Is a Multilateral Investment Treaty Needed?

June 19, 2017

World Trade Institute (WTI), Hallerstrasse 6, Bern, Room 205 (second floor)

Organized with the support of the World Economic Forum and the Swiss Network for International Studies (SNIS)

08:30 - 09:00 Registration

09:00 - 09:10 Welcome and Introduction, Joseph Francois, WTI

SESSION I: The Background - Chair: Ana Novik, Head of the Investment Division, Organisation for Economic Co-operation and Development (OECD)


09:25 - 09:40 Rodrigo Polanco, Azernoosh Bazrafkan and Valentino Desilvestro, World Trade Institute “Missing Investment Treaties”

09:40 - 09:55 Malebakeng Forere, University of Witwatersrand, South Africa: “Move away from BITs framework: A need for multilateral investment treaty?”

09:55 - 10:10 Robert Basedow, European University Institute, Italy: “Re-evaluating the failed MAI negotiations - What policy recommendations can we draw from past attempts to establish a multilateral framework for investment?”

10:10 - 10:40 Discussion introduced by Chair

10:40 - 11:10 Coffee

SESSION II: The EU Proposal - Chair: Manfred Elsig, WTI

11:10 - 11:25 Colin Brown & Maria Luisa Andrisani, DG Trade, European Commission: “The Rationale for and possible design features for a Multilateral Investment Court”

11:25 - 11:40 José Manuel Álvarez, Universidad Externado, Colombia: “The European (Multilateral) Investment Court: 100 years’ setback on dispute resolution”

11:40 - 11:55 Anna De Luca, Università Bocconi: “Of True problems and fake myths: Is the Multilateral Investment Court a panacea?”

11:55 - 12:10 Elsa Sardinha, National University of Singapore (NUS), Singapore: “Multilateralising the Investment Tribunal System in CETA & the EU-Vietnam FTA: Form, Content and Challenges to this (Imperfect?) Response to Legitimacy Concerns in Investor-State Arbitration”
12:10 - 12:30 Discussion introduced by Chair
12:30 - 13:30 Lunch

SESSION III: The Relationship with Existing Treaties, Chair: Krista Nadakavukaren Schefer, Universität Basel & Swiss Institute of Comparative Law (ISDC)
13:45 - 14:00: N. Jansen Calamita, National University of Singapore (NUS), Singapore: “A Multilateral Investment Court – What Future for ICSID?”
14:00 - 14:15: Martin Björklund, The Erik Castrén Institute, University of Helsinki, Finland: “A Cuckoo in the nest? Potential Effects of Bargaining in the Converging “Shadows of the Law” of both a Multilateral Investment Regime and WTO Dispute Settlement?”
14:15 - 14:30 Markus Wagner, University of Warwick, United Kingdom: “What Lessons in Cross-Fertilization between International Trade and Investment Law for a Multilateral Investment Treaty?”
14:30 - 15:00 Discussion introduced by Chair
15:00 - 15:30 Coffee

SESSION IV: Future Steps - Chair: Nikos Lavranos, European Federation for Investment Law and Arbitration (EFILA)
15:30 - 15:45 Facundo Calvo, IELPO LL.M., University of Barcelona, “The Shortest Way Towards a Multilateral Investment Treaty”
15:45 - 16:00 Lise Johnson, Columbia Center on Sustainable Investment, United States: “Framework for Future International Investment Agreements (IIAs): Principles and approaches for aligning IIAs with sustainable development”
16:00 - 16:15 Junqing Chao, University of Hong Kong: “China’s Proposal of Multilateral Investment Treaty: A Long Road Ahead”
16:15 – 16:30 Axel Berger & Wan-Hsin Liu, German Development Institute (DIE) & Kiel Institute for the World Economy (IfW), Germany: “Can the G20 Serve as a Launchpad for a Multilateral Agreement on Investment?”
16:30 - 17:00 Discussion introduced by Chair
17:00 - 18:00 Closing Policy Roundtable. Chair: Cristián Rodríguez Chiffelle, World Economic Forum (WEF). Speakers: Nathalie Bernasconi-Osterwalder (IISD), Ricardo Meléndez Ortíz (ICTSD), Corinne Montineri (UNCITRAL), Pierre Sauvé (World Bank), and Elisabeth Tuerk (UNCTAD)
18:00 - 19:00 Farewell Drinks

Conference Scientific Committee: Federica Cristani (WTI), Krista Nadakavukaren Schefer (U. Basel - ISDC), Rodrigo Polanco (WTI) and Cristián Rodríguez Chiffelle (WEF)