UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes

United Nations

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UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes

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Decision by the United Nations Commission on International Trade Law at its fifty-eighth session on the adoption of the UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes[1]

1. At its 1254th meeting, on 21 July 2025, the Commission adopted by consensus the UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes, consisting of the text contained in document A/CN.9/1220 with amendments based on the deliberations and decisions of the Commission (A/80/17, paras. 140–144). The Commission authorized the Secretariat to finalize the text of the Toolkit pursuant to the decisions of the Commission.

2. The Commission recommended the use of the UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes by States, investors, public officials, dispute prevention units, legal advisers, institutions, and other relevant stakeholders to support the development and implementation of effective strategies to prevent and mitigate international investment disputes.

3. The Commission further requested the Secretary-General to publish the UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes, including electronically, in the six official languages of the United Nations, and to disseminate it broadly to Governments and other interested bodies.

21 July 2025

[1] *Official Records of the General Assembly, Eightieth Session, Supplement No. 17* (A/80/17, paras. 145–147).

UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes

A. Introduction

1. The Toolkit on Prevention and Mitigation of International Investment Disputes (the "Toolkit") sets out examples of strategies and measures that have been adopted by States to prevent and mitigate investment disputes involving foreign investors. In the Toolkit, "international investment disputes" refer to a wide range of disputes between a foreign investor and a State or any constituent subdivision of a State or any agency of a State. Such disputes arise out of a treaty providing for the protection of investments or investors, legislation governing foreign investments or an investment contract (referred to collectively as "investment instruments" in the Toolkit).

2. "Dispute prevention" refers to the handling of a grievance of a foreign investor before it develops into a disagreement framed in legal terms. As such, it includes the handling of grievances, which may be expressed as disagreements in non-legal terms (for example, through media coverage or other informal complaints). A disagreement is framed in legal terms usually when the investor expresses its intent to seek recourse to arbitration or litigation. This is when "dispute mitigation" begins, which may also involve amicable settlement, including through mediation. If the dispute is not settled and the investor escalates the disagreement into a "legal" dispute by formally seeking recourse to arbitration or litigation, dispute mitigation gives way to "dispute management". The Toolkit focuses on the dispute prevention and mitigation phases.[1]

3. The Toolkit illustrates how States and regional economic integration organizations (referred to as a "State" or "States" hereinafter)[2] have set up and implemented dispute prevention and mitigation systems. The Toolkit is based on publicly available information and inputs from States and other stakeholders.

4. As a non-prescriptive document, the Toolkit does not contain specific recommendations or aim to list best practices. This is because whether and how to implement a dispute prevention and mitigation system falls under the sovereign regulatory powers of a State. The Toolkit also does not impose any legal requirements or obligations

[1] See World Bank, *Managing Investor Issues through Retention Mechanisms* (2021), p. 8.

[2] This does not mean that a regional economic integration organization is a State. However, a regional economic integration organization may, depending on their structure and the scope of their regulatory authority, engage the strategies or impose the measures listed in the Toolkit.

binding upon States. It should not be used to interpret any provision of investment instruments, nor should it form the basis of a claim against a State or be used by a claimant in raising such a claim in any way. The Toolkit provides information on some of the possible options to prevent and mitigate disputes, there may also be other options. States can take into account other factors such as the organizational structure of the State or government and ways to address investor's rights and obligations.

5. Investors also have a significant role in preventing and mitigating disputes, for example, by complying with local regulations and acting with due diligence. The home State of the investor may also have a role in this regard in supporting its investors.

6. The primary focus of the Toolkit is to inform States about measures currently undertaken by other States. By providing insights into the practices of setting up and implementing dispute prevention and mitigation systems, the Toolkit aims to offer ideas that governments could employ to proactively address potential conflicts and foster a stable and predictable investment climate. A coherent and effective dispute prevention and mitigation system could result in the attraction and retention of foreign investments, as it could demonstrate the State's commitment to risk management, stability and maintaining a healthy relationship with investors.[3]

7. This Section introduces the purpose and scope of the Toolkit. Section B discusses the various strategies and measures adopted by States to improve communication with investors. Section C illustrates States' efforts to ensure coordination among governmental and related agencies, including information-sharing and identifying or establishing a coordination body. Section D describes States' efforts to ensure coordination and cooperation with other governments. Section E deals with related issues that arise with regard to dispute prevention and mitigation. Finally, Sections F and G contain a list of reference material, including a non-exhaustive list of practices by States as well as guidance material prepared by international organizations.

B. Communication with investors

8. Effective communication with investors can help dispute prevention and mitigation. The maintenance of transparent and open lines of communication can aid in addressing potential issues, avoid misunderstandings and resolve conflicts more smoothly. Additionally, clear communication helps to manage expectations and build trust, which can contribute to maintaining positive relationships with investors. In general, an effective communication channel with investors throughout the lifecycle of their investment could be useful. However, this does not create any legal obligation

[3] See World Bank, *Retention and Expansion of Foreign Direct Investment, Political Risk and Policy Responses* (2019), pp. 41–43.

on the part of States nor does it exempt investors from their responsibility to remain informed about legal, procedural and regulatory requirements with regard to their investment.

9. Some States have found that effective communication with investors can be achieved by providing a mechanism for investor feedback on potential policy changes. Similarly, States have found that information sharing may not always suffice and that policy choices may need to be explained and conveyed in a different manner. For example, a senior official may engage in the communication in addition to working-level support, as high-level engagement can enhance the credibility and seriousness of the State's commitment to maintaining a constructive relationship with investors.

10. Some States have established one or more focal points, for example, a one-stop-shop online or single information portal.[4] These focal points help address queries from investors and potential investors. In some cases, streamlined communication through focal points has expedited the process and prevented potential confusion caused by multiple responses from different governmental agencies. Such an approach has also promoted clarity and transparency.

1. Easy access to information

11. Information about investment policy, including relevant laws and regulations, could be made easily accessible to facilitate investment and expansion.[5] Some States have found that prospective investors need information about how to establish their investment, the regulatory framework that will govern their investment, the applicable laws and compliance procedures, and public or related agencies that they may need to interact with (referred to generally as "competent governmental agency or agencies" in the Toolkit). During this phase, communication with investors is generally established by investment promotion agencies or as part of promotional activities.

12. Investors may obtain a better understanding of the regulatory regime, including information that can aid them in making informed decisions throughout the lifecycle of their investment. For example, information about changes to the regulatory framework can enable investors to assess whether to expand or diversify their investment.[6] However, facilitating access to and providing such information may not create any expectation on the part of investors, as investors should conduct due diligence prior to making any investment, including on the economic, technical, and legal circumstance within the host State.

[4] Investment Facilitation for Development (IFD) Agreement, article 22.1.

[5] See IFD Agreement, articles 6–8.

[6] See IFD Agreement, articles 6–7.

13. Contact information of focal points or other appropriate mechanisms to respond to enquiries and to assist in providing relevant information about government measures could be included in a single information portal. Indeed, in order to make any complaint, investors would need information about the competent governmental agency and ways to submit complaints.

14. For instance, Brazil's Direct Investment Ombudsman serves as a first point of contact for prospective investors, so that they may enquire about legislation, and procedural and regulatory requirements. Similarly, the Algerian Agency for the Promotion of Investments (AAPI) is responsible for providing information services in all areas useful for investment, managing the investor's digital platform and handling investor complaints. The single window for major projects and foreign investments, located within the AAPI, acts as a sole point of contact for carrying out all the steps necessary for the realization of major investment projects and foreign investments.[7] Türkiye launched an Investment Process Guide[8] as a comprehensive and interactive tool for investors to gain clarity on the procedures required for investments and to provide them with detailed guidance on the regulatory landscape more effectively.[9]

15. In certain jurisdictions, technology has been employed to enhance communication with investors and provide relevant information. The website "InvestJordan" operated by the Ministry of Investment of Jordan is one example.[10] The "Invest in Saudi Arabia" platform also facilitates communication with investors and provides support.[11] The European Union operates a portal providing information to investors on trade, investment, and procurement spanning all European Union Member States.[12] The "Digital Investor Platform" of Algeria guides, supports and monitors investments from their registration and during the period of their operation, to simplify business processes and improve communication between investors and the competent agency.

[7] Algerian Agency for the Promotion of Investments (AAPI), available at https://aapi.dz/en/accueil-en/. See also comments from the Government of Algeria available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/contribution_algerie_boite_a_outils.pdf.

[8] Available at https://www.invest.gov.tr/en/investmentguide/pages/default.aspx.

[9] See comments from the Government of Türkiye, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/turkey.pdf.

[10] InvestJordan, available at https://invest.jo/. See also Invest KOREA (available at https://www.investkorea.org), InvestQatar (available at https://www.invest.qa/en) and the United Kingdom of Great Britain and Northern Ireland platform (available at https://www.business.gov.uk/).

[11] The Ministry of Investment of Saudi Arabia organizes workshops to promote and explore investment opportunities (available at https://misa.gov.sa/ and https://investsaudi.sa/en/investor/guide). Additionally, the National Center for Documents and Archives publishes regulations and updates online, ensuring investors have access to accurate information (available at https://ncar.gov.sa/Home/Index). The Official Translation Division translates and publishes official documents to help investors understand local laws and regulations. These initiatives enhance communication with investors by providing clear, accessible information and direct support, which helps prevent misunderstandings and disputes. By ensuring investors are well-informed and supported, these measures contribute to a more stable and transparent investment environment, reducing the likelihood of conflicts. See comments from Saudi Arabia, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/nv_20.pdf.

[12] Access2Markets portal, available at https://trade.ec.europa.eu/access-to-markets/en/home.

The Ministry of Economy and Finance of Morocco provides legal support through "Mouwakaba", an online consultation platform operated by the Judicial Agency.[13]

16. Such portals allow investors to access information about regulatory requirements, obtain responses to frequently asked questions, contact competent governmental agencies and file grievances and monitor progress. Live chatbots have also been incorporated into the portals to respond to questions or to direct enquiries to the competent governmental agency or officials. For instance, Türkiye operates an investment assistant chatbot that enables all visitors, particularly investors, to access comprehensive information about its international direct investment environment in more than 100 languages.[14]

17. Some States have centralized information on their investment obligations (including information about dispute resolution clauses in investment treaties or joint declarations by States). This can provide greater transparency and predictability regarding the legal framework in which investors operate. Such information can also be helpful to policymakers as they can manage their obligations and take informed decisions. For example, Peru's State Coordination and Response System for International Investment Disputes is responsible for compiling information on investment agreements and treaties that refer to international dispute settlement mechanisms.[15]

2. Obtaining feedback from investors on policy issues

18. Investors may be impacted by changes to the regulatory framework as well as the introduction of specific measures. To reduce grievances of investors and mitigate the likelihood of claims being raised at a later stage, some States have taken a proactive approach by providing means for investors to provide feedback regarding potential changes to the regulatory framework or introduction of measures.

19. Some States have introduced consultation procedures to seek inputs from interested parties, including investors, before changes are made to laws or regulations and before introducing specific measures that may potentially affect the interest of such parties.[16] Some States have emphasized the need to discuss legislation

[13] See comments from the Government of Morocco, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/morocco.pdf.

[14] Available at https://www.invest.gov.tr/en/pages/home-page.aspx. See comments from the Government of Republic of Türkiye available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/turkey.pdf.

[15] Article 3 of the Law Establishing the Coordination and Response System for International Investment Disputes (No. 28933, 15 December 2006).

[16] For example, article 10.3 of the IFD Agreement suggests that investors should be given a reasonable opportunity to comment on proposed laws, regulations or measures and that comments received should be considered, to the extent practicable and in a manner consistent with the respective legal system.

publicly to foster transparency and enhance public engagement in rule setting and policymaking. Such engagements are facilitated through platforms like the "Private Sector Feedback Platform" and the "Public Consultation Platform" operated by the National Competitiveness Center of Saudi Arabia. The 2011 Constitution of Morocco mandates that public authorities conduct consultations when making decisions and policies.[17] Morocco has implemented consultation processes, which involves the publication of draft laws and public participation through legislative bodies and government agencies. These processes can enhance transparency and investor engagement, mitigating potential grievances. In Argentina, at the national level, draft laws are published on the congressional website,[18] and there are some mechanisms that allow for public participation as well as specific examples of ex ante evaluation mechanisms of regulatory projects.[19]

20. Some States integrate consultation processes with regulatory impact assessments.[20] For example, the Business Regulatory Review Agency of Zambia has the authority to approve a proposed law or policy based on an assessment of its impact on the business environment.[21]

21. Involving investors in consultations on future policies or regulations may mitigate future disputes as investors would have the opportunity to voice concerns about how a policy or regulation might affect them. This process does not affect the inherent regulatory power of the State, but supports informed policymaking by providing an opportunity to consider its impact on investors. However, engagement of investors in such consultations (or possible non-engagement) should not form the basis for specific claims against the State (see para. 4 above). In addition, gradual implementation of new laws or regulations may pre-empt grievances by providing investors sufficient time to make adjustments.

22. The notion of consultations is embodied in some investment agreements. For example, article 340 of the Strategic Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and Republic of Moldova provides that each Party shall ensure that measures aimed at protecting the

[17] Constitution of Morocco (2011), Article 13, available at https://adala.justice.gov.ma/api/uploads/2024/02/28/costitution-1709118294788.pdf. See comments from the Government of Morocco, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/morocco.pdf.

[18] Available at https://www.congreso.gob.ar.

[19] However, at the provincial and municipal levels, draft laws and decrees are typically not published, and public hearings are often not conducted. See comments by the Government of Argentina, available at https://uncitral.un.org/sites/default/files/media-documents/EN/comentarios_de_la_republica_argentina.pdf.

[20] Regulatory impact assessment refers to a systemic approach to critically assessing the positive and negative effects of proposed and existing regulations and non-regulatory alternatives. It encompasses a range of methods and is an important element of an evidence-based approach to policymaking. See OECD, *Regulatory Impact Assessment*, OECD Best Practice Principles for Regulatory Policy (2020), available at www.oecd.org/gov/regulatory-policy/regulatory-impact-assessment-7a9638cb-en.htm.

[21] See section 6 of the Business Regulatory Act.

environment or labour conditions that may affect trade or investment are developed, introduced and implemented in a transparent manner, with due notice and public consultation, and with appropriate and timely communication to, and consultation of, non-State actors.[22]

3. Investor grievance mechanism

23. Timing is an important factor in preventing a grievance from escalating into a dispute. The earlier problems are addressed, the higher the likelihood for a solution. A grievance mechanism provides investors who consider themselves to have been negatively affected with a process to voice their concerns. It allows investors to lodge complaints, for example, with regard to the denial of a permit by a municipal authority or the possible negative consequences of proposed changes to a regulation.

24. A grievance mechanism generally does not address grievances arising out of the conduct of the judiciary. Instead, it usually focuses on the conduct of the executive branch, whether central or decentralized.[23] The mechanism may also address grievances arising from legislative activities resulting in the enactment of laws and regulations.

25. Time frames within the grievance mechanism may be adjusted on a case-by-case basis, taking into account, for example, the complexity of the issues. Investors may be informed about the expected time frame and given regular updates.

26. In some States, grievance mechanisms are established by law or regulation, while in others, they are established by less formal instruments, such as an administrative instruction or as an internal government procedure. Where such mechanisms are established, the relevant instrument typically specifies the scope of grievances to be addressed, the submission process, the internal procedure for handling grievances and the overall time frames. For example, in Argentina, regulations provide a framework for investors to challenge administrative acts before independent authorities.[24] Once the administrative route has been exhausted, recourse may be had to the judiciary.

[22] Text of the Agreement is available at https://investmentpolicy.unctad.org/international-investment-agreements/treaties/treaties-with-investment-provisions/4959/moldova---united-kingdom-partnership-trade-and-cooperation-agreement-2020-.

[23] In some federal States, difficulties may arise in creating a grievance mechanism to handle decisions taken by subnational bodies within the framework of their powers. See comments by the Government of Argentina, available at https://uncitral.un.org/sites/default/files/media-documents/EN/comentarios_de_la_republica_argentina.pdf.

[24] At the national level, Law 19,549 on Administrative Procedures establishes the general mechanism for challenging and requesting review of State decisions. There are also regulations that provide for a similar treatment at the subnational level.

27. An investor may be invited, but not necessarily required, to utilize the grievance mechanism prior to raising a claim or otherwise utilizing the dispute resolution mechanism under the investment instrument. In any case, the grievance mechanism may complement any such dispute resolution mechanism and could be referred to in investment instruments. Institutionalizing investor grievance mechanisms at regional and national levels, such as Morocco's Regional Investment Centers (CRI), can effectively resolve disputes at an early stage.[25] Saudi Arabia's legal framework provides for grievance procedures, including administrative appeals and alternative dispute resolution methods stipulated explicitly in national investment laws.

28. A grievance mechanism usually requires the outcome to be communicated to the investor and the competent government agency for follow-up and to implement any decision or recommendation resulting therefrom. If the investor is not satisfied with the outcome, there may be a possibility to appeal. For example, the National High Commission for Investment-related Appeals in Algeria hears appeals about decisions taken by the Director General of AAPI (see para. 14 above).[26] If the grievance cannot be handled effectively, for example, due to the lack of cooperation among the governmental agencies or the political sensitivity of the issues at stake, it may be brought to the attention of a higher political authority (for example, an interministerial committee or the office of the prime minister or the president). In Ethiopia, issues not resolved by the Ethiopian Investment Commission are escalated to the Ethiopia Investment Board, an interministerial body.[27]

29. The experience of the World Bank in supporting governments to set up investor grievance mechanisms may be useful. The World Bank suggests that a minimum institutional infrastructure be in place to enable governments to identify, track and manage grievances as early as possible.[28] It further suggests the empowerment of a government agency and the establishment of an intergovernmental mechanism for

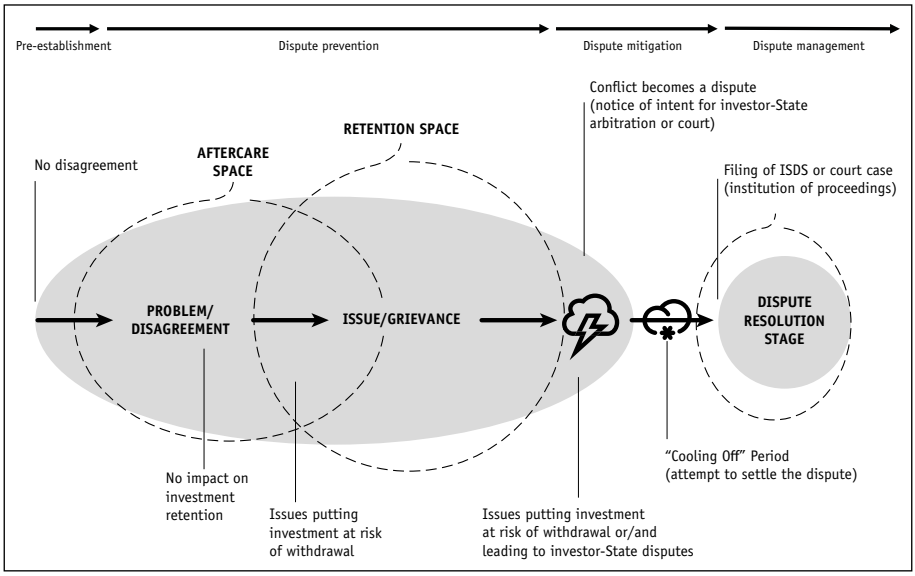
[25] Morocco's CRIs are designed to facilitate investment processes and resolve disputes between investors and public administrations. Established under Law No. 47-18, the CRIs operate as public institutions with legal entity and financial autonomy. At the national level, Morocco has adopted simplified administrative processes under Law No. 55-19, which was promulgated on 6 March 2020 available at https://casainvest.ma/sites/default/files/2025-02/loi%20n%C2%B0%2055-19%20relative%20%C3%A0%20la%20simplification%20des%20proc%C3%A9dures%20et%20des%20formalit%C3%A9s.pdf. Further, the Ministry of Economy and Finance, through the Judicial Agency of the Kingdom (see https://justice.gov.ma/), plays a crucial role in preventing disputes related to international investment treaties. The Prime Minister's circular of 19 May 2021 assigned the Judicial Agency with a central role in resolving inter-administrative disputes and promoting amicable settlements to avoid litigation. The Judicial Agency also assists parties in reaching common ground so as settle. See comments from the Government of Morocco, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/morocco.pdf.

[26] Available at https://aapi.dz/en/recours-en/. See comments from the Government of Algeria available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/contribution_algerie_boite_a_outils.pdf.

[27] See articles 25–27, Proclamation No. 1180/2020, 2 April 2020; see also World Bank *Managing Investor Grievances Through Retention Mechanisms*, p. 16.

[28] See World Bank, *Managing Investor Grievances Through Retention Mechanisms*, pp. 39–45, available at https://documents.worldbank.org/en/publication/documents-reports/documentdetail/978811614610086665/managing-investor-grievances-through-retention-mechanisms.

systematically addressing grievances. The government agency would be responsible for bringing grievances to the attention of high-level government bodies to address the issues before they escalate further.[29] The World Bank also suggests the establishment of an early alert mechanism for the government body to become aware of grievances as soon as they arise and a tracking tool to monitor whether the grievance is resolved. It further suggests problem-solving methods (leveraging information-sharing tools, analysis of legal and economic implications of grievances and standard coordination/operating procedures) and in case a solution cannot be reached at a technical level, a mechanism to elevate the issues to higher political levels (see figure).



Source: World Bank

30. States where the World Bank Group assisted in establishing investor grievance mechanisms include Brazil, Ethiopia, Georgia, Jordan, Rwanda, Viet Nam[30] as well as the Dominican Republic.

31. For example, the competencies of the Direct Investment Ombudsman of Brazil include providing support and guidance to investors by recommending solutions to grievances and proposing improvements to legislation or administrative procedures.[31] In Ethiopia, the Investment Proclamation outlines the right of any investor who has grievance to lodge a complaint (art. 25) and further sets forth the procedure for

[29] Ibid., p. 43.

[30] Ibid., pp. 39–45.

[31] See Decree on the Creation, Structure and Attributions of the Direct Investment Ombudsman. See also the Brazilian Cooperation and Facilitation Agreement (CFIA) Model, article 23.

submitting complaints with regard to decisions of any federal government executive body (art. 27) and decisions of the Ethiopian Investment Commission (art. 26), see also para. 27 above. In Viet Nam, investors can report difficulties and propose improvements regarding the application and implementation of laws to the competent government agency and seek legal remedies against administrative decisions.[32] In the Dominican Republic, the National Dispute Prevention System coordinates the public sector's response to international disputes thus enhancing its ability to respond with one voice, ensuring consistency, efficiency and timely action.

32. In Georgia, the Business Ombudsman acts as a moderator to resolve grievances between businesses and government entities. It investigates complaints, facilitates dialogue and proposes solutions to promote transparency and fairness in business–government relations, fostering a better environment for business growth and investment. Similarly, the Jordan Investment Commission administers an investor grievance mechanism.[33] In Rwanda, the Private Investment Committee is tasked with discussing investors' issues and proposing acceleration measures for resolution.[34] An investor grievance mechanism is administered by the Reinvestment and Aftercare Department of the Rwanda Development Board.[35] In the Republic of Korea, a presidential directive imposes an obligation on governmental authorities to notify the Ministry of Justice in case of pending or potential investment disputes. This directive aims to properly identify grievances that may evolve into disputes and to avoid unnecessary redundancy.[36] In Nigeria, the Nigerian Investment Promotion Commission (NIPC) introduced a grievance mechanism called O-CLAP (Ombudsman Complaint and Liaison Assistance Platform) aimed at facilitating resolution of disputes between investors and government agencies. Further, the Public Complaints Commission (PCC), established by Decree No. 31 of 1975 (now the PCC Act Cap. P37 LFN 2004), serves as Nigeria's ombudsman. It is a federal agency mandated to investigate complaints from the public against administrative injustice, abuse of office and unfair treatment by government agencies.[37]

[32] See Decree No. 31/2021/ND-CP on elaboration of some articles of the Law on Investment (26 March 2021), article 9. Partially available at https://lawnet.vn/en/vb/Decree-31-2021-ND-CP-elaboration-of-some-articles-of-the-Law-on-Investment-73B47.html. The resolution of investment disputes is regulated in the 2020 Investment Law, providing a clear legal framework to ensure fairness, transparency, and consistency in handling such disputes. See Law on Investment (No. 61/2020/QH14, 17 June 2020), article 14.

[33] See Investment Environment Law (2022), article 44 and Investment Environment Regulation (2023) articles 181–186.

[34] Article 15(3) of the Law on Investment Promotion and Facilitation.

[35] Article 7(l) of the Law governing Rwanda Development Board.

[36] Article 7 of the Regulation on Prevention and Management of International Investment Disputes (Presidential Directive No.468) obliges governmental agencies and other public entities to notify the intergovernmental dispute resolution committee when there is a possibility of a new ISDS case arising.

[37] Available at https://pcc.gov.ng.

C. Coordination among governmental and related agencies

33. Effective communication as well as coordination among governmental and related agencies can assist with dispute prevention and mitigation. Depending on the government structure and the type of investment at stake, a number of governmental and related agencies (including those at subnational level, such as provinces, states and municipalities) may be involved in the coordination. This would include agencies that negotiate and conclude investment instruments, those whose measures may have an impact on investors, those with a role in preventing and mitigating disputes and those with a role in dispute management. An example of such coordination is conducted by the Office of the Foreign Investment Ombudsman (OFIO) of the Republic of Korea, which addresses grievances from foreign investors and works with relevant government agencies to resolve issues. When an investor encounters a problem with a municipal authority, the OFIO involves the municipal authority in the coordination.

34. Coordination, however, may be challenging for States with large economies and different levels of government approval. This would likely require additional efforts, for example, leveraging technology for information-sharing, training and capacity-building to facilitate inter-agency understanding and cooperation.

35. The following part outlines possible means to ensure effective coordination among governmental and related agencies, namely by sharing information and identifying or establishing a coordination body.

1. Information-sharing

36. Sharing of information among governmental and related agencies can prevent and mitigate disputes. It can ensure that the relevant agencies are informed of the circumstances and underlying issues. It can build consistency and coherence at the different levels of investment policymaking.[38]

37. Information to be shared among the agencies usually relates to investment treaties, investment contracts, dispute settlement clauses and models thereof. Such information can help avoid inconsistent investment instruments. Sharing ways to harmonize dispute settlement clauses can bring a great deal of consistency and standardization. This can be done by providing model clauses ready to be used in negotiations

[38] See principle 1 of the Islamic Development Bank (IsDB)—UNCTAD Non-binding Guiding Principles for Investment Policies, which states: "All policies that impact on investment should be coherent and synergetic at the national, regional and international levels as well as between these different levels of investment policymaking".

of future instruments,[39] as well as factors to consider in making any adjustments to such clauses.

38. For example, the Judicial Agency of Morocco developed model contracts for public administration and State-owned entities and provides assistance in contract negotiation. In Peru, the criteria for the formulation of dispute settlement clauses are set forth in legislation (inclusion of a cooling-off period, use of neutral dispute resolution means, allocation of costs relating to arbitration and conciliation, and obligation of the investor to notify the system coordinator in addition to the counterpart).[40] In the Dominican Republic, the Vice Ministry of Foreign Trade of the Ministry of Industry, Commerce and MSMEs through the Directorate of Dispute Prevention and Resolution is empowered to propose and review dispute settlement clauses or provisions to be included in prospective investment instruments.[41]

39. Information-sharing could further ensure coherence in measures taken by the agencies as well as in handling grievances. An early warning mechanism is a process designed to identify and flag potential issues or risks before they escalate into significant problems or disputes. An example of this type of mechanism in the Dominican Republic is the National System for Dispute Prevention, under which any public entity is required to notify the Directorate of Dispute Prevention and Resolution about potential disputes within three business days of being informed or becoming aware of it.[42] In Panama, the Office of Investment Arbitration (OIA) of the Ministry of Economy and Finances is in charge of mitigating and managing investment disputes and governmental entities are required to alert the OIA whenever they become aware of a potential dispute.[43]

40. Some States have established knowledge management systems to ensure the transfer and preservation of knowledge of public officials dealing with investors and to keep track of solutions used to resolve prior grievances. For instance, in the Republic of Korea, the Foreign Investment-related Regulatory Information Service operated by OFIO, provides an online regulatory information service, in collaboration with the Regulatory Reform Committee of the Office for Government Policy Coordination, in

[39] The UNCITRAL Model Provisions on Mediation for International Investment Disputes serves the same rationale, aiming to promote the use of mediation in resolving investment disputes. See also the UNCITRAL Guidelines on Mediation for International Investment Disputes. See also article 7(1) of the Energy Charter Conference, Model Instrument on Management of Investment Disputes.

[40] Article 13 of the Law Establishing the Coordination and Response System for International Investment Disputes.

[41] Article 4 of Decree No. 303-2015.

[42] Article 6 of Decree No. 303-2015 and Article 6 of Resolution No. 270-2023 of the Ministry of Industry, Commerce and MSMEs.

[43] See Panama's Office of Investment Arbitration (OIA) under the Ministry of Economy and Finance, available at https://www.mef.gob.pa. See comments from the Government of Panama, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/pacomm1.pdf.

order to collect and incorporate feedback from foreign-invested companies that may not have been consulted during the legislative process. The service offers regulations related to foreign investment in English, and communicates the positions of foreign-invested companies to the relevant agencies.[44] Information-sharing could be a vehicle for properly informing peer agencies about investment-related issues and for promoting interaction among the staff members whose collaboration may later be sought in the context of handling grievances.[45] For instance, the General Directorate of the Treasury Judicial Agency in Algeria coordinates with relevant ministerial departments and public bodies to analyse notifications of disputes involving foreign investors.

41. There are various means of sharing information among governmental and related agencies, including online platforms, handbooks, and capacity-building events where public officials involved in foreign investments share information on investment policies, developments and current disputes. In the Republic of Korea, ISDS handbooks and booklets are being published and circulated to provide general information on dispute prevention and the meaning of key provisions of International Investment Agreements (IIAs). For example, the recently published "ISDS Prevent Checklist Booklet" provides government officers with customized information and solutions on ISDS prevention and mitigation based on actual case analysis.[46] Upon request from government agencies, local municipalities or public entities, the Korean Ministry of Justice provides lectures and seminars on ISDS prevention based on those handbooks.[47] Viet Nam has also prepared a handbook for implementing international investment commitments, with an aim to assist officials about the practical application of the governments' treaties and related obligations and help them make better use of the government's legal resources.[48]

42. Regional intergovernmental organizations, such as the Asia-Pacific Economic Cooperation (APEC), have also provided similar tools. APEC published in 2020 its Handbook on Obligations in International Investment Treaties, which provides an overview of the obligations contained in international investment treaties and the risks that governments face in the event they violate those obligations, potentially triggering investor grievance.[49] More recently, APEC's Policy Support Unit issued Companies'

[44] See https://www.investkorea.org/ik-en/cntnts/i-450/web.do. See comments from the Government of the Republic of Korea, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/republic_of_korea_final.pdf, p. 4.

[45] See World Bank, *Retention and Expansion of Foreign Direct Investment* (World Bank, 2019) supra note 37, p. 66, available at https://documents1.worldbank.org/curated/en/387801576142339003/pdf/Political-Risk-and-Policy-Responses.pdf

[46] Available at https://korea.kr/briefing/pressReleaseView.do?newsId=156660255.

[47] Submission from the Republic of Korea, 31 July 2019 (A/CN.9/WG.III/WP.179), p. 5.

[48] Association of Southeast Asian Nations, "Viet Nam finalises Handbook for Implementing International Investment Commitments", 9 November 2021, available at https://asean.org/viet-nam-finalises-handbook-for-implementing-international-investment-commitments/.

[49] APEC, *Handbook on Obligations in International Investment Treaties*, p. 5.

Best Practices on Long-Term Foreign Direct Investment Within APEC Economies, which highlights practical approaches from the perspective of investors for fostering sustainable investment relationships. For example, it emphasizes that effective conflict resolution mechanisms are critical for long-term foreign direct investment (FDI) success, recommending structured communication channels, transparent government relations, and internal grievance systems to prevent disputes and maintain positive engagement with stakeholders.[50] In addition, APEC's report Research and Survey on the Dispute Prevention and Mitigation System in APEC Economies analyses mechanisms established by member economies to prevent and mitigate investment disputes before they escalate to arbitration. It identifies two main categories: domestic mechanisms and mechanisms under investment agreements that promote early consultations and mediation. The report emphasizes that these mechanisms complement rather than replace formal dispute resolution and recommends designing flexible, well-coordinated systems with authority to facilitate negotiations, issue recommendations and raise investor awareness. When properly implemented, such mechanisms can reduce costs, foster early resolution, and enhance investor confidence while preserving the right to arbitration.[51]

2. Identifying or establishing a coordination body

43. As information-sharing can ensure coherent and consistent approaches, a dedicated coordination body or bodies dealing with investment issues could play an important role in preventing and mitigating disputes. While some common features exist among government practices, there is no one-size-fits-all approach on how to identify or establish such body or bodies as this may vary depending on the form or structure of the government.

44. In identifying or establishing a coordination body, States have generally followed three different approaches: (i) creating a single coordination agency; (ii) distributing dispute prevention and mitigation functions among different agencies each having a specific role or handling certain grievances; or (iii) a hybrid approach establishing a committee or commission composed of governmental and related agencies, including ministries and specialized entities, with one of the agencies performing the secretariat function.[52]

[50] APEC Policy Support Unit, *Companies' Best Practices on Long-Term Foreign Direct Investment Within APEC Economies*. November 2025. Chapter 5.3.4: Conflict Resolution Mechanisms, pp. 48–52, available at: https://www.apec.org/publications/2025/11/companies--best-practices-on-long-term-foreign-direct-investment-within-apec-economies.

[51] See APEC Policy Support Unit, Research and Survey on the Dispute Prevention and Mitigation System in APEC Economies, October 2025, available at: https://www.apec.org/publications/listings?page=1.

[52] See World Bank, *Managing Investor Issues Through Retention Mechanisms* (2022), pp. 11–12 (discussion of lead agency options and institutional models), available at https://documents.worldbank.org/en/publication/documents-reports/documentdetail/978811614610086665.

45. A single coordination agency has been established either as an autonomous body or within an existing ministry or a governmental agency. For example, a number of States have assigned an ombudsman to function as a coordination body (for example, Brazil, Georgia, Greece, Kazakhstan,[53] Mongolia,[54] Philippines, Republic of Korea, Russian Federation and Ukraine). Others have a designated investment promotion agency to function as the coordination body (for example, Chile's InvestChile, Georgia's Invest in Georgia). In Nigeria, the NIPC is the designated federal agency responsible for promoting, coordinating and facilitating investments.[55] NIPC provides access to key documents, policy updates, and the Nigeria Investment Gateway, a platform that facilitates investor registration, access to incentives and other support services for investors.[56]

46. In other States, the coordination body has been established under a single ministry (for example, the Litigation Directorate of the Ministry of Finance of Bulgaria, the International Arbitration and Foreign Investment Protection Unit at the Ministry of Finance in Czechia, the Directorate of Foreign Investment and Services established within the Ministry of Commerce of Colombia, the Director General of International Economic Relations of the Ministry of Foreign Affairs of Chile,[57] the OIA in Panama, and the Directorate of Dispute Prevention and Resolution of the Ministry of Industry, Commerce and MSMEs in the Dominican Republic). In 2023, the Republic of Korea established a separate division within the Ministry of Justice dedicated to ISDS prevention and mitigation. Apart from monitoring potential disputes by reviewing government policies, measures, laws, and regulations, this division is also responsible for providing legal advice regarding potential treaty violations of any administrative or governmental institution, upon request.[58] In addition, the Republic of Korea established the Foreign Investment Committee under the Ministry of Trade, Industry and Energy. Ukraine has established a centralized mechanism for preventing and mitigating investment disputes through the Ministry of Justice, as designated by Presidential Decree No. 581/2002.[59] Upon receiving a notice of dispute, the Ministry forms an ad hoc inter-agency working group, typically chaired by the Minister or Deputy Minister of Justice and composed of relevant governmental bodies. This group coordinates legal and procedural responses and engages with investors to seek amicable solutions. Where settlements are reached, the Ministry prepares agreements for Cabinet approval, ensuring compliance with Ukraine's international obligations.

[53] Article 12.1 of the Law on Investments.

[54] Investor Protection Council.

[55] Available at https://www.nipc.gov.ng.

[56] Available at https://gateway.nipc.gov.ng.

[57] Article 7 of the Decree on the Creation of an Inter-ministerial Committee for the Defence of the State in International Investment Disputes and Regulation of Coordination for Resolution of Such Disputes.

[58] See comments from the Government of the Republic of Korea, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/republic_of_korea_final.pdf.

[59] Decree No. 581/2002, available at: https://zakon.rada.gov.ua/laws/show/581/2002.

47. In some States, the coordination is done by a committee composed of several ministries and/or governmental agencies. In Egypt, for instance, the ministerial committee on investment contracts dispute resolution has been established within the Cabinet of Ministers to settle disputes arising from investment contracts.[60] The Committee examines the divergence in views and disagreements arising between the parties to the contract and may settle the dispute with their consent. In Saudi Arabia, the Investment Council linked to the Supreme National Investment Committee aims to improve communication between the public and private sectors.[61] The Council plays a key role in coordinating efforts among various government agencies and stakeholders to streamline investment processes, propose solutions, and create a more favourable environment for both domestic and foreign investments.[62] In the Republic of Korea, an intergovernmental task force, comprising the Ministry of Economy and Finance, Ministry of Trade, Industry and Energy, Ministry of Foreign Affairs, Financial Services Commission and other relevant authorities, was established to effectively and substantially manage potential or pending investment disputes.[63]

48. In China, the Ministry of Commerce, in conjunction with other relevant departments under the State Council, established an interministerial joint meeting system to handle complaints of foreign-invested enterprises. The joint meeting coordinates and facilitates the handling of complaints at the central government level and further guides and supervises the handling of such complaints at the regional level.[64] In Costa Rica, an inter-institutional commission for the resolution of disputes in trade and investment matters was created.[65] In Croatia, an interdepartmental commission was established in 2013 to respond to requests from foreign investors in connection with disputes arising from investment treaties. In Thailand, the Committee on International Investment Protection, the national oversight body with regard to the protection of international investment, ensures that interconnected issues are addressed in a consistent and coordinated manner, with an aim to reduce the silo mentality of government agencies.[66]

[60] Articles 88 and 89 of the Investment Law.

[61] Established by Cabinet Resolution No. 111 dated 6/2/1445 AH.

[62] See comments from Saudi Arabia, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/nv_20.pdf.

[63] See comments from the Government of the Republic of Korea, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/republic_of_korea_final.pdf, p. 5.

[64] Article 5 of Rules on Handling Complaints of Foreign-Invested Enterprises. The Department of Foreign Investment Administration of the Ministry of Commerce serves as the office of joint meeting and is responsible for the daily work and guiding and supervising the work of the National Center for Complaints of Foreign-Invested Enterprises.

[65] Article 3 of the Regulations for the Prevention and Handling of International Disputes in Trade and Investment Matters.

[66] See Information on Thailand's Committee on International Investment Protection, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/thailands_inputs_to_the_draft_toolkit.pdf.

49. Whether it is a single coordination body, multiple agencies, or an inter-institutional committee, the internal operating procedures (composition of the authority, the monitoring and evaluation systems and to whom the authority is reporting) would need to be adapted for each State to ensure the efficiency of the authority and its legitimacy as well as to avoid conflicts of interest, lack of neutrality or vested interests. The way the authority is perceived by investors, governmental officials, and other stakeholders could impact its success. Therefore, there could be merit in establishing a system of accountability in the institutional design and operating procedures of the authority.

50. As noted, the operational structure of the coordination body may vary depending on the jurisdiction and the identified needs. However, its legal status, position in the government hierarchy, staffing structure, budget and reporting mechanism, among others, are often set forth in the instrument establishing the coordination body. For example, in Costa Rica, the composition and functions of the coordination body (Comisión Interinstitucional para la Solución de Controversias Internacionales, CISC) are clearly outlined in the regulation.[67]

51. In some jurisdictions, it was found that an independent entity playing an oversight role over the administration, as opposed to a collaborative role with and within the administration, has led to more bureaucracy and confrontation and limited its effectiveness to address the regulatory risks derived from government conduct.[68]

3. Functions of a coordination body

52. The functions of the coordination body may vary and a wide range of approaches have been taken. In some instances, the coordination body is responsible for dispute prevention and mitigation only. In other instances, the coordination body is in charge of dispute prevention and management of international investment disputes (including mediation[69] and arbitration proceedings). The coordination body managing the investment disputes may also have the mandate to manage other types of disputes such as trade disputes. In certain cases, the coordination body is responsible for dealing with all investment disputes, whether they involve domestic or foreign investors. In other instances, the coordination body has a broader competence, covering all types of disputes involving the State, including before courts. The following paragraphs list some of the common functions of the coordination body.

[67] See articles 4 and 5 of the Regulation for the Prevention and Handling of International Disputes in Trade and Investment Matters.

[68] See World Bank, supra note 37, p. 62.

[69] For example, the Ministry of Investment, Convergence, and Evaluation of Public Policies, the National Investment Commission and the Moroccan Investment and Export Development Agency offer conciliation services to resolve disputes amicably.

53. As mentioned, information-sharing is one of the key functions that is often carried out by the coordination body, as it facilitates communication and cooperation among governmental and related agencies. The coordination body may act as a central repository of investment instruments and relevant court or arbitral decisions interpreting such instruments. Such a role could contribute to raising awareness and building capacity within the government as well as at the subnational level. It could address knowledge gaps among governmental bodies and enhance their capacity and expertise regarding the meaning, implications and implementation of investment obligations.

54. Capacity-building activities could target government officials at various levels including specialized agencies as well as subnational entities such as provinces, federated states and municipalities. The main objective would be to identify potential non-compliant measures and ensure, to the extent possible, that conduct is consistent with investment obligations.

55. The repository function could also allow the coordination body to provide analysis of, for example: (i) economic sectors which are most likely to give rise to disputes; (ii) recurring grievances or disputes; (iii) key legal obligations contained in investment instruments; and (iv) gaps in domestic legislation for compliance with legal obligations contained in investment treaties. In the Dominican Republic, the Directorate of Dispute Prevention and Resolution monitors investor complaints and analyses disputes to understand which government entities are most frequently implicated.

56. The coordination body may review the existing stock of investment instruments with the aim of identifying obligations that may potentially lead to disputes (for example, those perceived as being too broad or unclear). It could also analyse and identify inconsistencies or gaps in regulations and laws related to investment. It could also provide advice to governmental and related agencies on how to handle the grievances of investors.

57. In order to perform its functions, the coordination body may be authorized to collect information from competent governmental agencies (as well as from investors). In Ukraine, the Business Ombudsman Council may request and receive from State authorities and other entities information and documents necessary for processing complaints.[70] The coordination body may request the cooperation of the

[70] In certain cases, the dispute resolution process is preceded by a complaint filed with the Business Ombudsman Council, established by the Cabinet of Ministers' Resolution No. 691 of 26 November 2014. The Council is authorized to review complaints from all subjects of entrepreneurial activity regarding alleged misconduct by central or local government authorities. In practice, the majority of complaints are lodged by small and medium-sized enterprises, both domestic and foreign (including those with foreign shareholding). However, some foreign or multinational companies have utilized the Business Ombudsman Council as part of their strategy for addressing issues with governmental authorities, while others bypass it and directly engage legal counsel to pursue claims against the State. See Resolution No. 691, cl. 4(2), available at https://boi.org.ua/wp-content/uploads/2023/08/boi__cmu_regulation_eng_.pdf.

relevant agencies, including their officials, and issue recommendations and monitor their implementation. In some States, governing entities must alert and inform the coordination body whenever they become aware of a potential investment dispute (see para. 29 above). In China, local agencies handling complaints are required to regularly submit records to the coordination agency.[71]

58. In some jurisdictions, the coordination body, in addition to facilitating coordination among the government and related agencies, have acted as the focal point for communicating with investors and providing necessary assistance, including through an investor grievance mechanism (see section B above) and for cooperation with other governments (see section D below).

D. Coordination and cooperation with other governments

59. Establishing and institutionalizing intergovernmental coordination with authorities of other States could help ensure effective cooperation and mutual assistance in dispute prevention or mitigation.[72] Intergovernmental coordination may also help address any perception of bias in favour of a State that an investor may have when formulating a grievance.

60. One example of achieving such coordination is by setting up a joint committee or commission in investment treaties to promote a regular exchange of information for improving the investment environment and monitoring the implementation of investment treaties.[73] Joint committees could create an avenue for effective application of the investment treaty by facilitating the exchange of best practices in order to adapt to evolving policy concerns through periodic reviews or by issuing joint interpretations on provisions, which may be the origin of the grievance.

61. Some investment treaties envisage that such a body can play a role in preventing grievances from escalating into a dispute by facilitating consultations with investors. For example, article 4(4)(d) of the Morocco–Nigeria BIT notes that the joint

[71] Article 25 of the Rules on Handling Complaints of Foreign-Invested Enterprises.

[72] Under article 26.1 of the IFD Agreement, focal points or other mechanisms for communicating with investors may be assigned the function of responding to questions from other governments. Article 14.4(f) of the Brazil–India BIT (2020) provides that the national focal point or ombudsman is to report its activities and actions to the joint committee, when appropriate.

[73] See article 25 of Japan–Georgia BIT (2021); article 10.1 of UK–Turkey FTA; article 6.1 of Armenia–Singapore BIT; and chapter 12 of the Pacific Agreement on Closer Economic Relations Plus. Article 26.2 of the IFD Agreement mentions the areas of intergovernmental cooperation. They include exchange of information and sharing of experiences, exchange of information on domestic investors and the promotion of facilitation agendas with a view to increasing investment for development, including investment in and by micro, small, and medium-sized enterprises.

committee shall seek to resolve any issues or disputes concerning the parties' investment in an amicable manner. Similar wording is found in article 17(4)(e) of the Brazil–Ethiopia BIT. Article 27(3)(g) of the Israel–United Arab Emirates BIT (2020) lists as one of the functions of the joint committee on investments the consideration of issues or matters related to the implementation of the agreement, including solving problems, obstacles and dispute resolution before its submission to arbitration. Article 18 of the Brazil–India BIT (2020) envisages a dispute prevention procedure within the joint committee established in accordance with article 13.

62. As such, a joint committee may function to mitigate a dispute under a specific agreement. If there is any grievance or dispute about the application or interpretation of a provision of the agreement, the joint committee may prepare a report to resolve the issue indicating if a specific measure adopted by the State was in breach of the agreement. Such a mechanism could avoid a litigation about the issue. Furthermore, the private sector, civil society and other agencies can be invited to share their views in the procedure. For example, under article 17(4)(d) of the Brazil–Ethiopia BIT and article 18(4)(d) of the Ecuador–Brazil BIT, the joint committee is responsible for consulting with the private sector and civil society, when applicable, on their views on specific issues related to the work of the joint committee.

63. Once operational, the Advisory Centre on International Investment Dispute Resolution is expected to function as a forum for exchanging information and sharing best practices, thus contributing to coordination and cooperation among governments.[74]

E. Other related issues

1. Financial and human resources

64. When designing and implementing a dispute prevention and mitigation system, special arrangements may need to be made for prompt access to funding and resources.[75] For example, States may make offers of settlement sums to address an investor's grievance before it escalates into a formal legal dispute.[76] These costs are usually incurred on an ad hoc basis and do not necessarily follow the budgetary cycles

[74] See Statute of the Advisory Centre on International Investment Dispute Resolution, article 6(1)(d). See comments from the Government of Panama, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/pacomm1.pdf.

[75] See, for example, articles 11 and 12 of the Dominican Republic's Presidential Decree No. 303-2015 addressing the budget and expenses. Article 12 provides that the entity responsible for actions or omissions leading to the claim shall be responsible for covering the expenses.

[76] See comments by the Government of Singapore, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/2024-12-18_singapore.pdf.

of governments. However, it may not always be possible to set aside funds outside the budget cycle due to internal regulations and budgetary constraints in some States.[77]

65. Establishment and operation of a coordination body would likely incur financial costs and human resources.

2. Exoneration of liability of government officials

66. Government officials may play a key role in preventing and mitigating disputes. However, the perceived risk of incurring liability for their action (for example, charges of corruption) may impede their engagement in full. They may refrain from taking necessary decisions and attempting to prevent disputes.

67. In some jurisdictions, government officials are not held accountable for any act performed or omission made in connection with dispute prevention and mitigation, except in the case of wilful misconduct or gross negligence. Offering such protection could reassure them and ensure their cooperation and full engagement in dispute prevention and mitigation.[78]

3. Confidentiality

68. For grievances to be handled successfully, parties involved (investors and competent agencies alike) may need to be assured that any confidential information exchanged during the process will not be made public, unless agreed otherwise.[79] It would also be crucial that exchanges of information during that process do not prejudice the rights of the parties in later stages of dispute resolution.[80] Therefore, it may be necessary to find a balance between information to be made available to the public, including within the government agencies (for example, due to public interest, social impact or domestic regulations requiring disclosure), and information to be kept confidential.

[77] See comments by the Government of Argentina, available at https://uncitral.un.org/sites/default/files/media-documents/EN/comentarios_de_la_republica_argentina.pdf.

[78] See Academic Forum on ISDS Concept Paper (Preventing, mitigating and managing investor-state disputes), available at https://www.jus.uio.no/ior/english/research/projects/copiid/academic-forum/papers/preventing-mitigating-and-managing-investor-state-disputes..pdf.

[79] See articles 20 and 21 of the Energy Charter, Model Instrument on Management of Investment Disputes. See also articles 13 and 14 of the Dominican Republic's Presidential Decree No. 303-2015.

[80] See comments from the Government of Panama, available at https://uncitral.un.org/sites/default/files/media-documents/uncitral/en/pacomm1.pdf.

F. Non-exhaustive list of practices by States

Algeria

Law No. 22-13 of July 12, 2022, amending and supplementing Law No. 08-09 of February 25, 2008, establishing the Code of Civil and Administrative Procedure (article 536 bis 4).

Law No. 22-18 of July 24, 2022, relating to investment.

Presidential Decree No. 22-296 of September 4, 2022, establishing the composition and operation of the National High Commission for Investment-Related Appeals.

Executive Decree No. 22-298 of September 8, 2022, amended and supplemented, establishing the organization and operation of the Algerian Investment Promotion Agency.

Executive Decree No. 24-150 of April 30, 2024, amending and supplementing Executive Decree No. 21-252 of June 6, 2021, organizing the central administration of the Ministry of Finance (Article 9bis).

Brazil

Decree on the Creation, Structure and Attributions of the Direct Investment Ombudsman, (No. 8.863, 28 September 2016, amended by Decree No. 9.770, 22 April 2019), available at https://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Decreto/D9770.htm#art1.

Brazilian Cooperation and Facilitation Agreement (CFIA) Model (2016), available at https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/4786/download.

Investment Cooperation and Facilitation Treaty between the Federative Republic of Brazil and the Republic of India, available at https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5912/download.

Bulgaria

Litigation Directorate under the Ministry of Finance, http://www.minfin.bg/en/page/938.

Chile

Decree on the Creation of an Inter-ministerial Committee for the Defence of the State in International Investment Disputes and Regulation of Coordination

for Resolution of Such Disputes (No. 125, 23 August 2016), available at https://www.leychile.cl/N?i=1098279&f=2016-12-27&p=.

InvestChile, available at https://investchile.gob.cl/.

China

Rules on Handling Complaints of Foreign-Invested Enterprises, Order of the Ministry of Commerce of the People's Republic of China, 2020 No. 3, available at https://fdi.mofcom.gov.cn/EN/complaintsDetial.html?id=21.

Colombia

Decree on the regulation of prevention and management of international investment disputes (No. 1939 of 2013), available at https://www.suin-juriscol.gov.co/viewDocument.asp?id=1373623.

Costa Rica

Regulation for the Prevention and Handling of International Disputes in Trade and Investment Matters (No. 35452 35452-MP-COMEX, 11 August 2009), available at http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=66133&nValor3=77622&strTipM=TC.

Dominican Republic

Presidential Decree No. 303-2015, 1 October 2015, available at https://studylib.es/doc/5157825/decreto-sistema-de-prevenci%C3%B3n-de-controversias-no.-303-15.

Resolution No. 270-2023, Ministry of Industry, Commerce and MSMEs, 29 November 2023 available at https://www.micm.gob.do/transparencia/images/pdf/transparencia/base-legal-de-la-institucion/resoluciones/2023/Noviembre/Resolucion_No._270-2023_2.pdf.

Egypt

Investment Law (No. 72, 31 May 2017), available at https://investmentpolicy.unctad.org/investment-laws/laws/167/egypt-investment-law-.

Ethiopia

Investment Proclamation (No. 1180/2020, 2 April 2020), available at https://investethiopia.gov.et/resources/publications/.

Ethiopian Investment Commission, available at https://investethiopia.gov.et/.

European Union

Access2Markets portal, available at https://trade.ec.europa.eu/access-to-markets/en/home.

Georgia

Law on Promotion and Guarantees of Investment Activity (No. 3425 of 30 June 2006) available at https://matsne.gov.ge/en/document/view/33304?publication=15.

Invest in Georgia, available at https://www.investingeorgia.org/.

Greece

Law on the Creation of a Development Friendly Environment for Strategic and Private Investments (No. 4146, April 2013).

Japan

Office of INVEST JAPAN, available at https://www.cao.go.jp/invest-japan/en_index.html.

Jordan

InvestJordan website, available at https://invest.jo/home-page.

Kuwait

Law No. 116 of 2013 on the Promotion of Direct Investment in the State of Kuwait and its Executive Regulations, available at https://kdipa.gov.kw/wp-content/uploads/2021/08/law1162013.pdf.

Executive Regulations Implementing Law No. 116 of 2013, available at https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=98362.

Morocco

National Open Government portal, available at: https://gouvernement-ouvert.ma/index.php?lang=fr.

Nigeria

Nigerian Investment Promotion Commission (NIPC), available at: https://www.nipc.gov.ng.

Nigeria Investment Gateway, available at https://gateway.nipc.gov.ng.

Public Complaints Commission (PCC), available at https://pcc.gov.ng.

Panama

Ministerial Resolution No. MEF-RES-2023-1401, which creates the Investment Arbitration Office within the Ministry of Economy and Finance, available at: https://www.gacetaoficial.gob.pa/pdfTemp/29824/GacetaNo_29824_20230713.pdf.

PROPANAMA, available at: https://www.propanama.gob.pa/.

Peru

Law Establishing the Coordination and Response System for International Investment Disputes (No. 28933, 15 December 2006), available at https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdf.

International Institute for Sustainable Development, Peru's State Coordination and Response System for International Investment Disputes in Investment Treaty News (14 January 2013), available at https://www.iisd.org/itn/en/2013/01/14/perus-state-coordination-and-response-system-for-international-investment-disputes/#:~:text=SICRECI%20comprises%20the%20Coordinator%2C%20a,that%20contain%20investment-related%20provisions.

Carlos Jose Valderrama, Peru: Best practices for confronting international lawsuits brought by private investors in ICSID Review, *Foreign Investment Law Journal*, Volume 33, Issue 1, Winter 2018, Pages 103–124, available at https://doi.org/10.1093/icsidreview/six024.

Carlos Jose Valderrama, Investor-State Dispute Prevention: The Perspective of Peru in Public Actors in International Investment Law, Special Issue of the *European Yearbook of International Economic Law*, 2021, available at https://link.springer.com/chapter/10.1007/978-3-030-58916-5_7.

Philippines

Investment ombudsman, available at https://www.ombudsman.gov.ph/docs/investmentOmbudsman/investmentomb.pdf.

Qatar

InvestQatar, available at https://www.invest.qa/en.

Republic of Korea

Foreign Investment Promotion Act (Act No. 14389, 26 July 2017), available at https://elaw.klri.re.kr/eng_service/lawView.do?hseq=44627&lang=ENG.

Enforcement Decree of the Foreign Investment Promotion Act (Presidential Decree No. 28212, 26 July 2017), available at https://elaw.klri.re.kr/eng_service/lawView.do?hseq=44628&lang=ENG.

Foreign Investment Ombudsman, available at https://www.investkorea.org/ik-en/cntnts/i-450/web.do.

Office of the Foreign Investment Ombudsman, available at https://ombudsman.kotra.or.kr/ob-en/index.do.

Invest KOREA website, available at https://www.investkorea.org.

Ministry of Justice, ISDS Prevent Checklist Booklet, available at https://www.moj.go.kr/moj/2136/subview.do.

Russian Federation

Federal Law No. 78-FZ of 7 May 2013 "On Commissioners for the Protection of the Rights of Entrepreneurs in the Russian Federation" (as amended through Federal Law No. 345-FZ of 14 October 2024), available at https://normativ.kontur.ru/document?moduleId=1&documentId=480166.

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