



UNITED STATES MISSION TO THE UNITED NATIONS

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**Statement of the United States of America
Sixth Committee
70th Session of the UN General Assembly**

**Report of the United Nations Commission of International Trade Law on the work of its
forty-eighth session**

Agenda Item 81

Mr. Chairman:

The United States welcomes the Report of the 48th session of UNCITRAL and commends the efforts of UNCITRAL's member states, observers, and Secretariat in continuing to promote the development and harmonization of international commercial law.

UNCITRAL has had another successful year, particularly in terms of efforts to promote greater awareness of UNCITRAL instruments. In the context of Asia-Pacific Economic Cooperation initiatives aimed at improving the business environment in the Asia-Pacific region, UNCITRAL member states and the Secretariat have increased their efforts to bring attention to the benefits of using UNCITRAL instruments as a means of encouraging economic growth. We believe these efforts are extremely valuable and can serve as a model for other regions as well.

The newest UNCITRAL treaty, the Convention on Transparency in Treaty-Based Investor-State Arbitration, opened for signature in March. The United States was pleased to be among the eight countries to sign the Convention at the ceremony in Mauritius, and eight more countries have signed in recent months. We continue to believe that the Convention will be a convenient tool for applying transparency measures—such as open hearings, publication of key arbitration documents, and participation by third parties—to arbitrations occurring under thousands of existing investment treaties. We encourage all states to consider becoming parties to the Convention.

In terms of ongoing and future work, UNCITRAL has decided to commence work on the enforcement of mediated settlement agreements. We believe that this project could be a very valuable tool for promoting the use of mediation to settle cross-border commercial disputes, and we hope that the instrument being developed can help encourage the growth of mediation in the same way that the New York Convention promoted the use of arbitration.

We are pleased that several of UNCITRAL's long-term projects are nearing completion. We look forward to the completion, in this upcoming year, of the work on online dispute resolution. This project should result in a non-binding, descriptive document reflecting elements of an online dispute resolution process.

We also are looking forward to the completion of the Model Law on Secured Transactions next year.

Similarly, on electronic commerce issues, UNCITRAL is preparing to finish an instrument that will facilitate the use of electronic transferable records, and is beginning to explore issues related to identity management and cloud computing.

On other topics, UNCITRAL is continuing its efforts to develop legal instruments that will help states encourage the growth of micro, small, and medium enterprises, starting with the issue of simplified incorporation. Finally, UNCITRAL is also continuing its work on enterprise group insolvency issues and a model law on the recognition and enforcement of insolvency-related judgments.

The United States believes that all of these projects have the potential to result in instruments that significantly assist with the development of international commercial law. However, for these efforts to have their greatest effect, UNCITRAL needs broad participation in all of its working groups, so that the resulting instruments will meet the needs of countries from all regions and legal cultures. We encourage states to participate in as many of the working group sessions as possible, and we look forward to continued collaboration on all of these projects.

Thank you, Mr. Chairman.