



## In this issue

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### 1. Message from the President

Dear ESIL members,

The year 2011 will be an exciting year for international law and for ESIL. After many years of 'natural' or man-made environmental disasters, which inevitably have (international) legal implications, 2011 has been designated the International Year of Forests. ESIL members might think about how to contribute to saving forests, not least by joining the environmental law interest group!

ESIL continues to grow and membership renewal for 2011 is underway. Our Administrative Director, Joyce Davies, is always available to help if you have any technical problems. I am pleased to announce that ESIL now has its first patron, Professor Hobér has made this generous gesture and I would like to thank him on behalf of the Society. Please encourage others to become ESIL patrons.

A new tool for networking has been set up by our Executive Director, Mario Prost. Mapping International Law in Europe ([MILE 2.0](#)) is a registry of international law professionals that allows all members to provide details of their research interests. I strongly encourage you to register in MILE 2.0 in order to facilitate networking between ESIL members. I hope that rational choice theory will function in this context (leaving aside its utility for international legal scholarship proper).

Our next ESIL Research Forum in Tallinn is fast approaching. As you will read below, there was an excellent response to the Call for Papers and the organisers will be able to draw up a first-rate programme. I look forward to meeting many of you there.

We have another interesting event scheduled for 2011: a joint symposium with the American Society of International Law in collaboration with the European Journal of International Law. The subject will be 'Plurality and Interaction of Legal Orders'. The symposium will be held in Florence on 24-25 October 2011; the three organising institutions will invite speakers and the best papers will be published in the EJIL.

On the subject of future meetings, please save the date of the 5<sup>th</sup> ESIL biennial conference to be held in Valencia: 6-8 September 2012. The conference will be on regionalism and international law and more details will be available later in the year.

I wish you all a successful and productive year, and hope that 2011 will see your current scholarly projects come to fruition.

Anne Peters.

### 2. Guest Editorial

**'Advisory Opinions as a Means to contribute to the Settlement of International Disputes'**

Rüdiger Wolfrum, Judge at the International Tribunal for the Law of the Sea

On February 1, 2011 the Seabed Disputes Chamber delivered its first advisory opinion on *Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area*. Also the ICJ has recently given politically important advisory opinions such as *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*. This leads to the question whether advisory opinions may be considered a viable means for the settlement of international disputes.

Advisory opinion given by an international court are authoritative but – in principle – non-binding statements or interpretations of international law. They are not of recent origin. Pursuant to Article 14 of the Covenant of the League of Nations, the Permanent Court of International Justice could give advisory opinions on any dispute or any point submitted to it by the Council or the Assembly.

The institution of the advisory procedure was maintained for the ICJ albeit with a reformulated task and an increased number of potential applicants. Under Article 65 ICJ Statute two different categories of advisory opinions are to be identified.

Also other legal regimes provide for the possibility to give an advisory opinion. The UN Convention on the Law of the Sea as well as the Rules of the International Tribunal for the Law of the Sea provide for the competence of the Seabed Disputes Chamber and the Tribunal to render advisory opinions. One may identify three different procedures: Advisory Opinions of the Seabed Disputes Chamber requested by the Assembly or the Council of the International Seabed Authority according to article 191 of the Convention; advisory opinions delivered by the Chamber in the context of commercial arbitration; and advisory opinions rendered by the Tribunal in accordance with article 138 Rules the Tribunal.

Further, according to article 64 of the American Convention on Human Rights 1969 the Inter-American Convention on Human Rights can give Advisory Opinions regarding the interpretation of the Convention. The European Court of Human Rights may give an Advisory Opinion on a legal question put to the Court by the Committee of Ministers concerning the interpretation of the European Convention for the Protection of Human Rights. The African Court of Human and People's Rights has an even broader advisory jurisdiction.

The views on the suitability of Advisory Opinions are controversial. Some argue that advisory proceedings may have a positive effect when States disagree on the interpretation of international law. Others see with concern that the ICJ is increasingly giving advisory opinions on highly political issues. They fear that advisory opinions may undermine the political process in the political fora and may circumvent the consent of States necessary for a court to deal with contentious cases.

The positive aspects of advisory opinions may be summarized as follows: In giving advisory opinions courts have to concentrate on legal questions rather than on disputed facts. This has positive effects on the reasoning. There are certain procedural advantages, too. A theoretically unlimited number of States may have the possibility to voice their views in the proceedings. These States consider themselves as assistants to the court or tribunal in question rather than defending their own cause. This is quite essential. In contentious cases concerning the interpretation of multilateral treaties legal issues are discussed which are of interest to more States than those involved in the actual dispute. Such contentious cases may be considered to artificially transform genuine multilateral cases in artificially bilateral ones which proceedings on advisory opinions avoid.

### 3. Préparations pour le 4<sup>th</sup> Forum de recherche de la SEDI, Tallinn

The call for papers for the 4<sup>th</sup> ESIL Research Forum that will take place on 26-28 May in Tallinn, Estonia, has been a great success. The organizers received 210 abstracts for 15 panels. Since most panels will accommodate only three presentations, many excellent proposals will unfortunately have to be declined. All applicants will be informed whether their proposal has been accepted or not by early February.

In February, the full program of the Research Forum will be made public and registration will open on the website of the Research Forum: [www.esil2011.ut.ee](#). You can also book a hotel (at a reduced rate) via the website. The registration fee is 120 euros for ESIL members and 60 euros for ESIL student members and the fee includes, besides meals during the conference, the gala dinner on the evening of 28 May. Due to limited space, the number of slots open to general registration will be limited which is why we recommend that interested individuals register sooner rather than later.

Four ESIL Interest Groups - on international legal theory, feminism, international economic law, and international environmental law - will meet during the Research Forum on 26 May at 17:00 - 20:00 (the evening before the main program starts on the morning of 27 May). The location of all events (the main research forum and the interest group meetings) is Kohtu 8 in Tallinn old town.

### 4. ESIL-ASIL-EJIL Symposium, Florence

The ESIL-ASIL-EJIL symposium "Plurality and Interaction of Legal Orders" will be held at the European University Institute (EUI) in Florence on 24-25 October 2011. The symposium is arranged by the European Society of International Law, the American Society of International Law, and the European Journal of International Law, in conjunction with the Academy of European Law (EUL) and the HiiL project on Private Transnational Regulatory Regimes (EUL).

The symposium will focus on the three broad areas of courts and international law, private transnational regulation and international law, and EU law and international law. Further details will be available on the ESIL website shortly.

### 5. ESIL Interest Groups, Old and New!

Last year, one of ESIL's newsletters was devoted to the society's Interest Groups and their activities. At that time, four IGs were active, but after that and up until the conference in Cambridge, quite a few members contacted me with inquiries about setting up new groups. One of them has already seen the light of day: the IG on Feminism and International Law will hold a launch event on 28 April in Leicester. More information at [http://igfemlaw.wordpress.com/](#), and everybody is very welcome!

Interest Group workshops will also form a central part of the ESIL Research Forum in Tallinn at the end of May. They will take place on the day before the Forum starts – on Thursday 26 May – and will cover exciting ground. Many readers will have seen the respective calls for papers: the IG on International Legal Theory will analyse 'Pluralities of International Legal Theory', the IG on Feminism will engage in 'Re-Assessing the Power Dynamics of International Law', the IG on International Economic Law will hold panels on financial governance and new trade governance, and the IG on International Environmental Law is organising a roundtable on 'Human Rights and Climate Change'. More information can be found on [http://www.esil-sedi.eu/english/groups.html](#). As at previous ESIL conferences, the Society is very grateful for the effort that goes into these workshops – they contribute significantly to extending the scope and depth of our intellectual endeavours, and we hope to see as many of our members there as on past occasions.

Nico Krisch, ESIL Interest Groups coordinator.

### 6. ESIL Membership Renewal for 2011

To renew your membership, there are two steps:

a) All members are kindly requested to fill in the online Membership Registration Form so that we have your up-to-date contact details on file: [http://www.eui.eu/AEL/Online/ESIL/subscription.jsp](#)

b) There are three options for paying the membership fee: [http://www.eui.eu/AEL/Online/ESIL/Payment-options.shtml](#)

1) CREDIT CARD ONLINE Payment can be paid via the online credit card payment system of the EU.

2) CREDIT CARD BY FAX You can send your credit card details to the EUI by fax.

3) BANK TRANSFER You can arrange a bank transfer to the following account: European University Institute, Foreign Account No. 577/75 at Cassa di Risparmio di Firenze, Via Bufalini 4, 50122 Firenze, Italy.

Account number: 577/75

ABI (Bank code): 06160

CAB (Branch code): 02800

IBAN: IT 350061600280000000577C75 (fifth character is a letter 'O' and not a number)

SWIFT/BIC: CRFIIT3F

### 7. ESIL News

ESIL Board Member, Professor Lino-Alexander Siciliano, elected to the European Court of Human Rights.

On 5 October 2010 the Parliamentary Assembly of the Council of Europe with the majority of votes from the list of three candidates elected Professor Lino-Alexander Siciliano as a judge in respect of Greece at the European Court of Human Rights. Professor Siciliano's term of office will start on 18 May 2011. He will succeed Judge Christos Rozakis who will be leaving the Court upon reaching the age limit set forth by the Convention. The newly elected judge will make the solemn declaration before the European Court of Human Rights in Strasbourg, France, upon taking up his duties.

[https://wcd.coe.int/wcd/ViewDoc.jsp?id=1681173&Site=DC](#) (election results)

### 8. Other Information

**A.) The Hague Academy of International Law Research Programme for 2011.** Topic: Remedies for the Actions of International Organizations Period: 15 August – 2 September, 2011

Additional information: [http://www.hagueacademy.nl](#)

**B.) The programme and application form for the 2011 summer courses at the European University Institute Academy of European Law in Florence are now online: [http://www.eui.eu/AEL](#)**

20 June – 1 July: **Human Rights Law.** General Course on Human Rights and International Economic Law. Specialized Courses on The Cultural Dimension of Human Rights.

4 July – 15 July: **European Union Law.** General Course on The Limits of European Constitutional Law. Specialized Courses on The Constitutionalization of European Private Law.

**C.) The Grotius Centre for International Legal Studies and the Institute of Public Law announce their conference on "The Interaction of International Investment Law with Other Fields of Public International Law" that will take place at the Leiden Law School, on 8 and 9 April 2011.**

Registration: [http://www.law.leiden.edu/research/news/conference-iil.html](#)

### 3. Préparation du 4<sup>me</sup> Forum de recherche de la SEDI, Tallinn

L'appel à contributions pour le 4<sup>me</sup> Forum de recherche de la SEDI, qui aura lieu du 26 au 28 mai à Tallinn en Estonie, a rencontré un succès considérable. Les organisateurs ont en effet reçu deux cent dix propositions pour quinze panels différents. Dans la mesure où il plait aux organisateurs de faire tenir les trois présentations, de nombreux excellents projets seront malheureusement déclarés non admissibles. Tous les candidats seront informés de leur statut et leur proposition sera acceptée ou non par le 28 mai.

En raison d'un espace d'accueil restreint, le nombre d'inscriptions est limité, nous recommandons dès lors aux membres intéressés de s'inscrire au plus tôt.

Quatre groupes de réflexion de la SEDI – relatifs à la théorie du droit international et au droit international économique et au droit international de l'environnement – se réunissent dans le cadre du Forum de recherche de la SEDI, qui aura lieu le 26 mai à Tallinn.

Les organisateurs ont également mis à disposition des informations complémentaires sur la constitution de nouveaux groupes de réflexion de la SEDI.

Les candidats pourront trouver des informations supplémentaires sur [http://www.esil-sedi.eu/english/groups.html](#).

### 4. SEDI-ASIL-EJIL Symposium, Florence

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