



UNITED STATES MISSION TO THE UNITED NATIONS

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**Statement of the United States of America
71st General Assembly Sixth Committee
Agenda Item 76: Report of the United Nations Commission on International Trade Law
on the Work of its Forty-Ninth Session
Statement by Emily Pierce, Counsellor
October 11, 2016**

Thank you, Mr. Chairman.

The United States welcomes the Report of the 49th session of the United Nations Commission on International Trade Law and commends the efforts of UNCITRAL's member states, observers, and Secretariat in continuing to promote the development and harmonization of international commercial law.

First, we are pleased that, after years of work, UNCITRAL adopted a Model Law on Secured Transactions. Lack of access to credit is the main obstacle to growth for micro, small and medium enterprises. In our view, secured transaction reform is one of the most crucial steps that governments can take to help small businesses prosper.

Second, we welcome the adoption of the Technical Notes on Online Dispute Resolution. We are pleased that this longstanding project also came to a successful conclusion this year. Online dispute resolution (or ODR) is essential to enhancing access to justice and promoting cross-border commerce. ODR could be particularly helpful to small businesses that do not have access to cost-effective dispute resolution remedies.

Third, with respect to its ongoing efforts related to the recognition and enforcement of conciliated settlement agreements, we hope that UNCITRAL's consideration of this topic will soon result in a convention that could help to promote the use of conciliation internationally in the same way that the New York Convention has helped to promote the use of arbitration in recent decades.

Fourth, we are pleased that UNCITRAL is completing work on the model law enabling the use of electronic transferable records. Also, in the area of electronic commerce, UNCITRAL is considering work on identity management and cloud computing. These are all timely and important topics in international commerce.

On other topics, UNCITRAL is continuing its efforts to develop legal instruments that will help states encourage the growth of micro, small, and medium enterprises (MSMEs), starting with the issue of simplified registration and incorporation. As the UNCITRAL

Secretariat has pointed out, 90% of MSMEs in developing countries operate in the informal sector, despite the need for a formal legal status to operate and enter into contracts, as well as obtain broader access to credit. UNCITRAL is also continuing its work on enterprise group insolvency issues and a model law on the recognition and enforcement of insolvency-related judgments.

The United States believes that all of these projects have the potential to result in instruments that significantly advance the development of international commercial law. However, for these efforts to have their greatest effect, UNCITRAL needs broad participation in all of its working groups, so that the resulting instruments will meet the needs of countries from all regions and legal cultures. We encourage states to participate in as many of the working group sessions as possible, and we look forward to continued collaboration on all of these projects.

Finally, we are pleased to inform this body that the United States has taken steps toward becoming party to three conventions negotiated at UNCITRAL. In February, the President transmitted to the Senate for its approval the following conventions: the United Nations Convention on the Assignment of Receivables in International Trade, the United Nations Convention on Independent Guarantees and Stand-by Letters of Credit, and the United Nations Convention on the Use of Electronic Communications in International Contracts.

Thank you, Mr. Chairman.