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Item 3 of the provisional agenda

PROVISIONAL AGENDA

Addendum

Note by the Secretary-General

CONTENTS

	<u>Page</u>
ANNEXATIONS TO THE PROVISIONAL AGENDA	2
ANNEX. Suggested schedule of meetings	

ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

At its first session the Commission decided^{1/} that the second session, to be held in Geneva, should be convened on 3 March 1969 for a period of four to five weeks. It is expected that five weeks will be required by the Commission to deal with the heavy agenda before it. Accordingly, the second session of the Commission will be convened on 3 March 1969 at the United Nations Office at Geneva and has been scheduled to end on 3 April 1969.

Item 2. Election of officers

In accordance with the decision of the Commission at its first session^{2/} the Commission will elect the Chairman, three Vice-Chairmen and the Rapporteur for the second session.

The elections will be conducted under the appropriate rules of procedure of the General Assembly (A/520/Rev.9) which, by decision of the Commission at its first session,^{3/} apply to the procedure of the Commission.

Item 3. Adoption of the agenda

The provisional agenda, prepared by the secretariat, has been issued as document A/CN.9/13.

Regarding the organization of the work of the second session it is considered desirable that certain items on the agenda, owing primarily to their technical nature, should be referred to sessional working groups consisting of a limited number of members of the Commission represented, in so far as possible, by persons especially familiar with the subjects to be discussed by the working groups. It is suggested, therefore, that the following four working groups should

^{1/} Report of the United Nations Commission on International Trade Law on the work of its first session, Official Records of the General Assembly, Twenty-third Session, Supplement No. 16, para. 72.

^{2/} Ibid., para. 14.

^{3/} Ibid., para. 16.

be established: Working Group I on the international sale of goods (including the Hague Conventions of 1954 and 1955, time-limits, general conditions of sale and standard contracts, INCOTERMS and other trade terms); Working Group II on international payments (including negotiable instruments, banks' commercial credits and guarantees and securities); Working Group III on international commercial arbitration; and Working Group IV on co-ordination, the registers and bibliography, three items which are closely interrelated.

Each of the working groups would examine in detail the documentation on the respective agenda items and submit its recommendations to the Commission.

Taking into account the nature of the different items and the technical services available in Geneva, it is suggested:

(a) That the maximum number of meetings should be ten for Working Group I, seven for Working Group II, five for Working Group III and six for Working Group IV;

(b) That no more than two working groups should meet simultaneously, and no meeting of working groups should be scheduled at the same time as meetings of the plenary. Thus it would be possible for a delegation consisting of only two representatives to participate in the meetings of the plenary as well as all four working groups.

The annex to the present document contains a suggested schedule of plenary meetings and meetings of the working groups based on the above suggestions.

Should the Commission prefer to establish a smaller number of working groups an alternative arrangement might be to set up two working groups: Working Group I would deal with the international sale of goods and international commercial arbitration; Working Group II would deal with international payments, co-ordination, the registers and bibliography. In that case the maximum number of meetings would be fifteen for Working Group I and thirteen for Working Group II.

The schedule of meetings suggested in the annex should be considered accordingly.

The secretariat would have to be given facilities to deal plenary business for the number of meetings of working groups envisaged in either of the alternative arrangements proposed above.

Should the Commission prefer to establish a smaller number of working groups, it would be desirable that the secretariat be given facilities to deal plenary business

debate in the plenary on the items to be dealt with by the working groups. This would give an indication of the position of the members of the Commission on those items and would serve as general guidance to the working groups in their deliberations.

Item 4. International sale of goods^{4/}

(a) The Hague Conventions of 1964^{5/}

The Commission will have before it the text of the replies and studies by Members of the United Nations or of specialized agencies concerning the Hague Conventions of 1964 (A/CN.9/11 and Addenda), as well as an analysis prepared by the secretariat in consultation with the secretariat of UNIDROIT (A/CN.9/17). In addition, should any member of the Commission or UNIDROIT submit comments on the aforementioned replies, studies and analysis, the secretariat will endeavour to place such comments before the second session of the Commission provided they are received in time for translation and reproduction.

(b) The Hague Convention on Applicable Law of 1955^{6/}

The Commission will have before it the text of the replies by Members of the United Nations or of specialized agencies concerning their adherence to the Convention, as well as the comments on such replies made by the Hague Conference on Private International Law (A/CN.9/12 and Addenda).

(c) Time-limits (prescription) in the field of international sale of goods ^{7/}

The Commission will have before it the studies on the subject submitted by the Governments of Czechoslovakia, Norway and the United Kingdom (A/CN.9/16). Should other interested Governments submit studies the secretariat will endeavour to place them before the second session of the Commission provided they are received in time for translation and reproduction.

^{4/} Ibid., paras. 5-21 at pp. 16-22.

^{5/} Ibid., paras. 13-15 at pp. 13-19.

^{6/} Ibid., paras. 16-17 at pp. 19-30.

^{7/} Ibid., para. 13 at p. 20.

(d) General conditions of sale and standard contracts^{8/}

The Commission will have before it a preliminary report (A/CN.9/18) prepared by the Secretary-General in consultation with the secretariats of the ECE, the other regional economic commissions and other organizations concerned.

(e) INCOTERMS and other trade terms^{9/}

The Commission will have before it a report (A/CN.9/14) prepared by the International Chamber of Commerce.

Item 5. International payments^{10/}(a) Negotiable instruments^{11/}

The Commission will have before it a study (A/CN.9/19) prepared by the International Institute for the Unification of Private Law (UNIDROIT).

(b) Banker's commercial credits^{12/}

The Commission will have before it a study (A/CN.9/15) prepared by the International Chamber of Commerce, entitled "Documentary Credits".

(c) Guarantees and securities^{13/}

The Commission will have before it a preliminary report (A/CN.9/20) prepared by the Secretary-General.

Item 6. International commercial arbitration^{14/}(a) Steps that might be taken with a view to promoting the harmonization and unification of law in this field^{15/}

The Commission will have before it a preliminary study (A/CN.9/21) prepared by the Secretary-General.

^{8/} Ibid., para. 19 at p. 20.

^{9/} Ibid., para. 20 at p. 20.

^{10/} Ibid., paras. 22-29 at pp. 21-22.

^{11/} Ibid., paras. 26-27 at p. 22.

^{12/} Ibid., para. 28 at p. 22.

^{13/} Ibid., para. 29 at p. 22.

^{14/} Ibid., paras. 30-33 at pp. 23-24.

^{15/} Ibid., para. 32 at p. 23.

(b) The United Nations Convention of 1958 on the Recognition and Enforcement of Foreign Arbitral Awards 16/

The Commission will have before it a note by the Secretary-General (A/CN.9/22) reporting on the replies by States to his letter concerning adhesion to the Convention.

Item 7. Consideration of inclusion of international shipping legislation among the priority topics in the work programme 17/

The General Assembly, in resolution 2421 (XXIII) of 13 December 1968 recommended that the Commission should "Consider the inclusion of international shipping legislation among the priority topics in its work programme".

The Commission will have before it a report of the Secretary-General (A/CN.9/23) describing the developments within the United Nations system concerning this item since the end of the first session of the Commission.

Item 8. (a) Register of organizations and register of texts 18/

The General Assembly, in resolution 2421 (XXIII), authorized the Secretary-General to establish a register of organizations in accordance with directives laid down by the Commission. The Assembly also approved in principle the proposal to establish a register of texts and requested that the Commission should consider further at its second session the precise nature and scope of such a register in the light of the report of the Secretary-General (A/C.6/L.648) and the discussion on the registers at the twenty-third session of the Assembly. Finally the Assembly authorized the Secretary-General to establish the register of texts in accordance with the further directives to be given by the Commission at its second session.

The Commission will have before it a report by the Secretary-General (A/CN.9/24) on the register of organizations and the register of texts.

16/ Ibid., para. 33 at p. 24.

17/ Ibid., para. 69.

18/ Ibid., paras. 57-63 at pp. 27-29.

(b) Bibliography^{19/}

A report on this matter will be included in the report of the Secretary-General on the register of organizations and register of texts (A/CN.9/24).

Item 9. Consideration of ways and means of promoting co-ordination of the work of organizations active in the progressive harmonization and unification of international trade law and of encouraging co-operation among them

The General Assembly, in resolution 2421 (XXIII) recommended that the Commission should consider at its second session ways and means of promoting co-ordination of the work of organizations active in the progressive harmonization and unification of international trade law and of encouraging co-operation among them.

The Commission will have before it a report of the Secretary-General on this subject (A/CN.9/25).

Item 10. Working relationships and collaboration with other bodies^{20/}

The Commission will have before it a report of the Secretary-General (A/CN.9/26) on this subject.

Item 11. Consideration of opportunities for training and assistance in the field of international trade law^{21/}

The General Assembly, in resolution 2421 (XXIII) recommended that the Commission should consider opportunities for training and assistance in the field of international trade law in the light of relevant reports of the Secretary-General.

The Commission will have before it a report (A/CN.9/27) prepared by the Secretary-General pursuant to the Commission's request.^{22/}

^{19/} Ibid., para. 66, and para. 75, p. 13.

^{20/} Ibid., para. 50.

^{21/} Ibid., paras. 17-19.

^{22/} Ibid.

Item 12. Consideration of the possibility of issuing a Yearbook

The General Assembly, in resolution 2421 (XXIII), recommended that the Commission should consider, when appropriate, the possibility of issuing a yearbook which would make its work more widely known and more readily available.

The Commission will have before it a report of the Secretary-General on this subject (A/CN.9/28).

Item 13. Programme work until the end of 1972

The General Assembly, in resolution 2370 (XXII) of 19 December 1967, decided that the Secretary-General "shall suggest to the General Assembly at each regular session a planning estimate for the United Nations regular budget estimates for the second succeeding budgetary period" for consideration and approval by the Assembly. The Assembly also requested all United Nations organs and their subsidiary bodies to co-operate with the Secretary-General and to be guided by the planning estimate.

In order to comply with the directives of the Assembly each department of the Secretariat has been asked to submit to the Office of the Controller, before the end of each calendar year, the material covering that department's anticipated activities for the first and second succeeding budgetary periods. Thus before the end of 1969 the Office of Legal Affairs is expected to submit the aforementioned material for the years 1971 (budget estimates) and 1972 (planning estimates).

To enable the secretariat of the Commission to forecast its activities in 1971 and 1972 it would be necessary to obtain from the Commission an indication of its anticipated programme of work and priorities until the end of 1972. On that basis the Office of Legal Affairs would prepare the necessary material for the 1971 budget estimates and the 1972 planning estimates.

It would be desirable, therefore, if the Commission, in considering the substantive items on the provisional agenda, would establish the anticipated programme of work (including the appointment of inter-sessional sub-committees, approximate dates and places of meetings) and relative priorities for each item until the end of 1972.

Item 14. Date of third session

The third session of the Commission is expected to be held at United Nations Headquarters, in accordance with paragraph 6 of General Assembly resolution 2205 (XXI), on a date to be fixed by the Commission taking into account the available facilities.

Item 15. Adoption of the report of the Commission

In the course of considering the first report of the Commission to the General Assembly the Sixth Committee decided that in the future the annual reports of the Commission should be introduced to the Assembly by the Chairman of the Commission or by another officer designated by him.^{23/}

ANNEX

Suggested schedule of meetings

<u>Date</u>	<u>Meeting</u>	<u>Plenary</u>	<u>Sessional working groups</u>
3 March	afternoon	1. Opening of the session 2. Election of officers 3. Adoption of agenda	
4 March	morning afternoon	Organization of work and general debate on items 4, 5, 6, 8 and 9	
5 March	morning afternoon	General debate on items 4, 5, 6, 8 and 9	
6 March	morning afternoon	General debate on items 4, 5, 6, 8 and 9	
7 March	morning afternoon	General debate on items 4, 5, 6, 8 and 9 and establishment of following working groups: I. International sale of goods II. International payments III. International commercial arbitration IV. Co-ordination and register	
10 March	morning afternoon		WG I (1st meeting) WG II (1st meeting) WG I (2nd meeting) WG II (2nd meeting)
11 March	morning afternoon		WG I (3rd meeting) WG II (3rd meeting) WG I (4th meeting) WG II (4th meeting)
12 March	morning afternoon	11. Training and assistance	WG I (5th meeting) WG III (1st meeting)
13 March	morning afternoon	11. Training and assistance	WG II (5th meeting) WG III (2nd meeting)
14 March	morning afternoon	7. Shipping legislation	WG I (6th meeting) WG II (6th meeting)

<u>Date</u>	<u>Meeting</u>	<u>Plenary</u>	<u>Sessional working groups</u>
17 March	morning) afternoon)	7. Shipping legislation	
18 March	morning) afternoon)	10. Working relationships)) WG I (7th meeting)) WG III (3rd meeting)
19 March	morning) afternoon)) WG I (8th meeting)) WG II (7th meeting)) WG IV (1st meeting)) WG III (4th meeting)
20 March	morning) afternoon)) WG I (9th meeting)) WG III (5th meeting)) WG I (10th meeting)) WG IV (2nd meeting)
21 March	morning) afternoon)) WG IV (3rd meeting)) WG IV (4th meeting)
24 March	morning) afternoon)) WG IV (5th meeting)) WG IV (6th meeting)
25 March	morning) afternoon)	12. Yearbook 5. International payments (report of WG II)	
26 March	morning) afternoon)	5. International payments (report of WG II) 4. International sale of goods (report of WG I)	
27 March	morning) afternoon)	4. International sale of goods (report of WG I)	
28 March	morning) afternoon)	6. Arbitration (report of WG III) 9. and 8. Co-ordination and Register (report of WG IV)	
29 March	morning) afternoon)	9. and 8. Co-ordination and Register (report of WG IV)	
31 March	morning) afternoon)	13. Programme of work	

<u>Date</u>	<u>Meeting</u>	<u>Plenary</u>	<u>Sessional working groups</u>
1 April	morning)	13. Programme of work	
	afternoon)		
2 April	morning)	14. Date of third session, and	
	afternoon)	15. Adoption of report	
3 April	morning)	15. Adoption of report	
	afternoon)		
