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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**

**SUMMARY RECORD**

**Meeting on 21-23 October 1996**

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### **Meeting on 21-23 October 1996**

#### **1. Adoption of the Agenda**

The Group adopted the Agenda [DAFFE/MAI/EG1/A(96)5].

#### **2. Approval of the Summary Record of the meeting held on 18-20 September 1996**

The Group approved the Summary Record [DAFFE/MAI/EG1/M(96)4].

#### **3. Conflicting Requirements**

The Expert Group:

- Examined the draft report DAF/MAI/EG1(96)11;
- Agreed on modifications to the report and decided to forward the report to the Negotiating Group in accordance with its mandate.

#### **4. Dispute Settlement: Investor to State**

The Expert Group:

- Examined the Chairman's Note [DAFFE/MAI/EG1(96)12];
- Discussed the issues relating to dispute settlement between an investor and a Contracting Party and noted the comments by delegations;
- Invited the Chairman to reflect the Group's comments in the revised note;
- Agreed to review this note at its next meeting.

#### **5. Dispute Settlement: Consultation/Conciliation and Mediation**

The Expert Group:

- Discussed the Note by the Chairman and noted the comments by delegations on DAF/MAI/EG1(96)9/REV1;
- Agreed that the note should be revised to reflect further discussion by the Group;
- Agreed to review this note at its next meeting.

## **6. Protection of Investor Rights**

The Expert Group:

- Held a brief exchange of views on the question whether the MAI should contain special provisions that would protect investor rights arising from other agreements based on a contribution by one delegation DAF/MAI/EG1/RD(96)8;
- Concurred with the Chairman's observation that there seemed to be support for all three options which had been identified by the Negotiating Group;
- Decided to take up this matter at its next meeting to determine whether the Group could agree on a recommendation to the Negotiating Group.

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

The Expert Group:

- Decided this question should be taken up at a later stage, perhaps in the context of domestic procedures for ratification of the MAI.

## **8. Next Steps/Other Business**

The Expert Group:

- Invited the Chairman to report to the Negotiating Group on the progress of the Group's discussion on a MAI dispute settlement mechanism, taking note of the reservations by some delegations that dispute settlement issues cannot be finalised until the obligations of the MAI have been decided;
- Decided to take up at its next meeting the issue of the relationship between the dispute settlement mechanism of the MAI and that of other international agreements, including the WTO.