



General Assembly

Distr.: General
10 January 2025

Original: English

**United Nations Commission on
International Trade Law**
Fifty-eighth session
Vienna, 7–25 July 2025

Non-legislative activities

Transparency repository

Note by the Secretariat

Addendum

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I. Introduction

1. The Commission may wish to recall that, at its forty-sixth session, in 2013, it adopted the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (the “Rules on Transparency”),¹ whose article 8 envisages the establishment of a repository of published information (the “transparency repository”). The Commission may also wish to recall that, pursuant to the requests of the General Assembly to the Secretary-General, the secretariat of the Commission established the transparency repository² and operated it initially as a pilot project³ and thereafter as a project,⁴ entirely funded by voluntary contributions that came primarily from the European Union and at different times also from the Fund for International Development of the Organization of the Petroleum Exporting Countries (OPEC/OFID) and later also from the German Federal Ministry for Economic Cooperation and Development (BMZ).⁵ In 2024, the General Assembly requested the Secretary-General to continue to operate, through the secretariat of the Commission, the transparency repository, as a continuation of the project until the end of 2027, to be funded entirely by voluntary contributions.⁶ This note is prepared pursuant to the requests of the General Assembly and the Commission to the secretariat to keep them informed of the operation of the transparency repository and its funding.⁷

II. Operation of the transparency repository

2. The transparency repository is a central feature of both the Rules on Transparency and the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (the “Mauritius Convention on Transparency”), together referred to as the “UNCITRAL Transparency Standards”. It provides a consolidated, transparent and easily accessible global case record database for all investor-State arbitrations conducted pursuant to the UNCITRAL Transparency Standards.⁸ Since 2016, a total of 33 cases involving 17 respondents, covering disputes in different economic sectors, have been included in the transparency repository. In 2024, 8 new cases were included in the transparency repository, representing an increase of 32 per cent.

3. The transparency repository is routinely updated with new cases by a legal officer, responsible for managing and operating it, whose post has been financed from the voluntary contributions referred to in paragraph 1 above. That legal officer is also responsible for promoting the UNCITRAL Transparency Standards.

4. The number of cases in the transparency repository is expected to increase as:

(a) More States become parties to the Mauritius Convention on Transparency. For example, the European Union signed the Mauritius Convention on Transparency on 2 July 2024, which may open the door for its member States to ratify, accede to or approve the Convention;

(b) More States use the Rules on Transparency in investor-State dispute settlement (ISDS) cases or apply transparency elements from the Rules on Transparency in arbitral proceedings (see para. 2 above);

(c) More international investment agreements concluded since 1 April 2014 include the Rules on Transparency or elements of transparency (for the most recent

¹ A/68/17, para. 128.

² Available at uncitral.org/transparency-registry.

³ A/RES/70/115, para. 2.

⁴ A/RES/71/135, para. 5; A/RES/72/113, para. 6; A/RES/75/133, para. 5; and A/RES/78/103, para. 4.

⁵ A/CN.9/1015, paras. 1–8; and A/CN.9/1097, para. 17.

⁶ A/RES/79/117, para. 12.

⁷ E.g. *ibid.*

⁸ A/RES/70/115, para. 2.

uptake of the UNCITRAL Transparency Standards, see document [A/CN.9/1207](#) that is before the Commission at its fifty-eighth session); and

(d) More arbitration rules and institutions emphasize transparency in arbitral proceedings, for example, the Cairo Regional Centre for International Commercial Arbitration (CRCICA) and the Vienna International Arbitral Centre (VIAC) in addition to those listed in document [A/CN.9/1174/Add.4](#) that was before the Commission at its fifty-seventh session, in 2024.

5. The UNCITRAL secretariat and its partners regularly promote the UNCITRAL Transparency Standards. As reported in document [A/CN.9/1209/Add.1](#) that is before the Commission at its fifty-eighth session, on the occasion of their tenth anniversary in 2024, the UNCITRAL Transparency Standards have been prominently featured in a number of UNCITRAL secretariat's promotional activities, including in UNCITRAL Days, across all regions. The extensive outreach allowed to increase global awareness about the UNCITRAL Transparency Standards and the importance of their uptake, including in the context of ISDS, its reform and the 2030 Agenda for Sustainable Development (in particular, the anti-corruption target under Sustainable Development Goal 16).

III. Funding

6. The Commission may wish to express appreciation to the European Union and BMZ for providing funding that made it possible for the Secretary-General to continue to operate, through the secretariat of the Commission, the transparency repository until the end of 2027.
