



BOSNIA AND HERZEGOVINA

Ministry of Foreign Trade
and Economic Relations

Forum on Dispute Prevention in Investor State Dispute Settlement

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„ISDS PREVENTION AND EARLY DETECTION MECHANISM IN BOSNIA AND HERZEGOVINA “

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ISDS in Bosnia and Herzegovina - Little bit of history

- × First arbitration case back in 2007
- × Up to present five arbitration cases and total of around 860 million Euro compensation request by investor(s)
- × Two cases concluded, two pending, one case pending award in annulment procedure
- × 39 BITs concluded in total – all fall in to „old generation“ category – making the state highly exposed for more ISDS



What we are doing to address the challenges?

Reform of BITs and related policy

- New principles and standards for BITs
- New BIT model text
- Creating pre-assessment methodology for BITs negotiation

Setting ISDS-phase architecture

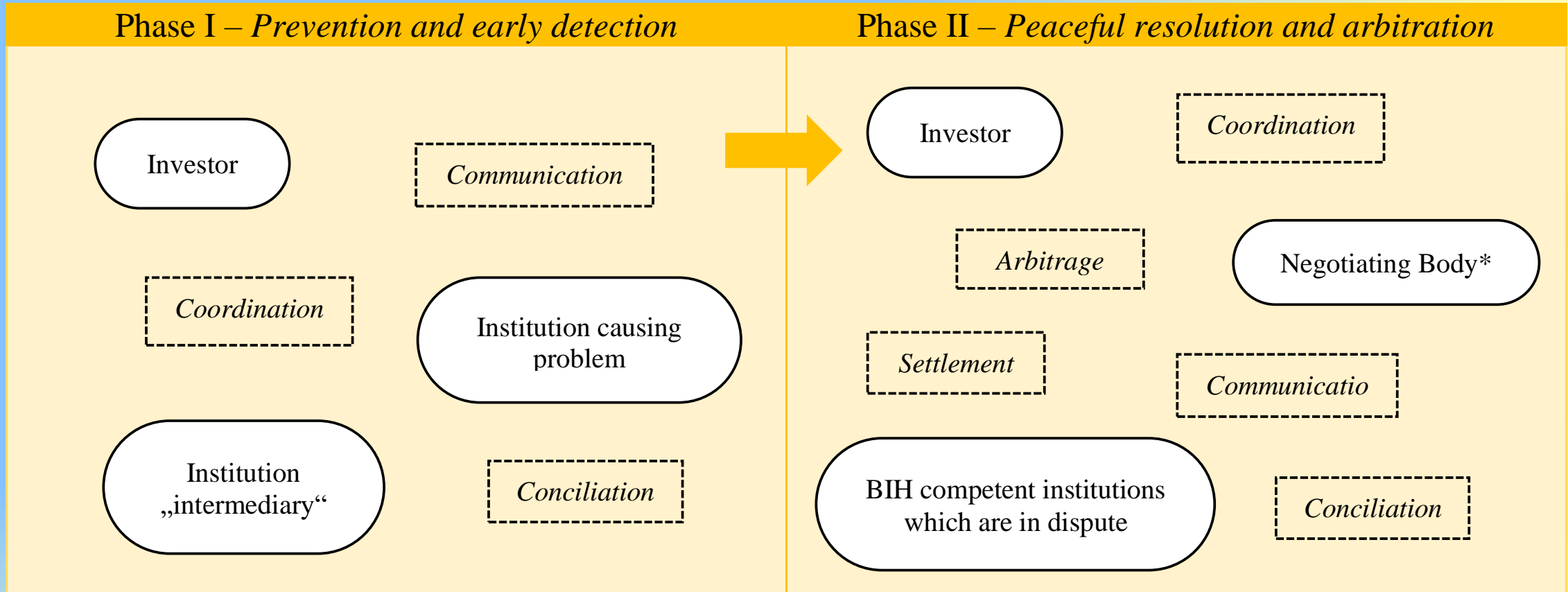
- Raising awareness
- Established permanent negotiating body to support GA BiH Office

Setting pre-ISDS architecture

- Establishing mechanism for prevention and early detection of disputes
- Raising awareness



Lost in translation or how to fill in the missing parts?



* *Negotiating Body of BIH for peaceful resolution of international investment disputes*



Connecting the dots or „no need to invent hot water“

Key institutions doing their job already



Good and streamlined communication



Coordinated and sequenced course of action





Tips and tricks

Small countries with limited resources

- Start with realistic and applicable models and then improve

Identify the roadmap

- Once you know the stakeholders, it is easier to connect
- Use as much as possible existing links, procedures, modus operandi
- Explain to stakeholders they already do something you want to be a part of a mechanism

Prevention v. arbitration

- It is worth investing time in prevention. You can always resort to arbitration
- Building positive image and trust.
- Word of mouth – a powerful technique in marketing.



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