



## 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

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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](mailto:i.venzke@uva.nl).*

## Workshop

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### 7 September

10.45-11.00	Arrival	
11.00-11.15	Welcome	
	<b>Prof. Armin von Bogdandy</b> (Heidelberg)	
11.15-13.00	Panel I:	
	<b>Prof. Máximo Langer</b> (UCLA) In Whose Name? On the Legitimacy of the International Criminal Court	
	<b>Dr. Diletta Tega</b> (Bologna) In the Name of Human Rights? A Contest for Legitimacy between International and National Adjudication	
	<b>Antoine Duval</b> (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:
		<b>Prof. Antoine Vauchez</b> (Paris 1— La Sorbonne) In The Name Of The “European Project”: The European Court Of Justice And The Legitimacy Of Europe’s “Independent Branch”
		<b>Prof. Aida Torres Pérez</b> (Barcelona) Judicial In(Ter)Dependence As A Source Of Legitimacy Of International Adjudication
		<b>Lorenzo Gasbarri</b> (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 <b>Public Roundtable</b> , followed by a reception

### 8 September

10.00-12.00		12.00-13.00	Publication, organizational matters
	Updates from participants of MPI Luxembourg Workshop, with contributions by	13.00-14.00	Lunch
	<b>Mehdi Belkahla</b> <b>Dr. Geraldo Vidigal</b> <b>Alain Zamaria</b> <b>Parvathi Menon</b> <b>Loic LeRhun</b> <b>Dr. Gabriele Ruscalla</b> <b>André Nunes</b>		

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

*In case of interest, please email [i.venzke@uva.nl](mailto:i.venzke@uva.nl).*