

POST-GRADUATE PROGRAMME

NEW CHALLENGES IN INTERNATIONAL JUSTICE AND INTERNATIONAL ARBITRATION

Curricular unit

Strategic Litigation and Advisory Opinions

Responsible Academic staff and respective workload in the curricular unit

Prof. Dr. Patrícia Galvão Teles (12 hours) and Daniela Martins Pereira da Silva (12hours)

Syllabus

- I. Introduction
- II. The origins of the advisory function – The PCIJ
- III. The transition from the PCIJ to the ICJ
- IV. The exercise of the advisory function by the ICJ
- V. The recent and pending requests for advisory opinions before the ICJ
- VI. Brief evaluation of the impact and role of the ICJ advisory function
- VII. The advisory function of ITLOS
- VIII. Brief evaluation and future prospects regarding the advisory function of ITLOS
- IX. The advisory function of Regional Human Rights Courts
- X. The IACHR
- XI. The ACHPR
- XII. The ECHR
- XIII. An advisory function for other International Courts and Tribunals?
- XIV. The contribution of the Advisory Function of International Courts and Tribunals to the development of International Law

Main Bibliography

Books

- Rosenne, S. (1989). *The World Court: What It Is and How It Works* (4th ed.). Dordrecht: Martinus Nijhoff Publishers.
- Amerasinghe, C. F. (2009). *Jurisdiction of International Tribunals*. Leiden: Brill Nijhoff.
- Pauwelyn, J., Wessel, R. A., & Wouters, J. (2012). *Informal International Lawmaking*. Oxford: Oxford University Press.
- Thirlway, H. (2016). *The International Court of Justice*. Oxford: Oxford University Press.
- Higgins, Rosalyn, Webb, Philippa, Akande, Dapo et al. (2017), *Oppenheim's International Law* –

United Nations, Volume II, OUP, pp. 1164-1177

Articles and Chapters

Pellet, A. (1991). Article 65 of the Statute of the International Court of Justice. In Zimmermann, A. et al. (Eds.), *The Statute of the International Court of Justice: A Commentary* (pp. 1583–1635). Oxford: Oxford University Press.

Tomuschat, C. (2002). The Advisory Function of the International Court of Justice as a Tool for the Development of International Law. *Law and Practice of International Courts and Tribunals*, 1(1), 19–39.

Thirlway, Hugh (2006). “Advisory Opinions.” *Max Planck Encyclopedia of Public International Law*, Oxford University Press

Dannenbaum, T. (2017). Are Advisory Opinions of the International Court of Justice Binding? *European Journal of International Law*, 28(1), 255–279.

Keith, Kenneth (2018). “Advisory Proceedings: International Court of Justice (ICJ).” *Max Planck Encyclopedia of International Procedural Law*, Oxford University Press