

## B. Promotion of texts emanating from the work of the Commission: report of the Secretary-General (A/CN.9/305) [Original: English]

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1. The Commission at its twentieth session "was in agreement that an increased priority should be given to efforts by the secretariat to promote the adoption and use of the texts emanating from the work of the Commission" (A/42/17, para. 340).<sup>1</sup> This report indicates the actions taken or contemplated by the secretariat to fulfil that mandate. The Commission may wish to consider whether there are additional actions that might be taken by the Commission or the secretariat within available resources that would further promote the texts.

#### I. Texts to be promoted

2. This report discusses promotion of the following texts, which are collectively hereafter referred to as the UNCITRAL texts:

(a) Convention on the Limitation Period in the International Sale of Goods (New York, 1974) (hereafter referred to as the Limitation Convention);

(b) Protocol amending the Convention on the Limitation Period in the International Sale of Goods (Vienna, 1980) (hereafter referred to as the Protocol);

<sup>1</sup>Report of the United Nations Commission on International Trade Law on the work of its twentieth session, *Official Records of the General Assembly, Forty-second session, Supplement No. 17*.

(c) United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) (hereafter referred to as the Sales Convention);

(d) United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg) (hereafter referred to as the Hamburg Rules);

(e) Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) (hereafter referred to as the New York Convention);

(f) UNCITRAL Model Law on International Commercial Arbitration (1985) (hereafter referred to as the Model Law).

3. Even though the New York Convention did not emanate from the work of the Commission, it has been included in the list as a text to be promoted by the secretariat since the Commission has shown particular interest in it and has based its own work in the field of arbitration on it. The Model Law is also included because its promotion involves activities similar to those necessary to promote the conventions.

4. Promotion of the UNCITRAL Arbitration Rules and the UNCITRAL Conciliation Rules requires different kinds of efforts than does promotion of the conventions and the Model Law and is not discussed in this report. Promotion of the UNCITRAL Legal Guide

on Drawing Up International Contracts for the Construction of Industrial Works is the subject of a separate note (A/CN.9/310).

## II. Factors that affect promotion

5. Although each of the UNCITRAL texts has certain special features relevant to its promotion, they can for most purposes be treated as a group. Common unifying features are: They must be adopted by individual States in order to be legally binding in those States. In most States legislative action is necessary either to authorize their adoption or to give them domestic legal force. In many States the responsibility for initiating action to adopt the texts rests with the Ministry of Foreign Affairs, even though the substantive responsibility may lie with a different ministry. This division of substantive responsibility from the responsibility for initiating action and scheduling parliamentary approval may tend to lower the priority the texts are given in those countries. Because the UNCITRAL texts deal with subject matter that is already dealt with in domestic legal systems, their adoption by a State entails the adoption of legal rules that differ from the existing legal rules on the same subject in greater or lesser degree in both substance and presentation. As a result, some people may at first react negatively to the texts until they have had the opportunity to study them in depth. Since they are texts of global application, a smaller percentage of the States that are eligible to become party to them participated in their preparation than participate in the preparation of similar texts of regional application. Consequently, there may be less awareness than is warranted of their value for regional and global economic integration and reduction of non-tariff barriers to trade. These factors help explain why most conventions for the global unification of private law are adopted so slowly; they are not applicable only to the UNCITRAL texts.

6. However, once a text receives widespread acceptance, that success becomes a factor in favour of its adoption by those States that have not already done so since it demonstrates that the text contains acceptable legal solutions and that it is drafted in an acceptable style.

7. The Model Law, not being a convention, is normally not within either the substantive responsibility of the Ministry of Foreign Affairs or within its procedural responsibility for taking initiative to place it before the parliament for adoption. The Ministry may, however, have some responsibility to bring it, as a product of the United Nations, to the attention of the ministry that would be substantively responsible. In substance, the Model Law, unlike a convention that must be adopted by a State with a minimum, if any, deviations from the text as adopted by the diplomatic conference, serves as an internationally agreed statement as to the desirable contents and presentation of a national law on international commercial arbitration, but States are free to use as much or as little of the Model Law as they deem proper in their particular situation.

8. Nevertheless, the goals sought to be achieved by the Commission are furthered by the highest possible degree of fidelity to the structure and provisions of the Model Law. In particular, the goal of reducing barriers to the use of international commercial arbitration is furthered when foreign parties and their lawyers can easily understand the law governing the arbitration. That is best achieved when the text is an internationally recognized text, such as the Model Law.

9. Consequently, promotion of the Model Law by the secretariat involves both encouraging individual States to adopt a new law governing international commercial arbitration containing features from the Model Law, and encouraging States to remain as faithful as possible to the text of the Model Law as adopted by the Commission. It could even be said that the latter of these two tasks is the special responsibility of the Commission's secretariat.

## III. Current pattern of adherence

10. As of 31 January 1988 two of the three UNCITRAL Conventions had the number of adoptions necessary for them to come into force, the Sales Convention on 1 January 1988 and the Limitation Convention on 1 August 1988. The Hamburg Rules had eleven of the twenty adoptions necessary for it to come into force. As of 31 January 1988 there was a total of 36 States parties to the three Conventions. That consisted of 28 individual States, two of which (Egypt and Hungary) were party to all three conventions and four of which (Argentina, Mexico, Yugoslavia and Zambia) were party to two of the conventions, i.e. Sales Convention and Limitation Convention.

11. The vast majority of the States that have become party to one or more of the three conventions is or has been a member of the Commission. Possible reasons are that States that have an existing interest in the unification of international trade law may be more likely to seek membership on the Commission; States that are members of the Commission are more apt to have participated in the preparation of the texts that emanate from its work and therefore to have formed a favourable view of them; States that have not participated either as a member or as an observer may not even be actively aware of the existence of the texts. The exact relationship between membership in the Commission and ratification of its conventions is shown below.

<i>Three UNCITRAL Conventions</i>			
	<i>Total number of States</i>	<i>States party to at least one convention</i>	<i>Percentage</i>
Current member of Commission	36	15	42
Past member of Commission	28	9	32
Member of United Nations, but never of Commission	95	4	4
Non-member State of United Nations	11	0	0

12. While the table shows a high correlation between present or past membership on the Commission and adoption of one or more of the conventions, it also shows that a substantial majority of the present and past members have not adopted any of them. Undoubtedly this figure will soon diminish noticeably since most of the States that have announced plans to adopt one or more of the conventions fall into those two categories.

13. The same correlation is evident in respect of present or past membership on the Commission and adoption of the New York Convention.

	<i>New York Convention</i>		
	<i>Total number of States</i>	<i>States party</i>	<i>Percentage</i>
Current member of Commission	36	28	78
Past member of Commission	28	17	61
Member of United Nations, but never of Commission	95	26	27
Non-member State of United Nations	11	3	27

14. Of the two States that have so far adopted the Model Law, one (Cyprus) is a current member of the Commission while the other (Canada) has been a regular and active participant as an observer.

#### IV. Means of promoting texts

##### A. *Promotion of texts within a State*

15. Since the decision that a State will adopt an UNCITRAL text is usually a collective one, involving inter-ministerial consultation, perhaps consultation with non-governmental sectors of society and parliamentary approval, promotional activities of one form or another must often be undertaken to persuade the numerous individuals involved that it would be desirable to adopt the text in question. These activities in a given State may be limited to the preparation of one or more official reports. They may also include a more extensive educational and promotional programme involving the preparation of reports, articles and other written material for appropriate media, the holding of seminars and symposia and the solicitation of endorsements of the text from relevant trade and professional circles. These activities within a given State must be the responsibility of individuals and organizations from the State in question.

16. Educational and promotional activities within a State may be directed towards a comparison of the UNCITRAL text with the existing law of that country and a discussion of its advantages or disadvantages in comparison to the existing law. Because of the international character of the UNCITRAL texts, those activities may also include discussion of the international implications of the text, including a comparison with foreign law or a discussion of its impact on foreign

parties trading with the State in question. This may mean in particular that foreign scholars and practitioners may be invited to participate in symposia or seminars on the UNCITRAL text under consideration. The secretariat may also be invited to participate in educational and promotional activities in order to lend its particular international experience and point of view.

##### B. *Establishing a favourable international climate*

17. The main task of the secretariat in promoting adoption of the UNCITRAL texts is to establish a favourable international climate for the widespread adoption of the texts. The favourable climate in favour of the work of the Commission as a whole has already been established. The Commission has an enviable reputation for producing legal texts of high professional quality on important subjects of international trade law. This reputation exists both in business, legal and governmental circles concerned with issues of international trade law and in diplomatic circles concerned with the Commission in the context of the United Nations. However, while this reputation contributes to a sympathetic audience in respect of the individual texts, it seldom is sufficient by itself to cause a State to adopt a text.

18. The most important actions leading to the establishment of a climate favourable to the adoption of the UNCITRAL texts were taken during their preparation. If the texts were of dubious quality or did not meet an evident need, they could not be promoted successfully, no matter how much effort was expended. These texts of high quality that meet an evident need can be successfully promoted. Nevertheless, specific promotional activities must also be taken in respect of each of them.

##### 1. *Adoption of the text by other States*

19. The adoption of an UNCITRAL text by one State is an important factor influencing other States to adopt it also. This is not only because adoption of a text is the ultimate form of endorsement, but also because of the practical concern that adoption of a convention by one State has no legal significance until enough other States have adopted it for it to come into force. Furthermore, widespread adoption of a text advances the goal of the progressive unification of international trade law, thereby making the text more valuable to practitioners from all countries.

20. Consequently, officials and other individuals from States that have adopted UNCITRAL texts have an interest in encouraging other States, and particularly those from the same region or with which they engage in significant international trade, to adopt the texts as well. These persons may be particularly influential advocates for the adoption of the text since they are likely to understand the problems faced by a State considering its adoption.

21. It is of particular importance that the New York Convention, the Sales Convention and the Limitation Convention are all in force, or soon will be, and that all three conventions have received ratifications or accessions during the past year. The secretariat is putting particular efforts into promoting the Hamburg Rules so that they will also soon enter into force. Developments in the past year suggest that once they come into force, a number of other States that are now hesitant could be expected to ratify or accede to them.

## 2. *Endorsement by the General Assembly*

22. The Commission at its twentieth session prepared a draft resolution for the General Assembly by which the General Assembly would have called on all States to consider whether to ratify or accede to the three conventions and the Protocol that have emanated from the work of the Commission, naming each of them individually, and would have called on the Secretary-General to have reported to the General Assembly at its forty-fourth session in 1989 on the results (A/42/17, para. 332).

23. The General Assembly was in accord with the Commission on the purpose and substance of the draft resolution but, in a desire to reduce the number of resolutions adopted by it, included the two substantive paragraphs of the draft resolution as paragraphs 9 and 10 of resolution 42/152 on the work of the Commission at its twentieth session.

24. As was anticipated by the Commission, the relevant paragraphs of resolution 42/152 will be brought to the attention of all Governments by note verbale of the Secretary-General prior to the twenty-first session of the Commission. It is to be hoped that this renewed endorsement by the General Assembly will cause the authorities of additional States to consider ratifying or acceding to them.

## 3. *Endorsement by other international organizations*

25. In addition to endorsement of the texts by the General Assembly, their endorsement by other international organizations can be an important form of promotion. The secretariat has solicited endorsements of the UNCITRAL texts from those organizations with which it is in active contact and where such endorsements are a normal part of that organization's activities. If the organization is intergovernmental, the endorsement normally consists of a recommendation similar to that in General Assembly resolution 42/152 that the Member States of the organization should consider adoption of the text. Such endorsements are most likely from regional organizations that see the UNCITRAL texts as important elements in regional economic integration and development. If the organization is non-governmental, the resolution might recommend that members of the organization take steps to initiate action in their individual countries leading towards adoption of the text. A number of endorsements of the

UNCITRAL texts have been adopted by both inter-governmental and non-governmental organizations.

26. An endorsement of a text by an intergovernmental or non-governmental organization may be directly influential with the relevant national authorities. Such resolutions may also be the basis for similar resolutions by affiliated national organizations, thereby aiding in the local promotion of the text.

## 4. *Publication of UNCITRAL texts and explanatory materials*

27. In order to make the UNCITRAL texts and a short history of their preparation more widely available, the secretariat recently published a book on the work of UNCITRAL.<sup>2</sup> The book has appeared in English, French, Spanish and Russian. A separate off-print of the Hamburg Rules has been published in English, French and Spanish.

28. The conventions and the Model Law have also been re-printed in a number of professional journals, so that they are widely available. Of particular importance are the translations of these UNCITRAL texts into languages other than the official languages of the United Nations, especially when the translations have been officially agreed to by all the countries in which the language is used.

29. In addition to the short history of the preparation of the UNCITRAL texts contained in the book on UNCITRAL, a need has been felt for materials that were specifically designed for the promotion of the individual texts. To fill a portion of this need the secretariat has prepared four promotional pamphlets on the Hamburg Rules, Sales Convention, the Limitation Convention, and the Model Law. The text of these four pamphlets is presented to the Commission for its information in documents A/CN.9/306, 307, 308 and 309.

30. At its 11th session the UNCTAD Committee on Shipping in its resolution 55(XI), paragraph 8, requested the UNCTAD secretariat to prepare a study on the economic and commercial implications of the Hamburg Rules and the United Nations Convention on International Multimodal Transport of Goods, including present insurance practices, and to submit a brief document, in the form of a booklet, explaining the provisions of the conventions and the implications of becoming contracting parties thereto (TD/B/1034, annex I). By agreement between the two secretariat units, the Commission's secretariat undertook to have the material on the Hamburg Rules prepared. Professor Rolf Herber (Federal Republic of Germany), who was the president of the diplomatic conference at which the Hamburg Rules were adopted, prepared the first draft in the capacity of consultant to the Commission's secretariat. The text, which is later to be combined by UNCTAD with similar material on the Multimodal

<sup>2</sup>UNCITRAL — *The United Nations Commission on International Trade Law* (United Nations publication, Sales No. E.86.V.8).

Convention in book form, is expected to be presented to the 13th session of the UNCTAD Committee on Shipping, held at Geneva from 14 to 22 March 1988, as document TD/B/C.4/315 (Part One). Copies will be made available at the Commission session.

### 5. *Professional literature*

31. All of the UNCITRAL texts have been the subject of numerous articles and shorter notices in legal and trade publications. Individual members of the secretariat have contributed to this effort by publishing articles in their own name. In some cases these articles are known to have been influential. However, because of the small size of the secretariat and the wide range of subjects undertaken by the Commission, this activity, which must be undertaken in spare time in addition to the regular duties of preparing documentation for meetings and servicing those meetings, can be expected to have only a limited promotional effect on a world-wide level.

32. A review of the literature in this field shows that a much larger number of articles have been written by delegates to sessions of the Commission or Working Groups. Furthermore, many delegates have inspired their colleagues or students to write articles on texts in preparation or that have been adopted by the Commission. The articles written or inspired by delegates have, both because of their number and because of their depth of understanding of the issues, been of major importance to the promotion of the texts.

33. The secretariat would particularly encourage an increase in the number of doctoral dissertations and other academic and professional writing on the work of the Commission. The background materials in the UNCITRAL Yearbook and in the official records of the three diplomatic conferences are available in many university and other libraries. More recent documents can be made available by the secretariat. Arrangements can be made for scholars and students to use the UNCITRAL Law Library in Vienna.

34. A bibliography of the professional literature on the work of the Commission has been one of the regular features in the UNCITRAL Yearbook. Beginning with the nineteenth session in 1986 the bibliography has been distributed as a document for the annual session of the Commission, thereby greatly increasing its timeliness and usefulness. It will continue to be included in the Yearbook. Although special bibliographies on individual texts emanating from the work of the Commission have not been prepared, since it was thought that the classified nature of the annual bibliography served that purpose sufficiently well, such bibliographies could be prepared if the Commission were of the view that they were of sufficient value.

### 6. *Symposia*

35. The first two symposia sponsored by the Commission in 1975 and 1981 were for the purpose of training

in general in international trade law and did not have specific promotional purposes in mind. At its fourteenth session in 1981 the Commission decided that, in view of the shortage of resources available to it for this purpose, the secretariat should attempt to organize future seminars and symposia on a regional basis, and it welcomed the possibility that regional seminars might be sponsored jointly with regional organizations (A/36/17, para. 109). For the first time the Commission indicated that one of the purposes of the seminars would be the promotion of texts emanating from the work of the Commission.

36. Since 1981 the secretariat has co-sponsored a number of regional seminars in co-operation with other organizations. Although in each case the basic administration of the seminar was undertaken by the other organization in question, the secretariat has been involved in planning the content of the programme and furnished speakers for the programme itself. Members of the secretariat have also spoken on the work of the Commission at a much larger number of seminars and professional meetings sponsored by other organizations. All of these activities have been reported in past years in the report on training and assistance. It is expected that similar activities will continue to be undertaken in the future as the occasion presents itself because of their general value in making known the work of the Commission.

37. Following the decision of the Commission at its twentieth session that increased emphasis should be given both to training and assistance and to promotion of texts, especially in developing countries (A/42/17, para. 340), the secretariat has undertaken to organize a regional seminar that is specifically intended for promotion purposes. The seminar is planned to be held in Lesotho in August 1988. The Preferential Trade Area, a regional organization in Southern and Eastern Africa with a membership of 16 States, has agreed to act as a co-sponsor.

38. Since the purpose of the seminar would be to acquaint decision makers in the States concerned with UNCITRAL as an institution and with the legal texts that have emanated from its work and to promote the adoption and use of those texts, the seminar is scheduled to last for a period of two weeks and to include several participants from each State. Although the number of participants per State will depend in part on the level of financing available, a matter discussed in a companion report (A/CN.9/311), and the composition might vary from one State to another, it is anticipated that participants would be drawn from the Ministries of Foreign Affairs, Justice, Transportation (for the Hamburg Rules) and from the university, the bar and representatives of the business community. Lecturers and discussion leaders would come from the secretariat, delegates to the Commission and local participants.

39. The seminar has been organized on the principle that there is an efficiency for the Commission and for the participants in considering all of the UNCITRAL

texts at the same time. Although they cover the four distinct fields of sales, carriage of goods by sea, international commercial arbitration and negotiation of industrial works contracts, many of the same people are relevant in each country for the decision whether or not to adopt the text. Furthermore, there was the belief that proper consideration of any of the texts requires both lectures and extensive time for discussion.

40. For the first seminar of this type to be organized by the secretariat it was thought to be desirable that there be participants from a number of States and that the seminar be co-sponsored by a regional organization for economic co-operation and development. In this manner the participants can share with one another their evaluation as to whether adoption of the UNCITRAL texts would provide an appropriate, modern and uniform legal infrastructure that would contribute to the economic development of their countries.

41. It is expected that further seminars of this type will be organized in the future, taking into account the experience with this seminar. Regional seminars may also be organized on single texts or subjects emanating from the work of the Commission.

#### 7. Interns

42. Arrangements can be made for young professionals in relevant ministries, particularly from developing countries, to spend an internship period with the Commission's secretariat. In addition to learning about the substance of international trade law, the intern would become acquainted with the processes by which the unification and harmonization of international trade law are carried out. At the end of their internship such interns could be expected to be better prepared to evaluate whether the adoption of UNCITRAL and other texts on international trade law would be of value for their country.

#### 8. Promotion of texts with key individuals

43. While many of the promotion activities that the secretariat can undertake would be aimed at establishing a generally favourable climate conducive to adoption of the UNCITRAL texts, some would be intended to identify key individuals who might take initiative in their country to bring about their adoption. For example, it appears reasonable to believe that one of the reasons a higher percentage of current and past member States of the Commission have adopted UNCITRAL texts than have non-members is that delegates to Commission sessions have a personal knowledge of the work of the Commission and are in a position to initiate favourable action in their countries.

44. The seminar planned in Africa in 1988 has been designed with the idea that the participants would be individuals who would be strategically placed to initiate action in their countries. It is expected that additional

seminars will be planned for key individuals in the future.

45. Key individuals are also often participants at meetings of other international organizations, and efforts are made by the secretariat when attending those meetings to meet and discuss the UNCITRAL texts with them.

#### 9. Individual consultations

46. The secretariat has been requested on several occasions to consult with individual countries during their consideration of one of the UNCITRAL texts. This has usually consisted of commenting in writing on draft legislation. It has also consisted of travel to the country in question to consult with relevant officials or to participate in seminars or symposia on the text under consideration.

47. One example of the secretariat's promotional activities of this type that was directed to more than one State was the preparation of a document comparing the provisions of the Sales Convention with those of the two 1964 Hague Conventions it was designed to replace (i.e. the Convention relating to a Uniform Law on the International Sale of Goods and the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods). This document was furnished to the Netherlands, as depositary of the two 1964 Hague Conventions, and distributed by it to the Contracting States to those Conventions.

48. The secretariat remains willing to the extent its resources so permit to render its support to any country that requests it and to share the experience it has gained. Unfortunately, the current vacancy situation in the Commission's secretariat places severe limitations on the extent of such possible consultations and the restrictions on the available financial resources limit the travel that can be undertaken, unless it is financed by the requesting country.

#### V. Resource availability

49. The secretariat has limited resources available for promoting the texts that have emanated from the work of the Commission. As noted by the Commission in the report on the work of its twentieth session, promotion of adoption of the UNCITRAL texts and increased priority to training and assistance activities was not meant to suggest a diminished importance to the preparation of new legal texts on subjects of international trade law (A/42/17, para. 340). It was also noted at the twentieth session that the need to devote increased resources to promotion activities had arisen at a time when the Commission's secretariat had a 35 per cent vacancy rate (A/42/17, para. 341). During the five month period from the adoption of the Commission's report to the preparation of this report there has been no net change in the available staff and none of the current vacancies are expected to be filled in the near future.

50. There are no funds specifically provided in the budget of the Commission's secretariat for promotion of adoption of texts. Activities that require substantial sums of money, such as sponsorship of seminars, must be met by extra-budgetary funds. A separate report will be submitted to the Commission that will discuss the seminars planned by the secretariat and the financial requirements involved (A/CN.9/311). Some promotion activities that call for travel by the secretariat or the use

of consultants have been met out of the regular budget available to the secretariat, and that source of funds can be expected to continue. However, increased levels of funding from the regular budget cannot be expected.

51. The conclusion that would seem to follow is that the promotion activities of the secretariat must be designed to achieve maximum results with the minimum expenditure of resources.

### C. Collection and dissemination of information on interpretation of UNCITRAL legal texts: note by the Secretariat (A/CN.9/312) [Original: English]

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#### INTRODUCTION

1. At the sixteenth (1983) and seventeenth (1984) sessions of the United Nations Commission on International Trade Law, suggestions were made that means should be explored to disseminate judicial and arbitral decisions concerning legal texts emanating from the work of the Commission (A/38/17, para. 137; A/39/17, para. 155).<sup>1</sup> At its eighteenth session (1985) the Commission had before it a note by the Secretariat (A/CN.9/267) which discussed possible mechanisms for the collection and dissemination of decisions relating to legal texts emanating from the work of the Commission, and various measures to encourage and facilitate the uniform interpretation of such texts. The note suggested that it might at the time be premature for the Commission to formulate concrete mechanisms and measures, and that the Commission might wish to consider doing so after the entry into force of the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) (hereafter

referred to as "Sales Convention"). Accordingly, the Commission decided to defer consideration of the matter to an appropriate future session (A/40/17, para. 377).<sup>2</sup>

2. At its twentieth session (1987), the Commission decided to hold at its twenty-first session a general discussion on its work for the medium term future. In this connection, it was agreed that the Commission should discuss the means by which information on the interpretation of the Sales Convention by courts and arbitral tribunals could be collected and disseminated (A/42/17, para. 343).<sup>3</sup>

3. The current note summarizes and supplements the earlier note (A/CN.9/267) with a view to assisting the Commission at this session to formulate concrete measures, in the light of the existing need for collection and dissemination of pertinent information. The note focuses on information relating to the Sales Convention, which entered into force on 1 January 1988, and

<sup>1</sup>Report of the United Nations Commission on International Trade Law on the work of its sixteenth session, *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 17* (A/38/17); Report of the United Nations Commission on International Trade Law on the work of its seventeenth session, *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 17* (A/39/17).

<sup>2</sup>Report of the United Nations Commission on International Trade Law on the work of its eighteenth session, *Official Records of the General Assembly, Fortieth Session, Supplement No. 17* (A/40/17).

<sup>3</sup>Report of the United Nations Commission on International Trade Law on the work of its twentieth session, *Official Records of the General Assembly, Forty-second Session, Supplement No. 17* (A/42/17).