

seminars, from within existing resources, with adequate services, including interpretation, as required;

12. *Requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-ninth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate;

13. *Recommends* the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

14. *Also recommends* that the debate on the report of the International Law Commission at the fiftieth session of the General Assembly commence on 23 October 1995.

*84th plenary meeting
9 December 1994*

49/52. Draft articles on the law of the non-navigational uses of international watercourses

The General Assembly,

Having considered chapter III of the report of the International Law Commission on the work of its forty-sixth session, which contains final draft articles of and commentaries on the law of the non-navigational uses of international watercourses,¹⁶

Noting that the International Law Commission decided to recommend the draft articles to the General Assembly and recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles,

Mindful of Article 13, paragraph 1 (a), of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that successful codification and progressive development of the rules of international law governing the non-navigational uses of international watercourses would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

Taking into account the existence of bilateral or multilateral agreements governing the non-navigational uses of international watercourses, which should not be affected by the adoption of a new international instrument unless the parties to those agreements have otherwise decided,

Also taking into account the fact that, despite the existence of a number of bilateral treaties and regional agreements, the use of international watercourses is still based in part on general principles and rules of customary law,

1. *Expresses its appreciation* to the International Law Commission for its valuable work on the law of the non-navigational uses of international watercourses, and to the successive special rapporteurs for their contribution to that work;

2. *Invites* States to submit, not later than 1 July 1996, written comments and observations on the draft articles adopted by the International Law Commission;

3. *Decides* that, at the beginning of the fifty-first session of the General Assembly, the Sixth Committee shall convene as a working group of the whole, open to States Members of the United

Nations or members of specialized agencies, for three weeks from 7 to 25 October 1996, to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission in the light of the written comments and observations of States and views expressed in the debate at the forty-ninth session;

4. *Also decides* that the Working Group of the Whole shall, without prejudice to the rules of procedure of the General Assembly, follow the methods of work and procedures outlined in the annex to the present resolution, subject to any modifications which it may deem appropriate;

5. *Requests* the Secretary-General to arrange for the presence of the Special Rapporteur on the law of the non-navigational uses of international watercourses as an expert during the debates on the topic at its fifty-first session and to submit at that session all relevant documentation;

6. *Further decides* to include in the provisional agenda of its fifty-first session an item entitled "Convention on the law of the non-navigational uses of international watercourses".

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ANNEX

Methods of work and procedures

The draft articles prepared by the International Law Commission shall be the basic proposal before the Working Group of the Whole.

The Working Group of the Whole shall start at once with a discussion of the draft articles on an article-by-article basis, without prejudice to the possibility of simultaneously considering closely connected articles, the decisions on article 2 entitled "Use of terms" being reserved for the concluding stages of the work.

The Working Group of the Whole shall establish a drafting committee.

Once considered by the Working Group of the Whole, each article or group of articles shall be referred to the drafting committee for examination in the light of the discussion.

The drafting committee shall make recommendations to the Working Group of the Whole in relation to each article or group of articles. It shall also prepare and present to the Working Group of the Whole, for its approval, a draft preamble and a set of final clauses.

The Working Group of the Whole shall endeavour to adopt all texts by general agreement. Failing such an agreement within a reasonable period of time, it will take its decisions in accordance with the rules of procedure of the General Assembly.

49/53. Establishment of an international criminal court

The General Assembly,

Recalling its resolution 47/33 of 25 November 1992, in which it requested the International Law Commission to undertake the elaboration of a draft statute for an international criminal court,

Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of the draft statute for an international criminal court, with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session in 1994,

Noting that the International Law Commission adopted a draft statute for an international criminal court¹⁷ at its forty-sixth session and decided to recommend that an international conference of plenipotentiaries be convened to study the draft statute and to

conclude a convention on the establishment of an international criminal court.²⁰

Expressing deep appreciation to the Government of Italy for its offer to host a conference on the establishment of an international criminal court,

1. *Welcomes* the report of the International Law Commission on the work of its forty-sixth session,¹³ including the recommendations contained therein;

2. *Decides* to establish an ad hoc committee, open to all States Members of the United Nations or members of specialized agencies, to review the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries;

3. *Also decides* that the Ad Hoc Committee will meet from 3 to 13 April 1995 and, if it so decides, from 14 to 25 August 1995, and submit its report to the General Assembly at the beginning of its fiftieth session, and requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

4. *Invites* States to submit to the Secretary-General, before 15 March 1995, written comments on the draft statute for an international criminal court, and requests the Secretary-General to invite such comments from relevant international organs;

5. *Requests* the Secretary-General to submit to the Ad Hoc Committee a preliminary report with provisional estimates of the staffing, structure and costs of the establishment and operation of an international criminal court;

6. *Decides* to include in the provisional agenda of its fiftieth session an item entitled "Establishment of an international criminal court", in order to study the report of the Ad Hoc Committee and the written comments submitted by States and to decide on the convening of an international conference of plenipotentiaries to conclude a convention on the establishment of an international criminal court, including on the timing and duration of the conference.

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49/54. UNCITRAL Model Law on Procurement of Goods, Construction and Services

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Noting that procurement constitutes a large portion of public expenditure in most States,

Recalling the completion and adoption by the Commission at its twenty-sixth session of the UNCITRAL Model Law on Procurement of Goods and Construction,²¹

Recalling also the decision of the Commission at its twenty-sixth session to draw up model legislative provisions on procurement of services, while leaving intact the UNCITRAL Model Law on Procurement of Goods and Construction,

Noting that model legislative provisions on procurement of services establishing procedures designed to foster integrity, confidence, fairness and transparency in the procurement process will also promote economy, efficiency and competition in procurement and thus lead to increased economic development,

Being of the opinion that the establishment of model legislative provisions on procurement of services that are acceptable to States with different legal, social and economic systems contributes to the development of harmonious international economic relations,

Convinced that model legislative provisions on services contained in a consolidated text dealing with procurement of goods, construction and services will significantly assist all States, including developing countries and States whose economies are in transition, in enhancing their existing procurement laws and formulating procurement laws where none presently exist,

1. *Takes note with satisfaction* of the completion and adoption by the United Nations Commission on International Trade Law of the UNCITRAL Model Law on Procurement of Goods, Construction and Services²² together with the Guide to Enactment of the Model Law;²³

2. *Recommends* that, in view of the desirability of improvement and uniformity of the laws of procurement, all States give favourable consideration to the Model Law when they enact or revise their procurement laws;

3. *Recommends also* that all efforts be made to ensure that the Model Law together with the Guide become generally known and available.

84th plenary meeting
9 December 1994

49/55. Report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

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 cooperation 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,

Stressing the value of participation by States at all levels of economic development and with different legal systems in the process of harmonizing and unifying international trade law,

²⁰ Ibid., para 90.

²¹ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17), annex I.

²² Ibid., Forty-ninth Session, Supplement No. 17 and corrigendum (A/49/17 and Corr.1), annex I.

²³ A/CN.9/403.