

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States,¹² and to give increased importance to its role in relations among States,

Welcoming the fact that the International Law Commission completed the first reading of the draft articles on the most-favoured-nation clause,

Noting with appreciation the work done by the International Law Commission on State responsibility, succession of States in respect of matters other than treaties and the law of the non-navigational uses of international watercourses,

Noting with satisfaction that the International Law Commission continued to pay special attention to the question of rationalizing further its organization and methods of work,

1. *Takes note* of the report of the International Law Commission on the work of its twenty-eighth session;

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at that session;

3. *Approves* the programme of work planned by the International Law Commission for 1977;

4. *Recommends* that the International Law Commission should:

(a) Complete at its thirtieth session, in the light of comments received from Member States, from organs of the United Nations which have competence on the subject-matter and from interested intergovernmental organizations, the second reading of the draft articles on the most-favoured-nation clause adopted at its twenty-eighth session;

(b) Continue on a high priority basis its work on State responsibility, taking into account relevant General Assembly resolutions adopted at previous sessions, with a view to completing the preparation of a first set of draft articles on responsibility of States for internationally wrongful acts, if possible within the next term of office of the members of the International Law Commission, and take up, at the earliest possible time, the separate topic of international liability for injurious consequences arising out of acts not prohibited by international law;

(c) Proceed with the preparation, on a priority basis, of draft articles on:

- (i) Succession of States in respect of matters other than treaties;
- (ii) Treaties concluded between States and international organizations or between international organizations;

(d) Continue its work on the law of the non-navigational uses of international watercourses;

5. *Urges* Member States that have not yet done so to submit to the Secretary-General their written comments on the subject of the law of the non-navigational uses of international watercourses;

¹² Resolution 2625 (XXV), annex.

6. *Expresses confidence* that the International Law Commission will continue to keep the progress of its work under review and to adopt the methods of work best suited to the speedy completion of the tasks entrusted to it;

7. *Supports* the request of the International Law Commission to the Secretary-General to prepare and publish as soon as possible a new and revised edition of the handbook entitled *The Work of the International Law Commission*;

8. *Expresses the wish* that seminars continue to be held in conjunction with sessions of the International Law Commission and that an increasing number of participants from developing countries be given the opportunity to attend these seminars;

9. *Requests* the Secretary-General to forward to the International Law Commission for its attention the records of the discussion on the report of the Commission at the thirty-first session of the General Assembly.

99th plenary meeting
15 December 1976

31/98. Arbitration Rules of the United Nations Commission on International Trade Law

The General Assembly,

Recognizing the value of arbitration as a method of settling disputes arising in the context of international commercial relations,

Convinced that the establishment of rules for *ad hoc* arbitration that are acceptable in countries with different legal, social and economic systems would significantly contribute to the development of harmonious international economic relations,

Bearing in mind that the Arbitration Rules of the United Nations Commission on International Trade Law have been prepared after extensive consultation with arbitral institutions and centres of international commercial arbitration,

Noting that the Arbitration Rules were adopted by the United Nations Commission on International Trade Law at its ninth session¹³ after due deliberation,

1. *Recommends* the use of the Arbitration Rules of the United Nations Commission on International Trade Law in the settlement of disputes arising in the context of international commercial relations, particularly by reference to the Arbitration Rules in commercial contracts;

2. *Requests* the Secretary-General to arrange for the widest possible distribution of the Arbitration Rules.

99th plenary meeting
15 December 1976

31/99. Report of the United Nations Commission on International Trade Law

The General Assembly,

Having considered the report of the United Nations Commission on International Trade Law on the work of its ninth session,¹⁴

¹³ Official Records of the General Assembly, Thirty-first Session, Supplement No. 17 (A/31/17), chap. V, sect. C.

¹⁴ Ibid., Supplement No. 17 (A/31/17).

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, and its resolution 3108 (XXVIII) of 12 December 1973, by which it increased the membership of the Commission, 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,

Noting with appreciation that the United Nations Commission on International Trade Law has completed, or soon will complete, work on many of the priority items included in its programme of work,

Noting further that, under resolutions 2205 (XXI) and 3108 (XXVIII), a State elected as a member of the United Nations Commission on International Trade Law takes office on 1 January of the year following its election, and that its term of office expires on 31 December of the last year of the period for which it was elected,

Bearing in mind that much of the substantive work of the United Nations Commission on International Trade Law is carried out in its Working Groups which usually meet during the months of January and February prior to the regular annual session of the Commission, and that inconvenience is caused to the work of the Commission because vacancies occurring in the membership of Working Groups as at 31 December cannot be filled until the next regular annual session of the Commission,

Taking into account the fact that Governments of Member States which are not members of the United Nations Commission on International Trade Law have on occasion expressed the wish to attend sessions of the Commission and of its Working Groups as observers and the opinion of the Commission expressed in paragraph 74 of its report on the work of its ninth session that it is in the interest of the Commission's work that such States, not members of the Commission, be given the opportunity to participate in its work as observers,

Bearing in mind that the Trade and Development Board of the United Nations Conference on Trade and Development, at its sixteenth session, took note with appreciation of the report of the United Nations Commission on International Trade Law,¹⁵

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its ninth 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* the completion of the draft Convention on the Carriage of Goods by Sea¹⁶ and the adoption by the Commission of the Arbitration Rules of the United Nations Commission on International Trade Law;¹⁷

4. *Further notes with satisfaction* that a draft convention on the international sale of goods has been prepared by a working group of the United Nations Commission on International Trade Law and that this draft convention has been transmitted to Governments and interested international organizations for their comments;

5. *Welcomes* the decision of the United Nations Commission on International Trade Law to hold a second international symposium on international trade law in connexion with its tenth session in 1977 and, in view of the fact that the symposium is financed by voluntary contributions, appeals to Governments to contribute to the costs of the symposium;

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

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

(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) Maintain liaison with the Commission on Transnational Corporations with regard to the consideration of legal problems that would be susceptible of action by it;

(e) Continue to give special consideration to the interests of developing countries and to bear in mind the special problems of land-locked countries;

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

7. *Calls upon* the United Nations Commission on International Trade Law to continue to take account of the relevant provisions of the resolutions of the sixth and seventh special sessions of the General Assembly that laid down the foundations of the new international economic order, bearing in mind the need for United Nations organs to participate in the implementation of those resolutions;

8. *Invites* the Commission on Transnational Corporations, if it identifies specific legal issues in its programme of work that would be susceptible of action by the United Nations Commission on International Trade Law, to refer such issues to that Commission for its consideration;

9. *Welcomes* the decision of the United Nations Commission on International Trade Law to review, in the near future, its long-term programme and, in this connexion, requests the Secretary-General to invite Governments to submit their views and suggestions on such a programme;

¹⁵ *Ibid.*, Supplement No. 15 (A/31/15), vol. II, para. 268.

¹⁶ *Ibid.*, Supplement No. 17 (A/31/17), chap. IV, sect. C.

¹⁷ *Ibid.*, chap. V, sect. C.

10. *Decides that:*

(a) The term of office of those members of the United Nations Commission on International Trade Law whose term would expire on 31 December 1976 is extended until the last day prior to the beginning of the regular annual session of the Commission in 1977 and the term of office of those members of the Commission whose term would expire on 31 December 1979 is extended until the last day prior to the beginning of the regular annual session of the Commission in 1980;

(b) Commencing with the elections to membership of the United Nations Commission on International Trade Law at the thirty-first session of the General Assembly, all States elected to membership shall take office at the beginning of the first day of the regular annual session of the Commission immediately following their election and their terms of office shall expire on the last day prior to the opening of the seventh regular annual session of the Commission following their election;

(c) Governments of Member States that are not members of the United Nations Commission on International Trade Law are entitled, when they so request, to attend the sessions of the Commission and its Working Groups as observers;

11. *Requests* the Secretary-General to forward to the United Nations Commission on International Trade Law the records of the discussions at the thirty-first session of the General Assembly on the Commission's report on the work of its ninth session.

*99th plenary meeting
15 December 1976*

31/100. United Nations Conference on the Carriage of Goods by Sea

The General Assembly,

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,

Having considered chapter IV of the report of the United Nations Commission on International Trade Law on the work of its ninth session¹⁸ which contains draft articles for a convention on the carriage of goods by sea,

Noting that the United Nations Commission on International Trade Law considered and adopted the draft articles taking note of observations and comments submitted by Governments, by the Working Group on International Shipping Legislation of the United Nations Conference on Trade and Development and by international organizations,

Taking note with appreciation of the comments of the Trade and Development Board of the United Nations Conference on Trade and Development that the revision of the law on carriage of goods by sea involves consideration not only of legal but also of economic and shipping trade aspects, and that these aspects should be given due consideration at an international conference of plenipotentiaries,¹⁹

Convinced that international trade is an important factor in the promotion of friendly relations among States and that the adoption of a convention on the carriage of goods by sea which would take into account the legitimate interests of all States, particularly those of the developing countries, which would remove such uncertainties and ambiguities as exist in the rules and practices relating to bills of lading and which would establish a balanced allocation of risks between the cargo owner and the carrier, would contribute to the harmonious development of international trade,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for the valuable work done in having prepared draft articles for a convention on the carriage of goods by sea;

2. *Decides* that an international conference of plenipotentiaries shall be convened in 1978 in New York, or at any other suitable place for which the Secretary-General may receive an invitation, to consider the question of the carriage of goods by sea and to embody the results of its work in an international convention and such other instruments as it may deem appropriate;

3. *Refers* to the conference the draft articles for a convention on the carriage of goods by sea approved by the United Nations Commission on International Trade Law, together with draft provisions concerning implementation, reservations and other final clauses to be prepared by the Secretary-General;

4. *Requests* the Secretary-General:

(a) To circulate the draft Convention on the Carriage of Goods by Sea,²⁰ together with draft provisions concerning implementation, reservations and other final clauses to be prepared by the Secretary-General, to Governments and interested international organizations for comments and proposals;

(b) To convene the United Nations Conference on the Carriage of Goods by Sea for an appropriate period in 1978 at any of the places referred to in paragraph 2 above;

(c) To arrange for the preparation of summary records of the proceedings of the plenary meetings of the Conference and of meetings of committees of the whole which the Conference may wish to establish;

(d) To invite all States to participate in the United Nations Conference on the Carriage of Goods by Sea;

(e) To invite representatives of organizations 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, in accordance with Assembly resolution 3237 (XXIX) of 22 November 1974;

(f) To invite representatives of the national liberation movements recognized in its region by the Organization of African Unity, in the capacity of observers, in accordance with General Assembly resolution 3280 (XXIX) of 10 December 1974;

(g) To invite the specialized agencies and the International Atomic Energy Agency, as well as interested organs of the United Nations and interested regional intergovernmental organizations, to be represented at the Conference by observers;

¹⁸ *Ibid.*, Supplement No. 17 (A/31/17).

¹⁹ TD/B/C.4/153, annex I.

²⁰ *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17 (A/31/17), chap. IV, sect. C.*