

# Canada

CHECK AGAINST DELIVERY  
VÉRIFIER AU PRONONCÉ

STATEMENT BY  
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SIXTH COMMITTEE PLENARY SESSION

NEW YORK, 13 OCTOBRE 2014

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DÉCLARATION DE  
NEELU SHANKER  
CONSEILLÈRE EN POLITIQUES  
MISSION PERMANENTE DU CANADA AUPRÈS DES NATIONS UNIES

SÉANCE PLÉNIÈRE DE LA SIXIÈME COMMISSION

NEW YORK, LE 13 OCTOBRE 2014

Mr. Chairman,

Thank you for this opportunity to present Canada's comments on the work of UNCITRAL and its 47th session. The Commission had a productive annual meeting. Many aspects of its programme, including elements completed in the past year, ongoing work and new topics added to UNCITRAL's agenda, merit our attention today.

Mr. Chairman,

It is with great satisfaction that Canada notes the approval by the Commission of a draft convention on Transparency in Treaty-Based Investor-State Arbitration and its recommended adoption by the General Assembly. This Convention will constitute an important addition to the investor-state dispute resolution framework. Canada also warmly welcomes the establishment of the repository for the publication of information and documents in treaty-based investor-state arbitration at UNCITRAL. In terms of future work, Canada supports the Commission's decision to consider the feasibility and possible form of work in the area of enforcement of international settlement agreements resulting from conciliation proceedings.

Canada shares the view that micro, small and medium-sized enterprises may benefit from development of rules specifically tailored to their needs. For that reason, Canada is closely following UNCITRAL's work on simplified incorporation and registration aimed at reducing the legal obstacles encountered by MSMEs throughout their life cycle.

UNCITRAL's work on online dispute resolution has been challenging because the Commission decided to include consumers within the scope of this work. Canada continues to emphasize the importance of ensuring that the rules safeguard consumer protection and of examining 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. Canada reaffirms its commitment to working collaboratively in this area to achieve a useful result.

UNCITRAL occupies a unique position in the development of uniform rules in the area of electronic commerce. Canada was very pleased at the support expressed by most States for our proposal with respect to future work on legal issues related to cloud computing. We will be happy to offer every assistance to the UNCITRAL Secretariat as it compiles information on the subject matter so that work can proceed as quickly as possible.

Canada notes the progress of the Commission's current work on the treatment of enterprise groups in insolvency. We note the Commission's decision to take up work on the recognition

and enforcement of insolvency-derived judgments following the completion of the current project. We look forward to participating in that work in the near future.

As for the current project on a Model Law on Secured Transactions, Canada recognizes the usefulness of UNCITRAL's approach to secured transactions in facilitating access to credit and is pleased to see that work to prepare the Model Law is nearing completion.

Finally, Canada is very pleased 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.

Mr. Chairman,

Canada has long been a supporter of UNCITRAL in its mission to develop and harmonize commercial law. We stress the pivotal role UNCITRAL plays in this area and reaffirm Canada's commitment to its work.

Thank you, Mr. Chairman.