



General Assembly

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United Nations Commission on International Trade Law Working Group III (Investor-State Dispute Settlement Reform)

Fifty-first session

New York, 17–19 February and 7–11 April 2025

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Possible reform of investor-State dispute settlement (ISDS).
5. Other business.
6. Adoption of the report.

II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Afghanistan (2028), Algeria (2025), Argentina (2028), Armenia (2028), Australia (2028), Austria (2028), Belarus (2028), Belgium (2025), Brazil (2028), Bulgaria (2028), Cameroon (2025), Canada (2025), Chile (2028), China (2025), Colombia (2028), Côte d'Ivoire (2025), Croatia (2025), Czechia (2028), Democratic Republic of the Congo (2028), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Greece (2028), Honduras (2025), Hungary (2025), India (2028), Indonesia (2025), Iran (Islamic Republic of) (2028), Iraq (2028), Israel (2028), Italy (2028), Japan (2025), Kenya (2028), Kuwait (2028), Malawi (2028), Malaysia (2025), Mali (2025), Mauritius (2028), Mexico (2025), Morocco (2028), Nigeria (2028), Panama (2028), Peru (2025), Poland (2028), Republic of Korea (2025), Russian Federation (2025), Saudi Arabia (2028), Singapore (2025), Somalia (2028), South Africa (2025), Spain (2028), Switzerland (2025), Thailand (2028), Türkiye (2028), Turkmenistan (2028), Uganda (2028), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2028), Venezuela (Bolivarian Republic of) (2028), Viet Nam (2025) and Zimbabwe (2025).

2. States not members of the Commission and international governmental organizations may attend the session as observers and participate in the deliberations.



In addition, invited international non-governmental organizations may attend the session as observers and represent the views of their organizations on matters where the organization concerned has expertise or international experience so as to facilitate the deliberations at the session.

III. Annotations to agenda items

Item 1. Opening of the session

3. The fifty-first session of the Working Group will be held in person at the United Nations Headquarters in New York in two parts, the first part from 17 to 19 February 2025 and the second part from 7 to 11 April 2025. Meeting hours will be from 10 a.m. to 1 p.m. and from 3 to 6 p.m., except on Mondays (17 February 2025 and 7 April 2025), when the session will open at 10.30 a.m.

Item 2. Election of officers

4. In accordance with its practice, the Working Group may wish to elect a Chairperson and a Rapporteur.

Item 4. Possible reform of investor-State dispute settlement (ISDS)

5. At its fiftieth session in 2017, the Commission entrusted Working Group III with a broad mandate to work on the possible reform of investor-State dispute settlement (ISDS). It also agreed that in line with the UNCITRAL process, the Working Group would, in discharging that mandate, ensure that the deliberations, while benefiting from the widest possible breadth of available expertise from all stakeholders, would be Government-led with high-level input from all Governments, consensus-based and fully transparent. The Working Group would proceed to: first, identify and consider concerns regarding ISDS; second, consider whether reform was desirable in light of any identified concerns; and third, if the Working Group were to conclude that reform was desirable, develop any relevant solutions to be recommended to the Commission. The Commission agreed that broad discretion should be left to the Working Group in discharging its mandate, and that any solutions devised would be designed taking into account the ongoing work of relevant international organizations and with a view to allowing each State the choice of whether and to what extent it wishes to adopt the relevant solution(s).¹

6. From its thirty-fourth to thirty-seventh sessions, the Working Group identified and discussed concerns regarding ISDS and considered that reform was desirable in light of the identified concerns.² From its thirty-eighth to forty-ninth sessions, the Working Group considered concrete elements for ISDS reform.³

7. At its fiftieth session in January 2025, the Working Group is expected to continue its consideration of: (a) the draft provisions on procedural and cross-cutting issues in documents [A/CN.9/WG.III/WP.244](#), [A/CN.9/WG.III/WP.245](#) and [A/CN.9/WG.III/WP.248](#); (b) the draft statute of a standing mechanism for the resolution of international investment disputes in documents [A/CN.9/WG.III/WP.239](#) and [A/CN.9/WG.III/WP.240](#); and (c) the resources available to the Working Group

¹ *Official Records of the General Assembly, Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 264.

² The deliberations and decisions of the Working Group at its thirty-fourth to thirty-seventh sessions are set out in documents [A/CN.9/930/Rev.1](#); [A/CN.9/930/Rev.1/Add.1](#); [A/CN.9/935](#); [A/CN.9/964](#); and [A/CN.9/970](#), respectively.

³ The deliberations and decisions of the Working Group at its thirty-eighth to forty-ninth sessions are set out in documents [A/CN.9/1004](#); [A/CN.9/1004/Add.1](#); [A/CN.9/1044](#); [A/CN.9/1050](#); [A/CN.9/1054](#); [A/CN.9/1086](#); [A/CN.9/1092](#); [A/CN.9/1124](#); [A/CN.9/1130](#); [A/CN.9/1131](#); [A/CN.9/1160](#); [A/CN.9/1161](#); [A/CN.9/1167](#) and [A/CN.9/1194](#).

and whether to recommend the extension of additional resources based on document [A/CN.9/WG.III/WP.248](#).⁴

Reform elements and documentation

8. During the **first part** of the session, the summary of the first meeting on the operationalization of the Advisory Centre on International Investment Dispute Resolution (Bangkok, 2–4 December 2024, [A/CN.9/WG.III/WP.251](#)) will be presented for discussion and exchange of views.⁵ The Working Group is not expected to take any decisions on that summary.⁶ The Working Group will continue its consideration of a draft multilateral instrument on ISDS reform contained in document [A/CN.9/WG.III/WP.246](#) ([A/CN.9/1194](#), paras. 105–121). To facilitate the deliberations, delegations are encouraged to submit written comments on documents [A/CN.9/WG.III/WP.246](#) and [A/CN.9/WG.III/WP.251](#) by 7 February 2025, which will be posted on the Working Group web page in the language received.

9. During the **second part** of the session, the Working Group is expected to continue its consideration of: (a) a draft statute of a standing mechanism for the resolution of international investment disputes; (b) the draft provisions on procedural and cross-cutting issues; and (c) if necessary, the resources available to the Working Group and whether to recommend the extension of additional resources. The detailed agenda would largely depend on the progress made at the fiftieth session (see para. 7 above) and the first part of the fifty-first session. The documents for deliberation will be made available on the Working Group web page in due course.

10. UNCITRAL documents are posted on the UNCITRAL website upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents by accessing the Working Group web page (https://uncitral.un.org/working_groups/3/investor-state).

Item 5. Other business

11. At the forty-ninth session in September 2024, the Working Group welcomed the proposal of the Government of Chile to host the ninth intersessional meeting in Santiago in the second half of 2025. The Working Group may wish to consider the topics to be discussed at that meeting in light of the progress made at the session.

12. The Working Group may also wish to note that the second meeting on the operationalization of the Advisory Centre on International Investment Dispute Resolution will be held in Yerevan, Armenia from 6 to 8 May 2025.

Item 6. Adoption of the report

13. The Commission, at its fifty-fifth session in 2022, decided that the Working Group could use the last meeting of its sessions for substantive deliberations, rather than for the adoption of the report, and continue the practice of adopting the report by a written procedure. Accordingly, the Chairperson and the Rapporteur will prepare a summary reflecting the deliberations and any conclusions reached during the session, which will be circulated during or after the session for comments by delegations. Based on the comments received, a revised summary will be prepared and circulated for adoption by the Working Group as its report for submission to the fifty-eighth session of the Commission in 2025. In case there are objections, it may be presented as the summary of the Chairperson and the Rapporteur for consideration

⁴ This is the proposed agenda at the time this Note was submitted (16 December 2024). The deliberations and decisions of the Working Group at its fiftieth session will be set out in document [A/CN.9/1195](#).

⁵ *Official Records of the General Assembly, Seventy-ninth Session, Supplement No. 17 (A/79/17)*, para. 163.

⁶ *Ibid.*

and action by the Commission as it deems appropriate or may be adopted by the Working Group as its report at the following session.⁷

⁷ Ibid., *Seventy-seventh Session, Supplement No. 17 (A/77/17)*, para. 236.