

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/CN.9/296
18 January 1988

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Twenty-first session
New York, 11-22 April 1988

PROVISIONAL AGENDA, ANNOTATIONS THERETO
AND SCHEDULING OF MEETINGS

Note by the Secretariat

I. PROVISIONAL AGENDA

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. International payments
5. Operators of transport terminals
6. International procurement
7. Countertrade
8. Future programme of work
9. Co-ordination of work
10. Status of conventions
11. Training and assistance
12. Interpretation of conventions
13. Working methods of the Commission
14. General Assembly resolutions on
the work of the Commission
15. Other business
16. Date and place of future meetings
17. Adoption of the report of the Commission

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

The twenty-first session will be held at the United Nations Headquarters in New York from 11 to 22 April 1988. The session will be opened on Monday, 11 April 1988, at 10:30 a.m. The Commission is composed of the following member States: Algeria, Argentina, Australia, Austria, Brazil, Central African Republic, Chile, China, Cuba, Cyprus, Czechoslovakia, Egypt, France, German Democratic Republic, Hungary, India, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Netherlands, Nigeria, Sierra Leone, Singapore, Spain, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, and Yugoslavia.

Item 2. Election of officers

Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairman, three Vice-Chairmen and a Rapporteur.

Item 3. Adoption of the agenda

It is suggested that all items be considered in plenary.

Item 4. International payments

(a) Electronic funds transfers

The Working Group on International Payments held its sixteenth session at Vienna from 2 to 13 November 1987 at which time it began its study of the subject of electronic funds transfers. The Commission will have before it the report of the Working Group (A/CN.9/297).

(b) Draft Convention on International Bills of Exchange and International Promissory Notes

The Commission will have before it General Assembly resolution 42/153 in which the General Assembly requested the Secretary-General to ask all States to submit the observations and proposals they wish to make on the draft Convention before 30 April 1988 and decided to consider, at its forty-third session in 1988, the draft Convention with a view to its adoption at that session, and to create to this end, in the framework of the Sixth Committee, a working group that will meet for a maximum period of two weeks at the beginning of the session, in order to consider the observations and proposals made by States.

(c) Stand-by letters of credit and guarantees

The Commission, at its fifteenth session in 1982, requested the Secretary-General to submit to a future session of the Commission a study on letters of credit and their operation in order to identify legal problems arising from their use, especially in connection with contracts other than those for the sale of goods (A/37/17, para. 112). Pursuant to this request

the Commission will have before it a report on stand-by letters of credit and guarantees with suggestions as to work that might be undertaken by the Commission (A/CN.9/301).

Item 5. Operators of transport terminals

The Working Group on International Contract Practices held its eleventh session at Vienna from 18 to 29 January 1988 at which it continued its consideration of uniform rules on the liability of operators of transport terminals. The Commission will have before it the report of the Working Group (A/CN.9/298).

Item 6. International procurement

The Commission, at its nineteenth session in 1986, decided to undertake work in the area of international procurement (A/41/17, para. 243). The Working Group on the New International Economic Order will begin its consideration of the subject at its tenth session from 17 to 28 October 1988 at Vienna. An oral report will be made by the secretariat as to the state of preparation of the documentation.

Item 7. Countertrade

The Commission, at its nineteenth session in 1986, decided that the subject of countertrade should be placed on the Commission's work programme and that a preliminary study by the secretariat should be placed before the Commission at a future session. The Commission will have before it at this session a report on countertrade with recommendations as to future work that might be undertaken by the Commission (A/CN.9/302).

Item 8. Future programme of work

The Commission, at its twentieth session in 1987, decided that the secretariat should prepare a report for the twenty-first session that would serve as a basis for a general discussion of the work of the Commission for the medium term future (A/42/17, para. 343). The Commission will have before it the requested report (A/CN.9/300).

Item 9. Co-ordination of work

The General Assembly, in resolution 34/142, requested the Secretary-General to place before the Commission at each of its sessions a report on the activities of other organs and international organizations related to international trade law together with recommendations as to steps to be taken by the Commission.

The Commission will have before it a note by the Secretariat on the co-ordination of activities in the field of international trade law (A/CN.9/303). During the consideration of this agenda item by the Commission representatives of international organizations will have an opportunity to make statements concerning the activities of their respective organizations.

Item 10. Status and promotion of UNCITRAL texts

(a) Status of conventions

The Commission will have before it a note by the Secretariat (A/CN.9/304) concerning the present status of the Convention on the Limitation Period in the International Sale of Goods (New York, 1974); Protocol amending the Convention on the Limitation Period in the International Sale of Goods (Vienna, 1980); United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg); United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980); and Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958).

(b) Promotion of UNCITRAL texts

The Commission, at its twentieth session in 1987, decided that an increased priority should be given to efforts by the secretariat to promote the adoption and use of the texts emanating from the work of the Commission. The Commission will have before it at this session a report on the activities undertaken and contemplated by the secretariat to promote the conventions listed in item 10(a) and the UNCITRAL Model Law on International Commercial Arbitration (A/CN.9/305).

The secretariat has prepared four short explanatory notes for promotional purposes on the Hamburg Rules, the Sales Convention, the Limitation Convention and the Model Law. These will be before the Commission for information (A/CN.9/306 to 309).

(c) Promotion of Legal Guide

The Secretary of the Commission, at the twentieth session in 1987, stated that a note would be presented to the twenty-first session setting forth the steps that had been taken by the secretariat with respect to the distribution and promotion of the UNCITRAL Legal Guide on Drawing up International Contracts for the Construction of Industrial Works (A/41/17, para. 313). The note by the secretariat will be before the Commission A/CN.9/310).

Item 11. Training and assistance

The Commission will have before it a note by the secretariat containing the plans for a seminar on the UNCITRAL texts to be held for States in Southern and Eastern Africa in 1988 (A/CN.9/311).

Item 12. Interpretation of conventions

The Commission, at its twentieth session in 1987, agreed that at its twenty-first session it should discuss the means by which information on the interpretation of the United Nations Convention on Contracts for the International Sale of Goods by courts and arbitral tribunals would be collected and disseminated. A background report of the Secretary-General with suggestions will be before the Commission (A/CN.9/312).

Item 13. Working methods of the Commission

The Commission, at its twentieth session in 1987, decided that at its twenty-first session consideration should be given to requesting the General Assembly to increase the membership of the Commission and that there should be a review of the policy in regard to membership of the Working Groups of the Commission (A/41/17, para. 344). Background information is contained in a note by the secretariat (A/CN.9/299).

Item 14. General Assembly resolutions on the work of the Commission

The Commission may wish to take note of General Assembly resolution 42/152 on the Report of the United Nations Commission on International Trade Law on the work of its twentieth session and resolution 42/153 on the Draft Convention on International Bills of Exchange and International Promissory Notes. Copies of the resolutions and the report of the Sixth Committee (A/42/836) will be made available at the present session.

Item 15. Other business

The Commission will have before it a bibliography of recent writings related to the work of the Commission (A/CN.9/312).

Item 16. Date and place of future meetings

(a) Twenty-second session

The twenty-second session will be held at Vienna. Information regarding dates available for that session will be supplied by the secretariat.

(b) Sessions of working groups

(i) Working Group on International Contract Practices

The report of the Working Group on the work of its eleventh session (A/CN.9/298) will contain an indication whether a twelfth session will be needed to complete the preparation of the Uniform Rules on Liability of Operators of Transport Terminals. If no further session is needed, the Commission may decide to assign a new subject to the Working Group. Information regarding dates for the twelfth session will be supplied by the secretariat. The Commission may also wish to authorize the holding of one or two sessions of the Working Group in 1989.

(ii) Working Group on the New International Economic Order

The tenth session of the Working Group will be held at Vienna from 18 to 29 October 1988 when it will undertake the subject of international procurement. The Commission may wish to authorize the holding of two sessions of the Working Group in 1989.

(iii). Working Group on International Payments

The seventeenth session of the Working Group is scheduled to be held in New York from 5 to 15 July 1988. A second session of the Working Group in the second half of 1988 was authorized by the Commission at its twentieth session. The Commission may wish to authorize the holding of two sessions of the Working Group in 1989.

Item 17. Adoption of the report of the Commission

The General Assembly, in paragraph 10 of resolution 2205 (XXI), decided that the Commission should submit an annual report to the General Assembly, and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Under a decision of the Sixth Committee (A/7408, paragraph 3), the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer of the Bureau designated by him.

III. SCHEDULING OF MEETINGS

There will be 8 working days available for consideration of the agenda items (other than agenda item 17, Adoption of the report) at the session. No meeting will be scheduled for Thursday, April 21, to enable the Secretariat to prepare the draft report. Friday, April 22, will be reserved for the adoption of the report.

Meeting hours will be from 9.30 to 12.30 and 14.30 to 17.30, except on Monday, April 11, when the meeting will commence at 10.30.

The secretariat would recommend that the discussion of agenda items 4 through 16 be taken in numerical order.