



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

**Forty-seventh Session
of the United Nations Commission on International Trade Law**

Opening remarks

by

**Mr. Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
The Legal Counsel**

Conference Room 1, UNHQ New York
Monday, 7 July 2014, 11:00 a.m.

Distinguished delegates and observers,

It is a great pleasure to welcome you to United Nations Headquarters on the occasion of the forty-seventh session of UNCITRAL. I am particularly pleased to be addressing you for the first time since taking up my duties as Under-Secretary-General for Legal Affairs.

As Legal Counsel of the United Nations and head of the Office of Legal Affairs, it is my responsibility to support your activities through the International Trade Law Division. My colleagues in the Division and I are proud to take up this obligation and to contribute to the success of your efforts.

Sustainable Development

2014 marks an important turning point in the work of the United Nations. The newly elected president of the General Assembly has proposed the theme for the 69th session to be: "Delivering on and

Implementing a Transformative Post-2015 Development Agenda." Intergovernmental negotiations will start when the session begins in September, and the goal is that in September 2015 the new development framework is due to be agreed.

We can look with great pride at the work of your Commission and its contribution to development over the past decades. The mission and mandate of UNCITRAL is the modernization and harmonization of rules on international business. This work lies at the heart of the mission of the United Nations, as reflected in the preamble to the Charter adopted at the organization's founding in 1945, which calls upon the UN to "employ international machinery for the promotion of the economic and social advancement of all peoples."¹

The Open Working Group on Sustainable Development Goals considers among other goals for inclusion in the post-2015 development agenda the promotion of "strong, inclusive and sustainable economic growth and decent work for all". It discusses in this context a target on promotion of "an open, rules-based, non-discriminatory and equitable multilateral trading system"².

The pivotal role of trade in reducing poverty and promoting sustainable development is now widely recognized, including in the UN's Millennium Development Goal 8 which has as one of its targets to "develop further an open, rule-based, predictable, non-discriminatory trading and financial system."³

The General Assembly in 2013 confirmed that "the implementation and effective use of modern private law standards in international

¹ <http://www.un.org/en/documents/charter/>

² <http://sustainabledevelopment.un.org/content/documents/4044140602workingdocument.pdf>, proposed goal 8 and target 17.22.

³ <http://www.un.org/millenniumgoals/global.shtml>, see target 8 A under goal 8 "Develop a global partnership for development".

trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger”⁴. Your work here makes a direct contribution to the realisation of those goals.

Rule of Law

Following the invitation of the General Assembly at its 62nd session in 2007, the role of UNCITRAL in promoting the rule of law at the national and international levels has been on the agenda of the Commission since its forty-first session, in 2008. It is now firmly established that promotion of the rule of law in commercial relations should be an integral part of the broader United Nations rule of law agenda. In furtherance of the goal of integrating UNCITRAL’s work into the UN’s joint activities, the Secretariat has once again organized a biannual briefing by the Rule of Law Unit, which will take place on the afternoon of July 16th. In addition, a panel discussion has been organized by the Secretariat on the same afternoon, focused on “sharing States’ national practices in strengthening the rule of law through access to justice”, the subtopic that will be the subject of the upcoming Sixth Committee debates at the sixty-ninth session of the General Assembly under agenda item “The rule of law at the national and international levels”. Delegates at this Commission are encouraged to take an active part in these events - the fruits of that discussion will no doubt be of considerable benefit to the General Assembly in its deliberations.

Current and future work

This past year has seen important advances in UNCITRAL’s work which support and enhance the rule of law. The significance of ensuring transparency in investment arbitration stems from the role of investment as a tool for sustainable development. Transparency and inclusiveness are expressions of core United Nations values and promote human rights, good governance and the rule of law. Knowledge of dispute resolution proceedings - in fields such as health, water and sanitation, transportation and agriculture – is

⁴ A/RES/68/106, para. 12.

indeed empowering to the individuals and communities directly affected by them, and decisions of arbitral tribunals recognising this are emerging.

New transparency rules in investor-state arbitration have been adopted and came into effect as of April 1st, accompanied by the establishment of a transparency registry, housed at the UNCITRAL Secretariat, serving as a global resource for all people having an interest in these arbitrations. You will be hearing an oral report on the establishment and functioning of the registry. And you will also be considering, over the next days, a ground-breaking Convention on Transparency in Treaty-based Investor-State Arbitration.

In yet another step to ensure a harmonised approach to the law relating to international arbitration, the Commission will have before it the text of a Guide which aims to promote the uniform and effective application of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

As instructed by the Commission at its last session, new work has begun on micro-, small- and medium-sized enterprises and you will be hearing a progress report on that. You will also be considering progress reports on, and deliberating the future work of, Working Groups in several other areas: online dispute resolution, electronic commerce, insolvency law and the preparation of a draft model law on secured transactions. Other topics on your agenda include, as in previous years, notes and reports on the full range of the Secretariat's work, including - technical assistance, Case Law on UNCITRAL Texts (CLOUT), and the activities of the Regional Centre for Asia and the Pacific, based in Korea.

Beginning with its 45th session, a key topic of the Commission's deliberations has been strategic planning and future work. At this session the Commission has before it notes by the Secretariat on planned and possible future work, including in specific areas such as security interests, insolvency law and public-private partnerships.

These, together with progress reports of Working Groups and the conclusions of the 46th Commission session, provide a basis for considering UNCITRAL's strategic direction and the deployment of its resources in the coming years. This is a crucial debate, coming at a time not only of limited resources but of increasing demands from States for training and technical assistance in the implementation of UNCITRAL standards.

Ladies and gentlemen,

As has been the case for many years, you are at the beginning of a busy and challenging session, which, judging by past experience will be a fruitful one. With these remarks, I have the pleasure of declaring the 47th session open and wishing you the best of success in your deliberations.

Thank you.