

10. *Requests* the Secretary-General to invite Governments to comment on the present state of the codification process within the United Nations system and to report thereon to the General Assembly at its fifty-first session;

11. *Takes note* of the comments of the International Law Commission on the question of the duration of its session, as presented in its report,<sup>11</sup> and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

12. *Reaffirms* its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

13. *Once again expresses the wish* that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars, from within existing resources, with adequate services, including interpretation, as required;

14. *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 fiftieth 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, following established practice;

15. *Recommends* that the debate on the report of the International Law Commission at the fifty-first session of the General Assembly commence on 4 November 1996.

87th plenary meeting  
11 December 1995

#### 50/46. 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,<sup>12</sup> with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session in 1994,<sup>13</sup>

*Recalling further* that the International Law Commission adopted a draft statute for an international criminal court<sup>12</sup> 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,

*Recalling* its resolution 49/53 of 9 December 1994, in which it decided 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,

*Noting* that the Ad Hoc Committee on the Establishment of an International Criminal Court has made considerable progress during its sessions on the review of the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission,

*Noting also* that the States participating in the Ad Hoc Committee still have different views on major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and that, therefore, further discussions are needed for reaching consensus on the above issues in the future,

*Noting further* that the Ad Hoc Committee is of the opinion that issues can be addressed most effectively by combining further discussions with the drafting of texts, with a view to preparing a consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries,

*Noting* that the Ad Hoc Committee recommends that the General Assembly take up the organization of future work with a view to its early completion, given the interest of the international community in the establishment of an international criminal court,

*Noting also* that the Ad Hoc Committee encourages participation by the largest number of States in its future work in order to promote universality,

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

1. *Takes note* of the report of the Ad Hoc Committee on the Establishment of an International Criminal Court,<sup>14</sup> including the recommendations contained therein, and expresses its appreciation to the Ad Hoc Committee for the useful work done;

2. *Decides* to establish a preparatory committee open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to discuss further the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, taking into account the different views expressed during the meetings, to draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries, and also decides that the work of the Preparatory Committee should be based on the draft statute prepared by the International Law Commission and should take into account the report of the Ad Hoc Committee and the written comments submitted by States to the Secretary-General on the draft statute for an international criminal court pursuant to paragraph 4 of General Assembly resolution 49/53<sup>15</sup> and, as appropriate, contributions of relevant organizations;

<sup>11</sup>Official Records of the General Assembly, Fiftieth Session, Supplement No. 10 (A/50/10), para. 513.

<sup>12</sup>Ibid., Forty-ninth Session, Supplement No. 10 (A/49/10), para. 91.

<sup>13</sup>Ibid., para. 90.

<sup>14</sup>Ibid., Fiftieth Session, Supplement No. 22 (A/50/22).

<sup>15</sup>A/AC.244/1 and Add.1-4.

3. *Also decides* that the Preparatory Committee will meet from 25 March to 12 April and from 12 to 30 August 1996 and submit its report to the General Assembly at the beginning of its fifty-first session, and requests the Secretary-General to provide the Preparatory Committee with the necessary facilities for the performance of its work;

4. *Urges* participation in the Preparatory Committee by the largest number of States in order to promote universal support for an international criminal court;

5. *Further decides* to include in the provisional agenda of its fifty-first session an item entitled "Establishment of an international criminal court", in order to study the report of the Preparatory Committee and, in the light of that report, to decide on the convening of an international conference of plenipotentiaries to finalize and adopt a convention on the establishment of an international criminal court, including on the timing and the duration of the conference.

*87th plenary meeting  
11 December 1995*

**50/47. Report of the United Nations Commission on International Trade Law on the work of its twenty-eighth 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 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,

*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,

*Having considered* the report of the United Nations Commission on International Trade Law on the work of its twenty-eighth session,<sup>16</sup>

*Mindful* of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International Law, particularly as regards the dissemination of international trade law,

*Concerned* about the relatively low incidence of expert representation from developing countries at sessions of the Commission and particularly of its working groups during recent years, owing in part to inadequate resources to finance the travel of such experts,

*Having considered* the report of the Secretary-General,<sup>17</sup>

*Concerned also* about the fact that the need for and interest in the training and assistance programme of the Commission can only partially be met, in view of the limited human and financial resources available, and that the work of the Secretariat in the context of the Case-Law on the United Nations Commission on International Trade Law Texts would substantially increase as the number of the court decisions and arbitral awards covered thereby grows,

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

2. *Notes with satisfaction* the completion and adoption by the Commission of the draft Convention on Independent Guarantees and Stand-by Letters of Credit;<sup>18</sup>

3. *Commends* the Commission for the progress made at its twenty-eighth session in the preparation of a draft Model Law on Legal Aspects of Electronic Data Interchange and Related Means of Communication, as well as in the preparation of draft Notes on Organizing Arbitral Proceedings, and in this connection welcomes the decision of the Commission to continue its consideration of the draft Model Law and the draft Notes with a view to completing its work during its twenty-ninth session;

4. *Welcomes* the decision of the Commission to commence work on the subjects of receivables financing and cross-border insolvency, and to consider the feasibility and desirability of undertaking work on negotiability and transferability of electronic data interchange transport documents, based on a background study to be prepared by the Secretariat and on the discussion of the topic by the Working Group on Electronic Data Interchange at its thirtieth session;

5. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate 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, continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

6. *Also reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

7. *Expresses* the desirability for increased efforts by the Commission in sponsoring seminars and symposia to provide such training and technical assistance, and in this connection:

(a) *Expresses its appreciation* to the Commission for organizing seminars and briefing missions in Armenia, Azerbaijan, Botswana, China, Colombia, the Czech Republic, Georgia, Kenya, Namibia, Panama, Uzbekistan and Zimbabwe;

<sup>17</sup>A/50/434.

<sup>16</sup>Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17).

<sup>18</sup>Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17), annex I.