

## HOD Luncheon and Roundtable - “Building Trust, Enabling International Trade”

### Statement of Minister of Justice of Georgia, H.E. Mrs. Thea Tsulukiani

The globalization of the past half century (and even earlier) has enabled the ascent from poverty of billions, and improved the quality of life of many more. The gains in terms of health, life expectancy and literacy are taken for granted. Further gains from globalization are within grasp for many more. However, successful globalization has depended in part on the ability of the multilateral institutions. Multilateralism has been the key to the huge economic successes of the past half century.

Every state should express its readiness for international cooperation, because the most effective means of solving problems behind the pending processes in the world is international cooperation and international rule of law.

The rule of law is the concept that acknowledges the superiority of the law over all forms of power. It is the basis of friendly, mutual beneficial and impartial relations between states as well as being an essential cornerstone of a fair and just national society.

The rule of law manifests itself in a multitude of facets. Law does exist in practice and that is practice that in some circumstances may appear changing the law. However, it should not only be operated by the lawyers, the Judges and the Government as a whole. More importantly, the rule of law should be observed and respected by the community – both internal and international. All of us jointly bear the responsibility to respect, promote and further develop the rule of law as a fundamental basis of our society.

The strong justice system and judiciary is directly linked to the economic development and sustainability. This precept underlies the efforts of Government of Georgia in implementation of **SDG Goal 16** to “build effective, accountable and inclusive institutions at all levels”. The progress achieved is attested by Georgia’s high rankings in the various prestigious international indexes and in some cases at the top in the region in recent years; Our country served as a Chair of OGP for one year (October, 2017-October, 2018) and hosted the 5<sup>th</sup> OGP Global Summit with more than 2 000 participants from more than 100 countries;

We have introduced modern approaches and methodologies manifested in **Public Service Halls (PSHs)** and **Community Centers (CCs)** built in major cities and villages to deliver up to 400 public services on a one-stop-shop basis. In 2018 considerably because of these services Georgia ranked 6 among 190 economies in the ease of doing business, according to the latest World Bank ratings improving from 9 in 2017.

Furthermore, well developed international trade implies the creation of a transparent and favorable legal grounds for business. When we raise the issue of the favorable legal basis for business, it is important to note the role of mediation and arbitration as an alternative means of dispute settlement.

Georgian Government strives to make credible commitments to the goal of developing Alternative Dispute Resolution culture and diversify rights and interest-based modes of dispute settlement.

Responding to apparent market demand for developing infrastructure for effective mediation of disputes, the Ministry of Justice inherited and successfully fulfilled the mission of drafting the law on mediation within the inclusive and engaging platform of the Interagency Council of Private Law.

Mediation and arbitration are additional measure to deal with heavy caseload in the Georgian courts. The benefit is obvious as trained for this purpose neutral mediators will help people to solve their civil disputes in a fast and efficient.

In addition, Georgia takes efforts to further strengthen mediation and arbitration culture with a view of turning Georgia into a mediation and arbitration hub, where the businesses and citizens may reach speedy and mediated off-the-court agreements over the civil disputes or resort to arbitration. In order to reinforce this goal, the Government of Georgia also brought the most authoritative player into the region - ICC International Court of Arbitration in the field to have signed a Memorandum laying ground for robust cooperation in December 2018

Talking about the benefits of the mediation policy, the direct link with Singapore Convention should be noted, which represents the culmination of good work done by UNCITRAL. The Convention will become the important legal instrument and contributor to multilateral rules-based order. The Singapore Convention demonstrates how States can forge consensus based on common goals.

As an instrument of international law, the Singapore Convention will be in the position to show, how the international rules can be upheld with tangible benefits for all. In particular, the Convention will offer enforcement of settlement agreements achieved from mediations conducted in foreign jurisdictions, much akin to what the New York Convention has achieved for arbitration awards. The Convention, known as a milestone in mediation, will create the solid the legal framework for mediation, which promotes the implementation of Sustainable Development Goals. This signals commitment to trade, commerce and investment. Confident that signing on to the Singapore Convention will help to further strengthen position in international trade law.

Beyond being an instrument to facilitate enforcement of international settlement agreements resulting from mediation, the deeper intention behind the Singapore Convention is to provide a

regulatory foundation to support the rise of mediation into the main international dispute resolution arena alongside arbitration.

The timing of the Convention aligns with significant mediation-focused activity in relation to cross-border dispute resolution. For example, the increasing use of mediation windows and multi-tiered dispute resolution with mediation components, particularly in the energy and infrastructure industries is indicative of the increasing use of mediation in international dispute resolution procedures.