



ESIL Interest Group on International Courts and Tribunals

Call for abstracts

**Conflicts before Courts:
Revisiting ‘Uneven Judicialization in Global Order’ Fifteen Years On**

The Interest Group on International Courts and Tribunals is organizing a pre-conference workshop on **Conflicts before Courts: Revisiting ‘Uneven Judicialization in Global Order’ Fifteen Years On**. This workshop will take place in person in Málaga on 3 September 2026, prior to the ESIL 2026 Annual Meeting.

Theme of the Workshop

Reflecting on the proliferation of international courts and tribunals since the 1990s, Benedict Kingsbury observed the ‘marked unevenness in the issues and in the ranges of states currently subject to juridification through international courts and tribunals.’ Writing in 2012, he noted that international litigation had become routine in relation to trade and human rights disputes, while other issues, such as environmental law, received ‘a sympathetic hearing’ without being the central focus of rules or causes of action. By contrast, issues such as arms control, education, social welfare, migration and taxation, were not being considered by international courts whatsoever. Taken together, international adjudication appeared to reflect mainly liberal interests: free trade, open markets, intellectual property, and investor protection.

Nearly fifteen years on, some things remain broadly the same, such as the enduring role of investment arbitration (notwithstanding elements of backlash). As Kingsbury also observed, the level of acceptance of ICJ jurisdiction under the Optional Clause remained steady and ICJ jurisdiction over security issues had been ‘through oblique paths such as the Genocide Convention, the Racial Discrimination Convention or the advisory jurisdiction.’ This remains the case. However, assessments have surely changed in relation to other claims, such as the idea that international criminal trials had become routinised or that dispute settlement mechanisms would ensure order and stability in international trade.

In light of recent developments, the time is ripe to reconsider the scope and extent of judicialization in an age of conflict. Has the judicialization of international relations become more uneven or less uneven since Kingsbury reflected on the pros and cons of the proliferation of international courts and tribunals? Is the nature of today’s ‘uneven judicialization’ in global order qualitatively different than what Kingsbury described, or do we face new forms of ‘uneven judicialization’ today?

The Interest Group invites papers that explore doctrinal, historical, theoretical, normative, and practical dimensions of international courts in the global order today, with a particular interest in the question of ‘uneven judicialization’. This can mean trends and developments relating to who has access to international adjudication and who makes use of it, what issues international courts do or do not adjudicate, and what remedies or methods for enforcement are available. What would ‘less uneven’ judicialization look like—and is this a worthy goal? Contributions that critique existing practices or propose innovative frameworks for understanding and enhancing the role of international courts are especially welcome. We also encourage comparative perspectives and submissions that look beyond any single international court or tribunal.

Potential topics include, but are not limited to:

- The role of international courts in the international order: How do challenges to the liberal global order affect the authority, legitimacy, activity or use of international courts and tribunals? Will current challenges lead to the emergence of new patterns of engagement with international courts and tribunals? Do current caseloads reflect the centrality of international adjudication to the international legal system, or might they represent a high-water mark preceding institutional decline or transformation?
- Lessons from recent contentious and advisory proceedings: Drawing on recent ‘mega political’ cases that have come before international courts, and developments such as ‘mass intervention’ and the increased use of the advisory function of international courts, what lessons can be learned regarding the role of international courts, and what procedural and substantive challenges have arisen and remain? How do these trends bear on the scope or nature of judicialization?
- Persistent gaps and emerging trends in judicialization: Which areas of law remain beyond the reach of international adjudication, and which are increasingly subject to litigation? What structural, political, or legal factors shape these patterns, and what new areas of adjudication may emerge in the future?
- Uneven judicialization and conflicts *within* international courts: Is there unevenness in judicial accountability? What can be said about the regulation of conflicts of interest within international courts today? Have disclosure, recusal, and oversight mechanisms evolved in line with the expanding authority of international adjudicators, or does uneven judicialization also manifest itself in fragmented, if not insufficient, safeguards for judicial independence?
- Uneven judicialization and the ‘new’ geography of international litigation: What can be said about the geography of international litigation today? Do patterns of participation reflect deeper asymmetries in political power, financial capacity, or legal infrastructure? Which regions are over- or under-represented in proceedings before international courts and tribunals? Are Global South states disproportionately respondents rather than applicants in certain regimes, such as investment arbitration? Do financial costs, procedural complexity, or evidentiary burdens limit meaningful access to adjudication? Does advisory jurisdiction provide alternative avenues for weaker states or non-state actors to influence international law? Are certain issue areas more amenable to litigation because of funding structures or advocacy networks?

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: 31 March 2026

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 **22 April 2026**. Authors of accepted abstracts must submit a draft paper of approximately 4,000 words by **27 August 2026**. 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, 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.