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Technical cooperation and assistance

Note by the Secretariat

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-8	2
II. Technical cooperation and assistance activities	9-40	3
A. General approaches	9-16	3
B. Specific activities	17-40	5
III. Dissemination of information	41-56	15
A. Website	42-44	15
B. Library	45-49	16
C. Publications	50-52	16
D. Press releases	53-54	17
E. General enquiries	55	17
F. Information lectures in Vienna	56	17
IV. Resources and funding	57-68	18
A. UNCITRAL Trust Fund for symposia	59-63	18
B. UNCITRAL Trust Fund to grant travel assistance to developing countries that are members of UNCITRAL	64-68	19

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I. Introduction

1. Pursuant to a decision taken at its twentieth session in 1987, technical cooperation and assistance activities aimed at promoting the use and adoption of its texts represent one of the priorities of the United Nations Commission on International Trade Law (UNCITRAL).¹
2. In its resolution 67/89 of 14 January 2013, 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 and reiterated its appeal to bodies responsible for development assistance, as well as to Governments in their 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.
3. The General Assembly welcomed the initiatives of the Commission towards expanding, through its Secretariat, its technical cooperation and assistance programme, and noted with interest the comprehensive approach to technical cooperation and assistance, based on the strategic framework for technical assistance suggested by the Secretariat to promote universal adoption of the texts of the Commission and to disseminate information on recently adopted texts.
4. The General Assembly also stressed the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urged States that have not yet done so to consider signing, ratifying or acceding to those conventions, enacting model laws and encouraging the use of other relevant texts.
5. The status of adoption of UNCITRAL texts is regularly updated and available on the UNCITRAL website. It is also compiled annually in a note by the Secretariat entitled “Status of conventions and model laws” (for the Commission’s forty-ninth session, see A/CN.9/876).
6. This note sets out the technical cooperation and assistance activities of the Secretariat subsequent to the date of the previous note submitted to the Commission at its forty-eighth session in 2015 (A/CN.9/837 of 8 May 2015), and reports on the development of resources to assist technical cooperation and assistance activities. Activities undertaken in the Asia-Pacific region by the UNCITRAL Regional Centre for Asia and the Pacific are set out in a separate document (A/CN.9/877).
7. A separate document on coordination activities (A/CN.9/875) provides information on current activities of international organizations related to the harmonization and unification of international trade law and on the role of UNCITRAL in coordinating those activities.
8. The Commission is also expected to consider a draft guidance note on strengthening United Nations support to States, upon their request, to implement sound commercial law reforms (A/CN.9/882 and A/CN.9/883).

¹ *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, para. 335.

II. Technical cooperation and assistance activities

A. General approaches

9. Technical cooperation and assistance activities undertaken by the Secretariat aim at promoting the adoption and uniform interpretation of UNCITRAL legislative texts. Such activities include providing advice to States considering signature, ratification or accession to UNCITRAL conventions, adoption of an UNCITRAL model law or use of an UNCITRAL legislative guide.

10. Technical cooperation and assistance may involve: undertaking briefing missions and participating in seminars and conferences, organized at both regional and national levels; assisting countries in assessing their trade law reform needs, including by reviewing existing legislation; assisting with the drafting of national legislation to implement UNCITRAL texts; assisting multilateral 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 legislation based on UNCITRAL texts by judges and legal practitioners.

11. Design and implementation of technical cooperation and assistance activities took place in line with the priorities identified for such activities, which include: stressing a regional and subregional approach in order not only to achieve economies of scale but also to complement ongoing regional integration initiatives; promoting the universal adoption of those international trade law texts already enjoying wide acceptance, and making particular efforts to disseminate information on recently adopted texts, with a view, if such texts were treaties, to fostering their early adoption and entry into force (A/66/17, para. 255).

12. Some of the key activities undertaken by the Secretariat in the relevant time period are described below. It should be noted that due to lack of resources and time constraints, some of the activities were undertaken by experts on behalf of the Secretariat. Activities denoted with an asterisk were funded by the UNCITRAL Trust Fund for Symposia.

Promotion of the universal adoption of fundamental trade law instruments

13. The Secretariat has continued to engage in promoting the adoption of fundamental trade law instruments, i.e., those treaties that are already enjoying wide adoption and the universal participation to which would therefore seem particularly desirable.

14. The Secretariat has jointly organized, participated in, or contributed to the following events which dealt with a number of areas to which UNCITRAL's work relates:

- (a) A training on international trade law for Democratic People's Republic of Korea officials organized by the International Council of Swedish Industry (Stockholm, 18 May 2015)*;

(b) The 5th St. Petersburg International Legal Forum, in an effort to increase awareness among the Russian legal practitioners about developments in UNCITRAL of relevance to the legal framework of the Russian Federation (St. Petersburg, Russia, 26-29 May 2015)*;

(c) A training seminar on international trade law for Democratic People's Republic of Korea government officials and legal professionals (Beijing, 20-27 June 2015)*;

(d) The Centre for Small States Inaugural Conference: "Small States in a Legal World". Delivered a presentation on "the relevance of global efforts to harmonize trade law: UNCITRAL and small States" and shared experiences of UNCITRAL in supporting commercial law reform in small jurisdictions (London, 7 September 2015);

(e) A lecture on UNCITRAL texts at the Pace University online certificate program in commercial law (30 mins via video conference) (2 October 2015);

(f) A seminar regarding various UNCITRAL related topics such as international arbitration, simplified incorporation and secured transactions (Bogota, 9 February 2016); and

(g) The Conference "UNCITRAL Contribution to International Trade Law" organized by the University of Paris 1 and Paris 2 (Paris, 12 April 2016)*.

Initiatives for a regional approach

15. The Secretariat continued its collaboration with the Asia-Pacific Economic Cooperation (APEC). At the APEC Structural Reform Ministerial Meeting (Cebu, Philippines, 7-8 September 2015)*, the APEC Ministers recognized the importance of work to develop model legal instruments and commended APEC work in this area in collaboration with the Commission. The APEC Ministers further agreed that the development of international legal instruments and their adoption will create a more conducive climate for cross-border trade and investment, thus facilitating economic growth and that the use of those instruments provides greater legal certainty in cross-border transactions, harmonization of finance and dispute resolution systems, closer economic and legal integration among cooperating economies, and the simplification of procedures involved in international transactions. The Secretary of UNCITRAL addressed the APEC Economic Committee during its plenary (Lima, 29 February and 1 March 2016)*, providing a general overview of UNCITRAL, its mandate and texts, its involvement in technical assistance and coordination and the need for continued collaboration with APEC, particularly its Economic Committee.

16. During the reporting period, the Secretariat, through the Regional Centre for Asia and the Pacific, held two joint workshops with the Department of Justice of Hong Kong Special Administrative Region of China under the auspices of the APEC Economic Committee and its Friends of the Chair Group on Strengthening Economic and Legal Infrastructure (SELI): one on Effective Enforcement of Business Contracts and Efficient Resolution of Business Disputes through the Hague Choice of Court Agreements Convention (Cebu, Philippines, 1 September 2015)* and another on Dispute Resolution — The Key to Efficient Settlement of Business Disputes (Lima, 26 February 2016)*. The Secretariat also continued its

participation in the Ease of Doing Business (EoDB) project on enforcing contracts, which aims at strengthening the legislative and institutional framework for the enforcement of contracts in APEC economies. In that context, UNCITRAL participated in the International Seminar on the Ease of Doing Business (Seoul, 27 January 2016)*, which provided an opportunity to examine the past five years of participation in the project and also held joint discussion with Korean and Mexican authorities to share experience gained in the area of enforcing contracts and possibly expand it to the area of getting credit (Mexico City, 9-10 November 2015)*. The Secretariat's participation in the EoDB project was made possible through the voluntary contribution from the Government of the Republic of Korea. It is expected that the Secretariat will also closely cooperate with the United States of America and Mexico in implementing the second APEC EoDB Action Plan (2016-2018), particularly with respect to getting credit. In addition, the UNCITRAL Regional Centre for Asia and the Pacific also took part in the APEC E-Commerce Forum: New Paradigm for Cross-Border E-Commerce and Online Shopping (Jeju, Republic of Korea, 26-28 November 2015)*.

B. Specific activities

Sale of goods

17. 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 (Vienna, 1980) (the "United Nations Sales Convention" or "CISG"),² including by organizing or participating in dedicated events. Examples of such meetings include:

(a) "Legal framework for the settlement of national and international trade disputes in the Eurasian Region" organized by the Kiel Center for Eurasian Economic Law (Ekaterinburg, Russian Federation, 18 June 2015)*;

(b) Workshop on the CISG for government lawyers in Azerbaijan co-organized by the Academy of Public Administration and UNCITRAL secretariat (Baku, 29 September-1 October 2015)*;

(c) "Masterclass on the CISG" (Vienna, 9 October 2015), a session of the "Annual Conference of the International Bar Association"; and

(d) "Sixth Annual Vis Middle East Pre-Moot" and "Regional Middle East Arbitration Forum" (Manama, 11-12 February 2016).

18. At its forty-sixth session, the Commission requested the Secretariat to commence planning for a colloquium to celebrate the thirty-fifth anniversary of the CISG, to take place on a date after the forty-seventh Commission session. The Commission agreed that the scope of that colloquium could be expanded by including some of the issues raised by a proposal submitted at its forty-fifth session (A/CN.9/758).³ That request was reiterated at the Commission's

² United Nations, *Treaty Series*, vol. 1489, No. 25567.

³ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17 (A/68/17)*, para. 315.

forty-seventh session.⁴ Accordingly, a panel discussion was organized by the Secretariat at the forty-eighth Commission session with participation of experts in the field of international sale of goods law.⁵ Pursuant to a request of the Commission, the proceedings of that panel have been published.⁶

19. Other events held in the reporting period to celebrate the thirty-fifth anniversary of the CISG include:

(a) UNCITRAL-Singapore Seminar: “35 Years of the CISG: Achievements and Perspectives” (Singapore, 23-24 April 2015);

(b) II Congreso Iberoamericano de Derecho Internacional de los Negocios: “360° de la compraventa internacional de mercaderías” — 35 años de la Convención de Viena, co-organized by Universidad Externado, Bogotá, the Government of Colombia and the UNCITRAL Secretariat (Bogotá, 16-20 October 2015);

(c) “Third International Arbitration Readings in Memory of Academician Igor Pobirchenko”, organized by the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (Kyiv, 13 November 2015)*; and

(d) “35 Years of CISG — Present Experiences and Future Challenges”, co-organized by the UNCITRAL Secretariat and Faculty of Law of the University of Zagreb (Zagreb, 1-2 December 2015).

Dispute resolution

20. The Secretariat has been engaged in the promotion of UNCITRAL texts in the field of dispute resolution including through a number of training activities and has supported ongoing law reform process in various jurisdictions. The Secretariat has also developed soft law instruments and tools to provide information on the application and interpretation of those texts. Given the high rate of adoption of those texts, the demand for technical assistance in the field of dispute resolution remains particularly acute.

Development of instruments and tools to provide information on the application and interpretation of UNCITRAL texts in the field of dispute settlement

21. Regarding the New York Convention, the website (www.newyorkconvention1958.org), which was established to make the information gathered in the preparation of the UNCITRAL Secretariat Guide on the New York Convention freely and publicly available,⁷ has been expanded to include case law from additional jurisdictions as well as a comprehensive bibliographical reference. It is currently planned that the UNCITRAL Secretariat Guide on the New York Convention will be available by the end of 2016 electronically in all United Nations languages.

⁴ Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 255.

⁵ Ibid., *Seventieth Session, Supplement No. 17* (A/70/17), paras. 325-334.

⁶ UNCITRAL, *Thirty-five Years of Uniform Sales Law: Trends and Perspectives*, Proceedings of the High Level Panel held during the Forty-eighth Session of the United Nations Commission on International Trade Law, Vienna, 6 July 2015, United Nations, New York, 2015.

⁷ *Official Report of the General Assembly, Sixty-seventh session, Supplement No. 17* (A/67/17), paras. 135 and 136.

22. Regarding the UNCITRAL Model Law on International Commercial Arbitration (1985), with amendments as adopted in 2006 (the “Model Law on Arbitration”),⁸ the Secretariat is currently working on updating the 2012 Digest of Case Law on the Model Law on International Commercial Arbitration.⁹

Supporting ongoing legislative work and training activities

23. The Secretariat has reviewed or provided comments on legislation on arbitration and/or mediation of Albania, Bahamas, Bahrain, Barbados, Bhutan, the Democratic People’s Republic of Korea, the Democratic Republic of Congo, Iraq, the Lao People’s Democratic Republic, Maldives, Mongolia, Montenegro, Papua New Guinea, Saudi Arabia and Viet Nam. The Secretariat has also reviewed or provided comments on rules of certain arbitral institutions, such as those of the Istanbul Chamber of Commerce Arbitration Centre (ITOTAM), the Bhutanese Construction Board and the Afghanistan Centre for Commercial Dispute Resolution. In the field of dispute resolution, the Secretariat has jointly organized, participated in, or contributed to the following events:

(a) APEC Conference on Enforcing Contracts in Sri Lanka and Thailand (Seoul, 5-8 May 2015)*;

(b) Presentation to the Parliament of the European Union on UNCITRAL texts on transparency in investment arbitration (Brussels, 5 May 2015 and 13 July 2015);

(c) Conference on “Investment Protection and Public Interests” organized by the University of Turin (Turin, Italy, 11 May 2015);

(d) Conference on “United States of America/Cuba: Towards the end of the embargo?” (Paris, 12 May 2015)*;

(e) Capacity-building workshop on alternative dispute resolution in the context of the construction industry with the Secretariat participation focusing on the implementation of the New York Convention and the Model Law on Arbitration (Thimphu, Bhutan, 18-19 May 2015)*;

(f) Workshop on the New York Convention for the Ukrainian judiciary (Kharkiv, Ukraine, 20 May 2015);

(g) Panel on Consensual Dispute Resolution with the Secretariat participation focusing on UNCITRAL texts on conciliation (Vienna, 1 July 2015);

(h) Chartered Institute of Arbitrators (CIArb) Conference on Arbitration with assistance also provided with respect to the possible establishment of a regional arbitration centre (Kingston, 9-10 July 2015);

(i) Thailand Arbitration Institute Anniversary Event with the Secretariat participation focusing on the Model Law on Arbitration and the UNCITRAL Arbitration Rules (Bangkok, 23-24 July)*;

(j) BANI Arbitration Centre Conference on arbitration law reform in Indonesia (Jakarta, 12 August 2015)*;

⁸ United Nations publication, Sales No. E.08.V.4.

⁹ Available from www.uncitral.org/uncitral/en/case_law/digests.html.

(k) International Conference on Arbitration Discourse and Practices in Asia with the Secretariat participation focusing on its participation in the APEC EoDB project (Kuala Lumpur, 20-21 August 2015)*;

(l) Training on arbitration with the Addis Ababa Chamber of Commerce and Sectoral Associations and Chamber Trade Sweden (Addis Ababa, 27-28 August 2015);

(m) Workshop on Effective Enforcement of Business Contracts and Efficient Resolution of Business Disputes through the Hague Choice of Court Agreements Convention (Cebu, Philippines, 1 September 2015);

(n) OHADAC Congress, a launching event of the Organisation for the Harmonisation of Business Law in the Caribbean (Point à Pitre, Guadeloupe, 21-22 September 2015)*;

(o) ICC Arbitration Commission meeting with the Secretariat participation providing an update on the work undertaken by Working Group II (Arbitration and Conciliation) (Vienna, 3 October 2015);

(p) International Conference organized by the President of the Saudi Arbitration Court and the Higher Institute of Judiciary and Arbitration (Riyadh, 11-12 October 2015);

(q) Colloquia of the Association pour la promotion de l'Arbitrage en Afrique (APAA) with the Secretariat participation focusing on UNCITRAL texts on transparency in investment arbitration (Douala, Cameroon, 14-15 October 2015)*;

(r) Joint conference with the New York Branch of CIArb with the Secretariat participation focusing on the UNCITRAL Secretariat Guide on the New York Convention (New York, 21 October 2015);

(s) 9th Mediterranean and Middle East Conference organized by the European Court of Arbitration (Naples, Italy, 23 October 2015);

(t) Judicial Roundtable on the New York Convention and the Model Law on Arbitration, and the UNCITRAL Asia Pacific Judicial Summit (Hong Kong, 26-28 October 2015)*;

(u) Fifth Meeting of the Asia-Pacific Foreign Direct Investment Network for Least Developed and Landlocked Developing Countries on "Investment Agreements and Investor State Dispute Resolution: Current Trends and Emerging Issues" (Bangkok, 2 November 2015)*;

(v) Fourth Asia Pacific ADR Conference jointly organized with the Korean Ministry of Justice, the Korean Commercial Arbitration Board and ICC (Seoul, 3-4 November 2015)*;

(w) Training at the Energy Charter Treaty jointly with Centre for Effective Dispute Resolution (CEDR) and International Mediation Institute (IMI) on conciliation/mediation (Brussels, 4-6 November 2015);

(x) Columbia International Investment Conference with the Secretariat participation focusing on UNCITRAL texts on transparency in investment arbitration (New York, 10-11 November);

(y) 2nd International Conference for a Euro-Mediterranean Community of International Arbitration jointly organized with OECD and Cairo Regional Centre for International Commercial Arbitration (CRCICA) (Cairo, 12-13 November 2015);

(z) Workshop for the Attorney General's Office and the Law Reform and Revision Commission of the Bahamas (Nassau, 13-14 November 2015);

(aa) International Arbitration Institute (IAI) Conference on "Treaty-making in investment arbitration" with the Secretariat participation focusing on UNCITRAL texts on transparency in investment arbitration (Washington D.C., 20 November 2015);

(bb) 2nd International Conference on Arbitration with Arbitration Institute of Addis Chamber of Commerce and Chamber Trade Sweden (Addis Ababa, 23-24 November 2015);

(cc) Conference on International Investment Arbitration in the MENA Region (Manama, 9-10 December 2015);

(dd) Vienna Arbitration Day 2016, jointly organized with the Austrian Arbitration Association, the International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC), the International Chamber of Commerce Austria and the Young Austrian Arbitration Practitioners (YAAP) (Vienna, 22-23 January 2016);

(ee) 2016 Vis Mid East Pre-Moot (Bahrain, 11-13 February 2016)*;

(ff) Fourth International Investment Arbitration Conference organized by the Ministry of Justice of Kuwait in association with the Permanent Court of Arbitration (Kuwait City, 17-18 February 2016)*;

(gg) Conference on "Parties' needs in arbitration" jointly organized with the Ljubljana Arbitration Centre (LAC) with the Secretariat participation focusing on enforceability (Ljubljana, 15 March 2016);

(hh) UNCTAD Expert Meeting, "International Investment Agreements (IIA) Stocktaking" with the Secretariat participation focusing on UNCITRAL texts on transparency in investment arbitration and possible future work by Working Group II (Arbitration and Conciliation) (Geneva, 16 March 2016);

(ii) Conference on "Where does arbitration go, from crisis to new perspectives" with the Secretariat participation focusing on UNCITRAL texts on transparency in investment arbitration (Istanbul, 8-9 April 2016);

(jj) Somali International Arbitration Summit (SIAS) (Mogadishu, 11 April 2016);

(kk) First annual conference "The Arab states in international arbitration: current issues" organized by the Chamber of Tunis (14-15 April 2016); and

(ll) OECD Workshop on international investment treaties, investment disputes and arbitration for Iraqi government officials (Beirut, 21 April 2016).

Electronic commerce

24. The Secretariat has continued promoting the adoption, use and uniform interpretation of UNCITRAL texts on electronic commerce, including in

cooperation with other organizations¹⁰ and emphasizing a regional approach. In that framework, the Secretariat has also informally provided comments on draft regional and national legislation and interacted with legislators and policymakers from various jurisdictions.

25. Activities relating to promoting the adoption of UNCITRAL texts on electronic commerce and their effective use and uniform interpretation where already adopted include:

(a) Presentations on current and future UNCITRAL e-commerce projects and their relevance for Arab States at the Arab Information and Communication Technologies Organization (AICTO) Conference “PKI & the global e-commerce law” (Tunis, 8 May 2015)*;

(b) Remote presentation on e-signatures to the European Forum on Electronic Signature (EFPE) (11 June 2015);

(c) The Regional Workshop “E-commerce Harmonization in the Caribbean”, co-organized by UNCTAD, the Government of the Republic of Trinidad and Tobago, the Latin-American and Caribbean Economic System (SELA) and the Association of Caribbean States (ACS) (Port of Spain, 29 September — 2 October 2015);

(d) The UNCITRAL/ARCTEL-CPLP workshop on the promotion of the use of UNCITRAL texts and of the adoption of the United Nations Convention on the Use of Electronic Communications in International Contracts, 2005 (Praia, 7-9 October 2015); and

(e) “Tercer Congreso Internacional de Derecho del Comercio Electrónico”; participation by the Chair of UNCITRAL (San José, 3-4 March 2016).

Procurement

26. In accordance with requests of the Commission and Working Group I (under its former mandate on Public Procurement and Infrastructure Development), the Secretariat has established links with other international organizations active in public procurement reform to support the use of the UNCITRAL Model Law on Public Procurement (2011) (the “Procurement Model Law”),¹¹ its accompanying Guide to Enactment (2012),¹² and the UNCITRAL texts on Privately-Financed Infrastructure Projects.¹³

27. The aims of such cooperation are to ensure that reforming Governments and organizations are informed of the terms of and the policy considerations underlying those texts, including as regards regional requirements and circumstances, so as to

¹⁰ See United Nations Conference on Trade and Development (UNCTAD), Report of the Multi-year Expert Meeting on Cyberlaws and Regulations for Enhancing E-commerce, Including Case Studies and Lessons Learned [including corrigendum] (TD/B/C.II/EM.5/3), 12 May 2015, paras. 10, 12 and 54.

¹¹ *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17)*, annex I.

¹² Available at www.uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure.html.

¹³ The UNCITRAL Legislative Guide (with Legislative Recommendations) and its Model Legislative Provisions on Privately-Financed Infrastructure Projects, available at www.uncitral.org/uncitral/uncitral_texts/procurement_infrastructure.html.

promote a thorough understanding and appropriate use of these UNCITRAL texts.¹⁴ The Secretariat is following a regional approach to this cooperation, engaging with the multilateral development banks and regional organizations, addressing the role of public procurement in sustainable development, good governance, the avoidance of corruption and achieving value for money in government expenditure.

Supporting ongoing legislative work and training activities

28. The Secretariat has provided advice to the Governments of Jamaica and Trinidad and Tobago (with the support of the IADB), to Afghanistan (with the support of the United States Department of Commerce Commercial Law Development Programme), and to Armenia, Egypt, the Kyrgyz Republic and Tajikistan (within the framework of the EBRD-UNCITRAL Public Procurement Initiative) on reform of their public procurement legal and regulatory framework, including on proposed legislation.

29. In this connection, the Secretariat participated in (i) a Conference on Public Procurement legislative reform in Afghanistan (Istanbul, 1-6 November 2015); (ii) rounds of consultations with drafters of primary and secondary public procurement legislation and supporting donors in Armenia, Egypt, the Kyrgyz Republic, and Tajikistan (throughout the year).

30. The Secretariat also took part in (i) the creation of a Body of Knowledge (BoK) on Public-Private Partnerships (PPP), in the context of the World Bank/APMG's work towards creating a Global PPPs Certification Program (May 2015 onwards); (ii) a steering group of a project at UNCTAD (Multi-Agency Support Team Project) addressing non-tariff measures influencing trade; policies that governments use to favour domestic firms in public procurement (November 2015 onwards); (iii) the production of a Chapter on public procurement for an OSCE Anti-corruption Handbook (August-December 2015); (iv) an International Learning Laboratory project on Public Procurement and Human Rights, a project coordinated by International Corporate Accountability Roundtable (ICAR), the Danish Institute for Human Rights (DIHR), the Harrison Institute of Public Law at Georgetown University, and the University of Nottingham public procurement Research Group, analysing the challenges and opportunities presented for the integration of human rights considerations into public procurement (January 2016 onwards); and (v) producing a summary of the approach to sustainable procurement under the Model Law to UNEP for its technical assistance activities in this aspect of public procurement (March 2016). At the request of UNEP, the Secretariat also reviewed proposed public procurement legislation for Mongolia.

31. The Secretariat has participated as a lecturer in (i) a post-graduate degree programme — the Executive LLM in Public Procurement Law and Policy (University of Nottingham, United Kingdom of Great Britain and Northern Ireland, 9-10 January 2016; (ii) the 10th edition of the ITC-ILO Master in Public Procurement for Sustainable Development (Turin, Italy, 22-23 February 2016 and planned for 31 May 2016); and (iii) the 4th Edition of the International Master in

¹⁴ See documents A/CN.9/575, paras. 52 and 67, A/CN.9/615, para. 14, and A/66/17, paras. 186-189.

Public Procurement Management at the University of Rome, Tor Vergata (with the support of the EBRD) (Rome, 5-6 April 2016).

32. The main activities and international events in the year to May 2016, in which the Secretariat has participated as speaker/presenter, included:

(a) The Sussex Regulatory Research Group and Advisory Committee conference establishing a “Competition and Procurement Policy Research and Knowledge Exchange Network”. The purpose of forming the knowledge-exchange network is to enable an interchange of interdisciplinary academic expertise with private sector practitioners in the interdisciplinary field of competition and procurement law and governance issues (United Kingdom, 28-29 May 2015 (virtual participation));

(b) The 11th Public Procurement Knowledge Exchange Forum, with a focus on procurement oversight and monitoring as a means for efficient project implementation (Batumi, Georgia, 9-12 June 2015);*

(c) The Global Revolution VII Conference on public procurement; moderating a session which discussed the regional impact of UNCITRAL with emphasis on procurement and aid effectiveness (Nottingham, United Kingdom, 14-16 June 2015);

(d) The UNODC/UNCAC Conference of States Parties Working Group on Prevention to discuss the implementation of article 9 of the United Nations Convention against Corruption (procurement and public finances), with a focus on the management of public finance for policymakers and justice officials (Vienna, 2-4 September 2015);

(e) The International Anti-Corruption Academy (Laxenburg) for participants from various countries, providing anti-corruption tailor-made training (10 September 2015); to Audit Board of the Republic of Indonesia (5 October 2015); the Central Vigilance Commission of India (5 February 2016), the Office of Auditor General, Thailand (29 March 2016), and representatives of Eurasian Economic Union (EAEU) member States (26 May 2016);

(f) A Symposium on “The revised WTO Agreement on Government Procurement (GPA): an emerging pillar of twenty-first century trade and development” and delivered a presentation on “The revised Procurement Model Law: synergies and complementarities with the revised GPA” (Geneva, Switzerland, 17-18 September 2015);

(g) A conference on “Post-conflict states and public procurement: Strategic, economic and legal challenges and opportunities”, to discuss the engagement of States in and the main challenges relating to implementing the Model Law in post-conflict States (Brussels, 30 September 2015);

(h) A presentation on public procurement to Central and Eastern Europe, Central Asian and the Caucasus Countries at a WTO workshop with the aim to encourage use of the Procurement Model Law in these countries (Vienna, 20 October 2015);

(i) The annual OSCE Economic and Environmental Dimension Implementation Meeting (EEDIM), of the OSCE, focusing on combating corruption in public procurement and delivered a presentation on the importance of

transparency and accountability in public procurement processes (Vienna, 19-20 October 2015);

(j) A round-table conference on law and international trade “Towards Convergence in Transatlantic Procurement Markets”; a prelude to establishing a Post Graduate Diploma in on comparative public procurement law in 2016 (London, 26 October 2015);

(k) The World Bank-EBRD E-Procurement Forum: Enhancing Public Spending (Vienna, 1-3 December 2015); and

(l) Within the framework of an EBRD-UNCITRAL Public Procurement Initiative (i) capacity-building session for the Kyrgyz Republic and Ukraine (Nicosia, 22-24 July 2015)*, (ii) the workshop in Egypt on reforms of the local procurement review system, e-procurement and identification of training needs (Cairo, 6 and 7 April 2016)*; and (iii) a technical meeting with member States of EAEU on the comparative analysis of the WTO GPA and provisions of the EAEU Treaty related to public procurement (Podgorica, 6 May 2016)*.

Insolvency

33. The Secretariat has promoted the use and adoption of insolvency texts, particularly the UNCITRAL Model Law on Cross-Border Insolvency (1997)¹⁵ and the UNCITRAL Legislative Guide on Insolvency Law (2004),¹⁶ through participation as a speaker at various international meetings and conferences, including:

(a) A panel and discussions regarding current work and related insolvency matters with World Bank staff and regional offices (Washington D.C., 2-3 June 2015);

(b) The INSOL Europe/INSOL Academic Forum Joint International Insolvency Conference to discuss current approaches to corporate rescue (Nottingham, United Kingdom, 25-26 June 2015);

(c) The 2nd National Insolvency Conference “Singapore as a Key Player in the Regional and International Insolvency and Restructuring — The Way Forward”, in the context of Singapore’s adoption of the Model Law on Cross-Border Insolvency (Singapore, 11 September 2015)*;

(d) The 6th Africa Roundtable on Insolvency Law Reform 2015. As the most important insolvency reform event in Africa, this provided the opportunity to meet with key government officials and practitioners in the region where there are lots of insolvency reform activities being undertaken and to discuss UNCITRAL insolvency texts (Cape Town, South Africa, 12-13 October 2015)*; and

(e) A seminar to LLM students at Nottingham University on the UNCITRAL process and work methods with particular reference to insolvency and Working Group V (Nottingham, United Kingdom, 27 November 2015).

34. The Secretariat reviewed the enactments of the Model Law by Gibraltar, Kenya, Malawi and OHADA.

¹⁵ General Assembly resolution 52/158, annex.

¹⁶ United Nations publication, Sales No. E.05.V.10.

Security interests

35. The approach taken by the Secretariat in providing technical assistance related to UNCITRAL texts on security interests (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) and the UNCITRAL Guide on the Implementation of a Security Rights Registry (2013)) is twofold.

Supporting ongoing legislative work and training activities

36. The first approach focuses on providing technical assistance to States in their secured transactions law reform activities. An example of such activities is the technical assistance provided in cooperation with the World Bank Group to States with respect to efforts to reform their secured transactions law (e.g. Thailand and Philippines). The objective of this cooperation is to ensure that technical assistance is provided consistent with UNCITRAL texts on security interests and in particular the UNCITRAL Legislative Guide on Secured Transactions.

37. The Secretariat also engages in informal consultation with legislators and policymakers from various jurisdictions, in some instances as a follow-up to the aforementioned activities. Further, the Secretariat is continuing its work with the World Bank with regard to revising the World Bank Insolvency and Creditor Rights Standard to include the key recommendations of the UNCITRAL Legislative Guide on Secured Transactions and reference to the other texts of UNCITRAL on security interests. The work with the World Bank includes, in addition, the comparison of key provisions of the draft Model Law on Secured Transactions with key provisions of Islamic finance law as part of an initiative carried out by the World Bank Global Islamic Finance Development Center.

38. Staff members of the Secretariat participated as lecturers on secured financing based on the UNCITRAL texts on security interests in a course organized by the Civil Law Institute of the University of Vienna Law School (Vienna, Winter 2015 and Spring 2016).

39. The second approach focuses on disseminating information about those texts to Government officials, legislators, judges, academics and practitioners and thus promoting their implementation. Such activities included participation in the following:

(a) The Factors Chain International and the International Factors Group Annual Meeting, and spoke on the work of UNCITRAL and the harmonization of the law of secured transactions (Vienna, 19-21 October 2015);

(b) The World Bank Law, Justice and Development Week, and spoke on the treatment of security interests in insolvency under the UNCITRAL Legislative Guide on Secured Transactions; also participated in a discussion on Islamic finance and MSME finance (Washington, D.C., 16-20 November 2015);

(c) A panel discussion on secured transactions law reform at the University of Warwick Law School, and spoke on the experience from the implementation of the recommendations of the UNCITRAL Legislative Guide on Secured Transactions in view of the relevant initiatives aimed at reforming the English secured transactions law (Coventry, United Kingdom, 10-11 December 2015); and

(d) A Workshop on the economic assessment of trade law in particular with respect to the UNCITRAL texts on security interests and on best practices in the field of electronic registry design and operation, organized by the Unidroit Foundation and the Commercial Law Centre at the Harris-Manchester College of the University of Oxford (Oxford, United Kingdom, 30-31 March 2016).

Micro, Small and Medium-sized Enterprises

40. The Secretariat has encouraged participation and dialogue in respect of its work on micro, small and medium-sized enterprises (MSMEs — Working Group I) through its participation, in the Corporate Registers Forum (CRF) and the European Commerce Registers' Forum (ECRF) joint annual conference, as well as presenting on the topic of “Business Registration, Registry & Legal Reform, Reducing Burdens” (Cardiff, Wales 9-12 May 2016).

III. Dissemination of information

41. 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.

A. Website

42. The UNCITRAL website, available in the six official languages of the United Nations, provides access to full-text UNCITRAL documentation and other materials relating to the work of UNCITRAL, such as publications, treaty status information, press releases, events and news. In line with the organizational policy for document distribution, official documents are provided, when available, via linking to the United Nations Official Document System (ODS).

43. In 2015, the website received roughly 690,000 unique visitors, an increase from 2014 (640,000 unique visitors). Of all sessions, roughly 59 per cent were directed to pages in English and 41 per cent to pages in Arabic, Chinese, French, Russian and Spanish. In this respect, it should be noted that, while the UNCITRAL website is among the most important electronic sources of information on international trade law in all languages, it may represent one of few available sources on this topic in some of the official languages.

44. The content of the website is updated and expanded on an ongoing basis in the framework of the activities of the UNCITRAL Law Library and therefore at no additional cost to the Secretariat. The General Assembly has welcomed “the continuous efforts of the Commission to maintain and improve its website, including by developing new social media features, in accordance with the applicable guidelines.”¹⁷ In this regard, in September 2015, a general UNCITRAL LinkedIn account was established that now has over 900 followers. This account supplements the Tumblr microblog (“What’s new at UNCITRAL?”) established in 2014. Both features are accessible from the UNCITRAL website.

¹⁷ General Assembly resolution 70/115.

B. Library

45. Since its establishment in 1979, the UNCITRAL Law Library has been serving research needs of Secretariat staff and participants in intergovernmental meetings convened by UNCITRAL. It has also provided research assistance to staff of Permanent Missions, global staff of the United Nations, staff of other Vienna-based international organizations, external researchers and law students. In 2015, library staff responded to approximately 550 reference requests, originating from over 47 countries. Library visitors other than meeting participants, staff and interns included researchers from over 24 countries.

46. The collection of the UNCITRAL Law Library focuses primarily on international trade law and currently holds over 12,000 monographs, 100 active journal titles, legal and general reference material, including non-UNCITRAL United Nations documents, documents of other international organizations; and electronic resources (restricted to in-house use only). Particular attention is given to expanding the holdings in all of the six United Nations official languages. While use of electronic resources has increased, resources on trade law from many countries are still only found in print, and circulation of print items has remained steady (there was a slight increase in 2015 over 2014).

47. The UNCITRAL Law Library maintains an online public access catalogue (OPAC) jointly with the other United Nations libraries in Vienna. The OPAC is available via the library page of the UNCITRAL website.¹⁸ In 2015, the OPAC was updated, providing an easier to use and enhanced interface.

48. The UNCITRAL Law Library staff prepares for the Commission an annual “Bibliography of recent writings related to the work of UNCITRAL”. The bibliography includes references to books, articles and dissertations in a variety of languages, classified according to subject (for the forty-ninth Commission session, see A/CN.9/874). Individual records of the bibliography are entered into the OPAC, and the full-text collection of all cited materials is maintained in the Library collection. Monthly updates from the date of the latest annual bibliography are available in the bibliography section of the UNCITRAL website.

49. The Library produces a consolidated bibliography of writings related to the work of UNCITRAL on the UNCITRAL website.¹⁹ The consolidated bibliography aims to compile all entries of the bibliographical reports submitted to the Commission since 1968. It currently contains over 8,000 entries, reproduced in the English and the original language versions, verified and standardized to the extent possible.

C. Publications

50. In addition to official documents, UNCITRAL traditionally maintains two series of publications, namely the texts of all instruments developed by the Commission and the UNCITRAL Yearbook. Publications are regularly provided in support of technical cooperation and assistance activities undertaken by the

¹⁸ Available from www.uncitral.org/uncitral/publications/library.html.

¹⁹ Available from www.uncitral.org/uncitral/publications/bibliography_consolidated.html.

Secretariat, as well as by other organizations where the work of UNCITRAL is discussed, and in the context of national law reform efforts.

51. The following works were published in 2015: Conference for a Euro-Mediterranean Community of International Arbitration,²⁰ Thirty-five Years of Uniform Sales Law: Trends and Perspectives,²¹ United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (New York, 2014),²² and the 2012 UNCITRAL *Yearbook*.²³

52. In light of budget and environmental concerns, the Secretariat has continued its efforts to use electronic media as a primary method to disseminate UNCITRAL texts. Thus, print runs for all publications have been reduced and the 2012 UNCITRAL *Yearbook* was published exclusively in electronic format (CD-ROM and e-book).

D. Press releases

53. Press releases are being regularly issued when treaty actions relating to UNCITRAL texts take place or information is received on the adoption of an UNCITRAL model law or other relevant text. Press releases are also issued with respect to information of particular importance and direct relevance to UNCITRAL. Those press releases are provided to interested parties by e-mail and are posted on the UNCITRAL website, as well as on the website of the United Nations Information Service (UNIS) in Vienna or of the Department of Public Information, News and Media Division in New York, if applicable.

54. To improve the accuracy and timeliness of information received with respect to the adoption of UNCITRAL model laws, since such adoption does not require a formal action with the United Nations Secretariat, and to facilitate the dissemination of related information, the Commission may wish to request Member States to advise the Secretariat when enacting legislation implementing an UNCITRAL model law.

E. General enquiries

55. The Secretariat currently addresses approximately 2,000 general enquiries per year concerning, inter alia, technical aspects and availability of UNCITRAL texts, working papers, Commission documents and related matters. Increasingly, these enquiries are answered by reference to the UNCITRAL website.

F. Information lectures in Vienna

56. The Secretariat provides upon request information lectures in-house and via video conference on the work of UNCITRAL to visiting university students and academics, members of the bar, Government officials including judges and others

²⁰ Available from www.uncitral.org/uncitral/publications/publications.html.

²¹ Ibid.

²² Available from www.uncitral.org/uncitral/uncitral_texts/arbitration.html.

²³ Available from www.uncitral.org/uncitral/publications/yearbook.html.

interested. Since the last report, more than 20 lectures have been given to visitors from all parts of the world.

IV. Resources and funding

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

58. The Secretariat has explored a variety of ways to increase resources for technical assistance activities, including through in-kind contributions. In particular, a number of missions have been funded, in full or in part, by the organizers. Additional potential sources of funding could be available if trade law reform activities could be mainstreamed more regularly in broader international development assistance programmes. In this respect, the Commission may wish to provide guidance on possible future steps.

A. UNCITRAL Trust Fund for symposia

59. The UNCITRAL Trust Fund for symposia supports technical cooperation and assistance activities for the members of the legal community in developing countries, funding the participation of UNCITRAL staff or other experts at seminars 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.

60. During the period under review, a pledge of US\$ 20,000 was received by the Government of Indonesia. The Government of the Republic of Korea provided a contribution of US\$ 25,555.84 for the participation of the UNCITRAL Secretariat in the APEC EoDB project (see para. 16 above) and a separate contribution of US\$ 46,953 for Trust Fund activities.

61. At its 48th Session (Vienna, 29 June-16 July 2015), the Commission appealed to all States, international organizations and other interested entities to consider making contributions to the Trust Fund for UNCITRAL symposia, if possible, in the form of multi-year contributions, or as specific-purpose contributions, so as to facilitate planning and enable the Secretariat to meet the increasing requests from developing countries and countries with economies in transition for training and technical legislative assistance (A/70/17, paras. 244-245). Potential donors have also been approached on an individual basis.

62. The Commission may wish to note that, in spite of efforts by the Secretariat to solicit new donations, funds available in the Trust Fund are sufficient only for a very small number of future technical cooperation and assistance activities. Efforts to organize the requested activities at the lowest cost and with co-funding and cost sharing whenever possible are ongoing. However, once current funds are exhausted, requests for technical cooperation and assistance involving the expenditure of funds

for travel or to meet other costs will have to be declined unless new donations to the Trust Fund are received or alternative sources of funds can be found.

63. 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 demand for technical cooperation and assistance activities and to develop a more sustained and sustainable technical assistance programme. The Commission may also wish to request Member States to assist the Secretariat in identifying sources of funding within their Governments.

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

64. 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.

65. In the period under review, a contribution in the amount of euro 5,000 was received from the Government of Austria, to whom the Commission may wish to express its appreciation.

66. During the same reporting period, the available Trust Fund resources were used to facilitate participation at the 48th session of UNCITRAL in Vienna (29 June-16 July) for delegates from Colombia, Honduras and Mexico, and for participation in the 25th and 26th sessions of Working Group I in New York (13-17 April) and Vienna (19-23 October) for delegates from Colombia and Uganda. In order to allow for broader assistance despite the limited resources of the fund, cost coverage in each case has been provided either for the air ticket, or for the DSA only.

67. 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.

68. 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.