

EUROPEAN PARLIAMENT

JURI-INTA Committees' Joint Public Hearing TTIP: ISDS and Arbitration

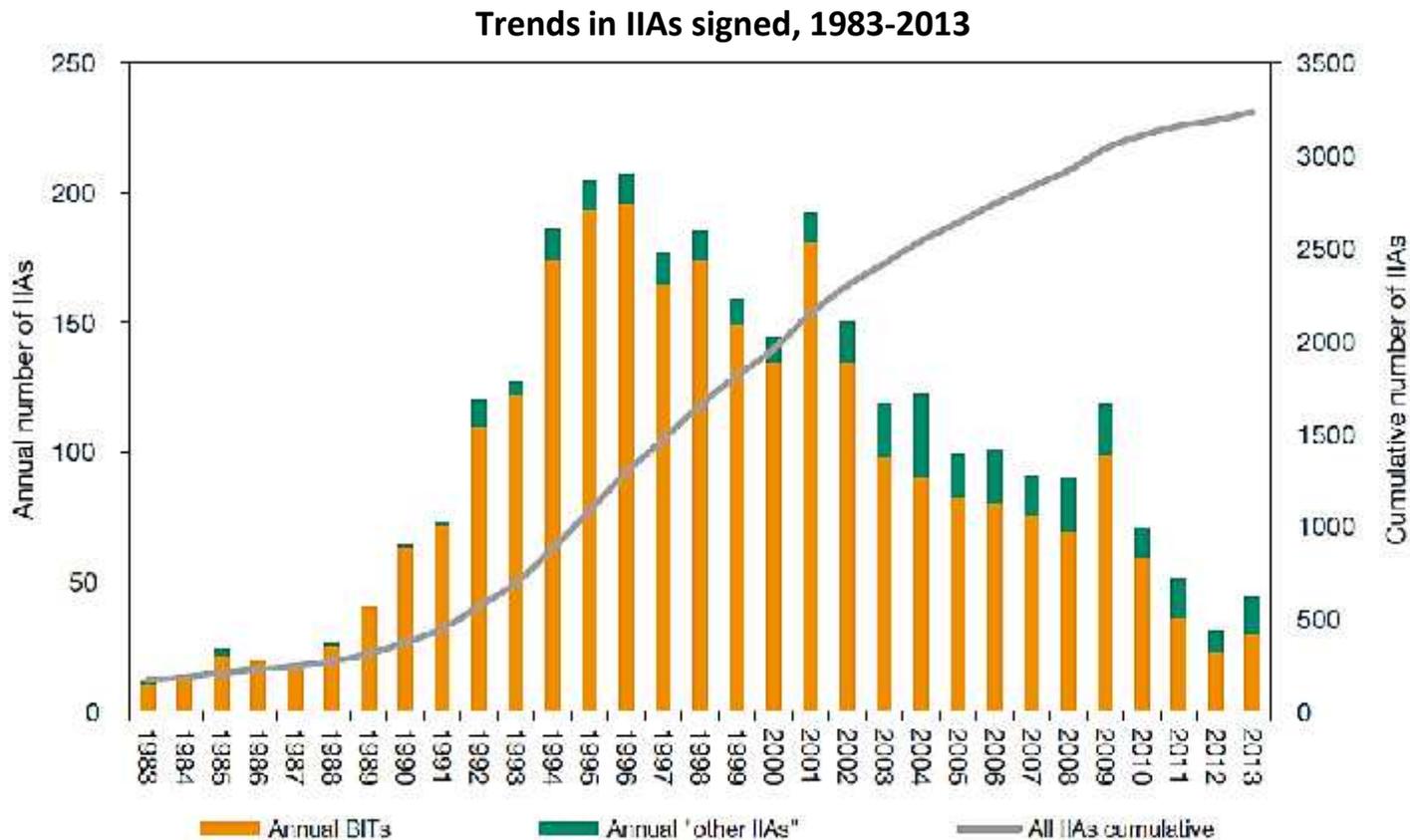
Brussels, 27 January 2015

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United Nations Conference on Trade and Development (UNCTAD)

The past years brought an increasing dichotomy in investment treaty making: disengaging and “up-scaling”

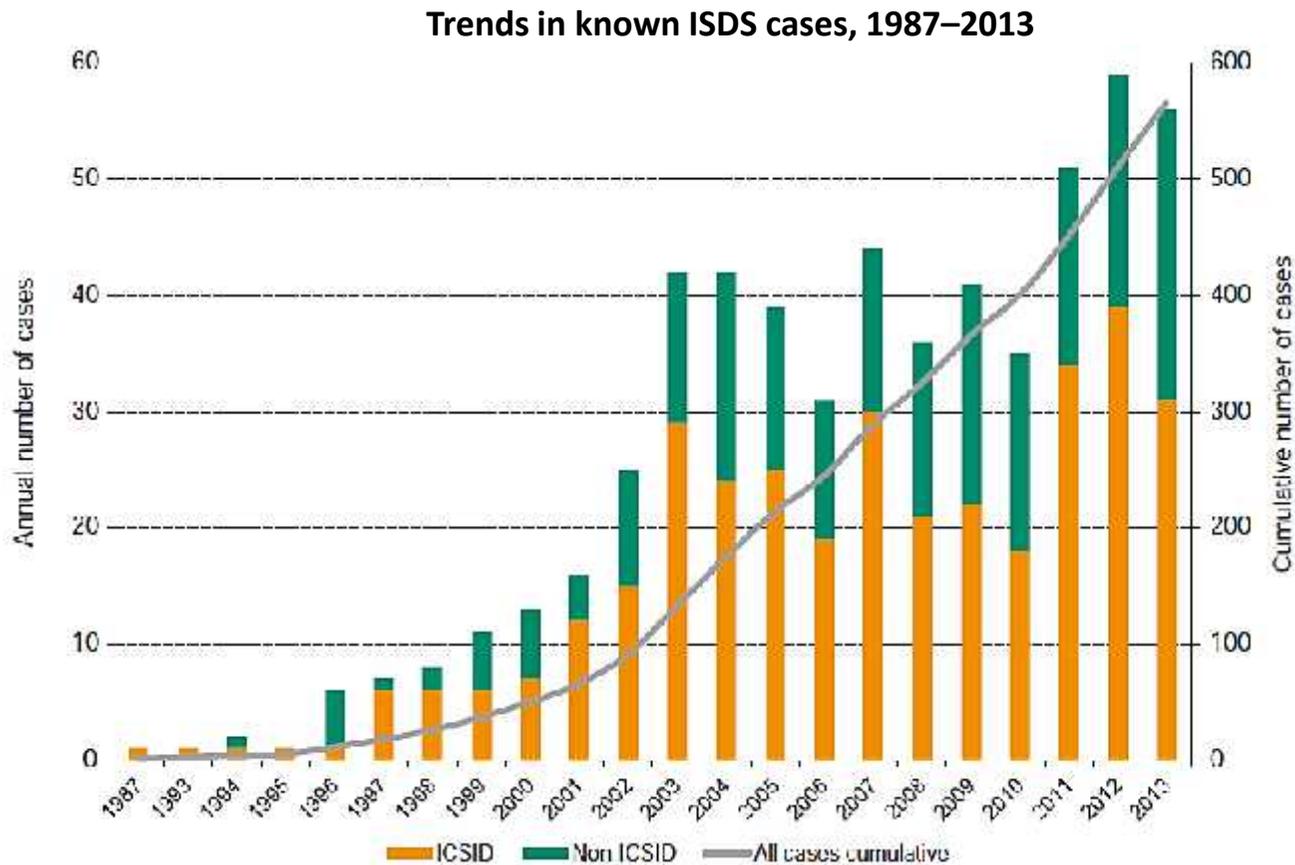
- In 2013, 44 new IIAs were signed, bringing the total number of IIAs to 3,236



Source: UNCTAD, IIA database.

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

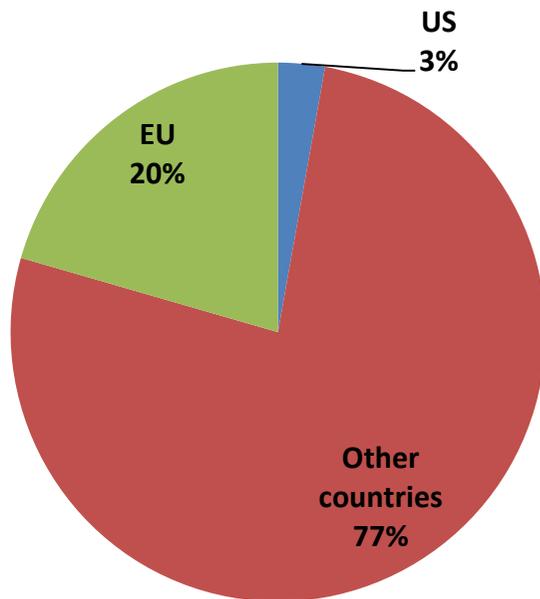


Source: UNCTAD, ISDS database.

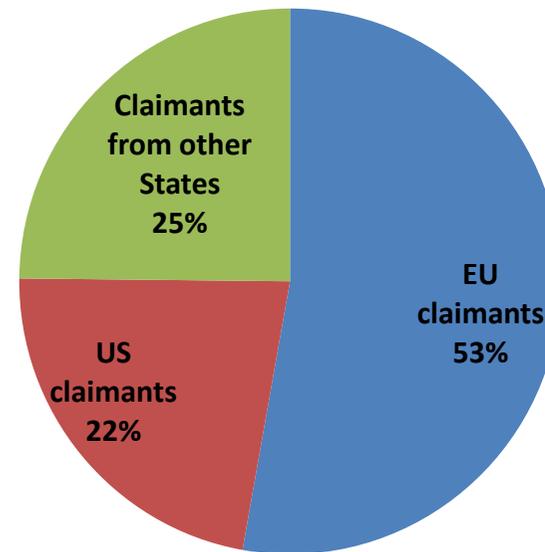
The US and EU Member States play a role as respondent States and home States of claimant investors

- EU MS were respondents in 117 cases and the US in 16 cases.
- Claimants from EU MS have initiated 300 cases and claimants from the US have filed 127 disputes. Taken together, they account for three quarters of the known cases.

Cases brought against the US and EU Member States



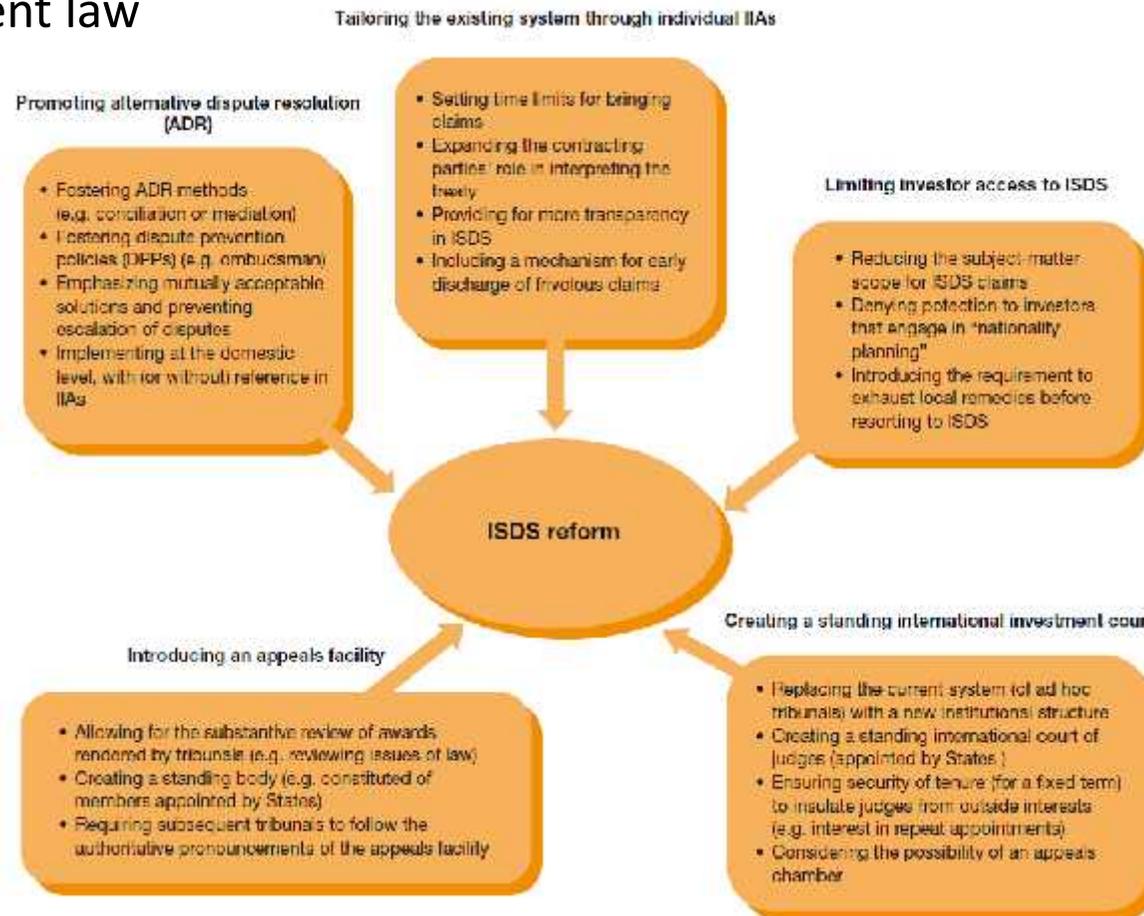
Claimants' home States



Source: UNCTAD, ISDS database.

UNCTAD has defined five options for reforming the ISDS system

- ISDS is a system of *application* of the law; improvements to the ISDS system should go hand in hand with progressive development of substantive int'l investment law



Source: UNCTAD, WIR 2014.

THANK YOU!

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

UNCTAD websites:
www.unctad.org/dia
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