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Fifth edition of the UNCITRAL LAC Days¹

October - December 2024

Concept note

I. Introduction

1. The UNCITRAL LAC Days activities are comprised of a series of academic events that the UNCITRAL secretariat co-hosts with universities and other institutions of higher learning in the region. Participants discuss issues arising from the progressive harmonization, modernization and unification of international commercial law with reference to UNCITRAL texts and its ongoing work. The events aim at raising awareness of those issues and their importance amongst the next generations of academics and policymakers.

2. The benefits of these events to national academic institutions are multiple, including in enhancing their: (a) awareness of international commercial law developments; (b) capacities in teaching and learning in the field of international commercial law; and (c) relevance to internationally minded students and other members of the academic community. As a result, they can: (a) nurture world-class experts in the field of international commercial law; (b) influence commercial law reform processes and required technical assistance, capacity-building activities and other responses to the needs in their jurisdiction and region; and (c) become more comfortable in initiating and promoting cross-border exchange of experience and views on UNCITRAL topics and international commercial law more generally. All of this strengthens their jurisdiction's ability to actively engage and implement sound and inclusive commercial law reforms domestically and participate in shaping commercial law, including through UNCITRAL, internationally.

3. For all those reasons, UNCITRAL has welcomed the organization of the UNCITRAL Days² and further expansion of engagement with academic partners geared towards young researchers and practitioners in international trade law.³

¹ Reports of the previous editions of the UNCITRAL LAC Days are available here <https://uncitral.un.org/en/commission>

² *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 17 (A/76/17)*, paras. 289-315

³ *Ibid.*, *Seventy-seventh Session, Supplement No.17 (A/77/17)*, para. 259.

II. Details about the fifth edition of the UNCITRAL LAC Days

A. Substantive aspects

4. The fifth edition of the UNCITRAL LAC Days will be held between **1 October and 13 December 2024** under the theme “Transparency@10”, on the occasion of the 10th anniversary of the UNCITRAL Transparency Standards.⁴ Topics that may be discussed under this theme could include:

- (a) An analysis of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (the “Rules on Transparency”) and the United Nations Convention on Transparency in Treaty-based investor-State Arbitration (the “Mauritius Convention on Transparency”) and their application, with reference to the cases published in the Transparency Repository;⁵
- (b) Transparency in treaty-based Investor-State Arbitration (“ISDS”) from a national perspective;
- (c) Confidentiality vs. transparency: views from private practitioners, arbitrators, and civil society;
- (d) Elements of transparency: publication of documents, participation of third parties and non-disputing parties, and public hearings;
- (e) Transparency in international investment agreements: evolution in the negotiation of international investment treaties;
- (f) Stocktaking the trends for arbitration institutions and their arbitration rules in introducing transparency in ISDS;
- (g) Transparency in international arbitration at large: the UNCITRAL Model Law on International Commercial Arbitration (1985), with amendments, as adopted in 2006,⁶ and the UNCITRAL Arbitration Rules;⁷
- (h) Best practices and experiences in managing ISDS cases with transparency in arbitral proceedings.

5. Partnering institutions are welcome to propose other topics under the theme in the expression of interest form referred to in paragraph 20 below, for consideration by the UNCITRAL secretariat.

⁴ UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (the “Rules on Transparency”), see <https://uncitral.un.org/en/texts/arbitration/contractualtexts/transparency>, the Transparency Repository, see <https://uncitral.un.org/en/transparencystorage> and the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (the “Mauritius Convention on Transparency”), see <https://uncitral.un.org/en/texts/arbitration/conventions/transparency>) are the UNCITRAL Transparency Standards. See also the Transparency Standards Podcast, see <https://soundcloud.com/uncitral/sets/transparency-standards-podcast>.

⁵ See <https://uncitral.un.org/en/transparencystorage>

⁶ See https://uncitral.un.org/en/texts/arbitration/modellaw/commercial_arbitration

⁷ See <https://uncitral.un.org/en/texts/arbitration/contractualtexts/arbitration>

6. While the UNCITRAL secretariat welcomes the focus of the planned events on the UNCITRAL Transparency Standards, it notes that the theme is sufficiently broad to allow bringing other UNCITRAL texts into the discussion, for example those adopted by the Commission in 2023 in the area of ISDS reform⁸ or in the areas of public procurement,⁹ public-private partnerships¹⁰ and insolvency.¹¹ The full list of UNCITRAL texts, including the most recently released the COVID-19 toolkit,¹² may be found at <https://uncitral.un.org/en/texts>.

7. To stimulate a more in-depth discussion during the events, the UNCITRAL secretariat encourages partnering institutions to introduce their targeted audience first to the UNCITRAL e-learning program, in particular to “Introduction to the United Nations Commission on International Trade Law”. Developed in collaboration with the International Training Centre of the International Labour Organization (“ITCILO”), this interactive and self-paced course introduces users to UNCITRAL’s methods of work and how UNCITRAL texts contribute to the achievement of the Sustainable Development Goals. Other UNCITRAL e-learning courses cover UNCITRAL texts on arbitration, mediation, and public procurement and public-private partnerships. They all are available free of charge at: <https://uncitral.un.org> or directly on ITCILO’s website at <https://ecampus.itleo.org/course/view.php?id=1637.10>. An electronic certificate is downloadable from the platform upon completion.

8. Participants may also be assisted by a Guide to UNCITRAL: Basic facts about the United Nations Commission on International Trade Law, found at <https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/12-57491-guide-to-uncitral-e.pdf>

B. Organizational aspects

9. Below is essential information for organizing an academic event during the UNCITRAL LAC Days in 2024.

Participation

10. As UNCITRAL Days’ activities are academic in nature, they are held without admission charges and, within the parameters of partner institutions, are open to a broad range of participants,

⁸ These texts are the UNCITRAL Model Law Provisions on Mediation for International Investment Disputes; the UNCITRAL Guidelines on Mediation for International Investment Disputes, the UNCITRAL Code of Conduct for Arbitrators in International Investment Dispute Resolution and the UNCITRAL Code of Conduct for Arbitrators in International Investment Disputes. See <https://uncitral.un.org/en/texts/isds>

⁹ UNCITRAL Model Law on Public Procurement (2011) and its Guide to Enactment (2012), its Guidance on Procurement Regulations (2013) and Glossary (2013). See <https://uncitral.un.org/en/texts/procurement>

¹⁰ UNCITRAL Model Legislative Provisions on Public-Private Partnerships (2019) and UNCITRAL Legislative Guide on Public-Private Partnership (2019). See <https://uncitral.un.org/en/texts/procurement>

¹¹ UNCITRAL Model Laws on a) Enterprise Group Insolvency with Guide to Enactment (2019), on Recognition and Enforcement of Insolvency-Related Judgments with Guide to Enactment (2018), on Cross-Border Insolvency (1997) with Guide to Enactment and Interpretation (2013); UNCITRAL Legislative Guide on Insolvency Law Parts one and two (2004), Part three: Treatment of enterprise groups in insolvency (2010); Part four: Director’s obligations in the period approaching insolvency (including in enterprise groups) (2019), and Part five: Insolvency law for micro-small enterprises (2021). See <https://uncitral.un.org/en/texts/insolvency>

¹² See <https://uncitral.un.org/covid-impact-website>

including law students, researchers and other members of the academic community, and other stakeholders, such as public and private experts and practitioners.

Presenters

11. Presenters may be academics, practitioners, government officials, members of the judiciary, officers from international organizations and staff members of the UNCITRAL secretariat. The success of the events depends on the quality of presentations and knowledge of UNCITRAL texts by presenters. In the past editions of UNCITRAL LAC Days, the presenters included prominent academics widely publishing on UNCITRAL texts as well as past and current UNCITRAL delegates, experts and officials (such as Chairs of UNCITRAL or its working groups) and staff members of the UNCITRAL secretariat. In accordance with the United Nations' United for Gender Parity policy,¹³ maintaining gender parity among speakers and panellists during the academic events is important.

Format

12. To facilitate participation of presenters and all other interested stakeholders outside the host jurisdiction and the region, the UNCITRAL secretariat encourages events to be held online or in a hybrid format. Other aspects of their format may vary according to the capacity and preferences of the partner institutions. In the past, events have ranged from informal meetings and brown bag lunches to multi-day international academic conferences, including seminars, workshops, round tables, panels and/or lectures.

Language

13. To enhance regional inclusivity and promote multilingualism, the UNCITRAL secretariat encourages events to be held in the language(s)¹⁴ that would be most appropriate for the target audience.

Institutional support from UNCITRAL secretariat

14. The UNCITRAL secretariat is unable to offer financial support to partnering institutions. The partnering institution is responsible for hosting and organizing the event, including reaching out to speakers, inviting participants and ensuring sufficient participation.

15. The UNCITRAL secretariat supports the development and implementation of a programme of an event through a dialogue with the partnering institution. For such purpose, drafts materials,

¹³ See <https://www.un.org/gender/>

¹⁴ The official United Nations languages relevant to the region are English and Spanish. Previous UNCITRAL LAC Days included events in Portuguese (Brazil).

including draft flyers and programmes or any other materials, should be provided for review by the UNCITRAL secretariat.

16. Once there is agreement on the program, the format and other aspects of the event, the UNCITRAL secretariat decides on additional institutional support that it may provide, for example in identifying suitable speakers and moderators, including among the staff members of the UNCITRAL secretariat, subject to their availability and expertise on the identified topics. The UNCITRAL secretariat staff members may participate in the events remotely in real time or through pre-recorded video messages. Subject to resources, the UNCITRAL secretariat may also promote the events on the UNCITRAL website and through its social media channels.¹⁵

The use of the UNCITRAL logo and name

17. The partnering institutions cannot use the UNCITRAL logo without authorization of the UNCITRAL secretariat, including on the papers presented at events. In addition, views expressed at the events are not those of UNCITRAL or its secretariat and cannot be attributed to them unless expressly authorize beforehand by the UNCITRAL secretariat.

18. The UNCITRAL secretariat may authorize the use of the UNCITRAL logo in the materials related to the event issued by the partnering institutions, upon their request. Upon granting such authorization, the UNCITRAL secretariat transmits to the partnering institutions also the applicable rules on the use of the logo. The UNCITRAL secretariat is required to withdraw support for the event that does not comply with those rules.

Recording of the event

19. Event recordings require prior consent from participants.

C. Expression of interest

20. The UNCITRAL secretariat welcomes expressions of interest from institutions interested in hosting an event under LAC Days 2024. If your organization would like to do so, please fill in the expression of interest form at <https://forms.office.com/e/2eE5PE8Nw9?origin=lprLink>



¹⁵ The UNCITRAL social media channels LinkedIn, Facebook, YouTube and X are accessible from the UNCITRAL Website. See social media icons at the bottom of the website, <https://uncitral.un.org/>