
STATEMENT BY MR. K.C. VENUGOPAL, MEMBER OF PARLIAMENT, ON AGENDA
ITEM 77 – REPORT OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW ON THE WORK OF ITS FORTY THIRD SESSION AT
THE SIXTH COMMITTEE OF THE 65TH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY ON OCTOBER 11, 2010

Madam Chairperson,

Since I am taking the floor for the first time in this session, let me congratulate you and other members of the bureau on your election. I assure you full cooperation and support of my delegation.



India values the work of the United Nations Commission on International Trade Law (UNCITRAL) and its efforts to establish and promote modern private law standards on international trade. We thank the Commission for its report on the work done during 43rd session. We are pleased to note that that this session of the UNCITRAL has been a very productive one.

Madam Chairperson,

During its 43rd session, the UNCITRAL has approved a number of important texts. On 25th June 2010, it has adopted the text of the revised UNCITRAL Arbitration Rules, which were originally adopted in 1976. These rules have been used in all parts of the world in a wide variety of circumstances covering a broad range of disputes, including disputes between private commercial parties, investor-State disputes, State-to-State disputes and commercial disputes administered by arbitral institutions.

The revision was necessitated in order to conform to the current needs and practices in international trade and to meet changes that have taken place over the last thirty four years in arbitral practice. We hope that the UNCITRAL Arbitration Rules, as revised in 2010, will significantly enhance the efficiency of arbitration under the Rules as the revised rules reflect current commercial practices.

Madam Chairperson,

Since the rules have been adopted by consensus, they reflect the will of all countries representing different legal, social and economic systems. We are confident that the revised rules will significantly contribute to the development of harmonious international economic relations, by significantly contributing to the establishment of a harmonized legal framework for the fair and efficient settlement of international commercial disputes. For us, the adoption of the revised arbitration rules is timely as my country is in the process of amending the arbitration legislation in order to meet the changing requirements.

Another important contribution of the Commission during 43rd session is the adoption of 'the UNCITRAL Legislative Guide on Secured Transactions Supplement on Security Rights in Intellectual Property'. We hope that while dealing with security rights in intellectual property, the Supplement would help States in assessing the economic efficiency of their secured transaction regimes as well as their intellectual property regimes and in revising or adapting legislation relevant to secured transactions and intellectual property.

Madam Chairperson,

Working Group V (Insolvency Law) has also done a commendable job during 43rd session as it was mandated to complement the UNCITRAL Legislative Guide on Insolvency Law which did not contain provisions concerning the treatment of enterprise groups in insolvency. We support the adoption by the Commission of part three of the UNCITRAL Legislative Guide on Insolvency Law which now contains provisions concerning the treatment of enterprise groups in insolvency.

We are happy to note the progress made by Working Group I which is engaged with the work of updating UNCITRAL Model Law on Procurement of Goods, Construction and Services, adopted in 1994, with a view to reflect in it new practices, in particular those resulting from the use of electronic communications in public procurement, and to incorporate the experience gained in the use of the 1994 Model Law. We are confident that the Working Group would be able to complete its work during its next two sessions so that the draft revised model law may be adopted by the Commission at its forty-fourth session in 2011.

Madam Chairperson,

With respect to the future work in the field of settlement of commercial disputes, we support the decision taken by the Commission that the topic of transparency in treaty-based investor-State arbitration should be dealt with as a matter of priority by the Working Group II (Arbitration and Conciliation) with the task of preparing a legal standard on that topic. Efforts should be limited to the preparation of rules of uniform law on transparency in treaty-based investor-State arbitration and any other aspect related to this topic maybe brought to the attention of the Commission at its next session, in 2011.

Regarding the possible future work in the area of electronic commerce, we hope that the proposal of the Secretariat to convene a colloquium and possibly other informal meetings to discuss topics such as electronic single window facilities, electronic transferable records, identity management, and the use of mobile devices in electronic commerce, which were submitted by delegations during 43rd session, would provide sufficient information for the Commission to make an informed decision and to give a clearly defined mandate to a working group, if deemed appropriate.

We also support the proposal of the Secretariat to hold another colloquium on microfinance, with the possible participation of experts from other organizations working actively in this field. The report of the colloquium could be usefully considered by the Commission at its next session in 2011.

Madam Chairperson,

We emphasize the importance of technical cooperation and assistance to the developing countries, in particular on the adoption and use of UNCITRAL texts at the national level. The legislative technical assistance, in particular to developing countries, was an activity that was not less important than the formulation of uniform rules itself. We encourage Secretariat to continue to provide such assistance to the broadest extent possible and to improve its outreach to developing countries, in particular.

Madam Chairperson,

As regards the working methods of the Commission, we welcome the comprehensive review being done in this regard. Given the highly technical nature of the work, we would support inclusiveness and transparency.

Finally, we appreciate the continuing work under the system of collecting case law on the UNCITRAL texts. We commend the Secretariat for its wide range of technical assistance activities.

Thank you, Madam Chairperson.

[BACK TO TABLE OF CONTENTS](#)