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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL
TRADE LAW ON THE WORK OF ITS TWENTY-SECOND SESSIONStatus of conventionsReport of the Secretary-General

I. INTRODUCTION

1. On 7 December 1987, the General Assembly adopted resolution 42/152, entitled "Report of the United Nations Commission on International Trade Law on the work of its twentieth session". Paragraphs 9 and 10 of the resolution read as follows:

"The General Assembly,

"...

"9. Invites those States which have not yet done so to consider ratifying or acceding to the following conventions:

(a) Convention on the Limitation Period in the International Sale of Goods, of 14 June 1974;

(b) Protocol amending the Convention on the Limitation Period in the International Sale of Goods, of 11 April 1980;

(c) United Nations Convention on the Carriage of Goods by Sea, of 31 March 1978;

* A/44/150.

(d) United Nations Convention on Contracts for the International Sale of Goods, of 11 April 1980;

"10. Requests the Secretary-General to make increased efforts to promote the adoption and use of the texts emanating from the work of the Commission and to submit to the General Assembly at its forty-fourth session a report concerning the status of the Conventions".

2. The Secretary-General notified all States of the content of paragraphs 9 and 10 of resolution 42/152 by notes verbales of 28 April 1988 and 29 March 1989. The notes requested by 1 June 1989 such information as Governments might be able to furnish as to their intention to become party to the conventions to which they would not already have become party by that time.

3. Replies to the request for information have been received from Australia, Austria, Canada, Cuba, Denmark, Finland, the Federal Republic of Germany, Greece, Japan, Mexico, the Netherlands, the Philippines, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. That information is summarized below.

4. It is known that action has been initiated in a number of additional States leading towards ratification or accession to one or more of the Conventions, including submission of the Conventions for parliamentary approval or even, in several cases, the adoption of the necessary legislation. Such information is not included in the present report if it was not officially transmitted to the Secretary-General in response to the notes verbales.

II. STATUS OF CONVENTIONS

A. Convention on the Limitation Period in the International Sale of Goods, of 14 June 1974, and Protocol amending the Convention on the Limitation Period in the International Sale of Goods, of 11 April 1980

1. Current status

5. On 7 December 1987, when resolution 42/152 was adopted, neither the Convention nor the 1980 amending Protocol were in force. As at that date nine States, Argentina, Czechoslovakia, the Dominican Republic, Egypt, Ghana, Hungary, Norway, Yugoslavia and Zambia, were contracting States to the Convention while Argentina, Egypt, Hungary and Zambia were contracting States to the Protocol.

6. Mexico deposited its instrument of accession to the Convention and to the Protocol on 21 January 1988, bringing both into force on 1 August 1988.

7. Article XIV (2) of the Protocol provides that, on the coming into force of the Convention and the Protocol, the Secretary-General should prepare a text of the Convention as amended by the Protocol. By depositary notification dated 17 April 1989, the Secretary-General circulated a proposed text of the Convention

as amended indicating that if no objections were received from signatory or contracting States within 90 days of its circulation, the text would be considered approved.

2. Reported intentions

8. Australia has written to its States and to the Northern Territory and to all other interested bodies and individuals seeking their views, by the end of September 1989, as to whether Australia should become a party to the Convention and Protocol.

9. In Cuba the Convention and Protocol are being studied by specialists in order to determine the possibility of recommending accession in the shortest possible time.

10. In Finland the Convention and Protocol were sent for comment to interested circles in 1988. The results were positive and the Government of Finland intends to commence preparations for ratification of the instruments in the near future.

11. Greece reported that its Government was considering ratifying the Convention and Protocol.

12. Austria, Canada, Denmark, the Federal Republic of Germany, the Netherlands, Sweden, Switzerland and the United Kingdom indicated that they were not contemplating action at this time. The Netherlands stated that a change of circumstance might lead to a review of that position. The Philippines reported that the Government had been unable to reach a decision by 1 June 1989.

B. United Nations Convention on the Carriage of Goods by Sea, of 31 March 1978

1. Current status

13. As at 7 December 1987, 11 States, Barbados, Chile, Egypt, Hungary, Lebanon, Morocco, Romania, Senegal, Tunisia, Uganda and the United Republic of Tanzania, were contracting States. Between 7 December 1987 and 30 June 1989 Botswana, Nigeria and Sierra Leone became contracting States, bringing the total to 14.

14. The Convention requires 20 contracting States to come into force.

2. Reported intentions

15. Australia is preparing legislation to implement the Convention, the legislation to be brought into effect at some future date when it is decided that Australia should become a party to the Convention.

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C. United Nations Convention on Contracts for the International Sale of Goods, of 11 April 1980

1. Current status

26. As at 7 December 1987, 11 States, Argentina, China, Egypt, France, Hungary, Italy, Lesotho, the Syrian Arab Republic, the United States of America, Yugoslavia and Zambia, were contracting States. The Convention entered into force for those 11 States on 1 January 1988.

27. Later in the month of December 1987, four States, Austria, Finland, Mexico and Sweden, deposited their instruments of accession or ratification. Between 1 January 1988 and 30 June 1989, four additional States became contracting States, Australia, Denmark, the German Democratic Republic and Norway. As at 30 June 1989, there was a total of 19 contracting States to the Convention.

2. Reported intentions

28. Canada is seriously considering accession to the Convention. As at 8 May 1989, implementing legislation had been adopted in four provinces and one territory.

29. In Cuba the Convention is being studied by specialists in order to determine the possibility of recommending accession in the shortest possible time.

30. The Federal Republic of Germany adopted national legislation with respect to the Convention in the spring of 1989. The promulgation of the statutory law will follow in due course. It is the intention of the Federal Government to take the necessary steps towards ratification of the Convention after promulgation of the statute.

31. Greece reported that its Parliament, in its next session, would proceed to the ratification of the Convention.

32. Japan is considering an examination of the Convention for the purpose of acceding to it in the near future.

33. In the Netherlands the Convention will be submitted to Parliament for approval in the course of 1990.

34. The Philippines reported that the Government had been unable to reach a decision by 1 June 1989.

35. In Switzerland the question of accession to the Convention is before Parliament.

36. The United Kingdom of Great Britain and Northern Ireland has noted that the Convention came into force on 1 January 1988, that some 19 countries were contracting States and that a number of others were likely to become so shortly. Her Majesty's Government is therefore taking the opportunity to present a consultative document to interested parties in the future.
