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## Technical cooperation and assistance

### Note by the Secretariat

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## I. Introduction

1. This note addresses the technical cooperation and assistance activities led by the Vienna-based Secretariat from 1 April 2019 until 31 March 2020 (referred to in this note as the reporting period).<sup>1</sup>

2. The activities of the UNCITRAL Regional Centre for Asia and the Pacific (RCAP) are reported in a separate Note to the Commission, another addresses dissemination of information and related activities to support UNCITRAL's work and the use of its texts.<sup>2</sup> A further Note, on the Status of conventions and model laws, reports on relevant treaty actions and enactments, many of which reflect the Secretariat's technical cooperation and assistance activities over previous years.<sup>3</sup>

3. During the reporting period, the Secretariat faced two unexpected challenges: first, the financial situation of the Organization in October 2019 required the Secretariat to reduce its technical cooperation and assistance activities, as more fully explained in paragraph 80 below. Remote participation necessitated by the financial situation is denoted by a double asterisk (\*\*) when reporting on the activity concerned. Secondly, approaching the end of the reporting period, measures taken to address the coronavirus disease (COVID-19) pandemic required activities and events scheduled after mid-March 2020 to be postponed, as more fully explained in paragraph 81 below.

4. While most of the activities were undertaken by Secretariat staff, it should be noted that a lack of Secretariat resources and schedule constraints required an expert to conduct the activity set out in paragraph 35 (r) on behalf of the Secretariat.

## II. Key technical cooperation and assistance activities undertaken by the Secretariat in the reporting period

5. The Secretariat's technical cooperation and assistance activities seek to raise awareness, and promote the adoption and uniform interpretation, of UNCITRAL texts.<sup>4</sup> For the purposes of reporting to the Commission, these activities are grouped into three areas: **raising awareness and promoting effective understanding, adoption and use** of UNCITRAL texts; **providing advice and assistance** to States on adoption and use of those texts (such as through a review of draft implementing legislation); and **building capacity** to support their effective use, implementation and

<sup>1</sup> The period reported to the Commission in 2019 (in Technical Assistance and Cooperation, [A/CN.9/980/Rev.1](#)) was from 19 April 2018 to 2 May 2019 (the date of submission of the latter document). The Secretariat will from now on report on activities from 1 April to 31 March of the year of the Commission session, in order to create consistent datasets and to facilitate an annual review of those activities, their outputs and resources deployed, as part of its strategy to maximize the efficiency and effectiveness of its technical cooperation and assistance activities. Footnotes note those activities reported also in [A/CN.9/980/Rev.1](#) (undertaken in the period 1 April to 2 May 2019). In addition, it is anticipated that the approach will allow the Secretariat to report in future years on the extent to which treaty actions and model law enactments can be attributed to its technical assistance and cooperation activities.

<sup>2</sup> Respectively, UNCITRAL regional presence – Activities of the UNCITRAL Regional Centre for Asia and the Pacific, [A/CN.9/1024](#), and Dissemination of information and related activities to support UNCITRAL's work and the use of its texts, [A/CN.9/1033](#).

<sup>3</sup> [A/CN.9/1020](#). Other activities to support the use of UNCITRAL texts and their uniform interpretation are reported in Promotion of awareness, understanding and use of UNCITRAL texts ([A/CN.9/1017](#)).

<sup>4</sup> For a more detailed description of the activities, and their objectives, strategy and approach, see Technical Cooperation and Assistance ([A/CN.9/980/Rev.1](#)), and "Guidance Note on Strengthening United Nations Support to States, Upon Their Request, to Implement Sound Commercial Law Reforms". The Commission endorsed this Guidance Note – see *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 262 (text also available at [https://uncitral.un.org/sites/uncitral.un.org/files/englishguidance\\_note.pdf](https://uncitral.un.org/sites/uncitral.un.org/files/englishguidance_note.pdf)).

uniform interpretation (such as through training activities for judges and legal practitioners).

6. Activities denoted with an asterisk were partially or fully funded by the UNCITRAL Trust Fund for Symposia.<sup>5</sup>

## A. Partnerships and regional initiatives

7. The Secretariat has continued to collaborate with international and regional organizations, such as multilateral and regional development agencies, professional associations, organizations of practitioners, and chambers of commerce and arbitration centres under both formal partnerships and joint initiatives.

### 1. Partnerships with States and Governments

8. The following partnerships were concluded with States and Governments in the reporting period:

#### Singapore

9. A Memorandum of Understanding with Singapore was concluded on 7 August 2019 to provide support for Secretariat activities for cooperation and collaboration in promoting the development, understanding and use of international mediation and other dispute settlement methods for commercial and investor-State disputes and to support the promotion and harmonized use of the United Nations Convention on International Settlement Agreements Resulting from Mediation (“Singapore Convention on Mediation”), and other UNCITRAL instruments.

10. Activities under this partnership will commence in the next reporting period.

#### China

11. A Memorandum of Understanding with the Ministry of Commerce of the People’s Republic of China (MOFCOM) was concluded on 7 August 2019 to provide support for Secretariat activities to create an enabling legal environment for international trade and investment.

12. Initial activities undertaken by the Secretariat under the partnership in the reporting period include:

(a) Launch of collaboration with MOFCOM and dialogue with the Ministry of Justice to provide inputs into the Chinese Arbitration Law reform (Beijing, 29 October 2019);\*

(b) Presentation on UNCITRAL’s frameworks on arbitration and mediation at the 16th CASS International Law Forum, organized by the China Academy of Social Science (Beijing, 30–31 October 2019);\*

(c) Presentations on UNCITRAL’s dispute settlement instruments to students at Tsing Hua University (Beijing, 1 November 2019);\* and

(d) Presentation on the Singapore Convention on Mediation at the China Arbitration Week (Beijing, 1 November 2019).\*

13. Additional activities undertaken under the Memorandum relating to UNCITRAL’s legislative agenda are reported in Coordination activities, A/CN.9/1018, paragraph 35.

<sup>5</sup> The history of the Fund and its operation are set out in “Dissemination of information and related activities to support UNCITRAL’s work and the use of its texts” (A/CN.9/1033).

### Hong Kong, China

14. A Memorandum of Understanding with the Government of Hong Kong, China, was concluded on 4 November 2019 to promote the development and greater understanding of international trade law and the use of arbitration and other forms of dispute resolution to resolve disputes in international trade, commerce and investments, in particular through the organization with UNCITRAL of a biannual UNCITRAL Asia Pacific Judicial Summit.

15. The main activity undertaken by the Secretariat under the partnership in the reporting period was the co-organization of the third edition of the UNCITRAL Asia Pacific Judicial Summit (Hong Kong, China, 4–5 November 2019).<sup>6</sup>

### Saudi Arabia

16. During the reporting period, the Secretariat and Saudi Arabia agreed the terms of a future partnership to build capacity and develop programmes related to agreed areas of cooperation in commercial law reform. The partnership will be concluded between the date of this document and the Commission's fifty-third session. In this regard, the Secretariat provided **advice and assistance** to the Ministry of Commerce and Investment of Saudi Arabia on company law reform to include international good practices in terms of minimum and maximum number of shareholders for limited liability and joint stock companies.

## 2. Other partnerships and joint initiatives

17. The following partnerships and joint initiatives were established or continued in the reporting period:

### Asia-Pacific Economic Cooperation (APEC)

*Relevance to Sustainable Development Goals 1, 8, 9 and 16*

18. The Secretariat continued its collaboration with APEC and was granted an extension of its guest status at the Economic Committee (EC) and obtained guest status at the Investment Experts Group (IEG). UNCITRAL's guest status to both the EC and IEG will operate until 2023. Activities that took place under this collaboration are reported in paragraph 63 and 64 below and, insofar as they relate to UNCITRAL's legislative agenda, in "Coordination Activities" (A/CN.9/1018).

### Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

*Relevance to Sustainable Development Goals 8, 9 and 16*

19. The Secretariat continued its cooperation as a partner in a project implemented by GIZ by appointment of the German Federal Ministry for Economic Cooperation and Development (BMZ) within the Open Regional Fund – Legal Reform. The project "International Dispute Resolution Instruments" supports broader involvement of South-Eastern Europe in deliberations on dispute resolution reform, participation in the work of Working Groups II and III, and promotes the use of UNCITRAL mediation, arbitration and transparency standards (the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration). The Secretariat participated in the kick-off meeting and promotional activities (Vienna, 11 October 2019).

20. Additional activity under this collaboration is reported in paragraph 35 (m) below.

<sup>6</sup> The Secretariat involvement included Vienna-based and Regional Centre-based personnel (see UNCITRAL Regional Presence, A/CN.9/1024).

### **European Bank for Reconstruction and Development (EBRD)**

*Relevance to Sustainable Development Goals 1, 4, 8, 9, 10, 12 and 16*

21. The Secretariat has continued its **cooperation** with EBRD, under the “EBRD-UNCITRAL Initiative on enhancing Public Procurement Regulation in the CIS countries and Mongolia”.<sup>7</sup> Activities undertaken by the Secretariat under the Initiative in the reporting period are set out in paragraphs 51, 53 (c) and 54 below.

### **International Anti-Corruption Academy (IACA)**

*Relevance to Sustainable Development Goals 1, 4, 8, 9, 10, 12 and 16*

22. The Secretariat partners with IACA to provide tailor-made training on the UNCITRAL Model Law on Public Procurement as part of anti-corruption **capacity-building** activities at IACA’s premises in Laxenburg (Austria). The objective is to introduce the Model Law to a targeted audience, who are largely government representatives, from developing and transition countries. Activities undertaken by the Secretariat under the partnership in the reporting period are set out in paragraph 53 (b) below.

### **International Labour Organization and the University of Turin Master’s programmes in International Trade Law and Public Procurement**

*Relevance to Sustainable Development Goals 1, 4, 8, 9, 10, 12 and 16*

23. The Master’s programmes are organized in partnership with the International Training Centre of the International Labour Organization (ITCILO) and the University of Turin. Their aim is to raise awareness of and to build capacity in the use of UNCITRAL texts and to encourage participation from individuals from developing and transition countries.

24. The Secretariat participated in the programmes through providing materials and in-person instruction for (a) the 10th Edition Master on International Trade Law, attended by individuals from developing and developed countries, and (b) the 13th and 14th Master in Public Procurement Management for Sustainable Development Programme respectively, which is attended by government officials and representatives of development banks primarily from developing countries and countries in transition (for details of the participation in the Master in Public Procurement Management for Sustainable Development Programme, see paragraph 53 (a) below).

### **Organization for the Harmonization of Business Law in Africa (OHADA)**

*Relevance to Sustainable Development Goals 8 and 16*

25. The Secretariat continued its cooperation with OHADA to raise awareness and promote effective understanding, adoption and use of UNCITRAL’s work and texts in OHADA member States.<sup>8</sup> The cooperation also involved institutions active in French-speaking countries, such as the Civil Law Initiative (Fondation pour le Droit Continental), the Paris Bar Association and the Organisation internationale de la Francophonie. In addition, the Secretariat is following the identification of emerging issues at the OHADA level, notably in electronic commerce, and provided capacity-building to increase uniform interpretation of UNCITRAL texts at a regional level.

26. In that context, the Secretariat raised awareness to promote adoption of the Singapore Convention on Mediation at the international symposium on the Settlement

<sup>7</sup> See A/CN.9/753, para. 38 (c). Further information about the Initiative is available at [www.ppi-ebd-uncitral.com/index.php/en/ebd-uncitral-initiative/action-plan](http://www.ppi-ebd-uncitral.com/index.php/en/ebd-uncitral-initiative/action-plan). The geographical reach of the Initiative has since been extended to include countries in the south-eastern Mediterranean area.

<sup>8</sup> Most of which are in Western Africa. For a full list of those States, see [www.ohada.org/index.php/en/](http://www.ohada.org/index.php/en/).

of Investment Disputes through Arbitration and Mediation in the OHADA area (Douala, Cameroon, 16–17 January 2020).

### **Organisation internationale de la Francophonie (OIF)**

27. A partnership with OIF was established to collaborate on the improvement of the legislative framework for e-commerce and digital economy in the Francophone area, and to allow for further joint actions of promotion and capacity-building for UNCITRAL texts in the member States of OIF in the coming years. The partnership commenced with OIF's participation in the Technical Assistance Panel at the Commission's fifty-second session.

28. Under the partnership, the Secretariat provided **capacity-building** at the Third Regional Intersessional Meeting on ISDS co-organized by OIF and UNCITRAL in Guinea (Conakry, 25–26 September 2019).

### **UNCITRAL Latin America Day**

*Relevance to Sustainable Development Goals 1, 4, 8, 9, 10, 12 and 16*

29. The Government of Peru has signalled its intention to organize a series of events under the banner "UNCITRAL Latin America Day" in partnership with the Secretariat and regional universities, aimed at promoting awareness and encouraging the study and discussion of UNCITRAL texts by legal scholars and students. The first UNCITRAL Latin America Day is anticipated to take place in autumn 2021.<sup>9</sup>

### **United Nations/United Nations Economic and Social Commission for Asia and the Pacific (ESCAP)**

*Relevance to Sustainable Development Goals 8, 9 and 16*

30. The Secretariat partners with ESCAP in promoting the adoption of UNCITRAL texts in support of paperless trade facilitation (A/66/17, para. 240). Activities undertaken by the Secretariat under the partnership in the reporting period are set out in paragraphs 39, 40 (b) and (c), 42 (c) and 43 below.

### **United States Department of Commerce, Commercial Law Development Program (CLDP)**

*Relevance to Sustainable Development Goals 1, 4, 8, 9, 10, 12 and 16*

31. The Secretariat partners with CLDP to provide legislative advice, assistance and capacity-building to support the enactment, use and interpretation of UNCITRAL texts on commercial dispute settlement (arbitration and mediation), e-commerce, insolvency, public procurement and secured transactions. Activities undertaken by the Secretariat under the partnership in the reporting period are set out in paragraphs 35 (f), 42 (b), 45 and 52 below.

### **World Bank Group, International Monetary Fund (IMF) and INSOL<sup>10</sup>**

*Relevance to Sustainable Development Goals 8, 10 and 17*

32. The Secretariat partners with the World Bank Group, IMF and INSOL to expand its reach to intended users of UNCITRAL insolvency texts through a growing network of experts and partners and a train-the-trainers approach. Activity undertaken by the Secretariat under the partnership in the reporting period is set out in paragraph 47 below.

<sup>9</sup> The events will be similar to the UNCITRAL Asia Pacific Day reported in "UNCITRAL Regional Presence, Activities of the UNCITRAL Regional Centre for Asia and the Pacific", A/CN.9/1024, para. 2 (g).

<sup>10</sup> INSOL International is a worldwide federation of national associations of insolvency accountants and lawyers.

## B. Subject-specific technical cooperation and assistance activities

### 1. Dispute settlement

*Relevance to Sustainable Development Goals 8, 9, 16 and 17*

33. The Secretariat has **promoted** the adoption and use of UNCITRAL texts in this field, supporting the ongoing law reform process in various jurisdictions. The Secretariat has also developed tools to provide information on the application and interpretation of those texts (Case Law on UNCITRAL Texts (CLOUT)).<sup>11</sup>

34. One focus of the Secretariat was the preparation of the Signing Ceremony for the Singapore Convention on Mediation, which was held on 7 August 2019 in Singapore. This event was co-organized by UNCITRAL and the Singapore Ministry of Law. At the Ceremony 46 States signed the Convention, which was attended by delegations from more than 70 States.

35. During the reporting period, the Secretariat has in addition jointly organized, participated in, or contributed to a number of events including the following:

(a) Joint UNCITRAL-Ljubljana Arbitration Centre (LAC) Conference on Dispute Settlement (Ljubljana, 8–10 April 2019);

(b) 27th Vis International Commercial Arbitration Moot (from October 2019 to April 2020);<sup>12</sup>

(c) The International Dispute Resolution Conference 2019 – New Era of Global Collaboration (Hong Kong, China, 17 April 2019);<sup>13</sup>

(d) China International Arbitration Summit (Shanghai, China, 11–12 May 2019)\*;

(e) Bucharest Arbitration Days organized by the International Court of Arbitration Romania (Bucharest, 5–7 June 2019);

(f) Regional MENA conference on arbitration and mediation, organized by the United States Department of Commerce’s Commercial Law Development Program (CLDP) (Tunis, 26–27 June 2019);

(g) Arbitration Week Jamaica, organized by the Jamaica International Arbitration Centre (JAIAC) (Kingston, 26–27 June 2019);

(h) Lecture, Deutscher Richterbund (Vienna, 28 June 2019);

(i) Meetings with high government officials to provide assistance on the development of international arbitration and commercial law in the Caribbean (Nassau, 29–31 July 2019)\*;

(j) Mediation: A New Era (MANE) Forum organized by the Singapore International Dispute Resolution Academy, Singapore International Mediation Centre, Singapore International Mediation Institute and Singapore Mediation Centre (Singapore, 6 August 2019)\*;

(k) International Commercial Arbitration Court (ICAC) Conference: About effective arbitration and mediation (Kyiv, 10–11 October 2019, remote participation);

(l) Hong Kong Judicial Summit, organized with Hong Kong Department of Justice and UNCITRAL RCAP (Hong Kong, China, 4–5 November 2019);

<sup>11</sup> Progress in this activity since the Commission’s fifty-second session in 2019 is reported in “Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts (CLOUT and digests)”, A/CN.9/1017.

<sup>12</sup> For further details of the Secretariat’s involvement in the Moot, see, further, “Dissemination of information and related activities to support UNCITRAL’s work and the use of its texts” (A/CN.9/1033).

<sup>13</sup> As explained in footnote 1 above, this activity was also reported in [A/CN.9/980/Rev.1](#).

(m) Winter school and Premoot to the Frankfurt Investment Moot, (Skopje, 20–22 November 2019, remote participation);\*\*

(n) Seminar on Investment Arbitration, hosted by the China Electricity Council and organized by the Energy Charter Treaty Secretariat (ECT) (Beijing, 27 November 2019, remote participation);\*\*

(o) Symposium on Settlement of Investment Disputes by Arbitration and Mediation within the OHADA area, (Douala, Cameroon, 16–17 January 2020);

(p) Side event on international mediation during the Working Group II session in New York, co-hosted with the African Asian Legal Consultative Organization (AALCO) and UNCITRAL (New York, United States of America, 4 February 2020);

(q) High level bilateral Meeting with the Ministry of Trade, Industry and Tourism (MINCIT-Colombia) on the Rules on Transparency and the Mauritius Convention on Transparency in Treaty-based Investor State arbitration (Bogotá, 17 February 2020);\*

(r) *Eficacia Transnacional del Derecho: Reconocimiento y ejecución de sentencias, laudos y otros actos, XIII Jornadas ASADIP 2019 (Asociación Armericana del derecho internacional privado)* (Punta del Este, Uruguay, 21–22 November 2019);<sup>14</sup>

(s) Prague UNCITRAL Model Law Roundtable 2020, organized by Charles University Faculty of Law and the Czech Institute for the Popularisation and Revitalisation of Arbitration (CZIPRA) (Prague, 11–12 February 2020);\*

(t) Vienna Arbitration Days, organized by the International Chamber of Commerce (ICC) Austria, Vienna International Arbitral Centre (VIAC), Arbitration Austria (Arb/Aut), Young Austrian Arbitration Practitioners (YAAP) and Austrian Yearbook on International Arbitration (AYIA) and UNCITRAL (Vienna, 21–22 February 2020); and

(u) Colloquium organized by the African Academy of International Law practice on the development of investment law and arbitration in Africa (Paris, 26 February 2020).

36. The Secretariat **advised and assisted** in the enactment of UNCITRAL texts on arbitration and/or mediation of a number of jurisdictions including Argentina, Kuwait, Macao, China, the United Arab Emirates (Abu Dhabi global market (ADGM) and Dubai International Financial Centre (DIFC)), Uruguay and Uzbekistan.

## 2. Electronic commerce

### *Relevance to Sustainable Development Goals 8, 9 and 16*

37. The Secretariat has engaged in the activities below regarding the United Nations Convention on the Use of Electronic Communications in International Contracts (ECC), UNCITRAL Model Law on Electronic Commerce, UNCITRAL Model Law on Electronic Signatures and UNCITRAL Model Law on Electronic Transferable Records (MLETR)).

38. **Cooperation with United Nations Conference on Trade and Development (UNCTAD)** by providing substantive comments on the UNCTAD Rapid eTrade Readiness Assessments of Least Developed Countries for Kiribati, Lesotho, Malawi, Mali and Tuvalu, in the framework of the “eTrade for all” initiative, coordinated by UNCTAD.

39. **Cooperation with UNCTAD, ESCAP and the World Bank** in the project entitled “Leapfrogging Skills Development in E-Commerce in South-East Asia in the Framework of the 2030 Development Agenda”, in the framework of the UNCTAD TrainForTrade Programme. The project, which has relevance also for SDGs 1 and 5,

<sup>14</sup> The topic presented was the Singapore Convention.



aims at strengthening the capacity of public and private sector stakeholders from South-East Asian countries on utilizing identity management and electronic signatures for trade and development. Dedicated training materials have been delivered to more than 200 participants. The Secretariat contributed to preparing the training modules and participated in the “Digital Identity for Trade and Development” event (Singapore, 29 October–1 November 2019) representing the face-to-face segment of the training.

40. **Cooperation with ESCAP** and other organizations on the legal framework for paperless trade facilitation has continued. As part of this cooperation, the Secretariat promoted UNCITRAL texts as a tool for implementing provisions on electronic commerce and paperless trade of regional and bilateral trade agreements. Relevant activities include presenting and providing materials for the following events:

(a) Second meeting of the Asian Development Bank (ADB) Central Asia Regional Economic Cooperation (CAREC) Program Regional Trade Group (Tashkent, 26 June 2019);\*

(b) Asia-Pacific Trade Facilitation Forum 2019 “Digital and Sustainable Trade Facilitation for Regional Prosperity” (New Delhi, India, 17–18 September 2019), co-organized by ADB, United Nations/ESCAP, Ministry of Commerce of India and Confederation of Indian Industry (remote participation); and

(c) Seventh meeting of Legal and Technical Working Groups of the Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation, organized by United Nations/ESCAP (Bangkok, 14–16 January 2020).

41. **Raising awareness and promoting effective understanding, adoption and use** of UNCITRAL texts on electronic commerce. Relevant activities include presenting and providing materials at the following events:

(a) Seminar “Financial Inclusion Driven by Digitalization: Trade and Supply Chain”, co-organized by the ASEAN Business Advisory Council (ASEAN BAC) and the Asia-Pacific Financial Forum (APFF) (Bangkok, 17 June 2019) (through remote participation); and

(b) Workshop “Connectivity in the Digital Age: Digital Futures of Trade and Economic Cooperation in Eurasia”, organized by the International Institute for Applied Systems Analysis (IIASA) (Laxenburg, Austria, 2–3 December 2019).

42. **Advising and assisting** in the enactment of UNCITRAL texts on electronic commerce. Relevant activities include:

(a) Assisting the Government of the Maldives in the preparation of the Electronic Transactions Bill. With the financial assistance of ADB, the Secretariat participated in the working party tasked with reviewing the bill (Male, 11–16 May 2019);

(b) Supporting the Government of Afghanistan in the review of its draft Electronic Transactions and Electronic Signatures Law, which was prepared with input from the Secretariat. A presentation was given at the “Workshop on draft laws on e-transactions, e-signatures and e-governance” (Tallinn, 15–16 June 2019), organized by the CLDP;

(c) Advising the Government of Papua New Guinea in drafting the Electronic Transactions Bill. Presentations were given at a workshop on the Bill co-organized by the Department of Commerce and Industry of Papua New Guinea, the World Economic Forum and United Nations/ESCAP (Port Moresby, 13 November 2019);\*

(d) Assisting the Government of Kiribati in drafting the Electronic Transactions Bill. The Secretariat co-organized with the Ministry of Commerce, Industry and Cooperatives of Kiribati a workshop on the Bill held with the financial support of the Enhanced Integrated Framework programme (Tarawa, 19 December

2019).<sup>15</sup> The recommendations of the UNCTAD Rapid eTrade Readiness Assessment for Kiribati (see above, para. 37), to which the Secretariat provided input, are used in this exercise; and

(e) Providing input in the review of the legislation on electronic transactions and electronic signatures of Costa Rica.

43. In the reporting period, Cambodia has adopted legislation based on UNCITRAL texts on electronic commerce.<sup>16</sup> The Secretariat has contributed to the enactment process by participating at a dedicated event, providing comments on draft legislation and interacting with Government officials at United Nations/ESCAP meetings.

### 3. Insolvency

*Relevance to Sustainable Development Goals 8, 10 and 17*

44. The Secretariat has **raised awareness and promoted effective understanding** of UNCITRAL texts in the area of insolvency law among governmental officials, judges, insolvency and legal practitioners through speaking and providing materials at the following events:

(a) For CIS countries, at the IX St. Petersburg International Legal Forum and at the Third International Insolvency Forums (St. Petersburg, Russian Federation, 15–17 May 2019);\*<sup>17</sup> and

(b) For Saudi Arabia, through speaking and providing materials at the First Conference on Resolving Insolvencies (Riyadh, 29–30 April 2019).\*<sup>18</sup>

45. **Promoting** enactment and uniform interpretation of the Model Law on Cross-Border Insolvency and awareness and understanding of the UNCITRAL Legislative Guide on Insolvency Law among States, by organizing a workshop on developing an effective insolvency framework in Kuwait together with CLDP and the General Secretariat of the Supreme Council for Planning and Developing of Kuwait (Vienna, 2–3 May 2019).

46. **Advising** Kuwait and Saudi Arabia on various issues addressed in UNCITRAL insolvency texts, and **advising** Peru on implementation of the UNCITRAL Model Law on Cross-Border Insolvency in its draft law on the revision of the General Law for the Insolvency system (*ley General del Sistema concursal*).

47. **Building capacity** in judges, government officials and experts in charge of handling cross-border insolvency cases, on UNCITRAL cross-border insolvency texts, through lecturing and providing materials during the 13th Multinational Judicial Colloquium on Insolvency (Singapore, 1–2 April 2019).\*<sup>19</sup>

### 4. MSMEs

*Relevance to Sustainable Development Goals 1, 2, 5, 8 and 9*

48. The Secretariat has **raised awareness and promoted understanding** of the UNCITRAL Legislative Guide on Key Principles of a Business Registry and the draft legislative guide on an UNCITRAL Limited Liability Organization among governmental officials, judges and legal practitioners through speaking and sharing materials at the following events:

(a) The Annual Conference of the Corporate Registers Forum, which gathered registrars and practitioners supporting business registry's services from all geographic regions (Skopje, 8–9 April 2019);\*

<sup>15</sup> As noted in [A/CN.9/1020](#), Kiribati acceded to the ECC on 21 April 2020.

<sup>16</sup> See UNCITRAL regional presence – Activities of the UNCITRAL Regional Centre for Asia and the Pacific, [A/CN.9/1024](#), para. 8 (d).

<sup>17</sup> As explained in footnote 1 above, this activity was also reported in [A/CN.9/980/Rev.1](#).

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

(b) The UNCTAD Multi-Year expert meeting on inclusive business and inclusive entrepreneurship at which experts from UNCTAD member States, regional and international IGOs and NGOs as well as the private sector discussed policy interventions for promoting inclusive entrepreneurship (Geneva, 17–19 June 2019);

(c) Speak and moderate event organized by Saudi Arabia during the United Nations High Level Political Forum: Empowering SMSEs and New Ventures (New York, 12 July 2019); and

(d) The seminar “Prospect for internationalization of SMEs in Latin America and the Caribbean”, organized by the Latin American and Caribbean Economic System (SELA) and ProColombia to explore how to facilitate participation of SMEs from the region in international trade (Bogotá, 21–22 November 2019).\*

49. The Secretariat has also engaged in dialogue with *Asociación Latinoamericana de Integración* (ALADI) to explore topics of common interests on MSMEs, with the view to facilitating internationalization of those businesses (Vienna, 20 January 2020).<sup>20</sup>

50. The Secretariat developed a brochure, in the six official United Nations languages, to promote the use of the Legislative Guide on Key Principles of a Business Registry. The brochure is available on the UNCITRAL website and was published, in English only, with the financial support of RCAP.<sup>21</sup>

## 5. Activities in procurement and infrastructure development

### Public Procurement

*Relevance to Sustainable Development Goals 1, 8, 9, 10, 12, 16 and 17*

51. The Secretariat has **raised awareness and promoted effective understanding** of, and provided **capacity-building** in, the use of the UNCITRAL Model Law on Public Procurement and its accompanying Guide to Enactment through speaking and providing materials at the following event:

(a) The 15th Procurement, Integrity, Management and Openness (PRIMO) Forum, designed to share knowledge, and foster peer-to-peer capacity-building in participating countries, hosted by the National Project Management Agency of Uzbekistan, co-sponsored by ADB, European Bank for Reconstruction and Development (EBRD), Islamic Development Bank, World Bank and in cooperation with the European Investment Bank, Organisation for Economic Co-operation and Development (OECD) and SIGMA (Support for Improvement in Governance and Management, a joint OECD and European Union Initiative). The event included an “UNCITRAL Global Best Practice Seminar” co-organized with EBRD under the EBRD-UNCITRAL Initiative (Tashkent, 10–13 April 2019).<sup>\*22</sup>

52. **Advising and assisting** the Governments of Angola and the Dominican Republic<sup>23</sup> on reform of public procurement law using the UNCITRAL Model Law on Public Procurement, in cooperation with the CLDP.

53. **Building capacity** in government officials and representatives of development banks primarily from developing countries and countries in transition, through providing materials for and conducting seminars at:

(a) 13th Master in Public Procurement Management for Sustainable Development Programme (Turin, Italy, 19 May 2019, in seminars also covering UNCITRAL texts on electronic commerce) and 14th Master in Public Procurement

<sup>20</sup> The Secretariat will continue working with ALADI in order to develop further cooperation in this area over the coming year.

<sup>21</sup> See, further, UNCITRAL regional presence – Activities of the UNCITRAL Regional Centre for Asia and the Pacific, A/CN.9/1024.

<sup>22</sup> As explained in footnote 1 above, this activity was also reported in [A/CN.9/980/Rev.1](#).

<sup>23</sup> This support to Dominican Republic has continued from the previous to the current reporting period.

Management for Sustainable Development Programme (Turin, Italy, 30–31 January 2020);

(b) In cooperation with the International Anti-Corruption Academy (IACA), workshops entitled “Public Procurement: International Perspective” in tailor-made training for Government officials from the Central Vigilance Commission of India (Laxenburg, Austria, 16 April 2019,<sup>24</sup> 14 June 2019 and 14 November 2019) and for Government officials from China (Vienna, 17 October 2019); and

(c) Under the EBRD-UNCITRAL Initiative, **raising awareness and promoting effective understanding, adoption and use** of the Model Law on Public Procurement in implementing e-procurement systems at a WTO/EBRD Regional workshop on government procurement for Central and Eastern Europe, Central Asian and the Caucasus countries and at the EBRD UNCITRAL Public Procurement Initiative strategic policy session (Vienna, 11–13 December 2019).

54. And through the following **capacity-building** workshops under the auspices of the EBRD-UNCITRAL Initiative:

(a) For government officials and practitioners at a Master’s Programme in Public Procurement Management at University Tor Vergata (Rome, 3–4 April 2019);<sup>25</sup>

(b) For government officials and technical project consultants on the use of the UNCITRAL Model Law on Public Procurement in the development of e-procurement systems in transition and developing country contexts (desk-based and London, 9–10 January 2020); and

(c) For government officials and practitioners in public procurement on the development of legal texts in UNCITRAL and other international bodies, (Nottingham, United Kingdom of Great Britain and Northern Ireland, 11–12 January 2020).

#### **Public-private partnerships (PPPs)**

*Relevance to Sustainable Development Goals 1, 4, 6, 7, 8, 9, 11, 12, 15, 16 and 17*

55. **Raising awareness and promoting effective understanding** of the revised UNCITRAL Legislative Guide on PPPs and capacity-building on the use of the Legislative Guide and the revised Model Legislative Provisions on PPPs, for Government officials of procurement agencies and private practitioners through the participation in the PRIMO Forum (Tashkent, 10–13 April 2019).<sup>\*26</sup>

## **6. Sale of goods**

*Relevance to Sustainable Development Goals 8, 12 and 16*

56. The Secretariat has continued to **promote broader adoption, use and uniform interpretation** of the United Nations Convention on Contracts for the International Sale of Goods (CISG), and of the Convention on the Limitation Period in the International Sale of Goods, as amended, and to **build capacity** in the use of these texts.

57. In particular, the Secretariat is organizing a series of awareness-raising events and technical assistance activities to celebrate the fortieth anniversary of the CISG in 2020 (“CISG@40”). The CISG@40 activities pursue two main objectives: to encourage broader State participation, including by aiming at reaching 100 States parties to that Convention; and to support capacity-building on the use and uniform interpretation of the Convention and of related UNCITRAL texts, including by using the tools prepared in the framework of the renewed CLOUT system (see [A/74/17](#), para. 288).

<sup>24</sup> As explained in footnote 1 above, this activity was also reported in [A/CN.9/980/Rev.1](#).

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

58. The Secretariat has taken part in the following CISG@40 activities:

(a) “First Zagreb International Conference on the Law of Obligations” organized by the Department of Law at the University of Zagreb, Faculty of Economics and Business (Zagreb, 12–13 December 2019) (remote participation);\*\* and

(b) “Fifth Conference on International Arbitration and the CISG” organized by the Universidad Panamericana Guadalajara (Guadalajara, Mexico, 6 February 2020) (remote participation).

59. The Secretariat has also taken part in the following events:

(a) “Annual Moot Alumni Association International Commercial Law & Arbitration Conference: Recent Developments in International Arbitration and the CISG” (Vienna, 12 April 2019); and

(b) “Choice of Law in International Contracts: A Roundtable Lunch with the Stakeholders” (Vienna, 15 April 2019).

## 7. Security interests

*Relevance to Sustainable Development Goals 1, 8, 9 and 17*

60. UNCITRAL has produced a number of complementary texts in the area of secured transactions: the United Nations Convention on the Assignment of Receivables in International Trade (2001), the UNCITRAL Legislative Guide on Secured Transactions (2007), its Supplement on Security Rights in Intellectual Property (2010), the UNCITRAL Guide on the Implementation of a Security Rights Registry (2013) and the UNCITRAL Model Law on Secured Transactions (2016), as well as its Guide to Enactment (2017) and Practice Guide (2019).

61. The Secretariat is continuing to support legislative reforms based on these texts and has also **advised** Bahrain and Myanmar in this regard.

62. The Secretariat has **advised and assisted** in the enactment and use of the UNCITRAL Model Law on Secured Transactions in Australia, Colombia, Fiji, New Zealand, Nigeria, Pakistan, Papua New Guinea, Paraguay, Philippines, Thailand and Zimbabwe.

63. The Secretariat has also cooperated closely with Unidroit to promote texts in the area of secured transactions, for example, at the meeting of the Economic Committee of Asia-Pacific Economic Cooperation (APEC) (Puerto Varas, Chile, 26–27 August 2019)\* and the UNCITRAL-Unidroit Workshop on Harmonization of Secured Transactions Law and Implementation of Reforms in Latin America (Cartagena, Colombia, 14 February 2020).\* The latter focused specifically on reforms undertaken by Latin American States, which highlighted the impact that the Model Law on Secured Transaction had in this region.

64. As part of its continued participation in the APEC Ease of Doing Business (EoDB) Project, the Secretariat also **conducted a comparative study** of the secured transactions law framework in Georgia as a basis for possible reforms in the Republic of Korea (2019 International Conference on EoDB, Seoul, 29 November 2019).\*

## C. International commercial law moot competitions

### 1. Willem C. Vis International Commercial Arbitration Moot

65. The Secretariat supported the organization of 27th Willem C. Vis International Commercial Arbitration Moot, which is co-sponsored by the Commission, in which

oral arguments took place virtually from 3 April to 9 April 2020.<sup>27</sup> The best team in oral arguments was the West Bengal National University of Juridical Science.

66. A total of 402 teams, comprising more than 4,000 students, arbitrators and coaches from 85 countries, participated in the written part of the competition. More than 240 of these teams also participated in the virtual oral arguments, which involved more than 900 arbitrators and 1,000 coaches.

67. Around 40 preparatory premoots took place, with the VIS Middle-East Moot oral arguments also held virtually. Fifty-five per cent of all participating students were female, offering a deep pool of future counsel and arbitrators.

68. The oral arguments of the 17th Willem C. Vis (East) International Commercial Arbitration Moot took place virtually from 22 to 29 March 2020 with 71 teams from 26 jurisdictions. The best team was the Chinese University of Hong Kong.<sup>28</sup>

## 2. Additional moots

### *Moot Madrid – XII Competición Internacional de Arbitraje y Derecho Mercantil*

69. The Carlos III University of Madrid, co-sponsored by the Commission organized the Twelfth International Commercial Arbitration Competition in Madrid, with virtual oral hearings from 20 to 24 April 2020,<sup>29</sup> with the best team being the Pontificia Universidad Católica from Peru.

### *Frankfurt Investment Moot Court*

70. The 13th Frankfurt Investment Arbitration Moot Court (FIAMC), co-organized by the Max Planck Institute for European Legal History and Morgan, Lewis & Bockius LLP, co-sponsored by the Commission, had to cancel its oral rounds of the 13th FIAMC as a result of measures taken to address the COVID-19 pandemic. However, 103 teams from 39 countries participated in the written part of the competition, and in different premoots.

### *Ian Fletcher International Insolvency Law Moot*

71. The fourth Ian Fletcher International Insolvency Law Moot was held in London, from 7 to 9 February 2020, with the winning team being the Singapore Management University. The Moot provides an opportunity to students to learn about UNCITRAL insolvency texts and to the best individual oralist to observe the work of the UNCITRAL secretariat during the session of UNCITRAL Working Group V (Insolvency Law). The interest in the Moot is growing as evidenced by the increased number of applicants for the qualifying round: from 12 teams in the inaugural 2017 competition to 22 teams in 2020. The fifth Ian Fletcher International Insolvency Law Moot will take place in 2021 in San Diego in conjunction with the INSOL International Eleventh World Quadrennial Congress.

## D. Overall pattern of activities in the reporting period

72. In 2019, the United Nations Office of Internal Oversight Services (OIOS) reported that the Organization's "Office of Legal Affairs has contributed to raising awareness and promoting the learning of international law, including the national adoption of relevant model laws on trade-related issues; however, its interventions were sometimes unsystematic and lacked a focused strategy to effectively deliver its

<sup>27</sup> Although the dates of the oral arguments fall outside the reporting period, the Secretariat's participation in the Moot preparations takes place from the autumn of the previous year until those dates. The Secretariat therefore reports all Moot-related activities together.

<sup>28</sup> The face-to-face oral round is scheduled for October 2020.

<sup>29</sup> Footnote 27, *supra*.

technical assistance work". It recommended, however, that the Office of Legal Affairs should strengthen its monitoring and self-evaluation practices.<sup>30</sup>

73. As welcomed by the Commission at its fifty-second session in 2019, the Secretariat has implemented the recommendations through an enhanced technical cooperation and assistance strategy.<sup>31</sup> The Secretariat plans and delivers technical cooperation and assistance activities focussing on both efficiency and effectiveness.

74. From a strategic perspective, initial activities following the Commission's adopting a text seek to promote UNCITRAL texts to encourage their adoption, enactment or equivalent at the national level. These activities generally lead to requests for advisory services to support national enactments (or equivalent); and subsequently to requests to help build capacity to support correct use and application of UNCITRAL texts in practice. From this standpoint too, the Secretariat prioritizes organizing or co-organizing events targeted at supporting the adoption and use of UNCITRAL texts over participation in activities organized by others, so as to maximize the impact of its technical cooperation and assistance activities.

75. The information collected through more systematic data collection during the reporting period involved has allowed the following patterns regarding technical cooperation and assistance activities to be identified.

### **1. Overall demand for activities**

76. The Secretariat has reviewed the pattern of demand for its awareness-raising, technical assistance and capacity-building activities during the reporting period. Demand continues to grow for all such activities: the Secretariat (both Vienna and Incheon-based) carried out approaching 80 technical cooperation and assistance activities during the reporting period.

77. The financial resources available to the Secretariat are limited. Consequently, the Secretariat has sought to maximize efficiency in the delivery of technical cooperation and assistance activities, through grouping activities where practicable. Approaching half of the activities during the reporting period covered more than one UNCITRAL text or subject-area, and approximately one-fifth also had a legislative development component.

78. Activities conducted through partnerships, which represent just under one half of technical cooperation and assistance activities, have provided the opportunity to reach wider audiences than the Secretariat could achieve alone and to co-organize targeted events as noted above, and have generated requests for advisory services and capacity-building. They have also yielded efficiency benefits. The most visible example is provided by the activities to raise awareness of the Singapore Convention and UNCITRAL Mediation texts and the co-organization of the Singapore Convention Signing Ceremony reported above.

79. Demand in the reporting period for awareness-raising activities focused on recently-adopted UNCITRAL texts (UNCITRAL Model Legislative Provisions and Legislative Guide on Public-Private Partnerships; UNCITRAL Practice Guide to the UNCITRAL Model Law on Secured Transactions; UNCITRAL Model Law on Enterprise Group Insolvency; and the United Nations Convention on International Settlement Agreements Resulting from Mediation and related Model Law). Demand for technical assistance and capacity-building activities is fairly evenly-distributed over UNCITRAL subject areas, with electronic commerce, public procurement and dispute settlement generating relatively higher levels of demand.

<sup>30</sup> Evaluation of the Office of Legal Affairs, [E/AC.51/2019/9](#), at pages 18 and 30. The review, issued on 25 March 2019, covered the work of OLA from 2015–2018.

<sup>31</sup> Note by the Secretariat on Technical cooperation and assistance activities, [A/CN.9/980/Rev.1](#).

## 2. Impact of measures taken to address the financial situation of the Organization in October 2019

80. The financial situation of the Organization in October 2019 required the Secretariat to prioritize its work based on the availability of cash, and therefore to limit all official travel to the most essential activities to postpone meetings and conferences so far as possible.<sup>32</sup> In addition to replacing in-person participation in certain activities with remote participation,<sup>33</sup> the following technical cooperation and assistance activities were cancelled or postponed:

(a) **AALCO 58th annual session**, to present on “Mediation in Investment Disputes” under the theme “International Trade and Investments”, and to hold bilateral discussions with the Government (Dar es Salaam, Tanzania, 24 October 2019): the Secretariat cancelled its participation;

(b) **Bilateral meetings with World Bank Group and other agencies** to define joint programme of technical assistance for 2020 (Washington, D.C., 23–24 October 2019): the Secretariat cancelled this activity;

(c) **Technical assistance to the Directorate General for Public Contracting of the Government of the Dominican Republic** on public procurement reform, and **raising awareness and capacity-building** for the Government of the Dominican Republic on dispute resolution and MSMEs; Inter-American Government Procurement Network Annual meeting (Santo Domingo, 25–30 October 2019): the Secretariat cancelled its participation, and provided materials and input separately;

(d) **Diplomatic Conference to adopt the 4th Protocol to the Cape Town Convention**, to participate and discuss coordination with Unidroit and other organizations regarding the promotion of adoption and use of uniform texts on secured transactions (Cape Town, South Africa, 18–20 November 2019), and **Africa Round Table on Insolvency Reform**, hosted by INSOL International and the World Bank Group, to raise regional awareness on UNCITRAL insolvency texts (Windhoek, 21–22 November 2019):<sup>34</sup> the Secretariat cancelled its participation; and

(e) **A series of events and bilateral discussions on technical cooperation** in Argentina, Paraguay and Uruguay to participate in a series of activities to raise awareness and promote adoption of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (New York, 2014) (the “Mauritius Convention on Transparency”), the Singapore Convention on Mediation, and on ISDS reform (Buenos Aires; Asunción; Montevideo, 13–25 November 2019): the Secretariat’s participation in XIII Jornadas ASADIP 2019 was cancelled, and the awareness-raising activities were postponed to March 2020.

## 3. Impact of measures taken around the world to contain the COVID-19 pandemic

81. **Measures taken to contain the COVID-19 pandemic** starting in March 2020 affected the following technical cooperation and assistance activities:

(a) Regional Conference to **raise awareness and promote effective understanding, adoption and use** of the UNCITRAL Legislative Guide on PPPs as a tool for enabling sound legislative frameworks for the development of critical infrastructure in Asia, co-organized with School of Central University of Finance and Economics, (Beijing, 28–29 March 2020; the event was postponed to 29–30 September 2020);

<sup>32</sup> See letter from the Secretary-General to Member States dated 4 October 2019.

<sup>33</sup> As noted in para. 2, remote participation necessitated by the financial situation is denoted by a double asterisk (\*\*) when reporting on the activity concerned.

<sup>34</sup> See A/74/17, para. 192 (e).



(b) **Advice and assistance** to the Ministry for Planning and Investment (MPI) of Viet Nam on the drafting of the new PPP law and building capacity of Government officials and representatives on the implementation of the law;<sup>35</sup> and

(c) **A series of events and bilateral discussions on technical cooperation** in the Southern Cone countries, i.e. Argentina, Paraguay and Uruguay (see subparagraph 80 (e) above): these activities were further postponed to the autumn of 2020.

82. In the forthcoming period, the Secretariat will seek to reschedule as many postponed activities as possible, and will continue its strategic focus on achieving the maximum benefit from all technical cooperation and assistance activities and delivering them with the maximum efficiency.

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<sup>35</sup> This activity was planned to follow immediately after the Regional Conference in the preceding subparagraph, and as a follow-up to the conference on PPPs in Hanoi from 17–21 January 2019, reported in [A/CN.9/980/Rev.1](#), para 42.