



REFERENCE: LA/TL 133 (3-7) 73nd JSL/ysp

3 March 2021

Dear representatives,

On 9 December 2020, the States members of UNCITRAL adopted a decision on the dates and place as well as the arrangements for the sessions of UNCITRAL working groups in the first half of 2021 during the coronavirus disease 2019 (COVID-19) pandemic ([A/CN.9/LIII/CRP.14](#)). Accordingly, the decision on the format, officers and methods of work of the UNCITRAL working groups during COVID-19 pandemic adopted on 19 August 2020 ([A/CN.9/1038](#), Annex I; the “Decision”) was extended to all sessions of the working groups in the first half of 2021. According to paragraph 3 of the Decision, Mr. Takashi Takashima (Japan) and I have the honour of continuing our roles respectively as the rapporteur and the chair at the upcoming 73rd session of Working Group II (Dispute Settlement) from 22 to 26 March 2021.

I have been informed that arrangements will be made to allow delegations that wish to participate in person to attend the session at the Vienna International Centre (Conference Room C4). Please note that it will not be possible to attend the session from the United Nations Headquarters in New York. Similar to the previous session, arrangements will be made to allow for remote participation via the 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 encourage those representatives in a similar situation to participate remotely so that the Working Group could nonetheless make progress.

The provisional agenda for the session (A/CN.9/WG.II/WP.215/Rev.1) is available [here](#). If I do not receive any objection or alternative proposals on the agenda by 12 March 2021, the agenda will be considered adopted at the beginning of the session on 22 March.

According to the provisional agenda, the Working Group is expected to continue its consideration of issues relating to expedited arbitration on the basis of a note by the Secretariat (A/CN.9/WG.II/WP.216, [advance copy](#)) and comments received on the application of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration to expedited arbitration (A/CN.9/WG.II/WP.217, [advance copy](#)). The Working Group has also been requested by the Commission to review the following texts on international mediation: (i) Draft Guide to Enactment and Use of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018) ([A/CN.9/1025](#)); (ii) Draft UNCITRAL Mediation Rules ([A/CN.9/1026](#)); and (iii) Draft UNCITRAL Notes on Mediation ([A/CN.9/1027](#)).

I would urge delegations to make written submissions in advance of the session to facilitate the discussions. Such submissions will be made available on the Working Group II website in the format and the language received. During the session, I will try to summarize the views expressed during the informal consultations held from 24 to 26 February 2021 so that they are reflected in the deliberations. Accordingly, I would urge delegations to keep their interventions concise to ensure that we make efficient use of the limited resources available to the Working Group. I will make efforts to ensure that written submissions as well as your interventions are adequately reflected in our deliberations and in the summary.

As to the organization of the session, the Secretariat has informed me that the following arrangements have been made due to the current constraints within the United Nations:

- One two-hour meeting per day will be held from 22 March 2021 (Monday) to 26 March 2021 (Friday); and
- The meeting hours will be 09:00-11:00 New York (EDT) / 14:00–16:00 Vienna (CET).

Considering the limited time available to the Working Group, I have requested the Secretariat to arrange for one-hour informal consultations every day thirty minutes after each session to facilitate the deliberations (16:30-17:30 Vienna). These informal consultations will be conducted in English and additional information including the link will be provided to you in due course.

I would suggest that the first four days of the Working Group be devoted to the Expedited Arbitration Provisions on the basis of documents A/CN.9/WG.II/WP.216 and A/CN.9/WG.II/WP.217. I would suggest that the deliberations focus on the provisions and remaining issues. I would suggest that comments on the explanatory note be submitted in writing. I would further suggest that one hour on Friday (26 March 2021) is devoted to gathering comments on the texts on international mediation.

As had been the case at the previous session, the rapporteur and I will 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. The draft summary will be circulated during the session for your comments and our hope is that the Working Group would be satisfied with the draft and will be willing to adopt it as its report on Friday.

Please feel free to convey 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 and on your kind cooperation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrés Jana', written over a horizontal line.

Andrés Jana  
Chair  
UNCITRAL Working Group II (Dispute Settlement)