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TRAINING AND ASSISTANCE IN THE FIELD OF
INTERNATIONAL TRADE LAW

Report of the Secretary-General

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

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

"The United Nations Commission on International Trade Law

"1. Requests the Secretary-General to accelerate and intensify the activities relating to the implementation of the Commission's programme on training and assistance in the field of international trade law;

"2. Further requests the Secretary-General to explore the feasibility of organizing an international symposium on the role of universities and research centres in the teaching, development and dissemination of international trade law and to report his findings to the Commission at its sixth session." 1/

2. The Sixth Committee, after considering the report of the Commission on the work of its fifth session, reported, inter alia, the following to the General Assembly:

1/ Report of the United Nations Commission on International Trade Law on the work of its fifth session (1972), Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 17 (A/8717), para. 97.

F. Training and assistance

"38. Many representatives emphasized the need of developing countries for an expanded and vigorous programme of training and assistance in the field of international trade law. Several representatives endorsed the Commission's decision on the subject and expressed the hope that the Secretary-General would accelerate and intensify the activities relating to the implementation of the Commission's programme of training and assistance in the field of international trade law.

"39. Several representatives suggested that, in addition to the activities included in the Commission's programme of training and assistance, it would be profitable to explore the possibility of arranging seminars which would be held in the developing countries and would be conducted by visiting professors and experts from the developed countries. It was observed that such seminars would make it possible to reach a considerable number of personnel from the developing countries with minimum cost.

"40. One representative indicated that a programme of instruction of a rather general and basic character in international trade law would prove valuable to lawyers and civil servants from developing countries. In this connexion, this representative outlined the programme of instruction that his Government had evolved in the past few years for the benefit of developing countries, and announced his Government's intention to intensify this programme." 2/

3. On the recommendation of the Sixth Committee, the General Assembly adopted resolution 2928 (XXVII) in which it recommended that the Commission should "accelerate its work on training and assistance in the field of international trade law, with special regard to developing countries".

II. IMPLEMENTATION OF THE COMMISSION'S DECISIONS

United Nations-UNITAR Fellowship Programme

4. Pursuant to decisions of the Commission, taken at its second and third sessions, attention was paid during 1972, when announcing the United Nations-UNITAR fellowship programme in international law for 1973, to the possibility of selecting fellows who had special interest in international trade law. These fellows would, as in previous years, receive practical training at the Office of Legal Affairs and would undertake research projects under the supervision of members of the International Trade Law Branch.

2/ Report of the Sixth Committee on the report of the United Nations Commission on International Trade Law on the work of its fifth session (1972), document A/8896, paras. 38-40.

Teaching materials

5. Further efforts have been made to secure an adequate fellowship that would enable a scholar from a developing country to undertake the production of teaching materials in international trade law for use in universities in his region. These efforts, however, have not been completely successful; the need for a voluntary contribution still exists.

Internships for lawyers and other government officials from developing countries at commercial and financial institutions in developed countries

6. Pursuant to the suggestion made at the fifth session of the Commission, the Secretary-General, by a note verbale addressed to all developed countries Members of the United Nations, stressed the need for lawyers, businessmen and government officials in developing countries to gain practical experience through secondment to commercial and financial institutions in developed countries. The Secretary-General also urged the Governments of these countries to ascertain which commercial and financial establishments within their respective countries would be willing to receive internes from developing countries. Positive replies have been received from the Governments of Austria, Belgium, Norway and the United Kingdom of Great Britain and Northern Ireland. These replies are summarized below.

7. The Government of Austria reports that the largest Austrian bank, the Creditanstalt-Bankverein, is prepared to offer two internships in its legal office for candidates from developing countries for a period of six months. The bank is also prepared to give a subsistence allowance amounting to AS 4,500 per month to each interne. However, the interne or his Government should provide for the cost of travel involved.

8. The Government of Belgium has offered two fellowships of six months' duration to candidates from developing countries for in-service training in international trade law at a suitable institution in Belgium. The amount of the fellowship, the institution to which the internes will be attached, and other relevant particulars will be communicated by the Government of Belgium in due course.

9. The Secretariat, at the request of these Governments, will lend its services to the Governments of Austria and Belgium in the announcement of the above offers and the selection of suitable candidates, as soon as all the relevant particulars are received.

10. The Government of Norway is of the opinion that in view of the fact that the legal system of Norway differs substantially from the legal systems obtaining in most developing countries, an in-service training programme in Norway of the type envisaged in the Commission's decision would be of limited use to the recipients. However, the Norwegian Agency for International Development (NORD), as in the past, will seek to assist individual applicants from developing countries in arranging for a limited period of internship in Norwegian commercial or financial institutions.

11. The Government of the United Kingdom of Great Britain and Northern Ireland is willing to see what arrangements can be made to meet the needs of individual applicants for internship at commercial and financial institutions in the United Kingdom. Such attachments, however, are not easy to arrange as so much depends on the individual case.

12. The Government of the United Kingdom, however, is of the opinion that what is most needed, at least at this stage, is not a programme of narrow specialization but of instruction of a rather more general and basic character. In this regard, the Government of the United Kingdom has been arranging annually a five-month course of lectures and seminars for government legal officers from developing countries, which included instruction in international trade law. During the past few years nearly 200 legal officers from 19 different countries have attended these courses. The Government of the United Kingdom intends to continue this annual course and to increase its international trade law element.

International symposium of teachers and prospective teachers of international trade law

13. It may be recalled that the report of the Secretary-General on the subject of training and assistance in the field of international trade law that was considered by the Commission at its fifth session contained the suggestion that it might be useful to organize in connexion with a future session of the Commission an international symposium on the role of universities and research centres in the teaching, dissemination and wider appreciation of international trade law (A/CN.9/65, paras. 16-20). The report also contained suggestions as to some possible topics that could be presented for discussion at the symposium (ibid., para. 18).

14. It may also be recalled that the same report referred to the fact that the financial and administrative implications of convening such a symposium might prove to be beyond the limited resources of the United Nations (ibid., para. 19).

15. During the Commission's discussion of the subject at the fifth session, several representatives welcomed the proposal to convene such a symposium and requested the Secretary-General to explore its feasibility and to report his findings to the Commission at its sixth session. ^{3/} This request was reflected in paragraph 2 of the Commission's decision set forth in paragraph 1 above. Information which has been obtained by the Secretariat as a result of the inquiry that was undertaken pursuant to that decision is given below.

16. This inquiry supports the views expressed by representatives at the fifth session that the convening of such a symposium would serve several useful purposes. A general discussion on the proposed theme for the symposium would throw light on

^{3/} Report of the United Nations Commission on International Trade Law on the work of its fifth session (1972), Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 17 (A/8717), para. 95.

the nature and scope of international trade law and assess, in a more deliberate manner, the feasibility of introducing the subject in the curricula of national universities. The fact that such a discussion took place in a United Nations forum would serve as a catalyst for future measures in the same direction that might be taken by other organizations, national or international. Furthermore, the symposium would help in disseminating the work of the Commission by bringing it directly to the notice of academic circles.

17. It is considered that two days would be adequate for discussion of the topics of the symposium. It is also envisaged that two or three specialized papers would be prepared in advance of the meeting and would be made the subject of the discussion at the symposium. In view of the fact that several professors and government officials would be invited to attend the meeting, it would be economical to hold the symposium in Geneva during the two working days immediately preceding the eighth session of the Commission, which will be held in Geneva in 1975.

18. The United Nations Institute for Training and Research (UNITAR) is expected to lend its services in the administrative organization of the symposium should the Commission decide to hold it in 1975.

19. The main problem that remains to be solved is financial. The efforts of the Secretariat to persuade an international organization, foundation or other institution engaged in assisting in the development of educational programmes to sponsor the project and to provide the necessary funds for the convening of the symposium, have not so far been successful. In view of past negative experiences in attempting to raise funds for similar projects, it is not likely that these efforts will succeed.

20. One alternative for the Commission might be to recommend that the cost of documentation, including the cost of reproducing the proceedings of the symposium, as well as the cost of interpretation, should be absorbed by the United Nations regular budget as part of the cost of the eighth session of the Commission. If the Commission adopts this course of action, the eighth session would be extended by a day and a half, inasmuch as the Commission would presumably not wish to consider during that session the item of training and assistance, which usually takes up half a day of the Commission's session.

21. In such a case, all participants (or their Governments) will have to provide for their own travel and subsistence. In so far as representatives of members of the Commission are concerned, the additional cost to their Governments would consist only of the additional subsistence allowance.

22. Whether a sufficient number of participants from other countries can be expected to attend at their own cost is difficult to forecast at this stage, but it seems that a significant number of professors from developing countries would not be able to attend without some form of financial assistance. However, the Secretariat would, if requested by the Commission, renew its efforts to seek voluntary contributions to cover all or part of the travel and subsistence expenses of some participants from developing countries, although the prospect is not very encouraging.

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23. In the light of the above financial difficulties, the Commission might wish to consider whether it would be advisable to recommend to the General Assembly that the cost of documentation and interpretation at the symposium be absorbed by the regular budget of the United Nations as explained in paragraph 20 above, irrespective of the outcome of the Secretariat's efforts to seek funds for the travel and subsistence of some participants from developing countries. Alternatively, in view of the importance of adequate representation at such a symposium the Commission might prefer to make this recommendation subject to the Secretariat's success in securing voluntary contributions to cover the cost of travel and subsistence of participants from developing countries.
