



UiO : **PluriCourts**
University of Oslo



Universiteit
Leiden

Conference on the Legitimacy of Unseen Actors in International Adjudication

Call for Papers

The Hague, 26-27 October 2017

Co-organised by the PluriCourts Centre of Excellence (Oslo University)
and the Europa Instituut (Leiden University)

'Unseen actors' are central to the '**institutional makeup**' of international courts and tribunals as registries and secretariats, law clerks and legal officers may exert varying levels of **influence on the judicial process**.

At this conference, legal and political science scholars and members of adjudicatory institutions will consider and discuss the legitimacy of assigning 'unseen actors' certain roles in the judicial process as well as the implications thereof for the legitimacy of the dispute settlement mechanism as such.

ORGANISATION

The **PluriCourts Centre of Excellence** studies the legitimacy of international courts and tribunals from legal, political science and philosophical perspectives. Research at PluriCourts concerns the origins of international courts and tribunals, their functioning, and their effects. The **Europa Instituut** at Leiden Law School similarly has extensive expertise in studying these issues from the perspective of the Court of Justice of the EU and the European Court of Human Rights.

GOALS

The goal is to identify and analyse (alleged) common connections and patterns in the institutional makeup and daily practice of international courts and tribunals, through an interdisciplinary investigation of the functioning of 'unseen actors', with the purpose of explaining and answering legitimacy challenges, for example, through the development of codes of ethics.



Such investigation could focus on, for example, the following topics:

Appointment

Which legitimacy issues could arise relating to recruitment, selection and (renewal of) appointment of members of the registries, secretariats and legal officers, including the conditions of such appointment in terms of expertise and/or representativeness? How could the competence of certain secretariats to appoint adjudicators (ICSID annulment committees; WTO panels; default appointment procedures in arbitration) be assessed from a legitimacy perspective?

Case management

How do 'unseen actors' at international courts and tribunals work with disputing parties to manage pending cases, for example through agreeing on a written submission calendar or to seek a solution for cases that have been "on the docket" for a considerable amount of time? How do the various allocation systems for individual cases operate? How may practices on case preparation and deference to State policy from a case management/procedural viewpoint affect legitimacy?

Deference to the bench

How is the legitimacy of the judicial process maintained through the relationship between the 'unseen actors' and the bench, in terms of setting the agenda of court or tribunal meetings; attending deliberations; preparatory research and contribution to the drafting of parts of decisions, including interlocutory orders? With regard to the CJEU, the interaction of the bench with the Advocate-General could be examined.

Cost-, time- and technological efficiency

How could the performance of members of the registries and secretariats, and legal officers be assessed in terms of the legitimacy of the dispute settlement process? Similar questions may arise with regard to the organization of translator and interpreter services; or the application and reform of procedural rules. Legitimacy issues in this context could relate to the need for competitive efficiency, as compared to other dispute settlement mechanisms, while offering effective access to justice and a fair trial.

Accountability and transparency

A major aspect of legitimacy is the accountability and transparency of the 'unseen actors' themselves (different models of contractual relationships, resolution of personnel matters, etc.) and how they support the accountability of the international adjudicatory institution in its entirety, for example, through budget management.



Here one could look at accountability towards disputing parties as well as towards the international legal community more broadly.

Outreach and capacity-building

How does the 'public-facing' role of secretariats and the extent to which there is room for public scrutiny, for example by NGOs, contribute to the legitimacy (and the perception thereof) of international adjudication. How could one assess the complex relationship of the 'unseen actors' as part of the liaison of the adjudicatory institution with the disputing parties, host State and the media – as well as, in some cases, the training provided to developing country judges and registries.

This is **not an exhaustive list**, applicants are welcome to submit abstracts analysing other common connections and patterns in the institutional makeup and daily practice of international courts and tribunals.

SUBMISSION OF PAPER PROPOSALS

The Organising Committee (chaired by Prof. dr. Freya Baetens) welcomes abstracts from academics as well as practitioners, including staff of adjudicatory institutions and international organisations. Papers should present innovative ideas, be unpublished at the moment of presentation, and be at an advanced stage of completion.

The submission **deadline is 31 May 2017**.

Proposals should be submitted via email to unseenactors@jus.uio.no and consist of:

1. A **cover letter**, indicating whether the author (if selected) will be applying for financial support (this will not affect the selection process);
2. An **anonymized abstract** (in Word or Pdf-format, not exceeding 400 words);
3. A **one-page CV**, including the author's contact details and her/his most important/relevant publications.

Multiple abstracts per author will be considered, but each author will be invited to present one paper at most.

FINANCIAL ASSISTANCE

A limited amount of financial assistance is available to support the travel and/or accommodation costs of speakers with financial hardship. Due to funding regulations, reimbursements can only be transferred once the applicant has submitted her/his final paper for publication.



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TIMELINE

The deadline for submission of abstracts is **31 May 2017**.

All applicants will be informed of the outcome of the selection process no later than **30 June 2017**.

The deadline for submission of full draft papers is **30 September 2017**.

The conference will take place on **26 and 27 October 2017**.

The deadline for submission of the final version of the paper is **30 November 2017**.

PUBLICATION

Authors who submit a paper proposal thereby consent to publish their finalized paper in the edited collection or the special journal issue.