



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS



CANDIDATE
to the
UNITED NATIONS
SECURITY COUNCIL
for the term 2015-2016

(Please check against delivery)

**STATEMENT BY
MS. NORSHARIN ALIAS, REPRESENTATIVE OF MALAYSIA**

**ON AGENDA ITEM 79 ENTITLED
"REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE
LAW ON THE WORK OF ITS FORTY-SIXTH SESSION"
AT THE SIXTH COMMITTEE OF THE SIXTY-EIGHTH SESSION OF
THE UNITED NATIONS GENERAL ASSEMBLY
NEW YORK, 16 OCTOBER 2013**

Mr. Chairman,

Malaysia notes that the work of UNCITRAL has progressed even further following the 46th UNCITRAL session. Malaysia has participated in the work of these Working Groups, particularly Working Group II (International Arbitration and Conciliation) and is looking into the issues raised in discussions held by Working Group III (Online Dispute Resolution).

2. Malaysia takes note that the Working Group II (Arbitration and Conciliation) commenced its work on the preparation of a legal standard on transparency in treaty-based investor-State arbitration and adopted the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (the "Transparency Rules") which will come into effect on 1 April 2014. Malaysia takes note that this Transparency Rules will only apply to future investment treaties.

3. Further, Malaysia is in support of the recourse to mediation or conciliation as part of investor-State dispute settlement mechanisms which improves the efficiency of dispute resolution. Malaysia is of the view that it has several advantages, such as enhancing flexibility, consuming fewer resources and being favorable to the long-term working relationship between the parties, while simultaneously improving good governance and regulatory practices of States.

4. Malaysia also notes and recognizes the work carried out under the other working groups and aims to monitor closely the implementation of the adopted rules.

Thank you.