

BRINGING JUSTICE TO CAMBODIA: REFLECTIONS ON DAME SILVIA CARTWRIGHT'S ROLE AT THE KHMER ROUGE TRIBUNAL

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Dame Silvia Cartwright is one of New Zealand's most distinguished woman jurists. While much is known about her celebrated New Zealand-based career, this article focuses on her more recent, and arguably more important role – as a judge at the Khmer Rouge Tribunal in Cambodia, tasked with bringing to justice those most responsible for the atrocities committed by the Khmer Rouge in the 1970s. This article is a portrait of Dame Silvia, underlining her role as a leading jurist and an inspiration to women, based on the personal experiences of the author. It is not intended to critically address any issue relating to the Tribunal.

I INTRODUCTION

Dame Silvia Cartwright, among New Zealand's most distinguished woman jurists, was until early 2014 based in Phnom Penh, Cambodia,¹ sitting as a judge at the Extraordinary Chambers in the Courts of Cambodia – more usually referred to as the Khmer Rouge Tribunal (the Tribunal). The Tribunal is tasked with bringing to justice those most responsible for the atrocities committed by the Khmer Rouge in Cambodia over the period between 17 April 1975 and 6 January 1979.²

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1 In June 2014 it was announced that Dame Silvia has been appointed to the United Nations Human Rights Council investigation into war crimes and human rights abuses in Sri Lanka. At this time of writing it was not clear when Dame Silvia would resign from her role on the Tribunal to take up this new role.

2 Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea 2329 UNTS (opened for signature 6 June 2003, entered into force 29 April 2005) [UN Agreement], art 1.

Much is known about Dame Silvia's celebrated New Zealand-based career. She was the first woman to be appointed to the High Court and was Chief Judge of the District Court. In 2004, she became New Zealand's 18th Governor-General. However, less is known about her later, important work at the Tribunal.

I had the opportunity to visit the Tribunal in Phnom Penh and to meet with Dame Silvia between 2011 and 2013, while I was working as a New Zealand diplomat in South East Asia. I was able to see Tribunal proceedings in action and gain a better appreciation for the many challenges the Tribunal faced, from financial and administrative issues through to substantive matters. As a lawyer myself, it was fascinating to see a war crimes tribunal in action, and to come to terms not only with the weight of the substantive issues but also with the logistics of how the court goes about trying the perpetrators of such heinous crimes. However, on each of these visits, the highlight for me was meeting Dame Silvia, and talking to her about her role at the Tribunal. Through these visits, Dame Silvia's work in Cambodia became a great source of pride for me as a New Zealander, and an inspiration for me as a woman lawyer.

Besides Dame Silvia, little is generally known about New Zealand in Cambodia, with the bilateral relationship described officially as "positive, but limited" (although with Cambodia's rapid economic development and growing middle class, trade opportunities are expanding).³ What Cambodians know about New Zealand is usually tied to New Zealand's development work in South East Asia, which is focused on promoting sustainable economic development through sharing our agricultural expertise and on human resource development by providing scholarships and English language training.⁴ Indeed, one of the most satisfying parts of my work in the region was seeing the effects of New Zealand's scholarship programme, under which South East Asian officials travel to New Zealand to undertake English language training. Officials who complete this training are typically friends and fans of New Zealand for life.

In my view, because of this, Dame Silvia's role at the Tribunal is significant not just because of the importance of her mandate at the Tribunal in the eyes of Cambodians, but also for her positive impact on New Zealand's reputation in this part of the world (and, no doubt, more widely).

II THE TRIBUNAL

The Khmer Rouge Tribunal was established in 2003 pursuant to an agreement between the Government of Cambodia and the United Nations (UN). Its mandate is to try "senior leaders" of the Khmer Rouge (the name given to followers of the Communist Party of Kampuchea in Cambodia, led by Pol Pot) and those "most responsible" for the war crimes committed by the regime over the

3 New Zealand Aid Program "Cambodia Country Paper" (December 2013) Ministry of Foreign Affairs and Trade <www.aid.govt.nz>.

4 New Zealand Aid Program, above n 3.

period between 17 April 1975 and 6 January 1979.⁵ The Khmer Rouge controlled Cambodia from 1975 to 1979, during which an estimated 1.7 million people – a fifth of Cambodia's population – died of starvation, torture, execution and forced labour resulting from Khmer Rouge's policies.

The Tribunal itself is located on the outskirts of Phnom Penh in buildings originally built for the Royal Cambodian military forces. The buildings were provided by the Cambodian Government in late 2005 to establish the Tribunal and will be returned to the military when the Tribunal is closed. The site comprises a single courthouse as well as facilities for the accused, who are detained on the premises.

A New Zealand and the Tribunal

New Zealand has a number of current and historical links to the Tribunal, in addition to Dame Silvia herself: our government has been a supporter of the Tribunal since its inception, and has been a small but consistent financial backer of it over the years. Unlike other UN courts, the Tribunal is funded solely through donor contributions – this was largely due to "criminal tribunal fatigue" within the UN at the time the Tribunal was set up, given all of the other expensive Tribunals already being funded by the UN (including in relation to Rwanda and Yugoslavia). New Zealand's most recent contribution was NZ\$200,000, which was announced during the visit of New Zealand Governor General Sir Jerry Mataparae to Cambodia in August 2013, taking New Zealand's overall contribution to NZ\$1.4 million.⁶ While this is modest in the overall scheme of things (Australia, for example, has contributed AU\$23 million to date),⁷ it indicates the importance New Zealand places on its relationship with Cambodia and on the role of the Tribunal in the post-conflict peace building process currently underway in Cambodia and, more broadly, on its support for international justice. New Zealand also has another direct link to the Tribunal – one of the victims in the Tribunal proceedings was a New Zealander – Kerry Hamil – who was killed by the Khmer Rouge in 1978 after the yacht he was sailing was caught in a storm and inadvertently entered Cambodian waters.

III DAME SILVIA'S ROLE AT THE TRIBUNAL

Dame Silvia was appointed to the Khmer Rouge Tribunal in 2006, as one of 13 international judges (including reserve judges) from Asia, Europe and North America (and more recently also from Africa) that would sit alongside Cambodian counterparts.⁸ She was appointed by the Supreme

5 UN Agreement, above n 2, art 1.

6 Ministry of Foreign Affairs and Trade "New Zealand provides support for Khmer Rouge Tribunal" (press release, 9 August 2013).

7 Australian Foreign Minister Bob Carr "Australian support for Khmer Rouge trials" (press release, 18 June 2013).

8 The Tribunal consists of three chambers: the Pre-Trial Chamber, which has a complement of five judges – two international and three Cambodian – and which hears appeals from the co-investigating judges and also resolves disputes between them and between the co-prosecutors. For a decision to be reached by the Pre-

Council of the Magistracy of Cambodia from a list of nominees that was submitted to the Cambodian Government by the Secretary-General of the UN.

Of the 23 national and international judges currently sitting at the Tribunal, Dame Silvia has been one of only four women (all of which are international judges – to date, no woman has served as a national Cambodian judge, although one of the national co-prosecutors is a woman and in the French/Cambodian Civil Law system she has the same status as a judge). This under-representation of women is consistent with most international courts and tribunals. For the most part, female participation at the world's most important international courts is limited. Only three women out of 15 currently serve as permanent judges on the International Court of Justice. The figures are worse for the World Trade Organization (WTO), where only one of the seven current members of the WTO's Appellate Body is a woman.⁹ There is currently only one woman judge out of 21 at the International Tribunal for the Law of the Sea.¹⁰ Conversely, the International Criminal Court (ICC) appears to be one of the only international courts in which women are adequately represented on the bench and this appears to be largely attributable to the ICC's founding statute which emphasises the need for "a fair representation of female and male judges" in the selection of its judges.¹¹ There is certainly no such requirement in the Tribunal's founding statute. This under-representation of women on international courts and tribunals is also consistent with figures from the New Zealand judiciary – currently only 28 per cent of judges in New Zealand are women.¹²

Dame Silvia was appointed to the Tribunal in her personal capacity, and not as a representative of New Zealand. However, she has enjoyed the strong support of the New Zealand government for her appointment and work. During a 2012 visit to Phnom Penh for the East Asia Summit, Prime Minister John Key visited the Tribunal and met with Dame Silvia, telling accompanying media that:¹³

We're really going to show solidarity to Dame Silvia Cartwright for the work that she's been doing, for the importance of the process which is hugely significant for this country ...

Trial Chamber the principle of a "super-majority" applies, meaning four of the five judges must support the verdict. In practice, this means that every decision must have both Cambodian and international support. Next, there is the Trial Chamber, which is made up of three Cambodian judges and two international judges (of which Dame Silvia is one). Here, the "super-majority" principle also applies. The other chamber is the Supreme Court, which functions as an appeals chamber, and is composed of four Cambodian and three international judges. The Supreme Court requires five of the seven judges to uphold an appeal decision.

9 World Trade Organisation "Appellate Body Members" <www.wto.org>.

10 International Tribunal for the Law of the Sea "Tribunal Members" <www.itlos.org>.

11 Rome Statute of the International Criminal Court 2187 UNTS 3 (opened for signature 17 July 1988, entered into force 1 July 2002), art 36.8(a)(iii).

12 New Zealand Law Society "Snapshot of the Legal Profession" (1 March 2013) <www.lawsociety.org.nz>.

13 3 News "NZ boost for Cambodian war crimes tribunal" (21 November 2012) <www.3news.co.nz>.

In preparing this article I had the opportunity to speak with Dame Silvia about her work in Cambodia. Understandably, she was not able to discuss the specifics of her judicial role at the Tribunal, given that the proceedings are still underway. However, she did talk generally about her task at the Tribunal, describing it as her "greatest professional challenge to date", and "incredibly difficult work" given the complexity of the charges, the sheer volume of evidence and factual material, the gravity and significance of charges to Cambodia, as well as the many structural challenges of the Tribunal (in particular, the lack of funding).

A The Tribunal's Features and Set Up

In my discussions with Dame Silvia, she cited much frustration with the Civil Law system used at the Tribunal, saying she does not believe it is equipped to cope with the trial of mass crimes, and describing it as "simply too cumbersome, with too many parallel processes".

What Dame Silvia is alluding to is that the Tribunal is a "hybrid tribunal", meaning that it is part national and part international, with both national and international judges and prosecutors. This was requested by the government of Cambodia, which insisted that, for the sake of the Cambodian people, the trial must be held in Cambodia using Cambodian staff and judges alongside foreign personnel. The Cambodian government sought international participation due to the weakness of the Cambodian legal system and the gravity and international nature of the crimes, and to help meet international standards of justice.¹⁴ This is not surprising given that under the Khmer Rouge regime most of the Cambodian judiciary was either killed or escaped to other countries, meaning that the post-Khmer Rouge government was forced to build a new judiciary essentially from scratch – a painful process for a cash strapped government that was also trying to rebuild education, health and other administrative infrastructure. However, this aspect has exposed the Tribunal to criticism, on the basis that the hybrid set-up has limited the Tribunal's independence and subjected it to politicisation through the domestic political context in Cambodia.

The Tribunal is the first international court to follow a Civil Law system, which includes an intention for substantial involvement for victims in the Tribunal proceedings.¹⁵ This feature was modelled on the Cambodian national law system, which provides for the participation of victims in criminal proceedings. The ability of victims to participate in Tribunal proceedings has been welcomed by the Cambodian people – nearly 4,000 victims have been successfully admitted to participate in the second of the Tribunal's proceedings.¹⁶ And a recent study on victim participation at the Tribunal completed by an international NGO found that the majority of victims involved in

14 Extraordinary Chambers in the Courts of Cambodia "Introduction to the ECCC" <www.eccc.gov.kh>.

15 Defined in the UN Agreement, above n 2, as anyone that has suffered physical, moral or material harm as a direct consequence of at least one of the crimes alleged against a person under investigation. See also the Extraordinary Chambers in the Courts of Cambodia "Internal Rules" (Revision 8, 3 August 2011) r 23 *bis*.

16 Extraordinary Chambers in the Courts of Cambodia, above n 14.

the proceedings have a positive attitude towards the Tribunal, with the vast majority believing that it will bring justice to the victims of the Khmer Rouge and/or their families.¹⁷

While the ability of victims to participate has clearly had a positive impact on Cambodian engagement in the Tribunal proceedings, it became evident to me during my many visits to the Tribunal that this has created a massive administrative burden for the judges and has caused delays to the process (delays which the Tribunal can ill afford).¹⁸

B The Tribunal and Cambodian Participation

It was just over 30 years ago that the Khmer Rouge was in power in Cambodia, and the effects are still very obvious. Visiting Cambodia, it was impossible not to notice the distinct absence of elderly Cambodians, because so many of those who would now be in the 50-plus age bracket were victims of the Khmer Rouge. It is also very difficult to meet a Cambodian who has not been directly affected and lost at least one family member at the hands of the Khmer Rouge.

My impression from my time in Cambodia was that these trials are extremely important to the Cambodian people, and a key feature of the recovery and reconciliation process that is still taking place in Cambodia. This is supported by the figures: the Tribunal's first trial attracted more than 31,300 visitors,¹⁹ mostly rural Cambodians.²⁰ The Tribunal's second, and current, case similarly attracts record numbers – more than 600 visitors every week.²¹ By end of September 2013, over 228,000 people had visited the Tribunal.²²

In our discussions, Dame Silvia described most days at the Tribunal as "spent with a wet towel over our head wondering how we can cope with all of this". However, despite this, she said that the level of interest and participation from the Cambodian public is a significant positive about the work, which she said brings a unique and immediate "human aspect" to the proceedings. Her view is that this single factor (ability for public participation) outweighs all the other disadvantages of having the trials in Cambodia.

17 Harvard Humanitarian Initiative and the Cambodian Human Rights and Development Association "Victims Participation before the Extraordinary Chambers in the Courts of Cambodia: Baseline Study of the Cambodian Human Rights and Development Association's Civil Party Scheme for Case 002" (January 2013) <www.eccc.gov.kh>.

18 Refer to Part III.A below.

19 Case 001 was against a former security prison chief and concluded in 2012.

20 United Nations Rule of Law "Khmer Rouge tribunal shares its experience with other tribunals" <www.unrol.org> at [2].

21 At [3].

22 Figures sourced from the Tribunal's Public Affairs Officer directly.

This high level of interest and engagement from the Cambodian public distinguishes the Tribunal from other international courts – the Tribunal's public participation rate is unprecedented, and is probably the strongest encouragement of all for those involved (especially the Tribunal judges) to press ahead with their difficult work, even in the face of the many challenges faced by the Tribunal, which are examined further below.

C Case 002

Dame Silvia, along with the other judges in the Tribunal's Trial Chamber, has sat on what is unquestionably the most important case before the Tribunal, described by many as the most important war crimes case since Nuremberg. It is known officially as "Case 002" and the accused are the two surviving members of Khmer Rouge leader Pol Pot's inner circle:²³ Nuon Chea, the former Chairman of Pol Pot's National Assembly who was commonly known as "Brother Number Two" and second in command to Pol Pot, and Khieu Samphan, the former Head of State of Democratic Kampuchea. It is alleged that both accused were key players in the regime's decision making and the policies set by the regime that led to the torture and killing of so many Cambodians. Both are charged with crimes against humanity, grave breaches of the Geneva Conventions of 1949, and genocide against the Muslim Cham and the Vietnamese.

Case 002 is large and complex and the quantity of evidence is huge. Nearly 4,000 victims participate as civil parties (interestingly, approximately 70 per cent are female Cambodians).²⁴ The parties have proposed 1,054 witnesses and experts, along with 7,600 documents of evidence. And the charges are some of the most serious known to mankind. However, probably the greatest challenge facing the Tribunal in hearing Case 002 is the advanced age and uncertain health of the accused. Two other senior Khmer Rouge leaders, Ieng Sary and his wife Ieng Thirith, were originally co-accused in Case 002. Ieng Sary was Pol Pot's Foreign Minister and Ieng Thirith was Minister of Social Affairs. However, the proceedings against Ieng Sary were terminated following his death in March 2013. Likewise, proceedings against Ieng Thirith were suspended in November 2011, after she was found unfit to stand trial on account of dementia and was accordingly released from detention at the Tribunal. Ieng Thirith is currently living in Phnom Penh under judicial supervision.

I can only imagine the frustration for justice-seeking Cambodians, Dame Silvia and Tribunal staff at losing two accused so late in the process, after the monumental amount of work, time and money expended in bringing them to trial. For me, it reinforces the common saying that international justice is neither cheap nor fast. However, it is essential to keep in mind that justice is much cheaper than war. And domestically, some complex criminal cases can be extremely lengthy

23 Pol Pot died in 1998, before the Tribunal was operational.

24 Harvard Humanitarian Initiative and Cambodian Human Rights and Development Association, above n 17.

too. Surya P Subedi, the UN Human Rights Council's Independent Expert on Cambodia, summarised the issue well when he said in March 2013, following Ieng Sary's death, that:²⁵

Perhaps the justice process in this instance was too slow, but he was forced to answer the grave allegations against him in an open court. A justice system caught up with him even 30 years after the events. The tenacity of many people, but most of all the victims, is to thank for this.

We know from other instances of accountability processes around the world that, although a final judgment was not reached, the mere fact of seeing Ieng Sary forced to face his accusers will have brought some degree of comfort to the surviving victims of the Khmer Rouge, the families of the victims, and the whole of Cambodian society that continues to suffer from the impact of the Khmer Rouge to this day.

Of the two remaining accused in Case 002, Nuon Chea is the greatest concern as he is 87 with failing health (which has already forced a number of court adjournments). So it has been literally a race against time for Dame Silvia and her fellow judges to deliver their judgment before more of the accused are lost.

For these reasons, in 2011 Dame Silvia and her fellow Trial Chamber judges made a decision to "sever" Case 002 into a number of discrete cases dealing with particular factual allegations and legal issues. The first case (known formally as Case 002/01) commenced on 21 November 2011, and focuses primarily on alleged crimes against humanity related to the forced movement of the Cambodian population from Phnom Penh by the Khmer Rouge. Importantly, it also deals with the roles of the two accused in relation to the regime policies relevant to all charges, thereby providing a foundation for examining the remaining charges in future trials – that is, if the accused live long enough for further trials to take place. The hearing of evidence in Case 002/01 ended on 23 July 2013 and closing statements concluded on 31 October 2013. At the time of writing, the judgment for Case 002/01 had just been released, with the Tribunal finding Nuon Chea and Khieu Samphan guilty of crimes against humanity and sentencing them to life imprisonment.²⁶ Evidentiary hearings for the next phase of Case 002 are anticipated to start in the second half of 2014.

D The Impact of Dame Silvia's Role

Dame Silvia's work at the Tribunal has brought her much respect, both in Cambodia and internationally. During my time in Cambodia, it was rare for me to meet with colleagues and contacts – whether Cambodian officials, other diplomats, or trade and development contacts – without Dame Silvia being praised. She was routinely described to me as "the engine behind the Tribunal" and "a bastion of sensible decision making". Dame Silvia's stellar reputation was a source

25 United Nations Human Rights Council "UN expert urges Cambodia and the international community to speed up Khmer Rouge trials" (press release, 14 March 2013).

26 *Case 002/01 (Judgement)* ECCC Trial Chamber 002/19-09-2007/ECCC/TC, 7 August 2014.

of pride to me and my other New Zealand colleagues, particularly those working in the area of international justice.

I spoke to Ambassador David Scheffer, the UN Secretary-General's Special Expert on United Nations Assistance to the Khmer Rouge Trials, about Dame Silvia in the process of writing this piece. He arguably knows more about the Tribunal than anyone, having been intimately involved in its establishment and now serving as its UN Special Expert. He is full of praise for Dame Silvia's contribution, telling me:²⁷

Judge Silvia Cartwright has ensured, through her judicial skills and thoughtful reasoning, the delivery of long-awaited justice for a Cambodian population that endured some of the worst atrocity crimes of modern times. For that reason alone, she significantly contributed to the history of Cambodia and to international justice.

New Zealand's most recent former Ambassador to Cambodia, Tony Lynch, is likewise full of praise. Speaking about Dame Silvia, he emphasises the importance of the leadership role she has taken on among her judicial colleagues and also the "empathy and rapport she has clearly developed with the Cambodian staff at the Tribunal". Ambassador Lynch also highlights Dame Silvia's "very important 'bridge-building' role at the Tribunal", through which she has taken the lead in translating the Civil Law legal system Cambodia inherited through its colonial history into "workable and practical outcomes that reflect the expectations of those who want justice through the Tribunal – the severance of Case 002 being one excellent example".²⁸

Admirers all focus on Dame Silvia's "killer" combination of intellect and compassion, and it certainly became clear to me during my time in Cambodia that Dame Silvia has developed a real connection to Cambodia and the Cambodian people, and that the sad history of the country has affected her deeply. As a simple example, during one of my visits I discovered that Dame Silvia had befriended a Cambodia tuk-tuk driver whose wife was dying of Aids, and was financially supporting their family because the dying woman was too sick to work. I met the driver, and the profound impact Dame Silvia has had on his life was obvious.

In this way, Dame Silvia is an exemplar of what women can contribute to the international justice arena and why it is so essential to have gender diversity on the bench: to bring different perspectives and life experiences, to reflect society, to maintain judicial legitimacy, and, as New Zealand Court of Appeal Judge Justice Susan Glazebrook has so rightly observed, "[to help] counter

27 Interview with David Scheffer, United Nations Secretary-General's Special Expert on United Nations Assistance to the Khmer Rouge Trials (Anais Kedgley Laidlaw, 1 December 2013).

28 Interview with Tony Lynch, New Zealand's former Ambassador to Cambodia (Anais Kedgley Laidlaw, 16 December 2013).

those stereotyped views of women's role in society and to provide role models for generations to come".²⁹

IV DAME SILVIA'S PERSPECTIVES ON WOMEN AND THE LAW

As part of my discussions with Dame Silvia, we talked about the role of women in the legal profession and Dame Silvia's experience as a woman lawyer. Things have changed dramatically since Dame Silvia graduated from Otago Law School in the 1960s. Back then, as part of an Otago law degree, students were required to complete an apprenticeship with a law firm. However, Dame Silvia was unable to do so because none of the law firms in Dunedin would take on a woman apprentice. It also took her some time to secure a job on graduation, and when she eventually did, she was considered "a novelty" and "amusing" to the rest of the male lawyers at the firm. However, this did not stop the young Silvia from impressing, and she was soon treated just like the other male solicitors – except that she was paid substantially less than them! Dame Silvia recalls incredulous responses from her firm's bosses to her requests for equal pay. Amazingly, it was not until 1995 when she became a judge of the High Court that Dame Silvia had a female contemporary – Dame Sian Elias. Until then, it was exclusively men.

I talked to Dame Silvia about the lack of women in senior legal positions, both internationally and in New Zealand. Her view is that structural changes are required to redress the imbalance. Those in leadership positions within the profession need to make a conscious effort to mentor and champion talented women so they can realise their full potential. Dame Silvia explained that this is so important because, in her experience, women tend not to be as proactive as men in putting themselves forward for promotions and leadership positions. Dame Silvia herself claims that she was always "astounded" when approached for top jobs – she took a year to be convinced she was up to the challenge of being Chief Judge of the District Court, her view being that she had neither the competence nor the experience for the role. What made the difference for her were mentors and champions – in particular Sir Geoffrey Palmer, who was determined to see more women in leadership positions, and who put her forward for key roles and pushed her to take on new challenges.

Dame Silvia believes that changes must also be made to the profession itself, to make it more accessible and attractive to women. Her suspicion for a long time has been that when women get to senior levels in the profession, particularly in law firms, they look at the structure, atmosphere and hours required and, understandably, decide it is not for them – often because it is simply not compatible with their family obligations, or the way they want to live their lives. Few women think that life exists only for work and most wish to engage with their communities, participate in sport

²⁹ Susan Glazebrook "Looking Through the Glass: Gender Inequality at the Senior Levels of New Zealand's Legal Profession" (paper presented to Chapman Tripp – Women in Law, Wellington, September 2010) at 9.

and cultural activities, and see their friends and families as much as possible – and in general stay connected to the world outside the office.

Looking forward, Dame Silvia cites the ICC statute – which emphasises the need for a fair representation of female and male judges in the judiciary³⁰ – as an excellent model for the future, both for international and domestic courts, explaining that such provisions are simply "vital" to getting fair representation for women on the bench. Dame Silvia is hopeful that once such structural changes have been made, and a "critical mass" of women in leadership roles is reached, further positive changes will flow more quickly.

V CONCLUSION

Dame Silvia Cartwright is, without question, New Zealand's pre-eminent woman jurist in the international law arena. In my view, through her work at the Tribunal Dame Silvia has enhanced New Zealand's reputation in the region as a key player in international law and justice. And she is also an inspiration and role model for women lawyers everywhere.

I am privileged to have had the chance to work with and get to know this extraordinary woman. It is my hope that we will have many more New Zealand women lawyers making their mark on the international law scene, and following the fine example that Dame Silvia has set.

30 As noted above, the Rome Statute of the International Criminal Court requires States Parties to take into account the need for "A fair representation of female and male judges": above n 11, art 36.8(a)(iii).

