

THE APPOINTMENT AND DIVERSIFICATION OF
MEMBERS OF THE MULTILATERAL INVESTMENT
COURT OR TRIBUNAL: A COMPARATIVE ANALYSIS

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The Working Group III of the UNCITRAL has expressed a preference for selective representation on the international investment tribunal, instead of having a full representation.

The Working Group should deliberate on whether nationality should be a factor in determining the makeup of the tribunal. Additionally, the possibility of implementing a provision that would prohibit two tribunal members from sharing the same nationality is suggested. This provision is reminiscent of some court statutes that permit the selection of judges without regard to nationality but prohibit two judges from the same state from serving simultaneously. If the composition of the tribunal were to be influenced by nationality, it could be guaranteed that each member State has the chance to have one of its own nationals appointed to the tribunal by instituting a system of rotation among the member States.

My presentation aim to provide a comparative analysis of the appointment and diversification methods employed by different courts or tribunals in order to shed light on best practices for the Multilateral Investment Court or Tribunal (MIC/T). The presentation apply a comparative methodology to examine and compare the appointment processes, qualifications, diversity considerations, and mechanisms for ensuring independence and impartiality across selected courts. By analyzing the strengths and weaknesses of these approaches, the presentation and paper aim to propose recommendations for enhancing the appointment and diversification processes of the MIC/T.

I'll present the findings of the comparative analysis by discussing appointment methods employed by selected courts. Moreover, I'll compare and contrast the appointment processes, including nomination and selection procedures, eligibility requirements, and involvement of different stakeholders. I'll analyze the mechanisms for ensuring diversity and representation within each court. In addition, I'll examine the transparency and accountability of the appointment methods. I'll also identify patterns, trends, and variations among the courts.

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