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SIXTH COMMITTEE

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held on

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New York

THIRTY-FIRST SESSION

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SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. MENDOZA (Philippines)

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ON THE WORK OF ITS NINTH SESSION

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The meeting was called to order at 11 a.m.

AGENDA ITEM 108: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS NINTH SESSION (A/31/17; A/C.6/31/5 and Add.1; TD/B/C.4/148 and 153) (continued)

1. Mr. QIZILBASH (Pakistan) said that the ever-increasing interdependence of the world community had caused an increase in the volume of transactions between States, particularly in the economic field, but that those exchanges were not always conducted on an equitable basis. The very nature of relations between the developed and the developing countries and the existing system of law and commerce tended to reinforce and perpetuate inequality. It was in that context that the work of the United Nations Commission on International Trade Law assumed importance, for it was aimed not merely at harmonizing and unifying the existing rules of international trade but at developing universally applicable principles which would take the interests of the developing countries fully into account.
2. His delegation was gratified at the progress made by UNCITRAL at its ninth session in two of the four priority areas recommended to it by the General Assembly, i.e. international legislation on shipping and international commercial arbitration.
3. The preparation of the draft Convention on the Carriage of Goods by Sea was the result of close co-operation between two important United Nations bodies, UNCITRAL and UNCTAD. He recalled, in that connexion, that the initiative in revising the Hague Rules on the matter had come from UNCTAD because of concern that those rules, by placing the burden of risk and liability on the owners of cargo, operated against the interests of the developing countries. The debates in the UNCITRAL Working Group on the draft Convention had been valuable and had profited from the documentation and information made available by the UNCTAD secretariat.
4. Although the draft Convention did not include the final clauses and the issue of the limits of monetary liability remained to be decided, his delegation was prepared to join in the recommendation that the draft Convention should be referred to a conference of plenipotentiaries for completion and adoption.
5. It hoped that, in the preparations for the conference, UNCITRAL and UNCTAD would continue their co-operation and help to finalize the draft Convention, to which they had contributed so substantively. The conference should consider the draft articles in the light of the comments by Governments and by the UNCTAD Working Group on International Shipping Legislation as well as the relevant documents prepared by the Secretary-General of UNCTAD.
6. His delegation also hoped that the secretariat of the conference would be provided by the Secretary-General of the United Nations in consultation with the Secretary-General of UNCTAD. He recalled that the Group of 77 was currently preparing a draft resolution on the subject which would be submitted to the Committee as soon as possible.

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(Mr. Qizilbash, Pakistan)

7. He was confident that the UNCITRAL arbitration rules would facilitate the resolution of disputes regarding international commercial transactions. He was also pleased to note that the Working Group on the International Sale of Goods had completed a draft convention on that subject. He hoped that UNCITRAL would consider the draft at its next session and would soon begin its study of uniform rules on the formation of contracts. His delegation also attached importance to the creation of a new international negotiable instrument.
8. Mr. GAVIRIA (Colombia) noted with satisfaction that UNCITRAL had decided to continue its consideration of the question of international negotiable instruments and expressed the hope that it would be able to prepare a draft uniform law on international bills of exchange and international promissory notes, which played such an important role in present-day trade.
9. His delegation favoured in principle the convening of a conference of plenipotentiaries to conclude a convention on the carriage of goods by sea.
10. While reserving his final position on the draft convention adopted by UNCITRAL, he noted that the underlying conception was a good one, since the draft was largely based on the principles which had governed the preparation of international rules concerning the other types of carriage of goods. The provisions of the draft had points in common with, inter alia, the conventions and protocols adopted at Warsaw in 1929, at the Hague in 1955, at Guadalajara in 1961 and at Guatemala City in 1971, which governed air transport.
11. Article 5 of the draft established a presumption of liability on the part of the carrier "for loss resulting from loss of or damage to the goods, as well as from delay in delivery, if the occurrence which caused the loss, damage or delay took place while the goods were in his charge". The carrier could escape liability only if he proved that he, his servants and agents had taken all measures that could reasonably be required to avoid the loss. There was thus a reversal of the burden of proof, since the claimant was required to prove that the carrier was liable for the loss.
12. However, the draft provided for an exception to that principle when the loss, damage or delay in delivery resulted from a fire. In such cases, the carrier did not have to prove that he had shown proper diligence. Rather, it was the claimant who had to prove that the fire had arisen from fault or neglect on the part of the carrier, his servants or agents. That provision was, in the opinion of his delegation, highly questionable.
13. His delegation also felt that there should be further consideration of the question of the monetary limits of the carrier's liability with a view to preparing a text which would be as equitable for the carrier as for the person who hired him. Furthermore, unless the limits of liability were clearly defined, article 8, which denied the carrier entitlement to the benefit of the limitation of liability if it was proved that the loss resulted from a wrongful act on the part of the carrier or his servants or agents, ceased to serve any purpose.

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(Mr. Gaviria, Colombia)

14. There should also be a definition of the term "shipper", which was referred to in a number of articles in the draft, most specifically in article 12, which dealt with the liability of the shipper.

15. With regard to international commercial arbitration, his delegation was pleased with the draft arbitration rules prepared by UNCITRAL. The arbitration procedure was one of the oldest and most respected institutions in international law, and arbitration clauses appeared nowadays in all sorts of treaties. His Government had always believed in the effectiveness of the arbitration procedure as a means of settling disputes, and it had concluded a great many arbitration treaties with various countries. With regard to trade in particular, it had ratified the disputes settlement protocol of the Treaty of Montevideo, which set up a special arbitral tribunal. In addition, the Colombian trade code contained very clear, precise provisions concerning arbitration.

16. His delegation felt that the draft rules prepared by UNCITRAL usefully supplemented existing arbitration treaties and should be extremely valuable when domestic legislative provisions proved unacceptable. The preparation of an arbitration clause and the optional character of UNCITRAL's arbitration rules should not create any difficulty, particularly since the draft contained as escape clause providing that in case of conflict between the UNCITRAL arbitration rules and the rules of domestic law, the latter rules were to prevail.

17. Mr. WERNERS (Surinam) welcomed the UNCITRAL arbitration rules, which were useful supplements to the rules already used in some parts of the world. He recalled that as early as 1934 an Inter-American Commercial Arbitration Commission had been set up by the Pan American Union to establish rules which could be used for commercial arbitration in that region and that in 1956 the Inter-American Council of Jurists had approved the inter-American draft uniform Law on Commercial Arbitration. EEC had also adopted the European Convention on International Commercial Arbitration, and ECAFE (ESCAP) had established its own rules. It was those regional conventions which had prompted UNCITRAL to establish international rules.

18. He felt that international arbitration rules were a necessity for the commercial world and could, by their very nature, contribute to the formulation of a modern lex mercatoria. He therefore suggested that UNCITRAL should provide the General Assembly with facts and figures on the use which was made of commercial arbitration in general.

19. His delegation welcomed the close co-operation which had been established between UNCITRAL and UNCTAD in the preparatory stage of the draft Convention on the Carriage of Goods by Sea and hoped that that co-operation would be intensified in the future and extended to the formulating agencies in the field of private international law, such as the Hague Conference on Private International Law. In that connexion, his delegation noted with satisfaction that the International Institute for the Unification of Private Law (UNIDROIT) had included in its programme of work the consideration of the draft of a law for the unification of certain rules relating to the validity of contracts of international sale of goods.

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(Mr. Werners, Surinam)

20. His Government believed that the General Assembly should convene as soon as possible a conference of plenipotentiaries to finalize the draft Convention on the Carriage of Goods by Sea. With regard to the final clauses of the draft, it felt that the Convention should enter into force after a sufficient number of States had ratified it, without applying the tonnage criterion.
21. Mr. JACHEK (Czechoslovakia) said he appreciated the results which UNCITRAL had achieved during its eight years of activity and the efforts it had made to seek solutions in the field of international trade law that would be acceptable to all States, regardless of their social and economic systems.
22. The report of UNCITRAL on its ninth session represented further proof of the fruitful work it was doing in the field of unification of international trade law. The United Nations Convention on the Limitation Period in the International Sale of Goods, which UNCITRAL had finished drafting in 1973, had now been joined by two additional significant drafts: the draft Convention on the Carriage of Goods by Sea and the Arbitration Rules for optional use in ad hoc arbitration relating to international trade. Those concrete results of the work of UNCITRAL would, no doubt, have a favourable influence on peaceful co-operation between States and particularly on the development of international trade relations.
23. With regard to the draft Convention on the Carriage of Goods by Sea, his delegation considered that the provisions adopted at the ninth session of UNCITRAL divided the risks connected with the sea transport of goods in a basically satisfactory way between carrier and shipper and eventually also the cargo-owner, and modernized the current international regulations, which did not correspond with the technically advanced state of sea transport. It appreciated the close co-operation between UNCITRAL and UNCTAD in the preparation of the draft Convention, and in principle had no objection to the proposal that, after evaluation of the observations of Governments, the work on the Convention should be completed at a conference of plenipotentiaries to be convened at a suitable time.
24. His delegation considered that the Arbitration Rules adopted by UNCITRAL at its ninth session represented a positive contribution to the strengthening of legal security in commercial transactions, which was one of the important conditions for the development of foreign trade. It was gratified that various legal systems had been taken into account in the preparation of the Rules, which in its view could play a significant role in the settlement of international trade disputes. It therefore thought that in accordance with UNCITRAL's invitation the General Assembly should recommend the use of those Rules to all States.
25. His delegation attached particular importance to UNCITRAL's work on the unification of rules governing the international sale of goods. It considered that the draft Convention on the International Sale of Goods worked out by the UNCITRAL Working Group formed a good basis for the codification of those questions and that UNCITRAL had acted wisely in sending the draft to Governments before considering it, so that it could take their observations into account. With regard to the procedure to be followed, his delegation considered it appropriate not to connect

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(Mr. Jachek, Czechoslovakia)

the regulation of the international sale of goods with the regulation of the formation and validity of contracts for the international sale of goods. It thought that the study of the legal problems relating to the conclusion of international trade contracts should not be limited to sales contracts, for the same legal problems also arose in connexion with other types of contract.

26. It would therefore be opportune to review the current methods of unification and harmonization of international trade law, which had thus far been limited to certain types of contract or certain legal spheres, and to consider the possibility of elaborating special rules for questions which were common to all or at least most international trade relations. The partial methods currently being used were applicable at the preliminary stage of unification, but certain difficulties had already become apparent. For example, the question of the limitation period, which in the 1974 Convention had been limited to the international sale of goods, would have to be solved yet again each time a new legal instrument was prepared.

27. Because of the complexity of the work on the unification of international trade law he approved of UNCITRAL's decision to prepare a long-term programme of work, and considered that all States Members of the United Nations should participate in its preparation. In his view, the long-term programme should be oriented towards codification work which could make a maximum contribution to the development of mutually advantageous economic and trade relations between States with different social systems, to the elimination of obstacles and discriminatory practices in foreign trade and to the speedy application of the principles relating to the establishment of a new economic order, embodied in particular in the decisions taken by the General Assembly at its two most recent special sessions and in the Charter of Economic Rights and Duties of States. The programme should also pay special attention to the study of the legal aspects of the activities of multinational enterprises and take into account the interests of all groups of States, so as to constitute the basis for the establishment of a generally acceptable modern system of international trade law. Lastly, his delegation considered that provision should be made in the long-term programme of UNCITRAL for the working out of a unified international trade code.

28. States which were not members of UNCITRAL should be authorized to attend its sessions and those of its Working Groups as observers, for the objectives sought through the unification of rules regulating international trade could only be attained if a sufficient number of States adopted and applied the unified rules.

29. His Government followed with attention not only the preparation but also the application of the unified rules and had signed the Convention on the Limitation Period in the International Sale of Goods, which had been forwarded to the Czechoslovak General Assembly for approval.

30. Mr. SIAGE (Syrian Arab Republic) said that his country was very interested in the work of UNCITRAL, of which it was a member, for that work reflected the evolution of international trade relations and was aimed at codifying them.

(Mr. Siage, Syrian Arab Republic)

International trade law was currently based on principles which mainly served the interests of the great industrial Powers and enabled the developed countries to exploit the developing countries. It was therefore essential to establish between the industrialized countries and the developing countries equitable trade relations which took into account the interests of the underprivileged countries. For that reason the work of UNCITRAL was particularly important.

31. In preparing the draft Convention on the Carriage of Goods by Sea, which was to replace the 1924 Brussels Convention for the Unification of Certain Rules Relating to Bills of Lading, and the 1968 Protocol amending it, UNCITRAL had discharged its duties in the most satisfactory way.

32. First, from the standpoint of universality, the new draft Convention was more general than the Brussels Convention, for it encompassed all contracts of carriage and not only contracts involving bills of lading. It also extended the liability of the carrier and provided a wider choice of procedures to which cargo-owners could have recourse. Its main merit was to protect the rights of cargo-owners, for most developing countries had no merchant fleets and were thus at the mercy of carriers.

33. His delegation endorsed the comments made by the Group of 77 at the fifth session of the UNCTAD Working Group on International Shipping Legislation, which were contained in the reports of that Group on the first and second parts of its fifth session (TD/B/C.4/148 and 153). It also approved of convening a conference of plenipotentiaries to adopt the draft Convention on the Carriage of Goods by Sea.

34. He considered that the Arbitration Rules adopted by UNCITRAL were perfectly satisfactory and would facilitate international trade relations.

35. UNCITRAL should expand its activities relating to training in the field of international trade law, for the training of young lawyers from developing countries would facilitate international trade relations, which were becoming increasingly complex. It would be inadvisable to rely solely on training fellowships granted by certain countries; the possibility of charging the UNCITRAL training programme to the United Nations budget should be envisaged.

36. He supported the recommendation that States not members of UNCITRAL should be allowed to participate in its sessions and those of its Working Groups as observers, for he felt that participation of all States was essential for the preparation of international commercial legislation acceptable to all.

37. In future, UNCITRAL should study the question of transnational corporations, for their activities had an adverse influence on the economies of developing countries and infringed their national sovereignty.

38. Mr. RAJU (India) observed that, contrary to the Brussels Convention, the draft Convention on the Carriage of Goods by Sea contained an express provision

(Mr. Raju, India)

concerning liability of the carrier for delay in delivery. Furthermore, under the new draft Convention a claimant would have two years to commence legal proceedings and had a wider choice of places where he could undertake proceedings. If those changes were adopted, they would impose on the carrier a higher degree of responsibility than the Brussels Convention of 1924. In that respect the draft Convention represented a compromise between the various interests involved.

39. His delegation therefore supported the UNCITRAL recommendation that the General Assembly should convene an international conference of plenipotentiaries to conclude, on the basis of the draft Convention approved by UNCITRAL, a Convention on the Carriage of Goods by Sea. It also believed that the secretariats of UNCTAD and UNCITRAL should collaborate in assembling the documentation necessary for that conference.

40. The UNCITRAL Arbitration Rules would, in his delegation's view, be particularly useful in bridging the gap which separated the settlement procedures prevailing in the different economic systems of the world. The Secretary-General should, as requested by UNCITRAL, arrange for the widest possible distribution on the rules and recommend their application to disputes arising from international commercial relations. The merits of those rules lay in their flexibility and in the cheapness of arbitration proceedings generally.

41. While commending UNCITRAL for its work in the field of arbitration, the Asian-African Legal Consultative Committee, at its annual session, held at Kuala Lumpur from 28 June to 5 July 1976, had observed that many arbitral institutions were situated in the developed countries of the West and that it would be desirable to establish regional arbitration centres, inter alia, in Africa and Asia. He hoped that the international community would respond favourably to that proposal.

42. His delegation was pleased to note that UNCITRAL would probably be able to complete its work on the draft Convention on the International Sale of Goods in time for the General Assembly to consider it at its thirty-second session.

43. Regarding the question whether or not the draft Convention on the International Sale of Goods and the rules to be adopted on formation and validity of contracts for the international sale of goods should be combined in a single convention, his delegation believed that the rules on formation and validity of contracts should be the subject of a separate convention. As UNCITRAL had pointed out in its report (A/31/17, para. 26), the preparation of rules on formation and validity of contracts would take time, and it would be undesirable to wait for the completion of that task before convening a conference of plenipotentiaries to consider the draft Convention on the International Sale of Goods. Moreover, it would no doubt be more difficult to secure the ratification by a large number of States of a single text which combined the rules on formation and validity of contracts with the rules on the international sale of goods. Lastly, consideration of the draft Convention on the International Sale

of Goods would be sufficient in itself to provide a full agenda for a conference of plenipotentiaries, and it would be difficult for such a conference to give full attention also to the problems of formation and validity.

44. With regard to the question of international bills of exchange and international promissory notes, his delegation noted with satisfaction the progress made by UNCITRAL in that field and hoped that UNCITRAL would be able to devise a new category of negotiable instruments more appropriate for present trading conditions.

45. In connexion with the second UNCITRAL symposium, which would be organized on the occasion of UNCITRAL's tenth session, he hoped that new volunteer contributions would be made to cover the costs of participation by nationals of developing countries in the symposium.

46. His delegation was awaiting with interest UNCITRAL's consideration, under its long-term programme of work, of the key problems arising in the field of international trade; UNCITRAL would, at the same time, continue its work on contracts for the sale of goods, international shipping, international payments and multinational corporations and consider the measures that could be taken in the matter of international trade law to promote and protect the interests of the developing countries at the regional and global levels. He was convinced that the elaboration of such a programme would enable the Secretariat to undertake the necessary preparatory work for the study of the questions which UNCITRAL would decide to take up.

47. Mr. ELARABY (Egypt), after recalling that the General Assembly, in its resolution 2205 (XXI) establishing UNCITRAL, had provided for a close relationship between UNCITRAL and UNCTAD, expressed the hope that the co-operation between those two bodies would be continued and in fact strengthened. His delegation was grateful to UNCITRAL for the fruitful work it had done since its establishment 10 years earlier and expressed satisfaction with UNCITRAL's report on the work of its ninth session.

48. The draft Convention on the Carriage of Goods by Sea, which took account as fully as possible of the interests of all the parties concerned, was a satisfactory one. In particular, the rules contained in article 5, relating to the basis of the carrier's liability, had been needed for a long time.

49. The text of that draft should therefore be a satisfactory basis for the work of a conference of plenipotentiaries. Since the calendar of legal conferences for 1977 was extremely full, that conference could not be expected to be convened in that year. However, his delegation hoped that the time before the convening of the conference would be fully utilized for the necessary preparations. In that connexion, a background document prepared by UNCITRAL and UNCTAD would be of considerable benefit.

(Mr. Elaraby, Egypt)

50. His delegation believed that the UNCITRAL Arbitration Rules constituted a remarkable achievement and should be disseminated as widely as possible in order to encourage States to utilize them.

50a. His delegation also supported the proposal that States not members of UNCITRAL should be allowed to attend UNCITRAL meetings as observers, and it favoured the synchronization of UNCITRAL's membership for the reasons stated in paragraph 75 of the report (A/31/17).

51. Lastly, Egypt, as a developing country, welcomed the holding of a second UNCITRAL symposium on the occasion of UNCITRAL's tenth session.

52. Mr. GODOY (Paraguay) observed that while the rules of law were not immutable and should be adapted to the economic, social and technical realities of the times, nevertheless they were too important, in particular in the field of international trade, to vary constantly according to the trade balances of States or the income of their inhabitants. UNCITRAL had managed, in its report, to strike a proper balance between the divergent interests of many members of the international community, and the conclusions it had reached should not be changed lightly.

53. With regard to the draft convention on the international sale of goods, he hoped that UNCITRAL would be able at its tenth session to arrive at a compromise concerning article 7, paragraph 2, and article 11 and that it would also be able to examine and adopt the draft articles relating to measures of implementation, reservations and other final provisions of the draft convention.

54. For practical reasons, his delegation would have preferred to have the UNCITRAL report include the draft convention and the draft commentary prepared by the Secretariat. The inclusion of those two documents would have been particularly useful to the delegations of States which were not members of UNCITRAL.

55. Moreover, the wording of paragraphs 16, 17 and 18 gave rise to doubts concerning the organ or authority that had prepared the initial drafts of the final clauses and the draft commentary.

56. In that connexion, his delegation shared the view that the relevant Secretariat services - not only those concerned with international trade law but also the Codification Division and the Treaty Section, both of which were part of the Office of Legal Affairs - should participate directly in the preparation of draft provisions of a purely formal and technical nature in order to ensure that a uniform practice was followed by States and by the United Nations Secretariat in that sphere.

57. His Government would make its observations on the substance of the draft convention at the proper time.

58. His delegation supported UNCITRAL's decision to instruct the Working Group on the International Sale of Goods to confine its work on the formation and

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(Mr. Godoy, Paraguay)

validity of contracts to contracts of the international sale of goods. The sphere of application of rules on formation and validity of contracts could be extended at a later time.

59. He also shared the view that priority should be given to the amendments to be made to the Uniform Law on the International Sale of Goods, annexed to the 1964 Hague Convention. That did not mean putting entirely aside the question of the validity of such contracts which the International Institute for the Unification of Private Law (UNIDROIT) wished to include in the work programme of UNCITRAL.

60. With regard to international payments, his delegation noted with satisfaction the progress achieved by the Working Group on International Negotiable Instruments with a view to preparing a draft Uniform Law on International Bills of Exchange and International Promissory Notes. It supported in that respect the decision of UNCITRAL to request the Working Group to finish its work rapidly and to request the Secretary-General to carry out further work in that field, in consultation with the Commission's Study Group on International Payments.

61. The Paraguayan Government would submit later its comments on the draft Convention on the Carriage of Goods by Sea and would put forward proposals.

62. He felt that arrangements should be made as soon as possible to convene an international conference of plenipotentiaries to conclude, on the basis of the draft Convention approved by the Commission, a Convention on the Carriage of Goods by Sea. The International Convention for the Unification of Certain Rules relating to Bills of Lading (Brussels Convention of 1924) and the Protocol to amend that Convention (Brussels Protocol of 1968), no longer satisfied modern needs.

63. His delegation welcomed with satisfaction the Arbitration Rules adopted by UNCITRAL for arbitration had proved to be a valuable method for settling disputes arising out of various types of contracts in the field of international commerce. It was convinced that the establishment of rules for *ad hoc* arbitration would significantly contribute to the development of harmonious economic relations between countries with different legal, social and economic systems.

64. He noted that UNCITRAL had approved the text of the Arbitration Rules after having amended paragraph 2 of article 1 in order to make it clear that the Rules were subject to those provisions of law applicable to the arbitration from which the parties could not derogate.

65. With regard to the question of the ratification of or adherence to conventions concerning international trade law, his delegation regretted that UNCITRAL had not been able to approve a recommendation that States Members of the United Nations should study the possibility of ratifying or adhering to conventions concerning international trade law. That was in fact the only practical way of encouraging the progressive development and codification of international trade law. He hoped that the question would be studied in the very near future.

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(Mr. Godoy, Paraguay)

66. With regard to training and assistance in the field of international trade law, his delegation conveyed its appreciation to the Government of Belgium for its fellowship programme which enabled nationals of the developing countries to receive high-level academic and practical education in the field of international trade law and he invited all States who could do so to follow the example of Belgium.

67. His delegation also hoped that the United Nations Institute for Training and Research, which had included international trade law in its study programme, should extend to other developing regions its regional training and refresher course.

68. He also noted with satisfaction the decision that the second UNCITRAL symposium to be organized in connexion with the tenth session of UNCITRAL, should be devoted to transport and financial documents used in international trade and to a study of the Arbitration Rules of UNCITRAL.

69. He expressed his appreciation to the Governments of Austria, Finland, Germany (Federal Republic of), Greece, Norway and Sweden for having made voluntary contributions to meet the cost of participation in the symposium by nationals of developing countries.

70. His delegation was quite prepared to support a draft resolution designed to allow States which were not members of UNCITRAL to attend the sessions of UNCITRAL as observers.

71. With regard to the question of a date for termination of membership of UNCITRAL, his delegation would also support any draft resolution specifying that the term of office of a member State of UNCITRAL should begin on the first day of the regular annual session of the Commission following that State's election and should terminate on the last day prior to the beginning of the next regular annual session of the Commission following their election.

72. Mr. VALLADAO (Brazil) said he wished to emphasize the progress made by UNCITRAL in carrying out the important mission conferred upon it by the General Assembly in resolution 2205 (XXI). That mission consisted in providing the international community with a complex of juridical principles and norms calculated to discipline economic development and with the essential basis for the maintenance of peace and security which today more than ever depended on international co-operation.

73. UNCITRAL had long been concerned with harmonizing commercial procedures. For that purpose, it had to reconcile different national economic practices, arrange for a fair interpretation of contracts, settle the question of insurance, payments and pecuniary sanctions, while bearing in mind the new conceptions regarding the principle of responsibility in transportation.

74. His delegation welcomed the adoption of the draft Convention on the Carriage of Goods by Sea and the Rules of Arbitration of UNCITRAL.

75. The Arbitration Rules gave a realistic and flexible structure to one of the oldest procedures for the settlement of controversies and the optional offer of an ad hoc arbitration instrument was a great step forward.

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(Mr. Valladao, Brazil)

76. Finally, his delegation congratulated UNCITRAL on the work it had done, with the inestimable support rendered by the Secretariat, and it looked forward with great expectation to the results of UNCITRAL's tenth session to be held in Vienna in 1977.

ORGANIZATION OF THE COMMITTEE'S WORK (A/C.6/31/1, 2, 3 and 7; A/C.6/31/L.1)

77. The CHAIRMAN said that the Chairmen of the regional groups had reached a consensus on the order in which the agenda items would be taken up. The Secretariat had drawn up a provisional time-table showing what meetings would be devoted to each item. Under the programme thus established, the Committee would devote successively seven meetings to item 110, three to item 124, four to item 123, four to item 113, four to item 112, three to item 109, four to item 114 and four to item 115. Following consideration of item 123, one meeting would be devoted to the consideration of draft resolutions on items already studied.

78. If there were no objections, he would take it that the Committee decided to adopt the above programme of work.

79. It was so decided.

80. The CHAIRMAN also drew attention to the fact that the time-table drawn up by the Secretariat presupposed that the Committee would hold eight meetings a week instead of seven, and that might be difficult. Another solution would be for the Committee to meet on Saturdays or hold night meetings. However, the Committee could perhaps, by accelerating its work, devote fewer meetings than scheduled to consideration of certain items. He therefore appealed to delegations to try to be punctual and to prepare their statements in advance so as to avoid wasting time.

81. Mr. ROSENSTOCK (United States of America) hoped that it would be possible for the Committee to hold eight meetings in certain weeks for he doubted whether the number of meetings scheduled by the Secretariat for the consideration of certain items was adequate.

The meeting rose at 1 p.m.