



United Nations  
UNCITRAL

MINISTRY OF LAW  
SINGAPORE

**CIL**  
CENTRE FOR INTERNATIONAL LAW  
National University of Singapore

# SIXTH INTERSESSIONAL MEETING OF UNCITRAL WORKING GROUP III

7 - 8 SEPTEMBER 2023 | SINGAPORE



Jointly organised by the Singapore Ministry of Law (MinLaw) and the United Nations Commission on International Trade Law (UNCITRAL), and supported by the National University of Singapore's Centre for International Law (CIL), the Sixth Intersessional Meeting of Working Group III will focus on the proposed standing multilateral mechanism and appellate mechanism for investor-State dispute settlement (ISDS).

The standing multilateral mechanism and appellate mechanism are two distinct, though overlapping, proposals. Of the range of reform elements being considered by [Working Group III](#), it is these two reform elements that involve the most significant structural change to the ISDS landscape.

Working Group III delegates have had the opportunity to discuss certain aspects of these two reform elements but have not had the opportunity to discuss them fully. Working papers, initial drafts and background material on the standing multilateral mechanism may be found [here](#), and on the appellate mechanism, [here](#).

This Sixth Intersessional Meeting will be an opportunity for delegates to delve deeper into the issues that will need to be considered in developing these reform options, and canvass the range of considerations and perspectives on these issues.

*During the sessions, kindly allow the moderators flexibility to decide on the speaking order. Preference will generally be given to UNCITRAL delegates and observers. The intersessional meeting will be recorded, and made available subsequently to all WG III delegates and invited observers. Simultaneous interpretation between English and French will be provided.*

*The dress code for this event is business attire (tie optional).*

## OPENING REMARKS

0900 - 0925

**Daphne Hong**

Solicitor-General  
Director-General, International Affairs Division  
Attorney-General's Chambers, Singapore

**Shane Spelliscy**

Chairperson, UNCITRAL Working Group III  
Director General, Trade Law Bureau, Canada  
Deputy Legal Adviser, Global Affairs Canada

**Anna Joubin-Bret**

Secretary, UNCITRAL

## SESSION 1: A STANDING MECHANISM FOR ISDS: RATIONALE AND IMPLICATIONS

0925 - 1100

**Jae Sung Lee (Moderator)**

Secretary of Working Group III, Senior Legal Officer, UNCITRAL Secretariat

**Colin Brown**

Head of Unit, Legal Aspects of Trade and Sustainable Development and Investment  
Directorate General for Trade, European Commission

**Michael Imran Kanu**

Ambassador and Permanent Representative of Sierra Leone to the United Nations

**Lauren Mandell**

Special Counsel, WilmerHale

**Taylor St John**

Researcher, PluriCourts, University of Oslo

## COFFEE BREAK

1100 - 1115

Refreshments provided

**SESSION 2: STRUCTURE, SCOPE AND GOVERNANCE OF A STANDING MECHANISM FOR ISDS**

1115 - 1300

**Pasha Hsieh (Moderator)**

Professor of Law, Singapore Management University

**Evgeniya Goriatcheva**

Senior Legal Counsel, Permanent Court of Arbitration

**Susanna Kam**

Counsel, Trade Law Bureau, Canada

**Lai Thi Van Anh**

Deputy Director General, Department of International Law, Ministry of Justice, Viet Nam

**Ong Chin Heng**Senior Director & Senior State Counsel, International Affairs Division  
Attorney-General's Chambers, Singapore**LUNCH BREAK**

1300 - 1430

**SIDE EVENT:****PRACTICAL TOOLS FOR THE AVOIDANCE OF INVESTOR-STATE DISPUTES:  
AN UNCITRAL WORKING GROUP III PRIORITY**

Please refer to Page 7 for more details. Light snacks will be provided, on a first come first served basis, courtesy of Centre of International Law.

You may wish to refer to Page 9 for dining options nearby.

**SESSION 3: COMPOSITION AND PROCEDURE OF A STANDING MECHANISM FOR ISDS, INCLUDING STAKEHOLDER PARTICIPATION**

1430 - 1600

**Natalie Y. Morris-Sharma (Moderator)**Rapporteur, UNCITRAL Working Group III  
Director & Deputy Senior State Counsel, International Affairs Division  
Attorney-General's Chambers, Singapore**Nora Bellec**

Legal Officer, Directorate General for Trade, European Commission

**Malcolm Langford**Professor, Faculty of Law, University of Oslo  
Adjunct Professor, Faculty of Law, University of Bergen  
Director, Centre for Experiential Legal Learning, University of Oslo

### SESSION 3: COMPOSITION AND PROCEDURE OF A STANDING MECHANISM FOR ISDS, INCLUDING STAKEHOLDER PARTICIPATION

1430 - 1600 **Arpit Mallick**  
Consultant (Legal), Ministry of External Affairs, India

**Young Shin Um**  
Senior Deputy Director, International Dispute Settlement Division, Ministry of Justice, South Korea

### COFFEE BREAK

1600 - 1615 Refreshments provided

### SESSION 4: ISSUES RELATED TO AN APPELLATE MECHANISM

1615 - 1800 **Jean Ho (Moderator)**  
Associate Professor, Faculty of Law, National University of Singapore

**Locknie Hsu**  
Professor of Law, Singapore Management University  
Member, Multi-Party Interim Appeal Arbitration Arrangement (pool of appeal arbitrators)

**Margie-Lys Jaime**  
Chief of the Investment Arbitration Office, Ministry of Economy and Finance, Panama

**Karin L. Kizer**  
Attorney Adviser, Office of the Legal Adviser, Department of State, United States

**Zhao Sun**  
Division Director  
Department of Treaty and Law, Ministry of Commerce, China

### RECEPTION

1800 - 1900 All registered participants are invited. Canapés and drinks will be served.



0800 - 0900 SIDE EVENT:  
RECENT TRENDS IN INVESTOR-STATE DISPUTE SETTLEMENT:  
EXAMINING QUALITATIVE AND QUANTITATIVE DATA FROM 2020 TO 2023  
Please refer to Page 7 for more details. Cold brew coffee will be provided, courtesy of Singapore International Dispute Resolution Academy

## SESSION 5: COMPATIBILITY OF AN APPELLATE MECHANISM WITH THE EXISTING ICSID SYSTEM

0930 - 1100 **Meg Kinnear (Moderator & Speaker)**  
Secretary-General, International Centre For Settlement Of Investment Disputes (ICSID)  
Vice President, World Bank Group

**Michele Potestà**  
Attorney, Lévy Kaufmann-Kohler

## COFFEE BREAK

1100 - 1115 Refreshments provided

## SESSION 6: KEY COMMON IMPLEMENTATION AND ENFORCEMENT ISSUES

1115 - 1230 **N. Jansen Calamita (Moderator)**  
Head of Investment Law & Policy and Research Associate Professor  
Centre for International Law, National University of Singapore

**Laurence Bielen**  
Policy Advisor, EU & Multilateral Investment Files, Federal Public Service Foreign Affairs, Belgium

**Chester Brown**  
Professor, University of Sydney

**Meg Kinnear**  
Secretary-General, International Centre For Settlement Of Investment Disputes (ICSID)  
Vice President, World Bank Group

## LUNCH BREAK

1230 - 1400 You may wish to refer to Page 9 for dining options nearby.

## ROUNDTABLE DISCUSSION

1400 - 1645

### **Natalie Y. Morris-Sharma**

Rapporteur, UNCITRAL Working Group III  
Director & Deputy Senior State Counsel, International Affairs Division  
Attorney-General's Chambers, Singapore

### **Shane Spelliscy**

Chairperson, UNCITRAL Working Group III  
Director General, Trade Law Bureau, Canada  
Deputy Legal Adviser, Global Affairs Canada

## CLOSING REMARKS

1645 - 1700

### **Anna Joubin-Bret**

Secretary, UNCITRAL

### **Daphne Hong**

Solicitor-General  
Director-General, International Affairs Division  
Attorney-General's Chambers, Singapore

## 1. CENTRE FOR INTERNATIONAL LAW

### Practical Tools for the Avoidance of Investor-State Disputes: An UNCITRAL Working Group III Priority

**Date:** 7 September 2023

**Time:** 1300 - 1400

#### Synopsis:

Developing tools for the avoidance of investor-State disputes is a priority for many States in UNCITRAL Working Group III. Among the many challenges faced by States in this respect is that the application of investment treaties often falls to officials who are either unaware or not equipped to take account of the State's treaty obligations. As a result, the State is exposed to increased risk of violating its international commitments and, in turn, potential negative impacts on the attractiveness of the State as a destination for investment.

Dispute avoidance is a whole-of-government concern. To address these challenges, States need practical tools. This side event will discuss key tools currently available to States to promote the prevention and avoidance of investor-State disputes, including the use of government handbooks designed to provide non-specialist officials with practical explanations of how investment treaty obligations apply to day-to-day government decision making.

*Light snacks will be provided, on a first come first served basis, courtesy of CIL.*

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## 2. SINGAPORE INTERNATIONAL DISPUTE RESOLUTION ACADEMY

### Recent Trends in Investor-State Dispute Settlement: Examining Qualitative and Quantitative Data from 2020 to 2023

**Date:** 8 September 2023

**Time:** 0800 - 0900

#### Synopsis:

The Singapore International Dispute Resolution Academy (SIDRA), a platform for thought leadership in international dispute resolution, theory and practice, invites you to a discussion on recent trends in investor-State dispute settlement (ISDS). The discussion will draw from [SIDRA's International Dispute Resolution Survey](#) and compare trends and data from 2020, 2022, and the first half of 2023.

The Survey examines how users of investment dispute resolution mechanisms, including business leaders and lawyers, make decisions about resolving investment disputes. The discussion will cover various topics such as the commonly used dispute resolution mechanisms for ISDS, user considerations in choosing mechanisms for ISDS, satisfaction with enforcement of outcomes in ISDS, the use of technology, and developments that would improve the dispute resolution procedure for investor-State disputes.

*Cold brew coffee will be provided, courtesy of SIDRA.*



Travelling to and from Singapore	<p>Visiting Singapore is a fuss-free affair for most travellers.</p> <p>If you are planning your first-ever visit to our sunny island or have questions about getting through customs, here is a how-to guide to zip in and out of Singapore!</p> <p>Click <a href="#">here</a> for more information</p>
Getting Around Singapore	<p>Travelling around Singapore is very convenient.</p> <p>Our most popular attractions are just a short walk away from an MRT (Mass Rapid Transit) train station, making them a great way to get around. You may also hop on a bus for a more scenic route, or if you need to get somewhere quickly, taxis and ride-hailing services are readily available as well.</p> <p>Click <a href="#">here</a> for more information</p>
Explore Singapore	<p>Uncover the many charms of this Little Red Dot.</p> <p>From world-class shopping destinations to iconic landmarks, and charming heritage neighbourhoods that offer a glimpse into the city's fascinating past – Singapore offers a wide selection of leisure offerings within easy reach for everyone. Don't forget to indulge yourself in all the mouth-watering dishes our incredibly diverse food scene has to offer.</p> <p>Click <a href="#">here</a> for more information</p>
Weather	<p>Singapore enjoys a tropical climate with warm and humid weather all year round, with temperatures usually reaching over 30°C. You should be prepared for rain at any time, which can be torrential but usually brief.</p>
Currency	<p>The Singapore Dollar (SGD) is used here. Credit cards are widely accepted in the city-state, but it would be a good idea to always carry some cash for small transactions.</p>
Language	<p>As English is one of Singapore's official languages, you can use English to converse with local residents, most of whom are fluent English speakers. Many also speak an additional language, usually Mandarin, Malay or Tamil, which are also official languages in Singapore.</p>
Time Zone	<p>Singapore Standard Time (SST) is 8 hours ahead of Coordinated Universal Time (UTC+8). Singapore does not observe Daylight Saving Time, so the time difference remains constant throughout the year.</p>
Plugs	<p>Singapore uses the Type G electrical plug, which is also commonly known as the UK plug. The standard electrical current used here is 220-240 volts AC (50 cycles).</p>
Useful Numbers	<p>In case of emergency, please call: Police: 999 Ambulance: 995 Tourist helpline: 1800-736-2000</p>
Venue for the Intersessional Meeting	<p>The Intersessional Meeting will be held at the Melati Ballroom (Level 4) of the Sands Expo &amp; Convention Centre.</p> <p>Located in the heart of the central business district area, the Sands Expo &amp; Convention Centre, which is part of the Marina Bay Sands, is a convenient 20-minute ride from Changi Airport and just minutes away from popular cultural and leisure spots like Chinatown, Little India and Orchard Road.</p> <p>Well-served by the transport system with a train station right at our doorstep, getting around to experience Singapore from Marina Bay Sands is a breeze.</p> <p>For directions to the Sands Expo &amp; Convention Centre, please click <a href="#">here</a>.</p>

- **Beanstro**  
*Western, Halal*  
5 min walk from the Meeting venue
- **Din Tai Fung**  
*Asian*  
5 min walk from the Meeting venue
- **Toast Box**  
*Asian*  
5 min walk from the Meeting venue
- **Roberta's Pizza**  
*Italian*  
5 min walk from the Meeting venue
- **Tim Ho Wan**  
*Asian*  
6 min walk from the Meeting venue
- **Black Tap**  
*Western*  
7 min walk from the Meeting venue
- **Bread Street Kitchen**  
*Western*  
7 min walk from the Meeting venue
- **So Pho**  
*Asian, Halal*  
8 min walk from the Meeting venue
- **Canton Paradise**  
*Asian, Vegetarian*  
9 min walk from the Meeting venue
- **Rasapura Masters**  
*Asian*  
10 min walk from the Meeting venue

## COFFEE JOINTS IN THE MARINA BAY SANDS

- **Origin + Bloom**  
1 min walk from the Meeting venue
- **% Arabica**  
6 min walk from the Meeting venue
- **Toast Box**  
5 min walk from the Meeting venue
- **Starbucks**  
10 min walk from the Meeting venue

Click [here](#) for more dining options at Marina Bay Sands.