

V. TRAINING AND ASSISTANCE IN THE FIELD OF INTERNATIONAL TRADE LAW

Note by the Secretary-General: training and assistance in the field of international trade law (A/CN.9/137)*

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I. SYMPOSIUM ON INTERNATIONAL TRADE LAW

1. The Commission, at its eighth session, requested the Secretary-General to "organize, in connexion with its tenth session, an international symposium on international trade law, and to seek voluntary contributions from Governments, international organizations, foundations and private sources to cover the cost of travel and subsistence of participants from developing countries".¹

2. The Commission, at its ninth session, decided that the symposium should have as its principal theme, "Transport and financing documents used in international trade", although some time was also to be devoted to a discussion of the "UNCITRAL Arbitration Rules".²

3. The Sixth Committee, after considering the report of the Commission on the work of its ninth session, reported, in relevant part, to the General Assembly as follows:

"36. The Committee was unanimous in stressing the great importance of this aspect of the Commission's work. It was observed that the Commission's training and assistance programme was not only a good way of publicizing its work and generating world-wide interest in the field of international trade law, but had also the important objective of helping to create expertise in the field globally. For this reason, it was further observed, the Commission's training and assistance activities were an essential complement to its work of elaborating uniform rules inasmuch as such rules could only be effectively implemented world-wide if there were available in each State persons who were familiar with the rules.

"37. Many representatives commented favourably on specific aspects of the Commission's training and assistance programme during the past year. Appreciation was expressed, especially by representatives

of developing countries, to Governments which had contributed materially towards that programme.

"...

"39. Unanimous support was expressed for the projected second UNCITRAL Symposium on International Trade Law scheduled to take place in 1977 in connexion with the Commission's tenth session. Noting that lack of sufficient funds was threatening cancellation of the symposium, many representatives thanked those Governments which had already made or pledged voluntary contributions towards sponsoring candidates from developing countries and urged other Governments in a position to do so to give financial support to this cause.

"40. The suggestion was made that consideration should be given to financing the Commission's training and assistance programme, of such importance to developing countries, out of the regular budget of the United Nations rather than to continue relying on voluntary contributions whose availability could not be assured."³

4. On the recommendation of the Sixth Committee, the General Assembly, on 15 December 1976, adopted by consensus resolution 31/99, which states that:

"The General Assembly,

"...

"6. Recommends that the United Nations Commission on International Trade Law should:

"...

"(b) Continue its work on training and assistance in the field of international trade law, taking into account the special interests of the developing countries".

5. As had been requested by the Commission, the Secretary-General, by a note verbale in which he recalled the value and importance attached by the Commission to its training and assistance programme, solicited volun-

* 25 April 1977.

¹ A/100017, para. 113 (Yearbook . . . , 1975, part one, II, A).

² A/31/17, paras. 62-63 (Yearbook . . . , 1976, part one, II, A).

³ Official Records of the General Assembly, Thirty-first Session, Annexes, agenda item 108, document A/31/390, paras. 36-40.

tary contributions from Governments towards the symposium fund. At the same time, the Secretariat carried out a sustained drive, lasting for a period of a year-and-a-half, to raise funds from the other sources recommended in the Commission's decision. The difficulties being then encountered by the Secretariat in this regard were noted by the Secretary of the Commission in a letter to individual representatives on the Commission wherein he also expressed his concern that the meagerness of funds thus far contributed might make it impossible to organize a symposium of the character contemplated by the Commission.

6. Unfortunately, all of these efforts failed to yield the hoped-for results, and in the end, in spite of the generosity of certain Governments which made or pledged contributions, the total amount of such contributions actually received (\$US1,440), firmly pledged (\$US2,377), or conditionally pledged (up to \$US8,000) still fell greatly short of the minimum (\$US25,000) which it had been estimated would be required to organize a symposium of the composition desired by the Commission.⁴ Consequently, the Secretary-General was obliged, by note verbale, regretfully to inform Governments that he would be unable, owing to the insufficiency of funds contributed for the purpose, to organize the second UNCITRAL symposium on international trade law in connexion with the Commission's tenth session as planned.

7. The Commission may wish, in light of the foregoing, to consider whether it should plan on holding future symposia and, if so, whether it would not be desirable to devise a different, and more reliable, method of financing this activity. Attention may be drawn in this connexion to the suggestion made during the Sixth Committee's consideration of the report on the work of the Commission's ninth session that consideration be given to financing the Commission's training and assistance programme out of the regular budget of the United Nations.⁵ The Commission may wish to consider the desirability and feasibility of such an arrangement.

II. FELLOWSHIPS AND INTERNSHIP ARRANGEMENTS

A. FELLOWSHIPS FOR LAWYERS AND GOVERNMENT OFFICIALS FROM DEVELOPING COUNTRIES AT COMMERCIAL AND FINANCIAL INSTITUTIONS IN DEVELOPED COUNTRIES

8. Following a suggestion made at the fifth session of the Commission, the Secretary-General, by note verbale, urged Governments of developed countries to ascertain whether commercial and financial institutions within their respective countries would be willing to receive interns from developing countries.⁶

9. One direct result of this was that the Government

⁴ A detailed breakdown of voluntary contributions is annexed to this report.

⁵ See para. 40 of the report of the Sixth Committee, as set out in para. 3, above.

⁶ The initial responses of Governments of developed countries to this appeal are described in A/CN.9/92, paras. 4-8.

of Belgium in each of the years 1974 and 1975 awarded two fellowships to candidates from developing countries for academic and practical training of six months' duration at a university in that country. Although the Government of Belgium was unable for administrative reasons to offer these fellowships in 1976, the Secretary-General has recently received a note verbale informing him of that Government's intention to reinstate the two fellowships for 1977. The Secretariat expects, as in the past, to assist the Government of Belgium in the selection of suitable recipients of the awards for 1977.

B. INTERNSHIP AT THE HAGUE

10. The Secretariat has recently been informed by The Hague Conference on Private International Law that the Conference is prepared to offer a fellowship to enable a candidate from a developing country to undertake an internship of up to one year's duration at the Permanent Bureau of the Conference at The Hague. The Secretariat, in co-operation with UNITAR, is now engaged in the process of selecting a suitable candidate for such internship from among the many highly qualified candidates who had sought to participate in the second UNCITRAL symposium.

C. INTERNSHIP AT THE INTERNATIONAL TRADE LAW BRANCH

11. During the past year, two interns received training at the International Trade Law Branch of the Office of Legal Affairs of the United Nations in New York, one under the United Nations/UNITAR programme in international law, and the other under the United Nations Office of Public Information intern programme.

ANNEX

Breakdown of voluntary contributions to second UNCITRAL symposium

As of 1 March 1977, the date of the note verbale of the Secretary-General announcing the cancellation of the symposium (see para. 6, above), the following contributions had been made or pledged:

<i>Donor</i>	<i>Amount</i>
1. <i>Contributions received</i>	
Greece	\$US 300
Sweden	\$US 1,140 (5,000 Swedish kroner)
2. <i>Firm pledges</i>	
Austria	approx. \$US 1,377 (25,000 Austrian schillings)
Finland	\$US 1,000
3. <i>Conditional pledges^a</i>	
The Federal Republic of Germany	up to \$US 8,000

^a The pledge of the Federal Republic of Germany was conditional upon the making of similar contributions by other "western industrialized countries" which did not, however, materialize.