

**Enhancing International Trade and Development in the Asia-Pacific Region:  
UNCITRAL Regional Centre for Asia and the Pacific**

**Remarks by Mr. Renaud Sorieul  
The Secretary, United Nations Commission on International Trade Law  
(UNCITRAL)**

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International Conference Room, Meet-you-all Tower (Incheon)**

Minister Kwon,

Mayor Song,

Excellencies,

Ladies and Gentlemen,

Dear friends of UNCITRAL,

It is an honour for me today to stand before such a distinguished audience to speak on behalf of a United Nations body called the United Nations Commission on International Trade Law, or UNCITRAL.

For the many among you to whom UNCITRAL may be little known, let me try briefly to explain what stands behind the formula recalled a few minutes ago by The Legal Counsel in her opening address, when she referred to the General Assembly Resolutions that describe UNCITRAL as “the core legal body in the United Nations System in the field of international trade law”.

Beyond the collection of international conventions, model laws and other legal standards, which are mostly known in specialized circles, and beyond the specific features of the intergovernmental process through which such standards are elaborated, which may be of general interest to diplomats, UNCITRAL is a vision. It is also a method.

The vision involves both a legal and a political perspective. From a technical standpoint, we have to imagine that law-makers coming from all over the world will meet in one room to discuss complex issues involving the practice of business law and international business transactions. We have to imagine that those people will come to a common understanding of those issues, develop a common regulatory approach and, at best, agree on a common legislative framework that will ultimately govern a broad range of legal and commercial transactions worldwide. For this to happen, more than imagination, we actually need faith in the legal interoperability of the many different legal systems involved

and in the technical ability of those entrusted with the drafting of a world standard to distil the essence of several legal theories into a practical set of rules that can function satisfactorily in the very different legal, political and economic environments in which world trade is conducted.

Because the law-making work I just outlined takes place in the broader context of the United Nations, we are not simply concerned with the technicalities of commercial law. As a political organization, the United Nations would have no particular interest in the harmonization and modernization of international trade law and practices if it were not convinced that such technical work is conducted in pursuance of greater goals. Promoting the rule of law in the field of commercial transactions, thereby contributing to economic and social development, and ultimately to world peace and stability, is the political side of that vision and the reason for which UNCITRAL was created as a subsidiary body of the General Assembly of the United Nations some 45 years ago.

As a method, UNCITRAL relies on inclusiveness and creativity. Inclusiveness is an essential ingredient if the many State entities called upon to develop harmonized legislation, and then to enact it, are to develop the sense of ownership and commitment that are necessary preconditions to the effective and peaceful enactment of international legal standards. To realize such inclusiveness, UNCITRAL brings together sixty member States, elected to represent all the regions, legal systems, and all the forms and degrees of economic development. To maximize its chances of success, UNCITRAL also invites the end users of international commercial law standards to participate as observers and make themselves heard in the elaboration of the rules that are ultimately intended to govern them.

A lot of good intentions and law-making skills have been mobilized in and around UNCITRAL over the years, by its member States and other stakeholders, including the secretariat, a very small group of 21 (soon to be 24 with the creation of this Centre) international civil servants operating within the UN Office of Legal Affairs under the supervision of Ms. Patricia O'Brien, The Legal Counsel, and according to the general guidance received from Secretary-General Ban Ki-moon.

As the director of that small group of UN employees who prepare the work of UNCITRAL and constitute its only permanent organ (and speaking under the control of two former Chairpersons and one former Secretary of UNCITRAL who are present with us today), I have to admit that the rate of penetration of international legal standards in positive legislation, though significant, is not commensurate with the amount of legal science and the cooperative spirit that went into their preparation.

The need for increasing awareness about the work of UNCITRAL explains the renewed interest of member States for technical assistance, their support for

creativity and, as a particularly encouraging step, the creation of this Centre, to which I would now like to turn.

The recent globalization of the economy, for better and for worse, has brought into light more clearly than ever before the need for commonly agreed and understandable rules of the international trade game, in which every individual is now potentially a player. Efforts to promote regional economic integration also illustrate the need for a basic set of truly universal rules to maintain or create legal interoperability on both sides of the regional borders. It is thus only logical that States would look with renewed interest at the work of UNCITRAL and realize that the limited use of uniform legislative standards in daily practice is not the result of conscious political decisions. It is rather an illustration of a lack of familiarity of decision-makers with those standards and perhaps also an indication that the user-friendliness of those texts is sometimes less than optimal.

Technical assistance to law reform is the key to enacting UNCITRAL standards, dispelling uncertainties about their origin, promoting their uniform interpretation, facilitating their adaptation to domestic or regional circumstances, if so needed. The secretariat is experienced with all those aspects of technical assistance but although the demand is increasing constantly, existing resources are insufficient to allow us to cope with the demand. Hence the idea to seek extra-budgetary resources and, at the same time, to bring uniform law standards closer to their end users by encouraging the adoption of a regional or sub-regional approach.

That idea immediately found broad support when it was expressed at the annual session of UNCITRAL in 2009 but it took the generous initiative of Korea to turn it into reality.

I would like, on behalf of all participants in the UNCITRAL process, to express our deepest gratitude to the Korean Ministry of Justice and to the Incheon Metropolitan Office for their willingness to invest in this project. Our thanks also to the Ministry of Foreign Affairs for facilitating this successful outcome. As noted by Minister Kwon in his speech yesterday, this is a milestone in the many years of very active participation of Korea in UNCITRAL activities. Indeed, for many years, we, at the Secretariat, have been impressed by the number and the quality of experts from the Academia, the Judiciary, and other governmental and non-governmental Korean circles, who have taken the time to study, enact, explain, comment the work of UNCITRAL and, above all, to participate in ongoing discussions and enriching the debate.

The obvious function of the Centre is to provide technical assistance to law reform in the region. However, I should point out that the purpose of this Centre is not only to reach out to Asian countries to increase the level of enactment of UNCITRAL standards. As we, at the Secretariat, see it, this Centre will only be a success if it effectively provides a two-way communication channel. It will also be a function of this Centre to stimulate, focus and concentrate the interest of

legal circles in the region so that legal thinking from Asia more continuously irrigates the field of uniform law continuously being ploughed by UNCITRAL.

To move closer to such an ambitious goal, the three staff members posted in Incheon will need all the support they can get, not only from the Korean Government but also from other States and organizations in the Region. Today, our newly established Centre is honoured by the presence of representatives from other Asian countries. It is also comforted by the interest manifested by several States in the region to support such a pilot project and extend its operational outreach throughout the region. I should, in particular, recognize Singapore as a country that very recently made a generous offer to add to the resources available to UNCITRAL for the conduct of technical assistance and other activities in the region.

Finally, if this pilot project is the success it deserves to be, it should not only serve as a model for the region but also encourage initiatives in other regions of the world. On that point, I am particularly impressed by the presence today of ambassadors representing all five geographic regions constituting the United Nations. I take it as a sign that the UNCITRAL Regional Centre for Asia and the Pacific will soon be emulated in other parts of the world.

To discuss in more practical terms the work programme of our Centre, I would now give the floor for a few minutes to one of my colleagues who has been particularly active in the successful outcome of that project, and who witnesses to Korean excellence at the UNCITRAL secretariat, Mr. Jae Sung Lee.