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### Technical cooperation and assistance

#### Note by the Secretariat\*

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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 (the Limitation Convention);<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 the Commission, which was recently recognized by the General Assembly as the forum where interpretation should be discussed),<sup>4</sup> the UNCITRAL Arbitration Rules,<sup>5</sup> the UNCITRAL Conciliation Rules,<sup>6</sup> the UNCITRAL Model Law on International Commercial Arbitration and revised articles,<sup>7</sup> the UNCITRAL Notes on Organizing Arbitral Proceedings<sup>8</sup> and the UNCITRAL Model Law on International Commercial Conciliation;<sup>9</sup>

<sup>1</sup> 11 April 1980, United Nations, *Treaty Series*, vol. 1489, No. 25567, p. 3; United Nations publication, Sales No. E.95.V.12; *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; UNCITRAL *Yearbook*, 1974, part three, annex I, sect. B and *Yearbook* 1980, part three, annex I, sect. C.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1511, No. 26119 and No. 26121; pp. 77 and 99; *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; UNCITRAL *Yearbook* 1974, part three, annex I, sect. B and *Yearbook* 1980, part three, annex I, sect. C.

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

<sup>4</sup> *New York, 18 December 2006, General Assembly Resolution A/RES/61/33.*

<sup>5</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>6</sup> United Nations publication, Sales No. E.81.V.6; *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>7</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>8</sup> UNCITRAL *Yearbook* 1996, part three, annex II.

<sup>9</sup> United Nations publication, Sales No. E.05.V.4; *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17 (A/57/17)*, annex I; UNCITRAL *Yearbook* 2002, part three.

(c) In the area of government contracting, the UNCITRAL Model Law on Procurement of Goods, Construction and Services,<sup>10</sup> the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects<sup>11</sup> and the UNCITRAL Model Legislative Provisions on Privately Financed Infrastructure Projects;<sup>12</sup>

(d) In the area of banking and payments, the United Nations Convention on International Bills of Exchange and International Promissory Notes,<sup>13</sup> the UNCITRAL Model Law on International Credit Transfers,<sup>14</sup> and the United Nations Convention on Independent Guarantees and Standby Letters of Credit;<sup>15</sup>

(e) In the area of security interests, the United Nations Convention on the Assignment of Receivables in International Trade<sup>16</sup> and the UNCITRAL Legislative Guide on Secured Transactions;<sup>17</sup>

(f) In the area of insolvency, the UNCITRAL Model Law on Cross-Border Insolvency (MLCBI),<sup>18</sup> the UNCITRAL Legislative Guide on Insolvency Law<sup>19</sup> and the UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation;<sup>20</sup>

(g) In the area of transport, the United Nations Convention on the Carriage of Goods by Sea (Hamburg Rules),<sup>21</sup> the United Nations Convention on the

<sup>10</sup> United Nations publication, Sales No. E.98.V.13; *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 (A/49/17 and Corr.1)*, annex I; UNCITRAL *Yearbook* 1994, part three, annexes I and II.

<sup>11</sup> United Nations publication, Sales No. E.01.V.4; A/CN.9/SER.B/4.

<sup>12</sup> United Nations publication, Sales No. E.04.V.11; *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/58/17)*, annex I.

<sup>13</sup> United Nations publication, Sales No. E.95.V.16; General Assembly resolution A/RES/43/165, annex; UNCITRAL *Yearbook* 1988, part three, annex I.

<sup>14</sup> United Nations publication, Sales No. E.99.V.11; *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 17 (A/47/17)*, annex I; UNCITRAL *Yearbook* 1992, part III, annex I.

<sup>15</sup> New York, 11 December 1995, United Nations, *Treaty Series*, vol. 2169, No. 38030, p. 163; United Nations publication, Sales No. E.97.V.12; *Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17)*, annex I.

<sup>16</sup> United Nations publication, Sales No. E.04.V.14; General Assembly resolution A/56/81, annex; UNCITRAL *Yearbook* 2002, part three.

<sup>17</sup> *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17 (A/62/17 Part II)*, para. 99.

<sup>18</sup> United Nations publication, Sales No. E.99.V.3; *Official Records of the General Assembly, Fifty-second Session, Supplement No. 17 (A/52/17)*, annex I; UNCITRAL *Yearbook* 1997, part three, annex I.

<sup>19</sup> United Nations publication, Sales No. E.05.V.10; *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17 (A/59/17)*, para. 55.

<sup>20</sup> *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17 (A/64/17)*, para. 24.

<sup>21</sup> Hamburg, 31 March 1978, United Nations, *Treaty Series*, vol. 1695, No. 29215, p. 3; United Nations publication, Sales No. E.95.V.14; *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; UNCITRAL *Yearbook*, 1978, part three, annex I, sect. B.

Liability of Operators of Transport Terminals in International Trade,<sup>22</sup> and the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules);<sup>23</sup> and

(h) In the area of electronic commerce, the UNCITRAL Model Law on Electronic Commerce (MLEC),<sup>24</sup> the UNCITRAL Model Law on Electronic Signatures (MLES)<sup>25</sup> and the United Nations Convention on the Use of Electronic Communications in International Contracts (ECC).<sup>26</sup>

2. Technical cooperation and assistance activities aimed at promoting the use and adoption of its texts are one of UNCITRAL's priorities, pursuant to a decision taken at its twentieth session (1987),<sup>27</sup> and are particularly useful for developing countries and economies in transition lacking capacity 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. The status of adoption of treaties and enactment of model laws is regularly updated and available on the UNCITRAL website. It is also available in the annual report to the Commission entitled "Status of conventions and model laws", which highlights new treaty actions and enactments of model laws.

4. In its resolution 64/111 of 15 January 2010, 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 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 international law, and to this end urged States that have not yet done so to consider signing, ratifying or acceding to those conventions.

<sup>22</sup> United Nations publication, Sales No. E.95.V.15; *Official Records of the United Nations Conference on the Liability of Operators of Transport Terminals in International Trade, Vienna 2-19 April 1991* (United Nations publication, Sales No. E.93.XI.3), part I; A/CONF.152/13, annex; UNCITRAL *Yearbook*, 1992, part three, annex I.

<sup>23</sup> New York, 11 December 2008, United Nations publication, Sales No. E.09.V.9; General Assembly Resolution A/RES/63/122, annex.

<sup>24</sup> United Nations publication, Sales No. E.99.V.4; *Official Records of the General Assembly, Fifty-first Session, Supplement No. 17 (A/51/17)*, annex I; UNCITRAL *Yearbook*, 1996, part three, annex I.

<sup>25</sup> United Nations publication, Sales No. E.02.V.8; *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr. 3), annex II.

<sup>26</sup> New York, 23 November 2005, United Nations publication, Sales No. E.07.V.2.; General Assembly resolution A/RES/60/21, annex.

<sup>27</sup> *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, para. 335.

5. 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-first session in 2009 (A/CN.9/675 of 20 April 2009), and reports on the development of resources to assist technical cooperation and assistance activities. For a specific report in respect of Transport law, see A/CN.9/695/Add.1.

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

6. Technical cooperation and assistance activities undertaken by the UNCITRAL Secretariat promote the adoption of UNCITRAL legislative texts and 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. 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 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 judiciaries and legal practitioners.

7. Of the activities included below, those denoted with an asterisk were funded by the UNCITRAL Trust Fund for Symposia.

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

#### **1. Regional activities**

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

(a) As set forth in the previous note submitted to the Commission on technical cooperation and assistance (A/CN.9/675, para. 8(d)), the Secretariat has provided regular advice to the sub-project Regional Implementation of the Convention on International Sale of Goods and International Commercial Arbitration, a component of the Project Open Regional Fund for South-East Europe — Legal Reform, implemented by the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ). In 2009, activities associated with the project included presentation of UNCITRAL work and technical assistance programme at a round table (Sarajevo, 13 June 2009), participation in a meeting and discussion of the achievements and future activities of the Open Regional Fund Legal Reform Project in the Balkans (Belgrade, 1-3 December 2009) and participating at the Belgrade Arbitration Conference held in conjunction with the Pre-moot (organized as part of

the preparation for the XVII Willem C. Vis International Commercial Arbitration Moot in Vienna) and in conjunction with GTZ (Belgrade, 19-21 March 2010);

(b) Participating in the *I Seminario sobre Nociones Actuales del Derecho Comercial Internacional en el contexto de un mundo globalizado* to discuss CISG, arbitration and e-commerce, co-organized by UNCITRAL and the *Centro de Exportación e Inversión de República Dominicana (CEI-RD)* (Santo Domingo, 27-30 January 2010); and

(c) Participating in the Round Table on the EU Green Paper concerning the Union for the Mediterranean (Paris, 29 June-1 July 2009).

## **2. Country-specific activities**

9. At the country level, the Secretariat participated in the following technical cooperation and assistance-related activities covering several of the topics noted in paragraph 1 above:

(a) A seminar on UNCITRAL methods of work and texts on CISG and E-commerce, in cooperation with the local GTZ office and on the occasion of the accession of Armenia to the CISG and of its membership of UNCITRAL (Yerevan, 14-17 June 2009);\*

(b) A Round Table organized by UNIDO on Legislative Assessment for the Development of the Private Sector in Iraq, United Nations Private Sector Development Programme for Iraq (Vienna, 17-19 August, 2009); and

(c) As a follow up to the project aimed at assessing and reforming the international trade law framework in Madagascar and building related capacity, a workshop on CISG and arbitration at the *Ecole Nationale de la Magistrature* and seminars on CISG and arbitration with stakeholders, as well as discussions on preparation of e-commerce legislation (Antananarivo, 23-29 November, 2009).\*

## **3. Briefings for Permanent Missions in Vienna**

10. The Secretariat provided a briefing on UNCITRAL and its working methods at the Orientation Seminar for Members of Permanent Missions Accredited to the International Organizations in Vienna organized by the United Nations Institute for Training and Research (UNITAR) at the United Nations Office at Vienna on 23 March 2010. Briefings on various working group topics are regularly being offered in Vienna by the Secretariat.

## **4. Other activities addressing multiple topics**

11. These activities included:

(a) In the framework of the Joint ITC-ILO University of Turin UNCITRAL MSc Programme on Public Procurement for Sustainable Development, conducted at the ITC-ILO in Turin and jointly managed by UNCITRAL, participating in the meeting of the Scientific Committee of the MSc and represented UNCITRAL at the official opening of the course, as well as providing lectures on (a) the UNCITRAL Public Procurement Model Law (Turin, Italy, 2-4 September 2009 and 2-3 March 2010); (b) international sale of goods (21-23 October 2009) and (c) electronic commerce (10-11 December 2009);

(b) Attending the opening session of the “International Trade Law Post-Graduate Course” and delivering a lecture on “Issues of harmonization of laws on international trade from the perspective of UNCITRAL: the past and the current work” (Turin, Italy, 23-24 March 2010);

(c) Upon invitation by the Center for Asian Legal Exchange (CALE) of the University of Nagoya, participating in discussions on joint technical assistance activities relating to trade law reform in Asia and delivering lectures on trade law reform and on the CISG (Nagoya, Japan, 14-18 March 2010); and

(d) Participating in the 2009 Alliance for Financial Inclusion (AFI) Global Policy Forum to assess possible future UNCITRAL work related to microfinance and to payments effected with mobile devices (Nairobi, 14-20 September 2009).\*

## **B. Sale of goods**

12. The Secretariat has been active in promoting adoption and uniform interpretation of the CISG, at the regional level, as well as through Permanent Missions to the United Nations in Vienna, Geneva and New York and directly with relevant officials in the capitals. As part of these activities, the Secretariat participated in:

(a) A conference on the CISG co-hosted with the Vice Minister of Economy of Albania to celebrate Albania’s ratification of the CISG and a training session on the CISG at the Judicial Training Centre (Tirana, 11-13 May 2009);

(b) A seminar on the CISG hosted by the Brazilian branch of the International Law Association (ILA-Brasil) (Rio de Janeiro, 23-30 June 2009);

(c) The International Conference on CISG, Universidad de Rioja (Logroño, Spain, 4-7 November 2009); and

(d) Represented UNCITRAL in a CISG Seminar in Jakarta co-organized by Unidroit (Jakarta, 18-20 November 2009).

## **C. Procurement**

13. In accordance with requests of Working Group I (Procurement), the Secretariat has established links with other organizations interested in procurement to foster cooperation, particularly with regard to UNCITRAL’s work on 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 at both regional and national levels.<sup>28</sup> The Secretariat participated in the following regional activities:

(a) An expert group meeting on procurement with an emphasis on alternative procurement methods, socio-economic criteria, remedies, frameworks and Electronic Reverse Auctions (ERAs) involving participants from the African region (Nairobi, 29 September-1 October, 2009);

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<sup>28</sup> See documents A/CN.9/575, paras. 52 and 67, and A/CN.9/615, para. 14.

(b) The Electronic Government Procurement (eGP) Conference, at the invitation of the African Development Bank, Asian Development Bank, Inter-American Development Bank and the World Bank, presented and moderated a Round Table on Regulatory Framework for eGP (Washington DC, 8-14 November 2009);

(c) A high-level forum on public procurement in Africa, hosted by the African Development Bank and all major agencies in Africa active in procurement law reform and harmonization (Tunis, 16-17 November 2009); and

(d) A meeting of the MDB e-GP Working Group on upgrading of substantive and technical skills held at the African Development Bank (Tunis, 1-4 June 2009).

14. Other activities included participation at the following activities:

(a) A meeting on Promoting Capacity-Building in PPPs organized by the PPP Forum in cooperation with the UNECE Team of Specialists on Public-Private Partnerships (London, 12-15 September 2009);

(b) A WTO workshop on the WTO Agreement on Government Procurement (GPA) (Geneva, 11-12 February 2010); and

(c) The Annual Chiefs of Procurement Conference (for UN and related agencies) and the World Bank Fiduciary Forum on public procurement (New York/Washington DC, 1-5 March 2010).

15. The Secretariat also provides regular briefings to UNODC country offices staff on the implementation of the procurement-related aspects of the United Nations Convention against Corruption using the UNCITRAL Model Law on Procurement as implementing legislation (see below, III. Coordination activities).

## D. Dispute resolution

16. 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 events included:

(a) Participating at the 5th Advanced Training Course on Managing Investment Disputes for Latin American countries, jointly organized by UNCTAD and OAS (Santiago de Chile, 12-14 November 2009);\*

(b) Taking part in a round table of European experts on arbitration and a representative of the EU Commission to discuss the Green Paper issued by the EU Commission on 21/4/2009 on a revision of Council Regulation (EC) No 44/2001 on jurisdiction and recognition and enforcement of judgements in civil and commercial matters; the purpose of the round table was to exchange views on the proposal to include arbitration in the scope of a revised Regulation (Brussels, 29 June 2010); and

(c) Participating in a colloquium organized by *le Conseil national des Barreaux, le Barreau de Paris, la Conférence des Bâtonniers, la Délégation des Barreaux de France, la Chambre nationale des Huissiers de justice ainsi que l'Ordre des avocats au Conseil d'Etat et à la Cour de Cassation*, with the support of

the French Ministry of Justice, on a proposal to set up a regional agreement for the promotion of investments and a system of arbitration for the Union for the Mediterranean (Paris, 30 June-1 July 2009).

17. Other activities included:

(a) Giving a presentation at the General Assembly of the Centre Belge d'arbitrage et de médiation (CEPANI) (Brussels, 11-12 June 2009);

(b) Participating in an Experts Meeting on the Vietnamese Draft Commercial Arbitration Law, Hanoi, involving participants from Government, national and international experts and local practitioners (Hanoi, 22-26 September 2009);

(c) Participating at the National Symposium on Trade Law hosted by the Liberian Commercial Law Reform Program National Steering Committee with the goal of providing support to the Liberian Government in its ongoing efforts regarding the Commercial Law Reform Program. Emphasis was given to the UNCITRAL Model Law on International Commercial Arbitration (Monrovia, 28 September-3 October 2009);\*

(d) Giving a presentation at a conference on arbitration agreements entered into by public entities at the invitation of the French *Conseil d'État* and holding consultations with various French public authorities (Paris, 29 September-2 October 2009);

(e) Giving a presentation at the conference "Conciliation in civil and commercial law", to assist the Government of Italy to adopt a new law on conciliation consistent with UNCITRAL Model Law and EU Directive on Mediation (Rome, 22 October 2009);

(f) Participating in the seminar "The New York, European and Panama Conventions: Do They Have a Future?", organized by the University of Miami, School of Law and lecturing on the work of UNCITRAL in the area of international arbitration, concerning in particular the New York Convention (Miami, USA, 30 October-2 November 2009);

(g) Lecturing on the New York Convention and UNCITRAL texts on arbitration in the context of a workshop organized by US Department of Commerce for high-level Iraqi officials (Paris, 18-19 November 2009); and

(h) Giving a presentation at the Workshop on Arbitration and Mediation of Intellectual Property Disputes in Guangzhou, jointly organized by UNCITRAL, UNCTAD, WIPO and CITYU and hosted by The Intellectual Property Office of Guangdong Province (Guangzhou, China, 22-25 November 2009).

18. The Secretariat collaborated with a number of arbitral institutions and organizations, including participating as a speaker at the Singapore International Arbitration Forum, at the invitation of the Singapore International Arbitration Centre (Singapore, 18-23 January 2010).

## E. Electronic commerce

19. The Secretariat has participated in joint activities with national governments and agencies to promote UNCITRAL legislative texts on electronic commerce, as well as regional activities.

20. At the regional level, this included:

(a) Representing UNCITRAL at the 1st session of the Committee on Development Information Science and Technology (CODIST-I) on Scientific Development, Innovation and the Knowledge Economy (Addis Ababa, 27 April-1 May 2009);

(b) In the context of cooperation with UNCTAD and the East African Community (EAC) to prepare EC legislation for EAC Member States, participating in a workshop on legal aspects of electronic commerce organized by the Second Vice-Presidency of the Republic of Burundi (Bujumbura, 20-25 September 2009);\*

(c) Pursuant to a partnership agreement concluded with the secretariat of EurAsEC to cooperate on the drafting of model legislation in the field of electronic commerce, for adoption by the 6 Member States of EurAsEC, participating in a joint session of the IPA EurAsEC standing committees on trade matters and international cooperation and on custom regulation and border policy (Minsk, 13-16 October 2009) and in a workshop on e-commerce legislation organized by UNECE and EurAsEC (St. Petersburg, Russia, 19-20 November 2009);

(d) Representing UNCITRAL at the *Conference francophone regionale sur le droit des technologies de l'information et de la communication* (Hanoi, 18-19 November 2009); and

(e) Participating at the conference “e-transactions Security - the Public Key Infrastructure (PKI)” organized by the Arab Information and Communication Technologies Organization (AICTO) Working Group on electronic certification and cyber-security (Tunis, 25-27 January 2010).

21. Other activities included:

(a) Participating in a conference to promote the adoption of the Electronic Communications Convention by Korea hosted by KITLA and the Korean Ministry of Justice and gathering information on the legal aspects of the use of electronic single window and of electronic documents of title in Korea through bilateral meetings with Korean institutions active in the field of e-commerce (Seoul, 9-13 November 2009);

(b) Participating at the Legal Focus Group of the IT-PGRFA (FAO) (Rome, 27 October 2009); and

(c) Representing UNCITRAL and presenting a paper at the Conference for the 30th anniversary of the Research Centre on IT and Law (CRID) of the University of Namur (Namur, Belgium, 20-22 January 2010).

## F. Insolvency

22. The Secretariat has promoted the use and adoption of insolvency texts, particularly the Model Law on Cross-Border Insolvency and the Legislative Guide on Insolvency Law, through participation in various international fora. Regional activities included:

(a) Presenting a paper on UNCITRAL's insolvency work at the Seminar on Global Financial Crises and Insolvency Laws and Creditor Rights Systems Reforms organized by the Abu Dhabi Chamber of Commerce, Hawkamah Institute for Corporate Governance, INSOL, World Bank and the OECD (Abu Dhabi, 26-27 May 2009);\*

(b) Organizing and speaking at the 8th Multinational Judicial Colloquium, organized jointly by UNCITRAL, INSOL and the World Bank (Vancouver, Canada, 20-23 June 2009);\*

(c) Participating at the INSOL Regional Insolvency Conference, Dubai, UAE, attending a round table involving practitioners and officials from the African region to discuss insolvency law and reform and the possibility of convening a forum on those issues in Africa and speaking at the first meeting of the Forum on Insolvency Reform in MENA (FIRM), (Dubai, UAE, 21-23 February 2010); and

(d) Participating at the 7th Forum on Asian Insolvency Reform (FAIR) Conference to discuss the UNCITRAL Legislative Guide on Insolvency Law and its application in the context of the insolvency of small and medium enterprises (Delhi, 8-9 April 2010).

23. Country-specific activities included:

(a) Participating in a round table with the Indian Ministry of Corporate Affairs on insolvency law reform, including on cross-border insolvency and the UNCITRAL Model Law, organized in conjunction with INSOL (Delhi, 27-28 April 2009);

(b) Participating at the Judicial Symposium 2009, International Trends in Business Insolvency Procedures, at the invitation of the Supreme Court of Korea, a conference organized to mark the 60th anniversary of the Supreme Court of Korea and attending a meeting of the Supreme Court Insolvency Group to discuss cross-border insolvency (Seoul, 22-27 September 2009);

(c) Participating in a round table on insolvency law reform, organized by the Government of Ukraine, and the Investment Climate Advisory Services of the World Bank Group, involving discussion of the use of the UNCITRAL Legislative Guide on Insolvency Law (Kiev, 15-17 December 2009);

(d) Participating at New Zealand's 9th Annual Insolvency Conference to present a session on developments in cross-border insolvency, including finalization of the UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation (Auckland, 4-5 March 2010); and

(e) Participating in a judicial training program on insolvency law, including cross-border insolvency, conducted for judges of the High Court, District Court,

senior Government law officers and officers from the Delhi Judicial Academy (Delhi, 10 April 2010).

## **G. Security interests**

24. The Secretariat participated in a number of activities to disseminate information on the United Nations Convention on the Assignment of Receivables in International Trade, the UNCITRAL Legislative Guide on Secured Transactions and the draft Supplement to the Guide dealing with security rights in intellectual property, currently being prepared by Working Group VI (Security interests). These included:

(a) Chairing a session of the Subcommittee of Enforcement and Creditor's Rights of the Section on Insolvency, Restructuring and Creditors' Rights on construction industry insolvencies at the annual International Bar Association Conference (Madrid, 7 October 2009);

(b) Delivering a presentation at a seminar on intellectual property (IP) rights and the UNCITRAL secured transaction project on the new rules and the consequences for British lenders and IP owners and managers (London, 13-15 October 2009); and

(c) Speaking on security interests at a time of financial crisis at the Greek Commercial Law Association Conference (Heraklion, Greece, 22-26 October 2009).

## **H. Assistance with legislative drafting**

25. Comments were also provided on various draft laws, including:

(a) A 2009 revision of the Serbian bankruptcy law, which includes provisions enacting the UNCITRAL Model Law on Cross-Border Insolvency (May 2009);

(b) In the context of cooperation with UNCTAD and the East African Community (EAC) to prepare EC legislation for EAC Member States (see above, E. Electronic commerce), reviewing legislation of Uganda on electronic transactions and e-signatures (June 2009);

(c) A revised version of the OHADA Uniform Securities Act, in cooperation with the Investment Climate Advisory Service (FIAS) of the World Bank Group with a view to ensuring consistency with the UNCITRAL Legislative Guide on Secured Transactions (September 2009);

(d) Commercial arbitration-related clauses in the draft commercial code of Liberia based on the UNCITRAL Model Law on International Commercial Arbitration (October 2009);

(e) A revision of the arbitration law of Viet Nam, in cooperation with the *Maison du droit Vietname-française* (October 2009-April 2010);

(f) The Draft Public Contracts Law for Iraq, at the request of UNIDO (November-December 2009);

- (g) A draft arbitration law for Malawi (December 2009);
- (h) Draft Mediation Rules in the context of court annexed mediation in Papua New Guinea (December 2009), at the request of the IFC;
- (i) A draft law on mediation for Serbia, at the request of the IFC (January 2010);
- (j) A draft arbitration law for Ethiopia at the request of the IFC (January 2010); and
- (k) A draft law on mediation for Macedonia, at the request of the IFC (April 2010).

### **III. Coordination activities**

26. In accordance with its mandate,<sup>29</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.

#### **1. International Institute for the Unification of Private Law (Unidroit)**

27. The Secretariat participated in the following meetings of Unidroit:

- (a) The 88th session of the Governing Council of Unidroit (Rome, 20-23 April 2009); and
- (b) The Diplomatic Conference for the adoption of the draft Unidroit Convention on Substantive Rules Regarding Intermediated Securities (Geneva, Switzerland, 5-9 October 2009).

#### **2. Hague Conference on Private International Law**

28. The Secretariat participated at the Working Group on Choice of Law in International Contracts (The Hague, 20-22 January, 2010); and

29. The Secretariat also attended the tripartite meeting between UNCITRAL, Unidroit and the Hague Conference (Rome, 8-9 June 2009). Further to previous meetings held among the secretariats of the Hague Conference on Private International Law, Unidroit and UNCITRAL, a paper dealing with the interrelationship among the texts on security interests by those organizations is being prepared to assist States considering the implementation of those texts.

#### **3. Other organizations**

30. Other coordination activities undertaken by the Secretariat have included providing comments on documents drafted by other Organizations and participation and, in some cases, presentations on the work of UNCITRAL at various meetings:

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<sup>29</sup> General Assembly resolution 2205 (XXI), sect. II, para. 8.

## (a) General

The World Legal Forum, to deliver presentations on international financial dispute resolution and private international regulation and public supervision (The Hague, 7-8 December 2009).

## (b) Procurement

The Electronic Government Procurement (eGP) Conference, at the invitation by the African Development Bank, Asian Development Bank, Inter-American Development Bank and the World Bank, to present and moderate a Round Table on Regulatory Framework for eGP and participate in informal consultations on the draft revised UNCITRAL Model Law on Procurement (Washington, DC, 8-14 November 2009).

## (c) Electronic commerce

(i) The first meeting of the WCO-UNCITRAL Joint Legal Task Force on Coordinated Border Management incorporating the International Single Window to study the legal aspects involved in implementing a cross-border single window facility with a view to formulating a comprehensive international reference document on legal aspects of creating and managing a single window (Brussels, 8-11 February 2010); and

(ii) Provided comments on UN/CEFACT draft recommendation 35 on cross-border electronic single window facilities (March 2010).

## (d) Security interests

(i) At the request of FIAS, provided comments on the World Bank Toolkit on Secured Transactions (September 2009);

(ii) The Seventh Inter-American Specialized Conference on Private International Law (CIDIP-VII) organized by the Organization of the American States (OAS) adopting the OAS Model Registry Regulations under the Model Inter-American Law on Secured Transactions (Washington, DC, 7-9 October 2009); and

(iii) The Third International Colloquium on Secured Transactions to discuss possible future work in the area of security interests provided an opportunity to ensure effective coordination with relevant international organizations, including Unidroit, the World Bank and WIPO (Vienna, 1-3 March 2010).

## (e) Commercial fraud

At the request of DTA/UNODC and in the context of UNCITRAL cooperation with UNODC on issues of commercial fraud and corruption, participated in the workshop on “use of legal persons by criminal organizations as means to legally own proceeds from offences committed by the latter” (16 November 2009, Palermo, Italy).

#### IV. Dissemination of information

31. 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. Website**

32. The 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, latest events and news. Most official documents are provided via linking to the Official Document System (ODS), whereas some older documents are available directly from the UNCITRAL website. The website is maintained and developed at no additional cost to the Secretariat.

33. During 2009, the UNCITRAL website had over one million visits from various parts of the world. Approximately 60 per cent of the traffic is directed to pages in English, 25 per cent to pages in French and Spanish, and the remaining 15 per cent to pages in Arabic, Chinese and Russian.

34. The content of the website is updated and expanded on an ongoing basis. In particular, UNCITRAL official documents relating to earlier Commission sessions are continuously uploaded in the ODS and made available on the website under a project on digitization of UNCITRAL archives conducted jointly with the UNOV Documents Management Unit in Vienna. In 2009, about 120 additional official documents from 1985 were made available on the UNCITRAL website.

35. In addition, in 2010, the new interface design of the Case Law on UNCITRAL Texts (CLOUT) abstract and the UNCITRAL Digest of case law on the United Nations Convention on the International Sales of Goods (2008 revision) have been implemented in view of accommodating and enhancing visibility, efficiency and usability of CLOUT.

## **B. Library**

36. 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, other Vienna-based international organizations, external researchers and law students.

37. The collection of the UNCITRAL Law Library focuses primarily on international trade law and currently holds 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). Particular attention is given to expanding the holdings in all of the six United Nations official languages.

38. The UNCITRAL Law Library maintains an online 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.

39. The UNCITRAL Law Library staff prepares for the Commission an annual Bibliography of 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 (see document A/CN.9/693). 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 featured in the bibliography section of the UNCITRAL website.<sup>30</sup>

40. In 2009, an advanced version of the consolidated bibliography of writings related to the work of UNCITRAL was made available on the UNCITRAL website.<sup>31</sup> The consolidated bibliography aims to compile all entries of the bibliographical reports submitted annually to the Commission since 1968. It currently contains over 3,500 entries, reproduced in the English and the original language versions, verified and standardized to the extent possible. The final version of the consolidated bibliography will be made available as an official UNCITRAL publication.

### C. Publications

41. In addition to official documents, UNCITRAL traditionally maintains two series of publications, which include the texts of all instruments developed by the Commission and the UNCITRAL *Yearbook*. 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 is discussed, and in the context of national law reform efforts.

42. The official text of the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules) was published in 2009. The *Yearbook* for 2005 was submitted for publication in 2009 and it is anticipated that the *Yearbooks* for 2006 and 2007 will be submitted prior to the forty-fourth session. The UNCITRAL Legislative Guide on Secured Transactions, the UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation and the collection of UNCITRAL legal texts on CD-ROM will be published in 2010.

### D. 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 e-mail and are posted on the UNCITRAL website, as well as on the website of the United Nations Information Service (UNIS) in Vienna.

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<sup>30</sup> [http://www.uncitral.org/uncitral/en/publications/bibliography\\_monthly.html](http://www.uncitral.org/uncitral/en/publications/bibliography_monthly.html).

<sup>31</sup> [http://www.uncitral.org/uncitral/en/publications/bibliography\\_consolidated.html](http://www.uncitral.org/uncitral/en/publications/bibliography_consolidated.html).

44. To improve the accuracy and timeliness of information received with respect to adoption of UNCITRAL model laws since such adoption does not require a formal action with the United Nations Secretariat such as is required with respect to treaties, and to facilitate the issue of press releases, the Commission may wish to request Member States to advise the Secretariat when enacting legislation to implement a model law.

## **E. General enquiries**

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

## **F. Information lectures in Vienna**

46. 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 undergraduate and graduate students from universities and other academies from Austria, USA, Germany and Korea, associations of law students and to officials of the ILO.

## **V. Resources and funding**

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

47. In the period under review, contributions were received from Cameroon and Singapore, to whom the Commission may wish to express its appreciation.

48. The costs of 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 extra-budgetary funding.

49. 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.

50. 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 a very small number of technical cooperation and assistance activities on an ongoing basis. Some funds remain available despite the projected expenditure for 2009 as efforts have been made to organize the requested technical cooperation and assistance activities at the lowest possible cost and with co-funding and cost sharing whenever possible. Once exhausted, 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.

51. 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 to identify sources of funding within their Governments.

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

52. In the period under review, no contributions for this trust fund were received.

53. 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.

54. 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.

55. 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.