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UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Twenty-second session
Vienna, 16 May - 2 June 1989

PROVISIONAL AGENDA, ANNOTATIONS THERETO
AND SCHEDULING OF MEETINGS OF THE TWENTY-SECOND SESSION;
MEETING OF NATIONAL CORRESPONDENTS

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

The twenty-second session will be held at the Vienna International Centre from 16 May to 2 June 1989. The session will be opened on Tuesday, 16 May 1989, at 10:30 a.m. The Commission is composed of the following member States: Argentina, Bulgaria, Cameroon, Canada, Chile, China, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, France, Germany, Federal Republic of, Hungary, India, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Morocco, Netherlands, Nigeria, Sierra Leone, Singapore, Spain, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, 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. Draft Convention on the Liability of Operators of Transport Terminals in International Trade

The Commission, at its twenty-first session (1988), had before it the draft Convention on the Liability of Operators of Transport Terminals in International Trade that had been prepared by the Working Group on International Contract Practices. It requested the Secretary-General to transmit the draft Convention to all States and interested international organizations for comments, and to prepare for the twenty-second session a compilation of the comments received. It also requested the Secretary-General to prepare a draft of final clauses for the draft Convention. The Commission decided to consider the draft Convention with a view to adoption at its twenty-second session (A/43/17, para. 29).

The Commission will have before it the report of the Working Group on International Contract Practices on the work of its eleventh session (A/CN.9/298) (which was originally submitted to the twenty-first session of the Commission) to which the draft Convention is annexed. It will also have before it the comments of Governments and international organizations on the draft Convention (A/CN.9/319 (with addenda containing any comments received after 24 January 1989)) and the draft final clauses prepared by the Secretariat (A/CN.9/321).

Copies of the following additional documents will also be made available at the session:

A/CN.9/252

containing a study of important issues arising from the UNIDROIT preliminary draft Convention on the Liability of Operators of Transport Terminals;

- A/CN.9/WG.II/WP.52/Add.1 containing the Explanatory Report to the UNIDROIT preliminary draft Convention;
- A/CN.9/260 containing the report of the eighth session of the Working Group;
- A/CN.9/WG.II/WP.55 containing a study of certain factual and legal aspects of operations performed by operators of transport terminals;
- A/CN.9/WG.II/WP.56 containing draft articles of uniform rules on the liability of operators of transport terminals and comments thereon;
- A/CN.9/275 containing the report of the ninth session of the Working Group;
- A/CN.9/WG.II/WP.58 containing revised draft articles 5 to 15 and new draft articles 16 and 17 of uniform rules on the liability of operators of transport terminals;
- A/CN.9/287 containing the report of the tenth session of the Working Group;
- A/CN.9/WG.II/WP.60 containing the revised text of draft uniform rules on the liability of operators of transport terminals based upon discussions and decisions at the tenth session of the Working Group.

Item 5. International payments: draft Model Law on International Credit Transfers

At its nineteenth session (1986) the Commission decided to begin the preparation of model rules on electronic funds transfers and to entrust that task to the Working Group on International Negotiable Instruments, which it renamed the Working Group on International Payments (A/41/17, para. 230). The Working Group held its seventeenth session in New York from 5 to 15 July 1988 and its eighteenth session at Vienna from 5 to 16 December 1988. The Commission will have before it the reports of the Working Group (A/CN.9/317 and A/CN.9/318, respectively).

Item 6. New international economic order: procurement

The Commission, at its nineteenth session (1986), decided to undertake work in the area of procurement and entrusted the subject to the Working Group on the New International Economic Order (A/41/17, para. 243). The Working Group commenced its work on this subject at its tenth session, held at Vienna from 17 to 25 October 1988. The Commission will have before it the report of the Working Group (A/CN.9/315).

Item 7. International contract practices: stand-by letters of credit and guarantees

The Commission, at its twenty-first session (1988), agreeing that work should be carried out in the area of stand-by letters of credit and

guarantees, decided to devote one session of the Working Group on International Contract Practices to a review of the draft Uniform Rules for Guarantees prepared by the International Chamber of Commerce and to an examination of the desirability and feasibility of the preparation of a uniform law (A/43/17, paras. 18 to 26). The Working Group held its twelfth session at Vienna from 21 to 30 November 1988. The Commission will have before it the report of the Working Group (A/CN.9/316).

Item 8. Countertrade

The Commission, at its twenty-first session (1988), decided that it would be desirable to prepare a legal guide on drawing up countertrade contracts. It requested the Secretariat to prepare a draft outline of the possible content and structure of such a legal guide to enable it to decide what future action might be taken (A/43/17, para. 35). The Commission will have before it the requested draft outline (A/CN.9/322).

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 general report on current activities of international organizations related to the harmonization and unification of international trade law (A/CN.9/324), up-dating the information contained in an earlier report of the Secretary-General which was submitted to the nineteenth session of the Commission (A/CN.9/281). 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 of conventions

The Commission will have before it a note by the Secretariat (A/CN.9/325) concerning the present status of the Convention on the Limitation Period in the International Sale of Goods (New York, 1974); 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); Protocol amending the Convention on the Limitation Period in the International Sale of Goods (Vienna, 1980); United Nations Convention on International Bills of Exchange and International Promissory Notes (New York, 1988); Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958); and the UNCITRAL Model Law on International Commercial Arbitration.

Item 11. Training and assistance

The Commission will have before it a note by the Secretariat on this subject (A/CN.9/323).

Item 12. General Assembly resolutions on the work of the Commission

The Commission may wish to take note of General Assembly resolution 43/166 on the Report of the United Nations Commission on International Trade Law on the work of its twenty-first session and resolution 43/165 on the United Nations Convention on International Bills of Exchange and International

Promissory Notes. Copies of the resolutions and the report of the Sixth Committee (A/43/820) will be made available at the present session.

Item 13. Other business

The Commission will have before it an analytical compilation of liability limits and units of account in international transport conventions (A/CN.9/320) which the Commission, at its twenty-first session (1988), requested the Secretariat to prepare (A/43/17, para. 31).

The Commission will also have before it a bibliography of recent writings related to the work of the Commission (A/CN.9/326).

Item 14. Date and place of future meetings

(a) Twenty-third session

The twenty-third session will be held in New York. 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

Arrangements have been made for the holding of the thirteenth session of the Working Group from 8 to 19 January 1990 in New York. The Commission may wish to decide whether the Working Group should continue with its work in the area of guarantees and stand-by letters of credit or whether it should be assigned the topic of countertrade.

(ii) Working Group on the New International Economic Order

The eleventh session of the Working Group has been scheduled for 5 to 16 February 1990 in New York.

(iii) Working Group on International Payments

The nineteenth session of the Working Group has been scheduled for 10 to 21 July 1989 in New York and the twentieth session has been scheduled for 27 November to 8 December 1989 at Vienna.

Item 15. 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 12 working days available for consideration of the agenda items (other than agenda item 15, adoption of the report) at the session. No

meeting will be scheduled for Thursday, 1 June, to enable the Secretariat to prepare the draft report. Friday, 2 June, will be reserved for the adoption of the report.

Meeting hours will be from 9.30 to 12.30 and 14.00 to 17.00, except on Tuesday, 16 May, when the meeting will commence at 10.30.

The Secretariat would recommend that the agenda items be taken up in numerical order and that the Commission anticipate devoting the first two weeks of the session (after agenda items 1 to 3) to agenda item 4 (draft Convention on the Liability of Operators of Transport Terminals in International Trade), with the possibility of spending additional time on Monday, Tuesday or Wednesday of the third week if necessary to complete the discussion and finalize the draft Convention. Otherwise, agenda items 5 through 14 would be taken up on those days in the third week.

IV. MEETING OF NATIONAL CORRESPONDENTS

The Commission, at its twenty-first session (1988), decided to establish a mechanism for the collection and dissemination of court decisions and arbitral awards relating to legal texts emanating from its work. As part of that mechanism, States that are parties to or that have adopted one or more of those legal texts have been invited to nominate "national correspondents" to assist in the gathering of the court decisions and arbitral awards (A/43/17, para. 100).

It is planned that the national correspondents will meet, with simultaneous interpretation in the six United Nations languages (Arabic, Chinese, English, French, Russian, Spanish), on Wednesday, Thursday and Friday, 31 May to 2 June 1989, during normal working hours at times when the Commission is not in session. Thus, the national correspondents will meet on Thursday, 1 June 1989 (when no meeting of the Commission has been scheduled) and on Friday, 2 June 1989, after the adoption of the report by the Commission. The national correspondents could also meet on Wednesday, 31 May 1989, if the Commission were to complete its substantive discussions and adjourn early on or prior to that day. Further information concerning the scheduling of the meeting of national correspondents will be communicated during the session.