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TO WHOM IT MAY CONCERN

**Ms. Maria-Gabriela SARMIENTO** has been a volunteer at the International Trade Law Branch of the United Nations Office of Legal Affairs from 15 July to 21 November 2003. The Branch functions as the substantive Secretariat of the United Nations Commission on International Trade Law (UNCITRAL).

During her volunteership, Ms. SARMIENTO carried out a variety of assignments involving issues of international trade law. She received exposure to the activities of the Secretariat and the principal areas in which it operates, mainly electronic commerce, arbitration and international sales.

With respect to international sales, Ms. SARMIENTO undertook researches on the international doctrinal interpretation of article 24 of the CISG. In that connection, Ms. Sarmiento prepared a comparative overview of the meaning given to the contract formation rules of the convention in various systems.

In the field of e-commerce, Ms. SARMIENTO researched, analysed and summarized worldwide case law on e-commerce related matters. She undertook research of the worldwide national legislations on electronic commerce and created folders classified per region and country in order to save the e-version of the existent adopted texts, projects of law, and comments to be used in a regular basis as a support database for UNCITRAL's staff involved in the study of the legal framework of e-commerce. She identified the provisions on the liability of Intermediaries/Internet Service Providers adopted by the European Commission and transposed into the national legislation of the Union's Member States.

She also contributed to the study of international treaties and standards related to customs duties in order to identify the possible legal barriers that some of the provisions of these instruments could constitute to e-contracting and, in general, to e-commerce within the framework of an activity undertaken at the request of the World Customs Organizations. Preliminary conclusions were drafted accordingly. Additionally Ms. Sarmiento built a database of potential experts who may participate in future discussions in this domain.

Ms. SARMIENTO compared and analysed the differences and similarities of the Electronic Transactions Law of Cayman Islands and the Electronic Transactions Bill of Samoa with the UNCITRAL Model Laws on e-commerce (1996) and on e-signatures (2001). The result of this activity contributed to a conclusive report sent to the Government of Samoa and to include these countries as part of the Member States who have enacted the model laws.

More generally, Ms. SARMIENTO collaborated with the Secretariat in replying to enquiries made by law students, practitioners, and qualified lawyers on a wide range of topics such as UNCITRAL events, UNCITRAL Model Law on e-signatures and guide of enactment, arbitration, the activities of UNECE that may duplicate few activities of the UNCITRAL, rules of origin, international trade, and e-contracting. She also provided information on various UNCITRAL Conventions and contributed to update the text of the Preliminary Draft Convention on the use of data messages by taking into consideration the proposals made by the Working Group IV on e-commerce in its 41<sup>st</sup> session.

Ms. SARMIENTO contributed with the inclusion in the CLOUT of case law on maritime law adopted by Chile's Supreme Court of Justice and assisted the Secretariat to forward to the PrepCom3 its proposal on modifications to WSIS Drafts Declaration of Principles and Plan of Action, and managed to find the focal point in charge of receiving the proposals and to have the proposal published in the WSIS website.

Through her work and participation in staff meetings of the Branch, Ms. SARMIENTO received broad exposure to the activities of an international organisation, expanded her knowledge of the areas of law worked on by UNCITRAL and improved her knowledge of international legal principles. Alongside her great enthusiasm, she has shown excellent research skills, a very good understanding of international trade law issues, an ability to present her research in a clear and well-structured manner and to perform her tasks very efficiently within very short time periods. Her ability to work in three languages (English/French/Spanish) was a real asset in the performance of her functions within the Branch. She has adapted well to the working methods and activities of an international organisation and to the diversity of the office. She was very well-regarded by her colleagues and it was a pleasure having her at the Branch.



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