



# General Assembly

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**United Nations Commission on  
International Trade Law  
Working Group II (Dispute Settlement)  
Seventy-third session  
New York, 22-26 March 2021**

## **Annotated provisional agenda**

### **I. Provisional agenda**

1. Opening of the session.
2. Adoption of the agenda.
3. Consideration of issues relating to expedited arbitration.
4. Consideration of texts on international mediation

### **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.

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### III. Annotations to agenda items

#### Item 1. Opening of the session

3. The seventy-third session of the Working Group will be held at the United Nations Headquarters in New York from 22 to 26 March 2021 [with arrangements put in place to allow for participation both in person and remotely,] in line with the decision on the format, officers and methods of work of the UNCITRAL working groups during the coronavirus disease 2019 (COVID-19) pandemic, adopted on 19 August 2020 and extended on 9 December 2020 by the State members of UNCITRAL (see Annex I of document [A/CN.9/1038](#) and [A/CN.9/LIII/CRP.14](#)).

#### Item 3. Consideration of issues relating to expedited arbitration

##### (a) Previous deliberations

4. The Commission, at its fifty-first session in 2018, agreed that Working Group II should be mandated to take up issues relating to expedited arbitration.<sup>1</sup> Accordingly, the Working Group commenced its consideration of issues relating to expedited arbitration at its sixty-ninth session (New York, 4–8 February 2019).

5. The Commission, at its fifty-second session in 2019, considered the report of the Working Group on the work of its sixty-ninth session ([A/CN.9/969](#)) and expressed its satisfaction with the progress made by the Working Group and the support provided by the Secretariat.<sup>2</sup> The Working Group, at its seventieth (Vienna, 23–27 September 2019) and seventy-first (New York, 3–7 February 2020) sessions, considered the draft provisions on expedited arbitration prepared by the Secretariat, respectively in document [A/CN.9/WG.II/WP.209](#) and documents [A/CN.9/WG.II/WP.212](#) and [Add.1](#).

6. The Commission, at its fifty-third session in 2020, considered the reports of the Working Group on the work of its seventieth and seventy-first sessions (respectively [A/CN.9/1003](#) and [A/CN.9/1010](#)) and expressed its satisfaction with the progress made.<sup>3</sup> The Commission requested the Working Group to continue its work on preparing the draft provisions on expedited arbitration and, when it presented the provisions to the Commission, to consider how the provisions could be presented in connection with the UNCITRAL Arbitration Rules.<sup>4</sup>

7. The Working Group, at its seventy-second session (Vienna, 21–25 September 2020), completed its second reading of the draft provisions on expedited arbitration prepared by the Secretariat in documents [A/CN.9/WG.II/WP.214](#) and [Add.1](#). The Secretariat was requested to prepare a revised version of the expedited arbitration provisions as they would appear as an appendix to the UNCITRAL Arbitration Rules, which would be without prejudice to the decision by the Working Group on their final presentation ([A/CN.9/1043](#), para. 110). The Secretariat was also requested to prepare draft texts that could be included in a guidance document to the expedited arbitration provisions and to prepare a model arbitration clause for expedited arbitration.

##### (b) Documentation

8. At its seventy-third session, the Working Group is expected to continue its work on the preparation of the expedited arbitration provisions, on the basis of a note by the Secretariat ([A/CN.9/WG.II/WP.216](#)).

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

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<sup>1</sup> Official Records of the General Assembly, *Seventy-third Session, Supplement No. 17 (A/73/17)*, para. 252.

<sup>2</sup> *Ibid.*, *Seventy-fourth Session, Supplement No. 17 (A/74/17)*, paras. 156–158.

<sup>3</sup> *Ibid.*, *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, Part two, paras. 15 and 29.

<sup>4</sup> *Ibid.*

- Reports of Working Group II (Dispute Settlement) on the work of its sixty-ninth session ([A/CN.9/969](#)), of its seventieth session ([A/CN.9/1003](#)); of its seventy-first session ([A/CN.9/1010](#)); and of its seventy-second session ([A/CN.9/1043](#));
- 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](#))), of its fifty-second session (*Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17* ([A/74/17](#))), and of its fifty-third session (*Official Records of the General Assembly, Seventy-fifth Session, Supplement No. 17* ([A/75/17](#)));
- UNCITRAL Arbitration Rules (2013);
- UNCITRAL Model Law on International Commercial Arbitration (2006);
- UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (2014); and
- UNCITRAL Notes on Organizing Arbitral Proceedings (2016).

#### **Item 4. Consideration of texts on international mediation**

##### **(a) Previous deliberations**

10. At its fifty-first session, in 2018, the Commission agreed that the Secretariat should be tasked with the preparation of a text to supplement the “Guide to enactment and use of the UNCITRAL Model Law on International Commercial Conciliation” in the light of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation adopted by the Commission at that session.<sup>5</sup> The Commission also noted that the Secretariat would prepare notes on organizing mediation proceedings and update the UNCITRAL Conciliation Rules in the light of the two texts finalized by the Commission at that session (the United Nations Convention on International Settlement Agreements Resulting from Mediation, adopted by the General Assembly in December 2018 and the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation).<sup>6</sup>

11. At its fifty-second session, in 2019, the Commission had before it the draft UNCITRAL mediation rules ([A/CN.9/986](#)) and the draft UNCITRAL notes on mediation ([A/CN.9/987](#)) prepared by the Secretariat in broad consultation with experts. At that session, acknowledging that the Commission would not be in a position to adopt the draft mediation texts, it was agreed that the Commission would consider both texts at its next session, in 2020.<sup>7</sup>

12. At its fifty-third session, in 2020, the Commission decided to postpone its consideration of the texts on international mediation in light of the format of the session.<sup>8</sup> After discussion, the Commission decided to request Working Group II to review the texts on international mediation prior to the fifty-fourth session of the Commission so as to facilitate speedy adoption of those texts.<sup>9</sup>

##### **(b) Documentation**

13. At its seventy-third session, the Working Group is expected to review the following documents:

<sup>5</sup> Ibid., *Seventy-third Session, Supplement No. 17* ([A/73/17](#)), paras. 67, 68 and annex II.

<sup>6</sup> Ibid., para. 254.

<sup>7</sup> Ibid., *Seventy-fourth Session, Supplement No. 17* ([A/74/17](#)), para. 123.

<sup>8</sup> Ibid., *Seventy-fifth Session, Supplement No. 17* ([A/75/17](#)), Part two, para. 93.

<sup>9</sup> Ibid., paras. 15(d) and 30.

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- Draft Guide to Enactment and Use of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018) ([A/CN.9/1025](#));
  - Draft UNCITRAL Mediation Rules ([A/CN.9/1026](#));
  - Draft UNCITRAL Notes on Mediation ([A/CN.9/1027](#)); and
  - Compilation of comments from government received on the draft UNCITRAL Mediation Rules and the draft UNCITRAL Notes on Mediation ([A/CN.9/1031](#) and [Add.1](#)).

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

- UNCITRAL Conciliation Rules (1980);
- UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018 (amending the Model Law on International on International Commercial Conciliation, 2002);
- UNCITRAL Model Law on International Commercial Conciliation with Guide to Enactment and Use (2002); and
- United Nations Convention on International Settlement Agreements Resulting from Mediation (New York, 2018).