

# Impartiality In International Courts: Evidence from a Natural Experiment at the WTO

Eric Arias\*

## Abstract

The impartiality of international judges is one of the cornerstones of the international system. Despite the obvious importance of the topic, both for the international judiciary system and for countries involved with it, with a few exceptions, we know little about the extent to which judges are indeed impartial, and if they are not, about the sources of their biases. Moreover, there has been little effort to study it with a causal inference approach. To shed light on these fundamental issues, I will present new evidence by exploiting a natural experiment in the World Trade Organization's Appellate Body (AB) in which international judges—the members of the AB—are randomly assigned to cases, such that defendants face panes that are 'closer' (e.g., judges from ally countries) while at other times panels are 'farther'. I will make use of individual- and country-level variables to examine the impartiality of AB decisions. As political economy work on impartiality at the WTO is not far advanced, the goal of this paper will be to evaluate some preliminary hypotheses and to provide a preliminary, yet plausibly causally identified account. A key question will be whether there is partiality towards or against certain countries. This will be an important first step towards our understanding of the phenomenon.