



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

Opening of the UNCITRAL's 50th session

Statement

By

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Distinguished delegates and observers,

It is with great pleasure that I welcome you in Vienna to the fiftieth session of UNCITRAL.

As the Legal Counsel of the United Nations I am honoured to support your activities through the International Trade Law Division of the Office of Legal Affairs, and together with my colleagues in the Division I take pride in contributing to the success of your work.

Anyone looking back at the work of UNCITRAL in the past decades acknowledges its enviable record of hard and high quality work. The impetus given by UNCITRAL to the progressive harmonization and unification of the law of international trade can be easily measured by the remarkable pace of its work, which resulted in a range of important texts such as international conventions, model laws and statutory provisions, rules and legal guides. Among those texts we count instruments of such wide acceptance and authority that they have become



real landmarks in the field of law to which they pertain. They are well known to us: the UN Convention on Contracts for the International Sale of Goods (the ‘CISG’), the UNCITRAL Model Law on International Commercial Arbitration, the UNCITRAL Arbitration Rules and the UNCITRAL Model Laws on Electronic Commerce and on Cross-Border Insolvency.

This impressive record of achievements is also the result of two aspects of extraordinary cooperation of which you can be particularly proud: the cooperation among States participating in the work of the Commission and the cooperation with interested international organisations of the public and private sectors.

Ladies and gentlemen, member States can indeed be proud of the achievements and prestige of this institution. However, no organization lives from fame and reputation alone. Our task of servicing the international community demands from us a continued effort to remain responsive to changing needs and circumstances. The opening of your 50th annual session - in tandem with the Congress marking that 50th year - prompts us to reflect upon the role that UNCITRAL has to play in its second half-century – something we will explore in detail over the next few days.

I should like to single out a few areas in which we could increase even further the responsiveness of UNCITRAL to the needs of the world trading community.

Ratification

It is not a secret that despite the universal relevance and usefulness of the instruments prepared by UNCITRAL, a great number of States have not yet enacted any of them. In view of the broad support for the legislative texts emanating from the work of the Commission among practitioners and academics in countries with different legal, social and economic systems, the pace of adoption of those texts has been slower than it needed to be.

As the Legal Counsel of the United Nations, I invite you to join in this effort. I appeal to all representatives and observers participating in the meetings of the Commission and its working groups to contribute, to the extent you in your discretion deem appropriate, to facilitate consideration by legislative organs in your countries of texts of the Commission.



The objective is to help States become parties to these treaties and to implement them at the national level. For those States that have not been able to ratify them or enact legislation based on Model Laws, your secretariat stands ready to provide appropriate technical assistance to the extent our limited resources permit. This brings me another issue which I invite you to reflect upon.

Law Reform

In recent years we note a continuing and significant increase in the importance being attributed by Governments, domestic and international business communities and multilateral and bilateral aid agencies to the improvement of the legal framework for international trade and investment. UNCITRAL has an important function to play in this process because it has produced and promotes the use of legal instruments in a number of key areas of commercial law which represent internationally-agreed standards and solutions acceptable to different legal systems. There has likewise been a dramatic increase in the number of requests for review of legislation, workshops, training and other forms of technical legal assistance.

As we know, the work of the Commission on any given topic is not finished with the adoption of the relevant legal instrument. Indeed, the preparation of legal texts is complemented by the important training, information and technical assistance programme carried out by the Secretariat, to the benefit, in particular, of developing countries and countries whose economic systems are in transition. That programme encompasses information activities aimed at promoting knowledge of international commercial law conventions, model laws and other legal texts, as well as technical assistance to Member States in their efforts towards commercial law reform and towards the adoption of UNCITRAL texts.

I should like to invite Member States, whether as donors or as recipients of assistance in commercial law reform, to work closely with the Secretariat to ensure that the conventions and model laws formulated by UNCITRAL are given due regard in that process. I also invite States, organisations and individuals to contribute to the technical assistance activities of the Secretariat by making voluntary contributions to the Trust Fund for UNCITRAL Symposia.



We are thankful to those, unfortunately few, Governments that continue to assist us with contributions to the Trust Fund, as such contributions are instrumental in allowing us to meet the increasing demand for training and technical assistance. Since balanced representation is a requirement of worldwide acceptable legal texts, I should like to add a similar appeal with respect to the UNCITRAL Trust Fund for Travel Assistance – so that countries whatever their means are able to attend and take part in UNCITRAL’s deliberations. It would be important to consider providing the Commission and its secretariat with adequate means for carrying out their functions of promoting larger adherence to international trade law instruments and providing the technical assistance to support modernization of domestic commercial laws.

Let me now turn to the more immediate future. This year you will have an extremely busy session.



A major item on your agenda is the finalization and adoption of a Model Law on Electronic Transferable Records, together with Explanatory Notes. Another project which you are about to complete is the finalization and adoption of a Guide to Enactment of the UNCITRAL Model Law on Secured Transactions, to which the entire third week of the Commission has been devoted. Your Commission will consider a further range of current topics, prominent among them: functioning of the transparency repository established under the Rules on Transparency in Treaty-based investor-State Arbitration; and the role of UNCITRAL in promoting the rule of law. To this will be added the regular stock-taking of progress of the various Working Groups, work of the Regional Centre for Asia and the Pacific, technical assistance activities and the promotion of a uniform interpretation and application of UNCITRAL texts, including through the CLOUT system. You will also be deliberating on future work across the full range of UNCITRAL's subject matter.

I would like to point out two other areas on which the Commission may wish to consider further work. At the current session the Commission will have before it a note by the Secretariat on possible reforms of investor-State dispute settlement (ISDS). The Commission will also have before it a note by the Secretariat which describes legal developments in the area of public procurement and infrastructure development and discusses the updating of relevant UNCITRAL texts.

Ladies and gentlemen, this year you will have a particularly work-intensive session. But I am sure that it will also be a very interesting one. With these remarks, I have the pleasure of declaring the Session open. I wish you the best of success in your deliberations.

I should now like to turn to the second item on the agenda, the election of officers. Are there any nominations for the position of Chairman?

