



ESIL Interest Group on International Courts and Tribunals

Call for papers

Parallel Proceedings before International Courts and Tribunals

The Interest Group on International Courts and Tribunals is organizing a pre-conference workshop on **Parallel Proceedings before International Courts and Tribunals**. This in-person workshop will take place in Vilnius on Wednesday, 4 September 2024, 9:00-12:00, prior to the ESIL 2024 Annual Meeting.

Theme of the Workshop

The number and diversity of existing international courts and tribunals have led to potential parallel judicial and arbitral proceedings. Parallel proceedings refers to situations where the same or even identical facts or disputes may be pending before different judicial, arbitral, and/or quasi-judicial bodies that have different jurisdictional limits. Parallel proceedings raise a number of issues, some of which have already been discussed to an extent in the literature. These include the possibility that different judicial bodies will decide the same underlying disputes differently, will interpret or apply the law in divergent ways (fragmentation), or will address only a limited part of much broader disputes (disaggregation). Efforts by states to engage in strategic litigation may also lead them or other actors to frame conflicts in ways designed to facilitate recourse to international courts and tribunals; the potential costs and benefits of this increasingly visible practice may not yet be fully understood.

Furthermore, the legal questions that parallel proceedings may raise are even broader, also touching on fundamental concepts such as mutual respect and comity between judicial institutions (including the conditions and limits of *litispence* and *res judicata*) and jurisdictional and procedural questions, as mentioned below.

There are currently several cases pending in different international courts that are based on the same facts and situations. In particular, there is an increasing overlap between disputes at the International Court of Justice and situations under investigation by the International Criminal Court (notably the various cases concerning alleged genocide). Different situations of armed conflict in the post-Soviet space (Georgia/Russia, Ukraine/Russia, Armenia/Azerbaijan) have been the subject of judicial proceedings at the International Court of Justice and the European Court of Human Rights, and in some cases also before the International Tribunal for the Law of the Sea and ad hoc arbitral tribunals.

One particular type of ‘parallelism’ includes situations involving individual and inter-state applications arising from the same conflict, a situation that the European Court of Human Rights now faces with respect to a range of situations (e.g. in Cyprus/Turkey). A further judicial overlap arises between contentious and advisory proceedings relating to the same situation, whether in terms of the ‘certain legal effect’ that an advisory opinion may have (as in the

Mauritius/Maldives case that followed in the wake of the Chagos Islands advisory opinion) or, more broadly, where multiple judicial bodies have been asked to opine on closely related legal question (as in the various advisory opinion requests relating to climate change).

Parallel proceedings therefore raise difficult and interesting substantive and procedural (including evidentiary) questions that comprise, for example, possible jurisdictional conflicts, the effect of overlap on procedural conditions such as the exhaustion of local remedies and other admissibility requirements (such as nationality), the relationship between state and individual responsibility, similarities or differences in the remedies sought and awarded (particularly in relation to their objectives or the forms of reparation as well as their effect), the significance of evidence-taking in criminal proceedings to inter-state cases (or, more broadly, the relative weight to be afforded to the factual findings and/or legal conclusions reached by other judicial or quasi-judicial bodies, the treatment of standing or, more generally, the right of access to proceedings in a tribunal (as a disputing party or other).

The goal of the workshop is for participants to identify potential substantive and procedural problems of parallel proceedings, to find ways to address these and to avoid jurisdictional duplication or even conflicts that could potentially undermine the judicial process in, and legitimacy of, international courts and tribunals.

Submission of Proposals and Timeline

All Members of the ESIL interest group on international courts and tribunals are invited to submit abstracts of up to 500 words.

Deadline for submitting abstracts: 19 April 2024

Abstracts should be sent to: igictesil@gmail.com

The following information must be provided with each abstract:

- the author's name and affiliation;
- the author's short biography;
- the author's contact details, including email address.

Authors of selected abstracts will be notified by **30 April 2024**. Authors of accepted abstracts should submit a draft paper by **16 August 2024**. The draft will be circulated among the workshop participants.

For substantive questions, please contact the Interest Group convenors via:

igictesil@gmail.com.

The ESIL Interest Group on International Courts and Tribunals is convened by Michael Becker, Cecily Rose, Yusra Suedi, and Stephan Wittich.

Important Information

The Interest Group is unable to provide funding for travel and accommodation. Selected speakers will be expected to bear the costs of their own travel and accommodation. Some [ESIL travel grants](#) and [ESIL carers' grants](#) will be available to offer partial financial support to speakers who have exhausted other potential sources of funding. Please see the [ESIL website](#) and the [conference website](#) for all relevant information about the conference.

All participants at ESIL Interest Group workshops are required to [register](#) for the Annual Conference. There will be an option to register just to attend the IG workshops; however, all participants are warmly invited to attend the entire event.

Selected speakers should indicate their interest in being considered for the [ESIL Early-Career Scholar Prize](#), if they meet the [eligibility conditions](#) as stated on the ESIL website. The [ESIL Secretariat](#) must be informed of all selected speakers who wish to be considered for the Prize **before 30 April**.