



# General Assembly

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**United Nations Commission on  
International Trade Law  
Working Group II (Dispute Settlement)  
Eightieth session**  
Vienna, 30 September–4 October 2024

## Annotated provisional agenda

### I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Finalization of the draft explanatory notes to the UNCITRAL Model Clauses on Specialized Express Dispute Resolution (SPEDR).
5. UNCITRAL colloquium on electronic awards.
6. Consideration of the topic of electronic awards.
7. 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 eightieth session of the Working Group is scheduled to be held at the Vienna International Centre from 30 September to 4 October 2024, with 1 and 2 October 2024 being devoted to a colloquium. Detailed 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. Finalization of the draft explanatory notes to the UNCITRAL Model Clauses on Specialized Express Dispute Resolution

5. The Commission, at its fifty-fifth session in 2022, 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. Accordingly, the Working Group commenced its consideration of the topics at its seventy-sixth session (Vienna, 10–14 October 2022), which continued until the seventy-ninth session (New York, 12–16 February 2024).<sup>1</sup>

6. The Commission, at its fifty-seventh session (New York, 24 June–12 July 2024), adopted the UNCITRAL Model Clauses on Specialized Express Dispute Resolution (SPEDR) contained in [A/CN.9/1181](#), subject to the modifications mentioned by the Commission.<sup>2</sup> The Commission also approved in principle the draft explanatory notes contained therein, and authorized the Working Group to edit and finalize them during the eightieth session of the Working Group based on its decisions and deliberations.<sup>3</sup>

7. At the current session, the Working Group is expected to finalize the draft explanatory notes accompanying the UNCITRAL Model Clauses SPEDR as contained in [A/CN.9/1181](#).

#### Documentation

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

- Reports of Working Group II (Dispute Settlement) on the work of its seventy-fifth session ([A/CN.9/1091](#)); seventy-sixth session ([A/CN.9/1123](#)); seventy-seventh session ([A/CN.9/1129](#)); seventy-eighth session ([A/CN.9/1159](#)); and seventy-ninth session ([A/CN.9/1166](#));
- Note by the Secretariat to the Commission at its fifty-seventh session on the draft model clauses as prepared by the Working Group and the revised explanatory notes ([A/CN.9/1181](#)); and
- Section V. Finalization and adoption of model clauses on specialized express dispute resolution (SPEDR) with accompanying explanatory notes in report of the Commission on the work of its fifth-seventh session (under preparation).

<sup>1</sup> *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17 (A/77/17)*, paras. 223–225.

<sup>2</sup> *Ibid.*, *Seventy-ninth Session, Supplement No. 17 (A/79/17)*, under preparation.

<sup>3</sup> *Ibid.*

**Item 5. UNCITRAL colloquium on electronic awards**

9. At its fifty-seventh session, the Commission considered the notes by the Secretariat on progress report (A/CN.9/1189) and future work proposals (A/CN.9/1190) of the stocktaking of developments in dispute resolution in the digital economy (DRDE). The latter document proposed legislative options for the recognition and enforcement of electronic arbitral awards and suggested that the Commission consider mandating a Working Group to proceed with this topic.

10. After discussion, the Commission, mandated Working Group II to work on the recognition and enforcement of electronic arbitral awards and, subsequently, on electronic notices of arbitration. In this regard, the Commission provided the Working Group with a broad mandate to identify the issues and explore appropriate solutions to address those issues without prejudice to the final form of the outcome. Hence, the Commission requested that the Secretariat organize a two-day colloquium during the eightieth session of the Working Group to further assess the issues with respect to the use of electronic awards.

11. The colloquium will consist of four panels, with two panels each day. Panel 1 will discuss issues related to electronic awards from the perspectives of arbitral institutions. Specifically, the panel will seek experience of arbitral institutions in embracing digital means in the process of signing and issuing awards and its associated challenges.

12. Panel 2 will discuss the experience of digitalization in national court proceedings, focusing on the electronic rendering and enforcement of judgments. It will also review how courts are treating or could treat electronic awards in their processes for recognition and enforcement under various domestic laws.

13. Panel 3 will be dedicated to providing an overview of UNCITRAL existing texts on electronic commerce and electronic communication, including the United Nations Convention on the Use of Electronic Communications in International Contracts (ECC) and the UNCITRAL Model Law on Electronic Commerce (MLEC), especially the application of the foundational principles of non-discrimination, functional equivalence and technology neutrality on which they are based.

14. In panel 4, the discussions will focus on consistency across UNCITRAL instruments and to capitalize on the solution they provide. Accordingly, this session will discuss whether and how existing UNCITRAL instruments such as the ECC and MLEC may support the reliance on electronic awards, e.g. the United Nations Convention on the Use of Electronic Communications in International Contracts (ECC).

15. The colloquium will end with a round-table discussion on the desired approach the Working Group could take, as outlined in document A/CN.9/1190, and any other potential avenues for advancing the work.

**Item 6. Consideration of the topic of recognition and enforcement of electronic awards**

16. Further to the mandate outlined under item 5, the Commission requested the Secretariat to conduct preparatory work on the recognition and enforcement of electronic awards for consideration by the Working Group.<sup>4</sup> As such, a note by the Secretariat (A/CN.9/WG.II/WP.238) is prepared to facilitate preliminary consideration on the topic of electronic awards by the Working Group, which is to be read in conjunction with the note by the Secretariat on future work proposals of the stocktaking of developments in dispute resolution in the digital economy (A/CN.9/1190).

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<sup>4</sup> Ibid.

17. The notes and the conclusions of the colloquium could be used as the basis of the subsequent Working Group deliberations at its eightieth and eighty-first sessions and assist the Working Group to decide on the form, scope and modalities for the subsequent work to be undertaken.

### **Documentation**

18. Background documents, including information on the colloquium, will be available on the UNCITRAL Working Group II web page, including:

#### *DRDE*

- Notes by the Secretariat of the Stocktaking of Developments in Dispute Resolution in the Digital Economy – taxonomy and preliminary findings ([A/CN.9/1154](#) and [A/CN.9/1155](#));
- Note by the Secretariat of the Stocktaking of Developments in Dispute Resolution in the Digital Economy – progress report ([A/CN.9/1189](#));
- Note by the Secretariat of the Stocktaking of Developments in Dispute Resolution in the Digital Economy – future work proposals ([A/CN.9/1190](#));

#### *Arbitration texts*

- Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958);
- Recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done in New York, 10 June 1958 (2006);
- UNCITRAL Model Law on International Commercial Arbitration (2006);
- UNCITRAL Arbitration Rules (2021);
- UNCITRAL Notes on Organizing Arbitral Proceedings (2016);

#### *Texts on electronic commerce and electronic communication*

- United Nations Convention on the Use of Electronic Communications in International Contracts (2005);
- UNCITRAL Model Law on Electronic Signature (2001); and
- UNCITRAL Model Law on Electronic Commerce (1996) with additional article 5 bis as adopted in 1998.

### **Item 7. Adoption of the report**

19. The Working Group may wish to adopt, at the close of its session, a report for submission to the fifty-eighth session of the Commission, scheduled to be held in Vienna, from 7 to 25 July 2025.

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