



General Assembly

Distr.: General
1 April 2020

Original: English

United Nations Commission on International Trade Law

Fifty-third session

New York, 6–17 July 2020

Status of conventions and model laws

Note by the Secretariat

I. Introduction

1. At its thirteenth session, in 1980, the United Nations Commission on International Trade Law (UNCITRAL) decided¹ that it would consider, at each of its sessions, the status of conventions that were the outcome of work carried out by it.

2. The present note sets forth the status of the conventions and model laws emanating from the work of the Commission. It also shows the status of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958),² which, although adopted prior to the establishment of the Commission, is closely related to the work of the Commission in the area of international commercial arbitration.

3. Technical cooperation and assistance activities aimed at promoting the use and adoption of its texts are priorities for UNCITRAL pursuant to a decision taken at its twentieth session (1987).³ The Secretariat monitors adoption of model laws and conventions. The Secretariat also collects and disseminates information on court decisions and arbitral awards that interpret the conventions and model laws that have emanated from the work of the Commission via the CLOUT database.⁴

4. This note indicates the changes since 1 May 2019, when the last annual report in this series (A/CN.9/979) was issued. The information contained herein is current up to 1 April 2020. Authoritative information on the status of the treaties deposited with the Secretary-General of the United Nations, including historical status information, may be obtained by consulting the United Nations Treaty Collection (<http://treaties.un.org>), and the information on conventions in this note and on the UNCITRAL website (<https://uncitral.un.org>) is based on that information. Previous annual reports in this series included tables of actions for conventions and lists of States that have enacted UNCITRAL Model Laws. To avoid redundancy, this

¹ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17)*, para. 163.

² United Nations, *Treaty Series*, vol. 330, No. 4739, p. 3.

³ *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, para. 335.

⁴ Case Law on UNCITRAL Texts (CLOUT), https://uncitral.un.org/en/case_law.



information can now be found on the UNCITRAL website. Readers may also wish to contact the Treaty Section of the Office of Legal Affairs of the United Nations (tel.: (+1-212) 963-5047; fax: (+1-212) 963-3693; email: treaty@un.org). Information on the status of model laws is updated on the website whenever the Secretariat is informed of a new enactment.

II. Status of conventions and model laws

5. This note covers the following texts, incorporating as indicated new treaty actions (the term “action” is used generically to denote the deposit of an instrument of ratification, approval, acceptance, accession, or signature in respect of a treaty, or participation in a treaty as a result of an action to a related treaty, or the withdrawal or modification of a declaration or of a reservation) and enactments of Model Laws based on information received since the last report:

(a) In the area of sale of goods:

6. The CISG and other relevant UNCITRAL texts provide a fair, neutral and modern legal framework for the conclusion and performance of contracts for the international sale of goods and related transactions. In doing so, they increase legal predictability and decrease transaction costs. The UNCITRAL Secretariat is organizing a series of awareness-raising events and technical assistance activities to celebrate the 40th anniversary of the CISG in 2020 (“CISG@40”). The CISG@40 activities pursue several goals. One of them is to identify and encourage potential new States Parties to the CISG and to related treaties, to support and promote the treaty adoption process, namely to accelerate the achievement of the symbolic number of 100 States Parties to the CISG, and to broaden CISG coverage by supporting the withdrawal of declarations and the territorial extensions for existing States Parties.

Convention on the Limitation Period in the International Sale of Goods (New York, 1974),⁵ as amended by the Protocol of 11 April 1980 (Vienna). 23 States Parties; unamended: 30 States Parties;⁶

United Nations Convention on Contracts for the International Sale of Goods (“CISG”) (Vienna, 1980).⁷ New actions by Guatemala (accession), Lao People’s Democratic Republic (accession), and Liechtenstein (accession); 93 States Parties;

The complete status on the conventions may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/salegoods>).

(b) In the area of dispute resolution:

7. UNCITRAL’s work in the area of dispute resolution has focused on providing a comprehensive legal framework for resolving cross-border disputes through arbitration and mediation. This has been achieved by preparing conventions, contractual rules for parties to adopt in dispute resolution, and by preparing model laws to assist States in reforming their laws and by providing other relevant guidance to parties as well as institutions.

Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958).⁸ New actions by Papua New Guinea (accession), Maldives (accession), and Seychelles (accession); 162 States Parties;

⁵ United Nations, *Treaty Series*, vol. 1511, No. 26119, p. 3.

⁶ United Nations, *Treaty Series*, vol. 1511, No. 26121, p. 99.

⁷ United Nations, *Treaty Series*, vol. 1489, No. 25567, p. 3.

⁸ United Nations, *Treaty Series*, vol. 330, No. 4739, p. 3.

UNCITRAL Model Law on International Commercial Arbitration (1985),⁹ with amendments as adopted in 2006.¹⁰ Legislation based on the Model Law has been adopted in 83 States in a total of 116 jurisdictions. New legislation based on the Model Law has been adopted in Argentina (2018), Macao, China (2019), the Dubai International Financial Centre (2013) and Abu Dhabi Global Market (2014) in the United Arab Emirates (2018) as well as Uruguay (2018);

UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018)¹¹ (amending the Model Law on International Commercial Conciliation, (2002)). Legislation based on or influenced by the Model Law has been adopted in 33 States in a total of 45 jurisdictions;¹²

United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (New York, 2014).¹³ 5 States Parties;

United Nations Convention on International Settlement Agreements Resulting from Mediation (New York, 2018) New actions by Afghanistan (signature), Armenia (signature), Belarus (signature), Benin (signature), Brunei Darussalam (signature), Chad (signature), Chile (signature), China (signature), Colombia (signature), Congo (signature), Democratic Republic of the Congo (signature), Ecuador (signature), Eswatini (signature), Fiji (signature and ratification), Gabon (signature), Georgia (signature), Grenada (signature), Guinea-Bissau (signature), Haiti (signature), Honduras (signature), India (signature), Iran (Islamic Republic of) (signature), Israel (signature), Jamaica (signature), Jordan (signature), Kazakhstan (signature), Lao People's Democratic Republic (signature), Malaysia (signature), Maldives (signature), Mauritius (signature), Montenegro (signature), Nigeria (signature), North Macedonia (signature), Palau (signature), Paraguay (signature), Philippines (signature), Qatar (signature and ratification), Republic of Korea (signature), Rwanda (signature), Samoa (signature), Saudi Arabia (signature), Serbia (signature), Sierra Leone (signature), Singapore (signature and ratification), Sri Lanka (signature), Timor-Leste (signature), Turkey (signature), Uganda (signature), Ukraine (signature), United States of America (signature), Uruguay (signature), Venezuela (Bolivarian Republic of); 52 signatories; 3 States Parties. The Convention will enter into force on 12 September 2020;

Full status on the conventions and model laws may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/arbitration> and <https://uncitral.un.org/en/texts/mediation>).

(c) In the area of government contracting:

8. UNCITRAL's work in the area of government contracting started in 1986. The Model Laws implement widely-agreed principles and procedures to achieve value for money, to avoid abuse and to facilitate cross-border public procurement. The 2011 Model Law is also designed to allow States to implement procurement-related requirements in the United Nations Convention against Corruption, the World Trade Organisation's Agreement on Government Procurement and other international agreements.

⁹ *Official Records of the General Assembly, Fortieth Session, Supplement No. 17 (A/40/17)*, annex I.

¹⁰ United Nations publication, Sales No. E.08.V.4.

¹¹ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, annex II.

¹² *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17 (A/57/17)*, annex I.

¹³ General Assembly resolution 69/116, annex. The Convention has not yet entered into force; it requires 3 States Parties for entry into force.

UNCITRAL Model Law on Public Procurement (2011).¹⁴ The UNCITRAL Model Law on Public Procurement as adopted in 2011 forms the basis of or is reflected in the public procurement laws and regulations in 25 States and 6 international organizations, though the extent to which the resulting regulatory framework incorporates the provisions of the Model Law varies, as that framework also reflects legal traditions, domestic policy and other objectives. Full status on the model laws may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/procurement>).

(d) In the area of banking and payments:

9. UNCITRAL has prepared texts relating to international payments aimed at modernizing and harmonizing relevant rules. Such work has resulted in the preparation of the conventions on international bills of exchange and international promissory notes (1988) and on independent guarantees and stand-by-letters of credit (1995), and in the adoption of the model law on international credit transfers (1992).

United Nations Convention on International Bills of Exchange and International Promissory Notes (New York, 1988).¹⁵ 5 States Parties;

UNCITRAL Model Law on International Credit Transfers (1992);¹⁶

United Nations Convention on Independent Guarantees and Stand-by Letters of Credit (New York, 1995).¹⁷ 8 States Parties;

Full status on the conventions and model law may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/payments>).

(e) In the area of security interests:

10. UNCITRAL has prepared a number of instruments in the area of security interests, beginning with the United Nations Convention on the Assignment of Receivables in International Trade, which provides uniform rules on the assignment of international receivables. Since its adoption, the Commission has prepared additional texts providing comprehensive guidance to States to implement a modern secured transactions regime governing all types of movable assets as well as providing guidance to implementing agencies and parties involved in secured transactions. The aim of the work in security interests is to increase access to affordable secured credit and thus promote economic growth and sustainable development.

United Nations Convention on the Assignment of Receivables in International Trade (New York, 2001).¹⁸ New action by the United States of America (ratification); 2 States Parties;

UNCITRAL Model Law on Secured Transactions (2016).¹⁹ Legislation based on, or taking the same approach as, the Model Law has been adopted in Australia (2009), Colombia (2013), Fiji (2017), New Zealand (1999), Nigeria (2017), Papua New Guinea (2011), Philippines (2018) and Zimbabwe (2017). The Secretariat is currently surveying the laws of other jurisdictions;

Full status on the convention and model law may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/securityinterests>).

¹⁴ *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17)*, annex I.

¹⁵ General Assembly resolution 43/165, annex. The Convention has not yet entered into force; it requires 10 States Parties for entry into force.

¹⁶ *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 17 (A/47/17)*, annex I.

¹⁷ United Nations, *Treaty Series*, vol. 2169, No. 38030, p. 163.

¹⁸ General Assembly resolution 56/81, annex. The Convention has not yet entered into force; it requires five States Parties for entry into force.

¹⁹ General Assembly resolution 71/136.

(f) In the area of insolvency:

11. UNCITRAL work in the area of insolvency commenced with the focus on cross-border recognition of insolvency proceedings. This was in recognition that, for a fair and efficient administration of cross-border insolvencies, there often exists a need for cross-border cooperation and coordination in the supervision and administration of an insolvent debtor's assets and affairs located in different States, to prevent debtor's assets from being concealed or dissipated, to increase chances of rescuing financially troubled but viable businesses and to ensure that the insolvency estate is administered in the most advantageous way for the benefit of all interested persons, including the debtor and the debtor's creditors and employees. UNCITRAL instruments provide a set of internationally harmonized model legislative provisions on cross-border insolvency that respects the national procedural and judicial systems and is acceptable to States with different legal, social and economic systems.

UNCITRAL Model Law on Cross-Border Insolvency (1997).²⁰ Legislation based on the Model Law has been adopted in 46 States in a total of 49 jurisdictions. New legislation based on the Model Law has been adopted in the Dubai International Financial Centre (2019);

UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments with Guide to Enactment (2018);²¹

UNCITRAL Model Law on Enterprise Group Insolvency (2019);²²

Full status on the model laws may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/insolvency>).

(g) In the area of transport:

12. UNCITRAL texts in the area of transport establish a uniform legal regime governing the rights and obligations of shippers, carriers and consignees under a contract of carriage of goods by sea. They may also cover other phases of multimodal transport of goods across borders.

United Nations Convention on the Carriage of Goods by Sea (Hamburg, 1978).²³ 34 States Parties;

United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (Vienna, 1991).²⁴ 4 States Parties;

United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (New York, 2008).²⁵ New action by Benin (accession); 5 States Parties;

Full status on the conventions may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/transportgoods>).

(h) In the area of electronic commerce:

13. UNCITRAL texts in the area of electronic commerce enable the use of electronic means in a large number of jurisdictions. Based on common fundamental principles, these texts deal with, among other things, electronic transactions and contracting, electronic signatures, exchange of electronic communications across borders and

²⁰ General Assembly resolution [52/158](#), annex.

²¹ United Nations publication, Sales No. E.19.V.8.

²² General Assembly resolution [74/184](#).

²³ United Nations, *Treaty Series*, vol. 1695, No. 29215, p. 3.

²⁴ *Official Records of the United Nations Conference on the Liability of Operators of Transport Terminals in International Trade, Vienna, 2–19 April 1991* (United Nations publication, Sales No. E.93.XI.3), part I, annex. The Convention has not yet entered into force; it requires five States Parties for entry into force.

²⁵ General Assembly resolution [63/122](#), annex. The Convention has not yet entered into force; it requires 20 States Parties for entry into force.

electronic transferable records, which are fundamental components of the digital economy. UNCITRAL texts in the area of electronic commerce adopt a technology neutral approach that may accommodate emerging and future technologies.

United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005).²⁶ New action by Benin (accession); 12 States Parties;

Domestic legislation enacting the substantive provisions of the Convention has been adopted in 19 States. New domestic legislation based on the Convention has been adopted in Cambodia (2019) and Thailand (2019);

UNCITRAL Model Law on Electronic Commerce (1996).²⁷ Legislation based on or influenced by the Model Law has been adopted in 74 States in a total of 153 jurisdictions. New legislation based on the Model Law has been adopted in Cambodia (2019);

UNCITRAL Model Law on Electronic Signatures (2001).²⁸ Legislation based on or influenced by the Model Law has been adopted in 33 States;

UNCITRAL Model Law on Electronic Transferable Records (2017).²⁹ Legislation based on or influenced by the Model Law has been adopted in 1 State;

Full status on the convention and model laws may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/ecommerce>).

III. Status of other UNCITRAL texts

A. UNCITRAL Arbitration Rules

14. UNCITRAL has provided a table presenting a non-exhaustive list of arbitration centres which (i) have institutional rules based on, or inspired by, the UNCITRAL Arbitration Rules, (ii) administer arbitral proceedings or provide administrative services under the Rules, and/or (iii) act as an appointing authority under the Rules.³⁰ The table is available on the UNCITRAL website (<https://uncitral.un.org/en/texts/arbitration/contractualtexts/arbitration>).

B. UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (effective date: 1 April 2014)

15. The repository of published information under UNCITRAL Rules on Transparency in Treaty-based investor-State Arbitration (“Transparency Rules”), adopted at the Commission’s forty-sixth session in 2013, was established under article 8 of the Transparency Rules. It has been financed by the European Commission and the Fund for International Development of the Organization of the Petroleum Exporting (OFID) until the end of 2020, in accordance with the mandate of General Assembly resolution 72/113, paragraph 6.

16. The Mauritius Convention on Transparency entered into force on 18 October 2017. None of the 5 ratifying States had made reservations and, as a result, the Transparency Rules apply to more than 200 treaties concluded by those States, if the claimant agrees to their application. From April 2014 to today, a total of 113 international investment agreements with an investor-State dispute settlement

²⁶ General Assembly resolution 60/21, annex.

²⁷ United Nations publication, Sales No. E.99.V.4.

²⁸ General Assembly resolution 56/80, annex.

²⁹ United Nations publication, Sales No. E.17.V.5.

³⁰ Arbitration centres wishing to provide updated information for this table are invited to contact the Secretariat. The contents of this table are only updated on the UNCITRAL website on an annual basis.

mechanism were reported. A review showed that 84 international investment agreements included the Transparency Rules by referring to the UNCITRAL Arbitration Rules and 36 of those 84 treaties have additional treaty provisions on transparency in case other Arbitration Rules apply. Of the 29 treaties that excluded the application of the Transparency Rules, 9 treaties nevertheless included some elements of transparency. The tendency is therefore clearly towards more transparency in investor-State dispute settlement.

17. Numerous activities took place throughout the year to promote UNCITRAL Transparency Standards: conferences, seminars, round tables and academic programmes including Moots such as the Willem V. Vis International Commercial Arbitration Moot both in Vienna and Hong Kong and the Frankfurt Investment Arbitration Moot Court. Some activities were cancelled or postponed or modified because of the COVID-19 pandemic. At the time this document was finalized, the Willem V. Vis International Commercial Arbitration Moot in Vienna was planning to hold virtual finals. The Willem V. Vis International Commercial Arbitration Moot in Hong Kong was holding virtual finals and was also planning to reschedule an in-person final for the fall of 2020. The Frankfurt Investment Arbitration Moot Court held pre-moots but had to cancel the moot finals.

18. Several activities promoting the UNCITRAL Transparency Standards took place in Latin America throughout the year, including a workshop organized by the Ministry of Foreign Affairs of Peru and a Bilateral Meeting of at the Ministry of Commerce, Industry and Tourism of Colombia. There were other activities that were planned but had to be postponed because of the COVID-19 pandemic, including a workshop organized by the Ministry of Foreign Affairs of Paraguay and a seminar at the Faculty of Law of the university of Buenos Aires in Argentina. Several countries in Latin America recently concluded bilateral or regional treaties that include transparency provisions mirroring or building on the UNCITRAL Transparency Standards and may be in a position to adhere to the Mauritius Convention on Transparency in the near future.

19. In addition, the Secretariat continued its cooperation with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (by appointment of the German Federal Ministry for Economic Cooperation and Development (BMZ) within the Open Regional Fund – Legal Reform) to promote the use of the UNCITRAL transparency standards in South-East Europe.

20. The following table presents a non-exhaustive list of investment treaties reviewed since 1 May 2019, when the last annual report in this series (A/CN.9/979) was issued, where the Rules on Transparency, or provisions modelled on the Rules on Transparency, are applicable in some instances of investor-State dispute resolution. The list is based on the database of international investment agreements maintained by the United Nations Conference on Trade and Development (UNCTAD).³¹ The latest update included new treaties and treaties that were previously unavailable. The complete table is available on the UNCITRAL website (https://uncitral.un.org/en/texts/arbitration/conventions/foreign_arbitral_awards/status).

<i>Treaty</i>	<i>Signature</i>	<i>Entry into force</i>	<i>Relevant articles</i>
Japan-Morocco			
Agreement between the Kingdom of Morocco and Japan for the Promotion and Protection of Investment	08/01/2020		Article 16.4(c) Article 16.11*

³¹ International Investment Agreements Navigator, available from <http://investmentpolicyhub.unctad.org/IIA>.

<i>Treaty</i>	<i>Signature</i>	<i>Entry into force</i>	<i>Relevant articles</i>
European Union-Viet Nam			
Investment Protection Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam on the other part	30/06/2019		Article 3.28(j), (k) ** Article 3.46*
Australia-Uruguay			
Agreement between Australia and the Oriental Republic of Uruguay on the Promotion and Protection of Investments	05/04/2019		Article 14.1(h) Article 14.19**
Cabo Verde-Hungary			
Agreement between the Government of Hungary and the Government of the Republic of Cabo Verde for the Promotion and Reciprocal Protection of Investments	28/03/2019		Article 9.3.c Article 11*
Australia-Hong Kong, China SAR			
Investment Agreement between the Government of Australia and the Government of the Hong Kong Special Administrative Region of the People's Republic of China	26/03/2019		Article 24.3(a) Article 30*

* Specific treaty provision on transparency.

** Application of the Rules of Transparency, unless otherwise decided by the disputing parties.