

Report of the second edition of UNCITRAL Days in Africa October – November 2023

The use of UNCITRAL texts in Africa: trends and prospects

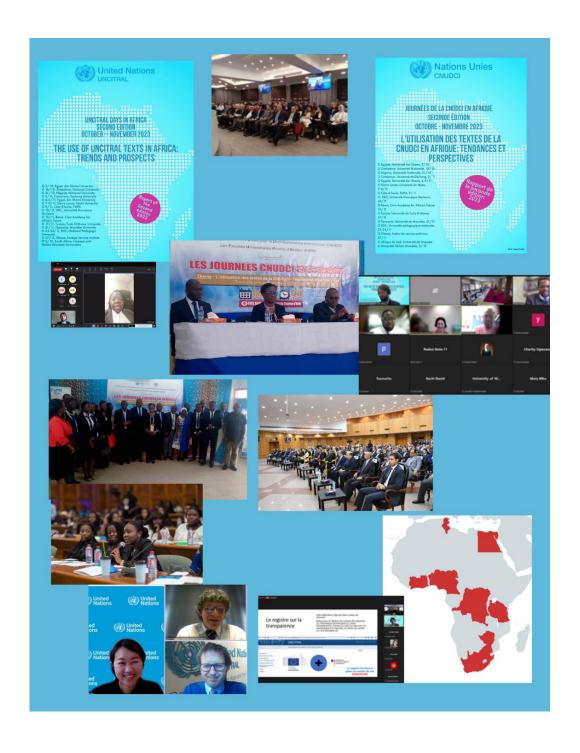




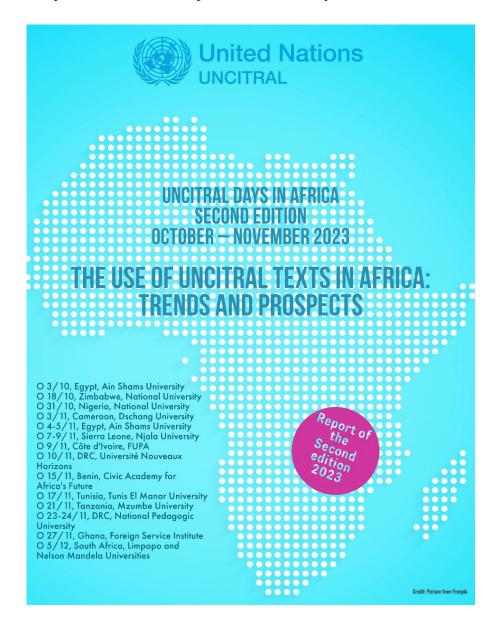
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Introduction

- 1. This report on the second edition of the UNCITRAL Days in Africa, held in 2023, highlights the objectives of this initiative, the deliverables produced, and the outcomes achieved.
- 2. First, the report provides background information on the UNCITRAL Days project in general and on the specifics of the African edition. It is followed by a snapshot of the 2023 UNCITRAL Days in Africa series to illustrate the extent of regional participation and the salient features of this second edition.
- 3. The Annex provides a brief description of each activity held.





Background of the UNCITRAL Days series

- 4. "UNCITRAL Days" are a flagship annual series of regional events that the secretariat of the United Nations Commission on International Trade Law (UNCITRAL) co-hosts with partner institutions of higher learning (hereinafter, 'partner institutions' or 'institutions').
- 5. Originally conceived as an annual celebration of the establishment of UNCITRAL by United Nations General Assembly resolution 2205 (XXI) on 17 December 1966, the events are organised by the partner institutions, and they are usually held during the last quarter of each year, with the support of the UNCITRAL secretariat.
- 6. The UNCITRAL Days aim at increasing awareness of UNCITRAL texts generally, and at fostering study, research and discussions by the participants on topics related to UNCITRAL's work. They are aimed at, and involve, young legal scholars, law students and young legal professionals, i.e. the next generation of legal practitioners, academics and policymakers, who in their respective capacities may well become essential participants in, contributors to, and proponents of the work of UNCITRAL in the future.
- 7. Participation to the UNCITRAL Days is free. The activities held in their context are academic in nature. The partner institutions who take the lead in organizing them typically focus for each edition on an area of commercial law identified as being of significant importance in the region, under an overarching theme suggested by and coordinated with the UNCITRAL secretariat.
- 8. The UNCITRAL Days were first launched as a regional event in 2014 by the UNCITRAL Regional Centre for Asia and the Pacific (RCAP). These have been known as "the AP Days". Given the success of, and increasing participation in the AP Days, an inaugural series for Latin America and the Caribbean was launched in 2020 ("the LAC Days").
- 9. At the 54th annual session of UNCITRAL in July 2021, the Commission expressed its appreciation for the successes of the 2020 UNCITRAL Days in both the Asia-Pacific and the Latin American and Caribbean regions, welcomed the forthcoming 2021 series, and took note of the potential benefits for other regions to host UNCITRAL Days events. In this regard, the Chair of the 54th Session, Permanent Representative of Ghana to the United Nations in Vienna, H.E. Amb. Philbert Abaka Johnson, called upon States to host an inaugural UNCITRAL Days series in Africa in 2022. In so doing, the Chairman expressed his appreciation for the evident engagement of many States in the region, and their willingness, along with States from other regions, to work with UNCITRAL to support the UNCITRAL Days series.



- 10. In response to that call, the first edition of the UNCITRAL Days in Africa was launched in 2022, under the overarching theme "Modernization and harmonization of the international commercial law framework in the AfCFTA context". In total, the inaugural UNCITRAL Days in Africa series counted sixteen events organised in nine countries throughout the African continent, including Arab, English and French-speaking countries. They were organised by ten universities and institutions of higher learning and one non-governmental organization. The Commission, at its 56th session, extended its congratulations to all participants and hosts of the UNCITRAL Days in 2022.
- 11. The UNCITRAL Days initiative in the 3 regions have reached, and continues to reach, many thousands of participants (students, professors, researchers, practitioners and, as applicable, government officials). Many of them noted that the deliverables (lectures, presentations, focused workshops, etc.) have had a positive impact in terms of capacity building provided to public and private stakeholders with the ultimate result of increasing awareness of UNCITRAL work and of international trade law issues in general. The annual UNCITRAL Days have also led to an increased participation to UNCITRAL's work by States of these three regions and assisted them in their consideration of adopting UNCITRAL texts.
- 12. Keeping up with the momentum built in 2022, the 2023 UNCITRAL Days in Africa marked a new milestone for the series by totalling fourteen events organised in 12 countries throughout the African continent, including Arabic, English and French-speaking countries, with approximately 1500 participants attending.



¹ The report of the first edition is available at: https://uncitral.un.org/sites/uncitral.un.org/files/uncitral days in africa report 2022.pdf.

² Official Records of the General Assembly, Seventy-eighth Session, Supplement No. 17 (A/78/17), paras. 237-239.



The 2023 edition: key highlights

List of Hosting Institutions and Partners and Countries

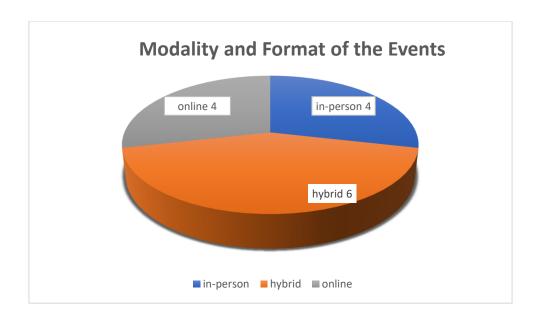
Ref#	Country	Partner organization	Dates	Topic	
1	Benin	Civic Academy for Africa's Future (CiAAF)	15 November	Investor-State Dispute Settlement (ISDS) reform	
2	Cameroon	Université de Dschang	3 November	Public-Private Partnerships (PPP), Public procurement	
3	Côte d'Ivoire	Facultés Universitaires Privées d'Abidjan (FUPA)	9 November	PPP	
4	Democratic Republic of Congo	Université Nouveaux Horizons	10 November	Insolvency	
5	Democratic Republic of Congo	Université Pédagogique Nationale	23-24 November	ISDS reform, International commercial arbitration, International commercial mediation, Medium Small and Micro-Enterprises (MSME)	
6	Egypt	Ain Shams Law School, Cairo	3 October	Insolvency	
7	Egypt	Ain Shams Law School, Cairo	4-5 November	Digital economy	
8	Ghana	Foreign service institute	27 November	ISDS reform	
9	Nigeria	University of Nigeria	31-October	Insolvency	
10	Sierra Leone	Njala University	7-9 November	MSME	
11	South Africa	University of Limpopo, Mandela University	5 December	Digital Economy	
12	Tanzania	Mzumbe University	21 November	International commercial arbitration, Insolvency, Public procurement	
13	Tunisia	Université Tunis El Manar	17 November	International commercial arbitration, International commercial mediation	
14	Zimbabwe	University of Zimbabwe	18 October	International commercial arbitration, ISDS reform	

Format of the events and support of the UNCITRAL secretariat

13. The format of the UNCITRAL Days in Africa activities ranged from two to three-hour online events to in-person or hybrid conferences of either half-day, one or two full days of



duration, depending on the technological capacities, preferences of the hosting institutions and of funding available.



- 14. The UNCITRAL secretariat provided support to all UNCITRAL Days in Africa activities, both in terms of participation in the events and by providing *ad hoc* support for the organisation of the activities. The UNCITRAL secretary delivered opening remarks, either remotely or in person to all the activities. Legal officers from the UNCITRAL secretariat in Vienna delivered technical presentations related to specific subject areas of UNCITRAL's work, based on topics identified by the hosting institutions as being of special interest to them and their students.
- 15. In all events, the UNCITRAL secretariat, through one of its legal officers, delivered a general presentation about UNCITRAL covering the mandate, composition, work methods of UNCITRAL, as well as its instruments and on-going work. Such general presentation allowed participants to have background information on the international process leading to adoption of UNCITRAL texts. This process ensures that UNCITRAL texts are widely accepted as offering solutions appropriate to all countries regardless of their stage of economic development.
- 16. Similarly, in all events, specific attention was given to the presentation of UNCITRAL online courses to participating students, to ensure further dissemination of the work of UNCITRAL among interested participants.³
- 17. On a total of fourteen event, eight were held in English language, and six in French language. The UNCITRAL secretariat was able to provide support in both languages, with

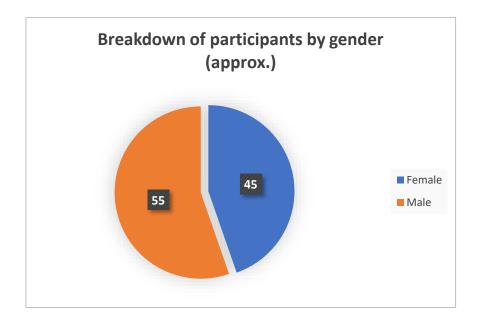
³ https://uncitral.un.org/en/onlinecourses.



the result of enhancing regional accessibility and multilingualism of the Africa Days' initiative.

Participation, audience diversity and gender parity

- 18. Altogether, the fourteen activities of the UNCITRAL Days in Africa reached a participation of over 1500 synchronous participants. The following States were already participating to the 2022 edition of the UNCITRAL Days in Africa: Cameroon, Egypt, Ghana, Sierra Leone, and South Africa. The following States joined for the first time: Benin, Côte d'Ivoire, Democratic Repbulic of Congo, Nigeria, Tanzania, Tunisia, and Zimbabwe.
- 19. Based on statistics provided by the hosting institutions, where in particular a gender breakdown was available, the public reached was diverse, with 45 % of the participants being women overall.



- 20. While most activities were geared towards law students and academic community in the hosting institution, several of them were broadcasted online or were hybrid thus allowing remote participation including from students and academia or other members of the public from various countries. As such, many of the events were open to public audiences from across the African continent.
- 21. The events gathered experts (from academic and legal practitioners to government representatives) from African countries at different stages of economic development, thereby ensuring that diverse perspectives could be represented, with an emphasis on challenges according to the variety of situations and contexts across the African continent. Some of the events further included members of the civil society.



Main takeways from events held in 2023

- 22. The chosen overarching theme for the 2023 edition of UNCITRAL Days in Africa was: "The use of UNCITRAL texts in Africa: trends and prospects". It provided a great opportunity to discuss the impact of UNCITRAL texts in many African States where they have been implemented but also in jurisdictions where adoption of UNCITRAL texts was being considered. The need for updating existing texts with most recent UNCITRAL instrument was also discussed, as well as the importance of the database on Case Law On UNCITRAL Texts (CLOUT⁴) and explanatory and pedagogical materials being made available on various subjects by UNCITRAL secretariat to further common understanding and harmonized approach of UNCITRAL texts.
- 23. The following trends can be observed from the discussion held during the 14 events of the 2023 series:
 - a. The importance of investor-State Dispute Settlement (ISDS) reform being discussed in UNCITRAL Working Group III and texts already adopted by UNCITRAL on this issue (United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (New York, 2014) (the "Mauritius Convention on Transparency"), Code of Conduct, Guidelines on mediation in ISDS)⁵ for African States as they are seeking to increase the flow of foreign direct investment, both intra-African and coming outside of the continent, and in the context of the Investment Protocol to the African Continental Free Trade Area (AfCFTA) Agreement, containing ISDS provisions.
 - b. The role to be played by public procurement and public-private partnerships (PPP) in building the critical infrastructure needed to accompany the growth of trade expected from the implementation of the AfCFTA Agreement and the pertinence of UNCITRAL instruments to establish an enabling legal framework for PPP and procurement in that respect.
 - c. The wide use of UNCITRAL Model Law on Cross-Border Insolvency⁶ in the more than 27 African States where it has been enacted and the potential for enacting additional UNCITRAL insolvency model laws on enterprise group insolvency and recognition and enforcement of insolvency-related judgments.⁷
 - d. The prospects of e-commerce and digital economy becoming a driver for growth on the continent and the need to adhere to key principles embedded in UNCITRAL

⁴ https://uncitral.un.org/en/case_law.

⁵ https://uncitral.un.org/en/texts/isds.

⁶ https://uncitral.un.org/en/texts/insolvency/modellaw/cross-border insolvency.

⁷ https://uncitral.un.org/en/texts/insolvency.



- texts on e-commerce⁸ and the use of the Taxonomy of legal issues related to the digital economy prepared by the UNCITRAL secretariat.⁹
- e. The challenges faced by many African State to facilitate formalization of small businesses and entrepreneurs, with the need to simplify and expedite registration of businesses, enable formation and operation of Medium Small and Micro Enterprises (MSMEs) and their access to credit, provide expedited and low-cost liquidation, all things addressed by the suite of UNCITRAL texts on MSMEs.¹⁰

Supporting progress towards achieving Sustainable Development Goals

24. In light of the comprehensive themes and topics explored during the second edition of UNCITRAL Days in Africa, including on such topics as MSMEs, electronic commerce, insolvency law, PPPs, public procurement, ISDS reform and alternative dispute resolution, and considering also the particular focus of this initiative on raising awareness of the next generation, the events supported UNCITRAL's overall contribution towards achieving the Sustainable Development Goals (SDGs) on several fronts, in particular Goals 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16 and 17.



⁸ https://uncitral.un.org/en/texts/ecommerce.

⁹ https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/digitaleconomytaxonomy.pdf.

¹⁰ https://uncitral.un.org/en/texts/msmes.

¹¹ For more information on how UNCITRAL supports SDGs, see https://uncitral.un.org/en/about/sdg.



Conclusions and way forward

- 25. The UNCITRAL secretariat is grateful to all organisers and participants, and to all those who supported the organization of the second edition of the Africa Days, for the level of interest and enthusiasm which the events have attained.
- 26. It is the hope of the UNCITRAL secretariat that the 2024 series will be equally well received and further disseminated across the continent.
- 27. For institutions interested in co-organizing an UNCITRAL Days' activity, please contact the UNCITRAL secretariat at uncitral@un.org, to explore collaboration opportunities.



Annex: Summary of Events

Ain Shams University, Faculty of Law

(Cairo, 3 October 2023)

The conference organized on 3 October 2023 by Ain Shams University, Faculty of Law, in Cairo, focused on the relevance of UNCITRAL texts on insolvency law to support reform of existing legislation in Egypt.

The event featured two panels: the first one focused on the need to take into account the specific economic situation of many micro- and small enterprises in Egypt and part five of the Legislative Guide on Insolvency Law (that dealt with insolvency law for micro- and small enterprises); the second panel addressed cross-border insolvency, with discussions on the advantages of enacting the UNCITRAL Model Law on Cross-Border Insolvency in Egypt.





University of Zimbabwe

(Harare, 18 October 2023)

The webinar held by the University of Zimbabwe on 18 October 2028 featured a general presentation about UNCITRAL followed by a discussion on the use of UNCITRAL texts on international commercial arbitration by courts in Zimbabwe. On this occasion, it was recalled the importance of explanatory resources prepared by the UNCITRAL secretariat in support of the harmonized interpretation of UNCITRAL texts and of the CLOUT database, and the need to feature existing case law from Zimbabwe implementing UNCITRAL-inspired texts, notably the Arbitration Act, that is compliant with the UNCITRAL Model Law on International Commercial Arbitration.¹²



¹² See for example CLOUT case 1133 published in March 2024 as a result of the event.



University of Nigeria

(Nsukka, 31 October 2023)

The conference held by the National University of Nigeria on 31 October 2023 featured a discussion of the role of UNCITRAL in the elaboration of widely recognized international trade law instruments and the importance for Nigeria to participate in UNCITRAL discussions.

The conference delved into insolvency law issues, assessing the perspectives for Nigeria to take inspiration on UNCITRAL model laws on insolvency in the course of future insolvency law reforms, as was the case on other continents.







Université de Dschang, Faculty of Law

(Dschang, 3 November 2023)

Dschang University welcomed a UNCITRAL Africa Days event for the second year in a row, focusing this year on public procurement and PPPs.

The first panel featured a general presentation about UNCITRAL and a testimony from a former chair of UNCITRAL regarding the work of the Commission and its working groups.

The second panel considered recent developments in infrastructure development and public procurement, specifically UNCITRAL instruments on PPPs adopted in 2019. Recent initiatives such as the one launched in the Economic and Monetary Community of Central Africa (CEMAC) for the adoption of a PPP directive, to which UNCITRAL participated to, were noted.











Ain Shams University, Faculty of Law

(Cairo, 4-5 November 2023)

The second conference organized by Ain Shams University's Faculty of Law in Cairo in the frame of UNCITRAL Africa Days 2023 was co-hosted by the Queen Mary University, the International Association of Penal Law (AIDP) and the International Committee of the Red Cross (ICRC).

The conference focused on artificial intelligence, digital economy and the current work of UNCITRAL Working Group IV (Electronic Commerce). The implication of artificial intelligence for contractual legal framework and protection of innovation led to exchanges on the work of UNCITRAL on smart contracts as well as special aspects of civil responsibility in relation to artificial intelligence.





Njala University

(Njala, 7-9 November 2023)

Njala University in Sierra Leone hosted an UNCITRAL Africa Days event for the second time. The three-days course organized in a hybrid format focused on the use of UNCITRAL texts on MSMEs to support economic growth and the development of the private sector in Sierra Leone and in the region.

Examples of technical assistance activities and potential for reforms in other areas (international transport of goods) were noted. The importance of current work on ISDS reform was also highlighted by participants as being important for many developing States in Africa.







Facultés Universitaires Privées d'Abidjan (FUPA)

(Abidjan, 9 November 2023)

The conference organized by FUPA on 9 November 2023 focused on the topic of PPPs, that are considered to be an important tool to meet national infrastructure needs, achieve the Sustainable Development Goals and accompany the growth of intra-African trade expected from the implementation of the Agreement establishing the African Continental Free Trade Area. The role of the UNCITRAL Legislative Guide and Model Legislative Provisions on PPP to assist States in developing a PPP legal framework that will both achieve value for money and reduce the risk of abuse was highlighted.





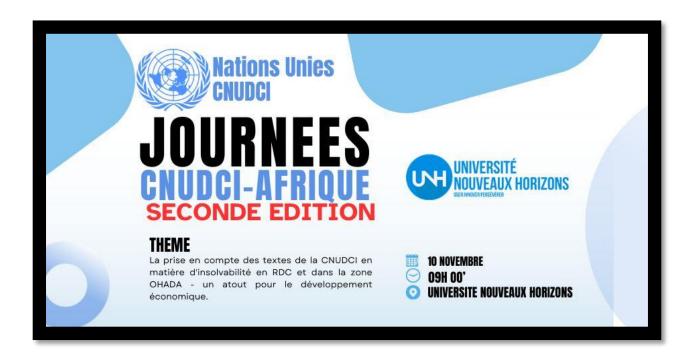


Université Nouveaux Horizons

(Lubumbashi, 10 November 2023)

The one-day conference held in Lubumbashi on 10 November 2023 covered in a first panel a general presentation about UNCITRAL and a general discussion on the role played by UNCITRAL texts in supporting a sound business environment and attracting foreign investments.

The panelists from the second panel presented the link between UNCITRAL texts and some of the Uniform Acts adopted by the Organization for the Harmonization of Business Law in Africa (OHADA). More specifically, the enactment of the UNCITRAL Model Law on Cross-Border Insolvency in the Uniform Act on the organization of collective procedures for the discharge of liabilities (adopted on 10 September 2015, in Grand-Bassam (Côte d'Ivoire)), and the importance of more recent texts of UNCITRAL in the area of insolvency law such as part five of the UNCITRAL Legislative Guide on Insolvency Law (that deal with insolvency law for micro- and small enterprises), the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments and the UNCITRAL Model Law on Enterprise Group Insolvency were mentioned, to supplement the existing legal framework.



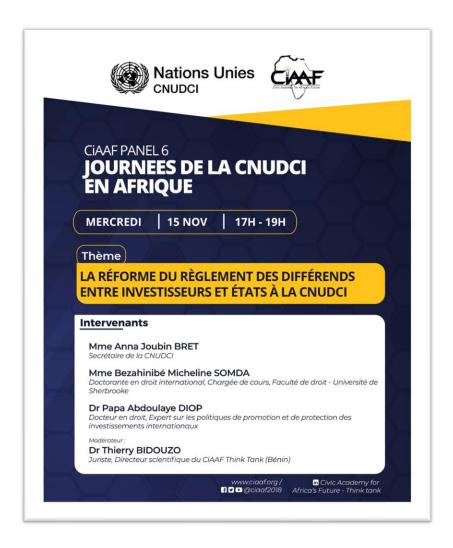


Civic Academy for Africa's Future (CiAAF)

(Cotonou, 15 November 2023)

The online roundtable organized by CiAAF on 15 November 2023 featured an open discussion on current reform of ISDS on the agenda of UNCITRAL Working Group III and texts already adopted by the Commission in that area.

Views on practical challenges faced by governments of the region when designing investment policies or facing investment-related disputes and adequation of current reform elements considered by the Working Group were shared. The importance for all States to participate in those discussions was stressed, also in the light of the implementation of the Investment Protocol to the African Continental Free Trade Area Agreement.





Université Tunis El Manar

(Tunis, 17 November 2023)

The conference held on 17 November 2023 in Tunis El Manar University assessed the existing Tunisia legal framework on alternative dispute resolution against UNCITRAL texts on arbitration and mediation. Several participants hightlighted the need for academics and legal practicioners to follow up with more recent work of UNCITRAL on alternative dispute resolution, including transparency in ISDS and mediation, but also the current work on a reform of ISDS on the agenda of UNCITRAL Working Group III.







Mzumbe University

(Mzumbe, 21 November 2023)

The webinar organized on 21 November 2023 by Mzumbe University showcased the influence of UNCITRAL texts in Tanzanian laws, with dedicated presentation on how UNCITRAL texts had been used in the following areas: alternative dispute resolution, insolvency and public procurement. Calls for further adherence to UNCITRAL standards in other areas susch a ecommerce and international sale of goods were made during the subsequent discussion.





2023 UNCITRAL Days in Africa
Department of Private Law, Faculty of Law, Mzumbe University - Tanzania
21st November, 2023
"The Influence of UNCITRAL Texts in Tanzanian Laws"
Program of Events

S/N	Item	Speaker (s)	Time
1	Registration/sign in		9:00 am-9:30 am
2	Opening and introductions	The Dean, Faculty of Law	9:30 am-9:40 am
3	Welcoming remarks	Ms. Anna Joubin Bret, Secretary, UNCITRAL Secretariat	9:40 am-9:55 am
4	UNCITRAL framework: mandate, composition, and methods of work.	Mr. Thomas Traschler, UNCITRAL Secretariat	9:55 am-10:15 am
5	Statements	Prof. Cyriacus Binamungu, Principal, Mzumbe University Dar es Salaam Campus College (DCC)	10:15 am-10:25 am
6	Promoting investment and trade through adoption of UNCITRAL's modern and harmonized cross-border insolvency legal framework in the East African Community (EAC)	Mr. Hassan Kimela (Assistant Lecturer & Researcher)	10:25 am-10:45 am
7	Q & A	A11	10:45 am-11:00 am
8	Incorporation of UNCITRAL Model Law into the Tanzania's Alternative Dispute Resolution framework	, ,	11:00 am-11:20 am
9	Q & A	A11	11:20 am-11:35 am
10	Harmonizing and aligning public procurement dimensions with the international commercial law framework: a Tanzanian perspective	Mr. Kenneth Mugurusi (Assistant Lecturer & Researcher)	11:35 am-11:55 am
11	Q & A	A11	11:55 am-12:10 pm
12	Closing remarks	Dr. Julius Cosmas (Senior Lecturer & Ag. Head of Department of Private Law)	12:10 pm-12:15pm



Université Pédagogique Nationale

(Kinshasa, 23-24 November 2023)

The two-days event organized by Université Pédagogique Nationale in Kinshasa covered the current work of UNCITRAL Working Group III on ISDS reform and the recently adopted Guide on Access to Credit for MSMEs. Discussions also touched on the coordination between OHADA and UNCITRAL in designing harmonized international trade law instruments, such as the recent Uniform Act on mediation, that builds on the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation.







Foreign Service Institute, Ministry of Foreign Affairs of Ghana

(Accra, 27 November 2023)

The one-day event organized in Accra by the Foreign Service Institute of the Ministry of Foreign Affairs of Ghana, in partnership with several universities and law faculties in Ghana, featured a high-level discussion on the reform of ISDS currently considered by UNCITRAL Working Group III.

A subsequent panel discussed digital economy opportunities in the context of the finalization of the Digital Trade Protocol to the African Continental Free Trade Area Agreement, and the need to adhere to concepts and principles found in UNCITRAL texts on e-commerce, that were widely enacted throughout the world.













University of Limpopo, Mandela University

(5 December 2023)

The webinar organized on 5 December 2023 by the Nelson Mandela University and University of Limpopo focused on the role of UNCITRAL in preparing harmonized model laws on ecommerce.

The first panel explored UNCITRAL's mandate and its pivotal role in shaping international commercial law. The second panel focused on the digital economy, specifically UNCITRAL Working Group IV's ongoing work on the use of artificial intelligence and automation in contracting, data provision contracts, and relevant legal frameworks in South Africa and in the context of the Digital Trade Protocol to the African Continental Free Trade Area Agreement.

