

JOHN O. HONNOLD

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When establishment of the United Nations Commission on International Trade Law (UNCITRAL) was first proposed, the Department of State was skeptical. It doubted that a body of the General Assembly, whose member states broadly represent the world's diverse legal systems, forms of government, and states of industrial development could succeed in unifying and harmonizing international commercial law.

John Honnold, as the Chief of the International Trade Law Branch of the United Nations Office of Legal Affairs from 1969 to 1974, and as such the head of the Secretariat of the newly established UNCITRAL, played an essential role in overcoming those doubts. During these first years of the Commission, in which the working methods and the initial program were developed, it became clear that the concept of the Commission was, indeed, a viable one. Much of the credit for this goes to John, who helped to focus UNCITRAL's efforts on topics in which the Commission could develop conventions or rules acceptable to traders in a large number of states with differing legal systems.

The UNCITRAL Rules of Arbitration have already proved their worth, and their use will continue to increase. The 1974 Convention on the Limitation Period in the International Sale of Goods will have a strong chance of world-wide acceptance if the 1980 U.N. Convention on Contracts for the International Sale of Goods (CISG) proves successful, as seems likely. The 1978 U.N. Convention on the Carriage of Goods by Sea ("Hamburg Rules") has yet to be accepted broadly, but its proponents believe that its acceptance is primarily a matter of time.

While John played a leading role in the development of all of these UNCITRAL conventions, the project to which John made his major contribution is the CISG, currently pending before the United States Senate for advice and consent to ratification. John served as UNCITRAL Secretary during the first several years of work on the draft convention and later was an important member of the Study Group on International Sales of the Secretary of State's Advisory Committee on Private International Law. He eventually became co-chairman, with

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Professor Allan Farnsworth, of the United States delegation to the 1980 U.N. Conference in Vienna that adopted the Convention. Because of the soundness and thoroughness of the preparatory work in the UNCITRAL Working Group—a hallmark of UNCITRAL's methods from the very start under John's guidance—many delegations saw their task at the final Conference as one of preserving rather than modifying the draft convention and the delicate compromises it embodied.

Once the conference adopted the Convention text in a form closely similar to the UNCITRAL draft, a new aspect of John's supportive work began. The initial contribution was his publication of the first and, so far, only English language book on the Convention. As the standard work on the CISG, his book is all the more important because the Conference did not authorize any UNCITRAL or Secretariat commentary on the Convention as adopted. In addition, John's assistance to the State Department was crucial in the preparation of the legal analysis of the Convention that relates its provisions to the corresponding provisions of the Uniform Commercial Code. His advocacy of the Convention has included participation in various panel discussions and conferences in the United States and will be followed by further efforts to make the Convention's merits known throughout the world.

The likely success of the CISG will in very large measure be due to John's efforts in his various roles: as Secretary of UNCITRAL, as United States expert in the Commission's Working Group, as United States delegation co-chairman and advocate for U.S. ratification, and finally, as proponent for world-wide adoption of the CISG.

Anyone who has encountered John knows that his manner is thoughtful, gentle, and fair. All who have worked with him in connection with UNCITRAL projects, and especially the Sales Convention, also know that beneath the gentle manner are a firm conviction and a strong sense of purpose often communicated with a very original sense of humor.

The Department of State, the American business sector, and the United States private legal sector, all of which benefit from United States participation in international efforts to unify private law, owe much to John for his enormous past contributions. We in the Department look forward to ongoing consultations with and assistance from John in the future. His retirement from the University of Pennsylvania may end his formal classroom instruction, but it certainly will not end John's scholarship, teaching, and work with the law.