

**TRIBUTE TO UNCITRAL:
THE PROGRESSIVE DEVELOPMENT
OF THE LAW OF INTERNATIONAL TRADE
- FIFTY YEARS LATER**

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It's has been exactly fifty years since the United Nations Commission on International Trade Law (UNCITRAL) was established by the United Nations General Assembly resolution 2205 (XXI) of 17 December 1966. The need for such UN organ was expressed in a Report of the Secretary-General "Progressive development of the law of international trade" in 1965. The Report itself was based on studies of respectable professor Clive M. Schmitthoff and other most prominent experts in the field international trade law and contained the comprehensive overview on the subject matter, methods and previous efforts of various international organisations in unification and harmonization of the international trade law. As such, it may be taken as the starting point for the evaluation of the international trade law development in past 50 years and the role of the UNCITRAL in this endeavour. In that respect, the 50th anniversary is probably the most appropriate occasion, to tribute UNCITRAL through the brief overview of its achievements and a note on the direction in which its future work could lead.

UNCITRAL was established to further the progressive harmonization and unification of the law of international trade by: (1) coordinating the work of organizations active in this field and encouraging cooperation among them, (2) promoting wider participation in existing international conventions and wider acceptance of existing model and uniform laws, (3) preparing or 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,

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with the organizations operating in this field, (4) 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, (5) collecting and disseminating information on national legislation and modern legal developments, including case law, in the field of the law of international trade, (6) establishing and maintaining a close collaboration with the United Nations Conference on Trade and Development, (7) maintaining liaison with other United Nations organs and specialized agencies concerned with international trade and (8) taking any other action it may deem useful to fulfil its functions.

Today, UNCITRAL counts 60 members, selected for a six-year mandate, from among States Members of the UN representing different legal traditions and levels of economic development. UNCITRAL's work is organized and conducted at three levels. The first level is the Commission itself, the second level is the intergovernmental working groups, while the third is the secretariat, which assists the Commission and its working groups in the preparation and conduct of their work.

The objective of UNCITRAL is carried out through the preparation of international multilateral conventions, model laws, legislative guides, recommendations and other legislative instruments. So far the Commission engaged in different fields of the law of international trade, including international sale of goods, transportation law, international payments and negotiable instruments, security interests, insolvency law, commercial arbitration and conciliation, online dispute resolution, electronic commerce law etc. The outcome of the aforementioned engagement is tremendous.

Among the others, UNCITRAL has tailored some of the most significant multilateral international treaties, most notably the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) and the United Nations Convention on the Carriage of Goods by Sea (Hamburg, 1978) which counts 34 parties.

In addition, it created the contemporary legal standards by the means of its model laws, especially in the fields of alternative dispute resolution and electronic commerce. The legal solutions provided by UNCITRAL Model Law on International Commercial Arbitration (1985) and UNCITRAL Model Law on International Commercial Conciliation (2002) were adapted in a numerous jurisdiction thus creating the generally accepted standards when it comes to alternative methods of commercial dispute resolution.

UNCITRAL engaged in a field of electronic commerce at the time when the need to regulate the commercial transactions using electronic means just emerged. Thus, the UNCITRAL Model Law on Electronic Commerce (1996)

and UNCITRAL Model Law on Electronic Signatures (2001) are *ex ante* instruments of harmonization, since they were enacted at the time when this field of law was still greatly unregulated on national levels. As such, Model laws practically filled the existing gaps in national laws, creating the unified body of law almost from the beginning.

Aside from unifying law through the legal texts, UNCITRAL made a significant contribution to the uniformity of the application of the rules through the establishment of the collection of court and arbitral awards - Case Law on UNCITRAL Texts (CLOUT). The main purpose of the CLOUT is to assist in achieving uniformity in the interpretation and application of UNCITRAL legal texts. As CLOUT collection offers over thousand cases regarding provisions of United Nations Convention on Contracts for the International Sale of Goods, United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), UNCITRAL Model Law on International Commercial Arbitration and others it makes an invaluable source for exercising the principle of interpretation and promotion of uniformity in application of the legal texts.

In the past fifty years we witnessed many transformations affecting the international trade. The world faced political changes, almost unimaginable technological development and the emergence of the new business practices and courses of dealing. UNCITRAL took all these dynamic factors into account and, as much as possible, kept the pace of the legal development with the general development and circumstances affecting the international trade. Indisputably, in the past fifty years, UNCITRAL took the leading role in developing, modernizing, harmonizing and unifying the law of international trade, and presumably it will keep that role in future...

