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PROPOSED MEDIUM-TERM PLAN FOR THE PERIOD 1992-1997*

MAJOR PROGRAMME II. IMPLEMENTATION, CODIFICATION AND PROGRESSIVE
DEVELOPMENT OF INTERNATIONAL LAW

Programme 9. International law

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* The present document contains programme 9 of the proposed medium-term plan for the period 1992-1997. The complete medium-term plan will subsequently be issued in final printed form as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1).

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PROGRAMME 9 - INTERNATIONAL LAW

A. Programme

1. General orientation

9.1 The legislative authority for programme 9, International law, is General Assembly resolution 13 (I) of 13 February 1946, which created the Office of Legal Affairs for the purpose of implementing the programme. The responsibilities of the Office are described in the Manual on the Organization of the Secretariat (ST/SGB/Organization of 17 October 1989).

9.2 As stated in Article 1 of the Charter, one of the purposes of the United Nations is "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace". In the light of recent international developments, the Organization has played an increasing role in fulfilling that purpose, thereby furthering a wider application of international law in world affairs.

9.3 The Charter of the United Nations is a multilateral treaty; the United Nations itself is an intergovernmental organization, which is therefore governed by international law. The interpretation and application by the Organization of its constituent instruments and decisions, its relations with Member States and its conduct and activities must all be in compliance with international law.

9.4 A major aim of the present programme is thus to provide legal advice and services in operational matters to United Nations organs, bodies and Secretariat units. The other general aims of the programme relate to the execution of tasks in the area of international law specifically entrusted to the Organization by the Charter in Articles 13 and 102 or pursuant to decisions of United Nations organs, including the Secretary-General's duties with respect to international agreements, the progressive development and codification of international law and the progressive harmonization and unification of the law of international trade.

2. Overall strategy

9.5 In carrying out their respective activities, the United Nations organs and bodies face different legal problems ranging from questions of legal competence to modalities, from the use of terms to the formulation of texts and from questions of entitlement to rules of procedure (e.g. elections, conduct of meetings, making proposals, decision-making, etc.). Similarly, the Secretariat units in carrying out their multidimensional activities also regularly encounter various legal questions involving international public or private law, national legislations, internal administrative and institutional rules and regulations, as well as rules of procedure of United Nations bodies. While many of the questions are linked closely to the political, peace-keeping, humanitarian, economic or social activities of the United Nations, others relate to the privileges and immunities of the Organization or its members.

9.6 There is therefore a need not only to provide legal advice and services to United Nations organs, bodies and Secretariat units but also to ensure uniformity

and consistency in such advice and services. They must be provided to units at Headquarters and in the regional offices, and to those in the field of operation (e.g. the peace-keeping forces). Furthermore, since 1979, the Office of Legal Affairs has been responsible for all legal services required by the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF). The Legal Counsel also represents the Secretary-General before the International Court of Justice and before the Administrative Tribunal of the United Nations. In addition, the Office of Legal Affairs protects the interests, privileges and immunities of the Organization by representing it, as it deems appropriate, in any forums in which such questions have been raised.

9.7 General legal services are similarly provided to United Nations organs and Secretariat units with respect to such matters as contractual and other legal relations with third parties, the rights and obligations of the staff (as a whole or individually) and questions of liability, including the handling of claims.

9.8 Article 13, paragraph 1 (a), of the Charter of the United Nations entrusts the General Assembly with the specific task of encouraging the progressive development of international law and its codification. That task is being carried out under the aegis of the International Law Commission, the Sixth Committee of the General Assembly and the ad hoc committees of the Sixth Committee, which the Assembly establishes from time to time in order to formulate and systematize rules of international law in areas not covered by the International Law Commission. In that connection, the General Assembly, in its resolution 44/23 of 17 November 1989, declared the period 1989-1999 the United Nations Decade for International Law.

9.9 Parallel to the work in the field of public international law, the United Nations Commission on International Trade Law was created by the General Assembly as the core legal body in the United Nations system for the purpose of harmonizing and unifying international trade law.

9.10 Those legislative organs all require substantive services ranging from research, preparation of reports and studies, to the publication of jurisprudential materials in the relevant fields. Conferences convened under the auspices of the United Nations for the adoption of legal instruments promulgated by those law-creating bodies also need preparation and servicing.

9.11 In relation to the function of promoting the progressive development and codification of international law, the General Assembly has adopted various measures for the purpose of furthering wider knowledge and appreciation of international law. Provisions are thus made in the programme for carrying out such activities as seminars, training courses, fellowships, advisory services of experts, publications of legal materials and translation of major legal works. All these are intended to assist in the teaching, study, dissemination and wider appreciation of international law.

9.12 Treaties between States, intergovernmental organizations and other entities are an important instrument for the conduct of activities and legal relations, and have become the major source of international law. Pursuant to the Charter and the relevant General Assembly resolutions, the Secretary-General is required to register and publish every treaty and international agreement entered into by any Member of the Organization. The programme accordingly covers the registration and publication functions entrusted to the Secretary-General in Article 102 of the Charter. In that respect, the Office of Legal Affairs is responsible for the

tion of the United Nations Treaty Series and its Cumulative Index. In addition, the Secretary-General acts as depositary for several hundred multilateral treaties and the programme covers those functions as well.

In order to provide appropriate and timely legal advice and services, the Department of Legal Affairs is required to maintain contact and full co-operation with Secretariat units whose activities may involve problems of international or municipal law. System-wide co-operation and co-ordination are also maintained to ensure consistency and uniformity in the interpretation and application of the law in practice. Meetings of the legal advisers from various United Nations departments and agencies are held periodically to exchange views on matters of mutual interest.

3. Subprogramme structure and priorities

In the light of the aforementioned orientation and overall strategy, subprogramme 9 consists therefore of the following subprogrammes:

- subprogramme 1. Overall direction, management and co-ordination of legal advice and services to the United Nations as a whole
- subprogramme 2. Custody, registration and publication of treaties
- subprogramme 3. Progressive development and codification of international law
- subprogramme 4. General legal services to United Nations organs and programmes
- subprogramme 5. Progressive harmonization and unification of the law of international trade

As will be seen, each subprogramme has its own legislative authority deriving from varied sources. Each must therefore be implemented in accordance with its mandates. Given that premise and taking into account the multiple tasks assigned to the programme, priority will be given to overall direction, management and co-ordination of legal advice and services to the United Nations as a whole (subprogramme 1).

B. Subprogrammes

PROGRAMME 1. OVERALL DIRECTION, MANAGEMENT AND CO-ORDINATION OF LEGAL ADVICE AND SERVICES TO THE UNITED NATIONS AS A WHOLE

Objectives

The legislative authority for the present subprogramme derives from Articles 97 and 98 of the Charter, General Assembly resolutions 13 (I), 22 A (I), resolutions 351 A (IV) as amended by 782 B (VIII) and 957 (X), resolutions 992 (X), 1088 (XII), 1381 (XIV), 1670 (XVI), 1756 (XVII), 1993 (XVIII), 2114 (XX), 2205 (XXII), 2819 (XXVI), 34/147, 35/164, 35/168, 35/212, 36/115, 36/232 and 43/51.

A broad range of legal questions are dealt with under the subprogramme, the main objective of which is to ensure that in upholding, strengthening and

unifying the rule of law in the affairs of the Organization, overall direction, management and co-ordination is maintained. The aim of the subprogramme is thus to create consistency and uniformity in the provision of legal advice in all areas of the Organization's activities on problems involving international and institutional law.

9.18 Legal advice is provided on behalf of the Secretary-General in relation to a broad range of his political and administrative functions. Legal advice and assistance are also provided as necessary in connection with political, peace-keeping, humanitarian, economic and social activities undertaken by the Organization. In the light of the political developments occurring in all regions of the world, an expanded role in relation to the good offices functions of the Secretary-General and to peace-keeping and peace-making activities of the United Nations can be expected under the subprogramme during the period 1992-1997.

9.19 The effective functioning of the organs of the Organization often requires the provision of legal advice regarding the constitutive instruments and rules and procedures of United Nations bodies that serve as the legal framework for the rule of law within the United Nations and its organs. Difficulties of application and interpretation also frequently arise with regard to the status, privileges and immunities of the Organization, its officials, experts and representatives of Member States and in its relations with host countries. Activities with a view to ensuring the proper implementation, development and protection of the privileges and immunities of the United Nations both in relation to the Organization itself and to officials, experts and representatives of Member States will be carried out.

9.20 Legal problems also arise in response to allegations by staff members regarding the non-observance of their contract of employment or terms of appointment. An objective under the subprogramme is to continue to provide legal, administrative and secretariat services to the United Nations Administrative Tribunal and the Committee on Applications for Review of Administrative Tribunal Judgements, the central organs in the administration of justice within the United Nations.

(b) Course of action of the Secretariat

9.21 The activities undertaken towards the fulfilment of the objectives of the subprogramme are carried out by the Office of the Legal Counsel. They are of a continuing nature. However, if, as is foreseen during the period 1992-1993, the activities of the Organization, particularly in the areas of peace-keeping, peace-making and good offices functions of the Secretary-General, increase quantitatively and in complexity, the Office of the Legal Counsel will be called upon to provide legal advice and assistance in connection with possible innovative forms and procedures of United Nations operational activities, to participate in the negotiations and on the drafting of legal texts ranging from status of force agreements to election laws, and to represent the Secretary-General in judicial and arbitral proceedings. Increased demands for legal advice regarding all aspects of international law, in particular, the laws of natural resources and environment, are anticipated during the period 1992-1997.

9.22 In connection with the functioning of United Nations organs, the Office of the Legal Counsel will continue to provide written and oral legal opinions and advice to intergovernmental bodies and to the Secretariat. As part of its ongoing activities, the work programme under the present subprogramme will include

assistance in the proceedings of United Nations organs by rendering legal advice in the implementation of decisions and application of the rules of procedure. In respect of the status, privileges and immunities of the Organization, its officials, experts and the representatives of Member States, and its relations with host countries, the Office of the Legal Counsel will continue to negotiate agreements, solve problems arising from the interpretation of agreements through negotiation, provide legal and secretariat services to the Committee on Relations with the Host Country, appear as agent or counsel of the Secretary-General before the International Court of Justice and where necessary defend the interests of the Organization in judicial or arbitral proceedings. Legal and secretariat services will also continue to be provided to the Credentials Committee of the General Assembly.

9.23 Legal advice and service will be rendered to the United Nations Administrative Tribunal and the Committee on Applications for Review of Administrative Tribunal Judgements through the preparation of necessary documentation, reports and servicing of meetings, during the plan period. The evolving nature of the Organization is expected to increase the demands on those central organs entrusted with the administration of justice within the Organization.

9.24 The activities undertaken by the Office of the Legal Counsel in connection with the subprogramme will also include the update of the Repertory of Practice of United Nations Organs. Additional draft studies on Articles of the Charter will be prepared for inclusion in future supplements to the Repertory.

SUBPROGRAMME 2. CUSTODY, REGISTRATION AND PUBLICATION OF TREATIES

(a) Objectives

9.25 The legislative authority for the present subprogramme derives from Article 102 of the Charter and regulations to give effect thereto adopted by the General Assembly in resolutions 23 (I), 97 (I), as amended by resolutions 364 B (IV), 482 (V) and 33/141. In the case of multilateral treaties and international agreements that had been included in the League of Nations treaty series, the legislative authority derives from General Assembly resolution 24 (I).

9.26 One objective of the subprogramme is to assist the international community in treaty matters by the performance of depositary functions in respect of international agreements. Another is to facilitate a prompt and exact knowledge of international agreements registered with the Secretariat, as well as legal opinions on the law of treaties.

9.27 The subprogramme aims at keeping States, intergovernmental organizations and so on informed of the identity of the participants of approximately 350 treaties and multilateral agreements deposited with the Secretary-General and of other relevant formalities, such as the date of entry into force. The publicity thus given to international agreements removes causes for distrust and conflicts and is thereby an important factor in the maintenance of peaceful international relations. Moreover, it contributes to the formation of a clear and indisputable system of international law.

9.28 Under the terms of Article 102 of the Charter, "every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the

Secretariat and published by it". Owing, inter alia, to recruitment difficulties, it has not been possible to eliminate the backlog in the publication of the United Nations Treaty Series within the 10-year period (1 January 1980 to 31 December 1989) originally foreseen. The remaining backlog will, however, be eliminated during the present plan period, provided there is no unforeseen increase in the normal level of incoming material.

(b) Course of action of the Secretariat

9.29 During the period 1992-1997, the activities carried out under the subprogramme will continue to be implemented by the Treaty Section. The steady processing of depositary formalities and provision of information to States, intergovernmental organizations and others concerning the status of international agreements, inter alia, by the circulation of depositary notifications and by the yearly issuance of the publication Multilateral Treaties deposited with the Secretary-General will be continued. In respect of the Statement of Treaties, it is intended to publish such statements within one month after the registration period and to publish the United Nations Treaty Series within one year from the date of registration, and to publish as soon as possible thereafter the Cumulative Index to the United Nations Treaty Series.

9.30 There exists, however, a need to improve the procedures and modernize the computer systems through which treaty information is provided to Member States and the international community. Possible rationalization and streamlining of the various internal processes that contribute to the execution of the programme will be studied. In that respect the possibility of introducing computerization and electronic linkage to Secretariat and outside users, such as Governments, specialized agencies, other international organizations and so on, will be carefully reviewed. In addition, the information contained in the approximately 1,300 volumes of the United Nations Treaty Series published thus far is now too voluminous to be indexed by the traditional methods. It is intended to computerize the indexes fully, as well as to utilize image compact disc technology for the dissemination of the text of the treaties.

SUBPROGRAMME 3. PROGRESSIVE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

(a) Objectives

9.31 The legislative authority for the present subprogramme derives from Article 13, paragraph 1 (a), of the Charter, General Assembly resolution 174 (II), and the successive General Assembly resolutions convening, on the recommendation of the Sixth Committee, subsidiary ad hoc or special committees or conferences of plenipotentiaries, as well as General Assembly resolutions 487 (V), 602 (VI), 686 (VII), 1291 (XIII), 1451 (XIV), 1506 (XV), 1814 (XVII), 1816 (XVII), 1968 (XVIII), 2099 (XX) and 3006 (XXVII).

9.32 The basic aim of the subprogramme is to implement the policies governing the progressive development and codification of international law and other United Nations activities in the legal field through the initiation of studies on the basis of recommendations by the General Assembly.

9.33 There are various reasons why States are demonstrating a growing interest in the strengthening and development of international law, but the most fundamental one is the international community's awareness of the basic and immediate link

between peace and security and the effective operation of a system of legal norms governing the conduct of States, including, first and foremost, the prohibition of the use of force and the peaceful settlement of international disputes. Another factor that is prompting States to attach more importance to the development of international law is their increasing sense of interdependence in the face of such phenomena as international terrorism, drug-trafficking and the degradation of the environment. A third factor is the intensification of economic co-operation and the progress of science and technology, which bring countries closer and closer and create demands for the legal regulation of an ever-widening circle of human activities. The trends outlined above may be expected to shape the activities of the United Nations during the 1990s in the field of the progressive development and codification of international law.

9.34 Uncertainty about the content of existing rules in many areas of international law, the non-written character of many of those rules and the necessity of adjusting them in the light of the current needs of the international community require, in general, that the elaboration and adoption by States of an instrument developing progressively and codifying a particular topic of international law be preceded by a detailed study of the subject concerned. A basic objective under the subprogramme is accordingly the preparation of reports and drafts for consideration by the General Assembly, through the International Law Commission and special or ad hoc subsidiary bodies, on the subject of international legal topics or questions leading eventually to the elaboration and adoption of conventions or protocols and other international instruments (declarations, articles, etc.) at conferences of plenipotentiaries or within the Assembly itself.

9.35 By their very nature, the tasks undertaken under the subprogramme involve the preparation of background documents. Those documents must present, analyse and evaluate the practice of States and international organizations, national legislations, international and national judicial decisions and treaty provisions, together with the teachings of learned institutions or individual publicists, as the essential elements of information on the basis of which the law on a given topic may be codified and developed. Another objective of the subprogramme is accordingly to provide legal bodies with the necessary research and background documentation for the performance of their respective codification or other legal tasks at the various levels and stages of the consideration of a topic or question.

9.36 Since the process of codification of international law involves, among other things, the formulation in written form of non-written rules of international law, namely, customary rules, disseminating the knowledge of such rules is a directly related requirement. The process of codification also demands a wider knowledge of the activities of the United Nations relating to that process by both Member States and the public in order to intensify interest and support and facilitate the implementation of the results. The subprogramme therefore also has as an objective to make international law and United Nations legal activities more accessible, thus providing a solid basis for the work of the International Law Commission and other United Nations legal organs, as well as the international community in general.

(b) Course of action of the Secretariat

9.37 The Codification Division is responsible for the implementation of the subprogramme. During the plan period it will continue to serve as (a) the substantive secretariat of the Sixth Committee, (b) the substantive secretariat of the International Law Commission, and (c) the secretariat of codification

conferences and of special committees reporting to the General Assembly. Its activities will also include providing the above-mentioned legal bodies with the necessary research and background documentation for the performance of their respective codification or other legal tasks at the various levels and stages of the consideration of a topic or question. The various recurrent publications issued under the responsibility of the Division - the Yearbook of the International Law Commission, the Juridical Yearbook, the Legislative Series and the Reports of International Arbitral Awards - as well as monitoring of the implementation of the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, will continue.

9.38 It is anticipated that the need to encourage the progressive development of international law and its codification, as envisaged in Article 13, paragraph 1 (a), of the Charter, will be felt increasingly during the period of the medium-term plan, as a result of the growing recognition of the primacy of the rule of law in international relations and because of the ever greater importance that States attach to the process of the continuing adaptation of international law to the requirements of international life. Those trends are attested to by the recent proclamation of the period 1990-1999 as the United Nations Decade of International Law (General Assembly resolution 44/23).

9.39 More specifically, it is expected that before the end of the plan period, a draft code of crimes against the peace and security of mankind, draft articles on the jurisdictional immunities of States and their property, and draft articles on the law of the non-navigational uses of international watercourses will be placed before the General Assembly and that those drafts will serve as a basis for the elaboration of instruments by the Sixth Committee or by codification conferences. Other questions that the Assembly will continue to examine include, inter alia, international terrorism; the protection, security and safety of diplomatic and consular missions and representatives; the peaceful settlement of disputes between States; and the progressive development of the principles and norms of international law relating to the new international economic order. It is also foreseen that the consideration of an item concerning the establishment of an international criminal court with jurisdiction over transnational criminal activities related, inter alia, to trafficking in narcotic drugs will extend beyond 1992.

9.40 It may furthermore be expected that the International Law Commission will complete the first reading of drafts under elaboration on State responsibility for internationally wrongful acts, on international liability for injurious consequences arising out of acts not prohibited by international law and on relations between States and international organizations.

9.41 The work currently being carried out in the framework of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in accordance with the mandate of the General Assembly on specific aspects of the maintenance of international peace and security and on the peaceful settlement of disputes is expected to continue. Other special committees may be established by the Assembly for the fulfilment of specific tasks.

9.42 The Codification Division, which provides the substantive secretariat of the Sixth Committee, the International Law Commission and special committees reporting to the Sixth Committee, will assist those bodies in the study of the topics listed above by compiling background documentation, preparing reports and drafting

commentaries. Two major research projects, the preparation of a handbook on peaceful settlement of disputes and the updating of a survey of international law issued initially in 1971 will also be finalized during the period of the medium-term plan.

9.43 The Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law will continue to be implemented as decided by the General Assembly. The Programme covers various activities, including such direct assistance as seminars, regional training and refresher courses, fellowships, advisory services of experts and the provision of United Nations legal publications. No major changes are anticipated in the programme during the period 1992-1997.

SUBPROGRAMME 4. GENERAL LEGAL SERVICES TO UNITED NATIONS ORGANS AND PROGRAMMES

(a) Objectives

9.44 The legislative authority for the present subprogramme derives from General Assembly resolution 13 (I), and resolutions 351 A (IV), 782 B (VIII) and 957 (X), which established the United Nations Administrative Tribunal and appeals procedures, and resolutions 1472 (XIV) and 1721 (XVI) which established the Committee on the Peaceful Uses of Outer Space in order to study, *inter alia*, the legal problems that might arise from the exploration and use of outer space.

9.45 In the day-to-day administration of the Organization, legal services are required for the resolution of legal uncertainties and other legal difficulties that arise with regard to the nature, scope, application and interpretation of certain Articles of the Charter, General Assembly resolutions and decisions, the mandates of programmes and activities in which United Nations organs and bodies are engaged, compliance with the international and national legal régime in which the United Nations operates and the drafting of international agreements. The provision of legal opinions and advice to United Nations organs and bodies and their subsidiaries, as well as to units of the Secretariat, with regard to such matters is also an objective of the subprogramme.

9.46 Legal problems need to be addressed in the context of the development through the United Nations of a body of treaties and declarations of principle on the peaceful uses of outer space. An objective of the subprogramme is the provision of substantive and secretariat support to the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space in its preparation of legal instruments and in its examination of legal questions within its mandate.

9.47 In the implementation of its mandates and programmes the United Nations enters into a variety of agreements with Governments or intergovernmental bodies, as well as private parties. One of the objectives of the subprogramme is therefore to provide legal advice, assistance and services to the Secretariat (at Headquarters, the regional commissions, other United Nations offices away from Headquarters and peace-keeping missions) and to other United Nations organizations (basically UNDP, UNICEF, the United Nations Environment Programme (UNEP), the United Nations Institute for Training and Research (UNITAR) and the Office of the United Nations High Commissioner for Refugees (UNHCR)), in respect of questions relating to their administration, the drafting of agreements and various types of contracts (e.g. for leases, insurance, publications, and construction) and with regard to other legal relations (e.g. procurement, project execution, copyright and

taxation). An important element of the objective is to minimize financial loss and legal claims against the organizations that could arise from such agreements, contracts and other legal relations.

9.48 The internal constitutive instruments, regulations, rules and practices of the Organization often require extension, interpretation and amendment. Additionally, representation of the Secretary-General before the United Nations Administrative Tribunal is required in disputes being adjudicated by the Tribunal, and to assist the latter in developing the Organization's administrative law. Another objective of the subprogramme is therefore the provision of the legal services to the various elements of the Secretariat at Headquarters, and other United Nations offices and peace-keeping missions to ensure the development and proper application of the internal regulations, rules and practices of the Organization relating, for example, to financial, staff and pension matters.

(b) Course of action of the Secretariat

9.49 The General Legal Division, which is responsible for the implementation of the subprogramme, will continue to provide legal services in the form of legal research and written or oral legal advice; to conduct negotiations, participate in meetings (including meetings of Secretariat bodies such as the Committee on Contracts, the Tort Claims Board, the Staff Management Co-ordination Committee, the Property Survey Board, the Claims Board, etc.); and to represent the Organization before judicial and arbitral bodies and prepare legal documents and instruments of various kinds. Legal services provided will also include representation of the Secretary-General in proceedings before the United Nations Administrative Tribunal and the Committee on Applications for Review of Administrative Tribunal Judgements.

9.50 The activities under the subprogramme will include the preparation of meetings documentation, reports and research papers and substantive servicing of all meetings of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space during the period and the preparation of reports for the Committee when the latter so requests.

SUBPROGRAMME 5. PROGRESSIVE HARMONIZATION AND UNIFICATION OF THE LAW OF INTERNATIONAL TRADE

(a) Objectives

9.51 The legislative authority for the present subprogramme derives from General Assembly resolutions 2205 (XXI), which established the United Nations Commission on International Trade Law and 34/142, which reaffirmed the mandate of the Commission as the core legal body within the United Nations system in the field of international trade law. The General Assembly reviews the work of the Commission annually and directs it in its resolutions, the most recent of which are resolutions 43/166 and 44/33.

9.52 Divergencies in domestic trade laws have created impediments to international trade and business transactions and the situation has become more serious with the anticipated expansion of international trade and commerce. There is therefore an urgent need to prepare new legal instruments suitable for the conduct of international trade and capable of reducing barriers to trade. Those instruments must also reflect and accommodate rapid developments in technologies and practices used in trade. Furthermore it is increasingly important to ensure that contract

forms, general conditions, trade terms, provisions and practices offer equal benefit and protection to the parties to trade transactions and continue to meet their needs in a changing environment. An objective of the subprogramme is thus to assist the United Nations Commission on International Trade Law in the formulation of new international conventions, model and uniform laws and other legal texts, and in the codification of trade terms, provisions, customs and practices.

9.53 Although it is anticipated that by the beginning of the plan period, many of the legal texts formulated by the Commission will be in force either as international conventions or as national legislation in some Member States, it is necessary to promote actively the usefulness of those texts to Governments and interested parties so as to ensure their widest possible acceptance and application. Another objective of the subprogramme is to promote the widespread adoption and use of international conventions and uniform laws prepared by the Commission in the field of the law of international trade. The activities of the subprogramme will also include promotion of uniform interpretation and application of those texts, particularly through courts and arbitral tribunals.

9.54 The existence of numerous organizations that prepare texts on various aspects of international trade law creates a need for the co-ordination of those activities. It is anticipated that, owing to developments in the structure of the international economy, an increasing number of legal texts in the area of international trade law will emerge from intergovernmental and non-governmental organizations for use in specific regions or in particular sectors of trade. Another objective of the subprogramme is to monitor and co-ordinate the work of other organizations in the field of international trade law, so that the resulting body of international trade law is internationally consistent.

9.55 The effective harmonization of international trade law requires the training of personnel, especially from developing countries. Training and assistance in the field of international trade law will be carried out in order to disseminate the laws governing international commercial and trade transactions, account being taken of the interests of all countries.

(b) Course of action of the Secretariat

9.56 The International Trade Law Branch, which is responsible for the implementation of the subprogramme, will follow the developments in international trade law in order to advise the United Nations Commission on International Trade Law on specific subjects that appear to call for modernization, harmonization or unification. The needs of States and of the international trading community with respect to the law of international trade will be ascertained in relation to the subjects chosen. When new subjects are chosen by the Commission, research will be conducted, documentation will be prepared for the meetings of the Commission or of the working groups to which the subjects have been assigned; draft legal texts will be prepared for the consideration of the Commission or of the working group concerned; and substantive servicing of the meetings of those bodies will be provided.

9.57 In order to promote an awareness and the ultimate adoption by individual Member States of the texts prepared by the Commission, the Secretariat will distribute copies of those texts as well as explanatory materials, plan regional seminars and contact officials and others interested in international trade law in

order to explain the significance of the texts and the benefits to be gained by their adoption.

9.58 The International Trade Law Branch will continue to be active in co-ordinating the work of organizations in the field of international trade law. This will entail the organization of or participation in regional seminars and joint sponsorship of regional seminars when possible in conjunction with other organizations. The Branch will also invite other organizations to attend the meetings of the Commission and prepare reports to the United Nations Commission on International Trade Law on their work.

9.59 Training and assistance will be carried out through the planning of seminars for participants from developing countries, the hosting of interns and the provision of technical assistance to countries interested in the adoption of texts prepared by the Commission. Such activities will be financed from voluntary contributions to the United Nations Commission on International Trade Law symposia trust fund.
