



Max Planck Institute
LUXEMBOURG
for Procedural Law

GÜNEŞ ÜNÜVAR

Max Planck Institute Luxembourg for Procedural Law

gunes.unuvar@mpi.lu

Professional Experience

- 02/2021 – present **Senior Research Fellow**, Max Planck Institute Luxembourg for Procedural Law, Department of International Law and Dispute Resolution, Luxembourg
- 02/2017 – 01/2021 **Carlsberg Foundation Postdoctoral Research Fellow**, Centre of Excellence for International Courts (iCourts), Faculty of Law, University of Copenhagen, Copenhagen, Denmark
- 02/2016 – 06/2016 **Visiting Researcher**, Columbia Law School, Columbia University in the City of New York, New York, USA
- 08/2014 – 09/2014 **Visiting Researcher**, Energy Charter Secretariat, Brussels, Belgium
- 09/2013 – 09/2016 **PhD Fellow**, Centre of Excellence for International Courts (iCourts), Faculty of Law, University of Copenhagen, Copenhagen, Denmark
- 10/2012 – 12/2012 **Research Assistant**, Turkish Association of Industry and Business (TUSIAD) EU Representative Office, Brussels, Belgium
- 09/2012 – 10/2012 **Research Assistant**, Institute for European Studies, Vrije Universiteit Brussel, Brussels, Belgium
- 09/2010 – 09/2011 **Intern Attorney-at-Law**, White & Case LLP Ankara Office (Cakmak Attorneys-at-Law), Ankara, Turkey

Education

Ph.D. in Law, Centre of Excellence for International Courts (iCourts), University of Copenhagen (2016).

LL.M. in International and European Law, Institute for European Studies, Vrije Universiteit Brussel (2012).

Law Degree, Bilkent University (2010).

Publications

Monographs

(2021) *Uluslararası Yatırım Hukuku Anlaşmaları ve Tahkim Uygulamalarının Evrimi (International Investment Agreements and the Evolution of Arbitral Practice, in Turkish)*. Ankara: Onikilevha (forthcoming).

Edited Volumes

(with Lam, J. and Dothan, S. – Eds.) (2020) *Permanent Investment Courts: The European Experiment – European Yearbook of International Economic Law Special Issue*. Cham: Springer Nature.

Book Chapters and Working Papers

- (2021a) "Article 8.38 – Non-Disputing Party" In: M. Bungenberg and A. Reinisch (Eds.), *CETA Investment Law – An Article-by-Article Commentary*. Oxford: Nomos/Hart (**forthcoming**).
- (2021b) "The 'Object and Purpose' and Incrementalism in EU Investment Treaties: Can International Law Reinvent Its Identity?" In: K. Raube, J. Chaisse & J. Wouters (Eds.) *At the Crossroads of World Order: Contestation, Global Governance and Europe*. London: Palgrave Macmillan (**forthcoming**).
- (with Kreft, T.) (2020a) "Impossible Ethics? A Critical Analysis of the Rules on Qualifications and Conduct of Adjudicators in the New EU FTAs" In: G. Ünüvar, J. Lam & S. Dothan (Eds.), *Permanent Investment Courts: The European Experiment*. Cham: Springer Nature, pp. 119-150.
- (2020b) "Is CETA the Promised Breakthrough? Interpretation and Evolution of Fair and Equitable Treatment and (Indirect) Expropriation Provisions" In: M. Andenas, L. Pantaleo, M. Happold & C. Contartese (Eds.), *EU External Action in International Economic Law*. The Hague: TMC Asser Press, pp.193 – 219.
- (with Giødesen Thystrup, A.) (2017) "A Waiver for Europe? CETA's Trade in Services and Investment Protection Provisions and Their Legal-Political Implications on Regulatory Competence" In: A. Micara, F. Baetens, G. Adinolfi & J. Caiado (Eds.), *International Economic Law: Contemporary Issues*. Cham: Springer, pp. 41 - 59.
- (2016) "The Vague Meaning of Fair and Equitable Treatment Principle in Investment Arbitration and New Generation Clarifications", *iCourts Working Paper Series No. 75*, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2774078.
- (with Hoffmeister, F.) (2013) "From BITs to Pieces towards European Investment Agreements" In: M. Bungenberg, A. Reinisch & C. Tietje (Eds.) *EU and Investment Agreements: Open Questions and Remaining Challenges*. Baden-Baden: Nomos, pp. 55 – 86.

Journal Articles and Peer-Reviewed Encyclopaedia Entries

- (2021), 'Experts: Investment Arbitration', *Max Planck Encyclopedia of International Procedural Law (MPEiPro)* (**forthcoming**).
- (with Lam, J.) (2019), 'Transparency and Participatory Aspects of Investor-State Dispute Settlement in the EU „New Wave“ Trade Agreements', *Leiden Journal of International Law*, vol. 32, Issue 4, pp. 781 - 800.

Blogposts

- (with Küçüksu, A.) "From Protection to Governance of Foreign Investment: Vulnerability Theory as a Paradigm Shift in International Investment Law", *EJIL: Talk!*, 27 December 2019. Blogpost available at the address: <https://www.ejiltalk.org/from-protection-to-governance-of-foreign-investment-vulnerability-theory-as-a-paradigm-shift-in-international-investment-law/>
- "Reforming Investor-State Dispute Settlement: Reflections on the UNCITRAL Working Group III and Beyond", *Turkish Law Blog*, 9 May 2019. Blogpost available at the address: <https://turkishlawblog.com/read/article/120/reforming-investor-state-dispute-settlement-reflections-on-the-uncitral-working-group-iii-and-beyond>

Other publications

(with Sauvant, K.) (2016) "Can Host Countries Have Legitimate Expectations?" *Columbia FDI Perspectives* No. 183. Available at the address: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2844432

Selected Conference Presentations

- 'Protection to Governance of Foreign Investment: Vulnerability Theory as a Paradigm Shift in International Investment Law', with Aysel Küçüksu, Workshop on Vulnerability and Corporate Subjectivity, October 2-3, 2020, Emory University School of Law, Atlanta, Georgia, USA (online).
- 'Protection to Governance of Foreign Investment: Vulnerability Theory as a Paradigm Shift in International Investment Law', The American Society of International Economic Law Interest Group Biennial Conference, Miami University School of Law, Miami, Florida, USA.
- 'The Rise of State-Owned Enterprises (SOEs): A Return to State-to-State International Investment Protection?', with Erman Özgür, Colloquium on Actors in International Investment Law: Beyond Claimants, Respondents and Arbitrators, 26-27 September 2019, Université Paris II Panthéon-Assas, Paris, France.
- 'Building a Framework of Enforceable Investor Obligations in Investor Obligations in Investor-State Dispute Settlement', The EU and Its Partners in Global Governance: Trade, Investment, Taxation and Sustainable Development, 14-15 June 2018, Chinese University of Hong Kong (CUHK), Hong Kong.
- 'Might Claims Commissions Work Better? A Comparative Analysis of Claims Commissions and Arbitral Tribunals to Settle Investment-Related Disputes in Conflict Zones', with Taylor St. John and Daniel F. Behn, Colloquium on International Investment Law and the Law of Armed Conflict, October 5 – 6, 2017, National and Kapodistrian University of Athens, Athens, Greece.
- 'A Waiver for Europe? CETA's Trade in Services, and Investment Protection Provisions and Their Legal-Political Implications on Regulatory Competence', with Amalie Giødesen Thystrup, 4th Conference of the Postgraduate and Early Professionals/Academics Network of the Society of International Economic Law (PEPA/SIEL), 16-17 April 2015, Milan, Italy.

Teaching Activities

- June 2021 (scheduled) - LL.M. Course on International Investment Law (Case study), Europa Institut, University of Saarland, Saarbrücken, Germany.
- March 2021 (scheduled) – EU Investment Law and Policy and Turkey, Istanbul Centre of International Law (ICIL) Lecture Series, Istanbul.
- June 2020 - LL.M. Course on International Investment Law (Case study), Europa Institut, University of Saarland, Saarbrücken, Germany.
- 2020 – 2021 Fall – **EU Competition Law** (M.A. Course, Lecturer, elective, 15 ECTS), **International Law** (B.A. Course, Lecturer, Mandatory), Faculty of Law, University of Copenhagen.
- October 2019 - International Investment Law (two days, total 6 hours), Southwest University of Political Science and Law, Chongqing, People's Republic of China.
- 2019 – 2020 Fall – **International Investment Law** (M.A. Course, course responsible and lecturer, elective, 15 ECTS), Faculty of Law, University of Copenhagen.
- 2018 – 2019 Fall – **International Investment Law** (M.A. Course, course responsible and lecturer, elective, 15 ECTS), Faculty of Law, University of Copenhagen.
- October 2017 – 'Fair and equitable treatment', international investment law LL.M. course, University of Edinburgh Law School.

- 2017 – 2018 Fall – **International Investment Law** (M.A. Course, course responsible and lecturer, elective, 15 ECTS); **Advanced EU Constitutional Law** (M.A. Course, with Matteo Bottero (PhD Student), elective, 15 ECTS), Faculty of Law, University of Copenhagen.
- November 2016 – LL.M. Programme on International Investment Law (two-day supervision of expropriation and fair and equitable treatment seminars), Uppsala University, Uppsala, Sweden.
- 2015 – 2016 Fall – **International Courts and International Dispute Settlement** (B.A. Course, co-lecturer, elective, 15 ECTS), Faculty of Law, University of Copenhagen.
- 2013 – 2014 Spring – **International Sales Law** (CISG, INCOTERMS) (M.A. Course, elective, 15 ECTS), Faculty of Law, University of Copenhagen.

Other Professional Activities

Legal consulting and expertise

- Of Counsel, Özgür & Ünüvar Legal Consultancy (2018 -)

Media Outreach

- Jus Gentium Podcast Series Inaugural Episode, “International Investment Law and Dispute Settlement”, <https://open.spotify.com/episode/5iYh57dur8cO6WaonuuXmt?si=l6OX-xlvS8-dQcdz-ADiQ>
- Hosting the Legal Talk video talk series, organized by Lex Loci (University of Copenhagen Faculty of Law Student Association) and My Law Story. Videos of available editions can be found below.
 - o <https://youtu.be/v7uaqnHvEDA> - with Professor Joanna Lam, iCourts, University of Copenhagen (30 April 2020)
 - o <https://youtu.be/6L0sT9X-vw4> - with Postdoc Aysel Kucukusu, iCourts, University of Copenhagen (23 November 2019)
- TRT Avaz (Turkish state television), Avrasya Gündemi, 16 April 2020, a 10-minute interview on COVID19 measures in Denmark and the international economic relations post-COVID19 (in Turkish) <https://youtu.be/1BSCvqELRUc>
- TV2 Danmark (National TV channel in Denmark), invited for an interview on the first-ever potential ISDS case against Denmark. (<https://www.youtube.com/watch?v=utwwaE72XZE&feature=youtu.be> – 7 June 2020)

Professional Affiliations

Admitted to the Ankara Bar Association (2012) and Turkish Union of Bar Associations (2012).

Scholarships, Grants and Prizes

Carlsberg Foundation Conference Grant (7.600 EUR) for “China, Sustainable Development and Policy-Making”, September 1 – October 31, 2021 (postponed due to COVID19) (with Joanna Lam and Xiang Wen)

Ministry of Higher Education and Science, Denmark, project grant (38.140 EUR) for the establishment of Denmark-China Network for International Economic Dispute Resolution (IEDR) (with Joanna Lam and Xiang Wen)

Dreyer Foundation, Conference Grant (10.025 EUR) “China, Sustainable Development and Policy-Making”, April 10-12, 2019 (with Joanna Lam and Xiang Wen)

Norwegian Research Council, Responses to the “Legitimacy Crisis” of International Investment Law (LEGINVEST) Project, iCourts External Collaborator (November 2017 -)

Carlberg Foundation Conference Grant (7.550 EUR) FOR THE Conference 'Investment Courts: Challenges and Perspectives' held in February 2018 (with Joanna Lam and Shai Dothan)

Carlsberg Foundation Postdoctoral Fellowship in Denmark (Carlsbergfondets postdoc-stipendier i Danmark, 134.000 EUR) between February 2017 to February 2019

Junior Chamber International (JCI) Turkey, Ten Outstanding Young Persons (TOYP) Programme, Category Winner 'Political, Legal and/or Governmental Affairs' (2015)

The Danish National Research Foundation, Full-time PhD Scholarship (September 2013 – August 2016)