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UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW

Fifteenth Session
New York, 26 July - 6 August 1982

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 fifteenth session will be held at United Nations Headquarters in New York from 26 July to 6 August 1982. The session will be opened on Monday, 26 July 1982, 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

The Commission, at its fourteenth session, decided that the fifteenth 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 contract practices: draft uniform rules on liquidated damages and penalty clauses

The Commission, at its twelfth session, decided that work should be undertaken directed to the formulation of uniform rules regulating liquidated damages and penalty clauses, and entrusted this work to the Working Group on International Contract Practices. At its second session, held in New York from 13 to 17 April 1981, the Working Group adopted draft uniform rules on liquidated damages and penalty clauses.

The Commission, at its fourteenth session, considered these draft rules, and inter alia requested the Secretary-General to incorporate in the draft rules such supplementary provisions as might be required if the rules were to take the form of a convention or a model law, and to prepare a commentary on the uniform rules.

The Commission will have before it the text of the draft uniform rules, and a commentary thereon (A/CN.9/218), as well as an analysis of the comments received by the Secretariat in response to the questionnaire addressed to Governments and international organizations eliciting their views on the draft rules and on the most appropriate form the draft rules should take (A/CN.9/219). Copies of the questionnaire will also be made available. The Commission may wish to finalize the draft uniform rules in an appropriate form.

Item 5 International Payments

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

The Working Group on International Negotiable Instruments held its eleventh session in New York from 3 to 14 August 1981. At that session the

Working Group adopted a draft Convention on International Bills of Exchange and International Promissory Notes, and a draft Convention on International Cheques.

The Commission will have before it the report of the Working Group on the work of its eleventh session (A/CN.9/210). Also before the Commission will be the text of the draft Convention on International Bills of Exchange and International Promissory Notes (A/CN.9/211) and a commentary thereon (A/CN.9/213), and the text of the draft Convention on International Cheques (A/CN.9/212) and a commentary thereon (A/CN.9/214). The texts and commentaries are being sent to Governments and interested international organizations for their comments.

At this session the Commission may wish to consider the time and nature of future courses of action concerning these draft Conventions. The Commission will have before it a note by the Secretariat containing suggestions for possible future courses of action concerning the draft Conventions (A/CN.9/223).

(b) Universal unit of account

The Commission at its eleventh session decided to study the establishment of a universal unit of account of constant value which would serve as a point of reference in international conventions for expressing amounts in monetary terms. At its fourteenth session, the Commission considered a report of the Secretary-General on the subject, and decided to refer the matter to the Working Group on International Negotiable Instruments.

The Working Group, at its twelfth session held at Vienna from 4 to 12 January 1982, recommended that a draft article be prepared for use in international conventions, which would designate the Special Drawing Right of the International Monetary Fund as the unit of account in limitation of liability provisions. It also drafted a sample price index provision and a sample amendment procedure for revising limits of liability in international conventions.

The Commission will have before it the report of the Working Group on the work of its twelfth session (A/CN.9/215). The reports of the Secretary-General submitted to the Working Group (A/CN.9/WG.IV/WP.27) and to the Commission at its fourteenth session (A/CN.9/200) will also be made available.

Also placed before the Commission will be a note by the Secretariat relating to the recommendations of the Working Group (A/CN.9/220).

(c) Electronic funds transfer

The Commission, at its eleventh session, included as an item in its programme of work the legal problems arising out of electronic funds transfer. At its twelfth session the Commission requested the Secretariat to continue the preparatory work on this subject within the framework of the UNCITRAL Study Group on International Payments.

The Commission will have before it a report of the Secretary-General suggesting possible concrete courses of action for work in this field which might be undertaken by the Commission (A/CN.9/221). The report of the Secretary-

General on some legal aspects of international electronic funds transfer (A/CN.9/149/Add.3) which was submitted to the Commission at its eleventh session will also be made available.

Item 6. International commercial arbitration

(a) UNCITRAL Arbitration Rules: administrative guidelines

The Commission, at its fourteenth session, decided that it would be desirable to issue guidelines, in the form of recommendations, to arbitral institutions and other relevant bodies to assist them in adopting procedures for their acting as appointing authority or providing administrative services in cases to be conducted under the UNCITRAL Arbitration Rules. It also requested the Secretary-General to prepare a revised text of the draft guidelines which had been submitted to the Commission at its thirteenth session, and any explanations thereof, for submission to the fifteenth session of the Commission.

The Commission will have before it revised draft administrative guidelines for arbitration under the UNCITRAL Arbitration Rules (A/CN.9/222).

(b) Model arbitration law

The Commission, at its fourteenth session, decided to proceed with work towards the preparation of a draft model law on international commercial arbitration, and to entrust this work to the Working Group on International Contract Practices. The Working Group commenced this work at its third session, held in New York from 16 to 26 February 1982.

The Commission will have before it the report of the Working Group on the work of its third session (A/CN.9/216).

Item 7. New international economic order: industrial contracts

The Commission, at its thirteenth session, requested the Secretary-General to prepare for the Working Group on the New International Economic Order a preliminary study on clauses related to contracts for the supply and construction of large industrial works. The first part of this study was considered by the Working Group at its second session in 1981. The Commission, at its fourteenth session, requested the Secretary-General to continue and complete this study.

The Working Group will hold its third session in New York from 12 to 23 July 1982 and will complete its consideration of the first part of the study by the Secretary-General, and consider the second part. The Commission will have before it the report of the Working Group on the work of its third session (A/CN.9/217), which will be made available during this session.

Item 8. Co-ordination of work

(a) Transport documents

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.

At the fourteenth session of the Commission, it was suggested that to further strengthen the co-ordinating role of the Commission, the Secretariat should select a particular area of international trade law and submit a report which would focus on particular aspects of unification of law in that area.

The Commission will have before it a report of the Secretary-General dealing with current activities of other organizations in the field of transport documents (A/CN.9/225).

(b) New Revision of the Uniform Customs and Practices for Documentary Credits

The Commission, at its eighth session, endorsed the "Uniform Customs and Practices for Documentary Credits" (UCP) as revised by the International Chamber of Commerce (ICC) in 1974. By the time of the fifteenth session of the Commission the ICC is expected to have adopted a further revision of the UCP, and to have requested the Commission to endorse this revised version of the UCP in a manner similar to the Commission's action at its eighth session.

The Commission will have before it a note by the Secretariat on the UCP revision, which may include a statement from the ICC and the text of the revised version of the UCP, if adopted by the ICC (A/CN.9/229).

(c) General co-ordination of activities

The Commission will have before it a note by the Secretariat on co-ordination of activities in general in the field of international trade law (A/CN.9/226).

Item 9. Status of conventions

The Commission, at its thirteenth session, decided that it would consider, at each of its sessions, the status of conventions that were the outcome of work carried out by it.

The Commission will have before it a note by the Secretary-General concerning the present status of these conventions (A/CN.9/227).

Item 10. Training and assistance

The Commission, at its fourteenth session, agreed that it should continue to sponsor symposia and seminars on international trade law, and requested the Secretariat to continue its efforts with regard to the holding of regional seminars on international trade law.

The Commission will have before it a note of the Secretary-General on this subject (A/CN.9/228).

Item 11. Most-favoured-nation clauses

The General Assembly, at its thirty-sixth session (resolution 36/111), requested Member States of the United Nations, interested organs of the United Nations, such as regional commissions and UNCITRAL, and interested intergovernmental

organizations, to submit or bring up to date any written comments which they may deem appropriate in connexion with the draft articles on most-favoured-nation clauses adopted by the International Law Commission,

The Commission will have before it a note of the Secretariat suggesting possible courses of action the Commission may wish to take in response to the request of the General Assembly (A/CN.9/224).

Item 12. Future work

(a) Date and place of the sixteenth session

The sixteenth session will be held at Vienna. Information regarding dates available for that session will be supplied by the Secretariat.

(b) Sessions of working groups

The Commission may wish to agree upon a schedule of sessions for its Working Groups for the period between its fifteenth and sixteenth sessions.

(i) Working Group on International Negotiable Instruments

The Commission may wish to decide whether it wishes to schedule any further session of the Working Group.

(ii) Working Group on International Contract Practices

The Commission at its fourteenth session agreed that the need for a further session of the Working Group in the autumn of 1982 would be decided at the fifteenth session of the Commission. The Working Group decided, at its third session, that subject to the approval of the Commission, it would hold its fourth session from 4 to 15 October at Vienna.

(iii) Working Group on the New International Economic Order

The Working Group at its third session to be held in New York from 12 to 23 July 1982 will recommend to the Commission what further sessions should be scheduled.

Item 13. Other business

(a) Relevant General Assembly resolutions

(i) General Assembly resolution on the work of the Commission

The Commission may wish to take note of General Assembly resolution 36/32 of 13 November 1981 on the Report of the United Nations Commission on International Trade Law on the work of its fourteenth session. Copies of the resolution and the report of the Sixth Committee (A/36/669) will be made available at the present session.

(ii) General Assembly resolution on international economic law

In General Assembly resolution 36/107 the Commission was requested to submit relevant information to, and to co-operate fully with, the United Nations Institute for Training and Research (UNITAR) in its study on the progressive development of the principles and norms of international law relating to the new international economic order. Copies of the resolution will be made available at the present session. The Commission may wish to note that the Secretariat will continue to co-operate with UNITAR by supplying information concerning the activities of UNCITRAL.

(iii) General Assembly resolution on most-favoured-nation clauses

See item 11.

(b) Book on UNCITRAL

At its fourteenth session the Commission authorized the Secretariat to publish a book on UNCITRAL. However, this decision was inadvertently not reflected in the report of the Commission on the work of its fourteenth session. The Commission may wish to affirm this decision by including the following paragraph in the report on its present session:

"In view of the desirability of promoting further the work of the Commission and the legal texts associated with this work, the Commission decided to authorize the Secretariat to publish a book describing the activities of the Commission for the harmonization and unification of international trade law, together with legal texts emanating from the work of the Commission."

Budgetary provision has already been made within the regular budget of the 1982-83 biennium for the publication of the book, subject to the inclusion of such a paragraph in the report of the fifteenth session.

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, 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. TENTATIVE SCHEDULE OF MEETINGS

July 26 (Monday)	10.30-13.00	Opening of the session (agenda item 1) Election of officers (agenda item 2) Adoption of the agenda (agenda item 3) Model arbitration law (agenda item 6(b)) UNCITRAL Arbitration Rules: administrative guidelines (agenda item 6(a))
	15.00-18.00	UNCITRAL Arbitration Rules: administrative guidelines (continued)

July 27 (Tuesday)	10.00-13.00	Universal unit of account (agenda item 5(b))
	15.00-18.00	Universal unit of account (continued) Electronic funds transfer (agenda item 5(c))
July 28 (Wednesday)	10.00-13.00	Electronic funds transfer (continued)
	15.00-18.00	Liquidated damages and penalty clauses (agenda item 4)
July 29 (Thursday)	10.00-13.00	Liquidated damages and penalty clauses (continued)
	15.00-18.00	Liquidated damages and penalty clauses (continued)
July 30 (Friday)	10.00-13.00	Liquidated damages and penalty clauses (continued)
	15.00-18.00	Liquidated damages and penalty clauses (continued)
August 2 (Monday)	10.00-13.00	Most-favoured-nation clauses (agenda item 11)
	15.00-18.00	Co-ordination of work (agenda item 8)
August 3 (Tuesday)	10.00-13.00	Co-ordination of work (continued) Status of conventions (agenda item 9)
	15.00-18.00	International negotiable instruments (agenda item 5(a))
August 4 (Wednesday)	10.00-13.00	New international economic order (agenda item 7) Training and assistance (agenda item 10) Book on UNCITRAL (agenda item 13(b))
	15.00-18.00	Future work (agenda item 12) Other business (agenda item 13)
August 5 (Thursday)		(No meeting scheduled, preparation of report)
August 6 (Friday)	10.00-13.00	Adoption of report (agenda item 14)
	15.00-18.00	Adoption of report (continued, if necessary)