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CO-ORDINATION OF WORK:

IN GENERAL

Report of the Secretary-General

1. In its resolution 38/134 of 19 December 1983 on the report of the Commission on the work of its sixteenth 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 to promote efficiency, consistency and coherence in the unification and harmonization of international trade law. The main activities undertaken for the purpose of co-ordination since the sixteenth session of the Commission are set forth below. 1/
2. On the occasion of the Second Symposium on Transborder Data Flows organized by the Organisation for Economic Co-operation and Development (OECD) (London, 30 November-2 December 1983), the Secretariats of the Economic Commission for Europe (ECE), Customs Co-operation Council (CCC), OECD, Nordic Legal Committee and UNCITRAL discussed means of co-operating in the field of legal problems of automatic data processing. Subsequently, the Secretariats of UNCITRAL and CCC jointly prepared questionnaires on the legal value of computer records. The CCC questionnaire, which focused on the legal acceptability of a goods declaration submitted to customs authorities in computer readable form, was sent to the member States of CCC and was enclosed for information with the questionnaire from the UNCITRAL Secretariat. The UNCITRAL questionnaire was sent to all member States of the United Nations and was enclosed for information with the questionnaire sent by the CCC. The UNCITRAL Secretariat has also established formal liaison status with the

1/ See also, Training and Assistance (A/CN.9/256).

Banking Commission (TC 68) of the International Organization for Standardization and the Secretariat was represented at meetings of the Sub-committees on Bank Operations and Procedures and on Telecommunication Messages in Banking (Toronto, Canada, 6-9 September 1983). The UNCITRAL Secretariat was also represented at the meeting of the ECE/UNCTAD Working Party on Facilitation of International Trade Procedures (Geneva, 26-30 September 1983) at which legal problems arising in the context of trade facilitation and the need for co-ordination of activities of international organizations concerned were discussed.

3. With regard to the UNCITRAL project on electronic funds transfers, the Secretariat was represented at the Fifth Meeting of Latin American Lawyers Expert in Banking Laws (Guayaquil and Quito, Ecuador, 3-5 October 1983), and the annual seminar of the Society for World Wide Interbank Financial Telecommunications (S.W.I.F.T.) (Montreux, Switzerland, 26-30 September 1983). The UNCITRAL Secretariat was also invited to the Forum on Legal Issues organized by the American Bar Association for the International Telecommunication Union's Telecom '83, (Geneva, 29 October-1 November 1983). The Bank for International Settlements (BIS), the International Monetary Fund (IMF) and the Latin American Banking Federation (FELABAN) are also co-operating with the UNCITRAL Secretariat in the work on electronic funds transfers. The International Monetary Law Committee of the International Law Association has been kept informed of the activities of UNCITRAL in the field of international payments, including the preparation of draft chapters of the legal guide on electronic funds transfers, in the context of their undertaking to examine finality of payment questions in international transactions.

4. In the context of construction contracts, the Expert Group on International Contract Practices in Industry of the ECE (Geneva, 12-16 December 1983), considered a draft of a legal guide for drawing up international contracts on services relating to maintenance, repair and management of industrial works. Because of the close relationship to the draft legal guide on drawing up international contracts for the construction of industrial works, being prepared by UNCITRAL, a close liaison has been established with the Group. The United Nations Industrial Development Organization (UNIDO) and the UNCITRAL Secretariat have continued the programme of inter-secretariat meetings to co-ordinate activities begun in 1982. The UNCITRAL Secretariat will be represented as an observer at the Fourth General Conference of UNIDO (Vienna, 2-18 August 1984). Besides UNIDO, the Centre for Transnational Corporations (CTC), the Economic and Social Commission for Asia and the Pacific (ESCAP), the World Bank, the Asian Development Bank and the International Federation of Consulting Engineers (FIDIC) continue to co-operate actively with the UNCITRAL Secretariat in the preparation of draft chapters on the legal guide on international contracts for the construction of industrial works.

5. The UNCITRAL Secretariat was represented at a meeting organized by UNIDO and the International Centre for Public Enterprises in Developing Countries (ICPE) (Ljubljana, Yugoslavia, 16-19 April 1984) on guarantees in contracts for the transfer of technology. The ICPE is a joint institution of developing countries devoted to the cause of public enterprise in those countries. It

has at present a membership of thirty-three countries. It is planned to collaborate with ICPE in areas of common interest in the legal field particularly with the preparation of the legal guide on industrial works.

6. The International Chamber of Commerce (ICC), which adopted the 1983 revision of the Uniform Customs and Practice for Documentary Credits on 21 June 1983 with an effective date of 1 October 1984, submitted the text to UNCITRAL for its possible endorsement. The text of the 1983 revision with an explanatory note by the ICC Secretariat is reproduced in document A/CN.9/251. During the period of preparation of the 1983 revision the UNCITRAL Secretariat co-operated with the ICC in this task by sending a note verbale on 16 August 1982 to all Governments enclosing the then current draft of the revision with a request for comments. The comments received were forwarded to the ICC for its consideration. The UNCITRAL Secretariat was represented at the meetings of the ICC Commission on Banking Technique and Practice at which the revision was considered. The ICC Commission on International Contract Practices has recommended to the national committees of ICC that they encourage their respective Governments to ratify the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) (Vienna Sales Convention) and has approved a commentary aimed at giving practical advice to parties involved in negotiating and drafting international sales contracts in the context of the Convention once it comes into force.

7. The second session of the Special Commission of the Hague Conference on Private International Law to consider the revision of the 1955 Convention on the Law Applicable to International Sales of Goods in the light of the adoption of the Vienna Sales Convention was held at The Hague (7-18 November 1983). In addition to the member States of the Conference, the member States of UNCITRAL and previous member States of UNCITRAL who participated in the 1982 meeting were invited to attend. The Special Commission adopted its draft text for revision and it is expected that the Hague Conference will convene a diplomatic conference in 1985 to revise the Convention.

8. The Secretariat of UNCTAD and the UNCITRAL Secretariat have exchanged information on the work being carried out by UNCTAD on the rights and duties of container terminal operators and users pursuant to paragraph 8 of UNCTAD resolution 144 (VI) and by UNCITRAL on the liability of transport terminal operators. UNCTAD has also been encouraging the ratification of the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules), in particular in paragraph 13 of resolution 144 (VI). The Secretariat of each of these organizations has also expressed its interest in participating in regional seminars on topics of mutual interest sponsored by the other organization.

9. UNCITRAL has been invited by the Economic Commission for Africa to participate in an inter-institutional co-ordinating committee on the modernization and unification of maritime legislation in Africa. The other members of the committee are the International Maritime Organization, UNCTAD, the International Labor Organization and the Ministerial Conference of West and Central African States on Maritime Transport. Several other international organizations have also been invited to participate.

10. The UNCITRAL draft model law on international commercial arbitration will be the main theme at the Interim Congress of the International Council for Commercial Arbitration (ICCA) (Lausanne, Switzerland, 10-12 May 1984). The Secretariat will participate in the Congress where about 550 experts on arbitration will assemble from the world and it is expected that the contribution of ICCA to the UNCITRAL project on a model arbitration law will be as great as it was with regard to the preparation of the UNCITRAL Arbitration Rules. The UNCITRAL Secretariat was represented at the Arbitration Congress of the ICC (Paris, 11-13 October 1983) on the occasion of the sixtieth anniversary of the ICC Court of Arbitration.

11. In General Assembly resolution 38/128 of 19 December 1983 the Commission was requested to continue to submit relevant information to, and to co-operate fully with, the United Nations Institute for Training and Research (UNITAR) in its study on progressive development of the principles and norms of international law relating to the new international economic order. As in the past, information on relevant activities of the Commission was supplied by the UNCITRAL Secretariat to UNITAR for use in its study.

12. In addition to those organizations mentioned in the preceding paragraphs, the Secretariat maintains close contact with the Asian-African Legal Consultative Committee, the Council of Mutual Economic Assistance and the Organization of American States.