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Chairman: Mr. Vratislav PĚCHOTA
(Czechoslovakia).

AGENDA ITEM 88

Progressive development of the law of international trade (continued) (A/6396 and Corr.1 and 2 and Add.1 and 2, A/C.6/L.613/Rev.1 and Add.1 and 2, A/C.6/L.615)

1. Mr. MOLINA (Venezuela) said that it was clear from the Secretary-General's excellent report on the progressive development of international trade law (A/6396 and Corr.1 and 2) that the United Nations ought to participate actively in that very important work. The task set by the United Nations in Article 1, paragraph 3, Article 13 and Article 55 of the United Nations Charter—the achievement of international co-operation in solving international problems of an economic character—plainly covered United Nations action in that branch of the law.

2. A number of delegations, including his own, had embodied the Secretariat's view of United Nations responsibility for the harmonization and unification of international trade law in a draft resolution (A/C.6/L.613/Rev.1). The Colombian representative's excellent introduction of the draft resolution at the 948th meeting had made it unnecessary for him to speak at length about the nature of the text and the reasons for its submission. The central part of the draft resolution was the establishment of a United Nations commission on international trade law, the functions of which were clearly set out. The commission would be engaged, fundamentally, in the co-ordination of the activities of organizations concerned with the subject and in the formulation of instruments. That formulating function, in his delegation's view, should be clearly defined in the manner suggested by the representative of Iraq (949th meeting), although that definition certainly seemed to follow from the terms of operative paragraph 8 of the draft resolution.

3. From among the alternatives given in the draft the sponsors hoped to select those that met with general or, if possible, unanimous approval in the debate. His delegation, for its part, would be very receptive to the various points of view, but wished to state its own position on a few points. First, the number of members of the commission should be

within the limits of twenty-four and thirty. In principle, a commission of twenty-eight would allow a just representation of the principal economic and legal systems of the world, in terms of their geographical distribution. Second, the members of the commission should be elected during the twenty-second session of the General Assembly, because adequate time was needed for so important an election. Third, if possible, the system of rotating seats on the commission should be such that it would not permit the same seat to be split between two States representing different geographical groups. Fourth, to expedite matters and to save time at the current session, a small committee or group of States might be appointed by the General Assembly to prepare the legal machinery and establish the functions of the future commission. Fifth, the establishment of that special preparatory committee would depend on what responsibilities in that sphere were assigned to the United Nations Secretariat.

4. Mr. KOITA (Mali) said that the Secretary-General's report was a significant contribution to the development of co-operation in trade and, thus, to friendly relations among States, regardless of their economic and legal systems. Existing world conditions made it more than ever necessary to develop a universally applicable international trade law that would serve in the interests of the international community.

5. The unification of international trade law was particularly important for the young countries that had recently been freed from colonial domination. For decades, trade practices had been established to the detriment of the countries under colonial rule, and his delegation was therefore pleased that the Secretary-General's report stressed the need for active participation by the developing countries in the formulation of an international trade law which would help to protect the still vulnerable economies of the less developed countries and to harmonize trade relations among them.

6. His delegation had co-sponsored the draft resolution in document A/C.6/L.613/Rev.1 and Add.1 and 2 because it wished the United Nations to have at its disposal sufficient technical resources to achieve the purposes of the Charter. In its view, the application of the provisions of the draft resolution should also help to promote changes in national trade laws that would bring about more harmonious relations of co-operation and trust between developed and developing countries. Consequently, his delegation favoured the establishment of a United Nations commission on international trade law, which, in collaboration with existing organizations experienced in the field of trade law, could carry out the very complex and long-range task of codifying international trade law.

7. Lastly, his delegation hoped that conflicts of laws resulting from differences in the trade legislation of different States would gradually be eliminated, for they were an obstacle not only to the development of world trade but to the establishment of an international law concerning friendly relations and co-operation among States.

8. Mr. ATAM (Turkey), as a sponsor of the draft resolution in document A/C.6/L.613/Rev.1, fully supported the establishment of a United Nations commission on international trade law as appropriate and timely. The objectives of the proposed commission could be achieved both by the removal of obstacles to international trade and by the formulation of uniform laws. It must be remembered, however, that States had other objectives, too, such as the protection of their own economies.

9. The proposed commission would have to take advantage of the knowledge and experience acquired by the International Institute for the Unification of Private Law (UNIDROIT) and the Hague Conference on Private International Law. How that would be done was a matter of great importance for the commission. In his view, the commission should not have less than twenty-four members, because wide representation was essential for its success.

10. Mr. ROSENNE (Israel) noted that the English text of subparagraph 8 (c) of the draft resolution (A/C.6/L.613/Rev.1) contained the inelegant expression "and/or", the meaning of which was almost always obscure. The French and Spanish texts, on the other hand, spelled out in full what the sponsors meant. Accordingly, he would suggest that the English text should be made more explicit.

The meeting rose at 4.45 p.m.