



General Assembly

Distr.: General
2 May 2019

Original: English

**United Nations Commission
on International Trade Law**
Fifty-second session
Vienna, 8–19 July 2019

Status of conventions and model laws

Note by the Secretariat

1. At its thirteenth session, in 1980, the United Nations Commission on International Trade Law (UNCITRAL) decided¹ that it would consider, at each of its sessions, the status of conventions that were the outcome of work carried out by it.

2. The present note sets forth the status of the conventions and model laws emanating from the work of the Commission. It also shows the status of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958),² which, although adopted prior to the establishment of the Commission, is closely related to the work of the Commission in the area of international commercial arbitration.

3. Technical cooperation and assistance activities aimed at promoting the use and adoption of its texts are priorities for UNCITRAL pursuant to a decision taken at its twentieth session (1987).³ The Secretariat monitors adoption of model laws and conventions.

4. This note indicates the changes since 20 April 2018, when the last annual report in this series (A/CN.9/950) was issued. The information contained herein is current up to 2 May 2019. Authoritative information on the status of the treaties deposited with the Secretary-General of the United Nations, including historical status information, may be obtained by consulting the United Nations Treaty Collection (<http://treaties.un.org>), and the information on conventions in this note and on the UNCITRAL website (www.uncitral.un.org) is based on that information. Previous annual reports in this series included tables of actions for conventions and lists of States that have enacted UNCITRAL Model Laws. To avoid redundancy, this information can now be found on the UNCITRAL website. Readers may also wish to contact the Treaty Section of the Office of Legal Affairs of the United Nations (tel.: (+1-212) 963-5047; fax: (+1-212) 963-3693; email: treaty@un.org). Information on the status of model laws is updated on the website whenever the Secretariat is informed of a new enactment.

¹ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17)*, para. 163.

² United Nations, *Treaty Series*, vol. 330, No. 4739, p. 3.

³ *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, para. 335.



I. Status of UNCITRAL texts

5. This note covers the following texts, incorporating as indicated new treaty actions (the term “action” is used generically to denote the deposit of an instrument of ratification, approval, acceptance, accession, or signature in respect of a treaty, or participation in a treaty as a result of an action to a related treaty, or the withdrawal or modification of a declaration or of a reservation) and enactments of Model Laws based on information received since the last report:

(a) In the area of sale of goods:

Convention on the Limitation Period in the International Sale of Goods (New York, 1974),⁴ as amended by the Protocol of 11 April 1980 (Vienna). 23 States parties; unamended: 30 States parties;⁵

United Nations Convention on Contracts for the International Sale of Goods (“CISG”) (Vienna, 1980).⁶ 90 States parties. New action by the Democratic People’s Republic of Korea (accession) with the following reservation: “The Democratic People’s Republic of Korea declares, in accordance with Article 96 of the United Nations Convention on Contracts for the International Sale of Goods, that any provision of Articles 11 and 29 of the Convention that allows a contract of sale or its modification or termination by agreement to be made in any form other than in writing, will not apply where any party has its place of business in DPRK’s territory”.

The complete status on the conventions may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/salegoods>).

6. The CISG and other relevant UNCITRAL texts provide a fair, neutral and modern legal framework for the conclusion and performance of contracts for the international sale of goods and related transactions. In doing so, they increase legal predictability and decrease transaction costs.

(b) In the area of dispute resolution:

Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958).⁷ 159 States parties;

UNCITRAL Model Law on International Commercial Arbitration (1985),⁸ with amendments as adopted in 2006.⁹ Legislation based on the Model Law has been adopted in 80 States in a total of 111 jurisdictions. New legislation based on the Model Law has been adopted in British Columbia, Canada (2018);

UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018)¹⁰ (amending the Model Law on International Commercial Conciliation, (2002)). Legislation based on or influenced by the Model Law has been adopted in 33 States in a total of 45 jurisdictions;¹¹

⁴ United Nations, *Treaty Series*, vol. 1511, No. 26119, p. 3.

⁵ United Nations, *Treaty Series*, vol. 1511, No. 26121, p. 99.

⁶ United Nations, *Treaty Series*, vol. 1489, No. 25567, p. 3.

⁷ United Nations, *Treaty Series*, vol. 330, No. 4739, p. 3.

⁸ *Official Records of the General Assembly, Fortieth Session, Supplement No. 17 (A/40/17)*, annex I.

⁹ United Nations publication, Sales No. E.08.V.4.

¹⁰ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, annex II.

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

United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (New York, 2014).¹² 5 States parties. New actions by Cameroon (ratification), and Gambia (ratification);

United Nations Convention on International Settlement Agreements Resulting from Mediation (New York, 2018).¹³

Full status on the conventions and model laws may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/arbitration>).

7. UNCITRAL's work in the area of dispute resolution has focused on providing a comprehensive legal framework for resolving cross-border disputes through arbitration and mediation. This has been achieved by preparing conventions, contractual rules for parties to adopt in dispute resolution, and by preparing model laws to assist States in reforming their laws and by providing other relevant guidance to parties as well as institutions.

(c) In the area of government contracting:

UNCITRAL Model Law on Public Procurement (2011).¹⁴ The UNCITRAL Model Law on Public Procurement as adopted in 2011 forms the basis of or is reflected in the public procurement laws and regulations in 25 States and 6 international organizations, though the extent to which the resulting regulatory framework incorporates the provisions of the Model Law varies, as that framework also reflects legal traditions, domestic policy and other objectives. Full status on the model laws may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/procurement>).

8. UNCITRAL's work in the area of government contracting started in 1986. The Model Laws implement widely-agreed principles and procedures to achieve value for money, to avoid abuse and to facilitate cross-border public procurement. The 2011 Model Law is also designed to allow States to implement procurement-related requirements in the United Nations Convention against Corruption, the World Trade Organisation's Agreement on Government Procurement and other international agreements.

(d) In the area of banking and payments:

United Nations Convention on International Bills of Exchange and International Promissory Notes (New York, 1988).¹⁵ 5 States parties;

UNCITRAL Model Law on International Credit Transfers (1992);¹⁶

United Nations Convention on Independent Guarantees and Stand-by Letters of Credit (New York, 1995).¹⁷ 8 States parties.

Full status on the conventions and model law may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/payments>).

9. UNCITRAL has prepared texts relating to international payments aimed at providing legal certainty and harmonizing relevant rules. Such work has resulted in two conventions, one on international bills of exchange and international promissory

¹² General Assembly resolution 69/116, annex.

¹³ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 17 (A/73/17)*, annex I.

¹⁴ *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17)*, annex I.

¹⁵ General Assembly resolution 43/165, annex. The Convention has not yet entered into force; it requires 10 States parties for entry into force.

¹⁶ *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 17 (A/47/17)*, annex I.

¹⁷ United Nations, *Treaty Series*, vol. 2169, No. 38030, p. 163.

notes (1988) and another on independent guarantees and stand-by-letters of credit (1995).

(e) In the area of security interests:

United Nations Convention on the Assignment of Receivables in International Trade (New York, 2001).¹⁸ 1 State party;

UNCITRAL Model Law on Secured Transactions (2016).¹⁹

Full status on the convention and model law may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/securityinterests>).

10. UNCITRAL has prepared a number of instruments in the area of security interests, beginning with the United Nations Convention on the Assignment of Receivables in International Trade, which provides uniform rules on the assignment of international receivables. Since its adoption, the Commission has prepared additional texts providing comprehensive guidance to States to implement a modern secured transactions regime governing all types of movable assets as well as providing guidance to implementing agencies and parties involved in secured transactions. The aim of the work in security interests is to increase access to affordable secured credit and thus promote economic growth and sustainable development.

(f) In the area of insolvency:

UNCITRAL Model Law on Cross-Border Insolvency (1997).²⁰ Legislation based on the Model Law has been adopted in 46 States in a total of 48 jurisdictions. New legislation based on the Model Law has been adopted in Israel (2017), Bahrain (2018) and Zimbabwe (2018);

UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments with Guide to Enactment (2018).²¹

Full status on the model laws may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/insolvency>).

11. UNCITRAL work in the area of insolvency commenced with the focus on cross-border recognition of insolvency proceedings. This was in recognition that, for a fair and efficient administration of cross-border insolvencies, there often exists a need for cross-border cooperation and coordination in the supervision and administration of an insolvent debtor's assets and affairs located in different States, to prevent debtor's assets from being concealed or dissipated, to increase chances of rescuing financially troubled but viable businesses and to ensure that the insolvency estate is administered in the most advantageous way for the benefit of all interested persons, including the debtor and the debtor's creditors and employees. UNCITRAL instruments provide a set of internationally harmonized model legislative provisions on cross-border insolvency that respects the national procedural and judicial systems and is acceptable to States with different legal, social and economic systems.

¹⁸ General Assembly resolution 56/81, annex. The Convention has not yet entered into force; it requires five States parties for entry into force.

¹⁹ General Assembly resolution 71/136.

²⁰ General Assembly resolution 52/158, annex.

²¹ United Nations publication, Sales No. E.19.V.8.

(g) In the area of transport:

United Nations Convention on the Carriage of Goods by Sea (Hamburg, 1978).²² 34 States parties;

United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (Vienna, 1991).²³ 4 States parties;

United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (New York, 2008).²⁴ 4 States parties.

Full status on the model laws may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/transportgoods>).

12. UNCITRAL texts in the area of transport establish a uniform legal regime governing the rights and obligations of shippers, carriers and consignees under a contract of carriage of goods by sea. They may also cover other phases of multimodal transport of goods across borders.

(h) In the area of electronic commerce:

UNCITRAL Model Law on Electronic Commerce (1996).²⁵ Legislation based on or influenced by the Model Law has been adopted in 72 States in a total of 151 jurisdictions. New legislation based on the Model Law has been adopted in Togo (2017) and Uganda (2011);

UNCITRAL Model Law on Electronic Signatures (2001).²⁶ Legislation based on or influenced by the Model Law has been adopted in 33 States. New legislation based on the Model Law has been adopted in Uganda (2011);

UNCITRAL Model Law on Electronic Transferable Records (2017).²⁷ Legislation based on or influenced by the Model Law has been adopted in 1 State. New legislation based on the Model Law has been adopted in Bahrain (2018);

United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005).²⁸ 11 States parties. New actions by Azerbaijan (accession) and Paraguay (accession).

Full status on the model laws may be found on the UNCITRAL website (<https://uncitral.un.org/en/texts/ecommerce>).

13. UNCITRAL texts in the area of electronic commerce enable the use of electronic means in a large number of jurisdictions. Based on common fundamental principles, these texts deal with, among other things, electronic transactions and contracting, electronic signatures, exchange of electronic communications across borders and electronic transferable records, which are fundamental components of the digital economy. UNCITRAL texts in the area of electronic commerce adopt a technology neutral approach that may accommodate emerging and future technologies.

²² United Nations, *Treaty Series*, vol. 1695, No. 29215, p. 3.

²³ *Official Records of the United Nations Conference on the Liability of Operators of Transport Terminals in International Trade, Vienna, 2–19 April 1991* (United Nations publication, Sales No. E.93.XI.3), part I, annex. The Convention has not yet entered into force; it requires five States parties for entry into force.

²⁴ General Assembly resolution 63/122, annex. The Convention has not yet entered into force; it requires 20 States parties for entry into force.

²⁵ United Nations publication, Sales No. E.99.V.4.

²⁶ General Assembly resolution 56/80, annex.

²⁷ United Nations publication, Sales No. E.17.V.5.

²⁸ General Assembly resolution 60/21, annex.

II. Status of other UNCITRAL texts

A. UNCITRAL Arbitration Rules

14. UNCITRAL has provided a table presenting a non-exhaustive list of arbitration centres which (i) have institutional rules based on, or inspired by, the UNCITRAL Arbitration Rules, (ii) administer arbitral proceedings or provide administrative services under the Rules, and/or (iii) act as an appointing authority under the Rules.²⁹ The table is available on the UNCITRAL website (<https://uncitral.un.org/en/texts/arbitration/contractualtexts/arbitration>).

B. UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (effective date: 1 April 2014)

15. The repository of published information under UNCITRAL Rules on Transparency in Treaty-based investor-State Arbitration (“Transparency Rules”), adopted at the Commission’s forty-sixth session in 2013, was established under article 8 of the Transparency Rules. It has been financed by the European Commission and the Fund for International Development of the Organization of the Petroleum Exporting (OFID) until the end of 2020, in accordance with the mandate of General Assembly resolution 72/113, paragraph 6.

16. The Mauritius Convention on Transparency entered into force on 18 October 2017. None of the 5 ratifying States had made reservations and, as a result, the Transparency Rules apply to more than 200 treaties concluded by those States, if the claimant agrees to their application. From April 2014 to today, a total of 96 international investment agreements with an investor-State dispute settlement mechanism were reported. A review showed that 69 international investment agreements included the Transparency Rules by referring to the UNCITRAL Arbitration Rules and 33 of those 69 treaties have additional treaty provisions on transparency in case other Arbitration Rules apply. Of the 27 treaties that excluded the application of the Transparency Rules, 9 treaties nevertheless included some elements of transparency. The tendency is therefore clearly towards more transparency in investor-State dispute settlement.

17. Numerous activities took place throughout the year to promote UNCITRAL Transparency Standards: conferences, seminars, round tables and academic programmes including Moots such as the Willem V. Vis International Commercial Arbitration Moot both in Vienna and Hong Kong and the Frankfurt Investment Arbitration Moot Court (including their respective pre-moots).

18. In addition, the Secretariat continued its cooperation with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (by appointment of the German Federal Ministry for Economic Cooperation and Development (BMZ) within the Open Regional Fund – Legal Reform) to promote the use of the UNCITRAL transparency standards in South-East Europe.

19. The following table presents a non-exhaustive list of investment treaties reviewed since 20 April 2018, when the last annual report in this series (A/CN.9/950) was issued, where the Rules on Transparency, or provisions modelled on the Rules on Transparency, are applicable in some instances of investor-State dispute resolution. The list is based on the database of international investment agreements maintained by the United Nations Conference on Trade and Development (UNCTAD).³⁰ The

²⁹ Arbitration centres wishing to provide updated information for this table are invited to contact the Secretariat. The contents of this table are only updated on the UNCITRAL website on an annual basis.

³⁰ International Investment Agreements Navigator, available from <http://investmentpolicyhub.unctad.org/IIA>.

complete table is available on the UNCITRAL website (https://uncitral.un.org/en/texts/arbitration/conventions/foreign_arbitral_awards/status).

<i>Treaty</i>	<i>Signature</i>	<i>Entry into force</i>	<i>Relevant articles</i>
Australia-Indonesia			
Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA)	04/03/2019		Article 14.25.1.(d), Article 14.31*
Argentina-Japan			
Agreement between the Argentine Republic and Japan for the Promotion and Protection of Investment	01/12/2018		Article 25.4.(b), Article 25.19*
Canada-Mexico-United States of America			
The United States-Mexico-Canada Agreement (USMCA)	30/11/2018		Mexico-United States Annex 14-D Article 14.D.3.3.(c), Article 14.D.8*
Japan-Jordan			
Agreement between Japan and the Hashemite Kingdom of Jordan for the promotion and protection of investment	27/11/2018		Article 23.4.(c)
Kazakhstan-Singapore			
Agreement between the government of the Republic of Kazakhstan and the government of the Republic of Singapore on the Promotion and Mutual Protection of Investments	21/11/2018		Article 12.2.(d)
United Arab Emirates-Uruguay			
Agreement between the United Arab Emirates and the Oriental Republic of Uruguay for the promotion and reciprocal protection of investments	24/10/2018		Article 11.4.(c)
European Union-Singapore			
Investment Protection Agreement between the European Union and its Member States, of the one part, and the Republic of Singapore, of the other part	15/10/2018		Article 3.6.2.(c), Annex 8*
Belarus-India			
Treaty between the Republic of Belarus and the Republic of India on Investments	24/09/2018		Article 16.1.(c), Article 22*

<i>Treaty</i>	<i>Signature</i>	<i>Entry into force</i>	<i>Relevant articles</i>
Canada-Moldova			
Agreement between the government of Canada and the government of the Republic of Moldova for the Promotion and Protection of Investments.	12/06/2018		Article 23.1.(c), Article 30 ad 31*
Morocco-Congo			
Agreement between the government of the Kingdom of Morocco and the government of the Republic of Congo for the promotion and Reciprocal Protection of Investments	30/04/2018		Article 9.3.(b)
Japan-United Arab Emirates			
Agreement between Japan and the United Arab Emirates for the Promotion and Protection of Investment	30/04/2018		Article 17.4.(c)
Argentina-United Arab Emirates			
Agreement for the Reciprocal Promotion and Protection of Investments between the Argentine Republic and the United Arab Emirates	16/04/2018		Article 21.2.(b)

* Specific treaty provision on transparency.

** Application of the Rules of Transparency, unless otherwise decided by the disputing parties.