



General Assembly

Distr.: General
29 July 2020

Original: English

**United Nations Commission on
International Trade Law**
Resumed Fifty-third session
14–18 September 2020

Work programme

**Submission by Austria, Belgium, Bulgaria, France,
Germany, Ghana, Italy, Mauritius, the Netherlands, Poland,
Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland
and the European Union**

Note by the Secretariat

The governments of Austria, Belgium, Bulgaria, France, Germany, Ghana, Italy, Mauritius, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland as well as the European Union submitted a proposal with regard to the resources to implement the work programme with respect to investor-State dispute settlement (ISDS) reform for consideration by the Commission at its resumed fifty-third session. The submission was received by the Secretariat on 29 July 2020. The text received by the Secretariat is reproduced as an annex to this note in the form in which it was received.



Annex

Submission by Austria, Belgium, Bulgaria, France, Germany, Ghana, Italy, Mauritius, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the European Union

UNCITRAL Working Group III has been making steady progress in its work on investor state dispute settlement reform. It has already progressed through phases 1 and 2 of its mandate and is now in phase 3: the development of reform options and the legal instruments to make them effective. This represents the first effort at multilateral reform of investor state dispute settlement since the system was created in the 1960s. It consequently is attributed significant importance by governments throughout the world with developing countries being particularly active.

Document [A/CN.9/1011](#) of 6 May 2020 provides projections for how long the work in the Working Group III could take based on the proposals for reform already tabled by participants in Working Group III. The Secretariat estimates that on the basis of the current resources allocated to Working Group III that the work would only be finished in 2031.

Without necessarily agreeing as to the specific form that any reform developed should take, the sponsors of this submission request first, that the Commission agree to discuss this important matter during the second part of the fifty-third session taking place from 14 to 18 September 2020, second, that the Commission meeting of 2023 is set as the target date for completion of the work on ISDS reform and third, that the Commission requests the General Assembly to allocate the necessary additional resources to UNCITRAL Working Group III. In that context, it is suggested that Working Group III be allocated an additional 4 weeks of conference time for the years 2021, 2022 and 2023 and that any necessary other resources (document and UNCITRAL Secretariat resources) be granted to ensure that the meetings of the Working Group are effectively serviced.

It is noted that it is for Working Group III and the Commission to decide how best to allocate any additional conference time. In so doing, the aim should be to ensure sufficient flexibility to ensure maximum participation and thus ensure that all States can meaningfully contribute to the reform work.

It is also noted that by dedicating expanded conference time and increased resources to Working Group III for this time-limited period there will be no impact on the work of other UNCITRAL Working Groups, the conference time allocated to them and other resources made available for them.
