

Reform of Investor-State Dispute Settlement - UNCITRAL Multilateral instrument on ISDS reform

***Webinar on 23 April 2020, 2 to 4 pm (Vienna, Austria time), at
<https://uio.zoom.us/j/69018730875>***

The UNCITRAL Secretariat and the ISDS Academic Forum are organizing a webinar on the topic of a multilateral instrument on ISDS reform.

Topics for discussion include the possible architecture of a multilateral instrument that would aim at providing the framework for the implementation of various reform options: the instrument could include specific provisions and annexes, addressing various reform options; it can also foresee the preparation of protocols for addressing possible developments; a further possibility would be for the instrument to also set-up a multilateral institution for investment dispute settlement that would allow States to choose among different modes of dispute settlement administered by the institution (reformed investor-State arbitration, inter-State arbitration, use of a multilateral standing mechanism, domestic remedies).

The webinar is open for participation to all UNCITRAL Working Group III member and observer States delegations as well as inter-governmental and non-governmental organizations with observer status. Please, connect on 23 April 2020 (Thursday), at 2-4 pm (Vienna, Austria time) at the following link:

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Programme

1. Opening of the session (2-2.20pm)

Welcome remarks by Anna Joubin-Bret, Secretary, UNCITRAL, Malcolm Langford, Academic Forum, and Shane Spelliscy, Chairperson, Working Group III

2. Presentation by delegations of their proposal in their initial submissions (2.20-2.40pm)

Delegations that have made a submission focussing on the preparation of a multilateral instrument will make a short presentation of their submission. This includes presentation by:

- The delegation of Colombia, by Maria Paula Quijana
- The delegation of Ecuador, by Claudia Salgado
- The delegation of Chile, by Mairée Uran Bidegain
- The delegations of the EU and its Member States, by Colin Brown
- The delegation of the Dominican Republic, by Leidylin Contreras

3. Presentation by experts of possible models for a multilateral instrument and comments by participants (2.40-3.50pm)

Presenters:

- Anthea Roberts, Professor, School of Regulation and Global Governance (RegNet), Australian National University;
- Michele Potestà, Senior Researcher, CIDS; Attorney, Lévy Kaufmann-Kohler;
- Stephan Schill, Professor, Faculty of Law, University of Amsterdam;
- Manjiao Chi, Professor, University of International Business and Economics, Beijing;
- Wolfgang Alschner, Assistant Professor, University of Ottawa.

The session will be chaired by Andrea Bjorklund, Professor, Faculty of Law, McGill University.

Participants will have the opportunity to ask questions and provide comments.

4. Conclusion (3.50-4pm)

Concluding remarks by Anna Joubin-Bret, Secretary, UNCITRAL

Background documents

The following documents contain information on the history and current status of the discussion on a multilateral instrument in Working Group III and provide for a basis for the discussions. Further material can be found on the UNCITRAL website (https://uncitral.un.org/en/working_groups/3/investor-state).

- Document A/CN.9/WG.III/WP.194, Note by the Secretariat on a multilateral instrument on ISDS Reform
- Document [A/CN.9/1004](#), Report of Working Group III (Investor-State Dispute Settlement Reform) on the work of its thirty-eighth session (Vienna, 14–18 October 2019)
- CIDS Research Paper, Can the Mauritius Convention serve as a model for the reform of investor-State arbitration in connection with the introduction of a permanent investment tribunal or an appeal mechanism? Analysis and roadmap, Section VII, pp. 75–93, by Gabrielle Kaufmann-Kohler and Michele Potestà, (the “CIDS report”) available at https://uncitral.un.org/sites/uncitral.un.org/files/mediadocuments/uncitral/en/cids_research_paper_mauritius.pdf
- Designing Investment Dispute Settlement à la carte: Insights from Comparative Institutional Design Analysis, by Stephan W. Schill and Geraldo Vidigal, University of Amsterdam, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3519259
- UNCITRAL and ISDS Reform: Visualising a Flexible Framework, by Anthea Roberts and Taylor St. John, EJIL: Talk 24 October 2019, available at <https://www.ejiltalk.org/uncitral-and-isds-reform-visualising-a-flexible-framework/>
- See also bibliographic references published by the Academic Forum, available under “Additional resources” at http://www.uncitral.org/uncitral/en/publications/online_resources_ISDS.html and <https://www.ius.uio.no/pluricourts/english/projects/leginvest/academic-forum/> and <http://bit.ly/isds-academic-forum>