Compendium of International Organisations' Practices

Working Towards More Effective International Instruments

OECD
BETTER POLICIES FOR BETTER LIVES

Snapshots of IO Practices

UNCITRAL Technical Co-operation and Assistance Delivered in Collaboration with Other Agencies

Organisation(s): The United Nations Commission On International Trade Law (UNCITRAL)

The Snapshots of IO Practices present examples of specific efforts undertaken by an international organisation to work towards more effective international instruments. They aim to highlight examples of practices within the five focus areas of the Partnership of International Organisations for Effective International Rulemaking (IO Partnership), namely the variety and development of international instruments, their implementation, evaluation, ensuring stakeholder engagement, and co-ordination among IOs. The snapshots are submitted by the secretariats of the relevant international organisations implementing the relevant practice. The practices were compiled by the OECD Secretariat and focal points of the IO Partnership (UNCITRAL, OIE, WHO, ISO, WCO, BIPM, and SIECA), with a brief review to ensure consistency and comparability of the information provided within the snapshots. The inclusion of a practice in these snapshots implies no endorsement or assessment of that practice on the part of the OECD Secretariat or the focal points of the IO Partnership.

1	Overview of the Practice	Answers	Comments and Intersections
1.1	Organisation	The United Nations Commission On International Trade Law (UNCITRAL)	
1.2	Area of relevance among the IO partnership focus themes (variety of instruments, implementation, stakeholder engagement, evaluation, co-ordination)	Co-ordination/ Co-operation in the in the Implementation of Instruments	
1.3	Name of the Practice	UNCITRAL Technical Co-operation and Assistance delivered in collaboration with other agencies	
1.4	Name of person(s) completing the template	Caroline Nicholas, Head Technical Assistance	

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2	Description of the Practice	Answers	Comments and Intersections
2.1	Please describe the practice shortly, providing information on its core features.	The collaborations are designed to support the adoption and use of UNCITRAL instruments generally and in certain subject-areas, through initiatives that raise awareness and promote effective understanding, adoption and use of UNCITRAL texts; provide advice and assistance to States on adoption and use of those texts (such as through a review of draft implementing legislation); and build capacity to support their effective use, implementation and uniform interpretation (such as through training activities for judges and legal practitioners). Collaborative activities also include other stakeholders, such as professional associations, organizations of practitioners, and chambers of commerce and arbitration centres. The collaborations include : • In public procurement, legislative advice and capacity-buliding under the EBRD UNCITRAL Public Procurement Initiative (https://www.ppi-ebrd-uncitral.com/) • Capacity-building with the International Labour Organization and the University of Turin Master's programmes in International Trade Law and Public Procurement (https://www.itcilo.org/courses/master-laws-international-trade-law-ed-2020-2021 and https://www.itcilo.org/courses/master-public-procurement-management-sustainable-development); • Capacity-building with International Anti-Corruption Academy (https://www.iaca.int/iaca-programmes.html);	The provision of training programmes, capacity-building initiatives, and technical advice and assistance through collaborative efforts indicates an intersection between the co-ordination of rule-making activities (WG5) and the implementation of international instruments (WG2). The full suite of co-operative initiatives undertaken is synthesised in the *Technical Cooperation and Assistance* document, which provides oversight and direction to these activities. Moreover, the collaboration which encompass both other international organisations and key stakeholders such as professional associations, organisations of practitioners, chambers of commerce and arbitration centres represents an intersection between co-ordination (WG5) and stakeholder engagement (WG3).

		• Legislative advice and assistance with United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) through Readiness Assessments for Cross-Border Paperless Trade (https://www.unescap.org/resources/readiness-assessments-cross-border-paperless-trade). Additional information is found in *Technical Cooperation and Assistance,* United Nations document A/CN.9/1032, available as https://undocs.org/en/A/CN.9/1032	
2.2	What are the objectives of the practice?	The primary purpose of the practice is to co-ordinate reforms among partners, improving efficiency and effectiveness for all partners, improving the application of scarce resources. For enacting States and other users of UNCITRAL texts, the practice facilitates commercial law reform, helps to provide an enabling legal framework for trade and supports sustainable development. Where users are also borrowers from multilateral development banks or receive assistance from other agencies, the practice maximizes the benefits to them from all assistance received.	
2.3	What have been the key results of the practice?	The UNCITRAL Secretariat has limited resources and the collaborative arrangements have provided the opportunity to reach wider audiences than the Secretariat could achieve alone, and have led to requests for and provision of advisory services to support national enactments (or equivalent); and subsequently to requests and initiatives to help build capacity to support correct use and application of UNCITRAL texts in practice. Approaching half of Secretariat activities are now conducted collaboratively, and the rate of adoption and use of UNCITRAL texts and demand for assistance are both rising sharply.	

2.4	In what year was the practice introduced?	Informal co-operation pre-dates current records. Dates of specific collaborative arrangements are found in the weblinks in 2.1 above.	
2.5	Has the practice been updated/reformed since then? If yes, when and how has it evolved over time?	Not specifically – it is iterative.	
2.6	What do you consider to be the primary strengths of the practice?	The practice promotes commercial law reform across donors and reform agencies, which enhances its coherence and cohesivenss to the benefit of beneficiaries and supports the sustainability of reforms. From the UNCITRAL perspective, this strengthens delivery of its core mandate to harmonize the law of international trade.	
2.7	What do you consider to be the main challenges faced during the implementation of the practice?	The challenges are fairly small. Resources to investigate and conclude collaborative arrangements are limited. In some cases, differing administrative requirements among organizations can add time and cost.	

2.8	Does the practice have a formal/normative basis within the organisation or is it conducted informally? Does this basis make the practice mandatory or voluntary?	Yes. General Assembly Resolution 2205 (XXI) of 17 December 1966, https://undocs.org/en/A/RES/2205(XXI), which sets out UNCITRAL's mandate, requires UNCITRAL to 'establish […] and maintain 'liaison with other United Nations organs and specialized agencies concerned with international trade'.; promoting wider participation in existing international conventions and wider acceptance of existing model and uniform laws; and promoting the adoption of new international conventions, model laws and uniform laws and promoting the codification and wider acceptance of international trade terms, provisions, customs and practices, in collaboration, where appropriate, with the organizations operating in this field.	
2.9	At what frequency is the practice applied? i.e. is it conducted once or on an iterative basis?	Ongoing and iterative.	
2.10	Is this practice applied systematically, (e.g. with respect to every normative instrument, according to specific criteria or on an ad hoc basis)?	Ad hoc.	
2.11	Please provide specific details or examples to illustrate the practice (including supporting links and documents).	See text and weblinks in 2.1, 2.3 and 2.8 above.	
3	**Design of the Practice**	**Answers**	**Comments and Intersections**
3.1	Who designed the practice (e.g. Was it developed internally, in collaboration with other organisations, etc?)	Developed internally, and endorsed by United Nations member States and international governmental and non-governmental organizations	

3.2	Which stakeholders were engaged with in the design of the practice?	Experts from other organizations.	
3.3	How long did it take to design the practice?	Iterative	
3.4	What resources were needed to design the practice initially (i.e., staff, budget etc.)?	Accommodated within United Nations budget	
3.5	What challenges were encountered during the design of the practice and how were they overcome?	UNCITRAL focus on legislative development meant that the practice took some time to become established.	
3.6	Has the practice been tested before implementation (i.e. pilot phase)? If yes, please describe.	No	
4	**Implementation of the Practice**		**Comments and Intersections**
4.1	Which units are responsible for implementing the practice within your IO?	The International Trade Law Division of the United Nations Office of Legal Affairs, which is the Secretariat of UNCITRAL.	
4.2	Are IO members involved in implementing the practice? If so, how?	No.	
4.3	Are external actors beyond the organisation or its membership involved in implementing the practice? If so, how?	Yes: staff of the other organizations above.	
4.4	Which resources are needed to implement the practice (e.g., staff and budget)?	Subsumed within United Nations budget	

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5	Outputs and Evaluation of the Practice	Answers	Comments and Intersections
5.1	Has the practice been evaluated or reviewed?	No	
5.2	If yes, who carried out the evaluation (please specify whether it was done internally or externally)	N/A	
5.3	If yes, please describe the evaluation methodology? (e.g. were any quantitative or qualitative indicators/criteria used to measure/assess the outcomes of the practice?).	N/A	
5.4	If yes, what were the conclusions of the evaluation,and has the practice evolved subsequently? If possible, please attach related documents or provide a link.	N/A	
6	Additional comments and information	Answers	Comments and Intersections
6.1	Is there any more information or documentation that would be valuable to share in relation to the practice (e.g. links, reports, meeting minutes, supporting documents)?	See weblinks in 2.1, 2.3 and 2.8 above.	
	Sources		