

**SINGAPORE’S WRITTEN COMMENTS
ON DRAFT TOOLKIT ON PREVENTION AND MITIGATION OF
INTERNATIONAL INVESTMENT DISPUTES IN A/CN.9/1185**

Pursuant to paragraph 169 of the Report of the United Nations Commission on International Trade Law (A/79/17), Singapore provides our written comments on the Draft Toolkit on Prevention and Mitigation of International Investment Disputes in A/CN.9/1185.

2 Singapore thanks the UNCITRAL Secretariat for preparing the Draft Toolkit in A/CN.9/1185, which can serve as a useful point of reference for States to consider when implementing their own dispute prevention and mitigation systems.

Section C on Coordination among governmental and related agencies

3 On paragraph 38, Singapore notes that the content of investment instruments, namely treaties and contracts, is a matter of negotiations between different counterparties. Thus, while model instruments or model clauses can help to lend consistency, we should also recognise the practical limits of pursuing harmonisation and the Toolkit should avoid advocating an overly rigid reliance upon models. To this end, Singapore suggests qualifying the last sentence of paragraph 38 slightly:

“... This could be done by providing model clauses ready to be used in negotiations of future instruments, and criteria on the extent to which such model clauses can be further developed and departed from in such negotiations.”²⁴”

Section E.1 on Financial and Human Resources

4 On paragraph 66, Singapore is of the view that the language in the sentence “As a result of settlement of a grievance, a sum of compensation may be owed to an investor” should be nuanced slightly, to reflect the character of a settlement when a matter has not yet reached the threshold of a legal dispute. Singapore proposes to amend the sentence to:

“States may also make offers of settlement sums, in the course of addressing an investor’s grievance.”

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