



# General Assembly

Distr.: General  
2 April 2018

Original: English

---

**United Nations Commission on  
International Trade Law**  
**Fifty-first session**  
New York, 25 June–30 July 2018

## Coordination activities

### Note by the Secretariat

#### Contents

	<i>Page</i>
I. Introduction . . . . .	2
II. Coordination activities . . . . .	2
A. The International Institute for the Unification of Private Law and the Hague Conference on Private International Law . . . . .	2
B. Other organizations . . . . .	3



## I. Introduction

1. In resolution [34/142](#) of 17 December 1979, the General Assembly requested the Secretary-General to place before the United Nations Commission on International Trade Law a report on the legal activities of international organizations in the field of international trade law, together with recommendations as to the steps to be taken by the Commission to fulfil its mandate of coordinating the activities of other organizations in the field.

2. In resolution [36/32](#) of 13 November 1981, the General Assembly endorsed various suggestions by the Commission to implement further its coordinating role in the field of international trade law.<sup>1</sup> Those suggestions included presenting, in addition to a general report of activities of international organizations, reports on specific areas of activity focusing on work already under way and areas where unification work was not under way but could appropriately be undertaken.<sup>2</sup>

3. This report, prepared in response to resolution [34/142](#) and in accordance with UNCITRAL's mandate,<sup>3</sup> provides information on the activities of other international organizations active in the field of international trade law in which the UNCITRAL secretariat has participated. Most of those activities have included provision of comments on documents drafted by those organizations and participation in various meetings (e.g. working groups, expert groups and plenary meetings) and conferences. The purpose of that participation has been to ensure coordination of the related legislative and rule-making activities of the different organizations, to share information and expertise and avoid duplication of work and of the texts resulting from that work.

## II. Coordination activities

### A. The International Institute for the Unification of Private Law and the Hague Conference on Private International Law

#### *International Institute for the Unification of Private Law (Unidroit)*

4. The Secretariat attended the Unidroit Governing Council (Rome, 10–12 May 2017).

#### *Hague Conference on Private International Law (Hcch)*

5. The Secretariat attended the Council on General Affairs and Policy (The Hague, the Netherlands, 13–15 March 2018) and participated in the third meeting of the Special Commission on the Judgments Project for the purposes of coordinating the work being undertaken by UNCITRAL firstly on recognition and enforcement of insolvency-related judgments, which draws on work being done by the Hcch, and secondly on international settlement agreements resulting from mediation (The Hague, the Netherlands, 13–17 November 2016). The purpose of the participation was to ensure that there was no overlap or duplication in the instruments being developed by UNCITRAL and the Hcch draft convention. The most recent drafts of the Hcch draft convention were made available to UNCITRAL's working groups for the information of delegates.

#### *Joint activities with Unidroit and Hcch*

6. The Commission will recall the report provided to its fiftieth session ([A/72/17](#), paras. 333–335) concerning the preparation of a guidance document in the area of

<sup>1</sup> *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17 (A/36/17)*, paras. 93–101.

<sup>2</sup> *Ibid.*, para. 100.

<sup>3</sup> See General Assembly resolution 2205 (XXI), sect. II, para. 8.

international commercial contract law (with a focus on sales) approved by the Commission at its forty-ninth session.<sup>4</sup>

7. Individuals with expertise in the fields of international commercial contract law and private international law were approached to carry out the project; five experts have agreed to undertake the work. A first meeting was held in October 2017 to formally launch the project and the table of contents was agreed with chapters on the following topics: introduction; determination of the law applicable to international commercial contracts; substantive law of sales; recurring legal issues arising in connection with sales contracts; guidance for specific business sectors (optional).

8. The three secretariats have agreed to coordinate consultation with relevant stakeholders on the draft text before seeking comments from States and formal approval from their respective governing bodies.

9. The agreed timeline requires a first draft of the text to be available by the end of March 2018; circulation of the first draft to stakeholders by the end of May 2018; submission of a revised draft to the Unidroit Governing Council in March 2019 for consideration in May 2019; submission of a further revised draft to the HccH Council in March 2020 for approval; a further submission to the Unidroit Governing Council in May 2020 for formal approval; and formal adoption in the framework of the CISG 40th anniversary celebrations at UNCITRAL's fifty-third session in July 2020.

10. Further details of the project will be provided in an oral report to the Commission at the fifty-first session.

## B. Other organizations

11. In addition to its participation in initiatives of Unidroit and HccH, the Secretariat undertook coordination activities with various other international organizations.

### 1. General

12. The Secretariat continued its participation in the Inter-Agency Cluster on Trade and Productive Capacity and took part (remote participation) in the annual meeting of the Cluster (Geneva, 17 November 2017) at which the main activities implemented by the Cluster in 2017 in the context of the United Nations "Delivering as One approach" were reviewed. Moreover, the discussion on follow-up actions in relation to the establishment of a Global Multi Donor Trust Fund on Trade and Productive Capacity, in particular actions concerning an appropriate communication strategy to approach potential donors, further progressed (see also [A/CN.9/908](#), para. 11).

13. The Secretariat was represented at the annual meeting of the United States State Department Advisory Committee on Private International Law (Washington, D.C., 31 October 2017).

#### *Rule of Law*

14. The UNCITRAL secretariat remained engaged in the Inter-Agency Task Force (IATF) on Financing for Development (FfD), convened by the Secretary-General to: (a) review progress in implementing the Addis Ababa Action Agenda (AAAA); and (b) advise the intergovernmental follow-up process thereon. In this context, the Secretariat contributed to tracking the progress of the implementation of the AAAA sustainable development goals as they are relevant to the work of UNCITRAL through provision of material for inclusion in the Annex to the 2018 IATF report.<sup>5</sup>

<sup>4</sup> *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17 (A/71/17)*, para. 281.

<sup>5</sup> <https://developmentfinance.un.org/iatf-2018-report>.

15. The UNCITRAL secretariat contributed to the 2017 report of the Secretary-General on strengthening and coordinating United Nations rule of law activities.<sup>6</sup>

## 2. APEC-related

16. The Secretariat continued its cooperation with APEC and was granted a three-year guest status at its Economic Committee (EC) in 2017. The Secretariat participated in the following meetings:

(a) The EC and the Friends of the Chair (FoTC) on Strengthening Economic Legal Infrastructure (SELI);

(b) APEC Workshop on Starting a Business: Simplified Business Registration and Incorporation according to International Best Practices (Ho Chi Minh City, Viet Nam, 24 August 2017);

(c) APEC Workshop on the Use of Modern Technology for Dispute Resolution and Electronic Agreement Management (particularly Online Dispute Resolution) (Port Moresby, Papua New Guinea, 3–4 March 2018);

(d) APEC Workshop on Secured Transactions: Best Practices for Dynamic Business Growth (21–22 March 2018); and

(e) First Investment Experts' Group Meeting (IEG1, 2018) (Port Moresby, Papua New Guinea, 1–2 March 2018).

## 3. Subject-specific activities

### (a) Micro, small and medium-sized enterprises (MSMEs)

17. The Secretariat continued to encourage participation and dialogue in respect of UNCITRAL's work on micro, small and medium-sized enterprises (MSMEs, Working Group I) through:

(a) Participation at a joint conference of the European Commerce Registers' Forum (ECRF) and the Corporate Registers' Forum (CRF), presenting the latest developments in UNCITRAL work on business registration (Cardiff, United Kingdom of Great Britain and Northern Ireland, 10–13 May 2017); and

(b) A presentation on the deliberations of Working Group I at an academic conference on simplified business registration and at a workshop for International Business Law students (Tilburg University, Tilburg, Netherlands, 24–25 November 2017).

### (b) Procurement

18. The Secretariat reviewed or provided comments on:

(a) The Organization for Economic Cooperation and Development (OECD) survey of procurement regimes of four ASEAN countries against international best practices using the OECD Government procurement Taxonomy;

(b) A draft European Commission Recommendation on the professionalization of public procurement<sup>7</sup> and a draft of the European Commission's staff working document on a toolbox of good practices accompanying the Recommendation;<sup>8</sup> and

(c) IACA reference materials related to training on anticorruption safeguards in the UNCITRAL Model Law on Public Procurement.

<sup>6</sup> See document A/72/268 and paras. 4 and 44 therein as related to UNCITRAL.

<sup>7</sup> Available in the final form at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017H1805>.

<sup>8</sup> Available in the final form at <http://ec.europa.eu/transparency/regdoc/rep/10102/2017/EN/SWD-2017-327-F1-EN-MAIN-PART-1.PDF>.

**(c) Dispute settlement**

19. At its fiftieth session, in 2017, the Commission emphasized the need for the work of Working Group III on Investor-State Dispute Settlement Reform to include engagement with diverse stakeholders, including intergovernmental organs and organizations such as the United Nations Conference on Trade and Development (UNCTAD), the World Trade Organization, OECD, the International Centre for Settlement of Investment Disputes and the Permanent Court of Arbitration.<sup>9</sup> In addition, the Commission agreed that the ongoing work of relevant international organizations in investment treaty reform should be taken into account.<sup>10</sup>

20. Accordingly, the Secretariat has engaged in consultations with the above organizations on an ongoing basis, and has participated in a number of events, including:

(a) World Economic Forum (WEF) conference on multilateral investment treaties (Bern, Switzerland, 19 June 2017);

(b) 7th South China In-house Counsel Forum organized by Shenzhen Court of International Arbitration (SCIA), theme: “Belt & Road: Chinese Companies and Investment Arbitration” (29 June 2017, Shenzhen, China);

(c) UNCTAD High-level IIA Conference (9–11 October 2017, Geneva);

(d) OECD Freedom of Investment Roundtable 27 (17 October 2017, Paris);

(e) International Chamber of Commerce-UNCITRAL-CIDS consultation with investors on Investor-State Dispute Settlement Reform (16 November 2017, Paris);

(f) OECD conference on International investment agreements and investor-State dispute settlement (12 March 2018, Paris); and

(g) 4th Asia FDI Forum, on Special Economic Zones and Investment Policy, organised by the Columbia Center on Sustainable Investment, WEF and the Chinese University of Hong Kong (22–23 March 2018, Hong Kong SAR, China).

**(d) Electronic commerce**

21. The Secretariat attended a Special session on operationalising the e-CMR Protocol convened by the United Nations Economic Commission for Europe (UNECE) Working Party on Road Transport to illustrate the possible relevance of the Model Law on Electronic Transferable Records for the implementation of electronic consignment notes issued under the e-CMR protocol (Geneva, 4 April 2018).

**(e) Privately financed infrastructure projects**

22. In light of the Commission’s decision, at its forty-ninth session (2016), that the Secretariat should consider updating where necessary all or parts of the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects, involving experts,<sup>11</sup> the Secretariat has engaged in consultations with the World Bank and regional development banks, UNECE and the Organization for Economic Cooperation and Development, among others, on an ongoing basis, and has provided written commentary on draft policy texts, including:

(a) UNECE draft “Standard on Zero Tolerance to Corruption in PPP Procurement” prepared for the “International Forum Implementing the United Nations 2030 Agenda for Sustainable Development through effective, people-first Public-Private Partnerships”, during the year since the Commission’s fiftieth session; and

<sup>9</sup> *Official Records of the General Assembly, Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 251.

<sup>10</sup> *Ibid.*, para. 264.

<sup>11</sup> *Ibid.*, *Seventy-first Session, Supplement No. 17 (A/71/17)*, paras. 359–362.

(b) World Bank Draft Guidelines for the Development of a Policy for Managing Unsolicited Proposals in Infrastructure Projects (June 2017).

**(f) Security interests**

23. The Secretariat continued its coordination and cooperation with a number of international and regional organizations active in the area of security interests. It continued its collaboration with the World Bank in providing legislative technical assistance to States undertaking secured transactions reform (Saint Kitts and Nevis and Saint Lucia, 26–30 June 2017 and Bahrain, 11–14 September 2017). It also met with representatives of the European Commission and took part in a joint expert teleconference with a view to ensuring a coordinated approach to the law applicable to the third-party effects of transactions in receivables and securities.

24. In response to a request by Working Group VI, which is currently preparing a draft Practice Guide to the Model Law on Secured Transactions, the Secretariat is in contact with the Basel Committee on Banking Supervision, as well as other relevant international organizations, to share information about the Model Law and to seek coordination with respect to regulatory aspects, particularly financial regulations, in the implementation of the Model Law.

**(g) Insolvency**

25. The Secretariat participated on a panel to discuss a report on rescue of business in insolvency law and its relationship to the UNCITRAL Legislative Guide on Insolvency Law, which was launched at the European Law Institute's Annual Conference (Vienna, 6 September 2017).

---