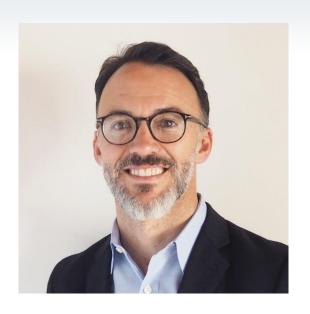
"At the turn of arbitration and mediation: mixed forms of dispute resolution and investment mediation".

If you have any questions on the topic of the session, please send them to <a href="mailto:fidana.mediator@gmail.com">fidana.mediator@gmail.com</a>

#### **SPEAKERS**







**JAMES CLAXTON (Japan)** 

Mediator, arbitrator, attorney, and academic

FIDANA ALIEVA (Kyrgyz Republic)

CAO (World Bank Group) mediator,
ADB mediator, negotiation
consultant

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Legal Counsel at the International
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# RECONSIDERING PRACTICES OF INVESTOR-STATE DISPUTE RESOLUTION IN CENTRAL ASIAN COUNTRIES IN THE ERA OF THE SINGAPORE CONVENTION ON MEDIATION

## RATIONALE FOR UTILISING MEDIATION

- High number of investor-state disputes
- Expensive investor-state arbitration
- Easier way to resolve the investor-state disputes with mediation

### **NUMBER OF CASES**

Kazakhstan and Kyrgyzstan are among the CIS countries with the highest numbers of investor-state cases arbitrated between 1996 and June 2020 (24 and 23 cases accordingly).

### **COSTS**

According to Hodgson M., Kryvoi Y., Hrcka D., (2021), average investor costs in investment arbitration reached USD 4.1 million and respondent states spent on average USD 2.3 million.

### **DURATION**

The least duration of <u>international arbitration</u> is at least 39 months, maximum is 19 years.

The average duration of <u>international mediation</u> can take up to six months.

#### **BRIEF ANALYSIS OF MEDIATION DEVELOPMENTS**

#	COUNTRY	MEDIATION LAW	SINGAPORE CONVENTION ON MEDIATION	MEDIATION IN INVESTMENT ACT
1	Kazakhstan	+	Signed, not ratified	-
2	Turkmenistan	-	Not signed, not ratified	-
3	Uzbekistan	+	Not signed, not ratified	+
4	Kyrgyzstan	+	Not signed, not ratified	-
5	Tajikistan	-	Not signed, not ratified	-

# REASONS FOR NOT USING INVESTOR-STATE MEDIATION

- Lack of practical mediation experience on the national level
- Less formal character of investor-state mediation
- The need for states to restore public trust by shifting responsibility for the unacceptable decision to a third-party
- The issues related to state representation in mediation