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TRAINING AND ASSISTANCE IN THE FIELD OF
INTERNATIONAL TRADE LAW

Report of the Secretary-General

I. THE COMMISSION'S DECISIONS AND ACTION
IN THE GENERAL ASSEMBLY

1. At its second session, held in Geneva from 3 to 31 March 1969, the United Nations Commission on International Trade Law adopted the following decision:^{1/}

"In an effort to help meet the need for developing local expertise in international trade law, particularly in the developing countries, and for intensifying and co-ordinating the existing programmes, the Commission requests the Secretary-General:

"(a) To recommend to the bodies concerned that regional seminars and training courses under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should continue to include topics relating to international trade law;

"(b) To recommend that some of the fellowships to be granted under the Programme of Assistance referred to in sub-paragraph (a) above be awarded to candidates having a special interest in international trade law;

"(c) To take the necessary steps to add the names and relevant particulars of experts in international trade law for inclusion in a supplement to the Register of Experts and Scholars in International Law, as described in paragraph 36 (ii) (a) of the report of the Secretary-General (A/CN.9/27);

^{1/} Report of the United Nations Commission on International Trade Law on the work of its second session (1969), Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 18 (A/7618, para. 166).

"(d) To complete the information thus far obtained in respect of activities of international organizations in the field of training and assistance in matters of international trade law, as described in paragraph 36 (i) of the report of the Secretary-General;

"(e) To consult with the Advisory Committee on the United Nations Programme of Assistance referred to in sub-paragraph (a) above and with United Nations organs, specialized agencies and other organizations and institutions active in the field of international trade law concerning the feasibility of establishing within their programmes at selected universities or other institutions in developing countries:

"(i) Regional institutes or chairs for training in the field of international trade law;

"(ii) Seminars or courses for students, teachers, lawyers and government officials interested or active in this field;

"(f) To report to the third session of the Commission the results of his consultations and the extent to which it has been possible to achieve the foregoing objectives and to inform the Commission of what further measures may be appropriate in the light of this experience."

2. At its third session, held in New York from 6 to 30 April 1970, the Commission considered the report of the Secretary-General on training and assistance in the field of international trade law^{2/} and adopted the following decision:^{3/}

"The Commission:

Requests the Secretary-General to continue and intensify the activities on training and assistance in the field of international trade law undertaken pursuant to the Commission's decision at its second session, and to consult with appropriate institutions on the feasibility of developing teaching materials in the subject-matter of this field and of giving a larger share to the teaching of the law of international trade in the programme of those institutions".

3. The Sixth Committee, having considered the Commission's report on its third session, reported, inter alia, the following to the General Assembly:^{4/}

^{2/} A/CN.9/39

^{3/} Report of the United Nations Commission on International Trade Law on the work of its third session (1970), Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 17 (A/8017), para. 200.

^{4/} Report of the Sixth Committee on the report of the United Nations Commission on International Trade Law on the work of its third session (1970), A/8146, paras. 30-32.

"30. Many representatives stressed the importance for UNCITRAL to develop local expertise in the field of international trade law, particularly in the developing countries, and welcomed the Commission's decision to continue and intensify the existing programme of training and assistance.

"31. Some representatives suggested that a new programme of training and assistance, with emphasis on substantial periods of practical training, including apprenticeship with organizations or institutions actively engaged in work in the area, should be developed by UNCITRAL. It was noted that such a programme should not involve additional cost to the United Nations.

"32. Other representatives stressed the importance of establishing chairs or regional institutes on international trade law within a university or academic institution in developing countries, and expressed the hope that ways to implement this programme could be found."

4. On the recommendation of the Sixth Committee, the General Assembly adopted resolution 2635 (XXV), in which it recommended (para. 5 (b)) that the United Nations Commission on International Trade Law should continue to give attention to ways and means of promoting training and assistance in the field of international trade law.

5. The Sixth Committee also reported to the General Assembly with respect to the United Nations Programme of assistance in the teaching, study, dissemination and wider appreciation of international law (agenda item 90) (A/8130). After consideration of this report of the Sixth Committee, the General Assembly adopted resolution 2698 (XXV). In paragraph 3 of this resolution, the General Assembly requested the Secretary-General:

"to continue his efforts to promote training and assistance in international trade law within the framework of the programme, in order to meet the need, particularly on the part of developing countries, for strengthening legal expertise in this field".

II. ACTIVITIES UNDERTAKEN PURSUANT TO THE DECISIONS OF THE COMMISSION

6. In conformity with paragraph (a) of the Commission's decision (quoted in paragraph 1, *supra*), one of the sessions of the United Nations Regional Seminar in international law for Africa was devoted to a discussion of UNCITRAL with reference to those aspects of its work that had special relevance to Africa. The Seminar was organized by UNITAR and was held in January 1970 in Accra, Ghana.

It was attended by senior government officials from African States and by experts and observers from international organizations.

7. Pursuant to paragraph (b) of the Commission's decision, attention was paid during 1970, when making awards under the United Nations-UNITAR Fellowship Programme in international law, to candidates having a special interest in international trade law. Following the procedure adopted in previous years,^{5/} fellows received practical training at the United Nations Office of Legal Affairs. This training included projects relating to international trade law carried out under the supervision of members of the International Trade Law Branch.

8. With respect to the Secretary-General's request for submission of names, with relevant particulars, of experts in the various areas of international trade law for inclusion in the Register of Experts and Scholars in International Trade Law, thirty-one States Members of the United Nations have responded. A roster of 125 experts in international trade law has been compiled and will be issued as a special supplement to the Register of Experts and Scholars in International Law (A/6677).

9. Pursuant to the Commission's decision at its second and third sessions, the Secretary-General made inquiries of United Nations organs, specialized agencies and other international organizations concerning the following:

(a) whether they were engaged in, or contemplating, providing assistance with respect to training and assistance in the field of international trade law;

(b) whether they could establish or assist in establishing regional institutes or chairs in international trade law at a university or other institutions in developing countries;

(c) whether they could organize or assist in organizing seminars or courses in international trade law for students, teachers, government officials and practitioners from developing countries.

10. The responses to these inquiries indicated that an appreciable number of these organizations, within their respective spheres of activity, had carried out

^{5/} See Secretary-General's report on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Trade Law, A/8130, para. 18.

various programmes of training and assistance, including fellowships, training courses and seminars in fields related to international trade law. Other such programmes are being planned. These activities are summarized in the annex to this report.

11. The responses, however, showed no indications that the substantial funds needed to establish regional institutes or chairs for training in international trade law were available. The organizations concerned found such contributions either outside their normal sphere of activities, or, in most cases, beyond the limits of their financial resources. This fact was brought to the notice of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in its fifth session held in October 1970.^{6/}

12. In view of this lack of success, the Secretariat sought other ways and means to implement the Commission's decision. The development of this new field of law was brought to the attention of certain officials responsible for planning of curricula for universities in developing countries, and the suggestion was made that international trade law should be included in the curricula of their law schools. The Commission's interest in the establishment of institutes or chairs for training in international trade law was also communicated to the Association of African Universities with the thought that such communication would assist African universities in raising the necessary funds from foundations and institutions engaged in the field of legal education and research, or possibly, from other available sources for financing. Similar communications are envisaged with respect to university associations in other regions.

13. Pursuant to the Commission's decision with respect to development of teaching materials in the subject-matter of international trade law (quoted in paragraph 2, supra) consultations with appropriate institutions on the feasibility of developing such teaching materials have been carried out. The International Legal Center of New York has shown interest in the project and is developing plans for the production of these materials for use in Africa and Latin America. As has been explained before, such teaching materials would not be a publication of the United Nations. Consequently, their production would not require the expenditure of funds

^{6/} Ibid., para. 16.

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by the United Nations. The contribution by the Organization would be limited to consultations by members of the Secretariat with the scholars in charge of the preparation of these materials.

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ANNEX

INFORMATION PROVIDED BY INTERNATIONAL BODIES CONCERNING THEIR
ACTIVITIES RELATING TO TRAINING AND ASSISTANCE IN
INTERNATIONAL TRADE LAW

A. United Nations organs, specialized agencies,
and related organizations

1. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

"2. Within technical assistance activities programmed or implemented there has been no project in the specific field of international trade law. Most of the training courses in the general field of international trade carried out under the UNCTAD programme do contain, however, consideration of some aspects of the rules governing commercial relationships among different countries. In this general context the following courses can be mentioned:

(a) Regional Export Promotion Training Courses being implemented in co-operation with the Regional Economic Commissions and the UNCTAD/GATT International Trade Centre;

(b) The ECLA Regional Trade Policy Course and the ECA/GATT Courses in Commercial Policy and Trade Promotion;

(c) The CARIFTA Customs Officials Training Course.

Within its interregional programme UNCTAD has also engaged the services of an Inter-regional Adviser on Trade Documentation who is advising developing countries, at their request, on the simplification and standardization of international trade documents and procedures."

2. UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO)

"... In the training course organized by the Export Industries Section of the Industrial Policies and Programming Division of UNIDO in Zagreb in 1968 such topics as international payments and shipping were covered. Some training in these subjects will also be included in the forthcoming training course in industrial exports to be organized later this year. However, in these courses the main emphasis is placed on the organization of an export promotion framework including credit arrangements. ..."

/...

3. GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT)

"The organization has contributed actively since 1955 by organizing twice-yearly courses in commercial policy for civil servants from developing countries. ... Two hundred and eighty-seven officials from seventy-eight countries have up to now participated in the Geneva courses. Two hundred and fifty-three have attended the courses in Africa, which are carried out in collaboration with the Economic Commission for Africa. ... The courses aim not only at acquainting participants with multilateral rules and principles of commercial policy, but also have an essentially practical orientation."

4. INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (IBRD)

"The organizations in the World Bank Group are not engaged in any programme of training or research in the field of international trade law -- though from time to time they have accepted interns who have, in the Legal Department, studied the principal operations of the World Bank."

5. INTERNATIONAL MONETARY FUND (IMF)

"... This organization continues to engage staff members of our Central Banking Service and the Legal Department, who respond to the requests of our member countries for draft legislation, counsel, and experts. In addition, ... members of these two departments have been actively participating in research and discussions involving the development, under the auspices of the United Nations Commission on International Trade Law, of an international negotiable instrument to be used in trade and other transactions. Secondly, ... the IMF Institute ... offers courses in Washington to officials, predominantly from the developing countries, dealing chiefly with monetary policy and methods of analysis. In this connection, ... the Institute includes within its subject matter ... topics relating to payment and trade restrictions. Finally, the Fund renders continuing assistance to its members including many developing countries, in reviewing and evaluating systems of exchange control in the light of the Fund Agreement. The Exchange and Trade Relations Department is particularly interested in this part of the Fund's activity."

B. Intergovernmental organizations

1. ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

"We do not have any special programme as yet of providing assistance in respect to training and research in the field of international trade law. Nevertheless [the Association] would be quite prepared to take one or two scholars who may work in the Secretariat for gaining experience in research in the field."

2. COMMISSION OF EUROPEAN COMMUNITIES

"... [T]here exists one type of assistance to the training of lawyers which concerns international trade law. This assistance takes the form of the following:

- Grants to certain faculties or institutions engaged in legal education more especially oriented towards the needs of the Commission.

- Arranging visits by students and professors preparing thesis or special work to the Headquarters of the Commission's institutions.

- ... Award of a certain number of fellowships."

3. COUNCIL OF EUROPE

" ...

"Establishment of fellowships for studies relating to industrial property

The Committee of Ministers has approved for a trial period of two years the institution of a system of fellowships for persons who desire to undertake:

- (a) research work of european interest; or
- (b) work undertaken in order to complete advanced studies, or perfect their training, by means of studies of an international character."

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4. ORGANIZATION OF AMERICAN STATES

" ...

1. 26 fellowships - International trade - Training for Latin American commercial attachés. Belgium.
2. 67 fellowships - International trade - United Kingdom, France, Belgium, Japan.
3. 23 fellowships - Legal and economic aspects of the European integration. Belgium.
4. 30 fellowships - National and international trade. Brazil."

5. UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY (BIRPI)

"(a) Model laws for developing countries:

/A/ Committee of experts ... met in October, 1969;
/and drew up/ model laws for developing countries on industrial designs
/which/ will be published shortly.

(b) Traineeships

In 1969 thirty-six applications for traineeships were received, of which 10 were granted; in 1970 twenty-nine such applications were received of which 10 were granted. This programme will be continued.

(c) Seminars

Industrial property seminars were held in 1969 in Cairo and in Buenos Aires. The work programme for 1971 to 1973 to be submitted to the competent bodies of the World Intellectual Property Organization (WIPO) (the continuation of BIRPI in a more modern form) provides for the holding of one regional seminar in each year.

(d) Teaching of intellectual property law:

1. In 1970 a directory will be published of university and other higher education courses in the field of intellectual property law.

2. BIRPI has offered all possible assistance to the Organizing Committee for a Latin-American training centre for industrial property, which will be established in Caracas, Venezuela. The precise nature of the assistance to be agreed will depend on the further development of the plan for the proposed centre.

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3. The seminars referred to in paragraph 1 above have all been held and will be held in developing countries, but not at a particular university or other institution in one such country. However, BIRPI or WIPO would be happy to collaborate with any such institution wishing to receive assistance for the purposes of establishing seminars or courses in intellectual property law."

C. Non-governmental organizations in consultative status with the Economic and Social Council

INTERNATIONAL AIR TRANSPORT ASSOCIATION

"(a) At its 74th meeting (May 1969) the Executive Committee of IATA approved a contribution of \$10,000 for the establishment of a fellowship (which would be identified with IATA) to assist through ICAO in training government personnel from developing countries.

(b) In recent years IATA has at various times contributed to the organization of seminars and conferences on problems (legal and other) related to international aviation. These meetings have included the International Conference on the Freedom of the Air (Montreal, November 1967), a course of lectures on air law held at the Institut Universitaire de Hautes Etudes Internationales in Geneva (November 1968 - March 1969), and the seminar on legal problems of international aviation (Basle, November 1969).

(c) More generally, IATA has for many years maintained a close and active collaboration with the Institute of Air and Space Law at McGill University, Montreal.

It can be expected that IATA will continue its activities along the general lines described in (b) and (c) above, within the framework of its resources in respect of manpower and finance."

D. Other non-governmental organizations

THE INTERNATIONAL FACULTY FOR THE TEACHING OF COMPARATIVE LAW

"For ten years the Faculty has conducted courses and round tables in international private law including the law of international trade in conjunction with its program of education in comparative law generally. It has conducted these courses not only at the University of Strasbourg in which it maintains its seat but also at many other Universities throughout the world, some of these being in the developing countries. I refer especially to two sessions at the National Autonomous University of

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Mexico, three at the University of Caracas, two at the University of Concepcion, two at the University of Valparaiso. Over the years it has enrolled nearly 5,000 students from 68 states, and it has drawn its professors from 75 Universities located in 41 different countries."
