



General Assembly

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**United Nations Commission on
International Trade Law
Working Group III (Investor-State Dispute
Settlement Reform)
Forty-ninth session
Vienna, 23–27 September 2024**

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 forty-ninth session of the Working Group will be held in Vienna from 23 to 27 September 2024 at the Vienna International Centre. Meeting hours will be from 9.30 a.m. to 12.30 p.m. and from 2 to 5 p.m., except on Monday, 23 September 2024, when the session will be opened at 10 a.m.

Item 2. Election of officers

4. In accordance with its practice, the Working Group may wish to elect a Chair 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 session, 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-eighth session, the Working Group considered concrete elements for ISDS reform.³

7. At its forty-seventh session in January 2024, the Working Group considered how to advance its work on the draft provisions on procedural and cross cutting issues contained in documents [A/CN.9/WG.III/WP.231](#) and [A/CN.9/WG.III/WP.232](#) ([A/CN.9/1161](#), paras. 113–116). At its forty-eighth session in April 2024, the Working Group discussed the draft statute of a standing mechanism and its annotations contained in documents [A/CN.9/WG.III/WP.239](#) and [A/CN.9/WG.III/WP.240](#) ([A/CN.9/1167](#), paras. 84–112).

8. The Commission, at its fifty-seventh session in 2024, finalized and adopted in principle the Statute of the Advisory Centre on International Investment Dispute

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-eighth 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](#) and [A/CN.9/1167](#).

Resolution.⁴ It also took note of the draft toolkit on prevention and mitigation of international investment disputes prepared by the Working Group and provided guidance on the way forward. The Commission requested the Working Group to continue its work in an effective manner and encouraged it to present other reform elements for its consideration in 2025.

Reform elements and documentation

9. The Working Group is expected to continue its deliberations of the draft statute of a standing mechanism for the resolution of international investment disputes and further consider the procedural and cross-cutting issues as well as a multilateral instrument on ISDS reform (A/CN.9/1167, para. 116). The detailed scheduling of the session will be provided in advance of the session.

10. The deliberations will be based on the following documents:

- A/CN.9/WG.III/WP.239 and A/CN.9/WG.III/WP.240 – Draft statute of a standing mechanism for the resolution of international investment disputes and annotations thereto;
- A/CN.9/WG.III/WP.244 and A/CN.9/WG.III/WP.245 – Draft provisions on procedural and cross-cutting issues and annotations thereto; and
- A/CN.9/WG.III/WP.246 – Draft multilateral instrument on ISDS reform.

11. The Working Group will also have before it:

- A/CN.9/WG.III/WP.241 – Submission from the Government of Switzerland with regard to the draft statute of a standing mechanism.

12. 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 III web page.

Item 5. Other business

13. At the forty-eighth session in April 2024, the Working Group welcomed the proposal of the Government of China to host the eighth intersessional meeting in Chengdu on 24 and 25 October 2024 on an appellate mechanism and a multilateral instrument on ISDS reform. The Working Group may wish to consider the topics to be discussed at that meeting in light of the progress made at the session.

Item 6. Adoption of the report

14. 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 Chair 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 Chair and the Rapporteur for consideration and action by the Commission as it deems appropriate or may be adopted by the Working Group as its report at the following session.⁵

⁴ *Official Records of the General Assembly, Seventy-eighth Session, Supplement No. 17 (A/79/17) (forthcoming)*. This paragraph summarizes the anticipated conclusions of the Commission at the date of submission of this document (24 June 2024).

⁵ *Official Records of the General Assembly, Seventy-seventh session, Supplement No. 17 (A/77/17)*, para. 236.