



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

**Congress on “Modernizing International Trade Law to Support Innovation
and Sustainable Development” hosted by the United Nations Commission on
International Trade Law**

Opening address

By

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Your Excellency Minister Brandstetter,

[Mr. Chairman [of the Commission]],

Excellencies,

Ladies and Gentlemen,

As the Legal Counsel of the United Nations, it is a great pleasure for me to visit the United Nations in Vienna, and to find myself among such a distinguished gathering of specialists in international trade law. I wish to congratulate the United Nations Commission on International Trade Law (known to us all here as UNCITRAL) very warmly on its golden anniversary – the fiftieth anniversary of its founding. UNCITRAL is a body that has, over these five decades, amply demonstrated that rule-making – both hard and soft – is at the heart of supporting international trade, through its work to modernize and harmonise the rules on international commerce.

Economists have also demonstrated that international cooperation and trade have delivered benefits worldwide, including lifting hundreds of millions of people out of poverty. To say that this objective lies at the heart of the United Nations



programme is something of an understatement: one of the main goals of the 2030 Agenda for Sustainable Development is poverty reduction. The 2030 Agenda explicitly recognizes the links between international trade, an engine for economic growth, and poverty reduction. Supporting international trade needs both investment in development – another engine – and complementary actions at the national level, such as reflecting sound domestic policies in legal enabling environments. This is why the Addis Ababa Action Agenda emphatically endorsed the cooperative and coordinated approach of UNCITRAL in international commercial law reform and the promotion of the rule of law.

UNCITRAL's mission focusses on the development of legislative texts (and accompanying policy guidance). These texts, implemented at the national level and promoting convergence among national systems, are designed to make the rules governing international commerce clear and predictable, enhancing confidence that commercial deals and property rights will be respected, and disputes settled fairly. In other words, UNCITRAL's work helps alleviate the challenges of confronting dense and unfamiliar regimes that otherwise contrive to keep businesses out of international markets. The texts themselves are also expressions of best modern practice, so that users can be confident of creating sound domestic commercial environments.

UNCITRAL's long-standing texts – even the oldest still in demand today – include the Convention on Contracts for the International Sale of Goods, two conventions on maritime transport of goods, several conventions and model laws on international payments, on insolvency, on procurement and on secured transactions. Some of the best-known UNCITRAL texts are the model laws on arbitration and conciliation, and conventions on including the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the more recent Convention on Transparency in Treaty-Based Investor-State Arbitration. I am regularly reminded of the high degree of respect and recognition accorded to all UNCITRAL texts, and their ever-increasing use in practice – achievements that are all the more remarkable given the modest level of resources at UNCITRAL's disposal. Here, I wish to recognize the contributions of UNCITRAL member States who send such highly-qualified and experienced delegates to deliberate on challenging issues, and that have made UNCITRAL the byword that it is for excellence in legal reform.



Founded on the basis that countries at all levels of development have a right to have a say in the scope and content of its texts, the UNCITRAL process is transparent, inclusive and multi-lingual. It identifies areas of understanding between nations, enabling consensus to be built on practical solutions that are suitable for all countries at all levels of development. I struggle to think of a process that could better reflect the values of the United Nations, and the notion of partnership in development.

Issuing texts alone does not equal harmonisation. The partnerships that UNCITRAL and its Secretariat – members of the United Nations Office of Legal Affairs that I lead – have forged with other law reform and donor agencies, academic institutions and practitioners – are vital to ensure that UNCITRAL’s texts are transformed into rules that are well-implemented, correctly understood and used to their maximum potential. To all those involved, and many of these groups are present today, I also express my thanks for the part you have played in UNCITRAL’s success.

UNCITRAL has held two earlier Congresses – in 1992 and 2007 respectively. In those years, there was much confidence about the ongoing multilateral process leading to increased international trade. Some 15 years ago, then UN Secretary-General Kofi Annan discussed an emerging concept of ‘inclusive globalization’, explaining that globalization’s potential was not only to open markets across borders, but also to expand opportunity and to promote cooperation. The risks of focusing on growth without inclusion, he noted, were very grave indeed. Looking back from our existing environment, his remarks were indeed prescient. UNCITRAL today has, if you will forgive the pun, a golden opportunity to apply the considerable intellectual resources that it musters to one of the most challenging issues of our time: how to respond to concerns that the benefits of international trade are not being felt by the average citizen, and to consequent calls for protectionism.

Recent predictions include that the next generation of international commercial companies – described by the Economist as a ‘rising cohort’ – will be small firms using e-commerce to trade on a global scale, and that in the growth of these firms lie some answers to the very valid concerns of our citizens. UNCITRAL is, as we might expect, already working at the forefront here: it has



working groups on both micro, small and medium-sized enterprises and on e-commerce, has also made initial forays into electronic transferable records and online dispute resolution, and our Congress will be examining new areas of law reform that will encourage businesses of all sizes to trade and grow.

The Congress will spend three days considering the needs for international trade law reform to manage new development issues and to foster innovation. It will consider new tools – blockchain and others – and more traditional areas of UNCITRAL activity. It will assess the benefits of UNCITRAL working methods, and whether there are areas for improvement, drawing on lessons learned. I have every confidence that the debate will be of the highest quality and that solutions with great potential will emerge.

I wish the Congress every success, and am personally very much looking forward to hearing from all the participants. In closing, I also wish to thank Minister Brandstetter for being with us this morning, as the representative of the host Government that has welcomed and supported UNCITRAL in Austria for nearly 40 years.