



Max Planck Institute
LUXEMBOURG
for Procedural Law

Mixed Arbitral Tribunals, 1919–1930: An Experiment in the International Adjudication of Private Rights

23–24 April 2020

Max Planck Institute Luxembourg for Procedural Law

Call for Papers



Session of the German–Polish Mixed Arbitral Tribunal in Paris,
February 1925 (National Digital Archive, Poland)

The creation of a system of Mixed Arbitral Tribunals (MATs) was a major contribution of the post-WWI peace treaties to the development of international adjudication. Numerically speaking, the 36 MATs were undoubtedly the busiest international courts of the interwar period. Taken together, they decided on more than 70,000 cases, mostly covering private rights. This caseload is even more impressive if one considers that their existence generally did not exceed 10

years, as most of the MATs were discontinued pursuant to the 1930 Young Plan. The MATs are similarly remarkable from a procedural point of view. First, their respective rules of procedure were so detailed that contemporaries described them as ‘miniature civil procedure codes’. Second, in a departure from most other international courts and tribunals, they also allowed individuals whose rights were at stake to become involved in the proceedings before them. Although the MATs failed to produce a universally consistent body of case-law, their collection of published decisions was a major source for legal doctrine in the 1920s and 1930s and remains of interest for international lawyers today. The MATs themselves served as a source of inspiration for other international and supranational courts and tribunals, including the European Court of Justice. Their example might similarly inspire potential future negotiations over institutionalized investment tribunals.

And yet, like many other international ‘experiments’ of the interwar period, the MATs are often barely mentioned in post-WWII accounts of international law. Despite (or perhaps because of) the amount of cases they handled and the vastness of archival records they generated, they have not given rise to a single major monograph after 1945.



Max Planck Institute
LUXEMBOURG
for Procedural Law

By organizing a conference specifically dedicated to the MATs and their impact on international adjudication of private rights, the Max Planck Institute Luxembourg for Procedural Law would like to provide researchers with the opportunity to shed new light on this often overlooked chapter in the history of international law.

The call is interested in legal, historical, and sociological research addressing issues such as:

- How the MATs contributed to the development of public international law;
- How the MATs contributed to private international law;
- How the MATs contributed to intellectual property law;
- How the MATs contributed to the foreign legal policies of individual states (both within and outside Europe);
- How the MATs contributed to the professionalisation of international law academics and practitioners;
- The role and sociology of non-state actors before the MATs;
- The relations between the MATs and other international institutions;
- The differences between the MATs and other dispute settlement mechanisms of the interwar period (notably the German–US Mixed Commission);
- The perception of the MATs by the press and the broader public at the time of their operation;
- The subsequent use of case law produced by the MATs by international institutions, legal scholars and practitioners;
- The subsequent impact of the MATs on international adjudication.

From a methodological point of view, the call welcomes papers based on archival sources and/or on doctrinal writings and the case law of MATs.

Abstracts of no more than 600 words, written in English or French and including the author's name, e-mail address and a one-page curriculum vitae, should be submitted to secretariat-prof.ruizfabri@mpi.lu by 1 October 2019. Successful applicants will be notified via e-mail by 15 October 2019 and are expected to produce a draft paper by 10 April 2020. The organizers will cover/reimburse travel (economy) and accommodation costs.