

**Address to the Sixth Committee  
of the General Assembly  
by Ms. Vilawan Mangklatanakul (Thailand)  
Chairperson of the fifty-seventh session of  
the United Nations Commission on International  
Trade Law  
(UNCITRAL)  
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## **[I. INTRODUCTION]**

Mr/Ms. Chairperson, distinguished delegates of the Sixth Committee,

I am delighted to appear before you and your Committee today to present the work carried out by the United Nations Commission on International Trade Law (UNCITRAL) at its 57<sup>th</sup> session, from 24 June to 12 July and give you an introduction to its report. Thailand has actively participated in the work of UNCITRAL for many years and it was a great honour for me personally and for my country to have been elected Chair of the Commission at the past session. More than 20 years ago, I also served the 35<sup>th</sup> session of UNCITRAL as Vice-Chair.

At the outset, and before turning to the report, let me thank the members of the Bureau of the 57<sup>th</sup> session for their cooperation and support. The Vice-Chair Mr. Andrés Jana, from Chile, chaired the deliberations on draft model clauses on specialized express dispute resolution and the topic of dispute resolution in the digital economy under the work programme of the Commission.

The Vice-Chair Mr. Shane Spelliscy, from Canada, chaired the deliberations concerning the draft statute of the advisory centre on international investment dispute resolution and the draft toolkit on dispute prevention and mitigation. The Vice Chair Mr. Alex Ivanko, from Czechia, chaired the deliberations concerning the draft provisions on automated contracting and accompanying guide to enactment. Let me also thank the session's rapporteur Mr. Siaka Traore, from Côte d'Ivoire, for his support in the adoption of the report.

A word of thanks also goes to my predecessor, Ms. Kathryn Sabo, from Canada, who prepared the grounds and the conditions that allowed us to hold our productive 57th session.

Mr/Ms. Chairperson, distinguished delegates,

The 57th session of UNCITRAL has been productive and efficient. I am very proud to have presided over its deliberations. The dedication, collaboration, and shared commitment of all involved were key to achieving significant progress. This collective effort reflects our

strong unity and determination to advance our shared goals in building a more equitable and efficient legal framework for global commerce. This year, the Commission had five legislative texts to consider or adopt, several future legislative projects to discuss, and a number of non-legislative activities to be reported upon. Since you have before you the full report of the session, I will focus my remarks on some of the key achievements and issues for your kind attention.

As the core legal body of the United Nations in the field of international trade law, UNCITRAL finalized four legislative texts:

- UNCITRAL Model Law on Warehouse Receipts;
- UNCITRAL Model Clauses on Specialised Express Dispute Resolution;
- UNCITRAL Model Law on Automated Contracting; and
- Statute of the Advisory Centre on International Investment Dispute Resolution (which was

*adopted in principle*) I will elaborate on it a bit later.

I should note that when adopting or approving those texts, the Commission highlighted their expected contribution to the achievement of the Sustainable Development Goals, an endeavour that is high on the Commission's agenda as you can see from chapter XVII, section B of the report.

Please allow me to give you an overview of the texts finalized at the 57th session.

## **[II. TEXTS ADOPTED BY THE COMMISSION]**

### **UNCITRAL – UNIDROIT Model Law on Warehouse Receipts**

The Commission adopted the UNCITRAL – UNIDROIT Model Law on Warehouse Receipts, which aims to facilitate commercial transactions that involve stored goods. When used as documents of title, warehouse receipts allow trading in goods stored in warehouses, as well as their use as collateral. By assisting States to develop well-designed warehouse receipts laws,

the model law will facilitate access to credit, enhance legal certainty for lenders and thereby contribute to reducing financing costs for borrowers (such as farmers or small agricultural businesses) by providing a secure form of collateral to obtain loans.

### **UNCITRAL Model Clauses on Specialised Express Dispute Resolution**

The Commission also adopted the UNCITRAL Model Clauses on Specialised Express Dispute Resolution, which offer customizable solutions tailored to specific circumstances and preferences of the parties. Drawing on the UNCITRAL Expedited Arbitration Rules, they serve as a valuable resource for businesses and practitioners involved in international dispute resolution. The Model Clauses on Highly Expedited Arbitration, and the Model Clause on Adjudication, offer fast and specialized procedures for parties in complex, long-term commercial relationships that need quick dispute resolution to avoid project delays and financial losses. As these disputes often require technical expertise and involve sensitive information, the Model Clause on

Technical Advisors and the Model Clause on Confidentiality can also be used by the parties to tailor to their specific needs.

### **UNCITRAL Model Law on Automated Contracting**

Another legislative text adopted by the Commission is the UNCITRAL Model Law on Automated Contracting. The Model Law establishes a legal framework for the use of automation in commercial contracting and machine-to-machine transactions, including through the deployment of artificial intelligence. It builds on and reaffirms the continued relevance of existing UNCITRAL texts on electronic transactions, notably the United Nations Convention on the Use of Electronic Communications in International Contracts. Applying the same fundamental principles and approaches that underpin those existing texts, the Model Law deals with matters such as the legal recognition of contracts formed and performed using automated systems, the attribution of actions carried out by automated systems, and the legal consequences of unexpected actions, whether in cases of system error or in

cases where the system is operating as designed, but with outputs that the parties did not intend. The Model Law is intended for use by States when revising or adopting legislation relevant to electronic transactions. It is the first text following the “taxonomy of legal issues related to the digital economy” issued in 2022 that served as the basis for the Commission’s work on digital trade.

### **Statute of the Advisory Centre on International Investment Dispute Resolution**

Last but not least, the Commission also adopted in principle the Statute of the Advisory Centre on International Investment Dispute Resolution as one of the elements of investor-State dispute settlement reform. Once established, the Advisory Centre will provide training, support and assistance with regard to international investment dispute resolution and enhance the capacity of States and regional economic integration organizations to prevent and handle international investment disputes. The statute is the result of years-long discussion of UNCITRAL’s Working Group III; hence its adoption marks a significant milestone in the efforts to



reform the Investor- State Dispute Settlement. The Advisory Centre will play a crucial role in leveling the playing field, in particular for least developed countries and developing countries, by providing legal assistance and support.

As the first institutional reform element, the establishment of the Advisory Centre on International Investment Dispute Resolution would require further preparatory work. The Commission initiated an informal process to tackle issues, such as ways to establish the Advisory Centre within the United Nations system based entirely on extrabudgetary resources, criteria to determine the location of the headquarters and regional offices as well as anticipated budget based on potential membership and workload. The Commission recommended that Governments and regional economic integration organizations interested in the operationalization of the Advisory Centre on International Investment Dispute Resolution actively take part in that process.

### **[III. FUTURE WORK BY WORKING GROUPS]**

In addition to finalizing these texts, the Commission also took note of the progress made by its working groups during the last cycle. It confirmed the work programme or gave a new mandate in respect of five working groups:

- Working Group II will finalize the draft explanatory notes to the UNCITRAL Model Clauses on Specialized Express Dispute Resolution and will begin work on the recognition and enforcement of electronic arbitral awards and, subsequently, on electronic notices, based on the findings of the project on the stocktaking of developments in dispute resolution in the digital economy;
- Working Group III will continue its work on the reform of investor-State dispute settlement. For the upcoming year, it will continue to make progress on (i) procedural reforms including cross-cutting issues as well as (ii) a standing mechanism for investment disputes including an appellate mechanism. It will also consider a draft multilateral instrument on investor-State dispute settlement reform to deliver the various reforms elements;

- Working Group IV will continue working on the formulation of default rules on data provision contracts and will review the guide to enactment to the UNCITRAL Model Law on Automated Contracting;
- Working Group V will continue its consideration of legal issues arising from asset tracing and recovery in insolvency proceedings as well as of the topic of applicable law in insolvency proceedings. It will also be expected to review a revised UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation, to be updated from its 2009 version by the secretariat in consultation with experts, before the revised text will be before the Commission at a future session; and
- Working Group VI will continue its consideration of a new international instrument on negotiable cargo documents.

#### **[IV.OTHER FUTURE WORK]**

As regards future work not assigned to any working group, in respect of climate change mitigation, adaptation

and resilience, the Commission requested the secretariat to circulate the UNCITRAL/ UNIDROIT study on the legal nature of verified carbon credits issued by independent carbon standard setters to all States Members of the United Nations for comments, and to organize a colloquium in a hybrid format with a focus on the relevance of UNCITRAL instruments to climate action.

In the context of digital economy, having laid the groundwork for the new mandate for Working Group II on the recognition and enforcement of electronic arbitral awards, the Commission requested the secretariat to continue to implement the project on the stocktaking of developments in dispute resolution in the digital economy to further monitor and explore relevant topics such as those in relation to artificial intelligence and platform-based dispute resolution. The Commission also requested the secretariat to finalize its work on a guidance document on legal issues relating to the use of distributed ledger systems in trade, including blockchain technology, in cooperation with other concerned organizations, as appropriate.

In the context of secured transactions, the Commission requested the secretariat to take stock of the legislative developments with regard to new types of assets and to organize a colloquium in hybrid format to clarify and refine various aspects of possible future work in this area.

In response to proposals for future work, the Commission requested the secretariat to conduct a stocktaking exercise encompassing all UNCITRAL texts involving the use of electronic means, including UNCITRAL texts on electronic commerce and other substantive law texts which included provisions on electronic aspects such as the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, as well as the newly adopted UNCITRAL – UNIDROIT Model Law on Warehouse Receipts. The stocktaking exercise will include a survey of the incorporation by States of those texts in their domestic legislation and international commitments concerning paperless trade, with a view to assisting the Commission to determine whether further work would be

needed to prepare a consolidation of UNCITRAL texts on electronic transactions and support the transition towards paperless trade.

## **[V. COORDINATION AND COOPERATION]**

In a general context, the Commission reiterated the importance of coordinating the activities of organizations active in the field of international trade law, which is a core element of the mandate that UNCITRAL has received from the General Assembly, as a means of avoiding duplication of efforts and promoting efficiency, consistency and coherence in the harmonization, unification and modernization of international trade law.

When formulating or considering proposals for future work and when taking up new projects, the Commission emphasized the importance of closer coordination among the organizations concerned, in order not only to prevent inconsistency but also to avoid unduly burdening their respective secretariats with commitments to participate in and follow up on concurrent projects carried out simultaneously by other organizations.

## **[VI. TRANSPARENCY REPOSITORY]**

The Sixth Committee may wish to recall that in 2013, the General Assembly requested the Secretary-General to establish and operate, through the secretariat of the Commission, the transparency repository operating under article 8 of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration. Pursuant to that request, the UNCITRAL secretariat has operated the transparency repository as a project funded entirely with voluntary contributions.

The General Assembly has requested the secretariat to keep it informed of developments regarding the funding and budgetary situation of the transparency repository. In the light of the information provided during the 57<sup>th</sup> session of UNCITRAL, in particular the willingness of the EU to finance the project further, the Commission decided to recommend to the General Assembly that it request the Secretary-General to continue to operate, through the secretariat of the Commission, the transparency repository in accordance

with article 8 of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration as a continuation of the project until the end of 2027, subject to funding.

The Commission is grateful to the EU for continued support of that project.

## **[VII. NON-LEGISLATIVE ACTIVITIES]**

Mr/Ms. Chairperson, distinguished delegates,

UNCITRAL's work programme consists not only of legislative activities, but also a wide range of non-legislative activities aiming at raising awareness and promoting the effective understanding of UNCITRAL texts; providing legislative advice and assistance to States on the adoption and use of those texts; and building capacity to support their effective use, implementation and uniform interpretation.

The Commission took note of the significantly increased number of those activities across all thematic areas during the reporting period and efforts to ensure



their enhanced and continuous impact, including in least developed countries, landlocked developing countries and small island developing States.

Most of those activities are financed from extrabudgetary resources and many are implemented by or with the support of the UNCITRAL Regional Centre for Asia and the Pacific.

To allow the secretariat of UNCITRAL located in Vienna and the Regional Centre to continue those activities, the Commission renewed its appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund for UNCITRAL symposiums, in particular in the form of multi-year contributions that would enable and enhance the secretariat's ability to strategically plan non-legislative activities to meet the increased demand for them.

It also called for contributions for the financing and other support for the implementation of special projects,

such as the upgrade of the Case Law on UNCITRAL Texts (CLOUT) database. It also requested all interested and concerned to otherwise assist the secretariat in carrying out its non-legislative activities, in particular technical cooperation and assistance activities in developing countries. In that context, the Commission expressed appreciation to States and institutions that have already supported those activities, including under memorandums of understanding concluded with the United Nations.

As regards upcoming promotional, capacity-building and other similar materials of UNCITRAL, the Commission authorized the secretariat to publish the updated edition of the *UNCITRAL Digest of Case Law on the Model Law on International Commercial Arbitration*, and the analytical compilation of case law on the Convention on the Limitation Period in the International Sale of Goods. In the light of the upcoming 60<sup>th</sup> anniversary of the establishment of UNCITRAL, it also authorized the secretariat to publish the updated publication “*A Guide to UNCITRAL: Basic Facts about*

*the United Nations Commission on International Trade Law*”. It asked the secretariat to make these upcoming publications generally known and available.

The Commission also welcomed the secretariat’s plans to prepare a multilingual curriculum for training judges and insolvency practitioners on the basis of the UNCITRAL cross-border insolvency framework.

The Commission welcomed the continued expansion of the secretariat’s engagement with academic partners, geared towards students, young researchers and practitioners in international trade law, including through international commercial law moots, the internships at the UNCITRAL secretariat in Vienna and Incheon. Another important example of such engagement was through the UNCITRAL Days series in Asia and the Pacific (since 2014), Latin America and the Caribbean region (since 2020), Africa (since 2022) and Arab States (since 2024). The Commission encouraged the secretariat to explore and implement innovative approaches towards UNCITRAL’s enhanced online presence so as to increase

the visibility and impact of UNCITRAL's work, including among younger generations. The multilingual UNCITRAL website and appropriate social media channels were considered especially relevant in that respect.

As relevant to continued efforts of the secretariat to build local capacity in developing countries to implement sound reforms in the field of international trade law, the Commission renewed its appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund established to provide travel assistance to developing countries that are members of UNCITRAL.

The Commission reiterated the importance for the United Nations Pledging Conference for Development Activities to continue including both trust funds, the trust fund for UNCITRAL symposiums and the trust fund for travel assistance, in its list of trust funds of relevance to the United Nations development system.

## **[VIII. RULE OF LAW AND SUSTAINABLE DEVELOPMENT GOALS]**

As has been the practice since 2008, the Commission, in response to the General Assembly's invitation, transmits to the Assembly comments on the Commission's current role in promoting the rule of law. Particularly relevant with regard to the topic identified for the upcoming debates of the Sixth Committee (i.e., the full, equal and equitable participation at all levels in the international legal system), these comments draw on a note by the secretariat on the subject and the deliberations at the session on the UNCITRAL legislative and non-legislative programmes. Those materials explain the contribution of UNCITRAL texts and its ongoing work to the promotion of the rule of law and the implementation of the Sustainable Development Goals, as I mentioned at the outset of my report to you.

## **[IX. STREAMLINING FUTURE OMNIBUS GENERAL ASSEMBLY RESOLUTIONS ON ANNUAL REPORTS OF UNCITRAL]**

The Commission took note of the outcome of the informal consultations on streamlining future UNCITRAL omnibus resolutions on annual reports of UNCITRAL and requested that the secretariat continue to facilitate an open and flexible intersessional consultative process led in Vienna among States Members of the United Nations, particularly involving not only delegates of Vienna-based Permanent Missions but also UNCITRAL focal points of member and observer States, with a view to preparing an UNCITRAL omnibus resolution reflecting some of the guiding principles in 2024.

## **[X. CONCLUDING REMARKS]**

Mr/Ms. Chairperson, distinguished delegates,

It gives me great pride to report on the achievements of the Commission at its 57th session. These achievements would not have been possible without the

hard work and dedication of delegates, observers and the secretariat. The secretariat of UNCITRAL has once again discharged its duties to the Commission professionally and efficiently despite of challenges caused by the liquidity crisis of the United Nations.

We in UNCITRAL would like to express our deep gratitude to this Committee for its continued support for our activities and for its repeated expressions of satisfaction with the work carried out by UNCITRAL. It is indeed an honour for us to serve this body, where all our governments are assembled. We hope that the efforts of the Commission to streamline future UNCITRAL omnibus resolutions will be supported by this Committee.

With that, I would like to conclude my address to you on the work carried by UNCITRAL during its 57th session.

I thank you for your attention!

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