



# General Assembly

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**United Nations Commission on  
International Trade Law  
Working Group II (Dispute Settlement)  
Sixty-ninth session  
New York, 4–8 February 2019**

## **Annotated provisional agenda**

### **I. Provisional agenda**

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Consideration of issues relating to expedited arbitration.
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: Argentina (2022), Armenia (2019), Australia (2022), Austria (2022), Belarus (2022), Brazil (2022), Bulgaria (2019), Burundi (2022), Cameroon (2019), Canada (2019), Chile (2022), China (2019), Colombia (2022), Côte d'Ivoire (2019), Czechia (2022), Denmark (2019), Ecuador (2019), El Salvador (2019), France (2019), Germany (2019), Greece (2019), Honduras (2019), Hungary (2019), India (2022), Indonesia (2019), Iran (Islamic Republic of) (2022), Israel (2022), Italy (2022), Japan (2019), Kenya (2022), Kuwait (2019), Lebanon (2022), Lesotho (2022), Liberia (2019), Libya (2022), Malaysia (2019), Mauritania (2019), Mauritius (2022), Mexico (2019), Namibia (2019), Nigeria (2022), Pakistan (2022), Panama (2019), Philippines (2022), Poland (2022), Republic of Korea (2019), Romania (2022), Russian Federation (2019), Sierra Leone (2019), Singapore (2019), Spain (2022), Sri Lanka (2022), Switzerland (2019), Thailand (2022), Turkey (2022), Uganda (2022), United Kingdom of Great Britain and Northern Ireland (2019), United States of America (2022), Venezuela (Bolivarian Republic of) (2022) and Zambia (2019).

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 sixty-ninth session of the Working Group will be held at the United Nations Headquarters, New York, from 4 to 8 February 2019. Meeting hours will be from 10 a.m. to 1 p.m. and from 3 to 6 p.m., except on Monday, 4 February 2019, when the session will be opened at 10.30 a.m.

#### Item 2. Election of officers

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

#### Item 4. Consideration of issues relating to expedited arbitration

##### (a) Previous deliberations

5. At its fifty-first session, the Commission heard a proposal for possible future work in the field of dispute resolution, in particular on expedited arbitration (A/CN.9/959). A further suggestion was that, in addition, Working Group II could undertake work on the conduct of arbitrators in the field of commercial arbitration, with a focus on questions of impartiality and independence of arbitrators (A/CN.9/961). It was pointed out that the aim of the proposals was to improve the efficiency and quality of arbitral proceedings. The Commission generally took note of the suggestions for possible future work expressed by the Working Group at its sixty-eighth session (A/CN.9/934, paras. 149–164).<sup>1</sup>

6. Regarding expedited arbitration, it was suggested that the work could consist of providing information on how the UNCITRAL Arbitration Rules could be modified by parties or incorporated into contracts via arbitration clauses that provided for expedited procedures or in guidance to arbitral institutions adopting such procedures in order to ensure the right balance between speedy resolution of the dispute and respect for due process. Reference was also made to the possibility of considering jointly the topics of expedited arbitration and adjudication, as expedited arbitration would provide generally applicable tools for reducing the cost and time of arbitration, while adjudication would facilitate use of a particular tool that had demonstrated its utility in efficiently resolving disputes in a specific sector.<sup>2</sup>

7. After discussion, the Commission agreed that Working Group II should be mandated to take up issues relating to expedited arbitration.<sup>3</sup>

8. At its sixty-ninth session, the Working Group is expected to commence its consideration of issues relating to expedited arbitration, on the basis of a note by the Secretariat (A/CN.9/WG.II/WP.207).

##### (b) Documentation

9. The Working Group will have before it a note by the Secretariat regarding the issues relating to expedited arbitration (A/CN.9/WG.II/WP.207).

10. A limited number of the following background documents will be made available at the session:

- UNCITRAL Arbitration Rules (2010)
- UNCITRAL Model Law on International Commercial Arbitration (2006)
- UNCITRAL notes on Organizing Arbitral Proceedings (2016)

<sup>1</sup> *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17* (A/73/17), para. 244.

<sup>2</sup> *Ibid.*, para. 245.

<sup>3</sup> *Ibid.*, para. 252.

- Reports of the United Nations Commission on International Trade Law on the work of its fifty-first session (*Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*).

11. UNCITRAL documents are posted on the UNCITRAL website ([www.uncitral.org](http://www.uncitral.org)) upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents by accessing the Working Group's page in the "Working Documents" section of the UNCITRAL website.

#### **Item 5. Adoption of the report**

12. The Working Group may wish to adopt, at the close of its session, a report for submission to the fifty-second session of the Commission, scheduled to be held in Vienna, from 8 to 26 July 2019. The main conclusions reached by the Working Group at its ninth meeting (on Friday morning) will be summarily read out for the record at the tenth meeting and subsequently incorporated into the report.

### **IV. Scheduling of meetings**

13. The sixty-ninth session of the Working Group will last for five working days. There will be ten half-day meetings available for consideration of the agenda items. The Working Group may wish to note that, consistent with decisions taken by the Commission at its thirty-fourth session,<sup>4</sup> the Working Group is expected to hold substantive deliberations during the first nine half-day meetings (that is, from Monday to Friday morning), with a draft report on the entire period being prepared by the Secretariat for adoption at the tenth and last meeting of the Working Group (on Friday afternoon).

14. The Working Group may wish to note that its seventieth session is tentatively scheduled to be held in Vienna, from 23 to 27 September 2019.

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<sup>4</sup> Ibid., *Fifty-sixth Session, Supplement No. 17* and corrigendum ([A/56/17](#) and Corr.3), para. 381.