



# How investment treaties address mediation and conciliation: an institutional perspective

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September 1, 2022



**International Centre for  
Settlement of Investment Disputes**  
WORLD BANK GROUP



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# Overview of Investment Treaty Clauses on Mediation

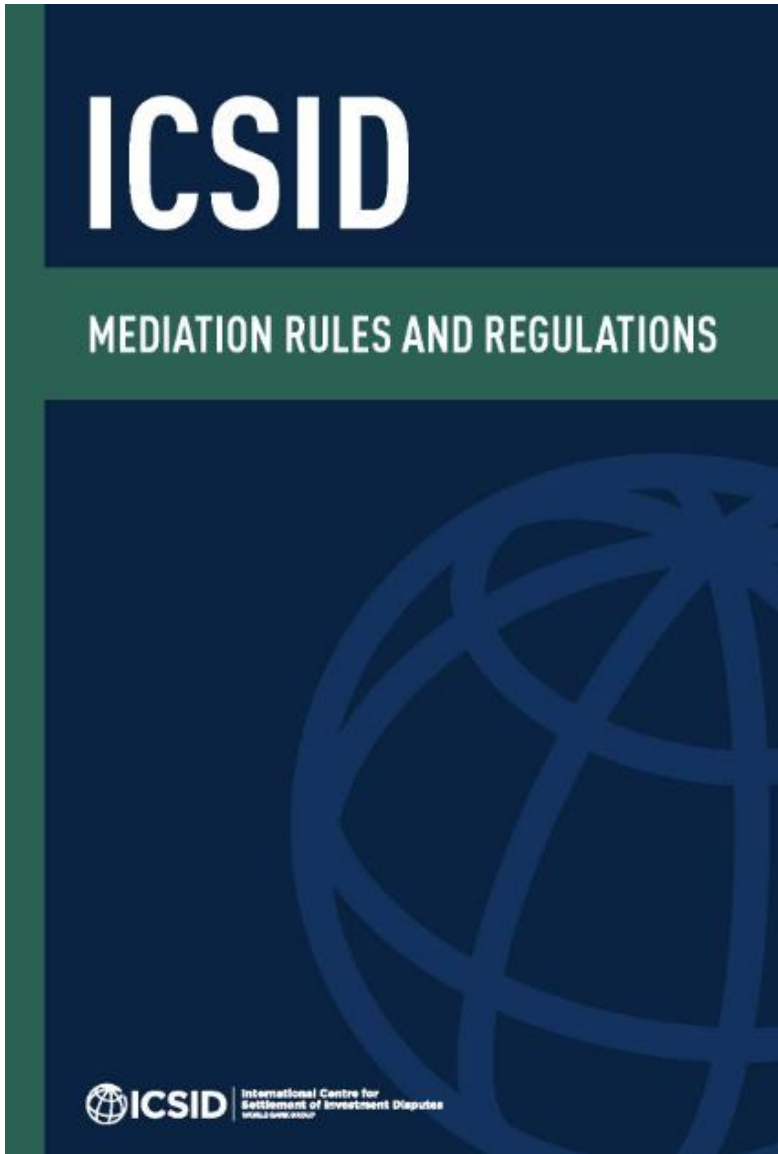
July 2021



## ICSID's Overview Analysis Paper (Focusing on Mediation)

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# ICSID's Mediation Rules

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# ICSID Mediation Rules - Background

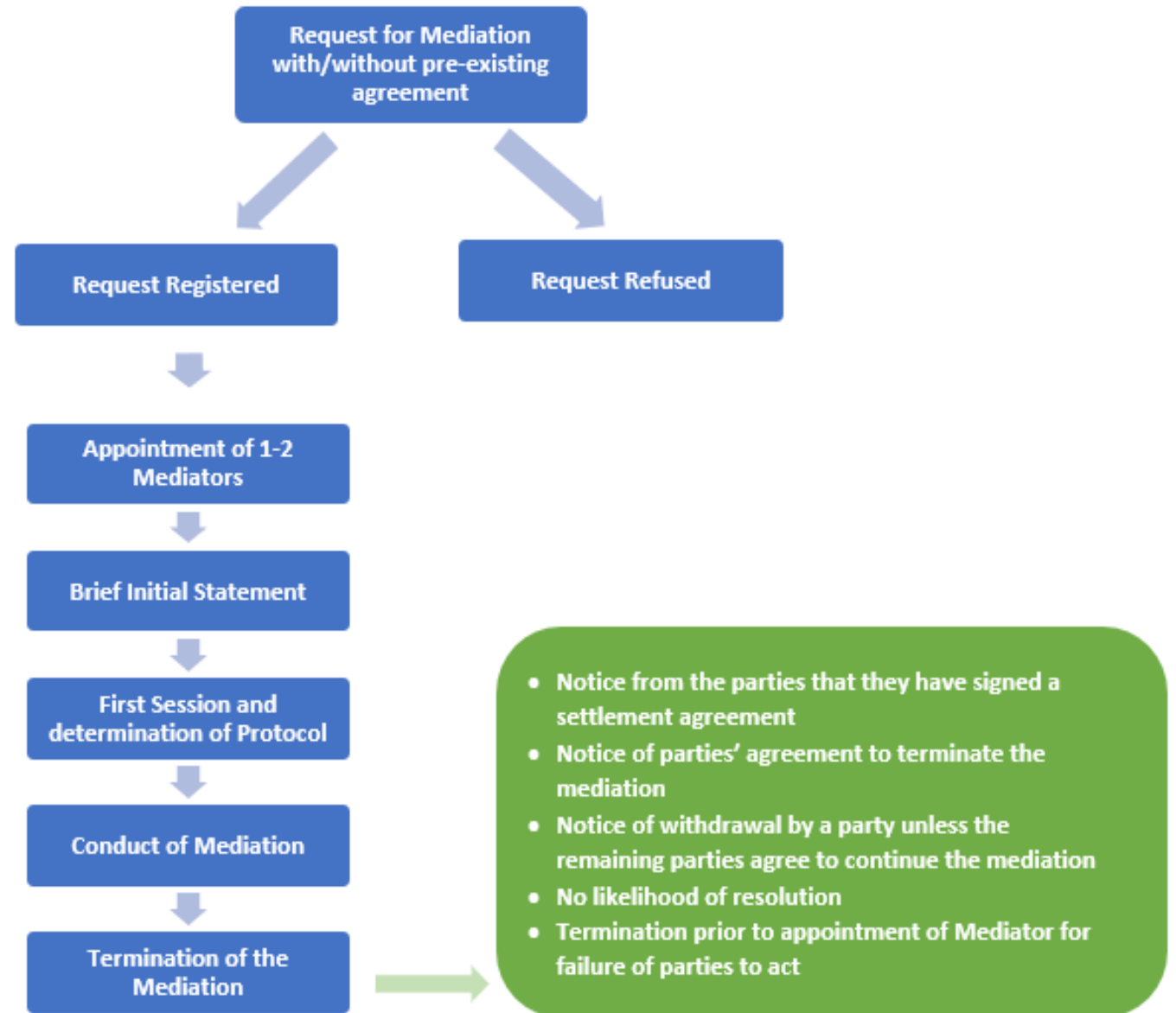
**Trend** to consider mediation as a tool to resolve investment disputes:

- **Mediation in treaties** – as prerequisite or independent mechanism.
- 2016 **Guide on Investment Mediation** adopted by the Energy Charter Conference
- Multilateral work on the **Singapore Convention** for enforcement of mediated settlements,
- **Settlement Statistics** in ICSID Arbitration (30-40% of arbitrations settle or are otherwise discontinued before an award is rendered)

# ICSID Mediation Rules - Background

- **ICSID's Mediation Rules** intend to:
  - complement bilateral and multilateral treaties providing for mediation;
  - complement ICSID's other dispute settlement offerings and provide additional process options to the parties;
  - provide a flexible process;
  - assist with a timely and cost-effective resolution of the dispute
  - allow for tailor-made solutions; and
  - are aligned with formal requirements of the Singapore Convention
- **Participation is entirely voluntary** - either party may withdraw at any time

# ICSID Mediation Process Overview



# ICSID Mediation Awareness Raising & Capacity Building

- ICSID Webinar Series '[Investment Mediation Insights](#)'
- [Background Paper on Investment Mediation](#) and [Overview of Investment Treaty Clauses on Mediation](#)
- Mediation Section on the [ICSID Website](#), featuring articles and blogs
- Recent newsletter with a spotlight on investment mediation
- Robust program of trainings and courses
  - Investor-State Mediator Training (together with HK DoJ and AAIL, CEDR and Energy Charter Secretariat)
  - Mediation Training for Government Officials
  - Mediation Training for ICSID Staff

## Inter-Organizational Cooperation on Mediation

- Support to UNCITRAL Secretariat & organization of joint events
- Support to IFC on mediation skills training for government officials
- Cooperation with HK DoJ and AAIL on investment mediator and mediation skills training together with CEDR and Energy Charter Secretariat
- Cooperation Agreements emphasizing the cooperation on mediation with SIMC, Energy Charter, CEDR



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