
European Society of International Law
Interest Group on International Courts and Tribunals
Annual Report 2022-2023

22 September 2023

1. *Coordinating Committee*

In the last year, the following individuals served as members of the Coordinating Committee:

- Michael Becker
- Machiko Kanetake (resigned April 2023)
- Cecily Rose
- Yusra Suedi
- Stephan Wittich

2. *Events*

Workshop: New International Courts and Tribunals

On 31 August 2023, the IG organized a hybrid workshop as part of the pre-conference workshops in Aix-en-Provence. The workshop was entitled ‘New International Courts and Tribunals’. In February 2023, we released the call for papers, following which the IG convenors selected six papers. The workshop was convened in-person and also via Zoom, in order to allow members from various parts of the world to participate.

The workshop programme and information about the theme of the workshop is attached.

Webinar: Re-Imagining Moot Courts in International Law

On 4 April 2023, the IG organized a webinar on ‘Re-Imagining Moot Courts in International Law’. The four panelists who spoke at this event were from India, the United Kingdom and the United States.

The webinar programme is attached.

3. *Publications based on IG events*

Following the IG’s pre-conference workshop in Stockholm in August 2021, the IG organized the publication of a selection of workshop papers, which was edited by Cecily Rose. This

process culminated in a Symposium on Public Interest Litigation at the International Court of Justice, which was published in July 2023 in the Law and Practice of International Courts and Tribunals ([link](#)). The symposium includes the following articles, which were originally presented at the IG workshop:

- Cecily Rose, ‘Introduction’
- Jane A. Hofbauer, ‘Not Just a Participation Trophy? Advancing Public Interests through Advisory Opinions at the International Court of Justice’
- Brian McGarry, ‘Obligations *Erga Omnes (Partes)* and the Participation of Third States in Inter-State Litigation’
- Natasa Nedeški, Tom Sparks, and Gleider Hernández, ‘The World is Burning, Urgently and Irreparably: A Plea for Interim Protection against Climatic Change at the ICJ’



ESIL Interest Group on International Courts and Tribunals

Workshop on New International Courts and Tribunals

Thursday, 31 August 2023, 9:30-12:30

Theme of the Workshop

In recent months and years, states and other actors have been debating and creating a number of new international courts and tribunals. Institutions currently under debate span a number of sub-fields within public international law, and include a special tribunal for aggression against Ukraine, a mass claims tribunal for Ukraine, an international anti-corruption court, an international court for the environment, and an appellate review mechanism for investor-state arbitration. In addition, a number of other judicial institutions have begun operating in recent years, including the Multi-Party Interim Appeal Arbitration Arrangement, which serves as an alternative to the currently non-operational Appellate Body of the World Trade Organization.

These new institutions, whether proposed or newly operating, raise fundamental questions about the relationship of new institutions to existing regimes or institutions. They also tend to raise similar legal, practical, and political issues, such as: the legal basis for their creation, how they should be financed, to whom they should be open, and the scope of their jurisdiction. Above all, the prospect of new international courts and tribunals raises questions about expectations and may renew debates about the advantages or disadvantages of the further judicialization of international society.

The goal of the workshop is for participants to share insights regarding the relationships of new bodies with existing regimes and institutions, as well as insights regarding cross-cutting issues pertaining to all or many new international courts and tribunals.

Panel 1: New institutions and methods in environmental law and law of the sea

9:30-10:45

Moderator: Yusra Suedi, Fellow in Law, The London School of Economics and Political Science

Discussant: Justine Bendel, Lecturer, University of Exeter

Do We Need a World Climate Court?

Helen Keller, Professor, University of Zurich; Corina Heri, Postdoctoral Researcher, University of Zurich; and Viktoriya Gurash, Postdoctoral Researcher, University of Zurich

The ICE Coalition's Proposal for an International Court for the Environment

Batuhan Betin, postgraduate student, Geneva Centre for International Dispute Settlement

BBNJ Treaty and its Dispute Settlement Mechanism

Oktawian Kuc, Assistant Professor, University of Warsaw

Panel 2: New institutions in business and human rights, investment and trade

11:00-12:30

Moderator: Cecily Rose, Associate Professor, Leiden University

Discussant: Michael Becker, Assistant Professor, Trinity College Dublin

The Meta Oversight Board: A New International (Human Rights) Court?

Jed Odermatt, Senior Lecturer, City University of London; and Elaine Fahey, Professor, City University of London

The MPIA: Panacea to the AB Crisis or a Problematic Solution?

Cornelia Furculita, Postdoctoral Researcher, German University of Administrative Sciences Speyer (remote participant)

Control Mechanisms in a Multilateral Investment Court: Navigating Procedural Multilateralism and Substantive Bilateralism

Joshua Paine, Senior Lecturer, University of Bristol

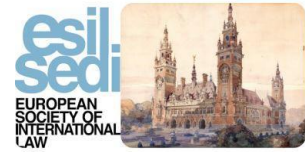
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WEBINAR

Re-imagining Moot Courts in International Law

4 April 2023

16.00-17.30 (Central European Time)



The ESIL Interest Group on International Courts and Tribunals is organising a webinar to discuss moot courts in international law.

THEME

In various parts of the world, mooting is regarded as an important component in law school's educational programmes. In international law, generation of students have devoted their time and talents to provide persuasive legal arguments for a party that they are supposed to represent at an international court or tribunal. There is no doubt that a moot court is an effective tool to assist students to develop their vocational skills, analytical competencies, and teamwork. At the same time, international mooting tends to leave behind some skills with which to critically reflect on the status quo (Werner 2019) and can end up reproducing existing structural inequalities embedded in international law (Schwöbel-Patel 2021). In fact, the set-up of moot courts often compels participants to affirm what can be perceived as mainstream legal narrative for the sake of winning competitions (Shrivastava and Lakra 2022). In order to remedy some of those limitations, mooters and their coach could engage with critical perspectives (Scott and Soirila 2021). Yet many questions still remain regarding how to integrate the critical reflection of law into the components of moot court exercises.

Against this background, the ESIL IG webinar invites panellists share their insights into the future direction of international moot courts. What are the pros and cons of moot court competitions, and what are the ways forward?

PROGRAMME

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|-------------|---|
| 16.00-16.05 | Introduction & welcome |
| 16.05-16:40 | Short pitch by the panellists <ul style="list-style-type: none">- Christine Schwöbel-Patel (University of Warwick)- Dan Joyner (University of Alabama)- Abhijeet Shrivastava (Jindal Global Law School)- Rudraksh Lakra (Jindal Global Law School) |
| 16.40-17:30 | Panel discussions |

Background literature

- Abhijeet Shrivastava and Rudraksh Lakra, '[Critical Reflections on Jessup 2022: The Unsettled Promise of Decolonization](#)', *TWAILER: Reflections* (25 October 2022).
- Symposium: Politicising Mooting as a Pedagogical Tool for the Study of International Law (December 2021) – contributions by [Harsh Jain & Shubhangi Jain](#), [Abhimanyu George Jain](#), [Sanya Samtani](#), [Emily Wakesho Ngulo](#), and [Aman](#).
- Christine Schwöbel-Patel, 'Mooting: Advocacy, Litigation, Strategy', in Illan rua Wall, Freya Middleton, Sahar Shah, and CLAW (eds), [The Critical Legal Pocketbook](#) (Counterpress, 2021).
- David M. Scott and Ukri Soirila, '[The Politics of the Moot Court](#)' (2021) 32 *European Journal of International Law* 1079.
- Wouter Werner, '[Moot Courts, Theatre and Rehearsal Practices](#)', in Lianne J.M. Boer and Sofia Stolk (eds), *Backstage Practices of Transnational Law* (Routledge, 2019) 157.
- Dan Joyner, '[Why I Won't Attend the Jessup Competition Again](#)', *Opinio Juris* (13 February 2012).

The webinar is organised by the ESIL IG on International Courts and Tribunals, which is convened by Michael Becker, Machiko Kanetake, Cecily Rose, Yusra Suedi, and Stephan Wittich.