

- Sarah Burke at Earthjustice Int'l
  - “What’s the cause of action?”
- Flash forward, OCT
  - Last task was working on amicus brief for ITLOS advisory opinion
- Flash forward, Pace
  - Comp. envtl law students want to know about litigation experience.
  - Make it a teaching moment

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- “Procedure is substance”
    - - Harold Koh
- Although interested in legal arguments behind cases complaints on the merits; procedural elements are equally important
  - Main obstacles – standing, justiciability
- Similar for Advisory opinion requests

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- Each tribunal has its distinct requirements for amicus brief submissions, its own rules of procedure.
  - Just as you have to learn individual states procedural requirements when filing cases in various states.

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- Starting with IACHR
  - Article 44 allows for amicus curiae
  - 265 written submissions
  - more than 150 oral intervention
  - from States, IGOs, NGOs, academia, civil society, indigenous peoples, Afro-descendant, tribal and rural communities, children and adolescents, among others.

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- ITLOS is the one I worked on the most
  - Article 133 allows amicus briefs but only on request (like to IUCN)
    - Doesn’t speak to uninvited participation
- OCT partnered with Oxfam
  - Special consultative status under Convention
  - Also, the Tribunal has permitted non-invited amicus briefs to be transmitted to parties, the commission and other case participants in other advisory opinion proceedings
    - Also posted them on website under different unofficial heading
- OCT brief not determined to pass 133 requirement but still transmitted and posted online

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- Only accepts amicus curiae briefs from intergovernmental organizations (not civil society)
- There are other ways to get involved such as submitting briefs that go into a general repository of information for possible consultation or collaborating with organizations working with IGOs or state parties on their on amicus brief submissions
  - Those come with their own collaboration and ethical implications that need to be navigated

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- By approaching these advisory opinions in this way, you can help students understand an important point about legal advocacy while teaching them about the petitions themselves
  - While also talking to them about litigation experience