

Canada

United Nations Commission on International Trade Law
Canada National Statement- Item 75

UNGA 77-Sixth Committee (October 2022)

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Mr./Madam Chair,

Thank you for this opportunity to present Canada's comments on the work of the United Nations Commission on International Trade Law and its 55th session. Canada is committed to the 2030 Agenda for Sustainable Development and is convinced that UNCITRAL's mission to develop and harmonize commercial law can help achieve several sustainable development goals.

Canada would like to congratulate the Commission and its Secretariat for another successful year. Despite the ongoing challenges of the COVID-19 pandemic, the Commission was able to adapt and ensure the continuity of its important work.

The Commission continued to improve its working methods, transposing some lessons learned from the pandemic to its in-person meetings. Canada is supportive of these positive changes. Allowing participants to view meetings online provides an opportunity for greater inclusivity. When needed, Working Groups may adopt their reports post-session, thereby leaving more time for substantive discussions.

It is with great satisfaction that Canada notes the approval by the Commission of the *Convention on the International Effects of Judicial Sales of Ships*. The Convention will facilitate international trade by enhancing legal certainty with respect to the ownership of

ships sold by way of judicial sale. This Convention was largely developed during hybrid negotiation sessions – truly a testament to the Commission’s capacity to adapt.

The Commission also adopted the Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services. This is the first legislative text developed by a global international body on this cutting-edge topic.

The Commission also added to its comprehensive suite of products in dispute resolution by adopting the Recommendations to assist mediation centres and other interested bodies with regard to mediation under the UNCITRAL Mediation Rules.

Mr./Madam Chair,

Canada applauds the inclusive, transparent, and broad discussions that have taken place within WGIII on the reform of investor-state dispute settlement mechanisms and was pleased to see steady progress on this important project. Canada welcomed the additional resources allocated by the Commission to WGIII to allow the work to be completed by 2025.

We note the progress of the Commission’s work on access to credit for micro, small and medium-sized enterprises, or MSMEs, and the Commission has continued its consideration of legal issues arising from civil asset tracing recovery in insolvency proceedings, as well as applicable law in insolvency proceedings. Canada considers this work to be of great value.

The Commission continued to explore a large number of topics under the theme of digital economy, including work on automated contracts, data transactions and dispute resolution for technology disputes. In the area of dispute resolution, work on adjudication has been undertaken. It is important for the Commission to ensure that its work in the area of the digital economy focuses on resolving legal gaps identified as problematic.

Mr./Madam Chair,

Canada applauds UNCITRAL's ambitious work programme and exploratory work for the upcoming years. While the variety in topics included in this programme is impressive and forward-thinking, the Commission must continue to coordinate and collaborate with UNIDROIT and the Hague Conference on Private International Law to ensure that there is no duplication with the work of these organizations. The Commission must also ensure that its work programme is in line with its mandate and its strengths.

Canada wishes to congratulate the Commission on the enlargement of UNCITRAL's membership from 60 to 70 States. This provides a valuable opportunity for more States to participate in the work of the Commission, and supports increased harmonization and development of international trade law.

Canada would like to take this opportunity to reaffirm its strong support for UNCITRAL's work and looks forward to continuing our active participation in it.

Thank you, Mr./Madam Chair.