

STATEMENT OF THE PHILIPPINES

Item 83 – Report of the United Nations Commission on International Trade Law on the work of its 48th session

Sixth Committee, 70th session of the United Nations General Assembly
19 October 2015

Thank you, Mr Chairman.

We wish to thank UNCITRAL for its report on its 48th session, held in Vienna last summer.

The Philippines supports fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, as well as economic growth and employment. In this vein, the Philippines is committed to supporting UNCITRAL's important role in promoting the rule of law in the international development agenda through the multilateral treaty process, particularly in the areas of international trade, financing and investments. Through its guides, model laws and other instruments, and its continuing work in the harmonization and modernization of trade law, UNCITRAL can assist countries in developing a rules-based environment for commercial activities to flourish and for people to reap its benefits.

The past year has been another productive year for UNCITRAL:

- In addition to considering and providing guidance to the work of the various Working Groups, UNCITRAL approved in principle the revised UNCITRAL Notes on Organizing Arbitral Proceedings, for adoption at its 49th session next year.

The revised notes retain the underlying principles of being flexible, descriptive, and non-directive, reflecting the diversity of practices among Member States. The Philippines supports the revised notes in line with our advocacy on alternative dispute resolution.

- UNCITRAL also approved in substance the report on the Guide to Enactment related to the draft Model Law on Secured Transactions, and coordinated with other international organizations to ensure that UNCITRAL's work on security interests is reflected in the relevant texts of the latter. Moreover, in order to promote the principle of party autonomy, UNCITRAL adopted and endorsed the principles on choice of law in international commercial contracts as requested by The Hague Conference on Private International Law.

The Philippines looks forward to the completion of the Guide to Enactment and hopes that it could also be adopted at the 49th session next year.

- UNCITRAL also noted the activities of the UNCITRAL Regional Centre for Asia and the Pacific in raising awareness of UNCITRAL's work for the promotion of the adoption and the uniform interpretation of UNCITRAL texts in the region.

One such activity was the Workshop on UNCITRAL Instruments and the Ease of Doing Business held in Clark Field, Philippines on 03 February 2015 during the Asia-Pacific Economic Cooperation First Senior Officials Meeting. In this regard, the Philippines continues to work towards becoming a party to the UN Convention on Contracts for the International Sale of Goods and the UN Convention on E-Commerce.

Mr Chairman, Micro-, Small- and Medium-sized enterprises or MSMEs constitute the bulk of economic activity in many developing countries, including the Philippines. We should continue engaging them in trade at the international level, by helping reduce the various legal obstacles they face. In this regard, we support the progressive contribution of Working Group I in seeking to reduce the legal obstacles MSMEs encounter throughout their life cycle, and its discussions on the development of a legal text on simplified incorporation and business registration.

On Working Group II on arbitration and conciliation, the Philippines commends the work undertaken by the Secretariat so far on the "Enforcement of settlement agreements resulting from international commercial conciliation/mediation", under the chairmanship of Singapore. We anticipate that future work on "Concurrent proceedings" in investment arbitration, which is of particular interest to the Philippines, would proceed in a similar fashion.

The Philippines also follows with keen interest, the contributions of the other Working Groups in the equally important areas of electronic commerce and online dispute resolution (ODR). We are especially interested in 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.

Finally, the Philippines also joins other Member States in emphasizing that the transparency repository should be fully operational as soon as possible. This resource could be an accessible global case record database for all investor-state arbitrations conducted pursuant to the rules developed by UNCITRAL.

Thank you, Mr Chairman.