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United Nations Commission on International Trade Law

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Summary record (partial)* of the 1223rd meeting

Held at Headquarters, New York, on Friday, 5 July 2024, at 3 p.m.

Chair: Mr. Spellissey (Vice-Chair) (Canada)

Contents

Agenda item 10: Consideration of texts prepared in the context of investor-State dispute settlement reform (*continued*)

- (b) Consideration of the draft toolkit on prevention and mitigation of international investment disputes

* No summary record was prepared for the rest of the meeting.

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In the absence of Ms. Mangklatanakul (Thailand), Mr. Spelliscy (Canada), Vice-Chair, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 10: Consideration of texts prepared in the context of investor-State dispute settlement reform (continued)

(b) Consideration of the draft toolkit on prevention and mitigation of international investment disputes (A/CN.9/1185)

The Chair invited the Commission to consider the draft toolkit on prevention and mitigation of international investment disputes, contained in document [A/CN.9/1185](#), with a view to taking note of the progress made so far and providing further guidance as necessary.

Mr. Lee (Secretariat) said that it had been difficult for the secretariat to verify that the information it had found and included in the toolkit was accurate and up to date. In that connection, he drew attention to paragraph 4 of document [A/CN.9/1185](#), in which it was suggested that the Commission might wish to call on all States and other organizations to share information on existing practices for inclusion in the draft toolkit and to verify the correctness of information contained therein (including sources of reference).

The Chair suggested that the Commission also take note of the current status of work on the draft toolkit. Regarding the future of the work, he suggested that the Commission call upon States and organizations to share further relevant information with the secretariat, and that it request the secretariat to circulate the draft toolkit for written comments and feedback from States, with a view to ensuring that it was a descriptive document, rather than a prescriptive one. He also suggested that the Commission request the secretariat to provide updates on the progress made.

Ms. Kizer (United States of America) said that her delegation welcomed the fact that the draft guidelines on prevention and mitigation of international investment disputes now took the form of a toolkit. Further editing would be required to ensure that the document was truly descriptive, rather than prescriptive, and to ensure that words such as “dispute”, “grievance” and “claim” were used properly and unambiguously. The United States proposed that the Commission request the secretariat to circulate the draft toolkit to States with a formal request for their feedback.

Ms. Medjeber (Algeria) said that the draft toolkit would be a highly effective way to share the experiences of States in the prevention and mitigation of investor-State disputes. Algeria looked forward to sharing information about its new, innovative system for addressing such disputes with the secretariat, for the purposes of the draft toolkit.

Ms. Lai Thi Van Anh (Viet Nam) said that some of the information about her country in the draft toolkit was out-of-date. Her delegation looked forward to providing detailed updated information to the secretariat.

Mr. Merlin (France) said that the toolkit should be a living and evolving document that was updated regularly to reflect new practices. The toolkit could be of particular relevance for the technical assistance and capacity-building activities of the future advisory centre on international investment dispute resolution.

The Chair said that the intention was certainly for the toolkit to be a living document that was regularly updated. It should be borne in mind that, while the text of the toolkit itself would be translated into the six official languages, there would be no resources available to translate the many instruments referenced therein.

He took it that the Commission agreed to note the current status of work on the draft toolkit on prevention and mitigation of international investment disputes; request the secretariat to circulate the draft toolkit for comments and feedback by States, on the basis of which an updated version of the toolkit could be prepared; further request the secretariat to report on the progress made and inform the Commission when the toolkit was ready for finalization; and call on all States and organizations to share information on existing practices for inclusion in the draft toolkit and to verify the correctness of the information contained therein.

It was so decided.

The discussion covered in the summary record ended at 3.25 p.m.
