



UNITED NATIONS
GENERAL
ASSEMBLY



DISTR.
GENERAL

A/CN.9/226
17 June 1982

ENGLISH
Original: ENGLISH

28383

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Fifteenth session
New York, 26 July - 6 August 1982

CO-ORDINATION OF ACTIVITIES

Note by the Secretary-General

CONTENTS

	<u>Paragraphs</u>	<u>Pages</u>
INTRODUCTION	1	2
CO-ORDINATION OF ACTIVITIES	2-16	2-4

INTRODUCTION

1. In its resolution on the report of the Commission on the work of its fourteenth session, the General Assembly reaffirmed the mandate of the Commission to co-ordinate legal activities in the field of international trade law in order to avoid duplication of efforts and waste of resources (resolution 36/32 of 13 November 1981, paragraph 5). The main activities undertaken for the purpose of co-ordination since the fourteenth session of the Commission are set forth below.

CO-ORDINATION OF ACTIVITIES

2. Co-ordination continued with the International Institute for the Unification of Private Law (UNIDROIT) on the work undertaken by UNIDROIT for the preparation of a draft Uniform Law on Agency of an International Character in the International Sale of Goods. A session of a committee of governmental experts was convened by UNIDROIT (Rome, 2 to 13 November 1981) to revise the draft Law, and UNIDROIT invited all member States of the Commission which were not members of UNIDROIT to attend this session on an equal footing with the member States of UNIDROIT. 1/ The scope of application of the draft Law prepared at that session is aligned to that of the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980). Furthermore, the draft Law deals mainly with the relationship between an agent and a third party and a principal and a third party. The Government of Switzerland has agreed to be the host to a Diplomatic Conference (Geneva, 31 January to 18 February 1983) to adopt a convention on the subject.

3. The Secretariat is collaborating with UNIDROIT in regard to the work of UNIDROIT on the liability of international terminal operators, and there is a possibility of a later co-ordination with the Commission on this subject in the light of its connexion with the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg). 2/

4. Co-ordination continued with the International Chamber of Commerce (ICC) on the revision of the ICC Uniform Customs and Practice for Documentary Credits. It may be recalled that, as part of this co-ordination, a questionnaire of the ICC on the revision was circulated by the Secretary-General to all Governments. The Secretariat attended sessions of the ICC Working Party on the Revision of the Uniform Customs and Practice for Documentary Credits, and of the ICC Commission on Banking Technique and Practice. 3/ The consideration of stand-by letters of credit, which was referred by the Commission to the ICC, was also carried forward in the context of the revision of the Uniform Customs and Practice.

5. The ICC Commission on International Contract Practice is currently examining the relationship between the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) and the ICC INCOTERMS. The Secretariat is collaborating with the ICC to harmonize the application of these two attempts at unification.

1/ This invitation was welcomed by the General Assembly: resolution 36/32 of 13 November 1981, para. 5 (f).

2/ See A/CN.9/225.

3/ See A/CN.9/229.

6. Co-ordination continued with the Hague Conference on Private International Law (the Hague Conference) on the revision of the 1955 Hague Convention on the Law Applicable to International Sales of Goods. The Hague Conference will convene a session of the Special Commission (The Hague, 6 to 15 December 1982) to consider the preparatory work for the revision in the light of the adoption of the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980). The Hague Conference will invite all member States of the Commission who are not members of the Hague Conference to that session. 4/

7. As a result of the mandate given to the Commission by General Assembly resolution 34/142 of 17 December 1979 on co-ordination of work in the field of international trade law, the Secretariat of the Economic Commission for Europe requested assistance from the Commission or its Secretariat in relation to work undertaken by the Group of Experts No. 1: Data Elements and Automatic Data Interchange of the ECE Working Party on the Facilitation of International Trade Procedures on the coding of terms of payment in international sales ("PAYTERMS"). In view of the advanced stage of the work within the Group of Experts it appeared that only assistance by the Secretariat was feasible. The Secretariat made extensive comments and suggestions on the draft coding made by the Group of Experts (TRADE/WP.4/R.102), and these suggestions were discussed at a meeting of the Group of Experts held in Vienna (19 to 20 November 1981), which was also attended by experts from interested facilitation bodies, and the UNCITRAL and UNCTAD/FALPRO Secretariats. The text of "PAYTERMS" agreed at that meeting is contained in document TRADE/WP.4/R.160. The final text will be issued as Recommendation No. 17 of the ECE Working Party.

8. The ECE Working Party on the Facilitation of International Trade Procedures is also considering problems arising from the use of general conditions of contract. The Secretariat has suggested that work should be undertaken by the Working Party to align the ECE General Conditions with the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980). 5/

9. Co-ordination is being developed with the United Nations Industrial Development Organization (UNIDO) in related fields of activity, and informal contacts continue between the Secretariats of the Commission and of UNIDO. The Secretariat was invited to participate in a Working Group meeting organized by UNIDO on Long-term Contracts of Purchase/Supply of Iron Ore and Coking Coal (Bratislava, 16 to 18 March 1982). 6/ It is proposed to invite UNIDO to comment on draft chapters of the legal guide on works contracts when they are prepared by the Secretariat.

10. Discussions are being held at Secretariat level with the Centre for Trans-national Corporations on assistance the Centre might be able to give towards the preparation of the legal guide on works contracts.

4/ This proposed invitation was welcomed by the General Assembly: resolution 36/32 of 13 November 1981, para. 5 (e).

5/ The text of the letter from the Secretary of the Commission is contained in TRADE/WP.4/R.179.

6/ The report of this meeting is contained in ID/WG.360/4.

11. As regards the project to be undertaken in the field of electronic funds transfer 7/ it is proposed to collaborate with the Bank for International Settlements, Basle, the Secretariat of the Council of Europe, and with such other international organizations as are interested in the project.

12. The work on the establishment of a universal unit of account for international conventions has proceeded with the collaboration of the International Monetary Fund. Co-ordination is also being arranged with the International Law Association (ILA) in the establishment of a unit of account and in other areas related to the work of the Commission. The International Monetary Law Committee of the ILA has for the past ten years been engaged in work directed to the establishment of a universal unit of account. At the 60th Conference of the International Law Association (Montreal, 29 August to 4 September 1982) the Secretariat proposes to enlist support for the recommendation to be made in this field by the Commission at its fifteenth session. Support will also be enlisted for the work of the Commission in the field of international commercial arbitration.

13. Promotion of the UNCITRAL Arbitration Rules is being undertaken in collaboration with the International Council for Commercial Arbitration, the Kuala Lumpur Regional Arbitration Centre, and other interested arbitral institutions. The Kuala Lumpur Regional Arbitration Centre and the Tokyo Maritime Arbitration Commission have reached an agreement for co-operation in the field of maritime arbitration with effect from 23 April 1982. The Secretariat co-operated in the drafting of this agreement.

14. The UNCTAD Secretariat has placed before the tenth session of the UNCTAD Committee on Shipping (Geneva, 14 June 1982) the current status of the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg) with a request that the Committee consider what action it might take to facilitate the early coming into force of the Convention (TD/B/C.4/249). The Secretariat intends to consult with the UNCTAD Secretariat in promoting the wider acceptance of this Convention.

15. Further collaboration is envisaged with the Asian-African Legal Consultative Committee, the Council for Mutual Economic Assistance and the Organization of American States and other bodies on training and assistance in the field of international trade law. 8/

16. In General Assembly resolution 30/107 of 12 January 1982 the Commission was requested to submit relevant information to, and to co-operate fully with, the United Nations Institute for Training and Research (UNITAR) in its study on the progressive development of the principles and norms of international law relating to the new international economic order. Information on relevant activities of the Commission supplied by the Secretariat is reflected in document A/36/143. The Secretariat has again recently consulted with the UNITAR Secretariat on this subject, and will continue to co-operate with UNITAR by supplying information concerning the activities of UNCITRAL.

7/ See A/CN.9/221.

8/ See A/CN.9/228.