



**PERMANENT MISSION OF SINGAPORE  
TO THE UNITED NATIONS**

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**STATEMENT BY MRS. NATALIE Y. MORRIS-SHARMA, COUNSELLOR,  
PERMANENT MISSION OF SINGAPORE TO THE UNITED NATIONS,  
ON AGENDA ITEM 81, ON THE REPORT OF THE UNITED NATIONS  
COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS FORTY-  
EIGHTH SESSION, SIXTH COMMITTEE, 19 OCTOBER 2015**

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1. Mr. Chairman, my delegation would like to thank the Chairman of the United Nations Commission on International Trade Law (“UNCITRAL”) and the UNCITRAL Secretariat for the report on the 48th Session of the Commission. We would also like to thank the Secretary and the officers and staff of the UNCITRAL Secretariat for the work that they have done in preparing for the many UNCITRAL meetings throughout the past year.

2. Singapore’s statement will focus on three areas where States and UNCITRAL can continue to work together to support the continued success of UNCITRAL’s efforts.

***1. The UN Convention on Contracts for the International Sale of Goods (“CISG”)***

3. This year marked the 35th anniversary of the CISG. The CISG is a treaty that provides for a uniform law to govern international sales contracts. In the words of the Honourable the Chief Justice of Singapore, Mr. Sundaresh Menon, the CISG is laudable for “the ingenuity of its conception, the soundness of its construction, and the prescience of its ideals”. The CISG is one of the most successful international uniform laws. Singapore is one of the 83 parties to the CISG and we have benefitted from its enactment

as part of our national laws.

4. During this landmark year for the CISG, together with the UNCITRAL Secretariat, a commemoration event was organised in Singapore. The two-day event brought together eminent academics and practitioners from around the world to share their views on the use of CISG at the national, regional and international levels. The event was held to promote the adoption of the CISG, and we are heartened that it went some way towards achieving that objective.

5. Singapore firmly believes that with more States becoming Party to the CISG, international trade will be facilitated even further. For the same reason of trade facilitation, it is important that commercial parties are encouraged not to disapply the CISG in their transnational sale of goods agreements. To this end, Singapore applauds UNCITRAL for keeping up its programme of conferences, meetings and workshops over the past 35 years to generate awareness and discourse on the CISG. We support continued efforts in this direction.

## ***II. The UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (“Transparency Rules”)***

6. The Transparency Rules, which provide a framework for publication of information regarding investment arbitrations, were approved at the Commission’s 46th Session. In the context of the Transparency Rules, Singapore has consistently supported the publication of all awards and decisions of an arbitral tribunal. Access to awards and decisions will enable States and investors to better understand the rules which govern the investment landscape and to make more informed decisions. We have also consistently supported having a neutral online repository. Online access promises convenient access to the information, regardless of geographical location. Further, last year my delegation highlighted aspects of the repository function that remained unclear, but which we were confident would be resolved through practice.

7. From these perspectives, Singapore supports the repository for the Transparency Rules becoming operational as soon as possible. We note the Commission's recommendation to the General Assembly that it requests the Secretariat of the Commission to establish and operate the repository, in accordance with article 8 of the Transparency Rules, as a pilot project until the end of 2016, on the basis of voluntary contributions. We support this recommendation, and are committed to ensuring that the appropriate request is made.

### *III. The conduct of UNCITRAL meetings*

8. Mr. Chairman, UNCITRAL has a valued mission to progressively harmonise and unify trade law. This year, my delegation worked with others in organising a panel discussion on "Multilateral Treaty-Making: Perspectives on Small States and the Rule of Law". The UNCITRAL Secretariat was represented on the panel for the event, and we heard about UNCITRAL's role in promoting the rule of law. UNCITRAL's work also has a role in promoting economic and social development. It is timely that we recall this in the wake of the adoption of the 2030 Agenda for Sustainable Development.

9. Noting the very current and critical relevance of UNCITRAL's work, it is no wonder that numerous demands are made on the resources of UNCITRAL and the Secretariat. Last year, my delegation expressed the view that optimising the use of UNCITRAL's scarce resources was imperative. We have observed efforts to address this, but challenges remain.

10. At the last Commission meeting, the Commission was unable to complete the consideration of the report of the discussions on the work of Working Group III (Online Dispute Resolution) when the participants in that discussion were present. This was highly unsatisfactory, and my delegation hopes that we will not see a repeat of this. Further, we wish to reiterate our view that the lifespans of Working Groups should not be

extended indefinitely, as this is done at the expense of other areas where the law needs harmonisation.

***Concluding remarks***

11. Mr Chairman, Singapore is a committed supporter of UNCITRAL. Experts from Singapore currently chair UNCITRAL Working Group II (Arbitration and Conciliation) and Working Group III (Online Dispute Resolution). We have been, and continue to be, ready to support the Secretariat in promoting UNCITRAL texts and other States in their implementation of these texts.

12. For the continued success of UNCITRAL, we agree with the Commission that there is a need to further develop coordination mechanisms among the various rule-formulating bodies. We also agree that there is a need for increased participation at UNCITRAL by all countries. UNCITRAL’s mandate can only be effectively carried out with input from different legal backgrounds, and this renders the involvement of a broad constituency of States essential. We urge all States to support the important work of UNCITRAL by sending experts to participate in the meetings of the Working Groups.

13. By the same token, participating States should be ready to have genuine conversations at UNCITRAL meetings, in order to promote the harmonisation of rules that the international community as a whole can accept. In this way, the utility and generally impressive take up rate of UNCITRAL’s “products” can be preserved, if not improved. We urge States not to use the UNCITRAL process to insist that their domestic preferences be the norm for the whole of the international community, but to engage constructively towards consensus where appropriate.

14. Thank you, Mr. Chairman.

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