

Flexible Approaches to ISDS Reform

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Agenda

- I. Introduction: The Case for Flexibility
- II. Reform Options at Three Levels
- III. Flexible Multilateral Approach

Introduction: The Case for Flexibility

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Reform Challenges

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- Encourage broad participat
- Provide developing States leverage to negotiate

Reform Options at Three Levels

Level	Mechanisms	Reform Res

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Multilateral Amendment Convention: Two Models

i. Multilateral Tax Instrument: amended thousands of existing tax treaties

ii. Mauritius Convention: added UNCITRAL Transparency Rules to investment treaties

Model Provisions for a Multilateral Amendment Conven

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OPTIONAL PROVISIONS	Opt-in any time	Flexibility now, but no future commitments
RESERVATIONS	Only enumerated reservations	Establish minimum standards

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Framework Convention for Sustainable Invest

Broad Objective: Future Investment Reform

Framework Convention for Sustainable Invest

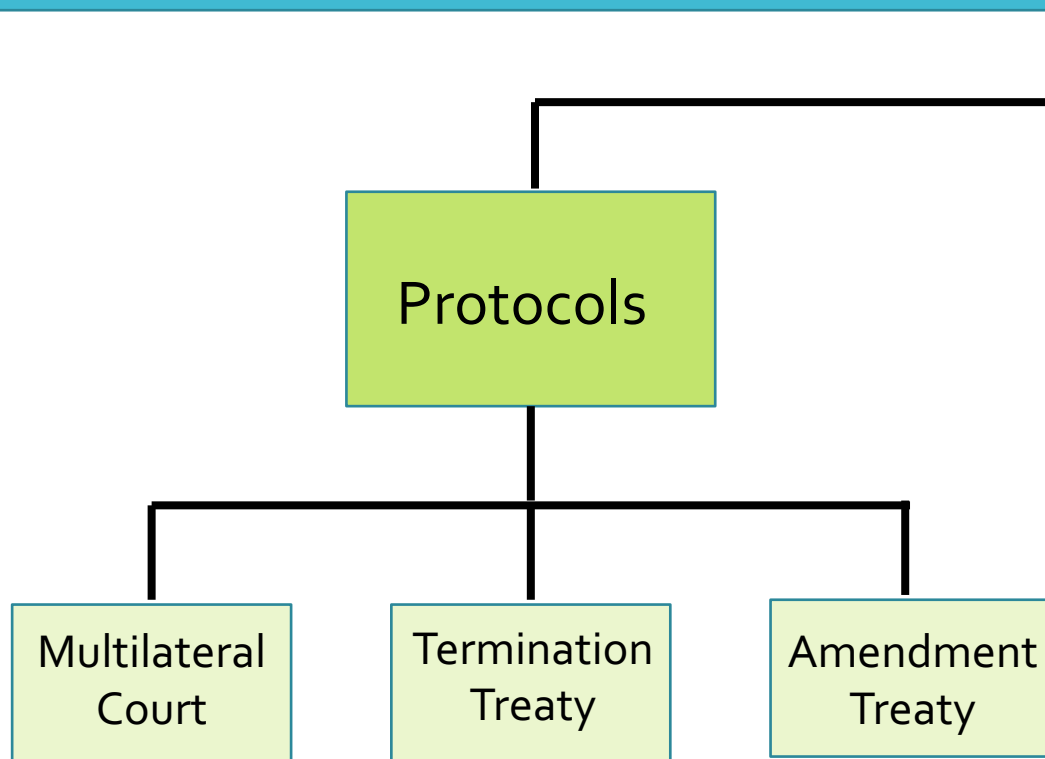
Broad Objective: Future Investment Reform

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Broad Objective: Future Investment Reform"] --- B["Protocols"]
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Protocols

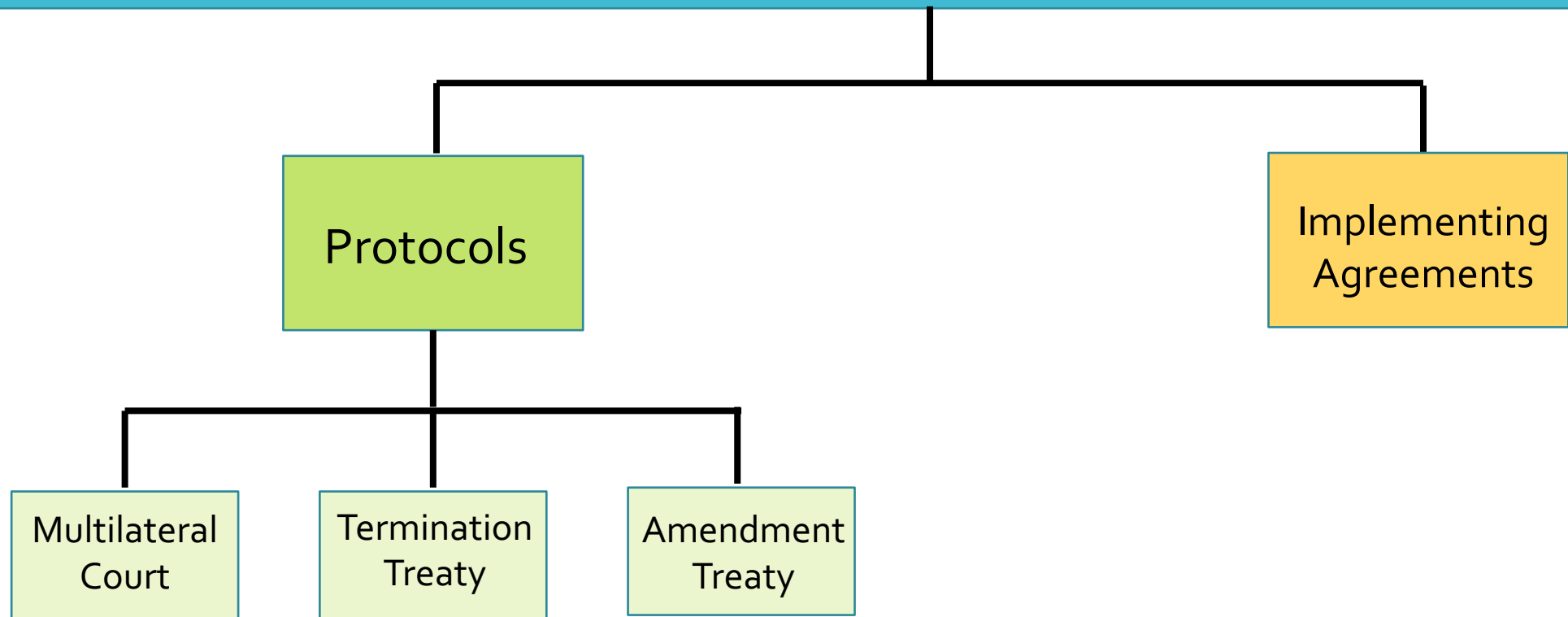
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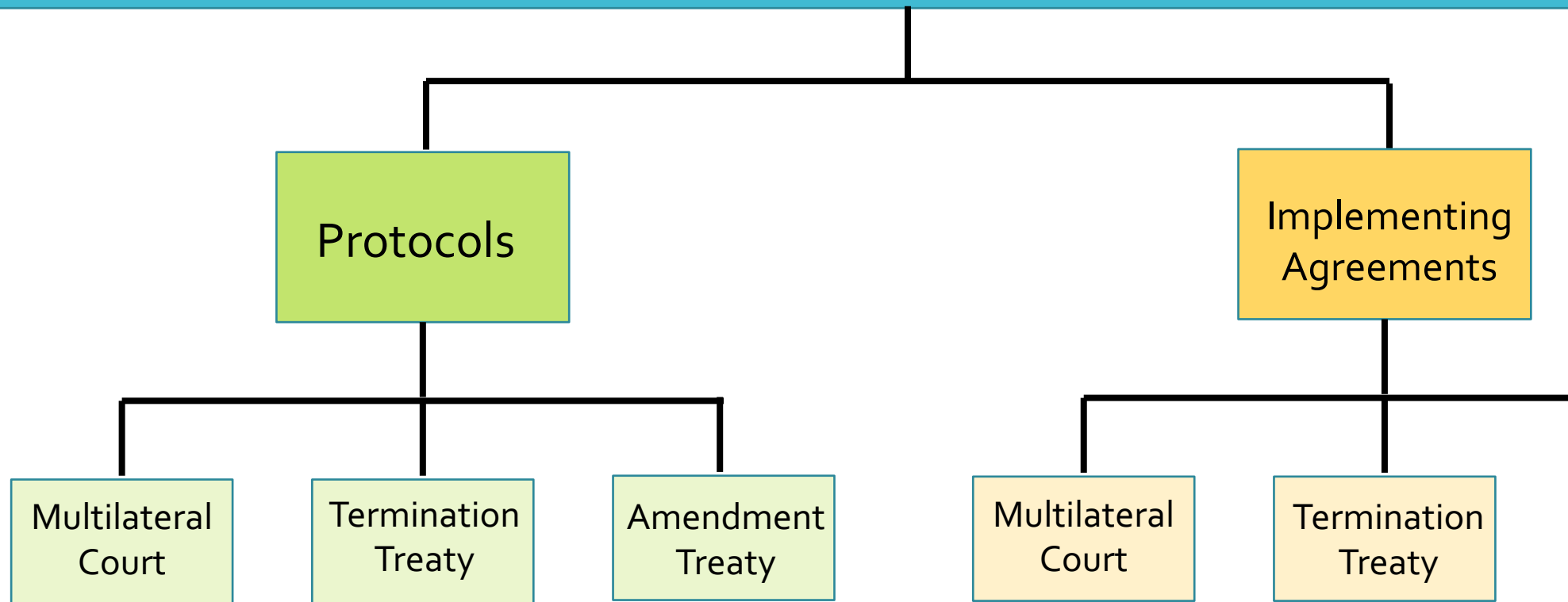
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Broad Objective: Future Investment Reform



Recap

Consider: Flexible Reform Mechanisms

- Unilateral
- Bilateral
- Multilateral

Next Steps:

- Identify reform outcome preferences
- Design mechanisms for implementation