



# General Assembly

Distr.: Limited  
3 July 2007

Original: English

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**United Nations Commission  
on International Trade Law**  
Fortieth session  
Vienna, 25 June-12 July 2007

## **Programme for the Congress**

### **Modern Law for Global Commerce**

to celebrate the 40th annual session of UNCITRAL

9-12 July 2007

**9.30 a.m. to 5.00 p.m.**

**UN/UNIDO Board Room**

**Vienna International Centre**



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<i>Day one</i> <i>Monday, 9 July</i>	<i>Process and value of uniform commercial law</i>
08.00-10.00	Registration of participants
10.00-10.15	<b>Opening address and welcome</b> <i>Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs, The Legal Counsel United Nations</i> <i>H. E. Ambassador Thomas Stelzer, Permanent Representative of Austria to the United Nations (Vienna)</i>
10.15-11.30	<b>Process and methods of international rule-making</b> <i>Chair: Mr. Dobrosav Mitrović, Chairman of 40th UNCITRAL session</i> <b>Key-note address</b> <i>H. E. Ambassador Didier Opertti Badán, Secretary-General Latin- American Integration Association (ALADI)</i> <b>Roundtable</b> <i>Mr. Jernej Sekolec, Secretary, United Nations Commission on International Trade Law (UNCITRAL)</i> <i>Mr. Hans Van Loon, Secretary-General, Hague Conference on Private International Law</i> <i>Mr. Herbert Kronke, Secretary-General, International Institute for the Unification of Private Law (UNIDROIT)</i> <i>Mr. Khalil Hamdani, Director of the Division on Investment, Technology and Enterprise Development, United Nations Conference on Trade and Development (UNCTAD)</i> <i>Mr. Vijay S. Tata, Chief Counsel for Private Sector Development, Finance and Infrastructure, The World Bank</i>
11.30-11.45	Break
11.45-12.30	<b>Comments, evaluation and discussion</b> Allocation of work among formulating agencies <i>Mr. Jeffrey Chan Wah-Teck, Head Civil Division, Attorney-General's Chambers, Singapore</i> Coordination of domestic positions in international forums <i>Ms. Kathryn Sabo, General Counsel, Department of Justice, Canada</i>
12.30-14.00	Lunch break

Day one  
Monday, 9 July

Process and value of uniform commercial law

14.00-15.00

**Harmonization of commercial law: practical importance and economic value**

*Chair: Professor Kazuaki Sono, Hokkaido University, Japan; former Secretary of UNCITRAL*

Transaction costs, choice of law and uniform contract law

*Professor Gerhard Wagner, University of Bonn, Germany*

Economic arguments in the harmonization debate

*Professor Jan Smits, University of Maastricht, Netherlands*

Costs of legal uncertainty

*Professor Helmut Wagner, University of Hagen, Germany*

15.00-15.20

**Comments, evaluation and discussion**

15.20-15.30

Break

15.30-16.30

**Commercial law development and technical legal assistance: goals and stakeholders**

*Chair: Mr. William T. Loris, Director General, International Development Law Organisation (IDLO)*

Commercial law harmonization and multilateral assistance to law reform

*Mr. Gerard Sanders, Deputy General Counsel, European Bank for Reconstruction and Development (EBRD)*

Commercial law harmonization and bilateral assistance to law reform

*Mr. Charles A. Schwartz, Senior Commercial Law Reform Advisor, United States Agency for International Development (USAID)*

Addressing complexity: ITC's experience in trade law related technical assistance

*Mr. Jean-François Bourque, WTO/UNCTAD International Trade Centre*

16.30-17.00

**Comments, evaluation and discussion**

Training needs for judges and arbitrators

*Judge Rosa María Maggi Ducommun, Court of Appeals of Santiago, Chile*

Legal harmonization in practice: teaching and learning uniform commercial law

*Professor Chiara Giovannucci Orlandi, University of Bologna, Italy*

Day two  
Tuesday, 10 July

Secured transactions, company law and insolvency

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9.30-10.30

**Economic and social development through enhanced access to credit**

*Chair: Ms. Cynthia Licul, Acting General Counsel, International Fund for Agricultural Development (IFAD)*

Legal mechanisms to empower informal businesses

*Mr. Muhammad Medhat Hassanein, Professor of Banking and Finance, Management Department of the School of Business, Economics and Communication, American University in Cairo, Egypt*

The role of multilateral financing agencies in promoting modern standards for secured transactions

*Mr. Vijay S. Tata, Chief Counsel for Private Sector Development, Finance and Infrastructure, The World Bank*

The role of secured transactions to mobilize credit and the need for modernizing the law

*Mr. Madhukar Rangnath Umarji, Chief Advisor – Legal, Indian Banks' Association, India*

10.30-11.00

**Comments, evaluation and discussion**

Promoting the implementation of the United Nations Convention on the Assignment of Receivables In International Trade and the UNCITRAL Legislative Guide on Secured Transactions

*Mr. Richard Kohn, Commercial Finance Association (CFA), United States of America*

*Mr. Georges Affaki, Vice-Chair, ICC Banking Commission; Head of Legal, ECEP, BNP Paribas; Associate Professor of Law, University of Paris, France*

11.00-11.10

Break

11.10-12.00

**New horizons for secured transactions**

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

Practical problems of integrating various international standards of secured transactions

*Professor Neil Cohen, Brooklyn Law School, United States of America*

Security interest in intellectual property rights

*Mr. Oscar Alcantara, Goldberg Kohn, United States of America*

Open issues in the field of secured transactions

*Professor Ulrich Drobnig, Max-Planck-Institut für ausländisches und internationales Privatrecht, Germany*

Day two  
Tuesday, 10 July

Secured transactions, company law and insolvency

12.00-12.30	<b>Comments, evaluation and discussion</b>
12.30-14.00	Lunch break
14.00-15.00	<p><b>Legal issues on corporate governance</b></p> <p><i>Chair: Professor Eric Bergsten, Pace University School of Law, United States of America; former Secretary of UNCITRAL</i></p> <p>Corporate governance in developing countries: shortcomings, challenges and impact on access to credit</p> <p><i>Mr. Seward Cooper, Chief Counsel (Good Governance), African Development Bank (ADB)</i></p> <p>Responsible investing in weak governance zones</p> <p><i>Ms. Kathryn Gordon, Principal Administrator, Organisation for Economic Co-operation and Development (OECD)</i></p> <p>Company restructuring and accountability</p> <p><i>Professor Peter Doralt, Chairman, Takeover Commission, Austria</i></p>
15.00-15.30	<b>Comments, evaluation and discussion</b>
15.30-15.40	Break
15.40-16.30	<p><b>Roundtable: Developing effective and efficient insolvency regimes</b></p> <p><i>Chair: Mr. Wisitsora-At, Director-General, Office of Justice Affairs, Ministry of Justice, Thailand; former Chairman of UNCITRAL Working Group V (Insolvency Law)</i></p> <p>Discussion of a hypothetical reorganization of a cross-border corporate conglomerate that includes insurance and financial institutions. The restructuring will involve secured transactions and conflicts of laws issues. How are these issues currently treated; what major problems exist; and what further work on harmonization would assist in achieving effective and efficient insolvency regimes?</p> <p>Speakers:</p> <p><i>Mr. Sumant Batra, Kesar Dass B &amp; Associates, India</i></p> <p><i>Ms. Eva Hüpkes, Swiss Federal Banking Chamber, Switzerland</i></p> <p><i>Mr. Neil Cooper, Kroll Worldwide, United Kingdom</i></p> <p><i>Ms. Irit Mevorach, Lecturer, School of Law, University of Nottingham, United Kingdom</i></p>
16.30-17.00	<b>Comments, evaluation and discussion</b>

Day three  
Wednesday, 11 July

Sale of goods, transport law and electronic commerce

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9.30-10.30

**The future of contract law harmonization**

*Chair: Professor Ole Lando, Copenhagen Business School, Denmark*

The European contract law project

*Ms. Diana Wallis, Member of European Parliament for the United Kingdom*

National, regional and global contract law: what is needed and when

*Judge Jean-Paul Béraudo, Conseiller honoraire à la Cour de cassation, France*

Global and regional harmonization: the Russian perspective

*Professor Serguei N. Lebedev, Chairman, Maritime Arbitration Committee, Russian Chamber of Commerce and Industry – Professor, Moscow Institute of International Relations*

Global and regional harmonization: the Chinese perspective

*Ms. Yuejiao Zhang, former member of the UNIDROIT Governing Council;*

*Senior Counsel, Jun He Law Offices, China*

10.30-11.00

**Comments, evaluation and discussion**

11.00-11.10

Break

11.10-12.00

**Uniform contract law in practice**

*Chair: Professor Manuel Olivencia Ruiz, University of Seville, Spain*

Choice of law, contract terms and uniform law in practice

*Mr. Henry D. Gabriel, De Van Dagggett Professor of Law, Loyola University Law School, New Orleans, United States of America*

Towards a legislative codification of the UNIDROIT principles?

*Professor Michael Joachim Bonell, Professor of Law, University “La Sapienza” Faculty of Law, Italy*

Contract law harmonization and third countries: the case of the CISG

*Professor Hiroo Sono, Counsellor, Civil Affairs Bureau, Ministry of Justice, Japan*

12.00-12.30

**Comments, evaluation and discussion**

The practice of excluding the CISG: time for change?

*Mr. Eckart Brödermann, Brödermann & Jahn, Hamburg, Germany*

*Mr. Harry Flechtner, Professor, University of Pittsburgh School of Law, United States of America*

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<i>Day three</i> <i>Wednesday, 11 July</i>	<i>Sale of goods, transport law and electronic commerce</i>
12.00-12.30	<b>Comments, evaluation and discussion</b>
12.30-14.00	Lunch break
14.00-15.00	<p><b>Carriage of goods in the 21st century</b></p> <p><i>Chair: Professor Rafael Illescas, University Carlos III, Madrid, Spain</i> <i>Chairman of UNCITRAL Working Group III (Transport Law)</i></p> <p>Freight forwarder law</p> <p><i>Professor Jan Ramberg, University of Stockholm, Sweden</i></p> <p>Sea carriage goes ashore: relationship between multimodal conventions and domestic unimodal rules</p> <p><i>Professor Michael Sturley, University of Texas at Austin, United States of America</i></p> <p>Transfer of rights and transport documents</p> <p><i>Mr. Alexander von Ziegler, Schellenberg Wittmer, Switzerland</i></p>
15.00-15.30	<b>Comments, evaluation and discussion</b>
15.30-15.40	Break
15.40-16.30	<p><b>Electronic commerce: going beyond functional equivalence</b></p> <p><i>Chair: Mr. Jeffrey Chan Wah-Teck, Attorney-General's Chambers, Singapore</i> <i>former Chairman of UNCITRAL Working Group IV</i></p> <p>Cybercrime and commercial fraud</p> <p><i>Mr. Mal Nuhu Ribadu, Executive Chairman, Economic and Financial Crimes Commission (EFCC), Nigeria</i></p> <p>Developing single windows for foreign trade</p> <p><i>Mr. Bart Schermer, CEFAC Legal Group, UN/ECE</i></p> <p>Becoming operational: electronic registries and transfer of rights</p> <p><i>Professor Amelia H. Boss, Temple University School of Law, Philadelphia, United States of America</i></p>
16.30-17.00	<b>Comments, evaluation and discussion</b>

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Day four  
Thursday, 12 July

Government contracts and dispute settlement

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- 9.30-10.30                    **New procurement techniques and current issues on government procurement**  
*Chair: Mr. Tore Wiwen-Nilsson, Partner, Mannheimer Swartling Advokatbyrå, Sweden*  
*Chairman of UNCITRAL Working Group I (Procurement)*  
Modern public procurement techniques: benefits, concerns and regulation (with emphasis on theoretical issues)  
*Professor Steven Schooner, George Washington University School of Law, United States of America*  
Modern public procurement techniques: benefits, concerns and regulation (with emphasis on practical issues)  
*Mr. Knut Leipold, World Bank*  
Achieving socioeconomic goals through public procurement: what is at stake?  
*Mr. Robert Hunja, Advisor, Treasury, Kenya*
- 10.30-11.00                    **Comments, evaluation and discussion**
- 11.00-11.10                    Break
- 11.10-12.00                    **Long-term government contracts and private investment**  
*Chair: Mr. Gerold Herrmann, former Secretary of UNCITRAL*  
Key issues on creating legal framework for infrastructure concessions  
*Mr. Alexei Zverev, Senior Counsel, European Bank for Reconstruction and Development (EBRD)*  
The impact of public procurement and rules of government contracting on public spending and attracting private infrastructure investment  
*Mr. Hector Mairal, Partner, Marval, O'Farrell & Mairal, Argentina*  
Public procurement, long-term government contracts and dispute settlement  
*Professor Don Wallace, Chairman, International Law Institute, United States of America*
- 12.00-12.30                    **Comments, evaluation and discussion**
- 12.30-14.00                    Lunch break



Day four  
Thursday, 12 July

Government contracts and dispute settlement

14.00-14.45	<p><b>Steps to ensure a stable framework for the settlement of commercial disputes</b></p> <p><i>Chair: Mr. Michael Schneider, Lalive Avocats, Switzerland Chairman of Working Group II (International Arbitration and Conciliation)</i></p> <p>How to promote a uniform interpretation of public policy</p> <p><i>Mr. Cecil Abraham, Managing Partner, Shearn Delamore &amp; Co., Malaysia</i></p> <p>The question of appellate jurisdiction in international arbitration</p> <p><i>The Hon. Sir Anthony Colman, Royal Courts of Justice, United Kingdom</i></p> <p>Is there a need for additional support for ad hoc arbitration?</p> <p><i>Mr. Jan Paulsson, London Court of International Arbitration (LCIA), United Kingdom</i></p>
14.45-15.10	<b>Comments, evaluation and discussion</b>
15.10-15.30	Break
15.30-16.15	<p><b>Commercial dispute settlement: issues for the future</b></p> <p><i>Chair: Mr. Dobrosav Mitrović, Chairman of 40th UNCITRAL session</i></p> <p>The possible role of arbitration in insolvency</p> <p><i>Mr. Zack Clement, III Committee on International Insolvency Arbitration</i></p> <p>How to control the costs of arbitration</p> <p><i>Mr. José María Abascal Zamora, Counsel and Arbitrator, Abascal &amp; Asociados, Mexico</i></p> <p>Conciliation: Enforcement of settlement agreement</p> <p><i>Mr. Tore Wiwen-Nilsson, Partner, Mannheimer Swartling Advokatbyrå, Sweden</i></p> <p>Unresolved issues in investment arbitration</p> <p><i>Ms. Yas Banifatemi, Partner, Shearman &amp; Sterling, France</i></p>
16.15-16.45	<b>Comments, evaluation and discussion</b>
16.45-17.00	<b>Closing of the Congress</b>