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Report of the United Nations Commission on International Trade Law on the work of its fifty-sixth session

Resolution adopted by the General Assembly on 7 December 2023

[on the report of the Sixth Committee ([A/78/433](#), para. 13)]

78/104. Model Provisions on Mediation for International Investment Disputes and Guidelines on Mediation for International Investment Disputes of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution [2205 \(XXI\)](#) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Recalling also its resolution [76/107](#) of 9 December 2021, by which it recommended the use of the Mediation Rules of the United Nations Commission on International Trade Law in the settlement of disputes arising in the context of international commercial relations, mindful of the value of mediation as a means of amicably settling such disputes,

Noting that the Commission, at its fiftieth session, in 2017, entrusted its Working Group III (Investor-State Dispute Settlement Reform) with a broad mandate to work on the possible reform of investor-State dispute settlement and to develop relevant solutions,

Mindful of the desirability of encouraging the use of mediation for resolving international investment disputes in a cost- and time-efficient manner,

Recognizing that there are significant benefits to mediation, such as allowing parties to exercise control over the process to reach a self-tailored outcome and preserve their relationship, as well as providing necessary safeguards for due process,

Noting that the preparation of the Model Provisions on Mediation for International Investment Disputes and the Guidelines on Mediation for International



Investment Disputes of the United Nations Commission on International Trade Law benefited from consultations with Governments and interested intergovernmental and non-governmental organizations,

Noting also that the Model Provisions and the Guidelines on Mediation were adopted by the United Nations Commission on International Trade Law at its fifty-sixth session, after due deliberations,

Mindful that Working Group III of the Commission is continuing to make progress with regard to a number of investor-State dispute settlement reform elements to be recommended to the Commission, including a multilateral instrument to implement the reform elements, which could provide additional means to apply the Model Provisions,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for having formulated and adopted the Model Provisions on Mediation for International Investment Disputes, the text of which is contained in annex I to the report of the Commission on the work of its fifty-sixth session,¹ and the Guidelines on Mediation for International Investment Disputes, the text of which is contained in annex II to the same report;²

2. *Recommends* the use of the Model Provisions by States and other relevant stakeholders involved in the negotiation of international investment instruments and their incorporation into such instruments;

3. *Also recommends* the use of the Guidelines on Mediation by States, investors, mediators, interested institutions and other relevant stakeholders to foster a better understanding of mediation with regard to resolution of international investment disputes;

4. *Requests* the Secretary-General to make all efforts to ensure that the Model Provisions and the Guidelines become generally known and available by disseminating them broadly to Governments and other interested bodies.

*45th plenary meeting
7 December 2023*

¹ *Official Records of the General Assembly, Seventy-eighth session, Supplement No. 17 (A/78/17)*, annex I.

² *Ibid.*, annex II.