

an international convention against the taking of hostages”.

63rd plenary meeting
29 November 1978

33/92. 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 eleventh session,⁵

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,

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

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

2. *Takes note* of the successful conclusion of the United Nations Conference on the Carriage of Goods by Sea, held at Hamburg, upon the invitation of the Federal Republic of Germany, from 6 to 31 March 1978, which has resulted in the adoption of the United Nations Convention on the Carriage of Goods by Sea, 1978, known as the “Hamburg Rules”;

3. *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;

4. *Endorses* the decision of the United Nations Commission on International Trade Law to integrate the draft Convention on the Formation of Contracts for the International Sale of Goods with the draft Convention on the International Sale of Goods into a single text entitled “draft Convention on Contracts for the International Sale of Goods”,⁶ and notes with satisfaction the approval by the Commission of the draft Convention on Contracts for the International Sale of Goods;

5. *Takes note* of all items in the list of subject-matters for the Commission;⁷

6. *Reminds* the United Nations Commission on International Trade Law of its earlier call, contained in paragraph 6 of General Assembly resolution 32/145 of 16 December 1977, to take account of the relevant provisions of the resolutions adopted by the Assembly at its sixth and seventh special sessions and notes, as a response to such call, the inclusion in the proposed work programme of the item entitled “Legal implications of the new international economic order” and the decision of the Commission to establish a working group on this matter;

7. *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 and strengthen its efforts at co-ordinating the work of such organizations in the interest of the unification and harmonization of international trade law and, to this end, take such steps as may be required;

(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 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;

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

9. *Appeals* to all Governments and to organizations, institutions and individuals to consider making financial and other contributions that would make possible the holding of a symposium on international trade law during 1980, as envisaged by the United Nations Commission on International Trade Law, and authorizes the Secretary-General to apply towards the cost of the Commission symposia, in whole or in part,

⁵ Official Records of the General Assembly, Thirty-third Session, Supplement No. 17 (A/33/17).

⁶ *Ibid.*, para. 28.

⁷ *Ibid.*, paras. 41 and 42.

as may be necessary to finance up to fifteen fellowships for participants in the said symposia, voluntary contributions to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law not specifically earmarked by the contributors to some other activity within the Programme;

10. *Expresses its confidence* that the Secretary-General, in carrying out the transfer of the International Trade Law Branch to Vienna in accordance with General Assembly resolution 31/194 of 22 December 1976, will ensure that conditions and facilities exist for the proper accomplishment of its functions;

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

*86th plenary meeting
16 December 1978*

33/93. United Nations Conference on Contracts for the International Sale of Goods

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,

Also recalling its resolution 32/145 of 16 December 1977, by which it deferred until its thirty-third session a decision as to the appropriate time for convening a conference of plenipotentiaries on the international sale of goods and the terms of reference of such a conference,

Having considered chapter II of the report of the United Nations Commission on International Trade Law on the work of its eleventh session,⁸ which contains the text of a draft Convention on Contracts for the International Sale of Goods,

Noting that the Commission considered and approved the draft Convention, taking note of observations and comments submitted by Governments and by international organizations,

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,

Convinced that the adoption of a convention on contracts for the international sale of goods, which would take into account the different social, economic and legal systems of States and remove existing uncertainties and ambiguities regarding the rights and obligations of buyers and sellers, would contribute considerably 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 preparing a draft Convention on Contracts for the International Sale of Goods;

2. *Decides* that an international conference of plenipotentiaries shall be convened in 1980 at the location of the International Trade Law Branch, or at any other suitable place for which the Secretary-General may receive an invitation, to consider the draft Convention on Contracts for the International Sale of Goods prepared by the United Nations Commission on International Trade Law and to embody the results of its work in an international convention and such other instruments as it may deem appropriate;

3. *Also decides* that the United Nations Conference on Contracts for the International Sale of Goods, referred to in paragraph 2 above, should consider the desirability of preparing a Protocol to the Convention on the Limitation Period in the International Sale of Goods,⁹ adopted at New York on 12 June 1974, which would harmonize the provisions of that Convention with those of the Convention on Contracts for the International Sale of Goods as it may be adopted by the Conference;

4. *Refers* to the Conference the draft Convention on Contracts for the International Sale of Goods 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;

5. *Requests* the Secretary-General:

(a) To circulate the draft Convention on Contracts for the International Sale of Goods, together with a commentary and 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 Conference for a period of five weeks in 1980, with the possibility of extension for up to a further week if necessary, at any of the places mentioned 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, and for the publication of the official records of the Conference;

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

(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, 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;

(f) To invite representatives of the national liberation movements recognized in its region by the Organization of African Unity to participate in the Conference in the capacity of observers in accordance with Gen-

⁸ *Ibid.*, Supplement No. 17 (A/33/17).

⁹ *Official Records of the United Nations Conference on Prescription (Limitation) in the International Sale of Goods* (United Nations publication, Sales No. E.74.V.8), p. 101.