

**UN - General Assembly resolution 2205
(XXI) of 17 December 1966
Establishing - United Nations
Commission on International Trade Law
- United Nations Commission on
International Trade Law**

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A. ANNEX I. ORIGIN AND MANDATE OF THE COMMISSION 2

General Assembly resolution 2205 (XXI) of 17 December 1966 3

2205 (XXI). ESTABLISHMENT OF THE UNITED NATIONS 4
COMMISSION ON INTERNATIONAL TRADE LAW

The General Assembly, 5

Recalling its resolution 2102 (XX) of 20 December 1965, by which it requested the Secretary-General to submit to the General Assembly at its twenty-first session a comprehensive report on the progressive development of the law of international trade, 6

Having considered with appreciation the report of the Secretary-General on that subject, 7

Considering that international trade co-operation among States is an important factor in the promotion of friendly relations and, consequently, in the maintenance of peace and security, 8

Recalling its belief that the interests of all peoples, and particularly those of developing countries, demand the betterment of conditions favouring the extensive development of international trade, 9

Reaffirming its conviction that divergencies arising from the laws of different States in matters relating to international trade constitute one of the obstacles to the development of world trade, 10

Having noted with appreciation the efforts made by intergovernmental and non-governmental organizations towards the progressive harmonization and unification of the law of international trade by promoting the adoption of international conventions, uniform laws, standard contract provisions, general conditions of sale, standard trade terms and other measures, 11

Noting at the same time that progress in this area has not been commensurate with the importance and urgency of the problem, owing to a number of factors, in particular insufficient co-ordination and co-operation between the organizations concerned, their limited membership or authority and the small degree of participation in this field on the part of many developing countries, 12

Considering it desirable that the process of harmonization and unification of the law of international trade should be substantially co-ordinated, systematized and accelerated and that a broader participation should be secured in furthering progress in this area, 13

Convinced that it would therefore be desirable for the United Nations to play a more active role towards reducing or removing legal obstacles to the flow of international trade, 14

Noting that such action would be properly within the scope and competence of the Organization under the terms of Article 1, paragraph 3, and Article 13, and of Chapters IX and X of the Charter of the United Nations, 15

Having in mind the responsibilities of the United Nations Conference on Trade and Development in the field of international trade, 16

Recalling that the Conference, in accordance with its General Principle Six,*2 has a particular interest in promoting the establishment of rules furthering international trade as one of the most important factors in economic development, 17

Recognizing that there is no existing United Nations organ which is both familiar with this technical legal subject and able to devote sufficient time to work in this field, 18

I 19

Decides to establish a United Nations Commission on International Trade Law (hereinafter referred to as the Commission), which shall have for its object the promotion of the progressive harmonization and unification of the law of international trade, in accordance with the provisions set forth in section II below; 20

II 21

Organization and functions of the United Nations Commission on International Trade Law 22

1. The Commission shall consist of twenty-nine States, elected by the General Assembly for a term of six years, except as provided in paragraph 2 of the present resolution. In electing the members of the Commission, the Assembly shall observe the following distribution of seats: 23

(a). Seven from African States; 24

(b). Five from Asian States; 25

(c). Four from Eastern European States; 26

(d) Five from Latin American States; 27

(e) Eight from Western European and other States. * a/ 28

The General Assembly shall also have due regard to the adequate representation of the principal economic and legal systems of the world, and of developed and developing countries. 29

2. Of the members elected at the first election, to be held at the twenty-second session 30

of the General Assembly, the terms of fourteen members shall expire at the end of three years. The President of the General Assembly shall select these members within each of the five groups of States referred to in paragraph I above, by drawing lots.

- 3.** The members elected at the first election shall take office on 1 January 1968. Subsequently, the members shall take office on 1 January of the year following each election. *b/ 31
- 4.** The representatives of members on the Commission shall be appointed by Member States in so far as possible from among persons of eminence in the field of the law of international trade. 32
- 5.** Retiring members shall be eligible for re-election. 33
- 6.** The Commission shall normally hold one regular session a year. It shall, if there are no technical difficulties, meet alternately at United Nations Headquarters and at the United Nations Office at Geneva. *c/ 34
- 7.** The Secretary-General shall make available to the Commission the appropriate staff and facilities required by the Commission to fulfill its task. 35
- 8.** The Commission shall further the progressive harmonization and unification of the law of international trade by: 36
 - (a)** Co-ordinating the work of organizations active in this field and encouraging cooperation among them; *d/ 37
 - (b)** Promoting wider participation in existing international conventions and wider acceptance of existing model and uniform laws; 38
 - (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; 39
 - (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: 40
 - (e)** Collecting and disseminating information on national legislation and modern legal developments, including case law, in the field of the law of international trade; 41
 - (f)** Establishing and maintaining a close collaboration with the United Nations Conference on Trade and Development; 42
 - (g)** Maintaining liaison with other United Nations organs and specialized agencies concerned with international trade; 43
 - (h)** Taking any other action it may deem useful to fulfill its functions 44
- 9.** The Commission shall bear in mind the interests of all peoples, and particularly those of developing countries, in the extensive development of international trade. 45
- 10.** The Commission shall submit an annual report, including its recommendations, to 46

the General Assembly, and the report shall be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Any such comments or recommendations which the Conference or the Trade and Development Board may wish to make, including suggestions on topics for inclusion in the work of the Commission, shall be transmitted to the General Assembly in accordance with the relevant provisions of Assembly resolution 199S (XIX) of 30 December 1964. Any other recommendations relevant to the work of the Commission which the Conference or the Board may wish to make shall be similarly transmitted to the General Assembly.

11. The Commission may consult with or request the services of any international or national organization, scientific institution and individual expert, on any subject entrusted to it, if it considers such consultation or services might assist it in the performance of its functions. 47

12. The Commission may establish appropriate working relationships with intergovernmental organizations and international non-governmental organizations concerned with the progressive harmonization and unification of the law of international trade. *e/ 48

III 49

1. *Requests* the Secretary-General, pending the election of the Commission, to carry out the preparatory work necessary for the organization of the work of the Commission and, in particular: 50

(a) To invite Member States to submit in writing before 1 July 1967, taking into account in particular the report of the Secretary-General, *3 comments on a programme of work to be undertaken by the Commission in discharging its functions under paragraph 8 of section II above: 51

(b) To request similar comments from the organs and organizations referred to in paragraph 8 (f) and (g) and in paragraph 12 of section II above; 52

2. *Decides* to include an item entitled "Election of the members of the United Nations Commission on International Trade Law" in the provisional agenda of its twenty-second session. 53

1497th plenary meeting, 17 December 1966 54

*a/ See section B.1., below. 55

*b/ See section B.2., below. 56

*c/ See section B.3., below. 57

*d/ See section B.4., below. 58

*e/ See section B.5., below. 59

*1/ Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 88, documents A/6396 and Add. 1 and 2. 60

*2/ See proceedings of the United Nations Conference on Trade and Development, vol. 61

I, Final Act and Report (United Nations publication Sales No.: 64.II.B.II). annex A.I.1. p. 18.

*3/ Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 88, documents A/6396 and Add.1 and 2. 62

B. General Assembly resolutions relating to organization and functions of the United Nations Commission on International Trade Law (section II of General Assembly resolution 2205 (XXI) of 17 December 1966) 63

1. Number of member States 64

By resolution 3108 (XXVIII), paragraph 8, of 12 December 1973, the membership in the Commission was increased from 29 to 36 with the following distribution of seats: 65

(a) Nine from African States; 66

(b) Seven from Asian States; 67

(c) Five from Eastern European States; 68

(d) Six from Latin American States; 69

(e) Nine from Western European and other States. 70

2. Date of beginning of term of membership 71

By resolution 31/99, paragraph 10 (b) of 15 December 1976, the date of the beginning of a term of membership in the Commission was changed as follows: 72

“(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.” 73

3. Place of Commission session 74

When the secretariat of the Commission was transferred from New York to Vienna in 1979, the pattern of meetings was changed so that the Commission and its working groups meet alternately in New York in even numbered years and at Vienna (instead of Geneva in odd numbered years). 75

4. Coordination in the field of international trade law

76

Resolution 34/142 of 17 December 1979, provided as follows:

77

CO-ORDINATION IN THE FIELD OF INTERNATIONAL TRADE LAW

78

"The General Assembly,

79

Noting that significant increase in economic and trade relations between States and their people has given rise to increased activities of a legislative nature by international bodies and organs both within and without the United Nations system,

80

"Being of the view that such activities should not lead to the duplication of work or the establishment of conflicting rules, resulting in non-ratification by States or non-application by the courts,

81

"Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law and conferred upon that Commission the mandate of furthering the progressive harmonization and unification of the law of international trade by, inter alia, co-ordinating the work of organizations active in this field and encouraging co-operation among them,

82

"Considering that, by virtue of the mandate conferred upon it by the General Assembly, it is among the tasks of the United Nations Commission on International Trade Law to ensure that legal texts prepared by various international organizations in the field of international trade law contribute to a coherent and generally acceptable system of international law,

83

"Bearing in mind the establishment by the United Nations Commission on International Trade Law of the Working Group on the New International Economic Order and its mandate, as well as the programmes of work of the other Working Groups of the Commission,

84

"Reaffirming its resolution 33/92 of 16 December 1978,

85

"1. Reaffirms the mandate of the United Nations Commission on International Trade Law in the co-ordination of legal activities in the field of international trade law;

86

"2. Calls the attention of all organs and bodies within the United Nations system to this mandate of the United Nations Commission on International Trade Law;

87

"3. Invites all organs and organizations concerned to co-operate with the United Nations Commission on International Trade Law by providing it with relevant information on their activities and by consulting with it;

88

"4. Calls upon all Governments to bear in mind the importance of improved co-ordination of activities related to participation in the various international organizations concerned with international trade law;

89

"5. Requests the Secretary-General:

90

"(a) To take effective steps to secure a close co-ordination, especially, between those parts of the Secretariat which are serving the United Nations Commission on International Trade Law, the International Law Commission, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the Commission on Transitional Corporations; 91

"(b) To place before the United Nations Commission on International Trade Law, at each of its sessions, a report on the legal activities of the international organs, bodies and organizations concerned, together with recommendations as to steps to be taken by the Commission." 92

"105th Plenary meeting 93

"17 December 1979 94

Commencing with resolution 37/106, paragraph 7, of 16 December 1982, the annual resolution on the work of the Commission has contained a paragraph in substantially the same form on the role of the Commission in the coordination of legal activities in the field of international trade law. For example, in resolution 45/42 of 28 November 1990. Paragraph 2 provides as follows: 95

"The General Assembly, 96

2. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to co-ordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law and, in this connection, recommends that the Commission, through its secretariat, should continue to maintain close co-operation with the other international organs and organizations, including regional organizations, active in the field of international trade law;" 97

5. Participation of observers 98

In resolution 36/32 of 13 November 1981: 99

"The General Assembly: 100

"9. Affirms the importance of the participation of observers from all States and interested international organizations at sessions of the United Nations Commission on International Trade Law and its Working Groups;" 101

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