Lise Johnson

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Good afternoon.

I want to begin by congratulating and recognizing UNCTAD for its continued contributions in this area.

My remarks draw on my own practice: working with governments on legal frameworks to attract, regulate, and benefit from investment, and defending governments in investor-State disputes. Through that work, I see the real costs investment treaties can generate, and why reform matters.

Under existing investment treaties, governments that take measures in good faith and in the public interest to address economic, social, or environmental issues can face claims and liability for taking those actions. These claims can be triggered by a wide range of government conduct. A permit denial for a mining project on environmental grounds can trigger a claim. New or increased taxes can trigger claims. Even a supreme court decision cancelling licenses because they were obtained through fraud or corruption can result in an investor-State arbitration.

And the stakes are high. Claims are commonly in the hundreds of millions of dollars, and increasingly seek more than a billion. And in every case, the mere initiation of a claim can be worrying for States, not only for the resources that will be incurred in defending against the claim, but because the investor's claim alleges a violation of international law, and no State wants the reputational concerns such allegation brings.

I won't go further into examples, since UNCTAD has already done invaluable work collecting and disseminating information on these disputes. But I wanted to set the scene before turning to the principles.

Let me make four points, one for each principle.

First, I commend principle one: embedding sustainable development at the core of the international investment regime. Any reform agenda must start by defining its objective. Once we know the objective, we can identify the right policy tools to achieve it, and then we can craft the legal language to implement those tools. We start with the objective and work down to the legal text. That is fundamental.

Second, I can't emphasize enough the importance of principle two: developing a national strategy. The components of this principle are key. For example, input from different ministries can be crucial for issue-spotting; and developing model investment agreements helps ensure clarity on priorities and the different ways of achieving them, and also helps identify those issues that are simply non-negotiable.

Third, on principle three, what's especially useful is that it goes beyond recognizing the right of States to regulate that investment treaties must respect. It also expressly recognizes that States have duties to regulate, including duties articulated in the International Court of Justice's advisory opinion on climate.

Fourth, and finally, principle four focuses on elements often ignored, including those identified in guideline 4.4, which calls for reviewing IIA networks to ensure they do what they're meant to do. As we've seen, treaties don't just risk falling short of promoting sustainable development, they can actively undermine it. It is essential that, where treaties fall short, States are able to correct course.

I will stop here, and thank you again for this contribution and the opportunity to comment on it.