Investor-State Dispute Settlement: Trends, Challenges and Way Forward
23 January 2015

Elisabeth Tuerk
Chief
International Investment Agreements Section
Division on Investment and Enterprise
United Nations Conference on Trade and Development (UNCTAD)
The past years brought an increasing dichotomy in investment treaty making: disengaging and “up-scaling”

- In 2013, 44 new IIA s were signed, bringing the total number of IIA s to 3,236
In 2013, 56 new ISDS cases were filed – the second largest number of known cases in a single year

- This brought the total number of known ISDS cases to 568

Trends in known ISDS cases, 1987–2013

Source: UNCTAD, ISDS database.
UNCTAD has defined five paths to reform the ISDS system

- Introducing an appeals facility
- Creating a standing international investment court
- Promoting ADR or DPPs
- Tailoring the existing system through individual IIAs
- Limiting investor access to ISDS

Source: UNCTAD, WIR 2013.
UNCTAD provides a platform for stakeholders to engage on IIA reform

“Reforming the IIA Regime”
Conference, 16 October 2014

• Over 50 high-level speakers (chief negotiators, representatives of business, civil society and int'l organisations)
• Sketched the contours of a roadmap for reform

Three day Expert Meeting on: Transformation of the IIA Regime

UNCTAD, Geneva
25-27 February 2015

Registration is open now!
THANK YOU!

The Investment Policy Hub:
http://investmentpolicyhub.org

UNCTAD websites:
www.unctad.org/diae
www.unctad.org/wir
www.unctad.org/fdistatistics
www.unctad-worldinvestmentforum.org

@unctadwif