



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

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**STATEMENT BY MR NATHANIEL KHNG,
DELEGATE TO THE 73RD SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY,
ON AGENDA ITEM 80,
ON THE UNITED NATIONS COMMISSION ON INTERNATIONAL
TRADE LAW ON THE WORK OF ITS FIFTY-FIRST SESSION,
SIXTH COMMITTEE,
16 OCTOBER 2018**

[Please check against delivery]

1 Thank you Mdm Chair. We would like to thank the Chair of the United Nations Commission on International Trade Law (“UNCITRAL”) and the UNCITRAL Secretariat for the report on the 51st Session of the Commission. We also thank the Chair of the 51st Session, Prof Dr Beate Czerwenka from Germany, for her stewardship of the Session. In addition, we thank the Secretary, and the officers and staff of the UNCITRAL Secretariat, for their hard work throughout the past year. My statement will focus on three main areas, these being: first, the commendable start by UNCITRAL to its next 50 years; second, the notable work that has been completed during the 51st Session of the Commission; and third, observations on ongoing work and the future.

UNCITRAL’s Commendable Start to its Next 50 Years

2 Mdm Chair, Singapore applauds UNCITRAL for its achievements this year—the first in its next 50 years of existence. It is clear that UNCITRAL has not rested on its past accomplishments, and has made great strides in its important mandate of progressively harmonising and modernising the law of international trade. This year was a productive one, as UNCITRAL completed work on a significant number of substantive documents. This is, in Singapore’s view, encouraging and promising, and bodes well for the future. UNCITRAL plays an important role in promoting the rule of law at the national and international levels. We appreciate UNCITRAL’s recent work as further, valued contributions to advancing the rule of law, which have direct impacts on the everyday lives and transactions of people and businesses.

UNCITRAL's Notable Work

3 Turning to UNCITRAL's notable work in the past year, Singapore congratulates the Commission and Working Group II for successfully completing work on the United Nations Convention on International Commercial Settlement Agreements resulting from Mediation and amendments to the Model Law on International Commercial Conciliation. Singapore is honoured to be associated with the Convention, and looks forward to welcoming all to Singapore for the signing ceremony on 7 August 2019, and for the events on the Convention and the Model Law that will be organised in conjunction with the signing ceremony.

4 Mediation complements other forms of dispute resolution. It has advantages over adversarial forms of dispute resolution, as it is able to achieve mutually acceptable solutions and preserve commercial relationships, while saving time and costs. The Convention, in particular, will add to the attractiveness of mediation. It will provide for an efficient and effective international framework for the enforcement of settlement agreements resulting from mediation of commercial disputes. Being a binding international instrument, it will also bring added assurance of certainty and stability to this framework.

5 Uncertainty in international enforceability of settlement agreements resulting from mediation has, till now, been perceived to be the major disadvantage of mediation, when compared with international arbitration, which has the New York Convention. The Convention on mediation is thus significant, as it has the potential to be, for mediation, what the New York Convention is for arbitration. Should the Convention be widely adopted, we envisage that mediation will be regarded by businesses as having parity with arbitration as a preferred means of settling cross-border commercial disputes. This will serve to facilitate global trade and commerce, to the benefit of the global economy. We would therefore ask all States to give serious consideration to becoming a party to the Convention.

6 The Convention and amendments to the Model Law on mediation were not the only significant documents on dispute resolution for which work was concluded during the 51st Session. Work on the Model Law on the Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment was also completed. These are important documents, which will complement the Model Law on Cross-Border Insolvency. They can be instrumental in reducing uncertainty in the enforceability of insolvency-related judgments.

7 The completion of the Legislative Guide on Key Principles of a Business Registry is also notable. This guide sets out important recommendations that policymakers, in particular those from developing countries, may find useful when reforming laws to facilitate and promote the registration of businesses. The practical benefits of an improved framework for registration would be particularly significant for developing countries and micro, small, and medium-sized enterprises.

UNCITRAL's Ongoing and Future Work

8 The last area that I will touch on is UNCITRAL's ongoing and future work. Singapore is closely following the work being done by Working Group III on Investor-State Dispute Settlement Reform and will continue to participate constructively in the work of the Group, whose rapporteur for the last two sessions was a Singapore delegate. We also are encouraged that progress has been made on Public-Private Partnerships.

9 On future work, we previously raised the need to scan the horizon and avoid being restricted to subject matters that are covered by the six specialised Working Groups established by the Commission. We are pleased, therefore, that the Commission, at its 51st Session, has decided to give priority to work on cross-border issues related to the judicial sale of ships. This is a topic that does not fall easily under any of the areas that are presently covered by the Working Groups, as reflected in the fact that it will be allocated to any of the Working Groups that first becomes available.

Concluding Remarks

10 Mdm Chair, I will conclude by emphasising that Singapore is a committed supporter of UNCITRAL. Experts from Singapore have chaired Working Groups. We also have been, and continue to be, a firm believer in the promotion and implementation of UNCITRAL texts, and the important role of capacity building and training in that regard. For instance, we aim to conduct workshops in various countries and participate in international conferences to raise awareness and promote understanding of the work outputs of Working Group II on mediation. We look forward to continuing to contribute to the Commission's work in the harmonisation and modernisation of the law of international trade.

11 Thank you very much, Mdm Chair.

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