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TRAINING AND ASSISTANCE IN THE FIELD
OF INTERNATIONAL TRADE LAW

Note by the Secretary-General

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I. SYMPOSIA ON INTERNATIONAL TRADE LAW

1. The Commission, at its eighth session, requested the Secretary-General to "organize, in connexion with its tenth session an international symposium on international trade law, and to seek voluntary contributions from Governments, international organizations, foundations and private sources to cover the cost of travel and subsistence of participants from developing countries". 1/

2. At its tenth session, the Commission noted "that the Second UNCITRAL Symposium on International Trade Law which the Commission had planned to hold in connexion with its tenth session had to be cancelled for insufficiency of funds", and decided to recommend "to the General Assembly that it should consider the possibility of providing for the funding of the Commission's symposia on international trade law, in whole or in part, out of the regular budget of the United Nations". 2/

3. The Sixth Committee, after considering the report of the Commission on the work of its tenth session, submitted the following report to the General Assembly concerning the organization of UNCITRAL symposia on international trade law:

"32. Widespread regret was expressed by representatives, especially those from developing countries, at the cancellation of the Second UNCITRAL Symposium on International Trade Law because of insufficiency of voluntary contributions to hold it. Representatives stressed the importance which their respective States attached to the training and assistance activity of the Commission, pointing out that it was only through the availability world wide of the necessary expertise in international trade law that the goal of unification, harmonization and progressive development of this field of law could become a reality. Developing countries were anxious to participate actively in the development of international trade but had so far been handicapped by the lack of the requisite expertise. Furthermore, they had had to continue to depend on knowledgeable foreign trade-partners to carry on their own foreign trade.

33. It was also suggested in this regard that the Commission should consider ways, other than the holding of symposia, which seemed costly and too restrictive in the number of participants and subjects covered, to promote the development of expertise in international trade law, especially among third-world countries. Research assistance facilities through the United Nations University was one possibility mentioned in this connexion.

1/ Report of the United Nations Commission on International Trade Law on the work of its eighth session (1975), Official Records of the General Assembly, Thirtieth Session, Supplement No. 17 (A/10017), para. 113.

2/ Report of the United Nations Commission on International Trade Law on the work of its tenth session (1977), Official Records of the General Assembly, Thirty-second Session, Supplement No. 17 (A/32/17), para. 45.

34. Divergent opinions were expressed with respect to the Commission's recommendation that the General Assembly consider the possibility of providing for the funding of the Commission's symposia on international trade law, in whole or in part, out of the regular budget of the United Nations. Several representatives stated that they did not favour this approach to the funding of the symposia. The Organization's budget had undergone a rapid increase in recent years and should not be burdened with this additional charge, especially in light of other priorities. Furthermore, the meagerness of voluntary contributions towards its funding could itself be taken as indicative of a lack of interest in the programme by Member States. It was also urged, in this connexion, that this recommendation should not be viewed in isolation but should be measured against the established principles and precedents for the funding of United Nations activities. On that test the cost of holding the UNCITRAL symposia appeared to be of the kind that should be met out of voluntary contributions and not out of the regular United Nations budget.

35. However, most representatives who touched on the matter expressed support for the Commission's recommendations. While recognizing the need to avoid unnecessary charges on the regular budget of the United Nations, representatives nevertheless associated themselves with the Commission's recommendations for a number of reasons. Firstly, the importance of the programme itself had been repeatedly recognized both by the Commission and by Member States; the large number of qualified candidates from many States who had been recommended by their Governments to participate in the symposia was clear evidence both of the value of the programme and the interest of States in its continuation. The Commission, it was recalled, had so far attempted to finance this activity by relying solely on voluntary contributions from Governments and from other sources, with disappointing results. It was only, therefore, realistic to recognize that the only way to continue this valuable programme was to make provision for it in the regular budget of the United Nations. As regards cost, it was noted that only a modest expenditure was involved: the total amount which had been required for the second UNCITRAL symposium was about \$US 25,000. Furthermore, voluntary contributions were not being ruled out; rather, funds would be made available from the regular budget of the United Nations only to supplement, if necessary, the amount received from voluntary contributions." 3/

4. On the recommendation of the Sixth Committee, the General Assembly, on 16 December 1977, adopted by consensus resolution 32/145, which states in its relevant part that:

"The General Assembly,

...

"4. Notes with regret that the second international symposium on international trade law could not be held owing to the insufficiency of voluntary contributions from Governments and other sources;

3/ Report of the Sixth Committee on the report of the United Nations Commission on International Trade Law on the work of its tenth session (1977), Official Records of the General Assembly, Thirty-second Session, Annexes, agenda item 113, document A/32/402, paras. 32-35.

"5. Recommends that the United Nations Commission on International Trade Law should:

...

"(b) Continue its work on training and assistance in the field of international trade law, taking into account the special interests of the developing countries;

...

"10. Appeals to all Governments and to organizations, institutions and individuals to consider making financial and other contributions that would make possible the holding of symposia on international trade law as envisaged by the United Nations Commission on International Trade Law;

"11. Requests the Secretary-General to study the problem of how adequate financial resources can be provided for the symposia on international trade law which are organized bi-annually by the United Nations Commission on International Trade Law, taking into account the availability of voluntary contributions and the relevant recommendation of the Commission adopted at its 185th meeting on 17 June 1977, and to report to the General Assembly at its thirty-third session;"

5. The Secretary-General intends to submit to the thirty-third session of the General Assembly the report requested in paragraph 11 of resolution 32/145 concerning the financing of UNCITRAL symposia on international trade law, and will report to the twelfth session of the Commission on the action taken by the General Assembly.

6. It should be noted that in accordance with a decision taken by the Commission at its tenth session, the second UNCITRAL Symposium on International Trade Law will be held in connexion with the twelfth session provided sufficient funds are available at that time for the financing of the symposium. ^{4/} The Commission may wish to consider at the present session whether the previously selected themes for the second UNCITRAL symposium, namely "transport and financing documents used in international trade" and "UNCITRAL Arbitration Rules", should be retained.

^{4/} Report of the United Nations Commission on International Trade Law on the work of its tenth session (1977), ibid., Supplement No. 17 (A/32/17), para. 45.

/...

II. FELLOWSHIPS AND INTERNSHIP ARRANGEMENTS

A. Fellowships for lawyers and government officials from developing countries at commercial and financial institutions in developed countries

7. Following a suggestion made at the fifth session of the Commission, the Secretary-General, by note verbale, urged Governments of developed countries to ascertain whether commercial and financial institutions within their respective countries would be willing to receive interns from developing countries. ^{5/}

8. In response to this note the Government of Belgium has awarded in 1974, 1975 and 1977 two fellowships to candidates from developing countries for academic and practical training of six months' duration, organized under the auspices of a university in that country. Each year that these fellowships were offered, the secretariat assisted the Government of Belgium in the publication of the offers and in the selection of suitable recipients. The Government of Belgium has informed the Secretary-General that it will offer two such fellowships also in 1978. The secretariat will, as in the past, assist in the awarding of the fellowships.

B. Internships at the International Trade Law Branch

9. During the past year, two interns received training at the International Trade Law Branch of the Office of Legal Affairs of the United Nations in New York, one under the United Nations/UNITAR programme in international law, and the other under the United Nations Office of Public Information intern programme. Similar arrangements are being made for such internships in 1978.

^{5/} The initial responses of Governments of developed countries to this appeal were described in document A/CN.9/92, paras. 4-8.