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Training and technical assistance**Note by the Secretariat****Contents**

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-2	2
II. Importance of texts of the United Nations Commission on International Trade Law	3	2
III. Technical assistance in the preparation and implementation of legislation	4-6	3
IV. Seminars and briefing missions	7-9	4
V. Participation in other activities	10	5
VI. Internship programme	11-12	7
VII. Future activities	13-15	8
VIII. Financial resources	16-25	8

* This Note is submitted three weeks after the required ten-week deadline prior to the start of the meeting because the secretariat of the Commission was fully occupied with the preparation of other parliamentary documents.



I. Introduction

1. Pursuant to a decision taken at the twentieth session of the United Nations Commission on International Trade Law (UNCITRAL),¹ held in 1987, training and assistance activities count among the high priorities of UNCITRAL. The training and technical assistance programme carried out by the Secretariat under the mandate given by the Commission, in particular in developing countries and in countries with economies in transition, encompasses two main lines of activity: (a) seminars and briefing missions aimed at promoting understanding of international commercial law conventions, model laws and other legal texts; and (b) assistance to Member States with commercial law reform and adoption of UNCITRAL texts. As the ultimate goal of these activities is the adoption of UNCITRAL texts, they are an integral part of the Commission's legislative work.
2. The present note lists the activities of the Secretariat subsequent to the issuance of the previous note submitted to the Commission at its thirty-fourth session, in 2002 (A/CN.9/515 of 23 April 2002), and indicates possible future training and technical assistance activities in the light of the requests for such services from the Secretariat.

II. Importance of texts of the United Nations Commission on International Trade Law

3. Increasing importance is being attributed by Governments, international organizations, including multilateral and bilateral aid agencies, and the private sector to the improvement of the legal framework for international trade and investment. UNCITRAL has an important function to play in that process because it has produced and promotes the use of legal instruments in a number of key areas of commercial law that represent internationally agreed standards and solutions acceptable to different legal systems. Those instruments include:

(a) In the area of sales, the United Nations Convention on Contracts for the International Sale of Goods² and the United Nations Convention on the Limitation Period in the International Sale of Goods;³

(b) In the area of dispute resolution, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards⁴ (a United Nations convention adopted prior to the establishment of the Commission, but actively promoted by it), the UNCITRAL Arbitration Rules,⁵ the UNCITRAL Conciliation Rules,⁶ the UNCITRAL Model Law on International Commercial Arbitration,⁷ the UNCITRAL Notes on Organizing Arbitral Proceedings,⁸ and the UNCITRAL Model Law on International Commercial Conciliation;⁹

(c) In the area of government contracting, the UNCITRAL Model Law on Procurement of Goods, Construction and Services¹⁰ and the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects;¹¹

(d) In the area of banking, payments and insolvency, the United Nations Convention on the Assignment of Receivables in International Trade (General Assembly resolution 56/81, annex), the United Nations Convention on Independent Guarantees and Standby Letters of Credit (General Assembly resolution 50/48,

annex), the UNCITRAL Model Law on International Credit Transfers,¹² the United Nations Convention on International Bills of Exchange and International Promissory Notes (resolution 43/165, annex) and the UNCITRAL Model Law on Cross-Border Insolvency;¹³

(e) In the area of transport, the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules),¹⁴ and the United Nations Convention on the Liability of Operators of Transport Terminals in International Trade;¹⁵ and

(f) In the area of electronic commerce and data interchange, the UNCITRAL Model Law on Electronic Commerce¹⁶ and the UNCITRAL Model Law on Electronic Signatures.¹⁷

III. Technical assistance in the preparation and implementation of legislation

4. Technical assistance is provided to States preparing legislation based on UNCITRAL texts. Such assistance is provided in various forms, including review of preparatory drafts of legislation from the viewpoint of UNCITRAL texts, technical consultancy services and assistance in the preparation of legislation based on UNCITRAL texts, preparation of regulations implementing such legislation and comments on reports of law reform commissions, as well as briefings for legislators, judges, arbitrators, procurement officials and other users of UNCITRAL texts embodied in national legislation. Another form of technical assistance provided by the Secretariat consists of advising on the establishment of institutional arrangements for international commercial arbitration, including training seminars for arbitrators, judges and practitioners in the area. Training and technical assistance promote awareness and wider adoption of the legal texts produced by the Commission and are particularly useful for developing countries lacking expertise in the areas of trade and commercial law covered by the work of UNCITRAL. The training and technical assistance activities of the Secretariat could thus play an important role in the economic integration efforts being undertaken by many countries.

5. In its resolution 57/17 of 19 November 2002, the General Assembly reaffirmed the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law and reiterated its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and regional development banks, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission.

6. In the same resolution, the General Assembly stressed the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urged States that have not yet done so to consider signing, ratifying or acceding to those conventions. The UNCITRAL secretariat is prepared to provide technical assistance and advice to those States, as well as to States that are in the process of revising their trade legislation.

IV. Seminars and briefing missions

7. The activities of UNCITRAL are typically carried out through seminars and briefing missions for government officials from interested ministries (such as trade, foreign affairs, justice and transport), judges, arbitrators, practising lawyers, the commercial and trading community, scholars and other interested individuals. Seminars and briefing missions are designed to explain the salient features and utility of international trade law instruments of UNCITRAL. Information is also provided on certain important legal texts of other organizations, for example, Uniform Customs and Practice for Documentary Credits and Incoterms of the International Chamber of Commerce.

8. Lectures at UNCITRAL seminars are generally conducted by one or two members of the UNCITRAL secretariat, experts from the host countries and, occasionally, external consultants. After the seminars, the secretariat maintains contact with seminar participants in order to provide the host countries with the maximum possible support during the process leading up to the adoption and use of UNCITRAL texts.

9. Since the previous session, the secretariat of the Commission has organized seminars in a number of States, which have typically included briefing missions. The following seminars were financed with resources from the Trust Fund for UNCITRAL symposiums:

(a) Belo Horizonte, Brazil (27-29 May 2002), seminar held in cooperation with the Arbitration Court of the State of Minas Gerais (approx. 350 participants);

(b) Florianopolis, Brazil (30 May 2002), seminar held in cooperation with the Federal University Law School (approx. 200 participants);

(c) Quito (4-5 July 2002), seminar held in cooperation with the Ministry of Foreign Affairs (approx. 60 participants);

(d) Guayaquil, Ecuador (8-9 July 2002), seminar held in cooperation with the Ministry of Foreign Affairs (approx. 80 participants);

(e) Dhaka (28 October 2002), seminar held in cooperation with the Government of Bangladesh and USAID (approx. 150 participants);

(f) Bangkok (20-22 November 2002), seminar held in cooperation with ESCAP and UNCTAD (approx. 100 participants);

(g) Ouagadougou (19-21 November 2002), seminar held in cooperation with the International Telecommunications Union (approx. 150 participants);

(h) Astana (3-4 February 2003), seminar held in cooperation with the University of Bremen and the *Deutsche Gesellschaft fuer Technische Zusammenarbeit (GTZ)* (approx. 150 participants); and

(i) Hanoi (2-4 April 2003), seminar held in cooperation with the Ministry of Trade (approx. 25 participants).

V. Participation in other activities

10. Members of the UNCITRAL secretariat have participated as speakers in various seminars, conferences and courses where UNCITRAL texts were presented for examination and possible adoption or use. The participation of members of the secretariat in the seminars, conferences and courses listed below was financed by the institution organizing the events or by another organization. Participation to some of those seminars, conferences and courses was financed, partially or totally, with resources from the United Nations regular travel budget:

- (a) Catholic University of Louvain and the University of Siena Symposium on International Insolvency (Brussels, 25-26 April 2002);
- (b) 53rd Annual German Lawyers' Convention (Munich, Germany, 10 May 2002);
- (c) 16th International Council for Commercial Arbitration (ICCA) Congress on International Commercial Arbitration (London, 13-15 May 2002);
- (d) Colloquium on Authentic Electronic Acts sponsored by the Ministry of Justice and the National Centre for Scientific Research (Paris, 16 May 2002);
- (e) International Bar Association Insolvency Y2K2: Boom or Bust Conference (Dublin, 27-28 May 2002);
- (f) UN/ECE On-Line Dispute Resolution Expert Group Meeting (Geneva, 6-7 June 2002);
- (g) Conference of the Association of Civil Law Experts (Athens, 17 June 2002);
- (h) UNCTAD SITE Expert Meeting on Electronic Commerce Strategies (Geneva, 10-12 July 2002);
- (i) Non Aligned Movement Centre for South-South Technical Cooperation Expert Meeting on Harmonizing National E-Commerce Laws in NAM Member Countries (Jakarta, 22-23 July 2002);
- (j) Conference on Harmonization of International Trade Law and UNCITRAL, sponsored by the Singapore Academy of Law and the Attorney General's Office (Singapore, 25-26 July 2002);
- (k) Meeting of the Committee of Uniform Mediation Law of the National Conference of Commissioners on Uniform State Laws (NCCUSL) (Tucson, Arizona, United States of America, 26 July 2002);
- (l) Symposium on Registration of Security Interests, organized by the Centre for Commercial Law Studies of the Queen Mary University of London (London, 3 September 2002);
- (m) UNIDROIT Study Group on Taking of Security in Securities Held with Intermediaries (Rome, 9-13 September 2002);
- (n) UN/CEFACT Legal Group and UN/CEFACT Forum (Geneva, 9-13 September 2002);

- (o) International Business Law Consortium Annual Retreat sponsored by the Center for Legal Studies (Baden bei Wien, Austria, 13 September 2002);
- (p) Seminar on Private Investment in Infrastructure sponsored by the European Center for Peace and Development (Belgrade, 16-17 September 2002);
- (q) Seminar on Legal and Regulatory Aspects of Electronic Commerce and Public Procurement sponsored by the International Development Law Organization (Rome, 20 September 2002);
- (r) Third Edition of EUROARB Project Meeting sponsored by the Chambers of Commerce of several European States (Prague, 20-21 September 2002);
- (s) UNIDROIT Congress on the Worldwide Harmonization of Private Law and Regional Economic Integration (Rome, 27-28 September 2002);
- (t) Asian Development Bank Meeting on Promoting Regional Cooperation in Insolvency Law Reforms (Manila, 30 September-1 October 2002);
- (u) 70th Anniversary of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation (Moscow, 18 October 2002);
- (v) International Bar Association 2002 Conference (Durban, South Africa, 20-23 October 2002);
- (w) International Cotton Advisory Committee 61st Plenary Meeting (Cairo, 22 October 2002);
- (x) Colloquium on the Work of UNCITRAL sponsored by the University of Social Sciences of Toulouse (Toulouse, France, 25 October 2002);
- (y) Seminar on Legal Aspects of the Internet sponsored by JOBS/USAID Programme Bangladesh (Dhaka, 28 October 2002);
- (z) Conference on Alternative Dispute Resolution for the 13 Countries of South Eastern Europe (Ljubljana, 6-7 November 2002);
- (aa) Conference on Information Technology and Development of Infrastructure (Ljubljana, 14-15 November 2002);
- (bb) International Trade Symposium, organized by the Korean International Trade Law Association (Seoul, 15-16 November 2002);
- (cc) Seminar on Receivables Financing, organized by the University of Tokyo (Tokyo, 19 November 2002);
- (dd) Commercial Law and Commercial Practice Seminar organized by the London School of Economics (London, 29-30 November 2002);
- (ee) Conference on Security Interests in Securities Held with an Intermediary, organized by the Hague Conference on Private International Law (The Hague, 2-13 December 2002);
- (ff) International Procurement Conference sponsored by the Cairo Regional Centre for International Commercial Arbitration (Cairo, 14-15 December 2002);
- (gg) IMF Workshop and Conference on the Design of the Sovereign Debt Restructuring Mechanism (Washington, D.C., 21-22 January 2003);

(hh) World Bank Global Forum on Insolvency Risk Management (Washington, D.C., 28-29 January 2003);

(ii) Conference on the Draft Digest of Case Law on the United Nations Sales Convention sponsored by the University of Pittsburgh (Pittsburgh, Pennsylvania, United States of America, 7 February 2003);

(jj) University of Valencia Graduate Studies Programme Lecture on Maritime Law (Valencia, Spain, 17 February 2003);

(kk) Lectures on the Work of UNCITRAL sponsored by the European Centre for Peace and Development (Belgrade, 21-22 February 2003);

(ll) University of Valencia Graduate Studies Programme Lecture on the UNCITRAL Model Law on Conciliation (Valencia, Spain, 28 February 2003);

(mm) UNIDROIT Restricted Study Group on Harmonized Rules for Use of Securities Held with an Intermediary as Collateral (Rome, 11-14 March 2003);

(nn) Asian Development Bank Conference on RETA 5975: Promoting Regional Cooperation in the Development of Insolvency Law Reforms (Singapore, 17-18 March 2003);

(oo) International Insolvency Conference 2003 sponsored by the Ministry of Law (Singapore, 19-22 March 2003);

(pp) Seminar on Cross-Border Bank Insolvency Issues sponsored by the Swiss National Bank (Gerzensee, Switzerland, 26-28 March 2003);

(qq) International Trade Law Postgraduate Course, sponsored by the International Training Centre of the International Labour Organization (ILO) and the University Institute of European Studies (Turin, Italy, 2 April 2003);

(rr) Conference on the Enlarged European Union—Partner of the Developing World sponsored by *Internationale Weiterbildung und Entwicklung (INWENT)* (Berlin, 7-8 April 2003); and

(ss) International Bar Association Conference on Insolvency and Investor Confidence: Challenges and Responses (Rome, 27-29 April 2003).

VI. Internship programme

11. The internship programme is designed to give young lawyers the opportunity to become familiar with the work of UNCITRAL and to increase their knowledge of specific areas in the field of international trade law. During the past year, the Secretariat has hosted ten interns from Argentina, Austria, Belgium, Germany, Italy, Mexico, Spain and Venezuela. Interns are assigned tasks such as basic or advanced research, collection and systematization of information and materials or assistance in preparing background papers. The experience of UNCITRAL with the internship programme has been positive. However, as no funds are available to the Secretariat to assist interns to cover their travel or other expenses, interns have to be sponsored by an organization, university or government agency, or to meet their expenses from their own means. As a result, there is limited participation of interns from developing countries. In that connection, the Commission may wish to invite

Member States, universities and other organizations, in addition to those which already do so, to consider sponsoring the participation of young lawyers, in particular from developing countries, in the United Nations internship programme with UNCITRAL.

12. The Secretariat also occasionally accommodates requests by scholars and legal practitioners who wish to conduct research in the UNCITRAL law library for a limited period of time.

VII. Future activities

13. For the remainder of 2003, seminars and legal assistance briefing missions are being planned in Africa, Asia, countries with economies in transition in Eastern Europe and Latin America. Since the travel cost of training and technical assistance activities is not covered by the regular budget, the ability of the Secretariat to implement those plans is contingent upon the receipt of sufficient funds in the form of contributions to the Trust Fund for UNCITRAL symposiums.

14. As it has done in recent years, the Secretariat has agreed to co-sponsor the next three-month international trade law postgraduate course to be organized by the University Institute of European Studies and the International Training Centre of ILO in Turin. Typically, approximately half the participants are from Italy, with many of the remainder coming from developing countries. The contribution from the UNCITRAL secretariat to the next course will focus on issues of harmonization of laws on international trade law from the perspective of UNCITRAL, including past and current work.

15. Also, as it has done for the past seven years, the Secretariat co-sponsored the tenth Willem C. Vis International Commercial Arbitration Moot in Vienna from 11 to 17 April 2003. The Moot is principally organized by the Institute of International Commercial Law at Pace University School of Law. With its broad international participation, involving 128 teams from 40 countries in 2003, it is seen as an excellent way to disseminate information about uniform law texts and teaching international trade law. This year, the Secretariat offered a series of lectures on international sales and international trade financing issues to about 30 participants of the Moot.

VIII. Financial resources

16. The Secretariat continues its efforts to devise a more extensive training and technical assistance programme to meet the considerably greater demand from States for training and assistance, in keeping with the call of the Commission at its twentieth session for an increased emphasis both on training and assistance and on the promotion of the legal texts prepared by the Commission. However, as no funds for UNCITRAL seminars are provided for in the regular budget, expenses for UNCITRAL training and technical assistance activities (except for those which are supported by funding agencies such as the World Bank) have to be met from voluntary contributions to the Trust Fund for UNCITRAL symposiums.

17. At its thirty-fifth session, in view of the limited resources available to its secretariat, the Commission expressed strong concern that it could not fully implement its mandate with regard to training and assistance and that, without effective cooperation and coordination between the secretariat and development assistance agencies, international assistance might lead to the adoption of national laws that did not represent internationally agreed standards, including UNCITRAL conventions and model laws.¹⁸

18. In that connection, the Commission noted with appreciation that the General Assembly, pursuant to the recommendation of the Commission made at its thirty-fifth session,¹⁹ requested the Secretary-General to consider measures to strengthen significantly the secretariat of the Commission within the bounds of the resources available in the Organization, if possible during the current biennium and, in any case, during the 2004-2005 biennium (resolution 57/19 of 19 November 2002). In that resolution, the General Assembly emphasized the need for higher priority to be given to the work of the Commission in view of the increasing value of the modernization of international trade law for global economic development and, thus, for the maintenance of friendly relations among States and taking note of the favourable recommendation of the Office of Internal Oversight Services.²⁰

19. The Commission may wish to note that the Secretary-General, in the proposed Programme Budget for the biennium 2004-2005 (document A/58/6 (Sect. 8)), included a proposal for three new professional and one new secretarial post in the secretariat of the Commission.

20. Given the importance of extra-budgetary funding for the implementation of the training and technical assistance component of the UNCITRAL work programme, the Commission may again wish to appeal to all States, international organizations and other interested entities to consider making contributions to the Trust Fund for UNCITRAL symposiums, if possible in the form of multi-year contributions, so as to facilitate planning and to enable the Secretariat to meet the increasing demands from developing countries and States with economies in transition for training and legislative assistance. Information on how to make contributions may be obtained from the Secretariat.

21. In the period under review, contributions were received from France, Greece and Switzerland. The Commission may wish to express its appreciation to those States and organizations which have contributed to the Commission's programme of training and assistance by providing funds or staff or by hosting seminars.

22. In that connection, the Commission may wish to recall that, in accordance with General Assembly resolution 48/32 of 9 December 1993, the Secretary-General was requested to establish a trust fund to grant travel assistance to developing countries that are members of UNCITRAL. The trust fund so established is open to voluntary financial contributions from States, intergovernmental organizations, regional economic integration organizations, national institutions and non-governmental organizations, as well as to natural and juridical persons.

23. Since the establishment of the trust fund, contributions have been received from Austria, Cambodia, Cyprus, Kenya, Mexico and Singapore.

24. It is recalled that in its resolution 51/161 of 16 December 1996, the General Assembly decided to include the trust funds for UNCITRAL symposiums and travel

assistance in the list of funds and programmes that are dealt with at the United Nations Pledging Conference for Development Activities.

25. In order to ensure full participation of all Member States in the sessions of UNCITRAL and its Working Groups, the Commission may wish to reiterate its appeal to the relevant bodies in the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund established to provide travel assistance to developing countries that are members of the Commission.

Notes

- ¹ *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, para. 335.
- ² *Official Records of the United Nations Conference on Contracts for the International Sale of Goods, Vienna, 10 March-11 April 1980* (United Nations publication, Sales No. E.82.V.5), part I.
- ³ *Official Records of the United Nations Conference on Prescription (Limitation) in the International Sale of Goods, New York, 20 May-14 June 1974* (United Nations publication, Sales No. E.74.V.8), part I.
- ⁴ United Nations, *Treaty Series*, vol. 330, No. 4739.
- ⁵ *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17 (A/31/17)*, para. 57.
- ⁶ *Ibid.*, *Thirty-fifth Session, Supplement No. 17 (A/35/17)*, para. 106.
- ⁷ *Ibid.*, *Fortieth Session, Supplement No. 17 (A/40/17)*, annex I.
- ⁸ *Ibid.*, *Fifty-first Session, Supplement No. 17 (A/51/17)*, chap. II.
- ⁹ *Ibid.*, *Fifty-seventh Session, Supplement No. 17 (A/57/17)*, annex I.
- ¹⁰ *Ibid.*, *Forty-ninth Session, Supplement No. 17 and corrigendum (A/49/17 and Corr.1)*, annex I.
- ¹¹ United Nations publication, Sales No. E.01.V.4.
- ¹² *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 17 (A/47/17)*, annex I.
- ¹³ *Ibid.*, *Fifty-second Session, Supplement No. 17 (A/52/17)*, annex I.
- ¹⁴ *Official Records of the United Nations Conference on the Carriage of Goods by Sea, Hamburg, 6-31 March 1978* (United Nations publication, Sales No. E.80.VIII.1), document A/CONF.89/13, annex I.
- ¹⁵ A/CONF.152/13, annex.
- ¹⁶ *Official Records of the General Assembly, Fifty-first Session, Supplement No. 17 (A/51/17)*, annex I.
- ¹⁷ *Ibid.*, *Fifty-sixth Session, Supplement No. 17 (A/56/17)*, annex II.
- ¹⁸ *Ibid.*, *Fifty-seventh Session, Supplement No. 17 (A/57/17)*, para. 250.
- ¹⁹ *Ibid.*, para 271.
- ²⁰ *Ibid.*, para. 251.