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TRAINING AND ASSISTANCE IN THE FIELD OF
INTERNATIONAL TRADE LAW

Note by the Secretary-General

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I. THE COMMISSION'S DECISION AND ACTION
IN THE GENERAL ASSEMBLY

1. The United Nations Commission on International Trade Law (UNCITRAL) adopted at its eighth session the following decision on the subject of training and assistance:

"The United Nations Commission on International Trade Law

1. Expresses its appreciation to those Governments which have made available fellowships in their countries for the purpose of giving practical training to nationals from developing countries, and to those Governments which have made voluntary contributions to cover the costs of transportation and subsistence for participants in the symposium on the role of universities and research centres with respect to international trade law organized in connexion with its eighth session,

2. Requests the Secretary-General:

(a) To organize, in connexion with its tenth session, an international symposium on international trade law, and to seek voluntary contributions from Governments, international organizations, foundations and private sources to cover the cost of travel and subsistence of participants from developing countries;

(b) To explore the possibility of having the United Nations Institute for Training and Research organize seminars in developing countries on international trade law;

(c) To submit to the Commission, at its ninth session, a report setting forth suggestions regarding possible themes for the second symposium on international trade law." 1/

2. The Sixth Committee after considering the report of the Commission on the work of its eighth session, reported on this subject to the General Assembly as follows:

"All representatives who spoke on the subject stressed the importance of the Commission's programme of training and assistance in the field of international trade law. There was general agreement that the symposium on the teaching of international trade law held in connexion with the Commission's eighth session had been successful, and the representatives expressed their support for the Commission's decision to hold another such symposium in 1977 in connexion with its tenth session.

1/ Report of the United Nations Commission on International Trade Law on the work of its eighth session (1975), Official Records of the General Assembly, Thirtieth Session, Supplement No. 17 (A/100017), para. 113.

Representatives expressed their appreciation to the Governments that had made voluntary contributions to meet the travel and subsistence expenses of participants from developing countries at the symposium and expressed the hope that similar voluntary contributions would be made in order to facilitate the holding of the 1977 symposium on international trade law.

Several representatives expressed their gratitude to the Governments that had offered fellowships to young lawyers from developing countries for academic and practical training in international trade law." 2/

3. On the recommendation of the Sixth Committee, the General Assembly adopted resolution 3494 (XXX) in which the General Assembly stated that it:

"6. Expresses its appreciation to the United Nations Commission on International Trade Law for the international symposium on the teaching of international trade law that was held in connexion with its eighth session;

7. Recommends that the United Nations Commission on International Trade Law should:

...

(c) Continue its work on training and assistance in the field of international trade law, taking into account the special interests of the developing countries;"

II. IMPLEMENTATION OF THE COMMISSION'S DECISIONS

A. Fellowships for lawyers and government officials from developing countries at commercial and financial institutions in developed countries

4. In accordance with a suggestion made at the fifth session of the Commission, the Secretary-General, by note verbale, urged Governments of developed countries to ascertain whether commercial and financial institutions within their respective countries would be willing to receive interns from developing countries. 3/

2/ Report of the Sixth Committee on the report of the United Nations Commission on International Trade Law on the work of its eighth session (1975); Official Records of the General Assembly, Thirtieth Session, Annexes, Agenda item 110, document A/10420; paras. 34-36.

3/ The responses of Governments of developed countries to similar notes in the past are outlined in A/CN.9/92 paras. 4-8, and in A/CN.9/107 paras. 6-10.

5. In 1975 the Government of Belgium, as it had done in 1974, awarded two fellowships for academic and practical training of six months' duration under a programme organized jointly by that Government and the University of Louvain. Of the two fellowships awarded one went to a national of Colombia and the other to a national of Panama.

6. The Government of Belgium has again decided to award two such fellowships in 1976. Details of these fellowships have been communicated to Member States of the United Nations and to the Resident Representatives of the United Nations Development Programme. The Secretariat is currently assisting the Government of Belgium in the selection of suitable recipients of the award for 1976.

7. During the past year, three interns received training at the International Trade Law Branch of the United Nations Office of Legal Affairs in New York, one under the United Nations/UNITAR programme in international law, one under the United Nations Office of Public Information Intern Programme, and one under the Cornell University/Institute for World Order Fellowship Programme. In addition, one intern is currently receiving training at the International Trade Law Branch under the sponsorship of the Government of the Federal Republic of Germany.

B. UNITAR seminars in developing countries

8. The Commission at its eighth session had requested the Secretary-General to explore the possibility of having the United Nations Institute for Training and Research (UNITAR) organize seminars in developing countries on international trade law. ^{4/} It was anticipated that such seminars would be organized on a regional basis.

9. Pursuant to this request, the Secretariat had consultations with UNITAR, which was very receptive to the idea but regretted that there were insufficient funds at the present time to organize special seminars on international trade law. However, as UNITAR was then in the process of organizing a regional training and refresher course for member countries of the Economic Commission for Western Asia (ECWA) under the United Nations Programme of Assistance in the Teaching, Dissemination and Wider Appreciation of International Law, agreement was reached on including the subject of international trade law in the curriculum of that seminar and possibly of future seminars as well. Accordingly, arrangements were made by the Secretariat, with the support of UNITAR, for a representative on the Commission, Mr. Justice Dei-Anang (Ghana), to serve on the faculty of the regional seminar which took place in Doha, Qatar, from 19 to 31 January 1976. Mr. Dei-Anang's lectures dealt with certain aspects of recent developments in the field of shipping legislation. The Secretariat expects to maintain close contact with UNITAR with a view to working out similar arrangements in the future.

^{4/} See para. 1 above.

C. Symposium on international trade law

1. Introduction

10. At its eighth session the Commission requested the Secretary-General to organize, in connexion with its tenth session, an international symposium on international trade law, and to seek voluntary contributions from Governments, international organizations, foundations and private sources to cover the cost of travel and subsistence of participants from developing countries. 5/

2. Financial report

11. Pursuant to this request, the Secretary-General has sought voluntary contributions from Member States of the United Nations and from foundations and international organizations. The following voluntary contributions have been pledged or received as of 30 March 1976:

DONOR	AMOUNT
Government of Austria	\$US 1,355 (approx.)
Government of Sweden	\$US 1,138

12. Based on the average cost per fellowship recipient for the first UNCITRAL symposium, it is estimated that the cost per recipient for the symposium in 1977 would be approximately \$US 1,778 6/ Consequently, a total voluntary contribution of \$US 25,032 would be required in order to sponsor the same number of participants from developing countries as had attended the first symposium.

13. It is anticipated that the second UNCITRAL symposium will be conducted in one language only, probably English, as the Secretariat has been unable, for budgetary reasons, to obtain simultaneous interpretation services for the symposium.

3. Symposium theme

14. The Secretary-General, was further requested by the Commission at its eighth session to submit to the Commission at its ninth session suggestions as to possible themes for the second UNCITRAL symposium on international trade law. 7/

5/ See para. 1 above.

6/ For the first symposium fellowships were awarded to 14 participants from developing countries at a total cost of \$US 20,745 or an average cost of \$US 1,482 per fellowship. Adjusting this average cost figure by an inflation factor of 20 per cent yields, the projected average cost of \$US 1,778 per recipient for the second symposium.

7/ See para. 1 above.

(a) Transport and financing documents used in international trade

15. The Commission may wish to select as the theme for the second symposium "Transport and financing documents used in international trade", which the Secretariat believes would be a highly suitable subject for discussion at the second UNCITRAL symposium.

16. It is suggested that under this topic the following matters be dealt with: the various documents encountered in the transportation of goods in international trade such as the bill of lading, air way bill, and the rail consignment note, their respective functions and characteristics, and the mechanics of their issue and transfer; the impact of new developments such as electronic data processing and containerization, as well as the subject of the proposed combined transport document; and the role of shipping documents in the payment process.

17. The particular merit of "Transport and financing documents used in international trade" as a theme for the symposium is that it is practical in nature and would lend itself to a discussion of the actual mechanics by which goods are bought, transported, and paid for in international trade. As such it may be expected to be of special value to participants from developing countries, who may not have had much involvement or experience with the practical aspects of international trade, while at the same time benefiting other participants from the governmental, research or academic field, who too may be more familiar with the theoretical than with the practical aspects of the subject. The theme under consideration has the further advantage that it lends itself to participation by a number of other international organizations interested in the subject, and whose contribution to the symposium would be solicited.

(b) Carriage of goods by sea

18. If the foregoing theme is not acceptable to the Commission, a suitable alternative would seem to be "The carriage of goods by sea". Should the symposium be organized around this theme, the primary focus would be the draft convention on the carriage of goods by sea, which is expected to have then emerged from the Commission.

19. One major advantage of organizing the symposium around this subject is that the symposium would be focusing on a subject which not only is on the Commission's programme of work, but is also one on which work has actually been concluded. Furthermore, if a diplomatic conference were to be called to consider the draft Convention, it may be assumed that the subject would become a particularly topical one at the time when the symposium is held.

(c) International sale of goods

20. A second suggested alternative theme for the symposium would be "The international sale of goods". If this topic were chosen, the programme might again be expected to centre on an UNCITRAL draft convention -- the draft convention on the international sale of goods, which itself is scheduled to be the main item

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on the Commission's agenda for its tenth session. In addition, the broad general topic of sales permits discussion of other aspects of the subject not directly covered by the draft convention such as the problems of formation and validity, for instance, or the issue of general conditions.

21. While the two alternative topics discussed above are important and interesting, the Secretariat suggests that the usefulness of either topic as a theme for an UNCITRAL symposium will be greatest after work on that topic has been finalized and a convention adopted; and consequently that it might be preferable to reserve these as themes for future symposia.
