The Authority of International Courts in a Complex World
A book prospectus

Karen J. Alter, Laurence R. Helfer and Mikael R. Madsen eds.

In 2013, iCourts, a Center of Excellence for International Courts, at the University of Copenhagen launched an interdisciplinary study of how political and social contexts shape the authority of international courts (ICs). The result of our efforts is a unique analysis of how different ICs operate in a wide range of contexts. We propose to expand this project into a book, inviting experts on the authority and legitimacy of international institutions to consider the complex reality that our symposium reveals.

The initial project, based on two workshops under the editorial leadership of Karen Alter, Larry Helfer and Mikael Madsen, will result in a special edition of the peer-reviewed journal *Law and Contemporary Problems*, to be published in the summer of 2015. At the first workshop, symposium participants debated how various contextual factors affected the operation of different ICs and identified a common object to study: the “varied authority” of international adjudicators. The editors then developed a framework to conceptualize and measure IC authority and a list of contextual factors that plausibly explain why similarly designed ICs have attained different levels of political and legal influence. A second workshop discussed the framework and nine papers by contributors who applied to the framework to one or more judicial institutions about which they have extensive empirical knowledge. The papers were revised in light of extensive feedback, resulting in a special issue that poses serious questions about the problems, prospects and achievements of ICs around the world.

The book will significantly expand upon the journal symposium by including a wider group of theorists and scholars who will collectively reflect on what the framework and findings suggest for the legitimacy and authority of international institutions writ large. This proposal describes the symposium’s core elements of and our proposal to expand the symposium into a book that will attract a much wider audience of political scientists, international judges, lawyers and government officials.

The symposium examines the extent to which different ICs have transformed *de jure* or formal authority into *de facto* authority—the actual exercise of legal and political authority. The symposium begins with the framing article, followed by the ten substantive contributions that focus on global and regional adjudicatory systems—both longstanding and fledgling—that span issue areas including human rights, regional integration, international trade and economic law, harmonized commercial law, and international criminal law:

- The World Trade Organization’s Dispute Settlement System
- The International Court of Justice
- The International Criminal Court
- The European Court of Justice
- The European Court of Human Rights
- The Inter-American Court of Human Rights
- The Caribbean Court of Justice
These contributions—which authors might choose to expand upon as chapters in the proposed book—present real diversity. The authors explain the variations and fragility of each court’s authority over time and across the breadth of their jurisdiction. The chapters also explore plausible explanations for why ICs’ authority varies across time, issue-area, member states, or audiences.

To lay the groundwork for the book, we will organize a third workshop at which a wider group of philosophers, political and social theorists, and legal scholars will apply their respective expertise to refine and extend the IC authority framework. By conjoining these new commentators with the leading scholars who participated in the original symposia, the book will significantly advance debates about the legitimacy and authority of international judicial institutions and related adjudicatory and dispute settlement mechanisms.

We expect the book to be of interest to legal scholars, political scientists, philosophers, sociologists, international and domestic judges, government officials, and practicing lawyers as well as others involved with international courts. Although the book is primarily aimed at an academic audience, we anticipate that it will set an agenda for the future study of international adjudication and dispute settlement with which all students and scholars will need to engage.

The book poses serious questions for theories of authority and legitimacy of not only ICs, but also international institutions more generally. The questions are highlighted in the editors’ framing paper, which provides a novel and provocative framework to think about IC authority. Two features of this framework are especially distinctive. First, we separate the issue of IC authority from IC legitimacy, arguing that the two should be seen in separate terms. Second, we conceive of the authority of international courts as a continuum rather than a binary, and as influenced by factors that often are beyond an IC’s control.

Our assessment of de facto IC authority is analyzed in light of two conjunctive components—the recognition or acceptance of an obligation to comply with IC rulings, and the engagement in meaningful practices that push toward giving full effect to those rulings. We identify five possible levels of IC authority in fact, corresponding to the different audiences for IC rulings.

*No authority in fact* exists where the IC has a formal de jure jurisdiction by virtue of an initial ratified act of delegation, where legal violations are rife, yet litigants do not file complaints, and any cases that the court does decide are generally ignored.

*Narrow authority* exists when the parties to a dispute litigate their case and meet our conjunctive standard—the recognition of a legal obligation and the need for a consequential response. Where ICs have narrow authority, compliance may be achieved with or without broader effectiveness.
Intermediate authority exists when similarly situated litigants as well as government officials charged with implementing international rules, such as executive branch officials, administrative agencies, and judges, meet our conjunctive standard—the recognition of a legal obligation and the need for a consequential response. Where there is an intermediate authority, politics will be judicialized and political bargaining will occur in the shadow of international adjudication.

Extensive authority exists when an IC expands its circle of recognition to encompass a broader range of actors affected by IC rulings. This audience includes a court’s compliance partners, but it also extends to civil society groups, bar associations, firms, industries and legal academics. Where extensive authority exists, lawyers as well as practitioners regularly engage with ICs and their decisions, and ICs thus consistently shape law and politics for the set of legal issues that this authority encompasses.

Public authority exists when acceptance of IC rulings extends beyond the legal field to encompass the public in general. Broader acceptance of the legitimacy of an IC may be required at this point, which is to say that ICs can have narrow, intermediate and even extensive authority without a corresponding popular or sociological legitimacy.

This framework focuses on contextual factors that are often beyond the control of international judges. In particular, we consider three analytically distinct categories of contextual factors:

Institution-specific context captures features that are distinctive to a particular IC, such as its design and subject matter mandate, as these two factors influence IC audiences. These features most often vary across courts, but there may also be variation within a single IC over time or across issue areas. A key institution-specific context is the alternative to international litigation that may exist.

Constituencies context analyzes issues relating to an IC’s interlocutors, including government officials, judges, attorneys, legal experts and civil society groups. Differences among locally based interlocutors contribute to the varied authority of ICs.

Geopolitical context considers how political dynamics at the global, region and national levels affects IC authority.

That these contextual factors shape IC authority means that international judges can do everything “right” in the cases that come before them, following all of the prescriptions defined by normative theorists, yet still be unable to establish legal and political authority.

The symposium’s ten empirical chapters engage the editor’s framework and compare ICs across two specific issues or contexts, documenting how international judges struggle to establish and maintain their authority. For example, ICs that succeed in building extensive authority for some issues may still struggle and even fail to achieve narrow authority for certain countries and issues. Each chapter considers how contextual factors aid or hinder the ability of ICs to establish their authority among various audiences, and how the defection of certain audiences may undermine previously established authority. Together, the chapters provide a highly useful
approach to understand the complex reality of international adjudication that goes well beyond the scholarly focus on, for example, compliance with IC rulings.

The final section of the symposium’s framing paper considers the related issue of IC power. Powerful ICs have authority in fact that extends across a broad range of issues and types of cases. For any legal issue, a move from narrow to intermediate to extensive authority expands the court’s influence and effectiveness, defined as the ability to move governments and private actors in the direction indicated by the law. ICs with power and political influence are able to extend and assert their legal authority across both audiences and issue areas.

For the book, we have selected a group of influential political theorists and philosophers, identified in our description of Part III of the book below, to further engage with the framework and the empirical diversity that substantive empirical chapters document. The editors may also add a conclusion that summarizes the findings in the volume and identifies key questions for policymakers, international judges, and scholars.

The rest of this proposal describes the edited volume in greater detail. The proposal concludes with brief bios on each of the symposium contributors.
International Court Authority in a Complex World
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PART I: THE VARIED AUTHORITY OF INTERNATIONAL COURTS
CHAPTER 1: HOW CONTEXT SHAPES THE AUTHORITY OF INTERNATIONAL COURTS
Karen J. Alter, Laurence R. Helfer and Mikael R. Madsen

This chapter sets out the authority framework for the volume. We defend why the issue of IC authority must be seen as separate from that of IC legitimacy. IC have an express legal competence based on what is in most instances a consensual act of delegation. For this reason, their legal “right to rule” is generally less contentious as compared, for example, to the decisions of other international institutions that purport to bind states. We agree with those who argue that conflating authority and legitimacy denies the existence of illegitimate authority and recognize that observing the behavior and practices of IC audiences does not provide definitive proof regarding the subjective motivations and reasons why actors accept or reject court rulings. Our focus on the importance of contextual factors in shaping IC authority recognizes that a court can do everything normative theorists might expect of a legitimate international judicial body and still not have authority in fact. The converse scenario—authority in fact without legitimacy in this sense—is also possible.

PART II: INTERNATIONAL COURT AUTHORITY IN A COMPLEX WORLD

CHAPTER 2: THE EXTENSIVE (BUT FRAGILE) AUTHORITY OF THE WTO APPELLATE BODY
Greg Shaffer, Manfred Elsig & Sergio Puig

This chapter, written by a team that includes legal scholars and political scientists, contrasts the limited narrow authority of the GATT dispute settlement system with the extensive yet fragile authority of the WTO system. The paper includes a novel and intriguing empirical assessment of the authority of GATT era and WTO era adjudication, and a claim that the WTO’s Appellate Body may be facing a declining authority.

CHAPTER 3: THE CONTESTED AUTHORITY OF THE INTERNATIONAL CRIMINAL COURT
Leslie Vinjamuri

This chapter is an international relations analysis of the limited authority of the International Criminal Court. The chapter considers ICC authority across a variety of scenarios: cases where the Prosecutor asserts proprio motu jurisdiction over signatories of the Rome Statute, cases referred by the target state, and cases referred to the ICC by the Security Council. The chapter raises the intriguing dilemma that although the ICC arguably has extensive authority, in that its existence and rulings are seen as authoritative by many member states, legal scholars and NGOs, it struggles to establish narrow authority over the cases on its docket, notably over the defendants.
CHAPTER 4: AUTHORITY CONSTRUCTED, EXPANDED, AND EXPOSED: PROSECUTORIAL LEADERSHIP, ORGANIZATIONAL STRATEGIES, AND COURT AUTHORITY IN INTERNATIONAL CRIMINAL LAW
Ron Levi, John Hagan & Sara Dezalay

This chapter provides a socio-legal analysis of how different evidentiary standards, techniques and prosecutorial challenges shape the authority of a range of ICs practicing international criminal law. The chapter compares the Nuremburg prosecutions, undertaken in a context of occupation and complete access to documents and evidence, to the documentary challenge of prosecutions in the current international criminal law context.

CHAPTER 5: ISLAMIC LAW STATES AND THE AUTHORITY THE INTERNATIONAL COURT OF JUSTICE: TERRITORIAL SOVEREIGNTY AND DIPLOMATIC IMMUNITY
Emilia Justyna Powell

This chapter focuses on the challenges the ICJ faces in asserting authority vis-à-vis Islamic Law States. Written by a political scientist, this chapter argues that the ICJ has an easier time establishing its narrow authority when there is a convergence between Islamic law and international law (the case of diplomatic immunity) compared to domains where there is an important divergence between Islamic law and international law. Overall, however, design features of the ICJ make it difficult for the ICJ to establish intermediate authority and perhaps impossible for the ICJ to establish extensive authority over the range of issues that potentially fall under its jurisdiction.

R. Daniel Kelemen

This political science study examines how the twenty-first century context is generating new challenges for the Court of Justice of the European Union. Kelemen argues that the political commitment to the common market project is an underappreciated enabler that facilitated the ECJ as it built its legal authority among governments, European institutions, national judges, and legal communities. The wholesale expansion of this common market to new member states has raised new challenges. The comparison allows us to see that even well established authoritative courts struggle when the context in which they operate changes significantly.

CHAPTER 7 - THE CHALLENGING AUTHORITY OF THE EUROPEAN COURT OF HUMAN RIGHTS
Mikael Rask Madsen

This historical sociological study examines the changing authority of the European Court of Human Rights (ECtHR) since its establishment in 1959. The first part focuses on the particular challenges the Cold War period posed for the Court and its constituencies. A second part considers the post-Cold War period in which the Court was fundamentally transformed from an ad hoc tribunal to becoming a permanent international Court for some 800 million Europeans. Madsen argues that it was not until the mid- to late 1970s that the authority of the ECtHR expanded beyond a rather narrow group of litigants. The very limited case-load of the first fifteen years of operation made the Court of little or no importance to states other than those immediately involved in the scattered cases. Over time the ECtHR developed extensive authority, becoming a de facto supreme court of human rights in Europe. The European Court of Human Rights had a steady and growing business, and despite occasional counter-reactions to its expanding jurisprudence member states generally comply with its judgments. However, in recent years the European Court has come under repeated attack by new and old member alike, and especially the United Kingdom. Madsen argues that in recent years the authority of the Court has become increasingly
uneven and partial and, in light of the 2012 Brighton Declaration, perhaps it has even started shrinking.

Chapter 8: Constitutional Lawyers and the Inter-American Human Rights System
Alexandra Huneeus

In this chapter, Alexandra Huneeus examines the varied authority of the Inter-American court across member states. Huneeus argues that neo-constitutionalist movements within member states create a synergetic desire among judges and lawyers for the protection of human rights, allowing the IACtHR to develop an intermediate level authority in certain countries. In other countries where neo-constitutionalism is not a prevalent political force, the IACtHR struggles to maintain its narrow authority. The study includes a comparison of the reception of IACtHR rulings in Chile, Colombia and Venezuela, showing that extensive authority does not always translate into narrow or intermediate level authority. Instead, local political commitment to constitutionalism is important for understanding the IACtHR’s varied authority.

Chapter 9: Between Community Law and Common Law: The Risk of the Caribbean Court of Justice at the Intersection of Regional Integration and Post-Colonial Anxieties
Salvatore Caserta & Mikael Rask Madsen

This socio-legal analysis explains how the unusual origins of the Caribbean Court of Justice (CCJ) affect its operation. The CCJ is part post-Colonial replacement for the British Privy Counsel, and part a supranational court for CARICOM. In its post-Colonial role, the CCJ carries on the legal tradition that many local lawyers know well from their UK training, helping the court achieve an instant narrow, intermediate and extensive authority. The CCJ’s role as supranational court of a common market has been harder to build. The CCJ initially achieved narrow authority, however nearly all of the early cases came from a single litigant who was an insider to the system. As the origin and subject of cases expanded, the CCJ issued some controversial rulings involving the free movement of people and gay rights. These rulings push towards broadening the CCJ’s subject-matter authority and its audience of regionally based lawyers, at the cost of undermining its intermediate authority with some governments. The result is an IC that surprisingly authoritative in some respects given that the CCJ remains a very young and nascent IC.

Chapter 10: The East African Court of Justice: Varied Authority Across Economic and Human Rights Audiences
James Thuo Gathii

This chapter, written by a legal scholar, explains why the East African Court of Justice (EACJ) has little to no authority vis-à-vis economic actors, yet a growing narrow and intermediate authority with respect to human rights issues. The growing human rights authority is especially surprising given that the EACJ has a clear economic jurisdiction and a repeatedly questioned human rights jurisdiction. Gathii explains this difference by focusing on the alternatives to international litigation available to these two sets of actors. Business actors, he argues, prefer to use political connections and national litigation to achieve their objectives. Human rights actors and bar associations, by contrast, look to the EACJ as an alternative venue for national judiciaries and the African Union’s human rights system. The EACJ embraces the contested human rights role so as to have an audience that it can work with as it struggles to build its legal authority. Gathii also criticizes the editor’s framework for its focus on compliance, which he argues underappreciates the important symbolic victories that human rights lawyers are achieving.

Chapter 11: The OHADA Common Court of Justice and Arbitration: Exogenous
FORCES CONTRIBUTING TO ITS INFLUENCE
by Claire Moore Dickerson

OHADA is a commercial law system where supranational law has replaced national commercial law. Dickerson, an expert in commercial law, explains how the fact that OHADA constitutes the only national commercial law, and OHADA’s connection to foreign investment, has facilitated the court establishing a narrow, intermediate and extensive authority in the formal economy. Dickerson documents the many ways in which the OHADA system shapes formal law and legal practice in OHADA member states. But she also explains the lack of OHADA authority in the vast informal economy that encompasses approximately 70% of the economic transactions and the everyday lives of most of the region’s citizens. In the informal economy, poor actors pursue alternatives to litigation that often ignore the laws and rights that exist under formal OHADA law.

PART III: ASSESSING IC AUTHORITY IN A COMPLEX WORLD

The published symposium ends with neither a conclusion nor a reflection of its implications for the authority of international courts. The critical difference between the journal version and the book will be that we will invite a series of commentaries by theorists and philosophers of international authority. These commentaries will be discussed at a book workshop, to be held at Northwestern University in the Fall of 2015.

We will ask the participants to provide a 5,000- 7,000 word reflection that addresses some or all of the following issues:

1) Where do you part company with the framing of IC authority?

2) What does the reality of a variable authority of ICs, documented in Part II of the book, mean for IC’s quest for political and sociological legitimacy?

3) Is it a problem for the legitimacy of ICs, and for local democracy, that IC authority is likely to remain contested by different audiences?

Biographies of the symposium contributors:

Karen J. Alter is Professor of Political Science and Law at Northwestern University and a Permanent Visiting Professor at iCourts, Center of Excellence for International Courts, University of Copenhagen Faculty of Law. Her research investigates how the proliferation of international legal mechanisms is changing international relations. Her most recent book The New Terrain of International Law: Courts, Politics, Rights (Princeton University Press, 2013) provides a framework for comparing and understanding the influence of the twenty-five existing international courts, and for thinking about how different domains of domestic and international politics are transformed through the creation of international courts. With Laurence Helfer she is author of Transplanting International Courts: The Law and Politics of the Andean Tribunal of Justice (Oxford University Press 2014) and co-editor (with Cesare Romano and Yuval Shany) of the Oxford Handbook on International Adjudication. Alter is author of The European Court’s Political Power (Oxford University Press, 2009) and Establishing the Supremacy of European Law (Oxford University Press, 2001). Alter continues her research in international courts as co-director of the institutionalization research cluster at iCourts and through ongoing collaborative research on international courts in Latin America and Africa.

Salvatore Caserta is a PhD fellow at iCourts, Center of Excellence for International Court, University of Copenhagen. He also holds an L.L.M. from the Berkeley Law School with a specific focus on Jurisprudence and Social Policy. His research explores how the creation of international economic courts can enhance the process of
regional integration in the Caribbean and Central American Areas. Moreover, his work also compares the findings of nascent regional ICs in Central America and the Caribbean with the institutionalization of more developed international courts, such as the ECJ.

Sara Dezalay is a lawyer and legal sociologist, currently a Postdoctoral fellow at the Munk School of Global Affairs, University of Toronto, and since September 2013, junior research fellow at the Cluster of Excellence “The Formation of Normative Orders”, Goethe University, Frankfurt. Her areas of expertise cover international crimes, armed conflicts, and global justice. Her current research focuses on the expansion of the field of global justice and the transformation of political legitimacy at the international and domestic level, by studying both the professional trajectories of lawyers and other professionals operating within the International Criminal Court, and processes of transfer of international criminal norms within post-conflict settings on the African continent. She has published in leading journals in Europe on the role of the law, the expansion of global justice, and the global management of violent conflict, including as co-coordinator of two special issues on war crimes of the French journal Actes de la recherche en sciences sociales.

Manfred Elsig is Associate Professor of International Relations and Deputy Managing Director of the World Trade Institute of the University of Bern. His research focuses primarily on the politics of international trade, regional trade agreements, European trade policy, international organizations, US–EU relations, and private actors in global politics. He has published in international peer-reviewed journals including International Studies Quarterly, European Journal of International Relations, European Union Politics, Journal of European Public Policy, Journal of Common Market Studies, Review of International Organizations, Review of International Political Economy, and World Trade Review. He has been visiting lecturer/visiting professor at the University of Zurich, the University of Geneva, the Graduate Institute of International and Development Studies, the London School of Economics and Political Science, and the Thunderbird School of Global Management. His courses include international political economy (IPE), international relations theories, international institutions, globalisation and European integration, and research methods.


Laurence R. Helfer is the Harry R. Chadwick, Sr. Professor of Law Duke Law School is an expert in international law whose scholarly interests include interdisciplinary analysis of international law and institutions, human rights, international litigation and dispute settlement, and international intellectual property law and policy. Helfer has authored more than 60 publications and has lectured widely on his diverse research interests. His coauthored books include The Law and Politics of the Andean Tribunal of Justice (forthcoming in Oxford University Press 2015), Human Rights and Intellectual Property: Mapping the Global Interface (Cambridge University Press, 2011) and Human Rights (2d ed., Foundation Press, 2009).

Alexandra Huneeus is an Professor of Law, University of Wisconsin Madison School of Law. Professor Huneeues is currently working on a project that examines the role national courts play in regional human rights systems, focusing on the Inter-American System for Human Rights. Her article Courts Resisting Courts: Lessons from the Inter-American Court's Struggle to Enforce Human Rights will appear this fall in the Cornell International Law Journal (44:3). She is the editor (with Javier Couso and Rachel Sieder), of Cultures of Legality: Judicialization and Political Activism in Latin America (Cambridge University Press, 2010). Her article Judging from a Guilty Conscience: The Chilean Judiciary's Human Rights Turn appeared in Law and Social Inquiry (2010), and forms part of an ongoing inquiry into the prosecution of Pinochet-era crimes. As a fellow at the International Human Rights Clinic at Berkeley Law School in 2004, Professor Huneeues supervised students bringing a case before the Inter-American Court of Human Rights. She also worked on the case against Augusto Pinochet in Chile and Spain, through the Center for Justice and Accountability in San Francisco.
James Thuo Gathii is the Wing-Tat Lee Chair in International Law and Professor of Law. Gathii’s research and expertise is in the areas of public international law, international economic law including law and development, international trade law as well as on issues of good governance and legal reform as they relate to the third world and sub-Saharan Africa in particular. He has published over fifty articles and book chapters on international economic and trade law as well as on public international law and on good governance in Africa. Gathii’s latest book from Cambridge University Press is African Regional Trade Agreements as Legal Regimes (2011). His previous book War, Commerce and International Law, (2010) was published by Oxford University Press.

R. Daniel Keleman is Professor of Political Science, Jean Monnet Chair, and Director of the Center for European Studies at Rutgers University. Kelemen’s current research examines how the Court of Justice of the European Communities has adjusted to the changed reality brought on by the enlargement of the European Union. His research interests include the politics of the European Union, law and politics, comparative political economy, and comparative public policy. He is the author of two books: Eurolegalism: The Transformation of Law and Regulation in the European Union (Harvard University Press, 2011) and The Rules of Federalism: Institutions and Regulatory Politics in the EU and Beyond (Harvard University Press, 2004).

Ron Levi, is the George Ignatieff Chair of Peace and Conflict Studies and Associate Professor of Global Affairs and Sociology, University of Toronto. Levi conducts research on the role of law and crime in global change, and is currently launching the Global Justice Lab in the Munk School. His current work focuses on mapping changes in the fields of global justice, international criminal law, and human rights, with an emphasis on legal and institutional responses to human rights violations and atrocities. He also conducts research on the changing form of government in the neoliberal era, with an emphasis on the legal landscape of crime prevention and urban security. In other work, Levi is also studying the role of law, crime, and the state among immigrant groups and diaspora communities.

Mikael Rask Madsen is the EURECO Professor of European Law and Integration and Director of iCourts, Faculty of Law, University of Copenhagen. Madsen’s research is focused on international courts and the globalization of legal practices and practitioners. Madsen is author of some 60 articles and book chapters, as well as La Genese de l’Europe des droits de l’homme: Enjeux juridiques et strategies d’Etat (Presses universitaires de Strasbourg, 2010) and co-editor of The European Court of Human Rights between Law and Politics (Oxford University Press 2011/13), Making Human Rights Intelligible: Towards a Sociology of Human Rights (Hart Publishing, 2013) and Transnational Power Elites: The New Professionals of Governance, Law and Security (Routledge 2013).

Emilia Justyna Powell is an Assistant Professor of Political Science at the University of Notre Dame. She specializes in international law and organizations, international courts, territorial disputes, comparative law, and peaceful resolution of interstate disputes. Professor Powell received legal education in the University of Nicholas Copernicus (Poland), Jean Monnet Center for European Studies, and the University of Cambridge. Professor Powell is the author of Domestic Law Goes Global: Legal Traditions and International Courts (with Sara McLaughlin Mitchell, Cambridge University Press). Her publications have appeared in the Journal of Politics, International Studies Quarterly, Journal of Conflict Resolution, International Interactions, Conflict Management and Peace Science, and Public Prosecution and Law (Poland). Her current research agenda revolves around Islamic law states’ attitudes towards international law and international courts.

Sergio Puig is an Associate Professor of Law at University of Arizona. Sergio's main academic interests include topics related to international economic law, international arbitration, law and society, network analysis and the law and the legal profession. Sergio taught International Investment Law and International Trade Law at Duke Law and Stanford Law School, where he was the SPIILS Teaching Fellow. Sergio also worked for over three years in the young professionals program for lawyers and scholars at the World Bank Group and ICSID, and has practiced in leading firms in Mexico City and Washington D.C. Sergio also co-founded (with Joost Pauwelyn) tradelab.org an on-line community-based platform to facilitate legal assistance and services related to international trade and investment matters.

Gregory Shaffer is the Chancellor’ Professor of Law, and the Director, Center on International, Transnational, and Comparative Law at UC Irvine’s School of Law. Shaffer's publications include Dispute Settlement at the WTO: The Developing Country Experience (with Ricardo Melendez-Ortiz, Cambridge UP, 2010), When Cooperation Fails: The International Law and Politics of Genetically Modified Foods (with Mark Pollack, Oxford UP,
2009), *Defending Interests: Public-Private Partnerships in WTO Litigation* (Brookings Institution Press, 2003), *Transatlantic Governance in the Global Economy* (with Mark Pollack, Rowman & Littlefield 2001), and over 60 articles and book chapters on international trade law, global governance, and globalization's impact on domestic regulation. Professor Shaffer's work is cross-disciplinary and empirical, addressing such topics as public-private networks in international trade litigation; comparative institutional approaches to trade-social policy conflicts; and national regulation in global context.

**Leslie Vinjamuri** is Co-director of the Centre for the International Politics of Conflict, Rights and Justice and a Senior Lecturer (Associate Professor) in International Relations at the School of Oriental and African Studies, University of London. She founded and Co-Chairs the London Transitional Justice Network. Prior to joining SOAS, Leslie was on the faculty of the School of Foreign Service at Georgetown University, and worked at the United States Agency for International Development, and Congressional Research Service. Leslie is the author of several articles and a contributor to many edited volumes on the international politics of conflict, norms, and rights related topics. Her publications have appeared in journals such as *International Security, Ethics and International Affairs, Survival, the International Journal of Transitional Justice* and the *Annual Review of Political Science*. Her current research projects include the politics and impact of international criminal justice and accountability, competition and change in the international humanitarian market, and the role of transitional justice in democratic transitions, religion and human rights, and UN Security Council Diplomacy.
The International Court of Justice (ICJ; French: Cour internationale de justice; CIJ), sometimes known as the World Court, is one of the six principal organs of the United Nations (UN). It settles disputes between states in accordance with international law and gives advisory opinions on international legal issues. The ICJ is the only international court that adjudicates general disputes between countries, with its rulings and opinions serving as primary sources of international law. So long as a court's authority is limited in this way, its political and legal shadow will remain relatively small. Many international judicial rulings involve complex issues of law and policy that implicate different branches or levels of government (executive, legislative, and judicial; national, state and local). Coordinating responses among these multiple actors can be difficult, time-consuming, and sometimes impossible. For example, when multilateral organizations such as the World Bank and the IMF