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Chair: Mr. Katota (Vice-Chair) . . . . . (Zambia)

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16-17498 (E)

In the absence of Mr. Danon (Israel), Mr. Katota (Zambia), Vice-Chair, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 81: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (*continued*) (A/71/183 and A/71/183/Add.1)

1. **Mr. Ojeda** (Observer for the International Committee of the Red Cross) said that the adoption in 1977 of the two Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts had been a milestone in the regulation of armed conflicts. The rules codified therein, which unambiguously prohibited acts of violence against persons in the power of a party to an armed conflict, demanded that detainees and internees should be provided with basic necessities, and required respect for fair-trial guarantees in the case of penal prosecution, were still as pertinent as they had been four decades earlier. Another key achievement of the two Additional Protocols was that they had codified and developed rules on the conduct of hostilities. The careful balance struck between what was militarily necessary to overcome an adversary and the humanitarian limitations on warfare must always be maintained when parties to a conflict engaged in such conduct.

2. Nevertheless, the ongoing suffering and destruction in contemporary armed conflicts called for further decisive steps to strengthen international humanitarian law. First, progress should be made towards universal ratification of the two Additional Protocols. On the fortieth anniversary of their adoption, the International Committee of the Red Cross (ICRC) called upon States that had not yet done so to ratify the two instruments. Treaty ratification was not sufficient, however, since the principal cause of suffering during armed conflict was not a lack of rules, but insufficient respect for them. Between 2011 and 2015, ICRC and Switzerland had jointly facilitated a consultation process, unprecedented in terms of the number of States that participated and the scope and depth of the discussions, to identify ways to strengthen compliance with international humanitarian law. In December 2015, participants at the Thirty-second International Conference of the Red Cross and Red Crescent had recommended the continuation of a State-led intergovernmental process to find agreement on ways to strengthen respect for international humanitarian law. States needed to take ownership of, and responsibility for, that process in order to find credible solutions.

3. The existing rules of international humanitarian law were also insufficient in some areas, especially regarding the protection of persons deprived of their liberty in relation to non-international armed conflicts. Between 2011 and 2015, ICRC had facilitated consultations on enhancing protection for detainees. It had found, and States had largely confirmed, that international humanitarian law needed to be strengthened in relation to conditions of detention, protection of vulnerable groups, grounds and procedures for internment, and detainee transfers. The Thirty-second International Conference had produced a recommendation that further in-depth work should be pursued with the goal of producing one or more concrete and implementable outcomes of a non-legally binding nature to strengthen such protection under international humanitarian law. ICRC strongly encouraged States to continue to participate actively in both areas of work.

4. ICRC provided States with tools to better implement international humanitarian law. In March 2016, it had published a revised commentary on the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, which provided up-to-date interpretations of fundamental humanitarian norms and was available online. In addition, it was preparing updated commentaries on the remaining Conventions and the Additional Protocols of 8 June 1977 and, for the last 10 years, had been updating the practice section of its study on customary international humanitarian law, also available online. ICRC, and in particular its Advisory Service on international humanitarian law, stood ready to support States' domestic implementation efforts.

5. **Mr. Al Arsan** (Syrian Arab Republic), speaking in exercise of the right of reply, said that the Syrian Arab Republic was a founding member of the United Nations and should therefore be referred to by its proper title. To use the term "Syrian regime", particularly in the committee responsible for upholding international law, was a petty act of propaganda that contravened international law, the Charter of the

United Nations and diplomatic practice. Such breaches were, however, nothing new for Israel. United Nations reports had amply documented Israel's violations of international law, the 1949 Geneva Conventions and the relevant resolutions of the General Assembly and Security Council, all of which had stressed the need for Israel to put an end to the occupation of Palestinian, Syrian and Lebanese territory, the construction of settlements, the eradication of the Arab Muslim and Christian character of Jerusalem, the imposition of an Israeli identity on Palestinians, the use of collective punishment, the demolition of homes and the forced displacement of civilians, among numerous other crimes.

6. The representative of Israel had claimed that Israel was in compliance with the conventions on armed conflict. Israel was in fact supporting the Nusrah Front and other terrorist groups on the territory of the Syrian Arab Republic. Israel had provided fire support for terrorists and had set up mobile and stationary clinics in the occupied Syrian Golan, which had treated hundreds of wounded terrorists. The activities of the Nusrah Front and other terrorist groups had endangered peacekeepers and forced the United Nations Disengagement Observer Force to leave the area, a development that could thus be added to a long list of Israeli violations of international law and interventions in the internal affairs of other States.

Agenda item 82: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (*continued*) (A/71/130 and A/71/130/Add.1)

7. **Mr. Ávila** (Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the protection of diplomatic and consular representatives, and the security and inviolability of diplomatic and consular missions, their archives, documents and communications, was a cornerstone of international relations, enshrined in the Vienna Convention on Diplomatic Relations. Such privileges were granted to ensure that State representatives were able to perform their functions effectively. CELAC strongly condemned all violations against diplomatic and consular missions and representatives, as well as against the missions, representatives and officials of international intergovernmental organizations, regardless of who had committed them, and expressed its solidarity with the victims. Such acts could never be justified and should not enjoy impunity under any circumstances, bearing in mind that every such violation was a serious incident that might endanger lives, cause damage and adversely affect the promotion of the shared values of the international community.

8. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents underscored the need to cooperate in the prevention of crimes against any representative or official of an intergovernmental organization, and against his or her premises. The events described in the report of the Secretary-General (A/71/130 and A/71/130/Add.1) and previous reports, some of which had even led to a loss of life, clearly showed the risk involved in representing a State. The international community should therefore redouble its efforts to ensure that the protection and security of diplomatic and consular representatives and their missions remained a priority for all concerned.

9. CELAC reiterated its concern at the negative impact that State surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, might have on the inviolability of diplomatic and consular archives, documents and communications. It appreciated the transparent and constructive dialogue on that issue at the sixty-ninth session of the General Assembly and the fact that the Assembly, in resolution 69/121, had recalled that the archives, documents and communications of diplomatic and consular missions were inviolable at any time and wherever they might be. It hoped for continued engagement on that important issue at the current session.

10. It was essential for States to observe all principles and norms of international law on the subject, as well as the relevant United Nations resolutions, and to ensure that their national legislation was in strict compliance with international law. They should take appropriate measures to prevent violations of the protection, security and safety of diplomatic and consular missions and representatives, including their archives, documents and communications. CELAC also urged all States to prevent abuses of privileges and immunities, especially in cases involving violence, and to cooperate with the host State where such abuses had

been committed. It was imperative that all disputes concerning compliance with such international obligations should be resolved by peaceful means, without the use or threat of use of force or any other violation of the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations. CELAC called on States that had not yet done so to consider becoming parties to those Conventions and other relevant instruments.

11. **Mr. Chaboureau** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that ongoing violent, and even deadly, incidents involving diplomatic and consular personnel and premises were a matter of great concern to all. The inviolability of diplomatic and consular missions and their representatives must be respected. The European Union urged States to strictly observe, implement and enforce the relevant provisions of international law. Close cooperation on security matters was also needed, not only internationally, but also nationally between the missions and the competent local authorities. The European Union strongly condemned the reported attacks against the official residence of the Ambassador of the Islamic Republic of Iran to Libya, in Tripoli, and against the embassies of the United Arab Emirates and the Islamic Republic of Iran in Sana'a, as well as other serious attacks against diplomatic and consular missions. Violent acts against such missions or their staff could never be justified. It was in the common interest of all States to ensure the physical safety of diplomatic and consular missions and representatives, which was a prerequisite for their smooth functioning. All States concerned should bring the perpetrators to justice.

12. Under the Vienna Conventions on Diplomatic Relations and on Consular Relations, respectively, receiving States had a special duty to protect diplomatic missions and consular premises. In that regard, particular attention must be paid to the threats posed by terrorists and other armed groups, which sometimes forced States to shut down their embassies or consulates, as was the case in Libya and Yemen. The European Union and its member States stood ready to participate in all efforts aimed at ensuring and strengthening the right of diplomatic and consular staff to protection and safety.

13. In view of the number of breaches of relevant international law, efforts to protect diplomatic and consular staff and premises should continue or indeed be stepped up. Diplomatic relations were of eminent importance in establishing trust among nations and must be protected. The European Union commended those States that had become parties to the aforementioned Vienna Conventions since the issuance of the previous report of the Secretary-General (A/69/185) and reiterated its call to States that had not yet done so to consider becoming parties to those instruments.

14. **Ms. Nyrhinen** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) said that it was of great concern that diplomatic agents and premises continued to be victims of attacks in receiving States, despite general recognition of the special duty to protect them. The Nordic countries appreciated the information contained in the Secretary-General's report, which would help to raise awareness in the international community of violations encountered by sending States and the measures taken by receiving States in response to them. They welcomed the new States parties to international legal instruments relating to the protection, security and safety of diplomatic and consular missions and representatives, and called on States not yet parties to join them. All States parties should also fully implement those instruments.

15. Receiving States were required by international law, in particular the Vienna Conventions on Diplomatic Relations and on Consular Relations, respectively, to protect diplomatic and consular premises and to prevent any attacks against diplomatic and consular representatives. Where they failed to do so, the injured State was entitled to claim prompt compensation for any resulting loss or injury. That duty of protection also extended to foreign missions and representatives to international intergovernmental organizations and officials of those organizations. Effective measures to enhance such protection and the security and safety of those missions, representatives and officials were crucial in enabling them to fulfil their mandates. Close cooperation and information sharing on security matters, not only at the international level but at the

national level between missions and competent local authorities, was also needed.

16. Notwithstanding the efforts made, serious violations had occurred, as documented in the report of the Secretary-General. The Nordic countries strongly condemned all such acts, which could never be justified and must not go unpunished.

17. **Mr. Vergara Zito** (Cuba) said that Cuba unequivocally condemned the continued transgressions against the safety of diplomatic missions and diplomatic and consular representatives and was concerned at recent reports of violations of the archives and communications of diplomatic missions. It therefore urged the adoption of measures to prevent and punish such acts. His delegation called on all States to comply with their obligations under the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations and the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. It condemned all recent practices of using the premises of diplomatic and consular missions as bases for monitoring, intercepting and collecting data on internationally protected persons, and for attempting to subvert or destabilize legitimately elected Governments. Those acts constituted flagrant violations of the Vienna Conventions and must be stopped. In that regard, he expressed his delegation's support for the maintenance of the item on the Committee's agenda for consideration on a biennial basis.

18. His Government had taken a number of measures, including establishing a multiple response system for the security and protection of the diplomatic corps, to punish and prevent offences and to ensure that all diplomats in Cuba enjoyed a calm and safe climate for the performance of their functions. As a result, there had been a notable decrease in the number of criminal acts, and no instances of violent intrusions into diplomatic offices had been reported. Improvements had also been made in the investigation of offences committed against the diplomatic corps. His Government would continue to give special attention to the protection and security of diplomatic missions and accredited representatives in its territory, as evidence of its commitment to existing international norms on the issue, in particular the Vienna Convention on Diplomatic Relations.

19. **Mr. Luna** (Brazil) said that his delegation was concerned at the increased number of incidents against diplomatic and consular missions and representatives noted in the Secretary-General's report. Furthermore, a significant number of serious incidents involving violations of diplomatic and consular immunities, which had been reported by the press worldwide, were not reflected in the Secretary-General's compilation. Such underreporting pointed to a need to update the current reporting mandate.

20. It remained beyond doubt, bearing in mind that the Vienna Conventions covered not only the inviolability of diplomatic and consular staff and premises, but also the protection of diplomatic and consular archives, documents and communications, that such communications, archives and documents must be protected both offline and online. While, from 1980 to 2014, the Committee's discussions under the agenda item had not covered that aspect of the protection of diplomatic and consular missions and representatives, General Assembly resolution 69/121 had started to fill the gap. The Committee's resolution on the agenda item to be adopted at the current session should adequately address the challenges faced in promoting all dimensions of the protection, security and safety of diplomatic and consular missions.

21. **Mr. Musikhin** (Russian Federation) said it was deeply disturbing that, despite the existence of universally acknowledged rules of international law concerning the special duty of a receiving State to take all appropriate steps to protect the premises and staff of diplomatic and consular missions, attacks against them were widespread. At the sixty-ninth session of the General Assembly, his delegation had reported an attack on the Russian Consulate in Kiev. The building and the property of the Russian diplomatic mission had been damaged, the Russian flag had been desecrated and the safety of personnel had been threatened; unfortunately, the Ukrainian law enforcement authorities had not provided an appropriate response. Moreover, attacks on Russian diplomatic and consular offices in Ukraine had continued throughout the intervening period, with the connivance of the receiving State's authorities, and in some cases with the direct participation of its officials. Information about those

incidents had been conveyed to the United Nations Secretariat for dissemination to Member States and inclusion in the relevant report of the Secretary-General, pursuant to General Assembly resolution 69/121.

22. The situation was unacceptable: the inviolability of diplomatic and consular missions and representatives was not negotiable. Respect for such inviolability was in the interests not only of the sovereign equality of States but also of the safety of actual individuals. His delegation requested the Secretary-General to keep the situation under constant close scrutiny in accordance with General Assembly resolution 69/121.

23. **Ms. Samarasinghe** (Sri Lanka), recalling that respect for the principles and rules of international law governing diplomatic and consular relations was fundamental to the orderly conduct of relations among States, said that Sri Lanka condemned all acts of violence against the security and safety of diplomatic and consular missions and their representatives. It urged States to take all necessary measures to protect such missions and representatives within territories under their jurisdiction, and to take practical measures to prevent illegal activities by persons, groups and organizations that might encourage or instigate the perpetration of acts against the security and safety of such missions or their representatives. Developing countries, in particular, faced great difficulties in meeting the financial costs of protecting their diplomatic missions. It was therefore prudent for all States to take preventive measures to minimize threats, including in relation to the use of technology. Increased international cooperation, especially through the timely exchange of information, was vital to prevent future attacks. Current reporting procedures should be fully utilized and enhanced, and States should be encouraged to report any violations as a means of raising awareness.

24. While the laws of receiving States must be respected and upheld, it was equally important for receiving States to hold the perpetrators of attacks on diplomatic and consular missions and representatives accountable under the law. In that regard, it should be noted that a Sri Lankan diplomat serving as a head of mission had recently suffered a physical attack at an international airport in the capital of a country, while conducting his official duties. Video footage clearly identified those involved in the attack. While some of the perpetrators had been apprehended by the receiving State, there had to date been no effective prosecution or appropriate punishment. In addition, the real motivation for the attack should be ascertained, together with the possible involvement of any group or network in orchestrating the incident, and any direct or indirect incitement or support by elements outside the country in which the attack took place.

25. In the new digital era, respect for the sovereignty of States must be strictly maintained. The international community must therefore address new challenges in order to prevent violations of the security and safety of diplomatic and consular missions and representatives, including their archives, documents and communications, which must remain inviolable.

26. **Ms. Guadey** (Ethiopia) said that, although the protection of diplomats and the inviolability of diplomatic and consular missions was a prerequisite for the maintenance of normal international relations and cooperation among States, violent incidents involving diplomatic and consular premises and representatives continued to occur. Her delegation strongly condemned those unacceptable attacks. With regard to the assaults carried out by hooligans and extremists against Ethiopian missions and government representatives, her delegation called on the host Governments in question to hold the perpetrators of those crimes accountable, investigate fully with a view to bringing the offenders to justice, and report the final outcome of the proceedings. They should also adopt effective measures to prevent a recurrence of such violations. A failure to provide the necessary support, as had been evident in some of those cases, could undermine good relations between States; such a trend also demonstrated the extent to which international law governing inter-State relations had been eroded. The international community was unlikely to ensure regional and international peace and security unless it abandoned selectivity.

27. As a seat of various international and regional organizations and diplomatic missions, Ethiopia made every effort to fulfil its obligations to protect diplomatic and consular premises and government representatives, as stipulated in the 1961 and 1963 Vienna Conventions. It expected other countries to do the same.

28. **Mr. Islam** (Bangladesh) said that ensuring the necessary protection, security and safety of diplomatic and consular missions and representatives was crucial for the proper conduct of international relations at the intergovernmental level. As a State party to the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, Bangladesh remained committed to ensuring due compliance with their provisions and intended to make better use in the future of the mechanism established for reporting serious violations to the Secretary-General.

29. The unprecedented terrorist attacks in a restaurant in the diplomatic area of Dhaka on 1 July 2016, and the targeted killing of an international aid worker in the same area in 2015, had raised evident concern among diplomatic and consular missions and country offices of international and regional organizations in Bangladesh. The country's law enforcement agencies had already identified or apprehended the perpetrators and masterminds of the restaurant terrorist attack and had dealt with them in accordance with the law. Significant gains had been made in dismantling new home-grown terrorist networks, while national law enforcement and intelligence authorities, as part of their counter-terrorism efforts, were seeking to identify any possible links between local operatives and the international terrorist groups from which they tended to draw inspiration.

30. In the aftermath of recent attacks, some missions and country offices in Bangladesh had requested strengthened security around their premises, residences, installations and investments. His Government had already taken a number of steps in response to those requests and was in the process of implementing other measures. In particular, a high-level task force chaired by the Minister for Foreign Affairs had been established to examine the security concerns of the diplomatic missions. Non-distinguishable, white digital licence plates were temporarily being provided upon request for diplomatic vehicles, subject to compliance with certain provisions. In addition to the regular security coverage provided, law enforcement personnel in plain clothes were patrolling diplomatic areas, and security had been strengthened outside the educational institutions run by foreign missions and at foreign investment facilities. A pool of appropriately trained paramilitary forces was also being made available for hire by interested missions; permission was being given for diplomatic missions to import and purchase armoured vehicles; and a helpline for expatriates had been set up. Such measures had generally helped to restore the confidence of both Bangladeshi nationals and diplomatic officials and foreigners living in or visiting Bangladesh, as shown by a number of recent high-profile visits.

31. **Mr. Remaoun** (Algeria) said that Algeria strongly condemned all acts of violence against diplomatic and consular missions and their representatives. Respect for the universally accepted principles governing diplomatic and consular relations was an absolute prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles set out in the Charter of the United Nations. In addition, receiving States had a special duty to protect the premises of a mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity. His Government remained committed to its obligations under international law, including that of ensuring appropriate protection and security for diplomatic and consular missions and personnel in Algeria.

32. Algerian missions and diplomats had not been spared the spate of violent attacks against diplomatic and consular missions and representatives in recent years. Some years earlier, during celebrations of his country's National Day, one of its consulates general had been besieged by demonstrators and subjected to unacceptable violations, including the removal of the Algerian national flag, in the presence of the security forces of the receiving State. Elsewhere in the world, Algerian diplomats had been taken hostage by terrorists or even assassinated.

33. His Government would ensure that all such acts in violation of international law, and in particular of the Vienna Conventions of 1961 and 1963, were fully investigated and that the perpetrators were brought to justice and properly sentenced. The receiving State should promptly transmit information to the sending State on the circumstances of violations, as well as on any subsequent legal prosecutions; it must also take effective measures to prevent the recurrence of such acts. In addition, Algeria called for close cooperation and information sharing between Member States in the development of practical preventive measures to enhance the protection, security and safety of diplomatic and consular missions and representatives.

34. **Ms. Pierce** (United States of America) said that respect for the rules protecting diplomatic and consular officials was a basic prerequisite for the normal conduct of relations among States. Diplomats must also be protected from harmful acts by non-State actors. The number of attacks against diplomatic and consular officials had increased in recent years, more often involving non-State armed groups, and had become more brazen. In early 2015, the United States had temporarily relocated all of its personnel out of Yemen owing to the ongoing violence there. Furthermore, a car bomb detonated outside the United States Consulate General in Erbil, Iraq, in April 2015 had killed two Turkish citizens and wounded a number of others. The United States had sustained a number of other attacks on its facilities and personnel around the world, and it was not alone in that regard. Those brutal acts by armed groups should be universally condemned.

35. The steps that were appropriate to protect a mission, and were therefore required of the receiving State, would depend on the potential threat and would have to change in accordance with the changing facts and circumstances of attacks. Her Government, for its part, paid special attention to enhanced security training and good personal security practices. Prevention was also facilitated by collaboration: United States embassies often worked with local law enforcement and other authorities to prepare for eventualities, for instance by conducting drills and sharing information when appropriate. In the face of forces in the world that wished harm to diplomats, the international community must stand united and must continue to develop means of preventing violence before it occurred.

36. **Mr. Medina Mejías** (Bolivarian Republic of Venezuela), recalling the importance of full compliance with international law on diplomatic and consular relations for the development of friendly relations among States, said that the Bolivarian Republic of Venezuela was committed to ensuring the protection of diplomatic and consular missions, as well as the missions of international organizations. Its civil security agencies gave high priority to the protection and security of accredited diplomatic and consular missions and their agents on Venezuelan territory. His Government had stepped up its communications and cooperation with those missions, establishing privileged channels of communication with civil security agencies and providing ongoing support, through the Ministry for Foreign Affairs, to ensure that diplomatic and consular missions and their representatives were able to exercise effectively the privileges and immunities granted to them under international law.

37. **Mr. Celarie Landaverde** (El Salvador) said that all States parties to the Vienna Convention on Diplomatic Relations must comply with its provisions, in particular with regard to the receiving State's duty to take all appropriate steps to protect the premises of a mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity. That provision, contained in article 22 of the Convention, also entailed the obligation to establish effective mechanisms to improve the protection and security of diplomatic and consular missions and their representatives, not merely by passing legislation but by implementing plans and taking specific measures to ensure the prevention, investigation and prosecution of illicit acts.

38. As described in the Secretary-General's report (A/71/130, para. 15), El Salvador had established a number of relevant protection mechanisms, which benefited from the involvement of the Directorate-General of Protocol and Honours of the Ministry of Foreign Affairs and the National Civil Police, specifically its Very-Important-Person Protection Division. Records showed that all requests for protection submitted at the national level had been met, with the requested security and protection measures being provided. In view of the challenges that still existed both nationally and internationally, his delegation supported the Committee's continued discussion of the agenda item.

39. **Ms. Petros** (Eritrea), recalling that the privileges and immunities granted under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations were meant to ensure the efficient performance of the functions of diplomatic and consular missions, said that all receiving States should commit to ensuring the protection, security and safety of such missions and their representatives. States should also ensure the safety of diplomatic missions and representatives to any regional and international organizations that they hosted. Moreover, diplomats attending multilateral forums or meetings should not be subjected to targeted actions or intimidation. Enhanced efforts to ensure the peaceful cooperation of diplomatic and consular missions and representatives were in the best interests of all Member States.

40. **Mr. Alsubaie** (Saudi Arabia) recalled that there had been no consensus regarding the qualifications of the Chair of the Committee, particularly in view of its mandate to consider international law.

41. The safety and security of diplomatic and consular missions was a matter of high priority for his country. There was a need to work to improve and develop effective measures to protect diplomatic and consular missions, and he urged States to take immediate measures for that purpose in accordance with their obligations under international law. His Government had intensified the security measures in place and had established within the Ministry of the Interior a standing committee on the protection of diplomatic staff.

42. His delegation condemned the attacks that had taken place on 2 January 2016 against the Saudi Arabian embassy in Tehran and the Saudi Arabian consulate in Mashhad, Iran. Those incidents constituted a flagrant violation of the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations. He urged those States that had not yet acceded to the relevant international instruments to do so.

43. **Ms. Ji** Xiaoxue (China) said that the adoption of effective measures to enhance the protection of diplomatic and consular missions and representatives was in the interests of all countries, as well as being a clear requirement under international law. However, criminal activities, including serious acts of violence, had continued to target such missions and representatives, threatening their safety and security and preventing them from functioning properly. In recent years, Chinese embassies and consulates in a number of countries had suffered harassment, assaults, break-ins and even terrorist attacks, resulting in damage of various kinds and, in some cases, casualties. Her delegation strongly condemned such acts and called on all countries to strengthen the protection of diplomatic and consular missions and representatives, bring perpetrators to justice and provide sending States with timely information on the handling of relevant cases.

44. The protection by host countries of diplomatic and consular missions and their representatives required not only adequate preventive measures but also the strict punishment of illegal and criminal activities. The obligation not only to protect the safety and security of premises and personnel but also to preserve their peace and dignity was explicitly enshrined in international law, and no country could refuse to honour that obligation on account of its domestic legislation.

45. Her Government had always attached great importance to the protection of diplomatic and consular missions and representatives and complied strictly with the obligations enshrined in the 1961 and 1963 Vienna Conventions. It had adopted domestic legislation, including Regulations concerning Diplomatic Privileges and Immunities and Regulations concerning Consular Privileges and Immunities, to provide comprehensive measures for the protection, safety and security of foreign missions and representatives in China. The good communications that it maintained with such missions enabled it to resolve any problems in a timely manner.

46. The enhanced protection of diplomatic and consular missions and representatives must not be taken as licence for such missions and representatives to abuse their privileges and immunities. Diplomatic and consular missions and representatives had an obligation to respect the laws and regulations of the host country and to engage only in activities consistent with their functions and capacities. In cases where diplomatic and consular privileges and immunities were abused, while her Government would maintain the privileges and immunities of the missions and personnel concerned in accordance with the law, it urged the sending States concerned to handle such cases properly in a responsible and cooperative spirit.

47. **Mr. Atlassi** (Morocco) said that the protection of diplomatic and consular missions and representatives was a priority of his Government. Even when certain tensions existed between States, they must at all times comply with the provisions of the relevant Vienna Conventions, which remained of paramount importance for international relations. All acts of violence or violations against the safety and security of diplomatic and consular missions, including attacks by terrorists, must be condemned. The threats and intimidation against diplomats witnessed over the previous year were also unacceptable. Moreover, diplomatic mail, archives and communications were inviolable and must be respected. Cybercrime, the interception of communications, and the actions of State hackers were in flagrant violation of the relevant Vienna Conventions.

48. **Mr. Mousani** (Islamic Republic of Iran) said that, as described in the report of the Secretary-General (A/71/130), there had been gatherings outside the Saudi Embassy and Consulate General in Tehran and Mashhad, respectively, on 2 January 2016 in protest at the execution by the authorities of Saudi Arabia of the prominent religious leader Ayatollah Sheikh Bagher Nimr Al-Nimr. The Iranian authorities had taken appropriate measures to prevent an attack on those premises, including by substantially increasing the number of security forces; the diplomatic police had also been engaged in controlling the situation. However, despite extensive efforts by the Iranian security sector, the crowd had caused some damage to the Saudi diplomatic and consular premises, although no harm had been sustained by the diplomatic and consular personnel. Following those incidents, the necessary arrangements had been made to grant facilities in order to enable all Saudi diplomatic personnel to leave the country, pursuant to article 44 of the Vienna Convention on Diplomatic Relations, while, in line with the obligation set out in article 45 thereof, the Islamic Republic of Iran had taken the appropriate measures to ensure respect for and protection of the Saudi diplomatic and consular premises, property and archives.

49. Steps had also been taken to advance the prosecution of those involved in inflicting damage in those incidents. The Ministry of the Interior and the judiciary had opened a thorough investigation, 121 individuals had been arrested on suspicion of being involved in the incidents, disrupting public order and causing damage to Saudi premises, while a further 24 had been summoned in order to finalize investigations. Indictments had been issued for 48 individuals, and trials were under way. A formal request had been sent to the Saudi Government to allow the Iranian judiciary to conduct an on-site visit to the premises in order to facilitate further investigations. Furthermore, his Government reiterated its willingness to facilitate the presence of the Saudi mission to assess damage incurred as a result of the incidents. Pursuant to its obligations under international law, the Islamic Republic of Iran was determined to make all efforts required to bring the elements involved in the incidents to justice.

50. **Mr. Yaremenko** (Ukraine), speaking in exercise of the right of reply, said that his Government strongly condemned the incident against the Russian Embassy in Ukraine; it had conducted investigations and those responsible would be brought to account. That said, ever since the Russian Federation had begun its aggression against Ukraine in 2014, Ukrainian diplomatic and consular missions had been facing massive numbers of attacks. In the last year, there had been 12 attacks in Moscow on the Ukrainian Embassy and the Ukrainian cultural centre, which had diplomatic status and immunity. The latest attack had taken place in August 2016, followed by an attempted attack in late September.

51. The Ukrainian Embassy in Moscow had also received a number of bomb threats, including just a few days previously. Owing to constant threats and attacks, Ukrainian diplomatic personnel were unable to live outside the embassy compound in Moscow; that was not the case for the diplomatic staff of the Russian Federation in Ukraine. Moreover, it was not only Ukrainian diplomatic personnel who were facing such attacks in Moscow; there had also been a number of attacks on the staff of other foreign embassies. His Government strongly condemned all such violations and reaffirmed its commitment to complying with all its obligations to ensure the protection of foreign diplomatic and consular premises around the world and in Ukraine.

Agenda item 76: Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session (A/71/17)

52. **Mr. Kenfack Douajni** (Chair of the United Nations Commission on International Trade Law (UNCITRAL)), introducing the Commission's report on the work of its forty-ninth session (A/71/17), said that the Commission had finalized and adopted the Model Law on Secured Transactions, which addressed security interests in all types of tangible and intangible movable property, with few exceptions. The Model Law took a unitary, functional and comprehensive approach. Its purpose was to tackle the main problem of secured transactions laws around the world, namely the multiplicity of regimes, which created gaps and inconsistencies. The Model Law included a set of Model Registry Provisions, which provided for the registration of notices of security interests in a publicly accessible registry. A notice made a security interest effective against third parties and provided an objective 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 was expected to have a positive impact on the availability and the cost of credit, in particular for micro, small and medium-sized enterprises in developing countries. Adoption of the Model Law would not only assist in their market inclusion and alleviate poverty; it would also contribute to achieving Goal 1 of the Sustainable Development Goals to end poverty.

53. The Model Law was based on the United Nations Convention on the Assignment of Receivables in International Trade (2001), the UNCITRAL Legislative Guide on Secured Transactions, the Supplement on Security Rights in Intellectual Property and the UNCITRAL Guide on the Implementation of a Security Rights Registry. Its treatment of security interests in insolvency was based on the recommendations of the UNCITRAL Legislative Guide on Secured Transactions and the UNCITRAL Legislative Guide on Insolvency Law.

54. The Commission had also finalized and adopted the revised UNCITRAL Notes on Organizing Arbitral Proceedings, a key resource for parties to arbitration and arbitration practitioners. The Commission had finalized the original version of the Notes in 1996. In the light of evolving practice, it had begun to update them in 2014. The Notes listed and described the typical matters for consideration in the organization of a broad range of arbitral proceedings. They focused on international arbitration and were intended to be used in a general and universal manner, regardless of whether the arbitration was administered on an ad hoc basis or by an arbitral institution. Given that procedural styles and practices in arbitration varied, and that each had its own merit, the Notes did not seek to promote any best practice.

55. The Commission had also adopted the Technical Notes on Online Dispute Resolution, its first instrument in that area. The Notes had emerged from the work of Working Group II, whose task had been to formulate a descriptive document reflecting elements of an online process for the settlement of cross-border low-value sales or service contracts concluded using electronic communications. The Notes sought to promote the development of online dispute resolution mechanisms and to assist practitioners, parties to the dispute and neutrals. They took the form of a descriptive, non-binding document and did not seek to promote any given practice. While they did not impose any obligations, they did endeavour to uphold the broad principles of fairness, due process and the independence and impartiality of neutrals. With the finalization of the Notes, Working Group III had completed the task referred to it by the Commission.

56. Working Group I (Micro, Small and Medium-sized Enterprises (MSMEs)) had continued its work aimed at reducing legal obstacles encountered by such entities throughout their life cycle. It had focused on measures to facilitate the establishment of such businesses and to support their viability. Its work had crystallized into two distinct legislative projects. One was the preparation of a legislative guide to assist States in crafting an appropriate legislative framework for the swift and inexpensive creation of legally recognized simplified businesses. The other was a legislative guide to collect and consolidate best practices in the establishment and operation of businesses and commercial registries so as to support the sustainability of businesses.

57. Working Group II (Dispute settlement), which had previously been named “Arbitration and settlement”, was working towards an instrument to deal with the enforcement of international commercial settlement agreements resulting from conciliation. It would begin considering draft provisions, without prejudice as to the final form of the instrument. The Working Group had made further progress at its most recent session, held in Vienna from 12 to 23 September 2016.

58. Working Group IV (Electronic commerce) had made progress in preparing a model law on electronic transferable records facilitating the dematerialization of key commercial documents, such as bills of lading, promissory notes, bills of exchange and warehouse receipts. The model law, which was based on the principle of technological neutrality, sought to establish functional equivalence between electronic transferable records and paper-based transferable documents or instruments. He expected that the draft model law would be submitted to the Commission for adoption at its fiftieth session, in 2017. On the basis of preparatory work carried out by the secretariat, the Commission had identified cloud computing, identity management and trust services as future topics for Working Group IV.

59. Working Group V (Insolvency law) had continued to examine several topics relating to cross-border insolvency. The first, the insolvency of multinational enterprise groups, raised relatively new, highly complex and unresolved issues. Having agreed on a number of key foundation principles, the Working Group was developing a draft legislative text that provided innovative solutions to assist and facilitate the conduct of cross-border insolvencies for multinational groups. The work carried out within the European Union to revise Council Regulation No. 1346/2000 on insolvency proceedings had served as an inspiration and would be adapted for use in the wider global context. A draft model law on the recognition and enforcement of insolvency-related judgements had reached an advanced stage. It took into account the work of other international organizations on the broader topic of recognition and enforcement of commercial judgements, in particular that of the Hague Conference on Private International Law.

60. The Commission had reaffirmed the existing mandates of five of the working groups and decided not to undertake any additional legislative activities at its forthcoming session. In order to expedite the five working groups' deliberations, the Commission had decided that the conference time that had been allocated to Working Group III would be shared among Working Groups I, II and V.

61. In the area of dispute resolution, the Commission had decided to keep on its agenda for future work the topics of concurrent proceedings in international arbitration, the code of ethics for arbitrators in investment arbitration, and possible work on reform of the investor-State dispute settlement system. It had requested the secretariat to continue to update and conduct preparatory work on all those topics so that the Commission would be in a position to make an informed decision at its following session. With regard to insolvency law, the Commission had clarified the mandate of Working Group V concerning the insolvency of MSMEs. Work on the topic could begin at the following session of Working Group V, assuming that sufficient progress was made on the other agenda items.

62. With regard to future work in the area of security interests, the Commission had agreed to grant Working Group VI two more sessions in order to finish work on the draft Guide to Enactment of the draft Model Law on Secured Transactions for consideration and adoption by the Commission at its following session. The Commission had reaffirmed the decision to retain on its future work agenda the preparation of a contractual guide on secured transactions and a uniform law text on intellectual property licensing, and to add to its future work agenda the following topics: microfinancing, warehouse receipt financing and recourse to alternative dispute resolution mechanisms.

63. The Commission had decided that while the areas of public procurement and public-private partnership continued to be important, it would be premature to engage in any type of legislative work. It had been agreed that the secretariat should continue to monitor developments in those areas, particularly with regard to suspension and debarment in public procurement. With regard to public-private partnerships, it had been agreed that the secretariat should, with the involvement of experts, consider updating where necessary all or parts of the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects.

64. While there was no doubt about the importance of technical assistance and cooperation in the promotion of UNCITRAL texts, financial resources available in the UNCITRAL Trust Fund for those activities were limited and insufficient to meet increasing demands from States. The ability of the UNCITRAL secretariat to respond to requests for technical assistance depended largely on contributions. The Commission had encouraged the secretariat to explore alternative financial resources to allow for more activities and to undertake joint initiatives, possibly through partnerships, given both the need for those activities and the lack of regular budget resources. He appealed to all States, international organizations and other stakeholders to consider making contributions to the Trust Fund and to assist the secretariat in identifying other sources of funding.

65. The Commission had examined and approved the Guidance Note on Strengthening United Nations Support to States, Upon Their Request, to Implement Sound Commercial Law Reforms. The Guidance Note sought ways to better integrate the Commission's work with the efforts of the United Nations in the field. It recognized that States frequently requested assistance in reforming their commercial laws, and that the

United Nations had an interest in responding to such requests as efficiently and comprehensively as possible. The Commission had requested the Secretary-General to disseminate the Guidance Note as broadly as possible.

66. Since its establishment in 2012, the UNCITRAL Regional Centre for Asia and the Pacific had provided technical assistance and capacity-building to States in that region; supported public, private and civil society initiatives in promoting international trade norms and standards, in particular those elaborated by UNCITRAL; organized briefings, workshops, seminars, publications and social media outreach; and built and contributed to regionally based international trade law partnerships and alliances. Those efforts had prompted a growing number of adoptions of UNCITRAL texts by regional States. The Regional Centre would develop plurennial and systematized regional programmes focusing on integrated trade law reforms, the Sustainable Development Goals and aid-for-trade in pursuit of long-term tailor-made capacity-building, particularly in least developed countries, landlocked developing countries and small island developing States in Asia and the Pacific. Those programmes sought to ensure legal uniformity and general economic stability in the Asia-Pacific region, in close cooperation and coordination with institutions active in trade law reform in the region.

67. The Government of the Republic of Korea had expressed its continued willingness to support the operation of the Regional Centre for an additional five-year period from 2017 to 2021. The Government of China had also provided support by contributing an expert on the basis of a non-reimbursable loan. The Commission was grateful for those generous contributions and urged other States, particularly those in the Asia-Pacific region, to join that endeavour, which was based entirely on voluntary contributions. The Regional Centre provided an example that could be followed elsewhere; the Government of Cameroon had expressed its willingness to host a regional centre for Africa.

68. The Commission had welcomed the increasing volume of materials available on the case law on UNCITRAL texts (CLOUT) system. The database, which was accessible free of charge on the UNCITRAL website, contained court decisions from around the world in summary form and, increasingly, in full. The Commission had expressed its appreciation for the functioning of the upgraded CLOUT database and noted with particular interest the cooperation of its secretariat with the United Nations Volunteers programme to populate the database with the full text decisions of the abstracts published in previous years. The CLOUT database was an important tool for promoting uniform interpretation of UNCITRAL texts. The Commission therefore appealed to all States to assist the secretariat in its search for available funding at the national level to ensure sustained operability of the system.

69. The Commission had also heard presentation on the Guide on the New York Convention and on the related online platform, www.newyorkconvention1958.org, which provided freely accessible case law from around the world regarding the New York Convention. The compilation was updated continuously and represented a unique and wide-ranging effort to disseminate source information to a broad audience.

70. States around the world continued to look to UNCITRAL texts when reforming or modernizing their international trade law regimes. During its forty-ninth session, the Commission had taken note of actions on UNCITRAL texts taken by States at all levels of economic development, in all geographic regions and with an array of legal systems, including the signing or ratification of treaties and adoption of model laws. While many of those actions had been based entirely on the initiative of each State, many had also been facilitated through the assistance provided by the UNCITRAL secretariat.

71. The UNCITRAL secretariat was also actively involved in initiatives of other international organizations in the field of international trade law, both within and outside the United Nations system. With the aim of sharing information and expertise and avoiding duplication of effort, the secretariat had participated in expert groups, working groups and plenary meetings of UNIDROIT, the Hague Conference, the United Nations Conference on Trade and Development (UNCTAD), the World Bank, the Organization for Economic Cooperation and Development (OECD), the World Trade Organization (WTO), Asia-Pacific Economic Cooperation (APEC) and several other international bodies. UNCITRAL hoped soon to

strengthen its cooperation with the Organization for the Harmonization of Business Law in Africa (OHADA).

72. Over the previous 50 years, a number of international governmental and non-governmental organizations had made several significant contributions at the global and regional levels to the progressive unification and harmonization of contract law. Those legislative efforts were largely complementary, but that information on how they related to each other was not always readily available. In cooperation with the Hague Conference and UNIDROIT, the Commission had therefore adopted a "Joint proposal on cooperation in the area of international commercial contract law (with a focus on sales)", which consisted of a compilation of relevant texts and short illustrations of their application. It was hoped that the text would significantly contribute to the coherent adoption, interpretation and use of uniform texts and would strengthen their underlying principles, such as freedom of contract.

73. A Congress to mark the fiftieth anniversary of UNCITRAL would be held in Vienna from 4 to 6 July 2017. Its objectives would be to discuss technical issues and to raise awareness of the Commission and its potential to support cross-border commerce. It could also seek to identify new areas of research and potential legislative activity for UNCITRAL, including the development of the cross-border digital economy; finance in international trade; access to global supply chains and inputs; exploitation of global public goods; and dispute resolution in sectors such as climate and resource disputes; and potential new topics connected with the Commission's work. UNCITRAL had urged its secretariat to set a flexible and broad-ranging agenda and take active steps to identify possible speakers and themes for discussion.

74. The Commission had heard a report on the functioning of the transparency repository, which was a core part of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (Mauritius Convention on Transparency). In early 2016, the secretariat had received funding from the European Union in the amount of €100,000 and from the Organization of the Petroleum Exporting Countries (OPEC) in the amount of $125,000, something that had made it possible to hire a legal officer to operate the repository until the end of 2016 and make it completely operational. He had recently been informed that the remaining balance from those contributions would enable the secretariat to operate the repository until the end of 2017. UNCITRAL had reiterated its strong and unanimous opinion that its secretariat should fulfil the role of the transparency repository. Accordingly, the Commission recommended to the General Assembly that it request the secretariat of the Commission to continue operating the repository of published information in accordance with article 8 of the Transparency Rules, as a pilot project until the end of 2017, to be funded entirely by voluntary contributions.

75. Paragraphs 339 through 342 of the report set out the findings of the Commission's panel discussion on the rule of law. The Commission had reiterated the view expressed at its forty-seventh session that its work was relevant to all dimensions of access to justice (normative protection, capacity to seek remedy and capacity to provide effective remedies), and the views expressed at its forty-eighth session regarding factors influencing the quality of implementation of treaties emanating from its work. It had drawn the attention of the General Assembly to the fact that, at the current session of the Commission, UNCITRAL had enlarged the spectrum of its standards in the area of commercial dispute settlement by adopting the Technical Notes on Online Dispute Resolution.

76. The Commission had heard a briefing by the Director of the Rule of Law Assistance Unit in the Executive Office of the Secretary-General, and had reiterated its conviction that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels. It had therefore encouraged the Secretary-General to devise effective practical mechanisms to achieve such integration.

77. Over the previous five decades, UNCITRAL and its working groups had developed highly effective working methods and a negotiation culture that was both efficient and inclusive. Its relatively small secretariat produced a large volume of high-quality work. However, the member States were the true "shareholders" of UNCITRAL and had a direct interest in maximizing the return on their investment in the

modernization and harmonization of international law. He therefore sought their continued participation in and support for UNCITRAL and its activities. The ever-increasing importance of international trade and the accelerating pace of economic globalization required the Commission to continue to expand its work, which ultimately benefited all States.

78. **Mr. Beras** (Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the States members of CELAC reiterated the importance of the current structure, composition and inclusive working methods of UNCITRAL, which guaranteed the harmonization, unification and progressive development of international trade law, respecting the principle of the sovereign equality of States and ensuring that the texts issued by the Commission enjoyed worldwide acceptance.

79. The Commission's adoption of the UNCITRAL Model Law on Secured Transactions at its forty-ninth session reflected the importance of the regional work conducted at the Inter-American Specialized Conferences on Private International Law (CIDIP) of the Organization of American States (OAS) to foster global consideration of innovative issues with relevance for development policies. Working Group VI had prepared the draft Model Law based, among other instruments, on the recommendations of the UNCITRAL Legislative Guide on Secured Transactions, which had been inspired by the OAS Model Inter-American Law on Secured Transactions. The UNCITRAL Model Law would promote predictable, equitable and efficient access to credit, paying particular attention to micro, small and medium-sized enterprises, and taking into account the financing requirements of businesses that faced particular obstacles in accessing credit, such as women-owned enterprises.

80. CELAC congratulated Working Group III for the finalization and adoption of the Technical Notes on Online Dispute Resolution. It was to be hoped that the document would be useful for all States, in particular developing countries and States whose economies were in transition.

81. Furthermore, CELAC expressed its support for including the topic of reforms of the investor-State dispute settlement system in the future work agenda of the Commission. In that regard, it urged the Commission to review how best to take forward the project described in the note by the Secretariat presenting a research paper on the Mauritius Convention on Transparency in Treaty-based Investor-State Arbitration as a possible model for further reforms of investor-State dispute settlement (A/CN.9/890) and invited Member States to approve that project as a topic of future work at the forthcoming session of the Commission, taking into consideration the views of all States and other stakeholders, including how it might interact with other initiatives in that area and which format and processes should be used.

82. CELAC highlighted in particular the work of Working Group I on Micro, Small and Medium-sized Enterprises, which had been established as the result of an initiative by developing countries, especially in the Latin American region, and had focused on the needs of those countries in relation to reducing legal obstacles and thus strengthening the economic stability of businesses. The States members of CELAC wished to reiterate that the Organization faced ever greater challenges in codifying international trade law, given the rapidly changing volume and nature of global trade owing to incessant technological developments and the diversification of commercial activities. The Commission's work should therefore mirror trends in commercial activity as closely as possible.

83. CELAC strongly supported the work of UNCITRAL and appreciated the efforts of its members to achieve the objectives set. The States members of CELAC participated actively in working groups and plenary meetings of the Commission, as members or observers. Since such participation entailed significant effort, they once again stressed that the current system whereby meetings were held alternately in Vienna and New York should be maintained, since it provided a valid alternative for delegations without diplomatic representation in Austria. Although CELAC recognized the Organization's budget constraints, efforts to facilitate broad participation by Member States would help to ensure rich debates and substantive outcomes. CELAC congratulated UNCITRAL for its work over the last five decades and, in light of the 2030 Agenda for Sustainable Development, especially the targets relating to Goal 16, it reiterated its commitment to strengthening the rule of law in the area of international trade.

84. **Ms. Cerrato** (Honduras) said that her delegation greatly appreciated the substantive work of UNCITRAL and had participated actively in the Commission since 2008. UNCITRAL had undertaken important work on traditional arbitration and conciliation; moreover, its work on online dispute resolution had assumed particular significance in the context of globalization. Given that the use of conciliation reduced the instances where a dispute led to the termination of a commercial relationship, facilitated the administration of international transactions by commercial parties and produced savings in the administration of justice by States, Honduras was a signatory to the UNCITRAL Conciliation Rules of 1980 and the Model Law on International Commercial Conciliation of 2002. It was also a party to such instruments as the United Nations Convention on Contracts for the International Sale of Goods, the United Nations Convention on the Use of Electronic Communications in International Contracts and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

85. In the context of efforts to improve the Honduran productive infrastructure, her Government had launched the Honduras 20/20 national economic development programme, which sought to double private investment and employment in strategic industrial sectors over the following five years. To that end, her Government would soon sign the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (Mauritius Convention on Transparency) with a view to attracting greater foreign investment and so making progress towards achievement of the Sustainable Development Goals.

86. With regard to the Commission's adoption of the UNCITRAL Model Law on Secured Transactions, it should be noted that the Honduran Secured Transactions Act, adopted in 2009 on the basis of the OAS Model Inter-American Law on Secured Transactions, sought to increase access to credit by micro, small and medium-sized enterprises by expanding the assets, rights and claims that could be secured, and simplifying the creation, publicity and enforcement of such security interests.

87. **Ms. Morris-Sharma** (Singapore) recalled that the objectives of the 2017 Congress to commemorate the fiftieth anniversary of UNCITRAL were to discuss technical issues and to raise awareness of UNCITRAL and its potential to support cross-border commerce. Her delegation was of the view that the Congress should also serve as an opportunity to reflect on the Commission's past efforts and explore possible future areas of work. The UNCITRAL secretariat should bear in mind that some of the proposed new areas of work were sensitive. It should also provide UNCITRAL members with regular updates on the preparations for the Congress and consult with them, as appropriate.

88. Singapore welcomed the finalization and adoption of the Technical Notes on Online Dispute Resolution, the Notes on Organizing Arbitral Proceedings and the Model Law on Secured Transactions at the Commission's forty-ninth session. Her delegation had contributed to the completion of the work of Working Group III (Online Dispute Resolution) and actively participated in Working Group II (Dispute Settlement) and Working Group V (Insolvency Law). Singapore supported the decision to give priority to the current work of Working Group II and looked forward to the completion of its work to prepare an instrument dealing with enforcement of international commercial settlement agreements resulting from conciliation. It was also encouraged by the progress made by Working Group V on a draft Model Law on Electronic Transferable Records and supported the steps taken to ensure coordination between that work and the activities of the Hague Conference on Private International Law.

89. Her delegation welcomed the Commission's indication that, should Working Group VI (Security Interests) complete its work on the draft Guide to Enactment of the draft Model Law on Secured Transactions, it should use any time remaining to discuss its future work. It was also comfortable with the Commission's decision to reallocate to other working groups the meeting time freed up by the completion of the work of Working Group III. Those developments demonstrated a laudable commitment to the efficient use of the Commission's limited resources.

90. The Commission's cooperation and coordination efforts were laudable, as they helped to avoid the duplication of efforts, promote consistency between international law instruments and promote the provision of technical assistance and training. Objective criteria for cooperation and coordination with external organizations in all areas of the Commission's work might need to be established in order to enable UNCITRAL to maintain its neutrality.

91. Singapore was a strong supporter of UNCITRAL and actively worked to promote the harmonization of trade law on the basis of the Commission's instruments. Over the past year, her delegation had participated actively in the working groups, including by chairing Working Group II and Working Group III, and had attended events organized jointly by UNCITRAL. Singapore would continue to work with UNCITRAL to promote the harmonization and modernization of trade law, in particular at the regional level.

The meeting rose at 6 p.m.