

Seminar on International Courts and Tribunals

International Courts and Tribunals: International Economic Dispute Resolution in Times of Geopolitical Confrontation - 472321

Prof. Dr. Peter Van den Bossche

World Trade Institute & Faculty of Law
University of Berne
September 2024 – January 2025

The seminar on International Courts and Tribunals in the autumn of 2024 focuses on the challenges faced by international economic dispute resolution in times of geopolitical confrontation. The seminar deals with trade dispute settlement under the WTO Dispute Settlement Understanding, investment dispute settlement under the ICSID Convention, and trade and investment dispute settlement under regional economic integration agreements. The problems encountered by the dispute settlement systems under these agreements will be explored and possible solutions discussed.

Each participant in this seminar will examine a particular problem of her/his own choice. She/he will give a presentation and write a seminar paper on her/his chosen topic. The research of these problems will be based on: (1) communications and statements made by countries using the dispute settlement systems provided for under agreements referred to above; (2) scholarly commentary on the problems and their solutions; and (3) reports in both the general and specialized media.

The seminar will start with a lecture by Prof. P. Van den Bossche on the current crisis in WTO dispute settlement and its repercussions on the role of international courts and tribunals in global governance. This introductory lecture, which is scheduled for Thursday, 3 October 2024 at 18:00 (CET), will help students in preparing for their seminar presentation and in writing their seminar paper.

Topics for seminar papers

1. Judicial activism
2. Burden of proof
3. Use of experts
4. Rules of interpretation
5. Remedies for breach of obligations
6. Enforcement of compliance
7. Two-stage adjudication/appellate review
8. Confidentiality/transparency
9. Independence and impartiality of adjudicators
10. Third parties
11. Involvement of non-state stakeholders (industry associations; civil society)

12. Precedent in international economic dispute resolution
13. Alternative dispute resolution methods
14. Timeframes for international economic dispute resolution
15. Developing countries and international economic dispute resolution

Each student takes a different topic. The assignment of topics is on a 'first come, first served' basis. Please send an e-mail to Ms. Pamela Beglinger: pamela.beglinger@unibe.ch between 7 October 2024, 8:00 (CET) and 9 October 2024, 12:00 (CET). Earlier and later e-mails will *not* be considered. In your e-mail to Ms. Beglinger, you should indicate a first, second and third choice of topic. You will be informed at 12:00 (CET) on 10 October 2024 which topic has been assigned to you. This seminar is limited to 10 participants.

Subject to approval by Prof. Van den Bossche, students may write their seminar paper on a topic not included in the list above.

Students, who registered for this seminar but decide not to take it, must inform Ms. Pamela Beglinger in writing forthwith and no later than 4 November 2024.

Timeline

- 14, 15 or 16 October 2024: individual meetings with Prof. Van den Bossche
- 20 December 2024: seminar paper presentations (attendance compulsory; active participation expected)
- 15 January 2025: seminar paper submission : 23h50 CET to masters@wti.org

Information on presentations and seminar papers

The seminar presentations are scheduled on 20 December 2024.

Each presentation is min. 15 min. and max. 20 min. long, and is followed by Q&A. Students are advised to use a PowerPoint presentation.

For specifics on the papers please see here:

https://www.rechtswissenschaft.unibe.ch/unibe/portal/fak_rechtwis/content/e6024/e6025/e653101/e653120/pane653121/e653124/files1159823/21_12_16_MB_Seminararbeit_ger.pdf

https://www.rechtswissenschaft.unibe.ch/unibe/portal/fak_rechtwis/content/e6024/e6025/e653101/e653120/pane653121/e653124/files1159823/21_12_16_MB_Seminararbeit_EN_eng.pdf

And here:

https://www.rechtswissenschaft.unibe.ch/unibe/portal/fak_rechtwis/content/e6024/e6025/e653101/e653120/pane653121/e653124/files653125/RL_Bachelorarbeit_30Apr20_ger.pdf

https://www.rechtswissenschaft.unibe.ch/unibe/portal/fak_rechtwis/content/e6024/e6025/e653101/e653120/pane653121/e653124/files653125/RL_Bachelorarbeit_30Apr20_EN_en_g.pdf

After the seminar presentations students will have until 15 January 2025 to finalise and submit their seminar paper to masters@wti.org until 23H50 (CET).

50% of the final grade is on the seminar presentation and the other 50% is on the seminar paper.

Lecturer



Peter Van den Bossche is a former Member and Chair of the Appellate Body of the World Trade Organization (2009-2019), and former Director of Studies and Professor of International Economic Law at the World Trade Institute of the University of Bern. Since 2018, he is the President of the Society of International Economic Law (SIEL). Van den Bossche is also Professor Emeritus at Maastricht University and a visiting professor at Bocconi University, Milan (2023), the Université de Genève (since 2018), LUISS Guido Carli University, Rome, Italy (since 2016), the Universidad San Francisco de Quito, Ecuador (since 2016), and the College of Europe, Bruges (since 2010). He is member of the Advisory Board of the *World Trade Review*, the *Journal of International Economic Law*, the *Journal of World Investment and Trade* and the *Revista Latinoamericana de Derecho Comercial Internacional*. Since 2013, he is also member of the Advisory Board of the WTO Chairs Programme (WCP). Van den Bossche is on the roster of arbitrators for disputes under the EU-UK Trade and Cooperation Agreement (TCA), the EU-Canada Comprehensive Economic and Trade Agreement (CETA), and the EU-Andean Community Trade Agreement, on the panel of arbitrators of the Shenzhen Court of International Arbitration (SCIA) and the South China International Arbitration Center (Hong Kong) (SCIAHK), and on the EU list of candidates suitable for appointment as arbitrators and TSD experts. He serves currently as a panelist on two separate WTO disputes, *European Union – Countervailing and Anti-Dumping Duties on Stainless Steel Cold-Rolled Flat Products from Indonesia* (DS616) and *European Union – Countervailing Duties on Imports of Biodiesel from Indonesia* (DS618).

Van den Bossche holds an LL.M. from the University of Michigan, Ann Arbor (1986) and a PhD in law from the European University Institute, Florence (1990). Van den Bossche graduated *magna cum laude* from the Faculty of Law of the University of Antwerp (1982). Van den Bossche worked at the Court of Justice of the European Communities, Luxembourg, as référendaire of Advocate-General W. Van Gerven (1990-92), after which he joined the

Faculty of Law of Maastricht University. From 1997 to 2001, Van den Bossche was Counsellor to the Appellate Body of the World Trade Organization, Geneva. In 2001, he served as Acting Director of the Appellate Body Secretariat, after which he returned to Maastricht University as Professor of International Economic Law. From 2005 to 2009, Van den Bossche was Head of the Department of International and European Law of Maastricht University. In 2007, he founded the Institute for Globalisation and International Regulation (IGIR) at Maastricht University and served as its first Academic Director until 2009. He obtained substantial research grants from *inter alia* the European Commission, the Asian Development Bank, the Government of the Netherlands, and the Southern African Customs Union.

Van den Bossche is the author (with Werner Zdouc) of *The Law and Policy of the World Trade Organization*, 5th edition (Cambridge University Press, 2022), and (with Denise Prévost) of *Essentials of WTO Law*, 2nd edition (Cambridge University Press, 2021). The Chinese edition of *The Law and Policy of the World Trade Organization* was published in 2020 by Law Press China.