



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

Second Belt and Road Forum for International Cooperation

- Sub-Forum on Clean Silk Road -

Beijing, People's Republic of China

Welcome speech by

Mr. Miguel de Serpa Soares

Under-Secretary-General for Legal Affairs and
United Nations Legal Counsel,

25 April 2019, 09:00

Your Excellency Mr. LI Shulei, [Deputy Secretary of the CPC
Central Commission for Discipline Inspection and Vice Chairman of the National
Commission of Supervision;]

Your Excellency Mr. KONG Xuanyou, [Vice Minister of
Foreign Affairs of the People's Republic of China;
Excellencies;]

Distinguished Delegates;

Ladies and Gentlemen:

In 2013, President XI Jinping proposed the initiative of Belt and Road as a platform for building a community of shared future for mankind. In 2014, the Fourth Plenary Session of the 18th Central Committee of the Communist Party of China announced a communiqué which focuses on “comprehensively advancing the rule of law in China”. This document can be seen as quintessential for understanding the concept of the rule of law in contemporary China.

It is against this background that you are meeting here today to debate the “Beijing Initiative for the Clean Silk Road”. I wish to express my sincere gratitude to the Government of the People's Republic of China for inviting me to witness this



historic event and for giving me the opportunity to address you, the Delegates to this Sub-Forum, at the outset of this meeting.

In a recent speech, the Secretary-General of the United Nations, Mr. António Guterres, said that “Corruption affects developed and developing countries alike, and complicity knows no borders.” The United Nations fully supports the global framework against corruption as set forth in the United Nations Convention Against Corruption. Indeed, when the Convention initially came into force, my Office - the Office of Legal Affairs - worked together with the United Nations Office on Drugs and Crime to ensure that States criminalize acts of corruption, not only by Government officials, but also by officials of intergovernmental organizations such as the United Nations.

Internally, the Office of Legal Affairs has been at the forefront of efforts, within the United Nations, to ensure that the Organization has a robust framework against fraud and corruption by its personnel and others who work with the United Nations.

In this context, we played a central role in the United Nations Secretariat’s issuance in 2016 of an anti-fraud and anti-corruption framework. That framework provides a definition for corruption, sets out the Organization’s zero tolerance policy against fraud and corruption, and communicates that policy to United Nations personnel as well as to third parties such as vendors or implementing partners engaging with the United Nations.

The Office of Legal Affairs also plays a leading role to ensure that the UN’s zero tolerance policy is enforced, and that those who engage in corrupt conduct are held accountable. Similarly, we coordinate the Organization’s judicial cooperation with any national authority which seeks to investigate or prosecute cases referred to them, or which initiate their own investigations or proceedings concerning corruption involving the UN.

Please allow me now to turn to the area of international trade. The Belt and Road Initiative aims at connecting countries with very different legal systems and legal cultures and that lively diversity needs to be preserved. Nevertheless, it is important to avoid that divergence in legal traditions or inadequacy of commercial laws in States along the Belt and the Road create obstacles to investment and trade.





My Office is proud to support the work of the United Nations Commission on International Trade Law (UNCITRAL), which since 1966 promotes the harmonization and modernization of commercial law to create a sound business environment. UNCITRAL legal standards are developed with universal participation from States and international inter-governmental and non-governmental organizations with relevant expertise. As such, they are compatible with different legal traditions.

Several UNCITRAL instruments can help create a regulated and law-based business environment for the Belt and Road Initiative. They include international conventions, model laws and legislative guides covering the legal foundation for a good business environment and range from sales contracts to insolvency law; from secured transactions to the establishment and operation of small and medium enterprises; from carriage of goods to dispute settlement through arbitration or mediation.

UNCITRAL standards on public procurement and public-private partnerships envisage not only at improving efficiency and economy, but also at promoting integrity and transparency and fighting corruption in public contracts. The work of UNCITRAL also includes model laws on electronic commerce, electronic signature and electronic transferable records, which help countries remove obstacles to paperless trade.

UNCITRAL is currently considering electronic identity management systems and possible work on data flows in the digital economy.

Another important instrument is the recently-finalized convention on international settlement agreements resulting from mediation, which will be opened for signature at a special ceremony in Singapore in August this year. The convention provides a mechanism for the international enforcement of settlement agreements reached through mediation, as an effective tool to support wider use of this quick and non-confrontational method for commercial dispute resolution.

I now turn now to the 2030 Agenda. The Belt and Road initiative echoes what the 2030 Agenda reflects: a once-in-a-generation chance to advance change benefitting all, people and planet alike. The importance of peace, justice and the rule of law is





strongly reflected in the Sustainable Development Goals, and in particular SDG 16. However, justice and the rule of law is not only one goal of the Agenda. The interconnected goals underscore that there is no development without peace, justice and the rule of law: peaceful, just and inclusive societies are indispensable for the achievement of all the goals.

All countries have a role to play in solving the global problems that transcend national borders: conflict and violence, human trafficking, illicit financial and arms flows, organized crime and corruption. Without a commitment to inclusive processes, and participatory and representative decision-making, to building effective, accountable and transparent institutions at all levels, these problems will never satisfactorily be addressed.

Corruption represents a major obstacle to reaching all the sustainable development goals as it hampers economic growth and increases poverty, deprives the most marginalized groups of equitable access to vital services and erodes trust in public institutions.

The important anti-corruption element contained in the Beijing Initiative for the Clean Silk Road resonates well with the commitment of all Member States of the United Nations as reflected in Sustainable Development Goal 16, and its call for reducing corruption and bribery, strengthening the recovery and return of stolen assets and developing effective, inclusive and transparent institutions.

It is commendable that the Belt and Road Initiative contains a strong commitment in this respect.

To conclude, I firmly believe that the Belt and Road Initiative has an immense potential. International cooperation, multilateralism, adherence to the rule of law, strengthening international law, implementing the 2030 Agenda, practicing reciprocity and respect for diversity are the key factors for the Belt and Road Initiative to be a successful, positive and constructive element in rendering globalization sustainable and beneficial for all.

Thank you very much for your kind attention.

