



General Assembly

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**United Nations Commission on
International Trade Law
Working Group II (Dispute Settlement)
Seventy-fifth session
New York, online, 28 March–1 April 2022**

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session.
2. UNCITRAL Colloquium on possible future work on dispute settlement.

II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Algeria (2025), Argentina (2022), Australia (2022), Austria (2022), Belarus (2022), Belgium (2025), Brazil (2022), Burundi (2022), Cameroon (2025), Canada (2025), Chile (2022), China (2025), Colombia (2022), Côte d'Ivoire (2025), Croatia (2025), Czechia (2022), Dominican Republic (2025), Ecuador (2025), Finland (2025), France (2025), Germany (2025), Ghana (2025), Honduras (2025), Hungary (2025), India (2022), Indonesia (2025), Iran (Islamic Republic of) (2022), Israel (2022), Italy (2022), Japan (2025), Kenya (2022), Lebanon (2022), Lesotho (2022), Libya (2022), Malaysia (2025), Mali (2025), Mauritius (2022), Mexico (2025), Nigeria (2022), Pakistan (2022), Peru (2025), Philippines (2022), Poland (2022), Republic of Korea (2025), Romania (2022), Russian Federation (2025), Singapore (2025), South Africa (2025), Spain (2022), Sri Lanka (2022), Switzerland (2025), Thailand (2022), Turkey (2022), Uganda (2022), Ukraine (2025), United Kingdom of Great Britain and Northern Ireland (2025), United States of America (2022), Venezuela (Bolivarian Republic of) (2022), 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-fifth session of the Working Group is scheduled to take place from 28 March to 1 April 2022 at the United Nations Headquarters (New York) with arrangements in place to allow both in-person and online participation. These arrangements may be subject to change depending on the measures and requirements at the United Nations Headquarters. Meeting hours and other arrangements for the session will be announced on the webpage of Working Group II in due course.

Item 2. UNCITRAL colloquium on future work on dispute settlement

4. According to the decision by the Commission at its fifty-fourth session,¹ the Working Group, at its seventy-fourth session (Vienna, 27 September–1 October 2021), finalized the Explanatory Note to the UNCITRAL Expedited Arbitration Rules and suggested the way forward on the topic of early dismissal and preliminary determination ([A/CN.9/1085](#)).

5. At its fifty-fourth session, the Commission also considered the progress report of exploratory and preparatory work undertaken by the secretariat on legal issues related to the digital economy, which included a report on activities in relation to dispute resolution in the digital economy (DRDE) ([A/CN.9/1064/Add.4](#)).² The Commission also heard a proposal for adjudication procedure to be examined with an aim to prepare rules on international adjudication, which could usefully complement the work on expedited arbitration.³

6. After discussion, the Commission requested the secretariat to organize a colloquium during the seventy-fifth session of the Working Group to explore the legal issues relating to dispute resolution in the digital economy and to identify the scope and nature of possible legislative work.⁴ The Commission also requested that some time is reserved to discuss the desirability and feasibility of work on adjudication (see para. 243 below).⁵

7. The aim of the colloquium is to allow the Commission to make an informed decision at its fifty-fifth session on the desirability and feasibility of any future legislative work in the area of dispute settlement.

8. According to the decision by the Commission,⁶ the colloquium will touch upon four main topics:

- Developments in DRDE, which would touch upon the impact of the use of technology in dispute resolution and the need for new standards as well as means to preserve the core principles of international dispute resolution in the light of all the developments;
- Online platforms for dispute resolution and the need for legal standards that would apply to online platforms with in-built dispute resolution mechanisms and those dedicated mainly to dispute resolution;
- Technology-related dispute resolution, including the preparation of model provisions that could be utilized in the context of technology-related disputes or provisions to be incorporated by reference in dispute resolution clauses; and
- Adjudication, its practical use and the underlying legal framework.

¹ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17* ([A/76/17](#)), paras. 25(g), 189, 214(b) and 242.

² *Ibid.*, paras. 228 to 233.

³ *Ibid.*, para. 243.

⁴ *Ibid.*, paras. 25 (e), 214 (b) and 233.

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

⁶ *Ibid.*, para. 233.

9. The first two days of the colloquium are scheduled to be dedicated to the topic of developments in DRDE and online platforms for dispute resolution. The following two days are scheduled to be devoted to technology-related dispute resolution and adjudication. The last day is currently reserved for any additional discussion, including on other proposals for future work. A round-table discussion will also take place, where a summary of the deliberations during the first four days would be provided. A detailed programme will be available on a dedicated web page.

10. As the entire session of the Working Group is devoted to the colloquium, it is not envisaged that a report would be adopted by the Working Group. Instead, a report of the colloquium will be provided to the Commission at its fifty-fifth session (New York, 27 June–15 July 2022).

11. The following documents will be made available for the colloquium:

- A summary of the activities in relation to DRDE submitted by the Government of Japan ([A/CN.9/WG.II/WP.222](#));
- A summary of the activities by the Inclusive Global Legal Innovation Platform on Online Dispute Resolution ([A/CN.9/WG.II/WP.223](#));
- An outline of provisions to assist in the operation of the technology-related dispute resolution ([A/CN.9/WG.II/WP.224](#));
- A note on adjudication, including a proposal for future work ([A/CN.9/WG.II/WP.225](#)); and
- Any other proposals by States for future work in dispute settlement.

12. The above-mentioned documents will be posted on the Working Group web page upon their issuance in all the official languages of the United Nations. A dedicated web page will also be set up to provide information about the colloquium including these documents and presentations made at the colloquium.
