

## Call for Papers:

### THE POLITICS OF INTERNATIONAL DISPUTE SETTLEMENT

Utrecht University, 6 June 2025

Although international courts and tribunals (ICTs) decide on legal questions, the cases brought before them, the formulation of claims and counter-claims, the involvement of parties in proceedings, the avenues and procedures used to bring a complaint before the ICTs, and the outcome of such decisions are of high political relevance and operate in a socio-political context. This is true not only for the International Court of Justice (ICJ) as the highest judicial organ of an organisation that was set up to maintain peace and justice, but also of other specialised and regional courts, arbitrations, and other dispute resolution mechanisms.

In recent years, the increasing judicialization of the international legal order has sparked a growing interest among States, civil society, and international organizations in ICTs. This trend underscores the pivotal role ICTs play in shaping international law and relations, especially in light of the paralysis of political organs in addressing some of the most pressing global challenges. It is also reflected in States' and peoples' (e.g. Chagossians, Palestinians, Sahrawi of Western Sahara) recourse to judicial mechanisms to resolve long-standing yet unresolved (political) disputes.

There is a growing number of cases where small or Global South States are making claims against powerful or Global North States, and vice versa. In addition, we have witnessed the rise of cases where States (regardless of 'size') are having recourse to the ICTs to uphold obligations *erga omnes (partes)*, even when they are not directly injured. We also see bottom-up movements crafting cases that concern global challenges, such as climate change. One might also observe an increasing trend of 'forum shopping', where States—in search of a favourable outcome—attempt to settle legal disputes through jurisdictional bases that do not quite fit the specific facts of the case but are selected for the advantages they offer. Thus, for example, since the jurisdiction of the ICJ over a request for an advisory opinion does not depend on the principle of consent, there is reason to consider whether requesting bodies are increasingly turning to advisory opinions as a means to address contentious legal issues. Furthermore, we witness a rise in political conflict and security cases brought before human rights courts, and other specialised mechanisms.

Against this background, ICTs beyond the ICJ have more often than not decided not to shy away from the political nature of these complaints. As an illustration, the Court of Justice of the European Union (CJEU) has found that the EU-Morocco treaty on trade and fisheries is not compatible with the right to self-determination of the people of Western Sahara. The European Court of Human Rights has rendered several interim measures and decisions on inter-State and frozen conflicts. Multiple ICTs have set obligations for States to combat climate change. These trends can be observed also in fields such as labour law, investment arbitration, law of the sea, trade, and other specialised ICTs.

Mainstream international legal scholarship generally focuses on the legal questions that arise from such proceedings, and as a result, rarely explores their context and broader implications—whether legal, political, or social. Do such practices have a transformative effect on legal provisions and practices, such as who has 'standing' to appear before a given ICT? To what extent does forum shopping effectively contribute to the settlement of disputes, and to what extent do courts rely on each other's findings to address similar complaints? Does smaller States' invocation of judicial dispute mechanisms

challenge the international standing of bigger States? How does it impact the balance of power, or hierarchy, in inter-State relations? To the extent that a respondent may believe a proceeding is politically motivated, how does this impact their compliance with judicial rulings and the authority of ICTs? To what extent are ICTs equipped to address the legal claims brought before them, particularly when these encompass legal questions that are not (directly) related to their jurisdiction? How are non-binding judicial pronouncements, including advisory opinions, used to address political and historical disputes? These are only some of the questions that relate to the increased use of ICTs to address political questions.

Against this backdrop, we wish to convene a conference on “The Politics of International Dispute Settlement”, to take place at Utrecht University (the Netherlands) on 6 June 2025, with Judge Bruno Simma attending as keynote speaker.

The aim of this conference is to explore the legal, but also the social and political, implications and consequences of decisions of the ICTs (broadly understood) within the framework of international dispute settlement. While an obvious area of study is the ICJ, we encourage submissions on other international and regional ICTs, such as (but not limited to) the International Tribunal for the Law of the Sea, the CJEU, regional human rights courts and other treaty-based bodies, the World Trade Organization Dispute Settlement Body, International Labour Organisation, and arbitration procedures that involve States, to name a few. We also encourage submissions that address these issues from the perspective of a specific region, in an effort to broaden our understanding of dispute settlement practices and approaches. Submissions on theoretical, procedural, or substantive matters from academics, practitioners, judges, State officials and representatives, as well as experts from other relevant fields are welcome.

If this topic appeals to you, please submit your short biography and an abstract of no more than 500 words to Alexandra Hofer ([a.s.hofer@uu.nl](mailto:a.s.hofer@uu.nl)) by 15 January 2025.

Selected participants will be expected to submit a paper (circa 6000 words) by Friday, 16 May 2025, which will be considered for future publication in an edited volume.

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