

Practitioner Group – UNCITRAL Working Group III

Statement of Purpose

The Practitioner Group was created to provide lawyers active in the field of investor-state dispute settlement (ISDS) as counsel or arbitrator a forum to exchange views, explore issues and options, test ideas, and make constructive contributions to the ongoing discussions on possible reform of ISDS.

The discussions within the Practitioner Group will focus on issues of international dispute settlement and the proposed reforms to the ISDS system in light of their practical implications.

Recognizing that the UNCITRAL Working Group III process is government-led, the Practitioner Group hopes that the views of its members will make a meaningful contribution to discussions on potential reform to the ISDS system. Many government representatives to Working Group III have extensive experience within the ISDS system, while others do not. Several delegations include well-known practitioners from their home jurisdictions, while again, others do not. The experience of the members of the Practitioner Group may therefore benefit the delegates by providing practice-based assessments of the proposals being tabled for consideration.

The Practitioner Group intends to pursue objective research and analysis of issues likely to arise in connection with proposals for reform arising in multiple fora. The members commit to work independently, without pre-conceived ideas on possible outcomes of the reform process. Finally its membership will endeavor to be diverse and inclusive encompassing the perspectives of practitioners with relevant experience from regions of the world that are often under-represented in these discussions including individuals with different interests, backgrounds, and views on ISDS.

Proposed Initiatives

The Practitioner Group welcomes proposals for concrete activities that it could pursue. Currently, the Practitioner Group is contemplating the following initiatives:

(i) Research papers/reports. Members of the group (either individually or organized in task forces) could be entrusted with preparing research papers or reports on specific issues, including at the request of the UNCITRAL Working Group III.

(ii) Expert meetings. A series of expert meetings or workshops could be organized, either at the time of the Working Group III sessions or at different times, in which members and selected invitees could address specific issues and possibly provide feedback on draft reports prepared by members.

(iii) Information sessions with Working Group III delegates. Meetings between the Practitioner Group and State delegates at the Working Group III could also be organized to convey information useful to a proper understanding of the issues in discussion within Working Group III and/or to transmit research outputs, with the aim of ensuring effective communication between the Practitioner Group and policy-makers interested in ISDS reform.

Patrick W. Pearsall,
on behalf of the Practitioner Group's founding members attached in Annex A.

1 May 2018

Annex A
Current Members of the Practitioner Group as of 1 May 2018

1. Mohamed Abdel Wahab
2. Catherine Amirfar
3. John Bang
4. Julie Bedard
5. John Beechey
6. Nigel Blackaby
7. Christophe Bondy
8. Lee Caplan
9. Marney Cheek
10. Donald F. Donovan
11. Julien Fouret
12. Alvaro Galindo
13. Gaela Gehring Flores
14. Samaa Haridi
15. Melida Hodgson
16. Matthew Hodgson
17. Juan Pablo Hugues
18. Jean Kalicki
19. Edward Kehoe
20. Dany Khayat
21. Christian Leathley
22. Bart Legum
23. Aloysius Llamzon
24. Andrea Menaker
25. Reza Mohtashami
26. Charles Nairac
27. Eloïse Obadia
28. Patrick W. Pearsall
29. Eduardo Silva Romero
30. Jeremy K. Sharpe
31. Gaetan Verhoosel
32. Peter Goldsmith