



# General Assembly

Seventy-third session

Official Records

Distr.: General  
21 January 2019

Original: English

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## Sixth Committee

### Summary record of the 15th meeting

Held at Headquarters, New York, on Tuesday, 16 October 2018, at 10 a.m.

*Chair:* Ms. Kremžar (Vice-Chair)..... (Slovenia)

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*In the absence of Mr. Biang (Gabon), Ms. Kremžar (Slovenia), Vice-Chair, took the Chair.*

*The meeting was called to order at 10.10 a.m.*

**Agenda item 80: Report of the United Nations Commission on International Trade Law on the work of its fifty-first session (A/73/17)**

1. **Ms. Czerwenka** (Chair of the United Nations Commission on International Trade Law (UNCITRAL)), introducing the Commission's report on the work of its fifty-first session (A/73/17), said that the Commission had finalized four legislative texts in key commercial areas: dispute resolution; micro, small and medium-sized enterprises; and insolvency. It had heard progress reports from its working groups, decided on future work and deliberated on the technical assistance and coordination activities carried out by its secretariat. It had also held an event to celebrate the sixtieth anniversary of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) and a roundtable meeting to discuss technical assistance.

2. In the field of dispute resolution, the Commission had finalized the draft United Nations Convention on International Settlement Agreements Resulting from Mediation, the purpose of which was to allow parties to rely on a mediated settlement agreement and enforce it in a cross-border context according to simplified procedures. It contained reservations that would allow States to tailor its application in a flexible manner, including in the context of investor-State dispute settlement. During the debate, the Government of Singapore had offered to organize a ceremony for the signing of the draft Convention, once adopted. The Commission had gratefully acknowledged that offer and unanimously adopted the suggestion that the convention be referred to as the "Singapore Convention on Mediation".

3. The Commission had also adopted the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, which amended the 2002 UNCITRAL Model Law on International Commercial Conciliation. The new Model Law supported the implementation of the new mediation convention, as well as the provision of a stand-alone, streamlined procedure for international mediation. Both new instruments were expected to foster the use of international mediation for solving cross-border disputes in a cost-effective and efficient manner.

4. In the field of micro, small and medium-sized enterprises, the Commission had finalized and adopted

the UNCITRAL Legislative Guide on Key Principles of a Business Registry, which was the first part of a more ambitious project aimed at developing texts to promote an enabling legal environment for the operation of such enterprises. It aimed to assist policymakers, practitioners and those involved in the design and implementation of business registries to streamline business registration systems. Drawing on best practices of States worldwide, it recommended a registration system accessible through a single-entry point, possibly allowing for simultaneous registration with the business registry and other relevant public authorities and delivering services in the shortest time possible with user-friendly procedures.

5. In the area of insolvency law, the Commission had finalized and adopted the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment. The Model Law expanded upon and complemented the 1997 UNCITRAL Model Law on Cross-Border Insolvency, which had to date been enacted by some 45 jurisdictions. In a world where it was increasingly easy for enterprises and individuals to have assets in more than one State and to move them across borders, there was a need for an international regime specifically addressing recognition and enforcement of insolvency-related judgments. Existing international instruments on recognition and enforcement of judgments in civil and commercial matters typically excluded such judgments. The new Model Law added to the international instruments available to facilitate the coordination of cross-border insolvency proceedings, allowing more efficient and effective administration of those proceedings to support the rescue of financially viable businesses for the benefit of all stakeholders.

6. During its session, the Commission had also held an event to celebrate the sixtieth anniversary of the New York Convention. On that occasion, the UNCITRAL Secretariat Guide on the New York Convention together with the web platform created to host the Guide ([www.newyorkconvention1958.org](http://www.newyorkconvention1958.org)) had been welcomed as providing the most comprehensive and freely accessible tools supporting legislative implementation and judicial application of the Convention. Delegates and over 300 invited guests had participated in fruitful discussions on the success of the Convention, which, to date, had been ratified by 159 States.

7. Another topic dealt with by the Commission was the 2000 UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects. At its fiftieth session in 2017, UNCITRAL had confirmed that the Secretariat should update that Guide, as necessary, in order to reflect not only lessons learned in the last decades, but

also to take into account other developments, such as the entry into force of the United Nations Convention against Corruption, and the adoption of the 2011 UNCITRAL Model Law on Public Procurement. The Commission had taken note of and endorsed general policy proposals by the Secretariat for amending the Legislative Guide, as well as the specific amendments proposed by the Secretariat.

8. The Commission was updated annually on progress made by its working groups, which were continuing with a full agenda of legislative work. Several texts in the areas of insolvency, secured transactions and dispute resolution were expected to be submitted for finalization at the Commission's session in 2019. Working Group III (Investor-State Dispute Settlement Reform) was continuing to discharge its mandate to identify and consider concerns regarding investor-State dispute settlement reform, consider the desirability of reform in the light of any identified concerns and, where necessary, develop any relevant solutions to be recommended to the Commission. At its November 2017 and April 2018 sessions, it had welcomed broad contributions of expertise from various stakeholders, while recalling that the deliberations would be Government-led with high-level input from all Governments. The Commission had expressed its appreciation for contributions to the UNCITRAL Trust Fund from the European Union and the Swiss Agency for Development and Cooperation to support the participation of representatives of developing States in the deliberations of the Working Group.

9. Turning to decisions with respect to future work, she said that, after considering several new proposals, the Commission had agreed that in the allocation of working group time, priority should be given to the topics of judicial sale of ships, which should be allocated to the first available working group, possibly Working Group VI, and issues relating to expedited arbitration, which had been allocated to Working Group II, which would hold its first session on that topic in February 2019. On other topics discussed, including those of warehouse receipts, legal issues related to the digital economy, contractual networks and civil law aspects of asset tracing and recovery in the context of insolvency, the Commission had taken the view that more preparatory work was required before it could decide on further steps to be taken and that, in that process, priority should be given to the topic relating to the digital economy. With respect to dispute resolution, the Commission had also agreed that the Secretariat would prepare notes on organizing mediation proceedings and update the UNCITRAL Conciliation Rules. Finally, the Commission had asked the

Secretariat to proceed with work on updating the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects, with a view to submitting the complete set of draft revised chapters of the Guide, to be renamed the UNCITRAL Legislative Guide on Public-Private Partnerships, for consideration and adoption by the Commission at its fifty-second session, in 2019.

10. The Commission and the Secretariat deserved to be congratulated for the progress made in developing various legislative texts. However, the development of legislative texts was only the first step in the process of trade law harmonization. Dissemination of information as well as technical cooperation and assistance projects were vital to the further use, adoption and interpretation of UNCITRAL texts. The Secretariat had accordingly continued its efforts to provide information, actively support domestic law reform through drafting assistance and to share practical experiences in the enactment of those texts, as well as to advise on their interpretation and implementation. The ability of the Secretariat to respond to requests from States and regional organizations depended on the availability of funds to meet associated costs, mainly in the form of voluntary contributions to the Trust Fund for UNCITRAL Symposia. Despite some highly appreciated contributions, such as that from the Republic of Korea to support participation in the Asia-Pacific Economic Cooperation (APEC) Ease of Doing Business project, those funds remained insufficient to meet the requests. The Commission therefore welcomed the Secretariat's efforts to explore alternative sources of extrabudgetary funding, in particular by extensively engaging permanent missions, as well as other possible partners in the public and private sectors, and by seeking cooperation and partnership with international organizations and bilateral assistance agencies in the provision of technical assistance.

11. Turning to the Commission's regional presence, she said that the UNCITRAL Regional Centre for Asia and the Pacific, based in Incheon, Republic of Korea, had continued to provide capacity-building and technical assistance to States, as well as to international and regional organizations. The Centre had enhanced international trade and development by promoting certainty in international commercial transactions through the dissemination of international trade norms and standards, in particular those elaborated by the Commission. That had resulted in a tangible increase of accessions, ratifications and enactments of UNCITRAL texts in the Asia-Pacific region. The Commission had encouraged the Secretariat to continue its consultations on possible additional UNCITRAL regional centres and

to consider carefully the level of human resources that would be needed for the efficient management of such centres and for ensuring adequate supervision by, and coordination with, Vienna-based UNCITRAL secretariat staff.

12. Emphasizing the importance of uniform interpretation for the application of its texts, the Commission had expressed its appreciation for the Case Law on UNCITRAL texts (CLOUT) system, managed by the Secretariat. Case law on twelve UNCITRAL legislative texts, conventions and model laws was currently reported, covering court decisions and arbitral awards rendered in all geographic regions of the world. The Commission had encouraged States to actively participate in the system in order to facilitate the collection and dissemination of case law, especially in view of the increasing volume of users of the CLOUT database.

13. Recalling that the Commission's work had an impact on development, peace, and stability in the world through harmonization and modernization of international trade law, she called on Member States to give it their strong support, within both the Sixth Committee and the Fifth Committee, so that it would have the resources needed for it to thrive and expand its activities in response to increasing demands. A number of UNCITRAL projects, including the Regional Centre for Asia and the Pacific, the transparency repository for the publication of information and documents in treaty-based investor-State arbitration and the CLOUT system, relied heavily or entirely on extrabudgetary resources.

14. Member States were the true "shareholders" of the Commission and had a direct interest in maximizing the return on their investment in the modernization and harmonization of international trade law. She therefore sought their continued participation in and support for UNCITRAL and its activities. The ever-increasing importance of international trade and the accelerating pace of economic globalization required the Commission to continue its work, which benefited all States.

15. **Mr. Escalante Hasbún** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the establishment of the Commission had fulfilled the need for a universal and inclusive institution responsible for promoting appropriate measures and solutions for States, which had different legal systems and were at different stages of economic development, in an effort to harmonize and unify the legal aspects of trade between countries. The Commission was made up of members representing the various geographical regions and the major economic and legal systems in the world. In its work, it complied

fully with the principles of the Charter of the United Nations, including the principle of sovereign equality in decision-making and, as such, served as a forum for developing countries to participate in the harmonization, unification and modernization of international trade law.

16. The Commission's success was therefore linked to its inclusive nature and to the interest of all peoples, particularly in developing countries, in improving conditions for the broad development of international trade. Its current structure, composition and inclusive working methods ensured the harmonization, unification and progressive development of international trade law, respect for the principle of the sovereign equality of States and worldwide acceptance of the texts issued by the Commission.

17. CELAC welcomed the finalization of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation, the adoption of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, the adoption of the UNCITRAL Legislative Guide on Key Principles of a Business Registry as part of its work on micro, small and medium-sized enterprises and the adoption of the Model Law on Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment. They would help to strengthen the legal framework, duly harmonized in each respective area.

18. CELAC noted the priority given by the Commission to the proposal to develop an instrument on cross-border issues related to the judicial sale of ships and agreed that work should begin on expedited commercial arbitration. It reiterated its support for the work of Working Group III, entrusted with the study of the reform of the investor-State dispute settlement system, which represented a commendable contribution to the codification and development of international trade law and welcomed the approach it had adopted in its first year to identifying and considering investor-State dispute settlement concerns.

19. CELAC wished to reiterate that the challenges regarding the codification of international trade law were increasing, and the volume and the characteristics of commerce at the global level were undergoing constant change, owing to incessant technological development and the diversification of commercial activities. The Commission's codification work must keep pace with such change. Every single advance in that area contributed to the establishment of clear rules that facilitated the exchange of goods and services.

20. CELAC strongly supported the work of the Commission and appreciated the efforts of its members

to achieve the objectives it had set. The States members of CELAC participated actively in working groups and plenary meetings of the Commission, as members or observers. Since such participation entailed significant effort, they once again stressed that the current system whereby meetings were held alternately in Vienna and New York should be maintained, since it provided a valid alternative for delegations without diplomatic representation in Austria. Although CELAC recognized the Organization's budget constraints, efforts to facilitate broad participation by member States would help to ensure rich debates and substantive outcomes.

21. Bearing in mind the 2030 Agenda for Sustainable Development, especially the targets relating to Sustainable Development Goal 16, CELAC reiterated its commitment to supporting the work of the Commission.

22. **Ms. Gauci** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro and Serbia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia and Ukraine, said that traditional investor-State dispute settlement presented many challenges and should be reformed; many countries were already taking action to do so. A multilateral approach appeared best suited to addressing all the issues at stake.

23. The Commission's work on identifying underlying issues and concerns with the current system was encouraging and should be continued under the mandate given to Working Group III. Considering the significant advantages that UNCITRAL presented in terms of transparency, openness and accessibility, the European Union and its member States called on all countries, international organizations and observers to participate actively in the discussions. The European Union had contributed to the Trust Fund for Granting Travel Assistance to Developing States Members of UNCITRAL in an effort to make the process as inclusive as possible; it encouraged other actors to make similar contributions. With the active engagement of all countries and interested organizations, the European Union and its member States continued to hope that a satisfactory outcome could be reached in a reasonably timely manner.

24. **Ms. Kalb** (Austria) said her delegation commended the Commission for its achievements so far in a variety of areas of international trade law, including its work on conventions, model laws, legislative guides and other texts. The Commission had succeeded in harmonizing and modernizing the legal framework for the facilitation of international trade and investment in

an increasingly interdependent world. In the current year, the Commission had finalized the United Nations Convention on International Settlement Agreements Resulting from Mediation, which it had commended to the General Assembly for adoption. Austria was grateful to Singapore for offering to host the signing ceremony in August 2019.

25. Austria commended the Commission for completing its work on the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments, including its guide to enactment, and, within the framework of its work on micro, small and medium-sized enterprises, the UNCITRAL Legislative Guide to Key Principles of a Business Registry. It also commended the Commission for the progress it had made in other areas of work, in particular on possible investor-State dispute settlement reform. Austria attached great importance to that topic and, as a State member of the European Union, supported that process within the framework of the Commission, which had again and again proved to be a transparent and open forum capable of meaningfully addressing challenges and concerns in a consensual manner.

26. Austria also welcomed discussions on enhancing the efficiency of the Commission's work, including on the length and preparation of its sessions and allocation of topics to different working groups in order to make the best possible use of the time available.

27. Strengthening the rule of law through the efforts of the Commission and its secretariat was essential for achieving the Sustainable Development Goals. Austria therefore strongly supported the Commission's work on technical cooperation and assistance in the field of international trade law reform and development. It recognized the need to strengthen support for States, upon their request, in the fulfilment of their respective international obligations through enhanced technical assistance and capacity-building. It welcomed the Secretary-General's efforts to ensure greater coordination and coherence between United Nations entities and donors and recipients.

28. Austria was pleased to again serve as coordinator for the General Assembly resolutions on the Commission in the Sixth Committee. The previous week, the draft resolutions had been circulated to Member States and uploaded on the e-deleGATE portal. Delegations wishing to join the sponsors of the omnibus resolution on the Commission would have the opportunity to sign the list on the e-deleGATE portal.

Austria encouraged many delegations to do so and to show their support for the valuable work of the Commission.

29. **Mr. Horna** (Peru) said that the Commission's efforts to modernize and harmonize international trade law facilitated the promotion of domestic and foreign transactions for the furtherance of economic, political and social development. Peru reaffirmed its interest in the topics entrusted to the various working groups and noted in particular the progress made by Working Group I (Micro, Small and Medium-sized Enterprises). It appreciated the efforts made to reduce the legal obstacles to the registration of such enterprises and wished to highlight the recent adoption of the UNICTRAL Legislative Guide on Key Principles of a Business Registry.

30. Peru was continuing to follow closely the work of Working Group III on possible investor-State dispute settlement reform, in view of its experience and the continuous growth of private investment in telecommunications, mining and energy in the country. His delegation looked forward with particular interest to the Working Group's deliberations at its forthcoming meeting in Vienna on possible options for such a reform, having regard to the information provided concerning uniformity of the outcome of the settlement, including its consistency, predictability and correctness; arbitrators and decision-makers; and the cost and duration of the settlement procedure. Peru reaffirmed the desirability in that regard of establishing an advisory centre on investor-State dispute law, similar to the Advisory Centre on World Trade Organization Law. His delegation supported the continued organization of intersessional events in the various regions, to help keep the different regional actors informed, particularly those unable to attend meetings in New York or Vienna.

31. With the constant growth in electronic commerce, the work of Working Group IV was of particular relevance. For that reason, Peru, while recognizing the progress achieved, reiterated its readiness to share its own experience, including with regard to the introduction, by its National Civil Status Identification Registry, of digital identification and electronic data transfer.

32. Peru reaffirmed its commitment to promoting the rule of law and to promoting the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16, which should be taken into account in determining future topics for the Commission's programme of work.

33. **Mr. Machida** (Japan) said that Japan recognized the importance of reducing legal difficulties faced by

micro, small and medium-sized enterprises throughout their life cycles, particularly in developing economies. It welcomed the substantive deliberations in Working Group I (Micro, Small and Medium-sized Enterprises), to which it would continue to contribute through its corporate experts in that field. It was pleased to note the finalization and adoption of the UNICTRAL Legislative Guide on Key Principles of a Business Registry. It looked forward to the completion of the Working Group's current work on an UNCITRAL limited liability organization and the note by the Secretariat on adopting an enabling legal environment for the operation of micro, small and medium-sized enterprises (A/CN.9/941), and to the adoption of the instrument during the next session of the Commission.

34. Working Group II (Dispute Settlement) had handled well the challenging topics relating to the enforceability of settlement agreements resulting from mediation. Japan welcomed the finalization and adoption of the United Nations Convention on International Settlement Agreements Resulting from Mediation and the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation and hoped that the Working Group would progress in its future work on arbitration.

35. His delegation hoped that Working Group III (Investor-State Dispute Settlement Reform) would follow the work sequence stipulated in its mandate without prejudice to the final outcome and would conduct discussions in an inclusive manner. The work of the Commission should be based not on perceptions or impressions regarding investor-State dispute settlement but on the facts relating to the current investment arbitration system.

36. Japan recognized the importance of the current work of Working Group IV (Electronic Commerce) on the topics of identity management and trust services, and cloud computing, to support online digital transactions in international trade, and hoped it would continue to pay due attention to technological neutrality as it progressed in its work.

37. Japan congratulated the Commission on its finalization and adoption of the Model Law on the Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment. His delegation understood that Working Group V (Insolvency Law) was continuing its deliberations on addressing the cross-border insolvency of enterprise groups; the obligations of directors of enterprise group companies in the period approaching insolvency; and the insolvency of micro,

small and medium-sized enterprises. It looked forward to further progress in future discussions.

38. Japan look forward, lastly, to the completion of the current work of Working Group VI (Secured Transactions) on a practice guide to the UNCITRAL Model Law on Secured Transactions and to the adoption of the instrument during the next session of the Commission. As a member of the Commission since its inception, Japan would continue to participate actively in its work.

39. **Ms. Ponce** (Philippines) said that her Government supported a fair, stable and predictable legal framework propitious to inclusive, sustainable and equitable development, economic growth and employment. It was committed to supporting the role played by the Commission in promoting the rule of law in the global development agenda, particularly in the areas of international trade, financing and investments. The Philippines welcomed the adoption of the United Nations Convention on International Settlement Agreements Resulting from Mediation, which complemented the existing legal framework for international mediation and was of much value in the fair and efficient settlement of disputes arising in international commercial relations. Her delegation welcomed the offer by Singapore to host the signing ceremony for the Convention and supported the naming of the Convention as the “Singapore Convention on Mediation”. It also took note of the finalization and adoption of amendments to the UNCITRAL Model Law on International Commercial Conciliation.

40. Her delegation commended the progress made by Working Group I. In the Philippines, small entrepreneurs were recognized to be major drivers of the economy and small and micro, small and medium-sized enterprises accounted for 99 per cent of business establishments, generated a total of 4.8 million jobs, contributed almost 63.3 per cent of total jobs generated by all types of business establishments and 35.7 per cent of total gross domestic product. They needed to be assisted and to be made globally competitive. Her delegation therefore welcomed the finalization of the UNICTRAL Legislative Guide on Key Principles of a Business Registry, particularly the provisions on equal rights of women to access the registration services of the business registry and the acknowledgment that States needed to institute policies to collect anonymized, sex-disaggregated data for business registration on a voluntary basis through the business registry, to allow gender-neutral business registration frameworks to be established. The adoption of the Guide was timely for the Philippines, since it had recently passed the Ease of

Doing Business and Efficient Government Service Delivery Act.

41. The Philippines continued to be engaged in the work of Working Group III on possible investor-State dispute settlement reform. Notwithstanding the Working Group’s mandate to focus on procedural aspects rather than on underlying investment protection standards, a balance must be struck in any such reform between the rights and obligations of States and those of investors.

42. The Philippines continued to support the mandate given to Working Group IV to begin consideration of the topics of identity management and trust services, and cloud computing and looked forward to the pilot online tool containing draft notes on the main issues of cloud computing contracts.

43. The Philippines reaffirmed its support for the UNCITRAL Regional Centre for Asia and the Pacific and, as one of the original signatories, joined in the celebration of the sixtieth anniversary of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), whose enduring success boded well for the matters under consideration by the Commission.

44. **Mr. Khng** (Singapore) said that the Commission had made great strides in fulfilling its important mandate to progressively harmonize and modernize the law of international trade and, in the past year, had completed work on a significant number of substantive documents. That was encouraging and promising and augured well for the future. Singapore appreciated the Commission’s recent work as further valued contributions to advancing the rule of law, which had direct impacts on the everyday lives and transactions of people and businesses.

45. Singapore was honoured to be associated with the draft United Nations Convention on International Commercial Settlement Agreements Resulting from Mediation and looked forward to welcoming everyone for the signing ceremony on 7 August 2019 and for other events relating to the Convention and the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, to be held in conjunction with the signing ceremony.

46. Mediation had advantages over adversarial forms of dispute resolution, which it complemented, as it could lead to mutually acceptable solutions and preserve commercial relationships, while saving time and costs. The Convention, in particular, would add to the attractiveness of mediation and would provide an efficient and effective international framework for the

enforcement of settlement agreements resulting from mediation of commercial disputes. As a binding international instrument, it would also bring added certainty to that framework. Uncertainty in international enforceability of such agreements had previously been the major disadvantage of mediation as compared with international arbitration. Should it be widely adopted, mediation could be expected to be regarded by businesses as having parity with arbitration as a preferred means of settling cross-border commercial disputes. That would serve to facilitate global trade and commerce and thereby benefit the global economy. Singapore therefore called on all States to give serious consideration to becoming parties thereto. The Convention could become for mediation what the New York Convention was for arbitration.

47. Singapore welcomed the completion of the work on the Model Law on the Recognition and Enforcement of Insolvency-related Judgments and its guide to enactment, both of which would complement the UNCITRAL Model Law on Cross-Border Insolvency and could be instrumental in reducing uncertainty in the enforceability of insolvency-related judgments. The completion of the UNICTRAL Legislative Guide on Key Principles of a Business Registry was also notable, setting out, as it did, important recommendations that might be useful to policymakers, particularly in developing countries, when reforming laws to facilitate and promote the registration of businesses. The practical benefits of an improved framework for registration would be particularly significant for developing countries and micro, small and medium-sized enterprises.

48. Singapore was closely following the work of Working Group III (Investor-State Dispute Settlement Reform) and would continue to play a constructive part in it. On future work, having previously referred to the need to avoid being restricted to subject matter covered by the six specialized working groups, his delegation welcomed the decision to give priority to work on cross-border issues related to the judicial sale of ships.

49. Singapore remained a committed supporter of the Commission and would continue to contribute to its work in the harmonization and modernization of the law of international trade.

50. **Mr. Umasankar** (India) said that the legal texts and model laws developed by the Commission were of practical value for individuals, corporations and States; they would be instrumental in the establishment of alternative mechanisms of amicable dispute settlement and also contribute to the development of international trade and related areas. His delegation commended the Commission for finalizing and adopting the draft United

Nations Convention on International Settlement Agreements Resulting from Mediation as well as the amendments to the UNCITRAL Model Law on International Commercial Conciliation. It also welcomed the finalization and adoption of the UNICTRAL Model Law on the Recognition and Enforcement of Insolvency-related Judgments and its guide to enactment, both of which would boost international trade and investment and help to harmonize legislation on cross-border insolvency, while respecting the national procedural and judicial systems of States with different legal and economic systems.

51. Noting that Working Group III (Investor-State Dispute Settlement Reform) had benefited in its work from the wide participation of States and intergovernmental organizations and also from information provided by various stakeholders, he said that, notwithstanding the legal and practical challenges, India looked forward to the deliberations on the proposed reforms to ensure a fair, legitimate and self-contained dispute settlement system. His delegation welcomed the broad discretion given to Working Group VI in determining the scope and structure of the draft practice guide to the UNCITRAL Model Law on Secured Transactions. The guide would be beneficial for the parties to transactions, judges, arbitrators and regulators who would need guidance with respect to contractual, transactional and regulatory issues, as well as issues relating to the financing of micro businesses.

52. India reiterated the importance of technical cooperation and assistance to developing countries, specifically in matters relating to the adoption and use at the national level of texts adopted by the Commission. It encouraged the Secretariat to continue to provide such assistance as broadly as possible and to improve its outreach, in particular to developing countries.

53. **Mr. Cuellar Torres** (Colombia), referring to the work on investor-State dispute settlement reform, said that it was important for Working Group III to discharge its mandate strictly and efficiently, allowing all countries to express their views, but without unnecessary delay. In the first stage of its discussions, it had sought to identify and consider concerns regarding investor-State dispute settlement, which had already been addressed in the Commission's first two sessions on the topic. Colombia would continue to participate diligently in the second stage, in which the need for reform would be assessed in the light of the concerns identified and solutions would be developed.

54. In the Working Group's discussions, the incoherence of arbitral awards had been recognized and, consequently, the inconsistency and unpredictability of

the arbitral process. It had likewise been recognized that there were few mechanisms to ensure that arbitral awards were well-founded, including early dismissal mechanisms that would address unfounded claims and mechanisms that would allow for counterclaims or appeals.

55. The ways in which arbitrators were selected by the parties and the repercussions that had on the impartiality and independence of awards, the lack of transparency of arbitral procedures and the increase in their duration and costs were also problems that could not continue to be ignored by the international community. It had to be recognized that such problems undermined the legitimacy of the investor-State dispute settlement system and hence the extent to which States could trust it. The question was how long an unviable system could be endured. The problems were not minor ones and could not be solved bilaterally or by merely procedural reforms. They were structural and required comprehensive solutions that would make it possible to restore the balance between the rights and obligations of States and standards of protection accorded to investors, so as to limit the proliferation of frivolous, meritless claims and ensure coherence and consistency in arbitral awards.

56. **Mr. Varankov** (Belarus) said that his delegation welcomed the completion of work on the draft United Nations Convention on International Settlement Agreements Resulting from Mediation and the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation. Mediation was used ever more frequently in international and national contexts as an alternative to arbitral or judicial proceedings, because it enabled the parties to settle a dispute without disrupting their commercial relations and to do so quickly and inexpensively.

57. With regard to investor-State dispute settlement reform, it was necessary to reach an understanding with regard to the procedures followed by the arbitral or judicial body, its jurisdiction, the appeals mechanism, if any, the applicable rules and the selection and appointment of arbitrators. His Government supported the work of Working Groups II and III and looked forward to hosting, together with the Commission, a regional conference on international arbitration and mediation in Minsk in December 2018. The event would also serve as an opportunity to discuss the implementation of the New York Convention on the occasion of its sixtieth anniversary.

58. Turning to the UNCITRAL Legislative Guide on Key Principles of a Business Registry, he noted that the

effective use of business registries helped to streamline access to business information, facilitated the search for potential business partners, clients and sources of finance, and reduced risks when entering into business partnerships. The laws of Belarus regulating State registration of legal persons were already aligned with the principles set out in the Guide. Using the country's simple, efficient and inexpensive one-stop shop registration system, businesses were able to complete registration in just one day after submitting only three documents to the registering authority. The registration and deregistration of a business could be completed electronically using the open-access web portal of the unified State register of legal persons and sole traders.

59. The UNCITRAL Model Law on the Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment should be useful to Belarus in cases involving bankruptcies of foreign debtors, in which it was difficult to enforce arbitral awards in favour of Belarusian companies. More generally, greater cooperation between courts in different jurisdictions on matters relating to cross-border insolvency would promote fair business relationships.

60. His delegation greatly valued the work of national correspondents and the Commission's secretariat with regard to the CLOUT system, which was a convenient and effective tool for exchanging best practices and sharing knowledge. The Commission also played an important role in promoting the rule of law at the national and international levels through its work in the areas of international and regional commercial dispute settlement, compliance with international legal obligations, the development of instruments to regulate international trade and the sharing of experience and best practices. The Commission had carried out important work in producing authoritative international regulatory instruments – both treaties and soft-law instruments – in the field of international trade, which was constantly evolving and thus required a concerted response from States. The success of the Commission and of its legal standards was largely due to its depoliticized nature and the high level of its expertise, which should serve as an example for other multilateral forums.

61. **Ms. Yvard** (Thailand) said that the Commission played an important role in harmonizing and unifying international trade law, which helped to promote international trade and investment. Thailand had accordingly participated actively and continuously in the Commission's sessions and all its working groups and would continue to do so with the same commitment. It welcomed, in particular, the finalization of the draft United Nations Convention on International Settlement

Agreements Resulting from Mediation, which would make it easier for businesses to enforce mediated settlement agreements and improve cross-border trade.

62. Thailand was keenly interested in the work of Working Group III and welcomed the recent initiative of the UNCITRAL Regional Centre for Asia and the Pacific to organize the first intersessional regional meeting on investor-State dispute settlement reform, at which high-level government officials and other relevant stakeholders in the region had been able to discuss related issues. At the Working Group's thirty-fifth session, her Government had submitted a paper highlighting the various challenges faced by developing countries, including her own, in investor-State dispute settlement proceedings. Her delegation was pleased that many of its concerns were reflected in the recent working papers prepared by the Secretariat and looked forward to discussing the issues raised at the forthcoming session of the Working Group.

63. For the Commission to be successful, it needed to continue engaging with all relevant stakeholders and work closely with other United Nations bodies in mainstreaming the Sustainable Development Goals in its activities. At the same time, it needed the support and participation of all countries. Thailand, for its part, would continue to support and contribute to all the Commission's current and future work.

64. **Mr. Arrocha Olabuenaga** (Mexico) said that Mexico had made a solid and continuous contribution to the Commission's work to further the codification and progressive development of international law, which was one of its main foreign policy goals. His delegation had made every effort to share his country's foreign trade experience both at home and abroad as inputs in the work towards the adoption of international instruments, including conventions, model laws and legislative guides. Since becoming a member of the Commission, in 1968, Mexico had always included in its delegation high-level independent legal experts committed to the development of the normative framework for international trade law. Mexico had also developed its domestic laws to bring its normative framework for trade in line with the international standards set by UNCITRAL legal instruments. It had acceded to four conventions and had used four model laws as a basis for the adoption and reform of its secondary trade laws.

65. In the light of the broad experience of Mexico as a member of the Commission, his delegation called on States members of the Commission to support its candidacy for membership for the period 2019–2025, to

enable it to continue to contribute to the Commission's work.

66. Mexico remained committed to assisting in the updating of the Case Law on UNCITRAL Texts (CLOUT) system through the collection of judicial decisions and arbitral awards by its three national correspondents, who were recognized Mexican jurists with considerable experience in matters of trade and was thereby helping to ensure the correct interpretation and implementation of the conventions, model laws and other texts adopted by the Commission.

67. As part of the Commission's efforts to advance the progressive development of international trade law, the Commission had made a commendable effort to modernize its working methods by adopting non-binding instruments, which currently consisted of 12 model laws, eight legislative guides and one recommendation. Such soft law promoted greater implementation of the Commission conventions in the normative systems of States, thereby contributing to the unification and harmonization of international trade law. The Commission was likewise to be commended for its collaboration with the Hague Conference on Private International Law and the International Institute for the Unification of Private Law (UNIDROIT) in the development of initiatives to advance international trade law. Mexico also recognized and supported the work of the Secretariat in publishing the Commission's documents and reiterated the importance of their continued publication in the six official languages of the United Nations.

68. **Ms. Seiferas** (Israel) said that the Commission's hard work and professionalism over the past year had resulted in the completion of its work on a number of instruments. Her delegation welcomed the Commission's intention to request the Secretariat to conduct the next session in a more streamlined manner in order to increase participation by government representatives, as suggested by Israel and a number of other delegations.

69. Her delegation had been highly involved in the efforts of Working Group II to negotiate the text of the newly approved draft United Nations Convention on International Settlement Agreements Resulting from Mediation and was pleased with the outcome. If ratified on a global scale, the draft Convention could contribute significantly to the promotion of the rule of law in international trade. Regarding the work of Working Group V, the finalization of the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments was a milestone in the Commission's work on cross-border insolvency. Israel had recently adopted

the UNCITRAL Model Law on Cross-Border Insolvency, which would likely contribute to the further development of the country's insolvency regime in the light of the increasing participation of Israeli companies in global trade.

70. Her delegation welcomed the diligent efforts of the recently appointed Secretary of the Commission to revitalize the work of the Commission, her focus on information technology-related issues such as cloud computing and identity management, and her initiative to develop online tools to expand the global reach of UNCITRAL texts. Israel would continue to participate in the various working groups and in the development of new instruments to promote multilateral legal frameworks for cooperation on international trade.

71. **Ms. Rivera Sánchez** (El Salvador) said that El Salvador had been a member of the Commission since 2007. During that time, its delegation had demonstrated its commitment to the Commission's mandate and participated as actively as possible in the preparation and promotion of its legislative and non-legislative texts on various aspects of international trade law, which were of interest to all States, in particular developing countries.

72. Trade, industry and service delivery represented a heritage that must be protected, promoted and developed. Her delegation recognized the relevance of the work of the working groups in that regard and welcomed the adoption of the UNCITRAL Legislative Guide on Key Principles of a Business Registry, the draft United Nations Convention on International Settlement Agreements Resulting from Mediation, the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, and the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment.

73. Lastly, her delegation fully supported the efforts of the Commission, the Secretariat and Member States to reduce the legal obstacles to the Commission's work. Although El Salvador would cease to be a member of the Commission in 2019, it would continue to support the implementation of its mandate and actively collaborate in the codification and progressive development of international trade law.

74. **Ms. Melikbekyan** (Russian Federation) said that her country highly valued the Commission's contribution to international economic cooperation and the development of private international law. It was party to a number of international agreements elaborated by the Commission and had used the Commission's texts in the enhancement of domestic laws.

75. Her delegation was satisfied with the adoption of the Legislative Guide on Key Principles of a Business Registry. It also looked forward to the Commission's future work on standards aimed at reducing the number of legal barriers with which micro, small and medium-sized enterprises were faced, including the draft legislative guide on an UNCITRAL limited liability organization. She welcomed the finalization and approval of a draft United Nations Convention on International Settlement Agreements Resulting from Mediation and the adoption of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation.

76. With regard to investor-State dispute settlement reform, her Government stressed the need for a cautious and balanced approach that was based on a broad consensus and an objective analysis of existing mechanisms and regional approaches to regulation. Working Group III should continue its consideration of the topic, taking into account the concerns of States and examining ways of improving existing mechanisms. However, it would be premature, before the completion of the appropriate analysis, to work on proposals to establish any new international bodies, including judicial bodies, for the purpose of investor-State dispute settlement.

77. Working Group IV (Electronic Commerce) should continue to examine the legal aspects of identity management and trust services on the basis of the existing road map. In the light of rapid digital transformation, the Working Group should take best practices into account, particularly in view of the potential consideration by the Working Group of issues relating to effective legal protection of cross-border electronic interaction.

78. The Russian Federation welcomed the adoption of the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-related Judgments and its guide to enactment and hoped that Working Group V would have similar success in drafting model legislative provisions on civil asset tracing and recovery. Her Government also viewed with interest the proposal to develop solutions to issues facing micro, small and medium-sized enterprises in the context of insolvency.

79. Her Government looked forward to the early completion by Working Group VI of a draft practice guide to the UNCITRAL Model Law on Secured Transactions, which would assist parties to secured transactions, third parties affected by such transactions, judges, arbitrators and academics in the interpretation

and application of laws adopted on the basis of the Model Law.

80. **Mr. Saleh** (Libya) said that his delegation attached considerable importance to the Commission, which played a prominent role in strengthening the rule of law in the area of trade and sustainable development at the national and international levels. The Commission's six working groups had made significant progress, and action had been taken to develop international economic relations and provide technical assistance with a view to developing commercial legislation, particularly in developing countries. His delegation encouraged Member States to donate to the UNCITRAL Trust Fund.

81. The growth and complexity of international trade, the communications revolution and the acceleration of capital flows made it essential to develop an international arbitration mechanism. His delegation therefore welcomed the finalization and adoption of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation and the draft Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation. The Commission should remain open to all initiatives aimed at promoting legal instruments in the area of international trade.

82. **Mr. Al-Bushra** (Sudan) said that his delegation welcomed the finalization of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation. The adoption of such a convention would complement the current legal framework and help to establish harmonious international economic relations. His delegation also welcomed the adoption of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation.

83. In 2018, his country had ratified the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) and incorporated it into its domestic legal order, such that the decisions of international arbitrators could be enforced in the Sudan. His delegation was grateful for the Commission's support in promoting implementation of the Convention and developing a legal framework that would be acceptable to investors and trade partners and inspire confidence and legal certainty in the Sudan.

84. **Mr. Kai-Kai** (Sierra Leone), commending the progress made by the working groups, said that the finalization of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation and the adoption of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from

Mediation were laudable accomplishments. It would be appropriate for the General Assembly to adopt those instruments, given their clear connection to the New York Convention. The collective effect of those three instruments would be enhanced legal certainty in global business operations. Sierra Leone intended to work diligently towards ratifying the New York Convention and signing the future United Nations Convention on International Settlement Agreements Resulting from Mediation as part of its effort to develop a robust national climate for business and investment. The link between the Commission's work and efforts to the achievement of the Sustainable Development Goals was far from abstract.

85. His delegation congratulated the Commission on the finalization and adoption of the UNICTRAL Legislative Guide on Key Principles of a Business Registry and noted that Working Group I would resume work on an UNCITRAL limited liability organization. It was important to consider how to minimize the barriers to international trade faced by micro, small and medium-sized enterprises by affording them limited liability protection while also combating the prevalent use of such protection by parent entities of multinational corporations or businesses to shield themselves from the liabilities of their subsidiaries. That issue was weighing increasingly heavily on developing countries, and there was huge uncertainty in domestic legal systems on how it should be addressed. The Commission was the body best placed to provide the global drive required to tackle the matter.

86. His delegation commended the Commission's provision of technical assistance to Member States, its commitment to law reform and its work on the rule of law. However, the creeping proliferation of reform models and approaches was creating superfluity and confusion. For example, the UNCITRAL Model Law on Secured Transactions was currently competing with a secured transactions toolkit and a legislative framework for borrowers and lenders being developed and promoted by specialized agencies within the United Nations system. Competing models within the United Nations system hindered the progressive harmonization of the law of international trade. The Commission would do well to better target its reform efforts by coordinating proactively with other entities.

87. His delegation supported the working methods of the Commission and welcomed its desire to gather a diverse range of views, perspectives and comments, including from non-State actors. However, the challenges faced by small and developing States wishing to contribute to the Commission's debates were well documented, and paragraph 5 of the Commission's

report (A/73/17), containing a list of members that had not been represented at the Commission's session, was very revealing in that regard. To achieve its aim of promoting international trade through the progressive harmonization and unification of the normative frameworks of States, in the interests of all peoples, and particularly those of developing countries, the Commission must seek to hear the broadest range of views from around the world and refrain from showing preference to a particular paradigm, perspective or system. That would not be possible if the participation of certain States was limited by their lack of financial resources.

88. The member States were the true "shareholders" of the Commission and none should be prevented from attending the Commission's meetings, but some members would never be able to attend unless an adequate approach was taken to the financing of participation. His delegation commended the Commission for its management of the UNCITRAL Trust Fund and appreciated the voluntary contributions that had been made to it to ensure broader State participation in the consideration of investor-State dispute settlement reform. That approach should become systematic, in order to consolidate the multilateral approach to the progressive harmonization of international trade law. His delegation was also encouraged by the commitment of Cameroon to hosting an UNCITRAL regional centre for Africa and fully supported that proposal, as a regional approach could also help to promote active participation of all members in the work of the Commission.

89. **Mr. Nyanid** (Cameroon) said that the Commission's work had helped to make international trade much more secure in recent years. That progress had continued at the Commission's fifty-first session with the approval of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation and the adoption of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, among other texts. States that did not wish to sign the Convention at the signing ceremony in 2019 should take the Model Law into account when adopting or amending their relevant domestic legislation. With regard to the Commission's consideration of issues concerning micro, small and medium-sized enterprises, the types of businesses referred to in the newly amended and adopted UNCITRAL Legislative Guide on Key Principles of a Business Registry were the same as those eligible for registration in the Trade and Personal Property Credit Register of the Organization for the Harmonization of

Business Law in Africa (OHADA), of which Cameroon was a member. Cameroon was also pleased to have been a party since 1988 to the New York Convention, which had made a strong contribution to the development of international trade by facilitating the recognition of arbitral awards granted in international disputes.

90. With respect to the adoption of the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments and the Commission's recommendation that States give favourable consideration to the Model Law in their national legislation, he wished to highlight that the provisions concerning collective insolvency proceedings contained in the OHADA Collective Proceedings for Settlement of Liabilities Uniform Act, which had been amended in 2015, were compatible with the provisions of the Model Law.

91. Cameroon remained willing to host an UNCITRAL regional centre for Africa, and his delegation supported the Commission's request for additional human resources to enable the Secretariat to establish the centre. Cameroon had demonstrated its commitment to the Commission's work by promoting its instruments and chairing the forty-ninth session. Its recent ratification of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (Mauritius Convention) further demonstrated its commitment to the ideals of the Commission.

92. **Ms. Nguyen Quyen Thi Hong** (Viet Nam) said that the success of her country's trade and economic development was the result of its tremendous efforts to develop a national legal framework that was in line with international standards and good practice while promoting trade, foreign investment and the operation and development of businesses, in particular small and medium-sized enterprises. Her delegation therefore welcomed the adoption of the UNCITRAL Legislative Guide on Key Principles of a Business Registry.

93. With the approval of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation and the finalization and adoption of amendments to the UNCITRAL Model Law on International Commercial Conciliation, the Commission had established a legal framework for giving effect to international settlement agreements and sent a strong message of encouragement to the commercial mediation community. Her delegation would fully support the endorsement of the draft Convention by the Sixth Committee, in line with her Government's position that all disputes should be resolved through peaceful means in accordance with international law. Viet Nam also fully supported the

organization of a ceremony for the signing of the Convention in Singapore and the proposal that the Convention be referred to as the “Singapore Convention on Mediation”.

94. Foreign direct investment in Viet Nam, which in 2017 had reached nearly \$39 billion, had greatly contributed to the country’s socioeconomic growth. Her delegation had therefore followed with keen interest and contributed actively to the work of Working Group III, which concerned investor-State dispute settlement reform. The ultimate aim of the Working Group’s deliberations should be not only to determine whether and how the system should be reformed but also to encourage more responsible investment and contribute to sustainable development. The current investor-State dispute settlement system should be changed to achieve a more appropriate balance between the protection of foreign investors and the preservation of the policy space of the host State.

95. Since its establishment, the Commission had prepared and promoted many significant universal conventions that had had a significant impact on the development of global trade. The Commission’s numerous model laws, rules and guidelines had also become a reference for many States in the drafting of their domestic legislation, which was helping to create a harmonized legal framework and reducing legal obstacles to the development of international trade and investment. The Commission had established itself as a key player in the harmonization and unification of international trade law and had drawn government representatives, academics and legal experts from around the world into discussions on the issues on its agenda.

96. Her country was seeking election to the Commission for the first time for the term 2019–2025. Viet Nam was a developing country that had carried out economic reform and achieved remarkable progress in its socioeconomic development. It also had extensive experience in building a legal framework to facilitate the development of trade and international economic integration. Her delegation would therefore be able to make an important and valuable contribution to the Commission’s efforts to promote fair and equitable international trade and the implementation of the 2030 Agenda for Sustainable Development.

97. Ms. Cerrato (Honduras) said that her delegation greatly appreciated the substantive work of the Commission and had participated actively in its work since 2008. The Commission had undertaken important work on traditional arbitration and conciliation; moreover, its work on online dispute resolution had

assumed particular significance in the context of globalization. Her delegation welcomed the approval of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation and the adoption of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, the UNCITRAL Legislative Guide on Key Principles of a Business Registry, and the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment, which would contribute to the establishment of a modern legal framework, in particular in Latin American and Caribbean countries.

98. The draft Convention had been born of the recognition of the value of mediation in international trade, which was being used increasingly frequently as an alternative to judicial proceedings. Mediation had many benefits, such as decreasing the number of cases in which a dispute led to the termination of a trade relationship, facilitating the administration of international operations and reducing costs for national judicial systems. The establishment of a framework on international commercial settlement agreements resulting from mediation that was acceptable to States with different legal, social and economic systems would contribute to the development of harmonious international economic relations.

99. Honduras had been one of the first States to sign the United Nations Convention on the Use of Electronic Communications in International Contracts. At the national level, it had adopted laws on electronic signatures and e-commerce and other legal instruments based on UNCITRAL models.

100. In its efforts to improve its production infrastructure, Honduras had launched a national economic development programme through which it aimed to double private investment and employment by 2020 in strategic sectors of the economy. To that end, it was taking steps to accede to the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration so as to make Honduras even more attractive for foreign investment and thereby enable it to meet the Sustainable Development Goals.

101. **Ms. Abd Kahar** (Malaysia) said that her delegation congratulated the Commission on the adoption of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation, the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, the UNCITRAL Legislative Guide on Key Principles of a Business

Registry and the UNCITRAL Model Law on the Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment. Her Government had made an effort to promote the use of mediation, which was an effective means to settle peacefully many types of commercial dispute and would explore the possibility of adopting the new UNCITRAL instruments. Malaysia was proud to be a member of the Commission and would continue to participate actively in and contribute to its work, with a view to enhancing and strengthening that entity.

102. **Mr. Simcock** (United States of America) said that his delegation warmly welcomed the approval of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation, which should help to promote the use of mediation internationally in the same way that the New York Convention had helped to promote the use of arbitration. The UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation could serve as an alternative for States that did not become parties to the Convention.

103. His delegation also welcomed the adoption of the Model Law on the Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment. The Model Law would provide a framework for the cross-border recognition and enforcement of court judgments affecting insolvent companies and could thereby eliminate duplicative litigation and facilitate the efficient gathering of assets by insolvency administrators, which would in turn promote the reorganization of failing businesses or enable the maximum possible recovery by creditors in the event of liquidation.

104. The UNICTRAL Legislative Guide on Key Principles of a Business Registry would serve as a reference for Governments as they sought to reform laws to facilitate the establishment of new businesses. Legislative action based on the Guide was expected to make it easier for micro, small and medium-sized enterprises to access credit.

105. It was encouraging to note that the Commission continued to discuss various ways of improving its working methods and becoming even more efficient. Several valuable ideas had been discussed at the Commission's two most recent sessions, including the suggestion to restructure the Commission's work to enable States to discuss its overall work programme prior to the session and the idea of scheduling the finalization of instruments and the taking of decisions

on future work to coincide with one another in order to reduce travel by delegates.

106. His delegation looked forward to continuing its productive engagement with the Commission. The United States considered that the Commission's instruments helped to support stable and predictable legal outcomes for citizens and businesses and was consequently working towards becoming a party to four conventions developed by the Commission.

107. **Ms. Fernández Juárez** (Bolivarian Republic of Venezuela) said that her delegation welcomed the progress that had been made by all the working groups, which in some cases had resulted in the approval or adoption of useful texts, including the United Nations Convention on International Settlement Agreements Resulting from Mediation and UNICTRAL Legislative Guide on Key Principles of a Business Registry. However, Working Group II should continue its work on consistency and uniformity in arbitral awards and decisions, in order to resolve outstanding differences and obtain a result that was fair to all parties. Her delegation remained committed to working constructively and promoting an inclusive dialogue in each of the working groups, with a view to finding common solutions to hurdles in international trade and improving the rules and regulations of international trade law.

108. **Mr. Bawazir** (Indonesia) said that the Commission was instrumental in the promotion of sustainable economic growth, in particular owing to the support it provided for the implementation of the 2030 Agenda. The Commission had a key role to play in fostering the rule of law in commercial trade relations. In cooperation with Member States and regional organizations, it promoted the implementation of instruments designed to reduce barriers to trade, investment and other commercial relations. His delegation commended the efforts and contributions of the UNCITRAL Regional Centre for Asia and the Pacific in that regard.

109. His delegation welcomed the approval of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation and supported the recommendation that it be known as the "Singapore Convention on Mediation". It also welcomed the adoption of the UNICTRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation and the UNCITRAL Model Law on the Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment.

110. The finalization and adoption of the UNICTRAL Legislative Guide on Key Principles of a Business Registry was of particular interest to Indonesia, since micro, small and medium-sized enterprises served as the backbone of the country's economy. A cost-effective and efficient business registration system would facilitate the establishment of those businesses and help them access financial services.

111. His delegation welcomed the high level of interest of participants, observers, intergovernmental organizations and non-governmental organizations in the deliberations on investor-State dispute settlement reform. The Secretariat was to be commended for reaching out to all relevant stakeholders, including the United Nations Conference on Trade and Development, the World Trade Organization and the Permanent Court of Arbitration. Input from academics and practitioners would also be welcome in future discussions on striking a balance between the interests of States and those of investors. His delegation stood ready to share his country's experience of updating its bilateral investment treaties.

112. His delegation welcomed the Commission's intention to examine the topics of the judicial sale of ships and issues relating to expedited arbitration.

113. His country's membership in the Commission was due to expire in 2019, but it was convinced that it could continue to contribute substantially to enhancing the Commission's work for the benefit of all States, in particular developing and least-developed countries, and would therefore run for re-election for the term 2019–2025.

114. **Mr. Hwang** Woo Jin (Republic of Korea) said that the Commission's commemoration of the sixtieth anniversary of the New York Convention had provided a valuable opportunity to consider how the Commission had contributed to the successful development of the international arbitration framework.

115. The work of Working Group III on investor-State dispute settlement reform was of great importance. Representatives of States from various regions and experts from organizations such as the World Bank had gathered to discuss regional perspectives on investor-State dispute settlement at the inter-sessional meeting intersessional meeting of the Commission held in Incheon, Republic of Korea, in September 2018. A number of proposals made by participants would be submitted to the Working Group for consideration.

116. His country was honoured to host the UNCITRAL Regional Centre for Asia and the Pacific and had provided financial and human resources to help ensure

the efficient accomplishment of the Centre's functions. Since its establishment in January 2012, the Centre had contributed to discussions on the development and dissemination of UNCITRAL texts, primarily in the Asia-Pacific region, which had enabled the Commission to expand its influence in the region and better promote the study and dissemination of international trade law. His delegation welcomed the various activities of the Centre, which had been undertaken with the aim of providing capacity-building and technical assistance to States in the region and to support public, private and civil-society initiatives to enhance international trade and development. His Government would continue to support the operation of the Centre.

117. The Republic of Korea was also seeking re-election to the Commission, as it hoped to build on its past contributions in order to further promote the development and widespread implementation of international trade law.

118. **Ms. Gorasia** (United Kingdom) said that her delegation continued to support Working Group I and its efforts to develop standards which would reduce the legal obstacles faced by small businesses. With regard to the work of Working Group II, her delegation welcomed the adoption of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation and the draft United Nations Convention on International Settlement Agreements Resulting from Mediation and looked forward to the signing ceremony in Singapore.

119. Her delegation was pleased that the views of stakeholders had been taken into account by Working Group III in its work on investor-State dispute settlement and looked forward to further such engagement, including with the business community. The Commission's expertise and its ability to bring together a wide variety of stakeholders made it ideally situated to host discussions on that important issue. Her delegation also recognized the importance of the work of Working Group IV on verified electronic identity and strong authentication with regard to online digital transactions supporting international trade. The United Kingdom complied with the important new European Union regulations on electronic identification. Progress at the European Union and global levels was crucial for the development of digital trade.

120. Working Group V had made good progress on the development of legislative provisions for multinational enterprise group insolvency, and its work on insolvency-related judgments had culminated in the adoption of a Model Law and guide to enactment. Her delegation welcomed the Commission's decision to

allocate Secretariat resources to the preparation of a background study on asset tracing in the area of insolvency. It also looked forward to the conclusion of the work on multinational enterprise group insolvency and the commencement of deliberations on insolvency with respect to micro, small and medium-sized entities at the next two sessions of the Working Group.

121. Working Group VI had focused on the preparation of a practice guide to the UNCITRAL Model Law on Secured Transactions to help lenders and borrowers understand the transactions made possible by the Model Law and to guide regulators, judges and those involved in legal education on how to enable the Model Law to function in practice. It aimed to present the practice guide for adoption at the Commission's fifty-second session. Her delegation recognized the importance of an effective practice guide for the successful implementation of law reform based on the Model Law. She concluded by reiterating her delegation's commitment to the work of the Commission.

122. **Ms. Ighil** (Algeria) said that the Commission had achieved significant accomplishments in several areas of international law and was making an important contribution to the harmonization of international trade law, which in turn promoted the progressive development of international law and the rule of law at the national and international levels. It should be borne in mind that international trade was an important element in the promotion of friendly relations between States.

123. Her delegation commended the Commission for the recent adoption of key texts on dispute resolution, business registration and insolvency. It particularly welcomed the finalization and approval of the draft United Nations Convention on International Settlement Agreements Resulting from Mediation, which provided a framework for the efficient and peaceful resolution of disputes arising in international commercial relations. Her delegation also welcomed the offer by Singapore to host the signing ceremony in 2019.

124. Her delegation commended the Commission's work on micro, small and medium-sized enterprises, which had culminated in the finalization and adoption of the UNCITRAL Legislative Guide on Key Principles of a Business Registry. The adoption of the UNCITRAL Model Law on the Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment were also significant achievements. Algeria looked forward to participating in future discussions on expedited arbitration and issues related to the judicial sale of ships.

125. Her delegation had always participated actively in the Commission's work and had made particularly substantive contributions to the discussions on ethics in international arbitration and parallel arbitration in the context of Working Group III. Algeria stood ready to continue to support and engage constructively in the work of the Commission and, to that end, was seeking re-election to the Commission.

*The meeting rose at 12.50 p.m.*