



General Assembly

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**United Nations Commission
on International Trade Law**
Fortieth session
Vienna, 25 June-12 July 2007

Programme for the Congress

Modern Law for Global Commerce

to celebrate the 40th annual session of UNCITRAL

9-12 July 2007

9.30 a.m. to 5.00 p.m.
UN/UNIDO Board Room
Vienna International Centre



Day one

Monday, 9 July Process and value of uniform commercial law

08.00-10.00 Registration of participants

10.00-10.15 **Opening address**

*Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs, The Legal Counsel
United Nations*

10.15-11.30 **Process and methods of international rule-making**

Chair: Chairman of 40th UNCITRAL session

Key-note address

*Ambassador Didier Opertti Badán, Secretary-General Latin-American Integration
Association (ALADI)*

Roundtable

*Mr. Supachai Panitchpakdi, Secretary-General, United Nations Conference on Trade and
Development (UNCTAD)*

Ms. Ana Palacio, Vice-President and General Counsel, The World Bank

*Mr. Jernej Sekolec, Secretary, United Nations Commission on International Trade Law
(UNCITRAL)*

Mr. Hans Van Loon, Secretary-General, Hague Conference on Private International Law

*Mr. Herbert Kronke, Secretary-General, International Institute for the Unification of
Private Law (UNIDROIT)*

11.30-11.45 Break

11.45-12.30 **Comments, evaluation and discussion**

Allocation of work among formulating agencies

Mr. Jeffrey Chan Wah-Teck, Head Civil Division, Attorney-General's Chambers, Singapore

Coordination of domestic positions in international forums

Ms. Kathryn Sabo, General Counsel, Department of Justice, Canada

12.30-14.00 Lunch break

Day one

Monday, 9 July *Process and value of uniform commercial law*

14.00-15.00 **Harmonization of commercial law: practical importance and economic value**
Chair: Professor Kazuaki Sono, Hokkaido University, Japan; former Secretary of UNCITRAL

Transaction costs, choice of law and uniform contract law
Professor Gerhard Wagner, University of Bonn, Germany

Economic arguments in the harmonization debate
Professor Jan Smits, University of Maastricht, Netherlands

Costs of legal uncertainty
Professor Helmut Wagner, University of Hagen, Germany

15.00-15.20 **Comments, evaluation and discussion**

15.20-15.30 Break

15.30-16.30 **Commercial law development and technical legal assistance: goals and stakeholders**
Chair: Mr. William T. Loris, Director General, International Development Law Organisation (IDLO)

Commercial law harmonization and multilateral assistance to law reform
Mr. Gerard Sanders, Deputy General Counsel, European Bank for Reconstruction and Development (EBRD)

Commercial law harmonization and bilateral assistance to law reform
Mr. Charles A. Schwartz, Senior Commercial Law Reform Advisor, United States Agency for International Development (USAID)

Addressing complexity: ITC's experience in trade law related technical assistance
Mr. Jean-François Bourque, WTO/UNCTAD International Trade Centre

16.30-17.00 **Comments, evaluation and discussion**

Training needs for judges and arbitrators
Judge Rosa María Maggi Ducommun, Court of Appeals of Santiago, Chile

Legal harmonization in practice: teaching and learning uniform commercial law
Professor Chiara Giovannucci Orlandi, University of Bologna, Italy

Day two

Tuesday, 10 July Secured transactions, company law and insolvency

9.30-10.30

Economic and social development through enhanced access to credit

Chair: Ms. Cynthia Licul, Acting General Counsel, International Fund for Agricultural Development (IFAD)

Legal mechanisms to empower informal businesses

Mr. Muhammad Medhat Hassanein, Professor of Banking and Finance, Management Department of the School of Business, Economics and Communication, American University in Cairo, Egypt

The role of multilateral financing agencies in promoting modern standards for secured transactions

Mr. Vijay S. Tata, Chief Counsel, Finance, Private Sector & Infrastructure, The World Bank

The role of secured transactions to mobilize credit and the need for modernizing the law

Mr. Madhukar Rangnath Umarji, Chief Advisor – Legal, Indian Banks' Association, India

10.30-11.00

Comments, evaluation and discussion

Promoting the implementation of the United Nations Convention on the Assignment of Receivables In International Trade and the UNCITRAL Legislative Guide on Secured Transactions

Mr. Richard Kohn, Commercial Finance Association (CFA), United States of America

Mr. Georges Affaki, Vice-Chair, ICC Banking Commission; Head of Legal, ECEP, BNP Paribas; Associate Professor of Law, University of Paris, France

11.00-11.10

Break

11.10-12.00

New horizons for secured transactions

Chair: Ms. Kathryn Sabo, General Counsel, International Private Law Section, Department of Justice Canada; Chairperson of UNCITRAL Working Group VI (Security Interests)

Practical problems of integrating various international standards of secured transactions

Professor Neil Cohen, Brooklyn Law School, United States of America

Security interest in intellectual property rights

Mr. Oscar Alcantara, Goldberg Kohn, United States of America

Open issues in the field of secured transactions

Professor Ulrich Drobnig, Max-Planck-Institut für ausländisches und internationales Privatrecht, Germany

Day two

Tuesday, 10 July *Secured transactions, company law and insolvency*

12.00-12.30 **Comments, evaluation and discussion**

12.30-14.00 Lunch break

14.00-15.00 **Legal issues on corporate governance**

Chair: Professor Eric Bergsten, Pace University School of Law, United States of America; former Secretary of UNCITRAL

Corporate governance in developing countries: shortcomings, challenges and impact on access to credit

Mr. Seward Cooper, Chief Counsel (Good Governance), African Development Bank (ADB)

Responsible investing in weak governance zones

Ms. Kathryn Gordon, Principal Administrator, Organisation for Economic Co-operation and Development (OECD)

Company restructuring and accountability

Professor Peter Doralt, Chairman, Takeover Commission, Austria

15.00-15.30 **Comments, evaluation and discussion**

15.30-15.40 Break

15.40-16.30 **Roundtable: Developing effective and efficient insolvency regimes**

Chair: Mr. Wisitsora-Ai, Director-General, Office of Justice Affairs, Ministry of Justice, Thailand; former Chairman of UNCITRAL Working Group V (Insolvency Law)

Discussion of a hypothetical reorganization of a cross-border corporate conglomerate that includes insurance and financial institutions. The restructuring will involve secured transactions and conflicts of laws issues. How are these issues currently treated; what major problems exist; and what further work on harmonization would assist in achieving effective and efficient insolvency regimes?

Speakers:

Mr. Sumant Batra, Kesar Dass B & Associates, India

Ms. Eva Hüpkas, Swiss Federal Banking Chamber, Switzerland

Mr. Neil Cooper, Kroll Worldwide, United Kingdom

Ms. Irit Mevorach, Lecturer, School of Law, University of Nottingham, United Kingdom

16.30-17.00 **Comments, evaluation and discussion**

Day three

Wednesday, 11 July Sale of goods, transport law and electronic commerce

9.30-10.30

The future of contract law harmonization

Chair: Professor Ole Lando, Copenhagen Business School, Denmark

The European contract law project

Ms. Diana Wallis, Member of European Parliament for the United Kingdom

National, regional and global contract law: what is needed and when

Judge Jean-Paul Béraudo, Conseiller honoraire à la Cour de cassation, France

Global and regional harmonization: the Russian perspective

Professor Serguei N. Lebedev, Chairman, Maritime Arbitration Committee, Russian Chamber of Commerce and Industry – Professor, Moscow Institute of International Relations

Global and regional harmonization: the Chinese perspective

Ms. Yuejiao Zhang, former member of the UNIDROIT Governing Council; Senior Counsel, Jun He Law Offices, China

10.30-11.00

Comments, evaluation and discussion

11.00-11.10

Break

11.10-12.00

Uniform contract law in practice

Chair: Professor Manuel Olivencia Ruiz, University of Seville, Spain

Choice of law, contract terms and uniform law in practice

Mr. Henry D. Gabriel, De Van Daggett Professor of Law, Loyola University Law School, New Orleans, United States of America

Towards a legislative codification of the UNIDROIT principles?

Professor Michael Joachim Bonell, Professor of Law, University “La Sapienza” Faculty of Law, Italy

Contract law harmonization and third countries: the case of the CISG

Professor Hiroo Sono, Counsellor, Civil Affairs Bureau, Ministry of Justice, Japan

12.00-12.30

Comments, evaluation and discussion

The practice of excluding the CISG: time for change?

Mr. Eckart Brödermann, Brödermann & Jahn, Hamburg, Germany

Mr. Harry Flechtner, Professor, University of Pittsburgh School of Law, United States of America

Day three
Wednesday, 11 July *Sale of goods, transport law and electronic commerce*

12.00-12.30	Comments, evaluation and discussion
12.30-14.00	Lunch break
14.00-15.00	Carriage of goods in the 21st century <i>Chair: Professor Rafael Illescas, University Carlos III, Madrid, Spain</i> <i>Chairman of UNCITRAL Working Group III (Transport Law)</i>
	Freight forwarder law <i>Professor Jan Ramberg, University of Stockholm, Sweden</i>
	Sea carriage goes ashore: relationship between multimodal conventions and domestic unimodal rules <i>Professor Michael Sturley, University of Texas at Austin, United States of America</i>
	Transfer of rights and transport documents <i>Mr. Alexander von Ziegler, Schellenberg Wittmer, Switzerland</i>
15.00-15.30	Comments, evaluation and discussion
15.30-15.40	Break
15.40-16.30	Electronic commerce: going beyond functional equivalence <i>Chair: Mr. Jeffrey Chan Wah-Teck, Attorney-General's Chambers, Singapore</i> <i>former Chairman of UNCITRAL Working Group IV</i>
	Cybercrime and commercial fraud <i>Mr. Mal Nuhu Ribadu, Executive Chairman, Economic and Financial Crimes Commission (EFCC), Nigeria</i>
	Developing single windows for foreign trade <i>Mr. Bart Schemer, CEFACT Legal Group, UN/ECE</i>
	Becoming operational: electronic registries and transfer of rights <i>Professor Amelia H. Boss, Temple University School of Law, Philadelphia, United States of America</i>
16.30-17.00	Comments, evaluation and discussion

Day four

Thursday, 12 July Government contracts and dispute settlement

9.30-10.30

New procurement techniques and current issues on government procurement

Chair: Mr. Tore Wiwen-Nilsson, Partner, Mannheimer Swartling Advokatbyrå, Sweden

Chairman of UNCITRAL Working Group I (Procurement)

Modern public procurement techniques: benefits, concerns and regulation (with emphasis on theoretical issues)

Professor Steven Schooner, George Washington University School of Law, United States of America

Modern public procurement techniques: benefits, concerns and regulation (with emphasis on practical issues)

Mr. Knut Leipold, World Bank

Achieving socioeconomic goals through public procurement: what is at stake?

Mr. Robert Hunja, Advisor, Treasury, Kenya

10.30-11.00

Comments, evaluation and discussion

11.00-11.10

Break

11.10-12.00

Long-term government contracts and private investment

Chair: Mr. Gerold Herrmann, former Secretary of UNCITRAL

Key issues on creating legal framework for infrastructure concessions

Mr. Alexei Zverev, Counsel, European Bank for Reconstruction and Development (EBRD)

The impact of public procurement and rules of government contracting on public spending and attracting private infrastructure investment

Mr. Hector Mairal, Partner, Marval, O'Farrell & Mairal, Argentina

Public procurement, long-term government contracts and dispute settlement

Professor Don Wallace, Chairman, International Law Institute, United States of America

12.00-12.30

Comments, evaluation and discussion

12.30-14.00

Lunch break

Day four

Thursday, 12 July Government contracts and dispute settlement

- 14.00-14.45 **Steps to ensure a stable framework for the settlement of commercial disputes**
Chair: Mr. Michael Schneider, Lalive Avocats, Switzerland
Chairman of Working Group II (International Arbitration and Conciliation)
- How to promote a uniform interpretation of public policy
Mr. Cecil Abraham, Managing Partner, Shearn Delamore & Co., Malaysia
- The question of appellate jurisdiction in international arbitration
The Hon. Sir Anthony Colman, Royal Courts of Justice, United Kingdom
- Is there a need for additional support for ad hoc arbitration?
Mr. Jan Paulsson, London Court of International Arbitration (LCIA), United Kingdom
- 14.45-15.10 **Comments, evaluation and discussion**
- 15.10-15.30 Break
- 15.30-16.15 **Commercial dispute settlement: issues for the future**
Chair: Chairman of 40th UNCITRAL session
- The possible role of arbitration in insolvency
Mr. Zack Clement, III Committee on International Insolvency Arbitration
- How to control the costs of arbitration
Mr. José María Abascal Zamora, Counsel and Arbitrator, Abascal & Asociados, Mexico
- Conciliation: Enforcement of settlement agreement
Mr. Tore Wiwen-Nilsson, Partner, Mannheimer Swartling Advokatbyrå, Sweden
- Unresolved issues in investment arbitration
Ms. Yas Banifatemi, Partner, Shearman & Sterling, France
- 16.15-16.45 **Comments, evaluation and discussion**
- 16.45-17.00 **Closing of the Congress**
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