



**Statement by the Delegation of Indonesia
at the Sixth Committee of the General Assembly
on Agenda Item 79**

**Report of the United Nations Commission on the International Trade Law of its Fiftieth
Session**

New York, 9 October 2017

Mr. Chairman,

Permit me to begin by expressing the profound gratitude of my delegation to the Chairman of the 50th session, Mr. Janos Martonyi, for his leadership of the session and the UNCITRAL Secretariat for the excellent reports of each working groups and the hard work throughout the year.

The delegation of Indonesia acknowledges the role of the Commission in furthering ‘the progressive harmonization and unification of the private law of international trade’ in the interest of all people, particularly those of the developing countries. In this connection, we deeply celebrate the importance of the contribution of the rule of law to the achievement of SDG 2030.

Among others, UNCITRAL marked its 50th anniversary by holding a congress under the theme: “Modernizing international trade law to support innovation and sustainable development”.

That event was relevant in showcasing the significant role of the Commission in promoting rule of law in the international trade and economy over the past half a century, and we commend the Commission for successfully hosting it.

Indonesia is also pleased to have had the opportunity to participate in the work of the entire working group of the UNCITRAL during its membership from 2013 to 2019.

We are pleased to see that UNCITRAL has completed a number of projects this year. The first one is the adoption of the model law on electronic transferable records and explanatory reports; and the second, the adoption of the Guide of the Enactment of UNCITRAL Model Law on Secured Transaction.

We appreciate the efficient working method and scale of prioritizing adopted by the commission, which led to the completion of the above subjects. It is the view of Indonesia

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that the model law on electronic transferable records came up at the opportune moment as guidance for us in designing our national legislation on electronic transactions.

Mr. Chairman,

Let me now comment on the work of each of the working groups:

The WG 1 on the Micro, Small and Medium Enterprises: Indonesia values the purpose of the WG aimed at reducing the legal obstacles being encountered by micro, small and medium-sized enterprises, which are of great significance for middle-income countries like Indonesia. We strongly support the work of the WG and suggest that the legislative guide be a flexible text that would enable States to simplify and facilitate the work of the MSME and at the same give MSME the opportunity to compete and grow. It is particularly important for the MSME in Indonesia, which account for 99 percent of the total amount of enterprises and contribute to almost 60 percent of our GDP.

We also appreciate the effort by the Secretariat to commence work on the insolvency of MSMEs in between the session of the WG 1 and WG 5, both of which are highly relevant. The session was very useful and informative as a basis for further deliberation on the issue.

With regard to WG 2 on dispute settlement, we take note of its progress and that its work is already at an advanced stage. We appreciate the options taken by the WG concerning the draft provisions on enforcement of international commercial settlement agreements resulting from conciliation contained therein without prejudice to the final form of the instrument to be prepared.

On WG 3, Indonesia welcomes the prudent approach taken by the commission concerning discussion of the topic of Investors-State Dispute Settlement (ISDS). We call for caution on this subject and urge that the deliberation always be based on the need to strike a balance between protection of the investors in the host state, and providing policy spaces for the host state to assert and advance its national interest.

We draw attention to the importance of technical cooperation and assistance to the developing countries, specifically in matters at the national level relating to the adaptation and use of texts adopted by the Commission, and encourage the Secretariat to continue to provide such assistance to the broadest extent possible and to improve its outreach, particularly to the developing countries.

The delegation of Indonesia would like to express its continued readiness to support UNCITRAL in its work. We look forward to continuing our good working relationship with the UNCITRAL Secretariat in the continued harmonisation and modernisation of trade law, particularly in our region.

Thank you.