



UiO : **PluriCourts**  
University of Oslo

## *Workshop Series: Identity on the International Bench*

### *Workshop 1: Gender*

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## Call for Papers

The Hague, 11-12 January 2018

Organised by the PluriCourts Centre of Excellence (Oslo University)

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Currently women judges make up on average 17% of international courts and tribunals, demonstrating significant disparity regarding the participation of women on the bench across different international legal regimes. Such lack of representativeness can affect the legitimacy of the international dispute settlement process and its outcomes.

The aim of this workshop is to analyse causes and effects of the dearth of women judges, and the resulting implications for the legitimacy of international adjudicatory institutions and the judicial decisions rendered. This will for example include an examination of international rules and practices concerning appointment and composition of the bench; judicial behaviour linked to the absence or presence of female judges; and potential effects on compliance with judicial awards.

To ensure an informed discussion, the organisers will limit the number of participants to ca. 40 persons.

#### **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.

#### **GOALS**

This conference seeks to promote a higher level of understanding of both current challenges and best practices in terms of mentoring, gatekeeping, and sponsoring women on the path towards the international bench. The underlying assumption is that, with an increased gender balance, the normative and social legitimacy of the international judicial process will be enhanced.



This will require an enquiry into the various perspectives concerning gender on the international bench, including judicial/institutional perspectives and the perspectives of governments and private parties.

Issues to be explored include:

### **1. Towards the bench**

- Do women judges tend to have a different educational or professional background as compared to male judges before their appointment to tribunals (*e.g.*, background in human rights or criminal law; a career as an academic vs. a legal practitioner)?
- Does prior expertise matter more for particular legal regimes (*e.g.*, human rights as opposed to trade law)? Could this contribute to an explanation of why women are even more underrepresented in the practice of international commercial and investment arbitration, as well as trade law and law of the sea?
- For States nominating persons to serve on the benches of permanent courts: does gender play a role in the nomination process? How is it weighed against other factors? What difficulties do States encounter in the nomination process in this regard?
- For institutions which may act as appointing authorities (such as the WTO, ICSID and PCA secretariat): is gender taken into account in selecting potential adjudicators and if so, how?
- For parties appearing in international disputes where an adjudicator can be appointed (*e.g.*, arbitration, *ad hoc* ICJ judge), is gender taken into account and if so, how and why? Why do parties when tasked with selecting a chairperson, seldom select women for that role?
- To what extent do rules on the composition of the court interact? Do other aspects of social identities, *e.g.*, nationality, ethnicity, or language, have any impact? What regions in the world are women judges coming from and why? Can geographical distribution requirements, for example, be seen to conflict with the objective of gender representativeness? If so, how could this be countered? Should certain forms of representativeness prevail over others?

### **2. On the bench**

- Could being the first female or only female judge resulted affect her adjudicatory 'style'? Could it affect the behaviour of her male colleagues? Do female judges tend to be interrupted in oral argument or deliberations more than male judges?



- Could gender affect the interpretation of legal principles, facts, precedent, rules of procedure, rules of evidence, etc.?
- Do women judges tend to exhibit a higher or lower level of judicial restraint in participation in oral hearings, written decisions, separate or concurring opinions, and dissenting opinions? Does the time on the bench since appointment affect or impact upon lower or higher restraint?
- Do some areas of international law call for legal and professional-socialization modes of judicial decision-making while others permit application of realistic, personal discretion modes of decision-making?
- Have female judges had a specific discernible impact on the development, application and interpretation of different legal regimes?
- Understanding internal politics of international courts and tribunals: what cases are female judges selected to adjudicate? What other roles are they allocated within the court (*e.g.*, procedural rules committee, hiring committee)?
- For counsel appearing before a bench: are litigation strategies and pleading styles adjusted to the gender of the adjudicator? In particular, for female as well as male counsel, is the experience of pleading before female judges different?

### 3. Beyond the bench

- Which types of careers do female judges pursue after their time on the bench or, where this is allowed, while on the bench? How do their experiences as female judges affect this?
- What type of legacy does / should a female judge aim for? How do women judges describe their roles in interviews, speeches, articles, etc. outside the court?
- How could female judges promote, inspire and prepare, for example, through mentoring, future female judges?
- Does the presence and work of female judges affect in any way compliance with the decisions rendered and/or the authority of the international court?
- Does gender on the international bench matter to the normative or social legitimacy of the international judicial institution? Does it affect the effectiveness of the international legal system more broadly?

This is **not an exhaustive list**, applicants are welcome to submit abstracts analysing other challenges and best practices in promoting women onto international courts.



### SUBMISSION OF PAPER PROPOSALS

The Organising Committee (Prof. dr. Cecilia Marcela Bailliet and Prof. dr. Freya Baetens) welcomes abstracts from academics and 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.

Proposals should be submitted via [freya.baetens@jus.uio.no](mailto:freya.baetens@jus.uio.no) **and** [c.m.bailliet@jus.uio.no](mailto:c.m.bailliet@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

Financial assistance is available to support the travel and/or accommodation costs of speakers with financial hardship.

### TIMELINE

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

All applicants will be informed no later than **20 August 2017**.

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

The workshop will take place on **11 and 12 January 2018**.

The deadline for submission of the final version of the paper is **28 February 2018**.

### PUBLICATION

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

### NEXT WORKSHOPS IN THE "IDENTITY ON THE INTERNATIONAL BENCH" SERIES

- ***Geography, expertise and socio-economics***: April/May 2018
- ***Religion, race and ethnicity***: October/November 2018

Authors are welcome to submit abstracts for more than one workshop.