



General Assembly

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**United Nations Commission on
International Trade Law
Working Group II (Dispute Settlement)
Seventy-seventh session
Vienna, 6–10 February 2023**

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Consideration of early dismissal and preliminary determination.
5. Consideration of technology-related dispute resolution and adjudication.
6. Adoption of the report.

II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Afghanistan (2028), Algeria (2025), Argentina (2028), Armenia (2028), Australia (2028), Austria (2028), Belarus (2028), Belgium (2025), Brazil (2028), Bulgaria (2028), Cameroon (2025), Canada (2025), Chile (2028), China (2025), Colombia (2028), Côte d'Ivoire (2025), Croatia (2025), Czechia (2028), Democratic Republic of the Congo (2028), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Greece (2028), Honduras (2025), Hungary (2025), India (2028), Indonesia (2025), Iran (Islamic Republic of) (2028), Iraq (2028), Israel (2028), Italy (2028), Japan (2025), Kenya (2028), Kuwait (2028), Malawi (2028), Malaysia (2025), Mali (2025), Mauritius (2028), Mexico (2025), Morocco (2028), Nigeria (2028), Panama (2028), Peru (2025), Poland (2028), Republic of Korea (2025), Russian Federation (2025), Saudi Arabia (2028), Singapore (2025), Somalia (2028), South Africa (2025), Spain (2028), Switzerland (2025), Thailand (2028), Türkiye (2028), Turkmenistan (2028), Uganda (2028), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2028), Venezuela (Bolivarian Republic of) (2028), Viet Nam (2025) and Zimbabwe (2028).

2. States not members of the Commission and international governmental organizations may attend the session as observers and participate in the deliberations.

* Reissued for technical reasons on 11 January 2023.



In addition, invited international non-governmental organizations may attend the session as observers and represent the views of their organizations on matters where the organization concerned has expertise or international experience so as to facilitate the deliberations at the session.

III. Annotations to agenda items

Item 1. Opening of the session

3. The seventy-seventh session of the Working Group is scheduled to be held at the United Nations Headquarters (New York) from 6 to 10 February 2023. Meeting hours will be from 10.00 a.m. to 1 p.m. and from 3 to 6 p.m., except on Monday, 6 February 2023, when the session will be opened at 10.30 a.m. Other arrangements for the session will be announced on the web page of Working Group II in due course.

Item 2. Election of officers

4. In accordance with its previous practice, the Working Group may wish to elect a Chairperson and a Rapporteur.

Item 4. Consideration of early dismissal and preliminary determination

5. The Commission, at the fifty-fourth session in 2021, requested the Working Group to discuss the topic of early dismissal at the seventy-fourth session of the Working Group and present the results of its discussions to the Commission.¹ Following the deliberations at the seventy-fourth session, the Working Group requested the Secretariat to present different illustrative options to the Commission based on the views expressed during its deliberations ([A/CN.9/1085](#), para. 67).

6. The Commission, at its fifty-fifth session in 2022, considered the topic based on a note prepared by the Secretariat containing three legislative options ([A/CN.9/1114](#)). After discussion, the Commission entrusted the Working Group to develop a guidance text on early dismissal and preliminary determination (option 1) as provided in document [A/CN.9/1114](#) and to present it to the Commission for its consideration at its fifty-sixth session in 2023.²

7. During its seventy-sixth session in October 2022, the Working Group considered the topic of early dismissal and preliminary determination on the basis of the document ([A/CN.9/1114](#)) and requested the Secretariat to prepare a revised version of the guidance text as an additional note in the Notes on Organizing Arbitral Proceedings to be considered briefly by the Working Group before presenting it to the Commission ([A/CN.9.1123](#), para. 40). Accordingly, the Working Group is expected to consider the topic of early dismissal and preliminary determination based on a note by the Secretariat ([A/CN.9/WG.II/230](#)).

Item 5. Consideration of technology-related dispute resolution and adjudication

8. The Commission, at its fifty-second session in 2019, considered a proposal by the Governments of Israel and Japan on possible future work in the field of dispute resolution in international high-tech related transactions ([A/CN.9/997](#)).³ At its fifty-fourth session in 2021, the Commission requested the secretariat to continue to engage with experts with a view to preparing an outline of provisions to assist in the operation of such dispute resolution.⁴

¹ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17* ([A/76/17](#)), paras. 25(e), 214(b) and 242.

² *Ibid.*, *Seventy-seventh Session, Supplement No. 17* ([A/77/17](#)), paras. 194 (b) and 229.

³ *Ibid.*, *Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), paras. 212–215.

⁴ *Ibid.*, *Seventy-sixth Session, Supplement No. 17* ([A/76/17](#)), paras. 25(e), 214(b) and 229.

9. At that session, the Commission heard a proposal to prepare rules on international adjudication as they could usefully complement the work on expedited arbitration. Consequently, the Commission decided that the desirability and feasibility of work on adjudication should be discussed at a colloquium to be held during the seventy-fifth session of the Working Group.⁵

10. Accordingly, the Secretariat organized the Colloquium on Possible Future Work on Dispute Settlement during the seventy-fifth session of the Working Group.⁶ Among the documents considered by the Working Group were draft provisions for technology-related dispute resolution submitted by a group of experts ([A/CN.9/WG.II/WP.224](#)) and a note on adjudication, including a proposal for future work submitted by the Government of Switzerland ([A/CN.9/WG.II/WP.225](#)). A round-table discussion was held during the Colloquium with the aim to provide the Commission with input on possible future work on dispute settlement ([A/CN.9/1091](#), paras. 69–79).

11. The Commission, at its fifty-fifth session in 2022, considered the proposals on technology-related dispute resolution and adjudication. There was general support to pursue legislative work building on the common elements, mainly that both aimed to provide a legal framework for a simplified mechanism to resolve disputes in a very short time frame involving a third party with the relevant expertise, not necessarily resulting in a final award but the outcome still being enforceable across borders. After discussion, the Commission entrusted the Working Group to consider the topics of technology-related dispute resolution and adjudication jointly and to consider ways to further accelerate the resolution of disputes by incorporating elements of both proposals. It was agreed that the work should build on the UNCITRAL Expedited Arbitration Rules and that the model provisions or clauses, or other forms of legislative or non-legislative text could be prepared on matters such as shorter time frames, appointment of experts/neutrals, confidentiality, and the legal nature of the outcome of the proceedings, all of which would allow disputing parties to tailor the proceeding to their needs to further expedite the proceedings. It was stressed that such work should be guided by the needs of the users, take into account innovative solutions as well as the use of technology, and further extend the use of the UNCITRAL Expedited Arbitration Rules.⁷

12. During its seventy-sixth session in October 2022, the Working Group considered the topics of technology-related dispute resolution and adjudication on the basis of a note prepared by the Secretariat ([A/CN.9/WG.II/WP.227](#)) and requested the Secretariat to revise the model clauses and guidance texts based on the deliberations ([A/CN.9/1123](#), paras. 93–94). At the current session, the Working Group is expected to continue considering the topics of technology-related dispute resolution and adjudication based on a note by the Secretariat ([A/CN.9/WG.II/WP.230](#)).

Documentation

13. The following background documents are available on the UNCITRAL website:

- Reports of Working Group II (Dispute Settlement) on the work of its seventy-third session ([A/CN.9/1049](#)); seventy-fourth session ([A/CN.9/1085](#)); seventy-fifth session ([A/CN.9/1091](#)); and seventy-sixth session ([A/CN.9/1123](#));
- Reports of the United Nations Commission on International Trade Law on the work of its fifty-second session (*Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17 (A/74/17)*), of its fifty-fourth session (*Official Records of the General Assembly, Seventy-sixth Session, Supplement*

⁵ Ibid., paras. 25(g), 214(b) and 243.

⁶ Information about the Colloquium is available at <https://uncitral.un.org/en/disputesettlementcolloquium2022>.

⁷ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17 (A/77/17)*, paras. 223–225.

*No. 17 ([A/76/17](#))) and of its fifty-fifth session (*Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17* ([A/77/17](#)));*

- UNCITRAL Expedited Arbitration Rules with Explanatory Note (2021);
- UNCITRAL Arbitration Rules (2021);
- UNCITRAL Model Law on International Commercial Arbitration (2006); and
- UNCITRAL Notes on Organizing Arbitral Proceedings (2016).

Item 5. Adoption of the report

14. The Working Group may wish to adopt, at the close of its session, a report for submission to the fifty-sixth session of the Commission, scheduled to be held in Vienna, tentatively from 3 to 21 July 2023.
