

5. *Requests* the Special Committee to be mindful of the importance of reaching general agreement whenever it has significance for the outcome of its work;

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 forty-first session, containing, *inter alia*, the concrete results achieved through the discussion of the elements referred to in paragraph 3 above;

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

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11 December 1985

#### 40/71. 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 eighteenth session,<sup>33</sup>

*Recalling* that the object of the Commission is the promotion of the progressive harmonization and unification of international trade law,

*Recalling*, in this regard, its resolution 2205 (XXI) of 17 December 1966, as well as all its other resolutions relating to the work of the Commission,

*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 interest 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 international trade law,

*Stressing* the value of participation by States at all levels of economic development, including developing countries, in the process of harmonizing and unifying international trade law,

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

2. *Commends* the Commission for the progress made in its work and for having reached decisions by consensus;

3. *Calls upon* the Commission 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, and reaffirms the importance, in particular for

developing countries, of the work carried out by the Working Group on the New International Economic Order on a legal guide on the drawing up of international contracts for construction of industrial works;

4. *Notes with particular satisfaction* the completion and adoption by the Commission of the Model Law on International Commercial Arbitration;<sup>34</sup>

5. *Welcomes* the work of the Commission on the legal implications of automated data processing on the flow of international trade as an activity of vital importance to States at all levels of economic development, including developing countries, and in this connection:

(a) *Commends* the Commission for its recommendation on the legal value of computer records<sup>35</sup> which, in conjunction with the preparatory report submitted to the Commission by the Secretary-General,<sup>36</sup> aids in clarifying the legal issues;

(b) *Calls upon* Governments and international organizations to take action, where appropriate, in conformity with the recommendation of the Commission<sup>35</sup> so as to ensure legal security in the context of the widest possible use of automated data processing in international trade;

6. *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;

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

(a) *Expresses* its appreciation to those Governments, regional organizations and institutions that have collaborated with the secretariat of the Commission in organizing regional seminars and symposia in the field of international trade law;

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

(c) *Invites* Governments, international organizations and institutions to assist the secretariat of the Commission in financing and organizing regional seminars and symposia, in particular in developing countries;

(d) *Invites* Governments, relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to allow the resumption of the programme of the Commission for the award of fellowships on a regular basis to candidates from developing countries to enable them to participate in such symposia and seminars;

8. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law;

9. *Recommends* that the Commission should continue its work on the topics included in its programme of work;

<sup>33</sup> *Ibid.*, Supplement No. 17 (A/40/17).

<sup>34</sup> *Ibid.*, annex I.

<sup>35</sup> *Ibid.*, Supplement No. 17 (A/40/17), chap. VI, sect. B.

<sup>36</sup> A/CN.9/265.

10. *Expresses its appreciation* of the important role played by the International Trade Law Branch of the Office of Legal Affairs of the Secretariat, as the substantive secretariat of the Commission, in assisting in the implementation of the work programme of the Commission.

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**40/72. Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law**

*The General Assembly,*

*Recognizing* the value of arbitration as a method of settling disputes arising in international commercial relations,

*Convinced* that the establishment of a model law on arbitration that is acceptable to States with different legal, social and economic systems contributes to the development of harmonious international economic relations,

*Noting* that the Model Law on International Commercial Arbitration<sup>34</sup> was adopted by the United Nations Commission on International Trade Law at its eighteenth session, after due deliberation and extensive consultation with arbitral institutions and individual experts on international commercial arbitration,

*Convinced* that the Model Law, together with the Convention on the Recognition and Enforcement of Foreign Arbitral Awards<sup>37</sup> and the Arbitration Rules of the United Nations Commission on International Trade Law<sup>38</sup> recommended by the General Assembly in its resolution 31/98 of 15 December 1976, significantly contributes to the establishment of a unified legal framework for the fair and efficient settlement of disputes arising in international commercial relations,

1. *Requests* the Secretary-General to transmit the text of the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law, together with the *travaux préparatoires* from the eighteenth session of the Commission, to Governments and to arbitral institutions and other interested bodies, such as chambers of commerce;

2. *Recommends* that all States give due consideration to the Model Law on International Commercial Arbitration, in view of the desirability of uniformity of the law of arbitral procedures and the specific needs of international commercial arbitration practice.

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**40/73. 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,<sup>39</sup>

*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 and also the need for enhancing global understanding thereof,

*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 relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

*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,

*Alarmed* by the increase of acts of violence against diplomatic and consular representatives, as well as against representatives to international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

*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,

*Emphasizing* 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 apprehend the offenders and to bring them to justice,

*Noting* that, in spite of the call by the General Assembly at its previous sessions, not all States have yet become parties to the relevant conventions concerning the inviolability of diplomatic and consular missions and representatives,

*Convinced* that the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later Assembly resolutions are important steps in the efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

*Desiring* to maintain and further strengthen those reporting procedures,

1. *Takes note* of the report of the Secretary-General;

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations, and emphasizes that such acts cannot be justified;

3. *Emphasizes* the importance of enhanced awareness throughout the world of the necessity of ensuring the protection, security and safety of such missions, representatives and officials, as well as of the role of the United Nations in this regard;

4. *Urges* States to observe and to implement the principles and rules of international law governing diplomatic and consular relations and, in particular, to take all necessary measures in conformity with their international obligations to ensure effectively the protection, security

<sup>37</sup> United Nations, *Treaty Series*, vol. 330, No. 4739, p. 38.

<sup>38</sup> United Nations publication, Sales No. E.77.V.6.

<sup>39</sup> A/40/453 and Add.1-10.