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Gujarat National Law University (GNLU) organized an International Conference on Insolvency Law and CISG@40

Gandhinagar, December 18, 2020: Gujarat National Law University (GNLU) organized an International Conference on Insolvency Law and CISG@40.

The conference was organized to celebrate the 40th anniversary of The United Nations Convention on Contracts for the International Sale of Goods (CISG) and to provide a platform for experts to deliberate upon the emerging legal regime on insolvency and bankruptcy in India.

The conference was organized under the aegis of GNLU Centre for Corporate and Insolvency Law (GCCIL) in collaboration with United Nations UNCITRAL Regional Centre for Asia and the Pacific (UNCITRAL RCAP), Insolvency and Bankruptcy Board of India (IBBI) and UNCITRAL National Coordination Committee India (UNCC).

The conference was inaugurated by Dr M S Sahoo, Chairperson, IBBI. Other dignitaries present at the inaugural session included Ms Athita Komindr, Head, UNCITRAL RCAP, Mr Luca G. Castellani, Legal Officer, Secretariat of UNCITRAL, Mr K R Saji Kumar, Executive Director, IBBI, Prof. (Dr.) S. Shanthakumar, Director, GNLU and Prof (Dr.) Mamata Biswal, Dean, Faculty & Academic Affairs and Head, GCCIL, GNLU.

In his inaugural address, Dr M. S. Sahoo, Chairperson of IBBI and the Chief Patron of the Conference said that these are not normal times. The world is in the grip of COVID 19 with no quick solution in sight. Coronavirus has obliterated the boundaries among economies. Today, we have 200 countries but only one economy that is the World economy. The COVID 19 crisis is fast snow blowing into an economic crisis. Some believe that it may hurt deeper than the deepest health pandemonium of 1918 Spanish Flu or the worst economic disaster of 1930 Great Depression or the most devastating 2008 financial crisis, or maybe all of them put together. As around the world over, in India also, the impact of COVID 19 on business is severe. Many companies are witnessing a decline in their topline and bottom-line. Some companies have already defaulted in their debt servicing obligations while some more may default in days to come. The similar situation of lower intensity in the 2008 financial crisis had witnessed a sharp increase in the instances of personal and corporate insolvencies. That is an indication of things likely to come in the coming days. The event of this magnitude requires a matching response from humanity to save lives which require saving livelihoods which in turn requires saving the lives of companies.

In his opening remarks, GNLU Director Prof (Dr.) S. Shanthakumar said that CISG is a multilateral treaty that establishes a uniform legal regime for contracts for the cross-border sale of goods. Such contracts operate as the backbone of international trade. The uniform rules for sales contracts provide traders with an efficient, modern and comprehensive legal framework to support their commercial activities. They also increase certainty and predictability in commercial transactions and

decrease their costs. It is, therefore, important for us to acknowledge the contribution of CISG in promoting cross-border commercial activities and supporting sustainable economic development. Ms Athita Komindr, Head, UNCITRAL RCAP said that Today, the CISG has been adopted by 94 States and that together represent over two-thirds of the global economy. This is an important step towards contract law harmonization and modernization. Concluding her address, she invited GNLU students to consider internship opportunities with the UNCITRAL Regional Centre for Asia and the Pacific which will open shortly.

Mr Luca G. Castellani, Legal Officer, Secretariat of UNCITRAL said that right now, there is an interesting debate going on in Hong Kong whether Hong Kong should adopt the CISG to facilitate transnational trading activities. He said that due to the unique historical development of Hong Kong, the CISG has never been applicable in Hong Kong while the top trading partners of Hong Kong including the mainland China, the US and Japan have already adopted CISG. While CISG has been adopted by 94 countries, there is a need to promote the same more among the developing countries, he added.

Mr Luca G. Castellani further said that the major achievement of 2020 is the finalization of Guide on International Commercial Contracts (with a focus on sales). This Guide has been prepared jointly by UNCITRAL, the International Institute for the Unification of Private Law (Unidroit) and the Hague Conference on Private International Law.

Prof (Dr.) Mamata Biswal, Dean, Faculty & Academic Affairs and Head, GCCIL, GNLU briefed the participants about the conference.

Mr K R Saji Kumar, Executive Director, IBBI proposed a vote of thanks.

As a part of the conference, a Round Table on Cross Border Insolvency and a panel discussion on the United Nations Convention on Contracts for the International Sale of Goods (CISG) were held. The Round Table saw eminent speakers from 9 different countries sharing their views on Cross Border Insolvency while Dr Ingerborg Schwenzer, Dean of Swiss International Law School and Prof Robert Walters of Victoria University, Australia participated on the panel discussion.

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