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REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL
AGENDA OF THE ~~NINETEENTH~~ SESSION

Twentieth

CONSIDERATION OF STEPS TO BE TAKEN FOR PROGRESSIVE DEVELOPMENT
IN THE FIELD OF PRIVATE INTERNATIONAL LAW WITH A PARTICULAR
VIEW TO PROMOTING INTERNATIONAL TRADE

Note verbale dated 8 September 1964 from the Permanent Representative
of Hungary to the United Nations addressed to the Secretary-General

The Permanent Representative of the Hungarian People's Republic to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to state that the Government of the Hungarian People's Republic, under rule 13 (e) of the rules of procedure of the General Assembly, proposes the inclusion of the following item in the provisional agenda of the nineteenth session of the General Assembly: "Consideration of steps to be taken for progressive development in the field of private international law with a particular view to promoting international trade".

An explanatory memorandum is enclosed in accordance with rule 20 of the rules of procedure.

EXPLANATORY MEMORANDUM

According to Article 13, paragraph 1 a, of the Charter of the United Nations, the General Assembly shall initiate studies and make recommendations for the purpose of promoting international co-operation in the political field and encouraging the progressive development of international law and its codification. The United Nations can be credited with great achievements in the progressive development and codification of international law through the activities of the Sixth Committee of the General Assembly and of the International Law Commission established by General Assembly resolution 174 (II). The results attained by the United Nations so far and the plans it contemplates for the near future in this field belong in the scope of what is commonly termed public international law. That the General Assembly does not interpret narrowly the notion of "international law" is seen from the Statute of the International Law Commission which, in paragraph 2 of article 1, lays down that the Commission is "not precluded from entering the field of private international law". Such steps have not been taken by the International Law Commission, which concentrates its attention, and rightly so, on public international law.

In this situation the progressive development of private international law is not handled by the United Nations organs systematically. For the present purposes what is meant by the "development of private international law" is not so much an international agreement on the rules of the conflicts of laws as applied by national courts and arbitral tribunals as rather a unification of private law mainly in the field of international trade (e.g. unification of the law on the international sale of goods or on the formation of contracts). Recently the United Nations has undertaken special efforts at the development of international trade, having regard particularly to the general interest of the community of nations in the advancement of the developing countries. A thorough study of the legal forms of international trade, their possible simplification, harmonization and unification, would be well suited for this purpose. Governments, learned societies and international organizations have thus far done commendable work in this field. This work, however, is done mostly on a regional basis and practically without the participation of representatives of the greatly interested States of Africa and Asia. In these circumstances, the question arises whether the

United Nations ought not to take up concerted efforts in this respect in its own broad framework. The Government of the Hungarian People's Republic is of the opinion that the detailed consideration of the matter would be desirable, and therefore it makes the proposal that the General Assembly put on the agenda of its nineteenth session an item entitled "Consideration of steps to be taken for progressive development in the field of private international law with a particular view to promoting international trade".
