Report on the Finalization of the Draft Statute of the Advisory Centre on International Investment Dispute Resolution at the Fifty-ninth Session of the United Nations Commission on International Trade Law (UNCITRAL)

by

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1. Executive Summary

The United Nations Commission on International Trade Law (**UNCITRAL**) held its fifty-ninth Commission session from 29 June to 10 July 2026 at the United Nations Headquarters in New York. During the first week, the Commission focused on Working Group III's reform of investor-state dispute settlement and finalized the draft statute of the Advisory Centre on International Investment Dispute Resolution (the "**draft statute**"). The Commission discussed key institutional issues concerning the Centre, particularly the location of its headquarters, regional offices, and the revision of article 9 of the draft statute. This report summarizes the key discussions, the decisions adopted by the Commission, and my observations as a representative of the Moot Alumni Association.

2. The Advisory Centre as Part of the Reform of Investor-State Dispute Settlement

A central part of the Commission's work during the first week concerned the finalization of the draft Statute of the Advisory Centre on International Investment Dispute Resolution, one of the key outcomes of Working Group III's reform of investor-state dispute settlement (**ISDS**).

From the discussions, it was clear that the Centre was designed primarily to support States, particularly least developed and developing countries, that may lack the financial resources, specialized legal representation, or institutional expertise required to participate effectively in investment disputes. Its role would extend beyond legal assistance in individual cases to capacity-building and the development of long-term institutional knowledge.

The Commission agreed that least developed countries would receive priority in accessing the Centre's services, followed by other member States. The Centre's budget would be funded through assessed contributions from member States, calculated by reference to the United Nations scale of assessments and divided into five groups (Group I to Group V)[1]. Service fees would increase progressively from Group I to Group V, while non-member States would generally pay fees equal to or higher than those applicable to Group V.

Following its consideration of the remaining provisions, the Commission approved the draft Statute and adopted a recommendation to the United Nations General Assembly to adopt the draft Statute.

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[1] *See* Annex I of the draft Statute at A/81/17: Group I: Least developed countries (LDCs), Group II: States at or below 0.02 percent, Group III: States above 0.02 per cent and at or below 0.2 per cent, Group IV: States above 0.2 per cent and at or below 1 per cent, Group V: States above 1 per cent. *See also* Chapter II of A/CN.9/1265.

3. Location(s) of the Headquarters and Regional Offices of the Advisory Centre

One of the most extensively discussed issues considered by the Commission concerned the location of the headquarters and regional offices of the Advisory Centre. Candidate States briefly presented whether they wished to host the headquarters or a regional office and the support they would provide for the establishment and operation of the Centre. Morocco and Thailand proposed hosting the headquarters, with Thailand proposing Bangkok and highlighting its planned financial, administrative, and institutional support. Armenia, France, and Ghana expressed interest in hosting a regional office, while Côte d'Ivoire and the Democratic Republic of the Congo offered to host either the headquarters or a regional office.

Support among delegates was divided between Thailand and Morocco, and the Commission was therefore unable to reach consensus on the location of the headquarters during the session. To avoid delaying the finalization of the draft Statute, the Chair of the Session proposed two possible approaches. Under the first approach, the Commission could leave the location unspecified in the draft Statute and recommend that the United Nations General Assembly determine the location of the headquarters when considering the Statute for adoption. Under the second approach, the Statute could be finalized without identifying the location of the headquarters. The authority to determine the location could instead be conferred on the Governing Committee, given that the Committee would be composed of representatives of the Advisory Centre's members. The Chair also noted that referring the matter to the General Assembly might not necessarily result in an immediate decision, particularly if the Assembly had other priority matters to consider. In that event, this outstanding issue could possibly be referred back to the Commission for further consultations and another attempt to reach consensus at a subsequent session.

The headquarters would serve as the principal institutional and operational base of the Centre, while regional offices could improve accessibility for States in different geographical regions. The location of these offices could therefore affect the operational effectiveness, visibility, accessibility, and geographical representation of the Centre. Their location could also influence the extent to which developing and least developed countries in different regions would be able to benefit from the Centre's services.

Several questions arose during the deliberations. The Commission considered whether the location of the headquarters should be specified directly in the Statute; which body should have the authority to determine or change its location; and under what circumstances the headquarters could be relocated. With respect to the regional offices, the Commission considered whether their establishment should be mandatory; whether such offices should be established in each of the five United Nations regional groups; and how much discretion should be conferred on the Governing Committee.

4. Revision of Article 9(2) of the Draft Statute Concerning the Headquarters

Consultations on the headquarters were conducted both during the formal session and through informal discussions. The length of the formal and informal consultations reflected the institutional and practical significance attached to the location of the Centre. After

consideration, the Commission agreed that the Advisory Centre should be headquartered in the territory of a member State of the Centre. Instead of finalizing a decision on the specific location, the Commission agreed that the location of the headquarters would be determined by the United Nations General Assembly.

Accordingly, the Commission revised Article 9(2) of the draft Statute to provide that the Centre would conclude a host country agreement with the States hosting the headquarters. The revised provision would also authorize the Governing Committee to relocate the headquarters, either temporarily or permanently, where exceptional circumstances significantly affected its operational effectiveness and made the existing location unsuitable.

5. Revision of Article 9(3) of the Draft Statute Concerning Regional Offices

The Commission also considered whether Article 9(3) of the draft Statute should require the establishment of regional offices and whether those offices should be established in each of the five United Nations regional groups.

Different views were expressed during the discussions. Some delegations supported retaining the text that had previously been adopted in principle, which would preserve the Governing Committee's flexibility to determine whether regional offices should be established and how many would be appropriate. It was noted that the Centre's future membership, financial resources, and operational needs were not yet known and that a mandatory requirement could create unnecessary administrative and financial burdens.

Other delegations supported a more prescriptive provision requiring the establishment of regional offices and providing clearer guidance to the Governing Committee. From this perspective, regional offices would improve geographical accessibility and enable the Centre to respond more effectively to the needs of States in different regions. A further view supported the inclusion of guidance but cautioned against imposing an inflexible obligation, particularly because not all United Nations regional groups were represented among the candidate countries.

Following the discussion, the Commission agreed that the Governing Committee should "consider establishing" regional offices in the five United Nations regional groups, as necessary. Where regional offices are established, the Governing Committee must take into account the objectives and general principles of the Centre and ensure equitable geographical representation.

6. Conclusion

At the session, the Commission finalized the draft Statute of the Advisory Centre on International Investment Dispute Resolution and recommended its adoption by the United Nations General Assembly.

The Commission also settled the institutional framework governing the location of the Centre. It agreed that the headquarters must be located in the territory of a member of the Centre, but no consensus was reached on whether Thailand or Morocco should host it. The determination of the specific location was therefore deferred to the General Assembly. The

Centre would conclude a host country agreement with the elected State, and the Governing Committee could temporarily or permanently relocate the headquarters if exceptional circumstances significantly affected its operational effectiveness.

With respect to regional offices, the Commission decided not to impose an immediate obligation to establish one office in each United Nations regional group. Instead, article 9(3) would require the Governing Committee to consider establishing regional offices in the five regional groups, as necessary. In doing so, it must take into account the objectives and general principles of the Centre and ensure equitable geographical representation.

Overall, the session resolved the principal institutional, financial, and operational provisions of the draft Statute, while leaving only the selection of the host State for the headquarters to the General Assembly.

Observing the finalization of the draft Statute of the Advisory Centre on International Investment Dispute Resolution gave me valuable insights into aspects of international law-making that are not always reflected in the official reports. One example was an attempt by some delegates to add two sentences to a report that had already been adopted. As the proposal received no support, it did not proceed. Witnessing this exchange helped me understand the importance of procedure, timing, and consensus in a way that could not have been learned from the official record alone. I also learned that much of the work takes place outside formal meetings. Delegates continued consultations during breaks, side events, informal discussions, and late into the evening. I was especially impressed by their dedication to finding compromises and completing the text within the limited timeframe of the session.

As a legal practitioner, I came to appreciate that even a single word can be crucial when drafting an international legal instrument. The lengthy discussion concerning Article 9 demonstrated how carefully delegates balanced legal certainty, institutional flexibility, financial feasibility, and equitable geographical representation.

Beyond the legal discussions, the experience broadened my perspective of different cultures, professional relationships, and perspectives. It also gave me a deeper appreciation of the collaborative and often unseen work behind the development of international law. The session reinforced the importance of precision, patience, cultural awareness, and consensus-building for legal practitioners working across jurisdictions. I am grateful to the Moot Alumni Association for this opportunity and hope to promote the work of UNCITRAL and encourage future generations of international trade and dispute resolution lawyers to attend such sessions in person.