
**European Society of International Law
Interest Group on International Courts and Tribunals
Annual Report 2020-2021**

(25 September 2021)

1. Coordinating Committee

As a result of the IG election in December 2020, the following members were elected to the Coordinating Committee for a 4-year term.

- Veronika Fikfak
- Edouard Fromageau
- Machiko Kanetake
- Cecily Rose
- Stephan Wittich

Until December 2020, the Coordinating Committee for the IG on International Courts and Tribunals consisted of the following members.

- Edouard Fromageau
- Andrea Gattini
- Machiko Kanetake
- Stephan Wittich

2. Website

We have advertised the IG events (including the call for papers) and relevant information through the ESIL main website, ESIL emails, as well as through our own IG website: <https://igict.wordpress.com/>.

3. Events

The jurisprudence of the ECtHR in the international legal order

On 8 June 2021, the IG on International Courts and Tribunals organised the online workshop entitled ‘The Influence, Legacy and Future of the European Court of Human Rights in the International Legal Order’. The workshop was jointly organised with the IG on International Human Rights Law. The workshop was based upon the call for papers we have published in January 2021. We have received a number of proposals, from which we have selected 11 proposals. The online workshop allowed a wide range of ‘engaged listeners’ from various parts of the world.

Public interest litigation

On 8 September 2021, the IG has organised a hybrid workshop as part of the pre-ESIL conference in Stockholm. The workshop is entitled as ‘Public Interest Litigation: The Role of

International Courts and Tribunals?'. In March 2021, the call for papers was released, based on which the IG convenors selected six promising papers. The event was convened on-campus and also via Zoom, in order to allow participants from various parts of the world. The participants discussed some of the potential benefits, risks, and legal obstacles concerning public interest litigation before international courts and tribunals.

The programmes for these events are attached.

4. *Publications based on IG events*

One of the previous pre-conference IG workshops has led to the journal symposium, published in 2021 by *Journal of International Dispute Settlement*. The symposium is entitled as 'Domestic Contestations against International Courts and Tribunals'.



ESIL IGs on International Courts and Tribunals and International Human Rights Law

‘The Influence, Legacy and Future of the European Court of Human Rights in the International Legal Order’

8 June 2021

iCourts Centre of Excellence, University of Copenhagen

This year the European Convention of Human Rights celebrates 70 years since its adoption. The European Court of Human Rights – the body responsible for enforcing the Convention across 47 Member States of the Council of Europe – is regarded as one of the most successful and impactful international courts. The Court has played a major role in interpreting and clarifying the text of the Convention and in positioning the Convention in the domestic legal orders of Member States. Yet, the Court’s case law has also importantly influenced other regional and international courts and tribunals, specifically the interpretation of international criminal law, humanitarian law, the law of immunity, migration and refugee law as well as opened up challenges posed by conflicting obligations arising from other international treaties. Against this background, the online **webinar** will explore the influence, legacy and future of the European Court of Human Rights in the wider international legal order.

Workshop is organised by the ESIL IG on International Courts and Tribunals (Veronika Fikfak; Edouard Fromageau; Machiko Kanetake; Cecily Rose and Stephan Wittich); in collaboration with the ESIL IG on International Human Rights. Support for this workshop is provided by iCourts Centre of Excellence at the University of Copenhagen and Dr Fikfak’s European Research Council funded project HRNUDGE.





Programme

Tuesday, 8 June 2021

9.30 – 10.15 AM
(all times CET)

Keynote address

Chair Veronika Fikfak

Professor Mikael Rask Madsen, Director of iCourts, Centre of Excellence for International Courts, University of Copenhagen

The Narrowing of the European Court of Human Rights: Legal Diplomacy, Situational Self-Restraint and the New Vision of the Court

10.30 -12.30 PM

Panel 1 - 'Strasbourg on the international plane'

Chair Cecily Rose

Evangelia Vasalou, Research assistant at the Fondation René Cassin, International Institute of Human Rights

Cultural identity in the case-law of international human rights courts – Convergences and divergences

Dr Zena Prodromou, Senior Associate, Quinn Emanuel Urquhart & Sullivan LLP

The Influence of the ECHR on the Jurisprudence of International Courts and Tribunals Applying Exceptions Provisions for the Protection of the Public Order

Dr Cornelia Klocker and Deborah Casalin, Postdoctoral Fellow, University of Konstanz, Phd Candidate at Antwerp University

The ECtHR, Discrimination and Conflict : Exploring CERD as an Alternative Forum

Gustavo Minervini, PhD Candidate in International Law, University of Naples

The Influence of the Jurisprudence of the ECtHR on the Interpretation of Core International Crimes by International Courts and Tribunals



13.30-15.00

Panel 2 - 'Strasbourg and the EU'

Chair Pierre Thielboerger

Jesse Claassen, Assistant Professor of European Law, Open University of the Netherlands

The ECtHR's Position Within the EU Legal Order : The Domestic Courts' Perspective

Dr Tamas Molnar, Legal Research Officer, EU Fundamental Rights Agency

The Impact of the ECtHR case-law on the CJEU interpreting the EU's return acquis : more than what you first see ?

Janja Simentić Popović, PhD Candidate, University of Belgrade

Patterns in the usage of the ECtHR Jurisprudence by the CJEU in the field of Asylum

15.15-17.15

Panel 3 - 'What Strasbourg has to offer'

Chair Edouard Fromageau

Professors Larry Helfer and Clare Ryan, Duke University School of Law; LSU Paul M. Hebert Law Center

Contesting LGBT Rights in International Courts: The role of the ECtHR

Dr Maria Variaki, Lecturer in international law at the War Studies Department, King's College London

The so-called intellectuals and human rights activists

Dr Cristina Teleki, PhD Candidate, University of Bern

The European Court of Human Rights – Center Stage in the Conversation on Bigness?

Silvia Steininger, Research Fellow, MPI Heidelberg

Talking to Strangers ? Outreach and Communication Practices of the ECHR

17.15

Closing remarks





ESIL Interest Group on International Courts and Tribunals

Public Interest Litigation: The Role of International Courts and Tribunals?

Wednesday, 8 September 2021

Stockholm

Programme

Panel 1: Substantive Aspects of Public Interest Litigation

11:00-12:30, Aula Magna, Bergsmannen

Discussant: Cecily Rose

- **Tom Ruys**, Professor, Ghent University
Litigating Breaches of Erga Omnes Norms: Are All Erga Omnes Norms Equal?
- **Natasa Nedeski**, Assistant Professor, University of Amsterdam; **Tom Sparks**, Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law; & **Gleider Hernandez**, Professor, Katholieke Universiteit Leuven and Open Universiteit Nederland
Adjudicating Climate Change at the ICJ
- **Eirini Fasia**, DPhil Candidate, University of Oxford, St. Anne's College
Law of the Sea Convention's Dispute Settlement System and Erga Omnes Obligations

Panel 2: Procedural Aspects of Public Interest Litigation

13:00-14:30, Aula Magna, Bergsmannen

Discussant: Veronika Fikfak

- **Priya Urs**, PhD Candidate, University College London
The Requirement of a 'Dispute' and the Protection of the Public Interest through Contentious and Advisory Proceedings at the ICJ
- **Brian McGarry**, Assistant Professor, Leiden University
By Any Other Name?: The Coherence of Intervention in Public Interest Litigation Between States
- **Jane Hofbauer**, Researcher post doc and Lecturer, Bundeswehr University Munich
Not Just a Participation Trophy? Advancing Public Interests in Advisory Opinions