



PluriCourts Annual Workshop on The Political and Legal Theory of International Courts and Tribunals 2019: Multilevel Separation of Authority - Autonomy and International Courts

Oslo, June 24-26, 2019

Call for Papers

PluriCourts announces a workshop that brings together scholars of philosophy, political theory and legal theory who study one or more *regional and international courts and tribunals* (ICs), and in particular issues concerning the multi-level 'horizontal' and 'vertical' separation of authority, or questions concerning autonomy. States have established manifold regional and international ICs to resolve disputes, interpret treaties, and deter illegal behavior. These ICs cover a range of issues including, human rights, trade, investment, border disputes, and international crimes. ICs' competences, level of authority, method of interpretation, and geographical reach widely vary. ICs' increase in number and influence has spawned controversy and complaints, often phrased as charges that they are *illegitimate*. We especially invite papers that address one or more such ICs concerning the following themes. The workshop welcomes both abstract and practice-focused perspectives. Some travel grants are available upon request.

The vertical and horizontal allocation of authority

Brexit, African exits from ICC and other recent challenges against ICs urge renationalization of authority now placed at a regional or international level. States have delegated or pooled some sovereign rights to an IC in an issue area for various objectives: to enhance the state's commitments, to coordinate better, or to manage cross border concerns. Such challenges of IC demanding the renationalization of authority are directed at the 'vertical' authority of ICs over states. The 'horizontal' allocation of authority among ICs, and between ICs and other international bodies is also questioned. With what right should ICs *review* other bodies and contribute to international enforcement? What are we to make of recent challenges concerning the 'fragmentation' among the IC: how states now create 'competing' regional ICs; and ICs resistance and resilience against formal harmonization – as between the European Court of Human Rights and the Court of Justice of the European Union?

Autonomy

The autonomy of individuals has been one fundamental normative value and standard to evaluate and challenge the justice and legitimacy of political institutions. The autonomy of political communities, collective self-determination, is also widely praised as an important normative ideal. Is autonomy – individual or collective - a good guide to normatively assess international courts? In what way does the legitimacy of ICs depend on them protecting or promoting individual autonomy? Is the authority of IC necessarily in conflict with the collective self-rule of states? Or is horizontal delegation of power compatible with, perhaps even necessary for, effective collective autonomy in our globalized world? Can the political or collective autonomy of peoples justify a space that international authorities such as ICs should – or should not – interfere with? Or is collective autonomy different from individual autonomy in providing such limits?

We invite papers that relate to either one of these two topics or the theory of legitimacy of ICs more general. The following indicate some of several possible issues:

- The concept of legitimacy for ICs
- The appropriate legitimacy standards for ICs from the perspectives of history of ideas and/or contemporary legal and political theory, such as human rights, transparency, or rule of law
- Their multilevel separation of authority, and its impact on adjudication
- Subsidiarity principles guiding the allocation of authority between ICs and the national level
- Specialization and fragmentation in ICs
- The relevance of protecting individual or collective autonomy for the legitimacy of ICs
- The limits placed on IC authority by collective autonomy
- Law and morality in international adjudication
- Norm-indeterminacy and international adjudication
- The comparative advantages of ICs
- Best practices and models for ICs
- IR theory perspectives on ICs

About PluriCourts

PluriCourts is a multidisciplinary Centre of Excellence whose overriding research objective is to analyze and assess the legitimate present and future roles of this international judiciary in the global legal order: Why and when are these

international courts and tribunals legitimate authorities, whose decisions should enjoy deference by various domestic and international 'compliance communities'?

Timeline

- **December 1, 2018** Expression of interest with provisional paper title, abstract (max. 400 words), travel grant request can be submitted here.
- **January 10, 2019** Decisions on acceptance of proposals and travel grants announced
- **May 15, 2019** Draft papers due
- **June 24-26, 2019** Workshop

*Note that the **PluriCourts' Annual Lecture and Conference** occur later that week and participants of the workshop are invited to attend both events.*

- *June 27: The PluriCourts Annual Lecture, by Professor Laurence Helfer, Duke University*
- *June 28: PluriCourts Annual Conference*

Contact

Victoria Skeie: victoria.skeie@jus.uio.no