

STATEMENT BY

**MR. YEDLA UMASANKAR
FIRST SECRETARY/LEGAL ADVISER
PERMANENT MISSION OF INDIA TO THE UN**

ON

**AGENDA ITEM 78
“REPORT OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW”**

AT THE

**SIXTH COMMITTEE OF THE 75th SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY**

NEW YORK

10 NOVEMBER 2020

Mr. Chairman

We thank the Chairman of the United Nations Commission on International Trade Law (UNCITRAL/the Commission) for his detailed presentation of the report on the work of the UNCITRAL at its 53rd Session. We attach great significance to the work of the Commission over the last half a century in the harmonization of laws related to international trade.

2. We take this opportunity to thank Ms. Anna Jouben-Bret, Secretary UNCITRAL for engaging with India on discussions related to the ongoing work of UNCITRAL and for the proposed conference to be held in New Delhi along with the Ministry of External Affairs and the UNCITRAL National Coordination Committee for India (UNCCI) which unfortunately couldn't go ahead because of the Covid 19 pandemic. We also take this opportunity congratulate the UNCITRAL – Regional Centre for Asia and the Pacific for the series of webinars organised along with the UNCCI on India specific topics, during the pandemic.

Mr. Chairman

3. We thank the Commission for its report A/75/17 on its work at the Fifty – third Session and commend the Commission for the work over the past year and take note of the various panel discussions that considered the role that UNCITRAL texts could play in assisting States with their COVID-19 economic response. We share the goal of other UNCITRAL member States that there is a need to move ahead with the work of UNCITRAL using alternative methods of work, including the use of remote means of communication, to ensure progress in the work of UNCITRAL. We also reiterate that the work process should not only be flexible but also inclusive by respecting the practical challenges and limitations faced by States.

4. We also take note of the fact that the Singapore Convention on Mediation came into force on 12 September 2020. We also take note the progress made by Working Group-I on the legislative guide for an UNCITRAL limited liability organization, aimed at reducing the legal obstacles faced by micro-, small and medium-sized enterprises, particularly, those in developing economies.

Mr. Chairman

5. We take note of the progress made by the Working Group-II in preparing draft provisions on expedited arbitration which are to appear as an appendix to the

UNCITRAL Arbitration Rules. We therefore, stress on the interaction between the UNCITRAL Arbitration Rules and the expedited arbitration provisions to ensure coherence between the two texts.

6. We also take note of the continued consideration of improving the efficiency and quality of arbitral proceedings that could pave the way for reduction in costs and duration of the proceedings which is to the benefit of parties.

Mr. Chairman,

7. We commend the progress of the work of Working Group III on Investor – State Dispute Settlement Reform. We note that the two possible reforms include reforming the current system in a step-by-step process and a structural reform which includes the creation of a World Investment Court with an appellate body. It has been agreed to pursue both work streams simultaneously, in order to give ample opportunity and accommodate all the parties and have consensus on the way forward.

8. While we take note of the outreach activities of the secretariat aimed at raising awareness of the work of the Working Group including the webinars and other informal events and consultations organized by the secretariat following the global outbreak of COVID-19, we reiterate that, in line with the UNCITRAL process, to ensure that the deliberations, while benefiting from the widest possible breadth of available expertise from all stakeholders, should be government-led, consensus-based and fully transparent.

Mr. Chairman

9. With regard to the repository of published information under the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration, and consideration of the way forward, we note the unanimous view of the Commission that the Secretariat of the Commission should fulfil the role of the transparency repository and that it should continue to operate the transparency repository.

10. We also acknowledge the accessions by Palau and Tonga to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) taking the number to 164 States parties. India was one of the initial signatories to the Convention and the development of Indian jurisprudence in this

field of law is reflected in the CLOUT digest through the helpful summaries prepared by the National Correspondents

11. We appreciate the value of CLOUT system as an important tool to collect information on the use and implementation of UNCITRAL texts that undoubtedly contribute to the delivery of continued and sustained capacity-building efforts. We also appreciate the work of the national correspondents to CLOUT who play an important role in providing information on the use and implementation of UNCITRAL texts. This information is useful for identifying needs for future legislative work. We take particular note of, and appreciate the work of the nominated national correspondents to CLOUT from India and are glad that the Indian cases have been published in the latest CLOUT digests which would go a great way in enhancing the jurisprudence in harmonising international trade law across jurisdictions.

Mr. Chairman

12. We express our appreciation and gratitude to the flexibility, responsiveness and innovativeness in facilitating the work of UNCITRAL during the COVID-19 pandemic and the efforts made to allow UNCITRAL to hold formal meetings virtually or in a hybrid manner, in the six official languages. We believe that improvements can be made in an interface platform and the work of UNCITRAL could benefit from modern technology

Mr. Chairman

13. In conclusion, we would like to highlight that UNCITRAL as the core legal body of the United Nations system in the field of international trade law should continue to reach out to the broadest extent possible to continue the harmonization and development of international trade law.

14. The Republic of India remains committed to the work of the UNCITRAL and look forward to continuing our productive engagement.
