The rather obscure title that the organisers of this fascinating meeting have given to this session offers one a certain amount of liberty in the manner in which to proceed, and I am more inclined to use this title than the summary of its supposed content figuring in the programme, which slightly troubles me. Such summary invites an examination of the “internal aspects” of the organisation of courts and tribunals, a subject that I am wholly unqualified to address since I am an “external observer” (and user).

Having thus done away with the subject matter of this session, as suggested to me when I was so kindly invited to participate in this conference, I propose precisely to provide the point of view of an observer and user on “the global efficiency of courts and tribunals.” Cheating a little with that which was promised, I will concentrate on a subject that I know the least badly: The International Court of Justice (with nevertheless certain incursions into other jurisdictions when I feel capable of it).

Furthermore, as the subject remains, even when “re-interpreted” in this—very broad—way, if one wants to avoid being excessively superficial, it is best to pick and choose among the various issues that this topic raises. I propose to address the following points, albeit in a somewhat arbitrary manner, (in a presentation that is more in line with Anglo-Saxon empiricism than the French Cartesian plan: London oblige, and I find myself being influenced by my Anglo-Saxon friends and colleagues as a result of pleading with or against them . . .):

1. The formation of international courts and tribunals (I have indiscriminately included these under the term “courts”). Such courts confront very specific problems in terms of “efficiency.” This will lead me to address questions related to the language of proceedings and the educational background of judges;
2. Paradoxically new technologies can constitute a burdensome factor
and can decrease the efficiency of international court proceedings;
3. This burden is without doubt aggravated by the way in which the
courts function, even if this remark is more pertinent to the Interna-
tional Court of Justice than to its co-generics or successors; and
4. In any case, the global efficiency of courts and tribunals has less to do
with internal factors than with the support (or lack thereof) of
States.

I. The Formation of International Courts and Tribunals Makes Them
Susceptible to Very Specific Problems in Terms of “Efficiency”

The three, five or 15 judges that constitute a national court are in the large
majority of cases from the same mould. They have followed the same stud-
ies, they are imbued in the same judicial or jurisprudential tradition and in
the large majority of cases they speak the same language. This is not the
case when we pass to the international level, whether at the universal or
regional level.

You will not be surprised that being a good Frenchman, I will immedi-
ately address language (even if I am less than others an advocate of French
as an international language). Paradoxically, the problem of linguistics is
more serious at the universal level than in regional frameworks, even if
astute solutions often circumvent these problems.

Let us take the example of the European Court of Justice. Pursuant to
Articles 29 et seq. of its Rules of Procedure, all official languages of the
27 Member States of the Community can be used as the language of the
proceedings. There are 23 official languages, which allows in principle for
450 possible linguistic combinations. However, in practice this is less trou-
bling than it appears. Except for joint cases, a single procedural language is
used for each case and as the Court has the excellent practice of working in
a single language, that being French, each file ultimately only exists (gener-
ally speaking of course, as there are often exceptions) in two languages: the
language chosen by the applicant as the language of the proceedings (or
that of the defendant Member State) and the language of Robert Schuman
or Paul Reuter (and this language only in cases where the procedural lan-
guage is French). Unless I am mistaken (but the President of this session