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UNCITRAL rules of procedure and methods of work

Note by the Secretariat*

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* This note is submitted late due to the need to complete consultations and finalize subsequent amendments.



IV. Status of observers

1. The present addendum describes the status of observers in the General Assembly and its subsidiary organs in general, and in the Commission and its subsidiary organs in particular.

A. Meaning of “observer” in the United Nations

1. General Assembly

2. It is established United Nations practice to use the term “representative” in United Nations records and reports exclusively for persons representing States participating in the United Nations meetings with full rights, including the right to vote. Persons representing all other participants, including States and intergovernmental organizations, participating without the right to vote are referred to as “observers” in reports and other official records of meetings.¹

3. The status of an observer in international organizations is granted either by the intergovernmental organ or according to rules and practices, which are specific to individual organizations.² The established practice of the United Nations is that the Secretary-General does not, absent authorization, invite non-members to participate in intergovernmental meetings as observers. Intergovernmental bodies themselves determine which entities they wish to invite to participate in their meetings as observers, with only one exception: State members of specialized agencies establishing permanent observer offices may be accorded observer facilities by the Secretary-General.³

4. The process of acquisition of the observer status in the United Nations is far from uniform. Some organs adopted rules on the subject. For example, the United Nations Economic and Social Council (ECOSOC), in its rules of procedure address participation in its work of non-members of the Council, including non-member States, and intergovernmental and non-governmental organizations.⁴ In addition, in its resolution 1996/31, ECOSOC provides rules for consultative relationship between the United Nations and non-governmental organizations. The Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD TDB) also regulates the subject in its rules of procedure.^{5, 6}

5. Neither the Charter of the United Nations nor the Rules of Procedure of the General Assembly address the question of observers in the General Assembly. According to the legal opinions issued by the United Nations Office of Legal Affairs, the General Assembly does not consider itself bound by decisions of other

¹ *United Nations Juridical Yearbook, 1982* (United Nations publication, Sales No. E.89.V.1), p. 156, under item 1.

² *Ibid.*, 1994 (United Nations publication, Sales No. E.00.V.8), p. 463, para. 5.

³ *Ibid.*, paras. 3 and 6.

⁴ E/5715/Rev.2, chapters XII and XIII, rules 72-84.

⁵ TD/B/16/Rev.4 and Corr.1, rules 74-77 and annex III.

⁶ See also, e.g., PBC/1/OC/12, containing provisional guidelines for the participation of civil society in meetings of the Peacebuilding Commission.

United Nations organs taken as regards questions of representation.⁷ With particular reference to ECOSOC resolution 1996/31, one of the legal opinions states that, being a resolution of a separate principal organ of the United Nations, the resolution cannot bind the General Assembly, its Main Committees or subsidiary organs or international conferences convened by the General Assembly unless the Assembly so decides.⁸

6. The acquisition of observer status and rights of observers in the General Assembly rest solely on the practice of the General Assembly.⁹ According to that practice, observer status in the General Assembly is accorded only by adoption of General Assembly resolutions in individual cases.¹⁰ This does not apply to non-member States to whom observer facilities are provided by the Secretary-General (see paragraph 3 above). The General Assembly has accorded observer status to intergovernmental¹¹ and non-governmental¹² organizations, organizations representing liberation movements,¹³ and other entities.¹⁴ It is the practice of the General Assembly, in its resolutions granting observer status, to permit observers to participate in the sessions and the work of the Assembly. The General Assembly usually requests the Secretary-General to take the necessary actions to implement the resolutions.

7. In addition, specialized agencies,¹⁵ the International Atomic Energy Agency and the World Trade Organization are also represented in the General Assembly as observers pursuant to provisions contained in relationship agreements concluded between each agency and the United Nations and approved by the General

⁷ See e.g., *United Nations Juridical Yearbook, 1979* (United Nations publication, Sales No. E.82.V.1), pp. 166-168, under item 2, last paragraph.

⁸ See the advance version of the 2000 *United Nations Juridical Yearbook* at <http://www.un.org/law/UNJuridicalYearbook/index.htm>, p. 59. In some cases, the General Assembly explicitly decided that ECOSOC resolution 1996/31 governs accreditation of non-governmental organizations to its organs.

⁹ *United Nations Juridical Yearbook, 1998* (United Nations publication, Sales No. E.03.V.5), pp. 483-484, under item 10, and 488-490, under item 13.

¹⁰ *Ibid.*, 1976 (United Nations publication, Sales No. E.78.V.5), pp. 183-186, para. 4; and *ibid.*, 1994 (United Nations publication, Sales No. E.00.V.8), p. 463, para. 2.

¹¹ See, e.g., resolutions 253 (III) as regards the Organization of American States (OAS); 477 (V) as regards the League of Arab States; 2011 (XX) as regards the Organization of African Unity (OAU); and 3208 (XXIX) as regards the European Community. For other organizations enjoying observer status with the General Assembly, see, e.g., <http://www.un.org/members/>.

¹² Such as the International Committee of the Red Cross (resolution 45/6) and the International Federation of Red Cross and Red Crescent Societies (resolution 49/2).

¹³ See, e.g., resolution 3237 (XXIX) as regards Palestine (formerly the Palestine Liberation Organization (PLO)). Some other liberation movements had been accorded observer status but currently are no longer observers, such as the South West Africa People's Organization (SWAPO) (see resolution 31/152) or liberation movements recognized by the OAU (see resolution 3280 (XXIX)).

¹⁴ E.g., the Sovereign Military Order of Malta (resolution 48/265).

¹⁵ See Articles 57 and 63 of the United Nations Charter that make reference to specialized agencies that are to be brought into relationship with the United Nations on the basis of agreements with ECOSOC as approved by the General Assembly. Such agreements have been concluded, for example, with the International Maritime Organization, the International Monetary Fund, the International Telecommunication Union, the United Nations Industrial Development Organization, the World Bank, and the World Intellectual Property Organization. For the full list, see <http://www.un.org/Overview/uninbrief/agencies.html>.

Assembly.¹⁶ These agreements usually provide for reciprocal arrangements under which representatives of respective organizations are permitted to attend each others' meetings concerning matters within their competence and to participate without vote in the relevant deliberations.

8. As regards the status of other organizations in the General Assembly, the Office of Legal Affairs has stated that there is no provision either in the Charter of the United Nations or in the Rules of Procedures of the General Assembly allowing their participation in the plenary of the Assembly and its Main Committees. The latter organs may decide, and in fact did so on several occasions, to allow an organization to participate in the work, and determine the extent of participation.¹⁷

2. Subsidiary organs of the General Assembly

9. The General Assembly as the parent organ is the competent authority to decide on observer status to their subsidiary organs.

10. Unless the General Assembly specifically accorded observer status in a subsidiary organ to Member States not members of that organ, participation in an organ of limited membership established by the General Assembly is limited to its members. Although in some cases, a subsidiary organ may seek information from a non-member or satisfy a request from a non-member to make a statement, such arrangements do not imply a general authorization for participation by non-members.¹⁸ This principle is based on the assumption that a desirable balance that a limited membership represents could be upset by permitting non-member States to participate in the work of an organ of limited membership. Such concerns are especially strong since voting has practically become obsolete in many United Nations organs, replaced by decision-making based on consensus. Under the pressure of the increased membership of the Organization, however, it has become common practice in the United Nations to permit non-member States' access to organs of limited membership.

11. As regards non-State entities enjoying observer status with the General Assembly (see paragraph 6 above), the General Assembly, only in a few of its resolutions granting observer status, specifically referred to the participation of those entities in the work of its subsidiary organs.¹⁹ Nevertheless, the practice has been to interpret the reference to the participation in "the sessions and the work of the General Assembly", found in most General Assembly resolutions granting observer status, *prima facie* as all inclusive and embracing the General Assembly, its Main Committees and its subsidiary organs.²⁰ These resolutions do not limit the participation of organizations in question in the discussion of items of particular interest to them although a general rule has developed through practice according to which observers participate only with regard to items in which they have a

¹⁶ See further *United Nations Juridical Yearbook, 1998* (United Nations publication, Sales No. E.03.V.5), pp. 488-490, under item 13.

¹⁷ *Ibid.*, 1993 (United Nations publication, Sales No. E.97.V.13), p. 436, para. 4.

¹⁸ *Ibid.*, 1972 (United Nations publication, Sales No. E.74.V.1), p. 169, para. 4.

¹⁹ See, e.g., General Assembly resolution 3369 (XXX) on observer status for the Islamic Conference.

²⁰ *United Nations Juridical Yearbook, 1975* (United Nations publication, Sales No. E.77.V.3), p. 166, para. 13.

functional interest. The organization itself determines in which items it has such an interest.²¹ The possibility of participation by observers in the work of particular subsidiary organs may also depend upon the terms of reference, structure, functions and methods of work of the organ in question.²²

12. As regards other non-State entities, in the absence of instructions to the contrary from the establishing authority, a subsidiary organ may itself decide questions of participation in its work by such other non-members on ad hoc or continuing basis.²³ The right to grant observer status to organizations other than those specified in paragraphs 6-7 above is discretionary.

B. Types of observers in UNCITRAL

1. Non-member States

13. The Commission is the General Assembly's subsidiary organ of limited membership, meaning that not all Member States of the United Nations are members of the Commission. Members of the Commission are elected by the General Assembly according to the distribution of seats established by the General Assembly in its resolutions.²⁴

14. When the Commission was established, the General Assembly did not address the issue of participation of representatives of States not members of the Commission in the work of the Commission and its subsidiary organs.

15. The first mention of States not members of the Commission attending Commission's sessions as observers is made in the report of the Commission on the work of its tenth session, in 1977.²⁵ This was after the General Assembly, in its resolution 31/99, paragraph 10 (c), decided that: "Governments of Member States that are not members of the United Nations Commission on International Trade Law are entitled, when they so request, to attend the sessions of the Commission and its Working Groups as observers."

16. For a number of years preceding the adoption of that resolution, the Commission under an informal arrangement permitted States not members of the Commission to sit upon request without nameplates throughout Commission's sessions, and to participate upon invitation in discussions.²⁶ At its ninth session, in 1976, the Commission noted that at that session, as at previous sessions and at sessions of its working groups, several Governments that were not members of the Commission had expressed the wish to attend sessions of the Commission and its working groups as observers. The Commission was of the unanimous view that it was in the interest of the Commission's work that Governments that were not

²¹ Ibid., p. 167, para. 18.

²² Ibid., p. 166, para. 13; and *ibid.*, 1980 (United Nations publication, Sales No. E.83.V.1), pp. 188-189, under item 7.

²³ Ibid., 1980 (United Nations publication, Sales No. E.83.V.1), pp. 188-189, under item 7.

²⁴ See resolutions 2205 (XXI), 3108 (XXVIII) and 57/20.

²⁵ A/32/17, para. 6.

²⁶ See E. Suy, the former Legal Counsel of the United Nations, "The Status of Observers in International Organizations", *Collected Courses of the Hague Academy of International Law, 1978 (II)*, p. 135, although official records do not confirm this.

members of the Commission be given opportunity to participate in the work of the Commission as observers. It recommended to the General Assembly that it should authorize the Commission to permit States not members of the Commission to attend sessions of the Commission and its working groups as observers, where the States concerned so request.²⁷

17. Representatives in the Sixth Committee who spoke on the subject unanimously endorsed that recommendation of the Commission.²⁸ Upon recommendation of the Sixth Committee, the General Assembly adopted the above-referred resolution 31/99 (see paragraph 15 above).

18. In its subsequent resolutions, the General Assembly reaffirmed the importance of the participation of observers from all States at sessions of the Commission and its working groups.²⁹ Those subsequent resolutions are different from resolution 31/99 in the relevant part in two important ways: first, they do not speak about attendance of but rather participation in sessions of the Commission and its working groups, which, in the United Nations practice, implies a more active role (see paragraph 34 below), and second, they refer to all States rather than to Member States of the United Nations.

19. Since resolution 31/99, the Secretariat, by a note verbale separate from the one sent to the member States of the Commission, has been notifying all States that are not members of the Commission about upcoming sessions of the Commission and its working groups and inviting them to attend the sessions as observers.

2. Non-State entities

20. When the Commission was established, the General Assembly, in its resolution 2205 (XXI), did not explicitly address the attendance of Commission's sessions by non-State entities. Nevertheless, it assigned to the Commission, among other functions: to coordinate the work of organizations active in the field of international trade law and encourage cooperation among them (paragraph 8 (a) of the resolution); to collaborate, where appropriate, with the organizations operating in this field in preparation and promotion of the adoption of new international instruments and promotion of the codification and wider acceptance of international trade terms, provisions, customs and practices (paragraph 8 (c)); establish and maintain a close collaboration with UNCTAD (paragraph 8 (f)); maintain liaison with other United Nations organs and specialized agencies concerned with international trade (paragraph 8 (g)); and to take any other action it may deem useful to fulfil its functions (paragraph 8 (h)). The General Assembly in addition authorized the Commission to consult with or request the services of any international or national organization, scientific institution and individual expert, on

²⁷ A/31/17, para. 74.

²⁸ A/31/390, para. 46.

²⁹ See, e.g., resolutions 36/32, para. 9; 37/106, para. 7 (b); and 38/134, para. 7 (c). In some other resolutions, the General Assembly stressed the value of participation by States at all levels of economic development, including developing countries, and from different legal systems in the process of harmonizing and unifying international trade law (see, e.g., resolutions 40/71, 41/77, 42/152, 43/166, 47/34, 48/32, 49/55, 50/47, 51/161, 52/157, 53/103, 54/103, 55/151, and 56/79, preambular paragraphs). In its resolutions 3108 (XXVIII) and 57/20, the General Assembly expressed conviction that wider participation of States in the work of the Commission would further the progress of its work.

any subject entrusted to it, and establish appropriate working relationships with intergovernmental organizations and international non-governmental organizations concerned with the progressive harmonization and unification of the law of international trade (paragraphs 11 and 12).³⁰

21. The drafting history of the founding resolution indicates the intention of the Member States to give the Commission broad authority as regards means to achieve the goal of cooperation, collaboration and coordination with various entities referred to in the resolution.³¹ Since the early years of the Commission, attendance of sessions of the Commission and its working groups by such entities has been regarded as one of the appropriate and effective means to achieve that goal.³²

22. The organizations selected by the Secretary-General to be invited to the first session of the Commission were those that, in replying to the invitation sent by the Secretary-General pursuant to resolution 2205 (XXI), section III, had sent comments on the work programme of the Commission or had manifested their interest by describing their own activities or expressing readiness to collaborate with the Commission.³³ Among those invited, there were specialized agencies,³⁴ international and regional intergovernmental organizations,³⁵ and national, regional and international non-governmental organizations.³⁶

23. As regards arrangements for future sessions, the Secretary-General (in his note A/CN.9/7) invited the Commission to consider a suitable type of relationship to be established with intergovernmental and non-governmental organizations taking into account procedures followed in this respect in particular by the UNCTAD TDB. It was noted that should the Commission decide to adopt the procedures of the UNCTAD TDB *mutatis mutandis*, it would be necessary for the Commission to designate the intergovernmental organizations authorized to participate in meetings of the Commission, and the non-governmental organizations authorized to sit as

³⁰ In its subsequent resolutions related to the work of UNCITRAL, the General Assembly reaffirmed these provisions of the founding resolution *inter alia* by recommending that the Commission should continue to maintain close cooperation with other international organs and organizations active in the field of international trade law. See, e.g., resolutions 2502 (XXIV), paras. 5 and 11; 2635 (XXV), para. 5; 2766 (XXVI), para. 2 (c); 2928 (XXVII), para. 4 (c); 3108 (XXVIII), para. 6 (d); 3316 (XXIX), para. 4 (d); 3494 (XXX), para. 7 (d); 31/99, para. 6 (c); 32/145, para. 5 (c); 33/92, para. 7 (c); 34/143, para. 5 (c); 35/51, para. 9 (c); 36/32, para. 5 (c); 37/106, para. 7 (a); 38/134, para. 7 (a); 39/82, para. 5; 40/71, para. 6; 41/77, para. 8; 42/152, para. 4; 43/166, para. 4; 44/33, para. 2; 45/42, para. 2; 46/56, section A, para. 3; 47/34, para. 8; 48/32, para. 3; 49/55, para. 3; 50/47, para. 5; 51/161, para. 6 (b); 52/157, para. 6 (b); 53/103, para. 6 (b); 54/103, para. 5 (b); 55/151, para. 5 (b); 56/79, para. 7 (b); 58/75, para. 5; 59/39, paras. 4 and 8; 60/20, paras. 4 and 9; and 61/32, paras. 5 and 10.

³¹ See, in particular, A/C.6/L.571; General Assembly resolution 2102 (XX); A/6396; and A/6594.

³² See, e.g., A/7618, paras. 147 and 155; and A/40/17, para. 351.

³³ A/CN.9/7, paras. 13 and 14.

³⁴ The Food and Agriculture Organization, the Inter-Governmental Maritime Consultative Organization, the International Bank for Reconstruction and Development, the International Civil Aviation Organization and the International Labor Organization. See A/CN.9/7, para. 12.A.

³⁵ Such as the Council of Europe, the European Economic Community, the Organization for Economic Co-operation and Development, and OAS. See A/CN.9/7, para. 12.B.

³⁶ Such as the Afro-Asian Organization for Economic Co-operation, the European Insurance Committee, the Inter-American Institute of International Legal Studies, the International Chamber of Commerce (ICC), and the National Association of Credit Management. See A/CN.9/7, paras. 12.C and 14.

observers. It was suggested in the note that a distinction should be drawn between organizations that were directly concerned with the whole range of the activities of the Commission and organizations specializing in topics which were of particular concern to the Commission. The Secretary-General suggested two procedures for consideration: first, by which the Commission would designate organizations that would be authorized to sit as observers on a continuing basis and such designations could be amended by the Commission when the need arises (new organizations added, or the existing status terminated), and the second, ad hoc arrangements, by which organizations would be invited to sit as observers upon recommendation by the Commission's secretariat on an ad hoc rather than continuing basis. It was understood that the Commission would be free to make addition to, or deletions from the list of designated organizations, and these procedures would not apply to organizations whose relationships with the United Nations were governed by separate agreements.³⁷

24. At the first session, in 1968, the Commission deferred the consideration of the issue and the Chairman noted that temporary arrangements described in the Secretary-General's note A/CN.9/7 would continue to apply pending a decision by the Commission on this subject.³⁸ A similar decision was taken at the next session.³⁹ The Commission, at that session, noted that the practice of the Secretariat inviting intergovernmental and non-governmental organizations to send observers to the Commission sessions and to examine with them the division of work on priority topics should be continued and further developed over the years to come.^{40, 41} This was confirmed at the Commission's third session, when the Commission, in commenting on its working methods, expressed the view that the pragmatic approach as regards working relationships and collaboration with international organizations, including through the arrangements whereby international organizations may attend sessions of the Commission and its inter-sessional working groups, had produced satisfactory results and should continue.⁴²

25. Therefore, the Commission opted for a more flexible approach as regards working relationships and collaboration with international organizations than that suggested in the Secretary-General's note on the subject (A/CN.9/7) (see paragraph 23 above). This approach has been repeatedly endorsed by many representatives in the Sixth Committee who expressed satisfaction with UNCITRAL's working methods, in particular their flexibility that allowed drawing on expertise in other organizations and ensure the appropriate level of cooperation with them.⁴³ Without questioning the merits of such a flexible approach, some representatives called for securing wider participation and collaboration in the

³⁷ A/CN.9/7, paras. 15-29.

³⁸ A/7216, para. 56.

³⁹ A/7618, paras. 150 and 155. The note of the Secretary-General that was before the Commission at that session provided information about organizations invited to or notified about the second session (A/CN.9/26, para. 18 and annex).

⁴⁰ A/7618, para. 147.

⁴¹ The subject of collaboration with organizations was also discussed at these two first sessions in conjunction with the consideration of the Commission's methods of work on the specific topics. See, e.g., A/7216, paras. 43 and 48 (subparas. 34-35); and A/7618, paras. 62 and 100.

⁴² A/8017, paras. 189-190.

⁴³ See, e.g., A/8506, para. 11; A/9408, paras. 13 and 16; A/9920, paras. 10 and 12; A/10420, para. 10; A/31/390, paras. 10-11; and A/32/402, para. 14.

Commission's work than could be provided by States members of the Commission, by including in particular economic and commercial circles engaged in trade law and interested in the Commission's work, in order to get the benefit of the expertise accumulated in other international organizations and to ensure that the Commission's work reflect the needs that were actually experienced in international trade.⁴⁴

26. As a result of the delegated authority or upon explicit request by the Commission or its working groups, the Secretariat has continued inviting various organizations to sessions of the Commission and its working groups.⁴⁵ Invitations have been issued for individual sessions of the Commission and a working group. No practice of issuing standing invitations exists, meaning that to be able to attend a session, an organization must receive an invitation from the Secretariat. Letters of invitation are sent by the Secretary of UNCITRAL to relevant organizations listed in the mailing lists compiled and maintained by the UNCITRAL secretariat. Several mailing lists exist depending on the subject matter. For a working group's session, the UNCITRAL secretariat uses the mailing list of organizations whose activities are relevant to the work of the working group. For the Commission's session, a consolidated list is used, meaning that organizations listed in separate mailing lists maintained for different working groups are invited to Commission's sessions depending on the subjects under consideration in the Commission.

27. In many instances, a request by an international, regional or subregional organization or a national organization with substantial international outreach whose work is relevant to the work of the Commission has been sufficient for the organization to be included in a mailing list. In some instances, the Secretariat has had to evaluate the relevance of work of an interested organization to the Commission and the outreach of its activities. In such instances, the Secretariat before a session may request views of States members of the Commission on whether the request should be granted, or it may defer the matter for determination by the Commission or its working group, as the case may be, at its session. The status with ECOSOC has not been a decisive factor in granting requests for inclusion in a mailing list.

28. In practice, those on the lists receive invitations to the sessions of the Commission and/or its working groups as long as their work continues to be relevant to the subjects under consideration in the organ(s) concerned. The Secretariat may for justifiable reasons discontinue inviting some organizations⁴⁶ or

⁴⁴ A/7747, para. 11; A/8146, para. 12; A/9920, paras. 12 and 39; and A/10420, para. 10.

⁴⁵ Apart from the general authority given to the Secretariat at its first three sessions, the Commission in individual cases, usually upon establishment of working groups, granted the Secretariat the authority to invite to meetings all interested organizations active in the relevant field. See, e.g., A/8417, para. 19 (2); and A/34/17, para. 100. For an example of the Commission's request to invite a specific organization or organizations, see A/57/17, para. 224, with reference to the International Road Transport Union and other international organizations involved in land transportation.

⁴⁶ Such reasons may include an organization ceasing to exist or requesting the Secretariat to be removed from the list or other reasons. For example, ECOSOC resolution 1996/31, in paragraph 57, cites the following reasons for withdrawing or suspending the consultative status of non-governmental organizations: (i) contradiction of organization's activities to the purposes and principles of the United Nations Charter; (ii) influence from proceeds resulting from internationally recognized criminal activities, such as the illicit drugs trade, money-laundering

the Commission itself may at any time decide not to invite any organization to its sessions or sessions of its working groups.⁴⁷

29. Although the Commission decided not to draw formally any distinction among organizations attending its sessions (such as between permanent,⁴⁸ temporary⁴⁹ or functional⁵⁰ observers), in accordance with General Assembly resolution 2205 (XXI), for example, UNCTAD may be considered to be the organization enjoying permanent observer status with UNCITRAL. On the basis of the special arrangements with the United Nations⁵¹ and the understanding existing at the time the Commission was established,⁵² Unidroit and the Hague Conference may fall into the same category. The International Chamber of Commerce (ICC) would belong to the same category on the basis of the scope and outreach of its work as relevant to the Commission, and work arrangements between two organizations established since the Commission's first session. Other United Nations organs, specialized agencies and non-State entities enjoying observer status with the General Assembly may be considered to be functional observers since they may attend the sessions of the Commission and its working groups on the subjects of their interest upon their request (see paragraphs 7 and 11 above). Finally, other organizations invited to attend a particular session or sessions upon decision of the Commission or its working group or under the delegated authority of the Secretariat

or the illegal arms trade; and (iii) the lack of any positive or effective contribution to the work of the United Nations, and, in particular, of the Council and its commissions or other subsidiary bodies, within the preceding three years. In the Commission's practice, the records of the first two sessions indicate that such organizations as the European Insurance Committee, the International Air Transport Association, the International Association for the Protection of Industrial Property, and the International Rail Transport Committee, invited to the first session of the Commission (see A/CN.9/7, para. 12.C), did not receive invitations to, neither were they notified of, the second session (see A/CN.9/26, para. 18 and annex). These are the only available records indicating who were invited to, or notified about, upcoming sessions by the Secretariat.

⁴⁷ The granting, suspension and withdrawal of consultative status, as well as the interpretation of norms and decisions related to this matter, are the prerogative of States members of the organ. See, e.g., ECOSOC resolution 1996/31, para. 15.

⁴⁸ To be understood to be those entitled to attend any session of the Commission and its working groups.

⁴⁹ To be understood to be those invited to a specific session according to the needs of the Commission and its working groups.

⁵⁰ To be understood to be those entitled to attend sessions of the Commission and its working groups on items in which they have a functional interest (see paras. 7 and 11 of this note).

⁵¹ By exchange of letters between the United Nations Secretary-General, on the one side, and heads of the Hague Conference on Private International Law and the International Institute for the Unification of Private Law (Unidroit), on the other side, it was *inter alia* agreed that the Hague Conference and Unidroit would be invited to conferences convened by the United Nations or meetings of organs of the United Nations which may have a bearing on aspects of private international law. (See the exchange of letters between the United Nations and the Hague Conference (New York, 5 November 1958, and the The Hague, 10 November 1958), and between the United Nations and Unidroit (New York, 22 April 1959, and Rome, 16 May 1959), constituting an arrangement for cooperation and the exchange of information and documentation in matters of mutual interest. United Nations, *Treaty Series*, vol. 613, Nos. 630 and 631, respectively.)

⁵² See, e.g., A/6594, paras. 7 and 22.

may be considered temporary observers.⁵³

30. The Commission has repeatedly recognized that participation of international organizations, both governmental and non-governmental, in sessions of the Commission and its working groups, was crucial for the quality of texts formulated by the Commission.⁵⁴ In addition, the Commission recognized that by such participation, they contributed their expertise to the development of the Commission's own programme of work.⁵⁵

31. The Commission has also highlighted the contribution of observer organizations to specific projects. For example, at its thirty-sixth session, in 2003, the Commission noted the contributions to the development of the draft legislative guide on insolvency law of a broad range of participants, which were acknowledged as important to the achievement of a widely acceptable product that would be readily used by States. The Commission expressed its appreciation for the level of cooperation and coordination with international organizations in the development of the draft guide and stressed the need to maintain such cooperation and coordination, not only for finalizing the text but also for promoting the awareness and for facilitating the use of the draft guide.^{56, 57}

32. The General Assembly, on several occasions in its resolutions, affirmed the importance of the participation of observers from interested international organizations at sessions of the Commission and its working groups.⁵⁸ Most recently, in its resolution 57/20, the General Assembly expressed satisfaction with the practice of the Commission of inviting relevant organizations to participate as observers in the sessions of the Commission and its working groups and to take part in the formulation of texts by the Commission.⁵⁹

C. Rights of observers

33. There is no guidance from the General Assembly as regards the scope of observers' rights in the General Assembly and its organs. The discussions in the

⁵³ It should be noted that nothing prevents the Commission under its terms of reference from inviting to its sessions or sessions of its working groups individual experts to provide information, which in the opinion of the Commission would be useful to its work. Such an individual may come from a governmental or non-governmental entity in individual capacity. Such temporary arrangements are different from granting ad hoc observer status to the organization. See *United Nations Juridical Yearbook, 1978* (United Nations publication, Sales No. E.80.V.1), pp. 181-183, under item 13.

⁵⁴ See, e.g., A/58/17 and subsequent reports of the Commission, para. 8.

⁵⁵ See, e.g., A/40/17, para. 351.

⁵⁶ A/58/17, para. 173.

⁵⁷ On one occasion, the Commission requested the General Assembly to reconsider the list of invitees to a United Nations conference that was to consider a draft text which emanated from the work of UNCITRAL. It requested to invite to the conference all interested governmental and non-governmental organizations that had participated in the Commission's work on the subject (A/32/17, para. 58). The General Assembly, in response, adopted resolution 32/438, in which it took note of the Commission's request and decided to request the Secretary-General to invite to the conference organizations referred to by the Commission.

⁵⁸ See, e.g., resolutions 36/32, para. 9; 37/106, preambular para. 3 and operative para. 7 (b); and 38/134, para. 7 (c).

⁵⁹ Preambular paragraph 3.

General Assembly on granting observer status to organizations usually focus on the reasons to grant observer status rather than on the scope of the observers' rights.

34. The chronological study of the General Assembly resolutions granting observer status demonstrates the evolution of the General Assembly's expectation as regards the role of observers in the General Assembly and its organs. The early resolutions represent an expectation of passiveness by observers (that is guests of honours with only the right to make a statement conveying a message from the organization that s/he represents)⁶⁰ while the later resolutions present a more active role for them towards a participation of observers in the deliberations with the authorization of the organ concerned.⁶¹

35. The lack of guidelines from the General Assembly has created uncertainty as regards the exact scope of rights of observers in subsidiary organs of the General Assembly and has led to unilateral determination by such organs of the extent of such rights. Approaches vary from granting very limited rights, such as allowing observers only to make statements, to granting all rights of a member with the exception of the right to vote.⁶² It is also common to draw a distinction between the

⁶⁰ See, e.g., resolution 253 (III) of 16 October 1948 that refers to the presence by OAS as an observer at the sessions of the General Assembly. See also earlier legal opinions of the Office of Legal Affairs in *United Nations Juridical Yearbook, 1972* (United Nations publication, Sales No. E.74.V.1), pp. 159-160, under item 5; and *ibid.*, 1977 (United Nations publication, Sales No. E.79.V.1), pp. 220-222, under item 13. They distinguished observers from participants without the right to vote. The latter, it was explained, without enjoying the rights attendant upon full membership, were nevertheless entitled to unrestricted participation in the discussions and, in some instances where the relevant rules so provide, were allowed to make proposals. The function of an observer, it was explained, on the other hand, was defined by his title, that his role was essentially to observe. As such, an observer may not automatically take part in the deliberations and cannot submit proposals. An observer may nevertheless deliver statements from time to time after making a request to a presiding officer who consults the organ concerned on whether the request should be granted. Some other legal opinions also referred to "associate members" as regards non-member States participating in the work of some of the United Nations organs. Such associate members were eligible to be appointed as a member of any subsidiary body of the organ concerned with the right to vote and to hold office therein. See, *ibid.*, 1970 (United Nations publication, Sales No. E.72.V.1), pp. 177-178.

⁶¹ See, e.g., resolutions 3369 (XXX) and 31/3, by which the General Assembly invited the Islamic Conference and the Commonwealth Secretariat, respectively, to participate in the sessions and work of the General Assembly and of its subsidiary organs in the capacity of observer. Some other resolutions refer to "effective" or "full" participation (see, e.g., resolutions 3280 (XXIX); and 47/191, para. 7 (a)). The latter term has been used with reference to regional economic integration organizations, such as the European Community. The particular nature of this latter organization and its sometimes exclusive competence on behalf of its member States in certain areas has led the General Assembly to grant to the European Community rights of "full participation" in a number of United Nations conferences and to recommend to other organs, such as to ECOSOC, to provide that their newly established organs should provide for full participation of the European Community without the right to vote (see, e.g., resolution 47/191, para. 7 (a)). For ECOSOC decision granting the "full participation" right to the European Community, extending similar right to regional and sub-regional economic integration organizations, and specifying which rights the "full participation" entails, see ECOSOC decision 1995/201. See also *United Nations Juridical Yearbook, 1995* (United Nations publication, Sales No. E.01.V.1) p. 438; and *ibid.*, 1997 (United Nations publication, Sales No. F.02.V.1), p. 588.

⁶² The provisions to the effect that observers participate to the same extent as members except the right to vote have been challenged by the Office of Legal Affairs since there are differences in

rights of various types of observers: Member States of the United Nations not member of the organ concerned, specialized agencies and organizations enjoying permanent observer status on the basis of the relevant General Assembly resolutions are enjoying most rights while other organizations have more limited rights.⁶³ It has also been assumed that observer status of non-State entities in the sessions and the work of the Assembly and its subsidiary organs does not entail more extensive rights than those accorded to Member States of the United Nations in respect of subsidiary organs of limited membership of which they are not members.⁶⁴

36. Regardless of differences in practices of various General Assembly organs, it has been consistently understood that observers do not have the right to vote.⁶⁵ Since they do not have the right to vote, they do not have the right to participate in the explanation-of-vote period (either before or after the vote).⁶⁶ They are not counted for quorum purposes.

37. As regards other rights, including the right of holding office, observers may enjoy them to the same or different extent as members depending on the decisions and practices of the organs concerned. The practice in various United Nations organs and in the Commission is summarized below.

38. The Commission has never taken a formal decision on what the observer status in the Commission and its subsidiary bodies would entail. Some references to the understanding of the meaning of observer status in the Commission and its subsidiary bodies are nevertheless found in various sources. The report of the Commission's second session, in particular, noted that the observer from the Hague Conference expressed satisfaction regarding the practice of the Commission, which allowed observers from other organizations to participate on an equal footing with delegations, but without the right to vote.⁶⁷ The records do not indicate that the Commission itself has officially endorsed such an understanding. In some of its decisions, in appreciating the contribution of observers to its work, the Commission

other rights between members and observers. See, e.g., *United Nations Juridical Yearbook, 1993* (United Nations publication, Sales No. E.97.V.13), p. 419, paras. 20-23.

⁶³ A distinction between various types of observers is also drawn in ECOSOC resolution 1996/31, paragraph 18 of which states: "A clear distinction is drawn in the Charter of the United Nations between participation without vote in the deliberations of the Council and the arrangements for consultation. Under Articles 69 and 70, participation is provided for only in the case of States not members of the Council, and of specialized agencies. Article 71, applying to non-governmental organizations, provides for suitable arrangements for consultation. This distinction, deliberately made in the Charter, is fundamental and the arrangements for consultation should not be such as to accord to non-governmental organizations the same rights of participation as are accorded to States not members of the Council and to the specialized agencies brought into relationship with the United Nations."

⁶⁴ *United Nations Juridical Yearbook, 1975* (United Nations publication, Sales No. E.77.V.3), p. 166, para. 13; and *ibid.*, 1980 (United Nations publication, Sales No. E.83.V.1), pp. 188-189, under item 7.

⁶⁵ See, e.g., *ibid.*, 1975 (United Nations publication, Sales No. E.77.V.3), p. 167, para. 21; and *ibid.*, 1980 (United Nations publication, Sales No. E.83.V.1), pp. 188-189.

⁶⁶ See, e.g., *ibid.*, 1989 (United Nations publication, Sales No. E.00.V.1), pp. 364-365, under item 18. An observer may be permitted by the presiding officer to speak following the end of explanation of vote after the vote (i.e., after the debate has been closed and the decision taken), with the consent of the organ concerned.

⁶⁷ A/7618, para. 153.

has noted that observers had participated in the work of the Commission and its subsidiary organs with a full right to speak and make proposals.⁶⁸

39. On the only occasion when voting took place in the Commission, observers participated neither in the voting nor in the explanation-of-vote period (see A/CN.9/638/Add.3, paras. 18 and 57, and A/CN.9/638/Add.4, paras. 3-5). In the early years, the Commission had the practice of taking an “indicative” vote, with observers participating, before taking decisions by consensus.⁶⁹

40. Individuals from observer States have been elected in their personal capacity as officers of the Commission’s subsidiary organs (see A/CN.9/638/Add.2, para. 40).

Right of access to fora

41. Observer status entails at least the right to attend open meetings of the organ concerned. The observers’ right of access to open meetings does not encompass automatic right of access to closed meetings. (See A/CN.9/638/Add.1, paras. 5-7.)

42. All meetings of the Commission have been open to observers. As pointed out in paragraph 8 of document A/CN.9/638/Add.1, UNCITRAL records do not indicate that the Commission or its subsidiary organs have ever taken a decision to hold closed meetings. As regards UNCITRAL’s organs of limited membership, such as working groups in the Commission’s earlier years, the Commission itself has decided whether the organ is open to observers and if and how non-members may express their views before such organs. As regards working groups of limited membership, in most cases the Commission explicitly requested the Secretary-General to invite members of the Commission not represented in a working group, and organizations, intergovernmental and non-governmental, with expertise on the subject matter, to be present as observers at the meeting of the working group.^{70, 71} Since the adoption by the General Assembly of its resolution 31/99, by which it decided that States not members of UNCITRAL were entitled, when they so request, to attend the sessions of the Commission and its working groups as observers (see paragraph 15 above), the Commission has also invited all States not members of the Commission to participate as observers at its meetings and meetings of its working groups.

43. As regards participation of observers in informal meetings, consultations or negotiations, the Office of Legal Affairs expressed the opinion that this was a matter falling outside the formal rules of procedure. It is the matter in the first instance of the convener of such meetings to determine. It is open to the organ concerned

⁶⁸ See, e.g., A/42/17, para. 304, preambular paras. 4 and 5; A/50/17, para. 201, last preambular paragraph; A/56/17, para. 200, preambular paras. 4 and 5; and A/60/17, para. 167, preambular paras. 4 and 5.

⁶⁹ See E. Suy, the former Legal Counsel of the United Nations, “The Status of Observers in International Organizations”, *Collected Courses of the Hague Academy of International Law, 1978 (II)*, p. 148, although official records do not confirm this.

⁷⁰ See, e.g., A/7618, para. 38 (5); A/8017, para. 166 (6); A/8417, para. 19 (2); A/8717, para. 61 (2) (b); and A/34/17, para. 100 (2).

⁷¹ In the terms of reference of some working groups, the Commission referred in general to the need for a working group to cooperate in its work and coordinate its activities with relevant stakeholders. See, e.g., A/56/17, para. 345; and A/57/17, para. 224.

however to interpret the basic policy guidance from the General Assembly concerning participation of observers as also encompassing informal meetings, consultations or negotiations open to all members of the Commission. This is a policy matter to be decided by the organ concerned itself.⁷²

44. In UNCITRAL, observers usually participate in informal meetings, consultations or negotiations, which may be held during or between sessions of the Commission and its working groups.

Right of access to documents

45. According to the United Nations practice, the observers have access to documents essential to their functions. There are detailed distribution rules regulating entitlements of various types of observers to various kinds of United Nations documents (general, limited and restricted), including to how many copies of documents they are entitled. These rules have been implemented in the United Nations organs with much flexibility.

46. In UNCITRAL, observers have had access to officially issued documents of general and limited distribution to the same extent as States members of the Commission.

Right to make statements

47. The practice with granting the right to make statements varies depending on the organ. Participation of observers in some organs have been limited as a rule to seating and not extended to making statements, which has been reserved only to States members of the organ concerned.⁷³ In some organs, the trend has been towards more flexibility and freedom for observers to make statements: apart from non-member States, not only specialized agencies and organizations that enjoy permanent observer status under the General Assembly resolutions but also other organizations at their request have been invited to make statements at meetings on matters with which the organizations are concerned.⁷⁴

48. The established practice in many United Nations organs is that observers are given the opportunity to speak after the members of the organ concerned have been given that opportunity.⁷⁵ This practice is based on the principle that member States, as full participants, are entitled to priority over observers who have only limited rights of participation and are normally permitted to make statements upon invitation of the presiding officer and with the consent of the organ concerned.⁷⁶

49. In UNCITRAL, observers have been given the right to make statements to the same extent as States members of the Commission. On numerous occasions, they have been invited to take the floor for specific purposes, such as to provide expert

⁷² See, e.g., *United Nations Juridical Yearbook, 1993* (United Nations publication, Sales No. E.97.V.13), p. 420, under item 44, para. 24.

⁷³ See, e.g., *ibid.*, 1975 (United Nations publication, Sales No. E.77.V.3), p. 166, para. 11.

⁷⁴ See, e.g., *ibid.*, p. 167, para. 19; and *ibid.*, 1976 (United Nations publication, Sales No. E.78.V.5), p. 183, para. 3.

⁷⁵ See, e.g., *ibid.*, 1982 (United Nations publication, Sales No. E.89.V.1), p. 160, under item 4; and *ibid.*, 1992 (United Nations publication, Sales No. E.97.V.8), p. 429, under item 10.

⁷⁶ See, e.g., *ibid.*, 1982 (United Nations publication, Sales No. E.89.V.1), p. 160, under item 4.

advice or share experience in the relevant fields they represent with a view to assisting the Commission or its subsidiary organs in the consideration of texts before them, or to report on their activities and on coordination of their work with the work of the Commission.⁷⁷ The statements made by observers have been reflected in the records of the meetings.⁷⁸ In some cases, the records explicitly differentiate statements made by representatives from those made by observers.⁷⁹

50. The practice that observers are given the opportunity to speak after the members of the organ concerned have been given that opportunity is not followed in the Commission. Participants are given the floor in the order determined by the presiding officer, which has usually, but not always, been in the order they have requested the floor (see A/CN.9/638/Add.3, para. 21).

Right of reply

51. In the United Nations practice, the right of reply is more restricted than the right to make statements. The Rules of Procedure of the General Assembly reserve such right only to members. Nevertheless, the practices have evolved towards giving more freedom to the presiding officer in this respect.⁸⁰ This is on the understanding that the right of reply of States members of the organ concerned is an absolute right, not subject to the discretion of the presiding officer,⁸¹ whereas with respect to observers, one talks about an opportunity to make a reply rather than the right of reply since the presiding officer has the discretion to grant or deny it.⁸² In practice, observers' requests for reply are traditionally granted and very rarely denied. Observers' statements in reply are subject to the rules and practices applicable to members' rights of reply (number of interventions, time limit, etc.).⁸³

52. In UNCITRAL, observers have usually been given the right of reply to the same extent as States members of the Commission, including to statements made by States members of the Commission.⁸⁴

Right to submit proposals

53. In some organs, this right has traditionally been reserved only to members, and these organs were reluctant to extend such right to observers unless this has been

⁷⁷ See, e.g., A/37/17, paras. 114-118; A/38/17, paras. 94-103; A/39/17, paras. 119-124; A/44/17, paras. 252-261; and A/55/17, para. 397.

⁷⁸ The Commission's report of the third session, for example, explicitly states that it reflected the views of not only delegates but also observers. See A/8017, paras. 73, 127, 157 and 167. In addition, for statements made, for example, by ICC, see A/8417, paras. 39, 46 and 48; A/8717, paras. 65, 69-70 and 75; A/10017, paras. 36, 38 and 43-45; A/37/17, para. 111; A/39/17, para. 127; A/42/17, para. 20; and A/44/17, paras. 240 and 252.

⁷⁹ See, e.g., A/8417, paras. 39, 46 and 48; A/8717, paras. 65, 69-70 and 75; A/10017, paras. 36, 38 and 43-45; A/37/17, para. 111; A/39/17, para. 127; and A/44/17, paras. 240 and 252.

⁸⁰ See, e.g., A/31/PV.9, para. 154, and A/32/PV.29, pp. 111-112, reaffirmed in A/33/PV.29, p. 127.

⁸¹ The presiding officer however may limit the length and the number of interventions that may be made in the exercise of the right of reply at a given meeting and under the same agenda item. See A/CN.9/638/Add.3, paras. 33-35.

⁸² See, e.g., *United Nations Juridical Yearbook, 1983* (United Nations publication, Sales No. E.90.V.1), p. 170, under item 8, and pp. 188-189, under item 29.

⁸³ See, e.g., *ibid.*, 1989 (United Nations publication, Sales No. E.00.V.1), p. 366, under item 19, last paragraph.

⁸⁴ See, e.g., A/8417, paras. 41 and 43; and A/10017, para. 38.

explicitly granted by the rules of procedure. In the United Nations practice, when an observer submits a proposal, that proposal cannot be put to vote unless a member of the organ concerned requests that. Observers are not entitled to sponsor or co-sponsor substantive proposals (including amendments).⁸⁵

54. The participation of observers in the consideration of procedural issues is even more restricted than that in the consideration of substantive issues (see A/CN.9/638/Add.4, para. 18). Observers have not been given the right as a general rule to make procedural proposals or raise points of order.⁸⁶ The presiding officer is however expected to permit them to indicate objections to procedural matters directly affecting their interest, which might then be converted into a formal point of order by the representative of any member of the organ concerned.

55. In UNCITRAL, it is common to give observers an opportunity to make oral proposals, including in response to the proposals by States members of the Commission and as regards the Commission's future programme of work.⁸⁷ Observers have occasionally been allowed to make proposals in writing. In a number of cases, the Commission explicitly requested observers to make proposals,⁸⁸ to submit reports⁸⁹ or undertake a study and prepare a specific paper for consideration by the Commission or its working group.⁹⁰ In other cases, comments and proposals received from observers are analysed by the Secretariat and are submitted in the form of a compilation.⁹¹ It is also the long-established practice of the Commission to circulate draft instruments for comment to *inter alia* observers (see A/CN.9/638/Add.1, para. 40).⁹² Comments and proposals received from observers have been considered by the Commission and its subsidiary bodies or referred for consideration to the Secretariat.⁹³

Right to circulate documents

56. The right to circulate documents, which entails financial implications for the Organization, is reserved to Member States of the United Nations unless otherwise

⁸⁵ See, e.g., *United Nations Juridical Yearbook, 1975* (United Nations publication, Sales No. E.77.V.3), p. 167, para. 21; *ibid.*, 1980 (United Nations publication, Sales No. E.83.V.1), pp. 188-189, under item 7, para. 6; *ibid.*, 1983 (United Nations publication, Sales No. E.90.V.1), p. 169, under item 5; and *ibid.*, 1995 (United Nations publication, Sales No. E.01.V.1), p. 438.

⁸⁶ See, e.g., *ibid.*, 1988 (United Nations publication, Sales No. E.99.V.1), pp. 308-309, under item 8.

⁸⁷ See, e.g., A/49/17, para. 251; A/51/17, paras. 210-215; A/53/17, paras. 264-267; A/54/17, paras. 413-418; A/55/17 paras. 420-427; and A/56/17, paras. 337-345, for the role of the International Maritime Committee in suggesting the future work of the Commission on issues of transport law. Also A/60/17, paras. 209-210, for proposals by the INSOL International.

⁸⁸ See, e.g., A/7618, para. 46.

⁸⁹ See, e.g., A/8717, para. 78 (2); A/9017, para. 45 (3); A/9617, paras. 35 (3) and 37 (3); and A/10017, para. 46 (2), whereby the ICC was invited to transmit certain documents adopted by the ICC or submit progress reports on its work to the Commission's future sessions.

⁹⁰ See, e.g., A/7618, para. 91, for a reference to the ICC's study on documentary credits, requested by the Commission.

⁹¹ See, e.g., A/CN.9/110; A/CN.9/126; A/CN.9/146 and addenda; and A/CN.9/263 and addenda.

⁹² See, e.g., A/9617, para. 53 (4); A/55/17, para. 191; A/56/17, para. 200; and A/60/17, para. 167.

⁹³ See, e.g., A/56/17, paras. 202 and 204.

decided by the competent intergovernmental organ or already provided in its rules of procedure.⁹⁴

57. Unlike the rules of procedure of certain other principal organs of the United Nations, the Rules of Procedure of the General Assembly do not lay down any specific procedure for handling communications by observers. Rules 108 and 109 on the functions of the presiding officer also do not invest him with any specific responsibilities in this regard. However, rule 108 invests the presiding officer with broad powers, which inter alia do not preclude her/him from consulting the members of the organ as regards a way to handle the communications received from a non-member and requested for circulation in the organ.⁹⁵ Under rule 109, the presiding officer remains under the authority of the organ concerned, which decision on the matter would be final.

58. The practice in subsidiary organs with the circulation of documents submitted by observers is not entirely uniform. They may be circulated as informal communication without a document symbol (for example, as an enclosure to a note verbale) or as an official document upon specific request by a member State.⁹⁶ Documents of some observers, such as non-governmental organizations, relevant to the meeting have been distributed in some of the General Assembly's organs, but not in UNCITRAL, as informal documents in quantities and languages made available to the Secretariat by observers. Such restrictions have not been applied to specialized agencies and organizations enjoying permanent observer status under the General Assembly resolutions that have the right to circulate their statements and documents through the Secretariat to all delegates.⁹⁷

59. In UNCITRAL, observers have had the opportunity to have their documents officially circulated in the Commission and its subsidiary organs as a Secretariat document (usually as an annex thereto). This ensures their availability in all the official languages of the General Assembly.⁹⁸

⁹⁴ See, e.g., rules 76 and 77 of the rules of procedure of the UNCTAD TDB.

⁹⁵ See, e.g., *United Nations Juridical Yearbook, 1966* (United Nations publication, Sales No. E.68.V.6), p. 231.

⁹⁶ See, e.g., *ibid.*

⁹⁷ See, e.g., *ibid.*, 1975 (United Nations publication, Sales No. E.77.V.3), p. 167, para. 20.

⁹⁸ E.g., at its thirty-second session, in 1999, the Commission had before it a note by the Secretariat transmitting the request by the Institute of International Banking Law and Practice to the Commission to recommend ISP98 for the worldwide use. The Commission was also notified of the request by the ICC for endorsement of URCB. See A/54/17, para. 422. The texts of ISP98 and the URCB were transmitted to the Commission in the reports of the Secretary-General. See A/55/17, para. 428.