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TRAINING AND ASSISTANCE IN THE FIELD OF
INTERNATIONAL TRADE LAW

Report of the Secretary-General

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INTRODUCTION

1. At its first session, held in New York from 29 January to 26 February 1968, the United Nations Commission on International Trade Law

"noted the special importance of increasing the opportunities for the training of experts in the field of international trade law, particularly in many of the developing countries. In this connexion, mindful of the activities being undertaken within the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, and of the work of the Advisory Committee on that Programme (General Assembly resolution 2204 (XXI)), the Commission considered that it should establish close and co-operative contact with the United Nations agencies, organizations and bodies, and with other intergovernmental and non-governmental organizations having responsibilities or concerns in the field of assistance related to international trade law, particularly training and research. It requested the Secretary-General to prepare a report with a view to establishing such co-operative relations, to be considered by the Commission at its second session". 1/

The report of the Commission also stated that

"the Secretary-General should, in the preparation of the report, pay due regard, in so far as appropriate, to the principal legal systems of the world". 2/

2. The Advisory Committee, at its third session held on 7, 9 and 14 October 1968, adopted a recommendation in the following terms:

"The Advisory Committee, having noted the desire of the United Nations Commission on International Trade Law (UNCITRAL) to establish close and co-operative contact with the United Nations agencies, organizations and bodies, and with other intergovernmental and non-governmental organizations having responsibilities or concerns in the field of assistance related to international trade law, particularly training and research, recommended that an appropriate place should be given to the activities concerning international trade law within the framework of the activities conducted under the Programme." 3/

1/ Report of the United Nations Commission on International Trade Law on the work of its first session, Official Records of the General Assembly, Twenty-third Session, Supplement No. 16 (A/7216), p. 30, para. 67.

2/ Ibid., para. 68.

3/ A/7305, pp. 33-34, para. 89, sub-para. 3.

3. The activities of the United Nations, including UNITAR, and of UNESCO under the Programme since its inception are set out in the three reports (A/6492, A/6816 and A/7305) which the Secretary-General submitted to the General Assembly. These activities include, inter alia, the organization of regional seminars and training courses; the provision of international law fellowships, advisory services of experts at the request of developing countries; the preparation and publication of a Register of experts and scholars in international law and a number of studies in international law; and co-operation with other organizations active in the field of international law through the exchange of views and information.

4. For the purpose of preparing the report requested by the Commission, the Secretary-General addressed himself to the United Nations organs, specialized agencies and other organizations listed in the annex to this report, inviting them to inform him about their present and planned activities in the field of training and assistance in international trade law and to submit, if they wished to do so, comments and suggestions regarding the establishment of co-operative relations with the Commission in that field.

5. Chapter I of this report contains a summary of the activities of United Nations organs and organizations with respect to training and assistance in international trade law as described in the replies received by the Secretary-General, under the following headings: (a) technical assistance, (b) conferences, training courses and seminars, (c) fellowships and study grants, and (d) research and studies. Chapter II summarizes the comments and suggestions of United Nations organs and international organizations regarding the establishment of co-operative relations, and contains also some suggestions as to future action by the Commission.

I. ACTIVITIES OF ORGANIZATIONS WITH RESPECT TO TRAINING AND ASSISTANCE IN INTERNATIONAL TRADE LAW

(a) Technical assistance

6. UNCTAD contemplates to offer technical assistance in the field of shipping and insurance law. As regards shipping the relevant proposals are set out in UNCTAD document TD/B/C.4/40, entitled "Technical Assistance in Shipping and Ports".

7. The Inter-governmental Maritime Consultative Organization (IMCO) has been and still is providing technical assistance by way of training facilities and expert

advice, within the framework of its own activities, under the United Nations Development Programme.

8. UNESCO assists member States in the preparation of copyright legislation and in the harmonization of existing copyright laws with internationally recognized legal norms. It collaborates in this respect with the United International Bureaux for the Protection of Intellectual Property (BIRPI).

9. The International Monetary Fund (IMF) has for some years been engaged in providing technical assistance in the field of banking and related laws. Since 1964, this assistance has been largely the responsibility of the Fund's Central Banking Service which, together with the Fund's Legal Department, has aided in the drafting of legislation for over fifteen member countries. The Fund also responds to requests to advise officials of member countries on negotiable instruments law. On its part, the IMF Institute, drawing lecturers from the Fund staff, explains to officials, predominantly from the developing countries, the Fund's policies and methods of analysis.

10. BIRPI prepared a number of model laws in the field of industrial property, patents, trademarks and unfair competition.

(b) Conferences, training courses and seminars

11. Proposals are being presented by the UNCTAD secretariat to the Committee on Shipping of UNCTAD for training courses in the economics and management of shipping, including aspects of maritime law.

12. The United Nations Economic Commission for Africa (ECA) organizes, jointly with the General Agreement on Tariffs and Trade (GATT), annual courses on commercial policy.

13. The Economic Commission for Asia and the Far East (ECAFE), through its Centre for Commercial Arbitration established within the ECAFE secretariat in 1962, provides technical assistance to member countries by establishing national arbitral institutions and by the training of local personnel. The Centre intends to organize a seminar on commercial arbitration in the near future.

14. The United Nations Economic Commission for Europe (ECE) has organized In-Service Training Programmes since 1948 in order to enable young economists from developing countries of the ECE region to benefit from working with, and

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studying under the direction of, senior officials of the ECE secretariat. Since 1962, the ECE In-Service Training Programme was enlarged so as to include nationals from the developing countries of the other regions. The Programme is financed by the United Nations Development Programme (UNDP).

15. The United Nations Economic Commission for Latin America (ECLA) organizes annual regional training courses in commercial policy at its headquarters in Santiago, Chile. The 1969 course will be a regional training course in the techniques of export promotion, in collaboration with the UNCTAD-GATT International Trade Centre in Geneva.

16. The Food and Agriculture Organization of the United Nations (FAO) has planned, in 1969, several seminars on the marketing of various commodities and also made arrangements for national training centres in the Near East and Africa.

17. UNESCO organizes regional seminars on copyright matters, in collaboration with BIRPI.

18. Since 1964, BIRPI has organized courses and regional seminars in the field of industrial property.

19. The Inter-American Institute of International Legal Studies promotes annual courses in the legal and institutional aspects of regional economic integration in Latin America and Central America. It also promotes seminars dealing with different aspects of Latin American regional economic integration.

20. The Hague Academy of International Law organized in 1968 a colloquium on international trade agreements. Three courses dealing with problems of international trade were given during the Academy's 1968 session and similar courses are scheduled for the 1969 and 1970 sessions.

(c) Fellowships and study grants

21. Many organizations have made arrangements for the granting of scholarships, fellowships, training programmes and study grants.

22. UNESCO offers scholarships in copyright matters to officials of its member States.

23. BIRPI offers study grants to nationals from developing countries for study and instruction in the patent offices of developed countries.

24. The Commission of the European Communities grants scholarships to nationals of associated States in the field of public international commercial law.

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25. The Council of Europe is contemplating the institution of a system of fellowships in industrial property for persons who desire to undertake research work of European interest or to complete advanced studies, or perfect their training, by means of studies of an international character.

26. The International Bar Association sponsors an exchange of lawyers programme.

27. Since 1962, the International Chamber of Commerce (ICC) has been conducting an assistance programme under the terms of which the Chambers of Commerce of various industrialized countries receive administrative executives from Chambers of Commerce in the developing countries for training courses lasting at least three months.

(d) Research and studies

28. UNITAR prepares case studies on the processes of transferring technology from the developed countries to the developing countries, in particular through industrial enterprises, whether private or public, and studies on the legal aspects of multinational public enterprises.

29. FAO conducts legal research work and investment studies bearing on trade promotion. It will prepare, in 1969, a report on the legislative and similar measures, taken both by developing and industrialized countries by international agreement to promote foreign private investment in the developing countries, with particular reference to agriculture, forestry, fisheries and related industries.

II. ESTABLISHMENT OF CO-OPERATIVE RELATIONS

30. Most of the United Nations organs and international organizations which responded to the Secretary-General's request for comments and suggestions regarding the establishment of co-operative relations with UNCITRAL in the field of training and assistance in international trade law expressly declared their willingness to establish such relations and to co-operate with the Commission in their particular fields of specialization or, more generally, in the implementation of such activities as the Commission would decide upon.

31. In addition, the secretariats of the United Nations Conference on Trade and Development (UNCTAD), the United Nations Economic Commission for Africa (ECA) and the Inter-Governmental Maritime Consultative Organization (IMCO) made certain specific suggestions.

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32. In the view of the UNCTAD secretariat, "as the purpose of ... assistance and training would obviously be to facilitate the expansion of international trade, it would be logical to establish a close co-operation between UNCTAD and UNCITRAL It might be agreed, for instance, that UNCTAD could be mainly responsible for the substantive support of the trade policy orientation of [assistance] projects, while UNCITRAL would ... be competent for providing substantive support for the legal side thereof".

33. As examples of areas in which such a co-operation could be developed, for instance in connexion with the granting of fellowships and the organization of seminars to encourage the specialization of personnel from developing countries, the secretariat of UNCTAD mentioned a number of topics^{4/} and added that a more systematic survey of particular topics suitable for fellowships and seminars could be worked out in co-operation with UNCITRAL.

34. The ECA, referring to the annual courses in commercial policy which it organizes jointly with GATT, suggested that co-operative relations should be established with UNCITRAL for the purpose of incorporating in these courses instruction in the legal aspects of international trade, and stated that it would welcome UNCITRAL's assistance in this respect.

35. The secretariat of IMCO expressed its willingness to contribute to the United Nations Programme of Assistance along the following lines:

- (1) by compiling a list of experts in the field of international maritime law whose fields of specialization relate to the commercial aspects of maritime law. Such a list could usefully complement the list prepared by the United Nations under the Programme;

^{4/} The most-favoured nation clause; the legal implications of discrimination arising from integration schemes; problems of State trading and public corporations in the import and export trade; problems of international commodities agreements; foreign exchange codes and regulations; agreements of an international nature between countries of different economic and social systems; documentary credits including bills of lading and other legal instruments used in international trade; problems arising from direct and indirect foreign investments in developing countries, and conflict of laws in matters of international trade and finance.

- (ii) by providing wider information about the activities of IMCO, in so far as these activities relate to maritime law or may have some implications on the economics of shipping and shipping trade;
- (iii) by giving more publicity to the provisions of Conventions on shipping and maritime law concluded under the auspices of IMCO;
- (iv) by continuing to provide, on request, advisory services of experts and by publicizing through the United Nations Programme of Assistance that such assistance is available.

36. In considering what further action it could usefully take, the Commission might also wish to take into account the following observations and suggestions:

- (i) It would seem desirable to complete the information so far obtained in respect of activities of international organizations in the field of training and assistance in matters of international trade law, including the activities of non-governmental private organizations, institutions and universities. This would provide the Commission with an inventory of present and contemplated activities and enable it, at a later stage, to consider whether or to what extent the requirements of developing countries are being adequately met.
- (ii) As regards the possibility of giving an appropriate place to training and assistance in international trade law within the framework of the United Nations Programme of assistance in international law, the Commission might consider:
 - (a) requesting the Secretary-General to invite the Member States of the United Nations and of any of the specialized agencies to submit names and relevant particulars of experts in international trade law for inclusion in a supplement to the Register of experts and scholars in international law;

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- (b) recommending to the bodies concerned that regional seminars and training courses under the Programme should continue to include topics relating to international trade law;^{5/} and
 - (c) recommending that some of the fellowships to be granted under the Programme should be awarded to candidates having a special interest in international trade law.
- (iii) Consideration might also be given to the possibility of organizing, during the sessions of the Commission in New York and Geneva, seminars on international trade law, along the lines of the Geneva seminars held in connexion with the sessions of the International Law Commission.

^{5/} The Latin American seminar which took place in Quito (Ecuador) in January 1969 included the following topics: legal and institutional problems of multilateral development schemes, and multinational public enterprises with particular reference to the economic integration of Latin America. The Asian training course which will be held in the Philippines in August 1969 may include among its topics the international legal aspects of economic development.

ANNEX

Lists of United Nations organs, specialized agencies and
other organizations invited by the Secretary-General to
submit comments and suggestions

United Nations Organs and Offices

Economic Commission for Africa
Economic Commission for Asia and the Far East
Economic Commission for Europe
Economic Commission for Latin America
International Trade Centre UNCTAD/GATT
United Nations Conference on Trade and Development
United Nations Development Programme
United Nations Industrial Development Organization
United Nations Institute for Training and Research

United Nations Specialized Agencies and Related Organizations

Food and Agriculture Organization of the United Nations
Inter-Governmental Maritime Consultative Organization
International Bank for Reconstruction and Development
International Civil Aviation Organization
International Monetary Fund
International Labour Office
United Nations Educational, Scientific and Cultural Organization

Other Intergovernmental Organizations

Asian-African Legal Consultative Committee
Council for Mutual Economic Assistance
Council of Europe
European Economic Community
Hague Conference on Private International Law
International Institute for the Unification of Private Law
League of Arab States

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Other Intergovernmental Organizations (continued)

Organisation for Economic Co-operation and Development

Organization of African Unity

Organization of American States

United International Bureaux for the Protection of Intellectual Property

Non-Governmental Organizations in Consultative Status
with the Economic and Social Council

Institute of International Law

International Air Transport Association

International Association of Legal Science

International Bar Association

International Chamber of Commerce

International Law Association

Other Non-Governmental Organizations

Inter-American Institute of International Legal Studies

International African Law Association

International Association of Comparative Law

International Association of Democratic Lawyers

International Legal Center

The Hague Academy of International Law

Law Association for Asia and the Western Pacific

World Peace through Law Center