

Report of the United Nations Commission on International Trade Law On the Work of Its Fifty-Fifth Session”

Mr. Chairperson,

I have the honour to deliver this statement on behalf of the delegation of Uganda.

My delegation would like to thank the Chair of the Commission of the 55th session, H.E Mr. Ivana Simonovic of the Republic of Croatia for his leadership in conducting the work of the session, as well as for introducing the report on the work of the Commission contained in document A/77/17.

Mr. Chairperson,

My delegation would like to congratulate the commission on the adoption of the UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services when revising or adopting legislation relevant to identity management and trust services, and we would appreciate States that have used the Model Law to advise the Commission on how states that have not used it can develop its application and domestication.

Mr. Chairperson,

We are very appreciative and grateful for the Legal guide on the use of distributed ledger systems. The preparation of the new section of the legal taxonomy on distributed ledger systems had identified the need for legal guidance on the operation of distributed ledger systems (described in the taxonomy as the “infrastructure layer”) and on contracting for the provision of distributed ledger technology-enabled services (described in the taxonomy as the “application layer”).

Our delegation appreciates that the proposed guidance document could provide explanations useful to commercial operators, especially MSMEs and operators located in developing countries like Uganda, in assessing whether distributed ledger technology-enabled services addressed their needs, and the impact of the use of such services on their business. Suffice to note, the raising awareness of those legal issues could promote greater security and sustainability in digital transformation efforts, including within the United Nations system.

Mr. Chairperson,

On Dispute settlement our delegation would like to commend the commission for the progress made by Working Group II, in particular its finalization of the explanatory note to the UNCITRAL Expedited Arbitration Rules. We would also like to express our appreciation to the secretariat for presenting the legislative options with regard to early dismissal and preliminary determination, based on the deliberations of the Working Group and to further consideration of future work in the area of dispute settlement which will go a long way in saving states like Uganda the protracted cost of litigation.

Mr. Chairperson,

With regard to Investor-State dispute settlement reform, would like to commend and appreciate the progress being made by Working Group III in the third phase of its mandate, which was to develop concrete reform elements to be recommended to the Commission. We also commend the Working Group for completing the first reading of the draft code of conduct and for considering the selection and appointment of Investor-State dispute settlement tribunal members to a standing multilateral mechanism during those sessions.

Our delegation further expresses its appreciation to the secretariat for closely cooperating with the secretariat of the International Centre for Settlement of Investment Disputes on the code of conduct and with the secretariat of the Organization for Economic Co-operation and Development (OECD) on shareholder claims and reflective loss.

Mr. Chair, the Draft Code of Conduct in its present condition, is not complete without regulating the conduct of Counsel. Counsel ethics has been a recurring talking point in arbitration circles. The continued interest in this issue is unsurprising. As arbitration becomes more international, we must increasingly confront the difficulties that arise from diverging ethical standards in multiple jurisdictions. Arbitral tribunals routinely rely on counsel's professional obligations, for example, in complying with disclosure orders, in communications with witnesses, in making factual and other representations and the like.

Mr. Chair,

Our delegation is of the considered opinion that a special consideration and emphasis should be focused on developing countries with the aim to providing technical support. This would constitute an effective means to ensure both competence and inclusiveness. Uganda would therefore support the suggestion that this matter should be addressed in the context of the reform option regarding the establishment of an advisory center. The method of selection and appointment has generated questions of independence and impartiality stemming from the fact that the arbitrators are appointed by the disputing parties themselves.

Our delegation would like to thank the Chair of Working Group III who provided an outline of the work to be conducted by the Working Group during the four weeks of

session scheduled until the fifty-sixth session of the Commission and indicated that the Working Group would aim to submit the draft code of conduct with the commentary and texts on alternative dispute resolution mechanisms for consideration by the Commission at its next session.

Madam Chairperson,

My delegation once again commends the Members of the UNCITRAL Commission, *and* the UNCITRAL secretariat for the tremendous work in preparing this report and enabling members to participate in the meetings of the commission through the hybrid format. My delegation looks forward to supporting the work of the United Nations International Trade Law Commission (UNCITRAL) in the coming sessions.

I thank you.