



REFERENCE: LA/TL 133 (3-7) 74th JSL

22 September 2021

Dear representatives,

At its fifty-fourth session, the Commission agreed to extend the arrangements for the sessions of UNCITRAL working groups during the COVID-19 pandemic as contained in documents [A/CN.9/1078](#) and [A/CN.9/1038](#) (annex I) until its fifty-fifth session. Accordingly, Mr. Takashi Takashima (Japan) and I have the honour of continuing our roles respectively as the rapporteur and the chair at the upcoming 74th session of Working Group II (Dispute Settlement) from 27 September to 1 October 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 (Board Room D). Similar to the previous session, arrangements will also be made to allow for remote participation via the online platform, Interprefy.

The provisional agenda for the session ([A/CN.9/WG.II/WP.218](#)) is available on the UNCITRAL webpage. As I did not receive any objection or alternative proposals on the agenda by the set deadline of 21 September 2021, the agenda will be considered adopted at the beginning of the session.

According to the provisional agenda, the Working Group is expected to finalize the draft explanatory note to the Expedited Arbitration Rules ([A/CN.9/WG.II/WP.219](#)). The UNCITRAL Expedited Arbitration Rules, as adopted by the Commission in July 2021, are available in all UN official languages on the [Working Group II webpage](#).

Upon finalizing the explanatory note, the Working Group is expected to discuss the topic of early dismissal so as to present the results of its discussions to the Commission in 2022. A note by the Secretariat on the topic ([A/CN.9/WG.II/WP.220](#)) and an informal document providing examples of provisions and guidance on early dismissal and preliminary determination is available [here](#).

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. A submission by ICSID on the topic can be found [here](#). 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:

- Two two-hour meetings per day will be held from Monday, 27 September to Friday, 1 October.
- The meeting hours will be 11:00–13:00 and 15:00–17:00 Vienna time (CEST).

I would suggest that the first two days (Monday and Tuesday) be devoted to the draft explanatory note to the Expedited Arbitration Rules. From Wednesday onwards or as soon as the Working Group finalizes the explanatory note, I would suggest that the Working Group discusses the topic of early dismissal.

I have been informed that the Secretariat will organize an informal briefing session during the break on Tuesday (28 September, 13:30-14:30), which would allow delegations to hear from institutions their experience in administering procedural tools for early dismissal and preliminary determination. I've been also informed that the Swiss Arbitration Association will be presenting its Arbitration Toolbox on Wednesday (29 September, 13:00-14:00).

As had been the case at the previous sessions of the Working Group, 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 adopt it as its report on Friday, 1 October 2021.

I would also suggest a short discussion on possible future work on Friday either before or after the adoption of the report. The Commission had requested the Secretariat to organize a colloquium on dispute resolution in the digital economy at the next session of Working Group (28 March to 1 April 2022, New York) to further explore relevant legal issues and to identify the scope and nature of possible legislative work. The Secretariat was also requested to reserve some time at that session to hold another colloquium to discuss the desirability and feasibility of work on adjudication. While the Commission had identified some topics to be included in the agenda of those colloquiums (see para. 233 of [A/76/17](#)), it would be useful for delegates to provide further input as the Secretariat prepares for the colloquiums.

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) copying myself (ajana@bmaj.cl) and the rapporteur (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)