Investor-State Dispute Settlement (ISDS) Reform
WHAT IS UNCITRAL?

Inter-governmental body with universal membership
The core legal body of the UN system in the field of private international trade law

Established by the United Nations General Assembly (Resolution 2205 (XXI) of
17 December 1966

UNCITRAL’s mandate
modernization
harmonization

of international trade law
UNCITRAL Transparency Standards

UNCITRAL RULES ON TRANSPARENCY IN TREATY-BASED INVESTOR-STATE ARBITRATION

Into effect since 1 April 2014

UNCITRAL Arbitration Rules: New Art. 1(4)

A set of stand-alone procedural rules
UNITED NATIONS CONVENTION ON TRANSPARENCY IN TREATY-BASED INVESTOR-STATE ARBITRATION (NEW YORK, 2014) (THE "MAURITIUS CONVENTION ON TRANSPARENCY")

The Convention supplements all existing investment treaties with respect to transparency-related obligations.

Reservations:
- Specific investment treaty
- Specific set of arbitral rules other than UNCITRAL

The applicability of the UNCITRAL Arbitration Rules is not relevant.
Mandate of Working Group III (2017)

“The Commission entrusted Working Group III with a broad mandate to work on the possible reform of investor-State dispute settlement (ISDS). In line with the UNCITRAL process, Working Group III 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 be fully transparent.
Mandate of Working Group III (2017)

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. (...)"
Available documentation

UNCITRAL

United Nations Commission on International Trade Law

Working Group III

2017 to present: Investor-State Dispute Settlement Reform

Sound recordings of meetings

Schedule of next meeting:

34th session, 27 November - 1 December 2017, Vienna
Sessions of Working Group III
Vienna, 27 November – 1 December 2017
New York, 23 – 27 April 2018

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