



# General Assembly

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## United Nations Commission on International Trade Law

Fortieth session

Vienna, 25 June-12 July 2007

### **Programme for the Congress**

### **Modern Law for Global Commerce**

to celebrate the 40th annual session of UNCITRAL

9-12 July 2007

**9.30 a.m. to 5.00 p.m.**

**UN/UNIDO Board Room  
Vienna International Centre**



*Day one*

*Monday, 9 July*    *Process and value of uniform commercial law*

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08.00-10.00    Registration of participants

10.00-10.15    **Opening address**

*Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs, The Legal Counsel  
United Nations*

10.15-11.30    **Process and methods of international rule-making**

*Chair: Chairman of 40th UNCITRAL session*

**Key-note address**

*Ambassador Didier Opertti Badán, Secretary-General Latin-American Integration  
Association (ALADI)*

**Roundtable**

*Mr. Supachai Panitchpakdi, Secretary-General, United Nations Conference on Trade and  
Development (UNCTAD)*

*Ms. Ana Palacio, Vice-President and General Counsel, The World Bank*

*Mr. Jernej Sekolec, Secretary, United Nations Commission on International Trade Law  
(UNCITRAL)*

*Mr. Hans Van Loon, Secretary-General, Hague Conference on Private International Law*

*Mr. Herbert Kronke, Secretary-General, International Institute for the Unification of  
Private Law (UNIDROIT)*

11.30-11.45    Break

11.45-12.30    **Comments, evaluation and discussion**

Allocation of work among formulating agencies

*Mr. Jeffrey Chan Wah-Teck, Head Civil Division, Attorney-General's Chambers, Singapore*

Coordination of domestic positions in international forums

*Ms. Kathryn Sabo, General Counsel, Department of Justice, Canada*

12.30-14.00    Lunch break

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Day one

Monday, 9 July      *Process and value of uniform commercial law*

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14.00-15.00      **Harmonization of commercial law: practical importance and economic value**  
*Chair: Professor Kazuaki Sono, Hokkaido University, Japan; former Secretary of UNCITRAL*

Transaction costs, choice of law and uniform contract law  
*Professor Gerhard Wagner, University of Bonn, Germany*

Economic arguments in the harmonization debate  
*Professor Jan Smits, University of Maastricht, Netherlands*

Costs of legal uncertainty  
*Professor Helmut Wagner, University of Hagen, Germany*

15.00-15.20      **Comments, evaluation and discussion**

15.20-15.30      Break

15.30-16.30      **Commercial law development and technical legal assistance: goals and stakeholders**  
*Chair: Mr. William T. Loris, Director General, International Development Law Organisation (IDLO)*

Commercial law harmonization and multilateral assistance to law reform  
*Mr. Gerard Sanders, Deputy General Counsel, European Bank for Reconstruction and Development (EBRD)*

Commercial law harmonization and bilateral assistance to law reform  
*Mr. Charles A. Schwartz, Senior Commercial Law Reform Advisor, United States Agency for International Development (USAID)*

Addressing complexity: ITC's experience in trade law related technical assistance  
*Mr. Jean-François Bourque, WTO/UNCTAD International Trade Centre*

16.30-17.00      **Comments, evaluation and discussion**

Training needs for judges and arbitrators  
*Judge Rosa María Maggi Ducommun, Court of Appeals of Santiago, Chile*

Legal harmonization in practice: teaching and learning uniform commercial law  
*Professor Chiara Giovannucci Orlandi, University of Bologna, Italy*

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Day two

Tuesday, 10 July     *Secured transactions, company law and insolvency*

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9.30-10.30

**Economic and social development through enhanced access to credit**

*Chair: Ms. Cynthia Licul, Acting General Counsel, International Fund for Agricultural Development (IFAD)*

Legal mechanisms to empower informal businesses

*Mr. Muhammad Medhat Hassanein, Professor of Banking and Finance, Management Department of the School of Business, Economics and Communication, American University in Cairo, Egypt*

The role of multilateral financing agencies in promoting modern standards for secured transactions

*Mr. Vijay S. Tata, Chief Counsel, Finance, Private Sector & Infrastructure, The World Bank*

The role of secured transactions to mobilize credit and the need for modernizing the law

*Mr. Madhukar Rangnath Umarji, Chief Advisor – Legal, Indian Banks' Association, India*

10.30-11.00

**Comments, evaluation and discussion**

Promoting the implementation of the United Nations Convention on the Assignment of Receivables In International Trade and the UNCITRAL Legislative Guide on Secured Transactions

*Mr. Richard Kohn, Commercial Finance Association (CFA), United States of America*

*Mr. Georges Affaki, Vice-Chair, ICC Banking Commission; Head of Legal, ECEP, BNP Paribas; Associate Professor of Law, University of Paris, France*

11.00-11.10

Break

11.10-12.00

**New horizons for secured transactions**

*Chair: Ms. Kathryn Sabo, General Counsel, International Private Law Section, Department of Justice Canada; Chairperson of UNCITRAL Working Group VI (Security Interests)*

Practical problems of integrating various international standards of secured transactions

*Professor Neil Cohen, Brooklyn Law School, United States of America*

Security interest in intellectual property rights

*Mr. Oscar Alcantara, Goldberg Kohn, United States of America*

Open issues in the field of secured transactions

*Professor Ulrich Drobnig, Max-Planck-Institut für ausländisches und internationales Privatrecht, Germany*

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Day two

Tuesday, 10 July    *Secured transactions, company law and insolvency*

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12.00-12.30        **Comments, evaluation and discussion**

12.30-14.00        Lunch break

14.00-15.00        **Legal issues on corporate governance**

*Chair: Professor Eric Bergsten, Pace University School of Law, United States of America; former Secretary of UNCITRAL*

Corporate governance in developing countries: shortcomings, challenges and impact on access to credit

*Mr. Seward Cooper, Chief Counsel (Good Governance), African Development Bank (ADB)*

Responsible investing in weak governance zones

*Ms. Kathryn Gordon, Principal Administrator, Organisation for Economic Co-operation and Development (OECD)*

Company restructuring and accountability

*Professor Peter Doralt, Chairman, Takeover Commission, Austria*

15.00-15.30        **Comments, evaluation and discussion**

15.30-15.40        Break

15.40-16.30        **Roundtable: Developing effective and efficient insolvency regimes**

*Chair: Mr. Wisitsora-At, Director-General, Office of Justice Affairs, Ministry of Justice, Thailand; former Chairman of UNCITRAL Working Group V (Insolvency Law)*

Discussion of a hypothetical reorganization of a cross-border corporate conglomerate that includes insurance and financial institutions. The restructuring will involve secured transactions and conflicts of laws issues. How are these issues currently treated; what major problems exist; and what further work on harmonization would assist in achieving effective and efficient insolvency regimes?

Speakers:

*Mr. Sumant Batra, Kesar Dass B & Associates, India*

*Ms. Eva Hüpkes, Swiss Federal Banking Chamber, Switzerland*

*Mr. Neil Cooper, Kroll Worldwide, United Kingdom*

*Ms. Irit Mevorach, Lecturer, School of Law, University of Nottingham, United Kingdom*

16.30-17.00        **Comments, evaluation and discussion**

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*Day two*

*Tuesday, 10 July Secured transactions, company law and insolvency*

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16.30-17.00      **Comments, evaluation and discussion**

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*Day three*

*Wednesday, 11 July Sale of goods, transport law and electronic commerce*

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9.30-10.30      **The future of contract law harmonization**

*Chair: Professor Ole Lando, Copenhagen Business School, Denmark*

The European contract law project

*Ms. Diana Wallis, Member of European Parliament for the United Kingdom*

National, regional and global contract law: what is needed and when

*Judge Jean-Paul Béraudo, Conseiller honoraire à la Cour de cassation, France*

Global and regional harmonization: the Russian perspective

*Professor Serguei N. Lebedev, Chairman, Maritime Arbitration Committee, Russian Chamber of Commerce and Industry – Professor, Moscow Institute of International Relations*

Global and regional harmonization: the Chinese perspective

*Ms. Yuejiao Zhang, former member of the UNIDROIT Governing Council; Senior Counsel, Jun He Law Offices, China*

10.30-11.00      **Comments, evaluation and discussion**

11.00-11.10      Break

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Day three

Wednesday, 11 July     *Sale of goods, transport law and electronic commerce*

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11.10-12.00

**Uniform contract law in practice**

*Chair: Professor Manuel Olivencia Ruiz, University of Seville, Spain*

Choice of law, contract terms and uniform law in practice

*Mr. Henry D. Gabriel, De Van Daggett Professor of Law, Loyola University Law School, New Orleans, United States of America*

Towards a legislative codification of the UNIDROIT principles?

*Professor Michael Joachim Bonell, Professor of Law, University "La Sapienza" Faculty of Law, Italy*

Contract law harmonization and third countries: the case of the CISG

*Professor Hiroo Sono, Counsellor, Civil Affairs Bureau, Ministry of Justice, Japan*

12.00-12.30

**Comments, evaluation and discussion**

The practice of excluding the CISG: time for change?

*Mr. Eckart Brödermann, Brödermann & Jahn, Hamburg, Germany*

*Mr. Harry Flechtner, Professor, University of Pittsburgh School of Law, United States of America*

12.00-12.30

**Comments, evaluation and discussion**

12.30-14.00

Lunch break

14.00-15.00

Carriage of goods in the 21st century

*Chair: Professor Rafael Illescas, University Carlos III, Madrid, Spain*

*Chairman of UNCITRAL Working Group III (Transport Law)*

Freight forwarder law

*Professor Jan Ramberg, University of Stockholm, Sweden*

Sea carriage goes ashore: relationship between multimodal conventions and domestic unimodal rules

*Professor Michael Sturley, University of Texas at Austin, United States of America*

Transfer of rights and transport documents

*Mr. Alexander von Ziegler, Schellenberg Wittmer, Switzerland*

15.00-15.30

**Comments, evaluation and discussion**

*Day three*

*Wednesday, 11 July      Sale of goods, transport law and electronic commerce*

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15.30-15.40              Break

15.40-16.30              **Electronic commerce: going beyond functional equivalence**

*Chair: Mr. Jeffrey Chan Wah-Teck, Attorney-General's Chambers, Singapore  
former Chairman of UNCITRAL Working Group IV*

Cybercrime and commercial fraud

*Mr. Mal Nuhu Ribadu, Executive Chairman, Economic and Financial Crimes  
Commission (EFCC), Nigeria*

Developing single windows for foreign trade

*Mr. Bart Schemer, CEFACT Legal Group, UN/ECE*

Becoming operational: electronic registries and transfer of rights

*Professor Amelia H. Boss, Temple University School of Law, Philadelphia, United States  
of America*

16.30-17.00              **Comments, evaluation and discussion**

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*Day four*

*Thursday, 12 July*    *Government contracts and dispute settlement*

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9.30-10.30

**New procurement techniques and current issues on government procurement**

*Chair: Mr. Tore Wiwen-Nilsson, Partner, Mannheimer Swartling Advokatbyrå, Sweden*

*Chairman of UNCITRAL Working Group I (Procurement)*

Modern public procurement techniques: benefits, concerns and regulation (with emphasis on theoretical issues)

*Professor Steven Schooner, George Washington University School of Law, United States of America*

Modern public procurement techniques: benefits, concerns and regulation (with emphasis on practical issues)

*Mr. Knut Leipold, World Bank*

Achieving socioeconomic goals through public procurement: what is at stake?

*Mr. Robert Hunja, Advisor, Treasury, Kenya*

10.30-11.00

**Comments, evaluation and discussion**

11.00-11.10

Break

11.10-12.00

**Long-term government contracts and private investment**

*Chair: Mr. Gerold Herrmann, former Secretary of UNCITRAL*

Key issues on creating legal framework for infrastructure concessions

*Mr. Alexei Zverev, Counsel, European Bank for Reconstruction and Development (EBRD)*

The impact of public procurement and rules of government contracting on public spending and attracting private infrastructure investment

*Mr. Hector Mairal, Partner, Marval, O'Farrell & Mairal, Argentina*

Public procurement, long-term government contracts and dispute settlement

*Professor Don Wallace, Chairman, International Law Institute, United States of America*

12.00-12.30

**Comments, evaluation and discussion**

12.30-14.00

Lunch break

*Day four*

*Thursday, 12 July      Government contracts and dispute settlement*

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- 14.00-14.45      **Steps to ensure a stable framework for the settlement of commercial disputes**  
*Chair: Mr. Michael Schneider, Lalive Avocats, Switzerland*  
*Chairman of Working Group II (International Arbitration and Conciliation)*
- How to promote a uniform interpretation of public policy  
*Mr. Cecil Abraham, Managing Partner, Shearn Delamore & Co., Malaysia*
- The question of appellate jurisdiction in international arbitration  
*The Hon. Sir Anthony Colman, Royal Courts of Justice, United Kingdom*
- Is there a need for additional support for ad hoc arbitration?  
*Mr. Jan Paulsson, London Court of International Arbitration (LCIA), United Kingdom*
- 14.45-15.10      **Comments, evaluation and discussion**
- 15.10-15.30      Break
- 15.30-16.15      **Commercial dispute settlement: issues for the future**  
*Chair: Chairman of 40th UNCITRAL session*
- The possible role of arbitration in insolvency  
*Mr. Zack Clement, III Committee on International Insolvency Arbitration*
- How to control the costs of arbitration  
*Mr. José María Abascal Zamora, Counsel and Arbitrator, Abascal & Asociados, Mexico*
- Conciliation: Enforcement of settlement agreement  
*Mr. Tore Wiwen-Nilsson, Partner, Mannheimer Swartling Advokatbyrå, Sweden*
- Unresolved issues in investment arbitration  
*Ms. Yas Banifatemi, Partner, Shearman & Sterling, France*
- 16.15-16.45      **Comments, evaluation and discussion**
- 16.45-17.00      **Closing of the Congress**
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