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

Report of the Sixth Committee

Rapporteur: Mr. Simon BOZANGA (Central African Republic)

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I. INTRODUCTION

1. At its 2123rd plenary meeting, on 21 September 1973, the General Assembly included the item entitled "Report of the United Nations Commission on International Trade Law on the work of its sixth session" 1/ as item 92 in the agenda of its twenty-eighth session, and allocated it to the Sixth Committee for consideration and report.
2. The Sixth Committee considered this item at its 1425th to 1430th meetings, from 29 October to 6 November 1973, at its 1438th and 1440th meetings, on 14 and 16 November 1973, and at its 1445th to 1448th meetings, from 23 to 27 November 1973.
3. At the 1425th meeting of the Sixth Committee, on 29 October 1973, Mr. László Réczei (Hungary), Vice-Chairman of the United Nations Commission on International Trade Law at its sixth session, introduced the Commission's report on the work of that session. 2/ The Sixth Committee also had before it a note by the Secretary-General (A/C.6/L.901), setting forth the comments on the Commission's report by the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD).
4. At the 1456th meeting, on 6 December, the Rapporteur of the Sixth Committee raised the question whether the Committee wished to include in its report to the General Assembly a summary of the views expressed during the debate on agenda item 92. After referring to paragraph (f) of the annex to General Assembly resolution 2292 (XXII) of 8 December 1967, the Rapporteur informed the Committee of the financial implications of the question. At the same meeting, the Committee decided that, in view of the nature of the subject-matter, the report on agenda item 92 should include a summary of the main trends of opinion expressed during the debate.

II. PROPOSAL

5. At the 1438th meeting, on 14 November 1973, the representative of Ghana introduced a draft resolution sponsored by Afghanistan, Cameroon, Czechoslovakia, Germany (Federal Republic of), Ghana, Greece, Guyana, Hungary and Kenya (A/C.6/L.952), which read as follows:

1/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 17 (A/9017).

2/ This presentation 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).

"The General Assembly,

"Having considered the report of the United Nations Commission on International Trade Law on the work of its sixth session, 3/

"Recalling its resolution 2205 (XXI) of 17 December 1966 establishing the United Nations Commission on International Trade Law and defining the object and terms of reference of the Commission,

"Further recalling its resolutions 2421 (XXIII) of 18 December 1968, 2502 (XXIV) of 12 November 1969, 2635 (XXV) of 12 November 1970, 2766 (XXVI) of 17 November 1971 and 2928 (XXVII) of 28 November 1972 concerning the reports of the United Nations Commission on International Trade Law on the work of its first, second, third, fourth and fifth sessions,

"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 and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

"Being convinced that wider participation of States in the work of the United Nations Commission on International Trade Law would further the progress of the Commission's work,

"Bearing in mind that the Trade and Development Board at its thirteenth session, took note, with appreciation, of the report of the United Nations Commission on International Trade Law, 4/

"1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its sixth session;

"2. 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;

"3. Requests the United Nations Commission on International Trade Law, whenever the Commission considers it appropriate, to incorporate the reports or summaries of the reports of its Working Groups in the reports on the work of its future sessions;

3/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 17 (A/9017).

4/ A/9015 (part III), para. 558.

"4. Notes with satisfaction the decision of the United Nations Commission on International Trade Law, to organize, in connexion with the eighth session of the Commission, an international symposium on the role of universities and research centres in the teaching, dissemination and wider appreciation of international trade law, and to seek voluntary contributions from Governments, international organizations and foundations to cover the cost of travel and subsistence of participants from developing countries;

"5. Invites States which have not ratified or acceded to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 to consider the possibility of adhering thereto;

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

"(a) Continue in its work to pay special attention to the topics to which it has decided to give priority, that is, the international sale of goods, international payments, international commercial arbitration and international legislation on shipping;

"(b) Accelerate its work on training and assistance in the field of international trade law, with special regard to the promotion and teaching of international trade law at universities, taking into account the special interests of the developing countries;

"(c) Continue to collaborate with international organizations active in the field of international trade law;

"(d) Continue to give special consideration to the interests of developing countries and to bear in mind the special problems of land-locked countries;

"(e) Keep its programme of work and working methods under review with the aim of increasing the effectiveness of its work;

"7. Invites the United Nations Commission on International Trade Law to consider the advisability of preparing uniform rules on the civil liability of producers for damage caused by their products intended for or involved in international sale or distribution, taking into account the feasibility and most appropriate time therefor in view of the other items on its programme of work;

"8. Decides to increase the membership of the United Nations Commission on International Trade Law from 29 to 35 in accordance with the following rules:

"(a) The six additional members of the Commission shall be elected by the General Assembly for a term of six years, except as provided in paragraph 8 (c) of this resolution;

"(b) In electing the additional members, the Assembly shall observe the following distribution of seats:

"(i) Two from African States;

"(ii) One from Asian States;

"(iii) One from Eastern European States;

"(iv) One from Latin American States;

"(v) One from Western European and other States;

"(c) Of the additional members elected at the first election, to be held at the twenty-eighth session of the General Assembly, the terms of three members shall expire at the end of three years. The President of the General Assembly shall select these members by selecting one member elected from the African States and two members from other regions, by drawing lots;

"(d) The additional members elected at the first election shall take office on 1 January 1974;

"(e) The provisions of paragraphs 3 to 5 of resolution 2205 (XXI) shall also apply to the additional members;

"9. Requests the Secretary-General to forward to the United Nations Commission on International Trade Law the records of the discussions at the twenty-eighth session of the General Assembly on the Commission's report on the work of its sixth session."

6. At the same meeting, the representative of Argentina proposed an oral amendment to the draft resolution. The amendment read as follows:

"Insert after paragraph 6, subparagraph (a), of the draft resolution the following additional subparagraph:

'(b) Continue to consider the legal problems presented by different kinds of multinational enterprises in accordance with the decision thereon adopted by the Commission at its sixth session',

and renumber the subparagraphs of paragraph 6 accordingly."

7. At the 1440th meeting, on 16 November, the representative of Ghana introduced a revised draft resolution sponsored by the same countries (A/C.6/L.952/Rev.1), which included the amendment proposed by the representative of Argentina.

8. At the same meeting, the representative of Kuwait proposed an oral amendment to the draft resolution. The amendment read as follows:

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"Modify paragraph 8 of the draft resolution to read as follows:

'Decides to increase the membership of the United Nations Commission on International Trade Law from 29 to 36 in accordance with the following rules:

'(a) The seven additional members of the Commission shall be elected by the General Assembly for a term of six years, except as provided in subparagraph (c) below;

'(b) In electing the additional members, the Assembly shall observe the following distribution of seats:

'(i) Two from African States;

'(ii) Two from Asian States;

'(iii) One from Eastern European States;

'(iv) One from Latin American States;

'(v) One from Western European and other States;

'(c) Of the additional members elected at the first election, to be held at the twenty-eighth session of the General Assembly, the terms of three members shall expire at the end of three years. The President of the General Assembly shall select these members by selecting one member from those elected from African States, one member from those elected from Asian States, and one member from those elected from other regions, by drawing lots;

'(d) The additional members elected at the first election shall take office on 1 January 1974;

'(e) The provisions of paragraphs 3 to 5 of resolution 2205 (XXI) shall also apply to the additional members;''.

III. DEBATE

9. The main trends of opinions expressed in the Sixth Committee are summarized in sections A to J below. Sections A and B deal with general observations on the role and functions of the Commission and its working methods. The succeeding sections, relating to specific topics discussed at the sixth session of the Commission, are set out under the following headings: International sale of goods (section C), international payments (section D), international legislation on shipping (section E), international commercial arbitration (section F), training and assistance in the field of international trade law (section G), multinational enterprises (section H), establishment of a union for "jus commune" in matters of international trade (section I), and future work (section J).

A. General observations

10. Many representatives stressed the importance of the Commission's work in that the establishment of effective uniform rules governing international trade would promote the development of equitable commercial and economic relations between developed and developing countries and between countries with different social and economic systems. In this connexion, it was stated that conditions were now ripe for a sharp upward trend in international trade and a wider application of the international division of labour, and that consequently consideration should be given to the future orientation of the Commission's work. On the other hand, it was also stated that the Commission should continue to focus on the harmonization and unification of the legal issues that arise in international trade and should avoid the broader problems that may arise from international trade relations.

11. Most representatives commended the Commission on the work it had accomplished during its first six years. It was observed that the Commission's work was of great complexity, owing to the fact that unification had to take into account both the different legal and economic systems of the world and current international trade practices.

12. Representatives of developing countries stated that it was essential for the Commission to promote international trade through laws that reflected the need of these countries for a fair and equitable share in the benefits from such trade.

B. Working methods of the United Nations Commission on International Trade Law

13. Most representatives commended the Commission on the working methods it had developed. Special reference was made to the preparatory work carried out by the Commission's secretariat, where appropriate in consultation with interested international organizations and commercial institutions, and to the use of working groups in which the expertise of representatives of the Commission was effectively utilized.

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14. Some representatives expressed concern at the rate of progress in the Commission's work and were of the opinion that the Commission should re-examine its programme of work and working methods.
15. With regard to the Commission's programme of work, it was suggested that the Commission should decide on an order of priority for the items at present on its agenda, intensify work on a few subjects and perhaps set target dates for their completion. Several representatives considered that the Commission should not be asked to embark on any new work for the time being. The view was also expressed that, by reason of the importance of establishing uniform rules for international trade, the Commission should be encouraged to deal with more subjects than were currently included in its work programme.
16. With regard to the Commission's working methods, it was stated that it was essential that the Commission seek, whenever possible, the assistance of experts drawn from trade and banking circles so as to ensure that the provisions of uniform laws would reflect international trade practice. Some representatives expressed the view that, in order to reach more rapid results, working groups should be authorized to hold longer sessions or should appoint small preparatory committees, representative of the different legal and economic systems, which would prepare draft texts and commentaries and present these to working groups.
17. One representative raised the question of the relationship between the Commission and its secretariat, and stated that the Commission should avoid its current practice of requesting the secretariat to do work which fell within the framework of the terms of reference of the Commission itself. Other representatives, however, considered that the Commission's secretariat had played an indispensable role in the Commission's work and performed a valuable service in preparing reports and draft texts for the Commission's consideration.
18. Several representatives commented with approval on the Commission's decision and practice to proceed, where possible, by consensus. It was stated that consistent application of that principle would go a long way towards ensuring the successful outcome of the Commission's legislative work. One representative expressed the view that the principle of consensus should be abandoned; it was a not entirely necessary method of work and consensus in the Commission, with its relatively limited membership, did not necessarily imply universal consensus. In this connexion, it was also stated that the Commission could accelerate its work considerably if it were to present alternative texts instead of texts in regard to which consensus had laboriously been reached.
19. Some representatives, noting that the main burden of the Commission's work had shifted to working groups, suggested that an increase in the number of States represented on the Commission would facilitate the establishment and composition of working groups and thus the completion of the Commission's work.
20. There was general agreement that it was for the Commission itself to review its work programme and working methods.

C. International sale of goods

21. Many representatives stressed the urgent need for unification of the rules governing the international sale of goods, and expressed the hope that the consideration the Commission was giving to the Hague Conventions of 1964 relating to a Uniform Law on the International Sale of Goods (ULIS) and to a Uniform Law on the Formation of Contracts for the International Sale of Goods would make it possible for a large number of States to accept a revised text. Several representatives noted with satisfaction that the Working Group on the International Sale of Goods had made considerable progress in its work by completing the revision of chapter III of ULIS, providing for the obligations of the seller. In this connexion, it was stated that the Working Group should take into account the interest of all countries and make the new texts sufficiently flexible and simple for practical use.

22. Several representatives stated that the Commission's work on general conditions of sale and standard contracts would contribute to the further legal regulation and simplification of international trade relations. The view was expressed that this work should be co-ordinated with the uniform rules governing prescription (limitation) in the field of international sale of goods so as to avoid legal loop-holes and contradictions.

23. Representatives noted with satisfaction the intended establishment of a group of experts, drawn from regional economic commissions, trade organizations and chambers of commerce, to be consulted on the preparation of a final draft of general conditions of sale. It was stated that the Commission's work on this subject was particularly important since the general conditions of sale prepared under the auspices of the Economic Commission for Europe (ECE) did not seem appropriate for trade between States having different socio-economic systems. The view was expressed that the work should be directed towards general conditions that would be of broader application than those prepared by the ECE and would embrace the widest possible scope of commodities. However, the view was also expressed that general conditions of the kind which the ECE had drawn up for particular commodities were likely to prove better suited to the needs of specific trades.

D. International payments

24. Many representatives reiterated their support for the Commission's decision to prepare uniform rules applicable to a special negotiable instrument for optional use in international transactions. They noted with appreciation the satisfactory co-operative relations established with various international organizations and banking and trade institutions and emphasized the importance of close collaboration by the Working Group on International Negotiable Instruments with these organizations and institutions.

25. Some representatives expressed doubts about the need for establishing new uniform rules applicable to a special negotiable instrument for international payments. It was stated that the banking profession had organized itself quite adequately and that there was thus no pressing need for such rules.

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26. Some representatives stressed the importance of the legal terminology and concepts used in the draft Uniform Law on International Bills of Exchange and International Promissory Notes and the need to maintain a just equilibrium between the principal systems of law in the final text.

27. As regards the question whether it would be desirable to prepare uniform rules applicable to international cheques, many representatives noted with approval the decision of the Working Group on International Negotiable Instruments, endorsed by the Commission, to request the Secretary-General to make inquiries regarding the use of cheques for making and receiving international payments and to examine the problems presented, under current commercial practice, by divergencies between the rules of the principal legal systems.

28. Some representatives expressed the view that the role of cheques in international payments was such as to warrant the preparation of a uniform law on international cheques. Other representatives were of the opinion that cheques were of marginal importance in international payments, and therefore should not form the subject of new uniform rules.

29. With respect to bankers' commercial credits, several representatives referred to the importance of the revision of the "Uniform Customs and Practice for Documentary Credits", at present being undertaken by the International Chamber of Commerce (ICC). The hope was expressed that, in its work of revision, ICC would also take account of the views of the governments and banking and trade institutions of countries not represented in ICC. One representative stated that it was regrettable that ICC was not making very rapid progress in its work and was not fully carrying out the Commission's recommendations. Another representative suggested that the Commission should consider the desirability of unifying the legal regulations governing documentary credits which were subject to special laws in only a few countries.

30. One representative suggested that the Commission should in due course examine the degree of the intervention of banks in international trade with a view to drafting a uniform law on various aspects of banking activities.

E. International legislation on shipping

31. All representatives who took the floor commended the Commission on its work on the responsibility of ocean carriers under bills of lading. The view was expressed that the results achieved by the Working Group on International Legislation on Shipping represented a well-balanced compromise between the different interests engaged in maritime trade. It was also stated that the establishing of uniform rules governing the carriage of goods under bills of lading was particularly important for countries that had few or no merchant ships. Several representatives urged that the Commission should give priority to its work on this topic.

32. Some representatives considered that, in order to ensure the widest possible adherence to the rules to be established, it would be better to prepare a new convention than to add a further Protocol amending the Brussels Convention for the Unification of Certain Rules relating to Bills of Lading of 1924 and the Brussels Protocol of 1968. One representative expressed the opinion that the Commission itself should not draft a new Convention to replace the 1924 Brussels Convention.

33. One representative expressed the view that it appeared to be desirable to co-ordinate the rules of the conventions on the transport of goods by the various means of transport.

F. International commercial arbitration

34. Many representatives welcomed the decision of the Commission to commence work on a draft set of arbitration rules for optional use in ad hoc arbitration relating to international trade. One representative, however, stated that there were now sufficient instruments on the subject. The view was expressed that it was important to secure, by way of legislation, the freedom of the parties and of the arbitration tribunal to decide on matters of procedure. It was suggested that the Commission, in preparing arbitration rules, should take into consideration the Convention on the settlement by arbitration of disputes resulting from economic, scientific and technical co-operation signed by the member States of the Council for Mutual Economic Assistance in 1972.

35. All representatives who spoke on the subject supported the Commission's recommendation that the General Assembly invite States which have not ratified, or acceded to, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 to adhere thereto.

36. Several representatives noted with approval the Commission's invitation to the United Nations Economic Commission for Europe to draw the attention of States eligible to accede to it to the European Convention on International Commercial Arbitration of 1961. One representative expressed the view that the Agreement of 1962 relating to Application of the European Convention on International Commercial Arbitration should have been included in that invitation. Some representatives reserved their position on the question whether it was proper for the Commission to promote ratification of, or accession to, conventions that were essentially of a regional character. In this connexion, it was stated that it might be more appropriate to invite the Economic Commission for Europe to consult with other regional economic commissions and to solicit their views with respect to the further harmonization and unification of the law relating to commercial arbitration.

37. Some representatives were of the opinion that co-operation among arbitration organizations should be left to these organizations themselves, and that the Commission should neither promote nor sponsor the establishment of an international organization of commercial arbitration.

38. Some representatives supported and others expressed doubts about the proposal, set forth in the final report of the Commission's Special Rapporteur, that the Commission should publish a compilation of arbitral awards relating to international trade.

G. Training and assistance in the field of international trade law

39. Representatives who took the floor on the subject welcomed the Commission's decision to request the Secretary-General to accelerate and intensify the activities relating to the programme of training and assistance in the field of international trade law, with special regard to the needs of developing countries. They particularly welcomed the request for the organization of an international symposium on the role of universities and research centres in that field in connexion with the Commission's eighth session in 1975. It was stated that the training of specialized personnel was of particular importance for developing countries and that the implementation of a comprehensive programme would assist these countries to remove one of the most serious deficiencies in the field of international trade.

40. The view was expressed that the Commission also should give serious consideration to the production of teaching materials in international trade law, the inclusion of international trade law in university curricula, encouraging the establishment of fellowships for nationals of developing countries, and the organization of seminars.

41. Many representatives emphasized that it was important for the Commission to work in close co-operation with other organizations, particularly the United Nations Conference on Trade and Development (UNCTAD), the United Nations Institute for Training and Research (UNITAR) and the Inter-Governmental Maritime Consultative Organization (IMCO).

42. Several representatives expressed their appreciation to those Governments which had made voluntary contributions for the implementation of the Commission's programme of training and assistance. The hope was expressed that other Governments would follow suit. It was suggested, in this connexion, that the problem of subsidizing travel expenses and subsistence allowances of nationals of developing countries attending international symposia or seminars could be minimized if some of the symposia or seminars were held in developing countries.

H. Multinational enterprises

43. Note was taken of the preparation by the Secretary-General of a questionnaire designed to obtain information on legal problems presented by multinational enterprises. Several representatives stated that the questionnaire was under careful consideration by the competent authorities in their countries. The view was expressed that the information so obtained would not be of much use, until the studies undertaken by UNCTAD, the Economic and Social Council and the International Labour Organisation were sufficiently advanced and until the general problems presented by multinational enterprises were defined.

44. Some representatives stated that the problems arising from the operation of multinational enterprises arose not so much in the legal as in the economic sphere. In this connexion, it was emphasized that the work of the Commission should supplement the work of other United Nations bodies such as the Economic and Social Council and UNCTAD. However, the view was also expressed that the work of the Economic and Social Council and that of the Commission did not conflict with each other and that the studies being undertaken under the auspices of the Economic and Social Council should not be used as an excuse for delaying the Commission's work on the subject. It was also stated that the activities of multinational enterprises could not easily be fitted into the existing legal framework and the problems could not be solved by having recourse to the rules of conflict of laws. Consideration might therefore be given to the development of a set of international regulations governing certain of those activities, with due attention to the safeguarding of national sovereignty, to the desirability of giving statutory guaranties to parties dealing with multinational enterprises who lack their considerable economic power, and to ensuring the efficient use of world resources.

I. Establishment of a union of "jus commune" in matters of international trade

45. Many representatives commented on the proposal by the French delegation to the Commission for the establishment of a union of jus commune, which was designed to promote ratification and entry into force of conventions in the field of international trade law. It was recognized that the proposal dealt with a real problem, namely, that of the need to find a way of accelerating the process by which conventions would be applied in practice. The view was expressed that the proposal was perhaps premature, but that it should be borne in mind as an objective to be achieved in the future. Several representatives stated, however, that they could not support a proposal whereby States would be deemed to have consented to international conventions by their silence, particularly when they had not been involved in the framing of such conventions.

46. It was generally considered that the decision of the Commission to request a report examining the causes of delay in ratification of or adherence to international conventions and the means of accelerating such ratification or adherence could provide a basis for further deliberations on the subject.

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47. The view was expressed that a system requiring Governments to report on steps taken by them with regard to ratification could be efficacious in that it would counteract the administrative inertia which was one of the major reasons for non-ratification of conventions.

48. Some representatives were of the opinion that the general question of ratification of conventions fell within the competence of the International Law Commission.

J. Future work

49. The representative of Norway proposed that the Commission should include a new item in its priority work programme, namely, harmonization of the law on producers' civil liability for damage caused by their products intended for or involved in international sale or distribution. In explanation of the proposal, it was stated that the consequences of dangerous qualities of manufactured products had increased greatly and that the problems that arose in this connexion were not necessarily linked to the contract between seller and buyer. With the increase of marketing and distribution of mass-produced goods across national frontiers and between the different continents of the world, damage caused by such products and the protection of consumers was of international concern. In the opinion of the representative of Norway, there was an urgent need for international harmonization in the field in order to facilitate international trade by a unified system of liability standards. In view of the fact that legislative action on the subject was in most countries still in the preparatory or initial stages, such harmonization would avoid the development of diverging laws and a possible distortion of the terms of trade.

50. Several representatives supported the proposal made by the delegate of Norway and expressed the hope that a draft convention on the subject could be prepared. It was pointed out that any international rules on the international sale of goods would be incomplete without rules on the producers' civil liability.

51. Other representatives, while expressing appreciation for the proposal, were of the opinion that the Commission should either not take up new items until it had disposed of the substantive items already on its agenda or given it a low order of priority.

IV. VOTING

52. At the 1445th meeting, on 23 November, the Sixth Committee, at the request of the representative of Uruguay, took a roll-call vote on the amendment proposed by Kuwait (see paragraph 8 above) to operative paragraph 8 of the draft resolution (A/C.6/L.952/Rev.1). In explanation of his request, the representative of Uruguay, on behalf of the Latin American Group, stated that the members of his Group would vote against the amendment on the ground that it was contrary to the principle of geographical distribution of seats in the Commission ensuring the adequate representation of the various regions. The representative of Uruguay also stated that the position taken by the Latin American Group should not be interpreted as an opposition to the aspirations of the Asian Group and that, if the amendment were approved, it should not constitute a precedent. The amendment was adopted by 79 votes to 14, with 7 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Austria, Bahrain, Belgium, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chad, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan, Kenya, Khmer Republic, Kuwait, Laos, Lesotho, Libyan Arab Republic, Madagascar, Mali, Mongolia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yemen, Yugoslavia, Zaire, Zambia.

Against: Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Peru, Trinidad and Tobago, Uruguay, Venezuela.

Abstaining: Australia, Bahamas, Dahomey, Guyana, Israel, Portugal, Spain.

Explanations of vote were given by the representatives of Australia, Cuba, Dahomey, Israel, Paraguay, Spain, United Arab Emirates.

53. At the same meeting, the draft resolution as a whole, as amended, was adopted by 95 votes to none, with 6 abstentions (see paragraph 54 below).

V. RECOMMENDATION OF THE SIXTH COMMITTEE

54. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

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 sixth session, 5/

Recalling its resolution 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,

Further recalling its resolutions 2421 (XXIII) of 18 December 1968, 2502 (XXIV) of 12 November 1969, 2635 (XXV) of 12 November 1970, 2766 (XXVI) of 17 November 1971 and 2928 (XXVII) of 28 November 1972 concerning the reports of the United Nations Commission on International Trade Law on the work of its first, second, third, fourth and fifth sessions,

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 and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Being convinced that wider participation of States in the work of the United Nations Commission on International Trade Law would further the progress of the Commission's work,

Bearing in mind that the Trade and Development Board, at its thirteenth session, took note with appreciation of the report of the United Nations Commission on International Trade Law, 6/

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its sixth session;

2. 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;

5/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 17 (A/9017).

6/ A/9015 (part III), para. 558.

3. Requests the United Nations Commission on International Trade Law, whenever the Commission considers it appropriate, to incorporate the reports or summaries of the reports of its Working Groups in the reports on the work of its future sessions;

4. Notes with satisfaction the decision of the United Nations Commission on International Trade Law to organize, in connexion with the eighth session of the Commission, an international symposium on the role of universities and research centres in the teaching, dissemination and wider appreciation of international trade law, and to seek voluntary contributions from Governments, international organizations and foundations to cover the cost of travel and subsistence of participants from developing countries;

5. Invites States which have not ratified or acceded to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 to consider the possibility of adhering thereto;

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

(a) Continue in its work to pay special attention to the topics to which it has decided to give priority, that is, the international sale of goods, international payments, international commercial arbitration and international legislation on shipping;

(b) Continue to consider the legal problems presented by different kinds of multinational enterprises in accordance with the decision thereon adopted by the Commission at its sixth session;

(c) Accelerate its work on training and assistance in the field of international trade law, with special regard to the promotion and teaching of international trade law at universities, taking into account the special interests of the developing countries;

(d) Continue to collaborate with international organizations active in the field of international trade law;

(e) Continue to give special consideration to the interests of developing countries and to bear in mind the special problems of land-locked countries;

(f) Keep its programme of work and working methods under review with the aim of increasing the effectiveness of its work;

7. Invites the United Nations Commission on International Trade Law to consider the advisability of preparing uniform rules on the civil liability of producers for damage caused by their products intended for or involved in international sale or distribution, taking into account the feasibility and most appropriate time therefor in view of the other items on its programme of work;

8. Decides to increase the membership of the United Nations Commission on International Trade Law from 29 to 36 in accordance with the following rules:

(a) The seven additional members of the Commission shall be elected by the General Assembly for a term of six years, except as provided in subparagraph (c) below;

(b) In electing the additional members, the Assembly shall observe the following distribution of seats:

- (i) Two from African States;
- (ii) Two from Asian States;
- (iii) One from Eastern European States;
- (iv) One from Latin American States;
- (v) One from Western European and other States;

(c) Of the additional members elected at the first election, to be held at the twenty-eighth session of the General Assembly, the terms of three members shall expire at the end of three years; the President of the General Assembly shall, by drawing lots, select these members as follows: (i) one from those elected from African States; (ii) one from those elected from Asian States; (iii) one from those elected from other regions;

(d) The additional members elected at the first election shall take office on 1 January 1974;

(e) The provisions of section II, paragraphs 3 to 5, of General Assembly resolution 2205 (XXI) shall also apply to the additional members;

9. Requests the Secretary-General to forward to the United Nations Commission on International Trade Law the records of the discussions at the twenty-eighth session of the General Assembly on the Commission's report on the work of its sixth session.
