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**CO-ORDINATION OF WORK:**

**IN GENERAL**

**Report of the Secretary-General**

**INTRODUCTION**

1. In its resolution on the report of the Commission on the work of its fifteenth 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 (resolution 37/106 of 16 December 1982, paragraph 7). The main activities undertaken for the purpose of co-ordination since the fifteenth session of the Commission are set forth below.

**CO-ORDINATION OF WORK**

2. There was a strong response by international organizations requested to provide information for the report of the Secretary-General on current activities of international organizations related to the harmonization and unification of international trade law (A/CN.9/237 and Add. 1 to 3). This is a further indication of the recognition that the Commission is the core legal body for the unification and harmonization of international trade law.

3. At the invitation of the Swiss Government a diplomatic conference was held in Geneva from 31 January to 17 February 1983 and the Convention on Agency in the International Sale of Goods was adopted on the basis of a draft text prepared by the Committee of Governmental Experts of the International Institute for the Unification of Private Law (UNIDROIT), which met at Rome from 2 to 13 November 1981. At UNIDROIT's invitation, States members of UNCITRAL that are not members of UNIDROIT attended this meeting to consider the draft (See A/CN.9/237/Add.2).

4. The meeting of the Special Commission of the Hague Conference on Private International Law held from 6 to 15 December 1982 at the Hague to consider the revision of the 1955 Convention on the Law Applicable to International Sales of Goods was attended by representatives of 25 Hague Conference members and 11 States members of UNCITRAL which are not members of the Conference. Representatives

of the UNCITRAL Secretariat, the Council of Europe and the International Chamber of Commerce (ICC) were also in attendance. The States elected as new members of UNCITRAL will be invited to attend the next meeting of the Special Commission from 7 to 18 November 1983, along with the States members of UNCITRAL which participated in the previous meeting (see A/CN.9/237/Add.1, paragraphs 1 to 4).

5. 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 to be held at Lausanne in 1984. In order to ensure that, to the greatest extent possible, the draft model law reflects the concerns and needs of international commercial arbitration practice, an informal consultation will be held at Lausanne on 7 May 1983 with members of ICCA.

6. There has been a favourable response to the "Recommendations to assist arbitral institutions and other interested bodies with regard to arbitrations under the UNCITRAL Arbitration Rules", which were adopted at the Commission's fifteenth session. A number of arbitral institutions have written asking for comments or advice on their intended procedures, to which the Secretariat has responded.

7. The International Law Association at its 60th Conference held at Montreal from 29 August to 4 September 1982 on the recommendation of its Committee on International Commercial Arbitration adopted a resolution supporting the efforts to promote commercial arbitration as a method of settling business disputes in developing countries, and especially the efforts at present being undertaken by national legislatures and UNCITRAL to achieve the necessary adaptations of national laws.

8. The European Committee on Legal Co-operation of the Council of Europe at its 38th session held at Strasbourg from 29 November to 3 December 1982 decided, after hearing a statement from the Secretary of UNCITRAL, to await the outcome of the work in UNCITRAL on the draft Convention on International Bills of Exchange and International Promissory Notes and the draft Convention on International Cheques before it considers further the desirability of revising the 1930 Geneva Convention providing a Uniform Law for Bills of Exchange and Promissory Notes and the 1931 Geneva Convention providing a Uniform Law for Cheques. It was noted that many of the problems encountered with the Geneva Conventions were treated by the UNCITRAL draft texts.

9. Co-ordination continued with the International Chamber of Commerce (ICC) on the revision of the ICC Uniform Customs and Practice for Documentary Credits. On 16 August 1982 the UNCITRAL Secretariat sent a note verbale 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 has been represented at the meetings of the ICC Commission on Banking Technique and Practice at which the revision is being considered. A final draft has been circulated to members of the ICC Commission and to the ICC National Committees in the expectation that it can be submitted to the ICC Council for adoption in June 1983 with an effective date of 1 October 1984.

10. The International Law Association at its 60th Conference held at Montreal from 29 August to 4 September 1982 on the recommendation of its Committee on International Monetary Law welcomed the decision of UNCITRAL taken at its fifteenth session to adopt a preferred universal unit of account based on the SDR, particularly for conventions of global application, and two alternative provisions for the adjustment of the limit of liability in transport and liability conventions.

11. Several international organizations, including the Bank for International Settlements (BIS) and the International Monetary Fund, have been co-operating with the UNCITRAL Secretariat in the work on electronic funds transfers. The UNCITRAL Secretariat was invited to a meeting of legal advisors of the central banks of the Group of Ten and Switzerland held by BIS at Basle on 20-21 October 1982 to discuss the project.
12. A working group of the ICC Commission on International Contract Practices is preparing a commentary on the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) aimed at giving practical advice to parties involved in negotiating and drafting international sales contracts in the context of the Convention. This is based on an anticipation that the Convention will enter into force in the near future.
13. The Working Party on Facilitation of International Trade Procedures, sponsored by the Economic Commission for Europe (ECE) and UNCTAD, transmitted to UNCITRAL through the Executive Secretary of ECE a study on legal aspects of automatic trade data interchange. The Working Party concluded that, since the problems primarily concerned international trade law, UNCITRAL would appear to be the central forum to establish rules regarding legal acceptance of trade data transmitted by telecommunications. The study and the letter from the Executive Secretary of ECE are reproduced in A/CN.9/238.
14. At the Expert Group meeting at Vienna from 14 to 18 February 1983 to consider the Secretariat drafts of sample chapters of the draft legal guide on drawing up contracts for the construction of industrial works, representatives of the United Nations Industrial Development Organization (UNIDO), the Centre for Transnational Corporations (CTC), the Economic and Social Commission for Asia and the Pacific (ESCAP), World Bank, Asian Development Bank and International Federation of Consulting Engineers (FIDIC) participated as observers.
15. The UNCITRAL Secretariat was represented at a meeting organized by UNIDO and the International Center for Public Enterprises in Developing Countries (ICPE) held at Ljubljana, Yugoslavia from 11 to 15 April 1983 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.
16. The UNCITRAL Secretariat was represented at a meeting of the ECE Expert Group on International Contract Practices in Industry held in Geneva from 13 to 15 December 1982 at which the Expert Group decided to prepare a legal guide for drawing up international contracts on services relating to maintenance, repair and management of industrial works. The Expert Group noted that, although these items would also be dealt with in the UNCITRAL legal guide in connexion with construction contracts, these services were often supplied by consulting engineers or other parties independently of a construction contract. Nevertheless, the view was held that, because of the close connexion between the two projects, it would be advisable to co-ordinate work between the Expert Group and UNCITRAL.
17. The draft agenda for the Third Inter-American Specialized Conference on Private International Law (CIDIP-III), which will be held at Washington, D.C. at the end of 1983 or during the first months of 1984, includes an item on international maritime transportation. In the resolution of the Permanent Council of the Organization of American States which adopted the draft agenda (CP/Res. 376 (510/82) of 10 November 1982) it was stated that:

"In regard to the topic on international maritime transportation, due consideration was given to the United Nations Conference on the Carriage of Goods by Sea, held on March 6 through March 31, 1978, which approved the 'United Nations Convention on Carriage of Goods by Sea,' and at which 14 member states of the Organization of American States were represented, some of which have already signed, ratified or acceded to the Convention;"

18. In General Assembly resolution 37/103 of 16 December 1982 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. Information on relevant activities of the Commission was supplied by the Secretariat to UNITAR for use in its study.

19. Further, besides collaboration envisaged with other international organizations in the field of training and assistance (see A/CN.9/240), the UNCITRAL Secretariat has been in contact with these organizations with a view to ascertaining possibilities for further co-ordination in other areas of common interest.