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**United Nations Commission on  
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**Issues relating to the operationalization of the Advisory  
Centre on International Investment Dispute Resolution –  
article 9 of the Statute and a draft decision by the  
Commission**

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## I. Introduction

1. Document [A/CN.9/1265](#) contains the summary of the third meeting on the operationalization of the Advisory Centre on International Investment Dispute Resolution (the “Advisory Centre” or the “Centre”), including the recommendations deriving from that meeting (the “AC-OP meeting”) as well as the corresponding updates to the draft Statute of the Advisory Centre (the “Statute”) in chapter IX.
2. This note addresses the location(s) of the Advisory Centre and possible revisions to article 9 of the Statute to facilitate the Commission’s considerations. It also provides a draft decision to be adopted by the Commission as it finalizes the Statute and transmits to the General Assembly. Document A/CN.9/1266 outlines issues relating to the interim secretariat.

## II. Possible revisions to article 9 of the Statute

3. During the AC-OP meeting, 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 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 ([A/CN.9/1265](#), paras. 28 and 69).
4. At the time of submission of this note, the secretariat received the following proposal to revise article 9(2) and (3) of the Statute from a candidate State, which was supported by another candidate State. That proposal is reproduced below with the suggested revisions in italics.

“2. The Advisory Centre shall be headquartered in [to be determined] *and have regional offices to be established by the Governing Committee*. 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.

3. The Governing Committee *shall establish regional offices of the Advisory Centre reflecting representation across the five regional groups of the United Nations. The locations of such regional offices shall be determined based on the written proposals, which had been submitted by Members of the Advisory Centre to the United Nations Commission on International Trade Law in 2025.*”

5. With regard to that proposed text, the Commission may wish to consider whether it may be preferable to address issues regarding the regional offices entirely in paragraph 3, so that paragraph 2 addresses the headquarters of the Advisory Centre and paragraph 3 its regional offices. This would retain the current structure of article 9.
6. With regard to paragraph 3, the Commission may wish to consider:
  - Indicating the locations of some or all regional offices in the Statute itself;
  - Providing guidance to the Governing Committee in establishing the regional offices to reflect balanced regional presence, based on the five regional groups of the United Nations;
  - Clarifying that any regional office should be located in the territory of a State that is a Member of the Advisory Centre;
  - Clarifying that the establishment of a regional office would require the conclusion of a host country agreement, similar to the headquarters; and
  - Clarifying that the establishment of regional offices should take into account the objectives and general principles of the Centre as set forth in the Statute.

7. The Commission may wish to consider the following text, which reflects the above-mentioned considerations. Article 9(2) would remain unchanged and is reproduced below for reference purposes only.

“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.

3. *The regional offices of the Advisory Centre shall be located in [to be determined]. The Governing Committee shall establish additional regional offices of the Advisory Centre reflecting geographical representation of the Members and based on the five regional groups of the United Nations. The proposals submitted to the United Nations Commission on International Trade Law in 2025 shall form the basis for determining the locations of the additional regional offices. The regional offices shall be located in the territory of a Member and the decision to establish regional offices shall take into account the objectives and general principles set forth in the Statute. The Advisory Centre shall conclude host country agreements with the host States of the regional offices.”*

8. The Commission may wish to consider these proposals along with any further proposals received. The Commission may also wish to consider them in conjunction with the fifth operative paragraph of the draft decision by the Commission, which could be an alternative to revising article 9(3) of the Statute as an acceptable solution on the locations of the regional offices (see para. 11 below). In summary, it would be important for the Commission to identify a suitable solution and common ground that could obtain consensus with regard to these issues.

### **III. Draft decision by the Commission – Statute of the Advisory Centre on International Investment Dispute Resolution**

9. During the AC-OP meeting, it was suggested that certain aspects of the Advisory Centre operationalization could be captured in the resolution of the General Assembly (see [A/CN.9/1265](#), paras. 64, 66 and 69). These relate to the relationship of the Statute with the anticipated multilateral instrument on ISDS reform, the functions of the interim secretariat, as well as the location(s) of the Advisory Centre.

10. In that context, the Commission may wish to incorporate those aspects in its decision finalizing the Statute as it transmits the draft statute to the General Assembly for its adoption. It may further recommend that they be reflected in the resolution of the General Assembly when it adopts the Statute.

11. The following presents a draft decision for the Commission’s consideration:

“At its [...] meeting, on [...], the Commission adopted by consensus the following decision and recommendation to the General Assembly:

*“The United Nations Commission on International Trade Law,*

*“Recalling its mandate under General Assembly resolution 2205 (XXI) of 17 December 1966 to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,*

*“Recalling also its decision at the fiftieth session in July 2017 to entrust Working Group III (Investor-State Dispute Settlement Reform) with a broad*

mandate to work on the possible reform of investor-State dispute settlement and to develop relevant solutions,<sup>1</sup>

“*Convinced* that the establishment of an advisory centre could enhance the capacity of States and regional economic integration organizations to prevent and handle international investment disputes, in particular least developed and developing countries,

“*Recalling* its decision, at its 1222nd meeting, on 5 July 2024, to adopt in principle the draft statute of the advisory centre on international investment dispute resolution,<sup>2</sup>

“*Noting* that preparatory work on the operationalization of the advisory centre was subsequently conducted under the auspices of the Commission involving interested States and regional economic integration organizations,<sup>3</sup>

“*Expressing* its appreciation to the Governments of Thailand, Armenia and France for hosting the meetings on the operationalization of the advisory centre,

“*Acknowledging* that further work would need to be undertaken by an interim secretariat to ensure that the advisory centre can become operational and that its statute enters into force in due course,

“*Mindful* that Working Group III is continuing to make progress with regard to a number of elements of investor-State dispute settlement reform to be recommended to the Commission,

“*Mindful also* that a multilateral instrument is being prepared, which would facilitate the implementation of the reform elements by States and regional economic integration organizations, and that the statute of the advisory centre could become part of that multilateral instrument;

“*Noting* that the finalization of the statute benefited greatly from consultations with Governments and interested intergovernmental and non-governmental organizations, in particular the Advisory Centre on World Trade Organization Law;

“1. *Submits* to the General Assembly the draft statute of the advisory centre on international investment dispute resolution, as it appears in annex [I] to the report of the United Nations Commission on International Trade Law on the work of its fifty-ninth session;<sup>4</sup>

“2. *Recommends* that the General Assembly consider adopting the draft statute as the Statute of the Advisory Centre on International Investment Dispute Resolution at its eighty-first session;

“3. *Recommends* that the General Assembly, upon adoption of the statute, call upon all States and regional economic integration organizations to consider becoming a Party to the statute at the earliest possible date for its entry into force;

“4. *Recommends* that the General Assembly note its anticipation that the statute could form part of a convention on investor-State dispute settlement reform, which is being prepared by the United Nations Commission on International Trade Law and is expected to be submitted to the General Assembly at a later stage for its consideration;

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<sup>1</sup> *Official Records of the General Assembly, Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 264.

<sup>2</sup> *Official Records of the General Assembly, Seventy-ninth Session, Supplement No. 17 (A/79/17)*, para. 167.

<sup>3</sup> See A/CN.9/1265, A/CN.9/1218 and A/CN.9/WG.III/WP.251.

<sup>4</sup> *Official Records of the General Assembly, Eighty-first Session, Supplement No. 17 (A/81/17)*, annex [I].

["5. *Recommends* that the General Assembly invite the Governing Committee of the Advisory Centre to consider establishing regional offices of the Advisory Centre in accordance with article 9, paragraph 3 of the statute to ensure equitable geographical representation based on the objectives and general principles set forth in the statute and subject to the resources available to the Advisory Centre;]

["6. *Recommends* that the General Assembly request the Secretary-General to function as the interim secretariat of the Advisory Centre through the International Trade Law Division of the Office of Legal Affairs upon the adoption of the statute and to carry out the functions listed in document A/CN.9/1266, paragraph 4, which shall be without any programme budget implication on the United Nations and relying entirely on extrabudgetary resources, including but not limited to voluntary contributions;]

["7. *Recommends* that the General Assembly request the Secretary-General to establish trust funds to facilitate the establishment and operationalization of the Advisory Centre as well as the financing of its interim secretariat;]

["8. *Recommends* that the General Assembly request the Secretary-General to report on the activities of the interim secretariat to the United Nations Commission on International Trade Law until the first meeting of the Governing Committee of the Advisory Centre;]

["9. *Authorizes* a ceremony for the opening for signature of the statute to be held in [place] and [date];]

["10. *Requests* the Secretary-General, as depository of the statute, to open it for signature at a date to be determined;]

"11. *Requests* the Secretary-General to publish the statute, upon adoption, including electronically and in the six official languages of the United Nations, and to disseminate it broadly to Governments and other interested bodies."