



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW



mpi
LUXEMBOURG



ASSER
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1965 50 YEARS 2015
Centre for International & European Law

In Whose Name? On the Functions, Authority and Legitimacy of International Adjudication

7-8 September 2015
The Asser Institute, The Hague

In whose name do courts decide? Many *domestic* courts provide an answer in the opening words of their decisions. They routinely evoke the source of their legitimacy right at the start. When it comes to *international* courts and tribunals, we find nothing comparable. International courts and tribunals do not say in whose name they speak the law. What is the source of their legitimacy?

Answers may vary: Understood as instruments in the hands of disputing states, international courts and tribunals speak “In the Name of the Parties”. As organs of the value-based international community, they decide in “In the Name of the Community”. As regime institutions in an interdependent world, they tend to decide “In the Name of the Regime”. Besides, there may also be compromise formulas, such as “In the Name of the International Community of States”. Understood, finally, as multifunctional actors who exercise public authority, international courts and tribunals might speak “In the Name of Peoples and Citizens”. Which answer is compelling? Which other formulas are plausible and possibly preferable?

The normative assessment of the judicialization of international law, it is submitted, may find profound guidance from the question in whose name international courts and tribunals decide. The question cuts to the core of inquiries into legitimacy. Contributors to the *workshop* set out to fill the void at the beginning of international judicial decisions. What is the source of legitimacy of international adjudication? In addition, a *public roundtable* takes up that same question in the afternoon of 7 September. The event is organized by co-operation between the Max-Planck Institutes in Heidelberg and Luxembourg, the Asser Institute in The Hague, and the Amsterdam Center for International Law.

Public Roundtable

7 September 2015, 16.30-18.00h, followed by a reception

Contributions by
Judge Fausto Pocar (International Criminal Tribunal for the Former Yugoslavia),
Dr. Gleider Hernández (Durham), **Dr. Cecily Rose** (Leiden), and
Prof. Stephan Schill (Amsterdam),

moderated by **Prof. Janne Nijman** (Asser Institute),

introduced by **Prof. Armin von Bogdandy** (Heidelberg)
and **Dr. Ingo Venzke** (Amsterdam).

Participation is free of charge, please register by email to i.venzke@uva.nl.

Workshop

7 September

10.45-11.00 Arrival

11.00-11.15 Welcome

Prof. Armin von Bogdandy
(Heidelberg)

11.15-13.00 Panel I:

Prof. Máximo Langer (UCLA)
In Whose Name? On the Legitimacy
of the International Criminal Court

Dr. Diletta Tega (Bologna)
In the Name of Human Rights? A
Contest for Legitimacy between
International and National
Adjudication

Antoine Duval (Asser Institute)
Not in my name! Claudia Pechstein
and the post-consensual foundations
of the Court of Arbitration for Sport

13.00-14.00 Lunch

14.00-16.00 Panel II:

Prof. Antoine Vauchez (Paris 1—
La Sorbonne)

In The Name Of The “European
Project”: The European Court Of
Justice And The Legitimacy Of
Europe’s “Independent Branch”

Prof. Aida Torres Pérez (Barcelona)
Judicial In(Ter)Dependence As A
Source Of Legitimacy Of
International Adjudication

Lorenzo Gasbarri (Geneva / Milan)
In The Name Of The Text: The
Legitimacy Of International
Adjudication Between Its Words

16.00-16.30 Break

16.30-18.00 **Public Roundtable**,
followed by a reception

8 September

10.00-12.00

Updates from participants of MPI
Luxembourg Workshop, with
contributions by

Mehdi Belkahla
Dr. Geraldo Vidigal
Alain Zamaria
Parvathi Menon
Loic LeRhun
Dr. Gabriele Ruscalla
André Nunes

12.00-13.00 Publication,
organizational matters

13.00-14.00 Lunch

Possibilities to attend the workshop (in contrast to the public roundtable) are limited.

In case of interest, please email i.venzke@uva.nl.