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UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Third session
New York, 6 April 1970
Item 11 of the provisional agenda

THE ESTABLISHMENT OF AN UNCITRAL YEARBOOK

Report of the Secretary-General

Addendum

1. The United Nations Commission on International Trade Law (UNCITRAL) at its second session requested the Secretary-General to make a study containing proposals for alternative forms of an UNCITRAL Yearbook and to make copies of the study available at the twenty-fourth session of the General Assembly.^{1/} The requested study was issued as a report by the Secretary-General (A/CN.9/32) and was made available to the General Assembly and to the appropriate committees of the General Assembly. This addendum to the report sets forth the action that was taken in these bodies. Annex I to this addendum sets forth a revised outline of contents for a Yearbook that reflects the discussion and decisions at the twenty-fourth session of the General Assembly.
2. Upon the recommendation of the Sixth Committee (para. 3 below) and after consideration of the report of the Fifth Committee (para. 4 below), the General Assembly adopted resolution 2502 (XXIV) with respect to the report of the United Nations Commission on International Trade Law on the work of its second session. This resolution includes the following provisions dealing with the establishment of an UNCITRAL Yearbook:

^{1/} Report of the United Nations Commission on International Trade Law on the work of its second session (1969), Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 18 (A/7618).

"The General Assembly,

"Having considered the report of the United Nations Commission on International Trade Law on the work of its second session,

...

"Taking into consideration the report of the Secretary-General concerning the establishment of a Yearbook of the United Nations Commission on International Trade Law and the financial implications of alternative proposals for such a Yearbook,

...

"7. Approves in principle the establishment of a Yearbook of the United Nations Commission on International Trade Law which would make the Commission's work more widely known and readily available, and requests the Commission to consider, at its third session, the timing and content of the Yearbook, in the light of the report of the Secretary-General and of the discussions at the twenty-fourth session of the General Assembly;

"8. Authorizes the Secretary-General to establish the Yearbook referred to in paragraph 7 above in accordance with the decisions and recommendations to be adopted by the United Nations Commission on International Trade Law at its third session."

3. In the course of its discussion of the report of the United Nations Commission on International Trade Law on the work of its second session, leading to the adoption of the following resolution, the Sixth Committee considered the Commission's decisions with respect to the establishment of a Yearbook. On this subject the Sixth Committee reported the following to the General Assembly:^{2/}

"1. Establishment of an UNCITRAL Yearbook

"30. There was general support among representatives in the Sixth Committee for the view that an UNCITRAL Yearbook would make the work of UNCITRAL more widely known and generally available, and that the publication of the Yearbook was in principle desirable.

^{2/} Report of the Sixth Committee on the report of the United Nations Commission on International Trade Law on the work of its second session (A/7747, paras. 30-31).

/...

"31. Some representatives, however, expressed hesitation to the timeliness of publishing a yearbook, since the results of UNCITRAL's work had not yet become visible. These representatives doubted whether the advantage of having a yearbook would, for the time being, justify its cost. The view was expressed that the establishment of a yearbook was not necessarily the best way of attaining the ends which the yearbook purported to achieve, and that other means - such as the annual report of UNCITRAL, possibly with certain modifications, and access to available documentation - could provide acceptable alternatives. These representatives expressed the hope that the decision could be postponed until the next session of the General Assembly, when the Assembly would be in possession of the final views of UNCITRAL. However, a majority of the representatives who spoke on the subject supported the publication of the Yearbook without unnecessary delay, while expressing their performance for an approach along the lines of alternative A as set forth in the report of the Secretary-General. One representative observed that alternative A did not enumerate all relevant documents necessary to become fully acquainted with the work of UNCITRAL, such as those dealing with time-limits and limitations."

4. The Fifth Committee considered the financial implications of the establishment of an UNCITRAL Yearbook,^{3/} and reported the following to the General Assembly:

"4. On the assumption that the Commission on International Trade Law would decide to include in the first issue of the Yearbook documentation relating to its third session as well as to its first two sessions, and that it would decide on a version closer to alternative A which may involve allowing for a margin of 10 per cent over the number of pages originally estimated, the Secretary-General was requesting an additional appropriation of \$26,800 under section 11 (Printing) of the budget for the financial year 1970. The Secretary-General expected that sales of the Yearbook would result in an income of \$2,125 to be reflected in income section 4 for 1970.

"5. The Advisory Committee on Administrative and Budgetary Questions, in its related report (A/7748), recommended a reduced appropriation of \$25,000 for establishment of the Yearbook because, in its opinion, there would be no need to provide for a 10 per cent margin to accommodate additional documentation, since the less expensive alternative was already based on a careful selection of documentation. The Committee's recommendation was contingent upon the decision of the Commission on International Trade Law, at its third session, to publish the first Yearbook in 1970. Should the Commission decide to postpone its publication, any funds appropriated for 1970 would not be used for other purposes.

"6. During the discussion on this item, one delegation had reservations concerning what it considered to be a hasty and premature approach to the

^{3/} A/7761 (paras. 4-8), report of the Fifth Committee on the Administrative and Financial Implications of the draft resolution contained in the report of the Sixth Committee (A/7747, para. 38).

question since the decision of the Commission on International Trade Law with respect to the timing and content of the Yearbook would not be forthcoming until April 1970.

"7. Another delegation expressed the hope that the Yearbook would be published in Chinese although the estimates made no provision for that purpose.

"8. The Fifth Committee decided to inform the General Assembly that if the draft resolution contained in the report of the Sixth Committee (A/7747, para. 38) is adopted an additional appropriation of \$25,000 will be required under section 11 of the budget for 1970, on the understanding that this credit will not be used for any other purpose should the Commission on International Trade Law decide, at its third session, not to publish the first volume of the Yearbook in 1970."

5. The revised version of the Yearbook, outlined in annex I to the present document, implements the suggestion, made in the report of the Secretary-General (A/CN.9/32, para. 23), that since the final decision with respect to the Yearbook cannot be reached until the third session of the Commission, "the advisability of publishing yearbooks covering the work of the first three sessions in one volume would be considered at the appropriate time". The statement of the Secretary-General (A/C.5/1244) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/7748) regarding the financial implications of the draft resolution contained in the report of the Sixth Committee (A/7747, para. 38) were premised on the assumption that the Commission might decide to include the first three sessions in the first volume of the Yearbook; the appropriation of \$25,000 recommended by the Advisory Committee on Administrative and Budgetary Questions, which was approved by the General Assembly, was based on this assumption.

6. The Commission may wish to take into account certain considerations of efficiency and economy that support a decision to publish the material relating to the first three sessions of the Commission in one volume. Printing in one volume reduces expenses of binding and distribution. In addition, certain of the material presented for the first two sessions has been superseded by later revised and enlarged documentation presented to the third session. Combining this material would permit the omission of the earlier material and would produce a more complete, significant and useful presentation. This is true, for example, with respect to the substantive law on sales and the proposed uniform rules on

time limits and limitations (prescription). Work on both of these subjects has reached the stage of substantial reports by working groups to the third session. Including the proceedings related to the third session in this volume would also expedite dissemination of this significant material.

7. Annex I to this report sets forth a proposal for the publication of a combined volume covering the first three sessions. Material relating to the third session is indicated by an asterisk; this material would be deleted if the Commission were to decide on separate publication for the material from the third session.

8. It will be noted that the outline of contents set forth in annex I does not call for the inclusion of summary records of the meetings of the Commission. The report of the Secretary-General, to which this is an addendum stated, at paragraph 19, that when in the future UNCITRAL undertakes to examine proposed legal texts in detail, the summary records will acquire special significance as travaux préparatoires. The report noted that this stage had not been reached in the first two sessions of the Commission. The Commission may now wish to consider at what stage it would be appropriate to provide for the inclusion of summary records in the Yearbook.

ANNEX I

REVISED OUTLINE OF CONTENTS OF A YEARBOOK OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW

	<u>Number of pages</u>
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1. Historical note, incorporating relevant parts of United Nations documents, on the initial steps leading towards the establishment of the Commission	3
2. General Assembly resolution 2102 (XX), 1965	2
3. Progressive development of the law of international trade: Report of the Secretary-General (A/6396) (including annexes I and II)	70
4. Debate in Sixth Committee, excerpts from summary records . .	25
5. General Assembly, Twenty-first Session: report of the Sixth Committee (A/6594); resolution 2205 (XXI) adopted by the General Assembly: Establishment of the United Nations Commission on International Trade Law	6
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3. Report of the Sixth Committee (A/7408)	10
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5. References to other relevant documents (including the summary records)	1

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B. The second session

1. Report of the Commission (A/7013) (including annexes III-V)	70
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3. Report of the Sixth Committee to the twenty-fourth session of the General Assembly on the report of the United Nations Commission on International Trade Law on the work of its second session (A/7747)	14
4. General Assembly resolution 2502 (XXIV)	2
5. General Assembly resolution 2550 (XXIV) (United Nations Programme of assistance in the teaching, study, dissemination and wider appreciation of international law)	2
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C. The third session

1. Report of the Commission (including certain annexes)*	70
2. Report of the Sixth Committee on the work of the third session*	12
3. Resolution and/or other action taken by the General Assembly (on the work of the third session)*	2
4. Reference to other relevant documents*	1

* Documents pertaining to the third session. These documents will be included in this volume of the Yearbook if it is decided to include the first three sessions in the first volume of the Yearbook. Pages are estimated.

III. DOCUMENTS AND MATERIALS ON SPECIFIC SUBJECTS

A. International sale of goods

1. Unification of substantive and choice of law rules

a. Uniform rules governing the international sale of goods

- (1) Analysis of replies and comments of governments on the 1964 Hague Conventions, report of the Secretary-General (A/CN.9/31)* 43
- (2) Analysis of replies and comments by governments on the Hague Convention of 1955 (A/CN.9/33)* 14 1/2
- (3) Report of the Working Group on the International Sale of Goods on its session held in New York from 5 to 16 January 1970 (A/CN.9/35)* 77

2. Time-limits and limitations (prescription) in the field of the international sale of goods

- a. Report of the Working Group on time-limits and limitations (prescription) in the international sale of goods, on its session held at Geneva from 18 to 22 August 1969 (A/CN.9/30)* 36
- b. References to relevant documents 1

3. General conditions of sale and standard contracts, incoterms and other trade terms

- a. General conditions of sale and standard contracts: report of the Secretary-General (A/CN.9/18) (excluding annexes giving replies of organs and organizations) 13 1/2

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2. Negotiable instruments: analysis of replies and comments by governments, report of the Secretary-General* (A/CN.9/34)	50
3. Preliminary study of guarantees and securities as related to international payments: Report of the Secretary- General (A/CN.9/20/Add.1)	31
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1. Report of the Secretary-General (A/CN.9/21 and Corr.1)	62
2. References to relevant documents	1
 D. <u>International shipping legislation</u>	
1. Note of the Secretary-General* (A/CN.9/41)	10
2. References to relevant documents	1
 E. <u>Training and assistance in the field of international trade law</u>	
1. Report of the Secretary-General (A/CN.9/27)	8 1/2
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