

44. Article 18 should be deleted, since the nexus between the predecessor State and the treaty was very weak. A State could not ratify or approve the signature of another State. It would be more useful to study the situation in which the predecessor State had had the right to accede to a treaty, particularly a restricted treaty, but had not exercised that right.

45. With reference to article 19, he felt that it would be useful to study the question of objection by the predecessor State to reservations by third States, as well as the objection of the newly independent State.

The meeting rose at 12.15 p.m.

1531st meeting

Monday, 6 October 1975, at 3.15 p.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1531

AGENDA ITEM 110

Report of the United Nations Commission on International Trade Law on the work of its eighth session (*continued*) (A/10017, A/C.6/L.1016, A/C.6/L.1017)

1. Mr. NORDTØMME (Norway) congratulated the United Nations Commission on International Trade Law (UNCITRAL) on the progress made at its eighth session and expressed his appreciation to the Chairman of UNCITRAL for his excellent introduction of its report (A/10017).

2. Norway was a carrier of goods between most countries, and had one of the world's highest levels of foreign trade activity *per capita*, and the harmonization and unification of international trade law were consequently of special importance to his country, which was a member of UNCITRAL and an active participant in its deliberations.

3. His Government favoured the established working methods of UNCITRAL, which seemed able to accomplish its tasks in a constructive atmosphere through the time-saving use of working groups, which enabled UNCITRAL to reach all of its decisions by consensus.

4. His Government intended soon to sign the 1974 Convention on the Limitation Period in the International Sale of Goods,¹ the only Convention produced thus far by UNCITRAL. His Government wished to draw attention to the Secretary-General's invitation to all States to submit comments on the draft Convention on the Carriage of Goods by Sea by October 1975, so that UNCITRAL could take into account the remarks of as many States as possible and realistically finalize the text, which would be of great importance as the basis for a future diplomatic conference.

5. In most countries the national law relating to the important matter of liability for damage caused by products intended for or involved in international trade was often ambiguous or even undeveloped and he therefore hoped that UNCITRAL at its tenth session would prepare a

new set of rules which might have the effect of developing national law, thus benefiting both the international community and the consumers.

6. With regard to the inclusion of new items in the agenda of UNCITRAL, his Government shared the view that it seemed premature to entrust UNCITRAL with more tasks at the present stage and suggested that the Committee revert to the question when UNCITRAL had completed more of its current tasks. He expressed the hope that the Committee would, during the current session of the General Assembly, reach by consensus a resolution reflecting the various recommendations of UNCITRAL.

7. Mr. ESGUERRA (Philippines) commended the Chairman of UNCITRAL for his very comprehensive and useful introduction of the report.

8. With regard to the international sale of goods, his delegation believed that the revised text of the Uniform Law on the International Sale of Goods (ULIS) annexed to the 1964 Hague Convention should be drafted in the form of a convention rather than as a uniform law annexed to a convention. That arrangement would avoid numerous reservations which might tend to minimize the value of the convention and unduly limit its field of application. The new convention should only adopt existing provisions of other conventions, such as the Convention on the Limitation Period in the International Sale of Goods, where such adoption would not lead to an inappropriate result. It would be desirable for the new convention and any codification relating to the formation and validity of contracts of sale to be considered at the same conference, provided both texts were ready, and embodied in the same convention.

9. With regard to general conditions of sale and standard contracts, his delegation welcomed the establishment of a study group composed of representatives of various concerned regional organizations. The practical need for a draft set of general conditions proceeded from the idea that the general conditions applicable to a wide range of commodities might also be applicable to a law of sales. Such general conditions for use in specific trades or for specific commodities could, however, correspond to commercial needs only if a desire for such conditions had been

¹ See *Official Records of the United Nations Conference on Prescription (Limitation) in the International Sale of Goods* (United Nations publication, Sales No. E.74.V.8), document A/CONF.63/15.

expressed by the trade concerned. It was therefore appropriate to establish a group to study the matter.

10. With regard to international legislation on shipping, his delegation joined others in congratulating the Working Group concerned on its expeditious and successful completion of a new draft Convention on the Carriage of Goods by Sea.

11. His delegation supported the proposals designed to seek information relating to legal problems presented by the different kinds of multinational enterprises and the implication thereof for the unification and harmonization of international law. UNCITRAL should study the legal issues on which it might take action on its own in close co-ordination with the Commission on Transnational Corporations.

12. His delegation continued to believe that the work of UNCITRAL and decision-making should be based on consensus. It supported the programme of work of UNCITRAL, including the proposed date and the duration of its ninth session, and commended it for its praiseworthy efforts in connexion with the holding of international trade law symposiums.

13. Mr. STANFORD (Canada) congratulated UNCITRAL and its Chairman on the work completed during the past year. He was glad to hear that some of the complex subjects studied by UNCITRAL and its working groups over the past years would soon be ready for consideration by a diplomatic conference.

14. Although Canada was not a member of UNCITRAL, it was particularly interested in two items on its agenda, namely international legislation on shipping and multinational enterprises. His Government had participated actively in the work of the Working Group on International Legislation on Shipping and wished to congratulate the Group on its preparation of the draft Convention on the Carriage of Goods by Sea, which was currently being discussed by his Government and the Canadian private sector, with a view to the preparation of comments for consideration by UNCITRAL.

15. The fact that the Commission on Transnational Corporations had already identified for study several items with significant legal aspects confirmed the view of his delegation that UNCITRAL had an important role to play in the work to be done by the United Nations in relation to multinational enterprises. His delegation therefore welcomed UNCITRAL's readiness to co-operate with the Commission on Transnational Corporations. It was important that the United Nations ensure that multinational enterprises played an appropriate role in the economic development of the developing countries. The experience of Canada confirmed the considerable contribution which those enterprises could make to the economies of those countries in which they invested their substantial resources. That same experience also confirmed the need for adequate regulation of the enterprises to ensure that their activities were consistent with host country development policies and objectives. The law obviously had an important contribution to make to the development of such a regulatory framework and UNCITRAL should assign a high priority to

items referred to it by the Commission on Transnational Corporations.

16. Mr. ENKHSIAKHAN (Mongolia) said that the current world political situation was particularly favourable for the development of international economic co-operation among all States, irrespective of their social and economic systems. Important recent events in Indo-China and Helsinki had opened up new possibilities for the consolidation of international peace and security and created favourable conditions for solving pressing problems of international economic relations, such as the struggle by developing countries to overcome the devastating consequences of colonial and neo-colonial oppression, the restructuring of the existing unequal relations between developing and capitalist countries and the liquidation of discrimination in international trade. The decisions of the sixth and the seventh special sessions of the General Assembly had made a positive contribution to the development of just international economic relations.

17. With regard to chapters II and III of the report of UNCITRAL, his delegation welcomed the considerable progress made by the Commission in its work and approved of its decision to request the Secretary-General to complete the "Study on security interests"² by including the law of additional countries, in particular of the socialist States of Eastern Europe, and to continue, in consultation with interested international organizations and trade and financing institutions, the feasibility study on the possible scope and content of uniform rules on security interests in goods. The question of the formulation of criteria which would identify the international trade transactions to which the proposed uniform rules would apply, as well as other serious problems arising from questions relating to liability for damage caused by products intended for or involved in international trade, needed additional study by the Secretariat.

18. With regard to chapter IV of the report, his delegation felt that the Working Group on International Legislation on Shipping had successfully fulfilled the task assigned to it at its seventh and eighth sessions and supported the decision of UNCITRAL to examine the draft Convention on the Carriage of Goods by Sea at its ninth session.

19. With regard to chapter V, his delegation felt that UNCITRAL had acted wisely in agreeing to concentrate on the basic concepts underlying the preliminary draft set of arbitration rules and the major issues dealt with in the individual articles. The Secretary-General, in accordance with the Commission's request, should prepare a revised draft set of arbitration rules, taking into account observations made by various governmental and non-governmental organizations as well as those made at the Commission's eighth session. The provisions of the Convention on the Settlement through Arbitration of Disputes arising from Activities relating to Economic, Technical and Scientific Co-operation, concluded by the States members of the Council for Mutual Economic Assistance in 1972, for example, could further contribute to the formulation of a draft set of arbitration rules for optional use in *ad hoc* arbitration relating to international trade.

20. With regard to chapter VI he expressed the hope that the detailed draft programme of work in relation to multinational enterprises to be submitted by the Commission on Transnational Corporations and the Information and Research Centre on Transnational Corporations would identify specific legal issues to be considered by UNCITRAL. His delegation supported UNCITRAL's decision to maintain the item on multinational enterprises on its agenda and to defer the elaboration of its programme of work on the item pending the identification of specific legal issues by the Commission on Transnational Corporations.
21. Mr. SIMANI (Kenya) congratulated UNCITRAL and its Chairman on their excellent work and report.
22. With regard to the international sale of goods, his delegation approved of the decision of the Working Group concerned to produce a draft convention rather than a uniform law attached to a convention. When completed by the Working Group the draft Convention on the International Sale of Goods should be referred to Governments for their comments and observations before a diplomatic conference was convoked to consider the adoption of the Convention. His delegation welcomed the decision of the Working Group to take up the question of general conditions of sale and standard contracts and formation and validity of contracts of sale at a later stage.
23. With regard to international payments, his delegation noted with satisfaction that the Working Group on International Negotiable Instruments had already considered a number of draft articles for a uniform law on international bills of exchange and international promissory notes. He suggested that the question of cheques should be considered together with that topic and that uniform rules of law should be produced at the same time, if possible. His delegation appreciated the work being carried out by the Commission in co-operation with the International Chamber of Commerce (ICC) on other related topics.
24. With regard to international legislation on shipping, his Government hoped soon to submit its comments and observations on the draft Convention on the Carriage of Goods by Sea.
25. It would be desirable for UNCITRAL and the Commission on Transnational Corporations to work in collaboration on the important topic of multinational enterprises.
26. With respect to training and assistance in the field of international trade law, his Government wished to express its appreciation to the countries which had made it possible for participants from developing countries, including a participant from the University of Nairobi, to attend the symposium on the role of universities and research centres with respect to international trade law by contributing to their expenses.
27. His delegation agreed to the proposal by UNCITRAL that it complete work on the topics it was currently considering before adopting new topics.
28. Mr. MUSEUX (France) complimented UNCITRAL on the work which it and its Working Groups had done and which, save for a few exceptions, was very constructive.
29. With regard to the international sale of goods, his Government, which thought that ULIS was adapted to the needs of international trade, nevertheless noted with satisfaction the significant progress which UNCITRAL had made in respect of the revision of the text. A widely accepted convention would be of great economic importance and his delegation therefore hoped that the work would be highly successful.
30. On the subject of general conditions of sale and standard contracts, the current approach taken by UNCITRAL, which consisted in drawing up a set of "general" general conditions that would be applicable to a wide range of commodities, did not seem to his delegation to meet the needs of commercial circles. It would be more realistic and useful to produce a number of standard clauses, each adapted to a category of commodities. Furthermore, UNCITRAL should be guided to a greater extent by the work done in that area by the Economic Commission for Europe.
31. His delegation was happy to note the progress made with regard to the draft uniform law on international bills of exchange and international promissory notes. It welcomed in particular the results achieved with regard to documentary credits, since the work had led to a new text of "Uniform Customs and Practice for Documentary Credits", which would now be applied by banks in a great number of countries. His delegation was also pleased to see the fruitful co-operation established in that area between UNCITRAL and ICC. It welcomed the study on security interests, but regretted that the text had been circulated only in English. It was necessary for all delegations to be able to familiarize themselves with that text.
32. He welcomed the fact that the Working Group on International Legislation on Shipping had been able to complete its work so rapidly, so that UNCITRAL would be able to consider the draft Convention on the Carriage of Goods by Sea at its ninth session.
33. With regard to the question of international commercial arbitration, his delegation congratulated the Secretary-General on the valuable work accomplished and welcomed the fact that the uncertainties which had existed between *ad hoc* arbitration and "administered arbitration" had been removed. It hoped that the arbitration rules, as finally drawn up, would enjoy broad recognition and therefore be used to the widest possible extent.
34. Ever since the inclusion of the question of multinational enterprises in the agenda of UNCITRAL, his delegation had had doubts about the possibility of pinpointing problems which were strictly legal in relation to those already being examined by the United Nations Conference on Trade and Development, the International Labour Organisation and now the Economic and Social Council through its Commission on Transnational Corporations. The desire to avoid duplication, as well as the essentially economic nature of the problems posed by the existence of multinational enterprises, led his delegation to believe that UNCITRAL was not the appropriate forum to deal with the question, at least in the near future.
35. The question of liability for damage caused by products intended for or involved in international trade was

one of the agenda items which gave rise to reservations on the part of his Government, which considered that UNCITRAL should deal only with subjects which reflected a need that was clearly felt in all parts of the world and in all legal systems. That did not apply in the case in question. He noted that there was a 1973 Hague Convention relating to conflicts of laws and that at the European level the question of liability for damage caused by products had been the subject of a convention within the framework of the Council for Europe as well as of a directive of the European Economic Community. Furthermore, his delegation believed that UNCITRAL had adopted an unduly ambitious approach in the matter, in that it had set itself the goal of drawing up uniform rules at the world level. Yet, it sufficed for an important State to reject those rules for the enterprises of States which had accepted them to find themselves in an unfavourable competitive situation on international markets.

36. Mr. LOPUSZAŃSKI (Poland) said that his delegation wished to stress the importance of the activities of UNCITRAL. In fact, his country was among the few States which had signed the Convention on the Limitation Period in the International Sale of Goods of 1974. His delegation was pleased with the work of UNCITRAL and noted that the Working Group concerned had been able to complete its work on a draft Convention on the Carriage of Goods by Sea, which would be considered by UNCITRAL at its ninth session. The work on the draft Convention on the International Sale of Goods was in its final stages and considerable progress had been made with respect to the draft convention on a draft uniform law on international bills of exchange and international promissory notes.

37. His delegation had noted with satisfaction that fruitful co-operation had been established between UNCITRAL and ICC, thereby enabling experts from countries whose Chambers of Commerce were not members of ICC to participate in the latter's work. Thus, experts from the socialist countries had been able to participate in the revision of the text of "Uniform Customs and Practice for Documentary Credits", adopted in 1974. Experts from the socialist countries had also participated in the work of ICC on a matter of vast importance for the conduct of international trade, namely bank guarantees.

38. His delegation supported the view that in the work on security interests, account must be taken of the legislation, practices and legal doctrines of the socialist countries.

39. His delegation was pleased to note that the work on a draft set of arbitration rules for optional use in *ad hoc* arbitration relating to international trade had entered its final phase. In that regard, he endorsed the decision to submit the draft rules for the consideration of the Fifth International Arbitration Congress, held at New Delhi in 1975.

40. His delegation believed that UNCITRAL should continue its work on the problem of multinational enterprises. The problems and difficulties caused in certain countries as a result of the activities of such enterprises were well known.

41. His delegation also favoured continuation of the work on liability for damage caused by products intended for or

involved in international trade. The problem was not solely economic but also social in nature, since it had a deeply human aspect which could not be overlooked.

42. He expressed his delegation's satisfaction at the decision by UNCITRAL to sponsor further symposia on international trade law. In that regard, he noted that at the 1975 symposium, eight representatives, including one from Poland, had given lectures.

43. Mr. ROSENSTOCK (United States of America) commended UNCITRAL on its serious methods of work and noted the constructive and beneficial relationship that had been established between it and other bodies such as ICC and the International Institute for the Unification of Private Law. The Convention on the Limitation Period in the International Sale of Goods adopted by a diplomatic conference the previous year was the harbinger of a series of conventions designed to eliminate obstacles arising from legal divergencies to the growth of international trade.

44. His delegation welcomed the decision by UNCITRAL to have the Working Group on the International Sale of Goods complete its revision of ULLIS early in 1976. In six sessions, the Working Group had substantially completed a first reading of a draft Convention on the International Sale of Goods. Although some issues remained to be resolved, the broad contours were already apparent. For example, the decision had been made that the revised text should be in the form of an integrated convention rather than a uniform law attached to a convention. In his delegation's opinion, that was a sound approach. His delegation also supported the Working Group's decision that, where appropriate, it would in principle be desirable to follow to the largest extent possible formulations incorporated in the Convention on the Limitation Period in the International Sale of Goods.

45. On the question whether the proposed Sales Convention and the rules on the formation and validity of contracts of sale should be incorporated in a single convention or whether the rules should be the subject of a separate convention, his delegation was in favour of the latter course. With regard to the related question whether the conference of plenipotentiaries at which the Sales Convention would be considered should also examine the separate convention on formation, his delegation supported the agreement by UNCITRAL to defer a decision until the tenth session, at which time all pertinent data would be available.

46. His delegation noted with pleasure that the Working Group on International Negotiable Instruments had made substantial progress during the previous year. Although some issues remained unresolved, the Working Group had considered three quarters of the articles in the draft uniform law prepared by the Secretariat. His delegation hoped that that rate of progress would continue and that the Group would complete the first reading of the articles at its meeting in February 1976. Completion of the work at that time would make possible compliance with the programme of work established at the seventh session of UNCITRAL, namely that the draft should be completed in sufficient time to permit full consideration by Governments in advance of the eleventh session of UNCITRAL, at which the draft articles would be examined in detail.

47. With regard to the draft uniform law on international bills of exchange and international promissory notes, his delegation supported the decision by UNCITRAL to request the Secretary-General to make inquiries regarding the use of cheques for settling international payments, in order to determine whether, in that context, legal problems arose similar to those posed by international bills of exchange. In that connexion, his delegation expressed its appreciation of the contribution made so far to the work of UNCITRAL by its study group on that subject, which was composed of experts provided by interested international organizations and banking and trade institutions, and expressed the hope that they would continue to assist UNCITRAL in its work.

48. The adoption of a draft Convention on the Carriage of Goods by Sea by the Working Group on International Legislation on Shipping was a significant achievement. His delegation looked forward to participating in the continuing work on the subject at the ninth session of UNCITRAL, at which all its members would have an opportunity of participating in an article-by-article examination of the Convention.

49. His delegation thought that UNCITRAL had acted wisely with regard to the question of multinational enterprises. The approach taken reflected a recognition of the central role of the Commission on Transnational Corporations in examining the question and the important role which UNCITRAL could perform with respect to its legal aspects. His delegation was confident that UNCITRAL's high standard of professionalism and its tradition of eschewing political propaganda would ensure that when it dealt with that question it would take full account of the fact that the scope of concern included enterprises which were private, State-owned and of mixed ownership. His delegation's only regret in that connexion was the unwarranted propaganda remarks which some delegations had seen fit to make. Their comments were a disservice to UNCITRAL and also had the effect of diverting the United Nations from serious efforts being made to deal with important issues arising in connexion with multinational enterprises.

50. The advanced state of the work on the preliminary draft set of arbitration rules for optional use in *ad hoc* arbitration relating to international trade and the substantial consensus on suggestions for improvement had led UNCITRAL at its eighth session to request the Secretary-General to prepare a revised draft of the rules, taking into account the debate at that session. His delegation hoped that the revised draft would be available to Governments before the end of 1975 so that they could consult their national arbitration experts and experienced businessmen well in advance of the debate to take place at the ninth session of UNCITRAL. If that schedule was met, his delegation hoped that the work of UNCITRAL on that important subject would be concluded in the spring of 1976.

51. Mr. VALLADÃO (Brazil) thanked the Chairman of UNCITRAL for his introduction of the report on the work of its eighth session.

52. It was gratifying to note the progress being made with regard to the harmonization and unification of interna-

tional trade, since the removal of legal obstacles in that field helped to improve the standards of living of all peoples. It was also gratifying to note that the consideration by UNCITRAL of the questions of the international sale of goods and the carriage of goods by sea had already reached a fairly advanced stage. Its members were to be congratulated on their efforts.

53. With regard to the international sale of goods, his delegation considered it advisable, for the sake of uniformity and interpretation, that the formulations in the Convention on the Limitation Period in the International Sale of Goods should be followed as far as possible in the draft Convention on the International Sale of Goods. He endorsed the decision by UNCITRAL to seek comments from Governments and interested organizations before embarking on a final review of the draft. The establishment of general conditions of sale and standard contracts might prove very useful in facilitating transactions between new partners or partners accustomed to different commercial practices. However, the studies and consultations with interested commercial circles should take into account the progress made in the projected Convention on the International Sale of Goods so as to avoid unwelcome conflicts or duplication.

54. With regard to international payments, his delegation was gratified at the results of the third session of the Working Group on International Negotiable Instruments. The fruitful exchanges between UNCITRAL and non-governmental organizations such as ICC with regard to bankers' commercial credits and bank guarantees were also to be commended.

55. The adoption, after several years of careful analysis by the Working Group concerned, of a draft Convention on the Carriage of Goods by Sea was a major achievement. With the continuous expansion of maritime trade, an updating of rules governing the liability of carriers was most timely. In such an exercise, an overriding consideration was the effective strengthening of the protection of the partners with regard to the conditions of safety of goods, without imposing excessive insurance charges. His delegation agreed that the draft Convention should be discussed by UNCITRAL in the light of the comments to be presented by Governments and international organizations.

56. His delegation supported the decision by UNCITRAL to establish, at its ninth session, a Committee of the Whole to consider the revised set of optional arbitration rules. That action was justified by the preliminary deliberations on the matter, as set out in annex I to the report. It was his delegation's view that well-balanced rules would play a positive role in giving parties engaged in international transactions confidence in the speedy and equitable settlement of their contractual disputes.

57. He complimented those who had contributed to the first symposium on international trade law, including the Governments of Austria, the Federal Republic of Germany, Norway and Sweden for the funds they had made available to cover the travel costs of participants from developing countries, and the members of UNCITRAL who had spared no efforts to give lectures, without prejudice to their duties in UNCITRAL. Over the past two years, his delegation had

followed with great interest the preparations for that event and was gratified that it had lived up to expectations.

58. Mr. ABUL-KHEIR (Egypt) commended UNCITRAL on the excellent work it had done, and expressed the hope that it would be able to carry out its future work in the same spirit of co-operation and mutual understanding.

59. His delegation had always attached great importance to the participation as observers of representatives from non-governmental and governmental organizations, who throughout the years had made a positive contribution to the work of UNCITRAL. His country had participated in the deliberations of UNCITRAL for some time and had thus been able to express its views on a number of items before that body. His delegation was pleased with the progress of the work on ULIS. He hoped that in considering the draft Convention on the International Sale of Goods, UNCITRAL would take into account the situation of developing countries which had long suffered from a balance-of-payments deficit.

60. His delegation agreed with the remarks of the Chairman of UNCITRAL regarding the great importance of the question of international legislation on shipping. There was no doubt that comments by States on the draft Convention on the Carriage of Goods by Sea would lead to a well-balanced and definitive text.

61. In his delegation's view, it would be well for UNCITRAL to await the results of the studies of the Economic and Social Council on multinational enterprises. It would then be able to pinpoint the specific legal issues which it should consider.

62. Mr. CEAUSU (Romania) thanked the Chairman of UNCITRAL for his very instructive statement on the work of UNCITRAL and its Working Groups.

63. For Romania, as for all developing countries, the normal conduct of trade and co-operation with other States was necessary for economic and social progress. Consequently, Romania favoured the expansion of trade and co-operation with all countries. His Government hoped that UNCITRAL would make an even greater contribution to the improvement of international trade law by drawing up uniform rules and preparing new instruments, taking account of current concerns, with a view to establishing a new system of international economic relations.

64. Both UNCITRAL and its Working Groups had made appreciable progress in their work. In that connexion, it might be useful for the General Assembly to review the programme of work of UNCITRAL in the light of recent decisions concerning the establishment of a new international economic order, to establish appropriate priorities and to provide UNCITRAL with new guidelines for its future work.

65. His delegation congratulated UNCITRAL on the progress made in the preparation of a draft Convention on the Carriage of Goods by Sea, and was pleased to note that UNCITRAL had finally decided to draw up a new Convention instead of revising the rules contained in the International Convention for the Unification of certain

Rules relating to Bills of Lading completed in Brussels in 1924. In view of the economic importance of the instrument in question, the Commission's decision to transmit the draft text to Governments and interested international organizations for comments was very sound. He expressed the hope that UNCITRAL would be able, at its next session, to complete its work on the draft Convention so that the General Assembly could convene a diplomatic conference for its adoption as soon as possible.

66. His delegation noted with satisfaction that UNCITRAL had begun its consideration of the preliminary draft set of arbitration rules. In view of the importance of international arbitration in the promotion of international trade, UNCITRAL should speed up its work on the question with a view to drawing up standard rules of arbitration and thus unifying national rules in that field. Furthermore, in view of the interest shown by business and scientific circles in being informed of arbitration practice in different countries, it would be worth while publishing a compilation of arbitration awards or, at least, periodic studies of identified trends, as suggested by the Special Rapporteur in paragraph 185 of his 1972 report on international commercial arbitration.³

67. His delegation had expected more substantial progress to be made with regard to the draft Convention on the International Sale of Goods, on the preparation of "general" general conditions of sale and standard contracts and on international payments. He expressed the hope that UNCITRAL would accelerate its work on the drafts relating to the international sale of goods so that international instruments acceptable to all States could be adopted as soon as possible.

68. His delegation congratulated UNCITRAL on the holding of a symposium on the role of universities and research centres with respect to international trade law and supported the decision to hold another symposium in 1977. The Secretariat of the United Nations should use every means to ensure broader participation in that symposium and in other training activities in the field of international trade law. In that connexion, he thanked the Governments of Austria, Belgium, Norway, the Federal Republic of Germany and Sweden for their voluntary contributions to the symposium. He expressed the hope that the United Nations Institute for Training and Research would make a more substantial contribution to the holding of seminars on international trade law for persons from developing countries.

69. His delegation was convinced that UNCITRAL would do its best to expedite its work further so as to submit to the Committee drafts which could be transformed into international conventions.

Organization of work

70. Mr. OLMOS (Argentina) proposed that the opening of the Committee's morning meeting on 7 October should be

³ See *Yearbook of the United Nations Commission on International Trade Law*, vol. III (United Nations publication, Sales No. E.73.V.6), "Problems concerning the application of existing multilateral conventions on international commercial arbitration and related matters: report by Mr. Ion Nestor (Romania), Special Rapporteur (A/CN.9/64)", p. 193.

postponed until noon to enable members of the Committee to hear the address to be given by the President of Mexico to the General Assembly.

71. Mr. KRISHNADASAN (Swaziland) supported the proposal of the representative of Argentina and proposed that a similar procedure should be adopted for the afternoon meeting, to enable members of the Committee to hear the statement of the President of Cyprus to the General Assembly.

72. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to postpone the opening of the following day's meetings until the Presidents of Mexico and Cyprus had addressed the General Assembly.

It was so decided.

73. Mr. ROSENSTOCK (United States of America), speaking in a purely personal capacity, said that, while he did not disagree in the least with the decision just taken by the Committee, he hoped that it would not be taken as a general precedent. The Committee had always considered itself as dealing with technical questions and as being able to continue its deliberations concurrently with the debate in the plenary. If the Committee adjourned its proceedings whenever a Head of State addressed the General Assembly, it might find itself very short of time at the end of the session.

74. Mr. OSMAN (Somalia) disagreed with the views expressed by the representative of the United States. The visit of a Head of State to the United Nations to address the General Assembly was a matter of general interest and it was important that members of the Committee, as representatives of their respective countries, should be present when such an address was delivered.

75. Mr. GÜNEY (Turkey) fully supported the view expressed by the representative of the United States. From a practical point of view, it was not possible for the Committee to adjourn whenever a Head of State came to address the General Assembly. His observations should not be taken, however, as reflecting on the decision just taken by the Committee.

76. The CHAIRMAN said that the decision taken by the Committee was not intended to set a precedent, but merely related to the following day's meetings.

77. Mr. MAÏGA (Mali) said that it was the practice of all the Main Committees to adjourn whenever a Head of State took the floor in the General Assembly. The same respect should be shown to all Heads of State, regardless of the country they represented. The Committee was not setting a precedent, but continuing an established practice.

78. Mr. BOOH BOOH (United Republic of Cameroon) agreed that whenever a Head of State visited the United Nations, he should be treated with appropriate courtesy. That was the procedure which had been decided upon by all the other Main Committees and he saw no reason why the Sixth Committee should be an exception.

79. Mr. FUENTES IBAÑEZ (Bolivia) disagreed with the views expressed by the representative of the United States. He informed the Committee that the President of Bolivia was to address the General Assembly on Wednesday, 8 October, and he would be very gratified if members of the Committee could attend the debate on that day. Such a practice was very proper.

The meeting rose at 4.55 p.m.

1532nd meeting

Tuesday, 7 October 1975, at 12.10 p.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1532

AGENDA ITEM 110

Report of the United Nations Commission on International Trade Law on the work of its eighth session (*continued*) (A/10017, A/C.6/L.1016, A/C.6/L.1017)

1. Mr. RAKOTOSON (Madagascar) thanked the Chairman of the United Nations Commission on International Trade Law (UNCITRAL) for his clear and comprehensive introduction of its report.

2. His delegation had studied with great interest the report of UNCITRAL on the work of its eighth session (A/10017). Madagascar, which was situated at a cross-roads, had a particular interest in expanding its trade with as many

countries as possible and it was therefore especially interested in the unification and simplification of the rules and practices of international trade law.

3. The Working Group on the International Sale of Goods had rightly drawn up provisions which were sufficiently flexible to prevent the automatic imposition of penalties in the event of lack of conformity of goods, delays in declaring sales contracts avoided and non-performance of the obligations of one party. His delegation approved UNCITRAL's decision, which was reproduced in paragraph 17 of the report, requesting that the draft Convention on the International Sale of Goods should be transmitted to Governments and interested international organizations for study and comments.