



**Economic and Social
Council**

Distr.
GENERAL

TRADE/WP.5/2003/9
27 November 2003

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

**COMMITTEE FOR TRADE, INDUSTRY AND
ENTERPRISE DEVELOPMENT**

Working Party on International Legal
And Commercial Practice

Fifty-first session
17 – 19 November 2003

DRAFT PROGRAMME OF WORK

Introduction

The Working Party on International Legal and Commercial Practice promotes reform and capacity building in new legal, institutional and regulatory frameworks in the transition economies. In this regard it prepares guidelines on best practice and undertakes technical assistance programmes to assist countries in implementing these guidelines. The objectives of these programmes follow the goals of the United Nations as set out in the United Nations Millennium Declaration on the alleviation of poverty, in the UN Financing for Development and the 'Monterrey Consensus' and in the Summit on Sustainable Development in Johannesburg. The Working Party in carrying out its objectives, involves as much as possible the business community and civil society. These methods of work and these abovementioned goals are consistent with the UNECE's plan of action. The Working Party supports in addition the harmonization of laws and institutions as part of European economic integration and the process of EU enlargement. The Working Party's contribution to improving the legal and regulatory frameworks promotes enterprise development and the conditions for FDI, particularly in the transition economies.

Programme of work of the Working Party's sub-programmes

The Working Party is currently responsible for three sub-programmes:

- Public-Private Partnership Alliance formerly the Build- Operate- Transfer (BOT) Group
- The Real Estate Advisory Group's Land for Development Programme with a proposal to establish a High level Panel on 'Property Rights for the Poor', under the chairmanship of Hernando de Soto and in cooperation with UN-Habitat and the UNDP
- Advisory Group on the Enforcement and Protection of Intellectual Property Rights for Investment

These advisory groups consist of experts from both the public and private sectors. They provide practical support for transition economies and are funded from extra-budgetary, in-kind and financial contributions. The business community works closely with these advisory groups. To encourage more cooperation with the business community and in helping to implement the guidelines of the UN (July 2000) to enhance relations with the business community in implementing UN goals, the Working Party has helped to prepare "Guidelines on Partnerships with the Business Community" using its experience with establishing these new types of partnership.

The report of these three groups is presented in three separate documents to the fifty first session of the Working Party. The Working Party is invited to take decisions on the specific proposals made by these bodies as set out in their respective reports.

Visions and objectives

3. The vision and objectives of WP 5 have consistently kept up to date in the light of changes in the region. There has been pride that the Working Party has been in the forefront of taking new initiatives in order to keep its procedures contemporary. These procedures for example the holding of open Forums on the first day of their sessions to involve non-governmental representatives, the establishment of effective sub groups to provide assistance to governments to help implement their guidelines, and the discussion of new topics, such as the importance of 'Good Governance in Public-Private Partnerships for Infrastructure'.

4. The impact of EU enlargement will require new adjustments and closer cooperation between the EU and the UNECE. It will require as well more focus on countries outside the EU. This will involve using the legal expertise and experience of countries which have passed through transition and will join the EU in 2004. In addition, its comparative advantage is the neutral framework of the UN, applying legal and commercial principles that are consistent with the UN goals. Within UNECE the body is unique in terms of its mandate and the bureau

5. Accordingly, it is proposed that the secretariat convenes a small task force of WP 5 representatives to revise the mandate and terms of reference of WP 5 in order to reflect these objectives and vision and to report back to the next session.

Deliverables

6. The Working Party organised at each of its sessions a Forum, and prepared guidelines on various aspects of commercial practises that were approved by WP 5 members. This current year the goal is to provide guidelines in good governance in public private partnerships and through its leadership and support provides technical assistance in its various sub-groups. Namely as mentioned above the PPP Alliance, REAG, IP etc

7. It is suggested that the same group established examines the following questions:

- (i) How too improve the impact of the deliverables?
- (ii) How a group on arbitration might be developed to assist in the spread of best practices in dispute resolution in the region?

Topics for WP 5 sessions in the next three years.

8. It is customary for WP 5 to decide on the topics of its next Forum on an annual basis. It is proposed in order to develop more support and understanding that WP 5 operates on a three yearly 'rolling' basis with a programme of pre-selected topics. Given limited resources it is also helpful if these topics remain close to where the WP 5's expertise traditionally lies. The secretariat proposes thus, on this basis the following subjects of Forums and guides for the next three years under the heading of '*Improving judicial procedures for commercial and legal practices for an integrated Europe*':

- November 2004: Resolving disputes in business and trade: role of mediation, (with a view to preparing guidelines) in cooperation with UNCITRAL. (This meeting may finalize the work of revising the 1961 Arbitration Convention and may discuss the re-establishment of an advisory group, resources permitting, to help lawyers, governments and firms in Europe use more efficient dispute systems.
- 2005-6: New Trends in Competition Law and Policy and its impact on business, in cooperation with the EU, and /or : Intellectual property challenges in cooperation with the EU with an emphasis on showing how IP rights should be applied in order to boost innovation in the European economy.