



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/CN.9/26
26 February 1969

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Second session
Geneva, 3 March 1969
Item 10 of the provisional agenda

WORKING RELATIONSHIPS AND COLLABORATION WITH OTHER BODIES

Note by the Secretary-General

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INTRODUCTION

1. At its first session the United Nations Commission on International Trade Law (UNCITRAL) considered, under item 5 (c) of its agenda, the question of relationships and collaboration with other bodies.^{1/}
2. The Commission, which had before it a note by the Secretary-General entitled "Collaboration and working relationships with organs and organizations concerned with international trade law",^{2/} decided to consider the matter further at its second session.^{3/}
3. The purpose of this note is to provide the Commission with information
 - (a) on collaboration established since the end of the first session with United Nations organs and other organizations concerned with certain items included in the present work programme or on the provisional agenda of the second session of the Commission (Chapter I);
 - (b) on the arrangements made for observers from international organizations at the second session of the Commission (Chapter II); and
 - (c) on the organizations placed on the mailing list for documents relating to the activities of the Commission (Chapter III).

I. COLLABORATION WITH UNITED NATIONS ORGANS AND OTHER ORGANIZATIONS

4. Under the heading "Collaboration with organizations" the report of the Commission on the work of its first session contains the following two paragraphs:

"34. In carrying out its work on the topics selected as priority items the Commission considered it desirable to collaborate with organs and organizations concerned with the progressive harmonization and unification of those aspects of the law of international trade.

^{1/} Report of the United Nations Commission on International Trade Law on the work of its first session, Official Records of the General Assembly, Twenty-third Session, Supplement No. 16 (A/7216), para. 56 at p. 26.

^{2/} A/CN.9/7.

^{3/} A/7216, para. 56 at p. 26.

"35. With this aim in view the Commission decided to request the Secretary-General to hold suitable consultations with the organs and organizations concerned as may be indicated in the different phases of the work." ^{4/}

5. In addition, in respect of most priority items the Commission laid down specific instructions as to consultation with the organs and organizations concerned.

6. The collaboration and working relationships established with United Nations organs and other organizations are summarized below.

A. COLLABORATION ON CERTAIN PRIORITY ITEMS

1. International sale of goods

(a) The Hague Conventions of 1964

7. Pursuant to the Commission's decision,^{5/} the Secretary-General transmitted the replies and studies received from Governments concerning the Hague Conventions of 1964,^{6/} as well as the analysis thereof,^{7/} to the International Institute for the Unification of Private Law (UNIDROIT), for comments.

(b) The Hague Convention of 1955

8. The Secretary-General, in compliance with the Commission's decision^{8/} transmitted the texts of the replies received from Governments^{9/} to the Hague Conference on Private International Law. The Secretary-General of the Hague Conference submitted comments on these replies.^{10/}

^{4/} Ibid., p. 24.

^{5/} Ibid., para. 14 D and E at p. 19.

^{6/} A/CN.9/11, Corr.1 and Add.1.

^{7/} A/CN.9/17.

^{8/} A/7216, paras. 16 and 17 at pp. 19-20.

^{9/} A/CN.9/12 and Add.1.

^{10/} A/CN.9/12/Add.2.

(c) General conditions of sale, standard contracts,
Incoterms and other trade terms

(i) General conditions of sale and standard contracts

9. Pursuant to the request by the Commission,^{11/} the Secretary-General consulted the secretariats of the United Nations Economic Commission for Europe (ECE), the other regional economic commissions and other organizations concerned on the subject of general conditions and standard contracts and asked them to assist the Secretariat in obtaining the texts of general conditions of sale and standard contracts prepared by, or under the auspices of, international or national organizations and used in international trade.

10. The secretariat of the ECE and other organizations submitted substantive comments^{12/} which were helpful to the Secretary-General in the preparation of a preliminary report examining the possibility of promoting the wider use of the existing general conditions of sale and standard contracts.^{13/}

(ii) Incoterms and other trade terms

11. Pursuant to the request of the Commission at its first session,^{14/} the Secretary-General invited the International Chamber of Commerce to submit, for transmission to the Commission, a report on the above topic. In response to the Secretary-General's invitation, the International Chamber of Commerce submitted a report entitled "Promoting the wider use and acceptance of Incoterms".^{15/}

2. International payments

(a) Negotiable instruments

12. In accordance with the Commission's decision^{16/} concerning negotiable instruments, the Secretary-General, after consultation, invited UNIDROIT to

^{11/} A/7216, para. 19 at p. 20.

^{12/} A/CN.9/18, annex II.

^{13/} A/CN.9/18.

^{14/} A/7216, para. 20 at p. 20.

^{15/} A/CN.9/14.

^{16/} A/7216, para. 26 at p. 22.

prepare a study of the measures that could be adopted in order to promote the harmonization and unification of the law relating to negotiable instruments, in so far as transactions involving different countries are concerned. The preliminary study prepared by UNIDROIT has been reproduced in document A/CN.9/19.

(b) Bankers' commercial credits

13. Pursuant to the request of the Commission^{17/} the Secretary-General invited the International Chamber of Commerce to prepare a study on the subject. The study thus prepared by the ICC^{18/} was transmitted to various organs and organizations concerned, inviting them to submit comments. The comments made by some of these organizations have been summarized in document A/CN.9/15 and Add.1.

(c) Guarantees and securities

14. In preparing the preliminary study requested by the Commission^{19/} on the subject of the harmonization and unification of law with respect to guarantees and securities as related to international payments, consultations were held with the International Bank for Reconstruction and Development, with foreign trade experts of a country of centrally planned economy, and, through the National Association of Credit Management, with certain banking and business circles.^{20/}

B. COLLABORATION ON CERTAIN OTHER ITEMS ON THE PROVISIONAL AGENDA OF THE SECOND SESSION OF THE COMMISSION

1. International shipping legislation

15. The collaboration and working relationship with the secretariat of UNCTAD on this subject is described in document A/CN.9/23 entitled: "Consideration of inclusion of international shipping legislation among the priority topics in the work programme".

^{17/} A/7216, para. 28 at p. 22.

^{18/} A/CN.9/15, annex I.

^{19/} A/7216, para. 29 at p. 22.

^{20/} A/CN.9/20, p. 2.

2. Training and assistance in the field of international trade law

16. In preparing a report with a view to establishing co-operative relations with the United Nations agencies, organizations and bodies, and with other intergovernmental and non-governmental organizations engaged in training and assistance in the field of international trade law, as requested by the Commission,^{21/} the Secretary-General approached a number of United Nations organs and other organizations. Full information in this regard is given in document A/CN.9/27.

3. Bibliography on international trade law

17. Regarding the compilation of a bibliography on certain aspects of international trade law the Secretary-General, after appropriate inquiries, obtained the assistance of the Parker School of Foreign and Comparative Law, Columbia University in New York in the preparation of the bibliography.^{22/}

II. ARRANGEMENTS FOR OBSERVERS FROM INTERNATIONAL ORGANIZATIONS
AT THE SECOND SESSION OF THE COMMISSION

18. In conformity with the directives of the Commission^{23/} the Secretary-General invited the Hague Conference on Private International Law, UNIDROIT and the United International Bureaux for the Protection of Intellectual Property (BIRPI), to attend the second session of the Commission as observers. A similar invitation was addressed to the Secretary-General of UNCTAD, the Executive Director of the United Nations Institute for Training and Research (UNITAR) and the Secretary-General of the International Chamber of Commerce. A number of other United Nations organs and offices, specialized agencies, intergovernmental and other international organizations, considered to be especially concerned with any of the items on the provisional agenda of the second session, were notified of the date and place of the second session.

^{21/} A/7216, para. 67 at p. 30.

^{22/} A/CN.9/24.

^{23/} A/7216, para. 56.

19. A list of organs and organizations thus invited or notified is contained in the annex to this note.

III. MAILING LIST

20. The Commission requested the Secretary-General to place on the mailing list for documents relating to the activities of the Commission those intergovernmental and international non-governmental organizations which are concerned with priority topics included in the work programme of the Commission.^{24/} The organizations enumerated in the annex, except for United Nations organs and specialized agencies which receive United Nations documents on a regular basis, have been placed in the mailing list.

^{24/} Ibid., para. 56.

ANNEX

LIST OF ORGANS AND ORGANIZATIONS INVITED TO ATTEND
THE SECOND SESSION OF THE COMMISSION AS OBSERVERS,
OR NOTIFIED OF THE DATE AND PLACE THEREOF

United Nations organs and offices

Department of Economic and Social Affairs
Economic Commission for Africa
Economic Commission for Asia and the Far East
Economic Commission for Europe
Economic Commission for Latin America
International Trade Centre UNCTAD/GATT
United Nations Conference on Trade and Development
United Nations Development Programme
United Nations Industrial Development Organization
United Nations Institute for Training and Research

United Nations specialized agencies and related organizations

Food and Agriculture Organization of the United Nations
General Agreement on Tariffs and Trade
Inter-Governmental Maritime Consultative Organization
International Bank for Reconstruction and Development
International Monetary Fund
International Labour Office
United Nations Educational, Scientific and Cultural Organization

Other intergovernmental organizations

African Development Bank
Asian African Legal Consultative Committee
Asian Development Bank
Bank for International Settlements
Commission of the European Communities

/...

Council for Mutual Economic Assistance

Council of Europe

Council of the European Communities

European Free Trade Association

Hague Conference on Private International Law

Inter-American Development Bank

International Institute for the Unification of Private Law

Latin American Free Trade Association

League of Arab States

Organisation for Economic Co-operation and Development

Organization of African Unity

Organization of American States

United International Bureaux for the Protection of Intellectual Property

International non-governmental organizations

Afro-Asian Organisation for Economic Co-operation

Hague Academy of International Law

Institute of International Law

Inter-American Commercial Arbitration Commission

Inter-American Institute of International Legal Studies

International African Law Association

International Association for the Promotion and Protection of Private
Foreign Investments

International Association of Legal Science

International Banking Research Institute

International Bar Association

International Chamber of Commerce

International Chamber of Shipping

International Juridical Organization for Developing Countries

International Law Association

International Legal Center

International Maritime Committee

International Savings Banks Institute

/...

International Shipping Federation
International Union for Inland Navigation
Law Association for Asia and the Western Pacific
National Association of Credit Management
World Peace through Law Center
