



---

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

### **AGENDA**

#### **Meeting on 6-8 December 1995**

# NEGOTIATING GROUP ON THE MULTILATERAL AGREEMENT ON INVESTMENT

## AGENDA

6-8 December 1995

1. **Adoption of the Agenda** DAFFE/MAI/A(95)3
  
2. **Approval of the Summary Record of the meeting on 24-26 October 1995** DAFFE/MAI/M(95)2
  
3. **Scope of the Agreement: Geographical Scope of Application**
  - Note by the Chairman DAFFE/MAI(95)5
  - Contributions from Member Countries DAFFE/MAI/RD(95)10

For reference

Selected Articles from Existing Investment Agreements: Geographical scope of application DAFFE/MAI/RD(95)11
  
4. **Treatment of Investors and Investments**
  - a. General Exceptions
  - b. Reservations, Standstill and Rollback
  - c. Temporary Derogations
  - Note by the Chairman DAFFE/MAI(95)6

For reference

Note by the Secretariat on National Security Provisions DAFFE/MAI(95)7

Selected Articles from Existing Investment Agreements: Treatment of Investors and Investments DAFFE/MAI/RD(95)7

- 5. Investment Protection**
- a. Report of the Drafting Group on Selected Topics concerning Investment Protection DAFFE/MAI/DG1(95)3
  - b. Protecting Investor Rights arising from other agreements
  - Note by the Chairman DAFFE/MAI(95)8
  - Contributions from Member countries DAFFE/MAI/RD(95)12
- For reference
- Selected Articles from Existing Investment Agreements: Protecting Investor Rights arising from other agreements DAFFE/MAI/RD(95)13
- 6. Dispute Settlement**
- a. Consultation and conciliation
  - b. State-to-state
  - c. Investor-to-state
  - Note by the Chairman DAFFE/MAI(95)9
  - Contributions from Member countries DAFFE/MAI/RD(95)14
- For reference
- Selected Articles from Existing Investment Agreements: Dispute Settlement DAFFE/MAI/RD(95)15
- 7. Next Steps/Other Business**

## ANNOTATIONS TO THE AGENDA

### **Item 3: Scope of the Agreement: Geographical scope of application**

Issues relating to the geographical scope of application of the MAI will be discussed on the basis of a note by the Chairman [DAFFE/MAI(95)5] and Member countries' written contributions [DAFFE/MAI/RD(95)10]. A text on selected articles from existing investment agreements on geographical scope of application [DAFFE/MAI/RD(95)11] is provided for the convenience of negotiators.

### **Item 4: Treatment of Investors and Investments**

- a. General Exceptions
- b. Reservations, Standstill and Rollback
- c. Temporary Derogations

At its 24-26 October meeting, the Negotiating Group had a first discussion on general exceptions (for e.g. national security), reservations (country specific), and temporary derogations. [See Summary Record (DAFFE/MAI/M(95)2)]. The Group decided to re-examine these issues on the basis of a written version of the Chairman's summary of the October discussion (Note by the Chairman [DAFFE/MAI(95)6]). It also agreed that further discussion on reservations should be taken up together with standstill and rollback.

The Note on National Security Provisions [DAFFE/MAI(95)7] responds to the request by the Negotiating Group that the Secretariat review the clauses relating to this exception in other international treaties looking, in particular, at the experience with these provisions under the existing OECD instruments. The note should also take account of the clarification regarding national security which had been arrived at in the context of the exercise to strengthen the National Treatment instrument in 1991.

A text on selected articles from existing investment agreements concerning the treatment of investors and investment [DAFFE/MAI/RD(95)7] was provided to the Negotiating Group at its October meeting.

Following agreement by the Negotiating Group, the IMF has been invited to attend the discussion under sub-item (c) and will make a presentation with a view to contributing to the Group's consideration of the need for temporary derogations in the MAI.

### **Item 5: Investment Protection**

- a. Report of the Drafting Group on Selected Topics concerning Investment Protection

The Negotiating Group is invited to consider the report of the Drafting Group [DAFFE/MAI/DG1(95)3].

b. Protecting Investor rights arising from other agreements

The Note by the Chairman [DAFFE/MAI(95)8] summarises the main questions to be addressed by the Group. Discussion will be based on this note as well as any written contributions from Member countries [DAFFE/MAI/RD(95)12]. A text on selected articles from existing investment agreements concerning this issue [DAFFE/MAI/RD(95)13] is provided for the convenience of negotiators.

**Item 6: Dispute Settlement**

a. Consultation and conciliation

b. State-to-state

c. Investor-to-state

The Negotiating Group will have a first discussion of these specific dispute settlement issues based on a Note by the Chairman [DAFFE/MAI(95)9] and written country contributions [DAFFE/MAI/RD(95)14]. A text on selected articles from existing investment agreements on different dispute settlement mechanisms [DAFFE/MAI/RD(95)15] is provided for the convenience of negotiators.

**Item 7: Next Steps/Other Business**

In the light of the discussion, the Negotiating Group will be invited to consider the agendas for January and March and the possible referral of issues to working/drafting groups.

A provisional agenda for January and the schedule of proposed dates for future meetings were agreed at meeting in October (see Summary Record [DAFFE/MAI/M(95)2]).