

**General Assembly****Distr.
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ORIGINALI FRENCH****Forty-fourth session
Agenda item 143****REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL
TRADE LAW ON THE WORK OF ITS TWENTY-SECOND SESSION****Report of the Sixth Committee****Rapporteur: Mr. Guillaume PAMBOU-TCHIVOUNDA (Gabon)****I. INTRODUCTION**

1. The item entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-second session" was included in the provisional agenda of the forty-fourth session of the General Assembly pursuant to paragraph 1 of General Assembly resolution 43/166 of 9 December 1988,
2. At its 3rd plenary meeting, on 22 September 1989, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with the item, the Sixth Committee had before it the report of the Commission, 1/ which was introduced by the Chairman of the Commission at the 4th meeting of the Sixth Committee, on 26 September 1989. The Sixth Committee also had before it the report of the Secretary-General on the status of conventions (A/44/453 and Add.1). In addition, a letter dated 19 July 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Zimbabwe to the United Nations addressed to the Secretary-General (A/44/409-S/20743 and Corr.1 and 2) was circulated under the item.

1/ Official Records of the General Assembly, Forty-fourth Session,
Supplement No. 17 (A/44/17).

4. The Sixth Committee considered the item at its 4th to 6th and 38th meetings, from 26 to 28 September and on 10 November 1989. The summary records of those meetings (A/C.6/44/SR.4-6 and 38) contain the views of the representatives who spoke on the item.

II. CONSIDERATION OF PROPOSALS

5. At the 38th meeting, on 10 November, the representative of Austria introduced a draft resolution entitled "Report of the International Trade Law Commission on the work of its twenty-second session" (A/C.6/44/L.5), sponsored by Austria, Brazil, Canada, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, France, the German Democratic Republic, Germany, Federal Republic of, Guyana, Hungary, Italy, Lesotho, the Libyan Arab Jamahiriya, Morocco, Netherlands, Poland, Sweden, Turkey and Yugoslavia later joined by Argentina, the Byelorussian Soviet Socialist , Kenya and Spain.

6. The Committee had before it a statement submitted by the **Secretary-General** (A/C.6/44/L.8) of the programme budget implication of the draft resolution.

7. At the same *meeting*, the **Committee** adopted *draft resolution A/C.6/44/L.5* without a vote (see para. 8).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

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

Report of the United Nations Commission on International Trade Law on the work of its twenty-second session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade, as well as its resolution 43/166 of 9 December 1988,

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

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

Noting that the Commission adopted the draft Convention on the Liability of Operators of Transport Terminals in International Trade and recommended 3/ that the General Assembly should convene an international conference of plenipotentiaries for a duration of three weeks in 1991 to conclude, on the basis of the draft Convention approved by the Commission, a Convention on the Liability of Operators of Transport Terminals in International Trade,

Recognising the need for the Commission to have adequate sources of funding for its programme of training and assistance in international trade law,

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

2. **Reaffirms** the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to co-ordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonisation of international trade law and, in this connection, recommends that the Commission, through its secretariat, should continue to maintain close co-operation with the other international organs and organisations, including regional organisations, active in the field of international trade law;

3. **Calls upon** the Commission 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 4/ and 5/ special sessions;

4. **Expresses its appreciation** to the Commission for the valuable work done in preparing a draft Convention on the Liability of Operators of Transport Terminals in International Trade;

2/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 17 (A/44/17).

3/ Ibid., para. 225.

4/ Resolution 3201 (S-VI) and 3202 (S-VI).

5/ Resolution 3362 (S-VII).

5. ~~Decides~~ that an international conference of plenipotentiaries shall be convened at Vienna from 8 to 26 April 1991 to ~~consider the draft Convention~~ prepared by the Commission and to embody the ~~results~~ of its work in a convention on the liability of operators of transport terminals in international trade;

6. ~~Requests~~ the Secretary-General;

(a) To invite all States to ~~participate~~ in the Conference;

(b) To invite representatives of organisations that have *received* a ~~standing~~ invitation from the General Assembly to participate in the sessions and the work of all international ~~conferences~~ convened under its ~~auspices~~ in the ~~capacity~~ of observers to participate in the Conference in that capacity *in* accordance with Assembly resolutions 3237 (XXIX) of 22 November 1974 and 31/152 of 20 December 1976;

(c) To invite ~~representatives~~ of the national liberation movements ~~recognized in~~ its region by the Organisation of African Unity to participate in the Conference in the capacity of observers in accordance with General Assembly resolution 3280 (XXIX) of 10 December 1974;

(d) To invite the ~~specialized agencies~~ and the International Atomic Energy Agency, as well as interested ~~organs~~ of the United Nations and interested international organisations, to be represented at the Conference by ~~observers~~;

7. ~~Reaffirms~~ the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international ~~trade~~ law and the desirability for it to sponsor seminars and symposia, in ~~particular~~ those organiaed on a regional basis, to promote training and ~~assistance~~ in ~~the~~ field of international trade law, and, in this connection:

(a) Expresses its appreciation to the **Commission** for organising the symposium on international law held in conjunction with the twenty-second session of the Commission and to the Governments whose contributions enabled the seminar to take ~~place~~;

(b) Invites Governments, the relevant United Nations organs, organisations, institutions and individuals to make voluntary contributions to the Trust Fund for the United Nations Commission on International Trade Law Symposia, where appropriate, to the financing of special projects, and otherwise to assist the ~~secretariat~~ of the **Commission** in financing and organising seminars and ~~symposia~~, in particular in developing countries, and for the award of fellowships to candidates from ~~developing~~ countries to enable them to participate in such seminars and ~~symposia~~;

8. **Repeats** its invitation to those States which have not yet done so to consider signing, ratifying or acceding to the conventions elaborated under the auspices of the Commission;

9. **Approves** the initiative of the Commission to have prepared an official Arabic language version of the Convention on the Limitation Period in the International Sale of Goods, of 14 June 1974, **6/** as amended by the Protocol of 11 April 1980. **7/**

6/ Official Records of the United Nations Conference on Prescription (Limitation) in the International Sale of Goods. New York, 20 May-14 June 1974 (United Nations publication, Sales No. E.74.V.8), p. 101.

7/ Official Records of the United Nations Conference on Contracts for the International Sale of Goods (United Nations publication, Sales No. E.81.IV.3), p. 191.