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INTERNATIONAL TRADE LAW  
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Item 8 of the provisional agenda

TRAINING AND ASSISTANCE IN THE FIELD OF  
INTERNATIONAL TRADE LAW

Report of the Secretary-General

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

1. The United Nations Commission on International Trade Law (UNCITRAL) at its fourth session adopted the following decision on the subject of training and assistance: 1/

"Requests the Secretary-General to continue consultations with other interested organizations with a view to developing programmes of training and assistance in matters related to international trade law and, in particular, to consider means whereby practical experience in international trade law could be made available through the co-operation of trading institutions and similar bodies."

2. The Sixth Committee, after considering the Commission's report on the work of its fourth session, 2/ reported, inter alia, the following to the General Assembly: 3/

1/ Report of the United Nations Commission on International Trade Law on the work of its fourth session (1971), Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 17 (A/8417), para. 145.

2/ Ibid.

3/ Report of the Sixth Committee on the report of the United Nations Commission on International Trade Law on the work of its fourth session (1971), document A/8506, para. 33.

"Many representatives stressed the importance to developing countries of training and assistance in the field of international trade law and took note with appreciation of the decision of the Commission to consider means whereby practical in-service training could be made available to lawyers and government officials from developing countries. In this connexion, several representatives welcomed the initiative of the Inter-Governmental Maritime Consultative Organization to develop, jointly with the Commission and UNCTAD, a programme of assistance to developing countries in the field of laws and regulations relating to ships and shipping. The hope was expressed that the Commission's programme of training and assistance would be accelerated."

3. On the recommendation of the Sixth Committee, the General Assembly adopted resolution 2766 (XXVI) in which the Assembly recommended that the Commission should "accelerate its work on training and assistance in the field of international trade law, with special regard to developing countries".

## II. ACTIVITIES UNDERTAKEN PURSUANT TO THE DECISIONS OF THE COMMISSION

### Training of fellows at the Office of Legal Affairs

4. Pursuant to the decisions of the Commission taken at its second and third sessions, attention was paid during 1971, when making awards under the United Nations-UNITAR Fellowship Programme in international law, to candidates having a special interest in international trade law. Three of the selected fellows received practical training at the Office of Legal Affairs. This training included the undertaking of research projects relating to international trade law under the supervision of members of the International Trade Law Branch. In addition, three interns carried out assignments in the field of international trade law under supervision of members of the International Trade Law Branch.

### Register of experts and scholars in international trade law

5. Pursuant to the Commission's decision at its second session, the Register of experts and scholars in international trade law was compiled and distributed (A/CN.9/61). It contains the names and relevant particulars of 122 experts and scholars supplied by thirty States that responded to the Secretary-General's request for submission of names and particulars.

### Teaching materials

6. With respect to the feasibility of developing teaching materials on the subject of international trade law for use in developing countries, some difficulties have been encountered in securing the necessary funds from a private organizations concerned with legal education in developing countries, due to recent

change in the programmes of that organization. Consequently, alternative plans for securing a fellowship for an African scholar, who has expressed interest in the project, are being explored.

Proposal of the Inter-Governmental Maritime Consultative Organization (IMCO) for assistance to developing countries in the field of laws and regulations applicable to ships and shipping

7. It will be recalled that the Commission at its fourth session took note of a proposal by the secretariat of the Inter-Governmental Maritime Consultative Organization (IMCO) for a programme of assistance to developing countries in the field of laws and regulations applicable to ships and shipping under the joint auspices of IMCO, the United Nations Conference on Commerce and Development (UNCTAD) and UNCITRAL. <sup>4/</sup> The proposed programme envisaged the holding of special seminars and courses as well as the organization of in-service training at commercial bodies engaged in international trade and shipping. It was hoped that the programme would qualify for financing by the United Nations Development Programme (UNDP).

8. The secretariat of IMCO is carrying out consultations with the organizations concerned with a view to finalizing this project.

9. In this connexion the Commission may wish to note that from 10 May to 3 December 1971, UNCTAD carried out a training programme in shipping economics and management for 30 participants from developing countries. The programme included (a) lectures on a variety of topics relating to legal as well as technical, commercial and economic aspects of shipping and (b) eight to ten weeks of in-service training in shipping companies, port authorities and government departments in Denmark, the Federal Republic of Germany, France, the Netherlands, Norway, Sweden and the United Kingdom. The programme was financed by the United Nations Development Programme (UNDP).

Programme of internships for lawyers and government officials from developing countries at commercial and financial establishments in developed countries

10. At the fourth session of the Commission some representatives stressed the need for lawyers, merchants and governments officials in developing countries to gain practical experience through secondment to commercial and financial institutions in developed countries. Pursuant to this suggestion, and to the Commission's decision quoted in paragraph 1 above, the Secretary-General, by a note verbale dated 24 November 1971, communicated the decision of the Commission on the subject of practical training in the field of international trade law to Governments of UNCITRAL members and requested them to ascertain whether commercial and financial establishments within their countries would be willing to receive internes from developing countries. No reply has yet been received.

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<sup>4/</sup> A/CN.9/58/Add.1.

11. At the same time, the Secretariat of the Commission wrote to 21 governmental and non-governmental international organizations engaged in international trade or concerned with the development of its law and inquired whether these organizations would be willing to receive internes from developing countries. Most organizations replied that they were not in a position to assist in the implementation of this programme.

12. A few organizations, however, have responded favourably to the Secretariat's request. The following is a brief summary of the replies of those organizations.

(a) Asian-African Legal Consultative Committee

The Asian-African Legal Consultative Committee has introduced one scholarship of six-month duration for an official of a member State of the Committee to acquire practical training in the field of international trade law at the headquarters of the organization. The Government of the trainee is expected to cover his travelling expenses.

(b) Council of Europe

The Council of Europe has introduced an annual fellowship that would enable a lawyer from a developing country to acquire practical training in the field of international trade law at the headquarters of this organization. The expenses involved in the trainee's stay in Strasbourg will be covered by the Council of Europe.

(c) Central Office for International Transport by Rail

In order to familiarize government officials of developing countries which are members of this organization with the application of the International Convention Concerning the Transport of Goods by Rail (C.I.M.) 1933 (and another convention relating to transport of passengers and baggage by rail), the Central Office organizes, from time to time, training courses held in Berne for periods of approximately four weeks. These courses are attended by about 30 officials and comprise theoretical as well as practical training. The Federal Swiss Railroad participates in these courses and the costs of subsistence of the trainees are borne by the Department of Technical Co-operation of the Swiss Government. The Governments of the trainees pay for their travel only. It is expected that these training courses will continue to be organized at regular intervals.

(d) International Monetary Fund (IMF)

The IMF Institute each year organizes a variety of courses the duration of which varies from 6 to 20 weeks. These courses deal with subjects relating to the Fund activities and give participants a view of this institution's procedures and policies and allow them to meet members of the Fund staff who are working on problems affecting their countries. Participation in these courses is limited

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to officials employed ordinarily by financial institutions in Fund member countries. To date there have been 765 participants from 108 countries; the great majority come from the developing member countries of the Fund. Transportation to and from the Fund, housing and living expenses are provided by the Fund.

(e) United Nations Institute for Training and Research (UNITAR)

The United Nations Institute for Training and Research has obtained a special-purpose grant from the Swedish International Development Authority (SIDA) to arrange four regional seminars on international procurement. The purpose of these seminars is to familiarize government officials from developing countries with techniques of selecting suppliers and the various alternative types of contracts, the drafting and the technical and legal problems involved in such contracts. The work of UNCITRAL on general conditions of sale will be referred to in these seminars and documents of the Commission are included in the study pack. Each seminar will last for three weeks and will be attended by some 20 participants. During 1972, three seminars of this nature will be held in Nairobi for English-speaking Africa, Bangkok for Asia, and Dakar for French-speaking Africa, and in March 1973, in Santiago for Latin America.

(f) World Intellectual Property Organization (WIPO)

Among the projects that WIPO has included in its programme of legal-technical assistance to developing countries in 1972 is the continuation of the traineeship programme in intellectual property and copyright that the organization has established in previous years for nationals of developing countries. In the field of intellectual property a traineeship of two to three months for approximately 10 persons each year is envisaged. This training will be carried out in national offices of economically developed countries. The international bureau will cover the travel and subsistence of the trainees. Application for traineeship will be invited by the international bureau through government authorities of the developing countries. In the field of copyright, a fellowship to one to three government officials of developing countries is proposed to be granted by the international bureau. The selected fellows are expected to be trained for a period of two to three months in matters concerning the application of copyright at the international bureau itself. Study trips are envisaged to a few economically-developed countries in order to enable the trainee to observe the application, in practice, of copyright laws. A larger and more diversified programme of traineeship is envisaged for 1973.

International trade law seminars in connexion with annual sessions of the Commission

13. In the course of the discussion at the fourth session of the Commission on the subject of training and assistance, some representatives suggested that seminars on international trade law should be organized in connexion with the Commission's sessions along the lines of the international law seminars organized by the International Law Commission. To enable the Commission to take final action with

respect to this suggestion, the Secretary-General was requested to prepare a note on the International Law Commission's seminar for consideration by the Commission at its fifth session.

14. Pursuant to this request, the United Nations Office at Geneva, which organizes the international law seminars, has submitted the note contained in the annex to this report.

15. In the light of the information contained in this annex, the Commission might wish to consider the following several factors in deciding to hold, in connexion with the annual sessions of the Commission, seminars of the nature described in that annex:

(a) The Commission meets twice a day and several small working parties usually meet before and after those meetings. There is, therefore, little time for many representatives to talk to the participants or to deliver a course of lectures. For the same reasons, unless lectures were held before or after the meetings of the Commission, it would not be possible for the participants to attend both lectures and meetings of the Commission (see annex, para. 14).

(b) The participation of citizens from developing countries in the international law seminars depends entirely on scholarships regularly provided by some States to cover the cost of travel and subsistence (see annex, paras. 7-11). In the light of recent difficulties that were encountered in securing more fellowships for the international law programme, it seems doubtful that additional scholarships will be forthcoming to enable participation of citizens of those countries in the proposed international trade law seminars. This situation might become more difficult when the Commission holds its session in New York; in this case the cost of travel and subsistence would be much higher than in Geneva.

(c) The organization of those seminars and the administrative work connected with the fellowships such as the announcement of the offers, the selection of candidates, the volume of the correspondence involved (see annex, para. 18) as well as supervision of the participants during the seminar would constitute a heavy burden on the secretariat of the Commission whose manpower is already fully committed to substantive work of the Commission.

(d) While it has proved possible for the budget of the International Law Commission to absorb the expenses mentioned in paragraphs 22 and 23 of the annex, it is doubtful whether those expenses can be absorbed by the budget of the United Nations Commission on International Trade Law. A special budgetary allocation for these expenses might be necessary.

International symposium of teachers and prospective teachers of international trade law

16. The Commission will recall that in the course of the discussion on the subject of training and assistance at the Commission's fourth session, some representatives suggested that the Commission recommend that the subject of

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international trade law be included in the curricula of universities. Other members indicated that this suggestion presented difficulties since the nature and scope of the subject, at this early stage of its development, was not clearly defined. It was also stated that it was not clear what role universities and other institutions of higher education could play in the teaching and dissemination of international trade law.

17. The Commission might wish to consider whether the basic problems raised in the above discussion could usefully be examined by an international symposium of teachers and prospective teachers of international trade law; the subject of the symposium could be the role of universities and research centres in the teaching, development and dissemination of this subject. The symposium could be held during the week immediately preceding a future session of the Commission, preferably in Geneva. This would enable interested members of the Commission to attend the symposium at minimum cost. A few university professors as well as interested international organizations might be invited to participate.

18. Although it would be premature to suggest the topics that could be presented for discussion at the symposium, it seems that it would be profitable to include such topics as (a) the nature and scope of the subject of international trade law, (b) the feasibility of including the subject in the curriculum of universities in developed and developing countries, (c) the need for teaching materials and ways and means of their production and (d) the role of national governments, international organizations, foundations and transnational corporations in establishment of chairs or institutes for international trade law at various university centres.

19.. The convening of such a symposium would, of course, entail a certain measure of expenditure and administrative work that would be beyond the limited resources of the secretariat of the Commission. However, if the Commission should conclude that such a symposium would be useful, one of the organizations engaged in assisting in the development of educational programmes might be encouraged to sponsor and organize the symposium.

20. The Commission might, therefore, wish to request the Secretary-General to explore the feasibility of convening this symposium and to report to the Commission at its sixth session.



ANNEX

Note on the International Law seminar organized by the  
Office of the United Nations at Geneva

Introduction

1. The International Law seminars have been held yearly since 1965 pursuant to the various General Assembly resolutions relating to the reports of the International Law Commission. The reports contain a section on the seminar and the General Assembly resolution devotes one paragraph of its preamble and one paragraph of its operative part to the seminar, usually reading as follows:

"The General Assembly,

...

"Noting with appreciation that the United Nations Office at Geneva organized, during the / ... / session of the International Law Commission, a / ... / session of the Seminar on International Law,

...

"Expresses the wish that, in conjunction with future sessions of the International Law Commission, other seminars might be organized, which should continue to ensure the participation of an increasing number of nationals of developing countries;"

Objective of the seminar

2. It should be made quite clear that the objective of the seminar is not to teach international law; the seminar is not a substitute for a law school; its object is simply to enable post-graduate students or young professors specialized in international law and young officials or jurists whose work involves questions of international law to widen their knowledge both of the International Law Commission and of the codification and development of international law. It also provides an opportunity for jurists representing different legal systems to engage in an exchange of views regarding items on the Commission's agenda.

Number of participants

3. During the first seven sessions (1965-1971) the number of participants by session varied from 16 to 29, but experience has shown that the ideal maximum number is 24. Above 24 the opportunity for discussion is greatly impaired for some participants who tend to become passive members of the seminar.

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#### Applications and selection of candidates

4. Information circulars and application forms are sent early in January to all permanent missions to the Office of the United Nations in Geneva and to United Nations information centres. The number of applications over the past seven years has been fairly steady and is usually slightly above 60. Applications are received either directly from candidates or through national administrations (foreign ministries, permanent missions, universities, etc.) or the information centres. The applications are considered by a small Selection Committee composed of the Assistant Director-General of the Office, who acts as chairman, a university professor and two or three United Nations officials. The Legal Liaison Officer acts as secretary and rapporteur of the Committee.

#### Criteria for selection

5. In selecting candidates the Committee gives priority to the qualifications of the candidate, but also pays attention to age, sex and nationality. Although candidates may be presented by national administrations, no candidate is considered as an "official" candidate and the Selection Committee has always considered that it was its duty to choose freely between candidates, although a recommendation from a university or official source is always given careful consideration. The aim is to keep the level of candidates as high as possible and preference is given to those who have already published articles or books on international law. Candidates should be not less than 25 and not more than 40 years of age. It is advisable to have a fairly homogeneous group as far as age is concerned and a group composed mostly of participants between 28 and 35 is certainly the best.

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6. Great importance is given to geographical distribution and with a view to safeguarding this principle it has been found necessary to establish a rule whereby no two participants in the seminar should be nationals of the same State. The composition of the seminar is somewhat similar to that of the International Law Commission.

7. It has also been found necessary to request Governments to grant fellowships in order to enable citizens of developing countries to attend the seminars. There is no doubt that without the opportunities offered by the fellowships the participation in the seminar would be restricted mostly to citizens of European countries, as was the case in the first session in 1965 where 15 out of 16 participants were from Europe.

#### Fellowships

8. Fellowships have been granted by the following countries: Israel and Sweden since 1966; Denmark, the Federal Republic of Germany and Norway since 1967; Finland and the Netherlands since 1968; Switzerland in 1971. In each case the fellowship was for \$1,500, with the exception of that of Israel, which was for \$1,000

9. A fellowship includes the round trip by air, economy class, plus residential expenses in Geneva identical with those given to other United Nations fellows. In 1971 the per diem rate was SF 65. The cost of a round trip varies greatly according to the country of origin of the participant; it is never below \$300, but can reach \$1,200. In comparison, subsistence costs are rather low.
10. The beneficiary of a fellowship is informed of the donating country; likewise, the country is informed of the name and particulars of the beneficiary.
11. A few participants (two to four) are UNITAR fellows.

#### Balance between developed and developing countries

12. The system has proved quite efficient. Out of 159 participants during the first seven sessions, 65 came from developing countries and received fellowships (50 from the seminar and 15 from UNITAR). The present percentage of participants from developing countries as well as the number of UNITAR participants is considered satisfactory by the organizers of the seminar.
13. It should be kept in mind that the seminar is not primarily intended for participants from developing countries. The seminar is open to citizens of all States Members of the United Nations and States members of specialized agencies, and experience has shown that participants from developed countries benefit from the seminar just as much as those from developing countries.

#### Programme of the seminar

14. The programme of the seminar consists of lectures given mainly by members of the Commission. Some lectures are given by former International Law Commission members, university professors or staff members of the United Nations or specialized agencies. Meetings last for three hours, of which 45 minutes to one hour is devoted to the lecture; the lecture is followed by a discussion. The subjects are chosen from among the items under consideration by the International Law Commission or dealt with in the past by the Commission. Other questions include items considered by the legal organs of the United Nations. (Sixth Committee, Special Committees, International Court of Justice) or specialized agencies. The session lasts three weeks. As the International Law Commission meets only once a day participants are able to attend their meetings alternatively with the seminar lectures. There are 12 lectures during the session. One afternoon is left free for research in the library. Participants avail themselves of the opportunity provided by their stay in Geneva to devote some time to reading books and documents not readily available in their own countries.
15. Special care is taken to see that participants receive copies of current and, if necessary, past documents of the Commission and this is greatly appreciated.
16. The working languages of the seminar are English, French and Spanish.

17. At the end of the seminar each participant is given a diploma, signed by the Chairman of the Commission and the Assistant Director-General, certifying that he has participated in the work of the seminar.

#### Secretariat

18. The seminar is conducted with a minimum of bureaucracy. Its secretariat consists of one senior officer and one secretary-administrative assistant, and the extra work entailed by the seminar is absorbed in their regular assignment; thus there are no additional charges to the Organization. The administrative work connected with the fellowships is handled by the personnel of the Technical Assistance Office as they are more easily able to arrange for the issue of tickets, travel documents etc. However, the correspondence dealt with by the office of the Legal Liaison Officer, at the rate of approximately 300 letters a year, is fairly large.

#### Social activities

19. Social activities play a fairly important part in the success of the seminar, especially at the beginning when participants do not know one another well and are sometimes bewildered by life in a foreign country whose language they do not always understand. In an effort to minimize these problems, a luncheon is held (each participant paying his share of the expenses) and the Assistant Director-General gives a reception in honour of the International Law Commission and the seminar. Some members of the Commission and representatives of countries giving scholarships also invite the participants to their receptions. The programme of the seminar also includes a guided tour of the Palais des Nations and a show of United Nations films.

20. These activities may not sound very impressive, but they do more than one would expect to create a friendly and co-operative spirit in the group.

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#### Expenses

21. The cost to the Organization is kept to a minimum. The seminar as such does not have a budget. The secretarial work is absorbed by the Legal Liaison Officer and his secretary as part of their ordinary work. The members of the Commission are not paid for their services to the seminar, which in addition to lecturing also include discussing the items on the agenda of the Commission, as well as other topics of interest, with the participants.

22. Very few documents are issued (nine in 1971) and only when necessary and in very small quantities, the maximum being 300 copies of the application form and 250 copies of the information circular.

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23. Meetings require three teams of interpreters, one operator and one usher, but these expenses are absorbed by the budget of the International Law Commission.

Conclusion

24. The aims of the seminar are limited, but after a three-week session, participants admit that they have greatly benefited from the programme. For young law professors there is no doubt that the contacts with the Commission and its members are an excellent introduction to the world of the United Nations.

Appendix I

Number of participants, seminar fellowships  
and UNITAR fellowships

Year	Participants	Fellowships	UNITAR fellowships
1965	16	-	-
1966	22	2	-
1967	23	8	-
1968	29	9	7
1969	22	7	3
1970	24	14	2
1971	23	10	3

Appendix II

INTERNATIONAL LAW SEMINAR

1965-1971

Nationality of participants

- 7 participants: Italy 1/
- 6 participants: Denmark
- 5 participants: Austria, Czechoslovakia, Nigeria, Thailand, USSR
- 4 participants: Australia, 2/ Belgium, Chile, France, Germany (Fed. Rep. of), India, Mexico, Poland, United Kingdom, Yugoslavia
- 3 participants: Argentina, Bulgaria, Congo (Dem. Rep. of), Hungary, Indonesia, 3/ Iraq, Japan, Morocco, Romania, Sweden
- 2 participants: Algeria, Bolivia, Cameroon, 3/ China, Ecuador, Finland, Korea (Rep. of), Nepal, 4/ Syria, 3/ Togo, 3/ UAR, United States of America, Venezuela 3/
- 1 participant : Afghanistan, 4/ Brazil, 4/ Burma, Canada, Central African Republic, Cyprus, El Salvador, Ghana, 4/ Guatemala, 4/ Israel, Laos, 4/ Lesotho, 4/ Liberia, Madagascar, Malawi, 4/ New Zealand, Pakistan, Philippines, Portugal, Rwanda, Senegal, Somalia, 4/ Sudan, Switzerland, Turkey
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- 1/ Including two participants presented by the Holy See.
- 2/ Including a participant from Papua.
- 3/ Including a participant nominated by UNITAR.
- 4/ Participant/s nominated by UNITAR.