

The compilation is work in progress – please do communicate any additional information to the UNCITRAL Secretariat with the subject “Compilation on Dispute Prevention”. Email addresses: Judith.Knieper@un.org; Nikola.Kovacikova@un.org

Table 1. Compilation of National Best Practices

Period	Action	Institutional Options / Best practices (examples and links)
a) Pre-Problem	<p>- Stocktaking of Investment Obligations: map and update agreements with ISDS provisions, keep track of joint declarations between host and home countries, be aware of decisions that might affect the application of the investment treaty during the negotiation stage.</p> <p>- Centralize information.</p>	<p>Czech Republic. Overview of the Czech Republic’s bilateral and multilateral agreements for promotion and protection of investments and related news are published and regularly updated by the Ministry of Finance on its webpage (in Czech). https://www.mfcr.cz/cs/legislativa/dohody-o-podpore-a-ochrane-investic</p> <p>Kyrgyz Republic. Article 3. The Authority of the Centre. <i>Regulation on the Judicial Representation Centre of the Government of the Kyrgyz Republic</i>, Regulation of 12 February 2014 No 89, as amended by the Resolution of the KR Government of 10 June 2014 No 320, 7 September 2016 No. 487. https://cis-legislation.com/document.fwx?rgn=65682#A40A0SOVRL</p> <p>Republic of Chile. Article 3. Functions of the General Directorate of International Economic Relations. <i>Creation of an Inter-ministerial Committee for Defence of the State in International Investment Disputes and Regulation of Coordination for Resolution of such Disputes</i>. Decree 125. 23 August 2016 (publication 27 December 2016). https://www.leychile.cl/N?i=1098279&f=2016-12-27&p=</p> <p>Republic of Peru. Article 5. General Procedures of the State Coordination and Response System for International Investment Disputes. A) Notification of signing of investment agreements and treaties. B) Alert in the event of a dispute. Article 13. Binding criteria for drafting of dispute settlement clauses. <i>Coordination and Response System for International Investment Disputes (SICRECI in Spanish SICRECI)</i>. Law No. 28933, December 2006. https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdf.</p>
	<p>- Identify and monitor sensitive sectors: contacts within certain relevant agencies and information exchange.</p>	<p>Arab Republic of Egypt. Article 71 (3). Chapter II – The General authority for investment and free zones. <i>Law No. 72 of 2017 Promulgating the Investment Law</i>. https://investmentpolicy.unctad.org/investment-laws/laws/167/egypt-investment-law-.</p> <p>Republic of Colombia. Directorate of Foreign Investment and Services established within Ministry of Commerce. High-Level Government Instance for the prevention and management of international</p>

		<p>investment disputes. See Decree No. 1939 of 2013. https://www.suin-juriscol.gov.co/viewDocument.asp?id=1373623.</p> <p>Republic of Peru. Article 5. General Procedures of the State Coordination and Response System for International Investment Disputes. A) Notification of signing of investment agreements and treaties. B) Alert in the event of a dispute. Coordination and Response System for International Investment Disputes (SICRECI in Spanish). Law No. 28933, December 2006. https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdf.</p>
<p>- Communication channel: identify obstacles to investment and day-to-day contact with investors.</p> <p>- Establish an integrated information sharing system.</p>		<p>Kingdom of Jordan. Article 11. Computerized Grievance System. <i>Regulation number 163 on Investors Grievance Mechanism</i>, issued in accordance with Articles 43 and 46 of the Investment Law Number 30 of 2014. https://www.jic.gov.jo/en/investors-grievance-scope/.</p> <p>People's Republic of China. Chapter IV. Administrative System of Complaint Handling. Articles 24-28. <i>National Complaint Centre for Foreign-invested Enterprises (NCCFE)</i>. http://fdi.mofcom.gov.cn/EN/complaintsDetail.html?id=21.</p> <p>Republic of Peru. <i>Coordination and Response System for International Investment Disputes (SICRECI in Spanish)</i>. Law No. 28933, December 2006. https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdfecember.</p>
<p>-Establish a central investment contact point: Central Authority can be a new agency or within Investment Promotion Agency (IPA) or Inter-Ministerial Committee for grievances; can be a single authority for both</p>		<p>Federative Republic of Brazil. Article 18. Focal Point or Ombudsperson. <i>Brazilian Cooperation and Facilitation Agreement (CFIA (2016))</i>. https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/4786/download FN.¹</p> <p>Energy Charter Treaty. Article 4. General Principles. Article 5. Content of Coordination. Article 9. Responsible body. <i>Energy Charter Treaty: Model Instrument on Management of Investment Disputes</i>, CCDEC 2018 26. https://www.energychartertreaty.org/model-instrument/.²</p> <p>a) Competence</p>

¹ This is not a national law but a model treaty provision. The best practices foreseen at the treaty level were enacted the national level by the Decree No. 8863, 28 September 2016 on the Creation, Structure and Attributions of the Foreign Direct Investment Ombudsman, available at https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/decreto/d8863.htm. This document is only available in Portuguese. The model provision is available in English and is accessible to a broader audience.

² Treaty level.

	<p>management and dispute prevention or separate ones.</p> <p>- Ensure coordination in case work is split between agencies (e.g., between promotion investment, ongoing communication, and resolving disputes).</p>	<p>a.1) Single Responsible Body dealing with all investment disputes</p> <p>Czech Republic. The Ministry of Finance. See Section 4(1) of Act No 2/1969 Coll. on Establishing Ministries and Other Institutions of Central Government of the Czech Republic, as amended (in Czech). https://www.mfcr.cz/cs/legislativa/legislativni-dokumenty/1969/zakon-c-2-1969-sb-3322. See also description of the tasks of the International Arbitration and Investment Protection Unit at the Ministry of Finance (in Czech), https://www.mfcr.cz/cs/o-ministerstvu/zakladni-informace/organizacni-struktura/sekce-09/odbor-71-legislativa-a-sporne-agendy/oddeleni-7103-mezinarodni-arbitraze-a-oc</p> <p>Arab Republic of Egypt. Section V, in particular Chapter II and III: The General authority for investment and free zones. <i>Law No. 72 of 2017 Promulgating the Investment Law</i>. https://investmentpolicy.unctad.org/investment-laws/laws/167/egypt-investment-law-.</p> <p>Kyrgyz Republic. Article 2. Object and Purpose of the Centre. <i>Regulation on the Judicial Representation Centre of the Government of the Kyrgyz Republic</i>, Regulation of 12 February 2014 No 89, as amended by the Resolution of the KR Government of 10 June 2014 No 320, 7 September 2016 No 487. https://cis-legislation.com/document.fwx?rgn=65682#A40A0SOVRL.</p> <p>Republic of Chile. <i>Creation of an Inter-ministerial Committee for Defence of the State in International Investment Disputes and Regulation of Coordination for Resolution of such Disputes</i>. Decree 125. 23 August 2016 (publication 27 December 2016). https://www.leychile.cl/N?i=1098279&f=2016-12-27&p=.</p> <p>Republic of Colombia. <i>Directorate of Foreign Investment and Services established within Ministry of Commerce. High-Level Government Instance for the prevention and management of international investment disputes</i>. See Decree No. 1939 2013. https://www.suin-juriscol.gov.co/viewDocument.asp?id=1373623.</p> <p>Republic of Peru. Article 7. Special Commission. <i>Coordination and Response System for International Investment Disputes (SICRECI in Spanish)</i>. Law No. 28933, December 2006. https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdf.</p>
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	<p>Republic of Slovakia: Ministry of Finance (the arbitration team) - prevention of arbitration disputes by means of communicating and consulting with other state organs in cases of potential arbitration disputes; communication with allegedly damaged investor in so called consultation or cooling-off period or even before with the aim, if possible, to prevent arbitration proceedings; monitoring of potential harmful legislation and consulting the change thereof respecting international obligations of the Slovak Republic set for in international investment protection treaties. <i>Rules for International treaty conclusion and treaty practice</i> available only in Slovak here: https://www.mzv.sk/documents/10182/12865/pravidla_pre_uzatvaranie_medzinarodnych_zmluv.pdf/942aae94-a41c-4332-a758-cdbe98d01ef4.</p> <p>a.2) Broad Competence: trade disputes are under the control of the Responsible Body</p> <p>Dominican Republic. Articles 2-4. <i>High-Level Government Instance for the prevention and management of international investment disputes</i>. Decrees No. 303-2015; https://studylib.es/doc/5157825/decreto-sistema-de-prevenci%C3%B3n-de-controversias-no.-303-15.</p> <p>Republic of Costa Rica. Article 3. Creation of the Inter-institutional Commission for Settlement of International Trade and Investment Disputes. <i>Regulations for the Prevention and Management of International Trade and Investment Disputes</i> No. 35452-MP-COMEX. http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=66133&nValor3=77622&strTipM=TC.</p> <p>b) Structure</p> <p>b.1) Inter-Institutional Commission</p> <p>Federal Republic of Nigeria. <i>The One Stop Investment Centre (OSIC) within the Nigerian Investment Promotion Commission (NIPC)</i>. The One Stop Investment Centre (OSIC) is a business facilitation initiative in the Nigerian Investment Promotion Commission (NIPC) which was established as part of the Federal Government's efforts to improve Nigeria's business climate. It brings together relevant government agencies to one location to provide fast-tracked services to investors. The OSIC is coordinated by the NIPC. The OSIC currently houses 27 agencies. https://invest-nigeria.com/agencies-at-osic/.</p>
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³ **I.** The Government of the Republic of Croatia created an Inter-Departmental Commission to act on requests from foreign investors in connection with disputes arising from bilateral treaties of the Republic of Croatia in the field of providing incentives for and protecting investments (hereafter the “Commission”).

II. The task of the Commission is to examine requests from foreign investors to resolve disputes which arise on the basis of bilateral treaties of the Republic of Croatia in the field of providing incentives for and protecting investments (hereafter the “Request”) and the procedure in respect of the requests listed, in particular: analysis of the investor’s request; the gathering of information required from the competent bodies connected with resolving the requests listed; and proposals of the Government of the Republic of Croatia to proceedings with respect to the investor’s request.

III. The Commission is to be run by: the Head of the State Office for Commercial Policy, the Commission Chairman; the Deputy Minister for the Economy, the Commission’s Deputy Chairman and its members: the Deputy Minister of Foreign and European affairs, the Deputy Minister of Justice, the Deputy Minister of Finance, the Head of the State Office for the Management of State Property, the Deputy Chief Public Prosecutor of the Republic of Croatia and the Director of the State Property Management Agency.

	<p>Functions of the Special Commission. Article 9. Functions of the Chairperson of the Special Commission. Article 10 Functions of the Technical Secretariat of the Special Commission. Article 11. Appointment of the representatives of the Special Commission. <i>Coordination and Response System for International Investment Disputes (SICRECI in Spanish)</i>. Articles 4-8 Law No. 28933, December 2006. https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdf.</p> <p>b.2) Single Ministry or Agency</p> <p>Czech Republic. The Ministry of Finance. See Section 4(1) of Act No 2/1969 Coll. on Establishing Ministries and Other Institutions of Central Government of the Czech Republic, as amended (in Czech). https://www.mfcr.cz/cs/legislativa/legislativni-dokumenty/1969/zakon-c-2-1969-sb-3322. See also description of the tasks of the International Arbitration and Investment Protection Unit at the Ministry of Finance (in Czech), https://www.mfcr.cz/cs/o-ministerstvu/zakladni-informace/organizacni-struktura/sekce-09/odbor-71-legislativa-a-sporne-agendy/oddeleni-7103-mezinarodni-arbitraze-a-oc</p> <p>People’s Republic of Bulgaria. <i>Litigation Directorate</i> under the Ministry of Finance. http://www.minfin.bg/en/page/938.</p> <p>Republic of Chile. <i>Committee on Foreign Investment</i> (CIE Chile). https://investchile.gob.cl/.</p> <p>Republic of Latvia. <i>State Chancellery</i>. Informative Report on the Representation of the State Interests in International Investment Disputes, 44. § 17 November 2015. http://www.likumi.lv/doc.php?id=277962.</p> <p>Republic of Mexico. <i>Promexico</i> in combination with Secretary of Economy’s Legal Advisor for Negotiations General Directorate once a conflict escalates into investment arbitration. http://www.promexico.gob.mx/.</p> <p>Republic of Slovakia. Ministry of Finance (Dispute management and Breach of Treaty). Law No. 575/2001 (zákon č. 575/2001 Z. z. o organizácii činnosti vlády a organizácii ústrednej štátnej správy v znení neskorších predpisov). https://wipolex.wipo.int/en/text/366578.</p> <p>United States of America. US Department of State. http://www.state.gov/s/l/c3433.htm.</p>
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	<p>- Capacity building and awareness raising of ILA provisions and commitments.</p>	<p>Arab Republic of Egypt. Article 71. Chapter II – The General authority for investment and free zones. <i>Law No. 72 of 2017 Promulgating the Investment Law.</i> https://investmentpolicy.unctad.org/investment-laws/laws/167/egypt-investment-law-.</p> <p>Czech Republic. Overview of Czech Republic’s bilateral and multilateral agreements for promotion and protection of investments and related news are published and regularly updated by the Ministry of finance on its webpage (in Czech). https://www.mfcr.cz/cs/legislativa/dohody-o-podpore-a-ochrane-investic</p> <p>Republic of Colombia. Directorate of Foreign Investment and Services of the Ministry of Trade, Industry and Tourism: distribution of handbooks explaining investment protection. Training with local government, chambers of commerce and associations.⁴</p> <p>Republic of Korea. Korean Government issues ISDS handbooks and booklets are being published and circulated by the Korean Government in order to provide general information on dispute prevention and the meaning of key provisions of IIAs (A/CN.9/WG.III/WP.179, p. 5-7).</p> <p>Republic of Mexico. Secretary of Economy’s Legal Advisor for Negotiations General Directorate: handbook on investment treaty obligations and training⁵.</p>

⁴ Energy Charter Secretariat (2016). Best practices in investment conflict prevention and management. Special Paper Series. Brussels, September 2016. <https://www.energycharter.org/what-we-do/publications/best-practices-in-investment-conflict-prevention-and-management/>, p. 11.

⁵ Energy Charter Secretariat (2016). Best practices in investment conflict prevention and management. Special Paper Series. Brussels, September 2016. <https://www.energycharter.org/what-we-do/publications/best-practices-in-investment-conflict-prevention-and-management/>, p. 13.

		<p>People's Republic of China. Article 6. Competences of the Ministry of Commerce. <i>National Complaint Centre for Foreign-invested Enterprises (NCCFE)</i>. Available at http://fdi.mofcom.gov.cn/EN/complaintsDetail.html?id=21.</p>
	<p>- Make agencies liable for enacting measures contrary to ILA provisions (involve agencies).</p>	<p>Energy Charter Treaty. Article 26. Liability. Model Instrument on Management of Investment Disputes - CCDEC 2018 26. https://www.energychartertreaty.org/model-instrument/.⁶</p> <p>Georgia. Article 9. Analysis of the legislation of Georgia. Article 10. Practice analysis. <i>Law of Georgia on Business Ombudsman of Georgia</i> No. 3612-IIS, 28 May 2015. www.ilo.org/dyn/natlex/docs/ELECTRONIC/104528/127562/F-2073887338/ombudsman.pdf.</p> <p>Republic of Peru. Coordination and Response System for International Investment Disputes (SICRECI in Spanish). Law No. 28933, December 2006. Article 15. Liability of the Special Commission. https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdf.</p>

⁶ Treaty level.

<p>- Institutional System for Dispute Prevention and Management.</p>	<p>1) Foreign Investment Ombudsperson</p> <p>Federative Republic of Brazil. <i>Creation, Structure and Attributions of the Foreign Direct Investment Ombudsman.</i> Decree No. 8863, 28 September 2016. https://www.planalto.gov.br/ccivil_03/ato2015-2018/2016/decreto/d8863.htm. The Ombudsperson's role is to act as a facilitator of the relationship between the investors and host country government, both in terms of dialogue with the relevant authorities and the provision of government support with the ultimate goal of improving the business environment and to attract and maintain investments. The main responsibilities of the Ombudsperson involve the following-up on requests and inquiries made by the other Party or investors of the other Party with the competent authorities and inform the stakeholders on the results of its actions. It is also the Ombudsperson's responsibility to assess, in consultation with relevant government authorities, the complaints received from the other Party or investors of the other Party and to issue recommendations to the Joint Committee regarding actions necessary to improve the investment environment (Federative Republic of Brazil. <i>Creation, Structure and Attributions of the Foreign Direct Investment Ombudsman.</i> Decree No. 8863, 28 September 2016; §7 §8 Submission from the Government of Brazil (A/CN.9/WG.III/WP.171). Article 18. National Focal Point. <i>Brazilian Cooperation and Facilitation Agreement (CFIA) Model (2016)</i>. https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/4786/download.</p> <p>Greece. <i>Invest in Greece Ombudsman.</i> Law 4146 of April 2013. the 'Creation of a Development Friendly Environment for Strategic and Private Investments. https://www.enterprisegreece.gov.gr/en/invest-in-greece/ombudsman/investor-ombudsman.</p> <p>Georgia. Article 6. Powers of Business Ombudsman. Article 7. Office and the Deputy of the Business Ombudsman. Article 8 Review of an Application. <i>Law of Georgia on Business Ombudsman of Georgia No. 3612-IIS28</i> May 2015. www.ilo.org/dyn/natlex/docs/ELECTRONIC/104528/127562/F-2073887338/ombudsman.pdf.</p> <p>Japan. <i>The Office of Trade and Investment Ombudsman.</i> https://www8.cao.go.jp/kisei-kaikaku/oto/english/oto_about_e.html. Office of Invest Japan. http://www.invest-japan.go.jp/link/contact/en_index.html.</p>
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	<p>Kazakhstan. Article 12-1. Investment Ombudsman. <i>Investment Agency Ombudsman</i> of the Law № 373-II On Investments, 8 January 2003, as amended 12 June 2014. https://investmentpolicy.unctad.org/investment-laws/laws/98/kazakhstan-investment-law.</p> <p>Mongolia. <i>Foreign Investment Ombudsman Council</i>. Established by Mongolian National Chamber of Commerce and Industry.⁷</p> <p>Philippines. <i>The Investment Ombudsman</i>. Legal Basis: Sec. 15 (2), (3) RA 6770; Sec. 13 (2), Article XI, 1987 Constitution 2. Sec. 26 (1), (3) RA 6770; Rule IV, AO No. 07, as amended 3. Office Order No. 327 & 337, series of 2014. https://www.ombudsman.gov.ph/docs/investmentOmbudsman/investmentomb.pdf.</p> <p>Republic of Korea. Korean Office of the Foreign Investment Ombudsman (OFIO). Legal Basis for Foreign Investment Ombudsman System: (a) Paragraphs 1, 2, and 10, Article 15-2 of the <i>Foreign Investment Promotion Act</i>; and (b) Paragraph 2, Article 21-4 of the <i>Enforcement Decree of the Foreign Investment Promotion Act</i>. Legal Basis for the Function of the Office of the Foreign Investment Ombudsman: (a) Paragraphs 3–6, Article 15-2 of the <i>Foreign Investment Promotion Act</i>; and (b) Paragraphs 2–5, Article 21-3 of the <i>Enforcement Decree of the Foreign Investment for corrective measures</i>. Legal Basis for Operation of the Grievance Settlement Body: Paragraph 2, 3 and 5, 8, Article 21-4 of the <i>Enforcement Decree of the Foreign Investment</i>. https://ombudsman.kotra.or.kr/eng/au/poelb.do.</p> <p>Russian Federation. <i>Federal Law on the Ombudsman for Entrepreneur’s Rights</i>, 7 May 2013 (in Russian). http://pravo.gov.ru/proxy/ips/?docbody=&nd=102165152&rdk=2.</p> <p>Ukraine. <i>Business Ombudsman Council</i>. https://boi.org.ua/en/about/.</p> <p>United States of America. Select USA’s Ombudsman. https://content.govdelivery.com/accounts/USITATRADE/bulletins/d25cc.</p> <p>2) Coordinator Responsible for Dispute Prevention</p> <p>Federal Republic of Nigeria. <i>The One Stop Investment Centre (OSIC) within the Nigerian Investment Promotion Commission (NIPC)</i>. The OSIC is a business facilitation initiative in the NIPC which was</p>
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	<p>established as part of the Federal Government's efforts to improve Nigeria's business climate. It brings together relevant government agencies to one location to provide fast-tracked services to investors. The OSIC is coordinated by the NIPC. The OSIC currently houses 27 agencies. https://invest-nigeria.com/agencies-at-osic/.</p> <p>People's Republic of China. Article 5. Inter-ministerial joint meeting systems for complaints of foreign-invested enterprises. <i>National Complaint Centre for Foreign-invested Enterprises (NCCFE)</i>. http://fdi.mofcom.gov.cn/EN/complaintsDetail.html?id=21.</p> <p>Republic of Peru. Article 6. Coordinator. <i>Coordination and Response System for International Investment Disputes (SICRECI in Spanish)</i>. Law No. 28933, December 2006. https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdf.</p> <p>Republic of Vietnam. Chapter 1: General Provisions. Chapter 2: Coordination in stage when foreign investors make complaints and questions. Chapter 3: Coordination in stage when international investment disputes are resolved at international arbitration or competent foreign tribunals. Chapter 4: Coordination in stage of executing the judgements, decision on resolution of international investment dispute of international arbitration or competent foreign tribunals. Chapter 5: Hiring of Barristers, technical experts and invitation of witnesses in serve of resolution of international investment disputes. <i>Decision No. 04/2014/QĐ of the Prime Minister on promulgation of regulation on coordination in resolution of international investment disputes</i>. Hanoi, 14 January 14 2014. https://vanbanphapluat.co/decision-no-04-2014-qd-ttg-on-coordination-in-resolution-of-international-investment-disputes.</p> <p>3) Institution Responsible for Prevention and Management of Disputes</p> <p>Arab Republic of Egypt. Ministerial Committee on investment dispute resolution, Articles 85-87. Ministerial Committee on investment contracts dispute resolution, Articles 88-89; <i>Law No. 72 of 2017 Promulgating the Investment Law</i>. https://investmentpolicy.unctad.org/investment-laws/laws/167/egypt-investment-law-.</p>
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⁷ Energy Charter Secretariat (2016). Best practices in investment conflict prevention and management. Special Paper Series. Brussels, September 2016. <https://www.energycharter.org/what-we-do/publications/best-practices-in-investment-conflict-prevention-and-management/>, p. 22.

		<p>Czech Republic. Prevention and management of investment disputes falls within the competence of the Ministry of Finance, the central administration body responsible for protection of foreign investment. See Section 4(1) of Act No 2/1969 Coll. on Establishing Ministries and Other Institutions of Central Government of the Czech Republic, as amended (in Czech). https://www.mfcr.cz/cs/legislativa/legislativni-dokumenty/1969/zakon-c-2-1969-sb-3322</p> <p>Dominican Republic. <i>High-Level Government Instance for the prevention and management of international investment disputes.</i> Decree 303-15. This instance is responsible for the prevention and management of international investment disputes and capacity building and awareness raising in matters relating to arbitration. https://studylib.es/doc/5157825/decreto-sistema-de-prevenci%C3%B3n-de-controversias-no.-303-15.</p> <p>Republic of Colombia. Directorate of Foreign Investment and Services established within Ministry of Commerce. <i>High-Level Government Instance for the prevention and management of international investment disputes.</i> See Decree Np. 1939 of 2013. https://www.suin-juriscol.gov.co/viewDocument.asp?id=1373623.</p> <p>4) Investor Grievance Mechanism (“IGM”)⁸</p> <p>Mechanism used to address government-generated political risks that may affect investments (e.g., via a new agency or within an Investment Promotion Agency (IPA) or Inter-Ministerial Committee for grievances).</p> <p>The countries where the World Bank Group assisted in the setting up IGM’s or such mechanisms to prevent disputes are Bosnia and Herzegovina, Brazil, Colombia, Ethiopia, Georgia, Iraq, Jordan, Kyrgyz Republic, Mongolia, Rwanda, and Vietnam</p> <p>Arab Republic of Egypt. The Grievance Committee, Articles 83-84. <i>Law No. 72 of 2017 Promulgating the Investment Law.</i> Article 83 provides “One or more committees shall be established in the Authority to examine the complaints filed against the resolutions issued in accordance with the provisions of this Law by</p>
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⁸ It should be noted that terminology varies and overlaps as States have called the relevant body an IGM, ombudsman, dispute prevention mechanism, or other names. Nonetheless, the support provided was essentially focused on an IGM as an entity for early detection of investor issues in order to prevent their escalation into legal disputes. Examples of States with a dispute prevention initiative include Georgia and Brazil.

	<p>the Authority or the authorities concerned with the issuance of the approvals, permits, and licenses.” https://investmentpolicy.unctad.org/investment-laws/laws/167/egypt-investment-law-.</p> <p>Brazil. The Direct Investments Ombudsman’s competencies include support and guidance to investors through recommending solutions to their grievances and to propose to public agencies possible improvements in the legislation or in their administrative procedures. https://oid.economia.gov.br/en/menus/8.</p> <p>Ethiopia. Article 25. Right to lodge Complaint. Article 26 Grievance Against the Commission’s Decisions. Article 27 Complaints Against Decisions of the Federal Government. <i>Investment Proclamation. Proclamation No. 1180/2020, 2 April 2020.</i> https://investmentpolicy.unctad.org/investment-laws/laws/318/ethiopia-investment-proclamation-no1180-2020. The IGM is administered by the Ethiopian Investment Commission.</p> <p>Kingdom of Jordan. Regulation No. 163 of 2019, Articles 43 and 46 of the Investment Law No. 30 of 2014, and the Grievance Hearing Instructions No. 1 of 2020, Issued Pursuant to Article 7(A)(3) and Article 10 of Regulation No. 163. The IGM came into force on January 24, 2020. IGM administered by the Jordan Investment Commission. https://www.jic.gov.jo/en/investors-grievance-scope/.</p> <p>Republic of Vietnam. <i>Law on Investment No. 61/2020/QH14</i> dated June 17 2020 of the National Assembly. http://amc.edu.vn/xem-van-ban/vsndoc/40/law-no-612020qh14-dated-june-17-2020-on-investment.aspx. IGM Coordinated by pilot Taskforce and Foreign Investment Agency (FIA).</p> <p>Rwanda. Chapter II, Article 15(3) provides that the Private Investment Committee has the duty “to discuss investors’ issues and propose acceleration measures to resolve them”. Article 16(4) reads as follows: “[Rwanda Development Board must] facilitate amicable settlement of disputes that may arise between an investor and a State organ” <i>Law No. 006/2021 of February 5, 2021.</i> https://rdb.rw/wp-content/uploads/2021/04/new-investment-law-2021.pdf. The IGM is administered by the Reinvestment and Aftercare Department of the Rwanda Development Board.</p>
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	<p>- Securing Authority to Negotiate and Settle Budgetary Authority.</p>	<p>Energy Charter Treaty. Article 19. Allocating Expenses for the Resolution of International Investment Disputes. <i>Energy Charter Treaty: Model Instrument on Management of Investment Disputes</i>, CCDEC 2018 26. https://www.energychartertreaty.org/model-instrument/.⁹</p> <p>Kyrgyz Republic. Article 3. The Authority of the Centre. Article 5. The Assets of the Centre. <i>Regulation on the Judicial Representation Centre of the Government of the Kyrgyz Republic</i>, Regulation of 12 February 2014 No 89, as amended by the Resolution of the KR Government of 10 June 2014 No 320, 7 September 2016 No 487. https://cis-legislation.com/document.fwx?rgn=65682#A40A0SOVRL.</p> <p>Republic of Peru. Article 14. Allocation of Costs. <i>Coordination and Response System for International Investment Disputes (SICRECI in Spanish)</i>. Law No. 28933, December 2006. https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdf.</p>
	<p>- Consulting Proceedings before Enactment of Legislation.</p> <p>- Submit Proposals regarding the Drafting of Laws.</p>	<p>Czech Republic. Article 8. Draft law. <i>The Government Legislative Rules</i>, Resolution of the Government no. 188 of 19 March 1998, as amended by later resolutions of the Government. https://www.vlada.cz/cz/ppov/lrv/dokumenty/legislativni-pravidla-vlady-91209/ (in Czech). Based on Article 8, the Ministries receive draft laws that are to be submitted to the government to provide comments thereon.</p> <p>Georgia. Article 9. Analysis of the Legislation of Georgia. <i>Law of Georgia on Business Ombudsman of Georgia</i> No. 3612-IIS, 28 May 2015. Article 9 - Analysis of the legislation of Georgia. www.ilo.org/dyn/natlex/docs/ELECTRONIC/104528/127562/F-2073887338/ombudsman.pdf.</p> <p>Kyrgyz Republic. Article 3. The Authority of the Centre. <i>Regulation on the Judicial Representation Centre of the Government of the Kyrgyz Republic</i>, Regulation of 12 February 2014 No. 89, as amended by the Resolution of the KR Government of 10 June 2014 No. 320, 7 September 2016 No. 487. https://cis-legislation.com/document.fwx?rgn=65682#A40A0SOVRL.</p>
<p>b) After Problem has Arisen</p>	<p>- Early Detection of Problems.</p>	

⁹ Treaty Level.

		<p>Early Detection/Alert Mechanism¹⁰</p> <p>Dominican Republic. Article 6. <i>High-Level Government Instance for the prevention and management of international investment disputes.</i> Decree 303-15. https://studylib.es/doc/5157825/decreto-sistema-de-prevenci%C3%B3n-de-controversias-no.-303-15.</p> <p>Energy Charter Treaty. Article 8. Early Alert Mechanism. <i>Energy Charter Treaty: Model Instrument on Management of Investment Disputes - CCDEC 2018 26.</i> https://www.energychartertreaty.org/model-instrument/.¹¹</p> <p>Republic of Colombia. <i>Directorate of Foreign Investment and Services established within Ministry of Commerce. High-Level Government Instance for the prevention and management of international investment disputes.</i> See Decree 1939 of 2013. https://www.suin-juriscol.gov.co/viewDocument.asp?id=1373623.</p> <p>Republic of Peru. Article 5. General Procedures of the State Coordination and Response System for International Investment Disputes. A) Notification of signing of investment agreements and treaties. B) Alert in the event of a dispute. <i>Coordination and Response System for International Investment Disputes (SICRECI in Spanish).</i> Law No. 28933, December 2006. https://docs.peru.justia.com/federales/leyes/28933-dec-15-2006.pdf.</p>
	<p>- Encourage Administrative Review of Investor Problems.</p>	<p>Investor Grievance Mechanism (IGM): mechanism to address government generated political risks that may affect investments. The problem is analyzed from an economic and a legal perspective by the agency hosting the IGM. The agency coordinates with the other agencies involved in the problem based on this assessment.</p> <p>Czech Republic. The Ministry of Finance reviews investors' notifications of potential breaches of the Czech Republic's agreements on investment promotion and protection. For this purpose, it communicates and coordinates with other administrative authorities as needed. It also participates in negotiations with foreign investors within the time limit set for amicable settlement of disputes by the relevant agreement. The Ministry of Finance is the central administration body responsible for protection of foreign investment. See Section</p>

¹⁰ It should be noted that the IGM examples all have this feature too.

¹¹¹¹ Treaty level.

	<p>4(1) of Act No 2/1969 Coll. on Establishing Ministries and Other Institutions of Central Government of the Czech Republic, as amended (in Czech). https://www.mfcr.cz/cs/legislativa/legislativni-dokumenty/1969/zakon-c-2-1969-sb-3322. See also description of the tasks of the International Arbitration and Investment Protection Unit at the Ministry of Finance (in Czech), https://www.mfcr.cz/cs/o-ministerstvu/zakladni-informace/organizacni-struktura/sekce-09/odbor-71-legislativa-a-sporne-agendy/oddeleni-7103-mezinarodni-arbitraze-a-oc</p> <p>Federative Republic of Brazil. <i>Brazilian Cooperation and Facilitation Agreement (“CFIA”) Model</i> The dispute prevention mechanism under the CFIA is composed of two distinct phases. In the first phase, the Ombudsperson proactively assesses the complaints received from the other Party or investors of the other Party and recommends adequate actions to resolve it. The Joint Committee operates the second phase, reactively, whenever it receives a written request inquiring about the incompatibility of a specific measure and the Agreement. If a Party considers that a specific measure adopted by the other Party constitutes a breach of the Agreement, it shall submit a written request to the other Party which identifies the specific measure in question and presents the relevant allegations of fact and law. Then, the Joint Committee shall meet within sixty days from the date of the request. After that, the Joint Committee shall consider the request in a time frame agreed in the text of the CFIA (normally sixty days) – extendable by mutual agreement – and issue a report identifying the measure in question, the alleged breach of the Agreement, and the affected investments. In its report, the Joint Committee will try to find an amicable solution to the measure in question, which can encompass, for example, a recommendation to the relevant government agency to bring the measure in conformity with the CFIA. Only after the complaining Party has exhausted the dispute prevention procedure through the Ombudsperson and the joint committee without satisfactorily resolving the dispute can Parties initiate arbitral proceedings between States (§10 §11 §12 Submission from the Government of Brazil (A/CN.9/WG.III/WP.171; Article 23 Brazilian Cooperation and Facilitation Agreement (CFIA) Model).</p> <p>People’s Republic of China. Chapter III: Complaint Handling. Article 16-18. <i>National Complaint Centre for Foreign-invested Enterprises (NCCFE)</i>. http://fdi.mofcom.gov.cn/EN/complaintsDetial.html?id=21.</p> <p>Republic of Belarus. Resolution 146, 14 February 2012. On 14 February 2012, the Council of Ministers adopted Resolution No. 146 which sets out the procedure for early pre-court settlement of disputes between Belarus and investors arising out of investment contracts with the Republic of Belarus and bilateral investment treaties concluded by Belarus. The Resolution nominates</p>
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		<p>agencies authorized to deal with investor complaints. The procedure prescribes an initial 15-day period for dealing with the complaint (subject to prolongation that cannot exceed three months) and a 7-day time-limit for production of information requested by the authorized body from other State organs. Every year, the Ministry of Economy shall produce a report analyzing investor complaints and making proposals for elimination of the causes for investment dispute.¹²</p> <p>Republic of Korea. <i>Korean Office of the Foreign Investment Ombudsman (OFIO).</i> https://ombudsman.kotra.or.kr/eng/au/poelb.do.</p> <p>Republic of Nigeria. <i>OSIC Lab.</i> https://invest-nigeria.com/agencies-at-osic/.</p>
	<ul style="list-style-type: none"> - Designate a Lead Agency that has Coordination Capacity and Legal Power to gather, collect, and coordinate with other governmental agencies.¹³ - Assessing the Claim (making all relevant documents available to the leading agency at short notice). - Ensure Proper Budget for Agency activities. 	<p>Czech Republic. The Ministry of Finance is the central administration body responsible for protection of foreign investment. See Section 4(1) of Act No 2/1969 Coll. on Establishing Ministries and Other Institutions of Central Government of the Czech Republic, as amended (in Czech). https://www.mfcr.cz/cs/legislativa/legislativni-dokumenty/1969/zakon-c-2-1969-sb-3322. Section 27 of Act No 2/1969 Coll. on Establishing Ministries and Other Institutions of Central Government of the Czech Republic, as amended (in Czech), https://www.mfcr.cz/cs/legislativa/legislativni-dokumenty/1969/zakon-c-2-1969-sb-3322: “Ministries exchange the necessary information and documents. The lower state administration bodies report to them and provide the data required by the relevant ministries to the extent necessary for the performance of their tasks.”</p> <p>Dominican Republic. Article 7. Cooperation by public entities and agencies. Article 11 Budget. Article 12 Expenses. <i>High-Level Government Instance for the prevention and management of international investment disputes.</i> Decree 303-2015. https://studylib.es/doc/5157825/decreto-sistema-de-prevenci%C3%B3n-de-controversias-no.-303-15.</p> <p>Republic of Chile. Article 3. Functions of the General Directorate of International Economic Relations. <i>Creation of an Inter-ministerial Committee for Defense of the State in International Investment Disputes and Regulation of Coordination for Resolution of such Disputes.</i> Decree 125. 23 August 2016 (publication 27 December 2016). https://www.leychile.cl/N?i=1098279&f=2016-12-27&p=.</p>

¹² Information provided by UNCTAD.

¹³ The legal power to gather, collect, and coordinate with other governmental agencies are also common to all IGM projects and have not been repeated here.

		<p>Republic of Costa Rica. Article 5. Power of the Inter-institutional Commission for Settlement of International Trade and Investment Disputes. <i>Regulations for the Prevention and Management of International Trade and Investment Disputes No. 35452-MP-COMEX.</i> http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=66133&nValor3=77622&strTipM=TC.</p> <p>Republic of Croatia. Article 5. Article 6. Article 7. <i>Rules of Procedure for the work and activities for the Inter-Departmental Commission for handling requests from foreign investors in connection with disputes arising from bilateral treaties of the Republic of Croatia in the area of providing incentives for and protection of investments</i>, January 2017 (draft).¹⁴</p> <p>Republic of Korea. <i>Korean Office of the Foreign Investment Ombudsman (OFIO)</i>: “request the relevant administrative agency or the foreign investment-related agency to cooperate for the purpose of solving problems experienced by foreign-capital invested companies and performing duties related thereto” (§5 Submission from the Government of Brazil (A/CN.9/WG.III/WP.171). Legal Basis for Operation of the Grievance Settlement Body: Paragraph 2, 3 and 5, 8, Article 21-4 of the <i>Enforcement Decree of the Foreign Investment Promotion Act</i>. https://ombudsman.kotra.or.kr/eng/au/poelb.do.</p>
	<p>- Share case-specific information while ensuring confidentiality (including tax agency).</p>	<p>Dominican Republic. Article 13. Confidentiality of proceedings and information. Article 14. Information to third parties. <i>High-Level Government Instance for the prevention and management of international investment disputes, Decree 303-15.</i> https://studylib.es/doc/5157825/decreto-sistema-de-prevenci%C3%B3n-de-controversias-no.-303-15.</p>

¹⁴ **Article 5.** The Commission Chairman may also call to the session representatives of other bodies or external specialists with the aim of obtaining specialist opinions and explanations about particular specific matters if the nature of the matter which the Inter-Departmental Commission is handling requires it.

Article 6. Should it be necessary, the Commission may seek additional clarification or documentation from a state administration, local self-governing body, physical or legal entities involved in the request or from another competent authority. The Commission may invite to its session an investor whose request is being handled if this is considered necessary in order to clarify the subject of the request. The Commission Chairman may also authorise individual members of the Commission to summon an applicant to the session in order to clarify the actual state relating to the request or to provide additional documentation. The Commission can appoint and authorise a small working group to gather documentation and examine a particular request of an investor, which will report on its work to all Commission members.

Article 7. The decisions of the Commission shall be passed by a majority of votes. The decisions of the Commission are exempt from the right to access to information in accordance with valid provisions regarding the right to access to information, if there are grounds for suspicion that their disclosure might make it impossible to conduct the process of resolving a dispute effectively, independently, and with impartiality.

		<p>Energy Charter Treaty. Article 20 Confidentiality. <i>Energy Charter Treaty: Model Instrument on Management of Investment Disputes</i>, CCDEC 2018 26. https://www.energychartertreaty.org/model-instrument/.¹⁵</p> <p>Federative Republic of Brazil. Article 20. <i>Brazilian Cooperation and Facilitation Agreement (CFIA) Model (2016)</i>. https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/4786/download.</p>
	- Use Alternative Dispute Resolution (ADR) methods (legal mandate to negotiate).	<p>Federative Republic of Brazil. Article 23. <i>Brazilian Cooperation and Facilitation Agreement (CFIA) Model (2016)</i>. https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/4786/download.</p>
c) Once Arbitration has Been Initiated / How to Effectively and Efficiently Manage ISDS Arbitration	- Define and Empower Lead Agency or Commission to Negotiate.	<p>Czech Republic. The Ministry of Finance is the central administration body responsible for protection of foreign investment, see Section 4(1) of Act No 2/1969 Coll. on Establishing Ministries and Other Institutions of Central Government of the Czech Republic, as amended (in Czech), https://www.mfcr.cz/cs/legislativa/legislativni-dokumenty/1969/zakon-c-2-1969-sb-3322. Based on this provision, it is responsible for resolving disputes with foreign investor based on agreements on the promotion and protection of investments. See also description of the tasks of the International Arbitration and Investment Protection Unit at the Ministry of Finance (in Czech), https://www.mfcr.cz/cs/o-ministerstvu/zakladni-informace/organizacni-struktura/sekce-09/odbor-71-legislativa-a-sporne-agendy/oddeleni-7103-mezinarodni-arbitraze-a-oc</p> <p>Dominican Republic. Article 9. National Authority for State Defense. Article 10. Functions of the National Authority for State Defence. <i>High-Level Government Instance for the prevention and management of international investment disputes. Decree 303-15</i>, https://studylib.es/doc/5157825/decreto-sistema-de-prevenci%C3%B3n-de-controversias-no.-303-15.</p> <p>Energy Charter Treaty. Article 14. Representation of the Government in International Arbitration Proceedings or Competent. <i>International Energy Charter Treaty: Model Instrument on Management of Investment Disputes</i>, CCDEC 2018 26. https://www.energychartertreaty.org/model-instrument/.¹⁶</p>

¹⁵ Treaty Level.¹⁶ Treaty Level.

		<p>Federative Republic of Brazil. Article 23. <i>Brazilian Cooperation and Facilitation Agreement (CFIA) Model.</i> https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/4786/download.</p> <p>Republic of Chile. Article 7. Responsibility for coordination of international dispute proceedings relation to investments under Free Trade Agreements or International Investment Protection. <i>Creation of an Inter-ministerial Committee for Defence of the State in International Investment Disputes and Regulation of Coordination for Resolution of such Disputes.</i> Decree 125. 23 August 2016 (publication 27 December 2016). https://www.leychile.cl/N?i=1098279&f=2016-12-27&p=.</p> <p>Republic of Colombia. <i>Artículo 8.</i> Negociaciones extrajudiciales con inversionistas <i>Artículo 9.</i> Grupo de Apoyo Interinstitucional. <i>Artículo 10.</i> La defensa del Estado en el arbitraje internacional de inversión. <i>Directorate of Foreign Investment and Services established within Ministry of Commerce. High-Level Government Instance for the prevention and management of international investment disputes.</i> Decree 1939 of 2013. https://www.suin-juriscol.gov.co/viewDocument.asp?id=1373623.</p> <p>Republic of Latvia. <i>Procedures ensuring representation in international investment disputes.</i> Legal Provision no 228, Riga 3 May 2017, <i>Latvijas Vēstnesis</i>", 89 (5916), 09.05.2017. OP number: 2017/89.2.¹⁷</p>
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¹⁷ 1. This Regulation prescribes the procedures by which the representation of the interests of Latvia (hereinafter "the representation") shall be ensured in the settlement of international investment disputes, and also procedures for the cooperation, decision making and circulation of information of the institutions involved in the dispute. 2. The representation in international investment disputes (hereinafter "the dispute") shall be ensured by the State Chancellery in cooperation with the institutions involved in the dispute, other responsible institutions within the competence of which the issues related to the respective dispute lie, and also by attracting external experts if it is necessary for ensuring the representation. 3. When exercising the representation, the State Chancellery shall, in accordance with the procedures specified in laws and regulations, prepare the necessary documents based on the information provided by the institutions involved in the dispute and other responsible institutions, and also by complying with the procedural conditions and time periods specified in the rules governing the operation of the relevant international arbitral tribunal, rulings given by the international arbitral tribunal, and the relevant international treaty on the promotion and protection of investments, and shall take appropriate actions in accordance with the decisions of the Prime Minister and the Cabinet. 4. If a submission on a potential dispute has been received, the State Chancellery shall submit to the Prime Minister the preliminary assessment of the submission and proposals for follow up actions (if based on the preliminary assessment of the submission there is a prima facie possibility for a potential dispute). At least the following information shall be included in the preliminary assessment of the submission: 4.1. nature of the potential dispute; 4.2. preliminary (prima facie) assessment of the validity of the submission; 4.3. proposals for follow up actions; 4.4. proposals for the necessity to develop the preliminary or main position of the State; 4.5. proposals for the necessity to form a working group for the evaluation of the submission and preparation of the preliminary or main position of the State. 5. The preliminary position of the State shall be

	- Ensure funds for defense, specialized advisors, and legal costs.	Energy Charter Treaty. Article 17. Hiring of Legal Counsel. Article 18. Hiring of Technical Experts and Invitation of Witnesses <i>Energy Charter Treaty: Model Instrument on Management of Investment Disputes</i> , CCDEC 2018 26. https://www.energychartertreaty.org/model-instrument/ . ¹⁸
	- Regulate extension of the arbitration agreement to non-	Republic of Ecuador. <i>Executive Decree No. 165-2021, introducing the Regulations to the Arbitration and Mediation Act</i> , 18 August 2021. Article 6 of the Regulations states that an arbitration agreement binds (1)

prepared if at the moment when the submission is received and the preliminary position is being prepared the international arbitration proceedings have not been initiated in accordance with the rules governing the operation of the relevant international arbitral tribunal. The preliminary position of the State shall include the following information: 5.1. nature of the potential dispute and the legal basis of the submission; 5.2. analysis of the position of the submitter; 5.3. possible action scenarios of the State and their feasibility analysis; 5.4. other information related to the resolution of the potential international investment dispute. 6. The main position of the State shall be prepared if the international arbitration proceedings have been initiated in accordance with the rules governing the operation of the relevant international arbitral tribunal. In addition to the information indicated in Sub-paragraphs 5.1, 5.2 and 5.3 of this Regulation, the following information shall also be included in the main position of the State: 6.1. representation strategy; 6.2. other information related to the resolution of the dispute before the international arbitral tribunal. 7. The preliminary and main position of the State shall be prepared in the form of an informative statement by attaching the draft protocol decision of the Cabinet meeting on the follow up actions thereto, and shall be submitted for examination to the Cabinet in accordance with the specified procedures. 8. If the Prime Minister or the Cabinet has ordered the formation of a working group for the evaluation of the submission and development of the preliminary or main position of the State, the State Chancellery shall send an invitation to the relevant institutions to delegate a representative for the participation in the working group within a specified period of time. The institution shall delegate a representative who is competent in the field of the relevant dispute. 9. The composition of the working group, its tasks to be carried out, deadlines for their execution, and, if necessary, also other issues related to the work of the working group shall be specified by the order of the Director of the State Chancellery. 10. The representative of the State Chancellery shall lead the working group and ensure the development of the preliminary and main position of the State for submitting to the Cabinet. 11. The institutions involved in the dispute and other responsible institutions shall, according to their competence, provide their opinion, assessment, documents and other information that is necessary for ensuring the representation within the time period specified by the State Chancellery or working group (if such has been formed). The submitter of information shall be responsible for the correctness and validity of the prepared information. 12. After receipt of the final ruling of the international arbitral tribunal, the State Chancellery shall prepare an informative statement on the assessment of the judgment of the international arbitral tribunal and proposals for follow up actions, and submit them to the Cabinet in accordance with the specified procedures. 13. The State Chancellery shall inform the Prime Minister and the Cabinet on the progress in the settlement of the dispute as necessary, but at least once a year. 14. Public communication regarding the representation in disputes shall be ensured by the State Chancellery or other institution determined by the Cabinet. 15. The State Chancellery shall publish on its website the following information on the international arbitration proceedings initiated against the State in which the composition of the arbitral tribunal has been determined, unless it has been otherwise provided for in the applicable international treaty on the promotion and protection of investments, rules governing the operation of the relevant international arbitral tribunal or an agreement between the parties of the dispute: 15.1. the title of the case; 15.2. the date of receipt of the notification of the commencement of international arbitration proceedings; 15.3. the name and surname or the firm name, and the country of origin of the claimant; 15.4. international treaty on the promotion and protection of investments which forms the basis for the dispute; 15.5. the applicable rules governing the operation of the relevant international arbitral tribunal; 15.6. the institution which will settle the dispute (if such has been determined); 15.7. economic sector; 15.8. the requested award or compensation (if indicated); 15.9. composition of the international arbitral tribunal (if applicable) 16. The State Chancellery may also publish other information not referred to in Paragraph 15 of this Regulation that is related to the dispute, if this is permissible in accordance with the applicable international treaty on the promotion and protection of investments, rules governing the operation of the relevant international arbitral tribunal, rulings of the international arbitral tribunal or an agreement between the parties of the dispute.

¹⁸ Treaty Level.

	signatory parties, including public administration bodies.	those parties whose consent to arbitration, according to the principles of good faith, derives from their active and decisive participation in the negotiation, execution, performance, or termination of the contract that either contains the arbitration agreement or to which the arbitration agreement is related; (2) those parties that claim any rights or benefits arising out of that contract; and (3) any relevant administrative bodies. https://www.fielweb.com/App_Themes/InformacionInteres/Decreto_Ejecutivo_No.165_20210718190912.pdf
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Table 2. International Best Practices

Action	Institutional Options / Best Practices
Information Sharing / Sharing of Best Practices.	<p>Energy Charter Treaty: Model Instrument on Management of Investment. Disputes, CCDEC 2018 26. https://www.energychartertreaty.org/model-instrument/.</p> <p>United States-Mexico-Canada Agreement 2020. Article 31.22 <i>Advisory Committee on Private Commercial Disputes</i> comprising persons with expertise or experience in the resolution of private international commercial disputes. Role of the committee: encourage, facilitate, and promote through education, the use of arbitration, mediation, online dispute resolution, and other procedures for the prevention and resolution of international commercial disputes between private parties in the free trade area. https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/31%20Dispute%20Settlement.pdf.</p>
State-State Cooperation in Dispute Prevention.	<p><i>1) Joint Committees</i></p> <p>Federative Republic of Brazil. Article 17(4). <i>Brazilian Cooperation and Facilitation Agreement (CFIA) Model.</i> https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/4786/download.¹⁹ 13 BITS. The Joint</p>

¹⁹ This is not a national law but a model treaty provision. The best practices foreseen at the treaty level were enacted at the national level by the Decree No. 8863, 28 September 2016 on the Creation, Structure and Attributions of the Foreign Direct Investment Ombudsman. https://www.planalto.gov.br/ccivil_03/ato2015-2018/2016/decreto/d8863.htm. Please note that this document is only available in Portuguese. The model provision is available in English and is accessible to a broader audience.

Committee, composed of government representatives of both Parties, is in charge of monitoring the implementation of the Agreement, the sharing of information regarding investment opportunities, bilateral investment cooperation, facilitation initiatives, and, above all, joint action to prevent disputes and amicable settlement of any issues involving bilateral investment. In order to develop its tasks in detail as well as to work closely with investors, the Joint Committee has the possibility to establish ad hoc working groups and to invite the private sector to participate in it (§9 Submission from the Government of Brazil (A/CN.9/WG.III/WP.171).

Georgia - Japan BIT (2021). Article 25. <https://edit.wti.org/app.php/document/show/42b87d4c-17b9-4513-8971-22ea86083661>.

China - EU Comprehensive Agreement on Investment (2021). Section VI. Institutional and Final Provisions. Subsection 1. Institutional Provisions, <https://edit.wti.org/app.php/document/show/29817b74-3d47-46e2-8dbf-dd9dc6aa15a9>.

Turkey - United Kingdom FTA (2020). Chapter 10. Administrative and Institutional Provisions. <https://edit.wti.org/app.php/document/show/aa6d2e00-868a-47d4-a3c2-feeb4b96856d?textBlockId=ac8577ed-7147-4206-85a2-a83305e65f41&page=3>.

Brazil - India BIT (2020). Article 13. <https://edit.wti.org/app.php/document/show/9202d96e-45c6-4051-a632-4244791c3460>.

Israel - United Arab Emirates BIT (2020). Article 27. <https://edit.wti.org/app.php/document/show/d2873992-1579-41b7-8de7-1509b1c75291?textBlockId=8fb1e95c-2335-4b5b-a6cc-7012e6579c07&page=3>.

Brazil - India BIT (2020). Article 18. <https://edit.wti.org/app.php/document/show/9202d96e-45c6-4051-a632-4244791c3460>.

Armenia - Singapore Agreement on Trade in Services and Investment (2019). Chapter 6. Institutional, General and Final Provisions. <https://edit.wti.org/app.php/document/show/e4f11dd2-9504-47b4-93fc-f2886dce62c1?textBlockId=735c78bc-6e5f-4101-80e9-3ff3a1516522&page=5>.

Brazil - Ecuador BIT (2019). Article 18. <https://edit.wti.org/app.php/document/show/68226e63-ef4d-4fdd-a197-1b7799dd8393>.

Brazil - Morocco BIT (2019). Article 14. <https://edit.wti.org/app.php/document/show/cb06a3ac-7014-4312-a265-7d3ccd0f1074>.

Brazil - United Arab Emirates BIT (2019). Article 18. <https://edit.wti.org/app.php/document/show/4495627e-228a-4e99-989c-6365d6de19d4>.

Australia - Indonesia Comprehensive Economic Partnership Agreement (2019). Chapter 18. <https://edit.wti.org/app.php/document/show/e19cba47-4727-4c6c-aeb8-7537c6ce845a?textBlockId=879cb3a9-a51a-4601-ba52-1633ece509a7&page=17>.

Armenia - Korea, Republic of BIT (2018). <https://edit.wti.org/app.php/document/show/35dab1e5-aaa3-4837-a6c2-906fe6892040>.

EFTA - Indonesia FTA (2018). Chapter 8. <https://edit.wti.org/app.php/document/show/efa4a106-15f3-4ef8-bf29-5c219c390de1?textBlockId=ff143144-a063-4c86-93cd-4d4f76ed9b73&page=4>.

Brazil - Guyana BIT (2018). Article 18. <https://edit.wti.org/app.php/document/show/dc06dac6-49f3-487f-b7cf-9dff59e9c160>.

Argentina - Japan BIT (2018). Article 30. <https://edit.wti.org/app.php/document/show/97ef583a-d24c-4474-a9bf-aec76d0864d8?textBlockId=af617ffd-5ba6-46fa-9df6-6cd316d6c886&page=3>.

Japan - Jordan BIT (2018). Article 25. <https://edit.wti.org/app.php/document/show/b24132af-223f-49e0-8c7b-51817c11e74e?textBlockId=e0cbdae7-f7b4-4eac-a838-95a6b40e0bf2&page=2>.

Brazil - Chile FTA (2018). Article 8.18. <https://edit.wti.org/app.php/document/show/e62cfb4c-abbf-43d9-ae34-a15c7d057ab4?textBlockId=68891351-08eb-4f5d-9533-52bf0f08cf4e&page=6>.

Ecuador - EFTA FTA (2018). Article 18. <https://edit.wti.org/app.php/document/show/f04082d4-32f1-496f-8e76-a7c88e06e35b>.

- Brazil - Suriname BIT (2018).** Article 18. <https://edit.wti.org/app.php/document/show/a7e6f60d-eb56-4f06-a544-6c100f491b28>.
- Congo - Morocco BIT (2018).** Article 10. <https://edit.wti.org/app.php/document/show/27a65cf8-336e-442f-8ba1-0711cbc9c1ce>.
- Japan - United Arab Emirates BIT (2018).** Article 23. <https://edit.wti.org/app.php/document/show/805f058a-7994-4e4a-97f7-32957ebc31d1?textBlockId=962b0423-d388-4bc1-8b50-d4d700a8441b&page=2>
- Brazil - Ethiopia BIT (2018).** Article 17. <https://edit.wti.org/app.php/document/show/170818de-5902-41ea-a63d-8fa6c86a8eec>.
- Armenia - Japan BIT (2018).** Article 26. <https://edit.wti.org/app.php/document/show/be13d8b3-43b0-48ba-a9e1-d8b85e33f2da?textBlockId=d47fc9ff-60b4-4f81-b1ea-6cabbec54897&page=2>.
- Pacific Agreement on Closer Economic Relations (PACER).** Plus Chapter 12. <https://edit.wti.org/app.php/document/show/cc9cb87f-7324-430a-8e91-cd6e601fd666?textBlockId=be00d7fa-c335-4c8c-b971-d19188c145b3&page=2>.
- Israel - Japan BIT (2017).** Article 26. <https://edit.wti.org/app.php/document/show/8df6d623-f3a8-4f5c-9eb8-50630502b05b?textBlockId=97a752de-1582-4c5f-8358-71adde99f7b6&page=2>.
- Morocco - Nigeria BIT (2016).** Article 4. <https://edit.wti.org/app.php/document/show/bde2bcf4-e20b-4d05-a3f1-5b9eb86d3b3b>.
- EFTA - Georgia FTA (2016).** Chapter 11. <https://edit.wti.org/app.php/document/show/a4d5822e-f06b-4e5e-968e-1f3219752ac3?textBlockId=6b7939ac-078d-4437-9f30-ba105cfd3546&page=5>.
- Brazil - Peru ETEA (2016).** Article 215. <https://edit.wti.org/app.php/document/show/b552b9a1-1f6c-4000-b3fc-c8e31dc6de1a>.

	<p>EFTA - Philippines FTA (2016). Chapter 12. Article 12. https://edit.wti.org/app.php/document/show/01d03e6c-30b7-43e4-a255-487f3517230b?textBlockId=f16e103f-231d-46c7-8d5c-bea233de1604&page=1.</p> <p>Iran, Islamic Republic of - Japan BIT (2016). Article 20. https://edit.wti.org/app.php/document/show/abaa0db3-5397-4a58-ae1a-e936eb7c6b8a?textBlockId=beba7550-ecd8-46d2-b1e0-f689e9c2eb31&page=1.</p> <p>2) Binding interpretations of underlying obligations in a treaty</p> <p>Article IX.2 WTO Agreement, §26 Submission from the European Union and its member States (A/CN.9/WG.III/WP.159/Add.1); Submission from the Governments of Chile, Israel, Japan, Mexico and Peru (A/CN.9/WG.III/WP.182)).</p>
Establish Cooling-Off Period Before Beginning of Arbitration / Settling Period.	This is common practice among states at the treaty level. ²⁰ https://www.jus.uio.no/pluricourts/english/projects/leginvest/academic-forum/papers/2020/isds-af-mediation-paper-16-march-2020.pdf .
Technical Assistance and Capacity Building.	<p>UNCTAD. Investment Policy Framework for Sustainable Development (first launched in 2012 and updated in 2015), the Reform Package for the International Investment Regime (2018), and the recently launched International Investment Agreements Reform Accelerator (2020).</p> <p>UNCTAD Technical Cooperation. https://unctad.org/projects/formal-requests-for-technical-cooperation. Assistance mechanism to ensure that all disputing parties can operate effectively in a dispute context. Aid least developed and developing countries in litigation in international investment disputes and possibly in other aspects of the application of international investment law (§38 Submission from the European Union and its member States (A/CN.9/WG.III/WP.159/Add.1 and §18 Submission from the Government of Morocco (A/CN.9/WG.III/WP.161).</p> <p>World Bank Technical Assistance. https://www.worldbank.org/en/topic/investment-climate#1.</p>
International Resources.	UNCTAD Investment Policy Hub. https://investmentpolicy.unctad.org/investment-dispute-settlement .

²⁰ “An UNCTAD database of 2577 mapped International Investment Agreements search shows 627 treaties containing a provision for Voluntary ADR (conciliation / mediation), No treaty containing a provision for Compulsory ADR (conciliation / mediation), 1813 treaties containing no provision, 2 treaties inconclusive”. Catherine Kessedjian, Anne van Aaken, Runar Lie, Loukas Mistelis, ‘Mediation in Future Investor-State Dispute Settlement’, Academic Forum on ISDS Concept Paper 2020/16, 5 March 2020.

	<p>UNCTAD Technical Cooperation. https://unctad.org/projects/formal-requests-for-technical-cooperation.</p> <p>World Bank Group, Investment Climate. https://www.worldbank.org/en/topic/investment-climate#1.</p> <p>Energy Charter Treaty. <i>Energy Charter Treaty: Model Instrument on Management of Investment Disputes</i>, CCDEC 2018 26. https://www.energychartertreaty.org/model-instrument/. Article 5. Content of Coordination. Article 6. Centralisation of Information and Transparency. Article 8. Early Alert Mechanism. Article 14. Representation of the Government in International Arbitration Proceedings or Competent. Article 18. Hiring of Legal Counsel. Article 18. Hiring of Technical Experts and Invitation of Witnesses. Article 20 Confidentiality. Article 26. Liability.</p> <p>Literature: Investor-State Dispute Prevention Strategies Selected Case Studies by USAID, APEC, 2013 (see Investment Disputes No. 35452-MP-COMEX); Retention and Expansion of Foreign Direct Investment: Political Risk and Policy Responses. https://openknowledge.worldbank.org/handle/10986/33082.</p>
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Table 3. Institutional Setting

Institutional Setting	State
Act	Republic of Korea, Czech Republic
Decision	Viet Nam
Decree / Proclamation	Brazil; Chile; Dominican Republic; Ecuador; Republic of Korea
Law	Egypt; Georgia; Kazakhstan; Peru
Legal Provision	Latvia
Order	China
Proclamation	Costa Rica; Ethiopia
Regulation	Kyrgyz Republic
Resolution	Belarus
Treaty / Model Treaty	Brazil; Energy Charter Treaty; United States-Mexico-Canada Agreement