

**Permanent Mission of India to the UN  
New York**

\*\*\*

**6<sup>th</sup> Committee of the 78th Session of the UNGA  
(Agenda Item 77)**

**“Report of the United Nations Commission on International Trade Law on the  
work of its fifty-sixth Session”**

**India Statement**

We thank the Chairman for the Report of the United Nations Commission on International Trade Law (UNCITRAL/Commission) for his detailed report contained in document A/78/17. We attach great importance to the work of the Commission, and take this opportunity to thank Secretary General, Ms. Anna Jouben Bret and her associates and staff at the UNCITRAL, for conducting the sessions of the Commission and its Working Groups in an efficient, uninterrupted and productive manner.

2. We are pleased to note that the fifty-sixth Session of the Commission has been a productive and successful Session. We take note of the progress made by the Working Groups. The Commission finalised and adopted the UNCITRAL Model Provisions on Mediation for International Investment Disputes; the UNCITRAL Guidelines on Mediation for International Investment Disputes; the UNCITRAL Code of Conduct for Arbitrators in International Investment Dispute Resolution; and the UNCITRAL Code of Conduct for Judges in International Investment Dispute Resolution.

3. I am happy to inform you that India had successfully hosted the second South Asia UNCITRAL conference jointly with the UNCITRAL and the UNCCI (UNCITRAL National Coordination Committee for India) in September 2023. This was the first in-person flagship event organised by UNCITRAL in the South Asian region since the pandemic. The Conference attracted over 1,800 in-person and virtual participants, and brought together a number of global and regional legal and judicial experts to offer key insights into commercial law topics relating to UNCITRAL, including the digital economy, MSMEs and access to credit, insolvency, reform in investor-state dispute settlement, international commercial arbitration and mediation and more.

3. Coming back to the UNCITRAL work, we would like to express our deep appreciation to the Working Group I for its work in developing the draft guide on access to credit for micro, small and medium-sized enterprises. The recommendations are in line with General Assembly resolution 77/160, which recognises the importance of encouraging the participation and growth of micro-, small and medium-sized enterprises in international, regional and national markets, and in particular those owned by women.

4. The guidance provided by the texts on simplification of business incorporation and registration, simplified legal forms for micro-, small and medium-sized enterprises, security interests and insolvency for micro- and small enterprises, can be useful in assisting States towards creating a sound legal framework that promotes access to credit for small businesses.

5. We take note of the progress made by the Working Group II on the topics of technology related dispute resolution and adjudication in addition to the ways to further accelerate the resolution of disputes under the UNCITRAL Expedited Arbitration Rules leading to the adoption by the Commission of the guidance text on early dismissal and preliminary determination as an additional note on Organizing Arbitral Proceedings adopted in 2016. This would be helpful for the disputant ~~ing~~ parties to tailor the proceedings to their needs and to further expedite the proceedings.

6. We welcome the outcome of the deliberations on the Investor-State dispute settlement reform adopted by the Commission. We further note with appreciation the progress made by Working Group III in the context of draft provisions on mediation. Since mediation is still an underutilised forum to resolve investment disputes, any work in this direction would certainly encourage parties to conduct mediation where appropriate without creating an obligation. The benefits of mediation as an alternative or complement to arbitration and other forms of dispute resolution, would be cost effective and time saving for ~~towards~~ resolution of disputes, in addition to preserving relationship between the parties, and thereby retaining investment and potentially fostering further investment.

7. The adoption by the Commission of the UNCITRAL Mediation Rules in the settlement of disputes arising in the context of international commercial relations; adoption of Guide to Enactment and Use of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018), would be of immense value for the mediating parties besides the mediators, mediation institutions as well as for academic and training purposes with respect to international commercial dispute settlement.

8. We support the view that the draft legislative guide on investment dispute prevention and mitigation, should be revised as a non-prescriptive guidance document with the aim to assist mainly States. In this context the Secretariat should continue to compile information on best practices while avoiding one-size-fits-all approach. The text should be revised as a guidance document providing useful advice to States on possible approaches and ensuring that they had the flexibility in choosing among them.

9. Being a subsidiary body of the General Assembly, the Commission could play a valuable role in the global efforts towards climate change mitigation, adaptation and resilience. However, any future work in that direction should be consistent with existing international law and treaties on climate change. Due regard should be given to the principle of common but differentiated responsibilities and respective capabilities of States. Besides, such work should be guided by the principle of equity, in the light of different national circumstances, and be based upon respect for countries' sovereignty over their natural wealth and resources. More importantly, no measures should constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

10. 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. We are pleased to note that the secretariat had continued to hold and participate in numerous activities remotely, to sustain its level of engagement

particularly focusing on beneficiary countries with lower levels of development, as well as with countries from Latin America and the Caribbean and from Africa.

11. We are pleased to note that the outreach and capacity-building activities of the Secretariat, including through its online and social media presence, has generated an increasing interest among a broad audience, including some that had not previously engaged with the Commission.

12. We welcome the efforts of the Secretariat for its continuing work on digests of case law related to Commission texts, including their wide dissemination and also increase in the number of abstracts available through the CLOUT (case law of UNCITRAL texts) system which has proved to be an important tool in facilitating uniform interpretation and application of UNCITRAL texts in the jurisdictions of Member States. We appreciate all efforts made by the Secretariat to rejuvenate the CLOUT database and its associated network.

13. Before concluding, we would like to reiterate our commitment to the UNCITRAL as the core legal body of the United Nations system in the field of international trade law and assure it of our constructive support.

**Thank you, Madam Chair**