

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/CN.9/282
10 April 1986

ORIGINAL: ENGLISH



UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Nineteenth session
New York, 16 June - 11 July 1986

TRAINING AND ASSISTANCE

Report of the Secretary-General

1. At the eighteenth session of the Commission, 1/ there was general agreement that the sponsorship of symposia and seminars on international trade law should be continued and strengthened. It was noted that such symposia and seminars were of great value to young lawyers and government officials from developing countries.

2. By its resolution 40/71 of 11 December 1985 on the report of the Commission on the work of its eighteenth session, the General Assembly reaffirmed the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law. It also reaffirmed the desirability for the Commission to sponsor symposia and seminars, in particular those organized on a regional basis, to promote training and assistance in the field of international trade law. The General Assembly also expressed its appreciation to those governments, regional organizations and institutions that had collaborated with the Secretariat in organizing regional symposia and seminars, and invited Governments, international organizations and institutions to assist the Secretariat in financing and organizing symposia and seminars, in particular in developing countries. The General Assembly also invited Governments, relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions which might be utilized to enable nationals of developing countries to participate in symposia and seminars.

1/ Report of the United Nations Commission on International Trade Law on the work of its eighteenth session, Official Records of the General Assembly, Fortieth Session, Supplement No. 17 (A/40/17), paras. 366-367.

3. The main activities undertaken in this field since the date of the report on training and assistance presented to the eighteenth session of the Commission (A/CN.9/270) are set forth below in the chronological order in which they have occurred.

4. A regional seminar on international trade law and foreign trade (22-23 April 1985, Bogotá, Colombia) was organized by the Chamber of Commerce of Bogotá and the UNCITRAL Secretariat, with the support of the Secretariat of the Organization of American States. The seminar was attended by practising lawyers, law teachers and businessmen from countries of the Andean region. The subjects discussed were UNCITRAL's role in Latin America, the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg), the Convention on the Limitation Period in the International Sale of Goods (New York, 1974), the United Nations Convention on Contracts for the International Sale of Goods, (Vienna, 1980) (hereinafter referred to as the Vienna Sales Convention), the UNCITRAL Arbitration Rules and the UNCITRAL Conciliation Rules, the UNCITRAL Model Law on International Commercial Arbitration (hereinafter referred to as the UNCITRAL Model Law) and the UNCITRAL draft Legal guide on drawing up international contracts for the construction of industrial works.

5. The UNCITRAL Secretariat participated in a seminar entitled "International Arbitration Rules - Diversity of Choice" (17 May 1985, London) organized by the Chartered Institute of Arbitrators, London. The seminar was attended by lawyers, arbitrators, and businessmen, mainly from the United Kingdom. There were also some participants from Continental Europe. Amongst the rules presented and discussed were the UNCITRAL Arbitration Rules and the UNCITRAL Conciliation Rules.

6. The UNCITRAL Secretariat participated in an Expert Group meeting (9-13 September 1985, Vienna) organized by the United Nations Industrial Development Organization for the purpose of drafting guidelines for the import, assembly and manufacture of agricultural machinery. The object of the meeting was to prepare guidelines which would assist entities from developing countries in concluding contracts for the import, assembly and manufacture of agricultural machinery. Experts from all the regions attended the meeting.

7. The UNCITRAL Secretariat participated in the annual meeting of the International Council of Hide, Skin and Leather Traders' Associations (11-13 September, 1985, Cannes, France). At that meeting of about forty national delegations of the Council from the various regions of the world, the following texts were among the topics discussed: the UNCITRAL Model Law and the Vienna Sales Convention.

8. The UNCITRAL Secretariat participated in the "Pacific Rim Conferences on International Commercial Arbitration", (19-21 September 1985, Auckland, New Zealand; 24 September 1985, Sydney, Australia; 28 September 1985, Hong Kong) organized by the Chartered Institute of Arbitrators, London, and, as regards the conference in Hong Kong, co-sponsored by the International Bar Association. These conferences were attended by lawyers from the countries in which the conferences were held, and by many lawyers from various other countries in the Far Eastern region. The UNCITRAL Model Law was a main topic at all three conferences.

9. The UNCITRAL Secretariat participated in a seminar on trade law and in consultations on existing and future legislation on trade law (7-9 October 1985, Beijing, China) organized by the China Council for the Promotion of International Trade. The topics included the Vienna Sales Convention, the UNCITRAL Conciliation Rules, and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 1958.
10. The UNCITRAL Secretariat participated in a conference on international commercial arbitration (14-16 October 1985, Quebec, Canada) organized by Laval University. The conference was attended by lawyers from Canada, the United States of America and West Europe. One of the main topics discussed was the UNCITRAL Model Law.
11. The UNCITRAL Secretariat participated in an international trade law seminar (17 October 1985, Ottawa, Canada) organized by the Department of Justice, Canada. Information was given to participants on the activities of UNCITRAL relating, in particular, to automatic data processing and the legal value of computer records.
12. The UNCITRAL Secretariat participated in a seminar on the methods of settlement of commercial disputes (28-29 October 1985, Radenci, Yugoslavia) organized by the Chamber of Commerce of the Socialist Republic of Slovenia. Among the subjects discussed were the UNCITRAL Arbitration Rules, the UNCITRAL Conciliation Rules, and the UNCITRAL Model Law.
13. The UNCITRAL Secretariat participated in a conference entitled "UNCITRAL Model Law - the Immediate Impact" (29 November 1985, London) organized by the Chartered Institute of Arbitrators, London. The participants were mainly from the United Kingdom. However, there were also some participants from jurisdictions (e.g. Canada, Hong Kong) where adoption of the UNCITRAL Model Law was under active consideration.
14. A regional seminar on international commercial arbitration (20-22 January 1986, Cairo) was organized by the Asian-African Legal Consultative Committee and the Cairo Centre for International Commercial Arbitration, with the co-operation of the UNCITRAL Secretariat. The subjects discussed included the facilities and activities of the Cairo Centre for International Commercial Arbitration, the UNCITRAL Arbitration Rules and the UNCITRAL Model Law. The seminar was very widely attended by lawyers and businessmen from the countries of the Middle East.
15. The UNCITRAL Secretariat participated in meetings of a drafting committee of the Uniform Law Conference (5-8 February 1986, Ottawa, Canada) and of the British Columbia Task Force (10-11 February 1986, Vancouver, Canada). These meetings were convened to consider the possible implementation of the UNCITRAL Model Law.
16. The UNCITRAL Secretariat participated in a working party on liquidated damages and penalty clauses (7 February 1986, Paris) established by the International Chamber of Commerce. The working party is preparing a legal guide on the drafting of liquidated damages and penalty clauses which may be included in international commercial contracts.
17. The UNCITRAL Secretariat participated in a seminar entitled "International Commercial Arbitration - the UNCITRAL Model Law" (10-14 March 1986, Dubrovnik, Yugoslavia) organized by the Inter-University Centre of

Postgraduate Studies, Dubrovnik, Yugoslavia. The main topic for discussion was the UNCITRAL Model Law, but other topics in international commercial arbitration were also discussed. The seminar was attended by postgraduate students, research assistants, and young corporate counsel from East and West Europe.

18. The UNCITRAL Secretariat participated in a seminar entitled "Paperless Trading and the Law in the European Economic Community" (17-18 March 1986, Brussels) organized by the European Committee (Comité Européen) Lex Informatica Mercatoriaque (CELIM). The seminar was attended by approximately a hundred lawyers and technicians from the countries of the European Communities. Among the subjects discussed was the implementation of UNCITRAL's recommendation at its eighteenth session on the legal value of computer records. 2/

19. The UNCITRAL Secretariat assisted in the instruction involved in the segment devoted to arbitration of a "Development Lawyers Course" (19-21 March 1986, Rome) organized by the International Development Law Institute, Rome. The course was attended by lawyers from developing countries, in particular from Africa. These lawyers included legal advisers to Governments, governmental entities and financial organizations. The UNCITRAL Arbitration Rules, the UNCITRAL Conciliation Rules, and the UNCITRAL Model Law were discussed.

20. The UNCITRAL Secretariat participated in a seminar (1 April 1986, Vienna) on UNCITRAL activities, in particular in the field of arbitration, organized by the Federal Chamber of Commerce, Austria. There were participants from countries of East and West Europe.

21. On some occasions other than those mentioned in the preceding paragraphs, the UNCITRAL Secretariat addressed gatherings of lawyers in order to promote the work of the Commission. The Secretariat also contributed articles to legal periodicals on various aspects of the Commission's work. The Secretariat intends to keep in touch with Governments and organizations with a view to collaborating with them in organizing symposia and seminars.

22. Since the eighteenth session of the Commission, four interns received training with the UNCITRAL Secretariat, and were associated with on-going projects of the Commission.

23. The UNCITRAL Secretariat thanks the organizers of the conferences, seminars and meetings mentioned above for inviting the Secretariat to participate at the conferences, seminars and meetings. On most occasions the expenses of the Secretariat in participating were met in whole or in part by the organizers.

2/ Ibid, para. 360.