

Candidacy Statement for the ISDS Academic Forum Steering Committee

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First of all, it is my great honor to be considered by the colleagues of the ISDS Academic Forum as a candidate to fill the vacancies in the Steering Committee. Over the past three years, the Academic Forum has played an important role in the difficult and complex discussions of ISDS reform in the UNCITRAL Working Group III. It has been a ‘voice of reason’ and a ‘library of information’ for 100-plus government delegations attending WG III and for the UNCITRAL Secretariat.

As a matter of fact, academic research papers commissioned by the forum helped clarify what the real problems are and what options there might be. But for such academic support, WG III discussions could have faced far more difficulties. As WG III meetings go virtual and in a hybrid format, the forum’s role is becoming ever more important; states’ delegations seem to turn to the forum for information and expertise more frequently.

Furthermore, the Academic Forum is the first entity, comprising academics and researchers from different regions of the global community with diverse backgrounds, that is focused on the study of the ISDS proceedings. It has invited and facilitated robust academic discussions and research activities among members. Thus, setting aside the key contribution to WG III, the Academic forum has also positioned itself as a ‘hub’ of academic activities in the area of ISDS. As a matter of fact, academic research papers of the forum have also helped us academics adjust our research focus and sharpen analyses. Members of the forum have also had valuable opportunities to hear from the stakeholders – states, industries, NGOs and other international organizations. This role of an ‘academic hub’ of ISDS research should continue and expand. If elected, I would like to collaborate with other colleagues in the Steering Committee and liaise with members of the forum to further facilitate this role.

Given the level of attention from the stakeholders, the ISDS reform is and will continue to be one of the most critical policy and legal issues in the area of international investment law, international dispute resolution and public international law. A decision on a reform package or on a new system is only to be made by the governments. A decision in this highly complex and interrelated area, however, could become an informed one only with continuing interaction with the Academic Forum. As the conventional modes of interaction between delegates and the forum have been disrupted as a result of COVID-19, we would have to explore various alternative modes of interaction in a flexible manner. How to achieve this will be one of the important tasks for the Academic Forum. If elected, I would like to contribute to the prospective discussions in the Steering Committee in this regard.

Again, it is a great honor to be considered by colleagues as a candidate for a member in the Steering Committee.