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Articles

Continuity and Change in the World Trade Organization: Pluralism Past, Present, and Future

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The World Trade Organization is at an important institutional crossroads, buffeted by critique and with its once-heralded dispute system in doubt. Despite some achievements at the 2022 MC12 Ministerial Conference, the WTO appears in crisis, without a strong institutional mandate. In this Article, we offer a vision for its future, rooted in a particular interpretation of its past. The WTO's legal architecture is characterized by a resilient pluralism, which seeks to preserve diversity of governance models and regulatory approaches, both economic and political, in the domestic orders of member states. Despite strong pressures to impose a neoliberal vision of the state-market relationship on states, this pluralism has persevered; it offers a response to the WTO's critics and a mandate for the WTO's future.

Alternatives to Adjudication in International Law: A Case Study of the Ombudsperson to the ISIL and Al-Qaida Sanctions Regime of the UN Security Council

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The "temporary golden age" of international courts is likely over. States seeking to provide oversight mechanisms and individual remedies at the international level are likely to opt for less intrusive and more flexible alternatives to adjudication. This Article analyzes the phenomenon of international complaint mechanisms through a detailed case study of the Ombudsperson to the ISIL and Al-Qaida sanctions regime. The analysis reveals an in-built tension between principle and pragmatism: the Ombudsperson's institutional design falls short of the requirements that are essential for adjudication, but it nevertheless proves to be a surprisingly effective remedy for persons wrongfully listed. The Article makes the case for the establishment of such bodies, despite some of their inherent shortcomings.

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