

Propositions

1. The effective determination of investors' legal standing is a prerequisite for whether the investor-state dispute settlement (ISDS) mechanism can exert its value and achieve its goals.
2. Arbitral tribunals should conduct a comprehensive analysis to identifying investors' access to arbitration, including but not limited to, using the rules of treaty interpretation to analyse the disputed provisions systematically, considering the objective of the ISDS mechanism, and investigating corporate misconducts based on specific case facts.
3. Domestic law has its special value to a certain extent: it regulates companies and their shareholders to prevent them from carrying out improper activities; it also plays an important role in regulating certain types of entities. These regulations reflect the general principles of good faith and integrity, which should also be considered in investment arbitration.
4. Stipulating the provisions in investment treaties as much detail as possible can minimise disputes arising from the legal standing of investors.
5. Arbitration institutions and international organisations should cooperate with each other to coordinate investment arbitration cases, establish a comprehensive and detailed database by using new technology and systematically integrate investment disputes.
6. International arbitration should be diversified, reflecting arbitrators' gender diversity, ethnic and cultural diversity, education and language diversity.
7. Arbitration gives arbitrators great powers. While an arbitrator usually possesses professional competence in international law and international investment law, he should also have a full understanding of domestic laws and regulations of the countries involved and of trading habits in the related countries.
8. Developed countries and developing countries should use international dispute settlement mechanisms on an equal footing. It is not fair when developed countries originally design a mechanism for their interests, but later they oppose the mechanism because developing countries gain benefits from the mechanism.
9. Although international law was mostly created and introduced by Western countries and scholars, it should not become a professional field controlled only by these countries and scholars. The Western mainstream legal community should hear more Eastern and minority voices and learn from them. Only in this way can international law really be international.
10. Each country and region has its own unique development route with different geographical, historical and cultural differences. Therefore, when using law to analyse legal issues between different countries and regions, one should not simply and directly apply one theory and practice from one side of the world to analyse legal issues in the other side.
11. Please give a flower time to bloom.