



**United Nations Commission on
International Trade Law**
Fifty-ninth session

New York, 22 June – 10 July 2026

**Summary of the third meeting on the operationalization of
the Advisory Centre on International Investment Dispute
Resolution and updates to the Statute thereof**

Contents

| | | |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| I. | Introduction | 2 |
| II. | Ways to ensure sustainable operations of the Advisory Centre - Budget and amount of contributions | 3 |
| III. | Location(s) of the Advisory Centre and presentations by Governments that expressed an interest in hosting the headquarters or regional offices of the Advisory Centre | 6 |
| IV. | Advisory Centre as a related organization of the United Nations and associated issues - Privileges & immunities, host country agreement and relationship agreement with the United Nations | 7 |
| V. | Classification of Members regarding access to services, fees and composition of the Executive Committee | 8 |
| VI. | Thresholds for the entry into force of the Statute | 11 |
| VII. | Interim secretariat of the Advisory Centre, including its mandate, functions and financing thereof | 12 |
| VIII. | Way forward and updated road map | 15 |
| IX. | Possible updates to the Statute | 16 |

I. Introduction

1. In 2024, the United Nations Commission on International Trade Law (“UNCITRAL” or the “Commission”) adopted in principle the Statute of the Advisory Centre on International Investment Dispute Resolution (the “Advisory Centre” or “Centre”).¹ The Statute, which consists of 16 articles, sets forth rules on the creation of the Advisory Centre, its objectives, general principles of operation, membership, governance structure, services, financing, legal status and liability and other related issues.²

2. When adopting the Statute in principle, the Commission agreed that the operationalization of the Advisory Centre would require further preparatory work addressing a number of issues.³ The Commission also agreed that in order to facilitate the preparatory work, it would utilize an informal process involving all States and regional economic integration organizations (REIOs). It was agreed that, as an informal process, no decisions should be made, and efforts should be made to maintain the transparency and inclusiveness of the process by ensuring remote participation and by making a summary of the discussions available.⁴

3. The first meeting on the operationalization of the Advisory Centre (“AC-OP meeting”) was held in Bangkok from 2 to 4 December 2024 and the second AC-OP meeting was held in Yerevan from 6 to 8 May 2025. The results of the two AC-OP meetings were presented to the fifty-eighth session of the Commission in 2025.⁵ At that session, the Commission took note of the progress made during the meetings and welcomed the proposal by the Government of France to host the third AC-OP meeting in Paris from 1 to 3 December 2025.⁶

4. The Commission also engaged in a discussion on the way forward to operationalize the Advisory Centre based on recommendations, which emanated from the second AC-OP meeting.⁷ After discussion, the Commission agreed that the preparatory work should continue to be based on the Statute as adopted in principle, and that the third and any subsequent AC-OP meetings should focus on the following issues: (a) privileges and immunities of the Advisory Centre and its staff members; (b) mechanisms to ensure sustainable operations, with an anticipated notional budget of approximately \$4.5 million; (c) modalities for determining the amount of contributions by members based on the scale of assessments of the United Nations, and methods of payment; (d) the classification of members to determine the priority to be given to them in accessing the services of the Centre, delinked to the contribution to be made by members; (e) thresholds for membership and financial contributions for the entry into force of the Statute; (f) the anticipated mandate and functions of the interim secretariat; (g) the location(s) of the Advisory Centre; and (h) any necessary amendments to the Statute.⁸

5. The Commission further agreed that, based on the outcome of the AC-OP meetings, it would aim to finalize the Statute at its fifty-ninth session in 2026 and present it to the General Assembly. To achieve this goal, the Commission encouraged

¹ *Official Records of the General Assembly, Seventy-ninth Session, Supplement No. 17 (A/79/17)*, para.167.

² *Ibid.*, Annex III. The Statute is available at <https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/2413025e.pdf>.

³ *Ibid.*, paras. 157-159.

⁴ *Ibid.*, para. 159.

⁵ *A/CN.9/WG.III/WP.251* - Summary of the first meeting on the operationalization of the Advisory Centre on International Investment Dispute Resolution submitted by the Government of Thailand, and *A/CN.9/1218* - Summary of the second meeting on the operationalization of the Advisory Centre on International Investment Dispute Resolution.

⁶ *Official Records of the General Assembly, Eightieth Session, Supplement No. 17 (A/80/17)*, para.189.

⁷ *Ibid.*, paras. 190-211. See *A/CN.9/1218*, paras. 53–61.

⁸ *Ibid.*, para. 204.

that the issues outlined in the previous paragraph be comprehensively discussed at the third AC-OP meeting.⁹

6. With regard to the final call for Governments to express their interest in hosting the headquarters or a regional office of the Advisory Centre, the Commission invited interested Governments to submit their written detailed proposals to the secretariat by 20 October 2025.¹⁰ As of the date of this Note, eight Governments submitted their proposals, which have been published on a dedicated [webpage](#) (see also chapter III below).

7. The third AC-OP meeting (the “Meeting”) was held from 1 to 3 December 2025 in Paris. The Meeting was organized jointly by the UNCITRAL secretariat and the Government of France (represented by the Legal Affairs Directorate of the Ministry for Europe and Foreign Affairs and the Treasury of the Ministry for the Economy, Finance, and Industrial, Energy and Digital Sovereignty). The Meeting, which was held in person and online with interpretation in English and French, was attended by over 150 participants from 53 States as well as REIOs and international organizations (approximately 80 participants attended in person).

8. The Meeting was facilitated by informal papers prepared by the UNCITRAL secretariat, which are available on the UNCITRAL webpage dedicated to the Meeting.¹¹

9. Mr. Diégo Colas (Director of Legal Affairs of the Ministry for Europe and Foreign Affairs of France) opened the Meeting by underscoring the major importance of the ongoing ISDS reform to promote a sustainable and inclusive development for all States as well as an effective multilateral trade and investment system based on rules, and also by highlighting that the Advisory Centre was a critical part of the reform. On behalf of Ms. Anna Joubin-Bret (Secretary of UNCITRAL), Mr. Jae Sung Lee (Principal Legal Officer, UNCITRAL) thanked the Government of France for hosting the third AC-OP meeting and presented the work prepared by the secretariat in that respect. Mr. Jean-Baptiste Merlin (Legal Adviser, Legal Affairs Directorate of the Ministry for Europe and Foreign Affairs of France) briefed the participants on the organisational matters. The Meeting was chaired by Mr. Shane Spelliscy and Ms. Natalie Yu-Lin Morris-Sharma (respectively the chairperson and rapporteur of Working Group III). Ms. Claire Cheremetinski (Deputy General Director, French Treasury) closed the Meeting by noting the significant progress made during the discussions and by calling for a decisive result with the finalization of the Statute of the Advisory Centre at the Commission’s next session in 2026 and the prompt establishment of the Advisory Centre. Ms. Anna Joubin-Bret reflected upon the progress made during the AC-OP meetings, stressing the efficiency of the process in finalizing the issues for operationalization with a view to formally completing the work at the Commission.

10. This Note contains the summary of the third AC-OP meeting, which was prepared jointly by the Government of France and the UNCITRAL secretariat. The summary contains the recommendations deriving from the Meeting as well as the corresponding adjustments to the Statute, should the Commission wish to follow such recommendations.

II. Ways to ensure sustainable operations of the Advisory Centre - Budget and amount of contributions

11. The Meeting examined the modalities to ensure that the operation of the Centre would be financially sustainable and the methodology to determine the required financial contributions of each Member (“membership contribution”). The relevant articles were 3(1) and 8(2).

⁹ Ibid., para. 205.

¹⁰ Ibid., para. 197.

¹¹ The informal documents are referred to as background documents (AC/OP/BD.13 to AC/OP/BD.19) and are available in English only at: <https://uncitral.un.org/en/content/third-advisory-centre-operationalization-meeting-paris-france>.

12. Three models were presented for allocating the Advisory Centre's notional budget of USD 4.5 million among its Members. All three models were based on the assumption that: (i) membership contribution should cover the entirety of the Centre's budget; (ii) the United Nations scale of assessment should be the basis for determining membership contribution; (iii) there should be a maximum cap for Members, possibly categorized into different groups; and (iv) membership contribution should decrease as additional Members join.

13. Model A categorized States into three groups: (i) least developed countries (LDCs), (ii) States with UN assessment rates at or below 1% (excluding LDCs), and (iii) States with UN assessment rates above 1%. Model B categorized States into five groups, with further segmentation among States with UN assessment rates at or below 1%. In both Models A and B, Members in each group were assigned a fixed number of units (1, 5, and 10 units in Model A and 1, 2.5, 5, 7.5 and 10 units in Model B), which determined their respective membership contribution and the maximum percentage that the Member would contribute to the Centre's budget. Therefore, at least 100 units were necessary to cover the entire budget. With additional Members joining, the expected contribution per unit was to be reduced.

14. In Model C, the membership contribution was determined on the basis of each State's UN assessment rate (and not assigned units) in proportion to the sum of all Members' UN assessment rates. The same grouping as in Model B was used to introduce a ceiling for each group – the maximum percentage that a Member in that group would contribute to the Centre's budget.

15. The following was the list of UN Member States as they would be categorized in accordance with Model C.

| Group | States listed in the order of UN assessment rates (ascending) | Max. % of the AC budget |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| I (LDCs) | Tuvalu, Timor-Leste, Solomon Islands, Sierra Leone, Liberia, Lesotho, Kiribati, Guinea-Bissau, Gambia, Eritrea, Comoros, Central African Republic, Burundi, Togo, Somalia, Mozambique, Djibouti, Yemen, Rwanda, Mauritania, Malawi, Niger, Madagascar, Guinea, South Sudan, Mali, Chad, Burkina Faso, Benin, Afghanistan, Zambia, Lao People's Democratic Republic, Haiti, Senegal, Sudan, Cambodia, United Republic of Tanzania, Uganda, Nepal, Myanmar, Ethiopia, Democratic Republic of the Congo, Bangladesh, Angola | 1% |
| II (States at or below 0.02%) | Vanuatu, Tonga, Sao Tome and Principe, Samoa, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Palau, Nauru, Micronesia (Federated States of), Marshall Islands, Grenada, Dominica, Cabo Verde, Bhutan, Belize, Suriname, Seychelles, San Marino, Saint Lucia, Eswatini, Antigua and Barbuda, Tajikistan, Kyrgyzstan, Fiji, Nicaragua, Montenegro, Mongolia, Maldives, Andorra, Democratic People's Republic of Korea, Congo, Syrian Arab Republic, Republic of Moldova, Zimbabwe, Namibia, Jamaica, Barbados, Armenia, North Macedonia, Equatorial Guinea, Papua New Guinea, Liechtenstein, Georgia, Mauritius, Honduras, Albania, Monaco, Guyana, Gabon, El Salvador, Botswana, Cameroon, Bosnia and Herzegovina, Bahamas, Tunisia, Bolivia, Brunei Darussalam, Malta | 2.5% |
| III (States above 0.02% and at | Jordan, Lebanon, Paraguay, Uzbekistan, Cote d'Ivoire, Ghana, Trinidad and Tobago, Azerbaijan, Iceland, Cyprus, Turkmenistan, Kenya, Sri Lanka, Serbia, Libya, Belarus, Estonia, Guatemala, Latvia, Bahrain, Morocco, Costa Rica, Ecuador, Venezuela (Bolivarian Republic of), Dominican Republic, Bulgaria, Luxembourg, Ukraine, Slovenia, | 5% |

| | | |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| or below 0.2%) | Uruguay, Lithuania, Panama, Algeria, Croatia, Oman, Cuba, Pakistan, Kazakhstan, Iraq, Peru, Slovakia, Nigeria, Viet Nam, Egypt, Colombia, Philippines | |
| IV (States above 0.2% and at or below 1%) | Kuwait, Hungary, Qatar, South Africa, Greece, New Zealand, Malaysia, Portugal, Thailand, Czech Republic, Romania, Chile, Iran (Islamic Republic of), Finland, Ireland, Singapore, Argentina, Denmark, United Arab Emirates, Indonesia, Israel, Austria, Norway, Türkiye, Belgium, Sweden, Poland | 7.5% |
| V (States above 1%) | Switzerland; India; Mexico; Saudi Arabia; Netherlands; Brazil; Spain; Australia; Russian Federation; Republic of Korea; Canada; Italy; France; United Kingdom of Great Britain and Northern Ireland; Germany; Japan; China; United States of America | 10% |

16. On the one hand, support was expressed for Model A, which provided for three categories with each assigned a fixed number of units based on the UN scale of assessment. This model was deemed to provide certainty and beforehand visibility to States and REIOs on the amount of their membership contribution, which would be a critical factor in envisaging whether to become a Member of the Advisory Centre. It was also deemed less burdensome for contributing Members, as even a limited increase in membership could decrease their individual contribution significantly. It was said that such a model was simpler and more homogenous and could facilitate a prompt entry into force of the Statute. For the same reasons, support was also expressed for Model B, which was based on fixed units. It was also observed that, if the composition of the Executive Committee were to be linked to the budget model, Model A would seem more suitable to prevent an excessive dilution of the role of contributing Members in the nomination of potential members of the Executive Committee.

17. On the other hand, it was said that the “fixed unit” approach of Model A (and, to a lesser extent, under Model B) placed a higher burden on developing and least developed countries. In response, it was stated that the homogenization of contributions within the same category should not necessarily be seen as prejudicing LDCs, since there were other ways to assist LDCs financially, for example through reduced fees, delayed payments or payments by instalments.

18. Support was also expressed for Model C, which established five categories of Members with a maximum contribution percentage for each category, yet with granularity within each category based on the UN scale of assessment. It was said that Model C would better tailor to the needs and capacities of each Member and that it would accordingly allow for a more proportional distribution of contributions among Members based on their capacity to pay. It was acknowledged that Group V Members would likely need to contribute the maximum percentage until a substantive number of Members from the same or other categories joined. In that regard, the view was expressed that there should be more clarity as to when the mandatory contributions of Members that would be subject to the 10% cap would start to decrease.

19. It was further enquired whether Models A and C could be combined, using the more granular approach under Model C yet within a three-category structure as in Model A. It was explained that this approach would require the creation of additional sub-categories, as Members in Group II would likely be subject to the same membership contribution. Given the uncertainty surrounding the Centre’s membership, it was suggested to establish only general principles of the budget structure, with the Governing Committee could further refine once its membership becomes clearer.

20. There was general support to proceed on the basis of Model C, emphasizing that it better reflected the different levels of development among Members. In this regard, it was recalled that membership contributions should not be equated with paying for services, and that the budget structure should reflect the overarching mission of the

Advisory Centre. Members should join based on their desire to help build capacities of developing and least developed countries. The use of the UN scale of assessments, as amended by the General Assembly from time to time, was designed to base Members' mandatory contributions on their ability to contribute. While it was recognized that Members listed under Group V were unlikely to expect a reduction of their membership contribution for a significant period of time, it was emphasized that this model would still bring certainty to potential members as to the maximum percentage of their mandatory contributions (capped at 10%). The secretariat was asked to prepare different scenarios under Model C, based on different membership configurations, which would allow the Commission to take an informed decision. Views were exchanged on whether the principles underlying Model C should be presented as part of article 8 of the Statute or in Annex IV.

21. In relation to REIOs, preference was expressed for calculating their membership contribution based on the average assessment rates of their member States.

22. A concern was expressed regarding the voting rights of REIOs in addition to the voting rights of their member States that are also Members of the Centre. It was said that this would depart from usual practice and should not serve as a precedent for other ISDS reforms. However, it was recalled that this issue had been extensively discussed and settled during the deliberations of the Working Group and the Commission and as such, should not be subject for discussion at the Meeting.

23. After discussion, the Meeting recommended that the assessed contribution of Members should be determined based on the following principles:

- Members' financial contributions should cover the entirety of the Centre's budget;
- The UN scale of assessment and the respective assessment rate of each State should be the basis for calculating each Member's financial contribution;
- Members shall be classified into five groups based on their UN assessment rates (Model C);
- There should be a cap that each Member is required to contribute (expressed as a maximum percentage of the Centre's budget), which would be different for each of the five groups (1, 2.5, 5, 7.5 and 10% respectively);
- The expansion of membership should result in the decrease of existing Members' financial contributions;
- The financial contribution of a REIO should be calculated based on the average of its member States' UN assessment rates; and
- The budget cycle and methods of payment of Member's financial contributions should be detailed in the regulations adopted by the Governing Committee.

III. Location(s) of the Advisory Centre and presentations by Governments that expressed an interest in hosting the headquarters or regional offices of the Advisory Centre

24. Article 9(2) of the Statute foresees that the location of the headquarters will be specified in the Statute. It further provides for the conclusion of a host country agreement.

25. The Meeting recalled the decision by the Commission to invite Governments interested in hosting the headquarters or a regional office of the Advisory Centre to submit detailed proposals (see para. 6 above). It was also recalled that the proposals should include the information listed in paragraph 22 of document [A/CN.9/1218](#) and indicate financial commitments, which could include both financial and in-kind contributions to be made by the Government(s), including premises and any possible

support for the interim secretariat.¹² The Commission also invited interested Governments to make an oral presentation at the Meeting and requested that recordings of the presentations be made available to the Commission.

26. Accordingly, the representatives of Armenia, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, France, Ghana, Morocco, and Thailand made oral presentations during the Meeting outlining their respective commitments and the advantages of hosting the Advisory Centre in their respective country. The presentations were aimed to further assist the Commission in making an informed decision at its next session.

27. It was recalled that the Commission had acknowledged that the location(s) of the Advisory Centre should be determined by taking a holistic approach to the following factors (not an exhaustive list): support from the host State/Government; a stable environment; accessibility and affordability; geographical distribution; attractiveness to a qualified workforce; and cooperation and coordination.¹³

28. Calls were made for informal consultations to facilitate the Commission's decision-taking on the location(s) of the Advisory Centre and other issues. It was mentioned that, should such consultations result in a proposal to amend article 9(2) of the Statute (for example, to include the location(s) of the regional office(s) of the Centre), such a proposal could be presented to and considered by the Commission.

IV. Advisory Centre as a related organization of the United Nations and associated issues - Privileges & immunities, host country agreement and relationship agreement with the United Nations

29. The Meeting recalled that the Commission recognized that the third AC-OP meeting would proceed on the understanding that the Advisory Centre should aim to become a related organization of the United Nations. It further recalled that the Commission requested that work be undertaken by the interim secretariat of the Centre on the terms of a possible relationship agreement based on existing agreements concluded between the United Nations and related organizations and that the Meeting should focus, amongst others, on the privileges and immunities (P&I) of the Advisory Centre and its staff members (A/80/17, paras. 200 and 204).

30. It was generally felt that the P&I of the Centre as currently provided under article 9 of the Statute needed to be more detailed. In that respect, it was suggested that the P&I as provided under the Convention on the Privileges and Immunities of the United Nations (1946 Convention) should be sought. However, doubts were also expressed. It was said that as the 1946 Convention was very broad in scope and tailored towards the United Nations and its activities. Therefore, it was unlikely to provide an adequate framework for the specific needs of the Advisory Centre. For instance, it was doubted that individuals called upon to participate in the Centre's activities could be regarded as "experts on mission" within the meaning of Article VI of the 1946 Convention. Other provisions in the 1946 Convention would also not be applicable. In this light, it was deemed preferable that the additional P&I of the Advisory Centre be further detailed in a separate instrument to be adopted by the Governing Committee, which would complement article 9 of the Statute and may take reference from the 1946 Convention and other relevant conventions on P&I of international organisations.

31. With regard to article 9 of the Statute, it was highlighted that paragraph 8 on the immunity of the Executive Director and staff members from legal process was critical and would be applicable in the territory of the Members and to legal processes therein. In that context, it was suggested that the term "staff members" could be further elaborated. Nevertheless, a concern was expressed that this paragraph may create potential inequality, as staff members representing a Member of the Advisory Centre

¹² *Official Records of the General Assembly, Eightieth Session, Supplement No. 17 (A/80/17)*, para. 197.

¹³ *Ibid.* para. 201.

might enjoy such privileges and immunities whereas representatives of the other disputing party might not.

32. It was also observed that the P&I of the Advisory Centre would also be addressed in the host country agreement to be concluded between the Centre and the State(s) in whose territory it will be located. It was said that those host country agreements should reflect the principle of functional immunity and also address the status of host State nationals employed by the Centre, including in relation to tax issues. It was also stated that the host country agreement should include provisions securing access to experts, individuals or lawyers undertaking missions at the Centre. It was suggested that article 9 of the Statute and, where applicable, the separate instrument on P&I to be adopted by the Governing Committee should form the basis for negotiations on P&I in the host country agreement, without precluding the host country from providing a broader scope of P&I.

33. With regard to P&I to be granted by non-Members of the Advisory Centre (for example, facilitation of entry and stay in those countries to carry out the activities of the Advisory Centre), it was suggested that such non-Members could accede to the separate instrument on P&I to be adopted by the Governing Committee. Therefore, it was proposed that a general template be prepared by the Governing Committee, which could be adapted by the Executive Director, on a case-by-case basis, for conclusion with specific non-Members.

34. With regard to the relationship agreement between the Advisory Centre and the United Nations, it was said that the interim secretariat should be tasked with the preparation of such an agreement taking into account the specificities of the Centre and the nature of its relationship with the UN, as compared to other international organisations.

35. After discussion, the Meeting made the following recommendations to the Commission:

- The interim secretariat should be tasked to prepare and negotiate a possible relationship agreement between the Advisory Centre and the United Nations;
- The interim secretariat should be tasked to prepare and negotiate host country agreements on behalf of the Centre depending on its location(s);
- Detailed rules on P&I applicable to the Advisory Centre and its staff should be prepared by the interim secretariat as a separate instrument for adoption by the Governing Committee, which would complement article 9 of the Statute and take into account the particularities of the Centre and its anticipated activities;
- The interim secretariat should be tasked to seek ways for non-Members obtaining the services of the Centre to grant similar level of P&I as Members to the Centre and its staff, for instance by preparing a template P&I agreement, which could be adopted by the Governing Committee.

V. Classification of Members regarding access to services, fees and composition of the Executive Committee

36. The Meeting considered options for classifying Members of the Advisory Centre for the purposes of determining: (i) priority in accessing services; (ii) the applicable fees for services under article 7 (article 8(3)(b)); and (iii) the composition of the Executive Committee (article 5(5)). It was recalled that the Commission had agreed that the classification for the above-mentioned purposes should be delinked from the classification for determining the contributions to be made by Members ([A/80/17](#), para. 204, see chapter II above).

37. *For determining priority in accessing services*, two possible classifications were presented. One classification comprised two categories – (i) LDCs and (ii) all other Members. Another classification comprised three categories – (i) LDCs; (ii) landlocked developing countries (LLDCs), small island developing States (SIDS),

and low- and middle-income developing countries (as previously identified in the UNCTAD Data Hub), that were not LDCs; and (iii) all other Members.

38. In relation to possible classifications, the Meeting noted that some of the lists used in the proposed three-category model were no longer maintained and that reliance on such lists could create challenges for implementation. It was felt that the classification for access to services and fees should be different from the classification for budget allocation. A general preference was expressed for proceeding on the basis of a model distinguishing between two categories, namely (i) LDCs on the list maintained by the United Nations and (ii) all other States as well as REIOs. It was observed that this model was clearer and more practical and that it would avoid complications and pitfalls of designing a specific list that would not be based on established practice or precedents.

39. Alternative models were suggested, including classifications developed by the United Nations Industrial Development Organization (UNIDO). However, there was a general preference for the two-category model, with broad support for classifying REIOs in the second category (i.e. other than LDCs).

40. *For determining the fee structure for services under article 7*, it was questioned whether the same classification for priority should apply. It was noted that article 8(3)(b) provided a sliding scale of fees and that specific fees (including applicable rates and conditions) were to be set out in the regulations adopted by the Governing Committee.

41. It was suggested that the fees for services should be determined and based on the classification used for budget allocation, as it more closely reflected Members' capacity to pay. Accordingly, the groups would be charged progressively higher fees from one group to the next, with Group V Members paying the highest rate. Fees for non-Members would be at least equal to, or higher than, those of Group V Members' fees.

42. *For determining the composition of the Executive Committee under article 5(5)*, the Meeting discussed possible approaches to classifying Members for the nomination process including: (i) using the same classification used for determining priority in accessing services or determining fees; (ii) using the same classification as for budget allocation; and (iii) using the regional groups of the United Nations. It was reiterated that the appointment of the members of the Executive Committee lay with the Governing Committee and that those members were to serve in their individual capacity.

43. It was widely felt that the two-category classification model for access to services would not be suitable for determining the composition of the Executive Committee. It was said that the classification for budget allocation would better ensure a fair balance between contributing and beneficiary Members for nominating potential members of the Executive Committee, following an economic-led approach. Support was also expressed for incorporating geographic considerations in the nomination and appointment process. It was therefore noted that a possible compromise could involve combining Model C with five groups prepared for budget allocation and a degree of geographical representation based on the UN regional groups.

44. While some expressed the view that geographical considerations would be conducive to fair representation, other emphasised the role of the members of the Executive Committee. It was recalled that under the Statute, members of the Executive Committee served in their individual capacity and not as representatives of the groups or governments that nominated them, and that they should be appointed based on their professional qualifications. It was also noted that the Statute did not detail the terms of reference of members of the Executive Committee. There was general support that the Executive Committee should be of a size that ensured its effective operation, while reflecting the diversity of the Advisory Centre's membership, especially the balance between donors and primary beneficiaries. It was also said that, while the remuneration of the members of the Executive Committee – which was yet to be determined – should not pose any burden on the budget of the Advisory Centre. It was observed that using the classification for budget allocation

(Model C) could likely increase the number of members, given the five categories therein. It was thus suggested to set the number of members at 10, with each of the five groups nominating two members. Another proposal was to introduce a rotating system among the five groups.

45. As to the relevance of the UN regional grouping, it was observed that such distribution might not necessarily reflect the membership of the Advisory Centre, which might be more limited with no guarantee that all UN regional groups would be represented in the membership. For this reason, it was suggested that a nomination process based on economic contribution and development would be preferable, so as to better reflect the membership of the Advisory Centre and preserve a balance between the views of donors and those of beneficiaries. In this regard, it was suggested to increase the number of individuals to be nominated by each of the five budget groups (for example, with each group nominating a candidate from each of the five UN regional groups), with the Governing Committee then appointing one or two members from the nominees based on a number of different considerations.

46. It was observed that the nomination and the appointment process be considered as a whole. For example, a group might have no Members, meaning that there would not be any nomination from that group. On the other hand, if a group were to make nominations, it should be expected that at least one member would be appointed from among the nominees. It was further mentioned that nominations should not be considered quasi appointments and that the Governing Committee should retain discretion when choosing among nominated candidates.

47. In order to take geographical representation into account, it was suggested that each of the five groups under budgetary Model C nominate up to five candidates (i.e. one individual per UN regional group) for appointment by the Governing Committee. However, it was stated that economic considerations needed to be taken into account. It was underlined that reaching agreement on nominations from each of the UN regional groups could be impractical, given diverging views and priorities. It was highlighted that appointments would in any case be made by the Governing Committee, where Members could also intervene as much as in the nomination process.

48. In a further attempt to reach consensus, it was suggested to decrease the number of nominations per budget group to two or three individuals from different geographical regions, without linking to the UN regional groups. It was said that this would make the process more workable and would emphasize the distinction between nomination and appointment. The Governing Committee would then appoint 6 to 10 members of the Executive Committee, taking into consideration gender balance and geographical representation. The actual number of members of the Executive Committee could be determined by the Governing Committee at a later stage.

49. A proposal was made to delete the sentence in article 5(5) of the Statute. It was also suggested to amend article 5(3)(c) by adding donor-beneficiary balance as an additional factor for the Governing Committee to consider when appointing the members of the Executive Committee - in addition to geographical diversity and gender balance. In order to enable the Governing Committee to fully fulfil its appointment obligations under the Statute and to ensure the effectiveness of the Executive Committee, it was suggested to set the number of members of the Executive Committee at no fewer than five and no more than ten, and to include under article 5(3)(a) or (b), a requirement for the Governing Committee to adopt rules on the nomination and appointment of members of the Executive Committee.

50. After discussion, the Meeting made the following recommendations to the Commission:

- For the purposes of determining priority in accessing services, Members should be classified into two categories: (i) Members on the list of LDCs as maintained and updated by the United Nations to reflect the decisions by the United Nations General Assembly; and (ii) all other Members, including REIOs.

- For the purposes of determining fees for services under article 7, Members should be classified into five categories using the groups to determine the maximum percentage that each Member would contribute to the budget of the Centre (see chapter II), with fees increasing progressively from Group I to Group V;
- For the purposes of determining the composition of the Executive Committee, the Governing Committee should be required to consider a number of factors, including geographical diversity, gender balance and the representation of the different levels of membership contributions that each group of Members were expected to make, and that the nomination process (including by any of the groups classified for budget allocation purposes) be addressed in the regulation to be adopted by the Governing Committee;
- In light of the above, it would not be necessary to include the lists of States in Annexes I to III and those Annexes should be removed from the Statute. The same would apply to the provisions applicable to the amendment of Annexes I to III (article 15(4)).

VI. Thresholds for the entry into force of the Statute

51. The Meeting considered the thresholds for the entry into force of the Statute of the Advisory Centre, as set out in article 13. It was recalled that the Statute established two requirements: (a) a minimum number of Members as reflected in the number of instruments of ratification, acceptance, approval, or accession, with the possibility of additionally requiring a certain number of Members from certain groups; and (b) that the anticipated total amount of financial contributions by Members exceed a certain amount. These thresholds would aim to ensure that the Centre becomes operational only once there was both sufficient political commitment and adequate financial resources to cover the notional anticipated budget of USD 4.5 million ([A/CN.9/1218](#), para. 41).

Article 13(1)(a) – Membership threshold

52. It was recalled that at the second AC-OP meeting, preference had been expressed for requiring at least 20 instruments of ratification, acceptance, approval, or accession. While suggestions were made at the current Meeting to provide for a lower number in order to facilitate a prompt entry into force of the Statute (for example 10, following the example of the United Nations Convention on Negotiable Cargo Documents), it was widely felt that the number of 20 instruments should be retained for reasons of sustainability and political signalling.

53. Support was expressed for also requiring a minimum number of instruments from LDCs as key beneficiaries of the Centre, with the number ranging from three to five. It was noted that this requirement, combined with the financial threshold, aimed at achieving a balance between donors and beneficiaries among Members and to ensure that the Centre would be able to fulfil its purpose from the outset. In support, it was said that this could signal the Centre's core missions to build capacities of its Members, primarily least developed and developing countries. On the other hand, a view was expressed that the Statute should not require a minimum number of instruments by LDCs, as such a requirement may unnecessarily hinder the entry into force of the Statute. It was observed that the minimum required number of instruments by LDCs should not unduly subject LDCs to the maximum membership contribution of 1%. In this regard, it was clarified that, notwithstanding the minimum required number of instruments by LDCs, an overall financial threshold would also apply. Therefore, a suggestion was made to require a minimum of 5 instruments of ratification, acceptance, approval, or accession by LDCs out of the total 20. A further suggestion was that the minimum required number of LDCs should be based on the UN list of LDCs applicable at the time of deposit.

54. It was confirmed that an instrument of ratification, acceptance, approval, or accession by an REIO would also count for the purposes of determining whether the threshold in article 13(1)(a) was met.

Article 13(1)(b) - Financial threshold

55. Support was expressed for setting a minimum amount of mandatory contributions as a threshold for the entry into force of the Statute. It was thus agreed to retain the condition set under article 13(1)(b) of the Statute. A suggestion to take into account any voluntary contributions received or committed prior to the entry into force of the Statute did not receive support, due to the uncertain, instable, and irregular nature of such contributions particularly for budget planning.

Role of the depositary and the interim secretariat to assess the thresholds

56. It was widely felt that the Secretary-General of the United Nations should be designated as the depositary of the Statute. However, it was noted that the monitoring of a financial threshold and a threshold based on classification of States and REIOs did not form part of the traditional functions of the Treaty Section of the United Nations Secretariat acting as depositary on behalf of the Secretary General. While the depositary could monitor the requirement relating to the number of instruments, it was suggested that the LDC and financial thresholds would be best monitored by the interim secretariat of the Advisory Centre (see chapter VII below). It was mentioned that these issues needed to be further consulted with the Treaty Section of the United Nations Secretariat.¹⁴

57. After discussion, the Meeting made the following recommendations to the Commission with regard to the depositary and the threshold for the entry into force of the Statute:

- The Secretary-General of the United Nations should be designated as the depositary of the Statute;
- At least twenty (20) instruments of ratification, acceptance, approval or accession should be deposited, including at least five (5) deposits by LDCs;
- For the purposes of determining the entry into force of the Statute, whether a State is a LDC should be based on the list of LDCs maintained by the UN at the time of the deposit of that State's instrument of ratification, acceptance, approval, or accession;
- The anticipated membership contribution by Members (represented as a maximum percentage of the Centre's budget) should cover the entirety of the budget of the Advisory Centre, meaning that the maximum percentages of the Members' mandatory contributions should add up to 100 or more;
- For the purposes of determining the entry into force of the Statute, REIOs should be treated equally as other States with regard to both thresholds;
- Considering the traditional role of the Secretary-General of the United Nations as depositary in determining the entry into force of multilateral conventions (which is limited to monitoring the number of deposited instruments), the interim secretariat could be tasked to assist the depositary in determining whether the thresholds relating to LDC classification and the anticipated maximum percentages are met and that related issues be consulted with the Treaty Section.

VII. Interim secretariat of the Advisory Centre, including its mandate, functions and financing thereof

58. The Meeting recalled that the Commission had requested its secretariat to explore possible means for it to function as the interim secretariat of the Advisory Centre, without any budget implications for the United Nations and without detriment to the provision by the secretariat of services to the Commission as a whole. The Commission had further requested that the Meeting focus, *inter alia*, on the anticipated mandate and functions of the interim secretariat (A/80/17, paras. 200-

¹⁴ The results of consultations are outlined in chapter IX with regard to the respective articles of the Statute.

204). Accordingly, the Meeting discussed the modalities of establishment and operation of the interim secretariat including the timeline, tasks to be carried out, and its financing.

59. Broad support was reiterated to request the International Trade Law Division of the United Nations Office of Legal Affairs (ITLD) to assume the interim secretariat functions of the Advisory Centre. It was felt that this would align with the experience of ITLD providing secretariat services to UNCITRAL, as well as with the practice of the UN Office of Legal Affairs performing interim secretariat functions for certain bodies.

60. With regard to the period of operation, it was generally felt that the interim secretariat should function until the permanent secretariat of the Advisory Centre would become operational, which could occur shortly after (but not earlier than) the first meeting of the Governing Committee. The interim secretariat should begin its work upon the decision by the United Nations General Assembly to adopt the Statute and defining the mandate of the interim secretariat, which would be conditional upon the availability of adequate financial resources. It was also suggested that safeguards be introduced to prevent the interim secretariat from continuing its functions indefinitely, particularly if entry into force of the Statute was uncertain. In this regard, it was indicated that the interim secretariat could be required to provide regular reporting to the Commission on the progress made in preparing the establishment of the Advisory Centre, and that the Commission could accordingly recommend any appropriate decision to be taken by the General Assembly in relation to the mandate of the interim secretariat.

61. Regarding the functions to be carried out by the interim secretariat, it was said that it would be expected to conduct preparatory work related to the host country agreement(s), the relationship agreement with the United Nations, the instrument(s) on the privileges and immunities of the Advisory Centre (see paras. 30 and 33 above), the rules of procedure of the Governing Committee and the Executive Committee, the initial budget of the Centre, as well as staff and operational regulations. Additional functions included preparing draft decisions to be taken by the Governing Committee at its first meeting, conducting outreach activities to promote the entry into force of the Statute, seeking cooperation and coordination of activities with international and regional organizations as provided under article 3(3) of the Statute, managing administrative arrangements for the entry into force of the Statute, including providing support in the assessment of the thresholds for entry into force (see para. 56 above), convening the first meeting of the Governing Committee, and managing a trust fund for receiving voluntary contributions to the Advisory Centre, which could be transferred to the Advisory Centre at a later stage. By contrast, it was clarified that while the interim secretariat could prepare terms of reference for the Executive Director and staff members of the Advisory Centre, it should not be entrusted with their actual recruitment, and should also not undertake any representational role for the Centre unless expressly provided for.

62. It was widely felt that the interim secretariat should be financed entirely through voluntary contributions. It was explained that this would require establishing a trust fund (or using an existing one), akin to the trust funds operated by ITLD for the implementation of specific projects. In that respect, reference was made to the operation of the UNCITRAL Regional Centre for Asia and the Pacific, of which activities and staff were financed through the contributions earmarked for that purpose. It was also explained that the trust fund for the operation of the interim secretariat would be distinct from the trust fund to receive early voluntary contributions for the operation of the Advisory Centre (see para. 61 above).

63. It was explained that the anticipated resources required for the functioning of the interim secretariat would depend on several factors, including which body would assume the functions and the type of functions to be carried out. It was explained that the operation of the interim secretariat would likely require staff resources, for instance, three UN staff members at the P4, P2 and G6 levels. The estimated annual cost for such posts would be approximately USD 400,000. It was reiterated that the operation of the interim secretariat should be without any budget implication on the

UN and without any impact on the ability of ITLD to fulfil its role as the UNCITRAL secretariat.

64. After discussions, the Meeting made the following recommendations to the Commission with regard to the interim secretariat of the Advisory Centre:

- The Secretary-General of the United Nations should be requested to carry out the interim secretariat functions, specifically through the International Trade Law Division of the United Nations Office of Legal Affairs;
- The designation and mandate should be captured in the decision by the Commission and subsequently in the resolution of the General Assembly adopting the Statute, which should further clarify that the operation of the interim secretariat should be without any budget implication on the United Nations and without any impact on the ability of ITLD to fulfil its role as the UNCITRAL secretariat;
- Accordingly, voluntary contributions should be sought to finance the operation of the interim secretariat, which could be managed by ITLD as a project financed through voluntary contributions received in a trust fund;
- The time period during which the interim secretariat would function should: (i) begin from the adoption of the Statute and upon the receipt of necessary funding for the operation of the interim secretariat and (ii) last until the permanent secretariat of the Advisory Centre is operational (including the appointment of the Executive Director), ideally shortly after the first meeting of the Governing Committee;
- The interim secretariat should report on its activities to the Commission, which would allow the Commission to make any recommendation to the General Assembly, including whether to discontinue the interim secretariat operations, as appropriate;
- The interim secretariat should be tasked with the following functions:
 - Preparatory work related to the host country agreement, the instrument(s) on the privileges and immunities of the Advisory Centre, the relationship agreement between the Advisory Centre and the United Nations, with the authority to conduct negotiations and conclude necessary preliminary agreements on behalf of the Centre, subject to subsequent approval by the Governing Committee;
 - Prepare draft rules of procedure of the Governing Committee and the Executive Committee, the initial budget of the Centre, as well as draft staff and operational regulations;
 - Prepare other draft decisions to be adopted by the Governing Committee at its first meeting;
 - Outreach activities to promote the Statute and the Advisory Centre with an aim to expedite the entry into force of the Statute;
 - Prepare for future cooperation and coordination activities with international and regional organizations, as appropriate;
 - Monitor and manage the administrative arrangements for the entry into force of the Statute in coordination with the depositary;
 - Convene a signing ceremony of the Statute, if deemed appropriate, and the first meetings of the Governing Committee and the Executive Committee;
 - Seek means to establish a trust fund possibly administered outside the United Nations, which would be used to receive advance membership contributions and voluntary contributions by donors to support the initial operation of the Centre and to be transferred to the Centre when it becomes fully operational;

- Perform other administrative tasks necessary to operationalize the Advisory Centre.

VIII. Way forward and updated road map

65. The Meeting recalled that the Commission had agreed that, based on the outcome of the Meeting, it would aim to finalize the Statute at its fifty-ninth session in 2026 and present it to the General Assembly for adoption (A/80/17, para. 205). The Meeting discussed the possible way forward for the finalization and adoption of the Statute, including the possible timeline.

66. The Meeting was informed about possible options for adopting the Statute, including through a diplomatic conference of plenipotentiaries or by the General Assembly of the United Nations. Broad support was expressed for the latter option. It was clarified that this would be without prejudice to the Centre later becoming a related organisation to the United Nations. There was also broad support for adopting the Statute as a standalone instrument, allowing the Centre to become operational before the incorporation of the Statute as a protocol to the future multilateral instrument on ISDS reform (MIIR). It was said that this possibility should be expressly mentioned in the resolution of the General Assembly adopting the Statute.

67. The Meeting accordingly discussed the roadmap for finalizing the Statute. It was anticipated that the Commission, at its fifty-ninth session (New York, 22 June-10 July 2026), could finalize the Statute, ideally resolving all outstanding issues in the Statute based on the recommendations of this Meeting and the results of any subsequent informal consultations on the location(s) of the Advisory Centre. The Statute would then be presented to the General Assembly for adoption. The General Assembly could finalize any remaining issues as appropriate and adopt the Statute in December 2026. Depending on the needs and the available resources, a signing ceremony could take place in mid-to-late 2027. In that regard, a view was expressed that a signing ceremony might not be necessary (and reference was made to the annual Treaty Event) and that resources might be better used to set up the interim secretariat.

68. It was explained that, following the adoption of the Statute by the General Assembly, the interim secretariat could begin its operations based on the resolution of the General Assembly funded by voluntary contributions. The operation of the interim secretariat could continue after the entry into force of the Statute, for example, until shortly after the first meeting of the Governing Committee and when the permanent secretariat would be operational. The Statute could be later incorporated as a protocol to the MIIR, depending on the progress of the ISDS reform. Preparatory work to that effect would need to be undertaken by Working Group III and the Commission on the one hand, and by the Advisory Centre on the other hand. The incorporation of the Statute under the MIIR may eventually require respective decisions by the General Assembly and the Governing Committee.

69. After discussions, the Meeting made the following recommendations to the Commission on the way forward:

- Based on the possible updates to the Statute as outlined in chapter IX, the Commission should aim to finalize the Statute at its fifty-ninth session in 2026 and present it to the General Assembly for adoption;
- The Statute should be presented as a standalone instrument yet with an indication in the Statute or in the resolution of the General Assembly adopting it that the Statute could later form one of the protocols to the multilateral instrument on ISDS, currently being prepared by Working Group III;
- Informal consultations should be carried out amongst host candidate States to assist the Commission in reaching consensus on the location(s) of the Advisory Centre.

IX. Possible updates to the Statute

70. The Meeting considered possible updates to the Statute to reflect the recommendations outlined above. It should be noted that the references to “Protocol” have been replaced with “Statute” throughout. As there will only be one Annex to the Statute, references to Annexes and their numbering have also been removed.

Statute of the Advisory Centre on International Investment Dispute Resolution

Article 1 Establishment

The Advisory Centre on International Investment Dispute Resolution (hereinafter, the “Advisory Centre”) is hereby established.

Article 2 Objectives

1. The Advisory Centre aims to provide training, support and assistance with regard to international investment dispute resolution.
2. The Advisory Centre aims to enhance the capacity of States and regional economic integration organizations to prevent and handle international investment disputes, in particular least developed countries and developing countries.

Article 3 General principles

1. The Advisory Centre shall operate in a manner that is effective, affordable, accessible and financially sustainable.
2. The Advisory Centre shall be independent and free from undue external influence, including from its donors.
3. The Advisory Centre shall, as appropriate, cooperate with international and regional organizations and coordinate its activities to ensure the efficient use of its resources.

Article 4 Membership

1. A State or a regional economic integration organization may become a Member of the Advisory Centre in accordance with article 12.
2. Each Member is entitled to the services of the Advisory Centre and has obligations, as set out in this Statute and the regulations adopted by the Governing Committee.
- [3. *Deleted*]¹⁵
4. For the purposes of this Statute, a “non-Member” refers to a State or a regional economic integration organization that is not a Party to this Statute.

Article 5 Structure

1. The Advisory Centre shall consist of a Governing Committee, an Executive Committee and a Secretariat headed by an Executive Director.

Governing Committee

¹⁵ To reflect the recommendation in para. 50 (first bullet point), it was suggested at the Meeting that paragraph 3 read: “For the purposes of this Statute, each Member shall be categorized into least developed countries and other Members. This categorization is without prejudice to classifications in other instruments or other organizations.” However, the updated Statute contains classifications which differ for determining priority in accessing services and for allocating the budget among Members. The latter classification is also the basis for determining the fee structure. The classification for the composition of the Executive Committee has been eliminated. Therefore, it is questionable whether the paragraph and its placement in article 4 is suitable, particularly considering the phrase “For the purposes of this Statute”. It is suggested that paragraph 3 in its entirety be deleted and paragraph 4 renumbered.

2. The Governing Committee shall be composed of representatives of the Members of the Advisory Centre. Each Member shall appoint one representative to the Governing Committee.
3. The Governing Committee shall:
 - (a) Adopt and publish its rules of procedure and those of the Executive Committee;
 - (b) Adopt and publish regulations on the operation of the Advisory Centre, including the nomination and appointment process for the members of the Executive Committee and the Executive Director;¹⁶
 - (c) Appoint the members of the Executive Committee on the basis of their professional qualifications, including in particular in international investment dispute resolution, and taking into consideration geographical diversity, gender balance and the representation of Members' varying levels of financial contributions;¹⁷
 - (d) Assign any other functions to the Executive Committee;
 - (e) Adopt and publish the staff regulations on the conditions of services and rights and obligations of the Executive Director and staff members of the Secretariat;
 - (f) Appoint the Executive Director for a term of four (4) years; the Executive Director shall be eligible for reappointment;
 - (g) Evaluate and monitor the performance of the Advisory Centre and adopt and publish the annual report prepared by the Executive Director;
 - (h) Adopt and publish the annual budget of the Advisory Centre prepared by the Executive Director and reviewed by the Executive Committee;¹⁸
 - (i) Adopt regulations determining the payment schedule and frequency of instalments of the Members' financial contributions;¹⁹
 - (j) Periodically assess and, if needed, adjust the scope and type of services of the Advisory Centre, including by deciding by phase in some of the services at a later stage of its operation; and
 - (k) Perform other functions in accordance with this Statute.
4. The Governing Committee shall meet at least once a year.

Executive Committee

5. The Executive Committee shall consist of five (5) to ten (10) members. The Executive Director shall also serve *ex officio* on the Executive Committee. The members of the Executive Committee shall serve in their personal capacity.²⁰
6. The Executive Committee shall be accountable to the Governing Committee. The Executive Committee shall meet as often as necessary and shall:
 - (a) Propose for adoption by the Governing Committee rules on the procedure of the Executive Committee;
 - (b) Take decisions necessary to ensure the efficient and effective operation of the Advisory Centre in accordance with this Statute and the regulations adopted by the Governing Committee;

¹⁶ Subparagraph (b) reflects the recommendation in para. 50 (third bullet point).

¹⁷ Subparagraph (c) reflects the recommendation in para. 50 (third bullet point) and the wording in article 5(5) of the Statute as adopted in principle by the Commission.

¹⁸ The Commission may wish to confirm that the assessed contribution of each Member calculated based in accordance with the Annex would be adopted with the budget.

¹⁹ Subparagraph (i) reflects the recommendation in para. 23.

²⁰ Paragraph 5 reflects the recommendation in paras. 49-50. The third sentence in the Statute as adopted in principle has been deleted. The first part of the fourth sentence is retained as the third sentence and the second part of the fourth sentence has been combined in paragraph 3(c).

(c) Review the annual budget of the Advisory Centre prepared by the Executive Director and submit it for adoption by the Governing Committee;

(d) Provide advice to the Executive Director, including on the administration of the budget of the Advisory Centre;

(e) Appoint the external auditor;

(f) Supervise the administration of the Secretariat; and

(g) Perform other functions in accordance with this Statute and as assigned by the Governing Committee.

Decision-making

7. The Governing Committee and the Executive Committee shall endeavour to make all decisions by consensus.

8. If a decision cannot be made by consensus in the Governing Committee, the subject matter may be submitted to a vote, which requires the presence of a majority of the Members. Each Member shall have one vote. Decisions shall require a four-fifths majority of the Members present and voting. If the majority of the Members are not present, the same subject matter may be submitted for a second vote at the next meeting of the Governing Committee, the decision of which may be made by a four-fifths majority of the Members present and voting.

9. If a decision cannot be made by consensus in the Executive Committee, the subject matter may be submitted to a vote, which requires the presence of a majority of the members of the Executive Committee. Each member shall have one vote and the Executive Director, serving *ex officio*, shall not have a vote. Decisions shall require a four-fifths majority of the members present and voting. If the majority of the members are not present, the same subject matter may be submitted for a second vote at the next meeting of the Executive Committee, the decision of which may be made by a four-fifths majority of the members present and voting.

Executive Director and the Secretariat

10. The Executive Director shall:

(a) Manage the day-to-day operation of the Advisory Centre;

(b) Employ and manage the staff members of the Secretariat in accordance with the staff regulations adopted by the Governing Committee;

(c) Prepare the annual report on the operation of the Advisory Centre for adoption by the Governing Committee;

(d) Prepare the annual budget of the Advisory Centre for review by the Executive Committee; and

(e) Represent the Advisory Centre externally.

11. The Executive Director shall be accountable to the Governing Committee.

12. The Executive Director shall not hold any other employment or engage in any other occupation without the approval of the Executive Committee.

Article 6

Technical assistance and capacity-building

1. The Advisory Centre shall provide technical assistance to its Members and engage in capacity-building activities with regard to international investment dispute resolution, including by:

(a) Advising on issues pertaining to dispute prevention;

(b) Providing tailored training with regard to possible means of preventing and resolving disputes;

- (c) Holding seminars and conferences;
 - (d) Functioning as a forum for the exchange of information and sharing of best practices;
 - (e) Functioning as a repository of information and related resources; and
 - (f) Performing any other functions as assigned by the Governing Committee.
2. The Advisory Centre may engage other persons or entities in providing the services in paragraph 1.
3. In accordance with the regulations adopted by the Governing Committee, the Executive Director may allow:
- (a) Non-Members to participate in the activities organized by the Advisory Centre pursuant to paragraph 1; and
 - (b) Other persons or entities to participate in the activities pursuant to paragraph 1, subparagraphs (c) to (e). When the Governing Committee assigns any other functions in accordance with paragraph 1, subparagraph (f), it shall also determine the extent to which the Executive Director may allow other persons or entities to participate in those activities.
4. The regulations adopted by the Governing Committee shall require the Executive Director to set appropriate fees for the participation of non-Members, other persons or entities, and include criteria for allowing participation, such as whether it contributes to the objectives of the Advisory Centre, whether it creates any conflict of interest and the resource implications for the Advisory Centre.

Article 7

Legal advice and support with regard to international investment dispute proceedings

1. Upon request by a Member, the Advisory Centre shall provide legal support and advice with regard to an international investment dispute proceeding prior to and after its initiation, including by:
- (a) Providing a preliminary assessment of the case, including the appropriate means to resolve the dispute;
 - (b) Assisting in the selection of mediators, arbitrators or other types of adjudicators (including any challenge), as well as experts, taking into account geographical diversity and gender balance;
 - (c) Supporting the preparation of statements, pleadings and evidence, as well as other aspects of the proceeding;
 - (d) Representing the Member in the proceeding, including in a hearing, at the instruction of and in conjunction with that Member;
 - (e) Facilitating the appointment of external legal representatives; and
 - (f) Performing any other functions as assigned by the Governing Committee.
2. The provision of services in paragraph 1 is subject to the resources available to the Advisory Centre.
3. In providing the services in paragraph 1, the Advisory Centre shall, in principle, give priority to Members that are least developed countries as reflected in the list maintained by the United Nations, followed by other Members, in accordance with the regulations adopted by the Governing Committee. In the event that requests are received from Members in the same category, priority shall generally be given to the Member that requested the services first.²¹

²¹ Paragraph 3 reflects the recommendation in para 50 (first bullet point). It clarifies the meaning

4. The Executive Director may allow a non-Member to request the services in paragraph 1 in accordance with the regulations adopted by the Governing Committee. Whether the requesting non-Member may benefit from the services and the extent of the services to be provided by the Advisory Centre shall be determined by the Governing Committee. In making the determination, the Governing Committee shall consider whether allowing a non-Member to benefit from the services contributes to the objectives of the Advisory Centre, whether the non-Member is in the process of becoming a Member, whether it creates any conflict of interest and the resource implications for the Advisory Centre.

Article 8 Financing

1. The operation of the Advisory Centre shall be funded by the contributions of Members, the fees for services provided by the Advisory Centre and voluntary contributions.

2. Each Member shall make financial contributions in accordance with the Annex. If a Member is in default of its contributions, the Governing Committee may decide to limit or modify its rights or obligations in accordance with the criteria established in the regulations adopted by the Governing Committee.²²

3. The Advisory Centre shall charge fees for its services in accordance with the regulations adopted by the Governing Committee:

(a) Services in article 6, paragraph 1, shall be provided at no cost to Members. The fees to be charged to non-Members, other persons and entities shall be determined by the Executive Director in accordance with the regulations adopted by the Governing Committee;

(b) The fees to be charged by the Advisory Centre for services in article 7, paragraph 1, shall not exceed the amount necessary to recover its costs. The fees to be charged to Members shall be determined according to the Group they belong to pursuant to paragraph 2 of the Annex. The fees charged to Members shall increase progressively based on the Group they belong to from Groups I to V. The fees to be charged to non-Members shall be equal to or higher than those charged to Members in Group V, unless determined otherwise by the Governing Committee.²³

4. The Advisory Centre may receive voluntary contributions, whether monetary or in kind, from Members, non-Members, international and regional organizations and other persons or entities in accordance with the regulations adopted by the Governing Committee, provided that the receipt of such contributions is consistent with the objectives of the Advisory Centre, is reported in the annual report and does not create any conflict of interest or otherwise impede the independent operation of the Advisory Centre.

5. The Advisory Centre may set up trust funds for the purposes of receiving and managing the financial contributions and the fees referred to in paragraphs 1 to 4.

6. The budget and expenditure of the Advisory Centre shall be subject to internal and external audit.

of “least developed countries (LDCs)” by referring to a list maintained by the United Nations. This reflects the practice that the United Nations General Assembly adopts resolutions to include or graduate countries from the list of LDCs, but does not itself adopt or maintain the list. The list is managed by the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (available at <https://www.un.org/ohrlls/content/list-ldcs>) and the Department of Economic and Social Affairs (available at <https://policy.desa.un.org/least-developed-countries>). While the term “least developed countries” appears first in article 2(2), it is suggested that the clarification is better placed in article 7 (see also article 13).

²² Paragraph 2 reflects the recommendation in para. 23.

²³ Paragraph 3(b) reflects the recommendation in para. 50 (second bullet point).

Article 9**Legal status and liability**

1. The Advisory Centre shall have full international legal personality. The legal capacity of the Advisory Centre shall include the capacity to contract, to acquire and dispose of immovable and movable property and to institute legal proceedings.
2. The Advisory Centre shall be headquartered in [*to be determined*]. The Advisory Centre shall conclude a host country agreement with [*host State/Government to be determined*]. The Governing Committee may decide to relocate the headquarters, either temporarily or permanently, in the event that exceptional circumstances so significantly impact the operational effectiveness of the headquarters that the existing location is no longer suitable.²⁴
3. The Governing Committee may decide to establish regional offices of the Advisory Centre.
4. To fulfil its objectives, the Advisory Centre shall enjoy in the territories of each Member the privileges and immunities as set out in this Statute.
5. The archives of the Advisory Centre shall be inviolable, wherever they may be.
6. The Advisory Centre, its property and assets shall enjoy, at a minimum, such immunity as necessary for the fulfilment of its objectives and for the exercise of its functions, except when the Advisory Centre waives this immunity.
7. The Advisory Centre, its property, assets and income, and its operations and transactions authorized by this Statute shall be exempt from direct taxation and all customs duties. The Advisory Centre shall also be exempt from liability for the collection or payment of any taxes or customs duties.
8. The Executive Director and staff members of the Secretariat shall enjoy immunity from legal process with respect to acts performed by them in the exercise of their functions, except when the Advisory Centre waives this immunity.
9. No tax shall be levied on or in respect of salaries, expense allowances or other emoluments paid by the Advisory Centre to the Executive Director and the staff members of the Secretariat.

Article 10**Reservations**

No reservations are permitted under this Statute.

Article 11**Depositary**

The Secretary-General of the United Nations is hereby designated as the depositary of the Statute.²⁵

²⁴ Should an agreement on the location(s) of the Advisory Centre be reached, the Commission may wish to consider revising paragraphs 2 and 3 to possibly include reference to location(s) of the initial regional office(s) (see para. 28 above).

²⁵ Article 11 reflects the recommendation in para. 57. Following the Meeting, consultations were held with the Treaty Section of the United Nations Office of Legal Affairs, which assumes the depositary functions on behalf of the United Nations Secretary-General. During the consultations, it was noted that some of the functions envisaged under the Statute to be performed by the depositary could not be carried out as such. For example, although the list of LDCs is maintained by the United Nations, it would be difficult for the depositary to make a determination as to whether a State that deposits its instrument falls within the LDC category at the time of deposit. This is because: (i) the list of LDCs changes; (ii) there may be disagreements about the inclusion in and graduation from that list; and (iii) there may be uncertainties about who is responsible for maintaining that list. It was suggested that clarity should be provided so that the depositary can make determinations for the purpose of entry into force. Accordingly, the Commission may wish to consider including a list of States in the Statute (as Annex II), which reflects the list of LDCs as

Article 12

Signature, ratification, acceptance, approval, accession

1. This Statute is open for signature by a State or a regional economic integration organization [*place and time to be determined*].²⁶
2. This Statute is subject to ratification, acceptance or approval by the signatories.
3. This Statute is open for accession by a State or a regional economic integration organization that is not a signatory from the date it is open for signature.
4. Instruments of ratification, acceptance, approval or accession are to be deposited with the depositary.

Article 13

Entry into force

1. This Statute shall enter into force six months following the date upon which the following conditions are met:
 - (a) Twenty (20) instruments of ratification, acceptance, approval, or accession have been deposited, of which at least five shall have been deposited by [least developed countries as reflected in the list maintained by the United Nations at the time of the deposit of the instrument] [States listed in Annex II];²⁷ and
 - (b) The sum of the maximum percentages that States or regional economic integration organizations that are Parties to the Statute are required to contribute to the budget of the Advisory Centre in accordance with paragraph 4 of the Annex totals or exceeds 100.²⁸
2. When a State or a regional economic integration organization ratifies, accepts, approves or accedes to this Statute after its entry into force in accordance with paragraph 1, this Statute enters into force in respect of that State or regional economic integration organization thirty (30) days after the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 14

Annex

The Annex to this Statute constitutes an integral part of this Statute.

Article 15

Amendments to the Statute and the Annex

Amendments to an article of the Statute

1. Any Member may submit a proposal to amend an article of this Statute to the Governing Committee. The proposal shall be promptly communicated to all Members.

of 1 January 2027. This is because the Statute is anticipated to be adopted by the General Assembly at the end of 2026. The list of States in Annex II would be used solely for the purpose of determining the entry into force of the Statute and would be distinct from the list of LDCs maintained by the United Nations, which will change over time and be used for the operation of the Centre and the provision of its services. If the Commission decides to include this list, only the second square-bracketed text in subparagraph (a) would be retained.

Alternatively, the Commission may wish to consider identifying another body to function as the depositary of the Statute (for instance, the host State of the Advisory Centre) or authorizing the interim secretariat to determine whether a State is an LDC when depositing the instrument (based on the list maintained by the United Nations) and conveying that decision to the Treaty Section for determining the entry into force of the Statute. However, the latter option would pose the same difficulties as mentioned above.

²⁶ The Commission may wish to discuss when the Statute would open for signature and where. Should a signing ceremony be envisaged, the location and the date could be mentioned in the Statute or in the General Assembly resolution adopting the Statute.

²⁷ Subparagraph (a) reflects the recommendation in para. 57. See also footnote 25.

²⁸ Subparagraph (b) reflects the recommendation in para. 57.

The Governing Committee may adopt the amendment in accordance with article 5, paragraphs 7 and 8.

2. The Executive Director shall communicate the amendment adopted pursuant to paragraph 1 to the depositary. The depositary shall submit the adopted amendment to all Members for ratification, acceptance or approval. The adopted amendment shall enter into force thirty (30) days after the date of deposit of the instrument of ratification, acceptance or approval by all Members.

Amendments to the Annex

3. Any Member, the Executive Committee or the Executive Director may submit a proposal to amend the Annex to the Governing Committee. The proposal shall be promptly communicated to all Members.

4. The Governing Committee shall endeavour to adopt amendments to the Annex by consensus. If a decision cannot be made by consensus, the amendment shall be submitted for a vote to each Group of Members categorized in accordance with paragraph 2 of the Annex. The amendment shall be adopted when each Group of Members adopts the amendment in accordance with article 5, paragraphs 7 and 8.²⁹

5. The Executive Director shall communicate the amendment adopted pursuant to paragraphs 4 and 5 to the depositary. The adopted amendment shall enter into force thirty (30) days after the notification is received by the depositary.

Party to the Statute as amended

6. A State or a regional economic integration organization that becomes a Party to this Statute after the entry into force of an amendment shall be considered a Party to the Statute as amended.

Article 16

Withdrawal and termination

1. Any Member may at any time withdraw from this Statute by means of a formal notification addressed to the depositary. The depositary shall inform the Executive Director, who shall promptly communicate the withdrawal to all Members. The withdrawal shall take effect thirty (30) days after the notification is received by the depositary. The obligations to make any remaining contribution at the time of withdrawal and to pay fees for the services provided by the Advisory Centre shall not be affected by the withdrawal. The withdrawing Member shall not be entitled to any reimbursement of its contributions.

2. If a Member submits the notification of withdrawal within three (3) months of the date of receipt by the depositary of the notification of an amendment to the Annex, the amendment shall not apply to that Member.

3. The Governing Committee may terminate this Statute. Upon termination, the assets of the Advisory Centre shall be distributed among the Members at that time in proportion to the total of each Member's contributions, including its voluntary contributions, to the financing of the Advisory Centre's operation.

Annex – Financial Contributions by Members required in accordance with article 8, paragraph 2³⁰

²⁹ Deletion of paragraph 4 in the Statute reflects the recommendation in para. 50. The following paragraphs have been renumbered.

³⁰ The Annex reflects the recommendation in para. 23. Its heading highlights that only assessed or mandatory contributions are addressed in the Annex and not voluntary contributions. The wording has been aligned with the General Assembly resolution 79/249 on "scale of assessments for the apportionment of the expenses of the United Nations."

1. A Member's financial contributions shall be determined with reference to the scale of assessments for the apportionment of the expenses of the United Nations as adopted by the General Assembly and as specified by this Annex.
2. Members shall be categorized into five (5) groups.
 - (a) Group I shall consist of least developed countries as reflected in the list maintained by the United Nations;
 - (b) Other States shall be categorized based on their United Nations assessment rates as follows:
 - Group II: States at or below 0.02%
 - Group III: States above 0.02% and at or below 0.2%
 - Group IV: States above 0.2% and at or below 1%
 - Group V: States above 1%
3. Subject to paragraph 4 of this Annex, a Member's rate of financial contributions to the budget of the Advisory Centre shall be that Member's United Nations assessment rate divided by the sum of all of the Members' respective United Nations assessment rates.
4. The maximum percentage of the budget of the Advisory Centre that a Member is required to contribute shall be as follows:
 - Group I: 1%
 - Group II: 2.5%
 - Group III: 5%
 - Group IV: 7.5%
 - Group V: 10%
5. The financial contributions of a Member which is a regional economic integration organization, and the Group to which that regional economic integration organization belongs, shall be determined with reference to the average of the United Nations assessment rates of the member States of that regional economic integration organization.
6. A Member may make financial contributions at a rate higher than the rate calculated pursuant to paragraphs 3 and 4 of this Annex.

[Annex II – List of States for the purposes of article 13, paragraph 1, subparagraph (a)]

Afghanistan, Angola, Benin, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Myanmar, Niger, Rwanda, Senegal, Sierra Leone, Solomon Islands, Somalia, South Sudan, Sudan, Timor-Leste, Togo, Tuvalu, Uganda, United Republic of Tanzania, Yemen and Zambia.]³¹

³¹ According to resolution [A/RES/76/8](#) adopted by the General Assembly on 24 November 2021, Bangladesh, the Lao People's Democratic Republic and Nepal are scheduled to graduate from the list of LDCs at the end of 2026. Accordingly, they are not included in Annex II.