

# A guide to ISDS

# THE FACTS

Investor-State Dispute Settlement (ISDS) is the proposed dispute resolution mechanism under the Transatlantic Trade and Investment Partnership (TTIP).

## NEUTRALITY

1. ISDS provides a completely neutral forum
2. ISDS has depoliticized investment disputes



ICSID<sup>7</sup> AND SCC<sup>8</sup>  
HAVE ADMINISTERED

# 65 %

OF ISDS CASES



## SMALL AND MEDIUM ENTERPRISES

OECD Survey found that SMEs represent a significant number of ISDS claimants – extremely large multinationals represent only 8% of the total number of claimants.<sup>1</sup>



## ISDS DOES NOT DEFINE POLICY

ISDS merely concerns the enforcement of investment agreements. ISDS does not limit what policy measures governments may adopt.



## THIS IS ISDS



# INTERNATIONAL ARBITRATION

A well-established legal method to resolve cross-border conflicts

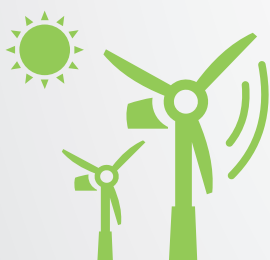
## VARIOUS INDUSTRIES

Types of industries which have brought claims to ISDS vary widely, from food, paper, construction to tourism.

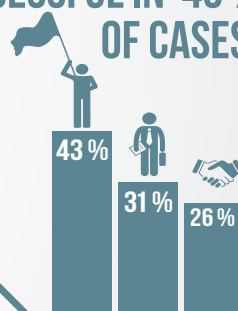


## SUSTAINABLE DEVELOPMENT

There are an increasing number of ISDS claims from renewable energy investors.<sup>4</sup> There are 274 known ISDS awards.<sup>5</sup> 19 stemmed from environmental regulations.<sup>6</sup>



GOVERNMENT WAS SUCCESSFUL IN 43% OF CASES<sup>2</sup>



## TRANSPARENCY

With the new UNCITRAL Transparency Rules<sup>3</sup>, ISDS will be more transparent than most domestic courts.

Now more than  
**3 000**  
INVESTMENT AGREEMENTS  
with ISDS provision.



WWW.  
ISDSBLOG.  
COM

1 OECD – Public Consultation Document 16 May–9 July 2012 ([www.oecd.org](http://www.oecd.org))  
2 UNCTAD – Recent Development in ISDS April 2014 ([www.unctad.org/diae](http://www.unctad.org/diae))  
3 [www.uncitral.org](http://www.uncitral.org)  
4 See [encharter.org](http://encharter.org) and [italaw.com](http://italaw.com)

5 UNCTAD – Recent Development in ISDS April 2014 ([www.unctad.org/diae](http://www.unctad.org/diae))  
6 See available ISDS awards on [italaw.com](http://italaw.com)  
7 International Center for Settlement of Investment Dispute (<https://icsid.worldbank.org>)  
8 The Arbitration Institute of the Stockholm Chamber of Commerce ([www.sccinstitute.com](http://www.sccinstitute.com))

