



PHILIPPINES

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STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations
Agenda Item - 80: Report of the United Nations Commission on International Trade Law on the
work of its fifty-fourth session
76th Session of the United Nations General Assembly
18 October 2021, Conference Rooms 1-3
UN Headquarters New York

Madam Chair.

We thank the Commission for its report on its 54th Session (A/76/17) and express appreciation for the efforts of the UNCITRAL Secretary Anna Joubin-Bret and the Chair of the 54th Session of UNCITRAL, Mr. Philbert Abaka Johnson (Ghana) to reach out to Member States and provide insights into the contents of the report.

The Philippines recognizes the Commission's mandate in promoting the progressive harmonization and unification of international trade law and its role in promoting the rule of law at both international and national levels. UNCITRAL contributes to the achievement of the UN Sustainable Development Goals through establishing and facilitating fair, stable and predictable legal frameworks.

We therefore welcome the information contained in the report that UNCITRAL continues to effectively discharge its mandate despite the constraints posed by the pandemic and we laud its accomplishments during the relevant period, including, *inter alia*:

- The adoption of the UNCITRAL Legislative Guide on Limited Liability Enterprises;
- The adoption of the Legislative Recommendations on Insolvency of Micro- and Small Enterprises;
- The adoption of the UNCITRAL Mediation Rules, UNCITRAL Notes on Mediation and Guide to Enactment and Use of UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation; and
- The adoption of the UNCITRAL Expedited Arbitration Rules and the new article 1, paragraph 5, of the UNCITRAL Arbitration Rules.

We also note the satisfactory progress of the various Working Groups, including the work on Investor-State Dispute Settlement Reform. UNCITRAL's continued robust engagement with other stakeholders, including international governmental and non-governmental organizations, such as the Hague Conference on Private International Law, Unidroit, and the Permanent Court of Arbitration, and its recognition of their contribution to international trade law, including Unidroit's work on general rules on international commercial contracts, are worth noting.

In the future, we look forward to progress on the draft Model Law on Warehouse Receipts and the draft instrument on negotiable multi-modal transport documents. We anticipate the initiatives and exchanges on cutting-edge legal issues related to dispute resolution in the digital economy and the use of artificial intelligence and automation in contracting. We welcome the Secretariat's exploratory work on legal issues related to the impact of Covid-19 on international trade law and look forward to the online platform for the exchange of information by states on this matter. We also hope to see progress on the proposal on the topic of climate change mitigation, adaptation, and resilience.

Given its accomplishments, and the level of ambition for its future program of work, the Philippines supports the provision of sufficient, adequate, and predictable resources for UNCITRAL. The Working Group on Investor-State Dispute Settlement Reform would benefit from certainty and predictability of resource support for its workplan. The Philippines urges Member States to consider favorably the recommendation, contained in the report, for the UNGA to allocate additional conference and supporting resources to the secretariat for a single period of four years from 2022-2025.

We have previously expressed support for the proposal on the enlargement of the membership of the Commission. We note the recommended text of the resolution on enlargement contained in the report and thank Japan for organizing and leading the Vienna-based consultations on this subject. Although we have stressed that such expansion should reflect proportionate membership from the Group of 77 and China Member States to ensure equal and balanced representation in the Commission, we are willing to engage constructively on this matter on the basis of the proposed text.

We express our appreciation to UNCITRAL's Regional Center for Asia and the Pacific and to the Republic of Korea for its support for the Center. The Center has done much to build capacity in our region on international trade law and to raise awareness of UNCITRAL.

Finally, as a current member of the Commission, the Philippines stands ready to support Austria in its work as facilitator of the resolution on this agenda item. END