



General Assembly

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**United Nations Commission on
International Trade Law
Working Group II (Dispute Settlement)
Seventy-eighth session
Vienna, 18–22 September 2023**

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Consideration of technology-related dispute resolution and adjudication.
5. 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 (2025).

2. States not members of the Commission and international governmental organizations may attend the session as observers and participate in the deliberations. 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-eighth session of the Working Group is scheduled to be held at the Vienna International Centre from 18 to 22 September 2023. Meeting hours will be from 9.30 a.m. to 12.30 p.m. and from 2 to 5 p.m., except on Monday, 18 September 2023, when the session will be opened at 10 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 technology-related dispute resolution and adjudication

5. 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](#)).¹ 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.²

6. 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.³

7. Accordingly, the Secretariat organized the Colloquium on Possible Future Work on Dispute Settlement during the seventy-fifth session of the Working Group.⁴ 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).

8. 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

¹ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), paras. 212–215.

² *Ibid.*, *Seventy-sixth Session, Supplement No. 17* ([A/76/17](#)), paras. 25(e), 214(b) and 229.

³ *Ibid.*, paras. 25(g), 214(b) and 243.

⁴ Information about the Colloquium is available at <https://uncitral.un.org/en/disputesettlementcolloquium2022>.

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.⁵

9. During its seventy-seventh session in February 2023, 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.231](#)) and requested the Secretariat to revise the model clauses and guidance texts based on the deliberations ([A/CN.9/1129](#), para. 105).

10. At its fifty-sixth session (Vienna, 3–21 July 2023) the Commission had before it the report of the seventy-sixth and seventy-seventh sessions of the Working Group (respectively [A/CN.9/1123](#) and [A/CN.9/1129](#)) and expressed its satisfaction with the progress made by the Working Group and the support provided by the Secretariat. The Commission requested the Working Group to continue its work on technology-related dispute resolution and adjudication.⁶

11. 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.234](#)).

Documentation

12. 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](#)); seventy-sixth session ([A/CN.9/1123](#)); and seventy-seventh session ([A/CN.9/1129](#));
- 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

13. The Working Group may wish to adopt, at the close of its session, a report for submission to the fifty-seventh session of the Commission, tentatively scheduled to be held in New York, from 3 to 21 July 2024.

⁵ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17* ([A/77/17](#)), paras. 223–225.

⁶ *Ibid.*, *Seventy-eighth Session, Supplement No.17* ([A/78/17](#)), chapter VII.