

Address to the Sixth Committee of the General Assembly

by Mr. Choong-hee HAHN (Republic of Korea)

Chairperson of the Forty-seventh session of

United Nations Commission on International Trade Law

(UNCITRAL)

13 October 2014

I. INTRODUCTION

Mr. Chairperson and distinguished delegates of the Sixth Committee,

It gives me great pleasure to appear before you and the Sixth Committee to present the work carried out during the forty-seventh session of UNCITRAL, the United Nations Commission on International Trade Law, which took place here in New York from July 7th to the 18th. It was a privilege for me to have been elected to chair this year's session.

Mr. Chairperson and distinguished delegates,

Undoubtedly, the highlight of the two-week session was when the Commission finalized and approved, for your consideration, a

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II. SUBSTANTIVE TEXTS ADOPTED

Finalization and approval of a draft Convention on Transparency in Treaty-based Investor-State Arbitration

As I just mentioned, the Commission, this year, finalized and approved a draft Convention on Transparency in Treaty-based Investor-State Arbitration (Convention on Transparency). The draft of that Convention is being submitted to you, the General Assembly, for formal adoption.

Allow me to briefly give you some

for developing countries. Yet, it is also true that investor-State arbitrations are increasingly the subject of much public-interest attention, particularly in those countries where significant foreign investments are common. In that context, I would strongly urge those States to consider signing and becoming parties to the Convention, which would support informed decision-making, meaningful public participation and fair outcomes in investor-State arbitrations.

Transparency repository

The key element of the Rules on Transparency is to make relevant information available to the public. In order to do so, the Rules on Transparency provide for the establishment of a Transparency Repository. As it had done last year, the Commission expressed its strong and unanimous will that the UNCITRAL Secretariat should function as the Transparency Repository. This would allow for a neutral guardianship, which is the first step in the promotion of transparency. I am pleased to report that the UNCITRAL Secretariat has, on behalf of the UN Secretary General, already

With regard to the future work of Working Group

Working Group III: Online Dispute Resolution

Distinguished delegates,

In the field of online dispute resolution, Working Group III is currently preparing draft procedural rules in relation to low-value, cross-border disputes arising out of electronic commerce transactions. Two different views have been expressed in the Working Group regarding the final stage of the process. To reconcile those views, a two-track system has been proposed, with one track culminating in arbitration and another in a non-binding recommendation.

Reaffirming the mandate of the Working Group, the Commission asked the Working Group to continue to include in its deliberations the effects of online dispute resolution on consumer protection in developing and developed countries as well as countries in post-conflict situations.

Working Group IV: Electronic Commerce

In the field of electronic commerce, Working Group IV has continued preparing draft provisions to enable the use of electronic transferable records. Those draft provisions aim at facilitating the dematerialisation of key commercial documents, such as bills of lading,

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groups and their members. The Working Group will also focus on extending the obligations established for directors of companies under part four of the Legislative Guide on Insolvency Law to directors that hold a similar

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Contracts for the International Sale of Goods in 2015 and to explore possible future work in electronic commerce. The Commission, however, decided not to undertake legislative development in the area of public-

UN only regional centre is located in my home country, in the city of Incheon. And I take great pride in that the UNCITRAL Regional Centre for Asia and the Pacific has expanded its activities. The Regional Centre has advanced trade law reforms in the region and contributed at the policy

By facilitating access to decisions and arbitral awards from many jurisdictions, CLOUT is particularly useful for those with limited opportunities to develop knowledge and expertise on UNCITRAL texts. Furthermore, it contributes to the promotion of such texts since it demonstrates that the texts are being used and applied in different jurisdictions and that judges and arbitrators at different latitudes are contributing to their interpretation.

Acknowledging the importance of the CLOUT system and the need for sustained resources to enhance its performance, the Commission has continuously appealed to member States for additional resources and to assist the Secretariat in identifying appropriate sources of funding.

Status and promotion of UNCITRAL texts

Mr Chairperson, distinguished delegates,

I am happy to report that States around the world are increasingly looking to UNCITRAL texts when reforming or modernizing their international trade law regimes. During this year's session, the Commission took note of the actions on UNCITRAL texts taken by States, which include signature or ratification of treaties and adoption of model laws. While many of these actions were based entirely on the States' own initiatives,

V. ROLE OF UNCITRAL IN PROMOTING THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS

Mr. Chairperson, distinguished delegates,

Since 2008, the Commission, upon invitation of the General Assembly, continued to include in its reports comments on its current role in promoting the rule of law. Taking into account issues expected to be discussed this year in the General Assembly, the Commission focused its discussion on its contribution to such dimensions of access to justice as normative protection, capacity to seek remedies and capacity to provide effective remedies. The comments were informed by the rule of law panel, which included experts from States, UNDP and multilateral development banks. The panel discussed current reforms of civil justice and administrative review procedures related to enforcing contracts, review of procurement decisions, addressing grievances arising out of insolvency or protection of security rights proceedings and specific needs

commercial relations, intended to become an advocacy tool for the promotion of the work of UNCITRAL across the United Nations, particularly in United Nations country offices.

VI. CONCLUDING REMARKS

Mr. Chairperson, distinguished delegates,

UNCITRAL is the core United Nations body in the field of commercial law. For almost five decades, it has been committed to providing a legal environment that fosters international trade and commerce. The General Assembly has repeatedly acknowledged and reaffirmed and stability in the world through harmonization and modernization of international trade law. Over the years, UNCITRAL and its Working Groups have developed highly effective working methods and a negotiation culture that is both efficient and inclusive. The Convention on Transparency is just one great example of ability to shape the global policy agenda into legal norms that makes international commercial law efficient while simultaneously balancing concerns affecting public interest.

In this way, UNCITRAL has been faithfully pursuing the mandate of progressively harmonizing and modernizing international trade law. With a small Secretariat of only fourteen lawyers and half a dozen support staff, which is essentially the same size as it was in the 1970s, UNCITRAL is undertaking the challenge of current work programmes to the best of its ability. As always, the Commission this year was unanimous in its profound appreciation for the vast amount of high quality work that its Secretariat consistently produces. As the chair of the Commission, I would like to echo what has been expressed by the Commission and my sincere appreciation goes to the Secretariat and its staff for all the hard work. And, of course, my special thanks go to the Secretary of UNCITRAL, Mr. Renaud Sorieul, who is with me here today.

At this juncture, I would like to call on your strong support, within this Committee as well as in the Fifth, to provide the necessary resources for UNCITRAL to thrive and to do more. As projects

Mr. Chairperson and distinguished delegates,

In 2015, the world leaders will agree on a new development agenda and take a decisive action to set the world on a sustainable course. This is evident from the theme of the 69th session, - , which underscores the need to focus on its effective implementation.

The promotion of sustained and inclusive economic growth is one of the overarching objectives of this transformative agenda. In that context, the pivotal role of trade has been widely recognized. Here is where I believe UNCITRAL may contribute, for example, in promoting an open, rules-based, non-discriminatory and equitable multilateral trading system. Just as UNCITRAL has been providing comments on its role in the rule of law context, I believe UNCITRAL must also readily answer how its work constructively supports the post-2015 agenda objectives. Its Working Groups also need to pay attention to the discussion underway in the General Assembly so that their work further supplements the overarching objectives. As the chair of UNCITRAL this year, my utmost priority is to raise awareness about UNCITRAL and its work, particularly with regard to the post-2015 development agenda discussion.

Distinguished delegates of the Sixth Committee,

As has been stated