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**STATEMENT BY  
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**TO THE SIXTH-COMMITTEE OPEN DEBATE ON THE UNITED NATIONS  
COMMISSION ON INTERNATIONAL TRADE LAW**

**NEW YORK, 14 OCTOBER 2013**

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**DÉCLARATION DE  
M. KEITH BANERJEE  
CONSEILLER EN POLITIQUE POUR LA MISSION PERMANENTE DU CANADA  
AUPRÈS DES NATIONS UNIES**

**AU DEBAT PUBLIC DE LA SIXIÈME COMMISSION POUR LA COMMISSION  
DES NATIONS UNIES POUR LE DROIT COMMERCIAL INTERNATIONAL**

**NEW YORK, LE 14 OCTOBRE 2013**

Canada is pleased to take the floor to comment on UNCITRAL's report on its 46<sup>th</sup> session.

The Commission had a productive annual meeting. In particular, Canada notes the adoption of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration which constitute an important addition to the investor-state dispute resolution framework. Canada is supportive of the decision to continue work on this subject in the form of a convention.

Canada also notes the adoption of the new UNCITRAL Guide on the Implementation of a Security Rights Registry which constitutes an important element in the package of tools developed by UNCITRAL in the field of secured transactions. The Guide will be useful for States seeking to modernize or put in place a legislative regime for security interests. Recognizing the usefulness of UNCITRAL's approach to secured transactions in facilitating access to credit, Canada is also pleased to see that work to prepare a Model Law on secured transactions is continuing.

The Commission's decision to hold a colloquium in the first part of the session of Working Group V on Insolvency is one which Canada strongly supported. We do think it is important to have the opportunity for further discussions as to how best to build upon consensus related to directors' liability and Centre of Main Interests in the context of enterprise groups and to discuss topics for future work in the insolvency field.

With respect to the ongoing work of Working Group III on online dispute resolution which is to include consumers within its scope, Canada would like to emphasize the importance of ensuring that the rules safeguard consumer protection. In addition, it is essential for the Working Group to examine alternatives to arbitration awards as means of effective implementation of ODR outcomes. Most existing ODR systems do not rely on binding arbitration and enforcement under the 1958 New York Convention to effectively implement ODR outcomes, but use alternatives such as chargebacks, trust marks, or vendor deposits instead.

In terms of new work, Canada was greatly interested in the discussion of issues relating to micro, small and medium sized enterprises (MSMEs) that took place at the Commission session. We believe that this will be a fruitful area for the development of harmonized rules and look forward to the first project on simplified business incorporation.

Finally, Canada was very pleased to see that a broad discussion on planned and potential future work figured prominently on the Commission's agenda at the July session. Such discussions enable the Commission to make informed decisions to appropriately match priorities and resources and we look forward to similar discussions in future years.

Thank you.