



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

United Nations Commission on International Trade Law

Fifty-third Session

Opening remarks

by

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Distinguished delegates and observers,

It is an honour to address you on the occasion of the fifty-third session of UNCITRAL. 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. Together with my colleagues in Vienna, led by Ms. Joubin-Bret, I am proud to discharge this function and to participate in the success of your efforts.

This year I should have had the pleasure of welcoming you to the United Nations Headquarters for your annual session, but as we all know, the COVID-19 pandemic has forced us to cancel or postpone larger meetings in all United Nations duty stations. My colleagues and I are grateful for your understanding and your willingness to conduct at least part of your important business by videoconference, and thereby avoid a complete standstill in your work programme. I also appreciate the efforts made by my colleagues, both within the International Trade Law Division and at the Department for General Assembly and Conference Management for their efforts in making your deliberations possible despite these challenging circumstances.

For the last 75 years, the United Nations has been at the centre of international law-making. I cannot recapitulate in these few minutes the impressive record of achievements of the organization and its unique contribution to the development,



codification and implementation of international law. Allow me, however, to mention two of them, which are the direct result of your work at UNCITRAL.

Together with the United Nations jubilee, this year we also celebrate the fortieth anniversary of a landmark achievement of UNCITRAL: the 1980 United Nations Convention on Contracts for the International Sale of Goods. The CISG is now in force in almost 100 States and has become a mainstay of international trade in goods. The largest economies of the world as well as the largest trading nations in manufactured goods and commodities have adopted the CISG, representing more than two thirds of the global volume of trade in goods. What is more, over 5,000 judicial and arbitral decisions applying the CISG have been reported, and countless books and articles have been published on it in a broad range of languages.

The main goals of the CISG are predictability and flexibility, two essential requirements for international business transactions. The CISG is an eminently pragmatic instrument that was specifically drafted to meet the needs of international trade, with transportation and payment logistics, as well as trade practices, taken into account. The drafters of the CISG looked beyond the doctrinal concepts and dogmatic postulates of their home jurisdictions to select from each legal system the rules that were best adapted to long-distance trade and developed new rules when existing ones proved inadequate for international transactions.

It has to be said that the influence of the CISG extends well beyond international trade. In fact, the CISG has been a model and source of inspiration for nearly every major reform of domestic contract law in the last few decades.

Apart from the anniversary celebrations, which we hope the Secretariat will be able to re-schedule for more auspicious times, we mark this important milestone with the publication of the draft Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts (with a focus on sales), which I hope your Commission will recommend. This publication was prepared by the Secretariat together with eminent experts and representatives of two organizations with which you have a long-standing history of cooperation: the Hague Conference on Private International Law and the International Institute for the Unification of Private Law.

The CISG lies at the heart of a system of legal instruments that support international commercial transactions, including the Convention on the Limitation Period in the International Sale of Goods. UNCITRAL has also prepared a suite of legislative texts to support transactions in an electronic environment, including the UNCITRAL Model Law on Electronic Commerce and the United Nations





Convention on the Use of Electronic Communications in International Contracts. I am glad to see that your Commission maintains the forward-looking approach that has characterized its pioneering work in this area and will consider at this session possible future work on various legal aspects of the digital economy, including artificial intelligence and automated contracting, data transactions, digital assets, online trading and dispute resolution platforms. As the core legal body of the UN system in the area of international trade law with an established track record in electronic transactions, UNCITRAL is well placed to play a “central and coordinating role in addressing legal issues related to the digital economy and digital trade”, as you emphasized when you discussed this topic at your 52nd session, last year.

Ladies and gentlemen,

Another significant date in this special year will be September 20th, when the United Nations Convention on International Settlement Agreements Resulting from Mediation enters into force. Adopted by the General Assembly in December 2018 after three years of intense negotiations, the Convention was opened for signature on August 7th last year at a ceremony generously hosted by the Government of Singapore. In recognition of this patronage, the General Assembly recommended that the Convention should be known as the “Singapore Convention on Mediation”.

This new convention complements the remarkable series of UNCITRAL instruments dealing with the settlement of international commercial disputes, particularly in the area of arbitration, but also mediation. Mediation has been practiced for a very long time in bilateral or multilateral diplomacy; it is also the subject of numerous studies of public international law and is expressly mentioned in article 33 of the Charter of the United Nations as a means to settle international disputes. Nevertheless - and despite its practical advantages - mediation is still in the burgeoning phase in the business world, especially in Western countries, whose legal culture favors adversarial procedures, unlike other regions, particularly in Asia and the Middle East, where mediation is more deeply rooted.

The Singapore Convention on Mediation takes into account the diversity in levels of experience with mediation in different countries. By establishing standards for the international enforcement of mediated settlements, the Convention facilitates the rapid and efficient resolution of trade disputes across





borders and contributes to the economy and to value for money in international trade.

The Singapore Convention on Mediation has secured over 50 signatures in its first year alone. It is my hope that the widespread adoption of the Convention will lead to the universal recognition of mediation as a powerful, efficient and non-adversarial method for settling trade and investment disputes, and that the Convention will have the same impact in the long term as the United Nations Convention on the Recognition and Enforcement of Arbitral Awards, the famous "New York Convention" of 1958, which, with 163 States parties, is the most widely implemented private law treaty ever developed.

We have seen several expanding and contracting phases of multilateralism at the United Nations, from moments of great cohesion and shared idealism, to periods of unilateral action and collective fatigue. May the promising start of the Singapore Convention on Mediation be a sign of a new expanding cycle in international law-making

Distinguished delegates and observers,

As I address you today, the world is still in the midst of the worst pandemic in a century. COVID-19 has not only caused an enormous global health crisis, but it has also had a massive social and economic impact around the world. The severe economic fallout from interventions designed to mitigate the effects of the pandemic is unprecedented, and the COVID-19 crisis will continue to disrupt international trade and economic activity for the foreseeable future.

I am glad to see that my colleagues in the International Trade Law Division have been mindful of these extraordinary times and have organized a series of six virtual panels during the Commission session, each of which will deal with specific aspects of UNCITRAL's work that may be of assistance to States in their COVID-19 response and recovery efforts. The sessions will consist of panel discussions by eminent experts and will take place later this week and next, at a time intended to accommodate as many participants globally as possible. States will also be encouraged to intervene and share their relevant experience. In an effort to disseminate information on the important connection between UNCITRAL texts and COVID-19 response and recovery, the Commission has generously opened the webinar series to interested persons from around the world.

Many of the legislative tools that UNCITRAL has developed can play an important role in assisting States in their economic recovery efforts. A strong legal





framework will facilitate that recovery and help revitalize commercial activity and global trade.

Every one of us has felt the impact of the pandemic. Some of us have lost relatives or friends. Others fear the economic and social consequences. In this global climate of anxiety and uncertainty, one thing is certain: the urgency of international cooperation. On the year of the 75th anniversary of this Organization, we should, once again, recommit to the principles that allow us to come together to tackle our shared challenges. I hope that your discussions in the coming days will be enlightening not only for domestic policy makers in their reactions to the pandemic crisis, but also to you as an intergovernmental body, in shaping your work programme and priorities for the years to come.

I thank you for your kind attention and wish you every success in your deliberations.

