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## Technical cooperation and assistance

### Note by the Secretariat\*

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\* The submission of this document was delayed to insure the timeliness of the information contained therein.



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## I. Introduction

1. The United Nations Commission on International Trade Law (UNCITRAL) plays an important role in developing the legal framework for international trade and investment through its mandate to prepare and promote the use and adoption of legislative and non-legislative instruments in a number of key areas of trade law, including: sales; dispute resolution; government contracting; banking and payments; security interests; insolvency; transport; and electronic commerce. Those instruments are widely accepted, offering solutions appropriate to different legal traditions and to countries at different stages of economic development and include:

(a) In the area of sale of goods, the United Nations Convention on Contracts for the International Sale of Goods (CISG)<sup>1</sup> and the United Nations Convention on the Limitation Period in the International Sale of Goods;<sup>2</sup>

(b) In the area of dispute resolution, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards<sup>3</sup> (the new York convention, a United Nations convention adopted prior to the establishment of the Commission, but actively promoted by it), the UNCITRAL Arbitration Rules,<sup>4</sup> the UNCITRAL Conciliation Rules,<sup>5</sup> the UNCITRAL Model Law on International Commercial Arbitration and revised articles,<sup>6</sup> the UNCITRAL Notes on Organizing Arbitral Proceedings,<sup>7</sup> and the UNCITRAL Model Law on International Commercial Conciliation;<sup>8</sup>

(c) In the area of government contracting, the UNCITRAL Model Law on Procurement of Goods, Construction and Services,<sup>9</sup> the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects<sup>10</sup> and the UNCITRAL Model Legislative Provisions on Privately Financed Infrastructure Projects;<sup>11</sup>

<sup>1</sup> 11 April 1980, United Nations, *Treaty Series*, vol. 1489, p. 3; *Official Records of the United Nations Conference on Contracts for the International Sale of Goods, Vienna, 10 March-11 April 1980* (United Nations publication, Sales No. E.82.V.5), part I.

<sup>2</sup> *Official Records of the United Nations Conference on Prescription (Limitation) in the International Sale of Goods, New York, 20 May-14 June 1974* (United Nations publication, Sales No. E.74.V.8), part I; United Nations, *Treaty Series*, vol. 1511, pp. 77 and 99; *UNCITRAL Yearbook 1980*, part three, chap. I, sect. C.

<sup>3</sup> United Nations, *Treaty Series*, vol. 330, No. 4739.

<sup>4</sup> *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17 (A/31/17)*, para. 57; *UNCITRAL Yearbook 1976*, part one, chap. II, sect. A.

<sup>5</sup> *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17)*, chap. V, sect. A, para. 106; *UNCITRAL Yearbook 1980*, part three, chap. II.

<sup>6</sup> *Official Records of the General Assembly, Fortieth Session, Supplement No. 17 (A/40/17)*, annex I; *UNCITRAL Yearbook 1985*, part three, chap. I; *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17 (A/61/17)*, annex I.

<sup>7</sup> *UNCITRAL Yearbook 1996*, part three, chap. II.

<sup>8</sup> *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17 (A/57/17)*, annex I; *UNCITRAL Yearbook 2002*, part three.

<sup>9</sup> *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 (A/49/17)*, annex I; *UNCITRAL Yearbook 1994*, part three, chap. I.

<sup>10</sup> United Nations publication, Sales No. E.01.V.4, A/CN.9/SER.B/4.

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

(d) In the area of banking and payments, the United Nations Convention on International Bills of Exchange and International Promissory Notes,<sup>12</sup> the UNCITRAL Model Law on International Credit Transfers,<sup>13</sup> and the United Nations Convention on Independent Guarantees and Standby Letters of Credit;<sup>14</sup>

(e) In the area of security interests, the United Nations Convention on the Assignment of Receivables in International Trade;<sup>15</sup>

(f) In the area of insolvency, the UNCITRAL Model Law on Cross-Border Insolvency<sup>16</sup> and the UNCITRAL Legislative Guide on Insolvency Law;<sup>17</sup>

(g) In the area of transport, the United Nations Convention on the Carriage of Goods by Sea (Hamburg Rules),<sup>18</sup> and the United Nations Convention on the Liability of Operators of Transport Terminals in International Trade;<sup>19</sup> and

(h) In the area of electronic commerce, the UNCITRAL Model Law on Electronic Commerce,<sup>20</sup> the UNCITRAL Model Law on Electronic Signatures<sup>21</sup> and the United Nations Convention on the Use of Electronic Communications in International Contracts (ECC).<sup>22</sup>

2. Technical cooperation and assistance activities aimed at promoting the use and adoption of its texts is one of UNCITRAL's priorities, pursuant to a decision taken at its twentieth session (1987),<sup>23</sup> and are particularly useful for developing countries and economies in transition lacking expertise in the areas of trade law covered by the work of UNCITRAL. Since trade law reform, based on harmonized international instruments, has a clear impact on the ability to participate in international trade, the Secretariat's technical cooperation and assistance work aimed at promoting use and adoption of texts can facilitate economic development.

3. In its resolution 60/20 of 23 November 2005, the General Assembly reaffirmed the importance, in particular for developing countries and economies in transition, of the technical cooperation and assistance work of the Commission in the field of international trade law and reiterated its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their

<sup>12</sup> *UNCITRAL Yearbook 1988*, part three, chap. I; General Assembly resolution 43/165, annex.

<sup>13</sup> *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 17 (A/47/17)*, annex I.

<sup>14</sup> New York, 11 December 1995, United Nations, *Treaty Series*, vol. 2169, p. 163; *Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17)*, annex I.

<sup>15</sup> *UNCITRAL Yearbook 2002*, part three; General Assembly resolution 56/81, annex.

<sup>16</sup> *UNCITRAL Yearbook 1992*, part three, chap. I.

<sup>17</sup> *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17 (A/59/17)*, para. 55.

<sup>18</sup> Hamburg, 31 March 1978 United Nations, *Treaty Series*, vol. 1695, p. 3; *Official Records of the United Nations Conference on the Carriage of Goods by Sea, Hamburg, 6-31 March 1978* (United Nations publication, Sales No. E.80.VIII.1), document A/CONF.89/13, annex I.

<sup>19</sup> A/CONF.152/13, annex.

<sup>20</sup> *Official Records of the General Assembly, Fifty-first Session, Supplement No. 17 (A/51/17)*, annex I.

<sup>21</sup> *Ibid.*, *Fifty-sixth Session, Supplement No. 17 (A/56/17)*, annex II.

<sup>22</sup> New York, November 2005, General Assembly resolution A/RES/60/21, annex.

<sup>23</sup> *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, para. 335.

bilateral aid programmes, to support the technical cooperation and assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission. The General Assembly also stressed the importance of bringing into effect the conventions emanating from the work of the Commission to further the progressive harmonization and unification of private law, and to this end urged States that have not yet done so to consider signing, ratifying or acceding to those conventions.

4. This note lists the technical cooperation and assistance activities of the Secretariat subsequent to the date of the previous note submitted to the Commission at its thirty-ninth session in 2006 (A/CN.9/599 of 4 April 2006), and reports on the development of resources to assist technical cooperation and assistance activities.

## **II. Technical cooperation and assistance activities**

5. Technical cooperation and assistance activities undertaken by the UNCITRAL Secretariat promote the adoption of UNCITRAL legislative texts, including conventions, model laws and legislative guides and include providing advice to States considering signature, ratification or accession to UNCITRAL conventions, as well as to States that are in the process of revising their trade law and considering adoption of an UNCITRAL model law or use of a UNCITRAL legislative guide. They also support implementation of these texts and their uniform interpretation. Technical cooperation and assistance may involve: undertaking briefing missions and participating in seminars and conferences, organized at both regional and national levels, on UNCITRAL texts; assisting countries to review existing legislation and assess their need for law reform in the trade field; assisting with the drafting of national legislation to implement UNCITRAL texts; assisting international and bilateral development agencies to use UNCITRAL texts in their law reform activities and projects; providing advice and assistance to international and other organizations, such as professional associations, organizations of attorneys, chambers of commerce and arbitration centres, on the use of UNCITRAL texts; and organizing training activities to facilitate the implementation and interpretation of modern legislation based on UNCITRAL texts by judiciaries and legal practitioners.

### **A. Activities addressing multiple topics**

6. A number of technical cooperation and assistance activities undertaken since the last report covered several of the topic areas noted in paragraph 1 above.

7. In the context of providing support for ongoing peace-building activities, the Ministry of Foreign Affairs of Liberia requested the Office of Legal Affairs/Treaty Section to coordinate the participation of a number of substantive offices of the United Nations (OLA/International Trade Law Division, United Nations Office of Drugs and Crime, Office of the High Commissioner for Human Rights) and the International Committee of the Red Cross in a seminar on treaty implementation promoted by the Result-Focused Transitional Framework for Liberia Implementation and Monitoring Committee (RFTF-RIMCO) (a United National Development Programme-World Bank joint initiative) (Monrovia, Liberia,

10-14 July 2006).<sup>\*</sup> The purpose of the mission was to support, in accordance with a wish of the Secretary-General of the United Nations, the Liberian Government in its implementation of the obligations resulting from the treaty actions undertaken in September 2005, including treaties in the field of international trade law on sale of goods, transport and international commercial arbitration.

8. At the regional level, the Secretariat participated at:

(a) 3rd Association of Southeast Asian Nations (ASEAN) Law Forum “International Trade Law Development among ASEAN countries” (Nonghkai, Thailand and Vientiane, Laos, 9-14 September 2006)<sup>\*</sup> focussing on international trade law development among ASEAN Countries. UNCITRAL promoted the use of UNCITRAL instruments as a basis for legal harmonization among ASEAN countries, in line with the Action Plan drawn up by the ASLOM (ASEAN Law Officials Meeting) Working Group on Establishing the Modalities for Harmonization of ASEAN Trade Laws; and

(b) Workshop on Harmonisation of Business Law in Africa, organized by the African Union in cooperation with the African Law Institute (Tswane, South Africa, 12-14 December 2006).<sup>\*</sup> The objective of the workshop was to elaborate a general framework for harmonization of business law in Africa and to recommend a long term work programme to be adopted by relevant organs of the African Union. UNCITRAL recommended inclusion of UNCITRAL instruments in that programme, including in the areas of dispute resolution, electronic commerce, secured transactions and cross-border insolvency.

9. At the country level, in collaboration with the International Trade Centre (ITC), the Secretariat participated at a workshop on multilateral trade treaties within the European Union Asian Trust Fund funded project “Upgrading Vietnam’s Legal Multilateral Trade Framework”, in conjunction with the Ministry of Trade of Viet Nam (Hanoi, Viet Nam, 7-11 October 2006).<sup>\*</sup> The goal of the workshop was to provide the Vietnamese partners with an overview of international agreements relating to trade law, so as to start a process aimed at enhancing the participation of the country in those agreements and assist in improving the overall framework for international trade. This is in line with the ASEAN regional initiative referred to in paragraph (a) above.

10. The Secretariat held a joint meeting with representatives of Italian Ministries in order to present UNCITRAL objectives, policies and activities and with the Ministry of Foreign Affairs, discuss a number of draft UNCITRAL technical cooperation and assistance projects and explore opportunities for funding (Rome, Italy, 9-10 October 2006).<sup>\*</sup>

11. The Secretariat held consultations with Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) concerning areas of possible technical legal assistance cooperation between GTZ and UNCITRAL, including projects in which UNCITRAL texts might form the basis of law reform activities, focussing upon the Balkans and Central Asia (Frankfurt, Germany, 26 January 2007).<sup>\*</sup> Further discussions are taking place concerning possible projects in the areas of sale of goods, dispute resolution and insolvency.

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<sup>\*</sup> Denotes activities funded by the UNCITRAL Trust fund for Symposia.

12. To provide a briefing on UNCITRAL's current legislative activities, the Secretariat organized, in conjunction with the United Nations Institute for Training and Research (UNITAR), a two-day seminar for Permanent Missions accredited to the United Nations Office at Vienna (Vienna, Austria, 21-22 November 2006). 45 representatives from 35 Permanent Missions attended. Briefings on various working group topics are regularly being offered in Vienna.

## **B. Sale of goods**

13. The Secretariat has been particularly active in promoting adoption of the CISG, at the regional level, as well as through contact with Permanent Missions to the United Nations in Vienna, Geneva and New York and directly with relevant officials in selected States. Regional activities included providing a seminar, in cooperation with the Ministry of Justice of Thailand, (Bangkok, Thailand, 9-11 August 2006)\* attended by officials from regional countries, which was followed by a workshop with Thai government officials on draft CISG legislation. Activities at the country level included participation at a conference at Istanbul Bilgi University, Turkey (16-19 November 2006) on "United Nations Convention on Contracts for the International Sale of Goods – what challenges for Turkish sales law?".

14. Assistance was also provided to States in the final stage of the adoption process, with particular regard to formulation of reservations and the deposit of instruments of consent to be bound. Since the last report, the CISG has been adopted by El Salvador, Montenegro and the former Yugoslav Republic of Macedonia.

## **C. Dispute resolution**

15. The Secretariat has promoted adoption of the texts relating to arbitration and conciliation through participation in activities organized both on a regional basis and with individual countries, as well as activities organized by arbitral institutions. Regional activities included:

(a) Participating in a symposium organized with the International Trade Centre (ITC) (Chamonix, France, 16-20 May 2006),\* on "Managing Commercial Dispute Resolution Centres";

(b) Participating in the Advanced Training Course on Managing Investment Disputes, organized and funded jointly by the General Secretariat of the Organization of American States (OAS) and the Secretariat of the United Nations Conference on Trade and Development (UNCTAD) (Puebla, Mexico, 11-18 October 2006).\* The programme was directed at government officials responsible for negotiating bilateral investment protection agreements. UNCITRAL addressed use of the UNCITRAL Arbitration Rules and execution of awards under the New York Convention;

(c) Providing a regional seminar involving Viet Nam, Cambodia, Myanmar, Thailand and Lao People's Democratic Republic (Bangkok, Thailand, 8 August 2006)\* on the UNCITRAL Model Laws on International Commercial Arbitration

and International Commercial Conciliation, hosted by the Ministry of Justice of Thailand; and

(d) Participation at a Regional Conference on Alternative Dispute Resolution, Mediation and Third Party Arbitration (Kiev, Ukraine, 23-24 May 2006), sponsored by the United Kingdom Department for International Development.

16. The Secretariat collaborated with a number of arbitral institutions and organizations, participating at:

(a) The 18th Congress of the International Council for Commercial Arbitration (ICCA) (Montreal, Canada, 25-26 June 2006);

(b) A conference organized by the International Chamber of Commerce and the Société de législation comparée (Paris, France, 25-27 September 2006) to present recent work by UNCITRAL in the field of arbitration;

(c) The XXXIII Assembly of the Inter-American Association of Chambers of Commerce (AICO) and Conference of the Inter-American Commission of Commercial Arbitration (CIAC) (Alicante, Spain, 22-25 October 2006); and

(d) The International Arbitration Congress jointly organized by the China International Economic and Trade Arbitration Commission (CIETAC) and the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation (Almaty, Kazakhstan, 1-3 November 2006)\* to evaluate progress of commercial arbitration legislation in Central Asian countries. The new legislative provisions on interim measures and preliminary orders adopted as a new chapter IV A of the UNCITRAL Model Law on International Commercial Arbitration were introduced to participants.<sup>24</sup>

17. Activities related specifically to the anniversary of the UNCITRAL Arbitration Rules and their possible revision included: a conference in Bogota, Colombia (19 September 2006)\* and a seminar in Kuala Lumpur, Malaysia, (21-24 November 2006)\* hosted by the Kuala Lumpur Arbitration Centre.

18. With respect to the New York Convention, the Secretariat conducted a briefing for countries not yet party to the New York Convention to discuss the Convention and the benefits of its adoption (United Nations Headquarters, New York, 7 February 2007).

## **D. Procurement**

19. In accordance with requests of Working Group I (Procurement), the Secretariat has established links with other organizations interested in procurement to foster cooperation, particular with regard to UNCITRAL's work of revising the UNCITRAL Model Law on Procurement of Goods, Construction and Services, as well as undertaking activities to promote knowledge and acceptance of the Model Law.<sup>25</sup> These activities have included:

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<sup>24</sup> See note 6.

<sup>25</sup> See documents A/CN.9/575, paras. 52 and 67, and A/CN.9/615, para. 14.



(a) Participation at an International Conference on Electronic Government Procurement (EGP) organized by the Ministry of Finance, China, the Asian Development Bank and the World Bank to make a presentation on the work of UNCITRAL on electronic procurement (Beijing, China, 26-27 April 2006);

(b) A presentation on UNCITRAL's work on public procurement, including revisions to the UNCITRAL Model Law, at the conference "Public Procurement: Global Revolution III" organized by the School of Law, University of Nottingham (Nottingham, United Kingdom, 19-20 June 2006);

(c) Participation at the 2nd and 3rd Organization Committee meetings (Paris, France, 29 August and 20-21 November 2006), for an International Symposium "Developing Trends in Public Procurement and Auditing" to take place in May 2007, being prepared by the procurement department of the European Space Agency; and

(d) Participation at an Organization for Economic Cooperation and Development (OECD) symposium "Mapping out Good Practices for Integrity and Corruption Resistance in Procurement", and a forum entitled "Forum for Policy Dialogue with Non-Members: Sharing Lessons on Promoting Good Governance and Integrity in Procurement" (Paris, France, 29 November to 1 December 2006). A result of these activities will be publication, by the OECD, of a Good Practice Report, which will map out good practices, and particular approaches, measures and tools that have proved successful in promoting integrity in public procurement in countries across the world.

## **E. Security interests**

20. The Secretariat participated in a number of activities in Europe to promote adoption of the United Nations Convention on the Assignment of Receivables in International Trade (Receivables Convention) and disseminate information on the draft UNCITRAL Legislative Guide on Secured Transactions, including an International Seminar on the Law of Proprietary Security Rights in the Proposal for a new Hungarian Civil Code (Budapest, Hungary 30 November-2 December)\* and international and research seminars in Austria and Switzerland. The Secretariat also gave a presentation on the Receivables Convention to the Istanbul Chamber of Commerce (Istanbul, Turkey, 6 November 2006).

## **F. Commercial fraud**

21. The Secretariat participated at the Project MARC Workshop on crime proofing of EU legislation (Brussels, Belgium, 26 June 2006), which aims to provide a mechanism that will facilitate policymakers to assess whether there is any risk that present and future legislation and regulation may produce opportunities for crime.

## **G. Insolvency**

22. The Secretariat has promoted the use and adoption of insolvency texts, particularly the Model Law on Cross-Border Insolvency, through country specific

activities aimed at assisting with the drafting of implementing legislation and regional workshops. For example, at the invitation of the Greek Ministry of Justice, the Secretariat participated in meetings of the Greek Bankruptcy Committee to assist with adoption of the UNCITRAL Model Law on Cross-border Insolvency, including the drafting of implementing legislation (Athens, Greece, 11-14 April 2006 and 3-5 November 2006).

23. At the regional level, the Secretariat participated in several workshops, including:

(a) at the invitation of USAID, a Joint Regional Training Workshop on Theoretical and Practical Aspects of Jurisdiction and the Recognition of Insolvency Proceedings organized by USAID/Commercial Courts Administration Strengthening Activity (CCASA)/Community Assistance for Reconstruction Development and Stabilization (CARDS) Regional Project 2003 (European Union and Council of Europe) (Belgrade, Serbia, 17-20 April 2006). The workshop was attended by judges and government officials from Albania, Bosnia Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Romania, Serbia and Montenegro. The workshop discussion included the UNCITRAL Model Law on Cross-Border Insolvency, adopted by Serbia, Montenegro and Romania, as well as the intersection between the Model Law and the European Council (EC) Regulation No. 1346/2000 of 29 May 2000 on insolvency proceedings (EC Regulation); and

(b) Fifth Forum on Asian Insolvency Reform (FAIR), (Beijing, China, 27-28 April 2006)\* organized to examine the main policy issues arising in legal and institutional reforms of the Asian insolvency systems in recent years and distil lessons stemming from international guidance, including the UNCITRAL Legislative Guide on Insolvency Law and the UNCITRAL Model Law on Cross-Border Insolvency. 160 participants from 22 countries and 5 international organizations attended.

24. Further adoptions of the UNCITRAL Model Law on Cross-Border Insolvency in 2006, in particular by the United States and Great Britain, raised interest in the text and its interaction with the EC Regulation within the European Union (EU). The Secretariat participated in a number of seminars and conferences in Europe with the aim of promoting adoption of the text by EU Member States as a framework for facilitating coordination of cross-border insolvency proceedings between EU Member States and non-Member States.

25. UNCITRAL co-sponsored the Seventh UNCITRAL/INSOL/World Bank Multinational Judicial Colloquium (Cape Town, South Africa, 17-18 March 2007)\* with 65 judges and officials attending from 42 countries. The colloquium focussed on issues of cross-border cooperation in insolvency cases, including adoption of the UNCITRAL Model Law on Cross-Border Insolvency, and implementing cross-border cooperation and coordination, in particular through the use of cross-border protocols, which is the subject of informal work being undertaken by the Secretariat to compile practical experience with respect to negotiating and using cross-border insolvency protocols.<sup>26</sup>

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<sup>26</sup> *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17 (A/61/17)*, paras. 207-209.

## **H. Electronic commerce**

26. The Secretariat has participated in joint activities with national governments and agencies, including a conference on E-Signature law sponsored by the United States Commercial Law Development Programme (CLDP) and the Government of Egypt, at which UNCITRAL made a presentation on the work of UNCITRAL in the area of electronic signatures (Cairo, Egypt, 11-13 July 2006).

27. The Secretariat has been actively promoting adoption of the United Nations Convention on the Use of Electronic Communications in International Contracts (ECC), including by organizing an event dedicated to that Convention in New York on 6 July 2006. Since the last report, the ECC has been signed by China, Lebanon, Madagascar, Paraguay, Senegal, Sierra Leone, Singapore, and Sri Lanka.

## **I. Assistance with legislative drafting**

28. In the context of a programme of commercial law reform for Rwanda (2006 and continuing) the Secretariat has assisted with legislative drafting of various commercial laws based upon UNCITRAL texts, including arbitration, privately financed infrastructure projects, electronic commerce, security interests and insolvency.

## **III. Coordination activities**

29. In accordance with its mandate,<sup>27</sup> the UNCITRAL Secretariat participates in a number of the working groups and meetings of other organizations active in the field of international trade law to facilitate coordination of the work being undertaken. Since the last report these have included:

- (a) Third session of the UNIDROIT Advisory Board preparing a model law on leasing (Rome, Italy, 3-5 April 2006);
- (b) Governing Council of UNIDROIT (Rome, Italy, 7-10 May 2006);
- (c) First Session of the Working Group for the preparation of an additional chapter to the UNIDROIT Principles of International Commercial Contracts (Rome, Italy, 29 May-1 June 2006);
- (d) A regional workshop for countries negotiating accession to the World Trade Organization (WTO)/WTO Agreement on Government Procurement (GPA) (Geneva, Switzerland 26-30 June 2006);
- (e) International Workshop on Collateral Reform and Access to Finance, organized by the European Bank for Reconstruction and Development (EBRD) and the World Bank (London, United Kingdom, 7-10 June 2006);
- (f) UNCITRAL-UNIDROIT-Hague Conference on private international law coordination meeting, dealing in particular with coordination between UNCITRAL and UNIDROIT in the field of security interests (Rome, Italy, 18 September 2006);

<sup>27</sup> General Assembly resolution 2205 (XXI), sect. II, para. 8.

(g) United Nations Economic Commission for Europe (UNECE) Working Party on Road Transport (Geneva, Switzerland, 18 October 2006);

(h) International Chamber of Commerce (ICC) Banking Committee meeting, to make a presentation on the work of UNCITRAL on transport law (Paris, France, 23 October 2006);

(i) Upon invitation of the International Finance Corporation (IFC), World Bank Group, to participate in the an Experts Workshop on Arbitration and Dispute Resolution and Corporate Governance to discuss the role UNCITRAL plays or can play in setting the stage for solving corporate governance related disputes through mediation mechanisms and providing international guidelines for local institutions (Paris, France, 12-13 February 2007);

(j) ICC task force on E-Business, IT and Telecoms (EBITT) meeting to update members on UNCITRAL's work programme and attend the e-signatures expert group meeting (Paris, France, 20-21 March 2007);

(k) Participation at the multilateral banks' e-government procurement working group meetings (Rome, Italy, 19-20 September 2006; Washington, DC United States, 25-29 March 2007); and

(l) World Bank-UNCITRAL meeting on coordination in the area of secured financing law reform (Washington, United States, 27 March 2007).

#### **IV. Dissemination of information**

30. A number of publications and documents prepared by UNCITRAL serve as key resources for its technical cooperation and assistance activities, particularly with respect to dissemination of information on its work and texts. These resources are being developed to further improve the ease of dissemination of information and ensure that it is current and up to date. All recent publications are available both in hard copy and electronically.

##### **A. Case Law on UNCITRAL Texts (CLOUT)**

31. CLOUT, established for the collection and dissemination of case law on UNCITRAL texts, continues to be an important tool of the technical cooperation and assistance activities undertaken by UNCITRAL. The wide distribution of CLOUT in the six official languages of the United Nations promotes the uniform interpretation and application of UNCITRAL texts by facilitating access to decisions and awards from many jurisdictions.

32. The system is regularly updated with new abstracts, and the full text of the court decisions and arbitral awards are collected, but not published. As at the date of this note, 63 issues of CLOUT had been prepared for publication, dealing with 686 cases, relating mainly to the United Nations Convention on Contracts for the International Sale of Goods (CISG) and the UNCITRAL Model Law on International Commercial Arbitration.

33. The Digest of Case Law on the CISG, published in December 2004, has been reviewed in order to improve its uniformity in approach and style. The revised

Digest will be presented to the CLOUT National Correspondents at their meeting on 5 July 2007.

34. A search engine to facilitate retrieval of published case law on the UNCITRAL website will be operative in the second half of 2007.

## **B. Website**

35. The website, available in the six official languages of the United Nations, includes all UNCITRAL documents contained in the United Nations Official Documents System (ODS), as well as other information relating to the work of UNCITRAL. The website is maintained and developed at no additional cost to the Secretariat.

36. The number of visitors to the UNCITRAL website has increased by one quarter since the last report. About 45 per cent of the traffic is directed to pages in English, 30 per cent to pages in French and Spanish, and the remaining 25 per cent to pages in Arabic, Chinese and Russian.

37. The content of the website is updated and expanded on an on-going basis. In particular, UNCITRAL official documents relating to early Commission sessions are being uploaded in the ODS and made available on the website under a project on digitization of UNCITRAL archives conducted jointly with the Dag Hammarskjöld Library in New York.

## **C. Library**

38. The UNCITRAL Law Library was established in 1979 in Vienna. Since its establishment, the Library has been providing services not only to UNCITRAL delegates and to the staff of the Secretariat, but also to the staff of permanent missions and the staff of other Vienna-based international organizations. It has also provided research assistance to scholars and students from many countries.

39. The collection of the UNCITRAL Law Library focuses mainly on international trade law and currently consists of over 10,000 monographs; 150 active journal titles; legal and general reference material, including non-UNCITRAL United Nations documents, and documents of other international organizations; and electronic resources (restricted to in-house use only). Lately, particular attention has been given to expanding the holdings in all of the six United Nations official languages.

40. The UNCITRAL Law Library maintains an on-line public access catalogue (OPAC) jointly with the other United Nations libraries in Vienna and with the technical support of the United Nations Library in Geneva. The OPAC is available via the library page of the UNCITRAL website and is located at the address <http://libunov-cat.unog.ch>.

## **D. Publications**

41. UNCITRAL traditionally has two series of publications, in addition to official documents, which include the texts of all instruments developed by the Commission and the UNCITRAL *Yearbook*. A new book providing basic facts about UNCITRAL, "The UNCITRAL Guide", is in press.

42. Publications are regularly provided to support technical cooperation and assistance activities undertaken by the Secretariat, as well as by other organizations where the work of UNCITRAL will be discussed, and in the context of national law reform efforts.

## **E. Press releases**

43. To improve the availability of up-to-date information on the status and development of UNCITRAL texts, efforts have been made to ensure that press releases are issued when treaty actions are taken or information is received on the adoption of a model law. Those press releases are provided to interested parties by email and are posted on the UNCITRAL website, as well as on the website of the United Nations Information Service (UNIS) in Vienna.

## **F. General enquiries**

44. The Secretariat currently addresses approximately 1,750 general inquiries per year concerning, inter alia, technical aspects and availability of UNCITRAL texts, working papers, Commission documents and related matters. Increasingly, these inquiries can be answered by reference to the UNCITRAL website.

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

45. On request, the Secretariat provides information lectures in-house on the work of UNCITRAL to visiting university students and academics, government officials and others. Since the last report lectures have been given to universities from Austria, USA, Finland, the Netherlands, Ukraine and Turkey.

## **V. Resources and funding**

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

46. In the period under review, a contribution was received from Mexico, to whom the Commission may wish to express its appreciation.

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

48. The UNCITRAL Trust Fund for symposia supports technical cooperation and assistance activities for the members of the legal community in developing countries; participation of UNCITRAL staff, as speakers, at conferences where UNCITRAL texts are presented for examination and possible adoption; and fact finding missions for law reform assessments in order to review existing domestic legislation and assess country needs for law reform in the commercial field.

49. The Commission may wish to note that, in spite of efforts by the Secretariat to solicit new donations, funds remaining in the Trust Fund will be sufficient only for technical cooperation and assistance activities already planned for 2007. Beyond the end of 2007, requests for technical cooperation and assistance involving the expenditure of funds for travel or to meet other associated costs will have to be declined unless new donations to the Trust Fund are received or other alternative sources of funds can be found.

50. The Commission may once again wish to appeal to all States, relevant United Nations Agencies and bodies, international organizations and other interested entities to make contributions to the Trust Fund, if possible in the form of multi-year contributions, so as to facilitate planning and to enable the Secretariat to meet the increasing demands from developing countries and States with economies in transition.

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

51. The Commission may wish to recall that, in accordance with General Assembly resolution 48/32 of 9 December 1993, the Secretary-General was requested to establish a Trust Fund to grant travel assistance to developing countries that are members of UNCITRAL. The Trust Fund so established is open to voluntary financial contributions from States, intergovernmental organizations, regional economic integration organizations, national institutions and non-governmental organizations, as well as to natural and juridical persons. In the period under review, no contributions were received.

52. In order to ensure participation of all Member States in the sessions of UNCITRAL and its Working Groups, the Commission may wish to reiterate its appeal to relevant bodies in the United Nations system, organizations, institutions and individuals to make voluntary contributions to the Trust Fund established to provide travel assistance to developing countries that are members of the Commission.

53. It is recalled that in its resolution 51/161 of 16 December 1996, the General Assembly decided to include the Trust Funds for UNCITRAL symposia and travel assistance in the list of funds and programmes that are dealt with at the United Nations Pledging Conference for Development Activities.