

Address to the Sixth Committee of the General Assembly

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Chairperson of the Forty-eighth session of

United Nations Commission on International Trade Law

(UNCITRAL)

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I. INTRODUCTION

Mr. Chairperson and distinguished delegates of the Sixth Committee,

It gives me great pleasure to appear before you and the Sixth Committee to present the work carried out during the forty-eighth session of UNCITRAL, the United Nations Commission on International Trade Law, which took place in Vienna from June 29th to July 16th. It was a privilege for me to have been elected to chair this year's session.

Mr. Chairperson and distinguished delegates,

Undoubtedly, the highlights of the three-week session were the consideration and provisional approval of draft revised UNCITRAL notes on organizing arbitral proceedings, and of parts of a model law on secured transactions, topics on which I will expand a little later. Further, the Commission heard progress reports from the Working Groups, considered planned and possible future work, deliberated on the technical assistance and coordination activities carried out by its Secretariat and had a half day of discussion with respect to the role of the Commission in promoting the rule of law at the national and international levels.

Ladies and gentlemen,

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Rules of the United Nations should have been considered despite the fact that the Transparency Repository is to be fully funded by voluntary contributions.

On the positive side, I am pleased to report that the Secretariat had received confirmation from

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provide urgently needed assistance to States modernizing their secured transactions legislation with a view to potentially increasing access to lower-cost credit to the benefit in particular of developing economies and small and medium-size enterprises.

Planned and possible future work in the area of security interests

At its session this year, the Commission also decided that, as is common practice with model laws prepared by UNCITRAL, the draft Model Law should be accompanied by a guide to enactment. The main purpose of this guide to enactment should be to explain the thrust of each provision of the draft Model Law mainly for the benefit of national legislators considering the draft Model Law for implementation.

Coordination and cooperation in the area of security interests

With respect to coordination in the area of security interests, at its session this year the Commission also expressed its appreciation to the Secretariat and emphasized the need for the Secretariat to coordinate and cooperate with Unidroit, the World Bank Group, the European Commission, the Organization of American States and other international or regional organizations active in preparing legislation, assisting States in modernizing their legislation or developing local capacity in the area of security interests. For the Commission, this type of coordination and cooperation is extremely important to avoid duplication of efforts and conflicts but also to ensure that the work on security interests of the Commission is reflected to the maximum extent possible in the relevant texts of other organizations to further harmonization of international trade in this field.

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services and of mobile commerce. The Commission instructed the Secretariat to conduct preparatory work on those topics for future discussion at the Working Group level following

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As regards proposed activities other than legislative work, the Commission expressed its appreciation for the support activities described to it during its session, and requested the Secretariat to continue with those activities to the extent that its resources permitted.

35th Anniversary of the CISG

Pursuant to a request of the Commission, a number of events were organised in 2015 to celebrate the thirty-fifth anniversary of the United Nations Sales Convention. Moreover, a high-level panel on international sale of goods law was held during the Commission's forty-eighth session. The presentations and ensuing discussions at that panel and at other events

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mandate for the Commission to undertake technical assistance activities, stemming from numerous resolutions of the General Assembly. It was widely felt that the sustained ability to

issuing the document. Otherwise, the matter might need to be brought back to the Commission for consideration at its next session. We look forward to hearing your views on that matter.

UNCITRAL Regional Presence

Mr. Chairperson, distinguished delegates,

Since its establishment in 2012, the UNCITRAL Regional Centre for Asia and the Pacific has visibly supported trade law reforms in the region. It has provided technical assistance and capacity building ensuring legal uniformity and general economic stability, in close cooperation and coordination with other institutions active in trade law reform. The Commission recognized that the growing relevance of UNCITRAL-RCAP and its innovative approaches has promoted the harmonization and modernization of international trade law standards. This has been particularly noticeable in the context of regional economic integration and cooperation frameworks, with tangible actions being undertaken in relation to the ASEAN Economic Community, the APEC, the Gulf Cooperation Council and the South Asian Association for Regional Cooperation.

Such activities have progressively and consistently been contributing to an increase in the number of actions reported by States in the region in relation to the status of conventions and model laws, substantiating the key importance of active technical assistance, promotion and

Endorsement of texts of other organizations: Principles on Choice of Law in International Commercial Contracts

In response to a request by the Hague Conference on Private International Law to consider recommending use of its Principles on Choice of Law in International Commercial Contracts, the Commission recognized that the Hague Principles, as they are known, promote the principle of party autonomy and reinforce choice of law in international commercial contracts, thus complementing a number of UNCITRAL texts. The Commission, therefore, commended the use of the Hague Principles as appropriate, by courts and by arbitral tribunals; as a model for national, regional, supranational or international instruments; and to interpret, supplement and develop rules of private international law.

Coordination and cooperation

Mr Chairperson, distinguished delegates,

The UNCITRAL secretariat not only engages in technical assistance activities, but it is actively involved in initiatives of other international organisations in the field of international trade law. The Commission expressed appreciation for the increasing participation of the Secretariat in such initiatives and noted that coordination had been undertaken with organizations both within and outside the United Nations system. With the aim of sharing information and expertise and avoiding duplication of work, the Commission noted that the Secretariat had participated in expert groups, working groups and plenary meetings of Unidroit, the Hague Conference, UNCTAD, the World Bank 0 TD9OECe e CBe Org(a)-3.3()-2.niss of s3-3.3()-2.niss of s(i

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processes in promoting and advancing the rule of law. The conclusions reached by the Commission are at paragraphs 318 to 324 of the Commission's report.

The Commission reinforced its conviction, endorsed also by the General Assembly, that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels. It took note of the positive developments related to UNCITRAL in

VI. CONCLUDING REMARKS AND PROMOTION OF THE MAURITIUS CONVENTION

Concluding remarks

Mr. Chairperson, distinguished delegates,

UNCITRAL is the core United Nations body in the field of commercial law. For five decades, it has been committed to providing a legal environment that fosters international trade and commerce. The General Assembly has repeatedly acknowledged and reaffirmed UNCITRAL's impact on development, peace, and stability in the world through harmonization and modernization of international trade law. Over the years, UNCITRAL and its Working Groups have developed highly effective working methods and a negotiation culture that is both efficient and inclusive.

In this way, UNCITRAL has been faithfully pursuing the mandate of progressively

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Ensuring transparency in investor-State arbitration stems from the significance of investment as a tool for sustainable development, particularly for developing countries. Yet, it is also true that investor-State arbitrations are increasingly the subject of much public-interest attention across the Atlantic as well as the Pacific. In that context, I would strongly urge those States to consider signing and becoming parties to the Convention on Transparency in Treaty-based Investor-State Arbitration, which would support informed decision-making, meaningful public participation and fair outcomes in investor-State arbitrations.

After its adoption by the General Assembly last December, a signing ceremony for the Convention was held in Mauritius this March and currently 11 States have signed the Convention with Mauritius being the first State to ratify in June. As you may well know, the Convention provides States that wish to make the UNCITRAL Transparency Rules applicable to their existing treaties (almost three thousand investment treaties concluded before 1 April 2014), an efficient and flexible mechanism to do so. The UNCITRAL Transparency Rules, effective as of 1 April 2014, are procedural rules providing for a level of transparency in treaty-based investor-State arbitrations reflecting the important public interest in such disputes. The UNCITRAL Transparency Rules are innovative in balancing the public interest in an arbitration involving a State, and the interest of disputing parties for a fair and efficient resolution of their dispute.

Together with the Rules on Transparency, the Convention takes into the account both the public interest in such arbitration and the interest of the parties to resolve disputes in a fair and efficient manner. And thus I would strongly urge you to consider becoming party to the Convention.

Mr. Chairperson and distinguished delegates,

At this session, the General Assembly will agree on a new development agenda and take decisive action to set the world on a course for sustainable development. The promotion of sustained and inclusive economic growth is one of the overarching objectives of this transformative agenda. In that context, the pivotal role of trade has been widely recognized. Here is where I believe UNCITRAL may contribute, for example, in promoting an open, rules-based, non-discriminatory and equitable multilateral trading system. Just as UNCITRAL has been providing comments on its role in the rule of law context, I believe UNCITRAL must also readily answer how its work constructively supports the post-2015 agenda objectives. Its Working Groups also need to pay attention to the discussion underway in the General

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