



General Assembly

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**United Nations Commission on
International Trade Law
Working Group III (Investor-State Dispute
Settlement Reform)
Fortieth session (resumed)
Vienna, Online, 4-5 May 2021**

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session.
2. Adoption of the agenda.
3. Work plan to implement investor-State dispute settlement (ISDS) reform and resource requirements.

II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Algeria (2025), Argentina (2022), Australia (2022), Austria (2022), Belarus (2022), Belgium (2025), Brazil (2022), Burundi (2022), Cameroon (2025), Canada (2025), Chile (2022), China (2025), Colombia (2022), Côte d'Ivoire (2025), Croatia (2025), Czechia (2022), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Honduras (2025), Hungary (2025), India (2022), Indonesia (2025), Iran (Islamic Republic of) (2022), Israel (2022), Italy (2022), Japan (2025), Kenya (2022), Lebanon (2022), Lesotho (2022), Libya (2022), Malaysia (2025), Mali (2025), Mauritius (2022), Mexico (2025), Nigeria (2022), Pakistan (2022), Peru (2025), Philippines (2022), Poland (2022), Republic of Korea (2025), Romania (2022), Russian Federation (2025), Singapore (2025), South Africa (2025), Spain (2022), Sri Lanka (2022), Switzerland (2025), Thailand (2022), Turkey (2022), Uganda (2022), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2022), Venezuela (Bolivarian Republic of) (2022), 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 resumed fortieth session of the Working Group will be held on 4 and 5 May 2021 at the Vienna International Centre, with the arrangements put in place to allow both in-person and online participation. Meeting hours and other arrangements for the session will be announced on the web page of Working Group III.

Item 3. Possible reform of investor-State dispute settlement (ISDS)

(a) Previous deliberations

4. At its thirty-seventh session in April 2019, the Working Group had considered a number of proposals for a workplan and had agreed to discuss, elaborate, and develop multiple potential reform solutions simultaneously. The Working Group had further agreed that a project schedule should be prepared to move the proposed solutions forward in parallel, to the maximum extent of the Working Group's capacity and in light of the tools available (A/CN.9/970, para. 81). Accordingly, a project schedule was agreed by the Working Group at its thirty-eighth session in October 2019 (A/CN.9/1004*, paras. 25 and 27). During the deliberations, the Working Group considered different means outlined in document A/CN.9/WG.III/WP.158 to implement the project schedule.

5. At its fifty-third session, the Commission considered the resource requirements for the implementation of the work programme of the Working Group based on a note by the Secretariat (A/CN.9/1011).¹ Due to the limited time available at that session and divergence in views, the Commission was not able to come to a consensus on a proposed way forward and agreed that the topic would be considered at its next session in 2021. In the meantime, the Commission encouraged the Working Group to continue to make progress on its mandate.²

6. Accordingly, at its thirty-ninth session in October 2020, the Working Group agreed on the process to develop a work and resourcing plan to support its work (A/CN.9/1044, para. 113).

(b) Documentation

7. At its resumed fortieth session, the Working Group is expected to consider the draft work and resourcing plan based on the following document available on the UNCITRAL website (background documents are no longer available at Working Group sessions in printed form):

- Document A/CN.9/WG.III/WP.206 (Work plan to implement ISDS reform and resource requirements).

8. The Working Group may also wish to make reference to the following background documents also available on the UNCITRAL website:

- Reports of the United Nations Commission on International Trade Law on the work of its forty-eighth session (*Official Records of the General Assembly, Seventieth Session, Supplement No. 17 (A/70/17)*); forty-ninth session (*Official Records of the General Assembly, Seventy-first Session, Supplement No. 17 (A/71/17)*); fiftieth session (*Official Records of the General Assembly, Seventy-second Session, Supplement No. 17 (A/72/17)*); fifty-first session (*Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*); and fifty-second session (*Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17 (A/74/17)*);

¹ *Official Records of the General Assembly, Seventy-fifth Session, Supplement No. 17 (A/75/17)*, Part two, paras. 102-118.

² *Ibid.*, para. 119.

- Report of the Working Group on the work of its thirty-fourth session ([A/CN.9/930/Rev.1](#) and [A/CN.9/930/Add.1/Rev.1](#)); thirty-fifth session ([A/CN.9/935](#)); thirty-sixth session ([A/CN.9/964](#)); thirty-seventh session ([A/CN.9/970](#)); thirty-eighth session ([A/CN.9/1004](#)); resumed thirty-eighth session ([A/CN.9/1004/Add.1](#)); thirty-ninth session ([A/CN.9/1044](#)); and fortieth session ([A/CN.9/1050](#)).
- Note by the Secretariat on the reform options ([A/CN.9/WG.III/WP.166](#) and its addendum).

9. 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 page.

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