



**Permanent Mission of**  
**Malaysia**  
**to the United Nations**

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**STATEMENT BY MS. BAIZURA KAMAL, REPRESENTATIVE OF MALAYSIA AT THE 6<sup>TH</sup> COMMITTEE OF THE 63<sup>RD</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON AGENDA ITEM 74: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS FORTY-FIRST SESSION, NEW YORK, 20<sup>TH</sup> OCTOBER, 2008**

Mr. Chairman,

This delegation would like to express its appreciation to the Chairperson of the forty-first session of the United Nations Commission of International Trade Law (UNCITRAL) Commission, Mr. Rafael Illescas Ortiz for successfully guiding the work of the Commission during the forty-first session. Malaysia wishes to express its full support to the work of UNCITRAL to seek further progress as regards the harmonization and unification of international trade law. As a member of a very highly regarded and important Commission, Malaysia would like to take the opportunity to contribute to the development of international trade law by, *inter alia*, promoting ways and means of ensuring a uniform application of international laws in the field of international trade.

2. Malaysia notes that the Report of the United Nations Commission on International Trade Law on the Work of its Forty-First Session [A/63/17] reflects the progress of the work being undertaken by the various Working Groups established by the Commission together with the recommendations of possible future work in some areas of interests. Malaysia also notes that the Commission has, in conjunction with the 50<sup>th</sup> Anniversary of the New York Convention, expressed its appreciation to several organizations involved in its celebration, as well as highlighting the need for continuous monitoring of its implementation.

3. Malaysia has been actively participating in the activities of the UNCITRAL Working Groups on selected basis, in particular the Working Groups on International Arbitration and Conciliation, Insolvency Law and Security Interests. Malaysia would also like to reiterate its commitment to its obligations under the New York Convention which it has been a party to, since 1985 for purposes of ensuring that foreign arbitral awards will be recognized and enforced without difficulty.

Mr. Chairman,

4. In relation to the work of the Working Group on International Arbitration and Conciliation, Malaysia recognizes the important roles played by a number of experts involved in the discussion which is crucial in ensuring that the Working Group would be

able to complete its work in accordance with the mandate given by the Commission. As one of the parties privy to the revision, Malaysia is of the view that the Working Group would be able to meet the deadline of finalizing the revision, for it to be tabled for adoption at the forty-second session of the Commission in 2009. As such, Malaysia supports the decision of the Commission that it would not be desirable to include specific provisions on treaty-based arbitration in the UNCITRAL Arbitration Rules themselves and that any work on investor-State disputes which the Working Group might have to undertake in the future should not delay the completion of the revision of the UNCITRAL Arbitration Rules in their generic form.

Mr. Chairman,

5. Malaysia also notes the importance of the task undertaken by the Working Group on Security Interests in developing a Legislative Guide on Secured Transactions, for purposes of encouraging uniformity and consistency amongst national laws on secured transactions across the globe. For this reason, Malaysia is closely following the developments pursuant to the adoption of the UNCITRAL Legislative Guide on Secured Transactions that was adopted by the Commission in its fortieth session. In particular, Malaysia has participated in the thirteenth session of the Working Group on Security Interests that undertook the initial discussions on "Security Interests in Intellectual Property", to assist the Secretariat in subsequently preparing the first draft of the annex to the Legislative Guide dealing with security rights in intellectual property. Malaysia currently does not have specific laws relating to security interest in intellectual property, unlike some states. As the interrelation between the secured transactions and intellectual property regimes in Malaysia are yet to be clearly defined, Malaysia has taken the thirteenth session of the Working Group as an opportunity to benefit from the wealth of discussions on the matter and develop its own expertise in these areas of law.

Mr. Chairman,

6. Malaysia would like to associate itself with the Commission's appreciation in relation to the exemplary contributions made by its former Secretary, Mr. Jernej Sekolec who had retired on 31 July 2008. In Malaysia's experience, Mr. Sekolec had truly exemplified the traits of excellent leadership. Malaysia thus supports the declaration made by the Commission in honour of his service which is to be recorded in the permanent history of the United Nations.

7. We look forward in earnest to continue our participation in the meetings of the Working Groups and to further develop our own expertise in the core works of each of the Working Group and contribute towards the cause of UNCITRAL.

Thank you, Mr. Chairman.