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Coordination and cooperation

International governmental and non-governmental organizations invited to sessions of UNCITRAL and its working groups

Note by the Secretariat

1. The Commission may wish to recall that, from its forty-fourth session to fiftieth session, in 2011 to 2017, it heard oral reports by the secretariat about intergovernmental and non-governmental organizations invited to sessions of UNCITRAL.¹ At its forty-eighth session, in 2015, it requested the secretariat, when presenting its oral report on the topic of organizations invited to sessions of UNCITRAL, to provide comments on the manner in which invited organizations fulfilled the criteria applied by the secretariat in making its decision to invite non-governmental organizations.² At its forty-ninth session, in 2016, the Commission welcomed the detailed and informative report presented by the secretariat pursuant to that request.³ At its fiftieth session, in 2017, the Commission requested the secretariat to provide information about intergovernmental and non-governmental organizations invited to sessions of UNCITRAL in writing for future sessions.⁴ This note is presented pursuant to that request and covers the period since the start of the fifty-fifth session of UNCITRAL (New York, 27 June–15 July 2022) up to the date of this note.

2. Criteria and procedures for inviting intergovernmental and non-governmental organizations to sessions of UNCITRAL and its working groups may be found on the UNCITRAL website at <https://uncitral.un.org/en/about/faq/methods>.

¹ *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17)*, paras. 288–298; *ibid.*, *Sixty-seventh Session, Supplement No. 17 (A/67/17)*, paras. 174–178; *ibid.*, *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, paras. 257–261; *ibid.*, *Sixty-ninth Session, Supplement No. 17 (A/69/17)*, paras. 205–207; *ibid.*, *Seventieth Session, Supplement No. 17 (A/70/17)*, paras. 279–281; *ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, paras. 286–290; and *ibid.*, *Seventy-second Session, Supplement No. 17 (A/72/17)*, paras. 360–364.

² *Ibid.*, *Seventieth Session, Supplement No. 17 (A/70/17)*, para. 280.

³ *Ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 290.

⁴ *Ibid.*, *Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 364.



3. In the period under consideration (see para. 1), no new intergovernmental organization (IGO) has been added in the list of IGOs invited to sessions of UNCITRAL and its working groups.

4. The UNCITRAL secretariat considered that the following non-governmental organizations (NGOs), which had requested to be invited to sessions of UNCITRAL and its working groups, met the eligibility criteria and has therefore added⁵ them to the list of NGOs⁶ invited to sessions of UNCITRAL and its working groups: Institute for Transnational Arbitration (www.cailaw.org/Institute-for-Transnational-Arbitration/index.html); China Maritime Arbitration Commission (www.cmac.org.cn); Conseil National des Administrateurs Judiciaires et des Mandataires Judiciaires (www.cnajmj.fr); and Center for International Commercial and Investment Arbitration at Columbia Law School (<https://cicia.law.columbia.edu/>). Other amendments were also made in the NGO list to reflect changes in the status of invitation to working groups of an organization.⁷

5. The UNCITRAL secretariat considered that the following NGOs which requested to be invited to sessions of UNCITRAL and its working groups did not meet the eligibility criteria and, therefore, it has not granted their requests:

(a) Associação Lusófona de Arbitragem e Mediação (www.alam.org.mo/) expressed an interest in participating as an observer in sessions of Working Groups II (Dispute Settlement) and III (Investor-State Dispute Settlement Reform, ISDS Reform). Legal or commercial experience reported upon by the organization was found sufficiently represented by other organizations already invited to both Working Groups. Moreover, it was not found to have a demonstrated expertise in the area of work dealt with by Working Group III;

(b) Tribunal Arbitral de la Principauté d'Andorre (www.tapa.ad) expressed an interest in participating as an observer in sessions of Working Group II (Dispute Settlement). Legal or commercial experience reported upon by the organization was found sufficiently represented by other organizations already invited to that Working Group;

(c) Shanghai International Economic and Trade Arbitration Commission (also known as Shanghai International Arbitration Center, SHIAC, www.shiac.org/pc/SHIAC) expressed an interest in participating as an observer in sessions of Working Groups II (Dispute settlement) and IV (Electronic Commerce). The secretariat considered that the legal or commercial experience reported upon by the organization was sufficiently represented by other organizations already

⁵ The NGOs are listed in the chronological order of their application in both paras. 4 and 5.

⁶ The list includes NGOs invited to all annual sessions of the Commission. Organizations whose names appear in bold in the list are also invited to observe deliberations on all topics currently assigned to UNCITRAL Working Groups. The sixth column of the list identifies organizations that are being invited to observe deliberations on some of the topics currently assigned to UNCITRAL Working Groups, while the seventh column of the list identifies organizations that were invited to and attended UNCITRAL working groups in the past.

⁷ The following organizations no longer receive invitations to sessions of Working Group III (Investor-State Dispute Settlement Reform): Arbitrators' and Mediators' Institute of New Zealand Inc; Asia-Pacific Regional Arbitration Group; Asia Pacific Centre for Arbitration & Mediation; Belgian Centre for Arbitration and Mediation; Centre pour la Recherche et l'Étude du Droit Africain Unifié; Comité Français de l'Arbitrage; Construction Industry Arbitration Council; European Lawyers' Union/Union des Avocats Européens; Global Center for Dispute Resolution Research; International Association for Commercial and Contract Management; International Maritime Committee/Comite Maritime International; International Union of Notaries (Union Internationale du Notariat); NAFTA [Article 2022] Committee on Private Commercial Disputes; P.R.I.M.E. Finance. The following changes were also implemented: (i) Shanghai Arbitration Commission is now added to the list of organizations invited to sessions of Working Group VI (Negotiable Multimodal Transport Documents) and (ii) Association Internationale des Jeunes Avocats (International Association of Young Lawyers) is now added to the list of organizations invited to sessions of Working Group V (Insolvency Law).

invited to both Working Groups. In addition, the organization was not found to have a demonstrated expertise in the area of work dealt with by Working Group IV;

(d) Hong Kong Mediation Council (www.hkiac.org/mediation) expressed an interest in participating as an observer in sessions of Working Groups II (Dispute Settlement) and III (ISDS Reform). Legal or commercial experience reported upon by the organization was found sufficiently represented by other organizations already invited to sessions of both Working Groups;

(e) Beihai Asia International Arbitration Centre (<https://baiac.org/>) expressed an interest in participating as an observer in sessions of Working Group II (Dispute Settlement). Legal or commercial experience reported upon by the organization was found sufficiently represented by other organizations already invited to sessions of the Working Group; and

(f) Federation Of Indian Corporate Lawyers expressed an interest in participating as an observer in sessions of all Working Groups. The secretariat found that the organization did not meet any of the eligibility criteria for inviting non-governmental organizations.

6. In addition to the NGOs listed as being invited to Working Group III (ISDS Reform) in the list of NGOs invited to sessions of UNCITRAL and its working groups, the secretariat considered that some additional NGOs and other entities could make useful contributions to the work of Working Group III. Many of these additional NGOs and other entities are from the academic sphere. Others are trade unions. Because of their nature or because their expertise and experience are only remotely relevant to other areas of UNCITRAL's work, the secretariat was not in the position to place them in the list of NGOs invited to sessions of UNCITRAL and its working groups. They were placed on an ad hoc list of additional NGOs and other entities invited to Working Group III while it is working on issues of ISDS reform (see the table below). The need for inviting them to future sessions of the Working Group is assessed by the secretariat according to the needs of the Working Group at a given time.⁸ Since the Commission's fifty-fifth session, in 2022, the secretariat has revised the ad hoc list as follows: (i) adding the African Academy for International Law Practice and Academic Forum; and (ii) reinstating the Centre for International Law at the National University of Singapore (CIL).

7. The additional NGOs and other entities placed on the ad hoc list are not invited to annual sessions of UNCITRAL or considered for invitation to other UNCITRAL working groups. They may however be considered for invitation to annual sessions of the Commission at which instrument(s) related to ISDS reform will be discussed.

<i>Acronym</i>	<i>Full name of the organization</i>	<i>Website</i>
AAILP	African Academy for International Law Practice Academic Forum	https://aailp.org/ www.jus.uio.no/pluricourts/english/projects/leginvest/academic-forum/
ACILP	African Center of International Law Practice	www.acilp.org/
AAIL	Asian Academy of International Law	www.aail.org

⁸ In its assessment, the secretariat takes account of the evolving mandate of the Working Group and the need to achieve a balanced representation at the sessions of the major viewpoints or interests in the relevant fields from all areas and regions of the world. It also has to take into account the logistical challenges in seeking to accommodate all entities interested to attend sessions of the Working Group. In particular, the limited capacity of the conference room assigned to the Working Group session may require the secretariat to exercise its discretion in selecting those NGOs and other entities best meeting the criteria for invitation.

<i>Acronym</i>	<i>Full name of the organization</i>	<i>Website</i>
BIICL	British Institute of International and Comparative Law	www.biicl.org/
CIL	Centre for International Law at the National University of Singapore	www.cil.nus.edu.sg
SOMO	Centre for Research on Multinational Corporations	www.somo.nl
ClientEarth	ClientEarth	www.clientearth.org
CCSI	Columbia Center on Sustainable Investment	ccsi.columbia.edu/
CUTS International	Consumer Unity and Trust Society	www.cuts-international.org
EFILA	European Federation for Investment Law and Arbitration	www.efila.org
T&E	European Federation for Transport & Environment	www.transportenvironment.org
ESIL	European Society of International Law	www.esil-sedi.eu
ETUC	European Trade Union Confederation	www.etuc.org
FOEI	Friends of the Earth International	www.foei.org
CIDS	Geneva Center for International Dispute Settlement	www.mids.ch
iCourts	iCourts	www.jura.ku.dk/icourts
IAM	Institut Afrique Monde	www.institutafriquemonde.org
CAIL/ITA	Institute for Transnational Arbitration at the Center for American and International Law	www.cailaw.org
IEA	Instituto Ecuatoriano de Arbitraje	www.iea.ec
ICTSD	International Centre for Trade and Sustainable Development	www.ictsd.org
IIED	International Institute for Environment and Development	www.iied.org
ITUC	International Trade Union Confederation	www.ituc-csi.org
PluriCourts	PluriCourts	www.jus.uio.no/pluricourts
SIMC	Singapore International Mediation Centre	www.simc.com.sg
USCIB	United States Council for International Business	www.uscib.org

8. The Commission may decide to move some or all of the entities listed in the table above to the list of NGOs invited to sessions of UNCITRAL and its working groups.