



UNITED NATIONS
GENERAL
ASSEMBLY 1



Distr.
GENERAL

A/CN.9/4/Add.1
1 December 1967

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
First session
New York, 29 January 1968
Item 5 of the provisional agenda

ANALYSIS OF THE COMMENTS SUBMITTED BY MEMBER STATES, ORGANS
AND ORGANIZATION ON THE WORK PROGRAMME OF THE COMMISSION

Note by the Secretary-General

CONTENTS

	<u>Paragraphs</u>
ABBREVIATIONS	
I. INTRODUCTION	1
II. ANALYSIS OF THE COMMENTS	3
A. General observations	4
B. Methods to be used by the Commission in promoting harmonization and unification	9
C. Topics for inclusion in the work programme of the Commission	21
Definitions	22
International trade law in general	23
International sale of goods	24
1. Conventions	24
2. Different legal aspects of contracts and other matters relating to the international sale of goods	24
3. Trade terms, general conditions of sale and standard contracts	24
Laws relating to conduct of business activities pertaining to international trade	25

CONTENTS (continued)

	<u>Paragraphs</u>
Agency and exclusive sale arrangements	26
International payments, credits and related matters	27
Transportation	28
Insurance	29
Intellectual property	30
Commercial arbitration	31
Miscellaneous	32
D. Suggested priorities	33
E. Collection and dissemination of information	36

ABBREVIATIONS

AFRASEC	Afro-Asian Organization for Economic Co-operation
BIRPI	United International Bureaux for the Protection of Intellectual Property
ECAFE	Economic Commission for Asia and the Far East
ECE	Economic Commission for Europe
EEC	European Economic Community
IAI	Inter-American Institute of International Legal Studies
IAPIP	International Association for the Protection of Industrial Property
ICC	International Chamber of Commerce
ILA	International Law Association
OAS	Organization of American States
OECD	Organization for Economic Co-operation and Development
UNIDROIT	International Institute for the Unification of Private Law

I. INTRODUCTION

1. Pursuant to the request made by the General Assembly in section III, paragraph 1 of resolution 2205 (XXI), a number of Member States, United Nations organs, inter-governmental organizations and international non-governmental organizations, submitted comments on a programme of work to be undertaken by the United Nations Commission on International Trade Law in discharging its functions. The text of the comments has been reproduced in document A/CN.9/4.
2. The purpose of this Note is to provide, for the convenience of the Commission, a summary of the main categories of observations concerning the work programme and methods to be used by the Commission, as well as classification of the suggested topics and priorities.

II. ANALYSIS OF THE COMMENTS

3. The comments received from the Member States and organs and organizations enumerated in paragraph 4 of document A/CN.9/4 may be classified as follows:
 - A. General observations;
 - B. Methods to be used by the Commission in promoting harmonization and unification;
 - C. Topics for inclusion in the work programme of the Commission;
 - D. Suggested priorities;
 - E. Collection and dissemination of information.

A. General observations

4. Many Governments and organizations underlined the significance of the progressive harmonization and unification of the law of international trade and the importance of the work of the different organs and organizations acting in this field. A number of Governments (Australia, Belgium, Denmark, Hungary, Italy, Japan, Netherlands, Sweden, United Kingdom, United States) and organizations (BIRPT, OAS, OECD, UNIDROIT) stressed that the Commission should endeavour to promote and co-ordinate the work of existing organizations in the field of the law of international trade. In this connexion it was pointed out that the Commission should encourage the activity of organizations specializing in

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different subjects within the scope of international trade law and refrain from duplicating their work and playing a competitive role. The Commission should not enter fields where the results so far achieved have been satisfactory. Belgium expressed its agreement with the observations contained in paragraph 218 of the Secretary-General's report^{1/} that the participation of the United Nations would contribute to broaden the scope and enhance the activities of organizations active in this field. It stated in this connexion that in preparing new conventions the Commissions should rely as much as possible on existing inter-governmental organizations, such as UNIDROIT, and non-governmental organizations, such as the International Maritime Committee. Hungary remarked that the Commission had been established not in order that one more organization should deal with the scientific problems of unification and harmonization of international trade law. Its aim should be to sum up all the work conducted sporadically in this field and, by accumulating the scientific results achieved, to induce States and organizations to adopt legislative and other measures producing tangible benefits by simplifying and unifying the law of international trade. Israel suggested that a distinction should be made between those topics for which the Commission's role is essentially a co-ordinating one and those for which it bears the main responsibility for substantive work.

5. The OAS suggested that the main concern of the Commission should be to co-ordinate the various localized systems of international trade law and wherever a common denominator is found to endeavour to formulate general rules of world-wide applicability. China and Mauritania considered that at the outset it would be desirable to adopt a regional approach seeking first of all common grounds for harmonization and unification within countries of each region. Guatemala noted that taking into consideration the fact that not all countries have reached the same stage of economic development or have the same trade relations, the best course would be to endeavour to unify by sectors, both as to countries and as to subjects. The United Kingdom emphasized that an aspect which will require particular attention is the needs of developing countries.

1/ Official Records of the General Assembly, Twenty-first Session, Annexes,
agenda item 88, document A/6396 and Add.1 and 2.

6. Australia considered that the Commission should not engage in the examination of particular problems with a view to the harmonization or unification of the law simply for the purpose of harmony or unity. Instead it should devote its attention to matters where the absence of uniformly applicable rules is plainly inhibiting the development of trade. Hungary stated that the aim of the Commission is to obtain practical results, that is, to promote more effective unification, harmonization and simplification of the law of international trade, and to disseminate to the largest possible extent the results of the standardization of trade terms and other matters within the scope of international trade law. Italy commented that it seems advisable to limit the Commission's work, especially at the outset, to a few well-defined topics with a view to avoiding a scattering of effort which would unfavourably affect the outcome of the work. In the view of the OAS, harmonization ought to be encouraged while unification is a practically utopian goal.

7. The United Kingdom suggested that the Commission should resist the temptation to re-negotiate existing instruments, especially those which have a wide measure of support, unless there are compelling reasons for doing so. Yugoslavia noted that special attention should be given to drafting of standard contracts and rules of international commercial law. The Netherlands and the United States expressed the view that, at least in the beginning, the Commission should not exercise formulating functions itself. The OAS considered that the Commission should not concentrate on the formulation of model laws which are seldom if ever enacted as municipal law but should instead direct its efforts toward gradual codification in the form of draft conventions. Malta noted that the Commission should take due account of the necessity for a detailed study of the extent of overlapping in existing international conventions.

8. The United Kingdom pointed out that taking into consideration that the resources of national authorities available for new studies and for the negotiation of new instruments are not unlimited and bearing in mind the difficulties of harmonizing domestic laws on a world-wide basis, the Commission will have to be content with modest beginnings. The United States suggested that the Commission, in drawing up its work programme, should survey the entire field of international trade law rather than concentrate its efforts in certain areas.

B. Methods to be used by the Commission in promoting harmonization and unification

9. Several countries supported the methods indicated in section II, paragraph 8 of General Assembly resolution 2205 (XXI) for furthering the progressive harmonization and unification of international trade law.^{2/} In some cases, however, certain additions and modifications were suggested.

10. Austria suggested that, as regards unification by means of multilateral agreements, the following methods should be envisaged:

- (a) Extending the application of existing instruments to new geographical areas;
- (b) Adapting existing instruments so as to make them acceptable to a larger number of States;
- (c) Working out new treaties on the basis of existing drafts or on the basis of preparatory work already done.

2/ Section II, paragraph 8 of resolution 2205 (XXI) reads:

"8. The Commission shall further the progressive harmonization and unification of the law of international trade by:

- (a) Co-ordinating the work of organizations active in this field and encouraging co-operation among them;
- (b) Promoting wider participation in existing international conventions and wider acceptance of existing model and uniform laws;
- (c) Preparing or promoting the adoption of new international conventions, model laws and uniform laws and promoting the codification and wider acceptance of international trade terms, provisions, customs and practices, in collaboration, where appropriate, with the organizations operating in this field;
- (d) Promoting ways and means of ensuring a uniform interpretation and application of international conventions and uniform laws in the field of the law of international trade;
- (e) Collecting and disseminating information on national legislation and modern legal developments, including case law, in the field of the law of international trade;
- (f) Establishing and maintaining a close collaboration with the United Nations Conference on Trade and Development;
- (g) Maintaining liaison with other United Nations organs and specialized agencies concerned with international trade;
- (h) Taking any other action it may deem useful to fulfil its functions."

On the other hand, it was suggested by Austria that, where no preparatory work has been done, the consideration within the United Nations of entirely new legal matters should be postponed.

11. Cambodia suggested that:

(a) With respect to important subjects where international codification has reached an advanced stage, it would be desirable to promote the harmonization of substantive rules;

(b) With respect to less important questions and in those areas where the laws of different countries are basically divergent, it would be desirable to resolve conflicts of laws by the establishment of rules as to the applicable law.

12. The United Kingdom considered that it should be possible for the Commission to make progress by:

(a) Promoting wider acceptance of existing conventions, uniform laws and other instruments which are suitable in their present form;

(b) Arranging for the revision of existing instruments when this is desirable to bring them up to date or to adapt them for wider acceptance;

(c) Considering what conventions and other instruments in the course of preparation by other organs and organizations might be made suitable for world-wide adoption;

(d) Selecting new subjects for harmonization or unification.

13. Hungary suggested that the Commission should recommend that States should:

(a) Accede to international conventions or adopt uniform laws;

(b) Harmonize conventions in cases where the same subject is covered by different and divergent international conventions;

(c) Adopt conventions and uniform laws;

(d) Systematize, publish and apply more extensively trade customs and practices, model contracts, trade terms and provisions established and put into practice by international and national organizations and institutions.

14. Italy thought the Commission should use two techniques of unification:

(i) by international conventions and uniform legislation and (ii) by gradual harmonization of the laws of different countries. Israel expressed its understanding that the General Assembly resolution left flexibility in respect of the method to be employed, and this would depend upon the subject matter.

15. Several other countries and organizations (e.g. Belgium, Denmark, Finland, Hungary, ILA, BIRPI, UNIDROIT), suggested that the Commission should review existing conventions in the field of international trade law and promote wider acceptance by States, especially by those which did not take part in the preparation of those conventions. Sweden suggested that the Commission should initiate such modifications as may be necessary to make certain conventions more widely acceptable.

16. UNIDROIT pointed out that one advantage of the method of harmonizing international trade law by means of international conventions or uniform laws would be that those instruments might also serve as model laws for countries wishing to improve and modernize their domestic legislation in this field. The ICC, on the other hand, remarked that in some cases a private codification of existing practices had advantages over an international convention or uniform law because the former method is more easily adaptable to the constant evolution of the structure of international trade.

17. The ECE suggested that where the subject is not yet ripe for the preparation of standard contracts the Commission should prepare guides for the use of contracting parties. UNIDROIT considered that the Commission could examine the possibility of formulating broad guiding lines in respect of some matters of practical importance included in the work programme of international organizations concerned with international trade law.

18. Cambodia, Czechoslovakia and Hungary suggested that the Commission should consider the unification of the conflicts of laws rules when dealing with less important questions and in the subjects where no positive results can be expected within a short time in the uniform regulation of substantive norms. The OAS noted on the other hand that the Commission should concern itself with substantive rules rather than procedural rules including those regarding conflicts of laws. The Hague Conference observed that the uniform rules on substantive law should, if possible, be made immune from the impact of the rules on conflicts of laws. It would therefore be useful to indicate when a uniform law is to prevail and when a foreign or domestic law is to be applied.

19. In several of the comments (i.e. those of Afghanistan, Israel, the United Kingdom, OAS) it was suggested that adequate and practical working arrangements should be established with existing bodies operating in this field. Belgium and the United Kingdom noted that in preparing new conventions the Commission should rely as much as possible on existing inter-governmental organizations. The United States expressed the view that where in an area of international trade law harmonization and unification appears both necessary and promising, the co-operation of the organizations most concerned with this area should be invited. UNIDROIT proposed that the Commission should indicate the matters to be put on the programme of work of international organizations.

20. The OAS suggested that the Commission should take into account the expertise of specialists in international trade matters including representatives of the business community.

C. Topics for inclusion in the work programme of the Commission

21. Many suggestions were made by Governments, organs and organizations regarding topics for inclusion in the work programme of the Commission. These suggestions are classified and summarized in paragraphs 22-32 below, taking into account the list contained in paragraph 10 of the Secretary-General's report.^{3/}

22. Definitions

- (a) Definition of the notion of "international trade law" (Belgium, Italy, Romania);
- (b) Terminology used in international trade law (Romania, OECD);
- (c) Compilation of a list of interpretations of terms used in foreign trade purchases and sales, e.g., "FOB", "CIF", etc. (USSR);
- (d) Definition of commercial terms frequently used (Cambodia).

23. International trade law in general

- (a) International trade and international sale of goods, in general (Ceylon, Japan, Singapore, Yugoslavia);

^{3/} Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 88, document A/6396 and Add.1 and 2. The list is reproduced also in paragraph 3 of document A/CN.9/4.

(b) Study on how to reconcile the legal framework of world trade on a universal scale with regional arrangements focusing on international trade (IAI);

(c) Study of existing multilateral conventions for the purpose of extending their applications (Bulgaria, Denmark, Hungary);

(d) Accelerating the procedure by which States become parties to already negotiated conventions and treaties (Finland);

(e) Preparation of an analytical survey and evaluation of multilateral treaties and other international agreements on substantive subjects of international trade law with a view of their topical revision (Sweden) and possibly drafting new conventions under United Nations auspices (IAI);

(f) Study of the question whether international conventions should be concluded to unify certain matters covered by forms devised by non-governmental organizations (e.g. Incoterms) (Czechoslovakia);

(g) As a general aim of the Commission, the progressive development of an international commercial code (United Kingdom, Yugoslavia). The method would be to establish a general outline of the code and then to conceive each measure of unification of international trade law as part of it (United Kingdom).

24. International sale of goods

1. Conventions

(a) Promotion of knowledge of the Hague Conventions of 1964 (ICC);

(b) Promotion of wider acceptance of the Hague Conventions of 1964 (Netherlands, UNIDROIT);

(c) Initiation of such modifications of the Hague Conventions of 1964 as may be necessary to make them more widely acceptable (Sweden, OAS);

(d) Taking part in terms of assistance and co-ordination in the work of UNIDROIT in connexion with the Hague Conventions of 1964 (Austria);

(e) Unification of the rules of conflicts of laws concerning international sale of corporeal movables (Cambodia, Czechoslovakia).

2. Different legal aspects of contracts and other matters relating to the international sale of goods

(a) Formation of contracts (Czechoslovakia, China, Italy, Pakistan, Romania, IAI, OECD);

(b) Conditions of validity of contracts (Austria, UNIDROIT);

- (c) What constitutes non-fulfilment of contracts (Czechoslovakia);
- (d) **Liability** for defects and non-delivery of the amounts and kinds of goods agreed upon (Bulgaria, Czechoslovakia, Pakistan);
- (e) Transfer of title (Czechoslovakia, Pakistan) including rules concerning conflicts of laws (Czechoslovakia);
- (P) Passing of risk (Pakistan);
- (g) Conditions of delivery (Pakistan);
- (h) Quality control (Ceylon);
- (i) Damages (Czechoslovakia);
- (j) Commercial frustration (*Ceylon*);
- (k) Influence of State intervention on the obligations of the parties (Czechoslovakia);
- (l) Force majeure (China, Pakistan);
- (m) Limitations (Czechoslovakia, China, USSR);
- (n) *Trade samples* (AFRASEC);
- (o) Protection of the good faith purchaser of the goods (Pakistan, UNIDROIT);
- (p) Supply and erection of plant and machinery abroad (China, Pakistan, Romania, Singapore); studies of provisions most frequently used in "turn-key" contracts (Belgium).

3. Trade terms, general conditions of sale and standard contracts

- (a) Consideration of the extension on a world-wide basis of the general conditions of sale and standard contracts for international sale or transfer of different kinds of goods (ECE);
- (b) Study of the most important standard contracts and general conditions for the purpose of harmonizing, improving and unifying the international regulations of these subjects (Bulgaria);
- (c) Promotion of wider acceptance of "Incoterms 1953"^{4/} (United States of America);
- (d) Creation of standard form contracts and standardization of trade terms (Israel, Yugoslavia).

^{4/} International rules for the interpretation of trade terms prepared by the International Chamber of Commerce.

25. Laws relating to conduct of business activities pertaining to international trade

- (a) In general (ILA);
- (b) Progressive removal of all obstacles to trade and of restrictive business and trade practices and freedom of international trade routes (Israel);
- (c) Elimination of discrimination in international trade including the application of the most-favoured-nation principle (USSR);^{5/}
- (d) Exchange control and import and export licences (Ceylon);
- (e) Principles for avoidance of double taxation (Ceylon); attempt to systematize existing conventions aiming at avoiding double taxation (Italy);
- (f) Fiscal treatment of royalties (Italy);
- (g) Right of establishment and the freedom of foreigners in the exercise of economic activities (Italy).

26. Agency and exclusive sale arrangements

- (a) Agency (Czechoslovakia, China, Pakistan, EEC, ILA, OECD, UNIDROIT);
- (b) Promotion of the acceptance of the draft convention providing a uniform law on the contract of commission on the international sale of goods (Austria, Czechoslovakia, UNIDROIT);
- (c) Promotion of the acceptance of the draft convention relating to a uniform law on agency on private law relations of an international character (Austria, UNIDROIT);
- (d) Examination of the draft uniform law for commercial travellers prepared by the International League of Commercial Travelers and Agents (Austria);
- (e) Exclusive sale arrangements (Pakistan, ILA).

27. International payments, credits and related matters

- (a) International payments in general (Pakistan, Yugoslavia);

^{5/} The International Law Commission, at its nineteenth session held in Geneva from 8 May to 14 July 1967, decided to place on its programme the topic of most-favoured-nation clauses in the law of treaties in view of the fact that, inter alia, clarification of its legal aspects might be of assistance to the UNCITRAL. (Report of the International Law Commission on the Work of its Nineteenth Session, Official Records of the General Assembly, Twenty-second Session, Supplement No. 9, (A/6709/Rev.1), paragraph 48.)

(b) Negotiable instruments and banker's commercial credit (China, Ceylon, Guatemala, Italy, Pakistan, Singapore, IAI, IIA, International Savings Banks Institute, UNIDROIT);

(c) The law applicable to negotiable instruments and banker's commercial credits (Cambodia);

(d) Bank deposits and collections (United States of America);

(e) Credit sales (Bulgaria, Pakistan, Singapore);

(f) Promotion of a world-wide unification of the rules on bills of exchange and checks (Belgium, Bulgaria, Czechoslovakia, China, Singapore) by wider participation in the 1930 and 1931 Geneva Conventions (ECE);^{6/}

(g) Promoting the acceptance of the Convention concerning lost or stolen bearer securities (Austria).

28. Transportation

(a) Harmonization and unification of the rules of international transportation (Cambodia, Ceylon, Czechoslovakia, China, Italy, Pakistan, Yugoslavia, ECE, IAI) with special emphasis on shipping (Singapore) and on carriage of goods by road and rail (ECAFE);

(b) Promoting the wider acceptance of existing conventions (Austria, International Chamber of Shipping, International Rail Transport Committee) such as:

- International Convention Concerning the Carriage of Goods by Rail (CIM) (Austria, Central Office of International Transport by Rail);

- International Convention Concerning the Carriage of Passengers and Luggage by Rail (CIV) (Austria, Central Office of International Transport by Rail);

- Convention on the Contract for the International Carriage of Goods by Road (CMR) (Austria);

(c) Promoting the acceptance of the following draft conventions:

- Draft Convention on the Contract for the Carriage of Goods by Inland Waterway (CMN) (IAI, UNIDROIT);^{7/}

^{6/} Austria suggested that no action should be taken with respect to the Geneva Conventions on this subject.

^{7/} Austria expressed the view that the Commission should not deal with this matter.

- Draft Convention on the Contract for the Carriage of Passengers and Luggage by Inland Waterway (CVN) (UNIDROIT);
- Draft Convention Relating to Liability of Boat Owners (UNIDROIT);
- Draft Convention on International Carriage of Passengers and Luggage by Road (CVR) (UNIDROIT);
- Draft Convention on Combined International Carriage of Goods (Austria, Central Office of International Transport by Rail);
- Draft Convention on Contracts of Forwarding Agency in the International Carriage of Goods (Austria, Pakistan);
- (d) Carriage of goods by the container methods of transportation (Australia);
- (e) Packing and stowage of dangerous goods (Australia);
- (f) Warehouse receipts, bills of lading and other documents of title (Ceylon, United States of America);
- (g) Harmonizing the divergent provisions relating to the responsibility of carriers for the death or injuries to passengers to be found in different conventions relating to transportation by different means of transportation (Pakistan, Central Office of International Transport by Rail).

29. Insurance

- (a) Insurance in general (Ceylon, Czechoslovakia, Israel, Italy, Pakistan, Yugoslavia, EEC, ILA);
- (b) Co-ordination of the aspects of insurance relating to the interest of third parties, especially the beneficiaries of insurance payments arising from damage (European Committee of Insurance).

30. Intellectual property

- (a) Industrial property and copyright in general (Cambodia, China, Ceylon, Italy, Pakistan, Singapore, IAI, OAS);^{8/}
- (b) Making efforts to obtain world-wide unification (Czechoslovakia);
- (c) Promotion of wider participation in the Paris Convention (IAPIP);
- (d) Recommending that developing countries adopt the conventions of intellectual property administered by BIRPI (IAPIP).

^{8/} Austria expressed the view that the activities of the international organizations now dealing with these matters are probably sufficient.

31. Commercial arbitration

- (a) Commercial arbitration in general (Cambodia, China, Ceylon, Israel, Romania, Pakistan, Singapore, ECAFE, IAI);
- (b) Recommending that States accede to existing conventions (Hungary, Italy, Romania, OAS, OECD);
- (c) Promotion of the widest possible acceptance of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (Austria, OAS);
- (d) Extension on a world-wide scale of the procedures envisaged in the European Convention on International Commercial Arbitration of 21 April 1961 for the establishment of a special committee to designate the arbitrators or umpires (Austria, Poland, ECE, UNIDROIT).

32. Miscellaneous

- (a) Legal problems affecting the trade with land-locked countries (Laos);
- (b) Commercial associations, companies, partnerships (Austria, Belgium, Israel), joint ventures (Pakistan), multi-national enterprises (IAI);
- (c) Quarantine laws and regulations (AFRASEC);
- (d) Standardization and simplification of such matters as trade documents, international contracts, forms, etc. (Pakistan);
- (e) Jurisdiction of courts (Pakistan); service of process, proof and production of documents (Ceylon); recognition and enforcement of foreign judgements (Pakistan);
- (f) Bankruptcy (Pakistan);
- (g) Extension to non-European countries of the Council of Europe Convention of 17 December 1962 on the liability of hotel-keepers concerning the property of their guests (Austria);
- (h) Promotion of acceptance of the draft conventions on the legal status of travel agencies prepared by UNIDROIT (Austria);
- (i) Sales of immovable property in one State by or to nationals of other States (Pakistan);
- (j) International tourism (Austria, Belgium, UNIDROIT).

D. Suggested priorities

33. A number of Governments and organizations suggested items to be given priority in the work programme of the Commission. While some of them suggested only the topics to be given priority, others indicated also the order of priority with which the proposed topics should be dealt with by the Commission.

34. The topics suggested for priority are the following:

- (a) Preparation of a draft statute for the Commission (Japan);
- (b) Analysis of the field of the Commission's activities in order to identify the sub-heads comprised in it with a view to developing an over-all and systematic plan (United Kingdom);
- (c) Determination of the subjects to be included in the expression "international trade law" (Belgium);
- (d) Unification and harmonization of the law of international sale of goods (China, Italy, Japan, Romania);
- (e) Formation of contracts (OECD);
- (f) Revision of the Hague Convention of 1964 (OAS);
- (g) Prescription and time-limit (China);
- (h) Force majeure (China);
- (i) Supply and erection of plant and machinery abroad (China);
- (j) Agency arrangements (China, EEC, ILA, OECD, UNIDROIT);
- (k) Exclusive sale arrangements (IEA);
- (l) Laws relating to conduct of business activities pertaining to international trade (Italy, ILA);
- (m) Negotiable instruments and banker's commercial credit (China, Guatemala, Italy, ILA);
- (n) Bills of exchange (China);
- (o) Transportation (China, Italy);
- (p) Insurance (Italy, EEC, ILA);
- (q) Industrial property (China, Italy) and copyright (Italy);
- (r) Commercial arbitration (China, Israel, Italy, Poland, Romania, IAI, OAS, OECE);
- (s) Enforcement of arbitral awards (Poland);

(t) Revising existing conventions on trade law in order to ascertain whether it will be possible to make more States accede to such conventions (Denmark);

(u) Taking stock of what has already been achieved and of work in progress in other organizations (United Kingdom);

(v) Unification of rules which under domestic law generally have jus cogens character and therefore cannot be changed by agreement of the contracting parties (Poland).

35. The following orders of priorities were suggested:

China

- (a) Commercial arbitration;
- (b) International protection of industrial property;
- (c) Bills of exchange;
- (d) Banker's commercial credit;
- (e) International sale of goods;
- (f) International transportation of goods;
- (g) Supply and erection of plant and machinery abroad;
- (h) Agency;
- (i) Force majeure;
- (j) Prescription and time-limit.

Italy

- (a) Negotiable instruments and banker's commercial credits;
- (b) International sale of goods and related subjects;
- (c) Transportation;
- (d) Industrial property and copyright;
- (e) Insurance;
- (f) Commercial arbitration;
- (g) Laws relating to conduct of business activities pertaining to international trade.

Japan

- (a) Preparation of a draft statute of the Commission;
- (b) Unification and harmonization of the law of international sale of goods.

Romania

- (a) International sale of goods;
- (b) International commercial arbitration.

ILA

- (a) Negotiable instruments and banker's commercial credits;
- (b) Insurance;
- (c) Agency arrangements;
- (d) Exclusive sale arrangements;
- (e) Laws relating to the conduct of business activities pertaining to international trade.

E. Collection and dissemination of information

36. One of the functions of the Commission is, as provided in section II, paragraph 8 (e) of the resolution, "Collecting and disseminating information on rational legislation and modern legal developments, including case law, in the field of the law of international trade". In this connexion it was suggested that the Commission should:

(a) Bring up to date and revise periodically the survey of activities in the field of international trade law contained in the Secretary-General's report (United Kingdom, Sweden);

(b) Bring up to date the "Table of Legal Activities on the Programme of Certain International Organizations" published by UNIDROIT (United Kingdom);

(c) Make an inventory of the conventions in force (Sweden), those completed but not yet in force and those in the course of preparation both at world level and regionally (Belgium, United Kingdom);

(d) Make an analytical survey of existing multilateral treaties, including those of only regional scope, with an evaluation of each of these instruments in terms of their potential usefulness on a world-wide basis. The Commission might, in this respect, act as a universal clearing house for the revision of treaties (OAS);

(e) Establish a register of agencies of unification (United Kingdom), make available full information about their programmes of work (UNIDROIT) and solicit the co-operation of organizations active in the field of international trade law in making available to Member States some of the most pertinent results of their work (Afghanistan);

(f) Evaluate, select and distribute to Member States the text of laws, contracts and other legal forms which could serve effectively as a reference material for consideration and guidance in connexion with the formulation and enactment of laws concerning international trade or the revision of existing laws and regulations (Afghanistan);

(g) Recommend that Governments make available the texts of laws within the scope of the Commission's interest enabling thereby the Commission to establish a central library for furnishing upon request extracts of those laws to universities, scientific centres and legal organs of any country (Poland);

(h) Collect and disseminate information on modern legal developments and also on emergent proposals for legal change and development (Australia); the information on national laws should include an analysis and comparison of new and old legislation (Singapore);

(i) Establish a legal reference centre for commercial law (Afghanistan);

(j) Establish a documentation centre to be attached to UNIDROIT or to be established within the Commission's secretariat (Finland);

(k) Promote the idea of unification among the jurists of developing countries by means of conferences and meetings (Poland);

(l) Establish an advisory body to be set up within the Commission to advise on specific conflicts or problems relating to international commercial law raised by the developing countries (Singapore).
