



# General Assembly

Distr.: General  
26 April 2012

Original: English

## United Nations Commission on International Trade Law Forty-fifth session New York, 25 June-6 July 2012

### Technical cooperation and assistance

#### Note by the Secretariat\*

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\* Submission of this document was delayed due to need to finalize consultations.



## I. Introduction

1. Pursuant to a decision taken at its twentieth session in 1987, technical cooperation and assistance activities aimed at promoting the use and adoption of its texts represent one of the priorities of the United Nations Commission on International Trade Law (UNCITRAL).<sup>1</sup>
2. In its resolution 66/94 of 13 January 2012, 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 and reiterated its appeal to bodies responsible for development assistance, 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.
3. The General Assembly welcomed the initiatives of the Commission towards expanding, through its secretariat, its technical cooperation and assistance programme, and noted with interest the comprehensive approach to technical cooperation and assistance, based on the strategic framework for technical assistance suggested by the Secretariat to promote universal adoption of the texts of the Commission and to disseminate information on recently adopted texts.
4. The General Assembly also stressed the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urged States that have not yet done so to consider signing, ratifying or acceding to those conventions, enacting model laws and encouraging the use of other relevant texts.
5. The status of adoption of UNCITRAL texts is regularly updated and available on the UNCITRAL website. It is also compiled annually in a note by the Secretariat entitled “Status of conventions and model laws” (for the Commission’s forty-fifth session, see A/CN.9/751).
6. This note sets out the technical cooperation and assistance activities of the Secretariat subsequent to the date of the previous note submitted to the Commission at its forty-fourth session in 2011 (A/CN.9/724 of 29 March 2011), and reports on the development of resources to assist technical cooperation and assistance activities.
7. A separate document (A/CN.9/749) provides information on current activities of international organizations related to the harmonization and unification of international trade law and on the role of UNCITRAL in coordinating those activities.

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<sup>1</sup> *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, para. 335.

## II. Technical cooperation and assistance activities

### A. General approaches

8. Technical cooperation and assistance activities undertaken by the Secretariat aim at promoting the adoption and uniform interpretation of UNCITRAL legislative texts. Such activities include providing advice to States considering signature, ratification or accession to UNCITRAL conventions, adoption of an UNCITRAL model law or use of an UNCITRAL legislative guide.

9. Technical cooperation and assistance may involve: undertaking briefing missions and participating in seminars and conferences, organized at both regional and national levels; assisting countries in assessing their trade law reform needs, including by reviewing existing legislation; assisting with the drafting of national legislation to implement UNCITRAL texts; assisting multilateral 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 legislation based on UNCITRAL texts by judges and legal practitioners.

10. Some of the activities undertaken in the relevant time period are described below. Activities denoted with an asterisk were funded by the UNCITRAL Trust Fund for Symposia.

#### *Initiatives for a regional approach*

11. The Secretariat's continued participation in the Asia-Pacific Economic Cooperation (APEC) Ease of Doing Business Project (Enforcing Contracts) offers an example of cooperation among States, an international organization and the Secretariat. That project, carried out in cooperation with the Ministry of Justice of the Republic of Korea, aims at strengthening the legislative and institutional framework for the enforcement of contracts in APEC economies (Indonesia and Peru in 2011 and Thailand and the Philippines in 2012)\*. Adoption of UNCITRAL texts on arbitration and sale of goods are suggested as possible law reform measures to improve the legal environment for enforcing contracts in these States.

12. Other regional initiatives involving the Secretariat include the ongoing partnership with the Deutsche Gesellschaft für Internationale Zusammenarbeit ("GIZ"). As part of this partnership, the secretariat attended, as in the past, the arbitration conference and the pre-Moot co-hosted by GIZ and the University of Belgrade, Faculty of Law (Belgrade, 8-11 April 2011). At the occasion, a closed meeting with GIZ representatives and regional legal experts took place in order to discuss phase two of the legal reform project implemented by GIZ through the Open Regional Fund for South East Europe — Legal Reform. While phase one of the project particularly focused on the United Nations Convention on Contracts for the International Sale of Goods, phase two would deal with alternative dispute resolution methods.

13. A presentation on UNCITRAL work, standards and online resources, including CLOUT, was delivered to a group of young law professors and researchers at a

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) workshop in the context of UNCITRAL/GIZ regional activity in the Balkans (Tirana, 1-2 September 2011).

*Promotion of the universal adoption of fundamental trade law instruments*

14. One approach relies on promoting primarily the adoption of fundamental trade law instruments, i.e., those treaties that are already enjoying wide adoption and the universal participation to which would therefore seem particularly desirable.

15. The treaties currently considered under that approach are the Convention on the Recognition and Enforcement of Foreign Arbitral Awards<sup>2</sup> (the New York Convention, a United Nations convention adopted prior to the establishment of the Commission, but actively promoted by the Commission), whose universal adoption has already been explicitly called for by the General Assembly,<sup>3</sup> and the CISG.

*General promotion of the work of UNCITRAL*

16. Secretariat staff took part in:

(a) The First St. Petersburg International Legal Forum, with an overall focus on the role of law in addressing new global challenges. UNCITRAL's presentation related to "The Importance of Ensuring That International Trade Law Is Implemented at the National Level", with a view to promoting UNCITRAL texts in the Russian Federation and to highlight the benefits of adopting international instruments (St. Petersburg, Russian Federation, 20 May 2011); and

(b) The University of Vienna guest lectures programme, to deliver a lecture on the work of UNCITRAL (Vienna, 12 January 2012).

*Promotion of recent treaties*

17. The Secretariat continues to promote recently adopted instruments, including at the regional level, in order to encourage their signature and adoption by States with a view to facilitating their early entry into force.

18. Events in which the Secretariat took part include:

United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (the "Rotterdam Rules"),<sup>4</sup> adopted by the General Assembly on 11 December 2008<sup>5</sup> (see A/CN.9/695/Add.1): Conference on "Rotterdam Rules in Asia-Pacific Region" organized by the Japanese Maritime Association and the University of Tokyo and co-sponsored by the Japanese Ministry of Justice, Ministry of Foreign Affairs and Ministry of Land, Transportation and Infrastructure, as well as CMI with the aim to raise awareness in the region, and, in particular, in Japan, given that the Rotterdam Rules have not yet gathered formal support (signature or accession) in East Asia (Tokyo, 21-24 November 2011).

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<sup>2</sup> United Nations, *Treaty Series*, vol. 330, No. 4739.

<sup>3</sup> United Nations General Assembly, *Resolution 62/65* of 8 January 2008, para. 3.

<sup>4</sup> United Nations publication, Sales No. E.09.V.93.

<sup>5</sup> United Nations General Assembly, *Resolution 63/122* of 2 February 2009.

19. Promotion by the Secretariat of the United Nations Convention on the use of Electronic Communications in International Contracts (the “Electronic Communications Convention”) remains the object of special attention.<sup>6</sup> References to some activities in this regard may be found in A/CN.9/749.

## **B. Specific activities**

### *Sale of goods*

20. The Secretariat has continued pursuing universal adoption of the CISG. In this respect, it should be noted that recent accessions to that text were supported by dedicated workshops and conferences (Cotonou, Benin, 21-23 February 2006,<sup>7</sup> and Milano, Italy, 7-8 October 2011) as well as by bilateral meetings and other forms of interaction.

21. Moreover, the Secretariat has contributed to ongoing adoption processes by participating in events organized with a view to supporting those processes (Sao Paulo, Brazil, 3-4 November 2011, and Bangkok, Thailand, 21 March 2012)\*.

22. Given increasing interest from academia and practitioners, the Secretariat has also continued supporting States in their process of revision of the declarations lodged upon becoming a party to the CISG, with a view to reconsidering them, where appropriate, in order to further harmonize the scope of application of the convention.

23. Finally, in light of the attention demonstrated by stakeholders, the Secretariat has engaged in the promotion of the adoption and uniform interpretation of the Convention on the Limitation Period in the International Sale of Goods (the Limitation Convention),<sup>8</sup> including by inviting States to consider the adoption of the amended version of the Limitation Convention when already a party to the unamended one.

### *Dispute resolution*

24. The Secretariat has been engaged in the promotion of instruments relating to arbitration and conciliation, as well as in supporting ongoing legislative work. Given the high rate of adoption of these texts, the demand for technical assistance in this field is particularly acute.

25. In particular, the Secretariat has provided comments on various mediation laws with a view to identifying areas for modernization of the texts as part of a joint project with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), including laws of Montenegro, Serbia, Bosnia Herzegovina and Albania.

26. Comments were also provided on a draft arbitration law prepared by the Government of Albania.

<sup>6</sup> New York, 23 November 2005, United Nations publication, Sales No. E.07.V.2.

<sup>7</sup> A/CN.9/599, para. 9(d).

<sup>8</sup> United Nations, *Treaty Series*, vol. 1511, Nos. 26119 and 26121.

27. Further, the Secretariat has provided comments on the draft law of the Union of Comoros on recognition and enforcement of awards, and encouraged the adoption of the New York Convention in the Union of Comoros.

28. The Secretariat provided comments on a number of arbitration rules of arbitral institutions, including the Bangladesh International Arbitration Centre (BIAC) and the Cyprus Arbitration and Mediation Centre (CAMC).

29. The Secretariat met with counterparts within the Government of Egypt and officials of the International Finance Corporation to discuss, *inter alia*, the UNCITRAL Model Law on Conciliation at mediation workshops for judges of the Economic Courts with the National Center for Judicial Studies (Cairo, 22-28 June 2011).

30. The Secretariat collaborated with a number of arbitral institutions and organizations, including by co-organizing with the International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC) the VIAC-UNCITRAL Conference 2012 (Vienna, 29-30 March 2012).

31. Events on international arbitration that saw the participation of the Secretariat include:

(a) An Asia-Pacific Economic Cooperation (APEC)-UNCTAD Workshop on Investor-State Dispute Settlement, to provide information on the UNCITRAL Arbitration Rules, as revised in 2010, and their use in the context of investor-State arbitration, as well as on the current UNCITRAL work on transparency in treaty-based investor-State arbitration (Manila, 22-24 June 2011);

(b) A conference titled “NYSBA International Section Seasonal Meeting 2011: Latin America as an Engine for Economic Recovery and Growth”, organized by the New York State Bar Association (NYSBA), to present the current work of UNCITRAL in the field of transparency in treaty-based investor-State arbitration (Panama, 21-23 September 2011);

(c) A round table organized by the Organisation for the Harmonization of Business Law in Africa (OHADA), where the application of OHADA texts and the possibility to develop an OHADA instrument on mediation were considered (Benin, 17 October 2011);

(d) A colloquium on the occasion of the 25th anniversary of the UNCITRAL Model Law on International Commercial Arbitration, organized by McGill University to present the status of enactments of legislation based on the Model Law, and introduce the Digest of Case Law on the Model Law (Montreal, Canada, 24-25 November 2011);

(e) A conference on International Arbitration under the auspices of the Bar Association of Padua and the Veneto Region to promote UNCITRAL instruments in the field of arbitration (Padua, Italy, 5-6 December 2011);

(f) A round table to discuss developments in the field of investment dispute settlement: mediation, and the current work of UNCITRAL on transparency in treaty-based, investor-State arbitration with representatives of different Ministries of Georgia as part of the “Judicial Independence and Legal Empowerment Project” of the United States Agency for International Development (USAID) (Tbilisi, 23 February 2012); and

(g) Providing assistance to the project “Regional Implementation of the Alternative Dispute Resolution (ADR) Instruments” for young law professors and researchers organized in the context of the UNCITRAL/GIZ cooperation for the development of arbitration in the Balkans (Tirana, Albania, 1-2 September 2011 and Vienna, 5-6 March 2012).

32. Pre-moot sessions that saw the participation of the Secretariat include:

A pre-Moot conference on arbitration dealing with independence and impartiality of arbitrators, organized as part of the “Judicial Independence and Legal Empowerment Project” of the United States Agency for International Development (USAID) (Tbilisi, 24 February 2012).

#### *Electronic commerce*

33. The Secretariat has continued promoting the adoption of UNCITRAL texts on electronic commerce, in particular in cooperation with other organizations and emphasizing a regional approach (see A/CN.9/749). It has also provided comments on draft regional and national legislation, as appropriate.

34. Partly also as a result of those promotional activities, several new national enactments of legislation on electronic commerce and electronic signatures were recorded (see A/CN.9/751).

35. The Secretariat has renewed efforts to promote the formal adoption of the United Nations Convention on the Use of Electronic Communications in International Contracts so as to advance its entry into force. In particular, the importance of that Convention as an enabler for paperless cross-border trade has been highlighted at regional meetings (APEC Workshop on “Supply Chain Connectivity: E-Commerce as a Main Driver and Integration Tool”, San Francisco, USA, 19 September 2011; UN ECA — UN ECE — UN ECLAC — UN ESCAP — UN ESCWA Conference on “Connecting International Trade: Single Windows and Supply Chains in the Next Decade”, Geneva, Switzerland, 12-13 December 2011).

#### *Procurement*

36. In accordance with requests of the Commission and Working Group I (Procurement), the Secretariat has established links with other international organizations active in procurement reform to foster cooperation with regard to the 2011 UNCITRAL Model Law on Public Procurement (the “Model Law”).<sup>9</sup>

37. The aims of such cooperation are to ensure that regional requirements and circumstances are understood by the Working Group and Commission when finalizing a draft Guide to accompany the Model Law, and that reforming organizations are informed of the policy considerations underlying those texts, so as to promote a thorough understanding and appropriate use of the Model Law, at both regional and national levels.<sup>10</sup> The Secretariat is taking a regional approach to this

<sup>9</sup> Available at [www.uncitral.org/uncitral/en/uncitral\\_texts/procurement\\_infrastructure/2011Model.html](http://www.uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure/2011Model.html).

<sup>10</sup> See documents A/CN.9/575, paras. 52 and 67, A/CN.9/615, para. 14, and A/66/17, paras. 186-189.

cooperation, and activities with the multilateral development banks in several regions, focusing on good governance and anti-corruption (in which procurement reform plays a pivotal role), are envisaged.

38. To this end, the Secretariat has participated as speaker/presenter at a wide range of international events, including:

(a) The Collaborative Regional Workshop “Cooperation and Integration, the path to Government Procurement Development in the Caribbean”, hosted by the Ministry of Finance and the Public Service, Government of Jamaica, CARICOM, the Commonwealth Secretariat, the Interamerican Development Bank, the Organization of American States and the Canadian International Development Agency. The Secretariat presented on “approaches in modernizing public procurement laws” and the UNCITRAL approach to procurement reform. The Workshop sought to introduce the notion of a regional free market in public procurement, and to encourage member States to improve their procurement systems (Jamaica, 12-13 April 2011);

(b) The 7th Regional Public Procurement Forum hosted by the Government of Georgia, the Asian Development Bank (ADB), Islamic Development Bank (IsDB), World Bank (WB), Organization for Security and Cooperation in Europe (OSCE) and European Bank for Reconstruction and Development (EBRD), and attended by government officials from Albania, Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Tajikistan, Turkey, Turkmenistan, Kosovo, Georgia and Uzbekistan, and by representatives from the host organizations. The focus was on the Model Law in the context of harmonization of international and regional procurement regimes (Tbilisi, 16-19 May 2011)\*;

(c) Launch of an EBRD and UNCITRAL initiative, supported by the OSCE, on enhancing public procurement regulation in the CIS countries and Mongolia, at a Roundtable on Public Procurement Policy-making: Efficiency and Transparency (Astana, Kazakhstan, 15-20 May 2011). The topics addressed were the use of the Model Law to upgrade and modernize procurement laws and practice in the region (which had been assessed as part of the initiative), as well as balancing value for money and transparency safeguards in public procurement. Subsequent participation as a speaker and facilitator at two regional workshops under the same initiative, focusing on identification of reform needs and implementation of the Model Law, in Armenia and Moldova (Yerevan, 10-12 October 2011; Chisinau, 13-15 December 2011)\*;

(d) The seventh Annual Conference of the Inter-governmental Procurement Network, hosted by the Interamerican Network on Government Procurement (Spanish acronym, RICG), the General Directorate of Public Procurement of the Dominican Republic, the Organization of American States (OAS), the Interamerican Development Bank (IDB), the Canadian International Development Agency (CIDA) and the International Development Research Center (IDRC/ICA). (See [www.ricg.org/content/display\\_news.aspx](http://www.ricg.org/content/display_news.aspx).) The conference considered national efforts in procurement reform and implementing and improving sustainable procurement. The Model Law was presented in the context of international standards and procurement reform (Santo Domingo, 18-20 October 2011);



(e) A colloquium hosted by Unidroit on “Promoting investment in agricultural production: private law aspects”, addressing a session entitled “Foreign investment in agricultural land” on devising transparent and efficient concession award procedures, with reference to solutions provided by the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects (2000) and the Model Law (Rome, 8-10 November 2011);

(f) The Asia Pacific Conference on electronic procurement (e-GP), hosted by the Working Group of the multilateral development banks on e-procurement. The discussions addressed the legal aspects of e-GP reform, and the approach of the Model Law on the topic. A draft handbook on e-GP was presented (Jimbaran, Indonesia, 21-26 November 2011);

(g) Thomson Reuters Conference on “Government Contracts: Year in Review”, which is convened to provide expert briefings to local and international practitioners, policymakers and academics on the past year’s legal developments affecting public procurement. The session was entitled “Crossing Borders in International Procurement — Next Steps”, and included presentations by UNCITRAL (on the Model Law), the World Trade Organization (on its revised Agreement on Government Procurement), and leading academics and practitioners (Washington, D.C., 20-25 February 2012);

(h) Lectures to students of international public procurement law and policy at the University of Nottingham and to students of international public procurement law and policy and international business law at the Universidade Catolica Portuguesa, to present and encourage broader understanding of the Model Law’s provisions and its use as a tool for procurement reform (Nottingham, United Kingdom, 14-15 January 2012 and Lisbon, 19-20 March 2012);

(i) Presentation of the Model Law to students of Public Procurement for Sustainable Development, at ITC-ILO and the University of Turin; again to encourage broader understanding of the Model Law’s provisions and its use as a tool for procurement reform (Turin, Italy, 14-15 June 2011 and 29 Feb-2 March 2012); and

(j) An International Conference on Public Procurement Integrity, hosted by the Government of Mexico, where a presentation was given on the Model Law and its approach to promoting integrity in public procurement. There was also a presentation of a paper on e-GP and its implementation at a related workshop for Central American countries (Mexico City, 27-29 March 2012) (see [www.funcionpublica.gob.mx/index.php/unidades-administrativas/unidad-de-politica-de-contrataciones-publicas/integridad-2012.html](http://www.funcionpublica.gob.mx/index.php/unidades-administrativas/unidad-de-politica-de-contrataciones-publicas/integridad-2012.html)).

### *Insolvency*

39. The Secretariat has promoted the use and adoption of insolvency texts, particularly the Model Law on Cross-Border Insolvency and the Legislative Guide on Insolvency Law, through participation in various international fora. Such activities included:

(a) Attending the 7th regional meeting of the American Bankruptcy Institute (ABI) held in Dublin to discuss developments in enactment of the Model Law on Cross-Border Insolvency (Dublin, 21 October 2011); and

(b) Participating at the 8th meeting of the Forum on Asian Insolvency Reform (FAIR) held in Kuala Lumpur. The meeting focussed on issues associated with insolvency and Islamic finance and included a session considering the use of UNCITRAL insolvency texts in the Asian region and the effectiveness of their application (Kuala Lumpur, 30 Nov-1 Dec 2011)\*.

*Security interests*

40. The approach taken by the Secretariat in providing technical assistance related to UNCITRAL texts on security interests (the United Nations Convention on the Assignment of Receivables in International Trade,<sup>11</sup> the UNCITRAL Legislative Guide on Secured Transactions<sup>12</sup> and its Supplement on Security Rights in Intellectual Property<sup>13</sup>) is twofold. The first approach focuses on disseminating information about those texts to Government officials, legislators, judges, academics and practitioners and thus, promoting their implementation. Such activities included participation at the following events:

(a) American Bar Association (ABA) meeting on secured lending and lien registry systems to discuss best practices in the Americas and Europe (Washington, D.C, 6-9 April 2011);

(b) A seminar organized by Bocconi University on understanding the impact of juridical multilingualism on the harmonization process of rules governing finance (Milan, 9-10 May 2011);

(c) A conference on the draft Principles on Conflict of Laws in Intellectual Property (CLIP) hosted by the European Max-Planck-Group (Berlin, 4-5 November 2011);

(d) A conference on the draft provisions on pledge of the Russian Civil Code, as well as on the Russian draft law on pledge registries (Moscow, 22-27 January 2012); and

(e) A meeting with the International Bar Association, Section on Insolvency, Restructuring and Creditor Rights, with regard to the treatment of licence rights in insolvency (Helsinki, 20-22 May 2012).

41. The second approach focuses on international financial institutions including the World Bank, the International Finance Corporation (IFC) and regional development banks, which provide technical assistance to States in the field of secured transactions, yet without formulating legislative standards of their own. As such law reform-related activities, including the establishment of security rights registries, need to be based on internationally recognized legislative standards, the Secretariat coordinates with those international financial institutions to ensure that technical assistance is provided consistent with UNCITRAL texts on secured transactions.

42. Examples of such an approach include the Secretariat's review of draft secured transactions laws of Ghana and Haiti in coordination with the IFC; and the Secretariat's participation in a meeting with Egyptian officials to discuss potential

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<sup>11</sup> United Nations publication, Sales No. E.04.V.14.

<sup>12</sup> United Nations publication, Sales No. E.09.V.12.

<sup>13</sup> United Nations publication, Sales No. E.11.V.6.

legal reform in the area of insolvency and secured transactions (Cairo, 22-28 June, 2011). The Secretariat is also seeking coordination with the World Bank regarding secured transactions law reform in Moldova in the broader context of the United Nations Development Assistance Framework (UNDAF) programme.

43. The Secretariat also engages in informal consultation with legislators and policymakers from various jurisdictions, in some instances as a follow-up to the aforementioned activities. Such constant interactions with relevant actors have resulted in the UNCITRAL Legislative Guide on Secured Transactions (the “Guide”) being reflected in recent enactments and law revisions in Australia (Personal Property Securities Act, 2009), Malawi (draft Secured Transactions Law) and the Republic of Korea (Act on Securities in Movable Property and Receivables, 2010). Such activities have also resulted in the Principles, Definitions and Model Rules of a European Private Law, Draft Common Frame of Reference (DCFR), volume 6, book IX (Proprietary security in movable assets) prepared by the Study Group on a European Civil Code and the Research Group on EC Private Law (Acquis Group), being largely consistent with the recommendations of the Guide. Finally, the Secretariat is working with the World Bank with a view to preparing a set of principles for effective and efficient secured transactions laws.

#### *Other capacity-building activities*

44. The Secretariat has also been engaged in other capacity-building activities aimed at increasing the knowledge of international trade law. Among these, cooperation with the International Training Centre of the International Labour Organization (ITC-ILO) and the University of Turin may be noted.

45. In the framework of that cooperation, the Secretariat has continued to contribute to the management and the delivery of the Master Course on Public Procurement for Sustainable Development and of the Master of Laws course in International Trade Law. These master level courses form an integral part of the broader educational programme denominated “Turin School of Development”.<sup>14</sup>

46. International development agencies and other institutions managing comprehensive technical assistance programmes may wish to consider sponsoring the participation of students in such courses in order to strengthen local capacity in partner countries over the longer term.

### **III. UNCITRAL Regional Centre for Asia and the Pacific**

47. The General Assembly, in its resolution 64/111 of 16 December 2009, noted the request by the Commission that its Secretariat explore the possibility of establishing a presence in regions or specific countries by, for example, having dedicated staff in United Nations field offices, collaborating with such existing field offices or establishing Commission country offices with a view to facilitating the provision of technical assistance with respect to the use and adoption of Commission texts.

<sup>14</sup> [www.itcilo.org/en/news/masters](http://www.itcilo.org/en/news/masters).

48. At its forty-fourth session, in July 2011, broad support was expressed for the initiative taken by the Secretariat to build such a presence through the establishment of UNCITRAL regional centres in different parts of the world.<sup>15</sup> It was considered a novel yet important step for UNCITRAL in reaching out and providing technical assistance to developing countries.<sup>16</sup> Informed of the offer received from the Republic of Korea for a pilot project in the Asia-Pacific region, the Commission approved the establishment of the UNCITRAL Regional Centre for Asia and the Pacific (the “*Regional Centre*”) in Incheon, Republic of Korea.<sup>17</sup>

49. The General Assembly, in its resolution 66/94 of 9 December 2011, welcomed that decision and expressed its appreciation to the Government of Republic of Korea for its generous contribution.

50. The *Regional Centre* was officially opened on 10 January 2012 by the Legal Counsel and Under-Secretary-General for Legal Affairs of the United Nations, who emphasized the importance of the principle of the rule of law and the role of the *Regional Centre* in enhancing international trade and development in the Asia-Pacific region.<sup>18</sup> The opening programme concluded with the signing of key agreements and a ribbon-cutting ceremony to officially launch the *Regional Centre*. The ceremony was followed by a regional workshop to discuss the role of the *Regional Centre* and the significance of UNCITRAL texts in the Asia-Pacific region.<sup>19</sup>

51. The main objectives of the *Regional Centre* are to (a) enhance international trade and development in the Asia-Pacific region by promoting certainty in international commercial transactions through the dissemination of international trade norms and standards, in particular those elaborated by UNCITRAL; (b) provide bilateral and multilateral technical assistance to States with respect to the adoption and uniform interpretation of UNCITRAL texts through workshops and seminars; (c) engage in coordination activities with international and regional organizations active in trade law reform projects in the region; and (d) function as a channel of communication between States in the region and UNCITRAL.

52. The Head of the *Regional Centre* assumed his duties in March. The Ministry of Justice of the Republic of Korea provided a legal expert for the project on a non-reimbursable basis. Other administrative measures to facilitate the operation of the *Regional Centre*, including the conclusion of an arrangement with ESCAP and necessary arrangement with the host country and relevant authorities, were undertaken.

53. It is expected that the *Regional Centre* will actively engage in numerous technical assistance activities, while developing custom-tailored strategies for dissemination of UNCITRAL texts in the region. In the framework of those strategies and of the ensuing initiatives, the *Regional Centre*, in 2012, will be

<sup>15</sup> *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 17 (A/66/17)*, paras. 263 and 264.

<sup>16</sup> *Ibid.*, para. 264.

<sup>17</sup> *Ibid.*, paras. 267 and 269.

<sup>18</sup> The full text of the speech is available at [http://untreaty.un.org/ola/media/info\\_from\\_lc/POB%20Incheon-Welcome%20Address.pdf](http://untreaty.un.org/ola/media/info_from_lc/POB%20Incheon-Welcome%20Address.pdf).

<sup>19</sup> More information about the Regional Centre and the Launch Event can be found at the date of this document from [www.uncitral.org/uncitral/en/tac/regionalcentre.html](http://www.uncitral.org/uncitral/en/tac/regionalcentre.html).

organizing and contributing to a number of national and regional meetings on various UNCITRAL topics.

54. As additional funding will be required to expand the role of the *Regional Centre*, fund-raising will remain one of the *Regional Centre*'s core activities. States may wish to take note of the activities of the *Regional Centre* in order to include cooperation with that centre in their ongoing and future trade law reform technical assistance activities in the Asia-Pacific region.

55. At its forty-fifth session, in July 2012, the Commission will hear an oral report on the progress made at the *Regional Centre* as well as developments on the establishment of UNCITRAL regional centres in other regions.

## IV. Dissemination of information

56. 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 constantly developed to further improve the ease of dissemination of information and ensure that it is current and up to date.

### A. Website

57. The UNCITRAL website, available in the six official languages of the United Nations, provides access to full-text UNCITRAL documentation and other materials relating to the work of UNCITRAL, such as publications, treaty status information, press releases, events and news. In line with the organizational policy for document distribution, official documents are provided, when available, via linking to the United Nations Official Document System (ODS).

58. In 2011, the website received roughly 500,000 unique visitors. Approximately 67 per cent of the traffic is directed to pages in English, 22 per cent to pages in French and Spanish, and the remaining 11 per cent to pages in Arabic, Chinese and Russian. In this respect, it should be noted that, while the UNCITRAL website is among the most important electronic sources of information on international trade law in all languages, it may represent currently the sole available source of information in its class in some of those languages.

59. The content of the website is updated and expanded on an ongoing basis in the framework of the activities of the UNCITRAL Law Library and therefore at no additional cost to the Secretariat. In particular, UNCITRAL official documents relating to earlier Commission sessions are continuously uploaded in the ODS and made available on the website under a project on digitization of UNCITRAL archives conducted jointly with the UNOV Documents Management Unit. In 2011, the UNCITRAL Law Library finalized a project to provide optical character recognition for all UNCITRAL *Yearbooks*. This project makes these *Yearbooks* full-text searchable via the UNCITRAL website, additionally increasing access to the Commission's historical documents.

## **B. Library**

60. Since its establishment in 1979, the UNCITRAL Law Library has been serving research needs of Secretariat staff and participants in intergovernmental meetings convened by UNCITRAL. It has also provided research assistance to staff of Permanent Missions, other Vienna-based international organizations, external researchers and law students. In 2011, library staff responded to approximately 350 reference requests originating from over 41 countries.

61. The collection of the UNCITRAL Law Library focuses primarily on international trade law and currently holds 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). Particular attention is given to expanding the holdings in all of the six United Nations official languages.

62. 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.

63. The UNCITRAL Law Library staff prepares for the Commission an annual "Bibliography of recent writings related to the work of UNCITRAL". The bibliography includes references to books, articles and dissertations in a variety of languages, classified according to subject (for the forty-fifth Commission session, see A/CN.9/750). Individual records of the bibliography are entered into the OPAC, and the full-text collection of all cited materials is maintained in the Library collection. Monthly updates from the date of the latest annual bibliography are available in the bibliography section of the UNCITRAL website.

64. An advanced version of the consolidated bibliography of writings related to the work of UNCITRAL was made available on the UNCITRAL website in 2009.<sup>20</sup> The consolidated bibliography aims to compile all entries of the bibliographical reports submitted to the Commission since 1968. It currently contains over 6,000 entries, reproduced in the English and the original language versions, verified and standardized to the extent possible. The final version of the consolidated bibliography will be made available as an official UNCITRAL publication subject to availability of financial resources.

## **C. Publications**

65. In addition to official documents, UNCITRAL traditionally maintains two series of publications, namely the texts of all instruments developed by the Commission and the UNCITRAL *Yearbook*. Publications are regularly provided in support of technical cooperation and assistance activities undertaken by the Secretariat, as well as by other organizations where the work of UNCITRAL is discussed, and in the context of national law reform efforts.

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<sup>20</sup> Available from [www.uncitral.org/uncitral/publications/bibliography\\_consolidated.html](http://www.uncitral.org/uncitral/publications/bibliography_consolidated.html).

66. The following works were published in 2011: Modern Law for Global Commerce: Proceedings of the Congress of the United Nations Commission on International Trade Law held on the Occasion of the Fortieth Session of the Commission;<sup>21</sup> UNCITRAL Arbitration Rules (as revised in 2010);<sup>22</sup> UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property;<sup>23</sup> and the 2006 and 2007 UNCITRAL *Yearbooks*.<sup>24</sup>

67. The following works were published in early 2012: UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective,<sup>25</sup> and a revised booklet for the 1974 Convention on the Limitation Period in the International Sale of Goods with an updated explanatory note.<sup>26</sup>

68. In light of budget and environmental concerns, the Secretariat has continued its efforts to use electronic media as a primary method to disseminate UNCITRAL texts. Thus, several texts published in 2011 and so far in 2012 have been published exclusively in electronic format, namely: Modern Law for Global Commerce: Proceedings of the Congress of the United Nations Commission on International Trade Law held on the Occasion of the Fortieth Session of the Commission (e-book); the 2006 and 2007 UNCITRAL *Yearbooks* (CD-ROM and e-book); UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective (e-book); and the revised booklet for the 1974 Convention on the Limitation Period in the International Sale of Goods (e-book).

#### **D. Press releases**

69. Press releases are being regularly issued when treaty actions relating to UNCITRAL texts take place or information is received on the adoption of a UNCITRAL model law or other relevant text. Press releases are also issued with respect to information of particular importance and direct relevance to UNCITRAL. Those press releases are provided to interested parties by e-mail and are posted on the UNCITRAL website, as well as on the website of the United Nations Information Service (UNIS) in Vienna or of the Department of Public Information, News and Media Division in New York, if applicable.

70. To improve the accuracy and timeliness of information received with respect to the adoption of UNCITRAL model laws, since such adoption does not require a formal action with the United Nations Secretariat, and to facilitate the dissemination of related information, the Commission may wish to request Member States to advise the Secretariat when enacting legislation implementing an UNCITRAL model law.

<sup>21</sup> Available from [www.uncitral.org/uncitral/en/publications/publications.html](http://www.uncitral.org/uncitral/en/publications/publications.html).

<sup>22</sup> Available from [www.uncitral.org/uncitral/uncitral\\_texts/arbitration.html](http://www.uncitral.org/uncitral/uncitral_texts/arbitration.html).

<sup>23</sup> Available from [www.uncitral.org/uncitral/uncitral\\_texts/security.html](http://www.uncitral.org/uncitral/uncitral_texts/security.html).

<sup>24</sup> Available from [www.uncitral.org/uncitral/publications/yearbook.html](http://www.uncitral.org/uncitral/publications/yearbook.html).

<sup>25</sup> Available from [www.uncitral.org/uncitral/uncitral\\_texts/insolvency.html](http://www.uncitral.org/uncitral/uncitral_texts/insolvency.html).

<sup>26</sup> Available from [www.uncitral.org/uncitral/en/uncitral\\_texts/sale\\_goods.html](http://www.uncitral.org/uncitral/en/uncitral_texts/sale_goods.html).

## **E. General enquiries**

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

## **F. Briefings for Permanent Missions in Vienna**

72. The Secretariat provided a briefing on UNCITRAL and its working methods at the Orientation Seminar for Members of Permanent Missions accredited to the International Organizations in Vienna organized by the United Nations Institute for Training and Research (UNITAR) at the United Nations Office at Vienna on 28 September 2011.

## **G. Information lectures in Vienna**

73. The Secretariat provides upon request information lectures in-house on the work of UNCITRAL to visiting university students and academics, members of the bar, Government officials including judges and others interested. Since the last report, lectures have been given to visitors from, inter alia, Austria, Germany, Hungary, Republic of Korea, Russian Federation, Slovenia and the United States of America.

## **V. Resources and funding**

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

75. The Secretariat has explored a variety of ways to increase resources for technical assistance activities, including through in-kind contributions. In particular, a number of missions have been funded, in full or in part, by the organizers. Additional potential sources of funding could be available if trade law reform activities could be mainstreamed more regularly in broader international development assistance programmes. In this respect, the Commission may wish to provide guidance on possible future steps.

## **A. UNCITRAL Trust Fund for symposia**

76. The UNCITRAL Trust Fund for symposia supports technical cooperation and assistance activities for the members of the legal community in developing countries, funding the participation of UNCITRAL staff or other experts at seminars 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.

77. In the period under review, a contribution was received from the Government of Indonesia, to whom the Commission may wish to express its appreciation.

78. The Commission may wish to note that, in spite of efforts by the Secretariat to solicit new donations, funds available in the Trust Fund are sufficient only for a very small number of future technical cooperation and assistance activities. Efforts to organize the requested activities at the lowest cost and with co-funding and cost sharing whenever possible are ongoing. However, once current funds are exhausted, requests for technical cooperation and assistance involving the expenditure of funds for travel or to meet other costs will have to be declined unless new donations to the Trust Fund are received or alternative sources of funds can be found.

79. 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 demand for technical cooperation and assistance activities and to develop a more sustained and sustainable technical assistance programme. The Commission may also wish to request Member States to assist the Secretariat in identifying sources of funding within their Governments.

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

80. 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.

81. In the period under review, an additional contribution was received from the Government of Austria, to whom the Commission may wish to express its appreciation.

82. 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.

83. 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.