



UNITED NATIONS

GENERAL ASSEMBLY



Distr. GENERAL

A/CN.9/11/Add.2
3 March 1969

Original: ENGLISH/FRENCH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Second session
Geneva, 3 March 1969
Item 4 (a) of the provisional agenda

REPLIES AND STUDIES BY STATES CONCERNING
THE HAGUE CONVENTIONS OF 1964

Note by the Secretary-General

Addendum

CONTENTS

	<u>Page</u>
INTRODUCTION	2
TEXT OF THE REPLIES AND STUDIES BY STATES	2
China	2
Hungary	2
Pakistan	3
United Kingdom	3
Upper Volta	4

GE.69-4701

INTRODUCTION

In his notes A/CN.9/11 and Add.1 the Secretary-General reproduced the substantive portions of 29 replies and studies received from Governments of States Members of the United Nations or members of the specialized agencies pursuant to his communication of 3 May 1968 concerning The Hague Conventions of 1964 (i.e. the Convention relating to a Uniform Law on the International Sale of Goods and the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods). The present addendum reproduces the substantive portions of the additional replies and studies received since the circulation of document A/CN.9/11/Add.1.

TEXT OF THE REPLIES AND STUDIES BY STATES

CHINA

/Original: English/
31 January 1969

As to the Hague Convention of 1964, the purpose of which is to prevent occurrences of disputes in international trade, it is to be noted that the said Convention contains a provision that requires its Contracting Parties to incorporate its stipulations into their respective codified municipal laws. This would inevitably involve considerable legislative difficulties on the part of the Chinese Government in any attempt to accommodate itself to the said Convention, particularly in the light of the stipulation that any of its Contracting Parties can unilaterally renounce its application at any time in whole or in any part of their respective territories. In view of these considerations, the Chinese Government is not prepared to adhere to the said Convention of 1964.

HUNGARY

/Original: English/
18 February 1969

The Hungarian People's Republic is aware that the unification of the law of international sale of goods is an important contribution to the development of international trade and to peaceful coexistence and is therefore also in the interests of the Hungarian People's Republic; consequently it has noted with satisfaction the drafting of the Hague Conventions of 1964, notably the Convention relating to a Uniform Law on the International Sale of Goods and the Convention

relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods. At the same time the Hungarian People's Republic expressed its regret that the preparation of these Conventions took place without the participation of the developing countries.

Ratification of the Hague Conventions of 1964 on the part of Hungary is under consideration for the time being. In case the Hungarian People's Republic would ratify the Conventions in question, it will certainly make use of the provision of Article II, namely it will make a statement about its freedom to continue applying within their scope of validity the General Conditions of Delivery established with other states within the Council for Mutual Economic Aid.

The Permanent Representative has the honour to state also that the relevant "study in depth" asked for in the said note will be sent to the Secretary-General in a very short time.

PAKISTAN

/Original: English/
3 February 1969

Pakistan has not acceded to the Hague Convention of 1964, relating to a Uniform Law on the International Sale of Goods and the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods. The Hague Convention of 1964 continues to receive close attention of the Government of Pakistan and as soon as a decision is taken, to accede to the Convention, it will be communicated to the Secretary-General.

UNITED KINGDOM

/Original: English/
3 February 1969

The United Kingdom ratified the two Conventions on the 31st of August 1967. The ratification of the Convention relating to a Uniform Law on the International Sale of Goods was accompanied by declarations (a) under Article III of the Convention, that the United Kingdom will apply the Uniform Law only if each of the parties to the Contract of sale has his place of business or, if he has no place of business, his habitual residence in the territory of a different Contracting State, and (b) under Article V, that the United Kingdom will apply the Uniform Law only to contracts in which the parties thereto have, by virtue of Article 4 of the Uniform Law, chosen

that Law as the law of the contract. The ratification of both Conventions applies only to the United Kingdom and not to the Channel Islands, the Isle of Man or any other territories for whose international relations the United Kingdom is responsible.

Effect is given to the two Conventions in the United Kingdom by means of the Uniform Law on International Sales Act 1967.

The Secretary-General will be aware that a high degree of uniformity already exists in the laws relating to the international sale of goods which apply in the various common law countries of the world. There are, of course, wide divergencies between the legal concepts applicable in these countries and those applicable in countries where another system of law prevails. The United Kingdom sees the Uniform Laws as providing a valuable bridge between divergent legal systems which will enable parties to international contracts of sale who carry on business in countries where different legal systems apply to conduct their business by reference to a common code of law with which each is, or may readily become, equally familiar.

Ratification, subject to a declaration under Article V of the Convention relating to a Uniform Law on the International Sale of Goods, has the advantage of providing a flexible system under which the Uniform Laws will affect the relations of parties to contracts only to the extent that they have expressly agreed that their relations should be governed by them. Thus, while the Uniform Laws will be available for those who wish to use them, parties to contracts will be free to adopt some provisions and to exclude others or to apply some other law if they prefer to do so.

It is the hope of the United Kingdom that the two Conventions will be ratified by enough States to bring them into operation at an early date, and that thereafter businessmen will be prepared to apply the Uniform Laws to their contracts so that, if they prove to be satisfactory, they may in due course become generally used for the purposes of contracts in international trade. In the view of the United Kingdom this is a very valuable field of international co-operation.

UPPER VOLTA

/Original: French/
21 January 1969

La Haute-Volta n'envisage pas, dans l'immédiat, d'adhérer aux Conventions de la Haye de 1964.

En effet la nature, le volume et la portée de nos échanges, notamment nos échanges extérieurs, ne comportent rien qui puisse presser à l'adhésion aux Conventions portant lois uniformes sur la vente internationale des objets mobiliers corporels et formation des contrats de vente internationale desdits objets.