

**Address to the Sixth Committee of the General Assembly**

**by Ms. Beate CZERWENKA (Germany)**

**Chairperson of the Fifty-first session of**

**15 October 2018**

**[I. INTRODUCTION]**

Mr. Chairperson, distinguished delegates,

It gives me great pleasure to present the work carried out during the fifty-first session of  
the United Nations Commission on International Law.

*[Finalization and adoption of a convention and model law on international commercial mediation]*

In the field of *dispute resolution*, UNCITRAL finalized the draft UN Convention on International Settlement Agreements Resulting from Mediation. The purpose of this convention is to allow parties to rely on a mediated settlement agreement and enforce it in a cross-border context according to simplified procedures. It contains reservations which will 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 offered to organize a ceremony for the signing of the convention, once adopted. The Commission gratefully acknowledged this

simultaneous registration with the business registry and other relevant public authorities (for

[REDACTED]

user procedures easy to follow. In keeping with this approach, the Guide supports, inter alia, the use of electronic registries and of unique business identifiers, as well as the establishment of one-

over 300 invited guests participated in fruitful discussions on the success of the New York Convention, which, to date, has been ratified by 159 States.

**[IV. INFRASTRUCTURE DEVELOPMENT AND PUBLIC-PRIVATE PARTNERSHIPS]**

Another topic dealt with by the Commission was the Legislative Guide on Privately Financed Infrastructure Projects.

As in 2017, UNCTAD had confirmed that the Secretariat should

update as necessary the 2009 UNCTAD Legislative Guide on Privately Financed

including intergovernmental and non-governmental organizations, an academic forum and a group of practitioners the Commission recalled that the process should be government-led with

high-level input from all governments. In that regard, the Commission expressed its appreciation for the contributions to the UNCITRAL Trust Fund from the European Union and the Swiss Agency for Development and Cooperation to support participation of representatives of developing States in the deliberations of the Working Group.

**[VI. FUTURE WORK]**

Mr. Chairperson and distinguished delegates,

I will now turn to the Commission's decisions with respect to future work.

Several new proposals were considered and it was agreed that in terms of allocation of working group time, priority should be given to two topics. The first, *judicial sale of ships*, was allocated to the first available working group, possibly Working Group VI. The second, *issues related to credited arbitration*, was allocated to Working Group II, which will hold its first

Mr. Chairperson, distinguished delegates,

You will agree with me that the Commission and the Secretariat deserve to be congratulated for the progress made since last year in developing various legislative texts. However, development of legislative texts is only the first step in the process of trade law

projects are vital to the further use, adoption and interpretation of UNCITRAL texts. In this spirit, the Secretariat pursued its efforts to provide information, to actively support domestic law reform through drafting assistance, and to share practical experience in the enactment of UNCITRAL texts, as well as to advise on interpretation and implementation of those texts.

The ability of the Secretariat to respond to requests from States and regional organizations depends on the availability of funds to meet associated costs.

**[3. Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts – CLOUT]**

Mr Chairperson, distinguished delegates,

Emphasizing the importance of uniform interpretation to the application and interpretation of its texts, the Commission expressed its appreciation for the Case Law on UNCITRAL texts, the so-called CLOUT, managed by the Secretariat. Case law on twelve UNCITRAL legislative texts, conventions and model laws, is currently reported, covering court decisions and arbitral awards rendered in all geographic regions of the world. The Commission encouraged States to

~~actively participate in the system in order to facilitate the work of the Secretariat.~~

especially in view of the increasing volume of users of the CLOUT database.

**[VIII. CONCLUDING REMARKS]**

~~Mr Chairperson, distinguished delegates,~~

you to provide funding for such activities

resources.

Mr. Chairman