

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

# **Exploring Alternatives to Investment Treaty Arbitration and Other Dispute Prevention Policies**

*- First Draft for Discussion -  
Not for quotation*

**UNCTAD Series  
on International Investment Policies for  
Development**



**UNITED NATIONS  
New York and Geneva, 2009**

**NOTE**

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A dash (-) indicates that the item is equal to zero or its value is negligible;

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## PREFACE

The secretariat of the United Nations Conference on Trade and Development (UNCTAD) is implementing a programme on international investment arrangements. It seeks to help developing countries to participate as effectively as possible in international investment rule-making. The programme embraces policy research and development, including the preparation of a series of issues papers; human resources capacity-building and institution-building, including national seminars, regional symposia, and training courses; and support to intergovernmental consensus-building.

This paper is part of a new Series on International Investment Policies for Development. It builds on, and expands, UNCTAD's Series on Issues in International Investment Agreements. Like the previous one, this new series is addressed to Government officials, corporate executives, representatives of non-governmental organizations, officials of international agencies and researchers.

The Series seeks to provide a balanced analysis of issues that may arise in the context of international approaches to investment rule-making and their impact on development. Its purpose is to contribute to a better understanding of difficult technical issues and their interaction, and of innovative ideas that could contribute to an increase in the development dimension of international investment agreements.

The Series is produced by a team led by James Zhan. The members of the team include Bekele Amare, Anna Joubin-Bret, Hamed El-Kady, Jan Knörich, Marie-Estelle Rey, Ileana Tejada, Elisabeth Tuerk and Jörg Weber. Members of the Review Committee are Jack Coe, Susan Franck, Barton Legum, Peter Muchlinski, and Jeswald W. Salacuse and Margrete Stevens.

This paper is based on a manuscript prepared by Anna Joubin-Bret and Jan Knörich. It benefited from comments during a peer forum on "*Investor State Dispute Settlement*" in July 2009, which took place in Miami and was jointly organized with the University of Miami. Further comments and inputs are expected from a joint conference...

The paper provides a timely stocktaking of the current state of affairs in international investment policy making, as UNCTAD embarks on implementing its renewed mandate in the area of international investment agreements emanating from the Accra Accord (paragraph 151).

Supachai Panitchpakdi  
Secretary-General of UNCTAD

Geneva, July 2009

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