



## ESIL Interest Group on International Courts and Tribunals

Call for abstracts

### **Reconstructing the Advisory Function of International Courts and Tribunals?**

The Interest Group on International Courts and Tribunals is organizing a pre-conference workshop on **Reconstructing the Advisory Function of International Courts and Tribunals?**. This workshop will take place in person in Berlin on Thursday 11 September 2025, 9:00-12:00, prior to the ESIL 2025 Annual Meeting.

#### Theme of the Workshop

Alongside deciding contentious cases, many international courts and tribunals are empowered to render advisory opinions. The recent past has seen a resurgence in recourse to the advisory function. At the International Court of Justice (ICJ), this has included the advisory opinions relating to the Chagos Islands (in 2019) and the Occupied Palestinian Territory (in 2024), with three additional advisory proceedings underway (on climate change, the right to strike, and humanitarian aid in Palestine). The International Tribunal for the Law of the Sea (ITLOS) has rendered three advisory opinions, and the major regional human rights courts are increasingly called upon to exercise their advisory function (notwithstanding significant differences in when and for what purpose the African, European, and Inter-American human rights courts can do so). This ‘turn to the advisory function’ invites further scholarly attention, including why advisory opinions are sought, the ways in which advisory proceedings are managed, and how advisory opinions are received or used. Is the role of advisory proceedings being reconstructed before our eyes, and are advisory opinions contributing to a reconstruction of the international legal system itself?

This workshop seeks to interrogate the advisory function of international courts and tribunals. We invite papers that explore doctrinal, historical, theoretical, normative, and practical dimensions of the advisory function. Contributions that critique existing practices or propose innovative

frameworks for understanding and enhancing advisory proceedings are especially welcome. We also encourage comparative perspectives and submissions that look beyond the ICJ.

### **Key Themes:**

Potential topics include, but are not limited to:

- Decisions to seek advisory opinions: What issues lend themselves to advisory proceedings, and when are initiatives aimed at requesting advisory opinions likely to succeed? What role do non-state actors (advocacy groups, law firms) play in this process (including in the formulation of the questions to be posed) and can or should that role be reimagined? Does the apparent enthusiasm for seeking advisory opinions have hidden downsides or disadvantages? More broadly, how do decisions to seek advisory opinions reflect the nexus between law and politics?
- The organization of advisory proceedings: Are advisory proceedings organized effectively, whether in terms of written submissions or oral proceedings? What procedural reforms might enhance the advisory function?
- Questions of proof and evidence: Who bears the burden of proof in advisory proceedings? Are international courts and tribunals equipped to respond to advisory opinion requests, including with respect to contested facts? What role can or should witnesses or experts play in advisory proceedings? What role can or should non-state actors or international fact-finding bodies play?
- Advisory opinions as a form of dispute settlement: Do advisory opinions override the principle that states cannot be compelled to resolve their disputes without consent (and, if so, is this a problem)? Should advisory proceedings be viewed as a forum for addressing complex legal issues when state consent is unavailable?
- Reception and impact of advisory proceedings: In what ways do advisory proceedings contribute to the construction of narratives around common interests and values? Do advisory proceedings make a meaningful contribution to the development of international law, including rules of customary international law? How are advisory opinions received and used by states, international organisations, non-state actors, and other courts and tribunals (international and domestic)? What legal authority do advisory opinions carry, taking into account their formally non-binding status?
- Broader considerations: Ultimately, what does the ‘turn to the advisory function’ reveal about international dispute settlement, including the limitations of contentious jurisdiction or the perceived value 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: 28 March 2025**

Abstracts should be sent to: [igictesil@gmail.com](mailto: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 **11 April 2025**. Authors of accepted abstracts should submit a draft paper of approximately 4,000 words by **22 August 2025**. The draft will be circulated among the workshop participants.

For substantive questions, please contact the Interest Group convenors via: [igictesil@gmail.com](mailto:igictesil@gmail.com).

The ESIL Interest Group on International Courts and Tribunals is convened by Michael Becker, Yusra Suedi, Sarah Thin, Veronica Botticelli and James Devaney.

### 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](#) 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 to attend only 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.