

The logo for UNCITRAL Working Group III is located in the top left corner. It consists of a large orange circle with a blue outline. Inside the orange circle, the text "UNCITRAL" is written in white, bold, uppercase letters. Below it, "Working Group III" is written in white, bold, uppercase letters. Below that, "Virtual Pre-Intersessional Meeting" is written in white, bold, uppercase letters. At the bottom of the orange circle, the text "The Use of Mediation in ISDS" is written in blue, bold, uppercase letters. The logo is surrounded by a light blue abstract shape that resembles a stylized 'C' or a partial circle.

UNCITRAL

Working Group III

Virtual Pre-Intersessional Meeting

**The Use of
Mediation
in ISDS**

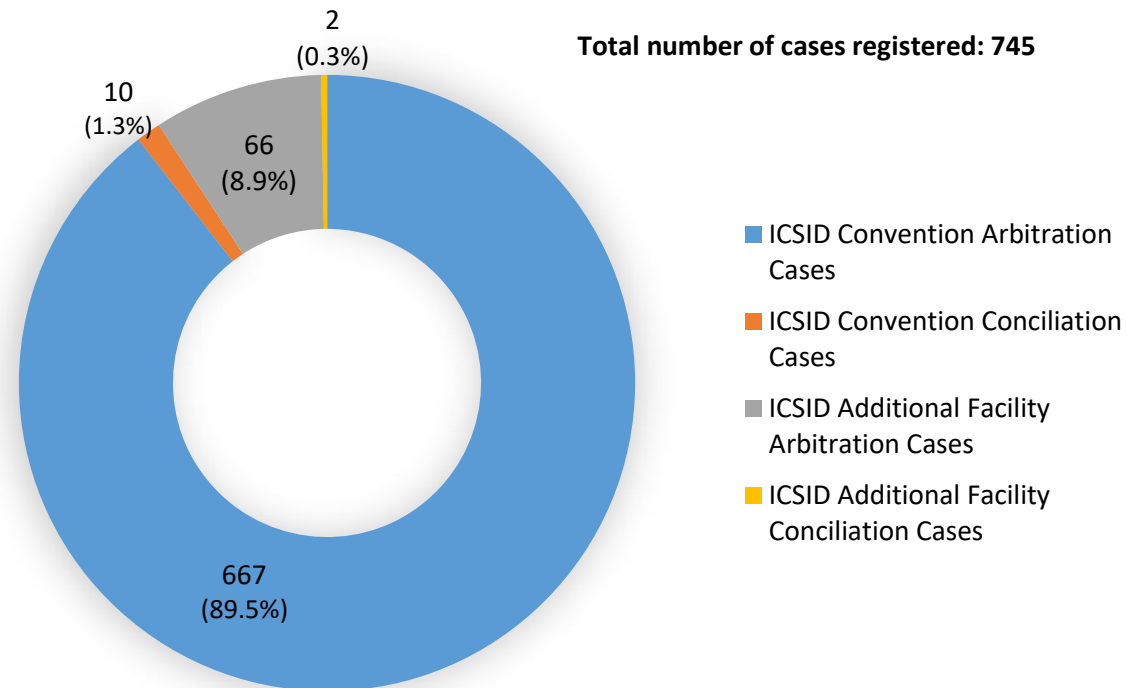
Practitioner's Perspective on Overcoming Challenges to the Greater Use of Mediation for ISDS

Justin D'Agostino

CEO, Herbert Smith Freehills

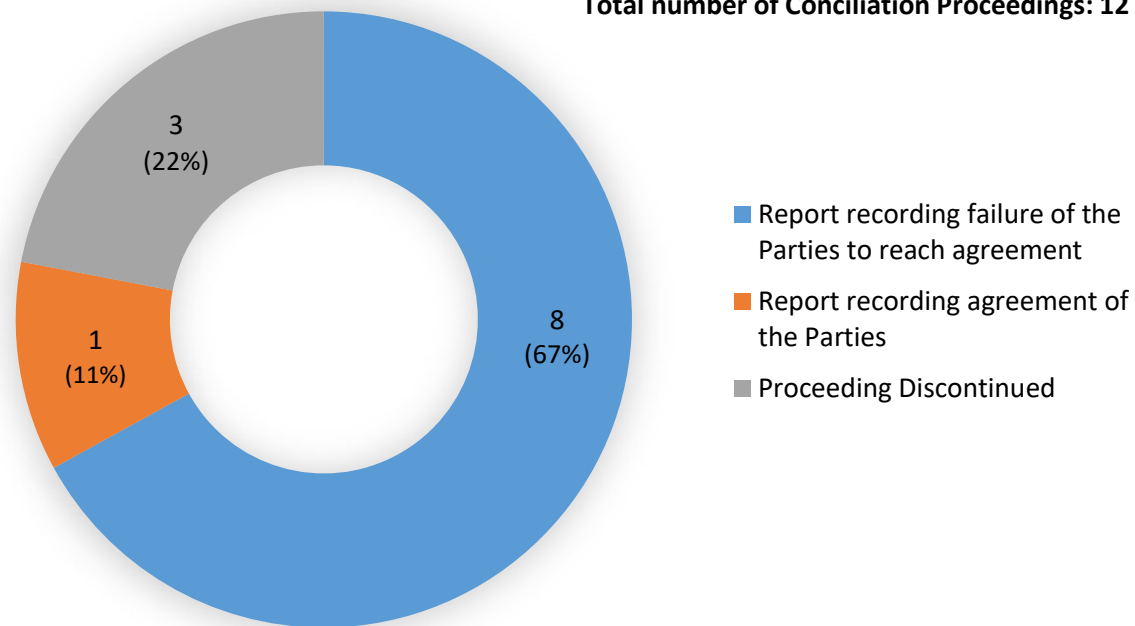
A decorative blue arc with three small blue dots is located in the bottom right corner of the slide.

Type of ICSID Cases Registered from 1966 to the end of 2019

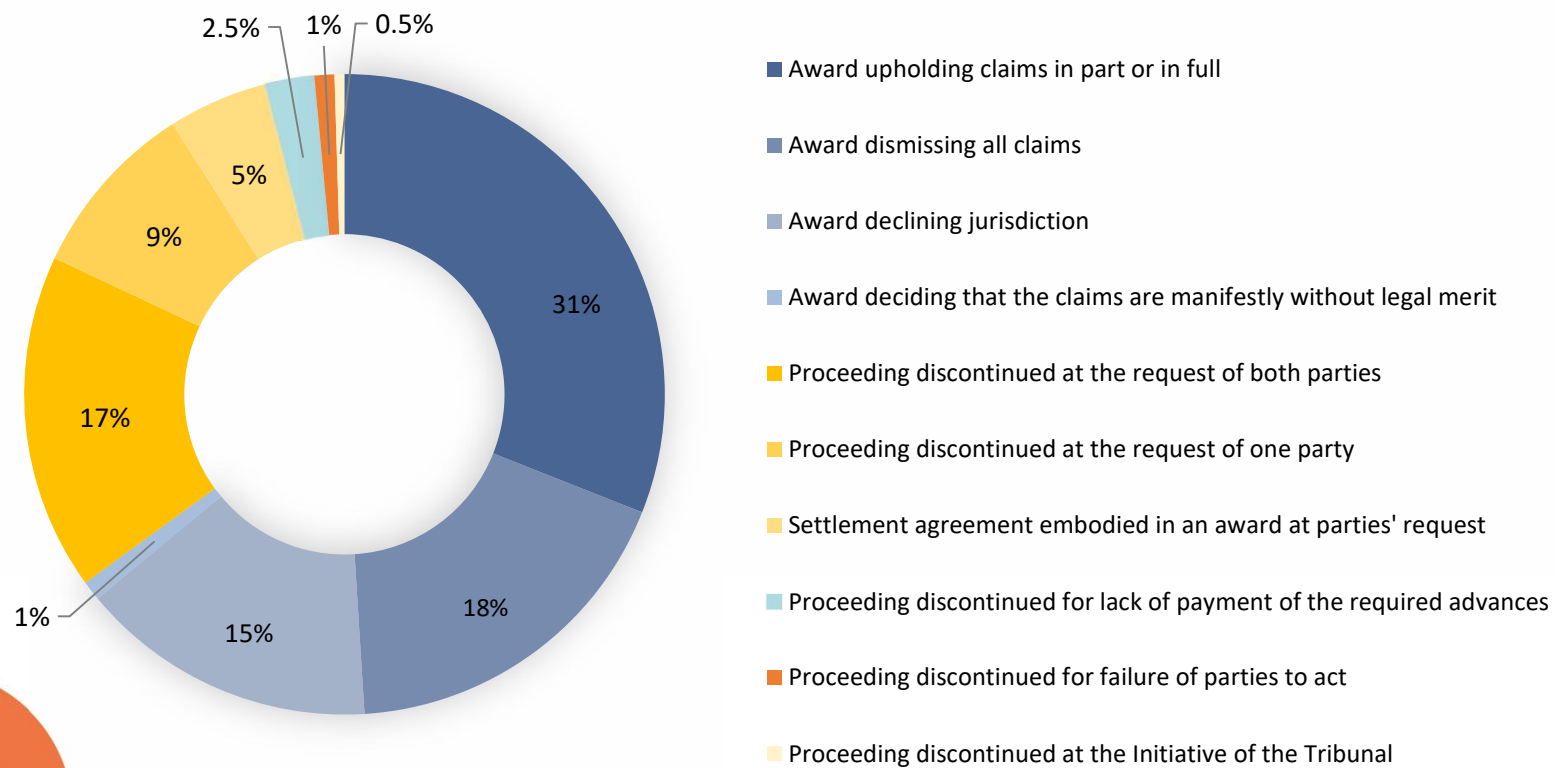


Conciliation Proceedings under the ICSID Convention and Additional Facility Rules – Outcomes

Total number of Conciliation Proceedings: 12

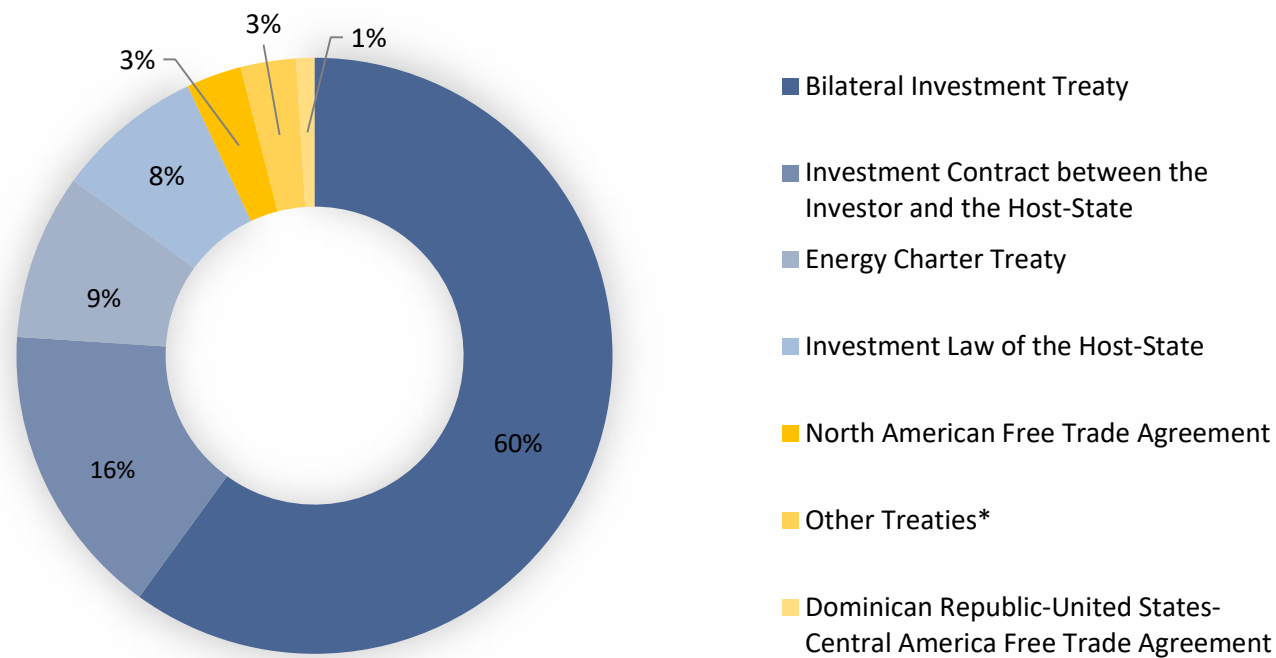


Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – Tribunal Rulings, Settlement & Discontinuances



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Basis of Consent Invoked to Establish ICSID Jurisdiction in Cases Registered under the ICSID Convention and Additional Facility Rules



2008 UK Model BIT – Cooling-off provision

If any such dispute should arise and agreement cannot be reached within three months between the parties to this dispute through pursuit of local remedies or otherwise, then, if the national or company affected also consents in writing to submit the dispute to the Centre for settlement by conciliation or arbitration under the Convention, either party may institute proceedings by addressing a request to that effect to the Secretary-General of the Centre as provided in Articles 28 and 36 of the Convention. In the event of disagreement as to whether conciliation or arbitration is the more appropriate procedure the national or company affected shall have the right to choose.