



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/CN.9/46  
20 March 1970

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON  
INTERNATIONAL TRADE LAW  
Third session  
New York, 6 April 1970  
Item 12 of the provisional agenda

PROGRAMME OF WORK THROUGH 1973

Note by the Secretary-General

INTRODUCTION

1. Item 12 of the provisional agenda of the third session of the United Nations Commission on International Trade Law (UNCITRAL) is entitled: "Programme of work through 1973".
2. To assist the Commission in considering this item the present note, after referring to the decisions taken by the Commission at its second session with respect to organizational questions relating to future work, informs the Commission of the discussions on this subject at the Sixth Committee and the resolution of the General Assembly.

I. DECISIONS OF THE COMMISSION TAKEN AT ITS SECOND SESSION

3. At the second session of the Commission attention was directed to the General Assembly's resolution 2370 (XXII) of 19 December 1967, which decided that the Secretary-General "shall suggest to the General Assembly at each regular session a planning estimate for the United Nations regular budget estimate for the second succeeding budgetary period". In this resolution, the Assembly also requested all United Nations organs and their subsidiary bodies to co-operate with the Secretary-General in this regard and to be guided by the planning

estimates.<sup>1/</sup> At the second session of the Commission it was further noted that the Secretariat's estimates would necessarily be based on the work programme envisaged by the Commission and could not take into consideration items which the Commission might include in its programme at future sessions.<sup>2/</sup>

4. The Commission agreed at its second session that a normal pattern of work during the coming years would include preparatory work by intersessional sub-committees, working groups or special rapporteurs which the Commission might decide to establish or appoint and that provisions should be made, where necessary, to obtain the services of consultants or organizations with special expertise in technical matters.<sup>3/</sup>

## II. DISCUSSIONS AT THE SIXTH COMMITTEE

5. The Sixth Committee at its meetings held during the twenty-fourth session of the General Assembly discussed both the working methods and the programme of work of the Commission. The Report of the Sixth Committee to the General Assembly on these matters was as follows:<sup>4/</sup>

### "B. The working methods of UNCITRAL

"10. Several representatives stressed the importance of careful preparatory work so that the results could be generally accepted and successfully implemented, rather than merely producing rapid results. Many representatives were of the opinion that the establishment by UNCITRAL of inter-sessional working groups had been a wise and appropriate decision. The difficulties involved in the unification and harmonization of international trade law were considerable; therefore a sustained effort which would enable UNCITRAL to advance its work between its yearly sessions was required. On the other hand, caution was expressed about the possible proliferation and permanence of inter-sessional working groups lest the cost exceed the benefits from such work."

<sup>1/</sup> A/CN.9/13/Add.1, item 13.

<sup>2/</sup> Report of the United Nations Commission on International Trade Law on the work of its second session (1969), Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 13 (A/7618), para. 179.

<sup>3/</sup> Ibid., para. 180.

<sup>4/</sup> Report of the United Nations Commission on International Trade Law on the work of its second session, Report of the Sixth Committee (A/7747), pp. 8-9.

"11. It was suggested by some representatives that UNCITRAL should secure wider participation and collaboration in its work than could be provided by those States which were members of the Commission; that UNCITRAL should, when necessary, obtain the services of consultants to assist it in its preparatory work; and that UNCITRAL should expand its co-operation with organizations concerned with international trade law by including economic and commercial circles engaged in trade law and interested in its work, so that the studies and the work undertaken would reflect the needs that were actually experienced in international trade.

"12. Several representatives noted that the success of UNCITRAL's work depended on the selection by Member States of skilled experts for the sessions of UNCITRAL and the meetings of its working groups. The view was, however, expressed that this requirement would be difficult to meet if such sessions and meetings were permitted to last too long.

"C. Programme of work of UNCITRAL

"13. Most representatives who expressed their views on the programme of work of UNCITRAL observed that the programme entailed a heavy workload for UNCITRAL and its secretariat and therefore should not be further expanded for the time being. The opinion was also expressed that, in view of this workload, the International Trade Law Branch should develop as a unified operation in close relationship with the rest of the Office of Legal Affairs.

"14. Some representatives declared that UNCITRAL should not confine itself to harmonizing and unifying private law norms in the international sphere, but should also concern itself with the removal of discriminatory rules which adversely affect international trade. Other representatives were of the view that questions of public international law and questions affecting trade policy could best be dealt with in organs other than UNCITRAL, and that UNCITRAL should accordingly confine its attention to the norms governing commercial relationships of a private law nature and should avoid considering political questions.

"15. One representative suggested that, in accordance with operative paragraph 8 (d) of General Assembly resolution 2205 (XXI), UNCITRAL should consider by what practical means it could ensure the uniform interpretation and application of international instruments, particularly in the field of international shipping."

6. Resolution 2502 (XXIV) of the General Assembly, on the Report of the United Nations Commission on International Trade Law on the work of its second session, noted with appreciation the progress made in the implementation of the programme

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of work of the Commission, including the establishment of specified working groups. With respect to the Commission's working methods, the resolution provided that the General Assembly:

"4. Takes note of the view expressed by the United Nations Commission on International Trade Law in its report that, in order to implement the mandate entrusted to the Commission by the General Assembly, it is desirable that there be the widest possible participation by the members of the Commission in the preparatory work to be done by working groups or special rapporteurs;

"5. Endorses the desire of the United Nations Commission on International Trade Law to obtain, where necessary, the services of consultants or organizations with special expertise in technical matters dealt with by the Commission;

...

"11. Recommends further that the United Nations Commission on International Trade Law should continue to collaborate fully with international organizations active in the field of international trade law;"

7. With respect to the programme of work, the General Assembly in its above resolution recommended that the United Nations Commission on International Trade Law should:

"(a) Continue its work on the topics to which it decided to give priority, that is, the international sale of goods, international payments, international commercial arbitration and international legislation on shipping;

"(b) Continue to give attention to the ways and means which would effectively promote training and assistance in the field of international trade law;

"(c) Keep its programme of work under constant review, bearing in mind the important contribution which the progressive harmonization and unification of international trade law can make to economic co-operation among all peoples and, thereby, to their well-being;

"(d) In promoting the harmonization and unification of international trade law, give special consideration to the interests of developing and land-locked countries."

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