'Professor Baetens has brought a fascinating new perspective to the study of international law, looking at the role of unseen actors in various areas. While unseen, these actors are certainly not unimportant for the effective functioning of their respective institutions, and the discharge of their duties benefits parties, States and the rule of law. This volume demonstrates how the many unseen actors contribute to making international adjudication efficient and effective, and is a fresh approach to the study of international adjudication.'

Meg Kinnear, ICSID Secretary-General

'Freya Baetens has put together a stellar collection of contributions highlighting the role of multiple actors involved in the work of international courts and tribunals. Some are visible, others are less visible. Some are directly involved in the litigation process, others are involved in a more indirect manner. This lifting of the stage curtains also places a welcome spotlight on issues concerning legitimacy, neutrality or transparency.'

Laurence Boisson de Chazournes, Professor,
University of Geneva, and Director of the LLM in
International Dispute Settlement (MIDS)

'This book not only has the merit of exploring areas of international adjudication to which little attention has been paid to date, it also brings together an impressive array of experiences, information and insights from leading practitioners and researchers on essential aspects of the functioning of international courts and tribunals. By shining a light on the "unseen actors" in international adjudication, this work is a welcome and ground-breaking contribution to reflection on the role and responsibilities of these *auxiliaires de justice* in the sound administration of international justice.'

Philippe Couvreur, ICJ Registrar

'My advice to every practitioner of international law, to every advocate before an international tribunal, and to every State or private party to an international dispute is: *read this book! Legitimacy of Unseen Actors in International Adjudication* is a fascinating and well-researched study of how courts and tribunals actually function, the importance of court personnel and other behind-the-scenes actors, and the impacts they can have

on outcomes. No international advocate, no matter how experienced, should step into court again without having read it.'

Paul Reichler, Partner, Foley Hoag LLP

'There are few works of international legal scholarship which shine the spotlight on the important "hinterland" of international legal adjudication – namely, the work of registries, secretariats, appointing authorities and others, which both enables and shapes international adjudication in typically unseen ways. In this volume, an impressive range of experienced and expert authors is marshalled to do just that, and to provide their perspectives on the nature, significance and, indeed, legitimacy of the work of such professionals. This will be of great interest and value to those working on international tribunals across a range of disciplines.'

Andrew Lang, Chair in International Law and
Global Governance, Edinburgh Law School

'Finally, the missing piece of the puzzle! There have been numerous books on international judges, prosecutors and the so-called international bar, but rarely has scholarship focused on the unexplored world of the people who keep the lights of international adjudication on. This is a must-read for anyone who wants to understand how international adjudication actually works, in reality.'

Cesare Romano, Professor of Law, Loyola
Law School, Los Angeles

LEGITIMACY OF UNSEEN ACTORS IN INTERNATIONAL ADJUDICATION

International courts and tribunals 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. Such 'unseen actors' may take the form of registrars and legal officers, but also non-lawyers such as translators and scientific experts. Unseen actors are vital to the functioning of international adjudication, exerting varying levels of influence on judicial processes and outcomes. The opaqueness of their roles, combined with the significance of judicial decisions for the parties involved as well as a wider range of stakeholders, raises questions about unseen actors' impact on the legitimacy of international dispute settlement. This book aims to answer such legitimacy questions and identify 'best practices' through a multifaceted enquiry into common connections and patterns in the institutional composition and daily practice of international courts and tribunals.

FREYA BAETENS (Cand. Jur./Lic.Jur. (Ghent); LL.M. (Columbia); Ph.D. (Cambridge)) is Professor of Public International Law at the PluriCourts Centre, Faculty of Law, Oslo University, working on an interdisciplinary research project evaluating the legitimacy of international courts and tribunals. She is also affiliated with the Europa Institute, Faculty of Law, Leiden University. As a Member of the Brussels Bar, she regularly acts as counsel or expert in international and European disputes. She is specialized in the law of treaties, responsibility of states and international organizations, law of the sea, WTO and investment, energy and sustainable development law.

STUDIES ON INTERNATIONAL COURTS AND TRIBUNALS

Studies on International Courts and Tribunals contains theoretical and interdisciplinary scholarship on legal aspects as well as the legitimacy and effectiveness of international courts and tribunals.

Other books in the series:

Mads Andenas and Eirik Bjorge (eds.) *A Farewell to Fragmentation: Reassertion and Convergence in International Law*

Cecilia M. Bailliet and Nobuo Hayashi (eds.) *The Legitimacy of International Criminal Tribunals*

Amrei Müller with Hege Elisabeth Kjos (eds.) *Judicial Dialogue and Human Rights*

Nienke Grossman, Harlan Grant Cohen, Andreas Follesdal and Geir Ulfstein (eds.) *Legitimacy and International Courts*

Robert Howse, Hélène Ruiz-Fabri, Geir Ulfstein and Michelle Q. Zang (eds.) *The Legitimacy of International Trade Courts and Tribunals*

Theresa Squatrito, Oran Young, Andreas Føllesdal and Geir Ulfstein (eds.) *The Performance of International Courts and Tribunals*

Marlene Wind (ed.) *International Courts and Domestic Politics*

Christina Voigt (ed.) *International Judicial Practice on the Environment: Questions of Legitimacy*

Martin Scheinin (ed.) *Human Rights Norms in 'Other' International Courts*

LEGITIMACY OF UNSEEN ACTORS IN INTERNATIONAL ADJUDICATION

Edited by

FREYA BAETENS

University of Oslo

CAMBRIDGE UNIVERSITY PRESS

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781108485852
DOI: 10.1017/9781108641685

First published 2019

Printed and bound in Great Britain by Clays Ltd, Elcograf S.p.A.

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data
Names: Baetens, Freya, editor.
Title: Legitimacy of unseen actors in international adjudication / edited by Freya Baetens.
Description: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2019. | Series: Studies on international courts and tribunals
Identifiers: LCCN 2019019447 | ISBN 9781108485852 (hardback) | ISBN 9781108725286 (paperback)
Subjects: LCSH: Arbitration (International law) | Jurisdiction (International law) | International courts. | BISAC: LAW / International.
Classification: LCC KZ6115 .L44 2019 | DDC 341.5/22–dc23
LC record available at https://lccn.loc.gov/2019019447

ISBN 978-1-108-48585-2 Hardback

CONTENTS

FIGURES

TABLES

CONTRIBUTORS

PHILIPP AMBACH is Chief of the Victims Participation and Reparations Section at the International Criminal Court (ICC). He previously served as the ICC President's Special Assistant, after having worked at the ICTY/ICTR as a legal adviser in the Registry and the Appeals Chamber. Mr. Ambach holds a Ph.D. in international criminal law and has been admitted as prosecutor in the regional prosecutor's office in Cologne, Germany.

FREYA BAETENS (Cand.Jur./Lic.Jur. (Ghent); LL.M. (Columbia); Ph.D. (Cambridge)) is Professor of Public International Law at the PluriCourts Centre of Excellence (Faculty of Law, University of Oslo) and affiliated with the Europa Institute (Faculty of Law, Leiden University). As a member of the Brussels Bar, she regularly acts as counsel or expert in international disputes.

DANIEL ARI BAKER is a dispute settlement lawyer in the Legal Affairs Division of the World Trade Organization, where he advises dispute settlement panels across a range of WTO law issues. He holds a B.A./LL.B. from the University of Melbourne and an LL.M. from NYU School of Law.

LEDI BIANKU (LL.M. College of Europe, Bruges) has been a judge at the European Court of Human Rights since 2008. He taught public international law, EU law and ECHR law at the Law Faculty in Tirana University (1993–2007) and Albanian School of Magistrates (1997–2007) and was a member of the Venice Commission for Democracy through Law (2006–2008).

GILLIAN CAHILL is a barrister, specialised in International Arbitration and European Union Law having practised in Paris, Dublin and Madrid. She has also served as a référendaire to Justices Regan and O'Caoimh at the Court of Justice of the European Union.

DAMIEN CHARLOTIN is a Ph.D. candidate at the University of Cambridge (Corpus Christi College), where he studies international dispute settlement under an empirical, data-analysis approach. He blogs on Medium (https://medium.com/@damien.charlotin) and is also a main contributor to *Investment Arbitration Reporter*.

KATHLEEN CLAUSSEN is Associate Professor of Law at the University of Miami School of Law. Her primary scholarly interests include trade and investment law and dispute settlement. Prior to joining the faculty in 2017, she served as Associate General Counsel at the Office of the United States Trade Representative in the Executive Office of the President of the United States. She received her law degree from the Yale Law School where she was Editor-in-Chief of the *Yale Journal of International Law*.

GIOVANNA MARIA FRISSO is Professor of International Law at the Universidade Federal Fluminense and coordinator of the School of the Public Defender's Office in Brazil. She developed an interest in the relationship between medicine and law within the context of international criminal tribunals during her stay as a visiting professional at the International Criminal Court. She holds degrees from the University of Nottingham (Ph.D.) and the University of Uppsala (LL.M.).

PHILIPPE GAUTIER has been the Registrar of the International Tribunal for the Law of the Sea since 2001. He is Professor of Law at the Catholic University of Louvain (Louvain-la-Neuve). He has published on the law of treaties, protection of the environment, settlement of international disputes, law of the sea and Antarctica.

CATHERINE H. GIBSON is an international arbitration and trade associate at Covington & Burling LLP in Washington, DC. She previously served as a legal adviser to the Honorable O. Thomas Johnson, Jr. at the Iran-United States Claims Tribunal, and as a trial attorney in the US Department of Justice.

GUILLAUME GROS is a research assistant and Ph.D. candidate at the Faculty of Law of the University of Geneva. Admitted to the Luxembourg and Paris bars, he has litigation experience within the field of European law and previously worked as a lecturer at the Robert Schuman University in Strasbourg.

CAROLINE HEEREN has been working as an administrator at the Registry of the General Court of the Court of Justice of the European Union since 2010, and is currently detached to serve as référendaire to Justice Bieliūnas. Previously she worked as a lawyer in private practice in Brussels.

She holds an LL.M. in International and Comparative Law from the Vrije Universiteit Brussel.

KABRE R. JONATHAN is a Ph.D. candidate in International Public Law at the University of Lausanne (Switzerland). He holds LL.M. degrees in International and Comparative Law from the University of Lausanne and in Judicial Law from University of Ouaga II (Burkina Faso). His current research focuses on the role of private lawyers in international public adjudication.

PETER KEMPEES (LL.M., University of Leiden) is a senior member of the Registry of the European Court of Human Rights, which he joined in 1992. He was seconded to the Human Rights Chamber for Bosnia and Herzegovina to serve as its Registrar in 1997–98 and 2000–01.

HANNES LENK is a Ph.D. candidate at the University of Gothenburg and holds an LL.M. from Leiden University. His research revolves around constitutional aspects of EU foreign investment policy, combining scholarship from diverse fields of international economic law with EU external relations. He has published in the *European Business Law Review* and *Transnational Dispute Management*.

GIACOMO MARCHISIO is a research associate and lecturer at McGill University's Faculty of Law, where he specializes in evidence law, comparative civil procedure and international adjudication. He holds a doctoral degree and master of laws from McGill University, and a J.D. from the University of Turin. He is a member of the International Task Force on Mixed Mode Dispute Resolution (Pepperdine School of Law) and of the ICC Task Force on emergency arbitration.

GABRIELLE MARCEAU (Ph.D.) is Professor at the Faculty of Law, University of Geneva; President of SIEL (Society of International Economic Law); and Senior Counsellor in the Legal Affairs Division of the World Trade Organization. At the WTO, her main function is to advise panellists in WTO disputes, the Director-General's Office, the Secretariat and WTO members on WTO-related matters.

BRIDIE MCASEY works in the Foreign Investment Division at the Australian Department of Treasury. Previously she was a legal adviser to the President of the Iran-United States Claims Tribunal, and an associate in a global law firm practising in investor-State arbitration.

BRIAN MCGARRY is a lecturer at the Geneva LL.M. programme in International Dispute Settlement (MIDS), where he teaches inter-state adjudication and arbitration. He is also a researcher at the Geneva Center for International Dispute Settlement (CIDS).

MARKO DIVAC ÖBERG is a legal officer in chambers at the Special Tribunal for Lebanon. He previously held the same position at the International Criminal Tribunal for the Former Yugoslavia. He has also clerked at the International Court of Justice and worked for human rights NGOs in Malawi and Palestine.

JOSEF OSTŘANSKÝ is a lecturer at the Geneva LL.M. programme in International Dispute Settlement (MIDS), where he teaches commercial and investment arbitration. He also carries out research under the auspices of the Geneva Center for International Dispute Settlement (CIDS).

PIETRO ORTOLANI is an assistant professor at Radboud University, Nijmegen. He is interested in all forms of arbitration and transnational dispute resolution. He has acted as an expert for the European Parliament and the European Commission. In 2016, he received the James Crawford Prize.

MARIE-CATHERINE PETERSMANN is a Ph.D. fellow at the European University Institute (EUI). Her publications and teaching focus on regime interactions and adjudication of conflicts between international environmental law and human rights law. Her work has appeared in numerous edited volumes and journals. In 2018, she was awarded an Honorable Mention in the Richard Macrory Prize for Best Article in the *Journal of Environmental Law* and in 2016, the IUCN Academy of Environmental Law granted her the 'Best Graduate Student Paper' award. She is a senior editor for the *European Journal of Legal Studies* and a member of the Global Network for the Study of Human Rights and the Environment (GNHRE) and the IUCN World Commission on Environmental Law (WCEL).

KSENIA POLONSKAYA holds a Ph.D. from Queen's University, Faculty of Law. She holds an LL.M. degree from University of Toronto, Faculty of Law. She was the recipient of a graduate scholarship from the Centre for International Governance Innovation (CIGI). In 2013–14, she served as Associate Editor at the *University of Toronto Law Review*.

RELJA RADOVIĆ is a Ph.D. candidate at the University of Luxembourg. He holds an LL.B. and an LL.M. degree from the University of Novi Sad (Serbia), as well as an LL.M. (Adv.) in public international law from the University of Leiden.

CHRISTINE SIM is a rising specialist in international dispute settlement. She has published and presented her work on international investment arbitration, conciliation, and UNCLOS dispute settlement. Her research

is supported by several years' experience in litigation, arbitration, mediation, a public international law practice and assisting arbitrators as tribunal secretary with case management.

TOMMASO SOAVE is a researcher in international law. His work focuses on the socio-professional interactions that shape global regulations and governance. In addition, he has several years of experience in the practice of international dispute settlement, both as a counsel and as an assistant to adjudicators. A member of the New York Bar, Tommaso holds degrees from the University of Turin, Sciences Po Paris, Harvard Law School, and the Graduate Institute of International and Development Studies.

LEIGH SWIGART, an anthropologist by training, is Director of Programs in International Justice and Society at the International Center for Ethics, Justice and Public Life of Brandeis University. For more than fifteen years she oversaw the Brandeis Institute for International Judges and is the co-author, with Daniel Terris and Cesare Romano, of *The International Judge: An Introduction to the Men and Women Who Decide the World's Cases* (2007). Her academic work and publications have focused on the international judiciary, language diversity in international criminal courts and tribunals, and African sociolinguistics.

MATTHEW W. SWINEHART is the Counsel for International Trade and Financial Regulatory Policy, and Lead Financial Services Negotiator, at the US Department of the Treasury. Before joining the Treasury, he was an international arbitration and litigation associate at Covington & Burling LLP and served as a law clerk to the Honorable Patrick E. Higginbotham of the US Court of Appeals for the Fifth Circuit.

HUGH THIRLWAY (M.A, Ll.D. Cantab.) was for many years an 'unseen actor' in the Registry of the ICJ, where the post of Principal Legal Secretary was created specifically for him. He was subsequently appointed Professor of International law at IUHEI in Geneva, and has since held Visiting Professorships at various universities worldwide. His published works include *The International Court of Justice and The Sources of International Law* (2nd. Ed., Oxford University Press, 2019).

PETER TZENG is an Associate at Foley Hoag LLP, where he exclusively advises and represents States on matters of public international law and international investment law. He is a graduate of Yale Law School, a former law clerk of the International Court of Justice, and a recipient of the Diploma of The Hague Academy of International Law. He speaks all six official languages of the United Nations at varying levels of proficiency.

NATHALIE WILES is a senior legal officer (First Secretary of the Court) in the Department of Legal Matters of the Registry of the International Court of Justice. She previously worked in the international law department of Frere Cholmeley Eversheds in Paris, after having qualified in London as a solicitor of the Supreme Court of England and Wales.

ANDREAS R. ZIEGLER is Professor of International Law at the University of Lausanne. Previously he was a civil servant working for several Swiss Ministries and international organizations. He regularly advises governments, international organizations, NGOs and private clients, and has represented them before various domestic and international courts and arbitral tribunals. He is on the permanent roster of panellists of the WTO and ICSID.

FOREWORD

My role as author of the Foreword to this book perhaps needs a few words of explanation. Professor Baetens invited me to attend the conference that gave rise to it, knowing that, as a long-serving 'unseen actor' at The Hague myself, I might have valuable experience to draw on, and also honoured me with an invitation to give a keynote speech. Unfortunately, when the time came I was recovering from an operation and I had to conclude that it would not be possible to attend. I was happy therefore to be able to accept her further suggestion that I should contribute a Foreword, introducing the main themes on which the various papers elaborate. It is for me a pleasant coincidence that the planned publication date will fall almost exactly fifty years after the date on which I entered the service of the International Court of Justice (ICJ)!

Any international lawyer who has had contact with the process of international judicial or arbitral settlement of disputes, the judicial protection of human rights, or with the administration of international criminal law, even if such contact is only if from the vantage point of the study or library, will be aware that it involves more than a judge, or a bench of judges. There necessarily exists a number of occupations, comparable in some ways with those of the *auxiliaires de justice* of French law, whose purpose is to support, to provide the framework for, the decision-making process. Every court requires, at least, a secretary or registrar to record the proceedings and the decision, and to authenticate it, and this official must be supported by the appropriate clerical staff. Unless the court and the parties before it use only a single language, interpretation and translation must be provided. Access to a library, with a staff, will be necessary; particularly if the tribunal is a standing one, archives will be needed, and must be curated. The need for contributors in these categories and generally the nature and extent of the contribution they make to the final product – the decision or decisions – is determined by their pre-defined functions, and in that sense visible to the parties and to the world. That contribution is valuable, but limited and non-judicial. Even a Registrar

does not, *as Registrar*, suggest how the case should be decided, or himself write any part of the judgment.

But in the actual practice of international dispute settlement the situation is frequently less simple. The role of a Registrar or secretary may in practice include confidential support; the registry may have staff specifically specified as legal staff, as is now the case of the ICJ; and the judges may have legal assistants, or there may be persons described as, for example, interns, who support the judges in unspecified ways. Not only is the contribution of such additional persons not visible to the outside world, but their presence may also not be generally disclosed. It was primarily officials such as these that formed the focus of the Call for Papers in preparation for the conference, designated 'unseen actors in international adjudication'. The stated goal of the Conference was stated as being 'to identify and analyse [alleged] common connections and patterns on the institutional makeup and daily practice of international courts and tribunals, through an interdisciplinary investigation of the functioning of "unseen actors", with the purpose of explaining and answering legitimacy challenges, for example, through the developments of codes of ethics'.

The unspoken question was whether in practice their activities always fall within proper limits – those limits being defined by reference to the unique function reserved to the international judge – reaching the decision: might judges be over-influenced by their invisible supporters? Might they even be tempted to delegate some part of their powers, where delegation conflicts with judicial duty? But once the concept of 'unseen actors' was examined, Professor Baetens and her team found that it had relevance in other contexts within the international dispute-settlement process, a number of which were enumerated in the 'Call for Papers'. As will be evident from the Table of Contents of the present publication, there proved to be even more aspects worthy of examination than then foreseen.

The conference afforded the participants many opportunities to venture on comparisons between the operation of different international tribunals, the functioning of which was presented in the various papers. Part I offers a descriptive overview of institutional perspectives: mention is made of the ICJ (Chapter 2), International Tribunal for the Law of the Sea (ITLOS) (Chapter 3), arbitral institutions (Chapter 4), the World Trade Organization (WTO) (Chapter 5), as well as the more specialized bodies such as the International Criminal

Court (ICC) (Chapter 6) and the European Court of Human Rights (ECtHR) (Chapter 7), and the Court of Justice of the European Union (ECJ)(Chapter 8). Subsequently, these international tribunals are dealt with in depth in subsequent chapters, such as the ECJ in Chapters 16 and 24, the Court of Arbitration of the International Chamber of Commerce in Chapter 13, the ICC in Chapters 15 and 21, and the International Centre for the Settlement of Investment Disputes (ICSID) in Chapters 19 and 20.

Unseen actors may be at work even before any judge or arbitrator takes up his functions. He has to be appointed by some means: could the appointment process be adjusted to ensure the presence of a favourable inclination (not to say 'bias')? How transparent is any system for the appointment of judges or arbitrators? (Chapter 9). For established bodies like the ICJ, the ICC, the ECtHR and the ECJ there are constitutional systems in place, but even for some of these 'screening bodies' exist, whose role should not be overlooked (Chapter 10).

Most fascinating on the theoretical level was, first, the group of papers devoted to the issues of 'Confidentiality and Transparency' (Part IV), and those addressing 'Ethics and Accountability' (Part V), subjects that underlay the original Call for Papers, and together perhaps may be seen as revealing the *point névralgique* of the whole. The essential quality of the persons or entities here under study is that they are 'unseen'; and this raises questions as to what extent this invisibility is justified, and what it may cloak. The deliberations of a tribunal must be confidential, and yet its workings must, from a different viewpoint, have some degree of transparency in order to generate and justify trust in the justice of the process. The problem is most marked, as already mentioned, in the case of assessment of the degree and nature of the influence exerted by secretariats, law clerks, interns, legal officers: all those officials equipped by legal training and education to think, write and speak in terms shared with judges, and working alongside them in the preparation of decisions. Might it be the case that their influence, to borrow the terms of the famous UK House of Commons motion of 1780, 'has increased, is increasing, and ought to be diminished'? The Chapters of Parts IV and V offer valuable material and reflection on these issues.

It is almost inevitable that questions of language will arise in international dispute settlement. When French and English were selected nearly a hundred years ago as the languages in which the Permanent Court of International Justice (PCIJ) would work, it was expected

the candidates for the role of judges would be capable of working in one of other of these languages, and many would be fluent in both. In much of the modern world, for the purposes of litigation and adjudication, English is today the *lingua franca*,[1] except in the case of tribunals dealing exclusively with a regional group with a common language, e.g. Arabic. Interpreters and translators have already been mentioned; they may provide the bridge between party and judge, or between judge and judge. Arguably they could be left out of the classification of 'actors', inasmuch as ideally their activity does not affect the outcome: the only change effected should be to the language of expression, not the sense and purport, of the written or spoken material. However, the matter may be more complicated, in particular following the establishment of international criminal tribunals, which has made it necessary to examine witnesses (including the accused)[2] to a far greater extent than in general inter-State disputes, where provisions such as Article 70 of the ICJ Rules of Court[3] have sufficed; in such context, a wider range of languages and cultures make 'perfect' translation less practicable. Chapter 15, on the language services at the ICC, affords a picture of how problems such as this are being met in the context of, in particular, the languages of the African continent.

Finally, however paradoxical it may sound, even the international judge may be an unseen actor, in the sense that some of his or her activities may not be visible to the participants in the proceedings before him, yet may have an impact on, or at least some relevance to, those proceedings. This need not amount to conflict of interest, as normally understood; but it may, as suggested in Chapter 25, have relevance to workload management considerations.

A case can be made for the view that transparency is not necessarily the highest value to be aimed at in international judicial settlement, and that what matters is that the ideas on which the decision is built should be those that ultimately move the judge, even if for their expression, and even to some extent their suggestion, he has a debt to others which evades assessment; that in this field there is something to be said for *quieta non*

[1] A situation very thoroughly studied in Anthea Roberts, *Is International Law International?* (Oxford: Oxford University Press, 2017), pp. 9–10, 260–6.
[2] Involving, less obviously, medical practitioners as unseen actors: see Chapter 21.
[3] Which regulates arrangements for translation and interpretation between the official languages, and into these when a party employs a non-official language

movere. If investigation there is to be, however, it could hardly be more effectively, efficiently and discreetly done than in this collection, each contribution to which, in Blake's words, 'bodies forth the form of things unseen'.

Hugh Thirlway
The Hague, 31 October 2018