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Status of work

UNCITRAL Working Group III (ISDS reform)

Disclaimer: These slides are to provide information to delegates as the 39th session of the Working Group scheduled for 30 March to 3 April at UN Headquarters in New York was postponed.

* Information accurate as of 31 March 2020

Moving forward



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- Status of preparatory work on reform options
- Inter-sessional meetings and webinars
- Request for additional session time
- 53rd session of the Commission (6-17 July 2020)
- 39th session of the Working Group (5-9 October 2020, tentative)

Reform options originally scheduled for discussion in spring 2020



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Shareholder claims
and reflective loss
(WP.170)

Dispute prevention
and mitigation
(WP.190)

Treaty
interpretation
(WP.191)

Security for costs &
frivolous claims
(WP.192)

Multiple
proceedings and
counter-claims
(WP.193)

Multilateral
instrument on ISDS
reform (WP.194)

Reforms options considered by the Working Group at its 38th sessions



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Advisory centre

- Questionnaire circulated (deadline for responses: 15 June 2020)
- Secretariat note under preparation (to be issued in final form in fall 2020)

Code of conduct

- Draft code of conduct under preparation jointly with ICSID, to be available on the UNCITRAL website in spring 2020 for comments
- Secretariat note to be issued in final form in fall 2020

Third-party funding

- Draft provisions under preparation, to be available on the UNICTRAL website for comments in June 2020
- Secretariat note to be issued in final form in fall 2020

Appellate mechanism, including enforcement

- Draft note to be available on the UNCITRAL website for comments in May 2020
- Secretariat note to be issued in final form in fall 2020

Selection and appointment of ISDS tribunal members

- Draft note to be available on the UNICTRAL website for comments in May 2020
- Secretariat note to be issued in final form in fall 2020

Other reform options



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Damages

- Secretariat note under preparation in cooperation with the ICCA and the Academic Forum

Financing of a permanent body

- Secretariat note under preparation

Dates of events



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Reform options	Format	Date/ location
Advisory centre	Webinar	21 April 2020 (remote)
Third-party funding	Expert group meetings	May or June 2020 (tentative)
Multilateral instrument on ISDS reform	Webinar	April or May 2020 (tentative)
Shareholder claims and reflective loss	Joint meeting with OECD	2-3 July 2020/Paris (dates subject to change)
TBD	Commission	6-17 July 2020/New York
TBD	Inter-sessional meeting	7-8 September 2020 (dates and location to be confirmed)
TBD	Working Group	5-9 October 2020/Vienna
Investment mediation and dispute prevention	Inter-sessional meeting	9-10 November 2020 (tentative)/ Hong Kong, China