

Expert meeting: Establishment of a multilateral investment dispute settlement system
13-14 December 2016

Room D. World Trade Organisation, Centre William Rappard, Rue de Lausanne 154, Geneva

Agenda

13 December 2016

9.30 – 12.30 (with coffee break)

1. Welcome and opening remarks
2. Initial considerations on the establishment of a multilateral investment dispute settlement system and rationale by the European Commission and Canada. *Overview of the current international debate on reform of ISDS by UNCTAD.*

Plenary discussion

14.00 – 18.00 (with coffee break)

3. Functioning of a multilateral dispute settlement system
 - Scope of application: Types of disputes, future and/or existing treaties. *Overview of the Mauritius Convention model by UNCITRAL.*
 - Institutional set-up of the system: Creating a new organisation or docking it onto an existing framework.
 - Necessary flexibilities to allow the system to expand to a growing membership.
 - Coordinated functioning of a first instance and an appeal mechanism: Operational challenges, system of remand, scope of review. *Overview by the WTO.*

Plenary discussion

14 December 2016

9.30 – 12.30 (with coffee break)

3. Functioning of a multilateral dispute settlement system (cont.)
 - Appointment of adjudicators: Rules of appointment and number of appointees. *Overview by ICSID.*
 - Adjudicators' qualifications and credentials. Ensuring independence and neutrality. *Overview by OECD*
 - Enforcement of decisions/awards.

Plenary discussion

14.00 – 18.00 (with coffee break)

3. Functioning of a multilateral dispute settlement system (cont.)
 - Costs of the system and relation to length of proceedings. *Overview by PCA.*
 - Possible special assistance for developing countries.

Plenary discussion

4. General discussions on next steps
 - Possible negotiating fora and features of any negotiating process.
5. Concluding remarks

The purpose of this meeting is to provide the opportunity for experts from governments to engage in a technical discussion of concrete elements related to the creation of a multilateral system for the resolution of investment disputes. It is without prejudice to the views that governments may eventually take on the overall project and on any of the technical issues discussed. This meeting is not held under the auspices of the World Trade Organisation nor any other international organisation.