# DEBACLES
## Illusions and Failures in the History of International Adjudication

**Luxembourg, 24 & 25 November 2016**

### Thursday, 24 November 2016

**09:30 I. THEORY**  
**Chair:** Prof. Moshe Hirsch  
- Dr Luca Pasquet | Failure as Disappointment  
- Prof. Paula Wojcikiewicz Almeida and Prof. Serena Forlati | Is Non-compliance with Judgments a Failure of International Adjudication?  
- Prof. Wim Muller | International Adjudication Against Great Powers: Destined for Failure? The Nicaragua, Arctic Sunrise, and South China Sea Cases From the Point of View of Power Asymmetry

**11:30 II. HISTORY**  
**Chair:** Prof. Bardo Fassbender  
- Prof. Ingo Venzke | An Extended Critique of International Adjudication: The Illusion of Necessity and the Failure of Imagination  
- Prof. Ignacio De la Rasilla y del Moral | Why a Story of Dead Letter International Courts and Tribunals Today?  
- Daniel Litwin | How the Story of International Adjudication Has Been Told: The Linear Sensibility of International Adjudication Historiography

**14:30 III. HUMAN RIGHTS**  
**Chair:** Prof. Jarna Petman  
- Michel Erpelding | Failure by Oblivion: The Invisible Legacy of the Upper Silesian Mixed Commission  
- Dr Nicolas Kang-Riou | The European Social Charter Collective Complaint Mechanism: From Limited Success to Failure  
- Dr Olivier Barsalou | The International Court of Justice, Cold War Politics, and the Interpretation of Peace Treaties with Bulgaria, Hungary and Romania Case: A Human Rights Debacle?  
- Dr Athanasios Choulilas | The Development of State Responsibility for Serious Violations of Human Rights and the Dubious Role of the International Court of Justice  
- Dalia Palombo | Human Rights Adjudication: Between Hope and Debacle

**17:15 IV. INTERNATIONAL ECONOMIC LAW**  
**Chair:** Prof. Hélène Ruiz Fabri  
- Prof. Emanuel Castellan | The International Loans Tribunal That Never Was  
- Prof. Nikitas Hatzimihail | Of Debacles and Crises: ‘De-colonisation’ Meets Investment Arbitration in the Cold War Middle East  
- Ksenia Polonskaya | Does the ICSID Suffer From a Genetic Disease?  
- Yuliya Chernykh | Fold Down Umbrellas! The Debacle of the Umbrella Clause in Investment Arbitration

### Friday, 25 November 2016

**09:00 V. REGIONAL INTEGRATION ORGANISATIONS**  
**Chair:** Prof. Antoine Vauchez  
- Prof. Henri de Waele | Not All That Glitters is Gold: Covert Failings of the Court of Justice of the European Union  
- Prof. Freya Baetens | The Triumph of Hope over Experience? Illusions and Failures of Successive Central American Courts of Justice  
- André Nunes Chab | Why Courts Fall in Latin America? Constitutional Imaginary at the Heart of Latin American Jurisdictional Projects  
- Mariana Peña-Pinon | The Fiasco of the Mercosur’s Advisory Opinion Mechanism  
- Prof. Konstantinos D. Magliveras | When Politics Prevail Over the Rule of Law: The Unfortunate Story of the SADC Tribunal  

**13:30 VI. INTERNATIONAL CRIMINAL LAW**  
**Chair:** Prof. Ilias Bantekas  
- Dr Heejin Kim | Ending a Culture of Impunity: A History of the Use of International Judicial Means for the Punishment of Atrocity Crimes in Asia  
- Prof. Patrycja Grzebyk | Hidden in the Glare of the Nuremberg Trial: The Iniquity for the Butchery of Wola as the Greatest Debacle of Post-war Prosecution of International Crimes  
- Dr Luigi Prosperi | The Missed Italian Nuremberg: The History of an Internationally-sponsored Amnesty  
- Prof. Sergey Vasiliev | Debacles of International Criminal Adjudication: Deliberation Practices and Lessons Unlearned  
- Prof. Gabriele Della Morte | The Failure of the Discourse About the Failure of International Criminal Law

**Venue:** Max Planck Institute Luxembourg for Procedural Law • 4, rue Alphonse Weicker •  L-2721 Luxembourg  

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