

PluriCourts

Centre for the Study of the Legitimacy
of the International Judiciary

20
17



The Research Council of Norway



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The year 2017 at a glance

2017 was a truly exciting year for PluriCourts. We passed the mid-term evaluation by the Research Council of Norway, receiving the mark “exceptional”. We aim to implement all suggestions made by the evaluation committee that are within our reach. We are committed to try to maintain our high level of research as well as our inspiring research environment.

In light of the mid-term evaluation process and changes in the context in which international courts and tribunals operate, we launched a revised research plan. This new research plan encompasses a broader range of international courts and assesses their legitimacy in cross-cutting dimensions.

We seek to maintain the high level of quality research at PluriCourts. Thus, **in 2017 we have published about forty articles, five books, and twenty five chapters in anthologies.**

We are proud that two of our researchers, Freya Baetens and Ole Kristian Fauchald, succeeded with applications for external project funding under the Research Council of Norway’s FRIPRO scheme. Professor Freya Baetens will lead the Young Researcher Talent project **“*State Consent to International Jurisdiction: Conferral, Modification and Termination*”** in 2018-2021. Professor Ole Kristian Fauchald’s research project **“*Responses to the 'legitimacy crisis' of international investment law (LEGINVEST)*”** will seek ways to enhance synergies between international investment law and policies to protect the environment, promote human rights, and facilitate sustainable development in poor countries. Both projects will attract young and senior scholars to Oslo and strengthen our research team. Read more about the two projects on page 9 and 15.

The level of activities at PluriCourts continued to be very high, with a broad range of conferences conducted in Oslo and abroad. PluriCourts is well-established in the international research field, attracting visiting scholars and serving as a platform for our young scholars’ career development. In 2017, several postdoctoral fellows moved on to permanent positions abroad. Alain Zysset is now a lecturer at Durham University; Theresa Squatrito became a lecturer in political science at Liverpool University; Daniel Behn, after six months as a visiting fellow at Penn State University, is a lecturer in international law at Liverpool University. Tori Loven Kirkebø became a researcher at the Department of Public and International Law at the University of Oslo. Claire Poppelwell-Scevak received a scholarship to become a PhD candidate at Ghent University, Chrysa Alexandraki joined the University of Luxembourg as a PhD candidate and Live Standal Bøyum became a research assistant at the Centre for Labour and Welfare Research at the Oslo and Akershus University College of Applied Science. We wish them all good luck in their future careers.

In 2017 we welcomed a number of new staff members to PluriCourts. Siri Johnsen took over as administrative leader in February. In the fall, Silje Hermansen and Michael Holmgren started as postdoctoral fellows in political science, and Stein Arne Brekke as a research assistant. Antoinette Scherz joined the team as a postdoctoral fellow in philosophy. Laura Létourneau-Tremblay returned to PluriCourts to strengthen the administrative team.

PluriCourts has an ambition to be an inspiring and inclusive workplace for all team members not only at work but also at play. In 2017, we organized a range of social activities, including participation in the Holmenkollen relay, skiing and hiking tours, dinners and PluriFamily barbecues. Our Thursday lunch quizzes are famous. We hope that 2018 also will be academically stimulating, successful and fun!

The midterm evaluation: PluriCourts is exceptional, and will continue for another five years

The Research Council of Norway endorsed the report from the mid-term Evaluation Committee. The Committee praised PluriCourts for a wide range of achievements: the publication record, the databases created, and the opportunities and research environment it provides - not only at PluriCourts but also for the Faculty of Law and the University of Oslo.

The Evaluation Committee offered eight recommendations, which the co-directors Geir Ulfstein and Andreas Føllesdal fully endorse and hope reaches all relevant parties.

- We look forward to continuing our constructive dialogue with the Faculty of Law, the Department of Political Science and the Department of Philosophy about how to enhance their research and training also after PluriCourts formally comes to an end. Indeed, the Minister of Education is committed at looking at how to continue such successful clusters. For PluriCourts, this political support is very welcome as we continue to look at opportunities for the various partners at the University of Oslo to maintain our research networks, workshops for judges, PhD courses, data bases and mentoring activities - to mention a few.

In 2020, PluriCourts will move to the new university building at Tullinløkka, which is currently under construction. The Evaluation Committee noted our concerns relating to the future PluriCourts premises and recommend that we should be secured comparable space and offices.

The Evaluation Committee also reflected PluriCourts' concerns relating to the Centre's and University's web regime. The Committee underscored the need for a website better aligned to our needs and to those of our target audiences.

New research plan

For the first five years of its existence, PluriCourts conducted research on the legitimacy of international courts (ICs) structured around three sub-topics: the origins, functions and effects of ICs. To answer these questions, PluriCourts focused on five sectors of international law: human rights, trade, criminal law, investment, and environment.

- We are proud of our accomplishments thus far – 141 journal articles and book chapters, 11 books and many forthcoming this year and next, and an average of 50 seminars and conferences per year, say Andreas Føllesdal and Geir Ulfstein, Co-Directors of PluriCourts. Furthermore, we have been able to create a vibrant, curious and supportive research environment, attracting and keeping great colleagues.

They continue:

- We have addressed many central aspects of the various international courts in different issue areas, and move forward on that basis to compare them in more detail, and start to draw lessons. Also, the increasingly vocal challenges to these international court and tribunals make our research ever more relevant to public discussions.

During the past years, we witnessed an increasing polarization and tensions affecting international courts.

- We now observe that African states are speaking of leaving the International Criminal Court.
- The UK Brexit from the EU includes leaving the Court of Justice of the European Union.
- Several countries discuss exit from the European Court of Human Rights.

- Controversies arise around the inclusion of investment arbitration in Free Trade Agreements

PluriCourts revises and refines its research strategy in light of recent charges of illegitimacy. We will continue to explore the concepts and standards of legitimacy that should be applied to international courts, expanding our focus to include a broader range of ICs - the International Court of Justice, the International Tribunal for the Law of the Sea and the Court of Justice of the European Union) and exploring points of comparisons between ICs. Keeping our multidisciplinary strength, PluriCourts will look at the most important points of criticism directed against ICs. Is the criticism sound in light of the most relevant legitimacy standards? What are the potential improvements for each IC? What are the present and future roles of ICs?

The PluriCourts Co-Directors Andreas Føllesdal and Geir Ulfstein are clear that PluriCourts has a large potential to contribute to current debates:

- Amongst other, we can contribute research based information and arguments to help remove misunderstandings about facts or norms, and otherwise help ensure that the public discussions are as sound as possible.

[Who is best placed to decide: States or ICs? Should states take back power?](#)

Many argue that ICs infringe on national sovereignty by assuming powers that states did not intend the ICs to have. Critics urge states to take back authority that has been placed at a regional or international level. PluriCourts examines such accusations and suggestions. Sometimes ICs may just be scapegoats in more complex debates, and sometimes critics may be correct – sometimes ICs may well fail to serve a good purpose in the most effective ways. Where and how should decision-making power be placed at the national level, and when with ICs? PluriCourts conducts a

series of workshops on several of these topics, and in different regions of the world.

PluriCourts also examines the allocation of authority between different international organs and legal regimes.

[Rule of lawyers or rule of law](#)

PluriCourts is interested in the somewhat conflicting criticisms that some international courts and individual judges are puppets of their masters, while other ICs, to the contrary, are out of control.

- One of our strategies is to try to discern which criticisms are merely loud objections by those who find a judgement that goes against them, and which criticisms merit more reflection, and possibly revision of how the courts operate.

PluriCourts studies where we should strike the balance between two necessary features of international courts' legitimacy: independence, and accountability.

The research team assesses the composition of international courts. PluriCourts dedicates a series of research seminars and book projects to the selection procedures and composition of ICs. Amongst others important themes, PluriCourts looks at why there are so few women judges – and which effect this gender imbalance has had.

PluriCourts research has revealed that how ICs act are important for their legitimacy – be it their procedures, their methods of interpretation, and their internal workings.

[ICs' performance: From remedying individual treaty violations to global justice](#)

PluriCourts assesses how well ICs actually perform in a wide sense. We look at whether states actually comply with judgments directed against them.

More generally, PluriCourts studies whether ICs really contribute to the objectives of the treaties they protect, such as reducing human rights violations, or stabilizing global trade. On an even broader level, it asks whether ICs do – and should – contribute to global justice.

PluriCourts also examines whether, when and how judges behave strategically when they decide cases – do they follow their own preferences, those of their states, or do they bear in mind which effects their judgments can have on state compliance and the functioning of the international system?

Comparative advantages

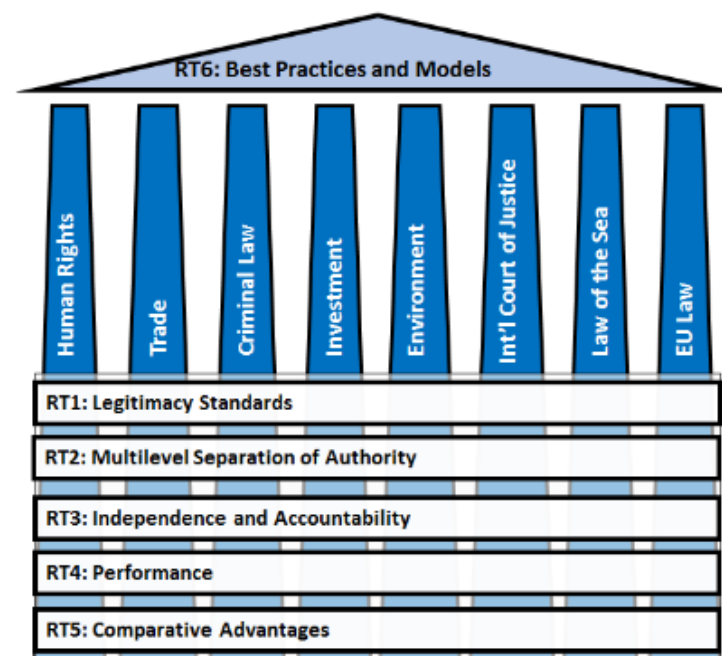
ICs are not the only institutions that attempt to conduct fact-finding, develop or enforce the law. PluriCourts compares ICs to other forms of international dispute resolution, such as diplomacy and non-compliance procedures. The centre assesses which mechanisms are best placed to perform certain functions.

PluriCourts addresses the advantages and weaknesses of ICs for multi-party disputes. Amongst others, we ask whether ICs ensure global justice and the protection of the global public goods such as the environment.

Best practices

PluriCourts scrutinizes how changes in ICs - for better or worse – come about, and what are best practices and models for improvements for each IC. Føllesdal and Ulfstein consider that the center's output might have an impact on how the future international judiciary will be shaped:

- We foresee that our peer reviewed scholarly works will facilitate the longer term criticisms and developments among the politicians, judges and populations of tomorrow.



Human Rights

Main events and publications

Human rights research at PluriCourts focused increasingly on regional human rights courts outside of Europe. A number of papers and one special issue dealt with the Inter-American Court of Human Rights or the African Court of Human and Peoples' Rights and human rights in Asia.

One of the main events on the PluriCourts calendar is the **Ryssdal seminar**. Co-organized with the Norwegian Court Administration, these annual seminars target specifically researchers and practitioners who want to stay up to date on the developments in the international human rights judiciary. The 2017 seminar had the topic "The European Convention on Human Rights Under Pressure?". Presenters took up developments in several European countries that reveal discontent with the European Court of



Human Rights' interpretation of the European Convention on Human Rights.

A total of four edited volumes on human rights appeared in 2017. Amrei Müller's edited volume ***Judicial Dialogue and Human Rights*** came out with Cambridge University Press. It analyzes how and why domestic and international courts talk with each other, and which effects this dialogue has. Contributions concern different regions of the world, including Eastern Europe, Latin America, Canada, Nigeria and Malaysia. The book includes studies on specific subject matters such as LGBTI people's and asylum seekers' rights that further contribute to a better understanding of factors that stimulate or hold back judicial dialogue, and first hand insights of domestic and European Court of Human Rights judges into their courts' involvement in judicial dialogue.

Andreas Føllesdal, Morten Ruud and Geir Ulfstein launched their book ***Human Rights and Norway*** (Universitetsforlaget), at Litteraturhuset. The event was very well visited and sparked interesting debates. Several of the authors presented their chapters; professor Øyvind Østerud (University of Oslo) and Associate Professor Anine Kierulf (Norwegian Human Rights Institution) commented on the book. They discussed many of the current controversies relating to human rights in Norway – the criticism of judicialization; whether human rights protection is effective for individuals in Norway; and whether the international human rights system has too much power over national democratic organs.

The book ***The International Human Rights Judiciary and National Parliaments: Europe and Beyond***, edited by Matthew Saul, Andreas Føllesdal and Geir Ulfstein was published by Cambridge University Press. The contributors examine the interplay between national parliaments and international human rights courts and tribunals. The book addresses which role national parliaments should play in realizing human rights; and how

international human rights courts can empower national parliaments. The book concludes PluriCourts' book series "Studies on Human Rights Conventions" with Cambridge University Press.

Reidar Malik and Johan Karlsson Schaffer presented their book ***Moral and Political Conceptions of Human Rights: Implications for Theory and Practice*** (Cambridge University Press). They discuss the two main approaches to human rights: Those that consider that human rights are a special class of universal moral rights and those that see human rights as political constructs. The book shows that both views share some common ground in terms of methodology and concerns. Contributors study how the conceptions play out in concrete examples, such as socio-economic rights, indigenous rights and the rights of immigrants.

In August 2017, a delegation of Russian human rights lawyers visited PluriCourts as part of a study trip to several Norwegian institutions. They met with the human rights team at the centre to discuss the European Court of Human Rights' case-law and the Russian response to judgments by the court.

Research visits

In 2017, PluriCourts received several visitors focusing on human rights. Two Fulbright scholars contributed to human rights research: Professor George Christie, Duke University School of Law (academic year 2016/17), and Professor Jeffrey Kahn, Southern Methodist University (academic year 2017/18). A delegation of human rights scholars from Brno University visited PluriCourts for a period of 2-4 weeks, funded by EEA-Norway Grants: Hubert Smekal, Katarina Sipulova, Jan Petrov and Monika Hanych. The Director of our Danish partner organization, iCourts – Danish Centre of Excellence on International Courts, Mikael Rask Madsen, visited PluriCourts for two weeks. Furthermore, several PhD candidates strengthened the human rights team. Petra Gyongyi focused on the organization of the

judiciary in Central and Eastern Europe, while Leiry Cornejo Chavez (European University Institute) studies remedies prescribed by regional human rights courts.

In addition, PluriCourts co-director Geir Ulfstein spent three months at Humboldt University in Berlin. PhD candidate Øyvind Stiansen spent three months at Georgetown University, where he cooperated with PluriCourts affiliated Professor Erik Voeten.

Trade

Main events and publications

In December 2016, Professor Freya Baetens took up the position of coordinator of the trade pillar. In line with the research plan of PluriCourts projects, the research on international trade law has become increasingly integrated with other areas of international law such as investment and international dispute settlement in its broadest sense. Several of the events and publications in 2017 bear witness of this cross-cutting stance, allowing more researchers to include a trade perspective in their projects.



Freya Baetens compared the investor-state dispute settlement system to the dispute settlement system under the World Trade Organization (WTO) in her article entitled ***Judicial Review of International Adjudicatory Decisions: A Cross-Regime Comparison of Annulment and Appellate Mechanisms*** published in *Journal of International Dispute Settlement*. She specifically addressed whether awards in investment arbitration should be subject to an appellate review, similar to, for example, the WTO Appellate Body. She proposed that such appellate mechanism could enhance coherence, consistency and legitimacy.

She conducted a similar comparative (trade/investment) exercise in her SWOT analysis of the ***Strengths, Weaknesses, Opportunities and Threats of Investor-State Dispute Settlement as compared to WTO Dispute Settlement*** published in Bourgeois, J., Bronckers, M., Quick, R., [Eds.] *WTO Dispute Settlement: Time to Take Stock*. For this project, she also collaborated with Marco Bronckers in order to examine the potential of introducing financial compensation in WTO dispute settlement (***Financial Payments as a Remedy in WTO Dispute Settlement Proceedings. An Update***’, co-authored with M. Bronckers, in Bourgeois, J., Bronckers, M., Quick, R., [Eds.] *WTO Dispute Settlement: Time to Take Stock* (College of Europe Studies, Peter Lang 2017) 67-98).

Furthermore, she assessed how principles of public international law and the rules on State responsibility have been adopted and, at times, amended in international economic law (***Pacta sunt servanda***’ and ***State responsibility***’ in *Encyclopedia of International Economic Law* (Edward Elgar)). Finally, her book ***International Economic Law – Contemporary Issues***, edited together with Giovanna Adinolfi, José Caiado, A. Lupone and Anna Micara was published by Giappichelli / Springer in 2017.

Postdoctoral fellow Michelle Q. Zang studied the communication between adjudicators at the Court of Justice of the European Union and the WTO Dispute Settlement Mechanism. She revealed that the WTO and EU adjudicators had very different perceptions of each other’s legal regimes and decisions – and that this influenced how the bodies referenced each other.

Postdoctoral fellow Theresa Squatrito examined how non-state actors could get involved in the WTO Dispute Settlement Mechanism by submitting *amicus curiae* briefs. She also empirically mapped which factors

influenced the content and effect of such briefs in the article ***Amicus Curiae Briefs in the WTO DSM: Good or Bad News for Non-State Actor Involvement?*** in World Trade Review.

Key findings and achievements

On 26 and 27 October 2017, the Conference on The Legitimacy of Unseen Actors in International Adjudication took place in The Hague, as a joint project of PluriCourts and the Europa Institute (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 considered and discussed 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.

The goal was 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.

In November 2017, Professor Freya Baetens was successful under the FRIPRO Young Research Talents scheme. Her project, ***State Consent to International Jurisdiction: Conferral, Modification and Termination***, will gather a team of PhD candidates in Oslo. The cross-cutting and comparative project will examine a host of international courts, and contribute to PluriCourts’ research on the multilevel separation of authority in

international adjudication. The FRIPRO call is highly competitive, with an average success rate of 5-10%.

Ambitions for 2018-2019

In 2018 and 2019, the Pillar formerly focusing solely on Trade Law will continue to expand its research activities into cross-cutting issues within international dispute settlement, including but not limited to:

- The project on State Consent to International Jurisdiction: Conferral, Modification and Termination: Professor Freya Baetens and two PhD Fellows (to be hired in Spring 2018)
- A three-part conference series on *Identity on the International Bench*, looking at gender (January 2018), geography and legal culture (May 2018) and religion and ethnicity (October 2018): organised by Professor Freya Baetens, with contributions of former Postdoctoral fellow Daniel Behn, Postdoctoral fellow Taylor St John, Postdoctoral fellow Szilárd Gáspár-Szilágyi, Postdoctoral fellow Juan Pablo Pérez León Acevedo, Laura Letourneau-Tremblay, professor Ole Kristian Fauchald, Professor Geir Ulfstein and Professor Andreas Føllesdal
- A course taught by Professor Freya Baetens on *The articulation of global, regional and local international trade rules* within the framework of the External Programme of the Hague Academy of International Law (Singapore, November 2018)

PluriCourts’ international profile on international trade law research will continue to be enhanced through its members’ contribution to international collaborative projects and the presentation of their findings at international conferences.

Spotlight on: State Consent to International Jurisdiction

An international legal system to resolve disputes cannot be imposed 'top-down' because all depends on whether States are willing to give an 'external force', such as an international court or tribunal, the power to judge whether they have complied with their obligations. In legal terms, the question is one of 'State consent to international jurisdiction'. After the rise in the creation of new international courts in recent decades, States are now restricting the scope of their consent or even withdrawing it altogether due to allegations that courts are unduly limiting State sovereignty.

State consent to jurisdiction serves as a barometer indicating fluctuations in State support for the international legal system. For example, in October 2017, Burundi withdrew from the International Criminal Court (ICC), raising concerns about the effects on the ongoing ICC investigation into allegations of severe human rights abuses in Burundi. In February 2017, the UK modified the conditions under which it accepts the jurisdiction of the International Court of Justice (ICJ), which seems aimed at evading disputes regarding its compliance with the Treaty on the Non-Proliferation of Nuclear Weapons.

The fundamental tension examined in this project is that, on the one hand, States wish to have 'manoeuvring space' by maintaining the possibility to avoid being sued before an international court, while on the other hand, they wish to restrict the behaviour of other States by ensuring that international rules are enforced through a well-functioning court system.

This project fulfils the need for an up-to-date analysis of how international law accommodates this fundamental tension by regulating when, how and with which legal consequences States confer, modify or terminate their consent to the jurisdiction of an international court or tribunal. In turn, this enables the identification of systematic policy patterns and strategies to improve State accountability at the international level.

International Criminal Law

Main events and publications

2017 was a year of high activity in the international criminal law pillar of PluriCourts. Finally, several edited volumes resulting from international conferences hosted by the international criminal law team in the first years of operation of PluriCourts were published, along with research articles, book chapters and book reviews. Furthermore, 18 lunch seminars and two workshops brought international scholars to Oslo to discuss the latest developments in ICL.

Nobuo Hayashi, Cecilia Bailliet and Joanna Nicholson edited ***The Legitimacy of International Criminal Tribunals***. The book is the result of an international conference held in 2015 and includes contributions from scholars with a variety of backgrounds. They shed light on key issues pertaining to legitimacy: criminal accountability, normative development, truth-discovery, complementarity, regionalism, and judicial cooperation.

Joanna Nicholson edited the special issue ***Strengthening the Validity of International Criminal Tribunals***, which stemmed from a conference with the same title held in Oslo in 2016. The articles addressed concerns regarding the effectiveness and the legitimacy of the international criminal judiciary, for instance in relation to rule application – the principle of legality – and the evaluation of evidence.

A conference co-organized by PluriCourts, the American Bar Association, the Rule of Law Initiative, the American Society of International Law and the American Red Cross, led to a special issue titled ***Prosecuting Serious International Crimes: Exploring the Intersections between International and Domestic Justice Efforts***.

Research assistant Ester Strømme gained substantive academic and media attention for her research on how the judiciary treats female foreign

fighters (see p. 13). Several media, including NRK's Verdbørsen, Kjønnssavdelingen and Radio Nova, invited her to discuss her findings.

Research visits

Two Fulbright scholars strengthened the ICL team at PluriCourts: Professor Ken Gallant, University of Arkansas (spring 2017) and Assistant Professor Jacqueline McAllister, Kenyon College (academic year 2017/18). McAllister's project during her stay is to examine the International Criminal Tribunal for the former Yugoslavia's (ICTY) role in deterring atrocity.

Postdoctoral fellow Juan Pablo Pérez-Léon Acevedo spent the fall semester at Oxford University and at the Max Planck Institute for Foreign and international Criminal Law in Freiburg.

Spotlight on: Does ICL still matter?

Modern international criminal courts and tribunals date back to the Second World War.

- During the Second World War the world became a witness to large scale, systematic attacks on human dignity. The crimes committed were unparalleled, says Joanna Nicholson, postdoctoral fellow at PluriCourts.

In the aftermath of the War, those deemed most responsible for crimes in Nazi-Germany were tried in front of an international criminal tribunal at Nuremberg on charges of war crimes, crimes against humanity, and crimes against peace. Famously, the tribunal held:

'crimes against international law are committed by men, not abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced...individuals have international duties which transcend the national obligations of obedience imposed by the individual state.'

The tribunal has been criticized for many reasons, including that it represented 'victors justice', only trying people from the losing side. Nevertheless, it marked a beginning, and contemporary international criminal tribunals stand upon its shoulders.

- After the trials, and with the beginning of the cold war, attempts to build on the legacy of Nuremberg were put on hold, says Nicholson.

Reawakening

After the fall of the Berlin wall and the easing of relations between East and West, there was a newfound optimism as to what international law could achieve. This was soon put into practice when two particularly brutal conflicts drew global attention.

In Europe, the secession of states from Yugoslavia saw the rise of a series of conflicts, where genocide, crimes against humanity and war crimes were committed on a scale unseen in Europe since the Second World War. While some countries were able to more or less peacefully withdraw, others were locked into an armed conflict with both ethnic and religious divides. One of the most notorious atrocities occurred at Srebrenica, where 8000 boys and men were murdered in the course of a few days.

The second incident to trigger the new growth of international criminal tribunals was the genocide in Rwanda. In less than 100 days more than 800,000 people were murdered based on their perceived ethnicity.

Following these events, the UN Security council passed resolutions creating two ad-hoc international tribunals, both located in the Hague, with the responsibility of holding those most responsible to account. This was to be a new experiment in international criminal justice.

- These tribunals have been hugely influential in interpreting and developing both international criminal law and the law of armed conflict, Nicholson explains.

Golden years

Following the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), international criminal law experienced some golden years.

- There was a real explosion of new tribunals, most notably, the International Criminal Court, says Nicholson.

The latter was formed in 1998. At an international conference held in Rome, contrary to the expectations of many, states reached an agreement to form a new court. In 2002, enough countries had ratified the Rome Statute for the court to open its doors.

Additionally, a number of hybrid criminal courts were formed to deal with particular conflicts, such as those in Sierra Leone, Cambodia, and Lebanon. These combined elements of domestic and international systems and used a mixture of domestic and international judges and staff.

- *The system of international criminal justice was imbued with a sense of optimism and hope as to what it could achieve. But then reality began to set in*, Nicholson says.

Reality begins to bite

International criminal justice did not prove to be the panacea many had hoped, for many reasons.

Some related to the institutions themselves. Each tribunal faced its own challenges. The ICTY was criticized for concentrating on some parties involved to the conflict and not others. The ICC was famously critiqued for only focusing on cases involving Africa and Africans, culminating in several African countries announcing their decisions to withdraw from the court in 2016. And, the court in Cambodia has been marred by allegations of political interference and bias.

- *Other criticism centered on what international criminal justice can realistically achieve and what its broader goals are. Does it have a deterrent effect? Does it help or hinder peace? Can it provide justice for victims?*, Nicholson explains.

The new realism

At present, international criminal justice is experiencing a reality check. Those involved in the field are undertaking a necessary period of reflection and re-evaluation. Nicholson thinks this is something to be embraced.

Although criticism continues, international criminal justice is here to stay in some form or another. While the Syrian conflict has served to highlight

some difficulties within international criminal justice, there are reasons to be optimistic for future accountability.

- *The calls to hold those responsible of committing war crimes or crimes against humanity to account, reflect a desire on the part of global society for some form of international criminal justice*, Nicholson argues, and continues, *undoubtedly, one day some of those most responsible for the atrocities being committed in Syria will see the inside of a courtroom*.

Spotlight on: Female foreign fighters

They can't be that dangerous, they're only women.

Female foreign fighters are framed as delusional, emotionally unstable, and naïve jihadi brides in search of a husband. This narrative can be dangerous, explains Ester Strømme at PluriCourts.

Our understanding of women interferes with how we view them as terrorists, suggest a new study from PluriCourts.

Throughout 2016 Ester Strømme followed cases of women who have left their homes to join Da'esh. Some have returned, and some are still not accounted for. Tracing movements in the media and the judiciary, as well as the national discussions regarding their action, Strømme noticed specific trends.

- In a sample of the cases I've looked at, women who join IS/Da'esh receive a lower sentence than their male counterparts, says Strømme and continues. Women in IS are discussed in demeaning and sensationalistic terms- they are sexualized and infantilized- not only by the media, but also by the judiciary.

Gender Bias

Differentiated understandings of female and male extremism are not a new phenomenon. Existing literature on female extremists show that women's actions are often interpreted as outliers. Their actions are explained by characterizing them within personal feminized terms: either as failed mothers, psychologically ill, or sexual deviants, a theory developed by Laura Sjoberg and Caron Gentry in their seminal work 'Mothers, Monsters, Whores'.

However, stories of the women that leave to join Da'esh resemble the stories of the men that leave. Trends in the societies they come from,

including discrimination and a search for belonging and adventure, can draw people into extremism. Individuals have various reasons for joining extremist groups, and these need to be further analyzed and discussed, rather than simplified by gendered narratives.

This potential tendency to narrate women as misled victims rather than motivated agents not only affects understandings of gender and extremism, but also affects legal outcomes and security standpoints, Strømme explains.

Women and their stories

In the study, Strømme looked closely at four high profile cases. Given their high profile, detailed information was available, including reporting around court cases and publicly available court documents, judgements and commentary. In three of these cases, women received lesser sentences than average in their home countries. In the reasoning, gendered perceptions of participation, motivation and roles were often central.

Women were presented and discussed as misled, lured, emotionally hysterical and as "jihadi brides" on the search for male partners, or tricked by male IS members. They were also presented as mentally unstable and vilified for bringing their children to IS, if they had done so, rather than for joining the group themselves, anchoring their activity to their specific gender roles.

Important security perspective

Why does it matter that women are discussed and treated differently on their return?

- Differences in treatment and how the motivations, circumstances and actions are discussed can create gaps in legal precedent and security. More importantly, it can impede prevention and de-radicalization, Strømme says.

If one disregards women joining IS simply as victims without investigating their specific cases and circumstances further, this constitutes a major gap in protection and precedent.

Strømme emphasizes that the key is not to have long sentences, but to understand the situation. Prevention and rehabilitation should be given more weight.

With regards to prevention, policies should reflect efforts to reduce fragmentation in society. “Othering”, explained as feeling excluded from society, grows in the face of policies directed at specific groups, and can increase drives towards extremism. Further studies are also needed on the tipping point from when an individual or a group turns non-violent to violent.

The gendered lens with which those joining IS are viewed and discussed, has a broader effect on how they are treated upon return. This needs to be illuminated and scrutinized further, says Strømme.

Investment

Main events and publications

In the past years, the investment team has grown and established a network of dedicated researchers across the globe. PluriCourts scholars continued to work on the PluriCourts Investment Treaty Arbitration Database (PITAD). PITAD will provide an updatable, modifiable, and comprehensive set of data on all investment treaty arbitrations. This database is intended as one of general applicability (that is, it is not being designed for a specific research project). The team is also involved in a process to prepare a database on international investment agreements in cooperation with researchers from the German Development Institute (Bonn) and the World Trade Institute (Bern).

The head of the investment pillar, Ole Kristian Fauchald, together with the investment team, succeeded in receiving funding for a researcher project under the FRIHUMSAM funding scheme of the Research Council of Norway. The project ***Responses to the 'legitimacy crisis' of international investment law*** (LEGINVEST) will run for four years in the period 2018-2022. It will employ two researchers, solidify the work on databases, engage team members who have moved on to positions at other universities, and facilitate cooperation with researchers at iCourts and the German Development Institute.

Investment treaty arbitration has grown significantly in the past 30 years. LEGINVEST will study to what extent states reassess their commitments under international investment agreements due to the increased likelihood of getting engaged in arbitration cases. The project will also examine to what extent arbitration tribunals are responsive to shifts in state attitudes. The project will focus on the relationship between international investment agreements and environmental protection, human rights and the

sustainable development of countries facing poverty challenges. It will improve the ability of public authorities to respond to disputes in such settings. It will also seek to improve investors' understanding of how international investment agreements and disputes can affect countries and help them avoid harmful practices. The project will provide negotiators of agreements with better tools for assessing consequences of signing, ratifying, revising or withdrawing from international investment agreements.

Key findings and achievements

Taylor St. John has worked extensively to document and explain the rise of investor – state arbitration and finalized a book manuscript based on her PhD in 2017. The book puts forward new explanations for and assessments of the rise of investor-state arbitration, drawing on thousands of archival documents from 5 countries.

Szilárd Gáspár-Szilágyi has published extensively on EU policy regarding the practice and role of EU in international investment law, including on treaty practice together with Maxim Usynin as well as on EU decision-making procedures. EU is currently at the forefront in terms of defining the future of international investment agreements and arbitration. The team has been invited to present elements of our research of relevance to the EU's investment court proposal to employees at the European Commission.

Daniel Behn, Malcolm Langford and Ole Kristian Fauchald were selected to present a paper to the annual conference of the European Society of International Law. This year's presentation had the title "Private or Public Good? An Empirical Perspective on International Investment Law and Arbitration" and will be published along with other selected papers from the conference. The paper finds that there is a relatively high level of

exclusion and a low level of rivalry in the investment regime, and that the regime therefore have the characteristics of a “club good” rather than a “public good”. The paper moves on to discuss whether there is a need to lower the degree of exclusion in the investment regime in order to move it closer to fulfilling public goods functions. In particular, the paper discusses how international investment law and arbitration can provide global economic development and rule of law benefits.

As part of the team’s research on the role and behavior of arbitrators, Daniel Behn, Malcolm Langford and Runar Lie published a much discussed article on double hatting identifies the most likely “power brokers” in investment treaty arbitration based on a “double hatting” index.

Research visits

Postdoctoral fellow Daniel Behn spent six months at Penn State University.

Postdoctoral fellow Szilárd Gáspár-Szilágyi spent three months at Vienna University working on his project relating to the relation between national courts and investment treaty arbitration.

Ambitions for 2018-2019

This period will see the start-up of LEGINVEST and the publication of the database on investment treaty arbitration – PITAD. We aim to finalize work on two edited volumes under the following titles: ***Empirical Perspectives on the Legitimacy Discourse in Investment Treaty Arbitration*** (eds. Daniel Behn, Ole Kristian Fauchald and Malcolm Langford) and ***Adjudicating International Trade and Investment Disputes: Between Interaction and Isolation*** (eds. Szilárd Gáspár-Szilágyi, Daniel Behn and Malcolm Langford).

Spotlight on: Double Hatting

A small group, of almost exclusively Western men, shift seamlessly between different roles as arbitrator and lawyer in the settlement of multi-million dollar disputes between states and foreign investors. This includes double hatting where actors are in different roles simultaneously.

Digging deep into the casefiles of international investment arbitration and using various big data methods, researchers at PluriCourts identified a core of what they call the ‘power brokers’ in the field.

- For the first time, we have been able to get an overview of who the central players in the international investment arbitration system are, says Professor Malcolm Langford.

The debate about the concentration of power and double hatting by lawyers has been a central issue in the so-called legitimacy crisis of international investment law. The system has also been critiqued for a lack of transparency and Western dominance. Yet, discussions have to a large extent relied on anecdotal evidence, until now.

Who are these lawyers?

In the last few years, researchers at PluriCourts Centre for Excellence at the Faculty of Law have built PITAD. It is a database that contains extensive information on more than 1100 international investment arbitration cases and also draws automatically on related information from other sources.

- Using social network analysis, we have identified and analyzed 3910 individuals who play different roles in the system, explains research fellow Daniel Behn who has been one of the major drivers of PITAD.

The article provides extensive evidence on the identity and network power of these actors.

- Basically, we can see that there is small, tightly knit, network of actors at the center of international investment arbitration. They have generally been in the system for a while, and have great institutional power, Runar Lie explains.

So what?

But why does it matter that the same group of people reoccur in different roles?

- These actors have great expertise but they block diversity and the inclusion of women and developing country nationals in the system. Many are also ‘double hatting’ which raises ethical concerns, Behn says.

The key worry with double hatting is that an arbitrator might be tempted to make decisions that favor their work as legal counsel for clients. Even if an arbitrator avoids such a temptation, the appearance of a conflict of interest is a problem. It can cast doubt on their impartiality and suitability.

The authors have identified that a remarkable 47 per cent of cases fall into this category of double hatting cases, which has led to calls for the practice to stop and debate over how to create new rules.

– But if a handful of central individuals agreed to stop double hatting, Lie explains, the problem would rapidly disappear.

Environment

The environment is one of the areas of interest for PluriCourts in which there is no international court. Environmental cases are instead dealt with by other sectoral or general courts. This lack of a specific international court for the environment has always placed the environmental pillar in a special position at PluriCourts. Building upon the insights gained from the first five years, the new research plan expands the research questions linked to areas of common concern in which there are no international courts.

This part of PluriCourts' portfolio relates to an area of international law, which is based on collective, public concepts of justice and fairness in the advancement of environmental protection as a public good. It focuses on environmental global commons, common interests and concerns with respect to the environment, such as environmental public goods and common pool resources. The broader scope is meant to capture the large and conceptually overlapping variety of environmental aspects that are of international interest and require multilateral action.

Key findings and achievements

PhD candidate Rosa Manzo was successful in securing funding from the Research Council of Norway's KLIMAFORSK program as well as the Law Faculty's Lovsamlingsfond to conduct a research colloquium. The event was entitled ***First Postgraduate Colloquium on Frontiers of International Environmental Law*** and gathered 15 young researchers from around the world. Rosa Manzo stressed the importance of the next generation of young researchers to set the agenda for upcoming legal research. Participants discussed topics from the creation of a court for the environment, to prosecuting the crime of ecocide at the ICC, to the legal consequences of space debris.



Ole Kristian Fauchald and Daniel Behn edited a special issue on ***Adjudicating Environmental Disputes Through Investment Treaty Arbitration***. They explore how international investment law and environmental law might become more mutually supportive and complimentary in the context of the adjudication of foreign investment disputes, rather than to continue thinking of them principally in terms of conflict. This special issue is part of a series of publications on environmental disputes before other international courts and tribunals and based on an international symposium organised by Pluricourts in 2016.

The coordinator for the international environmental law research, Christina Voigt, participated at the ESIL biennial conference "Global Public

Goods, Global Commons and Fundamental Values: The Responses of International Law" Naples, July 2017, with a paper presentation. She also published the book chapter ***Institutional Arrangements and Final Clauses*** in 'The Paris Agreement on climate change: A legal analysis and implementation guide', edited by J. Bulmer, A. Higham and D. Klein (Oxford University Press).

Research visits

Christina Voigt, is on research leave at the Bren School of Environmental Law at Santa Barbara, in 2017-18. There, she works on a monograph - ***Environmental Multilateralism and its Discontents – Negotiations, Treaties and Courts*** (Routledge), two edited books ***The Environment in International Courts and Tribunals – Issues of Legitimacy*** (Cambridge University Press) and, together with Zen A. Makuch, ***Courts and the Environment*** (Edward Elgar Publishing) as well as a number of articles. In addition, Voigt continued acting as the Norwegian government's legal advisor in the UN climate negotiations and the follow-up to the Paris Agreement.

PhD candidate Rosa Manzo spent the first semester of 2017 as a Tokyo Foundation fellow the University of Auckland and as a Fulbright fellow at Columbia University, New York City.

Political science

Main events and publications

The political science team lay the foundation for an ambitious research programme for 2018-2020.

In 2017, Theresa Squatrito, who had been a postdoctoral fellow since the start of PluriCourts, got a permanent position as a lecturer at the University of Liverpool. The political science team was considerably strengthened, on the other hand, with the hiring of two new postdoctoral fellows (Silje Hermansen and Mikael Holmgren) and a full-time research assistant (Stein Arne Brekke). Furthermore, Jacqueline R. McAllister, Assistant Professor at the Department of Political Science, Kenyon College, joined the team as Fulbright Research Scholar. McAllister is working primarily on questions relating to how international criminal tribunals (in particular in former Yugoslavia) impact violence against civilians and peace prospects, drawing on archival and interview data.

In its new research plan, PluriCourts officially expands its research focus to include the Court of Justice of the European Union (CJEU). This court is often labeled the most powerful of international courts, and a template for many of the design features of the wave of post-Cold War ICs. Therefore, many PluriCourts researchers have already had the CJEU on their agenda. Daniel Naurin, who has led the political science research at PluriCourts since 2016, has published several articles and book chapters on the CJEU in 2017. Daniel Naurin, Mikael Holmgren and Silje Hermansen have commenced work on a comprehensive database of CJEU cases and judges. First results will be presented at different conferences in 2018. In order to gain more insight into the internal workings of the CJEU, they visited the

Court in Luxemburg in December. There, they conducted interviews with judges and other staff.

Political scientists at PluriCourts are also strongly involved in research on investment treaty arbitration (postdoctoral fellow Taylor St John and PhD candidate Tarald L. Berge) and human rights (PhD candidate Øyvind Stiansen). Tarald L. Berge and Taylor St John have started working on two separate research projects in 2017. The first looks at the practice of consent to international arbitration in domestic investment laws, and the second is an interview-based project looking at power, expertise, and legitimacy in bilateral economic negotiations between states. Øyvind Stiansen have worked on comprehensive databases on all the judgements of the ECtHR (in collaboration with Erik Voeten, Georgetown) and the IACtHR (in collaboration with Daniel Naurin). He has also produced several research papers on the determinants of compliance with the judgments of these human rights courts.

The political scientists have been active on all the major international conferences during the year (such as ISA, APSA, ECPR) and have organized and participated in several workshops. One workshop in March 2017 focused on the causes and consequences of a biased gender representation on the international bench. Another workshop was organized in October 2017, in collaboration with researchers at Stockholm University, to discuss work in progress relating to the Legitimacy of Global and Regional Governance.

Philosophy

Political science and philosophy scholars at PluriCourts teamed up to hosted a workshop on the issue of “Gender on the International Bench” – asking why there are so few women judges in international courts and tribunals, and whether it matters. The aims of the workshop were to better understand the current patterns of gender diversity and inequality on these international courts and tribunals; to critically assess reasons to be concerned with this gender disparity; and to identify challenges and ways to alleviate disparities that should be changed. The workshop was co-organized by PluriCourts and iCourts – Danish Centre of Excellence on International Courts. The aim is to publish some of the findings in a special issue

Postdoctoral researcher Alain Zysset hosted a workshop entitled “Answering for International Crimes: Perspectives from Moral, Political and Legal Theory”. The aim was to explore what distinguished international crimes from domestic crimes. Contrary to domestic crimes, international crimes are subject to international criminal jurisdiction. Participants discussed how to justify the particular jurisdictional regime applicable to these crimes.

A highlight in 2017 was the book launch of ***Moral and Political Conceptions of Human Rights: Implications for Theory and Practice***, edited by Reidar Maliks and Johan Karlsson Schaffer. The book sheds light on the question whether human rights are a special class of moral rights we all possess simply by virtue of our common humanity and which are universal in time and space, or whether they are essentially modern political constructs defined by the role they play in an international legal-political practice that regulates the relationship between the governments of sovereign states and their citizens. Contributors test both the moral and the political

conception of human rights in new areas, such as socio-economic rights and the rights of immigrants.

In fall 2017, PluriCourts and the Norwegian Centre for Human Rights hosted a seminar series on international political and legal theory for political philosophers, legal scholars and others working in this area.

Annual Conference

The annual conference 2017 took place on 8-9 June in Oslo. It started with a public lecture by Professor Erik Voeten (Georgetown University).

At the annual conference, PluriCourts discussed its new research plan and reflected on findings and achievements so far.

Daniel Naurin and Andreas Føllesdal talked about the first results stemming from the political science and philosophy conference on “Gender on the International Bench”. This was the first of two conferences dealing with the question why there are so few women judges in international courts and tribunals – and whether it matters. From a philosophical perspective, representativeness, securing the best possible deliberations and fairness in international courts may be important goals. Some argue that this may be achieved merely by securing a sufficient share of judges with feminist views, rather than focusing on the gender of a person. Political scientists are interested in why there is a bias, and what difference it makes for judicial outcomes. They study structural factors hindering women in becoming international judges, as well as selection procedures and networks. They show that there may be some effect on the judicial outcomes. Both political scientists and philosophers study whether increasing the share of women judges may affect the social legitimacy of international courts and tribunals.

Ole Kristian Fauchald presented empirical results in investment research at PluriCourts. Presenting PluriCourts' work on investment, Fauchald demonstrated the PITAD database, and summarized recent publications on double-hatting, environmental issues, bias against developing countries, new investment chapters in FTAs, tribunal behavior, and the history of investment arbitration. He also introduced theoretical frameworks for future research that will focus on state responses to the "legitimacy crisis"

of investment arbitration, as both litigants and principals, and a new database on investment treaties.

Annual lecture

Erik Voeten, Peter F. Krogh Professor of Geopolitics and Justice in World Affairs at Georgetown University, held the annual lecture on the topic of ‘Liberalism, Populism, and the Backlash against International Courts’ at Litteraturhuset. Why do some governments engage in backlash against international courts whereas other governments continue to accept them or ignore adverse judgments without initiating a campaign to undermine a court’s authority? In his presentation, Voeten argued that international courts tend to encounter backlashes from governments that relies on populist movements and over court judgments that reinforce populist mobilization narratives. What is populism? Populism is an ideology opposing protections of pluralism and international authority over national matters. He further explained that the populist claim is that a corrupt elite adopts dominant values of tolerance for minorities which are repressing a silent majority.



What can ICs do? Voeten suggested that courts should not ‘overlegalize’ sensitive issues. Some strategies for this purpose are the ECtHR’s margin of appreciation doctrine and the possibility for third party submissions. Voeten noted that practicing ‘patience’ might also be a good piece of advice as populism comes in waves. He concluded by inviting for further research on systematically measuring populism and backlash against ICs suggesting also to use media analysis and study rhetoric.

Dissemination

In 2017, PluriCourts held two public events at Litteraturhuset targeting the public at large: The book launch on “Human Rights and Norway” and the annual lecture by Erik Voeten on “Liberalism, Populism, and the Backlash against International Courts”.

PluriCourts researchers participated in public debates on TV and on the radio. They discussed the role of human rights in Norway; how we perceive and deal with female foreign fighters; the detention conditions in Guantánamo; climate change law; and the #MeToo Campaign.

Podcasts and videos

In 2017, PluriCourts has recorded some of its lunch seminars with the aim of disseminating the high-level presentations to a wider audience. Some the presentations include, ‘The EU Court in Deep Waters – the Relationship to ITLOS’ by Professor Erik Røsæg, University of Oslo, and ‘The Construction of Trans-Regional Human Rights: IACtHR and ECtHR’ by Professor Wayne Sandholtz, University of Southern California.

Social media and blogs

Twitter and Facebook are two forums widely used to disseminate information about PluriCourts publications and events to the public. The PluriCourts Blog gives our researchers the opportunity to present their research and to discuss current events related to international courts and tribunals.

Media contributions

PluriCourts researchers often offer their comments on current events online, in newspaper, on the radio, and on the television. Female foreign

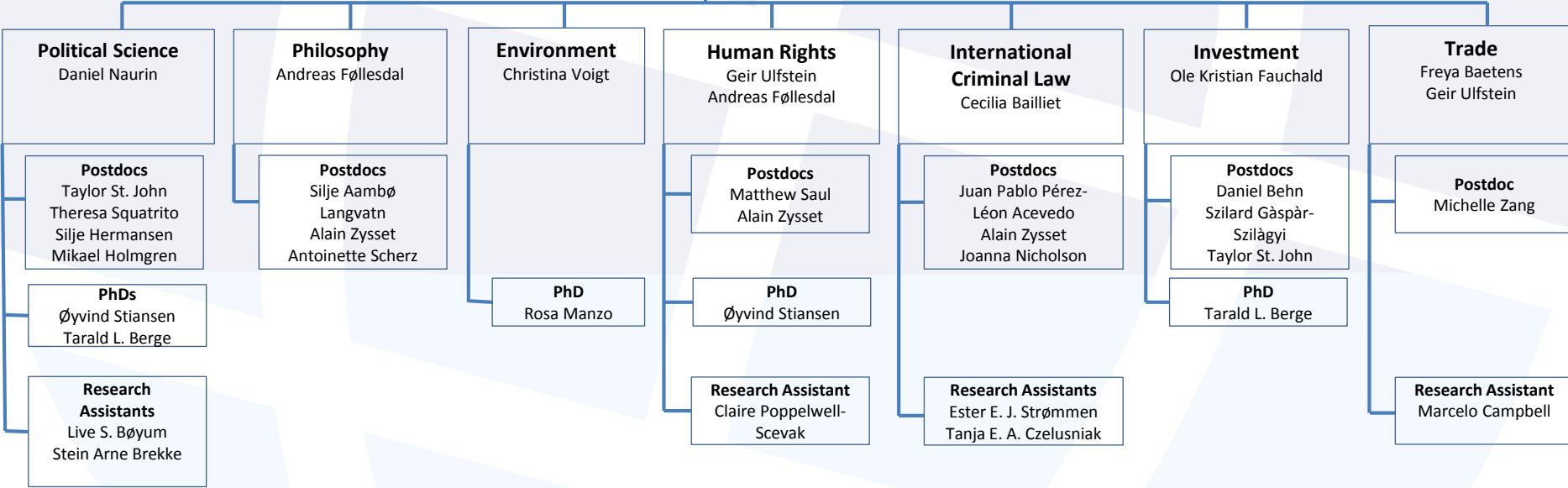
fighters, the investigation into the situation of Afghanistan by the ICC, and the climate lawsuit against the Norwegian government were among the subjects covered this year.



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Zang, Michelle Q. “Shall We Talk? Judicial Communication between the CJEU and WTO Dispute Settlement” in *European Journal of International Law*.

Zysset, Alain. “Book review: The Heart of Human Rights, written by Allen Buchanan” in *Nordic Journal of Human Rights*.

Zysset, Alain. “Right, Crime, and Court: Toward a Unifying Political Conception of International Law” in *Criminal Law and Philosophy*.

Zysset, Alain. “When the European Court of Human Rights speaks, What Should It Say?” in *Philosophy and Public Issues*.

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Campbell, Marcelo. Non-communicable diseases: legal and policy implications of public health measures restricting intellectual property rights. Regulating for Globalization Blog.

Gáspár-Szilágyi, Szilárd. A Follow-up to the EU Commission's Decision to 'Split' Trade and Investment Protection. International Economic Law and Policy Blog.

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Schmölzer, Stephanie. Strategic litigation on LGBTI rights: Austria's Constitutional Court opens marriage to same-sex couples. PluriCourts Blog.

Strømmen, Ester E.J.. Frontiers of International Environmental Law - Perspectives from the next generation of researchers. PluriCourts Blog.

Selected Presentations

Fauchald, Ole Kristian. “Are claims that investment tribunals face a legitimacy crisis justified?”. Institutt lunnsj; 2017-02-14

Fauchald, Ole Kristian. Empirical findings regarding investment treaty arbitration. PluriCourts Annual Conference; 2017-06-09

Fauchald, Ole Kristian. International trade and its agreements – times of change. Seminar on trade agreements and public health; 2017-05-04

Fauchald, Ole Kristian; Behn, Daniel Friedrich; Langford, Malcolm. A Global Public Good? An Empirical Perspective on International Investment Law and Arbitration. European Society of International Law Annual Conference; 2017-09-09 - 2017-09-09

Føllesdal, Andreas. A Better Signpost or a Better Walking Stick? How to Improve the Emerging European Consensus Doctrine and Why Bother?. Conference on the Legal Philosophy of Global Constitutionalism; 2017-06-14 - 2017-06-16

Føllesdal, Andreas. Are legitimacy critiques of International Courts only rhetorical rephrasing of dislikes, or can they be reasoned normative

assessments?”. ECPR Conference; 2017-09-06 - 2017-09-09

Føllesdal, Andreas. Forholdet mellom EMD og nasjonale domstoler. Kurs for dommere; 2017-10-16

Føllesdal, Andreas. Gender Inequity on the International Bench – So What? Why Be concerned – and why not. PluriCourts Workshop on Gender on the International Bench; 2017-03-23 – 2017-03-24

Føllesdal, Andreas. Human Rights in Norway – toward a research agenda. Seminar; 2017-02-06 - 2017-02-07

Føllesdal, Andreas. International Legal Human Rights: Neither Minimum Standards nor Directive Ideals. Implications of a ‘Political’ Theory of Human Rights. How demanding should human rights be?; NorthWestern University, Chicago 2017-10-12 - 2017-10-13

Føllesdal, Andreas. Not Cairns but Crutches: Emerging European consensus – why it should matter for the margin of appreciation, and how. Workshop; 2017-04-13

Føllesdal, Andreas. Reflective Equilibrium as justification and research method – Human Rights Research as Example. Vitenskapsteoriseminar; 2017-01-25 - 2017-01-25

Føllesdal, Andreas. Subsidiarity as a general principle of law. Conference on General Principles as Applied by International Courts and Tribunals and the Coherence of International Law; 2017-06-21 - 2017-06-22

Føllesdal, Andreas. The bias of the European Court of Human Rights against Economic and Social Human Rights: a Modest Defense. Venice Academy of Human Rights; 2017-07-03 - 2017-07-12

Føllesdal, Andreas. The Empirical Turn in Legal Science. iCourts - PluriCourts Summer school; 2017-06-26 - 2017-06-30

Føllesdal, Andreas. The European Research Council: whither hopes and fears?. ECPR Conference; 2017-09-08 - 2017-09-08

Føllesdal, Andreas. The legitimacy critiques of international courts – beyond a taxonomy. Practical Philosophy Working Group workshop; 2017-11-23 - 2017-11-23

Føllesdal, Andreas. The Legitimate Authority of International Courts and its Limits: A challenge to Raz’ Service Conception? Conference; 2017-01-13 - 2017-01-24

Føllesdal, Andreas. The roles of international and regional courts in

protecting and promoting economic and social human rights: what can they do, what should they do?. Venice Academy of Human Rights; 2017-07-03 - 2017-07-12

Føllesdal, Andreas. Towards a more just WTO: Which justice, whose interpretation?. Seminar; 2017-04-21 - 2017-04-21

Gáspár-Szilágyi, Szilárd. Quo Vadis European Investment Law and Policy? The Shaky Path Towards the International Promotion of EU Norm. Modelling Convergence(s) and Divergence(s) of EU in the World; 2017-11-23

Gáspár-Szilágyi, Szilárd. Should Domestic Courts be Co-opted as International Courts?. Freedom Under Pressure; 2017-12-06 - 2018-12-08

Gáspár-Szilágyi, Szilárd. Should Domestic Courts be Co-opted as International Courts?. Vienna University Roundtable; 2017-11-06 - 2017-11-06

Gáspár-Szilágyi, Szilárd. The Effects of Opinion 2/15 on Member State BITs with Third Countries. Pluricourts Investment Pillar Workshop; 2017-06-20 - 2017-06-20

Gáspár-Szilágyi, Szilárd. The Effects of Opinion 2/15 on Member State BITs with Third Countries. The Future of EU

Trade Policy: The Implications of Opinion 2/15; 2017- 05-19 - 2017-05-19

Gáspár-Szilágyi, Szilárd. The EU's Investment Court System and a Multilateral Investment Court. International Investment Law Course; 2017-11-30 - 2017-12-01

Gáspár-Szilágyi, Szilárd. Transparency, Investment Protection and the Role of the European Parliament. iCourts/PluriCourts Joint Workshop; 2017-02-09 - 2017-02-10

Kahn, Jeffrey David. Counter-Terrorism & Human Rights: Striking A Balance. Lecture to Law Students; 2017-11-08 - 2017-11-08

Kahn, Jeffrey David. Presentation to delegation of Russian human rights lawyers brought to PluriCourts by the Norwegian Consul General in St. Petersburg. Group Discussion; 2017-08-30 - 2017-08-30

Kahn, Jeffrey David. Russia and the European Court of Human Rights: The Good, the Bad, and the Ugly. Lecture; 2017-10-11 - 2017-10-11

Kahn, Jeffrey David. Russian Law and Human Rights. Ph.D. Seminar; 2017-10-26 - 2017-10-26

Kahn, Jeffrey David. The Relationship between the ECtHR and the Russian

Constitutional Court: Conflicting Conceptions of Sovereignty. Lecture; 2017-11-28 - 2017-11-28

Kahn, Jeffrey David. The Rule of Law Under Pressure: Russia and the European Human Rights System. Keynote Address; 2017-11-20 - 2017-11-20

Langvatn, Silje Aambø. Conceptualizing legitimacy in discussions about international courts. PluriCourts lunch seminar series; 2017-07-07 - 2017-07-07

Langvatn, Silje Aambø. Do we improve the legitimacy of international courts by making them "more accountable"? PluriCourts Retreat; 2017-09-28 - 2017-09-29

Langvatn, Silje Aambø. Is there a place for public reason in post-truth politics?. Ethical Interventions; 2017-03-17 - 2017-03-17

Langvatn, Silje Aambø. Post public reason in an age of post-truth politics?. Post truth - a challenge? Symposium for Gunnar Skirbekk; 2017-12-08 - 2017-12-08

Langvatn, Silje Aambø. Rawls' political political philosophy. Justification and feasibility: Unpacking the relation between ideal and non-ideal theory; 2017-11-08 - 2017-11-10

Langvatn, Silje Aambø. "The exemplar of public reason- A framework for analyzing public reason in courts". Workshop; 2017-02-09 - 2017-02-10

Langvatn, Silje Aambø. The turn from justice to legitimacy. GLOBUS workshop; 2017-01-19 - 2017-01-20

Langvatn, Silje Aambø. ""Use of public reason" or "the public use of reason""?. Conference on Philosophy and Social Science; 2017-05-17 - 2017-05-21

Langvatn, Silje Aambø. What do we mean when we say that there is a legitimacy crisis for human rights?. The Idea of Human Rights under Preasure; 2017-04-04 - 2017-04-04

Langvatn, Silje Aambø. Populist backlashes against international courts - Invited comment on Erik Voeten's PluriCourts annual lecture. 2017 PluriCourts Annual Lecture; 2017-06-08 - 2017-06-08

Manzo, Rosa. First Postgraduate Colloquium Frontiers of International Environmental Law. Faculty of Law; 2017-09-21 - 2017-09-21

Manzo, Rosa. International Law applied to the environment. Nature, hydropower, an environmental conscious economy; 2017-10-04 - 2017-10-04

Pérez León Acevedo, Juan Pablo. 'Collective and individual reparations at the International Criminal Court (ICC): A human rights-based holistic approach to the ICC reparations system'. 'Righting Wrongs: Enforcing human rights, administering international criminal justice'; 2017-03-10 - 2017-03-10

Pérez León Acevedo, Juan Pablo. 'General Principles and the Reparation System of the International Criminal Court'. 'General Principles and the Coherence of International Law'; 2017-03-22 - 2017-03-23

Pérez León Acevedo, Juan Pablo. 'Human rights at the reparation system of the International Criminal Court'. 'Human Rights in other International Criminal Courts and Tribunals'; 2017-04-24 - 2017-04-25

Pérez León Acevedo, Juan Pablo. 'In search of a more balanced reparations system at the International Criminal Court: Collective reparations vis-à-vis individual reparations'. PluriCourts/I-Courts PhD/Post-Doc Workshop; 2017-02-09 - 2017-02-10

Pérez León Acevedo, Juan Pablo. 'Reparations for Victims of International Crimes and International Criminal Justice: Developments, Limitations, and Prospects'. Seminar lecture; 2017-12-21 - 2017-12-21

Pérez León Acevedo, Juan Pablo. 'The Impact of the Inter-American Court of Human Rights' Reparation Case-law on the Practice of the International Criminal Court's Reparation System: Contributions, Limitations and Prospects'.. 'The Role of the Inter-American Court of Human Rights: Jurisprudential advances and new responses'; 2017-05-15 - 2017-05-15

Pérez León Acevedo, Juan Pablo. 'The Reparation System of the International Criminal Court: Legal analysis and legitimacy standards'. Seminar Session, PluriCourts, University of Oslo; 2017-01-18 - 2017-01-18

Pérez León Acevedo, Juan Pablo. 'Towards Global Restorative Justice? The International Criminal Court as a Key Component of an International Judiciary With the Mandate to Order Reparations'. 'International Institutions and Global Justice: How can international courts and other institutions in a multi-level legal and political order interact in the pursuit of global justice?'; 2017-04-21 - 2017-04-21

Pérez León Acevedo, Juan Pablo. 'Why not to proceed with a mass withdrawal from the International Criminal Court's jurisdiction? Analysis under victim-oriented perspectives'. Exiting institutions; 2017-09-05 - 2017-09-05

Pérez León Acevedo, Juan Pablo. Widespread/Systemic Violations of Human Rights: Inter-American System. Master's degree on international human rights law, University of Oxford; 2017-07-20 - 2017-07-20

Pérez León Acevedo, Juan Pablo. 'Assessing the Effectiveness of the Reparation System of the International Criminal Court'. 'General Principles as Applied by International Courts and Tribunals and the Coherence of International Law'; 2017-06-21 - 2017-06-22

Pérez León Acevedo, Juan Pablo. 'African Justice Initiatives and Victims: Victims as Reparation Claimants at the Extraordinary African Chambers and the International Criminal Law Section of the African Court of Justice and Human and Peoples' Rights'. 'Criminal Justice and Accountability in Africa'; 2017-10-26 - 2017-10-27

Strømmen, Ester E.J.. Gendered Perspectives on Women in IS. Women in International Security 10th Annual Colloquium: The Next Generation of Women Leaders; 2017-05-18

Selected Media Contribution

Føllesdal, Anderas; Ulfstein, Geir. Islamske stater har også godtatt at menneskerettighetene er universelle. *Aftenposten (morgenutg. : trykt utg.)* 2017

Føllesdal, Andreas. EU-kommissær lykkønsker Østerrike med ny regjering inkludert ytterliggående FPÖ. *ABCnyheter.no* 2017

Føllesdal, Andreas. Om Menneskerettighetsdomstolen i Strasbourg. NRK, Dagsnytt atten [TV] 2017-07-14

Føllesdal, Andreas. Om #Metoo-Kampanjen og 'outing'. NRK [Radio] 2017-11-27

Føllesdal, Andreas; Ulfstein, Geir. Truer menneskerettighetene demokratiet?. *Dagens næringsliv* 2017

Manzo, Rosa. Klimaendring blir et hetere og hetere tema. *A-magasinet : uketillegg til Aftenposten* 2017

Manzo, Rosa. No Frontier for International Environmental Law. *KLIMA - Et magasin om klimaforskning fra CICERO* 2017

Strømmen, Ester E.J.. Hva venter fremmedkrigerne når de kommer hjem?. NRK Dagsnytt 18 2017-12-05

Strømmen, Ester E.J.. Jihadi Brides or Female Foreign Fighters? Women in Da'esh – from Recruitment to Sentencing. PRIO Policy Brief.

Strømmen, Ester E.J.. NRK P2 Verdibørsen- Jihadbruder. NRK P2 2017-08-29

Strømmen, Ester E.J.. Opplysningen 99,3. Radio Nova, Opplysningen 99,3 2017-09-22

Strømmen, Ester E.J.. Women in Da'esh from recruitment to sentencing. Kjønnforskning NÅ 2017; 2017-06-08

Strømmen, Ester E.J.; Lilleslåtten, Mari. Kjønnsavdelingen- Kjønn i krig og konflikt. Kjønnsavdelingen, Kilden Kjønnforskning 2017-09-20

Ulfstein, Geir. Folkeretten – en viktig målestokk i internasjonal politikk.

Ulfstein, Geir; Føllesdal, Andreas. Utfordre for å forbedre, eller for å rive ned?. *Klassekampen* 2017

Events

Conferences and workshops

9.10 Workshop, PluriCourts Research Plan, Berlin

6-7.0 Workshop, Domestic Legislative Responses to the ECtHR Case Law, Prague

9-10.2 PhD/Postdoc Workshop with iCourts, Oslo

21.03 Conference, Nordic Network on Investment Law, Oslo

23-24.03 Workshop, Gender on the International Bench, Oslo

8-9.06 Conference, PluriCourts Annual Conference, Oslo

18-19.06 Workshop, Beyond Fragmentation: Competition and Collaboration Among ICs, DC and Oslo

20.06 Workshop, Recent Developments in Investment Arbitration, Oslo

3-4.07 Workshop, Answering for International Crimes: Perspectives from Moral, Political and Legal Theory, Oslo

21.09 Conference, First Postgraduate Colloquium on Frontiers of International Environmental law, Oslo

12-13.10 Workshop, Global and Regional Governance, Stockholm

13-14.10 Workshop, How Demanding Should Human Rights Be?, Chicago

26-27.10 Conference, 'Unseen Actors' in International Adjudication, The Hague

30.10 Conference, Ryssdal Seminar, The European Convention on Human Rights under Pressure?, Oslo

Mentoring and Networking Events

28.01 Publish and Flourish Seminar: Workshop on ERC Grant Application Writing – part 1, Oslo

13.02 Seminar on international political and legal theory 1, with the Norwegian Centre for Human Rights, Oslo

1.03 Publish and Flourish Seminar: Workshop on ERC Grant Application Writing – Part 2, Oslo

28-29.03 Seminar, The place of the Convention in the European and international legal order, with the Council of Europe, Strasbourg

8.05 Seminar on international political and legal theory 2, with the Norwegian Centre for Human Rights, Oslo

10.05 Publish and Flourish Seminar: Workshop on ERC Grant Application Writing – Part 3, Oslo

12.05 Seminar, Author Meets Critics: Kant and the ECtHR, Oslo

12.06 Seminar, The Use of Judicial Decisions in International Law, with The Department of Private Law, Oslo

20.06 Seminar, How to Get your Book Published: A UK publisher's Perspective, Oslo

21-22.06 Seminar, General Principles as Applied by International Courts and Tribunals and the Coherence of International Law, Paris, France

30.08 Seminar, Meeting with a Delegation of Lawyers from St. Petersburg on Human Rights issues, Oslo

11.12 Seminar on International Political and Legal Theory, together with the Norwegian Centre for Human Rights, Oslo

Book launches and lectures

6.03 Book Launch, Menneskerettighetene og Norge, Oslo

20.04 Book Launch, The Legitimacy of International Criminal Tribunals, The Hague

8.06 Inaugural lecture, Freya Baetens, Oslo

6.12 Book Launch, Moral and Political Conceptions of Human Rights, Oslo

12.12 Book Launch, The International Human Rights Judiciary and National Parliaments: Europa and Beyond, Oslo

Seminar Series

20 PluriCourts lunch Seminars on topics pertaining to international courts and tribunals

10 Human Rights Seminars specializing on human rights courts

3 Trade and Investment forum seminars

12 International criminal law lunch seminars

11 Reading groups on the most relevant publications on international courts and legitimacy in the fields of law, political science and philosophy

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