

# **Comparative analysis of the role of judges in international judicial bodies**

## **Abstract**

The proximate topic of this thesis are two of the most prominent international judicial bodies: The Court of Justice of the European Union, in the narrow sense of the term, and the Dispute Settlement Body of the WTO. The actual interest of the work however lies not in the history, normative underpinnings or operation of these institution per se, but rather in the general insights on judicial partiality, bias and relevant preventive mechanisms which can be gleaned from these two concrete examples.

The thesis does initially provide a brief overview of the actual workings of both systems, in order to establish a factual background on which to base its subsequent theoretical analysis. The second segment of the work then predominantly focuses on two phenomena – the distribution of representation in the relevant bodies of the judicial institutions from the perspective of individual member entities of both organizations, and the related issue of partiality of judges and other judicial or quasi-judicial figures in these systems; in particular their propensity towards championing national interest of their home countries, in lieu of a disinterested due performance of their duties.

The analysis initially examines the factual state of the outlined categories of representation and partiality at both international judicial bodies and subsequently attempts to deduce the general principles and relevant factors of their causes and effects on this basis. Where practicable, the thesis proposes a blueprint of an “ideal” foundation for dealing with these undesired phenomenon. The final chapter of the analysis provides a brief assessment of both systems the from the perspective of the findings and deduced recommendations.

The conclusion summarizes the findings and emphasizes the factors the author considers crucial in respect to judicial partiality and the prevention thereof.