



**United Nations**  
Commission on International Trade Law

# UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes

ROYAUME DU MAROC



MINISTÈRE DE LA JUSTICE



In partnership with

**Canada**



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Swiss Confederation

Federal Department of Economic Affairs,  
Education and Research EAER  
**State Secretariat for Economic Affairs SECO**



# UNCITRAL texts



United Nations Commission on International Trade Law

SEARCH

Homepage About Texts and Status Documents News Research Resources Technical Assistance and Coordination

Home / Investment Mediation and Dispute Prevention

## Investment Mediation and Dispute Prevention



### Texts

- [UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes \(2025\)](#) - advance copy, English only
- [UNCITRAL Guidelines on Mediation for International Investment Disputes \(2023\)](#) (Annex: UNCITRAL Model Provisions on Mediation for International Investment Disputes)

### Texts for comments by States

- [A/CN.9/1185 - Possible reform of investor-State dispute settlement \(ISDS\) - Draft toolkit on prevention and mitigation of international investment disputes](#)

#### Comments received (in order of submission)

- [Thailand](#) (English only)
- [Saudi Arabia](#) (Arabic only)
- [Panama](#) (English and Spanish only)
- [Dominican Republic](#) (Spanish only)
- [Singapore](#) (English only)
- [Republic of Korea](#) (English only)
- [Argentina](#) (Spanish only)
- [Viet Nam](#) (English only)
- [USA](#) (English only)
- [Morocco](#) (French only)
- [Türkiye](#) (English only)
- [Algeria](#) (French only)
- [Brazil](#) (English only)

### Reform Elements

- [Codes of Conduct](#)
- [Investment Mediation and Dispute Prevention](#)
- [Multilateral Advisory Centre](#)
- [Procedural Rules Reform and Cross-cutting Issues](#)
- [Multilateral Permanent Investment Court](#)
- [Appellate Mechanism](#)
- [Multilateral Instrument to Implement Reforms](#)



<https://uncitral.un.org/en/investmentmediationanddispute prevention>

# What is the Toolkit?

- Non-binding / Not prescriptive document
- Compiles examples of strategies and measures that have been adopted by States to prevent and mitigate investment disputes involving foreign investors

## Scope

- Treaties (BITs, FTAs)
- Domestic legislation governing foreign investment
- Investment contracts



referred to collectively as  
“investment instruments”

## Key concepts

- **Prevention:** handling of a grievance of a foreign investor before it develops into a disagreement framed in legal terms (informal stage)
- **Mitigation:** manage emerging legal disputes (may involve amicable settlement)



# Content

## A. Introduction

## B. Communication with investors

1. Easy access to information
2. Obtaining feedback from investors on policy issues
3. Investor grievance mechanism

## C. Coordination among governmental and related agencies

1. Information-sharing
2. Identifying or establishing a coordination body
3. Functions of a coordination body

## D. Coordination and cooperation with other governments

## E. Other related issues

1. Financial and human resources
2. Exoneration of liability of government officials
3. Confidentiality

## F. Non-exhaustive list of practices by States

## G. Reference material



# Communication with investors

- various strategies and measures adopted by States to improve communication with investors

## Why communication matters?

- Builds trust, reduces misunderstandings, enables early problem-solving
- Clear contact points
- High-level engagement when needed

### ➤ **Easy access to information**

- Single investor portal/ or platforms

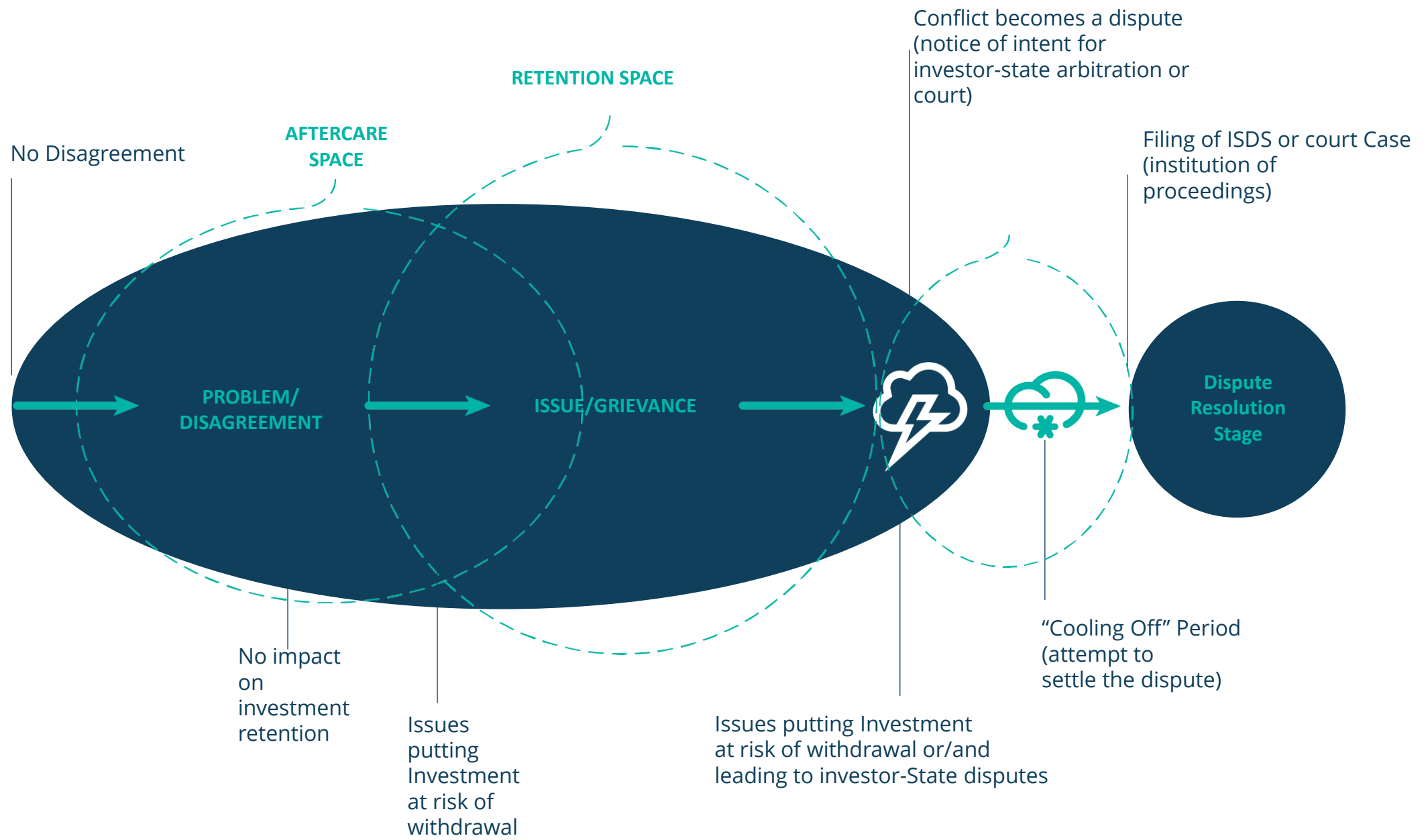
### ➤ **Obtaining feedback from investors on policy issues**

- consultations on future policies or regulations
- regulatory impact assessments

### ➤ **Investor grievance mechanism**

- process to deal with complaints early





# Coordination among governmental and related agencies

- Multiple agencies → fragmented actions → risk of inconsistent conduct

## ➤ **Information-sharing**

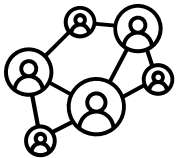
- Early warning systems
- Benefits: policy consistency, knowledge retention, faster responses

## ➤ **Identifying or establishing a coordination body**

- Various models possible: single agency, multiple agencies, inter-ministerial committee
- Clear and defined mandate

## ➤ **Functions of a coordination body**

- Central information hub, risk identification, provide legal analysis and advice, training, monitoring, issuing recommendations



# Coordination and cooperation with other governments

## Why it is important?

- Many disputes involve cross-border elements

## Tools

- Joint committees under treaties
- Diplomatic channels
- Information exchange



# Other related issues

- **Financial and human resources**
  - Skilled staff
- **Exoneration of liability of government officials**
- **Confidentiality**





**United Nations**  
Commission on International Trade Law

Thank you for your attention!

[uncitral@un.org](mailto:uncitral@un.org)