

Operationalization of the Advisory Centre on International Investment Dispute Resolution

The location of the headquarters of the Advisory Centre and regional offices

I. Introduction

1. This document sets forth factors to consider when determining the location of the headquarters of the Advisory Centre as well as any regional offices.
2. Article 9 of the Statute of the Advisory Centre addresses this issue.

Article 9 - Legal status and liability

1. ...
 2. *The Advisory Centre shall be headquartered in [to be determined]. The Advisory Centre shall conclude a host country agreement with [host State/Government to be determined]. The Governing Committee may decide to relocate the headquarters, either temporarily or permanently, in the event that exceptional circumstances so significantly impact the operational effectiveness of the headquarters that the existing location is no longer suitable.*
 3. *The Governing Committee may decide to establish regional offices of the Advisory Centre.*
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3. Article 9(2) of the Statute foresees that the location of the headquarters would be specified and further provides that the host State would conclude a host country agreement with the Advisory Centre, addressing, among others, privileges and immunities. Article 9(3) provides that the Governing Committee may decide to establish regional offices of the Advisory Centre and therefore, the location(s) of these offices do not need to be specified in the Statute itself.

4. During the first AC-OP Meeting, discussions were held on the criteria to determine the location of the headquarters and/or regional offices of the Advisory Centre based on document [AC/OP/BD.4](#). Among others, the following factors were discussed: (i) support from the host State/Government; (ii) a stable environment; (iii) accessibility; (iv) proximity to dispute resolution venues; (v) geographic distribution of international organizations; (vi) attractiveness to qualified workforce; (vii) number of ISDS claims in a region; and (viii) cooperation and coordination with other organizations and relevant stakeholders ([A/CN.9/WG.III/WP.251](#), paras. 15-19).¹ Views diverged on the weight to be accorded to each factor.²

5. After discussion, the secretariat was requested to remove (vii); and rearrange the list of factors to determine the location of the headquarters and regional offices based on the deliberations. It was observed that the objectives of the Advisory Centre and the general principles outlined in articles 2 and 3 of the Statute should guide such work.³ Accordingly, the following lists the factors to determine the location of the headquarters and regional offices as rearranged. The weight to be given to each factor could be the subject of discussion.

¹ [A/CN.9/WG.III/WP.251](#), paras. 15-19.

² *Ibid.*, para. 14.

³ *Ibid.*, para. 20.

II. Factors to consider in determining the location of the headquarters and regional offices

A. Headquarters

Support from the host State/Government

6. The support to be provided by the host State or Government should be a factor to consider, including its willingness to contribute financially to the sustainable operation of the Advisory Centre, to provide premises and other infrastructure for the headquarters and to establish legal frameworks that would facilitate the operation of the Advisory Centre, including by concluding a host country agreement.⁴

Stable environment

7. The headquarters should be located in a State that could guarantee a stable environment for the operation of the Advisory Centre. This would require, among others, political stability to avoid disruptions in its operation, in particular, its financial operation. This would also ensure long-term planning.

Accessibility and affordability

8. The location of the headquarters should be easily accessible with good connectivity. This would allow Members to have more access to the Advisory Centre and its services, which is essential for the Centre's effective operation and engagement. The proximity to potential dispute resolution venues, law firms and experts and administrative services (such as interpretation and technical infrastructure) should be considered.⁵ These would ensure that the operation of the Advisory Centre remains cost effective and affordable.

9. Article 2(2) of the Statute foresees that least developed and developing countries would be given priority as beneficiaries. The services of the Advisory Centre should be accessible to such beneficiaries, both in the geographical and economic sense. Proximity to the beneficiaries would facilitate more frequent and effective communication, particularly when providing representation services. However, with the advancements in communication tools, physical proximity may become less critical.

Geographic distribution

10. Locating the headquarters of the Advisory Centre in a developing country would ensure a better distribution of international organizations in different parts of the world. This may also align with the broader agenda of the Sustainable Development Goals by fostering inclusiveness, reducing global inequalities and promoting stronger international institutions.⁶

Attractiveness to a qualified workforce

11. The quality of the services provided would determine the success of the Advisory Centre and that quality would largely depend on its staff members. The location of the headquarters should be conducive to attracting qualified staff members with the necessary skills and expertise including language qualifications.⁷ The quality of life and the cost of living should all be taken into account.

Cooperation and coordination

12. The location of the headquarters should allow for close cooperation with relevant international and regional organizations, as envisaged in article 3(3) of the Statute.

⁴ Ibid., para. 15.

⁵ Ibid., para. 16.

⁶ Ibid., para. 17.

⁷ Ibid.

B. Regional offices

13. Regional offices could enhance the accessibility of the Advisory Centre and further facilitate effective collaboration and communication among diverse stakeholders. Regional offices could address regional specificities and foster inclusiveness in the Advisory Centre's operations, ultimately leading to a balanced and equitable distribution of services across the globe.⁸

14. Accordingly, the factors listed in chapter II with regard to the location of the headquarters are pertinent in determining the location of any regional office. An additional factor to consider is the resource implications of establishing a regional office, which would need to be assessed against the benefits outlined above.

C. Holistic approach

15. A holistic approach should be adopted when determining the headquarters and regional offices of the Advisory Centre, taking into account the above-mentioned factors.⁹ This is because it would be difficult for one location to meet all of the above-mentioned factors.

III. Indication of interest by Governments to host the Advisory Centre

16. As of 7 April 2025, the following Governments have expressed an interest in hosting the headquarters or the regional office of the Advisory Centre: Armenia, Cote d'Ivoire, Democratic Republic of Congo, Egypt, France, Ghana, Paraguay and Thailand.¹⁰

17. Calls were made that other Governments wishing to host the headquarters or regional office should express their interest as soon as possible. Similarly, calls were made for Governments that have expressed such interest to provide additional information on the support they could provide in hosting the Advisory Centre, including financial and in-kind support (for example, premises, information and communications technology equipment, furniture and office supplies).

IV. Way forward

18. As to the process, the Meeting may wish to recommend to the Commission that:

- A final call be made to Governments to express an interest in hosting the headquarters or regional office of the Advisory Centre possibly by mid-October 2025 (at the latest by mid-October when the Sixth Committee of the General Assembly will discuss the UNCITRAL annual report);
- All Governments that expressed such an interest, including those that have already done so, to submit a detailed proposal to the UNCITRAL secretariat outlining how each of the factors listed in chapters II and III are met in English, French and Spanish, possibly by late November 2025;
- All Governments make a presentation at the third or subsequent AC-OP meeting, which should be recorded for possible viewing thereafter; and
- It encourages all Government that expressed an interest to work closely and consult with each other to identify suitable location(s) and possibly make joint proposals, which would allow the Commission to make a timely and informed decision by consensus, possibly at its session in 2026.

⁸ Ibid., para. 19.

⁹ Ibid.

¹⁰ The presentations made by Governments during the first AC-OP meeting are available at <https://uncitral.un.org/en/content/first-advisory-centreoperationalization-meeting-bangkok-thailand-2%E2%80%9334-december-2024>.

19. It should be noted that whether the Statute could be finalized by the Commission in 2026 would depend on whether it could finalize other pending operationalization issues at that session.

20. It is currently envisaged that the Statute would be presented to the General Assembly for its adoption as a protocol to the multilateral instrument on investor-State dispute settlement reform (MIIR),¹¹ which might not be ready for adoption in 2026. Accordingly, the possibility of presenting the Statute for adoption by the General Assembly with the assumption that it would become a protocol to the MIIR when the MIIR is eventually presented to the General Assembly could be sought. Considering that only the location of the headquarters is to be indicated in the Statute, the General Assembly resolution adopting the Statute could include a recommendation to the Governing Committee of the Advisory Centre to decide to establish regional office(s), either indicating the locations thereof or factors to be considered in making that determination.

¹¹ See [A/CN.9/WG.III/WP.246](#), Draft multilateral instrument on ISDS reform, article 2.