



REFERENCE: LA/TL 133 (3-7) 72nd JSL/et

27 August 2020

Dear representatives,

On 19 August 2020, the State members of UNCITRAL adopted a decision on the format, officers and methods of work of the UNCITRAL working groups during the coronavirus disease 2019 (COVID-19) pandemic (the “Decision”). According to paragraph 3 of the Decision, I (Andrés Jana, Chile) and Mr. Takashi Takashima (Japan) have the honour of continuing our roles respectively as the chair and the rapporteur at the upcoming 72<sup>nd</sup> session of Working Group II (Dispute Settlement), scheduled to be held from 21 to 25 September 2020. We also hope to facilitate further deliberations between that session and the 73<sup>rd</sup> session scheduled in the first half of 2021, so that the pandemic does not disrupt the progress that the Working Group has made so far.

At the 72<sup>nd</sup> session, the Working Group is expected to continue its consideration of a revised draft of the expedited arbitration provisions on the basis of a note by the Secretariat ([A/CN.9/WG.II/WP.214](#) and [WP.214/Add.1](#)). Hopefully, you will have received the invitations to the session, which were prepared as soon as the Decision was taken by the member States of UNCITRAL.

I have been informed that arrangements are being made by the Secretariat to allow delegations to participate at 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, Mr. Takashima and myself will unfortunately not be able to take part in the session in person. I would nonetheless encourage those representatives in a similar situation to participate remotely so that the Working Group could make progress.

As noted in paragraph 2 of the Decision, I would also urge delegations to make written submissions in advance of the session to facilitate the discussions. Considering that the Decision was only taken a few days ago and the Working Group session is only three weeks away, it might not be feasible to have such submission translated into the other official languages of the United Nations. Therefore, I have requested the Secretariat to make all such submissions available on the Working Group II website in the format and the language it was received. I will make efforts to ensure that such written submissions are adequately reflected in our deliberations and in the summary.

In accordance with paragraph 4 of the Decision, 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.II/WP.213](#)) had been prepared prior to the Decision and would need to be revised. According to paragraph 2 of the Decision, there will be no election of officers for the session (Item 2 of the provisional agenda). Pursuant to paragraph 6 of the Decision, 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 the delegations for comments (Item 5). If I do not receive any objection or alternative proposals from member States of UNCITRAL by 14 September 2020, the agenda will be considered adopted at the beginning of the session on 21 September (Item 3).

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.

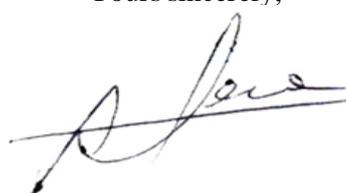
- Two two-hour meetings per day will be held from Monday, 21 September to Friday, 25th September.
- The meeting hours will be 11:00–13:00 and 15:00–17:00 Vienna time (Central European Summer Time).
- As a number of the delegations participating remotely will be new to the Interprefy platform, the first meeting on Monday 21 September will be dedicated to video/audio/connection testing and possibly the adoption of the agenda. I would strongly urge delegations to make use of this opportunity to avoid delays during the deliberations. I would also recommend that delegations have adequate equipment ready (including a proper microphone) and ensure appropriate bandwidth when making their intervention (or if necessary, to use only audio).
- 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 Paper 214</i>                                                                   |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------|
| The second meeting on Monday and the meetings on Tuesday | Part III, Sections A to D                                                                  |
| Wednesday                                                | Part III, Sections E to H                                                                  |
| Thursday                                                 | Part III, Sections I to L                                                                  |
| Friday                                                   | Part III, Sections M to Q & discussion on the Summary and next steps for the Working Group |

- As had been the practice of the Working Group, I will request the Secretariat to prepare a draft summary of the deliberations and any conclusions reached during the session in a format similar to that of previous Working Group reports. That draft will be presented to you as the Summary for comments. My hope is that the Working Group would be satisfied with the draft and would 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 (Mr. Jae Sung Lee, [jaesung.lee@un.org](mailto:jaesung.lee@un.org)) copying myself ([ajana@bmaj.cl](mailto:ajana@bmaj.cl)) and the rapporteur ([ttakashima@eagle.ocn.ne.jp](mailto:ttakashima@eagle.ocn.ne.jp)). I count on your constructive feedback despite such a short notice and on your kind cooperation.

Yours sincerely,



Andrés Jana  
Chair  
UNCITRAL Working Group II (Dispute Settlement)