

Address to the Sixth Committee  
of the General Assembly  
by Ms. Kathryn Sabo(Canada)  
Chairperson of the fifty -sixth session of  
the United Nations Commission on International  
Trade Law  
(UNCITRAL)  
16 October 2023



micro, small and medium-sized enterprises. The Vice-Chair Mr. Andrés Jana, from Chile, chaired the deliberations concerning draft guidance text on early dismissal and preliminary determination. A Committee of the Whole was established in accordance with the rules and procedures of UNCITRAL to consider the draft texts prepared in the context of investment state dispute settlement reform. Mr. Shane Spelliscy, from Canada, and Ms. Natalie YuLin Morris-Sharma, from Singapore, were elected as the chairperson and the rapporteur of the Committee of the Whole, respectively and I am grateful to them for their work. Let me also thank the session's rapporteur Mr. Mohammad Hossein Ghaniei, from Iran,





and investors a firm legal basis to use mediation as an appropriate alternative. The UNCITRAL Guidelines on Mediation for International Investment Disputes explain the benefits of mediation and how it can be used to resolve investment disputes. Considering that mediation is being underutilized for investor-State dispute settlement, both texts aim to promote its use and to eventually facilitate the amicable settlement of investment disputes.



l'infrastructure facilitant l'évaluation de la solvabilité des entreprises, les règles et orientations sur les pratiques de prêt équitables, et la promotion de l'éducation financière. Il est important de noter que





investisseurs et États. Au cours de la prochaine année, il se chargera de l'établissement d'un centre consultatif sur le droit international des investissements, et de l'élaboration d'un guide sur la prévention et l'atténuation des différends. Il poursuivra en outre ses progrès en ce qui concerne les réformes procédurales, notamment sur les questions transversales, et la mise en place d'un mécanisme permanent applicable aux différends en matière d'investissement, y compris un mécanisme d'appel;

- Le Groupe de travail IV avancera en parallèle la formulation des règles supplétives concernant les contrats de fourniture de données, et des principes relatifs aux contrats automatisés;
- Le Groupe de travail V poursuivra ses travaux sur la localisation et le recouvrement civils d'actifs, et sur la loi applicable dans les procédures d'insolvabilité;

- Le Groupe de travail continuera de s'intéresser à l'élaboration d'un nouvel instrument international sur les documents de transport multimodal négociables.

#### [IV. AUTRES TRAVAUX FUTURS]

En ce qui concerne les travaux futurs qui ne relèvent pas des groupes de travail, la Commission a pris note des activités du secrétariat pour faire avancer les travaux concernant les incidences de la COVID-19 sur le droit commercial international. La Commission a salué le travail réalisé par les États ayant contribué au secrétariat, et elle a autorisé le secrétariat à achever et à publier le document « COVID-19 et instruments de droit commercial international : boîte à outils juridiques ».

In respect of the topic on climate change mitigation, adaptation and resilience, the Commission commended the secretariat for having organized the Colloquium on Climate Change and International Trade Law to consider areas in which international trade law could effectively

support the achievement of climate action goals set by the international community, the scope and value of legal harmonization in those areas and the need for international guidance for legislators, policymakers, courts and dispute resolution bodies. As regards next, the Commission requested the secretariat, within UNCITRAL's mandate and in cooperation and collaboration with the secretariat of UNFCCC, UNIDROIT, the HCCH and other organizations with relevant expertise, to consult with all Member States of the United Nations (particularly developing countries) with a view to developing a more detailed study on the aspects of international trade law related to voluntary carbon credits.

The Commission requested the secretariat to continue and finalize its work on the preparation of a guidance document on legal issues relating to the use of distributed ledger systems in trade, within existing resources, and in cooperation with other concerned organizations, as appropriate. The purpose of such a guidance document is

mainly to provide explanations useful to commercial operators, especially MSMEs and operators located in developing countries, in assessing whether distributed ledger technology-enabled services address their needs, and the impact of the use of such services on their business.

The Commission further requested the secretariat to continue to implement the stocktaking project with regard to developments in dispute resolution in the digital economy and to put forward proposals for possible legislative work with a focus on the topics of the recognition and enforcement of electronic awards and electronic notices of arbitration and their service, as well as to report on further progress ~~and~~ overall.

#### [V. COORDINATION AND COOPERATION]

In a general context, the Commission reiterated the importance of coordinating the activities of organizations active in the field of international trade law, which is a core element of the mandate that UNCITRAL has received from the General Assembly, ~~as~~ means of

avoiding duplication of efforts and promoting efficiency, consistency and coherence in the unification and harmonization of international trade law.

When formulating or considering proposals for future work and when taking up new projects, the Commission emphasized the importance of closer coordination among the organizations concerned, in order not only to prevent inconsistency but also to avoid unduly burdening their respective secretariats with commitments to participate in and follow up on concurrent projects carried out simultaneously by other organizations. This issue, central to UNCITRAL's mandate, was extensively discussed during the session.

## [VI. NON-LEGISLATIVE ACTIVITIES]

Mr. Chairperson, distinguished delegates,

UNCITRAL's work programme consists not only of

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texts; providing legislative advice and assistance to States on the adoption and use of those texts; and building

- continued expansion of the secretariat's engagement with academic partners, geared towards students, young researchers and practitioners in international trade law, through the UNCITRAL Days series in Asia and the Pacific (since 2014), in Latin America and the Caribbean region (since 2020), and, for the first time, in Africa, in 2022.
- the expanded online and social media presence and the greater use of videoconferences and webinars which increased the interest in UNCITRAL for a broader audience; and
- the issuance of three new learning modules on mediation, public procurement and public-private partnerships, and commercial arbitration. These modules are made available to government officials, UNCITRAL delegates and prospective delegates and users of UNCITRAL texts generally.

Acknowledging that the ability of the secretariat to carry out technical assistance and capacity building





towards the operation of the transparency registry and the promotion of the transparency standards.

Emphasizing the benefits of the Case Law on UNCITRAL Texts (CLOUT) system as a tool to support continued and sustained capacity building in the use and implementation of UNCITRAL texts, the Commission noted with interest the progress made in the effort towards a rejuvenation of the CLOUT system and expressed its gratitude for the compilation of cases and the establishment of CLOUT partnerships. The Commission expressed appreciation to the secretariat for its continued efforts to update the existing digests of case law on UNCITRAL texts and ensure their wide dissemination.

As has been the practice since 2008, the Commission, in response to the General Assembly's invitation, transmits to the Assembly comments on the Commission's current role in promoting the rule of law. Particularly relevant with regard to the topic identified for the upcoming debates of the Sixth Committee (i.e., using technology to advance access to justice for all), these



direct, qui n'étaient pas inclus dans le budget régulier de la CNUDCI et de son secrétariat. Dans ce contexte, un fort soutien s'est manifesté pour la poursuite de la diffusion en direct, aux fins d'inclusion et de transparence, et pour permettre une plus vaste participation en temps réel des experts en la matière. La Commission a demandé au secrétariat de chercher les moyens, à même ses ressources actuelles, continuer de diffuser les sessions en direct.

Au sujet de l'utilisation des dernières séances de sessions des groupes de travail, la Commission a confirmé que le Groupe de travail III (ou tout autre groupe de travail au besoin) peut utiliser les dernières séances de réunion pendant la session pour poursuivre des délibérations de fond et adopter le rapport de la session par procédure écrite.

À l'égard des réunions informelles des groupes de travail, la Commission a convenu que c'est à chaque groupe de travail de décider quand et comment le secrétariat organiseait de telles réunions informelles entre les sessions. La Commission a aussi convenu que



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.

We in UNCITRAL are grateful to this Committee for its continued support for our activities and for 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 in due course.

With that, I conclude my report to you on the work carried out by UNCITRAL during its 56<sup>th</sup> session.