

Report on the 83rd session of the United Nations Commission on International Trade Law (UNCITRAL) Working Group II: Dispute Settlement

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Executive Summary

The 83rd Session of the United Nations Commission on International Trade Law (“UNCITRAL”) Working Group II (the “**Working Group**”) was held from 16 to 20 February 2026 at the United Nations Headquarters in New York. This Session concluded the Working Group’s discussions on the recognition and enforcement of electronic arbitral awards and electronic notices of arbitration, following the work conducted during the 81st and 82nd Sessions of Working Group II.

The Commission also organized a day and a half colloquium (the “**Colloquium**”) on 16 and 17 February to explore possible future topics for the Working Group and to avoid scheduling substantive discussions during the Lunar New Year. The Colloquium addressed three areas: the use of Artificial Intelligence in arbitration, the use of Artificial Intelligence in mediation and remote mediation, and remote hearings in arbitration.

Report

In accordance with the Commission’s 2024 mandate, the 81st and 82nd Sessions of the Working Group focused on the recognition and enforcement of electronic arbitral awards and electronic notices of arbitration. By the end of the 82nd Session in Vienna, the Working Group approved amendments to Articles 2, 31, and 35 of the UNCITRAL Model Law on International Commercial Arbitration (1985), with amendments as adopted in 2006 (“**MAL**”), along with a recommendation regarding the interpretation of the New York Convention. For the 83rd Session, the Working Group was asked to consider revisions to the Explanatory Note to the MAL, the Notes on Organizing Arbitral Proceedings, and the legislative history relating to Article 3 of the MAL. The Commission also convened the Colloquium to begin considering future areas of work.

The morning of 16 February was devoted to finalizing Article 35 of the MAL. The original text provided that “*an award in electronic form shall not be set aside solely on the ground that it is in electronic form.*” The Commission requested the Working Group to consider the necessity of the word “*solely.*” After discussion, the Working Group revised the text to read “*an award shall not be set aside solely on the ground that it is in electronic form.*”

The afternoon of 16 February and the entire day of 17 February were devoted to the Colloquium. The first panel focused on arbitrators and the use of artificial intelligence, and featured speakers from arbitral institutions and arbitration-related organizations. The consensus among the speakers was that the rapid evolution of artificial intelligence poses a challenge to producing long-lasting guidance texts, and the harmonization of existing guidelines and templates would be preferred.

The second panel examined the use of artificial intelligence in mediation as well as remote mediation. Panelists similarly recommended work focused on high-level principles and cautioned against overregulation. The discussion of remote mediation highlighted its advantages in increased access and reduced costs, while also noting concerns about participants’ ability to sustain their focus and issues relating to the enforceability of electronically signed settlement agreements in cross-border disputes.

The final panel addressed remote hearings. Several speakers raised concerns about the equality of arms, time zone differences, confidentiality, and cybersecurity. The discussion centered on whether it was necessary for UNCITRAL to undertake work on remote hearings. Some speakers felt that UNCITRAL was well positioned to develop high-level guidance, particularly for ad hoc proceedings and less sophisticated parties, while others felt the system was functioning well and cautioned against overregulation.

On 17 February, the Working Group returned to awards in electronic form, with a focus on the Explanatory Note to the MAL. Delegations discussed whether the phrase “in writing” in Article 35(1) was necessary and whether it could cause confusion if it were interpreted as creating a requirement for a paper document. The Working Group ultimately retained the phrase, with the understanding that it includes documents in electronic form. The Working Group then approved the proposed revisions to the Explanatory Note, along with the previously agreed MAL amendments, subject to minor edits.

The discussion then turned to electronic notices of arbitration, continuing into 18 February. The Working Group emphasized at the outset that issues relating to delivery should be addressed in domestic procedural law, and accordingly, any language should clarify that electronic communications are permissible without further detail. It approved revisions to Article 3(1)(a) and (b) of the MAL to include electronic notices, and endorsed corresponding additions to both the Explanatory Note and the Notes on Organizing Arbitral Proceedings.

The Sessions concluded with a discussion of potential future topics. Many delegations viewed work on artificial intelligence as premature given the pace of technological change. Some support emerged for work on remote hearings on the basis that it was realistically achievable and aligned with UNCITRAL's goals of enhancing efficiency and access to dispute resolution, although others raised concerns that no legal issues remain relating to remote hearings and that the right to a physical hearing has largely been resolved.

Conclusion

The 83rd Session of UNCITRAL Working Group II brought two years of focused work on awards in electronic form and electronic notices of arbitration to a close, culminating in substantive amendments to the MAL and related UNCITRAL materials. These outcomes modernize the framework for international arbitration and reinforce the legitimacy of electronic processes in cross-border dispute resolution. As the Working Group turns to identifying its next project, it faces an important opportunity to shape emerging practice in areas such as artificial intelligence, remote mediation, and remote hearings. Whether it chooses to pursue one of these developing topics or a new subject entirely, the decisions made in the coming sessions will help determine how UNCITRAL continues to fulfill its mandate to promote efficiency, accessibility, and harmonization in international dispute resolution.