



International Economic Law Interest Group



International Conference

Transparency vs Confidentiality in International Economic Law: Looking for an Appropriate Balance

Friday 20 November 2015
Ravenna, School of Law - Via Oberdan 1

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With the collaboration of Fondazione Flaminia - Ravenna (Fondazione per l'Università in Romagna), and the School of Law and Department of Legal Sciences - *Alma Mater Studiorum* Università di Bologna

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CONCEPT NOTE

Transparency has firmly acquired a role of key concept and *in statu nascendi* principle in international relations and for the international community. It is clearly perceived and considered as a positive value, more and more relevant for the appropriate administration of the public good, and the definition, interpretation and application of international law, deeply associated with legitimacy, accountability, participatory democracy and good governance.

The debate on the importance of transparency has been constantly gaining a prominent place in international economic law (IEL), as WTO law, investment law and regional trade agreements are more and more relevant for non-trade values, that are inextricably linked with free trade and investments' protection within the model of sustainable development nowadays universally promoted by States, International Organizations, NGOs, the business community and, more generally, civil society.

However, the need for confidentiality keeps being raised and considered by governmental and intergovernmental actors and, in particular, the business community. Governmental actors argue they try to keep a room for maneuver; business actors have concerns that a full disclosure of information can have negative impact and even completely ruin their business and plead therefore for limiting transparency and keeping confidential certain proceedings.

The Conference on "Transparency vs Confidentiality in International Economic Law: Looking for an Appropriate Balance" aims at presenting the state of the art of the transparency v. confidentiality debate with specific reference to IEL, organizing an ad hoc call for papers to gather scholars conducting research on this topic, and practitioners (from governmental and intergovernmental institutions, the business community, the NGOs' world) having to face every day the ever growing demand for transparency and the still present request for confidentiality.

CALL FOR PAPERS

The Scientific Committee of the International Conference "Transparency vs Confidentiality in International Economic Law: Looking for an Appropriate Balance" organizes a call for papers - the papers should be written in English, unpublished and in an advanced stage of completion.

The call for papers should address one of the following four issues:

I) Transparency v. Confidentiality in IEL International Negotiations

The recently emerged debate on the conduct of the negotiations for the Trans-Pacific Partnership (TPP), the EU/Canada Comprehensive Economic and Trade Agreement (CETA), and the EU/US Transatlantic Trade and Investment Partnership (TTIP) has importantly raised the issue of information, access to negotiations' documents and participation of civil society in the diplomatic activities concerning such important IEL negotiations. Another recent example is the negotiation process on Trade in Services Agreement (TiSA) initiated by a number of WTO members, who now receive critics for lack of transparency not only from their nationals but also from other WTO members. It is thus necessary to explore the issue from the point of view of the major international actors, the business community, NGOs, and, more generally, civil society.

II) Transparency v. Confidentiality in the Activities of IEL International Organizations

There are various, highly relevant, intergovernmental international organizations specifically dealing with IEL issues. The important and delicate topics of their daily activities raises the issue of the level of transparency that should characterize their work. Scholars, practitioners, and, more

generally, civil society are thus invited to present papers' proposals on the level of transparency and confidentiality which actually is or should be applied by International Organizations working in the field of international economic relations, such as the WTO, the IMF, the World Bank, the international bodies managing investment proceedings, like ICSID and UNCITRAL.

III) Transparency v. Confidentiality in IEL Arbitration and Judicial Proceedings

It happens more and more often that IEL international adjudication proceedings -be they devoted to free trade, or investment protection- deal with the relation between free trade and investment protection, on the one hand, and non-trade or non-commercial values, as environmental protection, labour standards, the State's right to regulate, more generally the respect of human rights, on the other hand. Such a situation has provoked the greatest interest of civil society to participate in those international proceedings as *amicus curiae*, through their presence during the hearings of the judicial/arbitral mechanisms and their access to the disputants' submissions. It is therefore suggested that scholars and practitioners present proposals for papers on the Transparency v. Confidentiality debate in IEL Arbitration and Judicial Proceedings, in the WTO system, in investment proceedings, in dispute settlement mechanisms provided for in RTAs.

IV) Transparency v. Confidentiality in Parliamentary Discussions concerning IEL Negotiations on Treaty Law and Soft Law

The high relevance that IEL treaty and soft law instruments have for the domestic policies of the major international actors has provoked an intense debate within the parliamentary assemblies on the necessity to participate in the definition of the IEL International Documents not simply when ratifying or approving IEL agreements but also during the negotiation phase. It is thus necessary to focus research on the approach, for instance, of the European Parliament, the US Congress, the Canadian Parliament, etc. on the need and level of participation and access to internal documents concerning negotiations of IEL treaties and IEL soft law tools. It is also interesting to compare which possibilities national parliaments have to influence negotiations process.

The Scientific Committee intends to publish a volume collecting the selected papers and comments of the discussants, and will thus submit the manuscript to a leading international publisher which has already expressed interest to our editorial initiatives.

Paper Submission Procedure

Senior and junior scholars (including PhD students) are invited to participate to the call for papers of the International Conference "Transparency vs Confidentiality in International Economic Law: Looking for an Appropriate Balance" . Papers will be selected on the basis of the submitted abstracts. Only one abstract per author will be considered.

Abstracts must not exceed 800 words, and have to be submitted to the following mail addresses: elisa.baroncini@unibo.it; mfedorova@law.uni-kiel.de; pstoll@gwdg.de.

In addition to the abstract, each submission should contain a separate file containing information on:

- The section of the call for papers for which the abstract is submitted
- The author's name and affiliation
- A short (one page) author's CV, including a list of relevant publications
- The author's contact details, including email address and phone number

Timeline

- The deadline for the submission of abstracts is 30 September 2015
- Successful applicants will be informed by 8 October 2015

- The deadline for the submission of the papers of accepted abstracts for the International Conference is 10 November 2015
- The deadline for the submission of final papers for publication is 2 January 2016.