



General Assembly

Distr.: General
15 May 2020

Original: English

**United Nations Commission on
International Trade Law**
Fifty-third session
New York, 6–17 July 2020

Work programme of the Commission

Note by the Secretariat

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I. Background

1. At its forty-sixth session, in 2013, the Commission agreed that it should reserve time for discussion of UNCITRAL's future work as a separate topic at each Commission session.¹ To assist the Commission's consideration of its overall work programme and planning of its activities at the fifty-third session, this note covers both the current and possible future legislative work programme (chapter II). It also covers supporting activities planned for the period up to the fifty-fourth session of the Commission (chapter III).

2. When setting UNCITRAL's work programme for the forthcoming period, the Commission may also wish to recall its decision at the forty-sixth session, in 2013, that it would normally plan for the period to the next Commission session, but that some longer-term indicative planning (for a three-to-five-year period) may also be appropriate.²

II. Legislative activities

3. At its past sessions, the Commission underscored the importance of a strategic approach to the allocation of resources to, inter alia, legislative development, in the light of the increasing number of topics referred to UNCITRAL for consideration.³ The Commission has emphasized the benefit of UNCITRAL's primary working method – that is, legislative development through formal negotiations in a working group.⁴ The Commission has also reaffirmed that it retains the authority and responsibility for setting UNCITRAL's workplan, especially as regards the mandates of working groups, though their role in identifying possible future work and the need to allow a working group the flexibility to decide on the type of legislative text to be produced were also recalled.⁵

4. At its forty-sixth session, in 2013, the Commission confirmed that it would consider whether to refer proposals for future work to a Working Group by reference to four criteria: (a) whether the Commission was satisfied that the topic was likely to be amenable to harmonization and the consensual development of a legislative text; (b) whether the scope of a possible future text and the policy issues for deliberation were clear; (c) whether there existed a sufficient likelihood that a proposed legislative text would enhance the law of international trade; and (d) whether the proposed work would duplicate work undertaken by other law reform bodies.⁶

5. Table 1 below provides an overview of the current legislative work by the Commission and its working groups as well as exploratory or preparatory work being undertaken by the UNCITRAL secretariat in accordance with the mandate given to it by the Commission.

¹ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 310.

² *Ibid.*, para. 305.

³ *Ibid.*, para. 294.

⁴ *Ibid.*, *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, para. 249.

⁵ *Ibid.*, para. 251.

⁶ *Ibid.*, *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, paras. 303 and 304.

Table 1
Current legislative work

	<i>Finalization of texts by the Commission at its fifty-third session</i>	<i>Work by the Working Groups</i>	<i>Preparatory or exploratory work currently undertaken by the Secretariat</i>	<i>Possible future work</i>
Micro, small and medium-sized enterprises (MSMEs)	<p><i>UNCITRAL limited liability organization (UNLLO)</i></p> <p>At its forty-sixth session, in 2013, the Commission entrusted Working Group I with work aimed at reducing the legal obstacles faced by MSMEs throughout their life cycle, starting with the legal questions surrounding the simplification of incorporation.⁷ After completion of work on key principles of a business registry, Working Group I proceeded with the discussion of a draft legislative guide on an UNCITRAL limited liability organization at its thirty-first to thirty-third sessions (A/CN.9/963, A/CN.9/968 and A/CN.9/1002). Due to the measures put in place by States and the United Nations in response to the coronavirus disease 2019 (COVID-19) pandemic, the thirty-fourth session of the Working Group (New York, 23–27 March 2020) could not take place as scheduled. At that session, the Working Group was scheduled to consider a revised draft (A/CN.9/WG.I/WP.118) and submit the text for finalization and adoption by the Commission at its</p>	<p><i>Access of MSMEs to credit</i></p> <p>At its fifty-second session, in 2019, the Commission agreed to strengthen and complete its work on reducing the legal obstacles faced by MSMEs throughout their life cycles by requesting the Secretariat to start preparing draft materials on MSME access to credit. It was agreed that the materials should draw as appropriate on the relevant recommendations and guidance contained in the UNCITRAL Model Law on Secured Transactions and be submitted for consideration to Working Group I in due course.⁸ The Working Group was scheduled to consider a note by the Secretariat on the subject (A/CN.9/WG.I/WP.119) at its thirty-fourth session. At its fifty-third session, the Commission may hear an oral report by the Secretariat on progress made so far on the subject.</p>	-	

⁷ Ibid., para. 321.

⁸ Ibid., *Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), paras. 192 (a).

Finalization of texts by the Commission at its fifty-third session

Work by the Working Groups

Preparatory or exploratory work currently undertaken by the Secretariat

Possible future work

fifty-third session. The Secretariat invited Governments and observer organizations to submit comments on the revised draft. The comments received by the Secretariat (A/CN.9/1009 and Add.1) have been transmitted to the Commission for its consideration together with the revised draft.

Dispute settlement

Mediation texts

At its fifty-first session, in 2018, the Commission agreed that the Secretariat should be tasked with the preparation of a guide to enactment and use of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018)⁹ and noted that the Secretariat would also prepare notes on organizing mediation proceedings and update the UNCITRAL Conciliation Rules.¹⁰ The texts of the draft guide, mediation rules and mediation notes (A/CN.9/1025, A/CN.9/1026 and A/CN.9/1027, respectively) are before the Commission for finalization and adoption at its fifty-third session.

Expedited arbitration

At its fifty-first session, in 2018, the Commission mandated Working Group II to take up issues relating to expedited arbitration.¹¹ The Working Group commenced that work at its sixty-ninth session (New York, 4–8 February 2019) (A/CN.9/969) and continued it through its seventieth and seventy-first sessions (A/CN.9/1003 and A/CN.9/1010). The reports of the last two sessions of the Working Group are before the Commission at its fifty-third session.

⁹ Ibid, *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 67.

¹⁰ Ibid., paras. 246 and 254.

¹¹ Ibid., paras. 244, 245 and 252.

	<i>Finalization of texts by the Commission at its fifty-third session</i>	<i>Work by the Working Groups</i>	<i>Preparatory or exploratory work currently undertaken by the Secretariat</i>	<i>Possible future work</i>
Investor-State dispute settlement (ISDS) reform	-	At its fiftieth session, in 2017, the Commission mandated Working Group III to work on the possible reform of investor-State dispute settlement. ¹² At its thirty-eighth and resumed thirty-eighth sessions (Vienna, 14–18 October 2019 and 20–24 January 2020), the Working Group continued its work on the topic (A/CN.9/1004 and A/CN.9/1004/Add.1). The reports of those sessions of the Working Group are before the Commission at its fifty-third session.	-	-
Electronic commerce	-	<i>Identity management and trust services</i> At its fifty-first session, in 2018, the Commission requested Working Group IV to work on the preparation of a text aimed at facilitating cross-border recognition of identity management and trust services, on the basis of the principles and issues identified by the Working Group at its fifty-sixth session. ¹³ The Working Group continued that work through its fifty-ninth session (Vienna, 25–29 November 2019) (A/CN.9/1005). The report of that session of the Working Group is before the Commission at its fifty-third session.	<i>Legal issues related to the digital economy, including high-tech dispute resolution</i> At its fifty-first session, in 2018, the Commission decided that the Secretariat should compile information on legal issues related to the digital economy and report that information for consideration by the Commission at a future session. ¹⁴ At its fifty-second session, in 2019, the Commission requested the Secretariat to continue its exploratory work and agreed that this work should also cover legal issues relating to disputes that arise out of transactions in the digital economy, in response	-

¹² Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 264.

¹³ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 159.

¹⁴ Ibid., paras. 247, 248 and 253 (b).

to a proposal on high-tech-related dispute resolution presented to the Commission at that session by the Governments of Israel and Japan ([A/CN.9/997](#)).¹⁵

The results of the Secretariat's exploratory work so far, will be before the Commission at its fifty-third session ([A/CN.9/1012](#) and addenda).

The Note by the Secretariat is based on work on a taxonomy of emerging technologies and their applications covering artificial intelligence and digital assets, developed in collaboration with the International Institute for the Unification of Private Law (Unidroit) and the reports of exploratory meetings.

The interaction between emerging technologies and their applications and the resolution of disputes is another line of enquiry in that exploratory work. A first exploratory meeting, which was planned to take place in Paris on 14 November 2019, was cancelled for budgetary reasons. A second meeting is being organized jointly with the Government of Czechia in

¹⁵ Ibid., *Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), paras. 207–215.

Insolvency law

Insolvency of MSMEs

At its forty-ninth session, in 2016, the Commission agreed that Working Group V should develop appropriate mechanisms and solutions, focusing on both natural and legal persons engaged in commercial activity, to resolve the insolvency of MSMEs.¹⁶ At its fifty-first session (New York, 10–19 May 2017), the Working Group commenced its deliberations on the subject, based upon the provisions of the UNCITRAL Legislative Guide on Insolvency Law and focusing on insolvency of micro and small-sized enterprises (MSEs), and continued that work through its fifty-sixth session (Vienna, 2–5 December 2019) (A/CN.9/1006). The report of that session of the Working Group is before the Commission at its fifty-third session.

Prague on
9–10 September 2020.

*Report of the Colloquium on
Civil Asset Tracing and
Recovery*

At its fifty-first and fifty-second sessions, in 2018 and 2019 respectively, the Commission considered proposals by the United States of America for possible future work by UNCITRAL on the topic (A/CN.9/WG.V/WP.154 and A/CN.9/996). The Commission requested the Secretariat to examine the relevant issues¹⁷ and organize a colloquium to further clarify and refine various aspects of the Commission's possible work in that area.¹⁸ At its fifty-third session, the Commission will have before it a report of the UNCITRAL Colloquium on Civil Asset Tracing and Recovery, held in Vienna on 6 December 2019 (A/CN.9/1008), that also sets out the results of the exploratory work by the Secretariat on the topic.

¹⁶ Ibid., *Seventy-first Session, Supplement No. 17* (A/71/17), para. 246.

¹⁷ Ibid., *Seventy-third Session, Supplement No. 17* (A/73/17), para. 253 (d).

¹⁸ Ibid., *Seventy-fourth Session, Supplement No. 17* (A/74/17), paras. 203 and 221 (a) and chapter XXIII, section B, table 1.

*Applicable law in insolvency
proceedings*

At its fifty-second session, in 2019, the Commission considered a proposal by the European Union in support of future work by UNCITRAL on harmonizing applicable law in insolvency proceedings (A/CN.9/995) and requested the Secretariat to organize a colloquium, in cooperation with other relevant international organizations, with a view to submitting more concrete proposals for consideration by the Commission.¹⁹ Due to the measures put in place by States and the United Nations in response to the COVID-19 pandemic, the International Colloquium on Applicable Law in Insolvency Proceedings could not take place on 15 May 2020 as scheduled. The Secretariat has been in coordination with The Hague Conference and the European Union on the topic.

¹⁹ Ibid., paras. 204–206 and 221 (a) and chapter XXIII, section B, table 1.

	<i>Finalization of texts by the Commission at its fifty-third session</i>	<i>Work by the Working Groups</i>	<i>Preparatory or exploratory work currently undertaken by the Secretariat</i>	<i>Possible future work</i>
Judicial sale of ships -		Pursuant to the decision of the Commission at its fifty-first session, in 2018, ²⁰ Working Group VI commenced work on the preparation of a draft instrument on the judicial sale of ships at its thirty-fifth session (New York, 13–17 May 2019) (A/CN.9/973) and continued that work at its thirty-sixth session (Vienna, 18–22 November 2019) (A/CN.9/1007). The report of that last session of the Working Group is before the Commission at its fifty-third session.	-	-
International Sale of Goods	<i>UNCITRAL-Unidroit-The Hague Conference guide on international commercial contracts (with a focus on sales)</i> At its forty-ninth session, in 2016, the Commission approved the proposal on cooperation with The Hague Conference and Unidroit in the area of international commercial contract law (with a focus on sales) (A/CN.9/892). ²¹ At its fifty-second session, the Commission took note of the progress made on the preparation, pursuant to that proposal, of the joint guidance document on commercial contract law (with a focus on sales) and urged the Secretariat to finalize it. ²²			

²⁰ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 252.

²¹ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 279.

²² Ibid., *Seventy-fourth session, Supplement No. 17 (A/74/17)*, paras. 222 (a) and 224.

Finalization of texts by the Commission at its fifty-third session

Work by the Working Groups

Preparatory or exploratory work currently undertaken by the Secretariat

Possible future work

At its fifty-third session, the Commission will have before it a draft UNCITRAL-Unidroit-The Hague Conference legal guide to uniform legal instruments in the area of international commercial contracts (with a focus on sales) ([A/CN.9/1029](#)) and a compilation of comments on that text ([A/CN.9/1030](#) and addenda).

Other topics
Warehouse receipts

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At its fifty-first session, in 2018, the Commission requested the Secretariat to conduct exploratory and preparatory work on the topic in order to refer that work to a working group in due course.²³ At its fifty-second session, the Commission, after considering a note by the Secretariat on the topic ([A/CN.9/992](#)), decided that the Secretariat should continue its preparatory work on warehouse receipts, including by organizing consultation meetings with other interested organizations, with a view to advancing the preparation of initial draft materials.²⁴ The results of that work will be presented for consideration by the Commission at its fifty-third session in a note by the Secretariat [A/CN.9/1014](#).

²³ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, paras. 249 and 253 (a).

²⁴ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 194–196 and 221 (b).

*Finalization of texts by the Commission at its
fifty-third session*

Work by the Working Groups

*Preparatory or exploratory work currently
undertaken by the Secretariat*

Possible future work

*Railway
consignment notes*

At its fifty-second session, the Commission, after considering a proposal by the Government of China on possible future work by UNCITRAL to develop a legal framework for railway consignment notes ([A/CN.9/998](#)), decided that the Secretariat should conduct exploratory and preparatory work on the topic, for further consideration by the Commission.²⁵ The results of that work will be presented for consideration by the Commission at its fifty-third session in a note by the Secretariat [A/CN.9/1034](#).

²⁵ Ibid., paras. 216–219 and 221 (d).

III. Supporting activities

6. Table 2 lists activities of the Secretariat planned until the fifty-fourth session of the Commission in support of the legislative work by the Commission and its working groups and in support of acceptance, understanding, uniform interpretation and application and effective implementation of UNCITRAL texts.²⁶ It is separated in two parts: part (a) lists one-time events; and part (b) lists recurrent or ongoing activities.

Table 2

Supporting activities

(a) Specific activities

<i>Description of the activity</i>	<i>Place and date</i>
Regional Conference on the UNCITRAL Legislative Guide on Public-Private Partnerships (PPPs) as a tool for enabling sound legislative frameworks for the development of critical infrastructure in Asia, co-hosted with the Ministry of Finance of China and the Central University of Finance and Economics, Beijing	Beijing, 29–30 September 2020
Working Group III (ISDS Reform) – support to host countries in organization of intersessional regional meetings	The next intersessional regional meetings are tentatively scheduled in Peru, on 7–8 September 2020; in Hong Kong, China, on 9–10 November 2020; and at a date to be confirmed in Sydney, Australia
Annual ADR conference (co-hosted with the Ministry of Justice of the Republic of Korea, the Korean Commercial Arbitration Board (“KCAB”), the Seoul International Dispute Resolution Centre, the International Chamber of Commerce (“ICC”) International Court of Arbitration, and other partners)*	Seoul, 5–6 November 2020
* The Conference is aimed at government and judicial officials, experts, practitioners, scholars, and representatives from arbitration centres. Previous iterations have brought together over 250 speakers and participants from 40 jurisdictions, and side events have included national updates on arbitration reform and the impact of UNCITRAL texts in various jurisdictions.	
The International Conference 2020, under the theme “International Commercial Law and Litigation: Recent Developments and Future Challenges”, organized by UNCITRAL RCAP, Judicial Policy Research Institute, The Hague Conference and Unidroit	Seoul, 12–13 November 2020
UNCITRAL Asia-Pacific Day**	October–December 2020, various universities across the region

** During this annual event, regional universities are invited to propose a special programme that can range from special lectures and seminars to public conferences on topics related to the work of UNCITRAL and developments in international trade and commerce. Universities that have participated in past events include those in Australia, China, including Hong Kong, India, Japan, Philippines, Republic of Korea, Singapore and Thailand. The plans are to expand this year’s event to universities in other jurisdictions such as Fiji.

²⁶ Dates and location of events are tentative. They may have to be cancelled or postponed depending on measures that States and the United Nations may continue putting in place in connection with the COVID-19 pandemic.

<i>Description of the activity</i>	<i>Place and date</i>
UNCITRAL Latin America and the Caribbean Day**	First half of 2021 (tentative schedule), various universities across the region
** This event is planned to replicate UNCITRAL Asia-Pacific Day in Latin America and the Caribbean. Annually, regional universities and institutions would be invited to propose a special programme that could range from special lectures and seminars to public conferences on topics related to the work of UNCITRAL and developments in international trade and commerce. Universities in Peru have confirmed their intention to attend the event. The Secretariat plans to expand the event to universities and institutions in other jurisdictions such as Argentina, Chile, Colombia, Costa Rica, Guatemala and Mexico.	
Series of events in conjunction with the fortieth anniversary of the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) (CISG)	Throughout 2020–2021, in various locations (e.g., Vienna, end of March–early April 2021, and in Hong Kong, China, 27 October 2021) ²⁷
An inaugural annual workshop on UNCITRAL texts for South Asian and African countries, in cooperation with the Ministry of Foreign Affairs of India and the Asian-African Legal Consultative Organization (AALCO)	Date and location are to be confirmed ²⁸
Regional event on the sale of goods in francophone and Western Africa, co-hosted with the Ministry of Justice of Gabon and the Organization for the Harmonization of Business Law in Africa (OHADA)	Libreville, (dates are to be confirmed)
Regional meeting on the trends in regulation of digital economy, co-hosted with OHADA and the International Organization of the Francophonie (OIF)	Yaoundé, (dates to be confirmed)
Colloquium on the current trends in Public Procurement in francophone Africa, co-hosted with the Regulation Authority of Public Procurement of Senegal and the University of Paris Nanterre	Dakar, (dates are to be confirmed)

(b) Recurrent or ongoing activities

7. Table 2, part (b) lists recurrent or ongoing activities, some of which are undertaken pursuant to partnerships or other collaborative initiatives (for a description of such initiatives undertaken to support the promotion, adoption and use of UNCITRAL texts, see the note by the Secretariat on technical cooperation and assistance (A/CN.9/1032, Section II.A, paras. 7–32).

²⁷ Some CISG@40 events scheduled for 2019–2020 and announced in a note by the Secretariat on the work programme of the Commission that was before the Commission at its fifty-second session (A/CN.9/981) had to be postponed as a result of measures taken by States and the United Nations in connection with the COVID-19 pandemic.

²⁸ The event was announced in a note by the Secretariat on the work programme of the Commission that was before the Commission at its fifty-second session (A/CN.9/981) but had to be postponed from 1–2 May 2020 as a result of measures taken by States and the United Nations in connection with the COVID-19 pandemic.

<i>Subject area</i>	<i>Description of the activity</i>
Electronic commerce	<p>Coordination and cooperation on aspects of single windows and paperless trade facilitation²⁹</p> <p>Preparation of explanatory materials on the enactment of UNCITRAL texts in the area of electronic commerce³⁰</p>
Public procurement and infrastructure development and other subject areas	<p>Cooperation with the United Nations Office on Drugs and Crime (UNODC) and the International Anti-Corruption Academy (Laxenburg, Austria) (IACA) on anti-corruption in public procurement and other subject areas, including in the context of preparations for a special session of the General Assembly against corruption, scheduled to take place in 2021.³¹</p> <p>Cooperation with the Turin School of Development (ITCILO) on delivery of training on UNCITRAL subjects, including for the Master in Public Procurement Management for Sustainable Development</p> <p>Implementation of the European Bank for Reconstruction and Development (EBRD)-UNCITRAL Initiative on Public Procurement³²</p>
Insolvency law	<p>Preparation of a digest on the Model Law on Cross-Border Insolvency³³</p> <p>Updating the publication entitled <i>UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective</i>³⁴</p> <p>Preparation of explanatory materials on the enactment of three model laws in the area of insolvency law³⁵</p> <p>Fourteenth INSOL-UNCITRAL-World Bank Group Judicial Colloquium</p> <p>Preparations for the First UNCITRAL-World Bank Group Judicial Training for judges from developing countries, to be held in conjunction with the fifty-fourth session of UNCITRAL, in Vienna, in 2021</p>
General	<p>Cooperation and coordination with international organizations active in the field of the law of international trade</p> <p>Maintenance of the UNCITRAL website, including updating of information on enactment of UNCITRAL texts, the development of</p>

²⁹ At its forty-fourth session, in 2011, the Commission had requested the Secretariat to continue cooperating with other organizations undertaking work on electronic single-window facilities and to contribute to that work, as appropriate, with a view to discussing relevant matters at the working group level when the progress of joint work offered a sufficient level of detail (*Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17)*, para. 240). The Secretariat has continued that work and reported annually to the Commission on relevant developments (for the most recent report, see *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 160).

³⁰ *Official Records of the General Assembly, Seventy-second Session, Supplement No. 17 (A/72/17)*, paras. 112–114; and *ibid.*, *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 222 (c).

³¹ The Commission was informed about that event at its fifty-second session and requested States, the Secretariat, organizations and institutions to use that occasion to continue their efforts towards increasing awareness of the role of UNCITRAL standards and activities for the promotion of the rule of law at the national and international levels and the implementation of the Sustainable Development Goals. *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 300 (b).

³² www.ppi-ebd-uncitral.com/index.php/en/ebd-uncitral-initiative/action-plan.

³³ *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17 (A/67/17)*, para. 156.

³⁴ *Ibid.*, *Sixty-sixth Session, Supplement No. 17 (A/66/17)*, para. 198.

³⁵ *Ibid.*, *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 222 (b).

<i>Subject area</i>	<i>Description of the activity</i>
	online e-learning and other information, promotion and capacity-building tools (see further A/CN.9/1033)
	Expansion of case law in the CLOUT system and the Transparency Repository and update of the published digests of case law
	Review, upon request of States and international organizations, of draft laws, and provision of other forms of technical assistance in connection with the drafting and enactment of legislation based on UNCITRAL texts
	Development and implementation of technical assistance and capacity-building programmes in the area of international commercial law (in the 2020–2021 cycle, for China and for Saudi Arabia, upon their request)
	Other technical assistance to States and international organizations, upon their request, to build capacity to use UNCITRAL texts
	Coordination with, and support to, the UNCITRAL Regional Centre for Asia and the Pacific (RCAP) as regards that Centre's technical assistance, cooperation, coordination and promotional activities and events
	Development of a curriculum for an annual week-long, in-depth training on UNCITRAL texts
	Contribution to periodicals, reports and other writings on the work of UNCITRAL ³⁶

IV. Possible adjustments in methods of work of UNCITRAL that hindered the implementation of its work programme in the period 2019–2020 (COVID-19 pandemic)

8. As indicated in this note and in other notes prepared by the Secretariat for the fifty-third session of the Commission, in particular on technical assistance activities ([A/CN.9/1032](#)), the sessions of UNCITRAL Working Groups I, III, IV, V and VI that were scheduled to take place in the first half of 2020 and a number of activities planned before the fifty-third session of UNCITRAL had to be cancelled or postponed due to the measures taken by States and the United Nations in response to the COVID-19 pandemic.

9. Holding intergovernmental meetings by videoconference or similar means (“virtual meetings”) was not possible due to the unavailability of a platform that would have accommodated meetings in the six official languages of the United Nations. There were reservations from Member States to holding deliberations on substantive issues in virtual meetings and a preference for postponing substantive deliberations to the next possible formal meeting. Furthermore, and at the outset, there were concerns about accessibility, availability and quality of the virtual meetings platforms available, in particular the insufficient protection they offered against risks to security, privacy and confidentiality and lack of technical support to operate them.

10. The Secretariat took a number of measures to avoid a complete interruption to the UNCITRAL work programme activities planned for the period affected by the COVID-19 pandemic (March–June 2020, time of preparation of this Note). In particular, the Secretariat used webinars, live events, podcasts, virtual meetings and

³⁶ For details of these and other general supporting activities, see the relevant reports by the Secretariat to the Commission ([A/CN.9/1013](#), [A/CN.9/1015](#), [A/CN.9/1017](#), [A/CN.9/1018](#), [A/CN.9/1019](#), [A/CN.9/1020](#), [A/CN.9/1021](#), [A/CN.9/1022](#), [A/CN.9/1023](#), [A/CN.9/1024](#), [A/CN.9/1031](#), [A/CN.9/1032](#) and [A/CN.9/1033](#)).

other online tools and written communications wherever possible to reach out to delegates and observers, coordination and cooperation partners and beneficiaries of UNCITRAL's technical assistance programme.

11. In particular, the Secretariat:

(a) Facilitated Working Group I's virtual informal consultations on 14 May and written communication among interested delegations with a view of eliciting comments of States and observers on working paper [A/CN.9/WG.I/WP.118](#) ([A/CN.9/1009](#)). The comments received by the Secretariat are being compiled and will be submitted to the Commission for its consideration;

(b) Organized webinars related to the work of Working Group III (ISDS Reform) on establishment of an advisory centre on 21 April 2020 and on multilateral instruments on ISDS reform on 23 April and 14 May 2020;

(c) Prepared a questionnaire to elicit comments from interested delegations participating in Working Group IV on the draft provisions on the use and cross-border recognition of identity management and trust services (as contained in working paper [A/CN.9/WG.IV/WP.162](#)) with a view to advancing consideration of that draft by the Working Group at its next session and facilitating the task of the Secretariat in drafting explanatory materials to accompany the provisions, once adopted;

(d) Organized Working Group V's virtual informal consultations during the week of 11–15 May 2020 with a view of facilitating the exchange of views among interested delegations and understanding their positions on draft recommendations and commentary on MSE insolvency contained in working paper [A/CN.9/WG.V/WP.170](#).

12. The Secretariat appreciates the overall positive response received from Member States to the initiatives briefly described above, insofar as they helped avoid a complete standstill in the implementation of the work programme of the Commission. However, the Secretariat has identified a few practical and procedural hurdles that hinder its ability to react to the challenging circumstances created by the COVID-19 pandemic in a flexible manner, in particular the following: (a) since chairpersons and other members of the bureaux of UNCITRAL working groups are elected only for the duration of any given session, they had no standing to take a lead and run any informal consultations intersessionally especially when sessions had to be postponed; and (b) in the course of exploring options for providing simultaneous interpretation to the six official languages of the United Nations or at least to the two working languages of the Secretariat (English and French) in virtual meetings, questions arose about the use of UNCITRAL's entitlement to unused interpretation services for informal consultations, webinars and other events organized in reaction to the COVID-19 pandemic.

13. The budgetary consequences of postponement of meetings due to COVID-19 and the possibility of redirecting any unused conference services entitlement towards virtual meetings are matters outside the control and mandate of the Commission. Nevertheless, the Commission may still consider that it is in a position to make appropriate recommendations or requests to the General Assembly to ensure that its work does not stop for the time the measures applied because of the COVID-19 pandemic continue to be in place, or for similar situations in the future.

14. As regards its own working methods, the Commission may wish to decide that, in order to facilitate intersessional consultations, the term of office of the elected chairpersons, if not of the entire bureaux, of UNCITRAL working groups could be extended until the opening of the subsequent session. Alternatively, the Commission may wish to consider that it might be justifiable for a Working group to elect or appoint the chairperson or the whole bureau for the entire duration of a given project. This would reflect the factual situation since the same person tends to be re-elected as chairperson for the duration of the project, save for impediment or inability to perform those functions any longer. This would further enable the chairperson to call for informal consultations and intersessional activities that the Secretariat could then

facilitate. Subjecting the continuation of chairmanship to re-election at each session greatly limits the flexibility that is desirable to deal with extraordinary situations such as the COVID-19 pandemic.
