



# General Assembly

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**United Nations Commission on  
International Trade Law  
Working Group III (Investor-State Dispute  
Settlement Reform)  
Fiftieth session  
Vienna, 20–24 January 2025**

## Annotated provisional agenda

### I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Possible reform of investor-State dispute settlement (ISDS).
5. Other business.
6. Adoption of the report.

### II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Afghanistan (2028), Algeria (2025), Argentina (2028), Armenia (2028), Australia (2028), Austria (2028), Belarus (2028), Belgium (2025), Brazil (2028), Bulgaria (2028), Cameroon (2025), Canada (2025), Chile (2028), China (2025), Colombia (2028), Côte d'Ivoire (2025), Croatia (2025), Czechia (2028), Democratic Republic of the Congo (2028), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Greece (2028), Honduras (2025), Hungary (2025), India (2028), Indonesia (2025), Iran (Islamic Republic of) (2028), Iraq (2028), Israel (2028), Italy (2028), Japan (2025), Kenya (2028), Kuwait (2028), Malawi (2028), Malaysia (2025), Mali (2025), Mauritius (2028), Mexico (2025), Morocco (2028), Nigeria (2028), Panama (2028), Peru (2025), Poland (2028), Republic of Korea (2025), Russian Federation (2025), Saudi Arabia (2028), Singapore (2025), Somalia (2028), South Africa (2025), Spain (2028), Switzerland (2025), Thailand (2028), Türkiye (2028), Turkmenistan (2028), Uganda (2028), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2028), Venezuela (Bolivarian Republic of) (2028), Viet Nam (2025) and Zimbabwe (2025).

2. States not members of the Commission and international governmental organizations may attend the session as observers and participate in the deliberations.



In addition, invited international non-governmental organizations may attend the session as observers and represent the views of their organizations on matters where the organization concerned has expertise or international experience so as to facilitate the deliberations at the session.

### III. Annotations to agenda items

#### Item 1. Opening of the session

3. The fiftieth session of the Working Group will be held in Vienna from 20 to 24 January 2025 at the Vienna International Centre. Meeting hours will be from 9.30 a.m. to 12.30 p.m. and from 2 to 5 p.m., except on Monday, 20 January 2025, when the session will be opened at 10 a.m.

#### Item 2. Election of officers

4. In accordance with its practice, the Working Group may wish to elect a chair and a rapporteur.

#### Item 4. Possible reform of investor-State dispute settlement (ISDS)

5. At its fiftieth session in 2017, the Commission entrusted Working Group III with a broad mandate to work on the possible reform of investor-State dispute settlement (ISDS). It also agreed that in line with the UNCITRAL process, the Working Group would, in discharging that mandate, ensure that the deliberations, while benefiting from the widest possible breadth of available expertise from all stakeholders, would be government-led with high-level input from all governments, consensus-based and fully transparent. The Working Group would proceed to: first, identify and consider concerns regarding ISDS; second, consider whether reform was desirable in light of any identified concerns; and third, if the Working Group were to conclude that reform was desirable, develop any relevant solutions to be recommended to the Commission. The Commission agreed that broad discretion should be left to the Working Group in discharging its mandate, and that any solutions devised would be designed taking into account the ongoing work of relevant international organizations and with a view to allowing each State the choice of whether and to what extent it wishes to adopt the relevant solution(s).<sup>1</sup>

6. From its thirty-fourth to thirty-seventh session, the Working Group identified and discussed concerns regarding ISDS and considered that reform was desirable in light of the identified concerns.<sup>2</sup> From its thirty-eighth to forty-ninth session, the Working Group considered concrete elements for ISDS reform.<sup>3</sup>

7. At its forty-ninth session in September 2024, the Working Group continued its consideration of the draft statute of a standing mechanism and annotations thereto contained in documents [A/CN.9/WG.III/WP.239](#) and [A/CN.9/WG.III/WP.240](#) ([A/CN.9/1194](#), paras. 13–56) as well as the draft provisions on procedural and cross-cutting issues contained in documents [A/CN.9/WG.III/WP.244](#) and [A/CN.9/WG.III/WP.245](#) ([A/CN.9/1194](#), paras. 57–104). The Working Group also began its consideration of a draft multilateral instrument contained in document [A/CN.9/WG.III/WP.246](#) ([A/CN.9/1194](#), paras. 105–121).

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

<sup>2</sup> The deliberations and decisions of the Working Group at its thirty-fourth to thirty-seventh sessions are set out in documents [A/CN.9/930/Rev.1](#); [A/CN.9/930/Rev.1/Add.1](#); [A/CN.9/935](#); [A/CN.9/964](#); and [A/CN.9/970](#), respectively.

<sup>3</sup> The deliberations and decisions of the Working Group at its thirty-eighth to forty-ninth sessions are set out in documents [A/CN.9/1004](#); [A/CN.9/1004/Add.1](#); [A/CN.9/1044](#); [A/CN.9/1050](#); [A/CN.9/1054](#); [A/CN.9/1086](#); [A/CN.9/1092](#); [A/CN.9/1124](#); [A/CN.9/1130](#); [A/CN.9/1131](#); [A/CN.9/1160](#); [A/CN.9/1161](#); [A/CN.9/1167](#) and [A/CN.9/1194](#).

8. At that session, the Working Group encouraged delegations to submit written comments on the draft provisions 1 to 9, 11 and 12 (paragraphs 1 to 5 and 7) in document [A/CN.9/WG.III/WP.244](#) by 29 November 2024, which will be posted on the Working Group web page in the language received ([A/CN.9/1194](#), paras. 67–68).

*Reform elements and documentation*

9. The Working Group is expected to continue its deliberations of: (i) the draft statute of a standing mechanism for the resolution of international investment disputes; (ii) the draft provisions on procedural and cross-cutting issues; and (iii) the multilateral instrument on ISDS reform ([A/CN.9/1194](#), para. 128). The detailed scheduling of the session will be provided in advance of the session.

10. The deliberations will be based on the following documents:

- [A/CN.9/WG.III/WP.239](#) and [A/CN.9/WG.III/WP.240](#) – Draft statute of a standing mechanism for the resolution of international investment disputes and annotations thereto;
- [A/CN.9/WG.III/WP.244](#) and [A/CN.9/WG.III/WP.245](#) – Draft provisions on procedural and cross-cutting issues and annotations thereto;
- [A/CN.9/WG.III/WP.246](#) – Draft multilateral instrument on ISDS reform; and
- [A/CN.9/WG.III/WP.248](#) – Additional provisions on procedural and cross-cutting issues and resources available to the Working Group.

11. The Working Group will also have before it:

- [A/CN.9/WG.III/WP.241](#) – Submission from the Government of Switzerland with regard to the draft statute of a standing mechanism;
- [A/CN.9/WG.III/WP.249](#) – Summary of the eighth intersessional meeting on ISDS reform – appellate mechanism and multilateral instrument on ISDS reform; and
- Compilation of written comments on the draft provisions 1 to 9, 11 and 12 in document [A/CN.9/WG.III/WP.244](#) received by the Secretariat (see para. 8 above).

12. UNCITRAL documents are posted on the UNCITRAL website upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents by accessing the Working Group III web page.

**Item 5. Other business**

13. At the forty-ninth session in September 2024, the Working Group requested the Secretariat to continue to look into possible options to hold the first part of the fifty-first session in hybrid format with full online participation, taking into account the resource constraints of the United Nations Secretariat at large ([A/CN.9/1194](#), para. 129). The Working Group will be provided with an update.

14. At that session, the Working Group also recalled that the additional resources allocated to the Working Group by the General Assembly would expire at the end of 2025. The Secretariat was requested to consider the possible implications and present options on how the Working Group could further its work, including within existing resources ([A/CN.9/1194](#), para. 130). The Working Group may wish to consider its work programme based on document [A/CN.9/WG.III/WP.248](#).

**Item 6. Adoption of the report**

15. The Commission, at its fifty-fifth session in 2022, decided that the Working Group could use the last meeting of its sessions for substantive deliberations, rather than for the adoption of the report, and continue the practice of adopting the report by a written procedure. Accordingly, the Chairperson and the Rapporteur will prepare a summary reflecting the deliberations and any conclusions reached during the session, which will be circulated during or after the session for comments by

delegations. Based on the comments received, a revised summary will be prepared and circulated for adoption by the Working Group as its report for submission to the fifty-eighth session of the Commission in 2025. In case there are objections, it may be presented as the summary of the Chairperson and the Rapporteur for consideration and action by the Commission as it deems appropriate or may be adopted by the Working Group as its report at the following session.<sup>4</sup>

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<sup>4</sup> *Official Records of the General Assembly, Seventy-seventh session, Supplement No. 17 (A/77/17)*, para. 236.