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UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW
Twelfth session
Vienna, 18-29 June 1979

PROVISIONAL AGENDA, ANNOTATIONS THERETO AND
TENTATIVE SCHEDULE OF MEETINGS

Note by the Secretary-General

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

The twelfth session will be held at the Hofburg in Vienna from 18 to 29 June 1979. The session will be opened on Monday, 18 June 1979, at 10.30 a.m. by the representative of the Secretary-General, who will also preside over the election of a Chairman.

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: tentative schedule of meetings

The Commission, at its eleventh session, decided that the twelfth session should be of two weeks' duration. No provision was made for the establishment of a Committee of the Whole and it does not seem necessary that one be established. Accordingly, it is suggested that all items be considered in plenary. Part III of this note sets forth a tentative schedule of meetings.

Item 4. International trade contracts

At its eleventh session the Commission, in adopting its new work programme, decided that within the general item entitled "international trade contracts", priority should be given to, inter alia, (a) international barter or exchange, and (b) the study of international contract practices.

(a) International barter or exchange

The Commission will have before it a report of the Secretary-General setting forth a study on "Barter or exchange in international trade" (A/CN.9/159).

(b) International contract practices

The Commission will have before it a note by the Secretary-General on the progress made by the Secretariat in respect of its investigatory study on contract practices in international trade (A/CN.9/160).

Also placed before the Commission are three studies, one on liquidated damages and penalty clauses (A/CN.9/161), another on contract practices relating to clauses on excuse for non-performance in international contracts (A/CN.9/162), and a third on clauses protecting parties against the effects of currency fluctuations (A/CN.9/164).

Item 5. International payments

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

The Working Group on International Negotiable Instruments held its seventh session at United Nations Headquarters in New York from 3 to 12 January 1979. At that session the Working Group continued its consideration of the revised text of the draft Convention on International Bills of Exchange and International Promissory Notes and approved articles 24 (3), 53 (e) and 54 to 70 of the draft Convention. The Commission will have before it the report of the Working Group on the work of its seventh session (A/CN.9/157).

(b) Stand-by letters of credit

The Commission, at the eleventh session, included this item in its new programme of work and accorded it priority. A report on this subject is contained in document A/CN.9/163.

(c) Security interests in goods

The Commission, at its tenth session, requested its Secretariat to submit to it at its present session a further report on the feasibility of uniform rules on security interests and on their possible content. In response to this request, there is placed before the Commission a report of the Secretary-General on the feasibility of uniform rules in respect of security interests to be used in the financing of trade (A/CN.9/165).

(d) Other matters

The Secretary of the Commission intends to report orally to the Commission on the progress made in respect of other items concerning international payments, in particular on the work at present being carried out within the UNCITRAL study group on international payments on two topics that were included in the new work programme at the Commission's eleventh session, namely, the determination of a universal unit of account for international conventions, and legal issues of the electronic transfer of funds.

Item 6. International commercial arbitration

(a) UNCITRAL Conciliation Rules

The topic of conciliation of international trade disputes and its relation to arbitration and to the UNCITRAL Arbitration Rules was included in the new work programme at the Commission's eleventh session. The Secretariat, in consultation with Professor Pieter Sanders, the International Chamber of Commerce and the International Council for Commercial Arbitration has prepared a preliminary draft set of UNCITRAL Conciliation Rules (A/CN.9/166) and a commentary on the draft Rules (A/CN.9/167). The Commission may wish to consider the general approach taken by the draft Rules in respect of conciliation and examine these in first reading.

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(b) Recommendations addressed to the Commission by the Asian-African Legal Consultative Committee

The Commission, at its tenth session, considered the recommendation addressed by the Asian-African Legal Consultative Committee (AALCC) in respect of international commercial arbitration. At that session, the Commission requested the Secretariat to study the matters raised by AALCC. The Commission will have before it a study of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards in the light of decisions of national courts (A/CN.9/168) and a note setting forth, for the Commission's consideration, suggestions as to further work in respect of international commercial arbitration (A/CN.9/169).

(c) UNCITRAL Arbitration Rules

The Secretary of the Commission wishes to place before the Commission certain issues relevant in the context of the UNCITRAL Arbitration Rules. These issues are set forth in document A/CN.9/170.

Item 7. New international economic order

The Commission, at its eleventh session, included in its new work programme an item entitled "Legal implications of the new international economic order". On that occasion the Commission requested the Secretary-General to place before it, at the present session, a report setting forth "subject-matters that are relevant in the context of the development of a new international economic order and that would be suitable for consideration by the Commission". In compliance with that request, the Commission will have before it a report by the Secretary-General which also reflects the views and proposals submitted by Governments and the views expressed by other international organizations and bodies on the possible work programme of the Commission in the context of the new international economic order (A/CN.9/171).

The Commission, at its eleventh session, also established a Working Group on the New International Economic Order which would be entrusted with the examination of the Secretary-General's report in order to make recommendations to the Commission as to specific topics that could appropriately form part of the Commission's programme of work. The designation of the States members of the Working Group was deferred until the present session.

Item 8. Transport law

The Commission, at its eleventh session, requested the Secretariat to prepare a study setting forth the work accomplished so far by international organizations in the fields of multimodal transport, charter-parties, marine insurance, transport by container, and the forwarding of goods.

The Commission will have before it a report containing a survey of the work of international organizations in the field of transport law (A/CN.9/172).

Item 9. Training and assistance in the field of international trade law

The Commission will have before it a note by the Secretary-General on this subject (A/CN.9/173). The note sets forth the decision of the General Assembly on the financing of UNCITRAL symposia on international trade law.

Item 10. Ratification of the 1978 United Nations Convention on the Carriage of Goods by Sea (Hamburg Rules)

The Commission, at its seventh session, decided to maintain on its agenda the question of the ratification of, or adherence to, conventions concerning international trade law and to re-examine this question at future sessions in the context of conventions adopted on the basis of texts prepared by the Commission.

The Commission may wish to consider the prospects of ratification of the 1978 Hamburg Rules and the steps that could be taken to promote ratification. The Commission will have before it a note by the Secretary-General concerning the state of signatures and ratifications of the 1978 Hamburg Rules (A/CN.9/174).

Item 11. Future work

(a) Sessions of working groups

The Commission may wish to agree upon a schedule of sessions for its working groups for the period between its twelfth and thirteenth sessions.

(i) Working group on International Negotiable Instruments

In its report on the work of its seventh session (A/CN.9/157), the Working Group noted that it was nearing completion of its work on the draft Convention on International Bills of Exchange and International Promissory Notes, but that at least one more session was required in order to accomplish this. The group recommended therefore to the Commission that a further session of the Working Group (its eighth session) be held in 1979. If the Commission accepts this recommendation, it is suggested that the eighth session be held at Geneva from 3 to 14 September 1979.

(ii) Other working groups

Whether other working groups will meet during the intersessional period would depend on decisions taken by the Commission at its present session, notably in respect of international contract practices and the new international economic order.

Item 12. Other business

(a) The Commission may wish, under this item to take note of the following General Assembly resolutions:

- (i) Resolution 33/92 of 16 December 1978 on the Report of the United Nations Commission on International Trade Law (adopted without a vote).

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- (ii) Resolution 33/93 of 16 December 1978 on the United Nations Conference on Contracts for the International Sale of Goods (adopted without a vote).

Copies of these resolutions and the report of the Sixth Committee (A/33/349) will be made available at the present session.

(b) The Commission's attention is drawn to the report of the Secretary-General on current activities of other international organizations in the field of international trade law (A/CN.9/175).

(c) The Secretary of the Commission intends to inform the Commission on matters relating to the transfer of the Commission's secretariat to Vienna and the modified pattern of sessions consequent upon that transfer.

(d) Volume VIII of the Yearbook of the Commission has been issued. Copies will be made available to representatives at the present session.

Item 13. Date and place of the thirteenth session

The thirteenth session is expected to be held in New York. Information regarding dates available for that session will be supplied by the Secretariat. It may be relevant to note that the United Nations Conference on Contracts for the International Sale of Goods will be held in Vienna from 10 March to 11 April 1980 (or up to 18 April if necessary).

Item 14. 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, para. 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. TENTATIVE SCHEDULE OF MEETINGS

- Monday, 18 June
- a.m. Opening of the session (item 1).
Election of the Chairman (item 2).
Adoption of the agenda: tentative schedule
of meetings (item 3).
International barter or exchange (item 4 (a)).
- p.m. Election of the Vice-Chairmen and the Rapporteur
(item 2).
International barter or exchange (item 4 (a)).
International contract practices (item 4 (b)).
- Tuesday, 19 June
- a.m. International contract practices (item 4 (b)).
- p.m. International contract practices (item 4 (b)).
- Wednesday, 20 June
- a.m. Draft Convention on International Bills of
Exchange and International Promissory Notes
(item 5 (a)).
- Stand-by letters of credit (item 5 (b)).
Security interests in goods (item 5 (c)).
- Thursday, 21 June
- a.m. Security interests in goods (item 5 (c)).
Other matters (item 5 (d)).
New international economic order (item 7).
- p.m. New international economic order (item 7).
- Friday, 22 June
- a.m. Transport law (item 8).
Training and assistance in the field of
international trade law (item 9).
- p.m. Ratification of the 1978 United Nations
Convention on the Carriage of Goods by Sea
(Hamburg Rules) (item 10).
Future work (item 11)
- Monday, 25 June
- a.m. UNCITRAL Arbitration Rules (item 6 (c)).
Recommendations addressed to the Commission
by the Asian-African Legal Consultative
Committee (item 6 (b)).
- p.m. UNCITRAL Conciliation Rules (item 6 (a)).
- Tuesday, 26 June
- a.m. UNCITRAL Conciliation Rules (continued).
- p.m. UNCITRAL Conciliation Rules (continued).
- Wednesday, 27 June
- a.m. UNCITRAL Conciliation Rules (continued).

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III. TENTATIVE SCHEDULE OF MEETINGS (continued)

Wednesday, 27 June	p.m.	UNCITRAL Conciliation Rules (continued). Other business (item 12). Date and place of the thirteenth session (item 13).
Thursday, 28 June		No meeting unless required. (Preparation of the Commission's report).
Friday, 29 June	a.m.) p.m.)	Adoption of the report of the Commission (item 14).
