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**Operationalization of the Advisory Centre on  
International Investment Dispute Resolution****Annotated provisional agenda****I. Introduction**

1. In 2024, the United Nations Commission on International Trade Law (“UNCITRAL” or the “Commission”) finalized and adopted in principle the Statute of the Advisory Centre on International Investment Dispute Resolution (the “Advisory Centre”).<sup>1</sup> The Statute, which consists of 16 articles, sets forth rules on the creation of the Advisory Centre, its objectives, general principles of operation, membership, governance structure, services, financing, legal status and liability and other related issues.<sup>2</sup>

2. Hereby UNCITRAL has adopted another key reform element, prepared by Working Group III, which had been mandated in 2017 to work on the reform of Investor-State Dispute Settlement (ISDS). This reform element fulfils the need for an institution to support developing and least developed countries (LDCs) in responding to investment claims.

3. In its deliberations, Working Group III identified the desirability of establishing the Advisory Centre as a means to address the urgent need to provide training, support and assistance with regard to international investment dispute resolution, in particular to least developed and developing countries, which could enhance the legitimacy of the international investment dispute resolution system more broadly, as well as enhance the capacity of such States and regional economic integration organizations (“REIOs”) to prevent and handle international investment disputes.

4. Working Group III conducted work on the draft statute of an advisory centre during its forty-third, forty-sixth, forty-seventh and forty-eighth sessions and approved the draft at its forty-eighth session in April 2024. The summary of the deliberations and the relevant working papers can be found at [https://uncitral.un.org/en/working\\_groups/3/investor-state](https://uncitral.un.org/en/working_groups/3/investor-state).

5. Upon adopting the Statute in principle, the Commission agreed that the operationalization of the Advisory Centre would require further preparatory work.<sup>3</sup>

6. The Commission agreed that the basis of the preparatory work should be the Statute and that the work could address issues such as: (a) ways to establish the Advisory Centre within the United Nations system based entirely on extrabudgetary resources; (b) criteria for determining the location of the headquarters and regional offices; (c) the anticipated budget based on potential membership and workload, and the need to ensure sustainable operations; (d) the amount of contributions by Members and methods of payment; (e) objective criteria for classifying States in the annexes; (f) thresholds of membership and contributions for the entry into force of the statute; and (g)

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<sup>1</sup> *Official Records of the General Assembly., Seventy-ninth Session, Supplement No. 17 (A/79/17)*, para.167.

<sup>2</sup> *Ibid.*, Annex III.

<sup>3</sup> *Ibid.*, para. 159.

decisions, rules and regulations to be adopted by the Governing Committee, including staff and financial regulations.<sup>4</sup>

7. The Commission also agreed that in order to facilitate the preparatory work, it would utilize an informal process involving all States and regional economic integration organizations. It was agreed that, as an informal process, no decisions should be made, and efforts should be made to maintain the transparency and inclusiveness of the process by ensuring remote participation and by making a summary of the informal discussions available.<sup>5</sup>

8. Noting that the Government of Thailand had expressed an interest in hosting a meeting on the operationalization of the Advisory Centre, the Commission decided to hold an informal meeting in Bangkok from 2 to 4 December 2024.<sup>6</sup> The secretariat was asked to consult with other Governments that had expressed an interest in hosting additional informal meetings on the operationalization of the Advisory Centre.<sup>7</sup>

9. The first meeting on the operationalization of the Advisory Centre (“AC-OP Meeting”) will serve as an informal forum to discuss key issues related to the establishment and functioning of the Advisory Centre.

10. The invitations to the first AC-OP Meeting were dispatched on 7 October 2024 to all member States of the United Nations via a note verbale to their permanent missions. Invitations were also sent to a number of relevant inter-governmental organizations. All States and REIOs are recommended to take part in the operationalization process.<sup>8</sup>

## II. Agenda items

11. The first AC-OP meeting will be held at Siam Kempinski Hotel (Bangkok, Thailand) from 2 to 4 December 2024. Meeting hours will be from 9:30-12:30 and 14:00-17:00 (UTC+7), except on Monday when the meeting will begin at 10:00.<sup>9</sup>

12. The meeting will be chaired by Ms. Vilawan Mangklatanakul, Mr. Shane Spelliscy and Ms. Natalie Yu-Lin Morris-Sharma.<sup>10</sup>

13. The meeting would focus on matters pertaining to: (1) ways to establish the Advisory Centre within the United Nations system; (2) criteria to determine the location of the headquarters and regional offices; and (3) classification of Members of the Advisory Centre.<sup>11</sup>

14. The following is the suggested scheduling of the discussions.

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<sup>4</sup> Ibid., para. 158.

<sup>5</sup> Ibid., para. 159.

<sup>6</sup> Ibid., para. 161.

<sup>7</sup> Ibid., para. 165.

<sup>8</sup> Ibid., para. 167.

<sup>9</sup> Information about the AC-OP meeting will be made available at <https://uncitral.un.org/en/content/first-advisory-centre-operationalization-meeting-bangkok-thailand-2%E2%80%934-december-2024>.

<sup>10</sup> Ibid., para. 167. The Commission agreed that the informal process should be led by the bureau of the Commission and the bureau of Working Group III. Ms. Vilawan Mangklatanakul is the chair of the Commission at its fifty-seventh session, Mr. Shane Spelliscy is the vice-chair of the Commission at its fifty-seventh session and chair of Working Group III and Ms. Natalie Yu-Lin Morris-Sharma is the rapporteur of Working Group III.

<sup>11</sup> Ibid., para. 162.

<b>2 December 2024 (Monday)</b>	
10:00	Welcome remarks and opening session
10:30-12:30	<b>Session I:</b> Ways to establish the Advisory Centre within the United Nations system based entirely on extrabudgetary resources (AC/OP/BD.2)
	Lunch & side event (The Advisory Centre: Perspectives from Practitioners) organized by Foley Hoag LLP (12:45-13:45) at Sarocha Room
14:00-16:00	<b>Session II:</b> Ways to establish the Advisory Centre within the United Nations system based entirely on extrabudgetary resources (continued.)
16:00-17:00	Presentations by Governments that had expressed an interest in hosting the headquarters or regional offices of the Advisory Centre
<b>3 December 2024 (Tuesday)</b>	
9:30-12:30	<b>Session III:</b> Criteria to determine the location of the headquarters and regional offices (AC/OP/BD.4)
	Lunch
14:00-17:00	<b>Session IV:</b> Objective criteria to classify the States in the Annexes to the Statute of the Advisory Centre of International Investment Dispute Resolution (AC/OP/BD.3)
17:10-19:00	Reception hosted by Thailand
<b>4 December 2024 (Wednesday)</b>	
9:30-12:30	<b>Session V:</b> Other operationalization issues of the Advisory Centre as stipulated in the report of the 57 <sup>th</sup> UNCITRAL (A/79/17), para. 158, including the sample budget of the Advisory Centre (AC/OP/BD.5)
	Lunch
14:00-17:00	<b>Session VI:</b> Next steps and other business Closing Session

15. The meeting will be held in hybrid format with interactive virtual participation available. Simultaneous interpretation between English and French will also be provided. Partial travel support was provided to limited number of participants from developing countries.<sup>12</sup>

#### ***Background documentation***

16. The Commission requested the secretariat to provide support for the preparatory support work and the informal process, including the preparation of informal documents.<sup>13</sup> Accordingly, the secretariat prepared the following documentations to facilitate the discussions on the operationalization of the Advisory Centre and do not pertain to reflect the views of the secretariat.

- AC/OP/BD.1 Annotated Provisional agenda
- AC/OP/BD.2 Ways to establish the Advisory Centre within the United Nations system

<sup>12</sup> Ibid., para.164.

<sup>13</sup> Ibid.

- AC/OP/BD.3 Classification of Members
- AC/OP/BD.4 Criteria to determine the location of the headquarters and regional offices
- AC/OP/BD.5 Budget and financing of an advisory centre – A sample

17. States and REIOs may wish to submit additional documents for consideration at the meeting. They will be made available on the dedicated webpage.

***Summary of the meeting***

18. The summary of the AC-OP meeting will be presented to the Commission at its fifty-eighth session in 2025.<sup>14</sup> In addition, the results of the meeting will be reported to Working Group III at its fifty-first session for discussion and the exchange of views. The discussions at Working Group will be summarized in its report of the session and presented to the Commission.<sup>15</sup>

***Future meetings***

19. During the forty-ninth session of Working Group III, the Government of Armenia proposed to host the second AC-OP meeting in Yerevan in the first half of 2025.<sup>16</sup> The secretariat is closely coordinating with the Government of Armenia to organize the meeting, which is tentatively scheduled to take place from 6 to 8 May 2025.<sup>17</sup>

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<sup>14</sup> Ibid., para.163.

<sup>15</sup> Ibid., para.165.

<sup>16</sup> A/CN.9/1194, para. 127.

<sup>17</sup> Ibid., para. 165.