Programme for the Congress

Modernizing International Trade Law to Support Innovation and Sustainable Development

to celebrate the 50th annual session of UNCITRAL

4-6 July 2017

9.30 a.m. to 5.00 p.m.
Board Room D
Vienna International Centre
Day 1, 4 July 2017

08.00-09.30 Registration of participants

09.30-09.50 **Opening of the Congress**

H.E. Mr. Wolfgang Brandstetter, Vice-Chancellor, Federal Minister of Justice, Republic of Austria

**Welcoming remarks**

Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and the United Nations Legal Counsel

09.50-12.30 **UNCITRAL’s contributions to the harmonization and modernization of the law of international trade and commerce**

09.50-11.20 **Session 1 – Contributions of UNCITRAL texts to the Sustainable Development Goals: economic growth, development and institution-building under goals 8, 9, 16 and 17**

International, regional and national perspectives

Sheikha Haya Bint Rashed Al-Khalifa, Chair of the Board of Trustees of the BCDR-AAA, Kingdom of Bahrain

Mr Li Chenggang, Assistant Minister, People’s Republic of China

Mr. Yury Fedotov, Under-Secretary-General, Executive Director of the United Nations Office on Drugs and Crime and Director-General of the United Nations Office in Vienna

Mr. Dorothé Cossi Sossa, Secrétaire Permanent de l’OHADA

Mr. Choong-hee Hahn, former Chairman of UNCITRAL, Republic of Korea, *UNCITRAL and the SDGs*

Ms. Marie-Anne Birken, General Counsel, European Bank for Reconstruction and Development, *Contributions of UNCITRAL texts to the Sustainable Development Goals*

Mr. Mahesh Uttamchandani, Global Practice Manager, Finance and Markets, The World Bank Group, *Contributions of UNCITRAL texts to the Sustainable Development Goals*

11.20-12.20 **Panel discussion** Qualitative and quantitative benefits in the use of Model Laws

Mr. Andrew Myburgh, Senior Economist, IFC (World Bank Group) and Mr. Jordi Paniagua, Catholic University of Valencia, Spain: *The impact of UNCITRAL on FDI*

Mr. Reimar Wolff, University of Marburg, Germany: *Model Laws as Instruments for Harmonization and Modernization*

Mr. Mohamed Y. Mattar, Qatar University College of Law: *Harmonization of National Legislation through Model Laws: From UNCITRAL to the League of Arab States and the Gulf Cooperation Council*

12.20-12.30 **Discussion**

*This participant has submitted a paper for the Congress, whose title is in italics*
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12.30  Lunch break
12.45  Side event Integrating sustainability considerations into international commercial law reform

14.00-16.20  Session 2 – Creative international law-making in the international trade law context

   Keynote speaker  Mr. Rimsky Yuen, Secretary for Justice, Hong Kong SAR of the People's Republic of China

14.00-14.10  Panel discussion  UNCITRAL law-making in corporate insolvency, transport of goods by sea and secured transactions

   Introduction from the Moderator  Ms. Kathryn Sabo, former Chairman of UNCITRAL Working Groups V and VI; General Counsel, International Private Law Section, Department of Justice, Canada

   Panellists  Ms. Susan Block-Lieb, Fordham University School of Law, United States of America
            Mr. Terence C. Halliday, Northwestern University, United States of America; Australian National University

14.50-15.30  Panel discussion: Regional perspectives on law-making in UNCITRAL

   Introduction from the Moderator  Mr. Michel Nussbaumer, Director, Legal Transition, European Bank for Reconstruction and Development

   Panellists  Ms. Salla Saastamoinen, Director, Directorate-General for Justice and Consumers, Directorate A Civil and Commercial Justice, European Commission
            Mr. Harold (Hal) Burman, former U.S. State Department, Office of Legal Adviser, United States of America
            Mr. David Moran Bovio, Spain, former Chairman of UNCITRAL

15.30  16.10  Panel discussion: Opportunities and challenges in the use of UNCITRAL models

   Introduction from the Moderator  Mr. Don Wallace, Georgetown University, Chairman, International Law Institute, United States of America

   Panellists  Mr. John Pottow, University of Michigan Law School, United States of America
              International Insolvency Law’s Cross-Roads and the New Modularity*
              Mr. Fernando Dias Simoes, University of Macau, Macau SAR, People’s Republic of China, Investment law and climate disputes: The Role of UNCITRAL in Powering Sustainable Development*
Mr. Corrado Malberti, University of Trento, Italy *The Reduction of the Legal Obstacles Faced by MSMEs in the Footsteps of the Previous Attempts at Harmonizing Company Law: Will the UNCITRAL Reinvent the Role of Harmonization in Company law?*  
Ms. Ana Teresa de Abru Coutinho Boscolo, Brazil, *Challenges on the harmonization and the unification of international commercial law*  

16.10-16.20 Discussion, led by Mr. Don Wallace, Georgetown University, Chairman, International Law Institute, United States of America  

16.20-17.00 Session 3 – Considerations on the benefits of UNCITRAL texts and working methods of UNCITRAL  

Panel discussion, led by Mr. Jeffrey Chan Wah-Teck, former Chairman of UNCITRAL and its Working Groups III and IV, Singapore  

Panellists:  
Mr. Gerold Herrmann, former Secretary, UNCITRAL, Germany  
Mr. Jernej Sekolec, former Secretary, UNCITRAL, Slovenia  
Mr. Oh Soo-guen, former Chairman of UNCITRAL, Republic of Korea  
Mr. Ricardo Sandoval López, Chile, former Chairman of UNCITRAL  
Mr. Renaud Sorieul, Secretary, UNCITRAL  

Day 2 – 5 July 2017  

09.30-11.30 Session 4 - Developments in the law of international trade and commerce: Integrated systems to support cross-border trade  

09.30-09.50 Introduction  

Roundtable discussion Legal issues arising in digital contracts and in digital property  

Ms. Christiane Wendehorst, University of Vienna and European Law Institute, *Reconsidering legal instruments sin the light of a new stage in digitalisation*  
Mr. Sjef van Erp, Maastricht University, The Netherlands, *Ownership of data and the numerous clausus of legal objects*  

09.50-10.40 Panel discussion Blockchain and smart contracts  

Introduction from the Moderator Mr. Alex Ivanco, Head of International Law Unit, Ministry of Industry and Trade, Czech Republic  

Panellists  
Mr. Koji Takahashi, Doshisha University, Japan, *Implications of the Blockchain Technology for the UNCITRAL works*  

4 * This participant has submitted a paper for the Congress, whose title is in italics
Mr. Scott Farrell, King & Wood Mallesons, Australia, *Lost and found in smart contract translation – considerations in transitioning to automation in legal architectures*

Mr Erik Vermeulen, Tilberg University, The Netherlands, *Three Reasons Why the Blockchain Revolution is Becoming a Reality*

**Additional topics**

Mr. Riccardo de Caria, University of Torino, Italy, *A digital Revolution in International Trade? The International Legal Framework for Blockchain Technologies, Virtual Currencies and Smart Contracts: Challenges and Opportunities*

10.40-11.30

Ms. Sara Hourani, Bournemouth University, United Kingdom, *Cross-border Smart Contracts: Boosting International Digital Trade through Trust and Adequate Remedies*

**Panel discussion** Transport, trade facilitation and payments

*Introduction from the Moderator,* Mr. Agustin Madrid Parra, former Chairman, UNCITRAL Working Group IV (Electronic Commerce), Spain

*Panellists*

Ms. Maria Chiara Malaguti, Catholic University of the Sacred Heart, Italy; Chairman of UNCITRAL Working Group I (MSMEs), *Possible future work of UNCITRAL in the field of payments*

Ms. Trisha Rajput, University of Gothenburg, Sweden, *Information Management in International Trade: Role of UNCITRAL in Advancing International Single Window Environment*

**Additional topics:**

Mr. Ezequiel T. Condoluci Santa Maria, Queen Mary University of London, United Kingdom, *Logistics Contracts: Outdated International Regulation?*

Ms. Teresa Rodríguez-de-las-Heras Ballell, Universidad Carlos III de Madrid, Spain, *Rules for electronic Platforms: the role of platforms and intermediaries in digital economy*

11.30-12.30 **Session 5 - Developments in the law of international trade and commerce: the credit economy**

*Introduction from the Moderator* Mr. Bénédict Foëx, University of Geneva, Switzerland

*Panel discussion* Blockchain, supply chain finance and SMEs

*Panellists*

Mr. Marek Dubovec, National Law Center for Inter-American Free Trade, *Blockchain and UNCITRAL instruments on security interests*

Mr. Abhinayan Basu Bal, University of Gothenburg, Sweden, *Can UNCITRAL Instruments Advance Supply Chain Finance to Benefit Small and Medium Enterprises?*

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Panel discussion Secured finance and regulatory considerations

Panellists

Mr. Avery Belka, Associate General Counsel, Legal Division, Federal Reserve Bank of San Francisco

Mr. Marek Dubovec, National Law Center for Inter-American Free Trade and Mr. Giuliano Castellano, University of Warwick, United Kingdom, Coordinating Secured Transactions Law and Capital Requirements*

12.30 Lunch break;
12.45 Side event: The potential contribution of the digital economy to the sustainability agenda

14.00-14.30 Continuation of Session 5 – the credit economy

Panel discussion Practical experience in secured finance law reform

Moderator Mr. Bénédict Foëx, University of Geneva, Switzerland

Panellists Mr. Chang-Ho Chung, International Criminal Court, Republic of Korea, Secured transactions reform in Korea

Ms. Hilleni Tangi N. Shikongo Legal Officer, Office of the Attorney-General, Namibia, A review of Security Rights over Moveable Property in Namibia*

Mr. Xiaoyang Li, China University of Political Science and Law, People’s Republic of China, The Role of Model Law in Modernizing National Laws on Secured Transactions (in context of Chinese law)*

14.30-17.00 Session 6 - Developments in the international law of trade and commerce: exit strategies and efficient and effective insolvency regimes

Roundtable discussions Introduction and reflections on harmonization of the law and practice of insolvency

Panellists Mr. Wisitsora-At, Chairman of UNCITRAL Working Group V (Insolvency Law), Permanent Secretary, Ministry of Justice, Thailand

Ms. Kathryn Sabo, former Chairman of UNCITRAL Working Groups V and VI; General Counsel, International Private Law Section, Department of Justice, Canada

Mr. Neil Cooper, INSOL International

Emerging issues in insolvency

Panellists Mr. Steven Schwarcz, Duke University/CIGI, Duke Law School, United States of America, A proposal for UNCITRAL research: A model-law approach to sovereign debt restructuring*

Mr. Edward Janger, Brooklyn Law School, United States of America, A Global Architecture for Resolution of Financial Institutions*

Ms. Antonia Menezes/Mr. Andres Martinez, World Bank, Micro, Small and Medium Enterprise Insolvency in Africa: a comparative study*

Mr. Samuel Bufford, Pennsylvania State University, United States of America, Alternative dispute resolution and insolvency*

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Additional topics

Mr. Chris Redmond, Member-US delegation to Working Group V (Insolvency Law), Husch Blackwell LLP, United States of America, Asset tracing and recovery

Mr. John Martin, Australia, Conflict and Consistency in Cross border Insolvency Judgments*

Ms. Maisie Ooi, University of Hong Kong, Hong Kong SAR, People’s Republic of China, Cross-border Insolvency and its Threat to International Trade: Proposal for a Comprehensive UNCITRAL solution*

Mr. Ángel María Ballesteros, Union Internationale des Avocats (UIA), Reflexiones sobre la unificación de las normas de Derecho internacional privado aplicables a los procedimientos de insolvencia transfronteriza*

Mr. Mathias Audit, Ecole de droit de la Sorbonne (Université Paris 1), France, Pour une procédure internationale de règlement de l’insolvabilité des Etats

Ms. Chindar Teo, Queensland University of Technology, Australia, The Certainty of Choice of Law Rules in the Uncertain World of International Bank Insolvency*

16.40-17.00 Discussion and concluding remarks Mr. Neil Cooper, INSOL International

18.30 Cocktail reception to celebrate the 50th Anniversary in the Vienna City Hall (Rathaus), Wappensaal - hosted by the City of Vienna, the Vienna International Arbitral Centre (VIAC), and the Austrian Arbitration Association (ARB │ AUT)
Entrance: Lichtenfelsgasse 2, Feststiege 2, 1010 Vienna

Day 3 – 6 July 2017

09.30-12.30 Sessions 7-9 Development in the settlement of commercial disputes

09.30-10.30 Session 7 - Reform of investor-state dispute settlement

Roundtable discussion on rationale for reform, a possible roadmap and technical assistance to States

Introduction from the Moderator Ms. Gabrielle Kaufmann-Kohler, Lévy Kaufmann-Kohler/University of Geneva Law School, Switzerland

Panellists

Mr. Salim Moollan, former Chairman of UNCITRAL, Mauritius

Ms. Yas Banifatemi, Shearman & Sterling, France

Mr. Andre von Walter, Dispute Settlement and Legal Aspects of Policy, Directorate General for Trade, European Commission

Mr. James Castello, King and Spalding International LLP, France

Mr. Andrés Jana L., Bofill Mir & Alvarez Jana, Chile

Mr. Diego Fernandez Arroyo, Secretary General, International Academy of Comparative Law; Co-Director of Global Governance Studies, Sciences Po Law School, France

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Mr. Shane Spelliscy, Counsel, Department of Foreign Affairs and International Trade, Trade Law Bureau, Canada

Additional topics

Dominic Dagbanja, The Paradox of International Investment Law: the Disconnect between Development Objective in IIAs and Investment Disputes Settlement Revisited*
International Union of Judicial Officers, Civil enforcement*
Maria Antonia Gwynn, UNCITRAL and the possibility of returning to the multilateral regulation of foreign investment*

Concluding remarks Ms. Gabrielle Kaufmann-Kohler, Lévy Kaufmann-Kohler / University of Geneva Law School, Switzerland

10.30-12.00 Session 8 – International commercial arbitration and conciliation

Panel discussion: International framework on arbitration: where are the needs?

Introduction from the Moderator Mr. Michael Schneider, Lalive Avocats, Switzerland, former Chairman of Working Group II (Dispute settlement); Lalive Avocats, Switzerland

Panellists

Mr. Emmanuel Gaillard, President, International Arbitration Institute (IAI); Head of International Arbitration, Shearman & Sterling, France
Mr. Alexander Komarov, Member of the Presidium of the International Commercial Arbitration Court at the Russian Federation Chamber of Commerce and Industry, Russian Federation
Mr. Alvaro Galindo, Dechert LLP, United States of America
Mr. George Bermann, Columbia University School of Law, United States of America
Ms. Alice Fremuth-Wolf, Deputy Secretary General, Vienna International Arbitral Centre (VIAC), Austria
Ms. Natalie Yu-Lin Morris-Sharma, Chairman of Working Group II, UNCITRAL, Singapore

Additional topics

Colin Ballantine - Opening Oceania; reforming International Commercial Arbitration Regimes across Melanesia, Micronesia and Polynesia*
Rosmy Joan, Renegotiation of Indian BITs*
Leena Moudgil, Judicial response to international commercial arbitration with specific reference to venue of arbitration*

Concluding remarks Mr. Michael Schneider, Lalive Avocats, Switzerland, former Chairman of Working Group II (Dispute settlement); Lalive Avocats, Switzerland

12.00-12.30 Session 9 – New frontiers in dispute settlement

Panel discussion on emerging issues

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Introduction from the Moderator

Panellists
Ms. Janet Martinez, Stanford University, Law School, United States of America, ODR - New developments
Ms. Dalma Demeter, University of Canberra, Australia, Putting technology at the service of access to justice, cultural diversity and dispute resolution development*
Bilateral arbitration treaties – Mr. Gary Born, Wilmer Cutler Pickering Hale and Dorr, United Kingdom, Bilateral Arbitration Treaties: An Improved Means of International Dispute Resolution*

Concluding remarks Mr. Werner Melis, former President of Vienna International Arbitral Center (VIAC)

12.30 Lunch break
12.45-13.45 Side event Integrating sustainability considerations into dispute settlement

14.00-16.50 Sessions 10-13 - Harmonization and modernization of the law of international trade and commerce in practice: enhancing the implementation and interpretation of UNCITRAL texts

14.00-14.40 Session 10 - Dispute settlement

Introduction from the Moderator Mr. Hrvoje Sikiric, former Chairman of UNCITRAL; University of Zagreb, Croatia

Panel discussion Implementation and effective understanding of UNCITRAL texts on Dispute Settlement

Panellists
Ms. Yas Banifatemi, Shearman & Sterling, France, The New York Convention Guide
Mr. Stefan Kroell, Director of the Willem C. Vis Arbitration Moot, Germany, The Digest of Case Law on the Model Law on Arbitration
Mr. Michael Schneider, Lalive Avocats, Switzerland, former Chairman of Working Group II (Dispute settlement); and Andrea Meier, Partner, Wartmann & Merker, Switzerland, The Swiss Arbitration Association Toolbox as a means to promote the UNCITRAL Notes on Organizing Arbitral Proceedings


Introduction from the Moderator, Mr. Henry D. Gabriel, Elon University School of Law, United States of America

Panel discussion National use of the Convention on Contracts for the International Sale of Goods

Panellists
Ms. Mary Wallace, University of East Anglia School of Law, How ‘International’ is International Commercial Law?
Ms. Judit Glavanits, Széchenyi István University, Faculty of Law and Political Science, Hungary, How do you mean it, CISG? Applying the CISG more “21st Century”-Way*

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Ms. Petra Butler, Victoria University of Wellington, New Zealand and CLOUT National Correspondent, New Zealand

Ms. Mona Ahadi, University of Durham School of Law, United Kingdom, The adoption of the CISG in Iran: Practical Difficulties in Implementing the CISG*

Additional topics

Mr. Zuoli Jiang, Shandong University Law School, People’s Republic of China, In Favor of Appropriate Dynamic Interpretation for the CISG ‘Legal Uniformity’*

Mr. Abdullah Abdullah, Qatar University College of Law, Qatar, Towards the implementation of International Civil and Commercial Law: A call for Qatar to join the CISG*

Concluding remarks Mr. Henry D. Gabriel, Elon University School of Law, United States of America

15.25-16.10 Session 12 – Approaches to keeping UNCITRAL texts up to date

Introduction from the Secretariat

Panel discussion Keeping UNCITRAL texts on public procurement and PPPs up to date

Panellists

Ms. Sue Arrowsmith, University of Nottingham, United Kingdom and Mr. Christopher Yukins, George Washington University, United States of America, Is the UNCITRAL Model Law on Public Procurement in need of updating?

Mr. Martin Trybus, University of Birmingham, United Kingdom, Small and medium-sized enterprises and the division of contracts into lots*

Ms. Marcelle Van Valkenburg, Ministry of Infrastructure and the Environment, The Netherlands, Dutch PPP tendering infrastructure into the equation*

Ms. Tricia Chin, Trinidad and Tobago, A view from users of the Model Law in the Caribbean region

Concluding remarks Mr. John Linarelli, University of Durham, United Kingdom

16.10-16.50 Session 13 – Cataloguing developments in international trade law

Introduction from the Moderator, Mr. Renaud Sorieul, The Secretary, UNCITRAL, and Director, International Trade Law Division, United Nations Office of Legal Affairs

Panel discussion on coordination, knowledge-gathering and knowledge dissemination

Mr. José Angelo Estrella Faria, Secretary-General, International Institute for the Unification of Private Law (Unidroit)

Mr. James Ding, Convenor for the APEC Economic Committee on Strengthening Economic Legal Infrastructure (SELI), Principal Government Counsel, International Law Division, Department of Justice, Hong Kong SAR of the People's Republic of China

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Mr. Don Wallace, Georgetown University, Chairman, International Law Institute, United States of America, The Global Legal Information Network (GLIN)

Concluding remarks, Mr. Jeffrey Chan Wah-Teck, former Chairman of UNCITRAL and its Working Groups III and IV, Singapore

16.50-17.00  **Closing address** Mr. Renaud Sorieul, The Secretary, UNCITRAL, and Director, International Trade Law Division, United Nations Office of Legal Affairs

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