



**PERMANENT MISSION OF THE REPUBLIC OF  
SIERRA LEONE TO THE UNITED NATIONS**

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**STATEMENT**

by

**H.E. DR. MICHAEL IMRAN KANU**  
Deputy Permanent Representative

at the 76<sup>th</sup> Session of the United Nations General Assembly

Agenda Item: 80

**“Report of the United Nations Commission on International  
Trade Law on the work of its fifty-fourth session”**

New York, 18<sup>th</sup> October 2021

*Check Against Delivery*

**Madam. Chair,  
Excellencies,  
Distinguished Delegates,**

1. The delegation of Sierra Leone is particularly pleased to join the debate on the the work of the United Nations Commission on International Trade Law (UNCITRAL) carried out during its 54<sup>th</sup> session. We commend the Commission's business continuity strides despite the continuing challenges of the COVID-19 pandemic, particularly the travel restrictions. On this specific issue, we also use this opportunity to thank the host country for permitting travel for UNCITRAL meetings, enabling the hybrid-format to function appreciably.
2. My delegation thanks the Chair of the Commission for the 54<sup>th</sup> session, **Mr. Philbert Abaka Johnson** for introducing the report **A/76/17**. We also thank the Secretary, **Ms. Anna Joubin-Bret**, for her continued leadership, and the **Secretariat** for the facilitation of the work of the Commission and its Working Groups. We congratulate the elected officers of the session and commend them for their hard work.
3. The delegation of Sierra Leone notes with appreciation the decisions and important work done by the Commission as detailed in its report.

**Madam Chair,**

4. In this debate, the delegation of Sierra Leone shall highlight the following points:

- 5. Firstly**, Sierra Leone commends the remarkable progress on the legislative agenda of the Commission in the session under review. With disruptions to international trade owing to the COVID-19 pandemic and attendant legal ramifications, the work of UNCITRAL, as the United Nations subsidiary body mandated to assist with the progressive harmonization and modernization of the law of international trade, cannot be more beneficial.
- 6.** We therefore welcome the completion and adoption by the Commission of the Legislative Guide on Limited Liability Enterprises; the Legislative Recommendations on Insolvency of Micro-and Small Enterprises; the Mediation Rules, the Notes on Mediation and the Guide to Enactment and Use of the Model Law on Mediation; and the adoption of the Expedited Arbitration Rules and the new article 1, paragraph 5, of the Arbitration Rules. We also commend the Commission on the approval in principle of the draft commentary to the Legislative Recommendations on Insolvency of Micro-, and Small Enterprises; and the Explanatory Note to the UNCITRAL Expedited Arbitration Rules.
- 7. Secondly**, Sierra Leone commends the progress being made by Working Group I - Micro-, Small and Medium-sized Enterprises (MSMEs), notwithstanding the reported procedural difficulties in the Working Group's 35<sup>th</sup> session. We take note of the October 4-8 meeting of the Working Group I on "Access to credit for MSMEs", as mandate by the Commission to strengthen and complete the work on reducing the legal obstacles faced by MSMEs throughout their life cycles. My delegation in welcoming the work of

Working Group I supports the agreement to focus on micro- and small enterprises in line with the principle of “think-small-first”. We also support the position that the Secretariat be asked to prepare the Future Text on access to credit with the assistance from representative group of experts with due regard be given to the need to develop a balanced text.

8. On investor-state dispute settlement (ISDS) reform, Sierra Leone takes note of the progress made by the Working Group III, which had started to develop concrete reform elements to be recommended to the Commission. Given the importance of this issue to member States, particularly developing States, my delegation is of the view that this is one legislative agenda where the speed in the work of Working Group should not be at the expense of an outcome(s) that ensures uniform application and interpretation of the “multiple reform solutions” on the one hand and legitimacy on the other hand. For instance, we express grave concern over the idea of adopting reform options on a “rolling basis”, as this will certainly disturb the holistic approach to ISDS reform in the context of the Working Group.
9. We agree with the suggestion made in paragraph 201 of the report (A/76/17) *“that Working Group III should conduct a periodic review of the workplan to monitor and evaluate the Working Group’s progress and ensure full and effective participation of all States and other interested stakeholders”*. We therefore use this opportunity to recall the mandate of the Working Group, which is to ensure that *“the deliberations, while benefiting from the widest possible breadth of available expertise from all*

*stakeholders, would be government-led, with high-level input from all Governments, consensus-based and fully transparent”.*

- 10.** We therefore deem it crucial and appropriate for participation of developing States to be enhanced and facilitated. In this regard, we urge that operative paragraph 17 of General Assembly resolution 75/133 be fully operationalized by the Secretariat making the process for participation in the meetings of Working Group III widely known, accessible and timely.
- 11. Thirdly,** on other matters relating to the work of the Commission, Sierra Leone welcomes the provisional approval of the holding of the 55<sup>th</sup> session of the Commission in New York. We further take note of the schedule for the working group sessions. Notwithstanding the COVID-19 pandemic, all efforts must be explored and exhausted to ensure the New York in-person meetings are convened in New York. This is vital in not only keeping the good tradition of the Commission, but also to enhance representativeness in its work.
- 12.** It is in view of this important representation principle that Sierra Leone lends its support to the recommendation of the Commission to the General Assembly on the enlargement of the membership of the Commission. We also fully endorse the call of the Chair of the Commission on States to host an inaugural series of UNCITRAL Africa Day in 2022.
- 13.** In closing, **Madam Chair**, the delegation of Sierra Leone is pleased to inform of the preliminary engagements with the Secretariat of the Commission on cooperation with

Sierra Leone on experience sharing and expertise on the enactment, implementation, and uniform interpretation of UNCITRAL adopted legislative texts. The proposal was based on Sierra Leone's recent accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Award, 1958; the signing of the United Nations Convention on International Settlement Agreement Resulting from Mediation 2019, and the United Nations Convention on the Use of Electronic Communications in International Contracts 2005; and the participation of Sierra Leone in UNCITRAL and its Working Groups. We note that this is a significant step in the overall work of the Commission and Secretariat on providing adequate capacity-building to implement legislative texts already adopted, increasing awareness of best practices in the application and interpretation of UNCITRAL texts.

**14.** In noting the importance of this aspect of the work of UNCITRAL, we thank all those who have made contributions to the technical and travel assistances Trust Fund, and we join the Commission in reiterating the *“call to all States, the relevant bodies of the United Nations system, organizations, institutions and individuals to consider making contributions to the trust funds, if possible in the form of multi-year contributions or as specific-purpose contributions, in order to facilitate planning and enable the UNCITRAL secretariat to meet the increasing number of requests for technical assistance and cooperation and travel assistance”*.

**15. I Thank you.**