Treaty Parties’ role in treaty interpretation: joint committees and commissions

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Some empirics

• as of 12 October 2017 (out of 2,573 IIAs):
  23 IIAs in force
  10 Model BITs
  6 signed IIAs and
  2 draft IIAs at various stages of approval

• further (not rapid) spread
  2017 – 1; 2018 – 6; 2019 – 1
Geographical spread
Interpretative commissions/committees

• Functions
• Composition
• Initiative to trigger interpretation
• Subject-matter of interpretation
• Procedure
• Interpretative methods
• Temporal effect of the issued interpretation
Observations

• an existent infrastructure (comparable with dispute boards in commercial context)
• an extraordinary interpretative exercise
• not a substitute to a clear treaty language
• proper integration needed within dispute settlement mechanism
  • scope and content of interpretation
  • predictability and transparency
  • temporal effect