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Settlement of commercial disputes: Revision of the UNCITRAL Arbitration Rules

Note by the Secretariat

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* This document is submitted later than the required ten weeks prior to the start of the meeting because of the need to complete consultations.



I. Introduction

1. In preparation for the forty-third session of the Commission (New York, 21 June-9 July 2010), the Secretariat would like to draw the attention of the Commission on the “Recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the UNCITRAL Arbitration Rules adopted at the fifteenth session of the Commission” (1982)¹ so that the Commission may consider whether it would be appropriate also to issue similar recommendations with regard to arbitration under the revised UNCITRAL Arbitration Rules.

II. Possible recommendations to arbitral institutions and other interested bodies

2. The Commission may wish to note that, at its fourteenth session, in 1981, it had “decided that it would be desirable to issue guidelines, in the form of recommendations, to arbitral institutions and other relevant bodies to assist them in adopting procedures for acting as appointing authority or for providing administrative services in cases to be conducted under the UNCITRAL Arbitration Rules”.² Such guidelines were adopted by the Commission at its fifteenth session,³ in 1982, in the form of “Recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the UNCITRAL Arbitration Rules”.⁴

3. The preparation of the guidelines had been undertaken by the Commission to facilitate the use of the Rules in administered arbitration and to deal with instances where the Rules were adopted as institutional rules of an arbitral body, or when the arbitral body was acting as appointing authority or provided administrative services in ad hoc arbitration under the Rules. The purpose of the Recommendations was, inter alia, to “encourage arbitral institutions to utilize the UNCITRAL Arbitration Rules unchanged”.⁵

4. The Commission may wish to consider whether recommendations to arbitral institutions and other relevant bodies should be issued with respect to the revised Rules in view of the extended role granted to appointing authorities and, in the affirmative, whether it wishes the Secretariat to prepare that document, for consideration by the Commission at a future session. The Commission may also wish to further consider whether the recommendations on the revised Rules should follow the same pattern as the Recommendations adopted in 1982.

¹ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 17 (A/37/17)*, annex II. The text of the Recommendations is also available on the UNCITRAL website at http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/1982Recommendations_arbitration.html.

² *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17 (A/36/17)*, para. 59.

³ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 17 (A/37/17)*, para. 84.

⁴ See *supra*, note 1.

⁵ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 17 (A/34/17)*, para. 66.