Commentary from the Delegation of Mexico, regarding the draft expedited arbitration provisions, provided in working document A/CN.9/WG.II/WP.214.

Mexico City, 18 September, 2020.

1. The purpose of the expedited arbitration provisions should be to simplify and enhance the flexibility of the procedure, reducing the time and costs of the arbitration.

2. From that perspective, the provisions should be the minimum and indispensable to save costs, time and formalities that are necessary for non-expedited arbitrations, conducted under the Rules. To that end, the more adequate instrument would be an appendix to the Rules, or some Rules for Expedited Arbitration, that would entail the subsidiary application of the Rules, in all which has not been modified by the provisions.

3. The paraphrasing of the provisions of the Rules would not serve such purpose. Even less adding provisions that establish more or different formalities, which would create a hidden legal obstacle to the expedited and flexible conduction of the expedited arbitration. It would be absurd to submit expedited arbitration to more formalities than arbitration under the Rules.

4. The Rules have been successfully applied, experimented with and interpreted, since they were issued decades ago. To repetition or paraphrasing of its provisions would be an invitation to new interpretations that would only create uncertainty.

5. It is very important that these minimum provisions that provide flexibility in the application of the Rules, be accompanied by a commentary or guide. Expedited arbitration, as it is being developed nowadays, is not sufficiently known. A commentary or guide would be very illustrative for the users of the new provisions.