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28 April 2022

Dear Distinguished Delegates,

In its resolution adopted on 24 December 2021, the General Assembly of the United Nations “[d]ecided to allocate one additional one-week session per year for a single period of four years from 2022 to 2025 and additional support to the Commission to allow its Working Group III to continue to implement its work with respect to investor-State dispute settlement reform, on the condition that the Commission would during its annual session re-evaluate and, if needed, revisit its decision concerning the need for allocating an additional one-week session to Working Group III and related support based on its annual report on the use of its resources.”

In accordance with the practice at the annual Commission session and pursuant to the above-mentioned resolution, I plan to present the progress report of the Working Group and how it will utilize the additional resources given to it during the Commission session this July scheduled to take place in New York.

I have been informed that the Commission is expected to take a number of important decisions that will affect our work, including on the working methods for participation and for decision-taking as well as the dates and place of the Working Group meetings. At present, four weeks of Working Group meetings (two weeks in the second half of 2022 and two weeks in the first half of 2023) are scheduled to take place before the 56<sup>th</sup> session of the Commission in 2023 (see pp. 12-13 of the [advance copy](#) of the provisional agenda – A/CN.9/1083).

As distinguished delegates are aware, the Working Group remains committed to finalizing the Code of Conduct for Adjudicators and the associated Commentary for presentation to and consideration by the Commission at its 56<sup>th</sup> Session in 2023. In addition, I note that our [Work Plan](#) calls for the finalization and presentation to the Commission at that session of reforms related to ADR mechanisms and dispute prevention.

In light of the above, I intend report to the Commission that the Working Group intends to work during its formal sessions as follows:

<b>Second half of 2022 (2 weeks)</b>
<ol style="list-style-type: none"><li>1. Instructions to the Secretariat on:<ol style="list-style-type: none"><li>a. a multilateral instrument to implement ISDS reforms;</li><li>b. ISDS Procedural Rules Reforms (cross-cutting issues and damages); and</li><li>c. advisory centre.</li></ol></li><li>2. First reading of:<ol style="list-style-type: none"><li>a. provisions on the selection and appointment of ISDS tribunal members in a standing mechanism (continued from the 42<sup>nd</sup> session);</li><li>b. texts in the area of mediation and other forms of ADR.</li></ol></li><li>3. Second reading of the Code of Conduct for Adjudicators including commentary.</li></ol>

**First half of 2023 (2 weeks)**

1. First reading of:
  - a. texts in the area of ADR and dispute prevention; and
  - b. texts with respect to the creation of an appellate mechanism.
2. Second reading/finalization of:
  - a. the Code of Conduct for Adjudicators including commentary; and
  - b. texts in the area of ADR and dispute prevention.

Having conferred with the secretariat, I can confirm that the relevant working papers will be available for the respective sessions. In light of the next session scheduled for September 2022, the secretariat has reserved 7 to 10 June 2022 (4 days) for any informal consultations that might be necessary prior to the submission of the working papers. Information about informal meetings in the second half of 2022 would be provided once the Working Group dates are set by the Commission in July.

Please let me know if you have any comments.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Shane Spelliscy', with a period at the end.

Shane Spelliscy  
Chair  
UNCITRAL Working Group III