



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/35/627
19 November 1980

ORIGINAL: ENGLISH

Thirty-fifth session
Agenda item 107

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL
TRADE LAW ON THE WORK OF ITS THIRTEENTH SESSION

Report of the Sixth Committee

Rapporteur: Mr. Wolfgang HAMPE (German Democratic Republic)

1. At its 3rd plenary meeting, on 19 September 1980, the General Assembly decided to include in the agenda of its thirty-fifth session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its thirteenth session" and to allocate it to the Sixth Committee.
2. The Sixth Committee considered this item at its 4th to 10th meetings, from 25 September to 3 October, and at its 41st meeting, on 7 November 1980. The summary records of those meetings (A/C.6/35/SR.4-10 and 41) contain the views of representatives who spoke during the consideration of this item.
3. At the 4th meeting, on 25 September, the Chairman of the United Nations Commission on International Trade Law at its thirteenth session introduced its report on the work of that session. 1/ The Committee had before it, in connexion with this item, notes by the Secretary-General on the United Nations Conference on Contracts for the International Sale of Goods, held at Vienna from 10 March to 11 April 1980 (A/C.6/35/L.2) and on the comments by the Trade and Development Board of the United Nations Conference on Trade and Development (A/C.6/35/L.3).
4. At the 41st meeting, on 7 November, the representative of Austria introduced a draft resolution (A/C.6/35/L.9) sponsored by Argentina, Australia, Austria, Bangladesh, Bolivia, Brazil, Canada, Chile, Cyprus, Czechoslovakia, Egypt, Finland, France, Germany, Federal Republic of, Greece, Guyana, Italy, Jamaica, Kenya,

1/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17). The presentation of the report was pursuant to a decision by the Sixth Committee at its 1096th meeting, on 13 December 1968 (see Official Records of the General Assembly, Twenty-third Session, Annexes, agenda item 88, document A/7408, para. 3).

Morocco, the Netherlands, Nigeria, the Philippines, Romania, Sweden, Trinidad and Tobago, Turkey, the United States of America and Yugoslavia, later joined by Spain and Panama. The administrative and financial implications of the draft resolution were set out in document A/C.6/35/L.11.

5. At the same meeting, the Committee adopted draft resolution A/C.6/35/L.9 by consensus (see para. 9, draft resolution I).

6. Also at the 41st meeting, the representative of Austria introduced a draft resolution (A/C.6/35/L.10) sponsored by Argentina, Australia, Austria, Bolivia, Canada, Chile, Cyprus, Egypt, Finland, France, Germany, Federal Republic of, Greece, Italy, Jamaica, Japan, Kenya, Mexico, the Netherlands, Panama, the Philippines, Spain, Sweden, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, later joined by Nigeria. The administrative and financial implications of the draft resolution were set out in document A/C.6/35/L.12.

7. At the same meeting, the Committee adopted draft resolution A/C.6/35/L.10 by consensus (see para. 7, draft resolution II).

8. A statement of explanation of vote after the vote was made by the representative of Peru, speaking also for the representatives of Colombia, Ecuador and Venezuela.

RECOMMENDATIONS OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Report of the United Nations Commission on International Trade Law

The General Assembly,

Having considered the report of the United Nations Commission on International Trade Law on the work of its thirteenth session, 2/

Recalling its resolutions 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law and defined the object and terms of reference of the Commission, 3108 (XXVIII) of 12 December 1973, by which it increased the membership of the Commission, 31/99 of 15 December 1976, by which Governments of Member States not members of the

2/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17).

Commission were entitled to attend as observers the sessions of the Commission and its working groups, and 34/142 of 17 December 1979, by which the co-ordinating function of the Commission in the field of international trade law was emphasized, as well as its previous resolutions concerning the reports of the Commission on the work of its annual sessions,

Recalling also its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, 3281 (XXIX) of 12 December 1974 and 3362 (S-VII) of 16 September 1975,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic co-operation among all States on a basis of equality, equity and common interests and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Having regard for the need to take into account the different social and legal systems in harmonizing the rules of international trade law,

Stressing the usefulness and importance of organizing symposia for promoting better knowledge and understanding of international trade law and, especially, for the training of young lawyers from developing countries in this field,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its thirteenth session;
2. Takes note of the successful conclusion of the United Nations Conference on Contracts for the International Sale of Goods, held at Vienna from 10 March to 11 April 1980, which has resulted in the adoption of the United Nations Convention on Contracts for the International Sale of Goods 3/ and a Protocol Amending the Convention on the Limitation Period in the International Sale of Goods; 4/
3. Commends the United Nations Commission on International Trade Law for the progress made in its work and for its efforts to enhance the efficiency of its working methods;
4. Notes with satisfaction that the United Nations Commission on International Trade Law has unanimously adopted the Conciliation Rules of the Commission; 5/
5. Calls upon the United Nations Commission on International Trade Law to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth and seventh special sessions;

3/ A/CONF.97/18, annex I.

4/ Ibid., annex II.

5/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17), paras. 105 and 106.

6. Welcomes the decision of the United Nations Commission on International Trade Law to the effect that its Working Group on the New International Economic Order shall be composed of all States members of the Commission; 6/

7. Takes note, with appreciation, of the fact that the United Nations Commission on International Trade Law has welcomed the recommendation of the Working Group on the New International Economic Order concerning subject-matters to be included in the work programme of the Commission and endorses the decision of the Commission to carry out preparatory work in respect of contracts on supply and construction of large industrial works and on industrial co-operation; 6/

8. Reaffirms the mandate of the United Nations Commission on International Trade Law in co-ordinating legal activities in the field of international trade law;

9. Recommends that the United Nations Commission on International Trade Law should:

(a) Continue its work on the topics included in its programme of work;

(b) Continue its work on training and assistance in the field of international trade law, taking into account the special interests of the developing countries;

(c) Maintain close collaboration with the United Nations Conference on Trade and Development, the International Law Commission and the United Nations Industrial Development Organization and continue to collaborate with international organizations active in the field of international trade law;

(d) Continue to maintain liaison with the Commission on Transnational Corporations with regard to the consideration of legal problems that would be susceptible of action by the United Nations Commission on International Trade Law;

10. Expresses its appreciation to all States which have offered to make contributions to the holding at Vienna in 1981 of the second symposium on international trade law of the United Nations Commission on International Trade Law on the occasion of the fourteenth session of the Commission;

11. Appeals to other States and to organizations, institutions and individuals to make similar contributions so that the number of participants in the second symposium from developing countries might be increased;

12. Reaffirms the importance of the legal work that is being undertaken by the United Nations Commission on International Trade Law and the increased role of the International Trade Law Branch of the Office of Legal Affairs of the Secretariat as the substantive secretariat of the Commission and, in this connexion:

(a) Recognizes the relevance of summary records for the legislative history of United Nations treaties, conventions and other texts of a legal character and

6/ Ibid., para. 143.

emphasizes the advisability of continuing the practice of drawing up complete summary records for meetings of the Commission that are devoted to the preparation of draft conventions or other legal instruments;

(b) Requests the Secretary-General to earmark, out of the funds allocated to the common library of the Vienna International Centre such an amount as is necessary for the maintenance of the law library of the Commission and for the acquisition of materials that are required in the context of the work programme of the Commission;

(c) Appeals to Governments to contribute to the law library of the Commission at Vienna legal materials which are relevant to the work of the Commission, including official journals, gazettes and legislative texts;

(d) Further appeals to Governments to provide the secretariat of the Commission with relevant materials pertaining to arbitration procedure so that it can complete its work on a model law on arbitral procedure;

13. Requests the Secretary-General to forward to the United Nations Commission on International Trade Law the records of the discussion at the thirty-fifth session of the General Assembly relating to the report of the Commission on the work of its thirteenth session.

DRAFT RESOLUTION II

Conciliation Rules of the United Nations Commission on International Trade Law

The General Assembly,

Recognizing the value of conciliation as a method of amicably settling disputes arising in the context of international commercial relations,

Being convinced that the establishment of conciliation rules that are acceptable in countries with different legal, social and economic systems would significantly contribute to the development of harmonious international economic relations,

Noting that the Conciliation Rules of the United Nations Commission on International Trade Law were adopted by the Commission at its thirteenth session ^{7/} after consideration of the observations of Governments and interested organizations,

1. Recommends the use of the Conciliation Rules of the United Nations Commission on International Trade Law in cases where a dispute arises in the context of international commercial relations and the parties seek an amicable settlement of that dispute by recourse to conciliation;

2. Requests the Secretary-General to arrange for the widest possible distribution of the Conciliation Rules.

^{7/} Ibid., paras. 105 and 106.