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**United Nations Commission  
 on International Trade Law**  
**Forty-second session**  
 Vienna, 29 June-17 July 2009

**Technical cooperation and assistance**
**Note by the Secretariat\***
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\* This note is submitted two weeks less than the required ten weeks prior to the start of the meeting to enable completion of consultations.



## **IV. Dissemination of information**

1. 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. Case Law on UNCITRAL Texts (CLOUT)**

2. CLOUT, established for the collection and dissemination of case law on UNCITRAL texts, continues to be an important tool of the technical cooperation and assistance activities undertaken by UNCITRAL. The wide distribution of CLOUT in the six official languages of the United Nations promotes the uniform interpretation and application of UNCITRAL texts by facilitating access to decisions and awards from many jurisdictions.

3. The system is regularly updated with new abstracts. The full text of the court decisions and arbitral awards are collected, but not published. As at the date of this note, 83 issues of CLOUT had been prepared for publication, dealing with 851 cases, relating mainly to the United Nations Convention on Contracts for the International Sale of Goods (CISG), the UNCITRAL Model Law on International Commercial Arbitration (MAL), the UNCITRAL Model Law on Cross-Border Insolvency (MLCBI) and the UNCITRAL Model Law on Electronic Commerce (MLEC).

4. The revised Digest of Case Law on the CISG was published both in hard copy (English version) and on the UNCITRAL website at the end of 2008. Translation into Spanish is being finalised; the Arabic, Chinese, French and Russian versions of the revised Digest are available on the UNCITRAL website.

5. As of February 2008, a CLOUT Bulletin is published every quarter. The Bulletin is aimed at strengthening the links between the Secretariat, its National Correspondents, its institutional partners and the international legal community. It provides information on the latest CLOUT developments and offers a brief summary of recent UNCITRAL technical assistance activities.

6. A CLOUT information brochure was published and distributed to inform a wide audience about the CLOUT system and, at the same time, promote voluntary contributions to the system to complement those received from the National Correspondents.

#### *The network of National Correspondents*

7. As agreed by the Commission at its 21st session in 1988, CLOUT relies on a network of national correspondents designated by Member States that are parties to a Convention or have enacted legislation based on a Model Law (see the User Guide A/CN.9/SER.C/GUIDE/1/Rev.1). The national correspondents, either as individuals or a specific organ or body, are expected to monitor and collect court decisions and arbitral awards and prepare abstracts of those that are considered relevant.

Submission of abstracts from the national correspondents is subject to the availability of suitable case law in that country.

8. Currently, there are 88 national correspondents, representing 69 countries; some correspondents were appointed at the early stages of the system.

9. Experience suggests that after a number of years, changes in professional function, career interests and other professional developments may affect the level of involvement of national correspondents. Those appointed as national correspondents may no longer be in position to provide the information required by CLOUT or to actively participate in the CLOUT network. An additional consideration is the increasing interest in CLOUT as a result of the success and continuing expansion of the Willem Vis Moot. Significant numbers of current and former participants have developed an interest and expertise in the CISG and arbitration and have sought to contribute to the collection of cases reported in CLOUT.

10. The Commission might wish to consider how the collection of cases might be regularly sustained over time. This might be achieved, for example, by requesting Member States which have appointed national correspondents to reconfirm this appointment at a regular interval, e.g. every five years. This option would enable the network to be systematically streamlined, retaining those correspondents who are willing to remain actively involved and at the same offering the opportunity to new experts to join. In considering such a possibility, the Commission may also wish to discuss how and when it might be achieved and, in particular, how it might apply to existing national correspondents.

11. To assist the network of national correspondents with any eventual change in the system administration, the Secretariat might revise and expand the existing guidelines so as to facilitate improved coordination.

12. While the national correspondents network is and should continue to be the principal support of the CLOUT system, there is the need to enhance the speed and completeness of the collection of case law in countries that already participate in the CLOUT system. There is also the need to ensure collection of case law from a wider range of countries, in particular from those that are currently under-represented in the system. For that reason, the Commission might wish to mandate the Secretariat to utilize all available sources of information that might supplement the information provided by the national correspondents. Where a national correspondent has been appointed, the Secretariat would carry out this task in collaboration with that correspondent.

#### *Enhancing CLOUT*

13. CLOUT plays an important role in the current global legal-economic context. It provides information in six languages on worldwide case law applying UNCITRAL texts, thus assisting legal practitioners, judges and law professors in their activity. It also provides the basis for the analysis of interpretation trends that is a key part of the case law Digests. Furthermore, the system contributes to the promotion of UNCITRAL legal texts since it demonstrates that the texts are the subject of case law from many different countries and that judges and arbitrators at different latitudes contribute to the refinement of their interpretation.

14. In order for CLOUT to remain a meaningful tool, however, the system requires a regular increase of the abstracts collected and control of their quality, regular maintenance and improvement of the search engine, regular coordination of the network of the national correspondents and monitoring of other sources of information on available case law. CLOUT also needs to be promoted among new potential users, in particular from economies in transition and developing countries. These activities are resource intensive and the Secretariat is currently stretching its available resources to ensure the coordination of the system. Given CLOUT development since its establishment and the expectation that collection and dissemination of case law on UNCITRAL texts will further increase, proper maintenance of the system and its capacity to meet the demands of increased abstract submission becomes key and requires the resources currently available to the Secretariat to be supplemented. The Secretariat is considering possible solutions to respond to this need, which would require funding outside the regular budget of the Division. The Commission might wish to assist the Secretariat by requesting Member States to provide active support in the search for appropriate funding sources at national level so as to ensure proper functioning of the system.

## **B. Website**

15. 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.

16. During 2008, the UNCITRAL website registered over one million visitors from various parts of the world with an average of 2,857 visits per day. About 55 per cent of visitors are from North America, 15 per cent from Western and Eastern Europe, 8 per cent from Asia, 7 per cent from Oceania and the remaining 15 per cent from South America, Africa and the Middle East. Approximately 45 per cent of the traffic is directed to pages in English, 30 per cent to pages in French and Spanish, and the remaining 25 per cent to pages in Arabic, Chinese and Russian.

17. 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 2008, about 200 additional official documents from 1972-1992 were made available on the UNCITRAL website.

## **C. Library**

18. 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.

19. 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 now being given to expanding the holdings in all of the six United Nations official languages.

20. 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. In 2008, the UNBIS Thesaurus and name authorities were integrated into the OPAC with the assistance of the United Nations Dag Hammarskjöld Library in New York and the United Nations Library in Geneva. The integrated bibliographic data helps to streamline the Library's cataloguing practices in accordance with the UNBIS cataloguing standards.

21. 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.9/673). 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 publication are featured in the bibliography section of the website.

#### **D. Publications**

22. 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*. UNCITRAL Yearbooks 2002 through 2004 were published subsequent to the date of the previous note submitted to the Commission at its fortieth session in 2008 (A/CN.9/652 of 8 April 2008). A book on "Promoting confidence in electronic commerce: legal issues on international use of electronic authentication and signature methods" was published in February 2009 (the English version is currently available, the other official UN languages will be published soon). The collection of UNCITRAL legal texts on CD-ROM will be available in 2009.

23. 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.

#### **E. Press releases**

24. 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.

25. 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.

## **F. General enquiries**

26. 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.

## **G. Information lectures in Vienna**

27. 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, as well as to members of the legal profession from Germany, Georgia, India, Slovenia and the United States of America.

## **V. Resources and funding**

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

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

29. 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 extrabudgetary funding.

30. 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.

31. 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. Some funds remain available despite the projected expenditure for 2008 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.

32. 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**

33. In the period under review, a contribution was received from Austria, to whom the Commission may wish to express its appreciation.

34. 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.

35. 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.

36. 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.

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