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**68th Session of the
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Agenda Item 79

**Report of the United Nations Commission on International Trade Law
on the work of its forty-sixth session**

**Statement by
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Representative of Austria**

New York, 14 October 2013

Mr. Chair,

Before discussing the Report of the United Nations Commission on International Trade Law on the work of its forty-sixth session held in Vienna from 8 to 26 July 2013, we wish to express our sincere gratitude and appreciation to the Chair of the Commission, Mr. Michael Schöll of Switzerland, who very ably guided the Commission's work during the last session. We also sincerely thank the Secretariat of the Commission for its professional and efficient work under the able leadership of Mr. Renaud Sorieul.

Mr. Chair,

Let me briefly highlight the important work UNCITRAL has accomplished this year.

Among the most important achievements was the finalization and adoption of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and the UNCITRAL Arbitration rules that had been revised in 2010 with the additional new article 1, paragraph 4, as adopted in 2013.

Furthermore, UNCITRAL finalized and adopted the Guide on the Implementation of a Security Rights Registry, revisions to the Guide to Enactment and Interpretation of the UNCITRAL Model Law on Cross-Border Insolvency, legislative recommendations on the obligations of directors of an enterprise in the period approaching insolvency, and the Guidance on procurement regulations to be promulgated in accordance with article 4 of the UNCITRAL Model Law on Public Procurement. Moreover, the UNCITRAL Model Law on Cross-Border Insolvency: the Judicial Perspective has been updated.

With regard to the Rules of Transparency in Treaty-based Investor-State Arbitration, we commend the strong and unanimous opinion voiced by the Commission that the UNCITRAL secretariat should fulfill the role of a repository of published information under the Transparency Rules. This Transparency Repository will play a critical role in implementing the Transparency Rules and will be a significant tool for fighting corruption and promoting the rule of law in international investment. We therefore support the correspondent agreement that the Transparency Repository shall be the Secretary-General, through the secretariat of UNCITRAL.

Mr. Chair,

In September 2012, the General Assembly held a high-level meeting on the rule of law at the national and international levels. The declaration which was adopted by consensus on that occasion reaffirmed that the rule of law and development were interlinked and mutually reinforcing. Member States expressed their conviction that this interrelationship should be considered in the post-2015 international development agenda. Furthermore, the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship was recognized, and, in this regard, Member States commended the work of UNCITRAL, and rightly so.

With an impressive 47-year track record of contributions to the strengthening of the rule of law in the field of international trade law, UNCITRAL plays a key role in the strengthening of the rule of law. No other organization is better equipped to provide internationally acceptable model laws and rules in the field of commercial law, support for these model laws and rules as well as for enactments of uniform commercial laws, and especially the much needed education and training. But we commend the contribution of UNCITRAL to the promotion of the rule of law at the national and international levels not only in the context of international

trade, but also in the context of sustainable development, conflict prevention and post-conflict reconstruction.

Last week, the Sixth Committee discussed the topic of the Rule of law at the national and international levels, with special emphasis on peaceful settlement of disputes. Let me therefore emphasize the important role of international commercial arbitration rules in strengthening the rule of law through the peaceful settlement of international disputes. This was also highlighted by the panel discussion which was held during the 46th UNCITRAL session.

Commercial arbitration is one of the most effective means of resolving international economic disputes, such as cross-border disputes over investments in natural resources, and arbitration is an area in which UNCITRAL has been working since its inception. In connection with the panel discussion on Rule of Law, the Commission rightly emphasized the importance of technical assistance activities of its secretariat and called for closer cooperation and coordination within the United Nations system to achieve the increased use of UNCITRAL standards.

Austria also highly welcomes the regular dialogue of UNCITRAL with the Rule of Law Coordination and Resource Group through the Rule of Law Unit.

My delegation would like to thank the Commission and its Secretariat for their efforts and reiterates its call to continue and further intensify the important work of UNCITRAL in this field.

Mr. Chair,

Before closing, I would like to inform other delegations that this year Austria will again serve as coordinator for the UNCITRAL resolutions. Five draft resolutions will be circulated to all Permanent Missions in the coming days:

- the annual Omnibus Resolution on the Report of UNCITRAL on the work of its forty-sixth session;
- a draft resolution on the Revision of the Guide to Enactment of the Model Law on Cross-Border Insolvency;
- a draft resolution on Part four of the UNCITRAL Legislative Guide on Insolvency Law;
- a draft resolution on the UNCITRAL Guide on the Implementation of a Security Rights Registry; and, finally,
- a draft resolution on the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and the UNCITRAL Arbitration Rules (as revised in 2010, with new article 1, paragraph 4, as adopted in 2013).

Delegations wishing to co-sponsor the Omnibus Resolution are kindly requested to sign their names on the list at the Austrian desk during sessions of the 6th Committee. As in the past, the other resolutions will be submitted by the Bureau (no co-sponsoring).

Mr. Chair,

Concluding, we would like to stress that Austria continues to attach the highest importance to the work of UNCITRAL. We will continue to support the Commission and its Vienna-based Secretariat and look forward to contributing actively to their work.

Thank you, Mr. Chair.