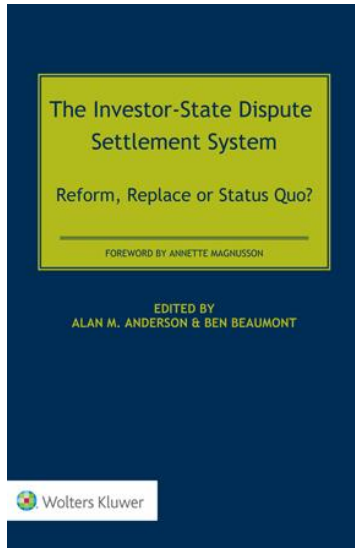


The Investor-State Dispute Settlement System

Reform, Replace or Status Quo?

Edited by Alan M. Anderson & Ben Beaumont



The Investor-State Dispute Settlement System is a thought-provoking and important contribution to the ongoing worldwide discussions and debates regarding the way forward for investor-State dispute resolution. The investor-State dispute settlement (ISDS) system provides a mechanism, based on international arbitration, to resolve disputes between foreign investors and States. The number of ISDS arbitrations has increased significantly over the past decade. Drawing contributors from around the world, the authors provide insights into critical topics regarding possible ISDS reforms, their feasibility and alternatives.

What's in this book:

The contributors represent points of view ranging from academia to private practice to governmental entities, addressing such topics as:

- the possible consequences of wholesale replacement or elimination of the current ISDS system;
- the creation of a multinational investment court or appellate review mechanism;
- an early dismissal mechanism to eliminate meritless claims;
- issues regarding arbitrators, including their appointment and ethical obligations;
- whether investors may retain their right to pursue claims for violations of investment protection following termination of an ISDS agreement;
- a State's right to assert a counterclaim against an investor-claimant;
- the role of ISDS in promoting and protecting renewable energy production;
- the liability of State-controlled entities;
- the effects and implications of third-party funding;
- the duty to mitigate damages in the light of excessive damages awards; and
- improvements and issues relating to post-award enforcement, duration, and cost of ISDS.

This book analyses and considers various proposals and reforms under consideration by UNCITRAL's Working Group III. It provides insights into how several geographic regions and economic cooperation areas have sought to address the question of reform of the ISDS system, including the European Union, the Middle East, and the new United States-Mexico-Canada Agreement.

©2020 Published by Kluwer Law International B.V., Alphen aan den Rijn, The Netherlands
ISBN 978-94-035-1755-1