



United Nations
Commission on International Trade Law

Statute of the Advisory Centre on International Investment Dispute Resolution (finalization)

ROYAUME DU MAROC



MINISTÈRE DE LA JUSTICE



In partnership with

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Advisory Centre on International Investment Dispute Resolution



- **Increasing number of investment disputes:**

Over 130 economies (of which some 80 developing countries, including 18 least developed) have so far faced treaty-based international investment disputes. The number is much higher if based on investment contracts and national investment laws are considered.



- **High costs and long duration of ISDS proceedings:**

ISDS cases involve high costs for respondent economies and raise concerns about the use of public funds.



- **Lack of financial and human resources including experience/capacity:**

Many developing and least developed countries do not have sufficient financial resources and human capacity to deal effectively with highly complex issues of international investment law. They often face difficulties obtaining quality legal representation to help with the defense.



→ **Technical assistance and capacity-building with regard to international investment dispute resolution**

→ **Legal advice and support with regard to international investment dispute proceedings**



...to primarily least developed and developing countries

Statute of the Advisory Centre – overview

Establishment Art. 1

Objectives Art. 2

General principles Art. 3

Membership Art. 4

Structure Art. 5

Technical assistance and capacity-building Art. 6

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Art. 13 **Entry into force**

Art. 14 **Annexes**

Art. 15 **Amendments to the Protocol and Annexes**

Art. 16 **Withdrawal and termination**

+ Annexes

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

Priority in access to services:

AC, 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.

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;

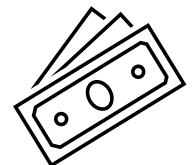
(c) Supporting the preparation of statements, pleadings and evidence, as well as other aspects of the proceeding;

(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.





Agenda item 4

Statute of the Advisory Centre on International Investment Dispute Resolution

- Summary of the third meeting on the operationalization of the Advisory Centre and updates to the Statute: [A/CN.9/1265](#)
- A note by the Secretariat on issues relating to the operationalization of the Advisory Centre – interim secretariat: [A/CN.9/1266](#)
- A note by the Secretariat on 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: [A/CN.9/1268](#)

Agenda item 4

Finalization of the Statute of the Advisory Centre on International Investment Dispute Resolution

- After the adoption of the Statute **in principle** by the Commission in July 2024, further work was carried out to operationalize the Advisory Centre - 3 informal meetings were held in Bangkok (December 2024), Yerevan (May 2025) and Paris (December 2025).
- Most of the issues have been resolved during that process and the draft Statute has two key pending issues on:
 - (i) location(s) of the Centre; and
 - (ii) thresholds for entry into force.



Operationalization issues

- Ways to establish the Advisory Centre within the United Nations system – as a related organization and based on extrabudgetary resources
- Location(s) of the headquarters and/or regional offices
- Classification of Members of the Advisory Centre for priority purposes – LDCs and others
- Amount of contributions by member States of the Advisory Centre and methods of payment (notional budget of \$ 4.5 million) – Annex
- Thresholds of membership (20 including 5 LDCs) and financial contributions for the entry into force of the Statute
- Anticipated mandate and functions of the interim secretariat
- Any amendments to the Statute



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.

See A/CN.9/1268 for possible revisions



Final call for Governments to express their interest to host the Advisory Centre on International Investment Dispute Resolution

In accordance with the decision by the Commission at its fifty-eighth session ([A/80/17](#), para. 197), Governments interested in hosting the headquarters or a regional office of the Advisory Centre were invited to submit a detailed proposal by **20 October 2025** to the secretariat.

The proposal should indicate, among others: (i) the expected support from the host State or Government, including indicative multi-year figures for financial or in-kind contributions, any ceilings or limits (including premises as well as support for the interim secretariat); (ii) time frames for concluding a host-country agreement, including privileges and immunities granted to other international organizations in the host country; (iii) information on the political and economic situation, including currency conversions; (iv) accessibility, including travel costs and flight connectivity to and from major LDC capitals; (v) information on visa facilitation measures; (vi) information about digital infrastructure supporting remote engagement and cybersecurity protections; and (vii) human capital and institutional environment, including the presence and size of the local arbitration or ISDS community, local language capabilities and cost-of-living considerations relevant to staff recruitment and retention ([A/CN.9/1218](#), para. 22).

Proposals received are made available below in the original form and language received. Oral presentations delivered during the [AC-OP3 meeting](#) in December will be made available on this webpage in due course.

Proposals submitted by Governments

- [Armenia](#) 
- [Côte d'Ivoire](#)  (in French only)
- [Democratic Republic of the Congo](#)  (in French only)
- [Egypt](#)  (Annex )
- [France](#)  (Brochure )
- [Ghana](#)  (Brochure )
- [Morocco](#)  (in French only)
- [Thailand](#) 



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



Agenda item 4 – Interim secretariat

A/CN.9/1266

- **Role:** to carry out preparatory and administrative tasks until Centre becomes operational
- **Funding:** extrabudgetary / voluntary contributions
- **Legal basis / mandate**



Finalization and adoption process

2026

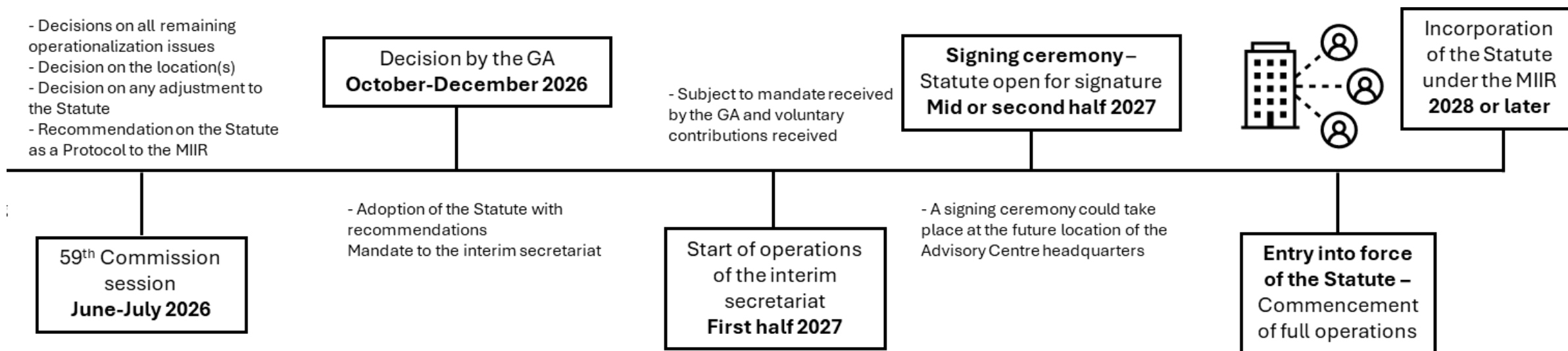
- 29 June-10 July: UNCITRAL 59th session; Commission to finalize all remaining aspects in the Statute and to make recommendations
- Oct-Dec: Consideration of the Statute by the 6th Committee and adoption by the General Assembly along with a resolution

2027 onwards

- Statute open for signature – possible signing ceremony
- Receipt of voluntary contribution - start operation of the interim secretariat
- Entry into force of the Statute
- Commencement of operation of the Centre – first meeting of the Governing Committee
- Incorporation of the Statute as a Protocol to the MIIR



Finalization and adoption process





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Thank you for your attention!

uncitral@un.org