



**PERMANENT MISSION OF THAILAND  
TO THE UNITED NATIONS**

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**Statement**

**by**

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**before the Sixth Committee**

**of the 72<sup>nd</sup> Session of the United Nations General Assembly**

**Agenda Item 79:**

**Report of the United Nations Commission**

**on International Trade Law on the work of its fiftieth session**

**New York, 9 October 2017**

**Please check against delivery**

Mr. Chair,

Thailand wishes to begin by congratulating Mr. Janos Martonyi, Chairman of the fiftieth session of UNCITRAL on the successful conclusion of the session. My delegation wishes to express our appreciation to the Secretariat for the comprehensive report on the progress made by the working groups over the past year.

We would also like to thank Mr. Renaud Sorieul, Secretary of UNCITRAL, and Mr. Spyridon Bazinas, Secretary of Working Group VI, both of whom will retire this year, for their dedication and contribution to the work of the Commission.

Mr. Chair,

Thailand has been a long-standing member of UNCITRAL, currently serving our 6<sup>th</sup> term for the year 2016-2022. We have actively participated in and contributed to the work of all of the working groups, and will continue to do so, given UNCITRAL's unique and indispensable role in the progressive modernization and harmonization of international trade law.

Mr. Chair,

Like many other countries, Thailand has greatly benefited from the work of UNCITRAL. The Legislative Guide on Secured Transactions, for example, has guided the drafting of our Secured Transactions Act, which fully entered into force last year. More recently, the Model Law on Public Procurement facilitated the drafting of the Public Procurement and Supplies Management Act, which came into force in August this year. We also hope that we will be able to accede to the Convention on Contracts for the International Sale of Goods in the near future.

Thailand is also studying other texts of UNCITRAL—among which are the Model Law on Cross-Border Insolvency and the Rules on Transparency in Treaty-based Investor-State Arbitration, with a view to exploring options for bringing Thai laws further in line with international standards. We therefore would like to thank UNCITRAL Secretariat and UNCITRAL Regional Centre for Asia and the Pacific (or RCAP) for providing valuable technical assistance in reading and applying these texts.

Indeed, Thailand has had a long-term and productive partnership with RCAP. Several Thai agencies, including the Ministry of Justice, the Ministry of Commerce, and Thailand Arbitration Center, have also collaborated closely with RCAP in promoting better understanding of international trade law. For instance, last month, RCAP together with ASEAN Law Association (ALA), the Supreme Court of Thailand, Thailand Arbitration Center, the International Institute for

Trade and Development, and the Ministry of Foreign Affairs co-hosted a seminar entitled “One Step Closer: Promoting ASEAN Integration through the Harmonization of Commercial Law” to discuss the benefits of harmonization for ASEAN economic integration.

Mr. Chair,

Having studied UNCITRAL’s report on its 50<sup>th</sup> session, Thailand is pleased with the Commission’s achievements over the past year, in particular the adoption of the Model Law on Electronic Transferable Records with Explanatory Notes and the Guide to Enactment of the Model Law on Secured Transactions. These documents will undoubtedly play a vital role in modernizing and harmonizing trade law regimes that would provide legal certainty for the conduct of cross-border commercial activities worldwide.

Thailand also welcomes the Commission’s decision to entrust Working Group III with the mandate to work on the possible reform of investor-State dispute settlement (or ISDS). This decision would facilitate the identification and consideration of concerns regarding ISDS and allow Member States to further deliberate on the desirability and possible ways forward for such reform. To that end, my delegation wishes to stress that the Working Group must conduct their work in a transparent, consensus-based, and inclusive manner, allowing both developed and developing countries to participate fully in the discussions.

Thailand is of the view that Working Group III should begin its work with a broad approach, looking not only at procedural but also substantive issues. Suitable topics may include, for example, the use and legal status of joint interpretations issued by State parties to investment treaties, the scope of policy space needed by the host States to protect their legitimate public interests, and the means of ensuring independence and impartiality of arbitrators. Thailand stands ready to work with other members in support of the new mandate of Working Group III and we look forward to actively participating in its upcoming meeting in late November this year.

Mr. Chair,

As UNCITRAL celebrates its 50<sup>th</sup> anniversary this year, it is time for the Commission to take stock of its past work and re-calibrate its goals and visions. To remain relevant and legitimate, the Commission must align its work with the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda on Financing for Development.

While Thailand is pleased to see that UNCITRAL is moving towards the right direction by holding the Congress titled “Modernizing International Trade Law to Support Innovation and Sustainable Development” earlier this year to

explore new directions in cross-border commerce, we are of the view that UNCITRAL must steer the wheels of international trade law towards human-centered goals—the goals which prioritize not only profit-making but also the sustainable livelihood of the people. To this end, UNCITRAL must step up its efforts to engage with wider stakeholders and work more closely with other UN agencies in mainstreaming Sustainable Development Goals into its agendas and activities.

To conclude, Mr. Chair,

Thailand believes that UNCITRAL has the capacity to transform itself into a truly 21<sup>st</sup>-century, people-centered organization. However, to do so successfully, it needs the support and participation of all countries. On our part, Thailand reaffirms that we will continue to provide our support to the Commission for all its current and future work.

Thank you, Mr. Chair.

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