



Negotiating Group on the Multilateral Agreement on Investment (MAI)

AGENDA

Meeting on 18-20 December 1996

NEGOTIATING GROUP ON THE MAI

AGENDA

18 - 20 December 1996

1. **Adoption of the Agenda** DAFFE/MAI/A(96)7

2. **Approval of the Summary Record of 24-25 October 1996** DAFFE/MAI/M(96)6

3. **Report by:**
 - a) Drafting Group 3 on Definition, Treatment and Protection of Investors/Investments DAFFE/MAI/DG3(96)3
 - b) Expert Group 1 on Dispute Settlement and Geographical Scope DAFFE/MAI/EG1(96)13
 - c) Expert Group 2 on Taxation Matters DAFFE/MAI/EG2(96)9
 - d) Expert Group 3 on Special Topics DAFFE/MAI/EG3(96)22
 - e) Expert Group 4 on Institutional Matters DAFFE/MAI/EG4(96)7
 - f) Expert Group 5 on Financial Matters DAFFE/MAI/EG5(96)5

4. **Regional Economic Integration Organisations**
 - Note by one delegation DAFFE/MAI/RD(96)48
 - For Reference:
 - Note by the Chairman DAFFE/MAI(96)12
 - Contribution by one delegation DAFFE/MAI/RD(96)21

5. **Labour Matters in the MAI**
 - Note by the Chairman DAFFE/MAI(96)32
 - Contributions by Member countries

- 6. Selected Issues arising from Drafting Group 3 on Definition, Treatment and Protection of Investors and Investments**
- Note by the Chairman DAFFE/MAI(96)33
- 7. Selected Issues arising from Expert Group 3 on Special Topics**
- Note by the Chairman DAFFE/MAI(96)31
- 8. Overview of the Agreement**
- Note by the Chairman DAFFE/MAI(96)34
- 9. Liberalisation Approach**
- Note by the Chairman DAFFE/MAI(96)35
- Contributions by Member countries
- 10. Conflicting Requirements and Related Matters**
- For Reference:
- Note by the Chairman DAFFE/MAI(96)18
- Report by EG1 DAFFE/MAI/EG1(96)11/REV1
- Contribution by one delegation DAFFE/MAI/RD(96)23
DAFFE/MAI/RD(96)24
- Contribution by one delegation DAFFE/MAI/RD(96)29
- 11. Next Steps/Other Business**

ANNOTATIONS TO THE AGENDA

Item 3: Reports by Drafting/Expert Groups

a) Drafting Group N°3

Drafting Group N°3 will report on the outcome of its meeting on 11-12 December 1996 concerning possible solutions to some of the outstanding issues in the consolidated texts and commentaries [DAFFE/MAI/DG3(96)16/REV1], particularly with respect to the definition of investor and investment. Selected outstanding issues are proposed for consideration by the Negotiating Group (see Item 6).

b) Expert Group N°1

Expert Group N°1 will report on the results of the Group's meeting on 13, 16-17 December 1996:

- i) the dispute settlement mechanism for the MAI, including state-state consultations/conciliation, arbitration, and investor-state dispute settlement;
- ii) protecting investor rights which arise from other agreements.

c) Expert Group N°2

The Expert Group will report on the results of its meeting on 9-11 December concerning the Treatment of Taxes in the MAI.

d) Expert Group N°3

The Expert Group will report on six topics assigned to it by the Negotiating Group: key personnel, performance requirements, monopolies/state enterprises, privatisation, investment incentives, and corporate practices. Selected outstanding questions are proposed for consideration by the Negotiation Group (see Item 7).

e) Expert Group N°4

Expert Group N°4 will report on implementation and operation of the MAI, including accession, and the relationship of the MAI to other international agreements.

f) Expert Group N°5

The Expert Group will report on financial matters relating to the definition of investor and investment, the inclusion of a prudential clause in the MAI, and other financial services issues relating to the MAI.

Item 4: Regional Economic Integration Organisations

The issue of measures taken in the context of regional economic integration organisations was discussed in the Negotiating Group's meeting on 18-19 April 1996 [DAFFE/MAI/M(96)3, item 7 and DAFFE/MAI/M(96)4, item 2]. The Negotiating Group is invited to consider the Note by one delegation [DAFFE/MAI/RD(96)48], taking account of the delegation's previous note [DAFFE/MAI/RD(96)21] and the earlier Note by the Chairman of the Negotiating Group [DAFFE/MAI(96)12].

Item 5: Labour Matters in the MAI

Delegations are invited to discuss how the MAI should address labour issues that have been identified as relevant in an investment agreement. The Chairman's Note sets out options for consideration by the Negotiating Group.

Item 6: Selected Issues arising from Drafting Group N°3

The Note by the Chairman focuses on selected issues from the Consolidated Texts which the Chairman would like to address as a matter of priority, and invites the Negotiating Group to consider possible solutions.

Item 7: Selected Issues arising from Expert Group N°3

The Note by the Chairman focuses on selected issues relating to the special topics considered by Expert Group N°3. It invites the Negotiating Group to consider possible solutions.

Item 8: Overview of the Agreement

The Note by the Chairman sets out the list of MAI issues which have been addressed by the Drafting/Expert Groups, indicating for each issue whether texts are available and their source. This factual note a "state of play", is designed to assist delegations in assessing and preparing for the remainder of the negotiations.

Item 9: Liberalisation Approach

The Note by the Chairman examines how the MAI's objectives with respect to liberalisation could be met and how the negotiations could be organised to achieve that goal.

Item 11: Next Steps and Other Business

In light of the discussions, the Negotiating Group will be invited to consider the agendas for January and February and the possible referral of issues to expert/drafting groups.

A provisional agenda for the January meeting and the schedule of proposed dates for future meetings were agreed at the meeting in October [DAFFE/MAI/RD(96)47].