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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-second session of UNCITRAL (Vienna, 8–19 July 2019) 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-second session, in 2019, 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 added them to the list of NGOs invited to sessions of UNCITRAL and its working groups:⁵ ACP Legal (www.ohadac.com/accueil.html); International and Comparative Law Research Center (www.iclrc.ru); Russian Arbitration Center at the Russian Institute of Modern Arbitration (<https://centerarbitr.ru/en/main-page>); Third World Network (<https://twm.my/>); Transnational Institute (www.tni.org); Netherlands Arbitration Institute (www.nai-nl.org/nl/); Institute of International Law (www.idi-iil.org/en); Foundation of the Review of International Law; Nigerian Institute of Chartered Arbitrators (www.nicarb.org/) and All India Bar Association (<http://allindiabar.org/>).

5. Amendments have been made in that list to reflect changes in the name of an organization⁶ and the status of invitation to working groups of other organizations.⁷

6. 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, has not granted their requests (listed in the chronological order of their application):

(a) Mumbai Grahak Panchayat (MGP – India) (<https://www.mumbaigrahakpanchayat.org>) expressed an interest in participating as an observer in sessions of UNCITRAL Working Group IV (Electronic Commerce). It was not found to be international in membership and focus and with a demonstrated expertise in the area of work currently dealt with by Working Group IV. Mumbai Grahak Panchayat requested the Secretariat to reconsider that decision and was advised by the Secretariat that the request for reconsideration would be brought to the attention of the Commission for final determination;

(b) Corporate Europe Observatory (<https://corporateeurope.org/en>) expressed an interest in participating as an observer in sessions of UNCITRAL Working Group III (ISDS Reform). Legal or commercial experience reported upon by the organization was found sufficiently represented by other organizations already invited to that Working Group;

(c) Centre for mediation, arbitration and conciliation (CMAC) expressed an interest in participating as an observer in sessions of UNCITRAL Working Group II (Dispute Resolution). It was not found to meet the criteria for admission as international non-governmental organization, in particular, as it was a registered Partnership Firm;

(d) International Investment Law Centre Cologne (IILCC) (<https://iilcc.uni-koeln.de/>) expressed an interest in participating as an observer in sessions of UNCITRAL Working Group III (ISDS Reform). It was not found to meet the criteria for admission as an international non-governmental organization, since academic

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 Commercial Finance Association changed its name to Secured Finance Network (see entry # 226).

⁷ China Council for the Promotion of International Trade was moved to the general list of non-governmental organizations invited to sessions of UNCITRAL and its Working Groups (see entry # 67). See *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 238. The African Association of International Law (see entry #3) now receives invitations to Working Group III (ISDS Reform).

institutions are, as a general rule, not invited to meetings of UNCITRAL and its working groups; and

(e) Kantara Initiative Europe (<https://kantarainitiative.eu/>) expressed an interest in participating as an observer in sessions of UNCITRAL Working Group IV (Electronic Commerce). It was not found to meet the criteria for admission as an international non-governmental organization.

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 considered 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 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 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.

<i>Acronym</i>	<i>Full name of the organization</i>	<i>Website</i>
ACILP	African Center of International Law Practice	www.acilp.org/
AAIL	Asian Academy of International Law	www.aail.org
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

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>
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	Institutio 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.