Report on the Fifty-Ninth Session of the United Nations Commission on International Trade Law (UNCITRAL)

by

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Executive Summary

The fifty-ninth session of the United Nations Commission on International Trade Law (UNCITRAL) delivered major developments in investor-state dispute settlement (ISDS) reform, international arbitration, and digital trade law. The Commission finalized the draft Statute of the Advisory Centre on International Investment Dispute Resolution and adopted the UNCITRAL Supplementary Provisions on the Conduct of Proceedings to Resolve International Investment Disputes. It also modernized the UNCITRAL Model Law on International Commercial Arbitration (UNCITRAL Model Law) to accommodate electronic awards and electronic notices. This report highlights the key outcomes of UNCITRAL's work during the session.

1. ISDS Reform: Foundational Outcomes

a. Finalization of the Advisory Centre Statute

On 2 July, the Commission finalized the draft Statute of the Advisory Centre on International Investment Dispute Resolution, resolving outstanding issues relating to headquarters, regional offices, host country agreements, and interim secretariat arrangements.[1] The Statute aims to support States, particularly developing and least developed countries, in preventing and managing investment disputes.

The Commission considered proposals to revise Article 9 on the Centre's location and regional representation, including text submitted by candidate States.[2] The final Statute reflects balanced regional presence and requires host country agreements for each office.[3] The Commission agreed that the UN Secretary-General, through the International Trade Law Division, will serve as the interim secretariat[4] and be headquartered in a Member State[5]. The Statute will be transmitted to the General Assembly for adoption at its eighty-first session.[6]

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[1] UNCITRAL, *Report of the fifty-ninth session*, A/81/17, pp. 7-12, 59.

[2] UNCITRAL, *Issues relating to the operationalization of the Advisory Centre*, A/CN.9/1268, paras. 3–4.

[3] *Ibid*., para. 7.

[4] UNCITRAL, *Interim Secretariat Note*, A/CN.9/1266, para. 7.

[5] UNCITRAL, *Report of the fifty-ninth session*, A/81/17, para. 36.

[6] UNCITRAL, *Issues relating to the operationalization of the Advisory Centre*, A/CN.9/1268, para.10.

b. Adoption of the Supplementary Provisions

On 10 July, the Commission adopted the UNCITRAL Supplementary Provisions on the Conduct of Proceedings to Resolve International Investment Disputes.[7] These provisions modernize procedural aspects of ISDS, addressing tribunal powers, preliminary objections, transparency, consolidation, and case management.

The Supplementary Provisions can be used as stand-alone procedural rules, incorporated into investment treaties, or integrated into the future multilateral instrument on ISDS reform. Their adoption marks a major step in modernizing the procedural framework of investment arbitration.

2. International Arbitration: Digital-Era Modernization

The Commission adopted several important texts modernizing arbitration practice:

a. Recommendation on Electronic Arbitral Awards

The Commission adopted the Recommendation regarding the interpretation of the Convention on the Recognition and Enforcement of Foreign Arbitral Award (1958) (**New York Convention**) with respect to electronic arbitral awards. This clarifies that arbitral awards in electronic form fall within the scope of the New York Convention.[8] This interpretive guidance strengthens legal certainty for digital awards and supports technology-neutral enforcement.

b. Amendments to the UNCITRAL Model Law

The Commission approved amendments to the UNCITRAL Model Law addressing recognition and enforcement of electronic awards and electronic notices of arbitration.[9] These amendments will guide legislative updates worldwide and align arbitration practice with digital communication norms.

c. Additional Note to the UNCITRAL Notes

A new note on the form of awards was added to the UNCITRAL Notes on Organizing Arbitral Proceedings (UNCITRAL Notes), complementing earlier notes on early dismissal and preliminary determination.[10]

3. Digital Trade and Emerging Technologies

The Commission made several decisions shaping future work in the digital economy, including mandates on:

- digital payments

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[7] UNCITRAL, *Report of the fifty-ninth session*, A/81/17, pp. 14-22, 67.
[8] UNCITRAL, *Report of the fifty-ninth session*, A/81/17, pp. 24, 27.
[9] *Ibid*, pp. 24-25, 27.
[10] *Ibid*, pp. 26-27.

- digital platforms
- paperless trade
- secured transactions involving digital assets
- automated contracting (in cooperation with the European Law Institute)
- DRDE (AI, ODR, remote hearings)

These decisions are reflected in the Commission's Work Programme Note.[11]

4. Coordination, Technical Assistance, and UNCITRAL's Sixtieth Anniversary

The Commission reviewed coordination efforts with organizations such as the Hague Conference on Private International Law (HCCH), International Institute for the Unification of Private Law (UNIDROIT), Organisation for Economic Co-operation and Development (OECD), Organization for the Harmonization of Business Law in Africa (OHADA), and Permanent Court of Arbitration (PCA).[12] It also welcomed updates on CLOUT expansion, Transparency Repository migration, UNCITRAL website modernization, e-learning initiatives, and outreach activities.[13]

The Commission adopted a decision commemorating UNCITRAL's sixtieth anniversary, launching global events from July 2026 to July 2027, including a celebratory event in Vienna on 17 December 2026.[14]

Conclusion and Outlook

The fifty-ninth session of UNCITRAL delivered transformative outcomes across arbitration, ISDS reform, and digital trade law. For MAA members, these developments are highly relevant: they may influence Vis Moot problem design, arbitration pedagogy, and the future of international dispute resolution.

Observing UNCITRAL firsthand provides deep insight into how international legal frameworks are negotiated and modernized, thus enhancing legislative drafting skills, contract and agreement wording, etc. I strongly encourage MAA members to consider applying to attend future UNCITRAL sessions—whether Commission or Working Group—as the experience is both professionally enriching and academically inspiring.

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11 UNCITRAL, *Work Programme Note*, A/CN.9/1251.

12 UNCITRAL, *Report of the fifty-ninth session*, A/81/17, pp. 43-47.

13 *Ibid*, p. 49.

14 *Ibid*, pp. 57-58.