



UNCITRAL Working Group III on ISDS Reform



Forum for Further Preparatory Work
on Investment Mediation



The Role of Institutions in Facilitating Investment Mediation for ISDS Disputes

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Contents

1. The Importance of Institutions in Facilitating Investment Mediation
2. The Role of Institutions in Facilitating Investment Mediation
3. Further Thinking about the Role of Institutions

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1. The Importance of Institutions in Facilitating Investment Mediation

- Roles: Ad hoc mediation & institutional mediation?
- Scope: International institutions, domestic institutions, subsidiary institutions, external institutions, affiliated institutions?
- Key Institutions: ICSID, PCA, IBA, ICC, SCC, etc.
- In the Asia-Pacific Region: HKIAC, SIMC, CIETAC, BAC, etc.

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2. The Role of Institutions in Facilitating Investment Mediation

- UNCITRAL Notes on Mediation (2021): ‘Institutional support’
- ICSID: Three primary pillars to support Investment Mediation
- UNCITRAL Secretariat: Draft Guidelines for participants in investment mediation: para.5

2.1 The General Role of Institutions in Facilitating Investment Mediation

2.2 The Specific Role of Institutions in Case Administration

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2.1 The General Role of Institutions in Daily Work

Building Capacity and Raising Awareness for Investment Mediation

General Information and Education	Let more people know about investment mediation
Guidance on the Procedural Steps	ECT Guide on Investment Mediation, ICSID Background Paper on Investment Mediation, etc.
Providing Mediation Rules	VIAC, ICSID, UNCITRAL, IBA, ICC, SCC, etc.
Selection and Training of Mediators	Establish the group of mediators; set standards for qualified mediators: IBA, IMI, etc.; training: ICSID, IMI, AAIL, etc.

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2.2 Specific Role of Institutions in Case Administration

Assisting with the Mediation Process: Offering logistical and administrative services

- Offering place, meeting organisation, advanced technological support for remote meetings, etc.
- Assistance to convey offers to mediate to the other party
- Assistance with the appointment of the mediator
- Handling of the financial aspects of a mediation
- Connection with other procedures
- Provide a mediation certificate

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Forum for Further Preparatory Work on Investment Mediation

3. Further Thinking about the Role of Institutions

External Institutions	<ul style="list-style-type: none">- Insufficient domestic legal framework to support mediation <i>One-stop Service Centre, Joint Committee, National Focal Point, Ombudsman, etc.</i>
Subsidiary Institutions	<ul style="list-style-type: none">- Improve the institutional setting related to mediation <i>Secretariat, Administrative Council, Group of Friends of Mediation, Mediation Support Unit, Standby Team of Senior Mediation Advisers, High-Level Advisory Board on Mediation, etc.</i>
New Institutions	<ul style="list-style-type: none">- A specific mediation institute for investment disputes? <i>ACIIL, OBOR ADR Centre? From the 'age of international adjudication' to an 'age of international mediation'</i>



Thank You

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