**PLURICOURTS**
CENTRE FOR THE STUDY OF THE LEGITIMATE ROLES OF THE JUDICIARY IN THE GLOBAL ORDER

**2013 - 2023**

# CONCLUDING REPORT



**PREPARED AND PRESENTED BY**

PLURICOURTS

PLURI COURTS

UNIVERSITETET I OSLO

Norwegian Centre of Excellence

The Research Council of Norway

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**The original group:** Group photo of some of PluriCourts' team members in 2015. Photo: PluriCourts.

# LIST OF ABBREVIATIONS

**CoE** – Council of Europe
**COPIID** – Compliance Politics and International Investment Disputes (Research project at PluriCourts)
**CUP** – Cambridge University Press
**ECHR** – The European Convention on Human Rights
**ECtHR** – The European Court of Human Rights
**ERC** – The European Research Council
**IC** – International Court (in its plural form, it is also used to encompass international tribunals).
**ICC** - The International Criminal Court
**IUCN** - International Union for Conservation of Nature
**LEGINVEST** - Responses to the 'Legitimacy Crisis' of International Investment Law (Research project at PluriCourts).
**MultiRights** - The Legitimacy of Multi-Level Human Rights Judiciary (Research project at PluriCourts)
**PITAD** - The Investment Treaty Arbitration Database
**RCN** - The Research Council of Norway
**SAC** - Scientific Advisory Committee
**UiO** – University of Oslo
**UN** – United Nations
**UNCITRAL** - The United Nation's Commission on International Trade Law
**WTO** - World Trade Organization

# WORDS BY THE DIRECTORS



***Introduction by PluriCourts Co-directors Andreas Føllesdal and Geir Ulfstein***

PluriCourts started in 2013, sparked by some scattered concerns in Norway and internationally about the increase of international courts.

The end of the Cold War fueled hopes for a more rules-based international order, more multilateral cooperation, and more international rule of law.

One expression of such optimism was that states agreed to several specialized international courts and tribunals.

The international courts covered more topics traditionally within the domain of state sovereignty - not only human rights and criminal law - but also restrictions on domestic regulations in trade and investment.

The states discovered that these courts' judgments had effects on the distribution of power and political and economic resources, both among states and domestically among different groups within societies.

At the same time, the new international courts enjoyed new forms of independence from the states: States consenting to a treaty would often be required to submit to the relevant court, and some of these courts could be used by non-state actors, such as individuals and investors – and in international criminal courts cases may be initiated by the prosecutor.

The increased empowerment of international courts led to public concerns about their legitimacy, i.e. the extent to which their exercise of power is justified.

Photo: PluriCourts.



The aim of PluriCourts was to shed critical light both on the international courts and on the criticisms raised against them: Do the international courts serve the shared objectives as the states intended? Are the concerns raised about international courts factually correct? And are some of the criticisms justifiable?

In order to examine the legitimacy of international courts, PluriCourts has pursued two strategies: multidisciplinarity and international cooperation.

On the contrary, some vocal critics regard them as part of the problems. At the same time, several actors have called for new international courts, ranging from a special court on aggression on the Russian invasion of Ukraine to the establishment of a court under the United Nation's Commission on International Trade Law (UNCITRAL) investment negotiations.

Both the challenges and the new proposals made it ever more appropriate to explore what aspects

**"We witnessed the coming of age of international courts."**

Over the ten years, this research agenda deepened and changed.

We witnessed the coming of age of international courts. The increased number of international courts that have reached a somewhat settled state allowed us to draw more robust conclusions on the basis of comparative studies.

The last ten years have also seen several incidents of backlash against them. Shifts in geopolitics challenge some of the very goals of rule-based international relations and multilateral agreements. And international courts are arguably diffusers of economic and political liberalization.

There is no longer a consensus that international courts are part of the solution to the challenges of globalization.

of the critiques are justified and unjustified, and how international courts may be best designed to promote their legitimate objectives.

The research at PluriCourts has had several benefactors. PluriCourts has been quite generously funded by the Research Council of Norway to promote research as we saw fit, with a relatively long time span of ten years.

These parameters allowed us to establish or contribute to the common good of researchers on these topics, by encouraging larger database projects, creating a community of PhD students and Postdocs, and becoming a multi-disciplinary hub for the many younger and more established scholars in law, political science, and philosophy.



Illustration photo of the International Court of Justice from Colourbox.com.

We have benefited from much goodwill and support from several parts of the University of Oslo, especially from the Faculty of Law and the Department of Public and International Law, the Department of Political Science and scholars at the Department of Philosophy, Classics, History of Art and Ideas. Members of the International Advisory Committee from all three disciplines and from domestic and international judiciaries have offered valuable guidance throughout the ten years.

at least some of the time, as our world continues to face some opportunities and some threats that will require joint action. They may range from the future of international law and international courts under new geopolitical pressures, and the rise of horrendous political agendas, to the impact of artificial intelligence.

Our existing international courts will probably continue to exist, and possibly adapt, and new international courts may appear.

**”These creatures of international law will continue to create international law and create new puzzles.”**

PluriCourts is now history. Researchers at PluriCourts have raised important questions about international courts and sought to answer them. In the future, states may use international law to maintain existing international courts, and perhaps establish new ones. These creatures of international law will continue to create international law and create new puzzles. They will pose new questions – which will continue to require new research.

We must understand and assess how and when international courts can be part of the solutions,

Research on these international courts and their legitimacy will and should continue. We do believe that PluriCourts has strengthened our ability to make these changes depend somewhat less on accident and force, and somewhat more on reflection and choice**.**

*The initial version of this text was presented at the opening ceremony of PluriCourts' concluding conference on 14 June 2023.*



Illustration photo: UiO.

# WORDS BY THE DEAN



Photo: UiO.

**”For ten years, we have had this inspiring, international, expansive and creative group of researchers at all levels amongst us.”**

***Introduction by Ragnhold Hennum, Dean at the Faculty of Law, University of Oslo***

It is a pleasure tinged with sadness to contribute to this concluding report of PluriCourts, the Faculty of Law's centre of excellence.

For ten years, PluriCourts has been an important part of the Faculty of Law and the Department of Public and International Law.

PluriCourts has contributed to research at the highest international level and has been interdisciplinary in its design. There has of course been research in law, but also political science and philosophy. Many publications have come from PluriCourts and many doctorates have been awarded.

PluriCourts started in 2013 as one of ten Centers of Excellence at the University of Oslo. The primary objective of PluriCourts has been to analyse the legitimate present and future roles of international courts and tribunals in the international and domestic order.

For ten years we have had this inspiring, international, expansive, and creative group of researchers at all levels amongst us. The concluding report will of course summarize and look back at everything PluriCourts has achieved. But this is not only an occasion to conclude and summarize. We also wish to use this occasion to identify ways forward, to safeguard the legacy of PluriCourts at the Faculty and the Department, among colleagues who are inspiring, international, expansive, and creative.

*The initial version of this text was first presented at the opening ceremony of PluriCourts concluding conference on 14 June 2023.*

# PLURICOURTS CENTRE OF EXCELLENCE – IN BRIEF

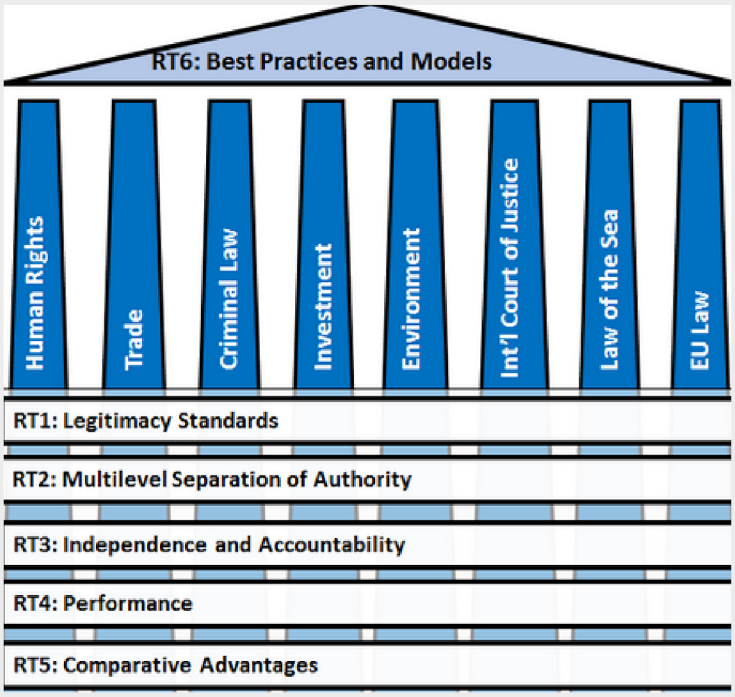
PluriCourts - Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order was established in 2013 as one of the Research Council of Norway (RCN)'s Centres of Excellence. Following a successful midterm evaluation in 2018, the funding was extended until 2023.

The centre has been hosted by the Department of Public International Law at the University of Oslo (UiO)'s Department of Public International Law.

Being multidisciplinary at its core, it has also maintained close cooperation with the University of Oslo's Department of Political Science and UiO's Department of Philosophy, Classics, History of Art and Ideas.




**A visible presence at the Faculty of Law:** PluriCourts' banner adorning Domus Academica during the concluding conference in 2023. Photo: PluriCourts.




Its researchers have studied an array of international courts and tribunals (ICs) dealing with questions related to various topics such as human rights, trade, criminal law, investments, environmental cases, the law of the sea, and EU law. They have explored research themes such as legitimacy standards, multilevel separation of authority, independence and accountability, IC performance, and comparative advantages.

Both lawyers, political scientists, and philosophers have collaborated closely to better understand the legitimate roles of ICs. This has led to high-quality research in these fields published in world-renowned journals and publishing houses.

# MANAGEMENT AND ADMINISTRATION



**Gathered for the inaugural conference:** The original group of coordinators gathered for the inaugural conference in 2013. From the left: Christina Voigt, Siri Gloppen, Ole Kristian Fauchald, Marlene Wind, Cecilia Bailliet, Geir Ulfstein and Andreas Føllesdal. Photo: PluriCourts.

PluriCourts has been co-directed by Geir Ulfstein (Professor of law) and Andreas Føllesdal (Professor of philosophy) for the entire period. To help them, they have relied on coordinators with backgrounds in different disciplines and research fields who have been in charge of particular sections of PluriCourts' research portfolio.

Since 2013, the list of coordinators has included:
Freya Baetens
Cecilia Bailliet
Ole Kristian Fauchald
Siri Gloppen
Daniel Naurin
Christina Voigt
Marlene Wind

PluriCourts was set up with its own Scientific Advisory Committee (SAC) consisting of leading judges and international scholars in the field. They have been mandated to critically evaluate and advise on the centre's scientific performance and progress.

The Committee has had the following members:
Karen Alter
Wenche Elisabeth Arntzen
Tom Ginsburg
Hilde Indreberg
Helen Keller
Andreas Paulus
Thomas Pogge
Kirsten Sandberg
Bruno Simma
Beth Simmons
John Tasioulas

On the administrative side, the centre has been led by the following :

Guro Frostestad
Øyvind Henden
Hanna Jarstø Ervik
Siri Johnsen
Elin Kaurstad
Aina Nessøe
Stephanie Schmölzer

# LIFE AND ORGANISATION AT A MULTIDISCIPLINARY RESEARCH CENTRE



**Internal seminar in beautiful surroundings:** Each year, PluriCourts organised an annual seminar for team members to discuss their research and strategic choices of the centre, and get to know each other in a more informal setting. In 2015, the seminar was held at Jeløya. Photo: PluriCourts

Multidisciplinary research has been key at PluriCourts, as the aim has been to scrutinise the legitimacy of ICs using perspectives from law, philosophy, and political science. At its core, legitimacy is a multifaceted and complex phenomenon. It requires in-depth, heterogeneous and multidisciplinary research that takes account of both similarities across systems and the particularities of specific ICs. Being organised as a centre, where everyone was localised on the same floor, enabled the production and promotion of such long-term research.

**"Many discussions about new ideas could start informally over a regular lunch or by knocking on each other's doors."**

This meant that many discussions about new ideas could start informally over a regular lunch or by knocking on each other's doors. But it also made it possible to organise regular events to keep team members up to date on each other's work across disciplines. This included mandatory Monday lunches where team members updated each other about their current work as well as annual internal seminars. You can read more about other recurring events on the next pages.

## WEDNESDAY LUNCH SEMINARS

On Wednesdays, PluriCourts organised its Lunch Seminar Series where team members and invited guests presented their ongoing projects or research ideas and received feedback from their peers. The lunch seminars lasted for about 75 minutes, but speakers were encouraged to keep their presentations much shorter to allow for broad participation in the ensuing discussions. Presenters were also encouraged to circulate written material to colleagues in advance.

The Lunch Seminars provided team members with the opportunity to receive thorough, multidisciplinary peer feedback in various phases of their research, while also training them in presenting their research for non-expert audiences. For PluriCourts, the seminar series was an important platform for multidisciplinary discussions, while also allowing colleagues across disciplines to learn more about each other's projects and research fields.



**Some of PluriCourts annual lecture holders:** PluriCourts lecture holders include distinguished scholars such as Allen Buchanan (Top Left), Beth Simmons (Top Right), Eric Voeten (Bottom Left), and James Gathii (Bottom Right).

## ANNUAL LECTURE & ANNUAL CONFERENCE

Each year, PluriCourts organised an annual conference that convened colleagues and SAC members for rich discussions. As part of the program, PluriCourts also invited a high-profile guest to give a talk on a chosen topic related to the legitimacy of ICs.

A portrait of each of the lecture holders still hangs in PluriCourts' old premises in Domus Juridica, University of Oslo.

Annual lecture holders include:

**2013: Alain Pellet** - The Growth of International Courts and Tribunals: Opportunities and Challenges (Law)
**2014: Beth Simmons** - Can the International Criminal Court Deter Atrocity? (Law and Political Science)
**2015: Allen Buchanan** - The Legitimacy of International Courts (Philosophy)
**2016: Robin Churchill** - Compulsory Dispute Settlement Made Under the United Nations Convention on the Law of the Sea (UNCLOS) (Law)
**2017: Erik Voeten** - Liberalism, Populism and the Backlash Against International Courts (Political Science)
**2018: Samantha Besson** - International Courts and the International Jurisprudence of Statehood (Law)
**2019: Laurence R. Helfer** - The Life Cycle of International Adjudication (Law)
**2021: Karen J. Alter** - Nationalist Backlash and the Future of International Courts (Political Science, postponed from 2020)
**2022: James Thuo Gathii** - Why Diversity of Counsel in International Adjudication Matters (Law)




**Diversity challenges in academia:** In 2022, the Publish and flourish seminar focused on diversity in academia and was organised together with the Centre of Excellence MultiLing and the Norwegian Academy of Science and Letters.

## PUBLISH & FLOURISH WORKSHOP SERIES

Almost every year, PluriCourts organised a workshop series titled Publish and Flourish, which focused on career aspects of life in academia. Targeted toward PhD candidates, postdoctoral fellows, and early career researchers, the workshops covered topics such as applying for funding, how to write grant applications, choosing a publisher to disseminate writings, promoting research contributions, as well as tenure and diversity challenges in academia.

## CONCEPTS & METHODS WORKSHOP SERIES

The Concepts and Methods Workshop Series focused on key methodological and conceptual challenges related to the study of legitimacy and ICs. The aim was to build on common terminology and understanding of core issues across disciplines, including terms such as “effects”, “effectiveness”, “compliance”, “performance” and “legitimacy”. The topics of the conferences have, amongst others, focused on deference, the empirical turn in international legal scholarship, and the relationship between national and international law. These workshops were very useful for PluriCourts, as they specifically addressed core questions of relevance to team members across disciplines, thus opening for interesting and rewarding discussions on a common topic.




**Text as data:** The Concepts and Methods workshop in 2018 focused on text as data. Pictured, Malcolm Langford presenting on ‘Who Writes Arbitral Awards’. Photo: PluriCourts.

## WORKSHOP ON THE POLITICAL & LEGAL THEORY OF INTERNATIONAL COURTS AND TRIBUNALS



The annual workshop on the Political and Legal Theory of International Courts and Tribunals brought together international scholars working on theoretical aspects of the legitimacy of ICs. With participants selected through a call for papers, the workshops have enabled substantial methodical discussions in the exchange and collaboration across the fields of political theory, philosophy and legal theory.

**Legitimacy Criticisms and Theories of Adjudication:** The workshop on political and legal theory in 2022 focused on legitimacy criticism and theories of adjudication. Photo: PluriCourts.

## THE RYSSDAL SEMINAR SERIES

Since 2014, PluriCourts has hosted the Ryssdal Seminar Series, particularly for Norwegian judges. In the spirit of the former Norwegian Chief Justice and President of the European Court of Human Rights (ECtHR) Rolv Ryssdal, the seminar raises questions relating to the interaction between domestic and international law with a particular focus on human rights. The seminars are co-hosted with the Norwegian Courts Administration.

The seminar series has covered topics such as:

- Norway' and the ECtHR (2014),
- United Nations (UN) treaty bodies and their implications for Norwegian law (2015),
- The judiciary and the independence of judges (2016),
- The European Convention on Human Rights (ECHR) under Pressure? (2017),
- The Court's independence and effectiveness (2018),
- Artificial intelligence and alternative dispute resolution methods (2019)
- The ECHR at 70, the NAV scandal and crisis regulation during the COVID-19 pandemic (2020)
- Sami cases in Norwegian courts (2022, postponed from 2021)
- Climate cases in Norwegian courts (2023)

The seminar series will form part of PluriCourts' legacy activities and is set to continue under the auspice of the Faculty of Law's research group on international law.




**The European Convention of Human Rights under pressure:** Morten Ruud was one of the speakers at the Ryssdal seminar in 2017, which focused on the pressures towards the ECHR. Photo: PluriCourts.

# COMPLIANCE POLITICS AND INTERNATIONAL INVESTMENT DISPUTES (COPIID)

**FUNDING: FIVE-YEAR FUNDING BY RCN.**
**PERIOD: 2021 – 2025.**
**LEADERSHIP: MALCOLM LANGFORD AND TAYLOR ST JOHN**



**First Physical Meeting:** The COPIID team gathered for the physical kick-off workshop at Jeløya in May 2022. Photo: PluriCourts.

International investment arbitration is a controversial topic. Through a network of over 3 000-investment treaties, foreign investors can sue states for discrimination, loss of property, and unexpected legal changes. While designed to prevent conflicts, the system is a lightning rod for critique. Developing countries lose frequently, tribunals only make judgments against states, and investors have challenged sensitive topics such as climate change, public health, and human rights. The procedure is shrouded in secrecy, dominated by Western arbitrators, and compensation levels can be astronomically high.

Yet, while scholarship has focused on the system's origins and dynamics, little is known about what happens after a decision is made: It is a 'black box'.

Opening this black box is a key endeavour for COPIID, which seeks to answer four questions:

- To what extent do states comply with decisions?
- Why do they comply with such controversial decisions?
- Do these findings change existing theories on how actors engage with international tribunals?
- What are the implications for the ongoing reform process at The United Nations Commission on International Trade Law (UNCITRAL)?

The project will continue after the end of PluriCourts and will be hosted by the Department of Public and International Law at UiO.

# STATE CONSENT TO INTERNATIONAL JURISDICTION: CONFERRAL, MODIFICATION AND TERMINATION ('STATE CONSENT')

**FUNDING: FOUR-YEAR FUNDING BY RCN**
**PERIOD: 2018 – 2022**
**LEADERSHIP: FREYA BAETENS**

A stable and predictable system to resolve international disputes is premised on states' willingness to accept that an 'external force', such as an IC, has the power to judge whether they have complied with their international obligations. After the sharp rise in the creation of new ICs in recent decades, states are now restricting the scope of their consent or even withdrawing it altogether due to allegations that ICs are unduly limiting their sovereign powers.

States are thus faced with a fundamental dichotomy. On the one hand, they wish to maintain the possibility of retreat from the international dispute settlement process. On the other hand, they also wish to restrict the scope of the unpredictable behaviour of other states by enforcing international law through the establishment of ICs.

This dichotomy was at the heart of the research project State Consent which through empirical investigations sought to provide an up-to-date detailed analysis of the international law regulating when, how and with which consequences states can confer, modify, or terminate consent to jurisdiction. In turn, this enabled the identification of systematic policy patterns.



**'State Consent' project team members gathered for a conference:** Emma Brandon (Left), Freya Baetens (Centre) and and Nicola Strain (Right).



Illustration photo of the International Court of Justice (ICJ). Photo: Colourbox.com

# RESPONSES TO THE 'LEGITIMACY CRISIS' OF INTERNATIONAL INVESTMENT LAW (LEGINVEST)

**FUNDING: FIVE-YEAR FUNDING BY RCN.**
**PERIOD: 2018 – 2023.**
**LEADERSHIP: OLE KRISTIAN FAUCHALD**

The international investment regime is undergoing a legitimacy crisis following widespread concerns regarding the negative effects on the environment, human rights, and development. The LEGINVEST research project has investigated how states and investment tribunals have responded to the legitimacy crisis while also proposing measures to promote synergies between international investment law and national policy to safeguard the environment, human rights protection, and sustainable development.

Through its extensive Investment Treaty Arbitration Database (PITAD), the project has collected comprehensive data on countries' negotiation practices in the drafting of bilateral and multilateral investment treaties (approximately 3000 treaties), and on the practice of tribunals that deal with disputes between investors and states (approximately 1000 disputes).

Based on this empirical evidence, the team has examined how and why states change their positions during treaty negotiations and explored changes in their strategies when defending their interests in litigation. The project has also contributed to important research on integrity and double hatting among arbitrators by demonstrating how a limited number of persons and law firms alternate between different roles and dominate the arbitration community.




**Launch of the PITAD database:** Ole Kristian Fauchald speaking under the launch of the PITAD database in January 2019. Photo: PluriCourts.

Illustration photo: Unsplash.com

# MULTIRIGHTS
## - THE LEGITIMACY OF MULTI-LEVEL HUMAN RIGHTS JUDICIARY

**FUNDING: FIVE-YEAR FUNDING BY THE EUROPEAN RESEARCH COUNCIL (ERC)**
**PERIOD: 2011 – 2016**
**LEADERSHIP: ANDREAS FØLLESDAL AND GEIR ULFSTEIN.**

The proliferation of human rights treaties at regional and global levels may offer moral foundations for international law. However, many worry that this growth of supervisory organs is illegitimate. Indeed, many would point out that the ECtHR is overburdened, that different human rights organs may disagree, or that citizens of well-functioning democracies do not see the point of such international organs intervening.

The MultiRights project scrutinized such claims of legitimacy deficits and considered reform proposals for global and European human rights organs. Four plausible models ranging from the Primacy of National Courts to a World Court of Human Rights were developed and then assessed by four contested constitutional principles of legitimacy that were revised for the multilevel legal order: Human Rights values, the Rule of Law, Subsidiarity, and Democracy.






MultiRights was originally located at the Norwegian Centre for Human Rights and was officially made part of PluriCourts in April 2014.

Illustration photos of the European Court of Human Rights. Photos: Colourbox.com.

# JUDICIAL DIALOGUES ON THE RULE OF LAW
## INTERACTION BETWEEN NATIONAL COURTS AND THE EUROPEAN COURT OF HUMAN RIGHTS

**FUNDING: FOUR-YEAR FUNDING FROM RCN/ THE EUROPEAN SCIENCE FOUNDATION (ECRP).**
**PERIOD: 2011 – 2015**
**LEADERSHIP: GEIR ULFSTEIN**

The Judicial Dialogue research project studied the interaction between national courts and the ECtHR in light of the contemporary debates on the proper role of the Court in the protection of human rights. The subsidiary nature of the ECtHR, on one hand, and the fundamental role of national authorities in protecting human rights, on the other hand, were stressed in the Interlaken Declaration, adopted by member states of the Council of Europe at the High-Level Conference on the Future of the ECtHR 19 February 2010.

The principle of subsidiarity may be implemented in different ways and the project examined three possible approaches of national courts: Resistance, Deference and Constitutionality. These different approaches constitute different ways of applying the principle of subsidiarity, from giving priority to the national level, giving priority to the international level, or acknowledging the different legitimate roles of the international and national levels, namely that the international and national levels in practice function in a 'constitutional' manner.

# CONTRIBUTIONS TO THE REFORM PROCESS OF THE EUROPEAN COURT OF HUMAN RIGHTS



**Academic partner for the ECtHR:** PluriCourts has been actively involved in the ECtHR's reform process. Photo Colourbox.com.

PluriCourts has been a key hub for research on the ECtHR with several leading academic authorities on the matter among its employees and cooperation partners. This includes the centre leaders Geir Ulfstein and Andreas Føllesdal as well as guest researcher Morten Ruud who chaired the Council of Europe (COE)'s Steering Committee for Human Rights CDDH) in 2020 and 2021. During the centre period, a long list of other PluriCourts team members also produced new and well-received research on the ECtHR focusing on varied aspects such as compliance, subsidiarity and deference, the selection and behaviour of judges, its response to populism, and more.

PluriCourts' well-respected competencies on the matter contributed to it being invited to advise and take part in ongoing discussions on the ECtHR's reform process.

In 2014, CoE, PluriCourts and MultiRights, an ERC research project that had just been made part of PluriCourts, organised a high-level conference on the long-term future of the ECtHR in cooperation with CoE. With over 150 participants including scholars, judges, and governmental experts, the conference formed part of the Court's reform process. It was presented as a direct response to the 2012 Brighton Declaration which invited CoE's Committee of Ministers to consider the future of the ECHR.

In the years that followed, PluriCourts also contributed to other events related to the ECtHR's legitimacy, functioning, and effectiveness. In 2017, PluriCourts co-organised a brainstorming seminar on the ECtHR's place in the European and international legal order that would be the starting point of intergovernmental work at CoE to be carried out by a newly established expert




**High-level conference in Oslo:** PluriCourts was the host of the conference on the long-term future of the ECtHR which formed part of CoE's reform process. Photo: PluriCourts.

committee (DH-SYSC). The year after, PluriCourts' researchers and other academics met with members of the Court, including both judges and Registry staff, for informal exchanges on legitimacy challenges. PluriCourts also co-organised two events in Strasbourg in 2021 focusing on the effective implementation of judgments (organised together with CDDH) and the handling of inter-state cases at the Court (organised under the aegis of the German Presidency of the Committee of Ministers at CoE).

These contributions show that PluriCourts has been regarded as a useful resource and partner for both the ECtHR itself and for CoE and its member states on questions related to the reform process as well as other contemporary challenges faced by the Court.

## OSLO RECOMMENDATIONS FOR ENHANCING THE LEGITIMACY OF INTERNATIONAL COURTS

With its up-to-date competence on current legitimacy challenges and broad expertise on a range of ICs, PluriCourts was seen as an important and reliable academic partner for other practitioners in the field as well. A good example is the Oslo Recommendations for Enhancing the Legitimacy of International Courts, which were drafted in Oslo from 30 May – 2 June 2018. The recommendations aimed at reinforcing the legitimacy of institutions of international justice and were written by fifteen judges from thirteen ICs. These judges were the participants of the 2018 session of the Brandeis Institute for International Judges (BIIJ), organised collaboratively by PluriCourts and the International Center for Ethics, Justice and Public Life at Brandeis University.

The Recommendations, which the conference participants drafted and endorsed in their personal capacities, articulate relevant policies and activities in five arenas: nomination and selection of international judges; ethics and judicial integrity; efficiency of proceedings; transparency of proceedings and access to judicial output; and the role of judges in outreach and interactions with the public.



**International judges gathered in Oslo:** the 15 judges represented 13 different ICs. Photo: PluriCourts.





# RESEARCH ON THE REFORMS OF THE INTERNATIONAL INVESTMENT TREATY SYSTEM

PluriCourts has been the host of a vibrant research community investigating different parts of the international investment regime and the international investment treaty system in particular.

The investment team has produced varied research that has had tangible impacts on the negotiations for a proposed international court of investment which is currently ongoing in the UN organ UNCITRAL. To allow for constructive scientific contributions to the negotiations, a global Academic Forum on ISDS was set up. The forum was hosted by PluriCourts and PluriCourts team members Malcolm Langford and Daniel Behn played leading roles as leaders and strategists in the setting up of the network. They both gained access and speaking rights during the negotiations which among other things allowed for the dispersion into the negotiations of PluriCourts' research on double hatting among arbitrators and other integrity challenges. As of July 2023, a Code of Conduct for Arbitrators has emerged from the UNCITRAL process, and Article 4 limits double-hatting.

Several of other PluriCourts researchers also had access to the negotiations and were thus able to produce research both *on* and *for* the process, sometimes even on the explicit request from negotiators. After each session, PluriCourts' Taylor St John and colleague Anthea Roberts also wrote blog posts summarizing what had happened and how it could be squared with academic ideas. These blog posts were widely read by the negotiators and contributed to the discussions.




**In the UN building:** Tarald Gulseth Berge (Left) and Malcolm Langford (Right) were among the researchers investigating both on and for the UNCITRAL reform process on ISDS. Photo: PluriCourts.

Illustration photo of the UN building in New York. Photo: Colourbox.com.

# RESEARCH ON NATIONAL AND INTERNATIONAL LAW

A new research initiative on the interface between international and national law was established by PluriCourts and the Faculty of Law in 2021. The aim was to conduct research on the legal dimensions of the interrelationship between domestic law and a variety of branches within international law in a comparative context. PluriCourts established the initiative to analyse and explain how international law is currently being implemented and how it should be best implemented in Norwegian legislation, administration, and case law. The initiative will continue to live on after PluriCourts as part of the Faculty of Law's Research Group on international law.



**Kick-off workshop:** The research initiative was kicked off at a workshop on the interrelationship between national and international law in 2021. Photo: PluriCourts.

## INTNATLAW - ACADEMIC NETWORK ON THE IMPACT OF INTERNATIONAL LAW ON NATIONAL LAW



*Illustration photo: Colourbox.com.*

In 2023, the Research Group on International Law received RCN funding to develop an international academic network pursuing activities addressing the impact of international law on national law.

This network, IntNatLaw, will operate until 31 July 2027 and has four main activities:

- Organise seminars and workshops on topics related to the relationship between international and national law in specific areas of law or in particular sectors. It will also organise an annual conference addressing relevant methodical or conceptual issues.
- Organise PhD research courses. This will include one course on the legitimacy of ICs and international institutions with an international focus and one course targeting PhD candidates in Nordic countries whose projects relate to the interrelationship between international and national law.
- Invite international scholars to Oslo for shorter or longer visits.
- To Support PhD students at Norwegian institutions to participate in international conferences in international law, in particular the Annual Conferences of the European Society of International Law, and to visit ICs.

# PHD COURSE ON THE LEGITIMACY OF INTERNATIONAL COURTS AND INTERNATIONAL INSTITUTIONS

In line with its multidisciplinary approach, PluriCourts has organised two versions of PhD courses integrating law, philosophy, and political science to discuss different, yet overlapping, concepts (and conceptions) of the legitimacy of international institutions. The course has provided students with an overview of the theoretical and methodological challenges involved in assessing the legitimacy and justice of international law and international institutions. Professors at the Department of Public and International Law will carry on the legacy and continue to teach the next generation of researchers.



**Discussions with students:** Course leader Kjetil Mujezinović Larsen (in white shirt) in discussions with students during the course in 2022. Photo: PluriCourts.

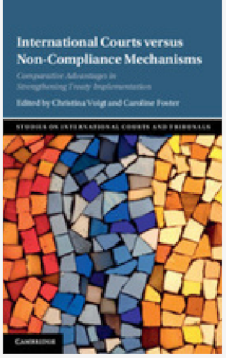
# THE RYSSDAL SEMINAR SERIES

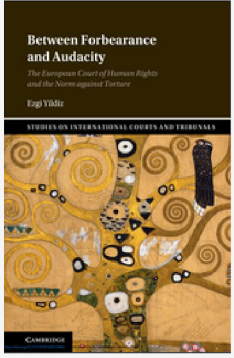


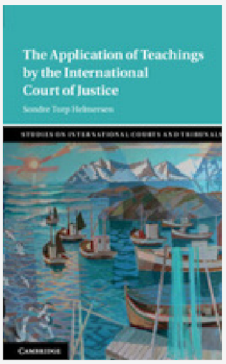

**ECtHR under Pressure:** The Norwegian judge to the ECtHR Erik Møse presenting at the Ryssdal seminar in 2017 which focused on pressures towards ECHR.

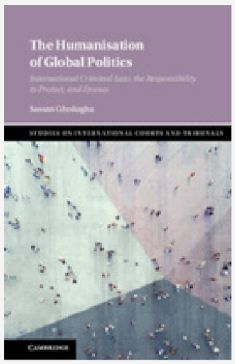
Since 2014, PluriCourts has cooperated with the Norwegian Court Administration on the training of judges on topics related to the interrelationship between national and international law with a particular focus on human rights. Key in this regard has been the annual Ryssdal seminars organised in honour of former Chief Justice both of the Norwegian Supreme Court and of the ECtHR, Rolv Ryssdal. Over the past decade, the seminar series has covered a broad range of topics such as Norway's relations with the ECtHR and other international bodies, the independence of judges and the court, and Sami cases in Norwegian courts. You can read more about the seminar series on page 10 of this report.

The Ryssdal Seminar Series will be continued after PluriCourts under the auspice of the Faculty of Law's Research Group on International Law.



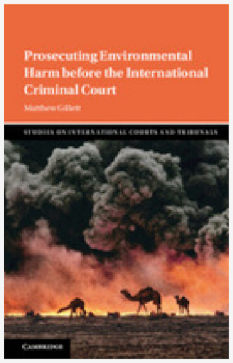



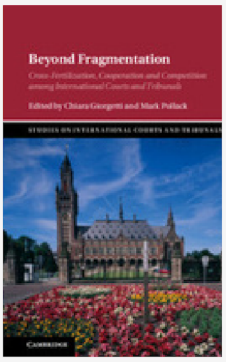



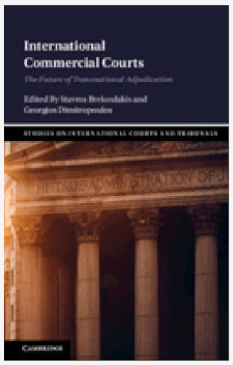









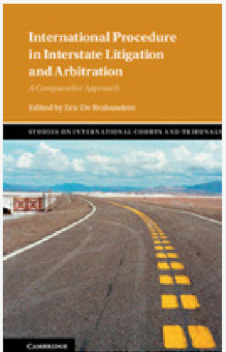



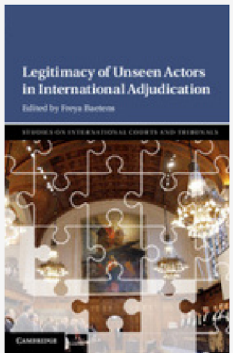










# THE CAMBRIDGE STUDIES ON INTERNATIONAL COURTS AND TRIBUNALS

The Cambridge Studies on International Courts and Tribunals is a book series published at Cambridge University Press (CUP) on the content, impact, and broader implications of the emerging international judiciary, such as the regional human rights courts (including the ECtHR), the International Tribunal for the Law of the Sea, the WTO settlement system, and the International Criminal Court (ICC). It contains both theoretical and interdisciplinary scholarship on legal aspects as well as on the effectiveness of ICs.

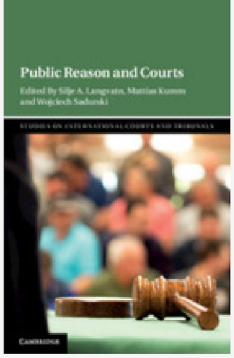
The general editors are PluriCourts' co-directors Andreas Føllesdal and Geir Ulfstein. They will continue in this role also after PluriCourts has ended. Since 2015, 23 books have been published under the book series. This includes:

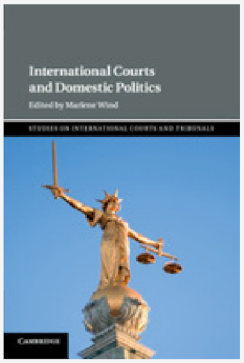
- Christina Voigt and Caroline Foster, 'International Courts versus Non-Compliance Mechanism: Comparative Advantages in Strengthening Treaty Implementation' (2024).
- Ezgi Yildiz, 'Between Forbearance and Audacity: The European Court of Human Rights and the Norm against Torture' (2023).
- Sondre Torp Helmersen, 'The Application of Teachings by the International Court of Justice' (2023).
- Sassan Gholiagha, 'The Humanisation of Global Politics: International Criminal Law, the Responsibility to Protect, and Drones' (2022).
- Mikael Rask Madsen, Fernanda Nicola and Antoine Vauchez (eds.), 'Researching the European Court of Justice: Methodological Shifts and Law's Embeddedness' (2022).
- Matthew Gillett, 'Prosecuting Environmental Harm before the International Criminal Court' (2022).
- Chiara Giorgetti and Mark Pollack (eds.), 'Beyond Fragmentation: Cross-Fertilisation, Cooperation and Competition among International Courts and Tribunals' (2022).
- Stavros Brekoulakis and Georgios Dimitropoulos (eds.), 'International Commercial Courts: The Future of Transnational Adjudication' (2022).

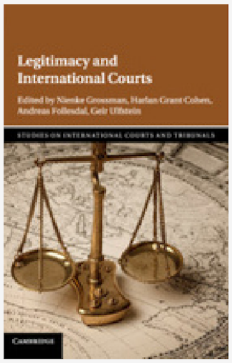
# THE CAMBRIDGE STUDIES ON INTERNATIONAL COURTS AND TRIBUNALS

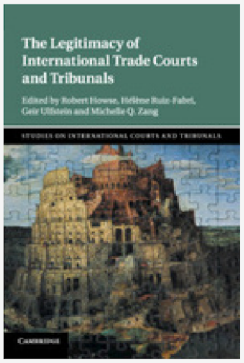
- Daniel Behn, Ole Kristian Fauchald and Malcolm Langford (eds.), 'The Legitimacy of Investment Arbitration: Empirical Perspectives' (2022).
- Shai Dothan, 'International Judicial Review' (2022).
- Eric de Brabandere, 'International Procedure in Interstate Litigation and Arbitration: A Comparative Approach' (2021).
- Freya Baetens (ed.), 'Legitimacy of 'Unseen Actors' in International Adjudication' (2021).
- Szilárd Gáspár-Szilágyi, Daniel Behn, and Malcolm Langford (eds.), 'Adjudicating Trade and Investment Disputes: Convergence or Divergence?' (2020).
- Silje Langvatn, Mattias Kumm and Wojciech Sadurski (eds.), 'Public Reason and Courts' (2020).
- Marlene Wind (ed.), 'International Courts and Domestic Policies' (2020).
- Nienke Grossman, Harlan Grant Cohen, Andreas Føllesdal and Geir Ulfstein (eds.), 'Legitimacy and International Courts' (2020).
- ·Robert Howse, Hélène Ruiz-Fabri, Geir Ulfstein and Michelle Q. Zang (eds.), 'The Legitimacy of International Trade Courts and Tribunals' (2020).
- Theresa Squatrito, Oran R. Young, Andreas Føllesdal and Geir Ulfstein (eds.), 'The Performance of International Courts and Tribunals' (2019).
- Martin Scheinin (ed.), 'Human Rights Norms in 'Other' International Courts' (2019).
- Christina Voigt (ed.), 'International Judicial Practice on the Environment: Questions of Legitimacy' (2019).
- Mads Andenæs and Eirik Bjørge (eds.), 'A Farewell to Fragmentation: Reassertion and Convergence in International Law' (2018).
- Amrei Müller (ed.), 'Judicial Dialogue and Human Rights' (2017).
- Nobuo Hayashi and Cecilia M. Bailliet, 'The Legitimacy of International Criminal Tribunals' (2017).

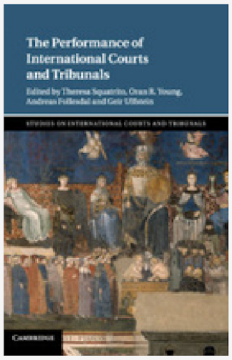


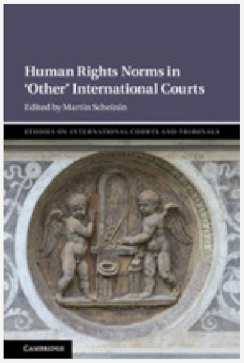




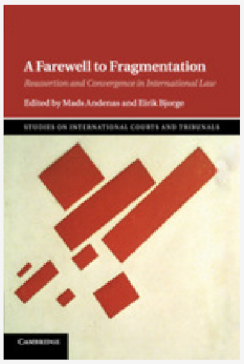


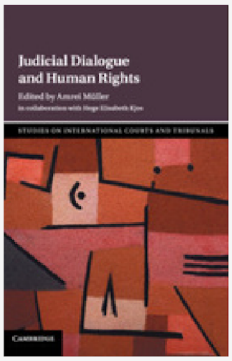


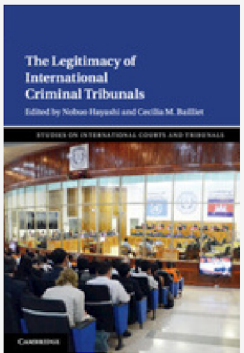












Over its lifespan, PluriCourts has studied the legitimacy of ICs in a broad sense from both legal, political science and philosophical perspectives. This has led to a long list of well-received research in world renowned journals and publishing houses.

On the next pages, you can read more about ten of PluriCourts' highlighted research contributions. A full list of PluriCourts' publications can be found at the end of this report.

# THE PITAD DATABASE

Empirically based research on investment treaty arbitration has been a key research pillar at PluriCourts from the very beginning. Much of the extensive, multidisciplinary, and empirically based research that has been carried out in this field would not have been possible without the Investment Treaty Arbitration Database (PITAD).

The idea of the database was developed by coordinator Ole Kristian Fauchald and former Postdoc Daniel Behn, who wanted to create a master database with relevant numerical data on every arbitral investment arbitration decision and actor, and eventually treaties. With assistance from a large group of PluriCourts members, the PITAD team coded awards and actors, organised the data digitally, checked it for reliability, and linked it with other publicly available datasets.

When launched on 31 January 2019, the database contained more than 1 300 cases.

PITAD has been instrumental in both the LEGINVEST and COPIID research projects, which both gained independent funding from RCN. Focusing on environmental, human rights, social development, and compliance issues, these research projects contributed to the further development of the database and made it possible for the research team to provide extensive input to the ongoing United Nations reform process of the international investment treaty system. PITAD was also a central element in three PhD theses submitted at PluriCourts by Tarald Laudal Berge (political science), Runar Hilleren Lie (law), and Laura Létourneau-Tremblay (law).

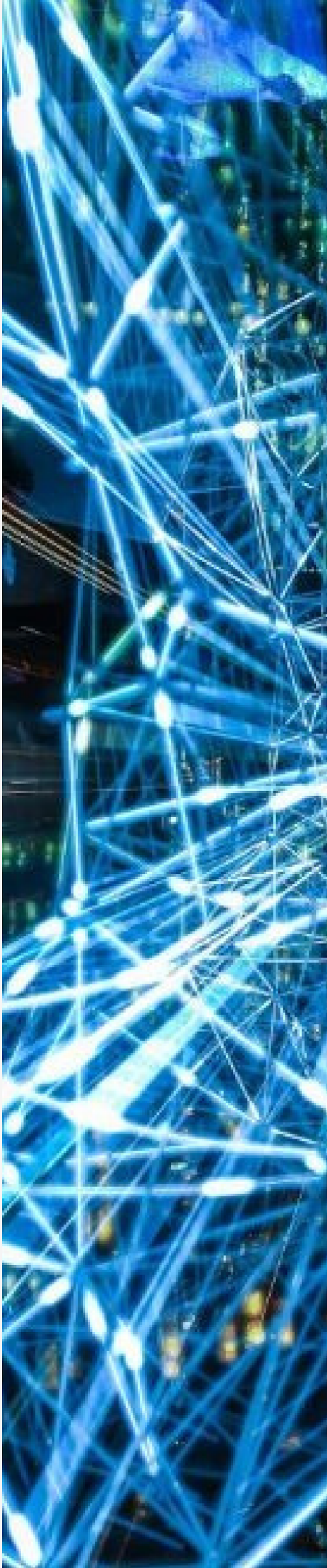
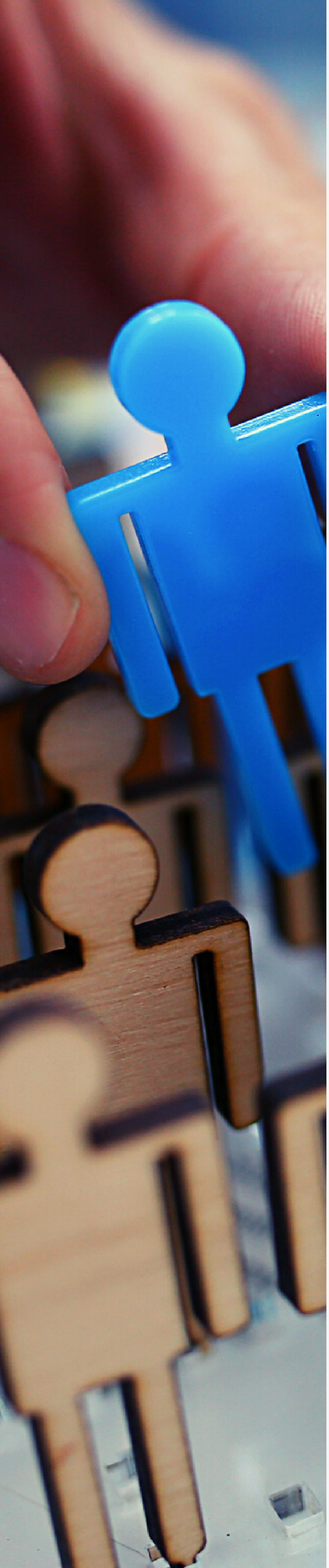


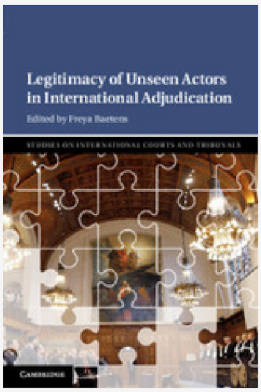


Illustration photo: Unsplash.com.





# LEGITIMACY OF UNSEEN ACTORS IN INTERNATIONAL ADJUDICATION




**BOOK EDITED BY FREYA BAETENS PUBLIHSED IN PLURICOURTS CUP BOOK SERIES IN 2019.**

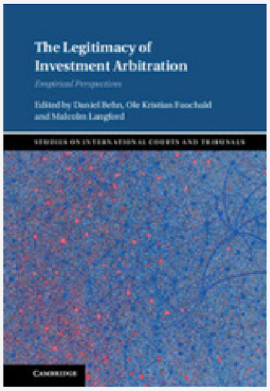
ICs differ in their institutional composition and functions, but a shared characteristic is their reliance on the contribution of individuals other than the judicial decision-makers themselves. This may include registrars and legal officers, but also non-lawyers such as translators and scientific experts. These more 'hidden' actors are vital to the functioning of international adjudication, exerting varying levels of influence on judicial processes and outcomes.

The book *Legitimacy of Unseen Actors in International Adjudication* investigates these actors' impact on IC's legitimacy. The idea was developed by coordinator Freya Baetens, who organised a conference on the topic in the Hague in 2017 together with Leiden University. The project became a team endeavour for PluriCourts, and many team members contributed either as speakers, discussants, or chairs at the conference and/or as authors or peer reviewers for the book chapters. Thanks to PluriCourts' international network and funding possibilities, the project took on a truly multidisciplinary shape and was able to involve more than 40 people, including junior scholars and several non-Europeans.

The book project also gave rise to new research ideas around the same topics, including the book *Who is the Judge? Identity and Diversity on the International Bench* (2020), which was also edited by Baetens and published in PluriCourts CUP book series. Both these books had a big impact on the international scholarly community. In 2021, the American Society of International Law (ASIL) organised an international online seminar discussing these two books and their impact on scholarship and practice in this field, which is normally something that is organised rarely and posthumously.

Illustration photo: Couourbox.com.

# LEGITIMACY OF INVESTMENT ARBITRATION: EMPIRICAL PERSPECTIVES




**BOOK EDITED BY DANIEL BEHN, OLE KRISTIAN FAUCHALD AND MALCOLM LANGFORD PUBLISHED IN PLURICOURTS' CUP BOOK SERIES IN 2020.**



Illustration photo: Coluourbox.com

The book *Legitimacy of Investment Arbitration: Empirical Perspectives* was developed in tandem with the PITAD database and was planned from the very beginning of PluriCourts. With its thoroughly empirical approach, it provided a fresh contribution to the ongoing debate on the international investment regime's legitimacy. Based on the PITAD database and a range of quantitative, qualitative, and computational methods, the contributors interrogate claims and counterclaims about the regime's legitimacy. The result is a nuanced picture of many of the critiques lodged against the regime, whether they be bias in arbitral decision-making, close relationships between law firms and arbitrators, absence of arbitral diversity, of excessive compensation. The authors discuss and analyse how the regime can be reformed and how a process of legitimation might occur and are thus highly relevant at a time when several national and international initiatives are underway to reform international investment arbitration.

The book was edited by Daniel Behn, Ole Kristian Fauchald and Malcolm Langford, with chapter contributions from many other current or former PluriCourts team members.

# THE REVOLVING DOOR IN INTERNATIONAL INVESTMENT ARBITRATION

ARTICLE BY MALCOLM LANGFORD, DANIEL BEHN AND RUNAR LIE HILLEREN PUBLISHED IN *JOURNAL OF INTERNATIONAL ECONOMIC LAW* IN 2017.



From the left: Malcolm Langford, Daniel Behn and Runar Hilleren Lie. Photo: UiO

It is often claimed that international investment arbitration is marked by a "revolving door" with individuals acting sequentially and even simultaneously as arbitrators, legal counsel, expert witnesses, or as tribunal secretaries. If correct, this has important implications for our understanding of power and influence within this community and for ethical debates over conflicts of interests and transparency concerning 'double hatting'. To empirically test these claims, the article 'The Revolving Door in International Investment Arbitration' uses social network analysis to describe the full investment arbitration community while also addressing key sociological and normative questions in the literature.

The article identifies a different configuration of central 'power brokers' in the system than earlier scholarship on the matter, while also showing how a select but significant group of individuals score highly and continually in the article's double hatting index.

The idea for the article developed in response to ongoing debates in the international investment community on the ethics and empirics of double hatting. The article attracted significant attention upon publication and the authors Malcolm Langford, Daniel Behn and Runar Lie were awarded the prestigious John Jackson Prize for the article which was deemed the best in 2020 in the *Journal of International Economic Law*.

# SURVEY ARTICLE: THE LEGITIMACY OF INTERNATIONAL COURTS

ARTICLE BY ANDREAS FØLLESDAL PUBLIHSED IN JOURNAL OF POLITICAL PHILOSOPHY IN 2020.



Illustration photos of the ECtHR (Left), the European Court of Justice (Centre), and the ICJ (Right). Photo collage: PluriCourts.

From a philosophical perspective, an important endeavour at PluriCourts has been to explore the concept of legitimacy and the soundness of the legitimacy charges that are being leveled against ICs. The publication 'Survey Article: The Legitimacy of International Courts' is particularly important in this regard, as it provides a common framework for the various concepts of legitimacy and legitimacy deficits across many ICs.

In doing so, the article also challenges claims that such usages are merely expressions of dislike and sets the ground for more research on the topic. This quite recent article has already had an impact on international research which also explains the long list of international courts it addresses. So far, the article has been cited in discussions on WTO, Transitional justice in West Africa, The Antarctic Treaty system and international criminal law, to name a few.

# SELECTION AND APPOINTMENT IN INTERNATIONAL ADJUDICATION: INSIGHTS FROM POLITICAL SCIENCE

ARTICLE BY OLOF LARSON, THERESA SQUATRITO, ØYVIND STIANSEN AND TAYLOR ST JOHN PUBLISHED IN JOURNAL OF *INTERNATIONAL DISPUTE SETTLEMENT* IN 2022




PluriCourts' research on the international investment regime has had an important impact on the ongoing negotiations for a proposed international court of investment in the UN organ UNCITRAL. The survey article 'Selection and Appointment in International Adjudication: Insights from Political Science' is a telling example in this regard. The paper is cited in the current draft statute for the new court which also adopts several ideas and terms from it, including selective representation, trade-offs between independence and accountability, trade-offs of renewable terms, and screening committees. The authors were asked to present the paper to states five times as part of the negotiating process; twice to all UN member states and three times in capacity-building workshops for low-income states. The need for a survey paper emerged during conversations between a European Commission official and PluriCourts' Taylor St John who were both attending the negotiations at UNCITRAL. The Commission official then made a formal request in the UNCITRAL negotiations for a survey paper on selection procedures with the aim of increasing research insights into the ongoing negotiating process. Four young researchers participating in PluriCourts' political science seminars then wrote the paper and received feedback on it from more senior researchers at PluriCourts. It was then circulated to states in advance of an October 2019 negotiating session. The paper's insights were discussed by states in that session, and terms from the paper were incorporated into official UNCITRAL Secretariat papers, with citations, and have continued to be mentioned in the negotiations in the four years since then.

Illustration photo of the UN building in Geneva. Photo: Colourbox.com.

# THE SHADOW EFFECT OF COURTS: JUDICIAL REVIEW AND THE POLITICS OF PREEMPTIVE REFORM

ARTICLE BY TOMMASO PAVONE AND ØYVIND STIANSEN PUBLISHED IN *AMERICAN POLITICAL SCIENCE REVIEW* IN 2021.

It is often claimed that courts can only influence policy by adjudicating disputes. However, the article 'The Shadow Effect of Courts: Judicial Review and the Politics of Preemptive Reform' theorizes that policy-makers may preemptively alter the policies in anticipation of possible judicial review. Using the Norwegian NAV scandal and the EFTA court as a case, they argue that policy-makers may weaponize preemptive reforms to preclude bureaucratic conflicts from triggering judicial oversight. The article thus challenges the dominant Norwegian narrative concerning an important domestic political science scandal and more generally how Norwegian officials interact with international law and ICs. The article is the first political science publication concerning the EFTA Court and it is already being used in qualitative methods courses to illustrate process-tracing methods.

The article was written in cooperation between Øyvind Stiansen (Associate Professor at UiO and former Postdoc at PluriCourts) and Tommaso Pavone (Assistant Professor at the University of Toronto and former Postdoc at PluriCourts). While Pavone contributed with the know-how of the process tracing method, the idea for the article came about when Stiansen was asked by PluriCourts' directors to contribute with a political science take on the NAV scandal. When digging into the publicly available information, he concluded that the most interesting part of the scandal was what in the article would later be referred to as "the politics of preemptive reform."

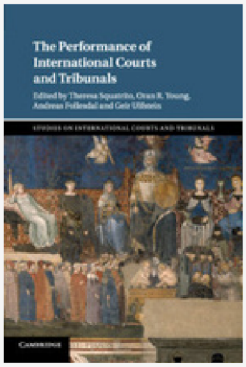
The article is a good example of how PluriCourts' researchers (one of them international) have contributed with new insights to the international research frontier drawn from a domestic case, and at the same time add new perspectives to a debate of national importance.





Illustration photo: Colourbox.com.

# THE PERFORMANCE OF INTERNATIONAL COURTS AND TRIBUNALS




BOOK EDITED BY THERESA SQUATRITO, ORAN YOUNG, ANDREAS FØLLESDAL, AND GEIR ULFSTEIN PUBLIHSED IN PLURCOURTS' CUP BOOK SERIES




Illustration photo: Colourbox.com.

ICs now operate globally and in several world regions, playing significant roles in international law and global governance. However, they vary significantly in terms of their practices, procedures, and the outcomes they produce. Explaining this variation has been an important research endeavour at PluriCourts, and the book *The Performance of International Courts and Tribunals* is a particularly important contribution in this regard.

Taking the form of an interdisciplinary study featuring approaches, methods, and authorship from law and political science, the book proposes the concept of performance to describe the processes and outcomes of ICs. It then develops a framework for evaluating and explaining performance by offering a broad comparative analysis of ICs, covering several world regions and the areas of trade, investment, the environment, human rights, and criminal law. The volume has had an international impact and is referred to by authors who address a broad range of related topics including international criminal law, international legal theory, the United Nations Convention on the Law of the Sea, and the ECtHR.

The anthology brings together several international scholars and colleagues at PluriCourts. The main framework is developed by Squatrito, a former Postdoc at PluriCourts, in cooperation with the other editors, and it draws on the various chapter contributions in ways that could not have been possible without PluriCourts' multidisciplinary environment, varied expertise, and funding possibilities.

# TRANSNATIONAL CONSTITUTIONAL ASPECTS OF THE EUROPEAN COURT OF HUMAN RIGHTS

ARTICLE BY GEIR ULFSTEIN PUBLISHED IN *GLOBAL CONSTITUTIONALISM* IN 2021.



Illustration photo of the ECtHR. Photo: Colourbox.com

The empowerment of ICs raises fundamental issues about which principles should govern the control of their powers. One strand of this debate has been to draw parallels with domestic constitutional systems and its separation of powers between different constitutional organs, and the control represented by democratic accountability, the rule of law, and the protection of human rights.

The ECtHR resembles most ICs in that its judgments are not given direct effect in national law, so in that sense, there is a system of legal pluralism between international and national law. However, the ECtHR has constitutional effects on national law through its incorporation into domestic law and practice. This interaction between the ECtHR and the national court raises questions not only about the ECtHR's legitimate powers at the international level but also its interaction with national law and practice.

In the article, Ulfstein article argues that constitutional principles should guide the roles of both the ECtHR and the national legislature and courts. The ECtHR should be guided by respect for democracy, the rule of law, protection of human rights, and subsidiarity, i.e. a presumption that decisions should be taken at the domestic level unless there are special reasons for allocating them to the ECtHR. National courts should, on the other hand, acknowledge the roles of the ECtHR in their 'dialogue' – and sometimes disagreement – with the European Court and the national legislature.




# INTERNATIONAL JUDICIAL PRACTICE ON THE ENVIRONMENT – QUESTIONS OF LEGITIMACY




BOOK EDITED BY CHRISTINA VOIGT PUBLISHED IN PLURIOCURTS' CUP BOOK SERIES IN 2019.

The number of environmental cases brought before ICs is rising fast. Yet with no special IC for the environment, these concerns are being raised as disputes, claims and requests for advisory opinions across the whole spectrum of international courts and tribunals and in a wide range of circumstances. As a result, the cases are heard and decided by a range of ICs with no special environmental competence, thus raising fundamental questions about the legitimacy and efficiency of the environmental practice of ICs at a time when such claims are only growing in importance and prevalence.

The book *International Judicial Practice on the Environment – Questions of Legitimacy* tackles these highly relevant issues head-on. It provides crucial synthesis across judicial systems by investigating the various ways and means by which different ICs and quasi-judicial bodies deal with environmental claims. Based on this broad picture, it analyses which challenges international courts face, which possibilities they have, and which advances international judicial practice has been able to make in protecting the environment.

The international judicial protection of the environment has been a key research area at PluriCourts from the very beginning. Voigt has also contributed to the cause as a practitioner. While at PluriCourts, she served as a negotiator for the Norwegian Ministry of Climate and the Environment for the Paris Agreement (2012 – 2018) and she was elected Co-Chair of the Paris Agreement's Implementation and Compliance Committee (2020) and Chair of the World Commission on Environmental Law (WCEL) at the International Union for Conservation of Nature (IUCN) (2021).



Chistina Voigt presenting at a conference in Madrid in 2019.
Photo: PluriCourts.

# WORK IN PROGRESS: BOOK PROJECTS

NOT ALL OF PLURICOURTS' RESEARCH WILL BE CONCLUDED BY THE END OF 2023. BELOW YOU CAN READ MORE ABOUT SOME OF PLURICOURTS' ONGOING BOOK PROJECTS.



**CHRISTINA VOIGT**

**"INTERNATIONAL COURTS VERSUS NON-COMPLIANCE MECHANISMS - COMPARATIVE ADVANTAGES IN STRENGTHENING TREATY IMPLEMENTATION" CO-EDITOR: CAROLINE FOSTER**

*Expected publication: 2024 in PluriCourts' CUP book series*

This book explores the best mechanisms for bringing about compliance with international treaties. In recent years, several international treaties have included non-compliance mechanisms (NCMs) to facilitate implementation and promote the parties' compliance with their obligations. These NCMs exist alongside the formal dispute resolution processes of international courts. The authors bring together a wide legal and geographical spectrum of views and present novel insights into NCMs' contribution to treaty implementation and compliance.



**NICOLA STRAIN**

**"THE ADJUDICATOR'S TOOLKIT AND THE FORCE OF INTERNATIONAL LAW: COMPARING TRADE AND INVESTMENT DISPUTES"**

*Expected publication: 2024 in Brill Nijhoff*

Based on Strain's PhD thesis, this publication investigates how adjudicators have approached the dilemma of judicial responses to fragmentation. The book analyses over 800 judgments of the dispute settlement mechanisms of the WTO and international investment law to reveal the interplay between international economic law and other international law. Enhancing and refining the understanding of adjudicators as actors of international law, the publication analyses the legal reasoning of the adjudicators on the centrifugal and centripetal forces of international law.



**ANDREAS FØLLESDAL**

**"SUBSIDIARITY"**

*Expected publication: 2024 in CUP's Elements series.*

'Subsidiarity' has become a popular term in scholarship about international law, not least due to its role in the EU. Several authors nominate subsidiarity as a 'structuring principle' of international law that may reduce its fragmentation. The book will explore which of the many versions of subsidiarity are more normatively justifiable, how subsidiarity may make international law more coherent - and the limits to such contributions.

# WORK IN PROGRESS: BOOK PROJECTS



**GEIR ULFSTEIN**



**ALAIN ZYSSET**



**MALCOLM LANGFORD**

### "DEFERENCE BY INTERNATIONAL COURTS AND TRIBUNALS"

*Expected publication: 2024 in the Collected Courses of the Hague Academy of International Law.*

ICs have responded to criticism by increasingly seeing themselves as having a dual role: not only fulfilling their international function in interpreting and applying international law as part of dispute settlement procedures but also taking account of decision-making in national legal systems, i.e. by showing deference to such decision-making. The increasing use of deference by ICs in relation to national decision-making is the topic of this book.

### "ADVANCED INTRODUCTION TO INTERNATIONAL COURTS AND TRIBUNALS"

*Expected publication: 2024 in Elgar Advanced Introductions series.*

In this book, Ulfstein provides a broad overview of the law and practice of several ICs, drawing on research from PluriCourts and other contributions. The book will serve as an introduction to those new to the field, but it will also be useful to more experienced scholars and practitioners.

### "SAVING AND STRENGTHENING 'DEMOCRATIC SOCIETY': THE EUROPEAN COURT OF HUMAN RIGHTS IN TIMES OF POPULISM"

*Expected publication: 2024 in PluriCourts' CUP series.*

This book is a thorough study of the ECtHR's ability to respond to the populist 'backlash' from several states. The book seeks to critically evaluate and inform the Court's response to such populism in three ways. It ascertains whether the Court has already responded to populism albeit not using that term and then engages in the normative discussion of whether it should respond to what is arguable threats to the democratic nature of European states. Finally, it considers how well the Court is equipped to do so. In pursuit of these themes, the book also develops innovative accounts of the Court's practice of a margin of appreciation, its account of subsidiarity, and its conception of democracy.

### "INTERNATIONAL LAWFARE AND SEXUAL AND REPRODUCTIVE RIGHTS."
### CO-EDITOR: SIRI GLOPPEN

*Expected publication: 2024 at CUP.*

International courts have become arenas of increased salience for struggles concerning sexual and reproductive rights – topics of remarkable moral and political tension. This book addresses three main research questions: Why this phenomenon appears to be on the rise in various countries on several continents; the practices of ICs in such cases and the grounds for the more controversial aspects of the decisions; and thirdly the impact of such decisions, directly and indirectly – covering material, political and symbolic aspects.

# PHD THESES DEFENDED AT PLURICOURTS

## **NINO TSERETELI (2015):** THE PILOT JUDGMENT PROCEDURE OF THE EUROPEAN COURT OF HUMAN RIGHTS – ILLEGAL BUT LEGITIMATE?

*Date of defence: 26 June 2015*
*Court under study: The ECtHR*

Nino Tsereteli's thesis questions the legality of the ECtHR's pilot judgment procedure, which is a judicial innovation initiated to tackle the Court's growing caseload of repetitive cases with a structural root cause. In the pilot judgment procedure, the ECtHR specifies legislative and other reforms needed to tackle systemic or structural problems underlying numerous violations and sets time limits for their implementation.

The thesis asserts that while this judicial practice is of questionable legality, it can be defended as legitimate in situations where certain jurisdictional, procedural, and outcome related requirements are fulfilled. It is argued that the ECtHR could avoid criticisms from states by operating within the frame of its original mandate. However, the complexity of the formal amendment procedure and the Convention organs' prior inability to react to the massive failure of states in reforming their laws and policies call for adjustments through the ECtHR's judicial practice.

## **ØYVIND STIANSEN (2019):** THE POLITICS OF COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS COURT JUDGMENTS.



*Date of defence: 10 May 2019*
*Courts under study: The ECtHR and The Inter-American Court of Human Rights.*

Øyvind Stiansen's PhD thesis examines the politics of compliance with the judgments of the ECtHR and the Inter-American Court of Human Rights. Both courts hold states accountable for perpetrations against individuals and they have the potential to play a crucial role in safeguarding human rights. However, they both struggle with states' slow or lacking compliance.

Stiansen's research shows that while compliance to a large extent depends on domestic political factors, the courts themselves may also act in ways that can contribute to faster and more effective compliance.

*Why did you choose this topic?*
- I was fascinated by how courts in general and international human rights courts in particular often rule in favour of individuals against the interest of powerful states but rely on the cooperation of these same states to ensure that their judgments are implemented on the ground. I wanted to understand the politics of compliance and in particular what courts can do to facilitate full and timely compliance with their judgments.

*What do you consider to be your most important finding?*
- My most important finding is that compliance does not just depend on the characteristics of respondent states such as the level of democracy or state capacity, but also on how judges design their rulings. By providing specific directions for what compliance should entail, courts can make it easier for pro-compliance actors to enforce compliance with their rulings.

# PHD THESES DEFENDED AT PLURICOURTS

## ROSA MANZO (2020): EQUITY AS A LEGAL CONCEPT AND ITS ROLE IN THE DEVELOPMENT OF INTERNATIONAL LAW ON CLIMATE CHANGE.



*Date of defence:*
*2 October 2020*
*Legal regime under study:*
*The international climate change regime.*

Rosa Manzo's PhD thesis investigates the role of equity as a legal concept in international law and in climate change law in particular. Through the lense of an equity prism, she analyses the climate change regime between 1992 and the adoption of the Paris Agreement in 2015. According to Manzo, equity is a multifaceted concept that can be represented as a prism with four phases: distributive equity, corrective equity, intergenerational equity, and procedural equity.

The Paris Agreement can be understood as the peak of equity because it tries to reflect all four phases; it has thus embedded an impartial understanding of equity.

*What is the common understanding of the principle of equity in the climate change regime, and how has the adoption of the Paris Agreement challenged this?*

- Traditionally, the principle of equity has been understood synonymously with the principle of common but differentiated responsibilities and respective capabilities. This has put the burden of mitigation obligations exclusively upon developed countries, as those are historically responsible for CO2 emissions.

## TARALD GULSETH BERGE (2021): STATE CAPACITY IN THE INTERNATIONAL INVESTMENT TREATY REGIME.



*Date of dissertation:*
*3 February 2021.*
*Legal regime under study:*
*The international investment treaty regime.*

Tarald Gulseth Berge's PhD thesis examines how states can influence the formation and functioning of international legal institutions they are party to. He also investigates how international legal commitments influence domestic politics. Using both qualitative and quantitative data, Berge finds that both state capacity as a structural factor and the expertise and skills of individual negotiators are crucial for understanding states' ability to make their mark in inter-state negotiations.

He also finds that state capacity is associated with states' domestic responses to international legal challenges brought by foreign investors.

*What do you consider to be your most important finding?*

- A key finding is that the expertise of officials representing states in both international negotiations, but also when considering domestic legal avenues to regulate foreign investment, is more important than what has previously been thought. This is not to say that economic and political power doesn't matter when international rules are established, but states with limited economic and political power can make up for some of their structural disadvantages by building relevant legal expertise around the issues under negotiation. Individuals matter in international relations!

# PHD THESES DEFENDED AT PLURICOURTS

## EMMA BRANDON (2022): COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT ('ICC') AND REGIONAL HUMAN RIGHTS COURTS: OBLIGATIONS OF NON-STATE PARTIES.



*Date of defence: 1 April 2022*
*Courts under study: the International Criminal Court, the ECtHR, the Inter-American Court of Human Rights, and the African Court on Human and Peoples' Rights*
*Project: Part of the State Consent research project.*

In her thesis, Emma Brandon investigates non-state parties' obligation to cooperate with the International Criminal Court (ICC) and three regional human rights courts on the basis of widely ratified human rights and humanitarian law treaties.

After examining the Convention against Torture, the Genocide Convention, the four 1949 Geneva Conventions on the Law of War and their Additional Protocols, and the International Covenant on Civil and Political Rights, Brandon finds that all four treaties contain obligations to prosecute certain violators of the treaties and to provide remedy to certain victims of violations of the treaties.

As part of these obligations, countries must assist the ICC and the regional human rights courts in their prosecution and their adjudication of remedy if these courts are the only venues willing and able to perform these required tasks. However, these obligations only apply in fairly narrow circumstances defined by the specific limitations in each treaty.

*What are your main findings?*

- In my thesis, I look at how countries who aren't part of these tribunals may still have obligations to cooperate on the basis of other international human rights and humanitarian law treaties that they are members of. Quite surprisingly, I find that there actually are obligations to cooperate with these tribunals on the basis of these treaties.

## NICOLA CLAIRE STRAIN (2022): JURISDICTION AND APPLICABLE LAW IN INVESTOR-STATE AND WTO DISPUTE SETTLEMENT.



*Date of defence: 16 June 2022.*
*Legal regime under study: Investor-State and WTO Dispute Settlement.*
*Project: Part of the State Consent research project.*

Nicola Claire Strain's thesis addresses the question of what kind of law an international tribunal is authorised to apply when settling disputes. Strain examines three legal avenues through which the World Trade Organization (WTO) and investor-state adjudicators could bring other international law into the economic dispute such as applicable law, general principles of law, and systemic integration. The thesis undertakes an extensive empirical study of the application of a vast range of international law, from customary law to environmental treaties.

*Why did you choose this as a topic?*

-How international law can function as a coherent and unified system of law has always intrigued me. With my background in dispute settlement, I was drawn to studying the role of courts in this process and the impact of their jurisdictional limits. Judges and arbitrators play such an important role in the interpretation and application of international law, yet the definition of their powers is still quite poorly understood.

## **RUNAR HILLEREN LIE (2023):** INFLUENCE AND CHANGE IN INTERNATIONAL INVESTMENT LAW: A COMPUTATIONAL ANALYSIS.



*Date of defence: 3 February 2023*
*Regime under study. International investment regime*
*Project: Part of the LEGINVEST research project*

Runar Hilleren Lie's PhD thesis presents an analysis of the current international investment law environment, looking to answer the question: who is really in charge in the field of international investment law?

Through the use of big data and machine learning, Lie analyses 3 500 agreements and all publicly available case documents that make up the large corpus of international investment agreements and treaties. The goal is to find out which states or types of actors have had an influence on the development of this field of law. The thesis finds that a small group of capital-exporting Western European states established the main rules that make up the current international investment law system in the latter half of the 20th Century. This then changed at the end of the 1990s, when a small group of practitioners and arbitrators in the field influenced the development of the system.

*Why did you choose this as a topic?*
- The international investment regime is a small, controversial, but ultimately important system that greatly impacts international investments, both for the host state and the investors. At first glance it appears as a chaotic and fragmented system, however, the actors within treat it as a single entity. If it actually operates more as a single entity, I got curious about which actors are actually influencing and shaping this system.



## **LAURA LÉTOURNEAU-TREMBLAY:** ENVIRONMENTAL PROTECTION IN INTERNATIONAL INVESTMENT LAW: INTERACTION, CHANGE AND ADAPTION

*Scheduled defence: 6 Februar 2024.*
*Legal regime under study: The international investment regime.*
*Project: PhD thesis funded by the LEGINVEST research project.*

Environmental considerations are increasingly integrated in international investment agreements, yet at the same time, foreign investors are continuously challenging state's environmental measures in investment treaty arbitration. Against this background, Laura Létourneau-Tremblay's thesis enquires whether, and to what extent, international investment law is showing signs of greater consideration for environmental protection. Focusing mainly on arbitrators' legal reasoning in environmental international law disputes, the analysis reveals a rather limited engagement with interpretation methods, but also some degree of deference to domestic environmental decision-making. By applying the concept of 'an adaptive law system', the thesis reflects on current reform actions and identifies other pathways to integrate environmental considerations into environmental investment law more consistently.

- *Why did you choose this as a topic?*
Environmental considerations in international investment law is not only a fascinating but also a very important topic when thinking of the different ecological challenges that we are facing. We need to rethink and craft legal solutions adapted to the interconnected planetary transformations and complex socio-ecological considerations resulting from these transformations.

# HIGHLIGHTS OF 2022 AND 2023




**Marking the end of an era:** PluriCourts' employees, friends and alumni gathered for PluriCourts' concluding conference in June 2023.

PluriCourts has maintained a high activity level over the entire project period with a long list of publications, workshops, conferences and other activities. You can read more about these activities in the annual reports for the years 2013 - 2021 published on PluriCourts' webpage. On the next pages, you can read a shorter summary of the main activities in 2022 and 2023.

## 2022 - A RETURN TO NORMAL LIFE POST-COVID

After the ever-changing circumstances brought about by the COVID-19 pandemic, 2022 marked the return of normality with predictable in-person activities, Wednesday Lunch Seminars and a more crowded and lively office. During 2022, PluriCourts also produced a wide range of publications, welcomed guest researchers, and embarked on new projects.

### RYSSDAL SEMINAR ON SAMI CASES IN NORWEGIAN COURTS

**21 March 2022**, PluriCourts co-organised the annual Ryssdal seminar together with the Supreme Court and the Court Administration by the Sami Forum. The Chief Justice of the Norwegian Supreme Court, Toril Marie Øie, welcomed the President of the Sami Parliament and other distinguished guests to the seminar which focused on Sami cases in Norwegian courts. Several topics were discussed, including the importance of international law in protecting indigenous peoples' rights, how Sami cases ought to be handled by courts, the use of historical sources in such cases, and the lack of trust many Sami people have toward the court system.



**Sami cases in Norwegian courts:** Chief Justice of the Supreme Court Toril Marie Øie (Left), former Chief Justice of the Supreme Court Carsten Smith (Centre), and President of the Sámi Parliament Silje Karine Muotka (Right) attending the Ryssdal seminar. Photo: the Supreme Court.

## VISIT BY PRESIDENT SPANÓ OF THE ECTHR

**12 May 2022**, PluriCourts hosted a visit by the President of the ECtHR Robert Spanó. Together with scholars from UiO, he took part in discussions on the ECtHR's response to populism, backlash and other challenges to the rule of law.

## PHD COURSE ON THE LEGITIMACY OF INTERNATIONAL LAW AND INTERNATIONAL INSTITUTIONS



**Class of 22:** The students gathered for a group photo in the town hall of Oslo. Photo: PluriCourts.

**13–17 June 2022**, PluriCourts hosted a one-week intensive, interdisciplinary PhD course on the legitimacy of international law and international institutions with a particular focus on ICs. Welcoming 17 active students from various backgrounds, the course provided ample ground for enriching discussions. The course was the first version of the PluriCourts PhD course series on the legitimacy of international law and international institutions, which is set to continue as part of PluriCourts' legacy activities.

## PLURICOURTS ANNUAL CONFERENCE AND ANNUAL LECTURE

**29 June–1 July 2022**, PluriCourts organised its last regular annual conference. Gathering team members and SAC members, the conference provided for elaborate discussions on topics such as whether international courts could save democracy and deference by ICs. The program also featured PluriCourts' annual lecture held by Professor James T. Gathii, which focused on the importance of diversity within the legal teams representing parties in international adjudication.



**Advice from SAC:** SAC member Andreas Paulus speaking at the annual conference.

## CLOSING CONFERENCE OF THE RESEARCH PROJECT STATE CONSENT TO INTERNATIONAL JURISDICTION: CONFERRAL, MODIFICATION AND TERMINATION

**29-30 September 2022**, 28 speakers from across the world gathered for a digital conference with engaging discussions on the limitations, prospects and future of state consent to international jurisdiction and international law more broadly. Around one hundred participants also followed the discussions online. The conference marked the official closing of the research project "State Consent to International Jurisdiction: Conferral, Modification and Termination" which had been led by Freya Baetens since 2018.

## PUBLISH AND FLOURISH: WORKSHOP ON DIVERSITY IN ACADEMIA



**Discussing how to improve diversity:** The workshop program provided ample room for discussions. Photo: PluriCourts.

**18 November 2022**, PluriCourts, the Centre of Excellence MultiLing, and the Norwegian Academy of Science and Letters organised a workshop discussing the achievements, milestones and challenges for Norwegian universities in becoming more inclusive. Organised under the umbrella of PluriCourts Publish and Flourish seminar series, the workshop focused on how academic institutions in Norway can better welcome colleagues with varied backgrounds in terms of gender, ethnicity, social class, disability, and other factors.

## OTHER ACTIVITIES HELD OR CO-ORGANISED BY PLURICOURTS IN 2022:

- **Throughout the year**: 27 PluriCourts Wednesday lunch seminars.
- **10-14 April, Rome** - Workshop on international legal theory. Partner: University of Groningen.
- **10 May, Bergen** - Workshop on proportionality testing. Partner: Faculty of Law, University of Bergen
- **29-31 May, Graz** - Workshop on legitimacy.
- **30–31 May, Jeløya** - Physical kick-off workshop for team members of the COPIID research project.
- **10 June, Oslo** - Workshop on Central banks' expanding roles & control mechanisms. Partner: Inland Norway University of Applied Sciences and Department of Private Law, UiO.
- **20-21 June, Oslo** - Workshop on the Political and Legal Theory of International Courts and Tribunals.
- **8–9 September, Birmingham** - Workshop on the Value(s) of the ECHR. Partner: Birmingham Law School.
- **12–14 September, Copenhagen**: Workshop on Nordic jurists and legal internationalism in the 1880s-1970s. Partners: Centre for Modern European Studies, University of Copenhagen and Hans Blix Centre for the History of International Relations, Stockholm University.
- **22–23 September, Jeløya**: PluriCourts' last internal seminar.
- **3-6 October, Oslo**: PluriCourts panel on "Non-Compliance Mechanisms versus Courts: A Comparison of Impacts" at the IUCN World Commission on Environmental Law (WCEL) Oslo International Environmental Law Conference.
- **10–14 October, Firenze**: One-week workshop for early career researchers working with large databases. Partners: the IUROPA network, European University Institute (EUI) and ARENA Centre for European Studies at UiO.

## PHD THESES 2022

- **Emma Brandon** successfully defended her PhD thesis on 1 April 2022 on "Cooperation with the International Criminal Court ('ICC') and regional human rights courts: obligations of non-state parties."
- **Nicola Claire Strain** successfully defended her PhD thesis on 16 June 2022 on "Jurisdiction and Applicable Law in Investor-State and WTO Dispute Settlement."

## SPECIAL LECTURES AND HONOURS

- **Geir Ulfstein** held a lecture series on deference by international courts and tribunals at The Hague Academy of International Law.
- **Andreas Føllesdal and Maja Janmyr** prepared the Nansen memorial lecture at DNVA on the Nansen passport and the situation for refugees in Europe now and then.
- *Nordic Journal of International Law* published a special edition in honour of **Geir Ulfstein** to mark his extraordinarily broad range of scholarship in international law.

## IN MEMORIAM: DANIEL BEHN

It was with deep sadness that we received the message that Associate Professor Daniel F. Behn passed away in his sleep on 16 July 2022 in London at the far too early age of 47. Warm, generous, collegial, and deeply analytical and knowledgeable, he was a dear family member, friend, colleague, and scholarly leader in developing ground-breaking research on international investment law. He was a Postdoc at PluriCourts for four years, and continued working on PluriCourts associated projects after his move to the UK in 2017.



# 2023 - MARKING THE END OF A TEN-YEAR TENURE

2023 marked the year that PluriCourts closed its doors with a last boom of activities. It is safe to say that 2023 was a busy year. A long list of workshops and conferences were organised, new research was produced and published, and plans were made for how to safeguard PluriCourts' legacy. Not least, we also held our Concluding Conference, officially marking the end of the ten-year tenure and to offer a big thank you to all who contributed to our research and achievements.

## WORKSHOP ON THE EMPIRICAL TURN IN INTERNATIONAL LEGAL SCHOLARSHIP

**9-10 February 2023**, PluriCourts and iCourts co-organised a workshop on the empirical turn in international legal scholarship. The program included sections on various topics, hereunder how doctrinal studies may benefit from empirical studies, the practice of multidisciplinary dialogue and general debates on new legal realism.

## EXPERT MEETING AND PHD COLLOQUIUM: CLIMATE CHANGE CASES BEFORE HUMAN RIGHTS COURTS AND TREATY BODIES

**13-14 April 2023**, PluriCourts co-organised an expert meeting and a PhD Colloquium on climate change and human rights in Florence. The aim was to give researchers at any stage of their research on this topic the opportunity to reflect and receive feedback on their work. With several leading international experts on the list of speakers, the expert meeting focused mainly on legal tools in the field of human rights and the prospects of human rights litigation for turning the tide of climate change. The events were organised together with the European University Institute (EUI) and the IUCN World Commission and Environmental Law.

## PLURICOURTS CONCLUDING CONFERENCE

**14–16 June 2023**, PluriCourts welcomed alumni, affiliated scholars, and special guests to a concluding conference to discuss and synthesise its research and achievements. The program opened with a moot court on a hypothetical climate case with Christina Voigt, Helen Keller, and Caroline Foster as the judges. A series of panels then addressed topics including the margin of appreciation, arbitration, compliance mechanisms, compliance politics, diversity and identity on the international bench, and the lessons learned while carrying out multidisciplinary research.



**Two happy centre leaders:** Professor Andreas Føllesdal and Geir Ulfstein received flowers at the reception after the first conference day. Photo: PluriCourts



**The last reunion:** The participants at the Concluding Conference with Andreas Føllesdal and Geir Ulfstein in the front. Photo: PluriCourts.



**Moot court on climate change:** The moot court took place in the University Aula with Edvard Munch's famous and fitting painting of the sun in the background. Photo: PluriCourts.

## PLURICOURTS PANEL AT ILA 150TH ANNIVERSARY SYMPOSIUM IN PARIS

**19 June 2023,** PluriCourts organised a panel on the accountability of courts and tribunals at the International Law Association (ILA)'s 150th Anniversary Symposium in Paris. The panel was part of PluriCourts' concluding activities. It was chaired by Lucy Reed and speakers included James T. Gathii, Anthea Roberts, Christian Tams, Geir Ulfstein, Marina Weiss.




**Panel on accountability of courts and tribunals:** The panelists in the middle of discussions.

## CONCLUDING SEMINAR FOR THE LEGINVEST PROJECT

**25 September 2023**, the research project "Responses to the 'legitimacy crisis' of International Investment Law (LEGINVEST)" organised a concluding seminar. Gathering participants from academia, government agencies, and organisations, the seminar focused on the future of the international investment arbitration system in light of the ongoing UN negotiations to reform the system. The seminar marked the end of the LEGINVEST research project, which has been led by Professor Ole Kristian Fauchald since 2018.

## RYSSDAL SEMINAR ON CLIMATE CASES IN NORWEGIAN COURTS



**Climate cases in Norwegian courts:** the growing number of climate cases were discussed at the Ryssdal Seminar. Photo: PluriCourts.

**13 October 2023,** PluriCourts, the research group on international law, and the Court Administration co-organised the annual Ryssdal seminar. This year focusing on climate cases in Norwegian courts, the seminar aimed to shed light on the challenges Norwegian courts face when enforcing its international and national climate commitments. The seminar had a varied program that included sections on topics such as climate cases in international courts and tribunals, human rights law, the relationship between politics and law, and specific climate cases in EU and the European Economic Area (EEA) organs, in Norway, and in other countries.

## PHD THESES 2023

- **Runar Hilleren Lie** successfully defended his PhD thesis 3 February 2023 on "Influence and Change in International Investment Law: A Computational Analysis".
- **Laura Létourneau-Tremblay** submitted her PhD thesis "Environmental Protection in International Investment Law: Interaction, Change and Adaption". The disputation is set for 6 February 2024.

## ESIL YOUNG SCHOLAR PRIZE 2023

Runar Hilleren Lie was awarded the ESIL Young Scholar Prize 2023 for his paper: "Ghosts of the Past: The Dominance of Older Treaty Language in International Investment Arbitration". The price was awarded during the European Society of International Law's (ESIL) annual conference i Aix-en-Provence in France.



**Official reward ceremony:** Runar Lie received the prize at the ESIL annual conference in Aix-en-provence.




# OTHER ACTIVITIES HELD OR CO-ORGANIED BY PLURICOURTS IN 2023

- **1 February – 29 March 2023**: 7 PluriCourts Wednesday lunch seminars.
- **13 – 14 March, Oslo**: Authoritarian States in Human Rights Institutions: Russia and the Council of Europe. Partners: SMU Dedman School of Law and the Department of Literature, Area Studies, and European Languages, UiO.
- **14 – 15 March, Maynooth**: Workshop on Legitimate International Authority and Institutional Legitimacy. Partners: University of Graz and University of Maynooth.
- **2 – 6 April, Rome**: Incubator workshop on International legal theory. Partner: University of Groningen.
- **4 May, Oslo:** Seminar on the use of Expert Reports as evidence in Child Protection Decision-Making. Partner: Department of Public International Law, UiO.
- **30 May – 2 June, Oslo:** Multidisciplinary PhD course on the legitimacy of international law with a focus on the current backlash against international institutions.
- **2 June, Berlin**: Workshop on the Legitimate Aims and Ulterior Purposes in International Human Rights Law. Partners: Centre for Fundamental Rights, Hertie School and Academy for European Human Rights Protection, Universität zu Köln.
- **5 – 6 June, Paris**: Workshop on central banks and international law. Partners: Université Paris 1 Panthéon Sorbonne, Inland Norway University of Applied Science and the Department of Privat Law, UiO.
- **9 – 10 June, Toronto:** Second Conference on Philosophy and International Law: Contestations and Extensions Conference. Partners: University of Toronto and University of Richmond.
- **12 – 13 June, Oslo**: Workshop on "Litigants, Agendas and Decisions at the European Court of Justice". Partners: the IUROPA network and ARENA Centre for European Studies, UiO.
- **12 – 13 June, Oslo**: Workshop on "Unburdening Access and Inclusion: European Tribunals, International Disability Law: from Disability Studies to Studying Ableism". Partner: Syracuse University.
- **21 – 22 June, Oxford:** Conference on "Who judges the judges? Oversight mechanisms in international dispute resolution". Partner: Bonavero Institute of Human Rights, University of Oxford
- **29 – 30 June, Stockholm:** Conference on the Legitimacy of International Institutions in Personal and Collective Autonomy. Partner: Institute for Future Studies.
- **5 – 7 July, Bergen:** Workshop on the use of proportionality beyond courts.
- **30 November – 1 December, Berlin:** Workshop on the ECtHR's response to illiberal and authoritarian practices.

**A busy last year: A** PluriCourts banner adorning the building Domus Academica during PluriCourts' Concluding Conference in 2023. Photo: PluriCourts.

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