

WTI Global Economic Governance Seminar Series

Marc Bungenberg, Director of the Europa Institut and Professor of Public Law, European Law and Public International Law at Saarland University

ENHANCING THE INTERNATIONAL RULE OF LAW THROUGH THE ESTABLISHMENT OF AN MIC

WEDNESDAY, 1 DECEMBER 2021

15.00-16.30

Online (via Zoom)

Brief Description

Since 2017, the United Nations Commission on International Trade Law (UNCITRAL) Working Group III has been discussing different options for the reform of investor-state dispute settlement (ISDS). One option is the establishment of a Multilateral Investment Court (MIC). While particular aspects of such an MIC are discussed here and there, Marc Bungenberg and August Reinisch did not only conduct a comprehensive study on this topic but also prepared a first fully fledged Statute, on the basis of which such an MIC could be established. Recently, these ideas were taken up by the UNCITRAL Secretariat in an initial draft and forwarded to the delegations of the countries participating in the reform process for their comments. Hence, while the discussions on the establishment of an MIC move forward, the time is ripe to reflect on the broader consequences of these developments. Is an institutionalised MIC the only way forward to counter the backlash against ISDS of the last two decades? Can an MIC remedy the perceived rule of law-deficits of *ad hoc* arbitration as a mechanism for the resolution of investment disputes? Is it possible to contribute to the development of an international rule of law concept through the establishment of a standing multilateral mechanism? I am looking forward to discussing and jointly reflecting on these aspects.

Speaker Biography

Marc Bungenberg is the Director of the Europa Institut and Professor of Public Law, European Law and Public International Law at Saarland University in Germany, visiting professor at the University of Lausanne, Switzerland and member of the scientific advisory board to the International Investment Law Centre in Cologne. Marc received his doctorate in law from the University of Hannover and wrote his habilitation treatise at the Friedrich-Schiller-University Jena. He holds an LL.M. from Lausanne University. His main fields of research are European (Common Commercial Policy, public procurement and state aid law) and international economic law, particularly international investment and WTO law. Marc has intensively worked on different topics of the ongoing ISDS reform debate (see a comprehensive study on an MIC available [here](#); and a Draft Statute of an MIC available [here](#)).



Join Zoom Meeting

<https://us06web.zoom.us/j/83714299763?pwd=NUhPQXBtWmR6dllsK3RCVWtYNnk2dz09>

Meeting ID: 837 1429 9763

Passcode: 788243