

**Address to the Sixth Committee
of the General Assembly
by Mr. Paul Kwabena Nana Sei Osei (Ghana)
Vice-Chair of the fifty-eighth 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) during its 58th session, held in Vienna from 24 June to 12 July, and to introduce its report. Ghana 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 Vice-Chair of the Commission at its most recent session.

Before turning to the report, with deep respect and sorrow, I wish to offer a few words in honour and memory of the Chair of the 58th session, Ambassador Villatoro. Her opening remarks were not only inspiring—they set the tone for a productive and purposeful gathering. Despite personal health challenges, she led with clarity, grace, and unwavering commitment to UNCITRAL and the United Nations. Her legacy of collaboration and leadership will be deeply missed.

Please allow me also to thank the members of the Bureau of the 58th session (Ms. Beate Czerwenka from Germany, Mr.

Harold Foo from Singapore and Ms. Meri Adamian from Armenia) for their cooperation and support.

A word of thanks also goes to my predecessor, Ms. Vilawan Mangklatanakul, from Thailand, whose efforts laid the foundation for the successful 58th session.

Mr/Ms. Chairperson, distinguished delegates,

The 58th session of UNCITRAL was both productive and efficient, and I am proud to have presided over the deliberations. The dedication, collaboration, and shared commitment of all participants were instrumental in driving meaningful progress. This collective effort stands as a testament to our unity and determination to advance common goals—particularly in shaping a more equitable and effective legal framework for global commerce. This year, the Commission had three legislative texts to consider or adopt, three products by the secretariat to approve for publication, 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 points which deserve your kind attention.

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

- A draft convention on negotiable cargo documents;
- UNCITRAL Toolkit and Background Notes on Asset Tracing and Recovery in Insolvency Proceedings; and
- UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes.

Please allow me to give you an overview of these texts.

[III. TEXTS APPROVED OR ADOPTED BY THE COMMISSION]

Negotiable cargo documents

During the first week, the Commission approved a draft convention on negotiable cargo documents. The draft convention addresses a legal gap in international trade by establishing a legal framework for negotiable documents of title across all modes of transport used for cargo—air, road, rail, and sea.

Until now, only maritime transport of goods has benefited from a widely recognized legal document (the bill of lading)

which enables goods to be bought, sold, or used as collateral while in transit. In contrast, the documents used for transport of goods by road, rail, and air are typically non-negotiable, meaning they cannot be transferred to another party as a means of transferring the goods they represent. This legal gap has: (a) created cash flow problems for businesses, including MSMEs, when goods are transported via inland routes, (b) limited opportunities for businesses in landlocked regions to trade across borders and (c) hindered the development of seamless door-to-door transportation services.

Notably, the draft convention aims to promote the development of door-to-door transportation by enabling the use of a single negotiable cargo document covering the entire journey. While both paper and electronic negotiable cargo documents could help streamline documentation, improve operational efficiency, and facilitate customs clearance, electronic negotiable cargo documents offer the added benefit of driving the digital transformation of global trade. The draft convention, by applying the same legal standards to electronic negotiable cargo documents, could facilitate interoperability of data exchange models.

The finalization of the draft convention underscores a shared commitment among diplomats, legal experts and trade professionals to developing a practical, future-oriented legal framework for modern commerce. In light of the fact that it will be the General Assembly that will formally adopt the convention based on your Committee's recommendation, delegates are respectfully invited to consider the convention favorably. The UNCITRAL secretariat stands ready to provide any additional information or clarification.

During the Commission session, the Commission welcomed a statement by the Government of Ghana expressing its interest in hosting a signing ceremony for the convention, possibly in 2026, after its adoption by the General Assembly. An official communication was sent to the Secretariat on 30 September. Ghana recognizes the convention on negotiable cargo documents as a landmark legal instrument that will enhance international trade facilitation through the digitalization of unified transport documents. Hosting the signing ceremony will not only underscore Ghana's leadership in advancing legal harmonization and digital trade in Africa and beyond, but also increase awareness, inclusivity and enhance regional engagement. The Committee is invited to consider this

offer and to name the convention “Accra Convention on Negotiable Cargo Documents”.

Insolvency Law

In the area of insolvency law, The Commission adopted the UNCITRAL Toolkit and Background Notes on Asset Tracing and Recovery in Insolvency Proceedings. They address the means to protect, preserve and maximize the value of the insolvency estate for the benefit of creditors and other parties in interest, including the debtor, as well as the promotion of the rule of law, good governance, investment, trade and an enabling business environment. They set out tools and steps that could expedite asset tracing and recovery both domestically and across borders but avoiding criminal procedure aspects.

Investor State Dispute Settlement Reform

In the area of investor-state dispute settlement, the Commission adopted another text to contribute to the reform of investor-State dispute settlement, the UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes - a descriptive document that sets out examples of strategies and measures that have been adopted by States to prevent and mitigate investment disputes involving foreign investors. The

Toolkit emphasizes proactive engagement and early resolution mechanisms to reduce the likelihood of disputes escalating to arbitration or litigation.

[III. TEXTS APPROVED FOR PUBLICATION]

In addition to legislative texts developed by its working groups, the Commission also authorized the publication of the following documents prepared by the secretariat: (a) two customizable templates of model organization rules for Limited Liability Enterprises designed to assist States in supporting MSMEs; (b) the UNCITRAL- UNIDROIT study on the legal nature of verified carbon credits issued by independent carbon standard setters. The study provides a detailed legal analysis of verified carbon credits, which are gaining attention as assets being traded in the growing carbon market; and (c) legal issues relating to the use of distributed ledger technology in trade, a guidance document which would assist businesses in assessing legal matters that may arise when procuring distributed ledger technology or delivering services using distributed ledger technology.

[IV. 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 continue its work on the recognition and enforcement of electronic arbitral awards and, subsequently, on electronic notices;
- 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, which would include a standing first-tier body and a standing appellate body. In order to complete this work as soon as possible, the Commission has made a recommendation to the General Assembly through your committee that additional conference time and supporting resources be allocated to UNCITRAL and its secretariat for a period of two more years, from 2026 to 2027. I will touch upon this once again later.

- Working Group IV will continue working on the formulation of default rules on data provision contracts;
- Working Group V will continue its consideration of the topic of applicable law in insolvency proceedings. It will also review a revised *UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation* being prepared by the secretariat; and
- Working Group VI will review the explanatory note on the draft convention on negotiable cargo documents prepared by the secretariat.

[V. OTHER FUTURE WORK]

As regards projects submitted by States for future work by UNCITRAL, the Commission had before it an unprecedented number of new projects.

In expanding its work in the area of digital trade, the Commission requested its secretariat to continue or start work on several digital trade workstreams, including: (a) stocktaking of developments in dispute resolution in the digital economy; (b) the compilation and consolidation of UNCITRAL texts on electronic commerce and related texts; (c) end-to-end trade digitalization and paperless trade; (d) decentralized autonomous

organizations in trade; (e) digital platforms and private law and (f) digital payments.

Exploratory and preparatory work will also be carried out by the secretariat in the area of insolvency, public procurement and secured transactions.

[VI. OPERATIONALIZATION OF THE ADVISORY CENTRE]

The Committee may wish to recall that last year the General Assembly commended the Commission for adopting in principle the statute of the Advisory Centre on International Investment Dispute Resolution. The Advisory Centre, once established, would 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, in particular least developed countries and developing countries.

Since then, further preparatory work to establish and operationalize the Advisory Centre took place with meetings held in Bangkok and Yerevan respectively in December 2024 and May 2025. At its 58th session, the Commission noted the progress made at those meetings and agreed to further the

preparatory work and to finalize the Statute at its 59th session, in 2026. The Commission also made a call to Governments that are interested in hosting the Advisory Centre to submit their proposals by today (20 October 2025).

[VII. 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 mandate that UNCITRAL has received from the General Assembly upon its establishment, as a means of avoiding duplication of efforts and promoting efficiency, consistency and coherence in the harmonization, unification and modernization of international trade law.

[VIII. METHODS OF WORK]

In respect of its working methods, the Commission requested the secretariat to compile possible cost-saving and efficiency-enhancing measures proposed during the session as part of the ongoing UN@80 process and analyse the cost implications on the functioning of the Commission, the working groups and the secretariat, and to facilitate intersessional consultations on a wide range of such measures.

Noting that livestreaming of the sessions would increase the inclusiveness of the process and could result in cost savings for delegates, the Commission agreed that the necessary resources be sought to allow the livestreaming of Commission and working group sessions.

[IX. 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 reviewed key non-legislative activities carried out in 2024, including:

- a series of academic events, known as UNCITRAL Days, in four regions aimed at promoting awareness and encouraging the study and teaching of UNCITRAL texts by legal scholars and practitioners;

- events marking the tenth anniversary of the UNCITRAL Transparency Standards,
- activities carried out under memorandums of understanding with China, Saudi Arabia, Singapore and Viet Nam;
- global judicial and capacity-building initiatives; and
- the activities of its Regional Centre for Asia and the Pacific.

Recognizing the growing demand for non-legislative activities, the Commission expressed concern over the impact of resource constraints and urged continued support for such activities. It welcomed continued financial support by China, Germany, Hong Kong, China, the Republic of Korea, Saudi Arabia and the European Union, as well as the contributions to the trust fund for UNCITRAL symposiums by Japan and Switzerland that were announced during the session.

The Commission expressed appreciation to the European Union and the Federal Ministry for Economic Cooperation and Development of Germany for providing funding that had made it possible for the Secretary-General to continue to 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 until the end of 2027.

The Commission commended efforts to promote the uniform interpretation of UNCITRAL texts, including through the Case Law on UNCITRAL Texts (CLOUT) database. It welcomed the CLOUT Network meeting on 16 July, during the Commission session.

Let me emphasize that the Commission appealed to:

1) Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund for UNCITRAL symposiums and the trust fund established to provide travel assistance to developing countries that are members of the Commission; to finance special projects; and to otherwise assist the secretariat in carrying out non-legislative activities;

2) Relevant stakeholders to provide additional resources and other support to the UNCITRAL Regional Centre for Asia and the Pacific;

3) All interested States, organizations, institutions and individuals to consider making contributions to the trust fund for UNCITRAL symposiums earmarked for the purposes of upgrading the CLOUT database and translating courses in the

UNCITRAL e-learning programme into the six official languages of the United Nations;

4) Publishers, especially those representing or affiliated with organizations invited to UNCITRAL sessions, to donate their UNCITRAL-related books, periodicals and other materials to the UNCITRAL Law Library, or grant a discounted rate for such materials.

[X. 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. This year the comments focused on the subtopic "The rule of law at the national and international levels at the eightieth anniversary of the United Nations."

[XI. STREAMLINING FUTURE UNCITRAL OMNIBUS RESOLUTIONS]

The Commission took note of the outcome of the informal consultations among States on means to streamline the text of UNCITRAL omnibus resolutions. The Commission further requested that such outcome be communicated by the secretariat to States Members of the United Nations through their

permanent missions in Vienna and I have been informed that this was done on 5 September. I also understand that what you have before you, distinguished delegates to the Sixth Committee today, is the result of the discussions and deliberations by your colleagues in Vienna and UNCITRAL focal points in capital, and we are hopeful that this streamlined text will serve as the basis for your deliberations.

[XII. SIXTIETH ANNIVERSARY OF UNCITRAL]

Last but not least, the Committee may wish to note that 2026 would mark the sixtieth anniversary of the establishment of UNCITRAL. The Commission recognized this milestone as an opportunity to celebrate its significant contributions to the progressive harmonization and modernization of international trade law.

The Commission called upon Governments and relevant stakeholders to host or support activities to celebrate that significant milestone and further strengthen UNCITRAL and its work in their respective jurisdictions and regions.

[XIII. CONCLUDING REMARKS]

Mr/Ms. Chairperson, distinguished delegates,

It gives me great pride to report on the achievements of the Commission at its 58th 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 carried out its work with professionalism and efficiency, despite the challenges caused by the liquidity crisis of the United Nations.

As flagged earlier, the Commission, having considered the resource requirements to finalize the investor-State dispute settlement reform project in 2027, decided to recommend to the General Assembly the continuation of additional conference time and supporting resources to be allocated to UNCITRAL for a period of two more years, for 2026 and 2027. The additional resources already granted by the General Assembly in 2021 allowed the Working Group to make great progress in the third phase of its mandate, having finalized reform elements in 2023, 2024 and 2025, such as the establishment of an advisory centre for developing countries on international investment disputes and the code of conduct for arbitrators and for judges. Without the requested continuation of these additional resources, beyond

December 2025, and for another two years, the finalization of the remaining elements of ISDS reform, both procedural and institutional, will be inevitably delayed. The rhythm of three sessions a year for the Working Group and the three posts for the secretariat to support the deliberations with new texts and revised texts, have been put to productive use. I am told that with the abolishment of posts for the secretariat under the revised 2026 budget and the discontinuation of the additional resources, it will be difficult to maintain the pace of the Working Group and lead it to the expected conclusion of the project, which I understand is very close to finalization now. I have also been informed that this has **programme budget implications** and draw your attention to this. I would, however, ask you to give a favorable consideration to the recommendation by the Commission, which was made with almost unanimous support. Upon your approval, the request for additional resources will be conveyed to the ACABQ¹ and the Fifth Committee for consideration on the overall budget.

We in UNCITRAL would like to express our deep gratitude to this Committee for its continued support for our work and for its expressions of appreciation for the efforts

¹ Advisory Committee on Administrative and Budgetary Questions.

undertaken by UNCITRAL. It is truly an honor to serve this body, where all our governments come together in pursuit of shared goals and produce, year after year, concrete and tangible results for international trade law and ultimately, international trade and investment.

With that, I would like to conclude my address to you on the work carried by UNCITRAL during its 58th session.

I thank you for your attention!
