



*Permanent Mission of El Salvador
to the United Nations*

Item 80

Report of the United Nations Commission on International Trade Law on the work of its fifty first session

STATEMENT BY THE PERMANENT MISSION OF THE EL SALVADOR TO THE UNITED NATIONS ON BEHALF OF THE COMMUNITY OF LATIN AMERICAN AND CARIBBEAN STATES (CELAC)

New York, 15 October 2018

Mr. President,

I have the honor to address the representation of the 33 member states of the Community of Latin American and Caribbean States (CELAC).

The Community of Latin American and Caribbean States wishes to thank the Report of the work of the United Nations Commission on International Trade Law at its fiftieth session (A/73/17) which reflects in detail the hard work which has been developed, in the various subjects under its consideration.

Before 1966, the effort of harmonization and unification of the legal aspects of trade between the countries was not done in a universal form because of the lack of an inclusive institution responsible for promoting and appropriate solutions for States with different legal systems and in different stages of economic development. The United Nations Commission on International Trade Law (UNCITRAL), which was established on 17 December 1966, was an important response to this need. This year's commemoration of the 60th anniversary of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards was an opportunity to highlight the significance of the work of the Commission.

The composition of UNCITRAL ensures the representation of the various geographical regions and the major economic and legal systems of the world. Its



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method of work also falls within the fundamental principles of the Charter of the United Nations, such as the principle of sovereign equality for decision-making. In this respect, the creation of the Commission represented, for developing countries, the possibility of participating in the activities of harmonization, unification and modernization of international trade law, in order to ensure their inclusion in trade on an equal footing.

The success of UNCITRAL as the central legal body of the United Nations System in this area is therefore linked to its inclusive nature and to the interest of all peoples, especially developing countries, to improve conditions conducive to development of international trade.

Taking into account the foregoing, the countries of the Community of Latin American States and the Caribbean, reiterate the importance of the current structure, composition and working methods of UNCITRAL, since this ensures harmonization, unification and development of international commercial law, respecting the principle of sovereign equality of States and granting the texts that emanate from it worldwide acceptance.

Mr. President,

CELAC notes that significant progress was achieved in each of the six Working Groups. In particular, CELAC wishes to highlight, the finalization of a draft convention on international settlement agreements resulting from mediation, the adoption of the Model Law on International Commercial Mediation and International Settlement Agreements resulting from Mediation, the adoption of a Legislative Guide on Key Principles of a Business Registry as part of its work on micro, small and medium-sized enterprises and adoption of the Model Law on Recognition and Enforcement of Insolvency-Related Judgments and its Guide to Enactment. These will contribute to the strengthening of the legal framework, duly harmonized in each of its areas.

Regarding the future work, CELAC notes the priority given by the Commission to the proposal to develop an instrument on cross-border issues related to the judicial sale of ships, and agreed to begin work on expedited commercial arbitration.



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CELAC reiterates its support for the work of Working Group III on the study of the "Reform of the System of Dispute Settlement between Investors and States", which undoubtedly represents a laudable contribution to the codification and development of International Trade Law, and the focus of its discussions during the first year on the identification and consideration of concerns regarding investor-State dispute settlement.

CELAC expresses its support for the Commission's decision to entrust Working Group III with the study of the "Reform of the System of Dispute Settlement between Investors and States", which undoubtedly represents a laudable contribution to the codification and development of International Trade Law. During its first year of work, this Working Group has done an outstanding job in signaling and debating the concerns that the actual system bears.

The member states of CELAC wish to reiterate that the challenges of our Organization in the codification of International Trade Law are increasing; the volume and the characteristics of commerce at world-wide level undergo modifications without pause due to the incessant and permanent technological development and to the diversification of the commercial activities. This implies that the work of the Commission must accompany, as much as possible, the dynamics of trade activities. This implies that the work of the Commission should go hand in hand with the dynamics of commercial activities as close as possible.

We know and are aware that the challenge is not easy, because the speed of commercial activities exceeds the efforts of the codification task. However, the Commission's 51 years of work with the will, commitment, broad participation and openness of Member States can achieve substantive progress towards the Commission's goal of modernizing and consolidating international trade rules.

Each progress achieved in this area contributes to the establishment of clear rules that facilitate the exchange of goods and services.

Mr. President,

The CELAC countries strongly support the work of the Commission, and we value the efforts of members aimed at achieving the proposed objectives. Our



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commitment is demonstrated by our active participation in both the working groups and the Commission, whether as members or observers.

For the members of CELAC, our participation in the sessions implies a significant effort. The modality used so far, to alternate the venues of the meetings between New York and Vienna, facilitates the participation of our countries. It is a valid alternative for those who do not have a diplomatic representation in Austria.

As CELAC, we again emphasize the continuation of the current system of work to alternate the venues of meetings between New York and Vienna. We understand the budgetary constraints of the Organization, but we believe that facilitating logistics for broad membership participation contributes to discussions and achieves substantive results.

We also welcome the progress made in the work of the International Trade Law Commission and reiterate the commitment of CELAC in this area taking into account Agenda 2030 for Sustainable Development, in particular the relevant goals of the Development Goal 16: "Promoting peaceful and inclusive societies for sustainable development, facilitating access to justice for all, and creating effective, accountable and inclusive institutions at all levels.

Finally, Mr. President, but no less important, CELAC would like to take the opportunity to express its appreciation to Mrs. Anna Joubin-Bret, who, like the other secretaries that UNCITRAL has held to date, has carried out a great deal of work in the Secretariat, which has contributed greatly to the success of the Commission.

Thankyou Mr. President.