



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

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

Opening remarks

by

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The Legal Counsel

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Distinguished delegates and observers,

It is a great pleasure to welcome you to United Nations Headquarters on the occasion of the forty-ninth session of UNCITRAL. I have the honour to address you for the second 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, led by Mr. Sorieul and Mr. Lemay, and I are proud to take up this obligation and to contribute to the success of your efforts.

Sustainable Development Goals

It has almost been one year since the adoption of the Sustainable Development Goals. Goal number 16, “promotion of peaceful and inclusive societies for sustainable development and providing access to justice for all and building effective, accountable and inclusive institutions at all levels”, is closely related to the work of the Commission and you may take pride in your pursuit of that goal over the past decades.

But as you all know, we must continue to pursue those goals and the Commission is expected to continue on with its mandate of modernization and harmonization of rules on international business.



In fact, I believe that work lies at the heart of the UN's mission, reflected in the preamble to the Charter, which states that the UN will employ "international machinery for the promotion of the economic and social advancement of all."¹

The pivotal role of trade in reducing poverty and promoting sustainable development is now widely recognized. The Third International Conference on Financing for Development² saw States specifically recognize the role of UNCITRAL in this regard.

And the General Assembly has repeatedly confirmed that "the implementation and effective use of modern private law standards in international trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger" (A/RES/70/115, para. 11).

Your work here makes a direct contribution to realising those goals.

49th session (Texts to be adopted)

I've been informed that this session is again expected to be a busy yet productive one, involving the finalization and adoption of three different texts.

The culmination of years of work by UNCITRAL's Working Group VI is expected to result in the adoption of a Model Law on Secured Transactions, which would assist States in legislating a modern secured transactions regime, thus enhancing the availability of secured credit using movable assets as collateral.

Working Group III has completed its work on on-line dispute resolution and the resulting Technical Notes on ODR have been submitted for your consideration and finalization during the second week. During the same week, the twenty-year old UNCITRAL Notes on Organizing Arbitral Proceedings will also be updated, reflecting recent developments in arbitration practice.

This is already a heavy agenda, given that the Commission is scheduled with two public holidays during its session.

Nonetheless, your Commission will turn its attention to a range of other matters, including monitoring current and future work, embracing that undertaken by

¹ United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <http://www.refworld.org/docid/3ae6b3930.html> [accessed 10 February 2014]

² "Addis Ababa Action Agenda", see General Assembly resolution 69/313.



Working Groups in the areas of MSMEs, conciliation, electronic commerce and insolvency.

I note with great interest the progress made in enforcement of settlement agreements and the Model Law on Electronic Transferable Records.

Future topics also include concurrent proceedings, ethics for arbitrators, the use of the Mauritius Convention as a model for further reforms of investor-State dispute settlement, identity management and cloud computing. In these and other matters I look forward to your guidance on the way forward.

A key topic of your deliberations since 2012 had been to address the future work of the Commission from a strategic perspective. I believe this is particularly important when resources are scarce and prioritization is necessary.

Thus, I am sure that the notes by the Secretariat on the Commission's overall Work Programme as well as on specific topics including concurrent proceedings, public-private partnerships, and the progress reports of Working Groups would provide a sound basis for you to decide on the way forward and how best to deploy your limited resources, particularly in meeting the increased demands from States for capacity building and technical assistance in the implementation of UNCITRAL standards.

In that light, I am looking forward to your continued consideration of the draft "Guidance note on strengthening United Nations support to States, upon their request, to implement sound commercial law reforms".

A key priority is support and technical cooperation in areas relating to capacity-building for local and national institutions, and for joint planning and implementation of programmes through multi-stakeholder partnerships.

Support for capacity development at the country level requires the right combination of knowledge and expertise within UN country teams. The draft guidance note aims to achieve precisely that, and I wish the Commission all success in concluding negotiations on that important document.

It will advance the goal of mobilising knowledge and expertise to assist countries in the early phase of their implementation of SDGs.



Rule of Law

Following the invitation of the General Assembly in 2007, the role of UNCITRAL in promoting the rule of law at the national and international levels has been on your agenda.

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.

To advance the goal of integrating UNCITRAL's work into the UN's joint activities, the Secretariat will once again be organizing a biannual briefing by the Rule of Law Unit, which will take place on the morning of July 13th. In addition, a panel discussion will be organized in the afternoon, focusing on practices of States in implementing multilateral treaties emanating from the work of UNCITRAL, as well as practical measures to facilitate access to justice in the commercial law context, in particular by micro-, small- and medium-sized enterprises (MSMEs).

These themes track those expected to be addressed in the upcoming Sixth Committee debates, namely: "Sharing national practices of States in the implementation of multilateral treaties" and "Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable".

I encourage delegates here to take an active part in these events - the fruits of that discussion will no doubt be of great benefit to the General Assembly in its deliberations.

Other work

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.

At this juncture, I would like to highlight some of the projects being managed by the International Trade Law Division on behalf of the Commission as they all fall within the work of the Office of Legal Affairs. As you know, UNCITRAL's transparency standards in investor-state arbitration have been in effect since April 1st, 2014, and one of the pillars, the Transparency Registry is now fully operational, thanks in great part to generous donations from the European Union and the OPEC Fund for International Development.



The registry is housed at the UNCITRAL Secretariat and serves as a global resource for all communities having an interest in these arbitrations.

This year also marks the fifth year of operation of the UNCITRAL Regional Centre for Asia and the Pacific, and I believe the Regional Centre has been able to deliver far more than was expected of it when it was established in 2012 as a project office of the Office of Legal Affairs.

Having been informed of recent developments, I would like to thank the Korean government for their continued support of the project and would ask you to also continue supporting this regional initiative, which has promoted the work of the Commission more effectively in the Asia Pacific region and has brought the States in the Asia-Pacific region closer to UNCITRAL.

I would also like to thank the People's Republic of China for bringing new and important support to the promotion of the Commission's work in the Asia-Pacific by approving the contribution by the authorities of the Hong Kong Special Administrative Region of China of a legal expert, who already engages in the technical cooperation and assistance activities of the Regional Centre. I am sure that you will be interested to hear the reports from the Secretariat on these two projects.

In 1966, the General Assembly established your Commission and thus next year will mark your 50th anniversary. I've been informed that a Congress is being prepared to celebrate the occasion and to consider possible future UNCITRAL activity and I look forward to that discussion as well.

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 49th session open and wishing you the best of success in your deliberations.

Thank you.