

 Permanent Mission of Austria  
to the United Nations in New York

Check against delivery

**68th Session of the  
United Nations General Assembly**

**6<sup>th</sup> Committee**

Agenda Item 79:

Introduction of UNCITRAL Draft Resolutions

Statement by

**Catherine Quidenus**

Legal Adviser, Mission of Austria

New York, 08 November 2013

Mister Chair,

I have the honour to introduce this year's draft resolutions on agenda item 79 entitled „Report of the United Nations Commission on International Trade Law on the work of its 46th Session”. The texts of the draft resolutions have been issued under document numbers A/C.6/68/L.9, A/C.6/68/L.10, A/C.6/68/L.11, A/C.6/68/L.12 and are available on the PaperSmart portal.

One draft resolution is the annual omnibus resolution on the report of UNCITRAL on the work of its 46th session. As in the past, Austria introduces the resolution in the name of a large number of delegations, and we would like to express our sincere gratitude to all co-sponsors. In addition to the ones listed on the L document, the following states have indicated their willingness to join as co-sponsors: Uganda and Georgia

Mister Chair, let me briefly highlight the following points of the Omnibus draft resolution:

The Preamble, as always, stresses the importance of international trade law and recalls the mandate, work and coordinating role of UNCITRAL.

OP 2 to OP 4 refer to UNCITRAL's work accomplished, progress made, adoptions and decisions taken during its 46th session:

In OP 2 the Commission is commended for the finalization and adoption of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration, the UNCITRAL Arbitration Rules (with a new article 1, paragraph (4), as adopted in 2013), the UNCITRAL Guide on the Implementation of a Security Rights Registry, the Guide to Enactment and Interpretation of the UNCITRAL Model Law on Cross-Border Insolvency, part four of the UNCITRAL Legislative Guide on Insolvency Law on directors obligations in the period approaching insolvency, the Guidance on procurement regulations to be promulgated in accordance with article 4 of the UNCITRAL Model Law on Public Procurement and the Glossary of procurement-related terms used in the UNCITRAL Model Law on Public Procurement and the update of the UNCITRAL Model Law on Cross-Border Insolvency: the Judicial Perspective;

OP 3 recognizes the opinion expressed by the Commission that the UNCITRAL secretariat should fulfil the role of a Transparency Repository and invites the Secretary-General to consider performing the role of the Transparency Repository through the secretariat of UNCITRAL and requests the Secretary-General to report to the General Assembly and the Commission in this regard.

OP 4 refers to the decisions taken by the Commission as regards its future work and the progress made in the areas of arbitration and conciliation, online dispute resolution, electronic commerce, insolvency law, security interests and international trade law aimed at reducing the legal obstacles faced by micro-, small- and medium-sized enterprises and public-private partnerships

as well as efforts undertaken to improve the management of its resources while maintaining and increasing its current levels of activity including the use of informal working methods.

OP 8 was updated and now welcomes the activities of the UNCITRAL Regional Centre for Asia and the Pacific in the Republic of Korea.

The amendment in OP 9 was needed because of the decision by UNCITRAL at this year's session to undertake work in the area of micro-, small- and medium sized enterprises that does not have such a cross-border focus as other areas where UNCITRAL has so far worked.

OP 12 refers to the rule of law panel discussion, held at the forty-sixth session of the Commission.

OP 13 recalls that para. 8 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels Member States commended the work of UNCITRAL, inter alia, and that with para. 7 Member States expressed their conviction that the rule of law and development were strongly interrelated and mutually reinforcing.

OP 17 refers to the work of the Secretariat on the system for the collection and dissemination of case law on Commission texts in the six official languages of the Organization (the CLOUT system) and finally, OP 19 welcomes the continued work by the Secretariat on digests of case law related to the UNCITRAL texts and the CLOUT system.

Mister Chair,

On behalf of the Bureau, I also have the honour to briefly introduce the other three draft resolutions, which were issued under document numbers A/C.6/68/L.10, A/C.6/68/L.11, A/C.6/68/L.12.

Draft Resolution A/C.6/68/L.10 refers to the revision of the Guide to Enactment of the UNCITRAL Model Law on Cross-Border Insolvency and part four of the UNCITRAL Legislative Guide on Insolvency Law. Draft A/C.6/68/L.11 refers to the UNCITRAL Guide on the Implementation of a Security Rights Registry.

Draft resolution A/C.6/68/L.12 expresses appreciation to UNCITRAL for the preparation and adoption of 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), and recommends their use within the scope of their application as defined in their article 1. Moreover, Member States which have chosen to include the rules in their treaties are invited to inform the United Nations Commission on International Trade Law accordingly.

Mister Chair,

In conclusion, we would like to thank once again all co-sponsors for their continuing support, as well as the Secretariat for its invaluable assistance.

As in the previous years, we are confident that all four resolutions can be adopted by the Sixth Committee without a vote.

Thank you, Mister Chair.