Beyond Dispute:
International Judicial Institutions as Law-Makers

Heidelberg, 14/15 June 2010
(International Conference & 3rd Workshop)

Max Planck Institute for Comparative Public Law and International Law
with the support of the Heidelberger Gesellschaft für ausländisches öffentliches Recht und Völkerrecht
Programme

14 June 2010

I. Workshop Opening and Contexts

9.00  Benedict Kingsbury
      International Courts and Tribunals: Their Function in Global Order
      Comment by Andreas Paulus

10.00  Coffee break

10.15  Armin von Bogdandy / Ingo Venzke
      On the Rule of International Courts: An Investigation of Public Authority and its Democratic Justification

      Brief presentations of further contributions to the project by:
      Christina Binder, Law-Making by the Inter-American Court of Human Rights
      Markus Fyrnys, Judicial Activism without Politics? The Pilot Judgment Procedure of the European Court of Human Rights
      Michael Ioannidis, A Procedural Approach to the Question of Legitimacy of International Adjudication
      Karin Oellers-Frahm, Provisional Measures and Advisory Opinion
      Moritz Renner, Publicness and Participation in Investment Proceedings
      Stephan Schill, System Building in Investment Arbitration

      Comment by Sabino Cassese

11.30  Coffee Break
11.45  *Marc Jacob*

On Precedent and System Building

Comment by Bing Bing Jia

12.45 Lunch

II. **Precedents and International Criminal Law**

13.45 *Klaus Günther / Milan Kuhli*

Law Making by International Criminal Courts and Tribunals

Comment by Salem Nasser

*Bing Bing Jia*

The Doctrine of Command Responsibility by Way of Judicial Precedent

Comment by Karin Oellers-Frahm

15.45 Coffee Break

16.00 *Salem Nasser*

Special Tribunal For Lebanon

Comment by Klaus Günther

17.00 General Discussion
15 June 2010

III. Politics and Perspectives

9.30  
Eyal Benvenisti / George Downs
International Courts as Political Actors
Comment by Benedict Kingsbury

René Uruena
Rule-Making in Investment Disputes. A Latin-American Perspective
Comment by Christina Binder

11.30 Coffee Break

11.45  
Lorenzo Casini
The Making of a Lex Sportiva
Comment by Burkhard Hess

12.45 Lunch
IV. WTO, Precedent, Politicization and Accountability

13.45  
Ingo Venzke

Expounding Changes Art. XX GATT: The Spell of Precedents and the Reign of the Appellate Body

Comment by Richard Stewart

Isabel Feichtner

Politicization: the Example of the WTO

Comment by René Uruena

15.45 Coffee Break

16.00  
Richard Stewart

The WTO: Multiple Dimensions of Global Administrative Law

Comment by Isabel Feichtner

17.00  
General Discussion