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UNCITRAL Working Group III (ISDS reform)

Status of work

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1. Notes by the Secretariat for discussion
2. Initial drafts for comments
3. Initial drafts in preparation
4. Upcoming events
5. Resource requirements and workplan

1 Notes by Secretariat for discussion



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42nd Working Group Session
14-18 February 2022, New York

- **A/CN.9/WG.III/WP.208** - Investor-State dispute settlement (ISDS) reform – Draft code of conduct: Means of implementation and enforcement
- **A/CN.9/WG.III/WP.209** - Possible reform of investor-State dispute settlement (ISDS) – Draft Code of Conduct
- **A/CN.9/WG.III/WP.212** - Possible reform of investor-State dispute settlement (ISDS) - Advisory Centre
- **A/CN.9/WG.III/WP.212/Add.1** - Possible reform of investor-State dispute settlement (ISDS) - Advisory Centre
- **A/CN.9/WG.III/WP.213** - Possible reform of investor-State dispute settlement (ISDS) - Standing multilateral mechanism: Selection and appointment of ISDS tribunal members and related matters

2 Initial Drafts for comments

Initial draft on Appellate mechanism

- Initial draft for comments until 30 June 2022

Outline on the Cost and financing of a permanent multilateral body

- Presented during informal meeting on 7 December 2021

Compilation on dispute prevention practices

3 List of initial drafts in preparation

* Expected release dates will be added in due course

Cost of establishing a permanent body

Dispute prevention and mitigation

Enforcement of decisions by a court or appellate body

Procedural rules reform and cross-cutting issues

Selection and appointment of arbitrators

- Existing paper on the selection and appointment of ISDS tribunal members, to be updated as needed

Treaty interpretation

4 Upcoming events

Date	Topic	Format
14-18 February 2022	Consideration of the Code of Conduct Instructions on Multilateral Advisory Centre First Reading on Multilateral Permanent Investment Court	42nd Working Group Session, New York
2-3 March 2022	Appellate Mechanism	Informal Meeting
23-24 March 2022	Draft Code of Conduct	Informal Meeting
5 April 2022	Multilateral Instrument to Implement Reforms	Informal Meeting
12 May 2022	Selection and Appointment of Arbitrators	Informal Meeting
2-3 June 2022	Multilateral Permanent Investment Court	Informal Meeting
22-24 June 2022	Cross cutting issues and Damages	Informal Meeting
	Consideration of the Code of Conduct and Commentary	55th Commission Session

5 Resource requirements and workplan



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Request for additional resources (A/CN.9/1063)

- Considered by the Commission at its 54th session
- One additional week of working group session from 2022-2025 and secretariat resources
- Taking reference from the Report on the work at the resumed 40th session of the Working Group (A/CN.9/1054)

Revised workplan (A/CN.9/1054)

- Notional schedule (that can be adapted as progress is made) for formal and informal meetings on reform options, including cross-cutting issues and the topic of damages
- Consideration of reform options by the Commission on a rolling basis
- The workplan has been extended to the Commission session in 2026