for international lawyers, Srivastava's study nonetheless takes the law seriously enough to do justice to legal concerns whenever they arise. She does not ask the questions that lawyers would ask (about competences, governance structures or accountability, to name a few), but she illuminates complex governance practices that might help the lawyer in answering lawyers' questions about these matters, and that is no small feat.

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Freya Baetens (ed.). ***Identity and Diversity on the International Bench: Who Is the Judge?*** Oxford: Oxford University Press, 2020. Pp. xxi–565. £117.50. ISBN: 9780198870753.

It is difficult to condense the contents of Freya Baetens' edited collection *Identity and Diversity on the International Bench*, with its 26 chapters, divided into three parts ('Towards the International Bench', 'On the International Bench' and 'Beyond the International Bench'), with a brief but engaging foreword by Navanethem Pillay and an epilogue entrusted to Janet Nosworthy. The book includes many insightful references to the personal experiences of these and other contributors – both before attaining the international bench and during their terms in office. However, its main interest lies in offering a 'holistic' approach to the issue of diversity within international courts and tribunals. In this respect, the editor's stated aim to 'provide a more comprehensive and in-depth look at the impact of identity on (the legitimacy of) international adjudication' (Baetens, at 5) is certainly achieved. At the same time, the 'holistic' approach leads to frequent overlaps between chapters, and the distinction between the three parts of the book is not always fully reflected in the contribution's contents. Moreover, some additional guidance on the links and connections between the different chapters might have helped the reader navigate the wealth of material included in this complex book.

That said, the volume is a welcome addition to the literature discussing diversity in international arbitration and adjudication. There is little doubt that the legitimacy of the composition of a court (be it international or domestic) is a key element of procedural fairness, in the view both of the parties and of that court's constituencies more generally. The book is based on the idea that diversity is key to international courts' normative and social legitimacy, not only at the domestic level (where it is deemed a component of democracy) but also in regard to international courts. However, this is not taken for granted: both Baetens' introductory chapter and several contributions critically discuss this point – rightly so, as how a diverse composition of the bench and the identity of judges can influence the legitimacy of a court is highly contextual, and legitimacy as such has a 'supremely intangible quality' (Nosworthy, at 544). Also, in light of this, the experiences of very different courts and tribunals are not always easy to compare, but the identity-diversity conundrum affects them all. Thus, looking at

how the challenge is tackled in one area may help to put in focus analogous challenges and possible solutions in a different context.

Identity and Diversity on the International Bench attempts this by analysing the relevance of adjudicators' identity in different jurisdictional scenarios, ranging from interstate courts such as the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS) to the World Trade Organization's (WTO) dispute settlement system, international and internationalized criminal courts and international human rights courts, while also covering commercial and investment arbitration. There are, moreover, some interesting incursions into domestic jurisdictions – for instance, in Clara María López Rodríguez's chapter on the establishment of indigenous jurisdiction in Peru. While discussing the problems of such jurisdiction, she argues that it might inspire ways of 'enabl[ing] participation of indigenous peoples in international decision-making' (at 500) in ways that could protect indigenous rights and that may be preferable to the inclusion on the bench of judges self-identifying as members of indigenous communities, which would require their assimilation (at 501–502). With respect to a different aspect of identity, Kristen Hessler discusses how the US Supreme Court's composition affected its case law on reproductive rights when addressing the significance of religious diversity in international human rights adjudication.

The possibility of meaningful comparisons is perhaps most obvious for gender diversity within the international bench, which is the book's main focus. It is reflected, for instance, in the discussion (in various chapters, including Baetens' introduction) of what amounts to adequate gender representation within the European Court of Human Rights (ECtHR) and whether the ECtHR's approach might be transferred to other jurisdictions. Several other contributions deal with the (lack of) gender diversity on the international bench. These chapters offer insightful statistics, discuss the rules and practices concerning appointments to different international courts and tribunals, analyse the particular hurdles that women face in this process and speculate on how they might best be overcome. In this respect, the book illustrates the uneven state of play: in international criminal law, women judges have contributed to the development of specific strands of case law (as acknowledged and explored notably by Teresa Doherty in her analysis of the case law related to sexual violence and by Juan-Pablo Pérez-León-Acevedo in his chapters on victims' status respectively at the International Criminal Court (ICC), the Special Tribunal for Lebanon and the Extraordinary Chambers in the Courts of Cambodia).

Elsewhere, though, the position is more ambiguous. With respect to the WTO's dispute settlement system, Valerie Hughes argues that '[p]erhaps not all trade disputes will require or benefit from a feminist perspective, but … it is reasonable to suspect that some could' (at 354), while James Crawford, reflecting on his experience at the ICJ and in international arbitration, 'could not come up with any defining features which characterizes [female adjudicators'] style, that could be linked to the fact that they are women' (at 417). Nevertheless, diversity, including gender diversity, is usually beneficial to the adjudication process. As several contributors point out, diversity should never come at the cost of lowering professional standards (see Jamal Seifi, at 165); at

the same time, diversity increases not only courts' legitimacy but also their collective ability to fully appreciate the different implications of a case (see, for example, Baetens, at 8ff; David Bigge, at 64; Nosworthy, at 541, 545), ultimately facilitating access to justice for under-represented groups (Rebecca Emiene Badejogbin, at 127, with reference to women and children).

Gender diversity may also fulfil applicable legal standards, which are at times included in the constitutive instruments of international tribunals. This is the case for Article 36(8)(a)(iii) of the ICC's Rome Statute, which stresses the need to ensure a 'fair representation of female and male judges' and is one of the most advanced provisions in this respect.[1] In other cases, standards are developed within the institutional context to which a court belongs. Notable examples are the minimum voting requirements adopted by the Assembly of States Parties to the ICC, discussed by Solomy Balungi Bossa and Gilles Landry Dossan in their chapter devoted to 'Ethnicity, Religion, and Diversity at the International Criminal Court', and the resolutions of the Parliamentary Assembly of the Council of Europe concerning the composition of the ECtHR, addressed by Helen Keller, Corina Heri and Myriam Christ in the chapter on 'Fifty Years of Women at the European Court of Human Rights'. The potential relevance of provisions such as Article 8 of the UN Charter and Article 8 of the Convention on the Elimination of All Forms of Discrimination against Women for the composition of international courts is discussed by Liesbeth Lijnzaad in 'The Smurfette Principle', which explores the appointment processes for ICJ, ITLOS and ICC judges and the difficulties of broadening the 'pool' of qualified female candidates for an international bench in the first place and of ensuring equal chances of success.[2] As Lijnzaad shows, these hurdles not only concern the ability of candidates to successfully navigate the path towards appointment – which has a very political component, notably for interstate courts.

They are also relevant as candidates aim to obtain the qualifications and experiences necessary to be seriously considered for the position in the first place, starting from adequate education. This point is made also by Rolf Einar Fife in his chapter on incentives devised to induce gender-balanced appointments and by Rebecca Emiene Badejogbin in her discussion of success stories of African female judges. Catherine Drummond delves into the issue of ad hoc arbitration, with an interesting and insightful reflection on the difficulties facing female candidates to be seriously considered for appointment, notwithstanding pledges and campaigns to increase the number of female arbitrators. Drummond's chapter highlights the reluctance of disputing parties to depart from what are perceived as 'safe' and predictable choices, which is also present in interstate litigation. Drummond's caution against implicit bias and her suggestion that 'practitioners involved in the selection and appointment process should make a conscious effort to afford female candidates an equal opportunity' (at 120) has resonance well beyond the context of ad hoc arbitration. Indeed, such 'conscious efforts' are necessary to achieve an appropriate gender balance and to avoid retrogressive steps, as

[1] Rome Statute of the International Criminal Court 1998, 2187 UNTS 90.
[2] Convention on the Elimination of All Forms of Discrimination against Women 1979, 1249 UNTS 13.

experienced, for instance, with respect to ECtHR appointments (Baetens, at 16; Keller, Heri and Christ, at 185). The efforts of the African Union to achieve gender balance in the African Court of Human and Peoples' Rights, discussed by J. Jarpa Dawuni, show that progress can indeed be made.

While gender remains central, the contributors (themselves a very diverse group) also address multiple other factors contributing to an adjudicator's identity – including, but not limited to, nationality, ethnicity, religion, culture and professional backgrounds – as well as the relevance of those factors in the context of different jurisdictions. Paolo Palchetti's thought-provoking assessment of the different functions of ICJ judges ad hoc and their role in ensuring diversity on the bench exemplifies the richness of the reflections offered in this book. Palchetti notes the recent trend towards appointing judges ad hoc who are not nationals of the appointing state nor belong to the same geographical group, which is usually seen as a positive development since it enhances the ad hoc judges' perceived impartiality and 'public relations' function. At the same time, he cautions that such judges ad hoc are mostly nationals of the 'Western and others' group, which affects the geographical diversity of the bench and the 'representational' function, which, as Palchetti stresses, remains a prominent aspect of the judge's ad hoc role.

Seifi's analysis of diversity and legitimacy in investor-state arbitration also implicitly focuses on the representation function of arbitrators: he draws attention to the different 'waves' of (North-South and North-North) investor-state cases and convincingly argues that enhancing gender diversity would not be enough to overcome the development bias in this context; rather, 'it is imperative to move beyond symbolic steps merely focusing on one diversity indicator' (167). Another personal highlight is Stacie Strong's argument in favour of judicial education for international judges, especially those who have no previous experience of adjudication at the domestic level. Not all her suggestions are fully convincing: as the author herself recognizes, a (possibly mandatory) judicial education system for the international bench might meet with significant opposition. Moreover, while international judges with experience on domestic benches may well possess abilities such as 'court craft', 'judicial craft' and 'profession craft' (see Strong's remarks at 233), they could lack in-depth knowledge of the substantive (international) law they are called upon to apply – a shortcoming that arguably would be more serious and more difficult to overcome than the lack of 'soft skills' that can be gained through judicial education. Some of those skills (notably, the ability to interact with fellow judges in a collaborative way or to write in a clear style appropriate to judicial pronouncements) are at least in part innate or, at any rate, more difficult to develop at an advanced career stage. In any case, Strong is right to stress that these qualities are relevant to judicial selection processes in the first place and that they cannot be taken for granted among those called to the international bench. The question as to whether other, less formalized mechanisms for transmitting these skills – such as collegial methods of work or the assistance and institutional memory entrusted to registries (compare with Angelica Nußberger and Freya Baetens, 'Diversity on the Bench of the European Court of Human Rights: A

Clash of Paradigms') – may be sufficient for this purpose does not find an easy or necessarily uniform answer.

The chapter by Nußberger and Baetens also deserves a mention for the nuanced and yet illuminating way in which the authors discuss the role of factors such as age and political affiliation – alongside judges' legal, cultural and professional backgrounds, which are also in focus in other contributions – in shaping a court's identity. Several authors, moreover, address the peculiar role of religion in the diversity debate. In his chapter, Bigge notably contends that religious diversity, as opposed to cultural diversity, is not as such an added value in the composition of an international bench – especially as 'there are few instances in international adjudication in which it would be appropriate to apply religious "culture" to a dispute' (at 69) – and questions the legitimacy of recourse to religious arguments in judicial or arbitral pronouncements. Mubarak Waseem's survey of individual opinions by ICJ judges, on the other hand, shows a pattern of references to religious traditions, which are usually not the ones to which these judges belong. In his view, these references are 'a route by which judges can acknowledge the long-term contributions of other societies to international law' (Waseem, at 276) and could allow 'the Court to extend both the geographical and temporal support it can call upon to reinforce basic norms of international law' (at 278).

These accounts of select chapters highlight the richness of the collection edited by Freya Baetens. The numerous contributions and the wide variety of topics they address, without a close dialogue or cross-references between the different authors, make it difficult to draw a set of coherent conclusions. That said, as will be clear from the preceding summary, the book does put forward many thought-provoking arguments in favour of enhancing diversity on the international bench; the wealth of input it offers will help readers confirm – or reconsider – their own views on the diversity and legitimacy of international courts and tribunals, on international justice and, ultimately, on the 'legitimacy of international law itself' (Nosworthy, at 539).

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