

5 Facts You Need to Know About ISDS

1.

Investor-State Dispute Settlement (ISDS) fundamentally shifts the balance of power between corporations and countries. ISDS grants corporations the power to sue governments over the laws we rely on — and has been used to attack tobacco, climate, financial stability, mining, medicine, energy, pollution, water, labor, toxins and development policies, among others.

2.

ISDS circumvents domestic courts. The cases are decided by panels composed of three corporate lawyers, some of whom rotate between serving as “judges” and bringing cases against governments. The corporate lawyers are paid by the hour and are unaccountable to any court system or electorate.

3.

The number of ISDS cases has exploded in recent years as corporations and specialized corporate law firms have awakened to the profitability of the investor-state system. While only 50 cases were brought in the first three decades of the system's existence, more than 50 cases have been launched *each year* during the past five years.

4.

If a corporation wins, there is no limit to the amount of taxpayer money that governments can be ordered to pay, and there is no outside appeal. The corporate lawyers can even order a government to pay a corporation for loss of expected future profits — what a corporations claims it would have earned if the domestic law was never enacted.

5.

Under U.S. trade and investment pacts alone, corporations have already won nearly \$3 billion in taxpayer money, with \$70 billion still pending in claims, all of which relate to environmental, energy, financial regulation, public health, land use and/or transportation policies.