



Freshfields Bruckhaus Deringer

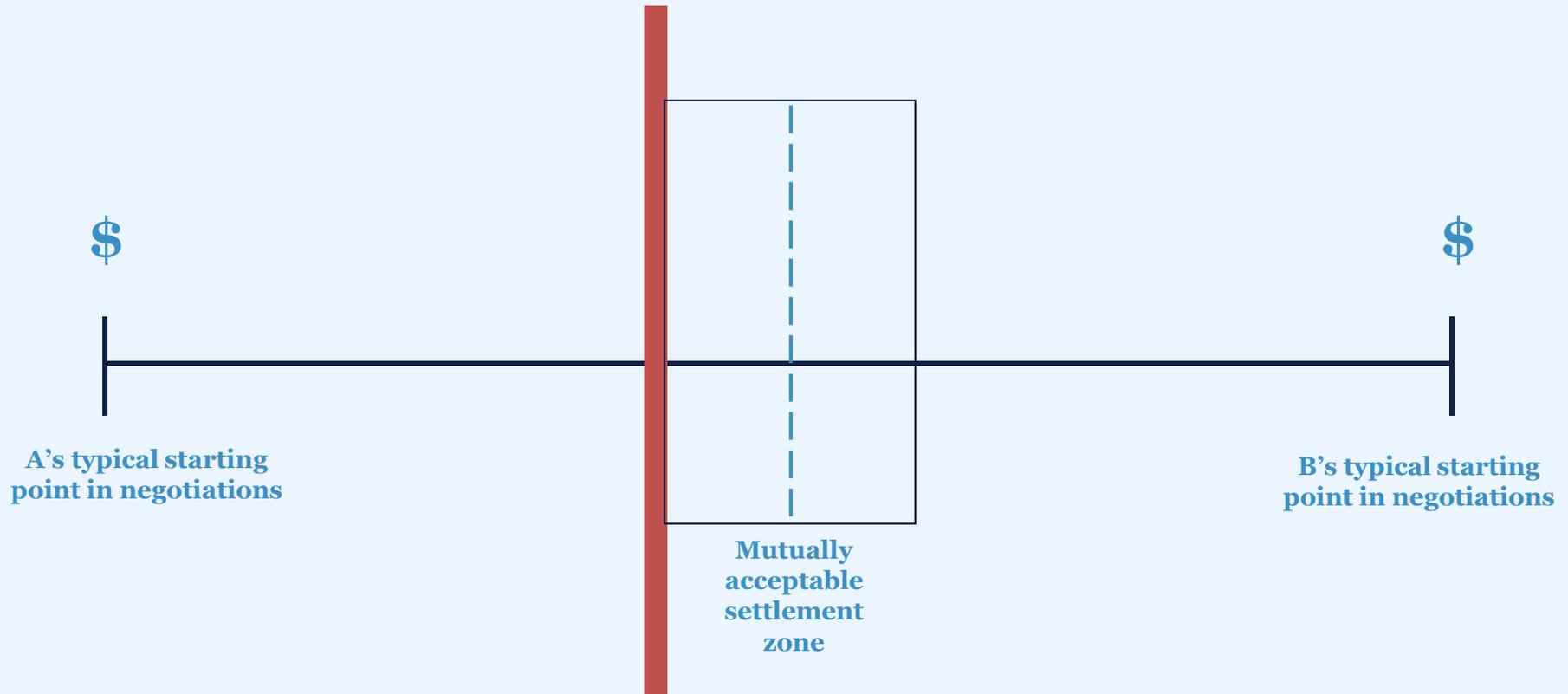
Investment mediation and conciliation under the ECT

*Energy Charter Treaty Forum
Tokyo*

Nicholas Lingard
21 November 2014

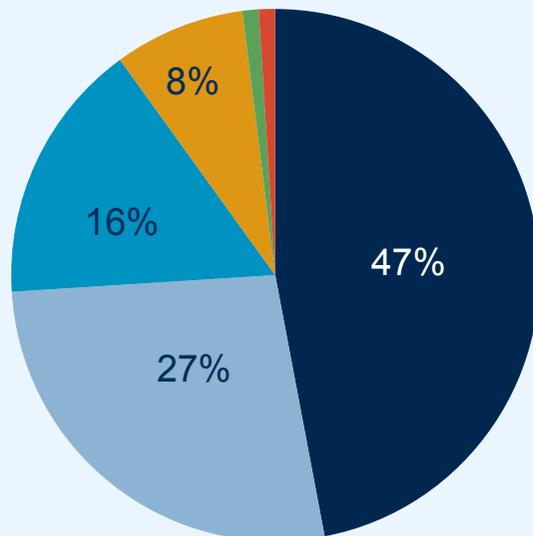
Negotiating strategy

The battle for credibility: what is different in investor-State disputes?



Some ICSID arbitration statistics

- ICSID cases in 2013
 - 5% were disputes invoked under the ECT
 - 64% of all arbitration cases were decided by a Tribunal
 - 36% of all arbitration cases were settled or otherwise discontinued
- Breakdown of arbitrations settled or discontinued



- Discontinued at both parties' request (47%)
- Discontinued at request of one party (27%)
- Settlement agreement embodied in award (16%)
- Discontinued for lack of payment (8%)
- Discontinued at the Tribunal's initiative (1%)
- Discontinued due to failure of parties to act (1%)

Source

International Centre for Settlement of Investment Disputes, *The ICSID Caseload – Statistics*
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