

Publication launch

« UNCITRAL fiddles while countries burn »

Thursday, 16 September 2021

Virtual event, 13.00-15.00 (GMT+2/ CEST)

Five years into its review of international investment agreements, and specifically investor-state dispute settlement (ISDS), Working Group III (WGIII) of the United Nations Commission on International Trade Law (UNCITRAL) appears to be a long way from delivering meaningful reforms to the investment arbitration regime. In the meantime, ISDS continues to provide foreign investors with an exclusive mechanism through which they can directly sue host states and challenge governmental action, including non-discriminatory regulations.

This paper analyses the work of UNCITRAL WG III through a development lens, addressing the issues at a macro-level, the WG's approach at an institutional level, and specific issues of significance that are of particular concern to developing countries.

It shows that the failure of WGIII to make effective advances towards urgently needed reforms can be traced back to several factors, notably its narrow interpretation of the UNCITRAL mandate to cover a limited set of procedural issues, the prescriptive agendas that have limited the range of issues being discussed and side-lined a range of concerns raised by developing countries, and the procedures adopted before and during the Covid-19 pandemic.

The authors propose that an effective consideration of the developmental implications of ISDS requires freeing the mandate given to WGIII from the narrow interpretation adopted to date and taking a serious look at alternatives to arbitration as means to settle investment disputes.

The launch will include presentation of the main messages of the paper by the two authors:

- Jane Kelsey, professor, faculty of law, University of Auckland, New Zealand
- Kinda Mohamadieh, legal advisor and senior researcher, Third World Network

A panel of commentators including developing country delegates, and representatives from civil society and academia, will also share their views. The event will be moderated by Yvonne Bartmann, senior program officer, FES Geneva office.

This event will be held in English with French interpretation provided.

To join this event, please register beforehand at the following link:

<https://us02web.zoom.us/meeting/register/tZArdeCqjIuHdT9i1KrmE4QFRFqK3ekjeso>

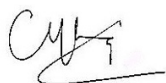
To check the time in other time zones, please visit:

<https://www.timeanddate.com/worldclock/fixetime.html?iso=20210916T13&p1=87&ah=2>

For any inquiries, please email: kindam@twnetwork.org or ybartmann@fes-geneva.org

We look forward to your participation in this virtual meeting.

Yours sincerely,



Chee Yoke Ling
Director
Third World Network



Hajo Lanz
Director
FES Geneva Office