



THE PARTICIPATION IN ADVISORY PROCEEDINGS BEFORE INTERNATIONAL COURTS: A GRADATION HYPOTHESIS

Participation represents a peculiar feature of advisory proceedings before international courts, which allows both the tribunal to obtain relevant information, and participants to demonstrate their interests. Moreover, it seems to be a legal instrument characterised by a relevant degree of flexibility. In this respect, the examination of both the legal provisions governing the advisory procedures and the relevant practice proves the existence of certain differences in the modes of participation. For instance, it is possible to distinguish among a participation as of right, a participation upon authorization – or invitation – of the tribunal concerned, or even some forms of indirect participation. Many causes contribute to this heterogeneity, such as the legal environment in which the tribunal is placed, the scope and aim of its advisory jurisdiction, or the need to protect specific interests at stake. The aim of this paper is to analyse the advisory practice and procedure of international courts, in order to conceptualise the findings. This will allow to draw a comparison with both third-party intervention in contentious proceedings and *amicus curiae* participation, and to get to the conclusion that gradation is the most suitable approach as to describe the plurality of forms of participation in advisory proceedings before international tribunals.