World Investment Forum 2026

High-Level International Investment Agreements Conference
UNCTAD Guiding Principles on IIA Reform

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On behalf of the International Institute for Sustainable Development, I would like to begin by thanking UNCTAD for this important initiative and valuable document, which is yet another testament to its long-standing commitment to reforming international investment agreements.

IISD was pleased to contribute to the text, which brings together a decade of reform experience.

Why do the Guiding Principles matter?

This document matters for at least 2 reasons.

First, the Guiding Principles establish a shared reference point without prescribing to a one-size-fits-all model. Instead, they recognize the diversity of national objectives, approaches, and policy tools.

Second, they move the conversation beyond treaty provisions to address the reform process itself: strategy, needs assessment, and implementation.

I would like to highlight three guidelines that are particularly important for advancing sustainable investment governance reform.

Principle 2: Developing a national IIA reform strategy

First, principle 2 recommends that governments first develop a national strategy for reforming their IIAs. This is essential, particularly for addressing the stock of outdated treaties.

Many old-generation treaties were concluded without a clear understanding of the objectives they were intended to serve. Reform efforts should not repeat that mistake.

Notably, Guideline 2.1 calls for a high-level mandate, as its absence can stall reform efforts.

We encourage governments to formalize both the strategy and the mandate in an official document: one that explains why the country is pursuing reform, the direction it intends to take, and the outcomes it expects to achieve.

The Guidelines rightly avoid prescribing a fixed sequence. That said, developing a strategy should be the first step in an ideal scenario. A written strategy clarifies negotiators' objectives, provides continuity through staff turnover and changes of government, and helps explain the reform agenda to existing and future treaty partners and investors.

Guideline 2.4: Start with the needs, then choose the tool

Second, Guideline 2.4 lies at the heart of the document. It asks governments to identify their investment needs and the barriers they face before determining whether a treaty is the appropriate tool, which provisions are suitable, and what alternatives may be available—including domestic law, contracts, and political risk insurance.

This is the logic underpinning **IISD's Rethinking Investment Treaties** project. We are very pleased to see it reflected at the heart of the Guiding Principles.

The needs assessment should determine not only how investment protection and investor–state dispute settlement provisions are drafted, but whether they belong in a treaty at all. Barriers frequently raised by investors—including permits, visas, infrastructure, and skills gaps—cannot be addressed through investment protection standards. Principle 3's framing of protection provisions as "if included" is therefore welcome.

We encourage countries to apply this specific guideline from the outset when developing their national reform strategies.

Guideline 4.1: Plan for implementation from day one

Third, Guideline 4.1 addresses an often-neglected element: implementation must be planned and costed before signature, not afterward.

Modern treaties increasingly contain proactive commitments on investment facilitation, responsible business conduct, cooperation, and dispute prevention.

These commitments may create greater balance on paper, but they will deliver little unless institutions receive the mandate and resources required to implement them effectively.

Conclusion

To conclude, UNCTAD's new Guiding Principles for IIA reform are a timely and important tool that governments should put into practice.

To do so, the Guiding Principles should be anchored in three concrete actions: developing a written strategy, conducting an honest assessment of the added value of an investment treaty, and establishing a clear implementation plan.

IISD stands ready to continue collaborating with UNCTAD, governments, and all relevant stakeholders to support their implementation.