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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-first session of UNCITRAL (New York, 25 June–13 July 2018) 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. Since the Commission's fifty-first session, in 2018, the following intergovernmental organization (IGO) has been added in the list of IGOs invited to sessions of UNCITRAL and its working groups: Organization of the Petroleum Exporting Countries (OPEC) (www.opec.org).

4. The following non-governmental organizations (NGOs) that applied to the UNCITRAL secretariat with the request to be invited to sessions of UNCITRAL and its working groups were found meeting the eligibility criteria and were added in the list of NGOs invited to sessions of UNCITRAL and its working groups:⁵ the Accord Project (www.accordproject.org); Center for International Investment and Commercial Arbitration (CIICA) (www.ciica.org); Centre for International Governance Innovation (CIGI) (www.cigionline.org); Federation of National Associations of Ship Brokers and Agents (FONASBA) (www.fonasba.com); Georgian International Arbitration Centre (GIAC) (giac.ge); International Association of Judges (IAJ) (www.iaj-uim.org); International Dispute Resolution Institute (IDRI) (idrinstute.com); International Transport Workers' Federation (ITF) (www.itfglobal.org); and Singapore International Arbitration Centre (SIAC) (www.siac.org.sg).

5. Several other amendments were made in that list to reflect changes in the name of organizations⁶ and the status of invitation to various working groups, in particular in the light of the new topics dealt with by Working Groups II (Dispute Settlement: a change from mediation to expedited arbitration) and VI (a change from security interests to judicial sale of ships).⁷

6. The following NGOs that applied to the UNCITRAL secretariat with the request to be invited to sessions of UNCITRAL and its working groups were found not meeting the eligibility criteria and their requests were thus not granted (listed in the chronological order of their application):

(a) Russian Arbitration Center at the Russian Institute of Modern Arbitration (RIMA) (centerarbitr.ru) was interested in participating as an observer in sessions of UNCITRAL Working Group III (ISDS Reform). Legal or commercial experience to be reported upon by the organization was found sufficiently represented by other organizations already invited to that Working Group;

(b) Public Service International (PSI) (www.world-psi.org) was interested in participating as an observer in sessions of UNCITRAL Working Group III (ISDS Reform). Legal or commercial experience to be reported upon by the organization was found sufficiently represented by other organizations already invited to that Working Group;

⁵ The table with that title lists NGOs invited to all annual sessions of the Commission. Organizations whose names appear in bold in that table are also invited to observe deliberations on all topics currently assigned to UNCITRAL Working Groups. The sixth column of that table 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 that table identifies organizations that were invited to and attended UNCITRAL working groups in the past.

⁶ Kuala Lumpur Regional Centre changed its name to the Asian International Arbitration Centre (AIAC) (see entry # 22), Bankers Association for Finance & Trade (BAFT) is no longer recognized as BAFT-IFSA (see entry # 35), the IBA Legal Profession and World Organizations Committee is referred to now as the Arbitration Committee (see entry # 140), and the National Law Center for Inter-American Free Trade (NLCIFT) changed its name to Kozolchuk National Law Center (see entry # 191).

⁷ The International Mediation Institute (IMI) (see entry # 167) and the Russian Arbitration Association (RAA) (see entry # 216) receive invitation to both Working Groups II (Dispute Settlement) and III (ISDS Reform). The following NGOs that were invited to mediation-relevant deliberations of Working Group II are no longer invited to that Working Group: Florence International Mediation Chamber (FIMC) (see entry # 100), Hong Kong Mediation Centre (HKMC) (see entry # 113), International Academy of Mediators (IAM) (see entry # 127) and Singapore International Mediation Institute (SIMI) (see entry # 218). The Commission on Arbitration and ADR was added as a sub-entity of ICC that also receives invitations to sessions of Working Groups II and III (see entry # 142).

(c) Punjab Bar Council (PBB) (www.pbbarcouncil.com) was interested in participating as an observer in sessions of UNCITRAL Working Groups II (Dispute Settlement) and III (ISDS Reform). It was found not meeting criteria for admission as an international non-governmental organization;

(d) Access Now (www.accessnow.org) was interested in participating as an observer in sessions of UNCITRAL Working Group IV (Electronic Commerce). Legal or commercial experience to be reported upon by the organization was found to be irrelevant to the issues discussed by the Working Group at the current stage;

(e) China Academy of Arbitration Law (CAAL) was interested in participating as an observer in sessions of UNCITRAL Working Groups II (Dispute Settlement) and III (ISDS Reform). Legal or commercial experience to be reported upon by the organization was found sufficiently represented by other organizations already invited to those Working Groups;

(f) Quebec Society of International Law (QSIL) (www.omeca.org) was interested in participating as an observer in sessions of UNCITRAL Working Group III (ISDS Reform). Legal or commercial experience to be reported upon by the organization was found sufficiently represented by other organizations already invited to that Working Group; and

(g) L'Organisation Mondiale d'Experts-Conseils-Arbitres (OMECA) was interested in participating in sessions of UNCITRAL Working Groups I (MSMEs) and IV (Electronic Commerce). Legal or commercial experience to be reported upon by the organization was found to be irrelevant to the issues discussed by those Working Groups at the current stage.

7. 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 assessed that some additional NGOs and other entities could make useful contributions to the work of that Working Group at the current stage of its deliberations. Because of the academic or trade union nature of those NGOs and other entities 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 put them in the list of NGOs invited to sessions of UNCITRAL and its working groups. They were put 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 Those additional NGOs and other entities 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.

#	Acronym	Full name of the organization	Website
1.	ACILP	African Center of International Law Practice	www.acilp.org
2.	AAIL	Asian Academy of International Law	www.aail.org
3.	BIICL	British Institute of International and Comparative Law	www.biicl.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.

#	Acronym	Full name of the organization	Website
4.	CIL	Centre for International Law at the National University of Singapore	www.cil.nus.edu.sg
5.	SOMO	Centre for Research on Multinational Corporations	www.somo.nl
6.	CCPIT	China Council for the Promotion of International Trade	www.ccpit.org
7.	ClientEarth	ClientEarth	www.clientearth.org
8.	CCSI	Columbia Center on Sustainable Investment	www.ccsi.columbia.edu
9.	CUTS International	Consumer Unity and Trust Society	www.cuts-international.org
10.	EFILA	European Federation for Investment Law and Arbitration	www.efila.org
11.	T&E	European Federation for Transport & Environment	www.transportenvironment.org
12.	ESIL	European Society of International Law	www.esil-sedi.eu
13.	ETUC	European Trade Union Confederation	www.etuc.org
14.	FOEI	Friends of the Earth International	www.foei.org
15.	CIDS	Geneva Center for International Dispute Settlement	www.mids.ch
16.	iCourts	iCourts	www.jura.ku.dk/icourts
17.	IAM	Institut Afrique Monde	www.institutafriquemonde.org
18.	CAIL/ITA	Institute for Transnational Arbitration at the Center for American and International Law	www.cailaw.org
19.	IEA	Institutio Ecuatoriano de Arbitraje	www.iea.ec
20.	ICTSD	International Centre for Trade and Sustainable Development	www.ictsd.org
21.	IIED	International Institute for Environment and Development	www.iied.org
22.	ITUC	International Trade Union Confederation	www.ituc-csi.org
23.	PluriCourts	PluriCourts	www.jus.uio.no/pluricourts
24.	SIMC	Singapore International Mediation Centre	www.simc.com.sg
25.	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. A specific request to that end was received from CCPIT (see entry # 6 in the table above). That request is before the Commission for its consideration.** The Secretariat was not able to place CCPIT in the list of NGOs invited to sessions of UNCITRAL and its working groups because the Secretariat was not able to ascertain that CCPIT is an international non-governmental organization, which is one of the criteria applied by the Secretariat in considering whether an NGO should be invited to annual sessions of UNCITRAL and its working groups.