



Dispute Resolution: a public or private affair?

Second annual PhD roundtable forum on law and governance

Where: Groningen

When: Friday 4 April 2014

The Netherlands Institute of Law and Governance (NILG) is offering young researchers a great chance to exchange ideas and present their research (including working papers) at a supportive, interdisciplinary roundtable forum. This forum also provides opportunities to meet each other informally, during drinks afterwards.

Dispute resolution is evolving, resulting in adjudication of both public and private disputes by a broad range of actors. This raises many concerns, for example how to uphold legitimacy in (non-)traditional dispute resolution. When and why are dispute resolution tasks allocated to private actors, and how can public interests and the rule of law be adequately protected? In situations of dispute settlement by multiple actors, potential problems emerge. Challenges are posed to access to, and the effectiveness and efficiency of adjudication, as well as ensuring that all parties to the dispute are placed on an equal footing.

The main aim of this forum is to determine the nature and extent of this evolution, and to identify the challenges it poses to maintaining the rule of law. The desired outcome is to suggest how these challenges may be surmounted, both generally and in specific situations. In achieving these goals, considerations could include:

- Which (types of) bodies/adjudicators should be appointed to which disputes?
- Should all dispute resolution meet a uniform set of standards to safeguard the interests at stake in the dispute?
- What should the legal effect of decisions be, and how may they be enforced?
- To what extent do parties have the freedom to choose their own adjudicator?
- How are private adjudicatory bodies established? (Who initiates them, and where do their regulations, mandates and legitimacy come from?)
- Can private actors adjudicate cases involving public interests? (And is adjudication a public good?)
- How legitimate is ADR, especially when bodies decide based on their own codes of conduct?

Further areas of concern could include: European measures on Alternative Dispute Resolution (ADR), Online Dispute Resolution (ODR), dispute resolution committees (e.g. Geschillencommissies voor Consumentenzaken), administrative adjudicatory bodies (Independent Post and Telecom Authority, Netherlands Press Council, www.e-court.nl), conflict resolution NGOs (the Carter Foundation), Appellate bodies (such as that of the GATT/WTO), shared adjudication in communities with legal pluralism (e.g. Muslim Personal Law in India).

We invite papers (research proposals, ongoing research findings and working papers) that examine one or more of these issues in all areas of law and related social sciences, on a national, European and international level, including:

- Legal methods and legal history
- Law & economics, economic law
- Labor and employment law
- Private law
- Criminal justice
- Human rights law
- European law, international law
- Constitutional law
- Administrative law and public administration
- Legal theory
- Legal sociology and political sciences

The roundtable forum is organized by PhD students for PhD students. It not only offers a wonderful chance to share, discuss and compare your research with peers in a pleasant environment, but there is also the opportunity to publish the contributions in the NILG book series. Contributors will be expected to give a short presentation, outlining how the above issues are dealt with in their own research.

Deadline: Title and abstracts (in English) must be sent to Lottie Lane (c.l.lane@rug.nl) **before 21 December 2013.**