



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/34/780
6 December 1979

ORIGINAL: ENGLISH

Thirty-fourth session
Agenda item 109

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

Report of the Sixth Committee

Rapporteur: Mr. Jargalsaikhany ENKHSАIKHAN (Mongolia)

1. At its 4th plenary meeting, on 21 September 1979, the General Assembly decided to include in the agenda of its thirty-fourth session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its twelfth session" and to allocate it to the Sixth Committee.
2. The Sixth Committee considered this item at its 24th to 30th meetings, from 22 October to 1 November, and at its 57th meeting on 3 December. The summary records of those meetings (A/C.6/34/SR.24-30 and 57) contain the views of representatives who spoke during the consideration of this item.
3. At the 24th meeting, on 22 October 1979, the Chairman of the Commission at its twelfth session introduced its report on the work of that session 1/. The Committee had before it, in connexion with this item, a note by the Secretary-General setting forth the comments on the Commission's report by the Trade and Development Board of the United Nations Conference on Trade and Development (A/C.6/34/L.5).

1/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 17 (A/34/17). The presentation of the report 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). At its 25th meeting, on 23 October 1979, after being advised of the financial implications by its Secretary, the Committee decided to have reproduced in extenso this statement by the Chairman of the Commission, the text of which is reproduced in document A/C.6/34/L.6.

4. At the 30th meeting, on 1 November, the Committee's attention was drawn by its Chairman to the draft resolution contained in paragraph 131 of the Commission's report on the subject of co-ordination in the field of international trade law. At the same meeting, the Committee adopted this draft resolution by consensus (see para. 7, draft resolution I).
5. At the 57th meeting, on 3 December, the representative of Austria introduced a draft resolution (A/C.6/34/L.16) sponsored by Argentina, Austria, Bangladesh, Brazil, Canada, Czechoslovakia, Finland, the German Democratic Republic, Greece, Hungary, Italy, Japan, Kenya, Morocco, Nigeria, the Philippines, Romania, Spain, Sweden, Tunisia and Yugoslavia, later joined by France and Ghana.
6. At the same meeting, the Committee adopted draft resolution A/C.6/34/L.16 by consensus (see para. 7, draft resolution II).

RECOMMENDATIONS OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Co-ordination in the field of international trade law

The General Assembly,

Noting that the significant increase in economic and trade relations between States and their peoples has given rise to increased activities of a legislative nature by international bodies and organs both within and without the United Nations system,

Being of the view that such activities should not result in duplication of work or establishment of conflicting rules, resulting in non-ratification by States or non-application by the courts,

Recalling that the General Assembly, in its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law, conferred upon that Commission the mandate of furthering the progressive harmonization and unification of the law of international trade by, inter alia, co-ordinating the work of organizations active in this field and encouraging co-operation among them,

Considering that, by virtue of the mandate conferred upon it by the General Assembly, it is among the tasks of the Commission to ensure that legal texts prepared by various international organizations in the field of international trade law contribute to a coherent and generally acceptable system of international law,

/...

Bearing in mind the establishment by the United Nations Commission on International Trade Law of the Working Group on the New International Economic Order and its mandate, as well as the work programmes of the other working groups of the Commission,

Reaffirming its resolution 33/92 of 16 December 1978,

1. Reaffirms the mandate of the United Nations Commission on International Trade Law in co-ordinating legal activities in the field of international trade law;
2. Calls the attention of all organs and bodies within the United Nations system to this mandate of the United Nations Commission on International Trade Law;
3. Invites all organs and organizations concerned to co-operate with the United Nations Commission on International Trade Law by providing it with relevant information on their activities and by consulting with it;
4. Calls upon all Governments to bear in mind the importance of improved co-ordination of activities related to the participation in the various international organizations concerned with international trade law;
5. Requests the Secretary-General:
 - (a) To take effective steps to secure a close co-ordination, especially between those parts of the Secretariat which are serving the United Nations Commission on International Trade Law, the International Law Commission, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the Commission on Transnational Corporations;
 - (b) To place before the United Nations Commission on International Trade Law, at each of its sessions, a report on the legal activities of the international organs, bodies and organizations concerned, together with recommendations as to steps to be taken by the Commission.

DRAFT RESOLUTION II

Report of the United Nations Commission on International Trade Law on the work of its twelfth session

The General Assembly,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twelfth session, 2/

2/ Ibid.

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, its resolution 3108 (XXVIII) of 12 December 1973, by which it increased the membership of the Commission, and its resolution 31/99 of 15 December 1976, by which Governments of Member States not members of the Commission were entitled to attend as observers the sessions of the Commission and its Working Groups, as well as its previous resolutions concerning the reports of the Commission on the work of its annual sessions,

Recalling also its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, 3281 (XXIX) of 12 December 1974 and 3362 (S-VII) of 16 September 1975,

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,

Having regard for the need to take into account the different social and legal systems in harmonizing the rules of international trade law,

Stressing the usefulness and importance of organizing symposia for promoting better knowledge and understanding of international trade law and, especially, for the training of young lawyers from developing countries in this field,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twelfth 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. Notes with satisfaction that the United Nations Commission on International Trade Law had commenced work on subjects included in the new programme of work adopted at its eleventh session: 3/

4. Calls upon the United Nations Commission on International Trade Law to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth and seventh special sessions, and notes with satisfaction that the Commission has taken positive action in this respect by establishing a Working Group on the New International Economic Order and by conferring on it a specific mandate;

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

(a) Continue its work on the topics included in its programme of work;

3/ Ibid., Thirty-third Session, Supplement No. 17 (A/33/17), paras. 69 and 71.

(b) Continue its work on training and assistance in the field of international trade law, taking into account the special interests of the developing countries;

(c) Maintain close collaboration with the United Nations Conference on Trade and Development and continue to collaborate with international organizations active in the field of international trade law;

(d) Continue to maintain liaison with the Commission on Transnational Corporations with regard to the consideration of legal problems that would be susceptible of action by the United Nations Commission on International Trade Law;

(e) Continue to give special consideration to the interests of developing countries and to bear in mind special problems of countries due to their geographical situation;

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

6. Expresses the view that the United Nations Commission on International Trade Law should continue to hold symposia on international trade law;

7. Notes with satisfaction that the transfer of the International Trade Law Branch to Vienna, in accordance with General Assembly resolution 31/194 of 22 December 1976, has now been completed and, in this connexion:

(a) Expresses its confidence that continued attention will be paid to the need for adequate research facilities for the International Trade Law Branch so that it can fulfil its functions as the substantive secretariat of the Commission;

(b) Expresses its appreciation to the Government of Austria for its financial contribution to the establishment of a law library for the Commission and its secretariat;

(c) Requests the Secretary-General to earmark, out of the funds allocated to the common library of the Vienna International Centre, such an amount as is necessary for the maintenance of the law library of the Commission and for the acquisition of materials that are required in the context of the work programme of the Commission;

(d) Appeals to Governments to contribute to the law library of the Commission legislative and other materials that are of relevance to the work of the Commission;

8. Requests the Secretary-General to forward to the United Nations Commission on International Trade Law the records of the discussion at the thirty-fourth session of the General Assembly on the Commission's report on the work of its twelfth session.