

international monetary system and industrialization. The view was, however, expressed in that connexion that the Commission should continue, in its future work, to seek to maintain a balance between a global view of the development of international trade law, on the one hand, and the more concrete work of formulation of draft provisions, on the other.

39. General approval was expressed by representatives of the proposal for more concrete collaboration in the future between the Commission and other international bodies engaged in the work of unification of private law, such as the International Institute for the Unification of Private Law (UNIDROIT) and the Hague Conference on Private International Law, and specifically of the proposal to set up a consultative group composed of representatives of the secretariats of those three bodies to promote such collaboration.

40. Representatives, stressing the importance to international trade and to their respective countries of an international régime on the carriage of goods by sea, welcomed the Conference of Plenipotentiaries, to be held at Hamburg, from 6 to 31 March 1978, to conclude, on the basis of the draft text elaborated by the Commission at its ninth session, a Convention on the Carriage of Goods by Sea and expressed optimism on the outcome of that Conference. Representatives also voiced their approval of the choice of venue for the Conference, and expressed their appreciation to the Government of the Federal Republic of Germany for its generosity in offering to act as host to the Conference.

41. With respect to the scheduling of the Conference, however, a number of representatives observed that it tended to overlap with the forthcoming session of the United Nations Conference on the Law of the Sea. Care had to be taken to avoid too tight a scheduling of legal conferences as there was a real danger of overtaxing the capacity of many States, especially developing countries, to be represented at such conferences.

C. General Assembly resolution 32/145 and General Assembly decision 32/438 of 16 December 1977

32/145. 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 tenth session,¹

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

I. Other business

42. Several representatives addressed the issue of the possible transfer of the International Trade Law Branch of the Office of Legal Affairs, the secretariat of the Commission, from New York to Vienna. It was said that reasons of efficiency, economy and the convenience of States, particularly developing countries, many of which did not have representation in Vienna, made it desirable for the work of the Commission to continue to be centred in New York. It was also to be hoped that adequate research and support facilities would be available for the secretariat should it be relocated, in order that it might maintain the high quality that had characterized its work. The view was also expressed in that connexion that it would be desirable to seek the opinion of the Commission on the issue.

DECISIONS

43. At its 47th meeting, the Sixth Committee adopted by consensus draft resolution A/C.6/32/L.8. At its 68th meeting, on 9 December, it adopted a draft decision. [*For the text, see para. 45 below.*]

RECOMMENDATIONS OF THE SIXTH COMMITTEE

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

[Text not reproduced in this section. The draft resolution was adopted without change as General Assembly resolution 32/145. See section C below.]

45. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

[Text not reproduced in this section. The draft decision was adopted without change as General Assembly decision 32/438. See section C below.]

(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,

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

2. *Commends* the United Nations Commission on International Trade Law for the progress made in its

¹ *Official Records of the General Assembly, Thirty-second Session, Supplement No. 17 (A/32/17)* (Yearbook . . . 1977, part one, II, A).

work and for its efforts to enhance the efficiency of its working methods;

3. *Notes with satisfaction* that the United Nations Commission on International Trade Law has completed work on a draft Convention on the International Sale of Goods² and that the Commission intends to place before the General Assembly, at its thirty-third session, draft provisions on the formation and validity of contracts for the international sale of goods, together with appropriate recommendations on the action to be taken with respect to those draft provisions;

4. *Notes with regret* that the second international symposium on international trade law could not be held owing to the insufficiency of voluntary contributions from Governments and other sources;

5. *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) 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;

6. *Calls upon* the United Nations Commission on International Trade Law to continue to take account of the relevant provisions of the resolutions adopted by the General Assembly at its sixth and seventh special sessions 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;

7. *Welcomes* the decision of the United Nations Commission on International Trade Law to review, in the near future, its long-term programme of work³ and, in this connexion, requests Governments to submit their views and suggestions on such a programme;

8. *Expresses the view* that both the draft Convention on the International Sale of Goods and the draft provisions on the formation and validity of contracts for the international sale of goods, referred to in paragraph

3 above, should be considered by a conference of plenipotentiaries at an appropriate time;

9. *Decides* to defer until its thirty-third session, when it shall have received from the United Nations Commission on International Trade Law the recommendations relating to the draft provisions on the formation and validity of contracts for the international sale of goods, a decision as to the appropriate time for convening the conference of plenipotentiaries mentioned in paragraph 8 above and as to the terms of reference of such a conference;

10. *Appeals* to all Governments and to organizations, institutions and individuals to consider making financial and other contributions that would make possible the holding of symposia on international trade law as envisaged by the United Nations Commission on International Trade Law;

11. *Requests* the Secretary-General to study the problem of how adequate financial resources can be provided for the symposia on international trade law which are organized biennially by the United Nations Commission on International Trade Law, taking into account the availability of voluntary contributions and the relevant recommendation of the Commission adopted at its 185th meeting on 17 June 1977,⁴ and to report to the General Assembly at its thirty-third session;

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

105th plenary meeting

32/438. UNITED NATIONS CONFERENCE ON THE CARRIAGE OF GOODS BY SEA

At its 105th plenary meeting, on 16 December 1977, the General Assembly, on the understanding that it is for the United Nations Conference on the Carriage of Goods by Sea, to be held at Hamburg, Federal Republic of Germany, from 6 to 31 March 1978, to decide on the invitation and status of non-governmental organization-participants and in the hope that the Conference will give favourable consideration to the matter, on the recommendation of the Sixth Committee:⁵

(a) Took note of paragraph 58 of the report of the United Nations Commission on International Trade Law on the work of its tenth session;⁶

(b) Decided to request the Secretary-General to invite the organizations referred to in that paragraph.

⁴ *Ibid.*, *Thirty-second Session, Supplement No. 17 (A/32/17)*, chap. VI (Yearbook . . . 1977, part one, II, A).

⁵ *Ibid.*, *Thirty-second Session, Annexes*, agenda item 113, document A/32/402, para. 45 (reproduced in the present volume, part one, I, B).

⁶ *Ibid.*, *Thirty-second Session, Supplement No. 17 (A/32/17)* (Yearbook . . . 1977, part one, II, A).

² *Ibid.*, chap. II, sect. C.

³ *Ibid.*, *Thirty-first Session, Supplement No. 17 (A/31/17)*, chap. VIII, sect. A (Yearbook . . . 1976, part one, II, A).