



Previous deliberations on the draft provisions on procedural and cross-cutting issues

1. At its forty-ninth session in September 2024, fiftieth session in January 2025 and fifty-first session (second part) in April 2025, the Working Group considered the draft provisions on procedural and cross-cutting issues (referred to as “DPs”) in [A/CN.9/WG.III/WP.244](#) and annotations thereto in [A/CN.9/WG.III/WP.245](#). At its forty-ninth session, the Working Group agreed that additional DPs on non-disputing Treaty Party submissions and joint interpretation would be developed ([A/CN.9/1196/Add.1](#), para. 67), which were presented at the fiftieth session as DP 21 and 22 in [A/CN.9/WG.III/WP.248](#).
2. At its forty-ninth session in September 2024, the Working Group considered DPs 10, 12 (paragraphs 6 and 8), 13 and 20.¹ At its fiftieth session in January 2025, the Working Group considered DPs 1–4.² At the fifty-first session in April 2025, the Working Group considered DPs 14–19.³
3. At the first part of the fiftieth session in January 2025, delegations were invited to submit written comments on DPs 5–9, 11, 12 (paragraphs 1 to 5 and 7), 21 and 22.⁴ At that session, it was agreed that the Chair, the Rapporteur and the secretariat would prepare a revised version of those provisions based on the comments received.⁵
4. At the second part of the fifty-first session in April 2025, the Working Group also agreed to reflect on the appropriate form of the DPs and the means of their implementation, including how they should interact with underlying investment agreements.⁶
5. For the fifty-second session in September 2025, the DPs were revised and presented in [A/CN.9/WG.III/WP.253](#) along with annotations in document [A/CN.9/WG.III/WP.254](#). For ease of reference, the original numbering of the DPs was retained. During that session, the Working Group considered DPs 5–8.⁷ Following the meeting, the revised text of draft provisions 5 to 8 reflecting the deliberations were prepared in document [A/CN.9/WG.III/WP.262](#).
6. At the ninth intersessional meeting of Working Group in Santiago in November 2025, DPs 12, 18, 19 and 20 were considered based on document [A/CN.9/WG.III/WP.253](#).⁸ Following the meeting, the Chair, the Rapporteur and the secretariat prepared the revised text of DPs 12, 18, 19 and 20 based on the discussions to facilitate the Working Group’s consideration. The revised text is contained in document [A/CN.9/WG.III/WP.262](#).

¹ [A/CN.9/1194](#), paras. 57–104.

² [A/CN.9/1195](#), paras. 23–69.

³ [A/CN.9/1196/Add.1](#), paras. 67–109.

⁴ See comments from delegations available at https://uncitral.un.org/en/working_groups/3/investor-state. See also the compilation of comments on [A/CN.9/WG.III/WP.244](#) available at https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/compilation_244_-_1_april.pdf and the compilation of comments on [A/CN.9/WG.III/WP.248](#) available at https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/compilation_of_comments_on_wp.248.pdf.

⁵ [A/CN.9/1195](#), para. 125 and [A/CN.9/1196/Add.1](#), para. 108.

⁶ [A/CN.9/1196/Add.1](#), para. 109.

⁷ [A/CN.9/1238](#), paras. 15–81.

⁸ More information about the meeting is available at <https://uncitral.un.org/en/content/ninth-inter-sessional-meeting>.

Summary table

DP	Most recent discussions	Latest draft
1	50 th session in January 2025	A/CN.9/WG.III/WP.253
2	50 th session in January 2025	A/CN.9/WG.III/WP.253
3	50 th session in January 2025	A/CN.9/WG.III/WP.253
4	50 th session in January 2025	A/CN.9/WG.III/WP.253
5	52 nd session in September 2025	A/CN.9/WG.III/WP.262
6	52 nd session in September 2025	A/CN.9/WG.III/WP.262
7	52 nd session in September 2025	A/CN.9/WG.III/WP.262
8	52 nd session in September 2025	A/CN.9/WG.III/WP.262
9	Revised based on written comments	A/CN.9/WG.III/WP.253
10	49 th session in September 2024	A/CN.9/WG.III/WP.253
11	Revised based on written comments	A/CN.9/WG.III/WP.253
12	49 th session in September 2024/Chile intersessional in November 2025	A/CN.9/WG.III/WP.262
13	49 th session in September 2024	A/CN.9/WG.III/WP.253
14	51 st session in April 2025	A/CN.9/WG.III/WP.253
15	51 st session in April 2025	A/CN.9/WG.III/WP.253
16	51 st session in April 2025	A/CN.9/WG.III/WP.253
17	51 st session in April 2025	A/CN.9/WG.III/WP.253
18	51 st session in April 2025/Chile intersessional in November 2025	A/CN.9/WG.III/WP.262
19	51 st session in April 2025/Chile intersessional in November 2025	A/CN.9/WG.III/WP.262
20	49 th session in September 2024/Chile intersessional in November 2025	A/CN.9/WG.III/WP.262
21	Revised based on written comments	A/CN.9/WG.III/WP.253
22	Revised based on written comments	A/CN.9/WG.III/WP.253

- Chapter III of document [A/CN.9/WG.III/WP.253](#) addressed further issues for consideration, including the form of the DPs and the means of their implementation.
- The draft guidelines on the calculation of damages and compensation in investor-State dispute settlement are available in document [A/CN.9/WG.III/WP.255](#).