

Address to the Sixth Committee of the General Assembly

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Chairperson of the Forty-ninth session of

United Nations Commission on International Trade Law

(UNCITRAL)

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I. INTRODUCTION

Mr. Chairperson and distinguished delegates of the Sixth Committee,

It gives me great pleasure to appear before you and the Sixth Committee to present the work carried out during the forty-ninth session of UNCITRAL, the United Nations Commission on International Trade Law, which took place here in New York from June 27th to July 15th. It was a privilege and pleasure for me to serve the Commission as chairperson.

Mr. Chairperson and distinguished delegates,

As you all know, the Commission is the core legal body of the United Nations system in the field of international trade law. This year, the Commission finalized and adopted three texts in the areas of secured transactions, arbitration and online dispute resolution. It also endorsed the "Guidance note on strengthening United Nations support to States, upon their request, to implement sound commercial law reforms." In addition, the Commission heard progress reports from its Working Groups, considered planned and possible future work, deliberated on the technical assistance and coordination activities carried out by its Secretariat and had a half-day of discussion with respect to the role of the Commission in promoting the rule of law at the national and international levels.

Ladies and gentlemen,

As always, this year's report of the Commission, document A/71/17, is quite comprehensive and touches upon a wide range of topics that the Commission is engaged in. Please allow me, Mr. Chairperson, to introduce the report of the Commission in more detail.

II. Text adopted by the Commission

As mentioned, the Commission was able to finalize and adopt three texts in the areas of secured transactions, arbitration and online dispute resolution.

Finalization and adoption of the Model Law on Secured Transactions

The first text that the Commission adopted at this session is the UNCITRAL Model Law on Secured Transactions (the "Model Law"). The Model Law deals with security interests in all types of tangible and intangible movable property with few exceptions. Adopting a unitary, functional and comprehensive approach, the Model Law is intended to address the main problem of secured transactions laws around the world, that is, the multiplicity of regimes that creates gaps and inconsistencies. The Model Law includes a set of Model Registry Provisions which deal with the registration of notices of security interests in a publicly accessible registry. A notice makes a security interest effective against third parties and provides a subjective basis for determining the priority of a security interest over the rights of competing claimants.

By providing a comprehensive, transparent and rational legislative framework of secured financing, the Model Law is expected to have a positive impact on the availability and the cost of credit, in particular for micro, small and medium size enterprises in developing countries.

Adoption of the Model Law will not only assist in their market inclusion and alleviate poverty, but also contribute to achieving Goal 1 of Sustainable Development Goals - to end poverty.

The Model Law is based on the United Nations Convention on the Assignment of Receivables in International Trade, the UNCITRAL Legislative Guide on Secured Transactions, the Supplement on Security Interests in Intellectual Property, the UNCITRAL Guide on the Implementation of a Security Rights Registry. For the treatment of security interests in insolvency, the Model Law relies on the recommendations of the UNCITRAL Legislative Guide on Secured Transactions and the UNCITRAL Legislative Guide on Insolvency.

Finalization and adoption of the 2016 UNCITRAL Notes on Organizing Arbitral Proceedings

The Commission also adopted the second edition of the UNCITRAL Notes on Organizing Arbitral Proceedings (the "Notes"), a key resource for parties to arbitration and arbitration practitioners. The Notes list and describe the typical matters for consideration in the

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The Notes, prepared with a focus on international arbitration, are intended to be used in a

Working Group I: Micro, Small and Medium-sized Enterprises (MSMEs)

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lancer dans ~~el~~ quelconques activités législatives en la matière ~~ère~~ été convenu que le Secrétariat devrait continuer de suivre les évolutions dans ces domaines, en particulier en ce qui concerne la question de la suspension et de l'exclusion dans le domaine ~~des~~ marchés publics. S'agissant des partenariats public-privé, il a été demandé au Secrétariat ~~de~~ envisager d'actualiser tout ou partie du Guide législatif de la CNUDCI sur les projets d'infrastructure à financement privé, si besoin était et avec l'aide d'experts.

IV. TECHNICAL ASSISTANCE AND C OORDINATION

Technical assistance to law reform

Mr. Chairperson, distinguished delegates,

Support activities to ensure the effective implementation and use of UNCITRAL texts constitute an important pillar of the Commission's work. While there is no doubt about this importance, financial resources available in the Trust Fund for these activities are limited and not sufficient to meet the increased number of demands from States for such assistance.

Mr. Chairman, ladies and gentlemen, distinguished delegates,

The ability of the UNCITRAL Secretariat to respond to requests for technical assistance depends largely on your contribution. The Commission encouraged the Secretariat to explore alternative financial resources to allow for more activities and to undertake joint activities possibly through partnerships, given both the need for those activities and the lack of regular budget resources. On the same note, I would like to appeal through you to all States, international organizations and other stakeholders to consider making contributions to the Trust Fund for this purpose and to assist the Secretariat in identifying other sources of funding.

Note d'orientation sur le renforcement de l'appui apporté par l'Organisation des Nations Unies aux États, à leur demande, en vue de mettre en œuvre des réformes rationnelles du droit commercial

Après l'avoir dûment examinée, la Commission a approuvé la "Note d'orientation sur le renforcement de l'appui apporté par l'Organisation des Nations

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le climat et les ressources, mais aussi les possibles nouveaux sujets en lien avec les thématiques actuelles du programme de travail de la CNUDCI.

La Commission a instamment prié le Secrétariat d'une part, d'établir un ordre du jour à la fois souple et de grande portée qui permettrait notamment de donner un aperçu des activités présentes et passées de la CNUDCI et, d'autre part, de s'attacher à recenser d'éventuels intervenants et thèmes de discussion. Le congrès sera sans aucun doute un indicateur intéressant et décisif de l'avenir de la CNUDCI.

Le registre de la CNUDCI sur la transparence

La Commission a également entendu un rapport sur le fonctionnement du registre de la CNUDCI sur la transparence, élément essentiel tant du Règlement de la CNUDCI sur la transparence que de la Convention de Maurice sur la transparence

S'agissant du budget, le Secrétariat a reçu début 2016, des contributions d'un montant de 100.000 Euro de la part de l'Union européenne et d'un montant de 125.000 dollars américains de la part du Fonds pour le développement international de l'Organisation des pays exportateurs de pétrole (OPEP) qui lui a permis de recruter un juriste pour s'occuper du registre jusqu'à la fin de 2016 et rendre complètement opérationnel. J'ai été récemment informé que grâce aux fonds restant de ces deux contributions et compte tenu d'éventuels nouveaux engagements, le Secrétariat serait en mesure de continuer à faire fonctionner le registre jusqu'à la fin de 2017.

Comme elle l'avait faites dernières années, la Commission a réitéré son opinion ferme et unanime selon laquelle le secrétariat doit assurer les fonctions de dépositaire et, à cette fin, la Commission est convenue de demander à la sixième Commission de l'Assemblée générale que le Secrétariat soit prié de continuer d'assurer les fonctions de dépositaire des informations publiées conformément à l'article 8 du Règlement sur la transparence, en tant que projet pilote jusqu'à la fin de 2017, avec un financement assuré exclusivement par des contributions volontaires. Je me permets de vous inviter fortement à exprimer votre soutien sur ce point.

VI. RÔLE DE LA CNUDCI DANS LA PROMOTION DE L'ÉTAT DE DROIT AUX
NIVEAUX NATIONAL ET INTERNATIONAL

Conformément

VII. CONCLUDING REMARKS

Mr. Chairperson, distinguished delegates,

UNCITRAL will be celebrating its 50th anniversary next year. For almost five decades, it has been committed to providing a legal environment that fosters international trade and commerce.

The General

increasing importance of international trade and accelerating globalization of the economy require UNCITRAL to continue its work, which benefits all States.

With that, I would like to conclude my address to you on the work carried out by UNCITRAL during its forty-ninth session. I thank you for your attention.