

SUMMARY RECORD OF THE ONE HUNDRED AND SIXTY-EIGHTH MEETING

held on Monday, 14 April 1975, at 3.15 p.m.

Chairman: Mr. LOEWE Austria

INTERNATIONAL COMMERCIAL ARBITRATION (agenda item 7) (concluded) (A/CN.9/97 and Add.1-4)

Examination of the preliminary draft "International Commercial Arbitration Rules" (concluded) (A/CN.9/97)

Article 31 (Costs)

Mr. JAKUBOWSKI (Poland) said that the provision contained in paragraph 1 (e), on compensation for legal assistance to the successful party, was not in accordance with existing practice. In practically all the cases in which Polish enterprises had been involved, the expenses in question were not included in the costs awarded by the arbitrators.

Mr. KRISPIS (Greece) pointed out that the main justification for the institution and continued existence of international commercial arbitration was that it was less protracted and less costly than litigation. He accordingly suggested that a separate article should be included which would require arbitrators to render their award without delay and to keep expenses as low as possible. That proposed new provision would not constitute a mere recommendation; it would establish a guiding rule.

The proposed article would also deal with certain specific points, in line with the principles he suggested. It would specify, for example, that no additional remuneration would be due to the arbitrators if they were subsequently called upon to interpret their award or to correct any mistakes in it.

Turning to the text of article 31, he proposed that in the first sentence of paragraph 2 the words "in general" be deleted. The words "in principle" were perhaps preferable but his own feeling was that the rule embodied in that first sentence should be stated without any qualification.

The CHAIRMAN pointed out that the qualifying expression used in the French text of the first sentence of paragraph 2 was "en principe".

Mr. CHAFIK (Egypt) proposed that some scale should be laid down for the fee of arbitrators, which was referred to in paragraph 1 (a). For example, a ceiling equivalent to 10 or 15 per cent of the amount in dispute could be specified.

Mr. HOLTZMANN (United States of America) said that, where the parties had designated an appointing authority, it would be appropriate to include a rule that such authority would consult with the arbitrators on the subject of fees. That remark applied equally to the question of the deposit of costs, which was the subject of article 32.

In paragraph 1 (e), he proposed the deletion of the words "if the arbitrators deem that legal assistance was necessary under the circumstances of the case". It was right that arbitrators should be empowered to determine the amount of their own fees but it was wrong that they should be enabled to deny the parties their right to legal assistance.

Lastly, he recalled the suggestion, made by the Australian delegation in connexion with article 16 (165th meeting), to the effect that if, during the course of the arbitral proceedings, the claim was supplemented or altered, the additional cost involved should be borne by the claimant who thus supplemented or altered his claim.

Mr. KHOO (Singapore) said that he favoured the suggestion that the appointing authority should consult with the arbitrators on the subject of fees in the case of non-administered arbitration.

Mr. GUEIROS (Brazil) supported the United States proposal to delete the words "if the arbitrators deem that legal assistance was necessary under the circumstances of the case" from paragraph 1 (e).

He also supported the suggestion to include a special rule on the subject of the appointing authority.

Lastly, he saw a contradiction between the rule in paragraph 2 that the costs of arbitration should be borne by the unsuccessful party and the text which had been adopted by the Commission at the 167th meeting for the second sentence of paragraph 2 of article 28 and which stated that, unless otherwise agreed by the parties, costs would be borne equally by them.

Mr. GORBANOV (Bulgaria) said that he could not accept the second sentence of paragraph 2, which was in contradiction with the rule set forth in the first sentence of the same paragraph. The best course would seem to be to retain the rule stated in the first sentence and to express it in unconditional terms.

Mr. GOKHALE (India) supported the Egyptian proposal for a scale of fees and also the United States proposal for the deletion of certain words from paragraph 1 (e).

With regard to paragraph 2, he agreed that the words "in general" should be omitted from the first sentence. He suggested that the word "Ordinarily" be inserted at the beginning of that sentence.

Mr. JENARD (Belgium) supported the idea of making provision for a scale of fees for arbitrators.

He reserved his position regarding paragraph 1 (e), the text of which was not at all clear.

Mr. EYZAGUIRRE (Chile) said that he was generally in favour of the ideas contained in article 31 but supported the suggestion to provide for a scale of fees. One argument in favour of that suggestion was that most arbitration institutions did have such a scale of arbitrators' fees.

Regarding paragraph 1 (e), he shared the view that it was not for the arbitrators to determine whether legal assistance was necessary. He therefore favoured the United States proposal to delete the clause relating to that point.

Lastly, with regard to paragraph 2, he preferred a rule to the effect that arbitration costs should be borne by the unsuccessful party, without prejudice to the right of the arbitrators to apportion costs between the parties if there were valid reasons for doing so.

Mr. MANTILLA-MOLINA (Mexico) said that he too supported the idea of a scale of fees but thought that it would be very difficult to lay down any guiding principles in the matter.

The whole question was in practice closely bound up with that of the deposit which the arbitrators could require in equal amounts from each of the parties. The deposit was intended primarily for the payment of the fees of the arbitrators. If the amount fixed by the arbitrators was considered excessive by the parties, they could object and perhaps come to an agreement among themselves on the amount to be deposited.

On the whole, he found the ideas embodied in article 31 useful as a basis for future work, but the question involved would have to be more thoroughly examined in order to arrive at fair solutions.

Mr. SAM (Ghana) supported the suggestion for a scale which would set a ceiling for the fees of arbitrators. He recognized, however, that it would be difficult to fix precise figures, because the fee would depend on the circumstances of each particular case.

With regard to paragraph 1 (e), he strongly supported the United States proposal for the deletion of the words "if the arbitrators deem that legal assistance was necessary under the circumstances of the case".

Regarding paragraph 2 of article 31, he found no contradiction between the provisions contained therein and the contents of the second sentence of paragraph 2 of article 28.

Mr. SUMULONG (Philippines), referring to paragraph 1 (e), said that the rule in most systems of legal procedure was that each party paid the fees of the lawyer it had engaged. Compensation for such fees was only awarded to a party where the loser was a claimant who had made a frivolous claim in bad faith, or a respondent who had used dilatory tactics and had invoked frivolous arguments in a case in which he had no real defence.

The CHAIRMAN, summing up the discussion on article 31, noted that several representatives had supported the suggestion for establishing a ceiling for the fees of arbitrators, possibly based on a percentage of the amount claimed. On that question it was appropriate to remember that the amount involved in the dispute should perhaps not be the only criterion; allowance should also be made for such matters as the length of the proceedings.

With regard to paragraph 1 (e), some representatives had pointed out that under most procedural systems each party paid the fees of the lawyer it engaged. At the

same time, there had been considerable support for the proposal to delete the words "if the arbitrators deem that legal assistance was necessary under the circumstances of the case".

The wording of paragraph 2 had attracted considerable criticism on the grounds that the paragraph first stated a rule and then authorized the arbitrators to derogate from that rule. Other representatives took the view that some link should be established between article 31, paragraph 2, and article 28, paragraph 2, where reference was also made to a division of the costs between the parties.

The question of a claim being supplemented or altered during the course of the arbitral proceedings had been mentioned during the discussion and it had been urged that the claimant should bear the costs resulting from the alteration or increase of his claim.

Lastly, there had been a suggestion for a new article which would specify that the arbitrators had a duty to render their award without delay and to keep the costs of arbitration as low as possible.

Article 32 (Deposit of costs)

Mr. MELIS (Austria) said that he was in full agreement with the wording of article 32, but did not see in it any answer to the problem which would arise if a party did not comply with the request of the arbitrators for a deposit. If the claimant failed to pay a deposit when required to do so, was his failure to be construed as tantamount to a waiver of the claim?

Mr. MANTILLA-MOLINA (Mexico) said that he, too, would wish for some clarification on that point.

In addition, he did not find the text of paragraph 3 of article 32 at all clear. The French version seemed to indicate that it was open to a party to pay not only his own deposit but also that of the other party, in order to ensure that the arbitration proceedings could go ahead. That possibility was explained in the last sentence of paragraph 1 of the commentary. However, the actual text of the article, in its English and Spanish versions, did not lend itself to that interpretation.

The CHAIRMAN said that he understood paragraph 3 of article 32 as meaning that, if the respondent did not pay the deposit required of him, the claimant could pay both deposits in order to ensure that the arbitration could proceed to a conclusion.

Of course, if the whole amount required by the arbitrators was not deposited, the arbitrators would not perform their duties. Arbitrators performed their duties under a contract of service, and, if the deposit was not paid, the contract was not complete and the arbitrators were entitled to refrain from organizing the arbitration.

Establishment of a working group

The CHAIRMAN said that the Commission had now concluded its consideration of the preliminary draft of the international commercial arbitration rules; it would have to consider, next, whether it wished to set up a working group on the subject.

Mr. CHAFIK (Egypt) said that, if a group were to be set up, it should be more in the nature of a drafting group, because the members of the Commission had already stated their views on the substance of the various articles.

There were also a number of questions which had not been dealt with in the draft articles and it would be appropriate for the group, if one was appointed, to formulate additional provisions to cover such questions. For example, it was desirable to make provision for a partial award which would deal only with the actual merits of the case in dispute, leaving all secondary questions - such as that of costs - to be dealt with in a subsequent award. Such a provision would be useful, because parties to an arbitration were often very anxious to have a decision as quickly as possible and did not wish to see the awards delayed by the consideration of secondary issues.

Mr. GUEST (United Kingdom) suggested that the question of the possibility of setting up a working group should be deferred until the next meeting, in order to allow more time for informal consultations.

Mr. VIS (Secretary of the Commission) asked whether the Commission wished the Secretariat to prepare a revised text of the arbitration rules, based on the trends that had emerged in the discussion and, if so, whether it wished the Secretariat to send the revised text to Governments for their comments.

Mr. BURGUCHEV (Union of Soviet Socialist Republics) said he did not think the procedure mentioned by the Secretary of the Commission was the correct one. The draft arbitration rules could be distributed to Governments only after the Commission had finished its consideration of them.

He suggested, therefore, that the Secretariat should carry out the basic work of preparing new articles and should submit them to the working group for consideration and modification. When the working group had completed its work, the text would then be submitted to the Commission, perhaps at its eleventh session. After the Commission had completed its consideration of the articles, they could be sent to Governments for their observations.

Mr. SONO (Japan), speaking on behalf of the group of Asian States, suggested that the working group should be very small, since its functions would consist mainly of drafting work. If possible, it should be limited to one representative from each region.

Mr. ROGNLIEN (Norway) said that, in view of the difficulty of reconciling the ideas of representatives from the common-law and the civil-law countries, it would not be possible to have such a small working group. In his opinion, the group would have to include at least two representatives from each region.

The suggestion by the Secretary of the Commission that the Secretariat - in co-operation with the Special Consultant - should do some preliminary work on the text for the working group was an excellent one. The working group would then consider the text prepared by the Secretariat, modify it as appeared appropriate, and submit it to the Commission.

Mr. SAM (Ghana) said the suggestion of the Secretary of the Commission was a very sound one. The revised draft would greatly ease the task of the working group.

Although his delegation would prefer a small working group, it regretfully agreed that one representative from each region would not be enough. He therefore suggested a membership of 14, with the seats distributed on a geographical basis.

Mr. MANTILLA-MOLINA (Mexico) suggested a membership of eight, the same as that of the Working Group on International Negotiable Instruments.

Mr. MELIS (Austria) said that the working group, irrespective of its size, should be an open one, so that observers from other States members of the Commission could attend. It would also be useful if observers from the appropriate non-governmental organizations were able to attend.

Once the working group had completed its examination of the text, the draft arbitration rules should be sent to Governments and to international arbitral institutions for their comments.

Mr. KRISPIS (Greece) said that, while the title of the body was immaterial, its powers and its terms of reference were not. For that reason, the Commission should establish a working group rather than a drafting group. He agreed with the representative of the Union of Soviet Socialist Republics that the text should not be submitted to Governments until the working group had completed its revision.

Mr. KEARNEY (United States of America) said that he agreed with representatives who had concluded that a working group would have to be established. The Commission had been discussing the draft arbitration rules for about a week, and differences in views had emerged on almost every article. In the circumstances, the group would not be dealing merely with drafting matters. It would have to be sufficiently large to be able to produce a revised text representing a reasonable compromise acceptable to the Commission as a whole.

With regard to the time-table for the work, it was true that the Commission did not have a time-limit. Nevertheless, it had become clear at the Fifth International Arbitration Congress and at other international meetings that there was widespread interest in having generally acceptable arbitration rules adopted as soon as possible. He thought, therefore, that the Commission should not postpone its consideration of the draft rules until its eleventh session.

Mr. JENARD (Belgium) said that, in the past, it had sometimes proved very difficult to establish an inter-sessional working group. He, therefore, wished to ask the Secretary of the Commission whether there would be any technical objections to dealing with the arbitration rules at the Commission's ninth session, as well as the draft convention on the carriage of goods by sea, the session to be divided into two parts for that purpose.

Mr. VIS (Secretary of the Commission) said that it would be technically possible to do so. Another possibility would be to establish two committees of the whole which would deal with the subjects concurrently.

Mr. EYZAGUIRRE (Chile) said that his delegation agreed in principle with the programme proposed by the Secretary of the Commission, whereby the Secretariat would prepare a new draft of the rules - in co-operation with the Special Consultant - on the basis of the comments made by representatives during the discussion. In his view, the new draft should be sent to the Governments of

States members of the Commission for their comments, which the Secretariat would then summarize in a report for submission to the working group.

As the operation would be time-consuming, he did not think that the final draft could be considered by the Commission at its ninth session, which would be primarily concerned with the draft convention on the carriage of goods by sea.

Mr. PAREJA (Argentina) said that his delegation felt that the working group should be concerned basically with drafting. All the members of UNCITRAL had made their opinions known during the discussion.

As for the suggestion that the Secretariat should redraft the arbitration rules for the working group's consideration, he thought that such a procedure could lead to confusion. It would be far better for the working group - which should be a relatively small one - to base its work on the existing text and on the observations made during the current session.

After the working group had met at least once, a questionnaire should be sent to Governments for their comments, but no such action should be taken before the group had begun its work.

Mr. GUEST (United Kingdom) said that he agreed with the Belgian representative that some of the problems involved in setting up inter-sessional working groups in UNCITRAL would be by-passed if, for the ninth session, the Commission were to divide into two committees of the whole. In the interim, the Secretariat could produce a new draft text, where necessary giving alternative forms for the articles.

Like the United States representative, he thought that it would be satisfactory if the Commission were able to report to the Sixth Committee in the fairly near future that it had reached agreement on the rules for international arbitration.

Mr. GUEIROS (Brazil) said that, although the Belgian proposal would certainly save time, it should not be forgotten that a single representative could only be in one place at one time. The majority of countries sent only one representative to the Commission and many countries might have difficulty in sending more than one.

In view of the discussion that had just taken place, it was most unlikely that the working group could produce agreed texts for most of the articles. It would undoubtedly have to produce alternative versions for many of them.

Mr. ROEHRICH (France) said that so many divergent views had been expressed that the work involved went far beyond mere drafting. Although his own delegation would like the working group to be as small as possible, there could be little doubt that it would have to be widely representative. In the circumstances, he was much attracted by the Belgian proposal. It was certainly a matter for each member State to decide how many representatives it would send to the Commission's ninth session, but the problem was not a serious one. The two committees of the whole need not meet simultaneously.

The CHAIRMAN said he thought that the members of the Commission needed more time to think the situation over. Two ideas had been put forward on the subject. The first suggestion was that the matter should be taken up by the Commission at its ninth session. In that connexion, he did not share the optimism of the French representative that two committees of the whole could meet at different times, since the meetings on the subject of the carriage of goods by sea would take up virtually the whole session.

The other solution put forward was the establishment of a working group consisting of from 8 to 14 members. The working group would, of course, be an open one and observers could attend.

FUTURE WORK (agenda item 11) (continued^{*/}):

Sessions of working groups

The CHAIRMAN invited the Commission to consider the dates and places for the sessions of its working groups.

Mr. VIS (Secretary of the Commission) said that, with regard to the seventh session of the Working Group on the International Sale of Goods, which was scheduled to meet at Geneva, the Working Group had itself suggested the dates 5 to 16 January 1976.

The CHAIRMAN said that, if there were no objections, he would take it that the Commission approved that suggestion.

It was so decided.

Mr. VIS (Secretary of the Commission) said that the Working Group on International Negotiable Instruments was scheduled to meet in New York. It had made no suggestions concerning the dates of its fourth session, but had left the decision to the Commission. In that connexion, the Commission should bear in mind that it might not be necessary for the Working Group to meet prior to the Commission's ninth session.

Mr. SAM (Ghana) asked whether the Secretariat could inform the Commission of the possible dates available.

Mr. VIS (Secretary of the Commission) suggested that it would be convenient to hold the session in January or February 1976 in New York.

The CHAIRMAN asked whether the period 19 to 30 January 1976 would be acceptable to the members of the Working Group. If there was no objection, he would take it that that period would be scheduled for the fourth session of the Working Group.

It was so decided.

^{*/} Resumed from the 152nd meeting.

Membership of the Working Group on the International Sale of Goods

Mr. TAKAKUWA (Japan), speaking on behalf of the group of Asian States, nominated the Philippines as a member of the Working Group on the International Sale of Goods.

The CHAIRMAN said that, if there was no objection, he would take it that that nomination was approved by the Commission.

It was so decided.

Legal interest rate for bills of exchange, promissory notes and cheques
(A/CN.9/VIII/CRP.3)

The CHAIRMAN drew attention to an error in the second line of the third paragraph in the French version of the note by the Austrian delegation concerning the legal interest rate for bills of exchange, promissory notes and cheques (A/CN.9/VIII/CRP.3). The word "lui-même" should be replaced by the word "elle-même".

Mr. SCHINNERER (Austria) said that the note by the Austrian delegation dealt with a problem which existed in his country: some people preferred not to pay the regular credit interest rate but to wait until judgement was given against them with the legal 6 per cent interest rate. Some courts tended to grant additional amounts by way of damages for belated payment, but that was not a satisfactory solution. What his delegation would like to know was whether other countries were experiencing similar difficulties and, if so, what were their views on the solutions suggested by his delegation.

Mr. CHAFIK (Egypt) said that the question raised by the Austrian delegation was a delicate one, because it concerned public policy in each country. In his own country, for example, the situation was complicated by the existence of Moslem law, which prohibited the imposition of interest, and of the Civil Code, which provided for interest of 4 per cent in civil cases and 5 per cent in commercial cases. It should, however, be borne in mind that the point raised involved only those countries which had not entered a reservation on the two Conventions by the time their instruments of ratification or accession were deposited. If a country had entered a reservation and a party domiciled in that country was involved in a dispute with an Egyptian company, the interest rate could never be more than 7 per cent.

Mr. RECZEI (Hungary) said that he doubted whether the Commission was competent to deal with the question. The Commission could not propose an amendment to the Convention providing a Uniform Law for Bills of Exchange and Promissory Notes (Geneva, 1930) or to the Convention providing a Uniform Law for Cheques (Geneva, 1931), because the States members of the Commission were not the same as the States parties to those Conventions. Consequently, the Commission might request the Secretary-General to raise the question with the Governments of States parties to the Conventions, but it could not initiate work on it.

Mr. ROGNLIEN (Norway) suggested that the Commission should authorize the Secretary-General to ascertain what problems were involved and what could be done to overcome them, and to suggest action for the Commission at a later stage.

Mr. KRISPIS (Greece) said he doubted whether it would be appropriate for the Commission to discuss the question at the present stage. The Commission might suggest that the General Assembly include that item in its agenda for the ninth session.

Mr. GUEIROS (Brazil) supported the suggestion made by the representative of Greece.

Mr. GANSKE (Federal Republic of Germany) said that his delegation was inclined to support the views expressed by the Austrian delegation in its note.

Mr. KHOO (Singapore) supported the views expressed by the representative of Hungary. The solution to the problems raised should be sought within the Conventions themselves, and not through the Commission. If all that was required was a request to the Secretary-General, that could be made by any signatory State.

Mr. SAM (Ghana) shared the views expressed by the representatives of Hungary and Singapore.

The CHAIRMAN suggested that the Commission might in its report express the opinion that for the time being it could take no action on the questions raised in the note by the Austrian delegation. It was for the Governments of States parties to the Conventions to take up the matter with other parties.

It was so decided.

DATE AND PLACE OF THE NINTH SESSION (agenda item 13)

Mr. ROGNLIEN (Norway) suggested that the Commission should hold its ninth session from 26 April to 21 May 1976.

The CHAIRMAN said that, if there was no objection, he would take it that that suggestion was acceptable to the Commission.

It was so decided.

OTHER BUSINESS (agenda item 12)

Current activities of international organizations related to the harmonization and unification of international trade law (A/CN.9/106)

Mr. MATTEUCCI (International Institute for the Unification of Private Law), speaking at the invitation of the Chairman, said that he wished to refer to the problem of co-ordinating the activities of the various international organizations, both within and outside the United Nations system, which were concerned with questions of international trade law such as sales, transport and representation. It was in the interests of all States to avoid waste of effort and loss of time and money, but in recent years the harmonization and unification of international trade law had become fashionable and a number of regional and global bodies were tending increasingly to convene diplomatic conferences on trade law which were costly and often did not achieve the desired results. In fact, the instruments prepared at such conferences were in many cases not ratified and created confusion in the legal world rather than promoting harmonization and unification.

He wished to suggest that the co-ordinating role in the harmonization and unification of international trade law should be entrusted to the Commission from the outset, and that one of the Commission's tasks should be to ensure that the preparation of legal texts at the regional and global level was organized in a more disciplined and logical manner. There was no question of seeking to infringe on the autonomy and independence of international organizations; the principle of the freedom of initiative of other international bodies and agencies would not be affected if the United Nations and UNCITRAL were to assume a co-ordinating role. The problem was rather to determine the point at which that co-ordination should take place. In his opinion, the most serious problems arose at the final stage, when proposals were presented to Governments for their consideration, and it was essential therefore to make the greatest possible effort to channel all drafts relating to international trade law through UNCITRAL for presentation to States. Regional or global bodies should, if possible, await a decision by UNCITRAL before deciding to convene international conferences. In his opinion, unification even at the regional level might present obstacles to wider unification. In fact, continental or regional unification might have negative effects, since it could loosen the very close ties which continued to exist between countries belonging respectively to the civil-law and common-law systems, and it might also destroy the traditional links between metropolitan countries and countries to which their legal systems had been transplanted.

Accordingly UNCITRAL, as an organ which had an over-all view of the situation regarding international trade law, should try as far as possible to ensure that work done by other bodies was not presented to States until it had itself been able to consider and approve the drafts concerned. One of the difficulties involved would be that of the limitation of time. As UNCITRAL already had a very heavy programme, the inclusion of additional subjects might delay the progress of its work. He wished to suggest that the various aspects of international trade law which were currently under discussion in different organizations should be carefully examined, in order to determine which topics could be submitted to States through UNCITRAL for their consideration and which seemed to lend themselves best to agreed solutions.

In short, he recommended that the Commission should include the question of co-ordination on the agenda for one of its forthcoming sessions. At that session, it should "sort out" the various drafts now being elaborated on aspects of international trade law and should - either on the basis of final documents prepared by other organizations or on the basis of a preliminary examination by the officers of its secretariat or by a small co-ordinating committee - decide which additional topics to include in its agenda, with a view to submitting drafts to Governments for their comments at a later stage.

Mr. CHAFIK (Egypt) said that the Commission did not have sufficient time to give due consideration to the useful proposal made by the observer for UNIDROIT. He suggested that the proposal should be submitted in writing to the Secretariat, which would then circulate it to the members of the Commission for consideration at the ninth session.

Mr. MATTEUCCI (International Institute for the Unification of Private Law), speaking at the invitation of the Chairman, said that his remarks were based solely on the terms of reference of UNCITRAL, contained in General Assembly

resolution 2205 (XXI), by which the Commission had been established and which provided, in paragraph 8 (a), that one of its tasks was precisely to co-ordinate the work of organizations active in the field of international trade law.

Mr. KEARNEY (United States of America) said that the problem raised by the representative of UNIDROIT was an interesting one, but, in view of the heavy schedule, he doubted whether it would be possible for the Commission to assume the task of co-ordinating activities in the field of international trade law on a world-wide basis. It might be useful also to consider to what extent other organizations might wish to have UNCITRAL seek to co-ordinate their activities. In any event, the matter should be given further study. The document to be submitted by UNIDROIT should contain concrete suggestions as to what UNCITRAL might be able to do, bearing in mind the limited time at its disposal.

The CHAIRMAN agreed that it would be useful if UNIDROIT could be as specific as possible in the document it was to submit.

Mr. KHOO (Singapore) said that he wished to know what progress had been made with regard to the publication of the Register of Texts of Conventions and other Instruments concerning International Trade Law.

Mr. VIS (Secretary of the Commission) replied that the Secretariat had so far published two volumes of the Register, covering main items on the Commission's agenda, such as the international sale of goods, international commercial arbitration, international legislation on shipping, international payments and general conditions of sale. If there were any further texts of a general nature which related to the work of the Commission, the Secretariat would be pleased to publish a new volume, but, at present, there were no plans to issue a third volume.

AGENDA FOR THE NINTH SESSION

Mr. VIS (Secretary of the Commission), referring to the agenda for the ninth session of the Commission, said that the main item would be the consideration of the draft convention on the carriage of goods by sea and the analysis of Governments' comments thereon. Furthermore, at its seventh session the Commission had decided to re-examine at its ninth session the question of the ratification of or adherence to conventions concerning international trade law. 11/

Mr. ROGNLIEN (Norway) thought that it would be inappropriate to place the item relating to the ratification of or adherence to conventions concerning international trade law on the agenda of the Commission's ninth session, since the time was not ripe for consideration of that item. He felt that the Commission should take a decision now to defer consideration of the item to a later session.

11/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No.17 (A/9617), para.64.

Mr. KRISPIS (Greece) thought that it would be preferable to adhere to the decision taken by the Commission at its seventh session. At its ninth session, the Commission could decide whether to discuss the item at once or defer its consideration to a later session.

The CHAIRMAN thought that it would be dangerous to upset the compromise which had been reached with so much difficulty at the seventh session. In his opinion, the item should remain on the agenda of the ninth session.

Mr. CHAFIK (Egypt) felt that it would be useful to include the consideration of the document on co-ordination to be submitted by UNIDROIT on the agenda for the Commission's ninth session.

In reply to a question put by Mr. GANSKE (Federal Republic of Germany), the CHAIRMAN said that delegations were of course free to suggest other items for inclusion on the agenda for the ninth session, in addition to those indicated by the Secretary of the Commission.

The meeting rose at 6 p.m.