

Modern Law for Global Commerce:  
Congress to celebrate the 40th annual session of UNCITRAL  
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Opening address by  
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Distinguished delegates,  
Ladies and Gentlemen,

I am delighted to welcome you to the Congress held on the occasion of the 40th session of the United Nations Commission on International Trade Law. While the Congress has been designed as a conference to consider current legal issues of commercial law, it is also an occasion to evoke the significance of UNCITRAL in the UN system and point out some of the circumstances that have contributed to the success of UNCITRAL and which continue to be critical for its future.

During the early years of the UN, trade law was outside the center of attention of the Organization, which in the legal field was largely concentrated on the codification and progressive development of public international law. However, it soon became clear that, if the UN wished to promote harmonious relations among nations, reduce poverty and foster the economic well being of the peoples of the world, it was not enough for the Organization to limit itself to matters of peace and security, including the promotion of the rule of law among nations. The promotion of trade was also to be considered an indispensable element of international peace and stability. It was therefore necessary to give all countries of the world -- and in particular developing countries -- the legal tools to engage in productive international and domestic trade. For such trade to thrive, countries must have laws that allow modern contract practices and guarantee the rule of law and contract discipline in business transactions.

One of the first highly visible efforts of the UN in the area of trade law was the negotiation in 1958, on the initiative of the International Chamber of Commerce, of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. That Convention has since

become one of the most successful and influential legal texts in the history of commercial law. We will celebrate its 50th anniversary next year.

A few years later, by the early 1960-ies, UN member States -- including newly independent countries many of which were developing countries -- became more and more aware that the formulation of rules governing international trade must be a universal process that benefits from the various contributions of countries with different legal, social and economic systems. The outcome of that increasing awareness was the establishment of UNCITRAL. Since that time, UNCITRAL has become, as is repeatedly stated in resolutions of the UN General Assembly, the "the core legal body within the United Nations system in the field of international trade law".

The ongoing need and demand for the work of UNCITRAL continues to be at the root of its continued relevance. However, to put the successful achievements of UNCITRAL during the last four decades in the right perspective, I would like to point out that the need for its work would not, in itself, have been sufficient to ensure the growth of UNCITRAL into a vigorous organization indispensable for the international community. In fact, other international organizations have also enjoyed widespread support at their beginning, but subsequently saw their support diminish and their mandates were modified.

It is therefore appropriate, on today's to try to identify factors that have contributed to the success of UNCITRAL. In my view four of them have made a crucial difference. They deserve to be mentioned because they could not be taken for granted.

First, I want to underline the supportive attitude of Governments towards UNCITRAL during these four decades. They recognized that harmonization and unification of international trade law requires high level of professional skills and involves arduous negotiations. It is to their credit that they have sent to the meetings of UNCITRAL experts of the highest professional caliber who have achieved practical and widely acceptable results.

Second, UNCITRAL has had the wisdom to welcome international non-

governmental organizations with relevant experience and expertise and has benefited from their advice at each stage of the negotiations. As much as UNCITRAL is an intergovernmental entity, I think that at the core of UNCITRAL's success has been the willingness of Governments to include practitioners, academics and future users of its texts in their negotiations. Thanks to that fortunate combination of governmental leadership and inclusiveness, the name of UNCITRAL has become a synonym for high professional quality in international legal work.

Third, it is striking to see the extent to which UNCITRAL documents attract attention beyond the governmental circles for which they were primarily intended. They are the subject of many conferences of practitioners, they are frequently cited in professional publications and academic works, and they inspire international transactional practice. Perhaps the most telling reflection of the influence of UNCITRAL texts has been the frequency with which academic and other educational institutions plan their curricula around the UNCITRAL agenda and its texts.

Fourth, UNCITRAL has never lost sight of the call of the General Assembly expressed in the 1966 founding resolution that "*the Commission shall bear in mind the interest of all peoples, and particularly those of developing countries.*" Putting this principle into practice has required wise judgment in deciding on the issues to be set on the agenda of UNCITRAL and in negotiating the substance of the rules adopted. As a result, UNCITRAL enjoys a high reputation in all parts of the world.

I set out these characteristics of the work of UNCITRAL not only to pay tribute to the Governments participating in the work of UNCITRAL, but also to invite them to continue to pay attention to representation in UNCITRAL. While I direct this appeal to all Governments, I would like to lay special emphasis on the need for a broad presence of developing countries in UNCITRAL. I have no doubt that they are aware of the importance of the Commission's work. But, I hope that budgetary constraints, which are particularly tight in developing countries, will not prevent countries from participating in the Commission.

My remarks about the factors that have contributed to the success in the

work of UNCITRAL would not be complete if I failed to mention the continued and unfailing support of the host country. Since the UNCITRAL secretariat moved from New York to Vienna in 1979, we have been pleased to have the Government of Austria not only as a constant member of UNCITRAL, but also as an engaged supporter of its work.

Ladies and Gentlemen, after paying homage to member States, delegates and observers who have contributed so much to the success of UNCITRAL, I would like to turn to the programme of this Congress. Its main purpose is to bring together governmental officials and a broad spectrum of practitioners, academics, judges and arbitrators and give them the opportunity to assess the current state of affairs in the field of the law of international trade and to consider ideas for the future. In the next few days you will hear about open issues, unresolved problems and developing questions in international commercial law. Our wish is that after the four days of the Congress all of us will have a broader overview of pending issues, a better understanding of questions to be addressed and interesting suggestions for the future. We also hope that the considerations at the Congress will be useful inspiration for other rule-formulating bodies and bodies involved in providing technical assistance to law reform in various parts of the world.

The speakers' list is impressive in its diversity and expertise. It is very promising. I note also that time has been reserved for discussions and contributions from the floor. In order to preserve the content of the discussions for later reference and for the benefit of those who are not able to be present these days, we plan to publish the proceedings of the Congress.

With this, I would like to thank the speakers and participants, as well as the organizers. Enjoy the stimulation of the Congress. Enjoy meeting with colleagues and friends. Make the best out of your presence. And have a pleasant stay in Vienna.

Thank you.