



MAX-PLANCK-INSTITUT

FÜR AUSLÄNDISCHES ÖFFENTLICHES RECHT UND VÖLKERRECHT

The End of International Public Authority?

Contestation, Crisis, and Resilience in International Institutions

Armin von Bogdandy, Matthias Goldmann, Silvia Steininger

CONCEPT NOTE

This project aims at analyzing the consequences of the current challenges to multilateralism for the authority and legitimacy of international institutions. The rise of what is often called populism, democratic backsliding, and authoritarian regimes have put the exercise of authority of international institutions under significant pressure. In a number of notorious cases, states have withdrawn from international arrangements or are engaged in serious attempts to undermine them by blocking appointments or cutting funding. However, this backlash did generally not lead to the breakdown of international institutions. Many examples testify to the ability of international institutions to continue discharging their mandate in hard times. Against all odds, new forms of international rule-making have emerged in heavily contested areas such as migration and taxes. The workshop will analyze these challenges comprehensively and reconsider the value of concepts like international public authority for the reconstruction of international institutions in an age in which the progress narratives underpinning global governance for much of the past decades appears to have been shattered.

The project thus proposes a threefold approach, focusing on the dimensions of contestation, crisis, and resilience of international institutions. While those concepts still require specification, we hope they might serve as useful starting points for analyzing challenges to institutions as well as mechanisms of resilience employed in a situation of crisis. Moreover, this project includes the study of international institutions from specific national perspectives to account for a plurality of views on international institutions from legal and foreign policy perspectives, whether they fuel or mitigate processes of contestation.

Analyzing these processes of contestation, crisis, and resilience aims at a dynamic target. The project therefore pursues an incremental approach. At a workshop in November 2019, participants will present their particular views on the basis of short outlines and oral presentations, rather than fully-fledged papers. In line with this, the following overview is an approximation, which is open to further development based on the input received at the workshop.

PROGRAM

28 NOVEMBER

9:00 – 9:30 **Welcome and Introduction**

- *Armin von Bogdandy, Matthias Goldmann, Silvia Steininger (MPI Heidelberg):* Contestation, Crisis and Resilience. International Institutions after Global Governance

9:30 – 11:30 **Panel I Causes and Concepts**

- *Ingo Venzke (University of Amsterdam) & Michael Zürn (WZB Berlin):* International Authority in the Age of Populism
- *Nicole Deitelhoff (University of Frankfurt):* Contestation and Crisis Management of International Institutions
- *Jens Steffek (University of Darmstadt):* The Weberian Legacy
- *Georg Nolte (Humboldt University Berlin):* Conceptual thoughts
- *Jochen von Bernstorff (University of Tübingen):* New Responses to the Legitimacy Crisis of International Institutions: The Rise of the Participation of the Most Affected in IPA

Coffee Break

11:45 – 12:30 **General Discussion**

Lunch

13:30 – 15:00 **Panel III International Regimes 1**

- *Philipp Dann (Humboldt University Berlin):* Contestation, Crisis, and Resilience in Development Cooperation
- *Janne Mende (University of Gießen):* Contestation, Crisis, and Resilience in Business and Human Rights
- *Mateja Steinbrück Platise (MPI Heidelberg):* Contestation, Crisis, and Resilience in Security Governance

Coffee Break

15:15 – 16:45 **Panel IV International Regimes 2**

- *Thomas Rixen (University of Bamberg):* Contestation, Crisis, and Resilience in the Tax Regime
- *Jürgen Bast (University of Gießen):* Contestation, Crisis, and Resilience in the Migration Regime
- *Jutta Brunnée (University of Toronto):* Contestation, Crisis, and Resilience in the Climate Regime

Coffee Break

17:15 – 18:45 **Panel V International Courts and Tribunals**

- *Kevin Jon Heller (University of Amsterdam & Australian National University):* International Criminal Courts
- *Achilles Skordas (MPI Heidelberg):* International Court of Justice
- *Pedro Villarreal (MPI Heidelberg):* WTO Dispute Settlement

Dinner

29 NOVEMBER

9:00- 11:00 Panel VI Human Rights Courts and Bodies

- *Andreas Follesdal (Pluricourts Oslo)*: Majoritarian Populism and Human Rights Courts
- *Mikael Madsen (iCourts Copenhagen)*: European Court of Human Rights
- *Ximena Soley (MPI Heidelberg)*: Inter-American Court of Human Rights
- *Basak Cali (Hertie School of Governance)*: UN Human Rights Treaty Bodies

Coffee Break

11:15- 12:45 Panel VII National Perspectives on International Public Law 1

- *Rob Howse (NYU)*: US
- *Lauri Mälksoo (University of Tartu)*: Russia
- *Yuwen Fan (MPI Heidelberg)*: China

Lunch

13:45 – 15:15 Panel VIII National Perspectives on International Public Law 2

- *Helmut Aust (Free University Berlin)*: Germany
- *Evelyn Lagrange (Université Paris 1 Panthéon-Sorbonne)*: France
- *Tan Hsien-Li (National University of Singapore)*: ASEAN

Coffee Break

15:30 – 17:00 Panel IX National Perspectives on International Public Law 3

- *Kanad Bagchi (MPI Heidelberg)*: India
- *Franziska Sucker (University of the Witwatersrand)*: South Africa
- *René Urueña (Universidad de los Andes)*: Colombia

17:00 General Discussion

17:30 End