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## Coordination activities<sup>\*</sup>

### Note by the Secretariat

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<sup>\*</sup> With a view to streamlining the production of documents for the annual sessions of the Commission and standardizing their respective coverage periods, the secretariat has decided that, starting in 2024, all documents providing periodic information or reporting on activities other than the legislative work of the Commission will provide information related to the previous calendar year, and not according to the Commission session cycles. As the previous report on cooperation activities ([A/CN.9/1143](#)) provided information through 27 April 2023, this document contains information from that date through January 2024. From 2025 onwards the reporting on this topic will cover the full preceding calendar year.



## I. Introduction

1. In resolution 34/142 of 17 December 1979, the General Assembly requested the Secretary-General to place before the Commission a report on the legal activities of international organizations in the field of international trade law, together with recommendations as to the steps to be taken by the Commission to fulfil its mandate of coordinating the activities of other organizations in the field.

2. In resolution 36/32 of 13 November 1981, the General Assembly endorsed various suggestions by the Commission to implement further its coordinating role in the field of international trade law.<sup>1</sup> Those suggestions included presenting, in addition to a general report of activities of international organizations, reports on specific areas of activity focusing on work already under way and areas where unification work was not under way but could appropriately be undertaken.<sup>2</sup>

## II. General considerations and strategy for coordination activities

3. The coordination of the activities of organizations active in the field of international trade law is a core element of the mandate of UNCITRAL,<sup>3</sup> and was given to the Commission by the General Assembly as a means to avoid duplication of efforts and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law. The UNCITRAL secretariat carries out its part of that mandate essentially in three ways, as indicated below.

4. The first way in which the secretariat supports the Commission's coordination mandate is by following the work of, and communicating with, organizations active in the field of international trade law. This includes actively participating in the activities and meetings of the relevant organizations, as required, and inviting them to participate in the Commission's work, including by offering them the opportunity to present reports (both formal and informal) on their activities at the Commission's annual sessions. The secretariat has established ongoing relationships with several international organizations active in the field of international trade and trade law, both intergovernmental and non-governmental.<sup>4</sup>

5. The second way in which the secretariat supports the Commission's coordination mandate is by preparing studies to assist the Commission in monitoring activities and developments in international trade law. In the past, two types of studies were routinely prepared for the Commission: general surveys of the activities of other organizations related to international trade law,<sup>5</sup> as well as in-depth reports on the activities of organizations on specific international trade law topics.<sup>6</sup>

6. Lastly, when appropriate, the secretariat proposes to the Commission to recommend the use or adoption of international trade law related instruments

<sup>1</sup> *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17 (A/36/17)*, paras. 93–101.

<sup>2</sup> *Ibid.*, para. 100.

<sup>3</sup> See General Assembly resolution 2205 (XXI), sect. II, para. 8.

<sup>4</sup> The lists of those organizations are available at [www.unodc.org/missions/en/uncitral/information.html](http://www.unodc.org/missions/en/uncitral/information.html).

<sup>5</sup> Pursuant to General Assembly resolution 34/142 (*UNCITRAL Yearbook*, vol. XI: 1980, part one, chap. I, sect. C). See, for example, "Current activities of international organizations related to the harmonization and unification of international trade law: report of the Secretary-General" (*A/CN.9/380*) (*UNCITRAL Yearbook*, vol. XXIV: 1993, part two, chap. V).

<sup>6</sup> *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17 (A/36/17)*, para. 100 (*UNCITRAL Yearbook*, vol. XII: 1981, part one, sect. A). See, for example, "Coordination of work: international transport documents: report of the Secretary-General" (*A/CN.9/225* and Corr.1 (French only)) (*UNCITRAL Yearbook*, vol. XIII: 1982, part two, chap. VI, sect. B).

developed by other organizations.<sup>7</sup> The most recent examples were the endorsement of the UNIDROIT Principles of International Commercial Contracts 2016 and the International Standard Demand Guarantee Practice for the Uniform Rules for Demand Guarantees (URDG 758) of the International Chamber of Commerce (ICC) at the fifty-fourth and fifty-fifth sessions of the Commission, respectively.<sup>8</sup> A number of those organizations have also recommended and endorsed the adoption of UNCITRAL texts.

7. For the current session, the main subject of the report that the secretariat prepares annually in response to resolution 34/142 is limited to the first type of coordination activity described in paragraph 4 above. Thus, this report provides information on the activities of other international organizations active in the field of international trade law in which the UNCITRAL secretariat has participated. As in previous years, most of those activities have included provision of comments on documents drafted by those organizations and participation in various meetings (e.g. working groups, expert groups and plenary meetings), the preparation of joint papers and conferences. The purpose of that participation has been to ensure coordination of the related legislative and rule-making activities of the different organizations, to share information and expertise and avoid duplication of work and of the texts resulting from that work.

### III. Coordination activities undertaken in the reporting period

#### A. The International Institute for the Unification of Private Law and the Hague Conference on Private International Law

##### International Institute for the Unification of Private Law

8. The secretariat attended the 102nd session of the International Institute for the Unification of Private Law (UNIDROIT) Governing Council (Rome, 10 to 12 May 2023). The main subjects of direct interest for UNCITRAL during the deliberations of the UNIDROIT Governing Council included the ongoing work on warehouse receipts, the development of a model law on factoring, and the progress reports on work by UNIDROIT in the areas of best practices for effective enforcement, bank insolvency and digital assets,<sup>9</sup> as well as update on certain high-priority projects on the UNIDROIT work programme for the triennial period 2023–2025.<sup>10</sup> The secretariat expressed gratitude to UNIDROIT for its work on a model law on warehouse receipts, which would soon be transmitted to UNCITRAL for State negotiations, and noted that this project was an example of successful cooperation between UNCITRAL and UNIDROIT.<sup>11</sup> The secretariat recalled that it had noted at the previous session that the UNCITRAL Commission had discussed a working proposal on carbon trading as a means to contribute to the broader United Nations mission to fight climate change and mitigate its effects. In the spirit of cooperation, the secretariat had invited the UNIDROIT secretariat to participate in the forthcoming UNCITRAL colloquium on Climate Change and International Trade Law, which would be held during the Commission's session in 2023, and during which future work and joint work could be better and more closely outlined.<sup>12</sup>

<sup>7</sup> The full list of texts of other organizations that were endorsed by UNCITRAL is available at <https://uncitral.un.org/en/texts/endorsed>.

<sup>8</sup> *Official Records of the General Assembly, Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part one, para. 39; *Ibid.*, *Seventy-sixth Session, Supplement No. 17 (A/76/17)*, para. 268.

<sup>9</sup> See UNIDROIT 2023 (C.D. (102) 1 rev.) – Annotated draft agenda.

<sup>10</sup> See UNIDROIT 2023 (C.D. (102) 13) – UNIDROIT Principles of International Commercial Contracts and Investment Contracts (C.D. (102) 14) – Legal nature of Voluntary Carbon Credits.

<sup>11</sup> See UNIDROIT 2023 Report (C.D. (102) 25) – Governing Council, 102nd session, Report, para. 59.

<sup>12</sup> See UNIDROIT 2023 Report (C.D. (102) 25) – Governing Council, 102nd session, Report, para. 209.

9. The secretariat and UNIDROIT have continued to cooperate in the development of a draft model law on the private law aspects of warehouse receipts, as requested by the Commission at its fifty-third session.<sup>13</sup> The secretariat has participated in the first meeting of the working group convened by UNIDROIT to consider the guide to enactment of the model law (Rome, 13–15 November 2023). The matter has been assigned to UNCITRAL Working Group I (see [A/CN.9/1158](#) and [A/CN.9/1165](#)).

10. The secretariat has also continued its participation as observer in several other working groups convened by UNIDROIT on several of the other subjects of direct interest for UNCITRAL. Since the last session of the Commission:

(a) The secretariat attended the Exploratory Consultative Workshop on the Legal Nature of Voluntary Carbon Credits organized by UNIDROIT and the World Bank Group (Vienna, 11 July 2023) as well as the first session of UNIDROIT Working Group on the Legal Nature of Voluntary Carbon Credits (Rome, 10–12 October 2023);

(b) The secretariat has attended remotely an event organized by UNIDROIT for the launching of the publication of the UNIDROIT Principles on Digital Assets and Private Law (Rome, 4 October 2023);

(c) The secretariat participated in the fifth session of the UNIDROIT Working Group on Bank Insolvency (Rome, 17–19 October 2023). Their current project touches upon banking groups and cross-border insolvency aspects which are particularly relevant to existing UNCITRAL insolvency texts (see para. 24 (b) and corresponding footnote below);

(d) The secretariat attended the first session of the UNIDROIT Working Group on International Investment Contracts (Rome, 23–25 October 2023), which aims to provide a guidance text or principles applicable thereto;

(e) The secretariat attended remotely the fourth session (Rome, 8–10 November 2023) of the UNIDROIT Working Group on the Legal Structure of Agricultural Enterprises. The project addresses the challenges faced by smallholders and MSMEs in the agrifood system with the aim of developing guidance on legal forms that could support the operation of such businesses; and

(f) The secretariat participated in the seventh session of the UNIDROIT Working Group on Best Practices for Effective Enforcement (Rome, 29 November–1 December 2023), which aims to develop a legal tool for legislators, comprising a set of global standards and best practices, designed to address current challenges to domestic law enforcement systems. The project is relevant to several areas of work, including (a) ongoing work within Working Group V on civil asset tracing and recovery in insolvency proceedings (see para. 24 (a) below), (b) existing UNCITRAL texts on secured transactions and (c) ongoing work of the secretariat on legal issues related to the digital economy.<sup>14</sup>

### **Hague Conference on Private International Law**

11. While no meeting of the Council on General Affairs and Policy (CGAP) of the Hague Conference on Private International Law (HCCH) took place during the reporting period, the UNCITRAL secretariat continues exchanges with the HCCH Permanent Bureau with a particular focus on topics on their respective work programmes related to digital economy, applicable law in insolvency proceedings and civil asset tracing and recovery.

<sup>13</sup> *Official Records of the General Assembly, Seventy-fifth Session, Supplement No. 17 (A/75/17)*, paras. 16(d), 55–61 and 91(b).

<sup>14</sup> *Ibid.*, (A/75/17), paras. 16(f), 67–76 and 91(d)(i).

### **Joint activities with both UNIDROIT and HCCH**

12. The secretariat will host the tripartite coordination meeting of UNCITRAL, UNIDROIT and HCCH, on 30 April 2024, at which the three organizations will discuss their current work, areas of mutual interest and possible joint activities.

## **B. Other organizations**

13. In addition to its participation in initiatives of UNIDROIT and HCCH, the secretariat undertakes coordination activities with various other international organizations. Some of those activities are of a general nature, whereas others focus on specific topics.

### **1. General**

14. The secretariat participated in various meetings and joint activities with other intergovernmental organizations with a view to coordinating and cooperating in developing international legal standards:

(a) The secretariat continues to participate in a partnership of international organizations for effective international rulemaking led by the Organisation for Economic Co-operation and Development (OECD) (the “IO Partnership”). Under this collaboration, the secretariat participated in the 10th Annual meeting of the IO Partnership (Paris, 28–29 November 2023) that took stock of the achievements of the partnership and discussed options for future collaboration in the next decade;

(b) The secretariat remained engaged in the Inter-Agency Task Force (IATF) on Financing for Development (FfD), convened by the Secretary-General to: (a) review progress in implementing the Addis Ababa Action Agenda (AAAA) and (b) advise the intergovernmental follow-up process thereon, as appropriate;

(c) The secretariat carried out exploratory work on climate change and international trade law in consultation with the United Nations Framework Convention on Climate Change (UNFCCC) secretariat; and

(d) The secretariat also contributed to the 2023 report of the Secretary-General on strengthening and coordinating United Nations rule of law activities.<sup>15</sup>

### **2. Subject-specific activities**

#### **(a) Micro-, Small and Medium-sized Enterprises (MSMEs)**

15. The secretariat continued its engagement with the Trade4MSMEs initiative launched by the World Trade Organization (WTO) Informal Working Group on MSMEs<sup>16</sup> through provision of information on the latest texts relevant to micro-, small and medium-sized enterprises adopted by UNCITRAL.

16. The secretariat’s participation in the side event on global unique identifiers<sup>17</sup> organized by the United Nations Statistics Division, United Nations Committee of Experts on Business and Trade Statistics (UNCEBTS) and Global Legal Entity Identifier Foundation (GLEIF) on the margins of the fifty-fourth session of the United Nations Statistical Commission resulted in more regular coordination with those institutions. The secretariat contributed to the organization of the webinar series on the Global Initiative on Unique Identifiers for Businesses (11 October and 7 November 2023 and 19 January 2024) aimed at promoting business registration in order to strengthen business transparency and to improve the use of unique business identifiers as a tool to facilitate sharing of administrative data for statistical business purposes. The webinar series welcomed the participation of representatives from national statistical

<sup>15</sup> See document [A/78/184](#) and para. 78 therein as related to UNCITRAL legislative activities.

<sup>16</sup> See document [A/CN.9/1143](#), para. 18.

<sup>17</sup> Ibid., para. 19.

offices, central banks, regulatory authorities, international organizations active in business registration and statistical business register, from different geographic regions.

**(b) Dispute settlement**

17. In preparation of the model provisions for technology related dispute resolution and adjudication, the secretariat coordinated with arbitral institutions; and in exploring the topic of dispute resolution in the digital economy, the secretariat coordinated with relevant institutions, such as the International Federation of Consulting Engineers (FIDIC), the High Tech Union of Manufacturers' Association in Israel, the United Kingdom Jurisdiction Taskforce (UKJT), the Society of Computers and Law (SCL), the World Intellectual Property Organization (WIPO) and arbitral institutions, such as the German Arbitration Institute (DIS), the International Chamber of Commerce (ICC), the Permanent Court of Arbitration (PCA), the Arbitration Institution at the Stockholm Chamber of Commerce (SCC), the Silicon Valley Arbitration and Mediation Centre (SVAMC), the Israeli Institute of commercial arbitration (IICA) and the Vienna International Arbitration Centre (VIAC).

18. At its fiftieth session, in 2017, the Commission emphasized the need for Working Group III (Investor-State Dispute Settlement Reform) to engage with diverse stakeholders, including intergovernmental organizations such as the United Nations Conference on Trade and Development (UNCTAD), WTO, OECD, the World Bank Group, including the International Centre for Settlement of Investment Disputes (ICSID) and PCA. In addition, the Commission agreed that the ongoing work of relevant international organizations in investment treaty reform should be taken into account. In order to reflect diverse views, the secretariat engaged with above-mentioned organizations on an ongoing basis, particularly with UNCTAD on the establishment of an advisory centre, ICSID regarding the Codes of Conduct for Arbitrators and Judges, and the World Bank Group and the African Continental Free Trade Area (AfCFTA) secretariat regarding the work on dispute prevention and mitigation.

19. The secretariat took part in the tenth OECD Forum on Green Finance and Investment remotely (Paris, 2–3 October 2023), the World Investment Forum organized by UNCTAD (Abu Dhabi, 16–20 October 2023), the OECD Roundtable on Investment and Sustainable Development (Paris, 8 November 2023) and the joint event with ICSID on the Code of Conduct for Arbitrators (Washington, D.C., 18 January 2024). In addition, the secretariat has coordinated with international non-governmental organizations invited to the sessions of Working Group III to hold a number of side events during the sessions on a range of topics to disseminate the work on investor-State dispute settlement reform and to ensure broad participation.

**(c) Electronic commerce**

20. In light of the central and coordinating role of UNCITRAL in the field of digital trade law, the secretariat delivered a presentation on UNCITRAL texts and ongoing work on electronic commerce at a workshop organized as part of the WTO Work Programme on Electronic Commerce (Geneva, 1–2 June 2023). The presentation, which featured in the session of “legal and regulatory frameworks”, was designed to draw the attention of delegates to the complementarity between preferential digital trade agreements and UNCITRAL texts, including rules being negotiated as part of the Joint Statement Initiative on E-commerce.

21. The secretariat continued its cooperation with other organizations undertaking work on single windows and paperless trade facilitation to coordinate the legal aspects of that work.<sup>18</sup> On a related note, close cooperation with the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) led to the publication

<sup>18</sup> *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17)*, para. 240.



of the UN/CEFACT White Paper on Transfer of Model Law on Electronic Transferable Records – Compliant Titles. The secretariat also continued observing the European Law Institute project on developing guiding principles and model rules on algorithmic contracts, which intersects with ongoing work by Working Group IV on automated contracting (see [A/CN.9/1162](#)).

**(d) Public Procurement and Public-Private Partnerships**

22. Pursuant to the mandate of the Commission,<sup>19</sup> the secretariat followed the deliberations of the United Nations Economic Commission for Europe Working Party on Public-Private Partnerships (PPP) and was informed of the decision 2023 – 4b.3 by the Committee on Innovation, Competitiveness and Public-Private Partnerships at its 16th session in May–June 2023 to approve the standard on PPP/Concession Model Law (ECE/CECI/WP/PPP/2022/5) and to agree with the Working Party’s decision to rename the standard as “Standard on PPP/Concession Legal Framework in support of the Sustainable Development Goals”.

23. During the reporting period, the secretariat also monitored the work of the ad-hoc Working Group established by the Economic and Monetary Community of Central Africa (CEMAC) regarding the draft strategy on public procurement and the draft directive on an institutional and legal framework for public-private partnerships<sup>20</sup> to ensure consistency with existing UNCITRAL texts on PPP. Both texts are being now introduced in the legislative process of CEMAC and the secretariat will continue monitoring further developments.

**(e) Insolvency**

24. As relevant to UNCITRAL’s work and texts in the area of insolvency law, cooperation and coordination with UNIDROIT, noted in paragraphs 8–10 above, currently encompass the following:

(a) The UNIDROIT project on best practices for effective enforcement as closely relevant in particular to Working Group V’s current work on civil asset tracing and recovery in insolvency proceedings; and

(b) The UNIDROIT project on bank insolvency as relevant to UNCITRAL insolvency texts.<sup>21</sup>

25. At its sixty-third session (Vienna, 11–15 December 2023), Working Group V was informed about the progress of work on digital aspects in the UNIDROIT Working Group on Best Practices for Effective Enforcement and that the results of that work as of April 2024 could likely be shared with Working Group V at its sixty-fourth session, in May 2024. The need to avoid duplication of efforts and inconsistent results in international instruments was reiterated at the sixty-third session.

26. The UNCITRAL secretariat also coordinated with the HCCH on issues of relevance to the current work of Working Group V on applicable law in insolvency proceedings (see para. 11 above).

27. Furthermore, the UNCITRAL secretariat has been closely monitoring developments in the European Union in the area of insolvency law relevant to the current work programme of Working Group V, in particular with respect to a proposal

<sup>19</sup> *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 17 (A/74/17)*, para. 224 (with a cross-reference to para. 19).

<sup>20</sup> [A/CN.9/1107](#), para. 23.

<sup>21</sup> See e.g. the section on the treatment of financial contracts in insolvency proceedings in part two of the UNCITRAL Legislative Guide on Insolvency Law (the Guide). See also part three of the Guide addressing enterprise group insolvency as well as cross-border insolvency aspects in the UNCITRAL Model Law on Cross-Border Insolvency (1997), the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments (2018) and the UNCITRAL Model Law on Enterprise Group Insolvency (2019). The UNCITRAL insolvency texts are available at <https://uncitral.un.org/en/texts/insolvency>.

for a new directive on harmonizing certain aspects of insolvency law.<sup>22</sup> That proposal touches upon avoidance actions, tracing assets belonging to the insolvency estate, pre-pack proceedings, directors' duty to request the opening of insolvency proceedings and civil liability, winding-up insolvent microenterprises, creditors' committee and measures enhancing transparency of national insolvency laws. As such, it is relevant to the provisions on those subjects found in the UNCITRAL Legislative Guide on Insolvency Law (and it makes references to some of them) and to the ongoing work of Working Group V on civil asset tracing and recovery in insolvency proceedings.

28. Finally, the UNCITRAL secretariat joined the inaugural International Bar Association (IBA) Asset Recovery conference (Vienna, 6–8 December 2023) and participated at its post-conference open business meeting (8 December 2023) at which the 2024 programme of the IBA Asset Recovery Committee and issues of relevance to the current work of Working Group V on civil asset tracing and recovery in insolvency proceedings were discussed.

**(f) Negotiable cargo documents**

29. The UNCITRAL secretariat presented its ongoing work towards a new international instrument on negotiable cargo documents at the Expert Meeting on Dry Ports and Multimodal Transport organized by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) (Hybrid, Bangkok, 7 December 2023).

**(g) Secured transaction and access to credit**

30. The Joint Network for Coordinating and Supporting Secured Transactions Reforms (the "Joint Network") launched in 2021,<sup>23</sup> continued its activities and the International Finance Corporation (IFC) of the World Bank Group hosted the Sixth International Conference on Coordination of Secured Transactions Reform (Washington, D.C., 16–17 January 2024). During the two-day conference, 45 panellists and 115 experts (participating both in-person and virtually) discussed a variety of issues associated with the coordination of secured transactions reform relating to legislative and implementation projects as well as the work by UNCITRAL on access to credit and warehouse receipts. Focused discussions were held on emerging technologies, women's access to finance, agricultural finance and regulatory aspects. During the Executive Committee meeting held on 15 January 2024, it was decided that: (a) the International Law Institute would chair the Executive Committee in 2024 and host the Seventh International Conference possibly in Istanbul; (b) HCCH, the European Bank for Reconstruction and Development, and the Asian Development Bank were to be a member of the Joint Network; and (c) the establishment and operation of a dedicated website of the Joint Network would be initiated in 2024 by IFC in cooperation with the other members of the Joint Network. The UNCITRAL secretariat continues to take active part in the Joint Network.

<sup>22</sup> See COM(2022) 702 final, 7.12.2022, 2022/0408 (COD), available at [https://commission.europa.eu/system/files/2022-12/com\\_2022\\_702\\_1\\_en\\_act\\_part1\\_v5.pdf](https://commission.europa.eu/system/files/2022-12/com_2022_702_1_en_act_part1_v5.pdf).

<sup>23</sup> See A/CN.9/1107, para. 32.