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Technical cooperation and assistance

Note by the Secretariat

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I. Introduction

1. The United Nations Commission on International Trade Law (UNCITRAL) plays an important role in developing the legal framework for international trade and investment through its mandate to prepare and promote the use and adoption of legislative and non-legislative instruments in a number of key areas of trade law, including: sales; dispute resolution; government contracting; banking and payments; security interests; insolvency; transport; and electronic commerce. Those instruments are widely accepted, offering solutions appropriate to different legal traditions and to countries at different stages of economic development and include:

(a) In the area of sale of goods, the United Nations Convention on Contracts for the International Sale of Goods (CISG)¹ and the United Nations Convention on the Limitation Period in the International Sale of Goods;²

(b) In the area of dispute resolution, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards³ (the New York Convention, a United Nations convention adopted prior to the establishment of the Commission, but actively promoted by it), the UNCITRAL Arbitration Rules,⁴ the UNCITRAL Conciliation Rules,⁵ the UNCITRAL Model Law on International Commercial Arbitration and revised articles,⁶ the UNCITRAL Notes on Organizing Arbitral Proceedings,⁷ and the UNCITRAL Model Law on International Commercial Conciliation;⁸

(c) In the area of government contracting, the UNCITRAL Model Law on Procurement of Goods, Construction and Services,⁹ the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects¹⁰ and the UNCITRAL Model Legislative Provisions on Privately Financed Infrastructure Projects;¹¹

¹ 11 April 1980, United Nations, *Treaty Series*, vol. 1489, p. 3; *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.

² *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; United Nations, *Treaty Series*, vol. 1511, pp. 77 and 99; *UNCITRAL Yearbook 1980*, part three, chap. I, sect. C.

³ United Nations, *Treaty Series*, vol. 330, No. 4739.

⁴ *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17 (A/31/17)*, para. 57; *UNCITRAL Yearbook 1976*, part one, chap. II, sect. A.

⁵ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17)*, chap. V, sect. A, para. 106; *UNCITRAL Yearbook 1980*, part three, chap. II.

⁶ *Official Records of the General Assembly, Fortieth Session, Supplement No. 17 (A/40/17)*, annex I; *UNCITRAL Yearbook 1985*, part three, chap. I; *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17 (A/61/17)*, annex I.

⁷ *UNCITRAL Yearbook 1996*, part three, chap. II.

⁸ *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17 (A/57/17)*, annex I; *UNCITRAL Yearbook 2002*, part three.

⁹ *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 (A/49/17)*, annex I; *UNCITRAL Yearbook 1994*, part three, chap. I.

¹⁰ United Nations publication, Sales No. E.01.V.4, A/CN.9/SER.B/4.

¹¹ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/57/17)*, annex I.

(d) In the area of banking and payments, the United Nations Convention on International Bills of Exchange and International Promissory Notes,¹² the UNCITRAL Model Law on International Credit Transfers,¹³ and the United Nations Convention on Independent Guarantees and Standby Letters of Credit;¹⁴

(e) In the area of security interests, the United Nations Convention on the Assignment of Receivables in International Trade¹⁵ and the UNCITRAL Legislative Guide on Secured Transactions;¹⁶

(f) In the area of insolvency, the UNCITRAL Model Law on Cross-Border Insolvency¹⁷ and the UNCITRAL Legislative Guide on Insolvency Law;¹⁸

(g) In the area of transport, the United Nations Convention on the Carriage of Goods by Sea (Hamburg Rules),¹⁹ and the United Nations Convention on the Liability of Operators of Transport Terminals in International Trade;²⁰ and

(h) In the area of electronic commerce, the UNCITRAL Model Law on Electronic Commerce,²¹ the UNCITRAL Model Law on Electronic Signatures²² and the United Nations Convention on the Use of Electronic Communications in International Contracts (ECC).²³

2. Technical cooperation and assistance activities aimed at promoting the use and adoption of its texts are one of UNCITRAL's priorities, pursuant to a decision taken at its twentieth session (1987),²⁴ and are particularly useful for developing countries and economies in transition lacking expertise in the areas of trade law covered by the work of UNCITRAL. Since trade law reform, based on harmonized international instruments, has a clear impact on the ability to participate in international trade, the Secretariat's technical cooperation and assistance work aimed at promoting use and adoption of texts can facilitate economic development.

3. In its resolution 61/32 of 18 December 2006, the General Assembly reaffirmed the importance, in particular for developing countries and economies in transition, of the technical cooperation and assistance work of the Commission in the field of

¹² *UNCITRAL Yearbook 1988*, part three, chap. I; General Assembly resolution 43/165, annex.

¹³ *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 17 (A/47/17)*, annex I.

¹⁴ New York, 11 December 1995, United Nations, *Treaty Series*, vol. 2169, p. 163; *Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17)*, annex I.

¹⁵ *UNCITRAL Yearbook 2002*, part three; General Assembly resolution 56/81, annex.

¹⁶ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17 (A/62/17 Part II)*, para. 99.

¹⁷ *UNCITRAL Yearbook 1992*, part three, chap. I.

¹⁸ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17 (A/59/17)*, para. 55.

¹⁹ Hamburg, 31 March 1978 United Nations, *Treaty Series*, vol. 1695, p. 3; *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.

²⁰ A/CONF.152/13, annex.

²¹ *Official Records of the General Assembly, Fifty-first Session, Supplement No. 17 (A/51/17)*, annex I.

²² *Ibid.*, *Fifty-sixth Session, Supplement No. 17 (A/56/17)*, annex II.

²³ New York, November 2005, General Assembly resolution A/RES/60/21, annex.

²⁴ *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, para. 335.

international trade law and reiterated its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical cooperation and assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission. The General Assembly also stressed the importance of bringing into effect the conventions emanating from the work of the Commission to further the progressive harmonization and unification of private law, and to this end urged States that have not yet done so to consider signing, ratifying or acceding to those conventions.

4. This note lists the technical cooperation and assistance activities of the Secretariat subsequent to the date of the previous note submitted to the Commission at its fortieth session in 2007 (A/CN.9/627 of 18 April 2007), and reports on the development of resources to assist technical cooperation and assistance activities.

II. Technical cooperation and assistance activities

5. Technical cooperation and assistance activities undertaken by the UNCITRAL Secretariat promote the adoption of UNCITRAL legislative texts, including conventions, model laws and legislative guides and include providing advice to States considering signature, ratification or accession to UNCITRAL conventions, as well as to States that are in the process of revising their trade law and considering adoption of an UNCITRAL model law or use of a UNCITRAL legislative guide. They also support implementation of these texts and their uniform interpretation. Technical cooperation and assistance may involve: undertaking briefing missions and participating in seminars and conferences, organized at both regional and national levels, on UNCITRAL texts; assisting countries to review existing legislation and assess their need for law reform in the trade field; assisting with the drafting of national legislation to implement UNCITRAL texts; assisting international and bilateral development agencies to use UNCITRAL texts in their law reform activities and projects; providing advice and assistance to international and other organizations, such as professional associations, organizations of attorneys, chambers of commerce and arbitration centres, on the use of UNCITRAL texts; and organizing training activities to facilitate the implementation and interpretation of modern legislation based on UNCITRAL texts by judiciaries and legal practitioners.

6. Activities included below that are denoted with an asterisk were funded by the UNCITRAL Trust fund for Symposia.

A. Activities addressing multiple topics

7. A number of technical cooperation and assistance activities undertaken since the last report covered several of the topic areas noted in paragraph 1 above. These have included, at the regional level, a regional capacity-building workshop on treaty law and practice and the domestic implementation of treaty obligations to foster the rule of law in the Balkans, organized by the Ministry of Foreign Affairs of Slovenia in conjunction with the United Nations Treaty Section (Ljubljana, Slovenia

28-30 May 2007).^{*} Participants from nine countries (Slovenia, Croatia, Serbia, the former Yugoslav Republic of Macedonia, Montenegro, Bosnia Herzegovina, Albania, Bulgaria and Romania) attended. The UNCITRAL secretariat participated to promote the texts on arbitration, electronic commerce and the CISG, as well as to provide examples of treaty implementation through the adoption of model laws and through uniform judicial interpretation. As a result of this workshop, Montenegro signed the ECC on 27 September 2007.

8. At the country level, the Secretariat participated in the following technical cooperation and assistance activities:

(a) ^{*}At the request of the Government of El Salvador, following it becoming a member of the Commission, briefings for relevant government officials on the methods of work of UNCITRAL and its texts and a seminar on the CISG on the occasion of its entry into force in El Salvador (San Salvador, 11-13 June 2007):

(b) ^{*}A seminar on CISG and ECC provided, at the request of the Government of the Philippines, for government and legislative officials to promote ratification of the ECC following its signature by the Philippines, as well as accession to the CISG (Manila, 20-23 October 2007);

(c) At the request of the Government of the Republic of Korea, the Korea International Trade Law Association, the Korea International Cooperation Agency and several universities, a seminar on the draft Korean legislation on security interests in tangible assets and securities, and several general briefings on the work of UNCITRAL including insolvency, arbitration, the ECC, CLOUT and technical assistance activities (Seoul, 20-26 November 2007). The Republic of Korea signed the ECC on 15 January 2008;

(d) At the request of the Government of Honduras, a congress to discuss UNCITRAL work and texts, including procurement, arbitration and electronic commerce (Tegucigalpa, 29-30 November 2007). Following this activity, Honduras became a signatory to the ECC on 16 January 2008; and

(e) ^{*}A seminar on the modernization of trade law in Madagascar organized by the International Trade Centre (ITC) (UNCTAD/WTO) in cooperation with the Ministry of Justice of Madagascar and the French Cooperation Agency (Antananarivo, 6-12 December 2007). The Secretariat participated to disseminate information on improving the ability of Madagascar to participate in UNCITRAL meetings as a member of UNCITRAL and to assist in assessing the current status of international trade law in Madagascar and developing a priority list for legislative reform. Topics covered included international sale of goods, electronic commerce, maritime transport, and security interests.

9. To provide a briefing on UNCITRAL's current legislative and technical cooperation and assistance activities, the Secretariat organized, in conjunction with the United Nations Institute for Training and Research (UNITAR), a two-day seminar for Permanent Missions accredited to the United Nations Office at Vienna (Vienna, 10-11 January 2008). Thirty-seven representatives from 31 Permanent Missions attended. Briefings on various working group topics are regularly being offered in Vienna.

B. Sale of goods

10. The Secretariat has been particularly active in promoting adoption and uniform interpretation of the CISG, at the regional level, as well as through contact with Permanent Missions to the United Nations in Vienna, Geneva and New York and directly with relevant officials in selected States. Activities included:

(a) *Participation at the Colloquium “Harmonization of Contract Law” organized by the International Institute for the Unification of Private Law (Unidroit) in cooperation with the Organization for the Harmonization of Business Law in Africa (OHADA) and the Law Faculty of the Ouagadougou University, Burkina Faso (Ouagadougou, 15-17 November 2007); and

(b) Participation at the International Seminar on the Interpretation and Application of the Convention on Contracts for the International Sale of Goods (CISG) with emphasis on litigation and arbitration in China, organized by the Wuhan University Institute of International Law, The Pace University School of Law Institute of International Commercial Law, and the China Society of Private International Law (Wuhan, China, 13-14 October 2007).

11. Assistance was also provided to States in the final stage of the adoption process, with particular regard to formulation of reservations and the deposit of instruments of consent to be bound. Since the last report, the CISG entered into force for El Salvador (1 December 2007).

C. Dispute resolution

12. The Secretariat has promoted adoption of the texts relating to arbitration and conciliation through participation in activities organized both on a regional basis and with individual countries, as well as activities organized by arbitral institutions. Regional activities included:

(a) Participation at two conferences «Arbitrage en Afrique: Réalité et perspectives», organized by the Centre de Conciliation et d’Arbitrage de Tunis (CCAT) and ITC (UNCTAD/WTO) and «L’arbitrage dans le monde arabe: une perspective internationale» organized by CCAT, ICC and the Union Tunisienne de l’Industrie, du Commerce et de l’Artisanat (UTICA) (Tunis, 15-18 May 2007); and

(b) Participation at the EC-financed Project “Promotion of International Commercial Arbitration and Other Alternative Dispute Resolution (ADR) Techniques in the MEDA Region” organized by the International Conference and Dispute Resolution Institution Forum (Rome, 27-29 September 2007).

13. The Secretariat collaborated with a number of arbitral institutions and organizations, participating at:

(a) A conference on the enforcement of arbitral awards, dealing with procedural aspects of enforcing an arbitral award in different jurisdictions, organized by the German Institution of Arbitration (Dresden, Germany, 19 April 2007);

(b) A seminar on revision of the UNCITRAL Rules organized by the Swedish Arbitration Association (Stockholm, 30-31 May 2007);

(c) The Conference “International Commercial Arbitration in Russia” to commemorate the 75th anniversary of the Chamber of Commerce and Industry of the Russian Federation (Moscow, 24-27 October 2007);

(d) A conference “The Role of State Courts in Arbitration”, organized by the Cairo Regional Center for International Commercial Arbitration (CRCICA) (Sharm el Sheikh, Egypt, 18-22 November 2007);

(e) A conference “Revision and Modernization of UNCITRAL Arbitration Rules”, organized by the Istanbul Chamber of Commerce (ICOC) and ASCAME (Istanbul, 29 November-1 December 2007);

(f) A practice building seminar organized by the Swiss Arbitration Association with the support of UNCITRAL, to exchange experiences, questions and ideas on the latest developments in arbitration practice (Marienbad, Czech Republic, 18-20 January 2008); and

(g) An international arbitration conference organized by the Qatar International Center of Arbitration (Doha, 20-22 January 2008).

14. The Secretariat participated at two conferences to celebrate the 50th anniversary of the New York Convention: (a) “New York Convention: 50 years” (New York, United States of America, 1 February 2008), presented by the Arbitration Committee of the International Bar Association in cooperation with the United Nations; and (b) “Celebrating the 50th anniversary of the New York Convention” (Vienna, 14 March 2008), presented by the International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC) in cooperation with UNCITRAL.

D. Procurement

15. In accordance with requests of Working Group I (Procurement), the Secretariat has established links with other organizations interested in procurement to foster cooperation, particularly with regard to UNCITRAL’s work of revising the UNCITRAL Model Law on Procurement of Goods, Construction and Services, as well as undertaking activities to promote knowledge and acceptance of the Model Law.²⁵ The Secretariat participated in the following activities:

(a) An International Symposium “Developing Trends in Public Procurement and Auditing” organized by the European Space Agency, to review selected practices in the field of public procurement and auditing at large, to share lessons learned and outline a number of recent trends (Noordwijk, Netherlands, 13-16 May 2007);

(b) A workshop on the WTO agreement on government procurement; the work of UNCITRAL on government procurement – its purpose, objectives, and complementarity with the WTO Agreement on Government Procurement (GPA) and current trends regarding the use of information technology in procurement; and an update on developments in UNCITRAL (Geneva, 9-11 July 2007);

²⁵ See documents A/CN.9/575, paras. 52 and 67, and A/CN.9/615, para. 14.

(c) A workshop on the alignment of Montenegro's procurement legislation and the relevant requirements of the United Nations Convention against Corruption (UNCAC) (Podgorica, 11-13 October 2007); and

(d) The WTO Regional Workshop on Government Procurement for Central and Eastern Europe and Central Asian Countries (Vienna, 27-29 November, 2007) to discuss synergies and complementarities of UNCITRAL's work with that of the WTO, as well as use of electronic tools in procurement processes.

E. Security interests

16. The Secretariat participated in a number of activities to promote adoption of the United Nations Convention on the Assignment of Receivables in International Trade (Receivables Convention) and disseminate information on the then draft UNCITRAL Legislative Guide on Secured Transactions, including:

(a) A meeting of the Section on Insolvency Restructuring and Creditor Rights of the International Bar Association to discuss the work of UNCITRAL on the draft Legislative Guide on Secured Transactions (Zürich, 12-15 May 2007);

(b) A conference "Recent Developments on the Draft UNCITRAL Guide on Secured Transactions", organized by the Istanbul Chamber of Commerce (ICOC) (Istanbul, 8-9 November 2007);

(c) A seminar on Rome I and II (law applicable to contractual and non-contractual obligations), to discuss the coordination between Rome I and the United Nations Convention on the Assignment of Receivables in International Trade with respect to the law applicable to the assignment of receivables, organized by the Portuguese Presidency of the EU in cooperation with the preceding German and subsequent Slovenian Presidencies and the European Law Academy (Lisbon, 12-13 November 2007); and

(d) A conference on "Globalizing Secured Transactions Law", (San Diego, United States of America, 13-14 March 2008 – participation by videoconference) organized by the International Law Section of the American Bar Association.

F. Transport

17. The Secretariat participated in several activities to promote its work on the draft Convention on the Carriage of Goods [wholly or partly] [by sea], including a seminar organized by the Spanish delegation to Working Group III (Transport Law) for the African Region, (Barcelona, Spain, 9-11 October 2007) and a symposium "Transport Law for the 21st century: the New UNCITRAL Convention" (Austin, United States of America, 28 March 2008). The symposium was organized to raise awareness of the new convention among practitioners and policymakers in the United States of America with a view to promoting early ratification by the United States Government.

G. Insolvency

18. The Secretariat has promoted the use and adoption of insolvency texts, particularly the Model Law on Cross-Border Insolvency, through country specific activities aimed at assisting with the drafting of implementing legislation. For example, at the invitation of the Greek Ministry of Justice, the Secretariat participated in a meeting of the Greek Bankruptcy Committee to assist with adoption of the UNCITRAL Model Law on Cross-border Insolvency, including the drafting of implementing legislation (Athens, 6-9 February 2008).

H. Electronic commerce

19. The Secretariat has been actively promoting adoption of the United Nations Convention on the Use of Electronic Communications in International Contracts (ECC) and since the last report, the ECC has been signed by Colombia, Honduras, Iran (Islamic Republic of), Montenegro, Panama, Philippines, Republic of Korea, Russian Federation and Saudi Arabia. The Convention closed for signature on 16 January 2008, with 18 signatories.

20. *The Secretariat also provided lectures on electronic commerce for the 2007 Summer Program of Xiamen Academy of International Law (Xiamen, China, 21-27 July 2007);

I. Assistance with legislative drafting

21. In addition to advising on implementation of texts as noted above, the Secretariat provided assistance with legislative drafting to Slovenia in respect of mediation law.

III. Coordination activities

22. In accordance with its mandate,²⁶ the UNCITRAL Secretariat participates in a number of the working groups and meetings of other organizations active in the field of international trade law to facilitate coordination of the work being undertaken.

23. The Secretariat participated in the following meetings of the International Institute for the Unification of Private Law (Unidroit):

- (a) The Governing Council of Unidroit (Rome, 16-18 April 2007);
- (b) The first session of the Unidroit Committee of governmental experts for the preparation of a draft model law on leasing (Johannesburg, South Africa, 5-9 May 2007);
- (c) The Unidroit coordination meeting on Security Interests in Securities (Rome, 21-24 May 2007); and

²⁶ General Assembly resolution 2205 (XXI), sect. II, para. 8.

(d) The second session of the Working Group on the Unidroit Principles of International Commercial Contracts (Rome, 4-8 June 2007).

24. The Secretariat also participated, at the invitation of The Hague Conference on private international law, in discussions on the possibility of preparing a feasibility study on the preparation of a legislative text on choice of law in international contracts (The Hague, 1 April 2008). This topic has previously been the subject of coordination discussions among the secretariats of the Hague Conference, UNCITRAL and Unidroit.

25. With respect to procurement, the Secretariat participated at:

(a) A WTO-UNCITRAL meeting on coordination in the area of procurement, as mandated by Working Group I (Procurement Law) (A/CN.9/575, para. 67) to seek expert assistance on revision of the Model Law on Procurement of Goods, Construction and Services (A/CN.9/615, para 14) (Geneva, Switzerland, 3-4 April 2007);

(b) The International Bar Association (IBA) Rule of Law Symposium (Singapore, 13-18 October 2007) to make a presentation on UNCITRAL's procurement work in the context of trends in public procurement 2007. This was combined with a visit to Singaporean Government agencies to see the operation of electronic reverse auction and government e-procurement systems; and

(c) The Colloquium «Le contrôle des marchés publics: perspectives européennes et internationales», organized in cooperation with the Université Paris 1, George Washington University, CNRS, Cabinet August & Debouzy, Paris, Cabinet Arnold & Porter LLP, Cabinet Achilles, Oxford. (Paris, 22-23 October 2007).

26. UNCITRAL has also provided input to procurement rules and projects being developed by other international organizations, including the OECD's Checklist for Enhancing Integrity in Public Procurement; the EBRD's Procurement Policies and Rules; and the World Bank's proposal for a Country Procurement Strategy Pilot Project.

27. Other coordination activities have included participation and, in some cases, presentations on the work of UNCITRAL at the following events:

(a) A conference on "IPR protection and transforming R&D outputs into intangible assets in economies in transition" and the "2nd annual meeting of the UNECE Team of Specialists on Intellectual Property" (Geneva, Switzerland, 24-28 July 2007);

(b) The Seminar "Justice and Commercial Affairs", European Institute of Public Administration (Athens, 11-15 November 2007);

(c) The XII International Congress and XX anniversary celebration of the Instituto Iberoamericano de Derecho Marítimo (IIDM) (Seville, Spain, 13-16 November 2007) to make a presentation of the rules on carrier liability in the new UNCITRAL draft Convention on the Carriage of Goods [wholly or partly] [by sea];

(d) An expert group meeting organized by UNODC on identity-related crime and a conference on the evolving challenge of identity-related crime, addressing

fraud and the criminal misuse and falsification of identity organized by the International Scientific and Professional Advisory Council of the United Nations (ISPAC) (Courmayeur, Italy, 29 November-2 December 2008). The Secretariat provided expert advice on identity fraud and presented UNCITRAL's work on the draft indicators of commercial fraud;

(e) An expert group meeting on intellectual property organized by INTA (International Trademark Association), IFTA (Independent Film and Television Alliance), AIPLA (American International Property Law Association) and MARQUES (London, 5 December 2007);

(f) The World Legal Forum in The Hague (The Hague, 10-12 December 2007);

(g) A meeting with the International Chamber of Commerce (ICC) on the assessment of legislative enactments of the New York Convention (joint IBA/UNCITRAL project with additional input from the ICC) (Paris, 18 January 2008);

(h) Meetings with the Italian Ministry of Foreign Trade to discuss the contribution of uniform commercial law in developing international trade and to promote the UNCITRAL technical assistance programme (Rome, 1 February 2008);

(i) A moot court competition on the CISG upon invitation by the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ); delivering presentations on UNCITRAL work and texts to the 15 Universities taking part in the event; and meetings to discuss future activities of the GTZ-supported project Open Regional Fund for South East Europe (Belgrade, 7-10 March 2008);

(j) A presentation to the «20 ème Journée de droit international privé Le nouveau règlement européen «Rome I» relatif à la loi applicable aux obligations contractuelles», upon invitation of Institut suisse de droit comparé (Lausanne, Switzerland, 14 March 2008); and

(k) Lectures for the annual International Trade Law Post-Graduate Course on the “Issues of Harmonization of Laws Governing International Trade from the Perspective of UNCITRAL: the past and current work” upon invitation of the International Training Centre of the ILO and the University Institute of European Studies (Turin, Italy, 24-25 April 2007 and 26-27 March 2008).

IV. Dissemination of information

28. A number of publications and documents prepared by UNCITRAL serve as key resources for its technical cooperation and assistance activities, particularly with respect to dissemination of information on its work and texts. These resources are being developed to further improve the ease of dissemination of information and ensure that it is current and up to date. All recent publications are available both in hard copy and electronically.

A. Case Law on UNCITRAL Texts (CLOUT)

29. CLOUT, established for the collection and dissemination of case law on UNCITRAL texts, continues to be an important tool of the technical cooperation and assistance activities undertaken by UNCITRAL. The wide distribution of CLOUT in the six official languages of the United Nations promotes the uniform interpretation and application of UNCITRAL texts by facilitating access to decisions and awards from many jurisdictions.

30. The system is regularly updated with new abstracts. The full text of the court decisions and arbitral awards are collected, but not published. As at the date of this note, 72 issues of CLOUT had been prepared for publication, dealing with 761 cases, relating mainly to the United Nations Convention on Contracts for the International Sale of Goods (CISG) and the UNCITRAL Model Law on International Commercial Arbitration and, since January 2008, the UNCITRAL Model Law on Cross-Border Insolvency.

31. The revised Digest of Case Law on the CISG was endorsed by the CLOUT National Correspondents at their meeting on 5 July 2007. After the addition of an index listing the case law reported in the Digest, the Digest is currently being prepared for publication both in hard copy and electronically.

32. The search engine to facilitate retrieval of published case law on the UNCITRAL website was launched in the fourth quarter of 2007 and is now fully operational.

33. In February 2008 the first issue of a CLOUT Bulletin was published. The Bulletin, which should become a quarterly publication, is aimed at strengthening the links between the Secretariat, its National Correspondents, its institutional partners and the international legal community. The Bulletin will provide information on the latest CLOUT developments and offer a brief summary of recent UNCITRAL technical assistance activities.

34. A CLOUT information brochure is currently being published to inform a wide audience about the CLOUT system and, at the same time, promote voluntary contributions to the system to complement those received from the National Correspondents.

B. Website

35. The website, available in the six official languages of the United Nations, provides access to all UNCITRAL full-text documentation by linking to the United Nations Official Documents System (ODS). The website also features other information relating to the work of UNCITRAL, such as press releases, treaty status information, latest events and news. The website is maintained and developed at no additional cost to the Secretariat.

36. During 2007, the UNCITRAL website registered over one million visitors from various parts of the world. About 50 per cent of visitors are from North America, 15 per cent from Western and Eastern Europe, 10 per cent from Asia, and the remaining 25 per cent from South America, Australia, Africa, and the Middle East. About half of the traffic is directed to pages in English, one quarter to pages in

French and Spanish, and the remaining quarter to pages in Arabic, Chinese and Russian.

37. In 2007, the Content Management System hosting the website was upgraded to introduce new tools and an enhanced interface. The new version allows web pages in other languages to be managed more efficiently and offers easy-linking to ODS.

38. The content of the website is updated and expanded on an ongoing basis. In particular, UNCITRAL official documents relating to early Commission sessions are being uploaded in the ODS and made available on the website under a project on digitization of UNCITRAL archives conducted jointly with the Dag Hammarskjöld Library in New York. In 2007, nearly four hundred documents in all official languages (A/CN.9/370-A/CN.9/418) covering the 26th-29th Commission sessions were made available on the UNCITRAL website.

C. Library

39. The UNCITRAL Law Library was established in 1979 in Vienna. Since its establishment, the Library has been providing services not only to UNCITRAL delegates and to the staff of the Secretariat, but also to the staff of permanent missions and the staff of other Vienna-based international organizations. It has also provided research assistance to scholars and students from many countries.

40. The collection of the UNCITRAL Law Library focuses mainly on international trade law and currently consists of over 10,000 monographs; 150 active journal titles; legal and general reference material, including non-UNCITRAL United Nations documents, and documents of other international organizations; and electronic resources (restricted to in-house use only). Lately, particular attention has been given to expanding the holdings in all of the six United Nations official languages.

41. The UNCITRAL Law Library maintains an online public access catalogue (OPAC) jointly with the other United Nations libraries in Vienna and with the technical support of the United Nations Library in Geneva. The OPAC is available via the library page of the UNCITRAL website and is located at the address <http://libunov-cat.unog.ch>.

42. For each session of the Commission a bibliography of writings related to the work of UNCITRAL is prepared, including references to books, articles, and dissertations in a variety of languages, classified according to subject (see document A/CN.9/650). Individual records of the Bibliography are entered into the OPAC and the UNCITRAL Library maintains a full-text collection of all materials cited in the Bibliography. The Bibliography is periodically updated and updates relating to the period between the dates of the annual publication can be found in the bibliography section of the website.

D. Publications

43. UNCITRAL traditionally has two series of publications, in addition to official documents, which include the texts of all instruments developed by the Commission and the UNCITRAL *Yearbook*. A new book providing basic facts about

UNCITRAL, “The UNCITRAL Guide”, was published in July 2007. A collection of UNCITRAL legal texts on CD-ROM is currently being prepared and should be published by the end of 2008. Two booklets were published in the first quarter of 2008: a booklet on the 1985 UNCITRAL Model Law on International Commercial Arbitration with amendments as adopted in 2006, and a booklet reproducing the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) in the six United Nations official languages.

44. Publications are regularly provided to support technical cooperation and assistance activities undertaken by the Secretariat, as well as by other organizations where the work of UNCITRAL will be discussed, and in the context of national law reform efforts.

E. Press releases

45. To improve the availability of up-to-date information on the status and development of UNCITRAL texts, efforts have been made to ensure that press releases are issued when treaty actions are taken or information is received on the adoption of a model law. Those press releases are provided to interested parties by email and are posted on the UNCITRAL website, as well as on the website of the United Nations Information Service (UNIS) in Vienna.

F. General enquiries

46. The Secretariat currently addresses approximately 2,000 general inquiries per year concerning, inter alia, technical aspects and availability of UNCITRAL texts, working papers, Commission documents and related matters. Increasingly, these inquiries are answered by reference to the UNCITRAL website.

G. Information lectures in Vienna

47. On request, the Secretariat provides information lectures in-house on the work of UNCITRAL to visiting university students and academics, government officials and others. Since the last report lectures have been given to undergraduate and graduate students from universities and other academies from Austria, Germany, Ukraine and the United States of America.

V. Resources and funding

A. UNCITRAL Trust Fund for symposia

48. In the period under review, contributions were received from Mexico and Singapore, to whom the Commission may wish to express its appreciation.

49. The ability of the Secretariat to implement the technical cooperation and assistance component of the UNCITRAL work programme is contingent upon the availability of extrabudgetary funding, since the costs of technical cooperation and assistance activities are not covered by the regular budget.

50. The UNCITRAL Trust Fund for symposia supports technical cooperation and assistance activities for the members of the legal community in developing countries; participation of UNCITRAL staff, as speakers, at conferences where UNCITRAL texts are presented for examination and possible adoption; and fact-finding missions for law reform assessments in order to review existing domestic legislation and assess country needs for law reform in the commercial field.

51. The Commission may wish to note that, in spite of efforts by the Secretariat to solicit new donations, funds remaining in the Trust Fund will be sufficient only for technical cooperation and assistance activities in the short term. Some funds remain available despite the projected expenditure for 2007 as some activities did not take place and efforts have been made to organize the requested technical cooperation and assistance activities at the lowest possible cost and with funding available from other organizations where possible. Once exhausted, requests for technical cooperation and assistance involving the expenditure of funds for travel or to meet other associated costs will have to be declined unless new donations to the Trust Fund are received or other alternative sources of funds can be found.

52. The Commission may once again wish to appeal to all States, relevant United Nations Agencies and bodies, international organizations and other interested entities to make contributions to the Trust Fund, 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.

B. UNCITRAL Trust Fund to grant travel assistance to developing countries that are members of UNCITRAL

53. 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. A contribution by Austria has been announced.

54. In order to ensure participation of all Member States in the sessions of UNCITRAL and its Working Groups, the Commission may wish to reiterate its appeal to 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.

55. It is recalled that in its resolution 51/161 of 16 December 1996, the General Assembly decided to include the Trust Funds for UNCITRAL symposia and travel assistance in the list of funds and programmes that are dealt with at the United Nations Pledging Conference for Development Activities.
