



UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA  
NEW YORK, N.Y. 10017-3505

**Statement of the United States of America  
Sixth Committee  
69<sup>th</sup> Session of the UN General Assembly  
Report of the United Nations Commission of International Trade Law on the work of its  
forty-seventh session  
Agenda Item 76**

**Carol Hamilton, Senior Adviser**

**October 13, 2014**

Mr. Chairman:

The United States welcomes the Report of the 47th session of UNCITRAL and commends the efforts of UNCITRAL's member states, observers, and Secretariat in continuing to promote the harmonization of international commercial law.

Most notably, UNCITRAL's work in this past year included the development of a Convention on Transparency in Treaty-Based Investor-State Arbitration, to be known as the Mauritius Convention on Transparency. This effort built upon the previous development of a set of procedural rules designed to make arbitrations under investment treaties accessible to the public through publication of information regarding the commencement of the arbitration, key arbitration documents, open hearings, and participation by third parties. The new Convention will be a convenient tool for applying these transparency measures to arbitrations occurring under the thousands of existing investment treaties, without having to amend each treaty separately. We thus encourage all states to consider becoming parties to the Convention. We also wish to highlight the efficiency with which UNCITRAL completed this instrument, which was completed in approximately 12 days of negotiations—a pace that we hope can be replicated for other instruments in the future.

Also of note, UNCITRAL commenced its efforts to develop legal instruments that will help states encourage the growth of micro, small, and medium enterprises. These efforts, underway in Working Group I, are starting with the topics of simplified incorporation and business registration. In Working Group II, which completed the Convention on Transparency, efforts are now underway to update the Notes on Organizing Arbitral Proceedings. That Working Group will also consider a U.S. proposal, submitted in A/CN.9/822, to develop a new treaty on the enforcement of mediated settlement agreements, with the aim of promoting the use of

mediation to settle commercial disputes in the same way that the New York Convention promoted the use of international arbitration. Working Group III will continue to draft generic procedural rules for online dispute resolution in electronic commerce. Working Group IV will continue to draft an instrument that will facilitate the use of electronic transferable records. Working Group V will continue to work on enterprise group insolvency issues and will begin work on the recognition and enforcement of insolvency-related judgments. Working Group VI will continue its work on a model law on secured transactions.

The United States is pleased that the Commission continued its consideration of whether changes are needed to the processes by which UNCITRAL develops its work program. The Report highlights several aspects of this issue that merit further discussion: how to avoid the creation of permanent or semi-permanent working groups that continue to propose extensions of their own mandates; whether UNCITRAL should reduce the number of its working groups to five, rather than six; how to balance legislative activity with other uses of resources; and how best to pursue partnerships with other organizations. We would like to encourage states to continue considering these issues over the coming year, as well as at the next Commission session.

The upcoming year promises to be a productive one for UNCITRAL, with several of the working groups hopefully poised to complete their current work and submit projects for review by the Commission. The United States looks forward to continued collaboration with not only other member states but also all of the non-governmental organizations and other observers that provide so much valuable input into UNCITRAL's work by contributing their expertise regarding the practice of international commercial law.

Thank you, Mr. Chairman.