

VII. TRAINING AND ASSISTANCE IN THE FIELD OF INTERNATIONAL TRADE LAW*

Report of the Secretary-General: training and assistance: possibility of holding regional seminars (A/CN.9/206)**

1. The Commission at its thirteenth session requested the Secretary-General to "report to it on the possibility of holding regional seminars."¹ The present report is submitted in response to that request. In order to evaluate the desirability of holding regional seminars, certain aspects of the administration of the First and Second UNCITRAL Symposia on International Trade Law are also discussed.

2. Both the Commission and the General Assembly have consistently emphasized the value of a programme of training and assistance in international trade law through the holding of seminars and symposia.² Such a programme has the dual function of training young lawyers, particularly from developing countries, in international trade law and of promoting the unification and harmonization of international trade law by making the relevant texts more widely known.

3. The two symposia which the Commission has sponsored to date have been held on the occasion of an annual session of the Commission.³ At the thirteenth session it was suggested that doing so had the advantage that the Commission was more immediately involved than if a symposium were held at any other time or place.⁴ In addition, participants in the symposium can become better acquainted with the work of the Commission itself.

4. On the other hand it was suggested that the holding of regional seminars might have greater impact both because more participants from the region might be able to attend and because of the local publicity which would be generated.⁵

5. In the light of these considerations, it would seem to be desirable to organize, if possible, a series of seminars and symposia on various aspects of international trade law, both on the occasion of the Commission's annual sessions and on a regional basis. However, adequate resources are not available to the Commission for such a programme and there is no likelihood of such resources becoming available in the foreseeable future.

PART I. RESOURCES REQUIRED

6. Any training programme requires resources for four major purposes:

Planning and general administration

Servicing of the meetings

Expenses of lecturers

Expenses of participants.

These four elements will be discussed in turn.

A. *Planning and general administration*

7. The United Nations does not have a centralized service for the organization of training programmes, seminars and symposia. Therefore, the Commission's Secretariat is responsible for the administration of all seminars or symposia sponsored by the Commission as well as for the planning of the substantive programme itself. Some organizations within the United Nations which sponsor a large number of training programmes have a separate organization for their administration. For example, the United Nations Industrial Development Organization has a Training Branch with nine professional officers and nineteen general service staff, a total number half again as large as the entire authorized personnel in the Commission's Secretariat. Therefore, unless the staff of the Commission's Secretariat were to be increased, any substantial expansion of the activities in training and assistance would be at the expense of other responsibilities of the Secretariat.

* For consideration by the Commission see Report, chapter VII (part one, A, above).

** 2 June 1981. Referred to in Report, para. 106 (part one, A, above).

¹ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17)*, para. 162 (Yearbook . . . 1980, part one, II, A).

² The most recent General Assembly resolutions are 35/51 para. 9 (c) (Yearbook . . . 1980, part one, II, D) and 34/142, para. 5 (b) (Yearbook . . . 1980, part one, I, C).

³ The First Symposium was held in 1975 on the occasion of the Commission's eighth session. The Second Symposium is being held in 1981 on the occasion of the Commission's fourteenth session.

⁴ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17)*, para. 155 (Yearbook . . . 1980, part one, II, A).

⁵ *Ibid.*, para. 156.

B. *Servicing of the meetings*

8. The servicing requirements for a symposium or seminar depend on the nature of the programme to be given. If a seminar is given in one language to a restricted group, it may require only that an adequate room be available. If, on the other hand, a seminar is to be conducted in several languages, simultaneous interpretation facilities must be available, as well as interpretation and translation of any necessary documents, and perhaps associated conference servicing staff.

9. If a symposium is organized at a United Nations location the meeting room and servicing requirements are furnished by the Conference Servicing Staff of the United Nations. Nevertheless, if the symposium is conducted in more than one language, the provision of interpretation and translation services entails extra cost to the United Nations which must be met from the regular budget of the organization.⁶

10. If the symposium is held at a different location, the conference servicing requirements would have to be furnished by local authorities. This would require that the Government or some organization with which the Commission might co-operate invite the Commission to hold its seminar at that location and agree to assume the local costs, including an adequate meeting room and interpretation, if necessary.

11. Depending on the nature of the programme to be given and the responsibilities to be undertaken by the inviting Government or organization, it might be necessary for a member of the Commission's Secretariat to travel to the intended location in order to co-ordinate the local arrangements.

C. *Expenses of lecturers*

12. Representatives to the Commission and members of the Secretariat have given lectures in areas of their expertise at the two symposia held to date. Because the lecturers were already scheduled to be at the Commission session, there has been no expense to the United Nations for travel and subsistence.

13. If a seminar were held on a regional basis, it could be expected that some, and perhaps all, of the lecturers would have to be brought to the location of the seminar. In order to reduce the associated expenses, it would be desirable to reduce to a minimum the number of lecturers whose travel and subsistence would have to be assumed.

14. It could be expected as a result that the programme for a regional seminar might be somewhat different than it has been for the two symposia to date.

Because of the availability of lecturers with a wide range of expertise, it has seemed desirable for the symposia to cover the broad range of the Commission's activities. If the number of lecturers were to be reduced, it would probably be necessary to restrict the range of subject matter so that the same lecturer could more easily lead several sessions of the seminar. However, if lecturers other than members of the Secretariat were asked to lead several sessions of a seminar over a period of several days in length, it may be necessary to pay them an honorarium in addition to their travel and subsistence costs.

D. *Expenses of participants*

15. The major direct cost for the two symposia sponsored by the Commission has been the reimbursement of travel and subsistence expenses of certain participants from developing countries. In addition, a number of participants have attended both symposia at their own expense.

16. Holding seminars on a regional basis would reduce to some extent the cost of sponsoring participants to attend the seminar. The amount by which those costs would be reduced would depend on a number of factors.

17. To the extent that the seminar would be held for the benefit of participants from the city in which it would take place, the travel and subsistence costs would be eliminated. To the extent that participants from other places in the region were sponsored by the Commission, the savings in costs would be essentially the difference in air fare between their home and the location of the seminar and their home and the location of the Commission, i.e. Vienna or New York. The amount of savings would depend on the location of their home and of the seminar.

18. Whether those savings would be equal to the extra expenses created by holding the seminar away from a United Nations location would depend on the location of the seminar, the number of participants to be brought from other locations at Commission expense, the number of lecturers to be brought to the seminar at Commission expense and the extra costs of administration. With such a large number of factors to be determined in regard to each seminar individually no generalization is possible.

PART II. OTHER ADMINISTRATIVE CONCERNS

19. There are two other administrative concerns affecting all seminars and symposia to be sponsored by the Commission which the Commission may wish to consider.

⁶ See paras. 20 to 22 below.

A. Languages of symposium

20. The number of languages in which a symposium or seminar is held has implications both for the costs of the programme and for its content. The two symposia held to date have been in English and French with simultaneous interpretation. For the First Symposium in 1975, there were no financial implications because the interpretation was provided by staff assigned to the Commission session who were available at times the Commission did not meet. This was possible to arrange in 1975 because it was anticipated before the Commission session that the Commission would not hold two meetings a day throughout the entire three week period scheduled. However, from the viewpoint of the Symposium this was an unsatisfactory arrangement because it was not possible to schedule sessions of the Symposium until the Commission had decided on its meeting schedule. On several occasions it was necessary to reschedule sessions of the Symposium when the Commission changed its meeting schedule.

21. The Second Symposium has been furnished with translation of the lecture outlines and with its own team of interpreters at an estimated cost to the United Nations of \$19,000.⁷ As a result, it has been possible to schedule various lecturers well in advance and this should have a beneficial effect on the substance of the programme.

22. If the Commission embarks on a regular programme of symposia or seminars, it may be desirable to hold them in a single language at a time, with the language used varying over time. This would be particularly desirable for regional seminars, but it may also be desirable for symposia held on the occasion of a Commission session. There would be both a reduction in costs to the United Nations and an increase in the ability of the participants to communicate among themselves. On the other hand, it may be more difficult to obtain sufficient lecturers in certain languages among the representatives to the Commission or the Secretariat.

B. Financing of the programme

23. In order for the Commission to sponsor an effective programme of training and assistance, it must have an assured source of funds to cover the necessary direct expenses involved. These expenses include fellowships to participants from developing countries for travel and subsistence, travel and subsistence for lecturers sent to regional seminars and translation and interpretation if the seminars or symposia are to be held in more than one language at a time. Of these expenses, the United Nations has assumed only the translation and interpretation for the Second Symposium. However, since no provision for such expenses has been made in the regular budget of the Commission or its Secretariat, there is no assurance that these funds will be available in the future.

24. It cannot be expected that the expenses of the Commission's symposia or seminars can be met from the regular budget of the United Nations. Therefore, it would be strongly desirable that the programme of training and assistance in international trade law sponsored by the Commission either be endowed by a large grant, with interest or capital and interest to be expended over an extended period of time, or that individual States commit themselves to an annual contribution of a specific sum to the Commission's programme.

25. Such an assured source of financing would be of particular value in the planning of regional seminars where the variability of the expenses is greater than it is for a symposium organized on the occasion of a session of the Commission. However, experience has shown that even for a symposium to be held on the occasion of the Commission's session, it is difficult to plan efficiently when the amount of funds ultimately to be available and the date of their availability are uncertain.

26. Therefore, whatever decision the Commission might make in regard to symposia or regional seminars, it is vitally important to the success of the programme that the necessary funds be made available well in advance of its scheduled date.

⁷ A/35/681.