

(iv)

ESTABLISHMENT OF THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT AS AN ORGAN OF THE GENERAL ASSEMBLY *

** General Assembly resolution 1995 (XIX) of 30 December 1964, as amended.*

The General Assembly

Convinced that sustained efforts are necessary to raise the standards of living in all countries and to accelerate the economic growth of the developing countries,

Considering that international trade is an important instrument for economic development,

Recognizing that the United Nations Conference on Trade and Development has provided a unique opportunity to make a comprehensive review of the problems of trade and of trade in relation to economic development, particularly those problems affecting the developing countries,

Convinced that adequate and effectively functioning organizational arrangements are essential if the full contribution of international trade to the accelerated economic growth of the developing countries is to be successfully realized through the formulation and implementation of the necessary policies,

Taking into account that the operation of existing international institutions was examined by the United Nations Conference on Trade and Development, which recognized both their contributions and their limitations in dealing with all the problems of trade and related problems of development,

Believing that all States participating in the United Nations Conference on Trade and Development should make the most effective use of institutions and arrangements to which they are or may become parties,

Convinced that, at the same time, there should be a further review of both the present and the proposed institutional arrangements, in the light of the experience of their work and activities,

Taking note of the widespread desire among developing countries for a comprehensive trade organization,

Recognizing that further institutional arrangements are necessary in order to continue the work initiated by the Conference and to implement its recommendations and conclusions,

I

Establishes the United Nations Conference on Trade and Development as an organ of the General Assembly in accordance with the provisions set forth in section II below;

II

1. The members of the United Nations Conference on Trade and Development (hereinafter referred to as the Conference) shall be those States which are Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency.

2. The Conference shall normally be convened at intervals of not more than four years. The General Assembly shall determine the date and location of the sessions of the Conference, taking into account the recommendations of the Conference or of the Trade and Development Board, established under paragraph 4 below.

3. The principal functions of the Conference shall be:

(a) To promote international trade, especially with a view to accelerating economic development, particularly trade between countries at different stages of development, between developing countries and between countries with different systems of economic and social organization, taking into account the functions performed by existing international organizations;

(b) To formulate principles and policies on international trade and related problems of economic development;

(c) To make proposals for putting the said principles and policies into effect and to take such other steps within its competence as may be relevant to this end, having regard to differences in economic systems and stages of development;

(d) Generally, to review and facilitate the co-ordination of activities of other institutions within the United Nations system in the field of international trade and related problems of economic development, and in this regard to cooperate with the General Assembly and the Economic and Social Council with respect to the performance of their responsibilities for co-ordination under the Charter of the United Nations;

(e) To initiate action, where appropriate, in co-operation with the competent organs of the United Nations for the negotiation and adoption of multilateral legal instruments in the field of trade, with due regard to the adequacy of existing organs of negotiation and without duplication of their activities;

(f) To be available as a centre for harmonizing the trade and related development policies of Governments and regional economic groupings in pursuance of Article 1 of the Charter:

(g) To deal with any other matters within the scope of its competence.

Trade and Development Board

Composition

4. A permanent organ of the Conference, the Trade and Development Board (hereinafter referred to as the Board), shall be established as part of the United Nations machinery in the economic field.

5. Membership of the Board shall be open to all members of the Conference. Those members of the Conference wishing to become members of the Board shall communicate their intention to do so, in writing, to the Secretary-General of the Conference.

6. The lists of States contained in the annex shall be reviewed periodically by the Conference in the light of changes in membership of the Conference and other factors.

7. The Secretary-General of the Conference shall bring the communications referred to in paragraph 5 above to the attention of the President of the Board who, at the commencement of the following regular, special or resumed session of the Board, or during such sessions as the case may be, shall announce the membership of the Board. Membership of the Board shall be for an indefinite period, subject to the provisions of paragraph 8 below.

8. Any member of the Board wishing to relinquish its membership shall inform the Secretary-General of the Conference, in writing, of its intention to do so. The Secretary-General of the Conference shall bring such communications to the attention of the President of the Board who, at the commencement of the following regular, special or resumed session, or during such session as the case may be, shall announce the revised membership of the Board.

9. Each member of the Board shall have one representative with such alternates and advisers as may be required.

10. Any member of the Conference shall be entitled to participate in the deliberations of the Board on any item on its agenda of particular concern to that member, with all the rights and privileges of a Board member except the right to vote.

11. The Board may make arrangements for representatives of the intergovernmental bodies referred to in paragraphs 18 and 19 below to participate, without vote, in its deliberations and in those of the subsidiary bodies and working groups established by it. Such participation may also be offered to non-governmental organizations concerned with matters of trade and of trade as related to development.

12. The Board shall adopt its own rules of procedure.

13. The Board shall meet as required in accordance with its rules. It shall normally meet twice in any particular year.

Functions

14. When the Conference is not in session, the Board shall carry out the functions that fall within the competence of the Conference.

15. In particular, the Board shall keep under review and take appropriate action within its competence for the implementation of the recommendations, declarations, resolutions and other decisions of the Conference and to ensure the continuity of its work.

16. The Board may make or initiate studies and reports in the field of trade and related problems of development.

17. The Board may request the Secretary-General of the United Nations to prepare such reports, studies or other documents as it may deem appropriate.

18. The Board shall, as required, make arrangements to obtain reports from and establish links with intergovernmental bodies whose activities are relevant to its functions. In order to avoid duplication it shall avail itself, whenever possible, of the relevant reports made to the Economic and Social Council and other United Nations bodies.

19. The Board shall establish close and continuous links with the regional economic commissions of the United Nations and it may establish such links with other relevant regional intergovernmental bodies.

20. In its relations with organs and agencies within the United Nations system, the Board shall act in conformity with the responsibilities of the Economic and Social Council under the Charter, particularly those of co-ordination, and with the relationship agreements with the agencies concerned.

21. The Board shall serve as a preparatory committee for future sessions of the Conference. To that end, it shall initiate the preparation of documents, including a provisional agenda, for consideration by the Conference, as well as make recommendations as to the appropriate date and place for its convening.

22. The Board shall report to the Conference and it shall also report annually on its activities to the General Assembly through the Economic and Social Council. The Council may transmit to the Assembly such comments on the reports as it may deem necessary.

23. The Board shall establish such subsidiary organs as may be necessary to the effective discharge of its functions. It shall establish, in particular, the following committees:

(a) A committee on commodities which, inter alia, will carry out the functions which are now performed by the Commission on International Commodity Trade and the Interim Co-ordinating Committee for International Commodity Arrangements;

(b) A committee on manufactures;

(c) A committee on invisibles and financing related to trade. The Board shall give special consideration to the appropriate institutional means for dealing with problems of shipping, and shall take into account the recommendations contained in annexes A.IV.21 and A.IV.22 of the Final Act of the Conference.

The terms of reference of the latter two subsidiary bodies and other subsidiary organs established by the Board shall be adopted after consultation with the appropriate organs of the United Nations and shall take fully into account the desirability of avoiding duplication and overlapping of responsibilities. In determining the size of the subsidiary organs and in electing their members, the Board shall take fully into account the desirability of including in the membership of these bodies member States with a special interest in the subject matter to be dealt with by them. It may include any State member of the Conference, whether or not that State is represented on the Board. The Board will determine the terms of reference and rules of procedure of its subsidiary organs.

Voting

24. Each State represented at the Conference shall have one vote. Decisions of the Conference on matters of substance shall be taken by a two-thirds majority of the representatives present and voting. Decisions of the Conference on matters of procedure shall be taken by a majority of the representatives present and voting. Decisions of the Board shall be taken by a simple majority of the representatives

present and voting.

Procedures

25. The procedures set forth in the present paragraph are designed to provide a process of conciliation to take place before voting and to provide an adequate basis for the adoption of recommendations with regard to proposals of a specific nature for action substantially affecting the economic or financial interests of particular countries.

(a) Levels of conciliation

The process of conciliation within the meaning of the present paragraph may take place under the conditions stated with regard to proposals which are before the Conference, the Board or Committees of the Board. In the case of the Committees of the Board, the process of conciliation shall apply only to those matters, if any, with respect to which a Committee has been authorized to submit, without further approval, recommendations for action.

(b) Request for conciliation

A request for conciliation within the meaning of the present paragraph may be made:

- (i) In the case of proposals before the Conference, by at least 10 members of the Conference;
- (ii) In the case of proposals before the Board, by at least five members of the Conference, whether or not they are members of the Board;
- (iii) In the case of proposals before Committees of the Board, by three members of the Committee.

The request for conciliation under the present paragraph shall be submitted, as appropriate, to the President of the Conference or to the President of the Board. In the case of a request relating to a proposal before a Committee of the Board, the Chairman of the Committee concerned shall submit the request to the President of the Board.

(c) Initiation of conciliation by a presiding officer

The process of conciliation within the meaning of the present paragraph may also be initiated whenever the President of the Conference, the President of the Board or the Chairman of the Committee concerned is satisfied that the required number of countries as specified in subparagraph (b) above are in favour of such conciliation. In cases where the process of conciliation is initiated at the level of a Committee, the Chairman of the Committee concerned shall refer the matter to the President of the Board for action to be taken in accordance with subparagraph (f) below.

(d) Time for request or initiation of conciliation

The request for conciliation (or the initiation of conciliation by the President of the Conference or the President of the Board, as the case may be) may be made

only after the debate on the proposal has been concluded within the organ concerned and prior to the vote on that proposal. For the purposes of this provision, the presiding officer of the organ concerned shall, at the conclusion of the debate on any proposal, afford an appropriate interval for the submission of requests for conciliation before proceeding to the vote on the proposal in question. In the event that conciliation is requested or initiated, voting on the proposal in question shall be suspended and the procedures provided for below shall be followed.

(e) Subjects in regard to which conciliation is appropriate or excluded

The institution of the process of conciliation shall be automatic under the conditions stated in subparagraphs (b) and (c) above. The categories in (i) and (ii) below shall serve as guidelines:

(i) Appropriate for conciliation shall be proposals of a specific nature for action substantially affecting the economic or financial interests of particular countries in the following fields:

Economic plans or programmes or economic or social readjustments;

Trade, monetary or tariff policies, or balance of payments;

Policies of economic assistance or transfer of resources;

Levels of employment, income, revenue or investment;

Rights or obligations under international agreements or treaties.

(ii) Proposals in the following fields shall not require conciliation:

Any procedural matter;

Any proposal for study or investigation, including such proposals related to the preparation of legal instruments in the field of trade;

Establishment of subsidiary bodies of the Board within the scope of its competence;

Recommendations and declarations of a general character not calling for specific actions;

Proposals involving action proposed in pursuance of recommendations which were unanimously adopted by the Conference.

(f) Nomination of a conciliation committee

When a request for conciliation is made or initiated, the presiding officer of the organ concerned shall immediately inform the organ. The President of the Conference or the President of the Board shall, as soon as possible, after consultation with the members of the organ concerned, nominate the members of a conciliation committee and submit the nominations for the approval of the Conference or the Board, as appropriate.

(g) Size and composition of the conciliation committee

The conciliation committee shall, as a rule, be small in size. Its members shall include countries especially interested in the matter with respect to which such conciliation was initiated and shall be selected on an equitable geographical basis.

(h) Procedure within the conciliation committee and submission of its report

The conciliation committee shall begin its work as soon as possible and it shall endeavour to reach agreement during the same session of the Conference or the Board. No vote shall take place in the conciliation committee. In the event that the conciliation committee is unable to conclude its work or fails to reach agreement at the same session of the Conference or the Board, it shall report to the next session of the Board or to the next session of the Conference, whichever meets earlier. However, the Conference may instruct the conciliation committee appointed by it to submit its report to the following session of the Conference in the event that the committee shall not have concluded its work or shall have failed to reach agreement during the same session of the Conference.

(i) Extension of the mandate of the conciliation committee

A proposal to continue a conciliation committee beyond the session at which it is required to report shall be decided by a simple majority.

(j) Report of the conciliation committee

The report of the conciliation committee shall indicate whether or not the committee was able to reach an agreement and whether or not the committee recommends a further period of conciliation. The report of the committee shall be made available to the members of the Conference.

(k) Action on the report of the conciliation committee

The report of the conciliation committee shall have priority on the agenda of the organ to which it is submitted. If the organ adopts a resolution on the proposal which was the subject of the report of the conciliation committee, that resolution shall refer explicitly to the report of the conciliation committee and to the conclusion reached by the conciliation committee in the following form, as appropriate:

"Noting the report of the Conciliation Committee appointed on (date) (document number),

"Noting also that the Conciliation Committee [was able to reach an agreement] [recommends a further period of conciliation] [was unable to reach agreement],"

(1) Reports of the Board and the Conference

The reports of the Board to the Conference and to the General Assembly and the reports of the Conference to the Assembly shall include, inter alia:

(i) The texts of all recommendations, resolutions and declarations

adopted by the Board or the Conference during the period covered by the report;

(ii) In respect of recommendations and resolutions which are adopted after a process of conciliation, there shall also be included a record of the voting on each recommendation or resolution, together with the texts of the reports of the conciliation committees concerned. In the report, the record of voting and the texts of the reports shall normally follow the resolution to which they pertain.

(m) Good offices of the Secretary-General of the Conference

The good offices of the Secretary-General of the Conference shall be utilized as fully as practicable in connection with the process of conciliation.

(n) Proposals involving changes in the fundamental provisions of the present resolution

A process of conciliation shall also be applied under the terms and conditions laid down above in regard to any proposal for a recommendation to the General Assembly which would involve changes in the fundamental provisions of the present resolution. Any question as to whether a particular provision shall be considered fundamental for the purposes of the present subparagraph shall be determined by a simple majority of the Conference or the Board.

Secretariat

26. Arrangements shall be made, in accordance with Article 101 of the Charter, for the immediate establishment of an adequate, permanent and full-time secretariat within the United Nations Secretariat for the proper servicing of the Conference, the Board and its subsidiary bodies.

27. The secretariat shall be headed by the Secretary-General of the Conference, who shall be appointed by the Secretary-General of the United Nations and confirmed by the General Assembly.

28. Adequate arrangements shall be made by the Secretary-General of the United Nations for close co-operation and co-ordination between the secretariat of the Conference and the Department of Economic and Social Affairs, including the secretariats of the regional economic commissions and other appropriate units of the United Nations Secretariat as well as with the secretariats of the specialized agencies.

Financial Arrangements

29. The expenses of the Conference, its subsidiary bodies and secretariat shall be borne by the regular budget of the United Nations, which shall include a separate budgetary provision for such expenses. In accordance with the practice followed by the United Nations in similar cases, arrangements shall be made for assessments on States not members of the United Nations which participate in the Conference.

Future Institutional Arrangements

30. The Conference will review, in the light of experience, the effectiveness and

further evolution of institutional arrangements with a view to recommending such changes and improvements as might be necessary.

31. To this end it will study all relevant subjects, including matters relating to the establishment of a comprehensive organization based on the entire membership of the United Nations system of organizations to deal with trade and with trade in relation to development.

32. The General Assembly expresses its intention to seek advice from the Conference before making changes in the fundamental provisions of the present resolution.

LISTS OF STATES REFERRED TO IN PARAGRAPH 6 *

** Secretariat Note: The Conference at its ninth session, scheduled to be held in 1996, is expected to welcome the following member States in the lists: Andorra; Armenia; Azerbaijan; Bosnia and Herzegovina; Croatia; Czech Republic; Eritrea; Estonia; Georgia; Kazakhstan; Kyrgyzstan; Latvia; Lithuania; Marshall Islands; Micronesia (Federated States of); Palau; Republic of Moldova; Slovakia; Slovenia; Tajikistan; The former Yugoslav Republic of Macedonia; Turkmenistan; Uzbekistan.*

A

Afghanistan
 Algeria
 Angola
 Bahrain
 Bangladesh
 Benin
 Bhutan
 Botswana
 Brunei Darussalam
 Burkina Faso
 Burundi
 Cambodia
 Cameroon
 Cape Verde
 Central African Republic
 Chad
 China
 Comoros
 Congo
 Côte d'Ivoire
 Democratic People's Republic of Korea
 Djibouti
 Egypt
 Equatorial Guinea
 Ethiopia
 Fiji
 Gabon
 Gambia
 Ghana
 Guinea
 Guinea-Bissau
 India

Indonesia
Iran, Islamic Republic of
Iraq
Israel
Jordan
Kenya
Kuwait
Lao People's Democratic Republic
Lebanon
Lesotho
Liberia
Libyan Arab Jamahiriya
Madagascar
Malawi
Malaysia
Maldives
Mali
Mauritania
Mauritius
Mongolia
Morocco
Mozambique
Myanmar
Namibia
Nepal
Niger
Nigeria
Oman
Pakistan
Papua New Guinea
Philippines
Qatar
Republic of Korea
Rwanda
Samoa
Sao Tome and Principe
Saudi Arabia
Senegal
Seychelles
Sierra Leone
Singapore
Solomon Islands
Somalia
South Africa
Sri Lanka
Sudan
Swaziland
Syrian Arab Republic
Thailand
Togo
Tonga
Tunisia
Uganda
United Arab Emirates

Vanuatu
Zambia
Zimbabwe

B

Australia
Austria
Belgium
Canada
Cyprus
Denmark
Finland
France
Germany
Greece
Holy See
Iceland
Ireland
Italy
Japan
Liechtenstein
Luxembourg
Malta
Monaco
Netherlands
New Zealand
Norway
Portugal
San Marino
Spain
Sweden
Switzerland
Turkey
United Kingdom of Great Britain and Northern Ireland
United States of America

C

Antigua and Barbuda
Argentina
Bahamas
Barbados
Belize
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
Ecuador
El Salvador
Grenada
Guatemala

Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Suriname
Trinidad and Tobago
Uruguay
Venezuela

D

Albania
Bulgaria
Belarus
Hungary
Poland
Romania
Ukraine
Russian Federation
