

CONTENTS

<i>List of Figures</i>	<i>page</i>	xi
<i>List of Tables</i>		xii
<i>List of Contributors</i>		xiii
<i>Foreword</i>		xix
HUGH THIRLWAY		
1 Unseen Actors in International Courts and Tribunals: Challenging the Legitimacy of International Adjudication	1	
FREYA BAETENS		
PART I INSTITUTIONAL PERSPECTIVES	29	
2 The International Court of Justice	31	
NATHALIE WILES		
3 The International Tribunal for the Law of the Sea	43	
PHILIPPE GAUTIER		
4 International Arbitral Institutions	51	
BRIDIE MCASEY		
5 The World Trade Organization	70	
DANIEL ARI BAKER AND GABRIELLE MARCEAU		
6 The International Criminal Court	92	
PHILIPP AMBACH		
7 The European Court of Human Rights	108	
LEDI BIANKU AND PETER KEMPEES		
8 The Court of Justice of the European Union	121	
CAROLINE HEEREN		

	PART II	NOMINATION AND APPOINTMENT	137
9	Gatekeeper Secretariats	139	
	KATHLEEN CLAUSSEN		
10	Appointing Authorities: Self-Appointment, Party Appointment and Non-Appointment	164	
	PETER TZENG		
11	Before The Law: Assessing the Process and Impact of Judicial Screening Bodies	189	
	BRIAN MCGARRY AND JOSEF OSTŘANSKÝ		
	PART III	CASE MANAGEMENT AND DEFERENCE TO THE BENCH	215
12	The Essence of Adjudication: Legitimacy of Case Managers in International Arbitration	217	
	CHRISTINE SIM		
13	Procedural Reforms at The Court of Arbitration of The International Chamber of Commerce: How to Ensure that Party Autonomy Will Continue Serving as a Legitimization Tool	238	
	GIACOMO MARCHISIO		
14	Will an Investment Court Be a Better Fact-Finder? The Case of Expert Evidence	250	
	MATTHEW W. SWINEHART		
15	Unseen and Unsung: Language Services at the International Criminal Court and Their Impact on Institutional Legitimacy	272	
	LEIGH SWIGART		
16	Rights and Expertise: Assessing the Managerial Approach of the Court of Justice of the European Union to Conflict Adjudication	297	
	MARIE-CATHERINE PETERSMANN		
	PART IV	CONFIDENTIALITY AND TRANSPARENCY	321
17	The Politics of Invisibility: Why Are International Judicial Bureaucrats Obscured from View?	323	
	TOMMASO SOAVE		

CONTENTS

ix

- 18 Unseen Actors as Unseen Experts: Ghosts in International Adjudication** 347
 GUILLAUME GROS
- 19 Arbitral Institutions' Response to Perceived Legitimacy Deficits: Promoting Diversity, Transparency and Expedition in Investor-State Arbitration** 371
 KSENIA POLONSKAYA
- 20 Identifying the Voices of Unseen Actors in Investor-State Dispute Settlement** 392
 DAMIEN CHARLOTIN
- PART V ETHICS AND ACCOUNTABILITY 427
- 21 Physicians' Impact on the Legitimacy of the International Criminal Court** 429
 GIOVANNA MARIA FRISSE
- 22 Screening Powers in Investment Arbitration: Questions of Legal Change and Legitimacy** 452
 RELJA RADOVIĆ
- 23 Legitimacy and the Role of Legal Officers in Chambers at International and Hybrid Criminal Courts and Tribunals** 475
 MARKO DIVAC ÖBERG
- 24 The Référéndaire as Unseen Actor: A Comparative Look at the Court of Justice of the EU, the US Supreme Court and International Arbitral Tribunals** 496
 GILLIAN CAHILL
- PART VI EXTERNAL INFLUENCES AND ACTIVITIES 515
- 25 'Outside Activities' and Workload Management as Unseen Actors (and Factors) in International Adjudication** 517
 CATHERINE H. GIBSON
- 26 The Legitimacy of Private Lawyers Representing States Before International Tribunals** 544
 ANDREAS R. ZIEGLER AND KABRE R. JONATHAN
- 27 Online Reporters and Databases: Four Narratives of Their Roles in Investor-State Dispute Settlement** 566
 PIETRO ORTOLANI

**28 Bilateral Committees in EU Trade and Investment
Agreements: Platforms for the Reassertion of State
Control Over Investor-State Adjudication? 591**

HANNES LENK

Epilogue: An Unseen Actor Speaks 611

Index 613