



799 UNITED NATIONS PLAZA
NEW YORK, N.Y. 10017-3505

UNITED STATES MISSION TO THE UNITED NATIONS

**Statement at the 75th General Assembly Sixth Committee
Agenda Item 78: United Nations Commission on International Trade Law
Julian Simcock, Deputy Legal Adviser
United States Mission to the United Nations
November 10, 2020**

Thank you, Chair.

The United States welcomes the Report of the 53rd session of the United Nations Commission on International Trade Law (UNCITRAL) and commends the efforts of UNCITRAL's Member States, observers, and Secretariat in continuing to promote the development and harmonization of international commercial law.

We note that, as a result of the unprecedented COVID-19 crisis, Working Groups were unable to meet for their spring 2020 sessions, and the UNCITRAL Commission did not approve any new legal instruments this year. Although the delays in the important work of UNCITRAL are unfortunate, we would like to thank the Secretariat for its tireless efforts to help us adjust to new working methods and continue to make progress during this time. Despite the many challenges presented by new, remote processes, the Secretariat was able to facilitate both an abbreviated Commission session and an important series of webinars discussing the relevance of UNCITRAL's instruments in addressing the COVID-19 economic crisis. These webinars made a valuable contribution to the global discourse on the impact of COVID-19 on cross-border economic activity and the responses of States to the challenges posed by the pandemic.

We note with satisfaction that the Commission has approved work on a number of new projects, ensuring that UNCITRAL will continue its important normative work in the coming years. Among others, the Commission approved a joint UNCITRAL-Unidroit project to prepare a model law on warehouse receipts, which we believe will advance UNCITRAL's long-standing and important role in expanding access to credit, particularly in developing economies. In the area of insolvency, we welcome the preparatory and related work that will continue in order to develop two projects - one on civil asset tracing to promote greater availability of mechanisms to trace and recover assets related to insolvency proceedings and another on applicable law in insolvency proceedings. We welcome the Commission's decision to hold a colloquium on the topic of applicable law, so that the contours of that topic can be developed. Following additional work by the Secretariat on both insolvency-related topics, we are hopeful that next year the Commission will be in a position to authorize work on them and give a mandate to Working Group V, which is focused on insolvency, to take up both these projects.

We look forward to continuing our productive engagement with UNCITRAL this year. While there was no consensus on a decision to request additional resources for Working Group III's work of ISDS reform as some delegations had proposed, we welcome the willingness of all delegations to engage in a discussion about the future work plan on ISDS reform in the coming year to inform a potential decision on this issue at next year's Commission meeting. We welcome continuing discussions on the appropriate size and composition of UNCITRAL's membership, and appreciate the emphasis the Commission has placed on reaching a decision on this matter by consensus. We hope such discussions will focus on ensuring UNCITRAL can maintain and improve upon its ability to develop and promote effective, usable instruments supporting stable and predictable legal outcomes for citizens and businesses of our country, and the world.

