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**Negotiating Group on the Multilateral Agreement on Investment (MAI)**

**Expert Group No.1 on Selected Issues Concerning Dispute Settlement and Geographical Scope**

**AGENDA**

**Meeting on 21-23 October 1996**

**EXPERT GROUP N° 1 ON SELECTED ISSUES CONCERNING  
DISPUTE SETTLEMENT AND GEOGRAPHICAL SCOPE**

**AGENDA**

21-23 October 1996

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| <b>1.</b> | <b>Adoption of the Agenda</b>   | DAFFE/MAI/EG1/A(96)5                     |
| <b>2.</b> | <b>Approval of the Summary Record of the meeting held on 18-20 September 1996</b> | DAFFE/MAI/EG1/M(96)4                     |
| <b>3.</b> | <b>Conflicting Requirements</b>   |  |
|           | Draft Report to the Negotiating Group   | DAFFE/MAI/EG1(96)11                      |
|           | <u>For Reference:</u>   |  |
|           | Note by the Chairman  | DAFFE/MAI/EG1(96)10                      |
|           | Contributions from Member Countries   | DAFFE/MAI/RD(96)23<br>DAFFE/MAI/RD(96)29 |
| <b>4.</b> | <b>Dispute Settlement: Investor/State</b>   |  |
|           | Note by the Chairman  | DAFFE/MAI/EG1(96)12                      |
|           | Contributions from Member Countries   |  |
|           | <u>For Reference:</u>   |  |
|           | Dispute Settlement in the MAI:  |  |
|           | A Conceptual Framework  | DAFFE/MAI/EG1(96)7                       |

**5. Dispute Settlement:  
Consultation/Conciliation and State/State**

Note by the Chairman

DAFFE/MAI/EG1(96)9/REV1

Contributions from Member countries

For Reference:

Dispute Settlement in the MAI:  
A Conceptual Framework

DAFFE/MAI/EG1(96)7

**6. Protection of Investor Rights**

Contribution by one delegation

DAFFE/MAI/EG1/RD(96)8

**7. Domestic Implementation of International  
Treaties**

**8. Next Steps/Other Business**

## **Notes to the Agenda**

### **Item 3      Conflicting Requirements**

At its June 1996 meeting, the Negotiating Group requested the Expert Group to review the existing OECD instrument on conflicting requirements and to report back to the Negotiating Group by its October meeting. At its September meeting, the Expert Group reviewed the existing instrument, prepared a draft report and agreed to finalise the report at its next meeting for submission to the Negotiating Group on 24-25 October, 1996.

### **Item 4      Dispute Settlement: Investor/State**

At its last meeting, the Expert Group concluded that sufficient progress had been made on consultation/conciliation and state/state dispute settlement to begin consideration of investor/state dispute settlement. Delegates are invited to consider the text set out in the Chairman's note [DAFFE/MAI/EG1(96)12] as well as any Member country contributions.

### **Item 5      Dispute Settlement: Consultation/Conciliation and State/State**

At its last meeting, the Expert Group considered the draft texts on consultation/conciliation and state/state dispute settlement set out in a Chairman's note [DAFFE/MAI/EG1(96)9], identified a number of questions that require further consideration and decided to consider a revised text at its next meeting. Delegates are invited to consider the Chairman's note [DAFFE/MAI/EG1(96)9/REV1] as well as any Member country contributions.

### **Item 6      Protection of Investor Rights**

At its June 1996 meeting, the Negotiating Group referred to the Expert Group the question of whether the MAI should contain special provisions that would protect investor rights arising from other agreements. Delegates are invited to consider this issue, based on a contribution by one delegation [DAFFE/MAI/EG1/RD/(96)8] as well as any other Member contributions.

### **Item 7      Domestic Implementation of International Treaties**

At the Negotiating Group's discussion last April concerning the application of the agreement to different levels of government, the Negotiating Group Chairman suggested that Expert Group 1 look further at the more general question of the implementation of international treaties in national law [DAFFE/MAI/M(96)3]. It is proposed that there be a brief tour-de-table at this meeting to allow any country wishing to do so, the opportunity to provide information to other participants relevant to this issue.

**Item 8      Next Steps/Other Business**

The Expert Group is expected to make a progress report to the Negotiating Group in October and a final report in December 1996.

In addition, the Expert Group should decide what issues it wants to address at its next meeting.