



General Assembly

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**United Nations Commission on
International Trade Law**
Fiftieth session
Vienna, 3-21 July 2017

Programme for the Congress

Modernizing International Trade Law to Support Innovation and Sustainable Development

to celebrate the 50th annual session of UNCITRAL

4-6 July 2017

9.30 a.m. to 5 p.m.

Board Room D

Vienna International Centre



Day 1, 4 July 2017

08.00-09.30 Registration of participants

09.30- Opening of the Congress

09.50 H.E. Mr. Wolfgang Brandstetter, Vice-Chancellor, Federal Minister of Justice, Republic of Austria

Welcoming remarks

Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and the United Nations Legal Counsel

09.50-12.30 UNCITRAL's contributions to the harmonization and modernization of the law of international trade and commerce

09.50-11.20 Session 1 – Contributions of UNCITRAL texts to the Sustainable Development Goals: economic growth, development and institution-building under goals 8, 9, 16 and 17

International, regional and national perspectives

Sheikha Haya Bint Rashed Al-Khalifa, Chair of the Board of Trustees of the BCDR-AAA, Kingdom of Bahrain

Mr Li Chenggang, Assistant Minister, People's Republic of China

Mr. Yury Fedotov, Under-Secretary-General, Executive Director of the United Nations Office on Drugs and Crime and Director-General of the United Nations Office in Vienna

Mr. Dorothé Cossi Sossa, Secrétaire Permanent de l'OHADA

Mr. Choong-hee Hahn, former Chairman of UNCITRAL, Republic of Korea, *UNCITRAL and the SDGs*

Ms. Marie-Anne Birken, General Counsel, European Bank for Reconstruction and Development, *Contributions of UNCITRAL texts to the Sustainable Development Goals*

Mr. Mahesh Uttamchandani, Global Practice Manager, Finance and Markets, The World Bank Group, *Contributions of UNCITRAL texts to the Sustainable Development Goals*

11.20-12.20 *Panel discussion* Qualitative and quantitative benefits in the use of Model Laws

Mr. Andrew Myburgh, Senior Economist, IFC (World Bank Group) and Mr. Jordi Paniagua, Catholic University of Valencia, Spain: *The impact of UNCITRAL on FDI**

Mr. Reinmar Wolff, University of Marburg, Germany: *Model Laws as Instruments for Harmonization and Modernization**

Mr. Mohamed Y. Mattar, Qatar University College of Law: *Harmonization of National Legislation through Model Laws: From UNCITRAL to the League of Arab States and the Gulf Cooperation Council**

12.20-12.30 *Discussion*

12.30 *Lunch break*

12.45 *Side event* Integrating sustainability considerations into international commercial law reform

14.00-16.20 Session 2 – Creative international law-making in the international trade law context

14.00-14.10 *Keynote speaker* Mr. Rimsky Yuen, Secretary for Justice, Hong Kong SAR of the People's Republic of China

* This participant has submitted a paper for the Congress, whose title is in italics.

14.10-
14.50

Panel discussion UNCITRAL law-making in corporate insolvency, transport of goods by sea and secured transactions

Introduction from the Moderator Ms. Kathryn Sabo, Chairman of UNCITRAL Working Group VI (Security Interests); General Counsel, International Private Law Section, Department of Justice, Canada

Panellists Ms. Susan Block-Lieb, Fordham University School of Law, United States of America
Mr. Terence C. Halliday, Northwestern University, United States of America; Australian National University

14.50-
15.30

Panel discussion: Regional perspectives on law-making in UNCITRAL

Introduction from the Moderator Mr. Michel Nussbaumer, Chief Counsel, European Bank for Reconstruction and Development

Panellists Ms. Salla Saastamoinen, Director, Directorate-General for Justice and Consumers, Directorate A Civil and Commercial Justice, European Commission
Mr. Harold (Hal) Burman, former U.S. State Department, Office of Legal Adviser, United States of America
Mr. David Moran Bovio, Spain, former Chairman of UNCITRAL
Mr. Gaston Kenfack Douajni, former Chairman of UNCITRAL, Directeur de Législation, Ministère de la Justice, Cameroon

15.30
16.10

Panel discussion: Opportunities and challenges in the use of UNCITRAL models

Introduction from the Moderator Mr. Don Wallace, Georgetown University, Chairman, International Law Institute, United States of America

Panellists Mr. John Pottow, University of Michigan Law School, United States of America *International Insolvency Law's Cross-Roads and the New Modularity**
Mr. Fernando Dias Simoes, University of Macau, Macau SAR, People's Republic of China, *Investment law and climate disputes: The Role of UNCITRAL in Powering Sustainable Development**
Mr. Corrado Malberti, University of Trento, Italy *The Reduction of the Legal Obstacles Faced by MSMEs in the Footsteps of the Previous Attempts at Harmonizing Company Law: Will the UNCITRAL Reinvent the Role of Harmonization in Company law?**
Ms. Ana Teresa de Abreu Coutinho Boscolo, Brazil, *Challenges on the harmonization and the unification of international commercial law**

16.10-
16.20

Discussion, led by Mr. Don Wallace, Georgetown University, Chairman, International Law Institute, United States of America

16.20-
17.00

Session 3 – Considerations on the benefits of UNCITRAL texts and working methods of UNCITRAL

Panel discussion, led by Mr. Jeffrey Chan Wah-Teck, former Chairman of UNCITRAL and its Working Groups III and IV, Singapore

Panellists: Mr. Gerold Herrmann, former Secretary, UNCITRAL, Germany
Mr. Jernej Sekolec, former Secretary, UNCITRAL, Slovenia
Mr. Oh Soo-geun, former Chairman of UNCITRAL, Republic of Korea

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Mr. Ricardo Sandoval López, Chile, former Chairman of UNCITRAL

Mr. Renaud Sorieul, Secretary, UNCITRAL

Day 2 – 5 July 2017

09.30-11.30 Session 4 - Developments in the law of international trade and commerce: Integrated systems to support cross-border trade

09.30- *Introduction*

09.50 *Roundtable discussion* Legal issues arising in digital contracts and in digital property

Ms. Christiane Wendehorst, University of Vienna and European Law Institute, *Reconsidering legal instruments in the light of a new stage in digitalisation**

Mr. Sjef van Erp, Maastricht University, The Netherlands, *Ownership of data and the numerous clausus of legal objects**

09.50-10.40 *Panel discussion* Blockchain and smart contracts

Introduction from the Moderator Mr. Alex Ivanco, Head of International Law Unit, Ministry of Industry and Trade, Czech Republic

Panellists Mr. Koji Takahashi, Doshisha University, Japan, *Implications of the Blockchain Technology for the UNCITRAL works**

Mr. Scott Farrell, King & Wood Mallesons, Australia, *Lost and found in smart contract translation – considerations in transitioning to automation in legal architectures**

Mr Erik Vermeulen, Tilberg University, The Netherlands, *Three Reasons Why the Blockchain Revolution is Becoming a Reality*

Additional topics

Mr. Riccardo de Caria, University of Torino, Italy, *A digital Revolution in International Trade? The International Legal Framework for Blockchain Technologies, Virtual Currencies and Smart Contracts: Challenges and Opportunities**

Ms. Sara Hourani, Bournemouth University, United Kingdom, *Cross-border Smart Contracts: Boosting International Digital Trade through Trust and Adequate Remedies**

10.40-11.30 *Panel discussion* Transport, trade facilitation and payments

Introduction from the Moderator, Mr. Agustin Madrid Parra, former Chairman, UNCITRAL Working Group IV (Electronic Commerce), Spain

Panellists

Ms. Maria Chiara Malaguti, Catholic University of the Sacred Heart, Italy; Chairman of UNCITRAL Working Group I (MSMEs), *Possible future work of UNCITRAL in the field of payments*

Ms. Trisha Rajput, University of Gothenburg, Sweden, *Information Management in International Trade: Role of UNCITRAL in Advancing International Single Window Environment**

Additional topics:

Mr. Ezequiel T. Condoluci Santa Maria, Queen Mary University of London, United Kingdom, *Logistics Contracts: Outdated International Regulation?**

Ms. Teresa Rodríguez-de-las-Heras Ballell, Universidad Carlos III de Madrid, Spain, *Rules for electronic Platforms: the role of platforms and intermediaries in digital economy**

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11.30-12.30 Session 5 - Developments in the law of international trade and commerce: the credit economy

Introduction from the Moderator Mr. Bénédicct Foëx, University of Geneva, Switzerland

Panel discussion Blockchain, supply chain finance and SMEs

Panellists Mr. Marek Dubovec, National Law Center for Inter-American Free Trade, *Blockchain and UNCITRAL instruments on security interests*

Mr. Abhinayan Basu Bal, University of Gothenburg, Sweden, *Can UNCITRAL Instruments Advance Supply Chain Finance to Benefit Small and Medium Enterprises?**

Panel discussion Secured finance and regulatory considerations

Panellists Mr. Avery Belka, Associate General Counsel, Legal Division, Federal Reserve Bank of San Francisco

Mr. Marek Dubovec, National Law Center for Inter-American Free Trade and Mr. Giuliano Castellano, University of Warwick, United Kingdom, *Coordinating Secured Transactions Law and Capital Requirements**

12.30 *Lunch break;*

12.45 *Side event:* The potential contribution of the digital economy to the sustainability agenda

14.00-14.30 Continuation of Session 5 – the credit economy

Panel discussion Practical experience in secured finance law reform

Moderator Mr. Bénédicct Foëx, University of Geneva, Switzerland

Panellists Mr. Chang-Ho Chung, International Criminal Court, Republic of Korea, *Secured transactions reform in Korea*

Ms. Hilleni Tangi N. Shikongo Legal Officer, Office of the Attorney-General, Namibia, *A review of Security Rights over Moveable Property in Namibia**

Mr. Xiaoyang Li, China University of Political Science and Law, People's Republic of China, *The Role of Model Law in Modernizing National Laws on Secured Transactions (in context of Chinese law)**

14.30-17.00 Session 6 - Developments in the international law of trade and commerce: exit strategies and efficient and effective insolvency regimes

14.30-16.40 *Roundtable discussions* Introduction and reflections on harmonization of the law and practice of insolvency

Panellists Mr. Wisitsora-At, Chairman of UNCITRAL Working Group V (Insolvency Law), Permanent Secretary, Ministry of Justice, Thailand

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

Mr. Neil Cooper, INSOL International

Emerging issues in insolvency

Panellists Mr. Steven Schwarcz, Duke University/CIGI, Duke Law School, United States of America, *A proposal for UNCITRAL research: A model-law approach to sovereign debt restructuring**

Mr. Edward Janger, Brooklyn Law School, United States of America, *A Global Architecture for Resolution of Financial Institutions**

Ms. Antonia Menezes/Mr. Andres Martinez, World Bank, *Micro, Small and Medium Enterprise Insolvency in Africa: a comparative study**

Mr. Samuel Bufford, Pennsylvania State University, United States of America, *Alternative dispute resolution and insolvency**

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Additional topics Mr. Chris Redmond, Member-US delegation to Working Group V (Insolvency Law), Husch Blackwell LLP, United States of America, *Asset tracing and recovery*

Mr. John Martin, Australia, *Conflict and Consistency in Cross border Insolvency Judgments**

Ms. Maisie Ooi, University of Hong Kong, Hong Kong SAR, People's Republic of China, *Cross-border Insolvency and its Threat to International Trade: Proposal for a Comprehensive UNCITRAL solution**

Mr. Ángel Maria Ballesteros, Union Internationale des Avocats (UIA), *Reflexiones sobre la unificación de las normas de Derecho internacional privado aplicables a los procedimientos de insolvencia transfronteriza**

Mr. Mathias Audit, Ecole de droit de la Sorbonne (Université Paris 1), France, *Pour une procédure internationale de règlement de l'insolvabilité des Etats*

Ms. Chindar Teo, Queensland University of Technology, Australia, *The Certainty of Choice of Law Rules in the Uncertain World of International Bank Insolvency**

16.40-17.00 *Discussion and concluding remarks* Mr. Neil Cooper, INSOL International

18.30 Cocktail reception to celebrate the 50th Anniversary in the Vienna City Hall (Rathaus), Wappensaal - hosted by the City of Vienna, the Vienna International Arbitral Centre (VIAC), and the Austrian Arbitration Association (ARB | AUT)

Entrance: Lichtenfelsgasse 2, Feststiege 2, 1010 Vienna

Day 3 – 6 July 2017

09.30-12.30 **Sessions 7-9 Developments in the settlement of commercial disputes**

09.30-10.30 Session 7 - Reform of investor-state dispute settlement

Roundtable discussion on rationale for reform, a possible roadmap and technical assistance to States
Introduction from the Moderator Ms. Gabrielle Kaufmann-Kohler, Lévy Kaufmann-Kohler/University of Geneva Law School, Switzerland

Panellists

Mr. Salim Moollan, former Chairman of UNCITRAL, Mauritius

Ms. Yas Banifatemi, Shearman & Sterling, France

Mr. Andre von Walter, Dispute Settlement and Legal Aspects of Policy, Directorate General for Trade, European Commission

Mr. James Castello, King and Spalding International LLP, France

Mr. Andrés Jana L., Bofill Mir & Alvarez Jana, Chile

Mr. Diego Fernandez Arroyo, Secretary General, International Academy of Comparative Law; Co-Director of Global Governance Studies, Sciences Po Law School, France

Mr. Shane Spelliscy, Counsel, Department of Foreign Affairs and International Trade, Trade Law Bureau, Canada

Additional topics Dominic Dagbanja, *The Paradox of International Investment Law: the Disconnect between Development Objective in IIAs and Investment Disputes Settlement Revisited**

International Union of Judicial Officers, *Civil enforcement**

Maria Antonia Gwynn, *UNCITRAL and the possibility of returning to the multilateral regulation of foreign investment**

Concluding remarks Ms. Gabrielle Kaufmann-Kohler, Lévy Kaufmann-Kohler / University of Geneva Law School, Switzerland

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10.30-12.00 Session 8 – International commercial arbitration and conciliation*Panel discussion:* International framework on arbitration: where are the needs?*Introduction from the Moderator* Mr. Michael Schneider, Lalive Avocats, Switzerland, former Chairman of Working Group II (Dispute settlement); Lalive Avocats, Switzerland*Panellists*

Mr. Emmanuel Gaillard, President, International Arbitration Institute (IAI); Head of International Arbitration, Shearman & Sterling, France

Mr. Toby Landau, Essex Court Chambers, United Kingdom

Mr. Alexander Komarov, Member of the Presidium of the International Commercial Arbitration Court at the Russian Federation Chamber of Commerce and Industry, Russian Federation

Mr. Alvaro Galindo, Dechert LLP, United States of America

Mr. George Bermann, Columbia University School of Law, United States of America

Ms. Alice Fremuth-Wolf, Deputy Secretary General, Vienna International Arbitral Centre (VIAC), Austria

Ms. Natalie Yu-Lin Morris-Sharma, Chairman of Working Group II, UNCITRAL, Singapore

*Additional topics*Colin Ballantine - *Opening Oceania; reforming International Commercial Arbitration Regimes across Melanesia, Micronesia and Polynesia**Rosmy Joan, *Renegotiation of Indian BITs**Leena Moudgil, *Judicial response to international commercial arbitration with specific reference to venue of arbitration***Concluding remarks* Mr. Michael Schneider, Lalive Avocats, Switzerland, former Chairman of Working Group II (Dispute settlement); Lalive Avocats, Switzerland**12.00-12.30** Session 9 – New frontiers in dispute settlement*Panel discussion* on emerging issues*Introduction from the Moderator* Mr. Gaston Kenfack Douajni, UNCITRAL Chair, Directeur de Législation, Ministère de la Justice, Cameroon*Panellists* Ms. Janet Martinez, Stanford University, Law School, United States of America, *ODR - New developments*Ms. Dalma Demeter, University of Canberra, Australia, *Putting technology at the service of access to justice, cultural diversity and dispute resolution development**Bilateral arbitration treaties – Mr. Gary Born, Wilmer Cutler Pickering Hale and Dorr, United Kingdom, *Bilateral Arbitration Treaties: An Improved Means of International Dispute Resolution***Concluding remarks* Mr. Werner Melis, former President of Vienna International Arbitral Center (VIAC)**12.30** *Lunch break***12.45-13.45** *Side event* Integrating sustainability considerations into dispute settlement**14.00-16.50** **Sessions 10-13 - Harmonization and modernization of the law of international trade and commerce in practice: enhancing the implementation and interpretation of UNCITRAL texts**

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**14.00-
14.40** Session 10 - Dispute settlement

Introduction from the Moderator Mr. Hrvoje Sikiric, former Chairman of UNCITRAL; University of Zagreb, Croatia

Panel discussion Implementation and effective understanding of UNCITRAL texts on Dispute Settlement

Panellists Ms. Yas Banifatemi, Shearman & Sterling, France, *The New York Convention Guide*
Mr. Stefan Kroell, Director of the Willem C. Vis Arbitration Moot, Germany, *The Digest of Case Law on the Model Law on Arbitration*
Mr. Michael Schneider, Lalive Avocats, Switzerland, former Chairman of Working Group II (Dispute settlement); and Andrea Meier, Partner, Wartmann & Merker, Switzerland, *The Swiss Arbitration Association Toolbox as a means to promote the UNCITRAL Notes on Organizing Arbitral Proceedings*

**14.40-
15.25** Session 11 - Implementing the Convention on Contracts for the International Sale of Goods

Introduction from the Moderator, Mr. Henry D. Gabriel, Elon University School of Law, United States of America

Panel discussion National use of the Convention on Contracts for the International Sale of Goods

Panellists Ms. Mary Wallace, University of East Anglia School of Law, *How 'International' is International Commercial Law?*

Ms. Judit Glavanits, Széchenyi István University, Faculty of Law and Political Science, Hungary, *How do you mean it, CISG? Applying the CISG more "21st Century"-Way**

Ms. Petra Butler, Victoria University of Wellington, New Zealand and CLOUT National Correspondent, New Zealand

Ms. Mona Ahadi, University of Durham School of Law, United Kingdom, *The adoption of the CISG in Iran: Practical Difficulties in Implementing the CISG**

Additional topics Mr. Zuoli Jiang, Shandong University Law School, People's Republic of China, *In Favor of Appropriate Dynamic Interpretation for the CISG' Legal Uniformity**

Mr. Abdullah Abdullah, Qatar University College of Law, Qatar, *Towards the implementation of International Civil and Commercial Law: A call for Qatar to join the CISG**

Concluding remarks Mr. Henry D. Gabriel, Elon University School of Law, United States of America

**15.25-
16.10** Session 12 – Approaches to keeping UNCITRAL texts up to date

Introduction from the Secretariat

Panel discussion Keeping UNCITRAL texts on public procurement and PPPs up to date

Panellists Ms. Sue Arrowsmith, University of Nottingham, United Kingdom and Mr. Christopher Yukins, George Washington University, United States of America, *Is the UNCITRAL Model Law on Public Procurement in need of updating?*

Mr. Martin Trybus, University of Birmingham, United Kingdom, *Small and medium-sized enterprises and the division of contracts into lots**

Ms. Marcelle Van Valkenburg, Ministry of Infrastructure and the Environment, The Netherlands, *Dutch PPP tendering infrastructure into the equation**

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Ms. Tricia Chin, Trinidad and Tobago, *A view from users of the Model Law in the Caribbean region*

Concluding remarks Mr. John Linarelli, University of Durham, United Kingdom

16.10-16.50 Session 13 – Cataloguing developments in international trade law

Introduction from the Moderator, Mr. Renaud Sorieul, The Secretary, UNCITRAL, and Director, International Trade Law Division, United Nations Office of Legal Affairs

Panel discussion on coordination, knowledge-gathering and knowledge dissemination

Mr. José Angelo Estrella Faria, Secretary-General, International Institute for the Unification of Private Law (Unidroit)

Hague Conference on Private International Law

Mr. James Ding, Convenor for the APEC Economic Committee on Strengthening Economic Legal Infrastructure (SELI), Principal Government Counsel, International Law Division, Department of Justice, Hong Kong SAR of the People's Republic of China

Mr. Don Wallace, Georgetown University, Chairman, International Law Institute, United States of America, *The Global Legal Information Network (GLIN)*

Concluding remarks, Mr. Jeffrey Chan Wah-Teck, former Chairman of UNCITRAL and its Working Groups III and IV, Singapore

16.50-17.00 ***Closing address*** Mr. Renaud Sorieul, The Secretary, UNCITRAL, and Director, International Trade Law Division, United Nations Office of Legal Affairs

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