



‘Biases and International Adjudication’

Call for Papers – ESIL IGICT Annual Meeting 2020

In the context of ESIL’s annual meeting to take place in Stockholm in September 2020, the Interest Group on International Courts and Tribunals will organize a seminar focusing on biases and international adjudication.

Studies of biases are not a novelty in international law, including in the field of international adjudication. The institutional decisions of international courts and tribunals cannot be immune from some of the biases of individuals who shape the outcomes of international adjudication. It is ‘common knowledge’, as Thomas Franck acknowledged in 1966, that we all have biases and that ‘subjective’ and ‘socially conditioned’ attitudes of the decision maker play a role (T. M. Franck, (1966) 19 *Stanford Law Review* 1217 at 1247). According to Martin Kuijer’s analysis published in 1997, national bias among the judges of the International Court of Justice was proved to be ‘more than a hypothesis’ (M. Kuijer, (1997) 10 *LJIL* 49 at 66). More recently, a growing number of (experimental) findings shed light on the role of adjudicators’ intuitive and automatic thinking. The analyses of biases have also led us to critically consider the question of transparency in decision-making processes (including the selection of judges and the issues of recusal to the openness of the procedure to third parties). Other studies have challenged, for example, the assumption about decision-making that groups usually enhance the quality of the outcomes of deliberative processes, by investigating groupthink behaviour.

Against this background, the seminar will explore the implications of (broadly defined) biases in the practices of, and analysis about, international courts and tribunals. The Interest Group welcomes (but not limits) papers addressing the following topics, through the analysis of specific examples:

- Implicit social cognition in the practices of specific international courts and tribunals
- Conflicts of interest in the practices of specific international courts/tribunals
- Statistical biases in the practices of specific international courts/tribunals
- Connection between gender and the practices of specific courts/tribunals
- Methodological problems in the study of biases in international courts/tribunals
- Biases in international scholarship concerning international courts and tribunals

The members of the Interest Group are invited to submit abstracts of up to 500 words.

Deadline for submitting abstracts: April 15, 2020. Abstracts should be sent to esil.igict@mpi.lu

The following information must be provided with each abstract:

- The author’s name and affiliation

- The author's CV, including a list of relevant publications
- The author's contact details, including email address

Authors of selected abstracts will be notified by April 30, 2020.

Authors of accepted abstracts should submit their draft papers by July 31, 2020. The draft will be circulated among the workshop participants.

For substantive questions, please contact the Interest Group convenors: Edouard Fromageau (edouard.fromageau@abdn.ac.uk); Andrea Gattini (andrea.gattini@unipd.it); Machiko Kanetake (m.kanetake@uu.nl); and Stephan Wittich (stephan.wittich@univie.ac.at).

We are looking forward to receiving your abstracts!