

Address to the Sixth Committee
of the General Assembly
by Ms. Vilawan Mangklatanakul (Thailand)
Chairperson of the fifty-seventh session of
the United Nations Commission on International
Trade Law
(UNCITRAL)
14 October 2024

The Vice-Chair Mr. Shane Spelliscy, from Canada, chaired the deliberations concerning the draft statute of the advisory centre on international investment dispute resolution and the

strong unity and determination to advance our shared goals

the model law will facilitate access to credit, enhance legal certainty for lenders and thereby contribute to reducing financing costs for borrowers (such as farmers or small agricultural businesses) by providing a secure form of collateral to obtain loans.

UNCITRAL Model Clauses on Specialised Express Dispute Resolution

The Commission also adopted the UNCITRAL Model Clauses on Specialised Express Dispute Resolution

reform the Investor State Dispute Settlement The Advisory Centre will play a crucial role in leveling the playing field, in particular for least developed countries and developing countries by providing legal assistance and support.

As the first institutional reform element, the establishment of the Advisory Centre on International Investment Dispute Resolution would require further preparatory work. The Commission initiated an informal process to tackle issues such as ways to establish the Advisory Centre within the United Nations system based entirely on extrabudgetary resources, criteria to determine the location of the headquarters and regional offices as well as anticipated budget based on potential membership and workload. The Commission recommended that Governments and regional economic integration organizations interested in the operationalization of the Advisory Centre on International Investment Dispute Resolution actively take part in that process

[III. FUTURE WORK BY WORKING GROUPS]

In addition to finalizing these texts, the Commission also took note of the progress made by its working groups during the last cycle. It confirmed the work programme or gave a new mandate in respect of five working groups:

- Working Group II will finalize the draft explanatory notes to the UNCITRAL Model Clauses on Specialized Express Dispute Resolution and will begin work on the recognition and enforcement of electronic arbitral awards and, subsequently, on electronic notices based on the findings of the project on the stocktaking of developments in dispute resolution in the digital economy
- Working Group III will continue its work on the reform of investor-State dispute settlement. For the upcoming year, it will continue to make progress on (i) procedural reforms including cross-cutting issues as well as (ii) a standing mechanism for investment disputes including an appellate mechanism. It will also consider a draft multilateral instrument on investor-State dispute settlement reform to deliver the various reforms elements

- Working Group IV will continue working on the formulation of default rules on data provision contracts and will review the guide to enactment to the UNCITRAL Model Law on Automated Contracting
- Working Group V will continue its consideration of legal issues arising from asset tracing and recovery in insolvency proceedings as well as of the topic of applicable law in insolvency proceedings. It will also be expected to review revised

and resilience, the Commission requested the secretariat to circulate the UNCITRAL/ UNIDROIT study on the legal nature of verified carbon credits issued by independent carbon standard setters to all States Members of the United Nations for comments, and to organize a colloquium in a hybrid format with a focus on the relevance of UNCITRAL instruments to climate action

In the context of digital economy, having laid the groundwork for the new mandate for Working Group II on the recognition and enforcement of electronic arbitral awards

In the context of secured transactions, the Commission requested the secretariat to take stock of the legislative developments with regard to new types of assets and to organize a colloquium in hybrid format to

[VI. TRANSPARENCY REPOSITORY]

The Sixth Committee may wish to recall that in 2013, the General Assembly requested the Secretary-General to establish and operate, through the secretariat of the Commission, the transparency repository operating under article 8 of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration. Pursuant to that request, the UNCITRAL secretariat has operated the transparency repository as a project funded entirely with voluntary contributions.

The General Assembly has requested the secretariat to keep it informed of developments regarding the funding and budgetary situation of the transparency repository. In the light of the information provided during the 57th session of UNCITRAL, in particular the willingness of the EU to finance the project further, the Commission decided to recommend to the General Assembly that it request the Secretary-General to continue to operate, through the secretariat of the Commission, the transparency repository in accordance

their enhanced and continuous impact, including in least developed countries, landlocked developing countries and small island developing States

Most of those activities are financed from extrabudgetary resources and many are implemented by or with the support of the UNCITRAL Regional Centre for Asia and the Pacific

To allow the secretariat of UNCITRAL, located in Vienna and the Regional Centre, to continue those activities, the Commission renewed its appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund for UNCITRAL symposiums, in particular in the form of multi-year contributions that would enable and enhance legislative activities to meet the increased demand for them

It also called for contributions for the financing and other support for the implementation of special projects

such as the upgrade of the Case Law on UNCITRAL Texts (CLOUT) database. It also requested all interested and concerned to otherwise assist the secretariat in carrying out its non-legislative activities, in particular technical cooperation and assistance activities in developing countries. In that context, the Commission expressed appreciation to States and institutions that have already supported those activities, including under memorandums of understanding concluded with the United Nations.

As regards upcoming promotional capacity building and other similar materials of UNCITRAL, the Commission authorized the secretariat to publish the updated edition of the UNCITRAL Digest of Case Law on the Model Law on International Commercial Arbitration and the analytical compilation of case law on the Convention on the Limitation Period in the International Sale of Goods. In the light of the upcoming 60 anniversary of the establishment of UNCITRAL, it also authorized the secretariat to publish the updated publication *A Guide to UNCITRAL: Basic Facts about*

the United Nations Commission on International Trade Law. It asked the secretariat to make these upcoming publications generally known and available

7KH & RPPLV VLRQ DOVR ZHOFRPH plans to prepare a multilingual curriculum for training judges and insolvency practitioners on the basis of the UNCITRAL crossborder insolvency framework.

The Commission welcomed the continued expansion RI WKH VHFUHW DULDW ¶ V HQJDJHPH geared towards students, young researchers and practitioners in international trade law, including through international commercial law moots, the internships at the UNCITRAL secretariat in Vienna and Incheon. Another important example of such engagement was through the UNCITRAL Days series in Asia and the Pacific (since 2014), Latin America and the Caribbean region (since 2020), Africa (since 2022) and Arab States (since 2024). The Commission encouraged the secretariat to explore and implement innovative approaches towards 81 & , 75 \$ / ¶ V HQKDQFHG RQO InQHas UHV

W K H Y L V L E L O L W \ D Q G L P S D F, W R
including among younger generation. The multilingual
UNCITRAL website and appropriate social media
channels were considered especially relevant in that
respect

As relevant to continued efforts of the secretariat to
build local capacity in developing countries to implement
sound reforms in the field of international trade law, the
Commission renewed its appeal to Governments, the
relevant bodies of the United Nations system,
organizations, institutions and individuals to make
voluntary contributions to the trust fund established to
provide travel assistance to developing countries that are
members of UNCITRAL

The Commission reiterated the importance for the
United Nations Pledging Conference for Development
Activities to continue including both trust funds, the trust
fund for UNCITRAL symposiums and the trust fund for
travel assistance, in its list of trust funds of relevance to
the United Nations development system.

[VIII. RULE OF LAW AND SUSTAINABLE DEVELOPMENT GOALS]

As has been the practice since 2008, the Commission, LQ UHVS RQVH WR WKH *HQHUDO transmits to the Assembly comments on the & RPPLVVLRQ¶V FXUUHQW UROH LQ S Particularly relevant with regard to the topic identified for the upcoming debates of the Sixth Committee (the, full, equal and equitable participation at all levels in the international legal system), these comments draw on a note by the secretariat on the subject and the deliberations at the session of the UNCITRAL legislative and non legislative programmes. Those materials explain the contribution of UNCITRAL texts and its ongoing work to the promotion of the rule of law and the implementation of the Sustainable Development Goals, as I mentioned at the outset of my report to you.

[IX. STREAMLINING FUTURE OMNIBUS
GENERAL ASSEMBLY RESOLUTIONS ON
ANNUAL REPORTS OF UNCITRAL]

The Commission took note of the outcome of the informal consultations on streamlining future UNCITRAL omnibus resolutions on annual reports of UNCITRAL and requested that the secretariat continue to facilitate an open and flexible intersessional consultative process led in Vienna among States Members of the United Nations, particularly involving not only delegates of Vienna-based Permanent Missions but also a UNCITRAL focal points of member and observer States, with a view to preparing an UNCITRAL omnibus resolution reflecting some of the guiding principles in 2024.

[X. CONCLUDING REMARKS]

Mr/Ms. Chairperson, distinguished delegates,

It gives me great pride to report on the achievements of the Commission at its 57th session. These achievements would not have been possible without the

hard work and dedication of delegates, observers and the secretariat. The secretariat of UNCITRAL has once again discharged its duties to the Commission professionally and efficiently despite of challenges caused by the liquidity crisis of the United Nations

We in UNCITRAL would like to express our deep gratitude to this Committee for its continued support for our activities and for its repeated expressions of satisfaction with the work carried out by UNCITRAL. It is indeed an honour for us to serve this body, where all our governments are assembled. We hope that the efforts of the Commission to streamline future UNCITRAL omnibus resolutions will be supported by this Committee.

With that, I would like to conclude my address to you on the work carried by UNCITRAL during its 57th session

I thank you for your attention
