



# PHILIPPINES

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## STATEMENT

by

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**to the United Nations**

on

**Agenda Item 79**  
**Report of the United Nations Commission on**  
**International Trade Law**  
**on the work of its 46<sup>th</sup> Session**

before the

**Sixth Committee**  
**68<sup>th</sup> Session of the**  
**United Nations General Assembly**

Trusteeship Council  
United Nations Headquarters, NY  
14 October 2013

## STATEMENT OF THE PHILIPPINES

### *Item 79 – Report of the United Nations Commission on International Trade Law on the work of its 46<sup>th</sup> session*

Monday, 14 October 2013

Thank you, Mr. Chairman.

We wish to thank UNCITRAL for its report on its 46<sup>th</sup> session.

The Philippines is committed to supporting UNCITRAL since its creation in 1966. Through its work, UNCITRAL contributes significantly to facilitating world trade, by progressively harmonizing and unifying the law of international trade. Its conventions, model laws and other instruments, reduce if not remove obstacles to the flow of trade.

Last year, the General Assembly commended UNCITRAL for the finalization and adoption of the Guide to Enactment of the Model Law on Public Procurement (resolution 67/89).

This year, we should commend UNCITRAL for finalizing and adopting, at its 46<sup>th</sup> session in Vienna last July, a revised version of the Rules on Transparency in Treaty-based Investor-State Arbitration. The Working Group on Arbitration has worked very hard on this subject. We are pleased that the rules on transparency are published as a stand-alone text, such that a mere reference in a treaty to the UNCITRAL Arbitration Rules would not call for its automatic application. Not only would this be consistent with the concept of party autonomy; it would also provide greater flexibility on the applicability of the rules on transparency to any other generic arbitration rules governing an arbitral proceeding.

Other accomplishments of the 46<sup>th</sup> session that we should note include the finalization and adoption of the Technical Legislative Guide on the Implementation of a Security Rights Registry, as well as the revisions to the Guide to Enactment of the Model Law on Cross-Border Insolvency.

Mr. Chairman, the Philippines follows with keen interest, UNCITRAL's work in the equally important areas of public procurement, electronic commerce, and online dispute resolution (ODR). We are especially interested in the Working Group's recommendations on how the draft rules on ODR could respond to the needs of developing countries and those in post-conflict situations, together with how the role of arbitration could render ODR more effective.

We look forward to UNCITRAL's own strategic planning for its future work, particularly in micro, small and medium-sized enterprises (MSMEs) and in public-private partnerships (PPPs).

MSMEs constitute the bulk of economic activity in many developing countries. We should help engage them in trade at the international level, by helping reduce the various legal obstacles they face. In this regard, we support Colombia's initiative at the 46<sup>th</sup> session in proposing to create a working group focusing on the enterprise life cycle in relation to MSMEs. We agree that it is necessary to build an enabling legal environment that would simplify and facilitate the business incorporation and registration of MSMEs.

The Philippines also looks forward to learning from as well as contributing to preparatory work in PPPs, which are an important alternative in securing resources for infrastructure and other development. PPP is one strategy identified by the government to achieve inclusive growth through infrastructure and development projects. It encourages the collaboration of the public and private sector to achieve the shared goals of growth and development. This happens by putting on board the advantages of private sector initiatives, as well as the efficient and accelerated provision of public services, in order to ensure that public needs are being addressed effectively.

Finally, Mr. Chairman, we support the proposal for the UNCITRAL Secretariat to serve the function of a transparency repository of information, consistent with good governance and the rule of law.

Thank you very much, Mr. Chairman.