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**United Nations Commission  
 on International Trade Law**  
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**Technical cooperation and assistance**
**Note by the Secretariat**
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## I. Introduction

1. Pursuant to a decision taken at its twentieth session in 1987, technical cooperation and assistance activities aimed at promoting the use and adoption of its texts represent one of the priorities of the United Nations Commission on International Trade Law (UNCITRAL).<sup>1</sup>

2. In its resolution 67/89 of 14 January 2013, 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 and reiterated its appeal to bodies responsible for development assistance, 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.

3. The General Assembly welcomed the initiatives of the Commission towards expanding, through its Secretariat, its technical cooperation and assistance programme, and noted with interest the comprehensive approach to technical cooperation and assistance, based on the strategic framework for technical assistance suggested by the Secretariat to promote universal adoption of the texts of the Commission and to disseminate information on recently adopted texts.

4. The General Assembly also stressed the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urged States that have not yet done so to consider signing, ratifying or acceding to those conventions, enacting model laws and encouraging the use of other relevant texts.

5. The status of adoption of UNCITRAL texts is regularly updated and available on the UNCITRAL website. It is also compiled annually in a note by the Secretariat entitled "Status of conventions and model laws" (for the Commission's forty-sixth session, see A/CN.9/773).

6. 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-fifth session in 2012 (A/CN.9/753 of 26 April 2012), and reports on the development of resources to assist technical cooperation and assistance activities.

7. A separate document (A/CN.9/776) provides information on current activities of international organizations related to the harmonization and unification of international trade law and on the role of UNCITRAL in coordinating those activities.

## II. Technical cooperation and assistance activities

### A. General approaches

8. Technical cooperation and assistance activities undertaken by the Secretariat aim at promoting the adoption and uniform interpretation of UNCITRAL legislative

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<sup>1</sup> *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, para. 335.

texts. Such activities 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.

9. Technical cooperation and assistance may involve: undertaking briefing missions and participating in seminars and conferences, organized at both regional and national levels; assisting countries in assessing their trade law reform needs, including by reviewing existing legislation; 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 judges and legal practitioners.

10. Some of the activities undertaken in the relevant time period are described below. Activities denoted with an asterisk were funded by the UNCITRAL Trust Fund for Symposia.

#### **Initiatives for a regional approach**

11. The Secretariat continued participation in the Asia-Pacific Economic Cooperation (APEC) Ease of Doing Business Project on enforcing contracts in coordination with the Korean Ministry of Justice. The project aims at strengthening the legislative and institutional framework for the enforcement of contracts in APEC as well as adjacent economies (Philippines and Thailand in 2012, Indonesia and Peru in 2011)\*. At the Second International Conference on Enforcing Contracts (Seoul, 7 November 2012)\*, recommendations to improve legal environment for enforcing contracts in Thailand and the Philippines were presented. In 2013, the project will focus on Brunei Darussalam (ranked 158th out of 185 countries), Saudi Arabia (124th) and Vietnam (44th) and adoption of UNCITRAL texts on arbitration, sale of goods and electronic communications will be suggested as possible law reform measures in these States (Saudi Arabia, 6-8 May 2013, Brunei Darussalam and Viet Nam scheduled for late May or early June)\*. The Secretariat's participation in the project has been made possible through the voluntary contribution received from the Government of the Republic of Korea.

12. Other regional initiatives involving the Secretariat include the ongoing partnership with the Deutsche Gesellschaft für Internationale Zusammenarbeit ("GIZ"). The Secretariat attended a meeting to discuss future projects in the Balkan region with focus on activities implemented to date in the context of the Open Regional Fund for South East Europe (ORF-SEE) fund on legal reform and to identify broad areas of intervention for a possible phase three of the programme. Phases one and two focused on the United Nations Convention on Contracts for the International Sale of Goods and alternative dispute resolution methods respectively (Belgrade, 14-16 June 2012).

13. The Secretariat delivered a presentation on UNCITRAL's efforts in the harmonization of law, at the Middle Eastern regional conference, organized by the Protection Project, Johns Hopkins University School of Advanced International

Studies and Beirut Arab University, in an effort to promote UNCITRAL texts in the Arab region (Beirut, 9-11 September 2012)\*.

#### **Promotion of the universal adoption of fundamental trade law instruments**

14. One approach relies on promoting primarily the adoption of fundamental trade law instruments, i.e., those treaties that are already enjoying wide adoption and the universal participation to which would therefore seem particularly desirable.

15. The treaties currently considered under that approach are the Convention on the Recognition and Enforcement of Foreign Arbitral Awards<sup>2</sup> (the New York Convention, a United Nations convention adopted prior to the establishment of the Commission, but actively promoted by the Commission), whose universal adoption has already been explicitly called for by the General Assembly,<sup>3</sup> and the CISG.

#### **General promotion of the work of UNCITRAL**

16. Secretariat staff took part in the following:

(a) Represented UNCITRAL and delivered a presentation at high-level meeting “Foro Centroamericano de Derecho y Derecho Internacional Privado”, upon invitation of the Central American Court of Justice (Panama City, 30-31 January 2013); and

(b) Presented UNCITRAL’s work and exchanged views with the Members of the Committee on International Trade (INTA) of the European Parliament (Brussels, 21 March 2013).

#### **Promotion of recent treaties**

17. The Secretariat continues to promote recently adopted instruments, including at the regional level, in order to encourage their signature and adoption by States with a view to facilitating their early entry into force.

18. The United Nations Convention on the use of Electronic Communications in International Contracts (the “Electronic Communications Convention”) has entered into force on 1 March 2013. The Secretariat has continued to actively promote its adoption, especially in the Asia-Pacific region (for a list of the relevant activities in that region, see paras. 63-65).

## **B. Specific activities**

### **Sale of goods**

19. The Secretariat has continued to pursue universal adoption of the CISG. Accessions to the text have been supported by dedicated workshops and conferences as well as by bilateral meetings and other interactions. With regard to the March 2013 accession by Brazil, the Secretariat was involved in recent years in

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<sup>2</sup> United Nations, *Treaty Series*, vol. 330, No. 4739.

<sup>3</sup> United Nations General Assembly, Resolution 62/65 of 8 January 2008, para. 3.

several related events (Rio de Janeiro, 23-30 June 2009;<sup>4</sup> Sao Paolo, 29-30 April 2010;<sup>5</sup> and Sao Paolo, 3-4 November 2011\*<sup>6</sup>).

20. The Secretariat has also continued to support States in the process of revision of declarations lodged upon becoming party to the CISG, with a view to reconsidering them, where appropriate, in order to further harmonize the scope of application of the convention.

21. In addition, the Secretariat remains active in promoting uniform interpretation of the CISG, both through activities related to the Case law on UNCITRAL texts (CLOUT)<sup>7</sup> and through delivery of targeted trainings for judges, practitioners and students, such as delivery of a CISG workshop for the Czech Judicial Academy (Brno, Czech Republic, 14 June 2012)\* and provision of a CISG seminar at the Faculty of Law, University of Vienna (Vienna, 15 October-7 November 2012).

22. Finally, the Secretariat has continued to promote the adoption and uniform interpretation of the Convention on the Limitation Period in the International Sale of Goods (New York, 1974), as amended by the Protocol of 11 April 1980 (Vienna) (the "Limitation Convention"),<sup>8</sup> including by inviting States to consider the adoption of the amended version of the Limitation Convention when already a party to the unamended one.

### **Dispute resolution**

23. The Secretariat has been engaged in the development of instruments and tools to provide information on the application and interpretation of UNCITRAL texts in the field of dispute settlement. The Secretariat has also been engaged in training activities, in the promotion of instruments relating to arbitration and conciliation as well as in supporting ongoing legislative work. Given the high rate of adoption of these texts, the demand for technical assistance in the field of dispute resolution remains particularly acute.

(i) *Development of instruments and tools to provide information on the application and interpretation of UNCITRAL texts in the field of dispute settlement*

24. Regarding the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), a website ([www.newyorkconvention1958.org](http://www.newyorkconvention1958.org)) has been established in order to make the information gathered in the preparation of the UNCITRAL guide on the New York Convention publicly available; an updated version of the website was presented at the fifty-eighth session (New York, 4-8 February 2013) of Working Group II (Arbitration and Conciliation) (see A/CN.9/765, paras. 95-98).

25. Regarding the UNCITRAL Model Law on International Commercial Arbitration (1985, amended in 2006), the Secretariat has co-organized the following events related to the 2012 Digest of Case Law on the Model Law (the "Digest"): on 8-10 June 2012\*, a launch event co-organized in Singapore with the Singapore

<sup>4</sup> A/CN.9/695, para. 12 (b).

<sup>5</sup> A/CN.9/724, para. 52.

<sup>6</sup> A/CN.9/753, para. 21.

<sup>7</sup> See A/CN.9/777 for more information.

<sup>8</sup> United Nations, *Treaty Series*, vol. 1511, No. 26119, p. 3 and No. 26121, p. 99.

Ministry of Law; and on 1 March 2013, a conference co-organized in Berlin, Germany, with the Ministry of Justice and the German Institution of Arbitration (DIS).

(ii) *Supporting ongoing legislative work and training activities*

26. The Secretariat has provided comments on:

(a) Draft legislation on arbitration, including for the Governments of Cook Islands, Palestine, Qatar and Slovakia;

(b) Draft legislation on mediation, including for the Government of Egypt; and

(c) Draft arbitration rules of arbitral institutions, including, at the request of the Stockholm Chamber of Commerce (SCC), on the SCC UNCITRAL Arbitration Rules 1976 and 2010, the SCC Appointing Authority Rules 1976, the SCC Appointing Authority Rules 2010 and the SCC Ad Hoc Administrative Services.

27. The Secretariat provided technical assistance to support the establishment of a commercial arbitration centre in Ramallah (Ramallah, State of Palestine, 14-16 December 2012).

28. The Secretariat also contributed, within the framework of the USAID Judicial Independence and Legal Empowerment Project, to the preparation of a judicial training for the High School of Justice in Georgia, with the aim of training judges in Georgia in the field of international commercial arbitration.

29. The UNCITRAL Regional Centre for Asia and the Pacific co-organized, with the Ministry of Justice of the Republic of Korea and the Korean Commercial Arbitration Board, a conference on Asia-Pacific Perspectives on International Commercial Arbitration (Seoul, 22-23 November 2012, see para. 58)\*.

30. The Secretariat co-organized, with the International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC) and the Young Austrian Arbitration Practitioners (YAAP), the annual joint Conference on arbitration (Vienna, 21-22 March 2013).

31. Other events on international arbitration in which the Secretariat participated or contributed included:

(a) A seminar on the role of the United Nations in International Arbitration at the invitation of the International Arbitration Academy (Paris, 16 July 2012);

(b) A seminar hosted by the Chartered Institute of Arbitrators, to present a talk entitled “UNCITRAL’s role in dispute resolution, as the promoter of the New York Convention and other legal standards” (London, 6 September 2012);

(c) A plenary session of the International Cotton Advisory Committee in relation to the enforcement of arbitral awards under the New York Convention (Interlaken, Switzerland, 9 October 2012);

(d) The Third Economic and Financial Forum for the Mediterranean, including a session on Conciliation and Arbitration, organized by the Milan Chamber of Commerce (Milan, 12-13 November 2012);

(e) A workshop organized by the International University MITSO (Belarus) in collaboration with the Ministry of Foreign Affairs of Belarus, and UNCTAD, UNCITRAL and ICSID, on the subject of Investment Dispute Settlement (Minsk, 19-20 November 2012);

(f) A conference entitled “The Role of State Courts in Arbitration” organized by the Cairo Regional Centre for International Commercial Arbitration, to present technical assistance tools such as the Digest of Case Law on the Model Law on Arbitration and the project for a guide to the New York Convention that aim (inter alia) to assist judges in the interpretation and application of the Model Law and New York Convention (Sharm El Sheikh, Egypt, 27-28 November 2012);

(g) The Twentieth Annual Croatian Arbitration Days Conference, on the topic of Investment Arbitrations in Central and Eastern Europe (Zagreb, 5-7 December 2012);

(h) The Mauritius International Arbitration Conference, where a presentation was made on the work of UNCITRAL and the United Nations Office of Legal Affairs in the promotion of the rule of law and the role of the United Nations in international dispute resolution (Mauritius, 10-11 December 2012); and

(i) A workshop on the harmonization of trade law in ASEAN, including in the area of dispute resolution (Singapore, 11-12 March 2013, see para. 59).

#### **Electronic commerce**

32. The Secretariat has continued promoting the adoption of UNCITRAL texts on electronic commerce, in particular in cooperation with other organizations and emphasizing a regional approach (see paras. 10, 63-65 and A/CN.9/776). It has also provided comments on draft regional and national legislation, for example, a draft law on electronic communication and transactions prepared by the Government of Botswana.

33. As a result of those promotional activities, the United Nations Convention on the Use of Electronic Communications in International Contracts entered into force on 1 March 2013 with the Dominican Republic, Honduras and Singapore as States Parties. In addition, several new national enactments of legislation on electronic commerce and electronic signatures were recorded (see A/CN.9/773).

34. The Secretariat also engaged in informal consultation with legislators and policymakers from various jurisdictions, including those from South Africa and Viet Nam.

#### **Procurement**

35. In accordance with requests of the Commission and Working Group I (Procurement), the Secretariat has established links with other international organizations active in procurement reform to foster cooperation with regard to the 2011 UNCITRAL Model Law on Public Procurement (the “Model Law”) and its accompanying Guide to Enactment (2012).<sup>9</sup>

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<sup>9</sup> Available at [www.uncitral.org/uncitral/en/uncitral\\_texts/procurement\\_infrastructure.html](http://www.uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure.html).

36. The aims of such cooperation are to ensure that regional requirements and circumstances are understood by reforming Governments and organizations are informed of the policy considerations underlying those texts, so as to promote a thorough understanding and appropriate use of the Model Law, at both regional and national levels.<sup>10</sup> The Secretariat is taking a regional approach to this cooperation, and activities with the multilateral development banks in several regions, focusing on good governance and anti-corruption (in which procurement reform plays a pivotal role), are envisaged.

37. To this end, the Secretariat has participated as speaker/presenter at a wide range of international events, including:

(a) Participation as a speaker at the 8th Regional Public Procurement Forum hosted by the Government of Albania, the ADB, EBRD, IsDB and WB, and attended by government officials from Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kyrgyz Republic, Kosovo, Moldova, Montenegro Serbia, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine, and by representatives from the host organizations. The topics addressed were e-procurement and framework agreements under the UNCITRAL Model Law on Public Procurement (2011), in the context of harmonization of international and regional procurement regimes (Tirana, 22-25 May 2012);

(b) Continuing participation in the EBRD and UNCITRAL initiative, in partnership with the OSCE, on enhancing public procurement regulation in the CIS countries and Mongolia.<sup>11</sup> Within the framework of that Initiative, during the period under review, a Public Procurement Policy Workshop for the Government of Azerbaijan took place in Baku, from 31 May to 1 June 2012\*, a Public Procurement Draft Law Review Session for the Government of Kyrgyzstan took place in Vienna, from 6 to 8 March 2013, and a public procurement workshop for the Government of Tajikistan took place in Vienna, from 9 to 11 April 2013. The topics addressed the use of the Model Law and Guide to Enactment in order to upgrade and modernize procurement laws and practice in the region. Under the same Initiative, the diagnostic analysis of the public procurement legislation of the following countries for its compliance with the UNCITRAL Model Law on Public Procurement was completed: Azerbaijan, the Kyrgyz Republic, Mongolia and the Russian Federation;

(c) Participation as a speaker at the VIII Annual Conference of the Inter-governmental Procurement Network, hosted by the Interamerican Network on Government Procurement (Spanish acronym, RICG); Government of Panama and PanamaCompra; Organization of American States (OAS), the Interamerican Development Bank (IDB), the Canadian International Development Agency (CIDA) and the International Development Research Center (IDRC/ICA). The conference considered national efforts in procurement reform and implementing and improving procurement performance, and the UNCITRAL Model Law on Public Procurement (2011) was presented in the context of international standards and procurement reform (Panama City, 11-13 September 2012)\*;

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<sup>10</sup> See documents A/CN.9/575, paras. 52 and 67, A/CN.9/615, para. 14, and A/66/17, paras. 186-189.

<sup>11</sup> [www.ppi-ebd-uncitral.com/index.php/en/the-initiative](http://www.ppi-ebd-uncitral.com/index.php/en/the-initiative).

(d) Participation in a workshop organized by the World Bank in cooperation with ADB and EBRD, delivering a presentation on international practices in public procurement, focussing on the Model and Guide to Enactment, the scope of UNCITRAL's activities and the importance of partnerships with other donors to ensure coherence and consistency in reforms (Dushanbe, 7-9 October 2012)\*;

(e) Provision of technical support and cooperation to the UNODC Corruption and Economic Crime Branch, in particular regarding coordination in the implementation of article 9 of United Nations Convention against Corruption (UNCAC) regarding public procurement, and supporting the UNODC project entitled "Public-Private Partnership for Probity in Public Procurement", as noted in the 4th session of the Conference of the State Parties to the UNCAC (Marrakech, 24-28 October 2012). These activities included advising the Governments of India and Mexico on reform of their public procurement legal and regulatory framework, and participating in Expert Group and other meetings (24-26 September 2012);

(f) Participation as a speaker at a Conference of the Public Procurement Network on the UNCITRAL Model Law on Public Procurement (2011) and possible future work in public-private partnerships (Stockholm, 3-4 December 2012);

(g) Conducting a seminar at the EBRD, pursuant to the EBRD UNCITRAL Initiative, to explain the principles of the Model Law and its use with other international and regional texts on public procurement, to further harmonization in its implementation (London, 11 January 2013)\*;

(h) Participation in the Thomson Reuters Conference on "Government Contracts: Year in Review", which is convened to provide expert briefings to local and international practitioners, policymakers and academics on the past year's legal developments affecting public procurement. The session was entitled "Transatlantic Dialogue", and included discussions of corporate compliance systems, comparative approaches to sanctions and debarment, the proposed EU Directives on public procurement and strategies for harmonization (Washington, D.C., 19 February 2013);

(i) Participation as a speaker at the AFDB-EBRD Regional Conference on Public Procurement, in a session on "New ideas in reform: the UNCITRAL Model Law and the World Trade Organization's Agreement on Government Procurement". The main purpose of the conference is to provide a forum to reflect upon the status of public procurement legal frameworks in the MENA region (Egypt, Jordan, Morocco and Tunisia) and to encourage their ongoing and future legal regulatory reform (Marrakech, 22-24 April 2013)\*; and

(j) Participation in the US-European Procurement Leadership Roundtable: Key issues for Future Reform in Procurement Law, hosted by the Ruhr-Universität Bochum, Germany, and the George Washington University Law School (Washington D.C., United States of America) in cooperation with American Bar Association, Public Contract Law Section, United Kingdom Procurement Lawyers Association and the Forum Vergabe e.V.; Deutscher Anwaltverein; on emerging issues in United States and European procurement, the UNCITRAL Model Law and the World Trade Organization's Agreement on Government Procurement, focussing on enhancing transatlantic cooperation in anti-corruption, compliance efforts, bid protests/challenges, mergers and acquisitions, export controls, academic issues and bar association initiatives (Vienna, 19 February 2013).

**Supporting ongoing legislative work and training activities**

38. The Secretariat has also provided ongoing advice to the Governments of Jamaica, Trinidad and Tobago (with the support of the IADB) on reform of their public procurement legal and regulatory framework.

39. Presentation of the UNCITRAL Model Law on Public Procurement and Guide to Enactment (2011 and 2012) to students of international public procurement law and policy at the University of Nottingham, United Kingdom and to students of EBRD-MAE-CONSIP Tor Vergata Master Programme in Public Procurement, to encourage broader understanding of the Model Law's provisions and its use as a tool for procurement reform (Nottingham, United Kingdom, 14-15 January 2012 and Rome, Italy, 11-12 April 2013);

40. Presentation of the UNCITRAL Model Law on Public Procurement and Guide to Enactment (2011 and 2012) to students of Public Procurement for Sustainable Development, at ITC-ILO and the University of Turin; again to encourage broader understanding of the Model Law's provisions and its use as a tool for procurement reform (Turin, Italy, 29 February-1 March 2012); and

41. Conducting a training session on UNCITRAL for FAO, organized and financed by UNITAR and with the participation of IDLO. Topics covered included: public procurement and infrastructure development, international commercial arbitration and conciliation, online dispute resolution, international transport of goods and an overview of other areas within UNCITRAL's mandate (Rome, 21-23 May 2012).

**Insolvency**

42. 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. Such activities included:

(a) Delivered a presentation at the Policy Conference "Financial Restructuring and Bankruptcy Law" on regional and global practices in Financial Restructuring and Bankruptcy Law: lessons for UAE/Dubai. The purpose of the conference was to engage in a discussion of best practice; both regional and international, based on the laws of the United Kingdom, United States and Singapore and focusing on several key insolvency issues in the context of a new draft insolvency law for Dubai and the United Arab Emirates (Dubai, United Arab Emirates, 13-16 May 2012)\*;

(b) To give a workshop on UNCITRAL's work on insolvency law at the 50th anniversary conference of the AIJA (International Association of Young Lawyers) to raise awareness of the work of UNCITRAL, particularly as it relates to enterprise group insolvency (Barcelona, Spain, 30 August 2012);

(c) Participation as speaker at the 3rd INSOL Africa Roundtable on Insolvency law, with the aim to facilitate discussion of Insolvency Law reform in the African region in the context of issues of particular concern to that region, such as micro- and small enterprises, as well as to promote consideration of the need to address cross-border insolvency. Also held consultations with senior government

officials to discuss the proposal to establish an UNCITRAL Regional Centre in Kenya (Nairobi, 6-9 September 2012)\*;

(d) Participation at the Global Forum on Law, Justice and Development Week (GFLJD) organized by the World Bank which is an annual event designed to address how law and justice contribute to better development outcomes through opportunity, inclusion and equity (Washington, D.C., 10-14 December 2012); and

(e) To participate and speak at the Canadian Annual Review of Insolvency Law, hosted by the University of British Columbia. The conference is the key insolvency event in Canada attracting a significant number of Canadian and United States practitioners and providing an update on notable developments in insolvency law (recent cases etc.) in the last 12 months (Montreal, Canada, 8-9 February 2013).

### Security interests

43. The approach taken by the Secretariat in providing technical assistance related to UNCITRAL texts on security interests (the United Nations Convention on the Assignment of Receivables in International Trade,<sup>12</sup> the UNCITRAL Legislative Guide on Secured Transactions,<sup>13</sup> its Supplement on Security Rights in Intellectual Property<sup>14</sup> and the draft UNCITRAL Guide on the Implementation of a Security Rights Registry)<sup>15</sup> is twofold. The first approach focuses on disseminating information about those texts to Government officials, legislators, judges, academics and practitioners and thus, promoting their implementation. Such activities included participation at the following events:

(a) Lectures on secured financing at Moscow State Institute of International Relations (MGIMO) and consultations with officials of the Ministry of Economic Development of the Russian Federation (Moscow, 13-20 October 2012);

(b) Expert group meeting with representatives of the Ministry of Justice and the Federal Notary Chamber of the Russian Federation on the draft pledge provisions of the Russian Civil Code and the new law on pledge registration (Vienna, 27-28 November 2012);

(c) Lecture on registration of security interests at the Colloquium on Publicity as a Factor of Efficiency of Security Interests at the Law School of the University of Auvergne (Clermont-Ferrand, France, 1 February 2013); and

(d) Lecture on Intellectual Property Financing at the Lazarski University/Center for International Legal Studies L.L.M. in Transnational Commercial Practice Programme (Salzburg, Austria, 26 March 2013).

44. The second approach focuses on providing technical assistance to States in their secured transactions law reform activities. An example of such activities is the technical assistance provided to the Russian Federation with respect to pledge and pledge registration law. Another example is the cooperation with international financial institutions, such as the World Bank, the International Finance Corporation (IFC), and other organizations, such as the National Law Centre on Inter-American

<sup>12</sup> United Nations publication, Sales No. E.04.V.14.

<sup>13</sup> United Nations publication, Sales No. E.09.V.12.

<sup>14</sup> United Nations publication, Sales No. E.11.V.6.

<sup>15</sup> [www.uncitral.org/uncitral/en/commission/working\\_groups/6Security\\_Interests.html](http://www.uncitral.org/uncitral/en/commission/working_groups/6Security_Interests.html).

Free Trade, in the context of their technical assistance to States. The objective of this cooperation is to ensure that technical assistance is provided consistent with UNCITRAL texts on secured transactions. Examples of such an approach include the adoption of secured transactions laws that are consistent with the UNCITRAL Legislative Guide on Secured Transactions in Colombia, Guatemala and Mexico.

45. The Secretariat also engages in informal consultation with legislators and policymakers from various jurisdictions, in some instances as a follow-up to the aforementioned activities. Finally, the Secretariat is making progress in its work with the World Bank with a view to preparing a set of principles for effective and efficient secured transactions.

#### **Online dispute resolution**

46. The Secretariat attended as speaker at the LawTech Europe Conference, on the Working Group's latest deliberations on Online Dispute Resolution (Prague, 12 November 2012).

#### **Other capacity-building activities**

47. The Secretariat took part as a resource person in the UNCTAD training on "Integrating the Trade dimension in the United Nations Development Assistance Frameworks" and delivered a presentation on the importance of trade law reform. The activity targeted government officials of various Asian countries, receivers of the United Nations assistance in economy and trade related issues. It was the third of a series of workshops based on the training manual developed by the Inter-Agency Cluster on Trade and Productive Capacity of which UNCITRAL is a member. Following the structure of the manual the workshop focused on various aspects of trade, including legal aspects, that should be considered in preparing country development plans in the context of the UNDAF (United Nations Development Assistance Framework) (Kathmandu, 23-27 April 2012).

48. The Secretariat has also been engaged in other capacity-building activities aimed at increasing the knowledge of international trade law. Among these, cooperation with the International Training Centre of the International Labour Organization (ITC-ILO) and the University of Turin may be noted.

49. In the framework of that cooperation, the Secretariat has continued to contribute to the management and delivery of the Master Course on Public Procurement for Sustainable Development and of the Master of Laws course in International Trade Law. These master level courses form an integral part of the broader educational programme denominated "Turin School of Development".<sup>16</sup>

50. International development agencies and other institutions managing comprehensive technical assistance programmes may wish to consider sponsoring the participation of students in such courses in order to strengthen local capacity in partner countries over the longer term.

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<sup>16</sup> [www.itcilo.org/en/training-offer/turin-school-of-development-1](http://www.itcilo.org/en/training-offer/turin-school-of-development-1).

### III. Activities of the UNCITRAL Regional Centre for Asia and the Pacific

51. Since the Commission's forty-fifth session, the Regional Centre for Asia and the Pacific has carried out its activities in line with the lines of action for technical assistance of the Secretariat (A/66/17, para. 255) as well as the specific priorities identified for the Regional Centre (A/67/17, para. 184), namely assessing needs and mapping existing projects relating to trade law reform, with a view to increasing coordination among them, and establishing contacts with entities already significantly engaged in trade law reform. Particular importance was given to coordination with other regional entities, and, among them, with the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). Contacts were also made with the United Nations Information Centres in Australia and Japan to provide better media coverage of the activities of the Regional Centre and of legislative reform initiatives.

52. In light of existing initiatives and requests, the Regional Centre kept its focus on East Asia and the Pacific as geographic areas and on alternative dispute resolution, sale of goods and electronic commerce as thematic areas for its work. Closer cooperation was sought with institutions already involved in the field, such as the Asian Development Bank Pacific Liaison and Coordination Office, located in Sydney, Australia, and active in trade law reform in support of private sector development in the Pacific, the Korean Legislative Research Institute of the Republic of Korea and the Centre for Asian Legal Exchange at Nagoya University in Japan.

53. The work of the Regional Centre highlighted the interest of States and other stakeholders in the use of uniform texts in trade law reform as a means to increase legal predictability and reduce costs in cross-border trade. This interest was reinforced by the absence of regional economic integration organizations with comprehensive legislation-making authority and by the broad support for the pursuit of economic development as a matter of priority expressed by several Asian and Pacific States.

54. At the policymaking level, the Regional Centre contributed to the discussion on the nexus between trade law reforms based on uniform texts, economic development as a catalyser for social stability and conflict prevention, and the rule of law (e.g., at the workshop held at the University of Hokkaido, Sapporo, Japan, 22 February 2013).

55. A number of initiatives were undertaken at the operational level.

56. Alternative dispute resolution attracts steady interest in the region for a number of reasons. According to a widespread opinion, Asian values favour harmony and reconciliation over adversarial methods for the settlement of disputes. This attitude may, for instance, demand a less stringent separation between conciliation and arbitration proceedings. Moreover, the increasing involvement of Asian countries in international trade and investment, including as investors, increased their exposure to international arbitration. Finally, arbitration has been increasingly invoked as the preferred method of dispute resolution also for non-commercial international disputes. All of those factors coalesce to increase the

interest for alternative dispute resolution mechanisms in the region and the demand for related capacity-building exercises.

57. In this area, the Regional Centre organized with the Ministry of Justice of the Republic of Korea and the Korean Commercial Arbitration Board a major event on “Asia-Pacific Perspectives on International Commercial Arbitration” (Seoul, 22-23 November 2012), discussing all UNCITRAL texts relating to arbitration as well as its current work in the field. It is envisaged that that meeting will take place on an annual basis. Other events relating to alternative dispute resolution to which the Regional Centre contributed include participation in the “Asia-Pacific Mediation Conference 2012: Mediation and its Impact on National Legal Systems” organized by the City University of Hong Kong (Hong Kong, China, 16-17 November 2012) as well as in a workshop on international commercial arbitration organized by the Royal Academy for Judicial Professions of the Kingdom of Cambodia (Phnom Penh, 9 August 2012). That workshop aimed, in particular, at increasing the familiarity of the Cambodian judiciary with the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 (the “New York Convention”) and the UNCITRAL Model Law on International Commercial Arbitration (the “Model Arbitration Law”), as both texts have been adopted by Cambodia.

58. Moreover, significant work was done to disseminate awareness on and promote the use of the 2012 UNCITRAL Digest of Case Law on the Model Arbitration Law, a tool that has raised great interest and received general praise (see para. 25). The Model Arbitration Law has been widely adopted in Asia and the Pacific and in some subregions, such as South-East Asia, is considered as a de facto standard. Recent enactments of that model law in the relevant region include, according to several sources, the new Arbitration Law of Saudi Arabia (Royal Decree No. M/34 dated 24/5/1433 H / 16 April 2012).

59. The Regional Centre has actively pursued the promotion of universal participation in the New York Convention in its region. In this respect, it should be noted that Tajikistan became a party to the New York Convention on 14 August 2012. The consideration of that treaty action was promoted by a capacity-building project in support of Tajikistan’s accession to the World Trade Organization sponsored by the United States Agency for International Development (USAID). The Regional Centre has been closely monitoring the process of consideration of adoption of the New York Convention by Myanmar, including by contributing to dedicated events (Yangon, Myanmar, 12 December 2012). Special attention was given to the importance of that treaty in the context of the harmonization of arbitration laws in member States of the Association of South-East Asian Nations (ASEAN), including by contributing to the “ASEAN Senior Law Officials Meeting (ASLOM) Workshop on the Harmonization of the Trade Laws of ASEAN Member States” (Singapore, 11-12 March 2013). Myanmar became the 149th State party to the New York Convention on 16 April 2013.

60. Special attention was also given to promoting of the adoption of the New York Convention in Pacific small island States, one of the world’s regions where the rate of adoption of that treaty is lowest. Contacts have been made with partners potentially interested in contributing to an exercise aimed at promoting participation in the Convention by building related legal capacity so as to provide Pacific small island States with a legal tool fundamental for their closer integration in the regional and global economy.

61. Significant work relating to international sale of goods, and, in particular, the promotion of the adoption and uniform interpretation of the United Nations Convention on Contracts for the International Sale of Goods, 1980 (CISG) has been carried out directly with stakeholders. The topic was regularly featured at promotional events, such as the workshop on “UNCITRAL texts in Australia: Arbitration, Electronic Commerce, Sale of Goods” co-organized with the Commercial Law Group of the Faculty of Law, Monash University (Melbourne, Australia, 7 February 2013), and the conference “From Global to Local” organized by the Arbitrators’ and Mediators’ Institute of New Zealand (AMINZ) (Wellington, 2-4 August 2012), which similarly offered presentations on arbitration and electronic commerce as well.

62. From the legislative standpoint, the withdrawal of the declaration related to articles 11, 12 and 96 of the CISG by the People’s Republic of China is noteworthy in the framework of the global trend favouring review and, when advisable, withdrawal of existing declarations to that treaty in order to further increase the uniformity of its scope of application. The matter had been first discussed by the UNCITRAL secretariat at the international seminar on the “Interpretation and Application of the Convention on Contracts for the International Sale of Goods (CISG) with Emphasis on Litigation and Arbitration in China” held at the University of Wuhan (Wuhan, China, 13-14 October 2007) (A/CN.9/652, para. 10 (b)). Among potential new parties, progress towards the adoption of the CISG was reported by Viet Nam, following the positive conclusion of a public consultation on the matter.

63. The Regional Centre has been particularly active in the field of electronic commerce by promoting the adoption of existing texts and participating in regional fora, including those aiming at the elaboration of future regional standards. The information gathered indicates different levels of States’ awareness of and interest in electronic commerce law. For instance, several countries in East and South-East Asia have sufficiently developed national legislation in the field and are now dealing with international aspects, including by considering the adoption of the United Nations Convention on the Use of Electronic Communications in International Contracts, 2005. On the other hand, most countries in South Asia seem to prioritize strengthening their national legislative framework, and some Central Asian States are engaged in the preliminary steps of the preparation of national legislation.

64. In this respect, it should be noted that UNCITRAL texts on electronic commerce are considered as a de facto standard for subregional harmonization among member States of ASEAN. Recently, a further step in that direction was made with the adoption by the Lao People’s Democratic Republic of the Law on Electronic Transactions (Law No. 20/NA of 7 December 2012, promulgated with Presidential Decree No. 025/POR of 17 January 2013). The Regional Centre has participated in the “ASEAN/UNCTAD Preparatory Workshop on the Review of E-Commerce Laws Harmonization in ASEAN” (Cebu, the Philippines, 10-11 November 2012), and contributed to the subsequent review exercise, coordinated by the ASEAN Secretariat and UNCTAD and finalized by the preparation of a study containing recommendations on further harmonization of e-commerce laws in ASEAN.

65. Additional work of the Regional Centre in the field of electronic commerce included illustrating the benefits of the adoption of UNCITRAL uniform texts in the context of an enabling legal framework for electronic single window facilities (“2012 AFACT Plenary Meeting and EDICOM”, Teheran, Islamic Republic of Iran, 21-22 November 2012); and contributing to the work carried out by ESCAP and United Nations Network of Experts for Paperless Trade in Asia and the Pacific (UN NEXT), in furtherance of ESCAP Resolution no. 68/3, and with a view to assessing the desirability and feasibility of a regional agreement on paperless trade (“Regional Expert Consultation on Connecting Asia-Pacific’s Digital Society for Building Resilience”, Colombo, 5-6 September 2012; “Expert Group Meeting on Enhancing Regional Connectivity through Trade and Investment: Towards Regional Arrangements for the Facilitation of Cross-border Paperless Trade”, Bangkok, 13-14 March 2013). Events aimed, inter alia, at promoting the United Nations Convention on the Use of Electronic Communications in International Contracts, 2005 were organized by the Regional Centre with the Hankuk University of Foreign Studies (Seoul, 20-21 September 2012) and with the University of Queensland TC Beirne School of Law (Brisbane, Australia, 5 February 2013).

66. Moreover, the Regional Centre has been active in supporting present and possible future UNCITRAL legislative-drafting work. In particular, an expert group meeting was convened to discuss the use of uniform texts in ongoing contract law reform exercises, and possible means to enhance coordination between global, regional and national legislation (Incheon, Republic of Korea, 25-26 February 2013). That expert group meeting highlighted the significant reliance on uniform law in certain East Asian contract law reform exercises, the need for increased promotional work, especially in developing countries, to fully explain the features of uniform texts and the benefits associated with their adoption, and the desirability of more closely coordinating and supporting regional efforts aimed at preparing new uniform texts. Other relevant meetings include a conference co-organized with the Hankuk University of Foreign Studies (Seoul, 20-21 September 2012) to discuss, inter alia, matters relating to the work of UNCITRAL Working Group III (Online Dispute Resolution) and Working Group IV (Electronic Commerce).

67. The Regional Centre has participated in several events aimed at disseminating information and building capacity in its host country, the Republic of Korea, such as the seminar on “Practical and Current Issues in International Sale of Goods and International Commercial Arbitration”, co-organized by the Regional Centre with the Asia Office of the International Bar Association (Seoul, 12 July 2012), the conference “Recent Trends of International Business Transactions Law in Asia” organized by Dong-A University (Busan, 8-9 November 2012) and the special lecture “UNCITRAL and the Current Challenges of Trade Law Harmonization” at the Seoul National University (Seoul, 20 November 2012).

68. The Regional Centre is staffed with one professional and one team assistant, as well as a legal expert provided by the Government of the Republic of Korea on a non-reimbursable basis. Interns are hosted at the Regional Centre on a regular basis. The project budget, fully contributed by the Government of the Republic of Korea, allows for the occasional employment of experts and consultants. Moreover, the Regional Centre has often been able to leverage on the resources of its partners, especially for contribution to the costs of travel and of meeting facilities and services.

69. The Regional Centre has been supported in a number of administrative functions critical for carrying out its mandate by ESCAP and, in particular, its Sub-Regional Office for East and North-East Asia (SRO ENEA), also located in Incheon. This assistance is offered on a provisional basis, pending conclusion of a formal arrangement between the United Nations Office of Legal Affairs and ESCAP.

70. It is expected that the future activities of the Regional Centre will generate further interest for UNCITRAL texts and additional requests for technical assistance. Such increase will call for a corresponding increase in available resources. Those resources could be made available, in particular, by further stressing the fundamental contribution of trade law reform to major international policy goals such as the rule of law and the fight against poverty, and therefore mainstreaming trade law reform exercises in existing development assistance programmes.

#### **IV. Dissemination of information**

71. 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.

##### **A. Website**

72. The UNCITRAL 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, events and news. In line with the organizational policy for document distribution, official documents are provided, when available, via linking to the United Nations Official Document System (ODS).

73. In 2012, the website received roughly 500,000 unique visitors. While the overall number of visitors increased from 2011, the biggest gains in traffic were seen on pages in languages other than English. Approximately 58 per cent of traffic was directed to pages in English, 27 per cent to pages in French and Spanish (an increase from 22 per cent in 2011), and the remaining 15 per cent to pages in Arabic, Chinese and Russian (an increase from 11 per cent in 2011). In this respect, it should be noted that, while the UNCITRAL website is among the most important electronic sources of information on international trade law in all languages, it may represent one of few available sources on this topic in some of the official languages.

74. The content of the website is updated and expanded on an ongoing basis in the framework of the activities of the UNCITRAL Law Library and therefore at no additional cost to the Secretariat. 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.

## B. Library

75. 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, global staff of the United Nations, staff of other Vienna-based international organizations, external researchers and law students. In 2012, library staff responded to approximately 475 reference requests a 36 per cent increase over 2011, originating from over 45 countries.

76. The collection of the UNCITRAL Law Library focuses primarily on international trade law and currently holds over 10,000 monographs, 100 active journal titles, legal and general reference material, including non-UNCITRAL United Nations documents, 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. While use of electronic resources has increased, resources on trade law from many countries are still only found in print, and circulation of print items has remained steady.

77. 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.

78. The UNCITRAL Law Library staff prepares for the Commission an annual "Bibliography of recent 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 (for the forty-sixth Commission session, see A/CN.9/772). 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 available in the bibliography section of the UNCITRAL website.

79. The Library produces a consolidated bibliography of writings related to the work of UNCITRAL on the UNCITRAL website.<sup>17</sup> The consolidated bibliography aims to compile all entries of the bibliographical reports submitted to the Commission since 1968. It currently contains over 6,500 entries, reproduced in the English and the original language versions, verified and standardized to the extent possible.

## C. Publications

80. In addition to official documents, UNCITRAL traditionally maintains two series of publications, namely the texts of all instruments developed by the Commission and the UNCITRAL Yearbook. Publications are regularly provided in support of 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.

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<sup>17</sup> Available from [www.uncitral.org/uncitral/publications/bibliography\\_consolidated.html](http://www.uncitral.org/uncitral/publications/bibliography_consolidated.html).

81. The following works were published in 2012: UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective;<sup>18</sup> a revised booklet for the 1974 Convention on the Limitation Period in the International Sale of Goods with an updated explanatory note;<sup>19</sup> UNCITRAL, Hague Conference and Unidroit Texts on Security Interests: Comparison and analysis of major features of international instruments relating to secured transactions;<sup>20</sup> UNCITRAL Legislative Guide on Insolvency Law, Part three: Treatment of enterprise groups in insolvency;<sup>21</sup> UNCITRAL Digest of Case Law on the United Nations Convention on Contracts for the International Sale of Goods, 2012 Edition;<sup>22</sup> UNCITRAL 2012 Digest on the Model Law on International Commercial Arbitration;<sup>23</sup> and the 2008 and 2009 UNCITRAL *Yearbooks*.<sup>24</sup>

82. The following works were published in early 2013: Recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the UNCITRAL Arbitration Rules (as revised in 2010),<sup>25</sup> and A Guide to UNCITRAL: Basic facts about the United Nations Commission on International Trade Law.<sup>26</sup>

83. In light of budget and environmental concerns, the Secretariat has continued its efforts to use electronic media as a primary method to disseminate UNCITRAL texts. Thus, print runs for all publications have been reduced and several texts published in 2012 have been published exclusively in electronic format, namely: UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective (e-book); the revised booklet for the 1974 Convention on the Limitation Period in the International Sale of Goods (e-book); UNCITRAL Digest of Case Law on the United Nations Convention on Contracts for the International Sale of Goods, 2012 Edition (CD-ROM and e-book); and the 2008 and 2009 UNCITRAL *Yearbooks* (CD-ROM and e-book).

#### **D. Press releases**

84. Press releases are being regularly issued when treaty actions relating to UNCITRAL texts take place or information is received on the adoption of an UNCITRAL model law or other relevant text. Press releases are also issued with respect to information of particular importance and direct relevance to UNCITRAL. 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 or of the Department of Public Information, News and Media Division in New York, if applicable.

85. To improve the accuracy and timeliness of information received with respect to the adoption of UNCITRAL model laws, since such adoption does not require a

<sup>18</sup> Available from [www.uncitral.org/uncitral/uncitral\\_texts/insolvency.html](http://www.uncitral.org/uncitral/uncitral_texts/insolvency.html).

<sup>19</sup> Available from [www.uncitral.org/uncitral/en/uncitral\\_texts/sale\\_goods.html](http://www.uncitral.org/uncitral/en/uncitral_texts/sale_goods.html).

<sup>20</sup> Available from [www.uncitral.org/uncitral/uncitral\\_texts/security.html](http://www.uncitral.org/uncitral/uncitral_texts/security.html).

<sup>21</sup> Available from [www.uncitral.org/uncitral/uncitral\\_texts/insolvency.html](http://www.uncitral.org/uncitral/uncitral_texts/insolvency.html).

<sup>22</sup> Available from [www.uncitral.org/uncitral/en/case\\_law/digests.html](http://www.uncitral.org/uncitral/en/case_law/digests.html).

<sup>23</sup> Available from [www.uncitral.org/uncitral/en/case\\_law/digests.html](http://www.uncitral.org/uncitral/en/case_law/digests.html).

<sup>24</sup> Available from [www.uncitral.org/uncitral/publications/yearbook.html](http://www.uncitral.org/uncitral/publications/yearbook.html).

<sup>25</sup> Available from [www.uncitral.org/uncitral/en/uncitral\\_texts/arbitration.html](http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration.html).

<sup>26</sup> Available from [www.uncitral.org/uncitral/en/about\\_us.html](http://www.uncitral.org/uncitral/en/about_us.html).

formal action with the United Nations Secretariat, and to facilitate the dissemination of related information, the Commission may wish to request Member States to advise the Secretariat when enacting legislation implementing an UNCITRAL model law.

### **E. General enquiries**

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

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

87. 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 4 December 2012.

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

88. The Secretariat provides upon request information lectures in-house on the work of UNCITRAL to visiting university students and academics, members of the bar, Government officials including judges and others interested. Since the last report, lectures have been given to visitors from, inter alia, Austria, Hungary, Ireland, Saudi Arabia, Slovenia and a visiting delegation from the American Bar Association Section of International Law.

## **V. Resources and funding**

89. The costs of most 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.

90. The Secretariat has explored a variety of ways to increase resources for technical assistance activities, including through in-kind contributions. In particular, a number of missions have been funded, in full or in part, by the organizers. Additional potential sources of funding could be available if trade law reform activities could be mainstreamed more regularly in broader international development assistance programmes. In this respect, the Commission may wish to provide guidance on possible future steps.

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

91. 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.

92. During the period under review, the Government of the Republic of Korea, through its Ministry of Justice provided a contribution of \$13,878.61 for the participation of the UNCITRAL Secretariat in the APEC EoDB project (see para. 11 above). Also, a new contribution of \$20,000 was received for 2012 as well as a new pledge of \$20,000 for 2013 by the Government of Indonesia, both to whom the Commission may wish to express its appreciation.

93. At its 45th Session (New York, 25 June-6 July 2012), the Commission appealed to all States, international organizations and other interested entities to consider making contributions to the Trust Fund for UNCITRAL symposia, if possible, in the form of multi-year contributions, or as specific-purpose contributions, so as to facilitate planning and enable the Secretariat to meet the increasing requests from developing countries and countries with economies in transition for training and technical legislative assistance (A/67/17, paras. 146-148). Potential donors have also been approached on an individual basis.

94. The Commission may wish to note that, in spite of efforts by the Secretariat to solicit new donations, funds available in the Trust Fund are sufficient only for a very small number of future technical cooperation and assistance activities. Efforts to organize the requested activities at the lowest cost and with co-funding and cost sharing whenever possible are ongoing. However, once current funds are exhausted, requests for technical cooperation and assistance involving the expenditure of funds for travel or to meet other costs will have to be declined unless new donations to the Trust Fund are received or alternative sources of funds can be found.

95. 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 in identifying sources of funding within their Governments.

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

96. 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.

97. In the period under review, a contribution in the amount of euro 5,000 has been made by the Government of Austria, to whom the Commission may wish to express its appreciation.

98. During 2012, the available Trust Fund resources were used to facilitate participation at the 45th session of UNCITRAL in New York in July 2012 for delegates from El Salvador, Honduras and Colombia. Due to the limited resources, cost coverage has been provided only for the air tickets for the three delegates.

99. 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.

100. 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.