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World Trade Forum 2019
Book Track - Call for Papers:
International Economic Dispute Settlement: Demise or Transformation?

25-26 October 2019
World Trade Institute (WTI) – University of Bern

SUBMISSION DEADLINE: 31 May 2019

The World Trade Institute (WTI) of the University of Bern and the European University Institute (EUI) invite the submission of papers and abstracts for the book track of the upcoming World Trade Forum, that will take place in Bern on 25-26 October 2019, on the topic: "International Economic Dispute Settlement: Demise or Transformation?"

In recent years, there has been much criticism of, and a growing backlash against, existing methods for the settlement of disputes on international economic issues, particularly on trade, investment and taxation.

The dispute settlement system of the World Trade Organization (WTO), previously considered the "jewel in the crown" of the organization, is facing unprecedented challenges, particularly on the functioning of the Appellate Body (AB). The United States has decided not to support new appointments to the AB to give expression to its concerns regarding judicial activism by the AB in rulings against it, as well as the AB's failure to abide by procedural rules set out in the Dispute Settlement Understanding (DSU), such as the 90-day timeframe for appellate review. If the current deadlock on appointments persists, the Appellate Body will have only one member in December 2019 and will no longer be able to hear and decide new appeals. Under that scenario, the whole WTO dispute settlement system will gradually come to an end. As regards preferential trade agreements (PTAs), we observe many different forms and approaches for settling disputes, but puzzlingly only few cases are being adjudicated using available instruments under these treaties. Is this a sign of crises or high levels of compliance?



Under thousands of international investment agreements, foreign investors can initiate arbitration proceedings against host States when they deem that their rights under these agreements have been infringed by the host State. In recent years, this investor–state dispute settlement (ISDS) has come under ever-more critical scrutiny. There are concerns about the qualifications and independence of arbitrators, frivolous claims, ‘nationality-planning’ and treaty shopping, high costs, lack of transparency and coherence, expansive or inconsistent interpretations of treaty provisions, erroneous arbitral decisions, ‘regulatory chill’ or restrictions on the state’s ‘right to regulate’. There is a growing perception of lack of legitimacy of ISDS. Alternatives to replace or improve ISDS have been put forward by several actors. In June 2017, the Working Group III of UNCITRAL was mandated to explore whether there was sufficient support for multi-lateral approaches to ISDS reform. A standing investment court and an appellate tribunal are a feature in recent agreements concluded by the EU with Canada, Vietnam and Singapore

On 1 July 2018, the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI), entered into force, currently covering 87 jurisdictions. The agreement was negotiated by more than 100 countries, in a process led by the Organisation for Economic Co-operation and Development (OECD), as part of their ongoing efforts to deal with base erosion and profits shifting practices (BEPS). Much attention has been focused on the MLI’s dispute resolution mechanisms, and particularly, the mandatory binding arbitration process. In this context, the MLI approach, which would consider taxpayers only as objects or spectators and not as holders of rights, has been broadly criticized. Another general criticism of the MLI is that developing countries, with the exception of the major emerging economies, had little or no involvement in its development.

The question whether and, if so, international economic dispute settlement is nowadays needed, desirable or politically feasible, is of considerable policy salience. We invite contributions that address any of the important questions emerging from the backdrop described before, focusing on the current problems, and their underlying causes, that existing systems for the settlement of trade, investment and taxation disputes are facing; as well as on the possible solutions to these problems and/or alternatives to the existing dispute settlement systems.

In particular we invite empirical and theoretical contributions from international relations (IR) and international law (IL) scholars. We want to explore how current IL and IR approaches help explain the crisis and provide guidance for designing new instruments for international economic dispute resolution, either by adjudication or diplomatic means of dispute settlement. The exploration of cross-disciplinary angles to address the book’s topic is an important additional aspiration of this project.

Submission Guidelines

Please submit paper proposals (abstracts) on substantial, original, and unpublished research related to this call for papers. We invite in particular submissions from younger scholars and from scholars based in developing countries.

Abstract submissions must be between 300-500 words in length and should be accompanied by a short CV. Please submit your proposals to worldtradeforum.cfp@wti.org. Papers that are selected for the book track of the 2019 World Trade Forum are expected to be published as part of an edited volume (World Trade Forum Series, Cambridge University Press).

Each abstract and subsequent paper submitted should be original and not been published in a prior work.

The organizers offer financial support for travel and accommodation.

Key Dates

Abstract Submission Deadline: 31 May 2019

Notification of Acceptance of an Abstract: 28 June 2019

Submission of a Draft Paper: 1 October 2019

Conference Date: 25-26 October 2019

Contact

If you have any questions regarding this call for papers, please e-mail to: worldtradeforum.cfp@wti.org.

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