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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-fourth 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-fifth 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>Consideration of texts by the Commission at its fifty-fourth session</i>	<i>Work by the Working Group</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-fifth sessions (A/CN.9/963, A/CN.9/968, A/CN.9/1002, A/CN.9/1042 and a summary by the Chair and the Rapporteur (A/CN.9/1048)). The text on UNLLO (A/CN.9/1062) is before the Commission for consideration at its fifty-fourth session.</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 At its fifty-third session, the Commission encouraged the Working Group to devote full consideration to the topic of access to credit by MSMEs after it has concluded its work on UNLLO.⁹</p>	-	
Dispute settlement	<p><i>Expedited arbitration rules and the explanatory note</i></p> <p>At its fifty-first session, in 2018, the Commission mandated Working Group II to take up issues relating to expedited arbitration.¹⁰ The Working Group commenced that work at its sixty-ninth session, which continued through its seventy-second and seventy-third sessions (A/CN.9/1043 and A/CN.9/1049). At the seventy-third session, the Working Group approved the draft UNCITRAL Expedited Arbitration Rules to be presented as an appendix to the UNCITRAL Arbitration Rules. The draft Expedited Arbitration Rules and the model arbitration clause</p>		<p><i>Latest trends regarding international dispute resolution</i></p> <p>At its resumed fifty-third session, in response to a proposal by Japan (A/CN.9/1037), the Commission requested its secretariat to</p>	<p>The Commission may wish to consider whether the development of rules on early dismissal would require modifications to</p>

⁷ Ibid., para. 321.

⁸ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 192 (a).

⁹ Ibid., *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part two, para. 23.

¹⁰ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, paras. 245 and 252.

Consideration of texts by the Commission at its fifty-fourth session

Work by the Working Group

Preparatory or exploratory work
currently undertaken by the
Secretariat

Possible future work

([A/CN.9/1082](#)) as well as the draft explanatory note to accompany the Expedited Arbitration Rules ([A/CN.9/1082/Add.1](#)) are before the Commission for its consideration. Comments received on those texts are contained in document [A/CN.9/1083](#). Should the Commission not be in a position to finalize and adopt the explanatory note, The Working Group recommended that it be mandated to finalize it at its session in the second half of 2021 ([A/CN.9/1049](#), para. 66).

At its fifty-third session, the Commission decided to consider the possible need to consequential modifications to the UNCITRAL Arbitration Rules once it had finalized and adopted the Expedited Arbitration Rules.¹¹ During the deliberations of the Working Group, support was expressed for developing a rule that would provide arbitral tribunals with tools to dismiss non-meritorious claims and defences as well as to make preliminary determinations ([A/CN.9/1049](#), para. 59).

Texts on international mediation

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)¹² and noted that the Secretariat would also prepare notes on organizing mediation proceedings and update the UNCITRAL Conciliation Rules.¹³ At its fifty-third session, in 2020, the Commission requested Working Group II to review the texts on international mediation so as to facilitate speedy adoption of those texts¹⁴ and the Working Group reviewed the texts at its seventy-third session. The texts of the draft guide to enactment, the draft mediation rules, and the draft notes on mediation ([A/CN.9/1073](#), [A/CN.9/1074](#) and [A/CN.9/1075](#), respectively) are before the Commission for consideration.

commence research on issues identified in the proposal, noting their relevance to the digital economy and COVID-19-related developments in the area of dispute resolution, and to report back to the Commission at its fifty-fourth session, if possible, on possible future work in that area. The secretariat was given flexibility as regards the resources, means and ways to undertake that work.¹⁵ A note by the Secretariat on that proposal along with other topics (technology-related disputes and online platforms) relating to dispute resolution in the digital economy ([A/CN.9/1064/Add.4](#)) is before the Commission.

¹¹ Ibid., *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part two, para. 84.

¹² Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 67.

¹³ Ibid., paras. 246 and 254.

¹⁴ Ibid., *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part two, para. 93.

¹⁵ Ibid., paras. 16 (h) and 85.

	<i>Consideration of texts by the Commission at its fifty-fourth session</i>	<i>Work by the Working Group</i>	<i>Preparatory or exploratory work currently undertaken by the Secretariat</i>	<i>Possible future work</i>
Electronic commerce	-----	<p><i>Identity management and trust services</i></p> <p>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.¹⁶ The Working Group continued that work through its sixtieth and sixty-first sessions and the reports of those sessions (A/CN.9/1045 and A/CN.9/1051) are before the Commission at its fifty-fourth session.</p>	<p><i>Legal issues related to the digital economy, including dispute resolution</i></p> <p>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.¹⁷ 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 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).¹⁸</p> <p>At its fifty-third session, the Commission took note of a progress report on exploratory work undertaken by the secretariat (A/CN.9/1012), including on work to develop a legal taxonomy of emerging technologies and their applications comprising an appraisal of existing UNCITRAL texts (A/CN.9/1012/Add.1 to 3). The Commission requested the secretariat to continue to develop the taxonomy and appraisal of existing texts. It also requested the secretariat to refine the scope of the topics identified in the progress report and to present proposals for concrete legislative work for consideration by the Commission at its fifty-fourth session. At its fifty-fourth session, the Commission will have before it for consideration a revised legal taxonomy (A/CN.9/1064 and addenda) and a note by the secretariat on a proposal for legislative work on electronic transactions and the use of artificial intelligence and automation (A/CN.9/1065).</p>	

¹⁶ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 159.

¹⁷ Ibid., paras. 247, 248 and 253 (b).

¹⁸ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 207–215.

	<i>Consideration of texts by the Commission at its fifty-fourth session</i>	<i>Work by the Working Group</i>	<i>Preparatory or exploratory work currently undertaken by the Secretariat</i>	<i>Possible future work</i>	
Insolvency law	<p><i>Insolvency of MSEs</i></p> <p>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.¹⁹ 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-seventh and fifty-eighth sessions (A/CN.9/1046 and A/CN.9/1052). Draft recommendations on a simplified insolvency regime (A/CN.9/1052, annex) are before the Commission at its fifty-fourth session.</p>	-----	<p><i>Report of the Colloquium on Civil Asset Tracing and Recovery</i></p> <p>At its fifty-first and fifty-second sessions, in 2018 and 2019 respectively, the Commission, in response to proposals by the United States of America (A/CN.9/WG.V/WP.154 and A/CN.9/996), requested its secretariat to examine the relevant issues²⁰ and organize a colloquium to further clarify and refine various aspects of the Commission's possible work in that area.²¹ At its resumed fifty-third session, the Commission considered 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 set out the results of the exploratory work by the Secretariat on the topic. The Commission agreed to delay its final decision in respect of possible future work on the topic until it was possible to convene the International Colloquium on Applicable Law in Insolvency Proceedings and report on its outcome to the Commission at its fifty-fourth session.²²</p>	<p><i>Applicable law in insolvency proceedings</i></p> <p>At its fifty-second session, in 2019, the Commission, in response to a proposal by the European Union (A/CN.9/995), requested its secretariat to organize a colloquium on applicable law in insolvency proceedings, in cooperation with other relevant international organizations, with a view to submitting more concrete proposals for consideration by the Commission.²³ At its fifty-third session, the Commission noted that, due to the COVID-19 pandemic, the International Colloquium on Applicable Law in Insolvency Proceedings could not take place on 15 May 2020 as was originally scheduled. It requested the secretariat to organize the agreed colloquium on 11 December 2020 (or as soon as practicable thereafter), and report on conclusions reached at the colloquium at the fifty-fourth session of the Commission.²⁴ The report of the colloquium on applicable law in insolvency proceedings (A/CN.9/1060) is before the Commission for consideration at its fifty-fourth session.</p>	-----

¹⁹ Ibid., *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 246.

²⁰ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 253 (d).

²¹ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 203 and 221 (a) and chapter XXIII, section B, table 1.

²² Ibid., *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part two, paras. 16 (b) and 65.

²³ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 204–206 and 221 (a) and chapter XXIII, section B, table 1.

²⁴ Ibid., *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part two, paras. 16 (c) and 66.

	<i>Consideration of texts by the Commission at its fifty-fourth session</i>	<i>Work by the Working Group</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. ²⁵ 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 at its thirty-ninth, fortieth and resumed fortieth sessions (A/CN.9/1044 , A/CN.9/1050 and A/CN.9/1054). The reports of those sessions of the Working Group are before the Commission at its fifty-fourth session.	-----	-----
Judicial sale of ships	-----	Pursuant to the decision of the Commission at its fifty-first session, in 2018, ²⁶ Working Group VI has been working on the preparation of a draft instrument on the judicial sale of ships since its thirty-fifth session (New York, 13–17 May 2019) (A/CN.9/973). The Working Group continued that work through its thirty-seventh and thirty-eighth sessions (A/CN.9/1047/Rev.1 and A/CN.9/1053) and the reports of those sessions are before the Commission at its fifty-fourth session.	-----	-----

Exploratory and preparatory work undertaken by the UNCITRAL secretariat on other topics

Warehouse receipts

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.²⁷ 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.²⁸ The results of that work were before the Commission at its resumed fifty-third session ([A/CN.9/1014](#)). At its resumed fifty-third session, the Commission agreed to carry out the project jointly with Unidroit on the understanding that a preliminary draft model law on the topic would be prepared by Unidroit study group or working group, which would subsequently be submitted for inter-governmental negotiations through an UNCITRAL working group, possibly by the second half of 2022, with a view of its ultimate adoption by UNCITRAL. The Commission further agreed that the final text to be adopted by UNCITRAL would bear the names of both organizations, in recognition of their close cooperation and the contribution by Unidroit during the preparatory phase of the project. The

²⁵ Ibid., *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 264.

²⁶ Ibid., *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 252.

²⁷ Ibid., paras. 249 and 253 (a).

²⁸ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 194–196 and 221 (b).

Negotiable multimodal transport documents (NMTDs)

Commission requested the secretariat to report on the progress of the work at the Commission's annual sessions.²⁹ The Commission will have a note by the Secretariat on the subject ([A/CN.9/1066](#)).

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.³⁰ The results of that work were presented for consideration by the Commission at its resumed fifty-third session in a note by the Secretariat ([A/CN.9/1034](#)). At that session, the Commission requested its secretariat to start preparatory work towards the development of a new international instrument on NMTDs that could be used for contracts not involving carriage by sea, and present the results of that work to the Commission for consideration at its next session. The secretariat was requested to carry out that work in close coordination and cooperation with relevant international organizations and convene as necessary expert group meetings and, resources permitting, an UNCITRAL colloquium.³¹ The Commission will have a note by the Secretariat on the subject ([A/CN.9/1061](#)).

Regulation of measures to combat consequences of the global COVID-19 pandemic and other emergencies that entail material restrictions to global trade

At its resumed fifty-third session, the Commission had before it a proposal by Armenia, the Russian Federation and Viet Nam to update the work programme to include the consideration of measures to combat the consequences of the global COVID-19 pandemic and other emergencies that entail material restrictions to global trade ([A/CN.9/1039](#)). The Commission requested further exploration of the proposal, in particular by identifying what had been done by other organizations on that topic, and by organizing online round tables or meetings. The secretariat was requested to report back to the Commission at its fifty-fourth session on the impact that the COVID-19 pandemic had had on international trade, the legislative responses of States and areas where the Commission could embark on future work.³² At its fifty-fourth session, the Commission will have before it for consideration notes by the Secretariat on exploratory work on the impact of COVID-19 on international trade law ([A/CN.9/1079](#), [A/CN.9/1080](#) and [A/CN.9/1081](#)).

²⁹ Ibid., *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part two, paras. 16 (d) and 61.

³⁰ Ibid., *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 216–219 and 221 (d).

³¹ Ibid., *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part two, paras. 16 (e) and 82.

³² Ibid., paras. 16 (i), 86 and 89.

III. Supporting activities

6. Table 2 lists activities of the Secretariat planned until the fifty-fifth session of the Commission in support of the legislative work by the Commission and its working groups.³³ It is separated in two parts: part (a) lists one-time events; and part (b) lists recurrent or ongoing activities. These activities include work by the secretariat, alone or in cooperation with other organizations, to prepare texts and explanatory materials to support the acceptance, understanding, uniform interpretation and application of UNCITRAL texts. Previous versions of this document also used to set out in this table specific or recurring activities to disseminate information on and support the enactment and effective implementation of UNCITRAL texts. Those activities, which are more closely related to the technical assistance work of the secretariat, will no longer be presented in the report (see instead [A/CN.9/1057](#), [A/CN.9/1058](#) and [A/CN.9/1059](#)).

Table 2

Supporting activities

(a) Specific activities

<i>Description of the activity</i>	<i>Place and date</i>
Incheon Law & Business Forum (co-hosted with Incheon City and the Ministry of Justice of the Republic of Korea)	Incheon, early September 2021 (hybrid event)
* The Forum engages representatives from the legal and business sectors in the Asia Pacific region in discussing UNCITRAL developments and exploratory work	
Working Group III (ISDS Reform) – support to host countries in organization of intersessional meetings	Seoul, Republic of Korea, 1–2 September 2021 Hong Kong SAR, China, 20–21 October 2021
Working Group III (ISDS Reform) – numerous online intersessional meetings	Throughout the year
Expert group meeting on access to credit for MSME	September 2021
Working Group on a Model Law on Warehouse Receipts convened by Unidroit in consultation with the UNCITRAL	September 2021
Expert group meeting on legal issues related to the digital economy	October 2021 October 2021 Hong Kong, China, late October 2021
Third expert group meeting on the development of a new international instrument on negotiable multimodal transport documents	
UNCITRAL Singapore Academy: the inaugural UNCITRAL Academy jointly organizes together with the Ministry of Law Singapore a specialized Government Capacity Building Workshop, an	

³³ 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>
Industry-focused Capacity-Building Workshop as well as an ICSID-UNCITRAL Capacity-Building Workshop on Investor-State Dispute Settlement.	

(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.9/1058](#))).

<i>Subject area</i>	<i>Description of the activity</i>
Electronic commerce	Coordination and cooperation on aspects of single windows and paperless trade facilitation ³⁴ Preparation of explanatory materials on the enactment of UNCITRAL texts in the area of electronic commerce ³⁵
Insolvency law	Updating the publication entitled <i>UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective</i> ³⁶ Preparation of explanatory materials on the enactment of three model laws in the area of insolvency law ³⁷
Secured transactions	Participation in the annual conference on international coordination of secured transactions law reforms jointly with the World Bank, Unidroit, Kozolchik National Law Centre and International Insolvency Institute
General	Participation at the tripartite coordination meeting of UNCITRAL, Unidroit and HCCH at which current work of the three organizations, areas of mutual interest and possible joint activities are regularly discussed Attendance at the annual meeting of the Inter-Agency Cluster on Trade and Productive Capacity, which brings together fifteen United Nations agencies under the coordination of the United Nations Conference on Trade and Development (UNCTAD), at which issues of common interest (e.g. possible joint actions in response to the COVID-19 pandemic) Participation in the International Organisations' Partnership for Effective International Rule-Making, led by the Organisation for Economic Cooperation and Development Operation of the Transparency Registry, a repository of published information in accordance with article 8 of the Rules on Transparency ³⁸

³⁴ 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).

³⁵ *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).

³⁶ *Ibid.*, *Sixty-sixth Session, Supplement No. 17 (A/66/17)*, para. 198.

³⁷ *Ibid.*, *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 222(b).

³⁸ With voluntary contributions from the European Union, the OPEC Fund and (BMZ). For details, see the note by the Secretariat [A/CN.9/1060](#), para. 16.

*Subject area**Description of the activity*

Contribution to periodicals, reports and other writings on the work of UNCITRAL³⁹

IV. Possible adjustments in methods of work of UNCITRAL

8. In the light of the experience accumulated from the holding of UNCITRAL sessions during the COVID-19 pandemic, the secretariat invites the Commission to consider further adjustments to its methods of work, in particular:

(a) To change the procedure for adoption of the report of a working group in order to give as much time to working groups for substantive deliberations as possible. The current procedure of circulating working groups' draft reports for adoption after the session, established by the decision of UNCITRAL member States adopted on 19 August 2020, may become the norm. In this connection, the secretariat notes that delegations participating in the deliberations of Working Group III (ISDS) have expressly request to fully use the last day of its sessions to carry out substantive work and continue to adopt the report by silence procedure or at least to provide for a round of comments by States on the report before it becomes the report of the Working Group or the summary of the chairman;

(b) To allow the holding of hybrid meetings even after the prevailing restrictions are waived in the light of the positive feedback received from a number of delegations about that format of UNCITRAL meetings, which allowed States and invited organizations to ensure the participation of their delegations at the sessions and expand the composition of those delegations. There is a growing concern about the severe budgetary impact of the pandemic, which may negatively impact the capacity of States and organizations to finance travel of their delegations to UNCITRAL meetings still in years to come. The secretariat notes, also in this context, the wish expressed by delegations participating in the deliberations of Working Group III (ISDS) to extent the authorization to hold meetings in a hybrid format to maintain the high level of attendance and participation that this format of meetings has allows;

(c) To encourage working groups to hold informal consultations between its sessions or in conjunction with a session in order to compensate at least in part for the reduction of conference time available to UNCITRAL working groups as a result of the COVID-19 pandemic, in particular in respect of sessions scheduled to take place in New York. The Commission may wish to note that the secretariat has received extrabudgetary contributions to procure interpretation in the working languages of the secretariat (English and French) and that secretariat could intensify its efforts to solicit such resources, if the Commission agrees to generalize that practice;

(d) To enhance tools that the UNCITRAL secretariat uses for collecting and keeping current contact details of delegates and observers, subject to the required personal data protection. That information is used by the bureaux of UNCITRAL and its working groups as well as by the UNCITRAL secretariat for communication with delegations to UNCITRAL sessions inter-sessionally (for commencing a silence procedure, circulating invitations to informal consultations, webinars or colloquia or information about other events organized by the UNCITRAL secretariat or for other needs). Resources required to put in place such tools would need to be appropriately budgeted.

³⁹ For details of these and other general supporting activities, see the relevant reports by the Secretariat to the Commission ([A/CN.9/1055](#), [A/CN.9/1056](#), [A/CN.9/1057](#), [A/CN.9/1058](#), [A/CN.9/1059](#), [A/CN.9/1067](#), [A/CN.9/1069](#), [A/CN.9/1070](#), [A/CN.9/1071](#) and [A/CN.9/1078](#)).