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14 December 2020

Dear representatives of member States of UNCITRAL,

I have the honor to write to you regarding the decision by the Member States of UNCITRAL dated 9 December 2020 (see [document A/CN.9/LIII/CRP.14](#)) providing that the arrangements made with regard to the format, officers and methods of work of the UNCITRAL working groups during the coronavirus disease 2019 (COVID-19) pandemic adopted on 19 August 2020 (reproduced in document A/CN.9.1038, Annex) shall be extended to the sessions of Working Group III to be held in the first half of 2021. Accordingly, I and Ms. Natalie Yu-Lin Morris-Sharma (Singapore) have the honour of continuing our roles respectively as the chair and the rapporteur at the upcoming 40th session of Working Group III (Investor-State Dispute Settlement Reform). In the decision of the Member States of UNCITRAL, the dates for Working Group III have been adjusted, and the Working Group will now be held from 8 to 12 February 2021.

At the 40th session, the Working Group is expected to continue its consideration of the following reform options: (i) Selection and appointment of ISDS tribunal members (A/CN.9/WG.III/WP.203); (ii) appellate mechanism and enforcement issues (A/CN.9/WG.III/WP.202); and (iii) the draft code of conduct (A/CN.9/WG.III/WP.201) (see below for details).

I have been informed that arrangements are being made by the Secretariat to allow delegations to participate in the session in person at the Vienna International Centre and remotely via an online platform, Interprefy. This being said, in light of the travel restrictions, Ms. Morris-Sharma and I will unfortunately not be able to take part in the session in person. I would encourage those representatives who similarly face travel restrictions to participate remotely so that the Working Group can make progress.

The rapporteur and I will make efforts to ensure that written submissions received are adequately reflected in our deliberations and in the summary.

I will take steps to ensure an inclusive and transparent approach and adjust the pace and organization of the session to accommodate remote participation, especially as delegations may face technological difficulties. Considering the limited time allocated for the session, I would urge delegations to make concise interventions not exceeding five (5) minutes on a specific topic and also to make use of the chat and other functions available on Interprefy. This will ensure that we make efficient use of the resources available to the Working Group.

The provisional agenda for the session (A/CN.9/WG.III/WP.200) is available on [the website of Working Group III](#) and also enclosed. If I do not receive any objection or alternative proposals on the agenda by 22 January 2021, the agenda will be considered adopted at the beginning of the session on 8 February.

As to the organization of the session, I hope that the following arrangements, made in consultation with the Secretariat in the light of the means currently available, will be agreeable to you.

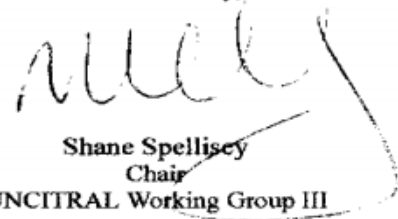
- Two two-hour meetings per day will be held from Monday, 8 February to Friday, 12 February.
- The meeting hours will be 11:00–13:00 and 15:00–17:00 Vienna time (Central European Time).
- Tentative schedule of the meetings (the following is only indicative and is subject to change during the session to reflect the progress being made by the Working Group):

<i>Day of the week</i>	<i>Working Papers</i>
Monday and Tuesday	Document A/CN.9/WG.III/WP.203 on the selection and appointment of ISDS tribunal members in the context of the creation of a standing mechanism(s) (paras. 41-72)
Wednesday and Thursday	Document A/CN.9/WG.III/WP.202 on appellate mechanism and enforcement issues, and in particular consideration of the draft provisions found in paragraphs 57-61 (with the preceding paragraphs providing the necessary background and context for our discussion)
Friday	Document A/CN.9/WG.III/WP.201 on the draft code of conduct,* and other business (including the status of the work and resource plan) [*Note that a two joint one-day ICSID – UNCITRAL working sessions (one in English, one in French) will be convened and held online early March 2021]

- In accordance with the adopted procedure (see paragraph 6 of the Decision in document A/CN.9/1038), the rapporteur and I will prepare a summary reflecting the deliberations and any conclusions reached during the session (the “Summary”), which will be circulated to you for comments. The Summary will be in a format similar to that of previous Working Group reports. My hope is that the Working Group will be satisfied with the Summary and will be willing to adopt it as its report to the Commission at its fifty-fourth session in 2021.

Please feel free to convey all your comments on the above to the secretary of the Working Group (Ms. Corinne Montineri, corinne.montineri@un.org) copying myself (Shane.Spelliscy@international.gc.ca) and the rapporteur (Natalie.MORRIS-SHARMA@agc.gov.sg). I count on your constructive feedback despite such a short notice and on your kind cooperation.

Yours sincerely,



Shane Spelliscy
Chair
UNCITRAL Working Group III