.

7.2 Counsel shall use best endeavours to cooperate effectively with each other.

7.3 Counsel shall respect any conditions attaching to correspondence received from counsel for the opposing party, including confidentiality.



7.4 Counsel shall not engage in any direct communication with the opposing party, where that party has retained counsel, except with the latter's consent or by order of the international court or tribunal.



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