



General Assembly

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United Nations Commission on International Trade Law

Fifty-seventh session

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Relevant General Assembly resolutions

Note by the Secretariat

1. At its fiftieth session, in 2017, the Commission requested the secretariat to replace an oral report by the secretariat to the Commission on relevant General Assembly resolutions with a written report to be issued before the session.¹ Pursuant to that request, the secretariat submits the present note summarizing the content of operative paragraphs of General Assembly resolution [78/103](#) on the report of United Nations Commission on International Trade Law (UNCITRAL) on the work of its fifty-sixth session, [78/104](#) on the Model Provisions on Mediation for International Investment Disputes and Guidelines on Mediation for International Investment Disputes of the United Nations Commission on International Trade Law, [78/105](#) on the Code of Conduct for Arbitrators in International Investment Dispute Resolution and Code of Conduct for Judges in International Investment Dispute Resolution with respective commentary of the United Nations Commission on International Trade Law, and [78/106](#) on the Guide on Access to Credit for Micro-, Small and Medium-sized Enterprises of the United Nations Commission on International Trade Law. Resolutions [78/103](#), [78/104](#), [78/105](#) and [78/106](#) were adopted by the General Assembly on 7 December 2023 on the recommendation of the Sixth Committee ([A/78/433](#)).

A. Resolutions adopted by the General Assembly at its 78th session

2. By paragraph 2 of resolution [78/103](#), the General Assembly commended the Commission for the finalization and adoption of (i) in the area of investor-State dispute settlement reform, the Model Provisions on Mediation for International Investment Disputes, the Guidelines on Mediation for International Investment Disputes, the Code of Conduct for Arbitrators in International Investment Dispute Resolution; and, in principle, the Code of Conduct for Judges in International Investment Dispute Resolution; (ii) in the area of micro-, small and medium-sized enterprises, the recommendations on access to credit for micro-, small and medium-sized enterprises; (iii) in the area of dispute settlement, the guidance text on early dismissal and preliminary determination.

¹ *Official Records of the General Assembly, Seventy-second Session, Supplement No. 17 (A/72/17)*, para. 480.



3. The General Assembly also commended the secretariat of the Commission for holding the UNCITRAL Colloquium on Climate Change and International Trade Law (para. 3).
4. Provisions on the funding and continued operation of the transparency repository remained substantively the same as in the resolution of the last year (para. 4).
5. By other paragraphs of that resolution, the General Assembly took note of progress made by UNCITRAL in all areas of its legislative and non-legislative work (including coordination, cooperation and technical assistance activities, CLOUT, digests and the UNCITRAL website) and plans for future legislative work (including tasking one of its working groups with the development of a model law on warehouse receipts) (paras. 5–10, and 23–25).
6. The General Assembly reiterated the importance of coordinating the activities of bodies active in the field of international trade law, being a core element of the mandate of UNCITRAL, as a means of avoiding duplication of efforts and promoting efficiency, consistency and coherence in the unification and harmonization of international trade law and reaffirmed the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in the field. The General Assembly endorsed the efforts and initiatives of the Commission aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law, including on legal issues relating to the digital economy as reaffirmed by the Commission at its fifty-third session, and at promoting the rule of law at the national and international levels in this field, and in this regard appeals to relevant international and regional organizations to coordinate their activities with those of the Commission (para. 9).
7. The General Assembly recalled the importance of adherence to the rules of procedure and methods of work of the Commission and relevant requests to the secretariat (para. 11).
8. As usual, the General Assembly reaffirmed the importance of providing technical cooperation and assistance to States with international trade law reform, particularly the organization of the “UNCITRAL Days” (para. 10), promoting the rule of law and implementing the international development agenda (paras. 15–18). It appealed to all relevant stakeholders to support the Commission in those efforts and initiatives, including by making voluntary contributions to the UNCITRAL Trust Fund for Symposia and to the Trust Fund established to provide travel assistance to developing countries that are members of UNCITRAL to attend sessions of the Commission and its working groups (paras. 10, 13 and 14).
9. The General Assembly welcomed the activities of the UNCITRAL Regional Centre for Asia and the Pacific, expressed its appreciation to the Republic of Korea and China whose contributions enabled continuing operation of the Regional Centre, welcomed expressions of interest from other States in hosting regional centres of the Commission and requested the Secretary-General to keep the General Assembly informed of developments regarding the establishment of regional centres, in particular their funding and budgetary situation (para. 12).
10. The General Assembly recalled relevant requests to the secretariat as regards the length of Commission documentation (para. 19) and continued publication of Commission standards and provision of summary records (para. 20). It also recalled its decision on the rotation scheme of meetings between New York and Vienna (para. 21).
11. The General Assembly stressed the importance of promoting UNCITRAL texts and to this end urged States to use them (para. 22).
12. By resolution [78/104](#), the General Assembly expressed its appreciation to the Commission for the adoption of the Model Provisions on Mediation for International Investment Disputes and Guidelines on Mediation for International Investment Disputes (para. 1); recommended the use of the Model Provisions by States and other

relevant stakeholders involved in the negotiation of international investment instruments and their incorporation into such instruments (para. 2); recommended the use of the Guidelines on Mediation by States, investors, mediators, interested institutions and other relevant stakeholders to foster a better understanding of mediation with regard to resolution of international investment disputes (para. 3); and requested the Secretary-General to make all efforts to ensure that the Model Provisions and the Guidelines become generally known and available by disseminating them broadly to Government and other interested bodies (para. 4).

13. By resolution [78/105](#) the General Assembly expressed its appreciation to the Commission for the adoption of the Code of Conduct for Arbitrators in International Investment Dispute Resolution and adoption, in principle, of the Code of Conduct for Judges in International Investment Dispute Resolution (para. 1); recommended the use of the Code of Conduct for Arbitrators (para. 2) and the use of the Code of Conduct for Judges, where relevant (para. 3); recommended that Governments and other relevant stakeholders involved in the negotiation of international investment instruments and the enactment of legislation governing foreign investments make reference to the Code of Conduct for Arbitrators and the Code of Conduct for Judges, as appropriate (para. 4); and requested the Secretary-General to make all efforts to ensure that the Code of Conduct for Arbitrators and the Code of Conduct for Judges become generally known and available by disseminating them broadly to Governments and other interested bodies (para. 5).

14. By resolution [78/106](#) the General Assembly expressed its appreciation to the Commission for the adoption of the recommendations on access to credit for micro-, small and medium-sized enterprises (para. 1); requested the Secretary-General to publish the recommendations and the commentary as the Guide on Access to Credit for Micro-, Small and Medium-sized Enterprises as part of its micro-, small and medium-sized enterprise series and to make it widely known and available to Governments and other interested bodies (para. 2); and recommended that States give due consideration to the Guide when adopting or revising legislation relevant to access to credit by micro-small and medium-sized enterprises, and encouraged States to ensure that all such enterprises have equal access to credit (para. 3).

15. The Commission may wish to take note of those resolutions.
