



**INDIA**  
**भारत**

**STATEMENT BY**

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**PERMANENT MISSION OF INDIA TO THE UN**

**ON**

**AGENDA ITEM 75**

**“REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL  
TRADE LAW” ON THE WORK OF ITS FIFTY FIFTH SESSION**

**AT THE**

**SIXTH COMMITTEE OF THE 77th SESSION OF THE**

**UNITED NATIONS GENERAL ASSEMBLY**

**NEW YORK**

**17 OCTOBER 2022**

We thank the Chairman of the United Nations Commission on International Trade Law (UNCITRAL) for his detailed report on the work of the Commission. We attach great importance to the work of UNCITRAL and take this opportunity to thank its Secretary General Ms Anna Jouben Bret and her associated staff, for successfully conducting the sessions of the Commission and its working groups.

2. We thank the Commission for its report A/77/17 on its work at the fifty-fifth session. We are pleased to note that the fifty fifth Session of UNCITRAL has been a productive one. We would also like to congratulate the UNCITRAL Secretariat for its adaptability and responsiveness to the challenges and circumstances arising from the COVID-19 pandemic.

3. The working groups of the Commission have been instrumental in preparation of legal texts in a number of important areas of International Trade Law including the settlement of commercial disputes, electronic commerce, insolvency, sale of goods, procurement and infrastructure development and micro, small & medium sized enterprises. These legal texts and model laws developed by the Commission are of practical value for individuals, corporations and States.

4. We take note of the progress made by the Working Groups and take this opportunity to commend the Commission for the finalization and adoption of the text of Draft Convention on the International Effects of Judicial Sale of Ships. However, we believe that adoption of a convention on the subject, would have the desired effects of harmonizing international economic relations, only if the same is acceptable to States with different legal, social and economic systems. Only then would it complement the existing international legal framework on shipping and navigation.

5. India conforms to the view that alternative dispute settlement methods such as mediation, conciliation and expressions of similar import, as a means of amicably settling disputes, have significant benefits in the context of domestic as well as international commercial relations.

6. We welcome the adoption of recommendations of the Secretariat regarding assistance to mediation centers and other interested bodies in the context of mediation under UNCITRAL Mediation Rules. The recommendations, though not binding, would provide flexibility to such institutions to further adapt to such rules and, thereby, complement the existing legal framework on international mediation by providing the requisite information and assistance to mediation centers and other interested bodies that envisage using UNCITRAL Mediation Rules in the institutional context.

7. We take note of the progress made by Working Group-IV and adoption by the Commission of the UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services, as contained in annex II to the report. This will constitute a useful addition to existing UNCITRAL texts in the area of electronic commerce by assisting States in enhancing their legislation governing the use of identity management and trust services, as well as in formulating such legislation where none currently exists, particularly with respect to cross-border aspects.

8. We support the view that the future work on the topics of automated contracting and data transactions should not overlap with the work being carried out within the United Nations system and other international forums aimed at developing harmonized standards on the ethical use and governance of artificial intelligence, work on data protection and work on cross-border data flows. In this context the future legislative work needs to foster broad participation of developing and developed countries complemented by capacity building activities, while keeping in mind the specific needs of developing countries.

9. We reiterate the importance of the relevant working group continuing deliberations on the topic of access to credit for Micro, Small and Medium-sized Enterprises (MSMEs), as opposed to requesting the secretariat to carry out work on the topic with the assistance of a group of experts. This would allow reflection of a wider range of perspectives from various geographical regions, legal traditions and countries at different economic levels.

10. We note with satisfaction the progress made by the relevant Working Groups towards finalization of the explanatory note to the UNCITRAL Expedited Arbitration Rules as well as towards possible reform of Investor-State Dispute Settlement Mechanism. We are of the considered view that technology related dispute resolution and adjudication should be accorded preference and that member states must have a balanced approach in arriving at a consensus for granting more resources (time and budget) to complete the work.

11. We appreciate the secretariat for organizing the colloquium on possible future work on dispute settlement as also for its outreach activities aimed at raising awareness about the Working Groups and ensuring that the process remains inclusive and fully transparent.

12. We are eagerly looking forward to an early convening of the postponed exploratory event proposed by the Secretariat on the topic "Crisis Impact on International Trade Law: COVID-19 and Beyond – MSMEs and Digitization". Such events are useful in developing effective policy and legislative responses based on effective use of UNCITRAL instruments, in the event of unforeseen global crisis, to minimize trade disruption as well as recovery efforts thereafter.

13. We welcome the efforts of the Secretariat for its cooperation and coordination work with other organizations and entities, within and outside the United Nations system, including the Asian-African Legal Consultative Organization, the Asia-Pacific Economic Cooperation forum, the Energy Charter secretariat, OECD, the Permanent Court of Arbitration, UNCTAD, the United Nations Office on Drugs and Crime (UNODC) and WTO, as a means of avoiding duplication of efforts and promoting efficiency, consistency and coherence in the unification and harmonization of international trade law.

14. We reiterate the importance of technical cooperation and assistance to the developing countries, specifically in matters relating to the adoption and use of texts, adopted by the Commission, at the national level.

15. We appreciate the efforts of the Commission towards promoting the uniform interpretation and application of its legal instruments, and agree that CLOUT (Case Law of UNCITRAL Texts) system including the digests of case law, are pivotal tools in this regard. In this context, we note with appreciation the progress being made towards rejuvenating the system.

16. In conclusion, India reiterates its commitment to the UNCITRAL as the core legal body of the United Nations system in the field of international trade law and assures it of our constructive support in future work programs of other agenda items.

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