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Status of work

UNCITRAL Working Group III (ISDS reform)

Disclaimer: These slides are to provide information to delegates as the 39th session of the Working Group scheduled for 30 March to 3 April at UN Headquarters in New York was postponed.

* Information accurate as of 14 May 2020

Moving forward



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- Status of preparatory work on reform options
- Inter-sessional meetings and webinars
- 39th session of the Working Group (5-9 October 2020, Vienna, tentative)
- Information on the date and place for the Commission session will be updated on the UNCITRAL website

Reform options originally scheduled for discussion in spring 2020



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Shareholder claims
and reflective loss
(WP.170)

Dispute prevention
and mitigation
(WP.190)

Treaty
interpretation
(WP.191)

Security for costs &
frivolous claims
(WP.192)

Multiple
proceedings and
counter-claims
(WP.193)

Multilateral
instrument on ISDS
reform (WP.194)

Update on reform options considered by the Working Group at its previous sessions



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Advisory centre

- Questionnaire circulated (deadline for responses: 15 June 2020) – available at <https://www.surveymonkey.com/r/3BWMNFJ>
- Secretariat note under preparation (to be issued in final form in fall 2020)
- Webinar recording and documents available at <https://uncitral.un.org/en/advisorycentrewebinar>

Code of conduct

- Draft code of conduct prepared jointly with ICSID
- First draft available for comments at <https://uncitral.un.org/en/codeofconduct>
- Secretariat note to be issued in final form in fall 2020
- Regional presentations by ICSID and UNCITRAL Secretariats (TBC)

Third-party funding

- Draft provisions under preparation, to be available on the UNICTRAL website for comments in summer 2020
- Secretariat note to be issued in final form in fall 2020

Appellate mechanism, including enforcement

- Draft note to be available on the UNCITRAL website for comments in summer 2020
- Secretariat note to be issued in final form in fall 2020

Selection and appointment of ISDS tribunal members

- Draft note to be available on the UNICTRAL website for comments in summer 2020
- Secretariat note to be issued in final form in fall 2020

Other reform options – not yet scheduled



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Damages

- Secretariat note under preparation in cooperation with the ICCA and the Academic Forum

Financing of a standing body

- Secretariat note under preparation

Past events since the resumed 38th session



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Topic	Format	Date	Webpage
Advisory centre	Webinar	21 April 2020	https://uncitral.un.org/en/advisorycentrewebinar
Multilateral instrument on ISDS reform - I	Webinar	23 April 2020	https://uncitral.un.org/en/multilateralinstrumentwebinar

Upcoming events



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Topic	Format	Date/ location
Multilateral instrument on ISDS reform - II	Webinar (follow-up to the webinar on 23 April 2020)	14 May 2020, 2-4pm (CEST) Additional information available here . For access details, please e-mail uncitral@un.org .
Treaty Parties' involvement and control mechanisms on treaty interpretation	Webinar	4 June 2020 (tentative)
Mediation- Strengthening ADR	Webinar	18 June 2020 (tentative)
Shareholder claims and reflective loss	Webinar with OECD	2-3 July 2020 (tentative)
Progress report of WG III & Request for additional resources for WG III	Commission session	See website for information on date and place
Third-party funding	Webinar	September 2020 (tentative)
TBD	Inter-sessional meeting	7-8 September 2020 (tentative)/ Proposal by Peru to be confirmed
See agenda of the 39th session	Working Group session	5-9 October 2020/Vienna
Investment mediation and dispute prevention	Inter-sessional meeting	9-10 November 2020 (tentative)/Hong Kong, China
Multilateral instrument on ISDS reform	Inter-sessional meeting	Dates to be confirmed/ Proposal by Australia to be confirmed