

**Forty-fifth Session of the
United Nations Commission on International Trade Law**
Conference Room 3, NLB
Monday, 25 June 2012, 11:00 a.m.

**Opening remarks by Ms. Patricia O'Brien
Under-Secretary-General for Legal Affairs
The Legal Counsel**

Distinguished delegates and observers,

I would like to welcome you to UN Headquarters on the occasion of the forty-fifth session of UNCITRAL. I am pleased once again to speak at the opening of an UNCITRAL session, as I had the pleasure of doing for the first time, when you last met in New York in 2010.

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

Again this year you are faced with a busy and varied agenda. Looking back to 2010, I note that, at that time, UNCITRAL was engaged in the revision of its 1994 Model Law on Procurement of Goods, Construction and Services. I know that a revised text has since been completed and adopted, at your 44th session in Vienna. I am also aware that you will now be moving on to consider finalization and adoption of a Guide to Enactment of the new UNCITRAL Model Law on Public Procurement, which will occupy the first days of your session.

A modern regime of public procurement, as conceived by UNCITRAL, furthers the goal of States in having a fair, transparent and efficient process when contracting for the expenditure of what are frequently very large amounts of public funds. Also, and just as importantly, it sets standards which aim at preventing corruption in public finance. This is a vital concern for contracting parties and international donors alike, and one which is enshrined in the United Nations Convention against Corruption, with which UNCITRAL's Model Law is in full compliance. In fact, the UNCITRAL Model Law has a key role to play as a tool for the effective implementation of the Convention.

A significant and very welcome development since your last session is the opening of UNCITRAL's Regional Centre for Asia and the Pacific. I was honoured to be present at the launch of the Centre in January in Incheon, Republic of Korea. You will be hearing an early status report on the work of this first field presence of UNCITRAL, which is being so generously supported by the Government of the Republic of Korea. The Regional Centre is an important step in UNCITRAL's initiative of reaching out to member States to further the adoption and use of its texts globally. We look forward to the field presence of UNCITRAL expanding to other regions and sub-regions.

This theme of technical assistance is carried forward in another document for your consideration in this session, "A strategic direction for UNCITRAL", which invites deliberation on the best use of the Secretariat's resources in fulfilling its legislative, technical assistance and co-ordination mandates, and proposes an expanded role for Working Groups and for the Secretariat in promoting the work of the Commission.

You will also be considering the reports of the progress of the various Working Groups, as well as deliberating on a number of specific matters. These include:

- Recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the UNCITRAL Arbitration Rules, as revised in 2010;
- possible future work by UNCITRAL in the area of procurement and infrastructure development:
- selected legal issues impacting microfinance; and
- possible future work in the area of international contract law.

When I opened your 43d session in 2010, I spoke at some length on the importance of placing UNCITRAL's work in the larger context of the rule of law activities of the United Nations. I am pleased that, at least since UNCITRAL's 41st session, this has become a regular subject on your agenda. As I said in 2010, effective commercial law plays a crucial role in addressing root causes of many international problems, including migration caused by impoverishment, inequality and internal conflicts, or inequitable access to shared resources.

At the present session, a briefing will be organized by the Secretariat on the progress made in increasing awareness about the work of UNCITRAL in this regard and its integration into the wider UN rule of law effort. One focus of that briefing will be on ensuring that aspects of this body's work are reflected in the high-level meeting of the General Assembly on the rule of law at the national and international levels, which will be held in September here in New York. UNCITRAL's input will no doubt be of great benefit to the General Assembly in that high level segment.

The work of this Commission is an important component of the framework of values found in the United Nations Charter – the maintenance of peace and security, the faith in fundamental human rights, in the dignity and worth of the human person, the establishment of conditions under which justice and respect for international law can be maintained, the promotion of social progress and better standards of life in larger freedom – all of these values contribute to the emergence of a fair and inclusive global economy.

Ladies and gentlemen,

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