

Report on the Eighty-Third Session of the United Nations Commission on International Trade Law Working Group II (Dispute Settlement)

by

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EXECUTIVE SUMMARY

Between 16 and 20 February 2026, the United Nations Commission on International Trade Law (“**UNCITRAL**” or “**Commission**”), Working Group II – Dispute Settlement (“**Working Group**”) held its eighty-third Session (“**Session**”) at the United Nations headquarters in New York, United States of America.

The topic of the Session was “*Recognition and Enforcement of Arbitral Awards in Electronic Form*”. This represented the last Session on this topic, which debuted during the 80th Session, 30 September – 4 October 2024, in Vienna. During this last Session, the Working Group finalised its discussions on the recognition and enforcement of awards in electronic form and explored new topics for the following meetings. The Agenda of the Sessions included: (I) further amendments to the amendments to the UNCITRAL Model Law on International Commercial Arbitration (1985), with amendments as adopted in 2006 (“**Model Law**” or “**MAL**”), consideration of the additions to the Explanatory Note to the Model Law (“**Explanatory Note**”), and the Notes on Organizing Arbitral Proceedings (“**Notes**”) regarding arbitral awards in electronic form and consideration of electronic notices of arbitration; (II) UNCITRAL Colloquium on the Use of Artificial Intelligence (“**AI**”) in Dispute Resolution and Remote Hearings in Arbitration and Mediation.

REPORT

Attendance

Of the Commission’s seventy Member States, forty-two Member States participated in the Session. The Session was also observed by representatives of non-member States, International Organizations, Intergovernmental Organizations, and invited Non-Governmental Organizations.

Summary of Discussions on the Recognition and Enforcement of Arbitral Awards in Electronic Form

The discussion focused on concluding the Working Group’s work on the recognition and enforcement of awards in electronic form and finalizing the report for the UNCITRAL Commission Session, as well as exploring new topics for the next Sessions of Working Group II.

I. Main Working Group Session

i) Amendments to the MAL

The Working Group discussed potential amendments to Articles 34 and 35 of the MAL. The proposal sought to clarify that an award should not be set aside *solely* because it was issued in electronic form. Supporters of the addition argued that it would reinforce the principle of non-discrimination between paper-based and electronic awards and align Article 34 with Article 35 of the MAL, which concerns recognition and enforcement. However, other participants raised concerns that the amendment could be perceived as introducing a new ground for setting aside an award or even creating confusion or ambiguity. Ultimately, the Working Group decided to retain the term “solely” in Article 35(3), which reads, “*An award shall not be set aside solely on the ground that it is in electronic form.*”

ii) Additions to the Explanatory Note

The Working Group also considered revisions to the Explanatory Note. One of the issues discussed was whether the phrase “*in writing*” in Article 35(1) should be removed. Some participants were of the view that the phrase already encompassed electronic communications and that deleting it could create confusion or require legislative amendments in jurisdictions that had adopted the Model Law. Others suggested that retaining it might impose unnecessary formal requirements not present in the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 10 June 1958. After discussion, the Working Group agreed to retain the phrase “*in writing*”, with the understanding that it includes electronic forms of writing.

The Working Group then reviewed proposed explanatory paragraphs clarifying the purpose and scope of the 2026 amendments. The revisions aimed to make explicit what the MAL “*already accommodated, namely the use of arbitral awards in electronic form, particularly in relation to their recognition and enforcement*”. However, the revisions did not address technical criteria such as authentication, integrity, or accessibility, leaving such matters to domestic law and practice.

iii) Notes on Organizing Arbitral Proceedings

The Working Group also discussed the addition of a new note entitled “*Paper or Electronic Form of Awards*” to the UNCITRAL Notes on Organizing Arbitral Proceedings, which will be Note 21. The note acknowledges that arbitral awards have traditionally been issued on paper with wet-ink signatures but that modern technology enables awards to be made in electronic form, offering advantages such as greater efficiency, faster delivery, and easier storage and retrieval.

At the same time, the note flags that some jurisdictions may require awards in paper form or impose specific requirements for electronic documents. It therefore advises

arbitral tribunals to consult the parties and consider applicable legal requirements in jurisdictions in which recognition or enforcement may be sought. The note also highlights practical considerations, such as the potential need for certified copies, wet-ink signatures, or specific electronic signature formats, as well as the impact of the award's form on procedural timelines.

iv) Electronic Notices of Arbitration

The Working Group also addressed the delivery of notices of arbitration and other written communications by electronic means. While some participants argued that delivery issues should remain governed by domestic procedural law, others supported clarifying that electronic transmission is permissible under the MAL. Ultimately, the Working Group agreed to amend Article 3(1) of the MAL to expressly allow written communications to be transmitted electronically, provided that the transmission generates a record and is sent to an electronic address specifically designated for that purpose. Such communications are deemed received on the day they are electronically transmitted.

v) New title of the MAL

The Working Group agreed that the revised title of the MAL would be “*Model Law on International Commercial Arbitration (1985, with amendments in 2006 and 2026)*”, and the Explanatory Note would be renumbered accordingly.

II. Colloquium

A colloquium was convened to explore topics of discussion for the next Sessions of the Working Group.

i) Panel 1: Arbitrators and the Use of Artificial Intelligence

The first panel examined the growing role of AI in arbitration and its potential implications for the recognition and enforcement of arbitral awards. The panelist shared insights on how AI tools are being used in practice, including platforms designed to assist arbitrators, as well as the launch of the “AI Arbitrator” tool. Participants discussed the importance of distinguishing between AI’s administrative assistance and substantive involvement in legal reasoning, as well as identifying different levels of risk associated with AI tools. Suggestions for possible future work included developing procedural order toolkits, model clauses on confidentiality and disclosure of AI use, guidance on monitoring improper reliance on AI, and frameworks addressing due process, fairness, and arbitrator independence.

ii) Panel 2: Artificial Intelligence and Remote Mediation

The second panel addressed the use of AI in mediation and the development of remote mediation practices. Concerns were raised regarding confidentiality, transparency, and the potential overestimation of AI capabilities. Participants

emphasized the need for safeguards and AI literacy while cautioning against excessive regulation that might inhibit innovation.

iii) Panel 3: Remote Hearings in Arbitration

The third panel focused on remote and hybrid hearings in arbitration. While remote hearings have become widely accepted, participants noted potential challenges related to due process, the equality of arms, technological limitations, and cybersecurity risks. Views diverged on whether further guidance from UNCITRAL was necessary. Some participants supported the development of non-binding best practices or checklists, while others considered existing practice sufficient and warned against overregulation.

iv) Outcome

Overall, participants agreed that AI in dispute resolution remains a rapidly evolving field requiring continued monitoring. The Secretariat was encouraged to track developments and identify key issues before determining whether formal guidance or harmonization efforts would be appropriate.

Conclusion – Next Steps

The Secretariat will submit the project texts on awards in electronic form as well as electronic notices to the Commission for finalization and adoption at its 59th Session in 2026. Based on the Commission discussions, a new topic will be assigned to Working Group II. The Secretariat will continue monitoring developments in artificial intelligence and platform-based dispute resolution and reporting back to the Working Group.