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Non-legislative activities

Note by the Secretariat

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I. Introduction

1. This note introduces a series of papers on non-legislative activities of the UNCITRAL secretariat (addenda 1 to 9 to this note) and suggests broad actions that the Commission may wish to take with respect to them. Together with the note by the Secretariat on the work programme of the Commission (A/CN.9/1180) and other notes submitted by the Secretariat for consideration by the Commission at its fifty-seventh session, this note and addenda thereto intend to assist the Commission in consideration of the overall workload of the UNCITRAL secretariat and resources made available for managing it.

2. The mandate for the secretariat's non-legislative activities is found in General Assembly resolution 2205 (XXI) of 17 December 1966 establishing UNCITRAL, which refers, inter alia, to: (a) promoting wider participation in existing international conventions and wider acceptance of existing model and uniform laws (para. 8 (b)); (b) promoting the adoption of new international conventions, model laws and uniform laws (para. 8 (c)); (c) promoting ways and means of ensuring a uniform interpretation and application of international conventions and uniform laws in the field of the law of international trade (para. 8 (d)); and (d) collecting and disseminating information on national legislation and modern legal developments, including case law, in the field of the law of international trade (para. 8 (e)).

3. Since its inception, the Commission has considered non-legislative activities and reports of the UNCITRAL secretariat on implementing them. This note and addenda thereto supplement those reports, noting that the last such report covered the period from 1 April 2022 to 31 March 2023. With the plan to switch from 2024 to a calendar year reporting period, the secretariat has shortened the reporting period for consideration by the Commission at its fifty-seventh session to the remaining nine months of 2023, i.e. the period from 1 April to 31 December 2023. However, some addenda and some information provided in the other addenda are not limited to that period.

II. Summary of non-legislative activities in the reporting period

4. Information about the secretariat's non-legislative activities is grouped in the addenda to this note as follows:

Summary	Suggested Commission action
<i>Addendum 1 on technical cooperation and assistance activities</i>	
Information about events, programmes and other projects led by the UNCITRAL secretariat based in Vienna with the aim of: (a) raising awareness of UNCITRAL texts, building capacity to use them and otherwise promoting their adoption, increased understanding and effective use (such as through training activities for judges and legal practitioners); or (b) providing advice and assistance to States on adoption and use of those texts (such as through a review of draft legislation).	The Commission may wish to take note of the significantly increased number of the non-legislative activities during the reporting period and efforts of the UNCITRAL secretariat to ensure their enhanced and continuous impact. It may wish to express appreciation to all concerned for implementing those activities. The Commission may wish to welcome, in particular, the expansion of the 2023 UNCITRAL Days, and plans for preparation of a multilingual curriculum for training judges and insolvency practitioners on cross-border insolvency matters and updating the 2009 UNCITRAL Practice Guide on Cross-Border Cooperation.

Summary	Suggested Commission action
<i>Addendum 2 on activities of the UNCITRAL Regional Centre for Asia and the Pacific</i>	
Activities of the Regional Centre, including its flagship events and the 2023 UNCITRAL Asia-Pacific Days, and related statistics as well as activities of the Regional Centre in support of the UNCITRAL secretariat based in Vienna.	The Commission may wish to take note of those activities and of the resources and funding situation of the Regional Centre and express appreciation to the governments of the Republic of Korea and Hong Kong, China for their contributions to the operation of the Regional Centre and to all concerned for providing support to the Regional Centre to facilitate implementation of its mandate. It may also wish to reiterate its appeal to relevant stakeholders for provision of additional resources and other support to the Regional Centre.
<i>Addendum 3 on ways and means of ensuring a uniform interpretation and application of international conventions and uniform laws in the field of the law of international trade</i>	
Developments and statistics with respect to the Case Law on UNCITRAL Texts (CLOUT) system, preparation of digests of case law on UNCITRAL texts and the promotion of uniform interpretation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 1958. ¹	The Commission may wish to: (a) take note of those developments; (b) call for those States that have not yet designated a national correspondent or a member of the Steering Committee for the CLOUT system to do so at the earliest opportunity and for those States that have designated national correspondents to facilitate their role and continue to encourage their regular submissions of cases to the secretariat for CLOUT; and (c) appeal to States, organizations, institutions and individuals to consider making contributions to the trust fund for UNCITRAL symposiums for the purpose of upgrading the CLOUT database.
<i>Addendum 4 on operation of the transparency repository under article 8 of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration²</i>	
Functioning of the transparency repository since its establishment and its current funding situation.	The Commission may wish to formulate its recommendation to the General Assembly as regards continued operation of the transparency repository by the UNCITRAL secretariat, noting expression of interest communicated by the European Union to the secretariat in February 2024 to continue providing the funding for the project until the end of 2027. The Commission may also wish to welcome initiatives towards increasing awareness of the transparency repository on the occasion of the tenth anniversary of the adoption of the United Nations Convention on Transparency in

¹ United Nations, *Treaty Series*, vol. 330, No. 4739, p. 3.

² *Official Records of the General Assembly, Sixth-eighth Session, Supplement No. 17 (A/68/17)*, para. 128.

Summary	Suggested Commission action
	Treaty-based Investor-State Arbitration (New York, 2014) (the “Mauritius Convention on Transparency”). ³
<i>Addendum 5 on UNCITRAL’s online and social media presence</i>	
Development and statistics with respect to the UNCITRAL website, social media channels and e-learning program, in particular issuance of new e-learning program courses and their translation to Chinese, preparation of new courses and upcoming translation of the course on public procurement and public-private partnerships to Arabic and Russian.	The Commission may wish to express appreciation to all concerned for enhancing the UNCITRAL online and social media presence, including through the development of the UNCITRAL e-learning program. It may acknowledge the need for all UNCITRAL e-learning program courses to be translated to all the official languages of the United Nations and appeal for voluntary contributions to the trust fund for UNCITRAL symposiums for such purpose. It may wish to express appreciation to China for funding the translation of the courses to Chinese, in addition to their development, and to the European Bank for Reconstruction and Development (EBRD) for providing the funding for translation of the e-learning course on public procurement and public-private partnerships to Arabic and Russian. The Commission may also wish to acknowledge the resource-intensive task of keeping the UNCITRAL online presence up to date and compliant with applicable United Nations rules and regulations, including as regards accessibility.
<i>Addendum 6 on the UNCITRAL Law Library, publications, press releases and other outreach activities</i>	
Developments and statistics related to the UNCITRAL Law Library, press releases, publications and information lectures, and contributions of the UNCITRAL secretariat to periodicals, reports and other writings relevant to the work of UNCITRAL.	The Commission may wish to reiterate its request to States to advise the secretariat when enacting legislation implementing an UNCITRAL model law or other relevant texts. It may also wish to appeal to publishers, especially those representing, or affiliated with, organizations invited to UNCITRAL sessions, to donate their books, periodicals and other materials related to the work of UNCITRAL or international commercial law to the UNCITRAL Law Library or, where donation is not possible, to grant a discounted rate for such materials. The Commission may wish to express appreciation to those publishers that have already done so. The Commission may also wish to take note of the secretariat plans to update “A Guide to UNCITRAL. Basic Facts about

³ General Assembly 69/116, annex.

Summary	Suggested Commission action
	the United Nations Commission on International Trade Law ⁴ in the light of the upcoming sixtieth anniversary of the establishment of UNCITRAL and to give the mandate to the secretariat to publish the updated version of that publication.
<i>Addendum 7 on internship programme and moots</i>	
Developments and statistics with respect to internships in, and moot competitions sponsored by, the UNCITRAL secretariat.	The Commission may wish to note that, together with the annual UNCITRAL Days held by the UNCITRAL secretariat in various regions (see addendum 1 above), UNCITRAL internships and commercial law moots are means of reaching out to more law students and young academics and professionals in developing countries for the purpose of providing training to them on UNCITRAL-related subjects. The Commission may wish to welcome efforts of all concerned towards diversifying geographical and gender representation in those activities, the holding of moots in various languages and paying attention to special needs of developing countries in building professional cadre in international commercial law.
<i>Addendum 8 on planned activities for 2024</i>	
Information about non-legislative activities planned for 2024.	The Commission may wish to take note of the upcoming activities, stress their importance and express appreciation to all concerned for contributing to them.
<i>Addendum 9 on resources and funding</i>	
Information about resources and funding available to the UNCITRAL secretariat for its non-legislative activities in 2023. (For completeness, addendum 9 lists contributions made to the trust fund for UNCITRAL symposiums also for other purposes (such as for financing participation of developing countries in sessions of UNCITRAL Working Group III (ISDS reform)). It also lists a contribution made to the trust fund to grant travel assistance to developing countries that are members of UNCITRAL. A contribution received in 2023 to the trust fund for UNCITRAL symposiums in support of stocktaking of developments in dispute resolution in the digital economy (DRDE) is reported to the Commission separately.)	The Commission may wish to express appreciation for the contributions received and renew its appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund for UNCITRAL symposiums, in particular in the form of multi-year contributions that would enable and enhance the secretariat's ability to strategically plan non-legislative activities to meet the increased demand for them. It may also wish to renew its call to all relevant stakeholders for the financing of special projects and otherwise to assist the secretariat in carrying out its non-legislative activities.

⁴ Available at <https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/12-57491-guide-to-uncitral-e.pdf>.