

Korea's ISDS Expertise Makes Its Mark on the World Stage

- Ministry of Justice Hosts Successful Seminar on Investor-State Mediation at Singapore Convention Week –**
- Korea leads international discussion on the development of the ISDS system with ISDS government officials, scholars and international arbitration experts from around the world**
- Registration closed early after reaching around 370 in-person and online participants**
 - ... enhancing Korea's international legal affairs capabilities and national standing**

The Ministry of Justice led international discussion on the development of the investor-State dispute settlement (ISDS) system together with ISDS experts from around the world at Singapore Convention Week, demonstrating to the international community the Republic of Korea's outstanding ISDS response capabilities.

The International Legal Affairs Department of the Ministry of Justice (Deputy Minister Junha Kang) held the K-ISDS Seminar on August 27, from 13:30 to 15:00 (Singapore Standard Time) at Maxwell Chambers, **Singapore**, inviting as speakers government officials in charge of ISDS, international investment law professors and international arbitration experts from around the world, on the topic of **"Investor-State Mediation: Practical Barriers and Solutions for Sovereign Respondents"**, which has recently drawn attention in the field of international investment law.

The seminar was held as an official **Partner Event of Singapore Convention Week, hosted by the Ministry of Justice of the Republic of Korea**. The 90-minute session was held simultaneously in person and online, and registration reached its cap of **370 participants** (70 in person and 300 online) **approximately two weeks before the event**.

Junha Kang (current Deputy Minister, International Legal Affairs Department) and Professor Hong-Sik Justin Chung (Dean of Chung-Ang University School of Law and former Deputy Minister, International Legal Affairs Department) delivered the congratulatory and **closing remarks**. Director Ara Cho of the International Dispute Settlement Division moderated the session.

The framing presentation was delivered by Prosecutor **Junyeul Alex Yang** of the International Dispute Settlement Division. The panel brought together **six internationally renowned ISDS experts**: ▲ **Professor Jaemin Lee** (Seoul National University School of Law); ▲ **Professor N Jansen Calamita** (National University of Singapore); ▲ **Frauke Nitschke** (Chief Counsel, International Centre for Settlement of Investment Disputes); ▲ **Sophia von Dewall** (Founding Partner, Vanguard International Dispute Resolution); ▲ **Sheila Ahuja KC** (Partner, A&O Shearman); and ▲ **Chuan Wee Meng** (Chief Executive Officer, Singapore International Mediation Centre).

※ See Annex 1 for the full list of speakers

In his presentation, "**New Horizons in Investor-State Dispute Settlement (ISDS): Measures to Promote Mediation**", Prosecutor Yang stated that "international norms for mediation in ISDS cases have largely been put in place, but institutional obstacles remain, such as government officials' settlement authority, the budgetary basis for settlement payments, and accountability burdens," and proposed the introduction of **mandatory mediation** and **expert-advisory/evaluative mediation** as solutions.

Mandatory Mediation and Expert-Advisory/Evaluative Mediation in ISDS

- **Mandatory Mediation:** an approach requiring the investor, before commencing arbitration against the State, to attempt mediation as a precondition to arbitration, either during the amicable negotiation period(cooling-off period) provided for in the investment treaty or after that period has elapsed
- **Evaluative Mediation:** an approach under which an expert mediator, upon the request of the parties, presents an objective "expert opinion" or a non-binding "evaluation" on the legal and factual issues of the dispute, the prospects of success, and the appropriateness of a settlement proposal

In the panel discussion that followed, each speaker engaged in active questions and answers with experts from various fields, focusing on **▲ the practical reasons why respondent States find it difficult to opt for mediation, ▲ the purpose of the 2022 ICSID Mediation Rules, ▲ mediation provisions in investment treaties worldwide that form the basis of ISDS claims, ▲ enforcement of mediated settlements, ▲ the effectiveness of mandatory mediation, and ▲ institutional safeguards for governments participating in mediation.**

Through the seminar, the Ministry of Justice **▲ shared** with countries around the world **the practical experience and perspectives** it has accumulated in responding to ISDS cases, **▲ thereby enabled richer discussion on ISDS reform, and ▲ provided a forum for examining various dispute resolution methods** from the standpoint of the State.

In addition, the seminar **solidified the foundation for collaboration with the major international organizations** that shape the ISDS system, such as ICSID and the United Nations Commission on International Trade Law(UNCITRAL), as well as **with academia and leading ISDS experts worldwide**, while further raising Korea's standing in the field of international legal affairs by **naturally demonstrating Korea's outstanding ISDS response capabilities to the international community.**

The Ministry of Justice will continue to strengthen communication and cooperation with the international community so that the accumulation of Korea's ISDS response capabilities leads to **substantive contributions to the international community**, and will actively participate in **future discussions on the reform and development of the ISDS system**, pursuing **forward-looking international legal affairs** that enhance national prestige and safeguard the national interest. ☐

【Annex】 List of Speakers, Event Poster

Ministry of Justice	International Dispute Settlement Division	Director	Ara Cho	(02-2110-3331)
		Prosecutor	Junyeul Alex Yang	(02-2110-4321)



Annex 1**List of Speakers**

Photo	Name	Title
	Junha Kang	Deputy Minister, International Legal Affairs Department, Korea's Ministry of Justice
	Hong-Sik Justin Chung	Dean, Chung-Ang University School of Law
	Ara Cho	Director (Senior Prosecutor), International Dispute Settlement Division, Korea's Ministry of Justice
	Junyeul Alex Yang	Prosecutor (ISDS Team Leader), International Dispute Settlement Division, Korea's Ministry of Justice
	Jaemin Lee	Professor, Seoul National University School of Law
	N Jansen Calamita	Head, International Economic Law & Policy, Centre for International Law, National University of Singapore
	Frauke Nitschke	Chief Counsel, International Centre for Settlement of Investment Disputes (ICSID)
	Sophia von Dewall	Founding Partner, Vanguard International Dispute Resolution
	Sheila Ahuja KC	Partner and Co-Head of Asia-Pacific Arbitration Practice, A&O Shearman
	Chuan Wee Meng	Chief Executive Officer, Singapore International Mediation Centre (SIMC)



**Investor-State Mediation:
Practical Barriers and Solutions
for Sovereign Respondents**

**HOSTED BY THE MINISTRY OF JUSTICE, REPUBLIC OF KOREA
SINGAPORE CONVENTION WEEK 2026 KMOJ PARTNER EVENT**

27 Aug 2026 (Thu), 13:30 - 15:00 (SGT)
Maxwell Chambers, Clemenceau Room (#401) · HYBRID

Side Event
Registration QR Code


[Agenda]

Framing Presentation: New Horizons in Investor-State Dispute Settlement (ISDS) - Measures to Promote Mediation

- Topic 1: The Paradigm Shift in ISDS - from Rights-Based Arbitration to Interest-Based Mediation
- Topic 2: Why States Do Not Settle - Political and Institutional Barriers
- Topic 3: The New Normative Framework - the 2022 ICSID Mediation Rules and Beyond
- Topic 4: Mediation in Investment Treaties - from Clause to Practice
- Topic 5: Advising a Sovereign Respondent - When Is Mediation Realistically Appropriate?
- Topic 6: From Settlement to Enforceable Outcome - the Institutional and Convention Layer

Moderator

Ara Cho
(Senior Prosecutor, Director
Korean Ministry of Justice)

Congratulatory Remarks

Hong-Sik (Justin) Chung
(Dean, Chung-Ang Univ.
School of Law)

Closing Remarks

Junha Kang
(Deputy Minister, Int'l Legal Affairs Dept.
Korean Ministry of Justice)

**Framing
Presentation****Speakers**

Junyeul Alex Yang
(Public Prosecutor,
Korean Ministry of Justice)



Jaemin Lee
(Prof. Seoul National Univ.
School of Law)



N Jansen Calamita
(Prof. National Univ. of
Singapore)



Frauke Nitschke
(Chief Counsel, ICSID)



Sophia von Dewall
(Founding Partner,
Vanguard Int'l
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Sheila Ahuja KC
(Partner,
A&O Shearman)



Chuan Wee Meng
(CEO, SIMC)