

6. *Decides* that the Special Committee shall accept the participation of observers of Member States, including participation in the meetings of its working group;

7. *Requests* the Special Committee to concentrate its work in the framework of its working group;

8. *Requests* the Secretary-General to provide the Special Committee with the necessary facilities and services;

9. *Invites* the Special Committee to submit a report on its work to the General Assembly at its thirty-ninth session;

10. *Decides* to include in the provisional agenda of its thirty-ninth session the item entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations".

*101st plenary meeting
19 December 1983*

38/134. 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 sixteenth session,³¹

Recalling that the object of the United Nations Commission on International Trade Law is the promotion of the progressive harmonization and unification of international trade law,

Recalling in this regard, its resolutions 2205 (XXI) of 17 December 1966, 3108 (XXVIII) of 12 December 1973, 34/142 of 17 December 1979, 36/32 of 13 November 1981, 36/111 of 10 December 1981 and 37/106 of 16 December 1982, as well as its previous resolutions concerning the reports of the United Nations Commission on International Trade Law 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, equity and common interests 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 and unifying the rules of international trade law,

Stressing the usefulness and importance of sponsoring symposia and seminars, including those organized on a regional basis, for promoting a better knowledge and understanding of international trade law and, especially, for the training of lawyers from developing countries in this field,

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

2. *Commends* the United Nations Commission on International Trade Law for the progress made in its work and for having reached decisions by consensus;

3. *Calls upon* the United Nations Commission on International Trade Law, in particular its Working Group on the New International Economic Order, to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth and seventh special sessions;

4. *Takes note with appreciation* of the commencement by the United Nations Commission on International Trade Law, through its Working Group on the New International Economic Order, of work on drafting a legal guide on drawing up contracts for the supply and construction of industrial works, identifying the legal issues involved in such contracts and suggesting possible solutions to assist parties, in particular from developing countries, in their negotiations;³²

5. *Notes* that the United Nations Commission on International Trade Law has adopted Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance;³³

6. *Notes with appreciation* the progress made by the Working Group on International Contract Practices of the United Nations Commission on International Trade Law in the preparation of a draft model law on international commercial arbitration for adoption by the Commission;³⁴

7. *Reaffirms* the mandate of the United Nations Commission on International Trade Law, 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:

(a) Recommends that the Commission should continue to maintain close co-operation with the other international organs and organizations active in the field of international trade law, in particular the United Nations Conference on Trade and Development, the International Law Commission, the United Nations Industrial Development Organization, the Commission on Transnational Corporations, the International Institute for the Unification of Private Law and the Hague Conference on Private International Law;

(b) Welcomes the close co-operation with the Commission of regional organizations active in the field of international trade law;

(c) Reaffirms the importance of the participation of observers from all States and interested international organizations at sessions of the Commission and its Working Groups;

8. *Reaffirms* the importance of bringing into effect the conventions emanating from the work of the United Nations Commission on International Trade Law for the global unification and harmonization of international trade law;

9. *Reaffirms also* the importance, in particular for the developing countries, of the work of the United Nations Commission on International Trade Law concerned with training and assistance in the field of international trade law and the desirability for the Commission to sponsor symposia and seminars, in particular those organized on a regional basis, to promote training and assistance in the field of international trade law, and, in this connection:

(a) Notes with appreciation the collaboration of regional organizations with the secretariat of the Commis-

³¹ *Ibid.*, Supplement No. 17 (A/38/17).

³² *Ibid.*, chap. V.

³³ *Ibid.*, chap. II and annex I; see also resolution 38/135 below.

³⁴ *Ibid.*, chap. IV.

sion in organizing regional seminars including, in particular, the Asian-African Legal Consultative Committee, the Council for Mutual Economic Assistance and the Organization of American States, reaffirms the importance of this co-operation and recommends that the Commission should continue to maintain such close co-operation;

(b) Welcomes the additional initiatives being undertaken by the Commission and its secretariat to collaborate with other organizations and institutions in the organization of regional seminars;

(c) Expresses its appreciation to Governments and institutions for arranging seminars or symposia in the field of international trade law, in particular the Government of Australia for assisting in the organization of an Asian/Pacific regional trade law seminar and for making available fellowships, and invites such Governments and institutions to supply the secretariat of the Commission with copies of papers or proceedings in connection with these seminars or symposia in order to assist in the planning of future regional seminars;

(d) Invites Governments, relevant United Nations organs, organizations, institutions and individuals to assist the secretariat of the Commission in financing and organizing symposia and seminars;

10. *Recommends* that the United Nations Commission on International Trade Law should continue its work on the topics included in its programme of work;

11. *Reaffirms* the importance of the programme of work of the United Nations Commission on International Trade Law;

12. *Reaffirms also* the importance of the growing role of the International Trade Law Branch of the Office of Legal Affairs of the Secretariat, as the substantive secretariat of the United Nations Commission on International Trade Law, in assisting in the implementation of the work programme of the Commission and takes note with appreciation of its valuable services in the performance of this role;

13. *Requests* the Secretary-General to forward to the United Nations Commission on International Trade Law the records of the discussion at the thirty-eighth session of the General Assembly relating to the report of the Commission on the work of its sixteenth session.³⁵

*101st plenary meeting
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38/135. Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance

The General Assembly,

Recognizing that a wide range of international trade contracts contain clauses obligating a party that fails to perform an obligation under the contract to pay an agreed sum to the other party,

Noting that the effect and validity of such clauses are often uncertain owing to disparities in the treatment of such clauses in various legal systems,

Believing that these uncertainties constitute an obstacle to the flow of international trade,

Being of the opinion that it would be desirable for the legal rules applicable to such clauses to be harmonized so as to reduce or eliminate the uncertainties concerning such

clauses and remove these uncertainties as a barrier to the flow of international trade,

Noting that the United Nations Commission on International Trade Law has adopted Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance,³⁶

Recognizing that there are various ways in which the Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance could be implemented by States, and being of the opinion that a recommendation by the General Assembly to States that they should implement the Uniform Rules in an appropriate manner would not prejudice the Assembly from making a further recommendation or taking further action with respect to the Uniform Rules if circumstances so warrant,

Recommends that States should give serious consideration to the Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance adopted by the United Nations Commission on International Trade Law and, where appropriate, implement them in the form of either a model law or a convention.

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38/136. Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General,³⁷

Emphasizing the important role of diplomatic and consular missions and representatives, as well as of missions and representatives to international intergovernmental organizations and officials of such organizations, in the maintenance of international peace and the promotion of friendly relations among States,

Emphasizing also the duty of States to take all appropriate steps, as required by international law:

(a) To protect the premises of diplomatic and consular missions, as well as of missions to international intergovernmental organizations;

(b) To prevent any attacks on diplomatic and consular representatives, as well as on representatives to international intergovernmental organizations and officials of such organizations;

(c) To bring the offenders to justice;

Deeply concerned about the continued large number of failures to respect the inviolability of diplomatic and consular missions and representatives, and about the serious threat presented by such violations to the maintenance of normal and peaceful international relations, which are necessary for co-operation among States,

Expressing its sympathy for the victims of illegal acts against diplomatic and consular representatives and missions as well as against representatives and missions to international intergovernmental organizations and officials of such organizations,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations, in particular those aimed at ensuring the inviolability of diplomatic and consular missions and representatives, is a basic prerequisite for the normal conduct of

³⁵ *Ibid.*, Thirty-eighth Session, Sixth Committee, 2nd-8th and 59th meetings; and *ibid.*, Sixth Committee, Sessional Fascicle, corrigendum.

³⁶ *Ibid.*, Thirty-eighth Session, Supplement No. 17 (A/38/17), chap. II and annex I.

³⁷ A/38/379 and Corr.1 and Add.1-3.