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## Concept notes

### UNCITRAL LAC DAYS 2023

#### Introduction

1. The UNCITRAL Days activities are comprised of a series of academic events that the UNCITRAL Secretariat co-hosts with institutions of higher learning in the region. Participants discuss issues arising in UNCITRAL's areas of work, i.e., the progressive harmonization and modernization of international commercial law through the issue, use and implementation of legal texts. The academic events organized in this series focus on raising awareness of UNCITRAL instruments and the importance of legal harmonization amongst the next generations of legal thinkers and potential policymakers.

2. **The fourth edition of the UNCITRAL LAC Days will be held between the 1st of October and the 15<sup>th</sup> of December 2023.** This series' theme is "Exploring the digital frontiers of cross-border trade". The proposed theme on the new digital frontier in international trade law provides a timely discussion on how UNCITRAL's existing framework on e-commerce and ongoing legislative work could support States in developing an enabling legal framework for cross-border trade in the digital economy.

3. The Commission has welcomed the successes of the annual UNCITRAL Days<sup>1</sup> and noted with interest the further expansion of engagement with academic partners geared towards young researchers and practitioners in international trade law.<sup>2</sup>

4. An explanation for organizers on what they need to know to organize an academic event during the UNCITRAL LAC Days in 2023 follows.

#### Information for organizers of LAC Days activities:

##### *The suggested theme*

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<sup>1</sup> *Official Records of the General Assembly*, Seventy-sixth Session, Supplement No. 17 (A/76/17), paras. 289-315

<sup>2</sup> *Ibid.*, Seventy-seventh Session, Supplement No.17 (A/77/17), para 259

5. The suggested theme for LAC Days 2023 is “Exploring the digital frontiers of cross-border trade”. Digital technologies have impacted all aspects of everyday life, including cross-border trade. For example, contracts in electronic form have become very common, and they are increasingly automated. However, the road towards digital trade could also carry challenges, such as refusal of electronic information, non-recognition of foreign electronic signatures, and challenges in the use of transferable documents such as bills of lading in electronic form. Moreover, electronic exchanges are not only about information sharing but also about data analysis and reuse, which has given rise to a new set of issues regarding data provision. Many of these issues are reflected in existing UNCITRAL texts as well as in the current work of UNCITRAL Working Group IV.

6. Academic activities in this series aim to raise awareness of these issues and educate on the importance of legal harmonisation to solve and/or reduce them. UNCITRAL texts establish harmonised rules for solving the issues identified above. UNCITRAL has prepared a legal framework for the digital economy that enables and facilitates the use of electronic means to engage in commercial activities. These texts have been broadly enacted in the region<sup>3</sup> and a reference to them is included in regional trade agreements.<sup>4</sup> They are also critical to implementing digital economy agreements.

7. Further, the ongoing legislative work at UNCITRAL is focused on legal aspects of the use of automation in contracting, including artificial intelligence, and of data contracts, i.e., contracts to share data. UNCITRAL has also developed a close partnership with major regular players such as UN/ECLAC to create an enabling legal framework for paperless trade facilitation and financing. The proposed theme on the new digital frontier in international trade law provides a timely discussion on how UNCITRAL’s existing framework on e-commerce and ongoing legislative work could support States in developing an enabling legal framework for cross-border trade in the digital economy.

8. Partnering institutions are also welcome to develop their themes in consultation with the UNCITRAL Secretariat. However, the work of UNCITRAL on digital trade law does not deal with regulatory issues such as consumer protection and data privacy and protection.

### *Participation and format*

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<sup>3</sup> For example, legislation based on the UNCITRAL Model Law on electronic commerce (1996) has been adopted in Latin American jurisdictions (Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Suriname, Venezuela) and in the Caribbean (Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, the Dominican Republic, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines and Trinidad and Tobago).

<sup>4</sup> For example, article 14.5 in Chapter 14 on e-commerce in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) expressly provides that “Each Party shall maintain a legal framework governing electronic transactions consistent with the principles of the UNCITRAL ML on electronic commerce or the UN Convention on the Use of Electronic Communications in International Contracts”. This agreement covers 11 economies in the Asia-Pacific Region, including Chile, Mexico and Peru

9. 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, including law students, researchers and other members of the academic faculty, and other stakeholders, such as public and private experts and practitioners. In previous editions of UNCITRAL Days, external panellists were academics, practitioners, high-level government officials, UNCITRAL delegates and bureau members (such as the Chair of UNCITRAL), members of the judiciary and officers from international organizations. Many panellists have published materials on UNCITRAL instruments and/or participated in UNCITRAL activities such as Working Groups, colloquia, etc.

10. The UNCITRAL Day's events have no specific format and vary according to the capacity and preferences of the partner institutions. They have ranged from informal meetings and brown bag lunches to multi-day international academic conferences, including seminars, workshops, round tables, panels and/or lectures and online events.

11. Like in previous editions, the 2023 UNCITRAL LAC Days will be online to allow universities and representatives from other countries in the region and beyond to participate. To enhance regional inclusivity and promote multilingualism, the UNCITRAL secretariat encourages events to be held in the language(s)<sup>5</sup> that would be most appropriate for the target audience.

*Institutional support from UNCITRAL secretariat*

12. The UNCITRAL secretariat supports the development of a programme and format through dialogue with the partnering organisation. Once there is agreement on these matters, the secretariat provides additional institutional support for UNCITRAL Days' events, such as its logo for inclusion in the publicity materials issued by the partnering institutions. The partnering organization is responsible for hosting and organizing the event, including reaching out to speakers and participants.

13. UNCITRAL secretariat staff participates in the activities themselves remotely (e.g., as a moderator, panellist, or speaker) and/or through pre-recorded video messages, so that staff can reach all participating countries.

14. The UNCITRAL secretariat is unable to offer financial support to partner organisations.

15. The use of UNCITRAL's logo by institutions in promoting the LAC Days events shall strictly comply with United Nations guidelines. Drafts of materials related to the LAC Days events should also be provided in advance for UNCITRAL secretariat review, including draft flyers and programmes, or any other material.

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<sup>5</sup> Relevant official UN languages include English and Spanish. Previous UNCITRAL LAC Day editions comprised events in Portuguese (Brazil).

16. Views expressed during presentations by non-UNCITRAL personnel at LAC Days events are not endorsed by UNCITRAL, thus UNCITRAL's logo may not be used on a publication, which includes the papers presented at such events in the absence of the UNCITRAL secretariat's approval. Where possible, the UNCITRAL secretariat will be happy to promote the LAC Days events on UNCITRAL's social media, including LinkedIn and Facebook. Event recordings require prior consent from participants.

#### *Benefits of UNCITRAL Days*

17. The benefits of these events to national academic institutions are multiple. For example, universities and higher learning institutions reinforce their strengths in teaching and learning in the field of international commercial law and, by being part of the United Nations' latest discussions, enhance their relevance to internationally minded students and others in their academic faculty. They can also become a hub for world-class experts on UNCITRAL topics and international commercial law more generally.

18. The benefits to participating jurisdictions are similarly significant. The UNCITRAL process is grounded in the exchange of experience and views in a multilingual and inclusive context, which itself relies on an in-depth understanding of relevant issues in the national context. By allowing jurisdictions to strengthen their ability to participate effectively in that process, the activities also demonstrate their commitments to inclusive commercial law reform and, as appropriate, their capacity to shape the debate in UNCITRAL itself. The UNCITRAL Days also strengthen UNCITRAL's local relationships, allowing for future technical assistance and capacity-building activities in the region concerned. You may find the report of the 2022 edition of the UNCITRAL LAC Days on this webpage [https://uncitral.un.org/sites/uncitral.un.org/files/uncitral\\_days\\_in\\_latin\\_america\\_and\\_the\\_caribbean\\_report\\_2022.pdf](https://uncitral.un.org/sites/uncitral.un.org/files/uncitral_days_in_latin_america_and_the_caribbean_report_2022.pdf)

19. In addition, the UNCITRAL secretariat continues to encourage partnering institutions to introduce UNCITRAL's first online training course - "Introduction to the United Nations Commission on International Trade Law" - as part of the LAC Days activity. 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. The online course is free of charge and an electronic certificate is downloadable from the platform for users who complete all three modules. The course is available at: <https://uncitral.un.org> or directly on ITCILO's website at <https://ecampus.itcilo.org/course/view.php?id=1637.10>

**Reach out to the UNCITRAL secretariat.**

20. The UNCITRAL secretariat warmly welcomes expressions of interest from institutions interested in co-organizing an activity under the LAC Days 2023.

21. If your organization would like to participate, please fill in the expression of interest form here <https://forms.office.com/e/ssrRYL7RWg>

Thank you

UNCITRAL Secretariat

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## **Annex**

### *General information*

- A Guide to UNCITRAL: Basic facts about the United Nations Commission on International Trade Law.

### ***Electronic commerce***

#### *Conventions*

- United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005). Text- Explanatory Note  
[https://uncitral.un.org/en/texts/ecommerce/conventions/electronic\\_communications](https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications)

#### *Model Laws*

- UNCITRAL Model Law on Electronic Commerce (1996) with additional article 5 bis as adopted in 1998. Text-Guide to enactment  
[https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic\\_commerce](https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce)
- UNCITRAL Model Law on Electronic Signatures (2001). Text-Guide to enactment  
[https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic\\_signatures](https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures)
- UNCITRAL Model Law on Electronic Transferable Records (2017). Text-Explanatory note  
[https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic\\_transferable\\_records](https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records)
- UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services (2022). Text- Explanatory note  
<https://uncitral.un.org/en/mlit>

#### *Additional resources*

- Working Group IV: electronic commerce  
[https://uncitral.un.org/en/working\\_groups/4/electronic\\_commerce](https://uncitral.un.org/en/working_groups/4/electronic_commerce)

### **Insolvency Law**

- Civil asset tracing and recovery tools used in insolvency proceedings (digital)  
[https://uncitral.un.org/en/working\\_groups/5/insolvency\\_law](https://uncitral.un.org/en/working_groups/5/insolvency_law)