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## Sixth Committee

### Summary record of the 15th meeting

Held at Headquarters, New York, on Tuesday, 10 November 2020, at 10 a.m.

*Chair:* Mr. Skoknic Tapia ..... (Chile)

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*The meeting was called to order at 10 a.m.*

**Agenda item 78: Report of the United Nations Commission on International Trade Law on the work of its fifty-third session (A/75/17)**

1. **Mr. Anderson Machado** (Chair of the United Nations Commission on International Trade Law (UNCITRAL)), speaking via video link and introducing the Commission's report on the work of its fifty-third session (A/75/17), said that, thanks to the excellent cooperation, flexibility and support of the Bureau, the chairs and rapporteurs of the working groups, the member States and the secretariat, UNCITRAL had completed its planned work for the session, despite the challenges related to the coronavirus disease (COVID-19) pandemic. As an exceptional and temporary measure, which should not set a precedent, the States members of UNCITRAL had decided that decisions would be adopted under a silence procedure (no-objection procedure) of at least 72 hours; that the first part of the session would be held virtually, in July 2020; and that the resumed session, in September 2020, would be held in Vienna under a hybrid format allowing delegations to participate in person or remotely. The members of UNCITRAL had emphasized the need to maintain transparency, inclusiveness, flexibility, effectiveness and equality in the work of the working groups.

2. The UNCITRAL secretariat had organized a series of virtual panels in July 2020 on the role that UNCITRAL texts could play in assisting States with their COVID-19 economic response and recovery efforts. The high level of interest in the panels – between 200 and 350 people had attended each session – indicated that it was important for the Commission to continue to develop instruments and other legislative tools to assist States in modernizing and strengthening their legal frameworks to address the severe economic shocks linked to the COVID-19 pandemic.

3. During the session, the Commission had requested its secretariat to publish the Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts (with a focus on sales), which it had developed jointly with the secretariats of the International Institute for the Unification of Private Law (UNIDROIT) and the Hague Conference on Private International Law. The Commission had also reiterated its strong and unanimous opinion that the UNCITRAL secretariat should continue to operate the repository of published information under the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (the “transparency repository”) and had expressed its appreciation to the European Commission for its

renewed commitment to providing funding for that purpose. Accordingly, it had recommended that the General Assembly request the Secretary-General to have the UNCITRAL secretariat continue the project until the end of 2023, to be funded entirely by voluntary contributions.

4. During the reporting period, memorandums of understanding on technical assistance for activities related to UNCITRAL texts had been concluded with China, Hong Kong, China, Saudi Arabia and Singapore. Another development in 2020 had been the introduction of UNCITRAL Latin American and Caribbean Days.

5. With regard to the status and promotion of UNCITRAL legal texts and the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), the Commission had requested that the General Assembly, when taking action on UNCITRAL texts, recommend that States give favourable consideration to those texts and request the Secretary-General to publish them, including electronically, in the six official languages of the United Nations, in order to disseminate the texts as broadly as possible. As for the current role of UNCITRAL in the promotion of the rule of law, the Commission had asked its Chair, States and the secretariat to ensure that its contribution to international efforts to combat corruption was reflected in the political declaration to be adopted at the special session of the General Assembly against corruption scheduled to take place in June 2021.

6. The Commission had taken note of the progress made by its six working groups and commended them for what they had achieved despite the challenges posed by the COVID-19 pandemic. UNCITRAL had requested its secretariat to proceed with the preparatory work for the development of a model law on the private-law aspects of warehouse receipts, in close cooperation with UNIDROIT. It had also requested the secretariat to begin the preparatory work for the development of a new international instrument on multimodal negotiable transport documents that could be used for contracts not involving carriage by sea, in close coordination and cooperation with all relevant international organizations. The Commission had reaffirmed its central and coordinating role within the United Nations system in addressing legal issues related to the digital economy (including high-tech dispute settlement) and had asked its secretariat to proceed with the preparation of a legal taxonomy, in cooperation and coordination with relevant international organizations.

7. Several States had submitted proposals for possible future work during the session. Belgium had

proposed that Working Group II (Arbitration and Conciliation/Dispute Settlement) continue its deliberations on the revised set of draft provisions on expedited arbitration and recommend to the Commission, when the results of that work were finalized, how the provisions could be presented in connection with the UNCITRAL Arbitration Rules. In response to a proposal by Japan concerning a dispute resolution stocktaking exercise, which would take into particular account the developments related to the COVID-19 pandemic, the Commission had requested its secretariat to begin research into high-tech dispute settlement, artificial intelligence in the digital economy, online dispute resolution, expedited arbitration and remote dispute settlement proceedings. In accordance with a proposal submitted by the Russian Federation and also sponsored by Armenia and Viet Nam, the UNCITRAL secretariat had been asked to organize round tables, seminars and other events to explore how international trade law could help to overcome the consequences of the COVID-19 pandemic and other large-scale emergencies that gave rise to impediments to international trade.

8. With regard to the proposal to enlarge its membership, the Commission had taken note of the progress made as a result of informal consultations and meetings, conducted under the leadership of Japan, and encouraged the States members of UNCITRAL to continue such consultations.

9. An online survey for member States had been provided for the purposes of evaluating the services provided by the UNCITRAL secretariat. According to the 25 responses received, members were very satisfied. In that connection, several delegations had expressed appreciation for the commitment and flexibility of the secretariat, and for the innovative steps it had taken to facilitate the work of the Commission during the COVID-19 pandemic.

10. **Ms. Popan** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, North Macedonia and Serbia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the Commission's work on investor-State dispute settlement reform should be a priority. The European Union considered that, where dispute resolution involved public matters, a standing body and a multilateral approach were best suited to addressing all the issues at stake. Working Group III (Investor-State Dispute Settlement Reform) should be given more meeting time and resources for its work. Considering the significant advantages that the Commission presented in terms of transparency,

openness and accessibility, the European Union and its member States encouraged all countries, international organizations and observers to participate actively in the discussions. The European Union had contributed to the Trust Fund for Granting Travel Assistance to Developing States Members of UNCITRAL in an effort to make the process as inclusive as possible and encouraged others to make contributions as well. The European Union and its member States continued to hope that, with the active engagement of all countries and interested organizations, a satisfactory outcome could be reached in a timely manner.

11. **Ms. Laukkanen** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that, in an increasingly economically interdependent world, rules-based cooperation was extremely important. The COVID-19 pandemic had encouraged companies to explore innovative ways of doing business, and led lawmakers to interpret legal texts in new ways and develop new legislative tools to address the circumstances. In that context, the Commission's work on harmonizing and modernizing international trade law was crucial.

12. UNCITRAL should be commended for finding ways to continue its work during the pandemic. The working groups had made good progress, even though most of the spring sessions had had to be postponed. The Nordic countries hoped that the Commission would be able to finalize and adopt the outcomes of the work of Working Group I (Micro, Small and Medium-sized Enterprises), Working Group IV (Electronic Commerce) and Working Group V (Insolvency Law) in 2021.

13. Working Group III had identified a clear need for reform of the current investor-State dispute settlement system. Given that the objectives of the reform reflected rule of law principles, the Nordic countries looked forward to a holistic reform of the system. They greatly valued the work carried out by the Working Group to date and urged Member States to ensure that it had the resources necessary to complete the significant amount of work that remained to be done.

14. Working Group II had continued its valuable work in the field of arbitration and conciliation, including expedited arbitration. Its work to date had had an important impact on the development of international arbitration and would most likely continue to do so. The Nordic countries welcomed the work carried out by Working Group VI (Judicial Sale of Ships) and would follow its progress closely. They supported the conduct, in close coordination and cooperation with the relevant international organizations, of further exploratory work

on railway consignment notes and legal issues related to the digital economy.

15. **Ms. Katholnig** (Austria) said that the UNCITRAL secretariat should be commended for its efficient and tireless efforts to enable the Commission to advance its work during the COVID-19 pandemic. Her delegation took note of the completion of the Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts. It noted with interest the decisions taken by the Commission with regard to its planned work on warehouse receipts, railway consignment notes and legal issues related to the digital economy. The two proposals for future work to be carried out in the aftermath of the COVID-19 pandemic demonstrated the importance and relevance of the Commission's work in relation to new challenges. It should be noted that several of the existing UNCITRAL instruments could also help States mitigate the negative effects of pandemic control measures and promote economic recovery.

16. **Ms. Squeff** (Argentina) said that her country, which had been a member of UNCITRAL almost continuously since 1968, supported the proposed enlargement of the Commission's membership, provided that the changes would result in equitable geographical representation. Her delegation had appreciated the very relevant virtual panels on the role that UNCITRAL texts could play in assisting States with their COVID-19 economic response and recovery efforts. Argentina was participating actively in the organization of the Latin American and Caribbean Days, alongside local universities and the American Association of Private International Law.

17. Her delegation welcomed the progress made by Working Group I on the draft legislative guide on an UNCITRAL limited liability organization, which aimed to reduce the legal obstacles faced by micro, small and medium-sized enterprises throughout their life cycles. Argentina supported the work of Working Group II, the aim of which was to devise an expedited and effective dispute settlement mechanism.

18. Argentina would continue to support the work of Working Group III on investor-State dispute settlement reform, provided that the objectives were feasible. It welcomed the organization of regional meetings during the intersessional period to provide opportunities for debate among States facing similar challenges. Any increase in the resources allocated to Working Group III should not be to the detriment of other working groups. The working methods of Working Group III should permit the effective and efficient participation of developing countries. The work of Working Group IV

(Electronic Commerce) was particularly relevant in the context of the COVID-19 pandemic. Argentina welcomed the preliminary examination of issues relevant to the insolvency of micro, small and medium-sized enterprises conducted by Working Group V.

19. In order to ensure full respect for the principles of transparency, inclusivity and equality, the silence procedure used by the Commission during the COVID-19 pandemic should be considered exceptional and temporary and should not set a precedent for decision-making at future sessions.

20. **Mr. Umasankar** (India) said that, while it was unfortunate that the COVID-19 pandemic had made it necessary to cancel the UNCITRAL conference that had been scheduled to take place in New Delhi in 2020, his delegation welcomed the series of webinars on India-specific topics that had been organized by the UNCITRAL Regional Centre for Asia and the Pacific and the UNCITRAL National Coordination Committee for India. It also took note of the various panel discussions that had been held on the role of UNCITRAL texts in assisting States with their COVID-19 economic response.

21. His delegation took note of the progress made by Working Group I on the draft legislative guide on an UNCITRAL limited liability organization, which was intended to reduce the legal obstacles faced by micro, small and medium-sized enterprises, in particular in developing countries. Working Group II should ensure that the draft provisions on expedited arbitration were coherent with the UNCITRAL Arbitration Rules. Working Group III was examining two possibilities for the reform of the investor-State dispute settlement system: a gradual reform of the current system, or a structural overhaul that would include the establishment of a global investment court. The Working Group's decision to consider the two alternatives simultaneously should enable all parties to participate in the discussions and reach a consensus.

22. With regard to the repository of published information under the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration, India noted the Commission's unanimous opinion that the secretariat of the Commission should fulfil the role of the transparency repository and that it should continue to operate the repository.

23. The accession by Palau and Tonga to the New York Convention brought the number of States parties to 164. India had been one of its initial signatories, and the development of the country's jurisprudence with regard to the recognition and enforcement of foreign arbitral awards was reflected in the Case Law on UNCITRAL

Texts (CLOUT). As a valuable tool for the collection of information on the use and implementation of UNCITRAL texts, the CLOUT system undoubtedly contributed to capacity-building efforts. His delegation appreciated the work of the national correspondents of the CLOUT system, including those from India, and welcomed the inclusion of Indian case law in the latest CLOUT digests, which would contribute to the further harmonization of international trade law across jurisdictions. The information provided by national correspondents on the use and implementation of UNCITRAL texts also facilitated the identification of needs for future work.

24. India remained committed to the work of UNCITRAL, which was the core legal body within the United Nations system in the field of international trade law. The Commission should continue to reach out as far as possible in its efforts to harmonize and develop international trade law.

25. **Ms. Cerrato** (Honduras) said that her delegation commended the Commission for adjusting its working methods in order to be able to carry out its work during the COVID-19 pandemic. It also welcomed the secretariat's efforts to ensure transparency, inclusiveness, flexibility, effectiveness and equality. Honduras welcomed the entry into force of the United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention on Mediation), to which it was a party, on 12 September 2020. The Convention reflected the recognition of the value of mediation, which was being used more and more in international trade as an alternative to judicial proceedings.

26. Honduras placed great importance on the technical cooperation and assistance provided by the Commission to developing countries and, in that connection, welcomed the launch of the Latin American and Caribbean Days. Her delegation hoped that UNCITRAL would help improve the entire legal framework applicable to micro, small and medium-sized enterprises, throughout their life cycles. In her country, such enterprises provided an alternative to migration, helped reduce income inequality and promoted the achievement of the Sustainable Development Goals. They would also play a crucial role in the recovery of the Honduran economy, which had been hard hit in 2020 by the COVID-19 pandemic and the devastation caused by Hurricane Eta.

27. Her delegation welcomed the completion of the Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts (with a focus on sales) and the Commission's endorsement of the

Incoterms 2020 rules. Honduras had adopted a number of laws that reflected the content of some of the Commission's texts, including laws governing the development of micro, small and medium-sized enterprises, conciliation and arbitration, electronic signatures and electronic trade. It had also been one of the first countries to sign the United Nations Convention on the Use of Electronic Communications in International Contracts.

28. **Ms. Ponce** (Philippines), commending the Commission for advancing its work despite the restrictions it had faced as a result of the COVID-19 pandemic, said that her delegation was pleased that UNCITRAL had approved the publication of the Legal Guide to Uniform Legal Instruments in the Area of International Commercial Contracts and that it had endorsed the Incoterms 2020 rules. The Philippines welcomed the entry into force of the Singapore Convention on Mediation, which complemented the existing legal framework on international mediation and would do much to promote the fair and efficient settlement of disputes.

29. The Commission had a mandate to promote the rule of law at the international and national levels. It helped establish and facilitate the use of fair, stable and predictable legal frameworks that promoted sustainable and equitable development, and was thus critical to the achievement of the Sustainable Development Goals. The work on public procurement and infrastructure development conducted during the Commission's fifty-third session was particularly valuable in that regard.

30. The COVID-19 pandemic had increased the urgency of her Government's plans to transition to a digital economy. The virtual panels on the role of UNCITRAL texts in addressing the economic impact of the pandemic had provided useful guidance in relation to mitigation measures, electronic commerce and the use of electronic documents. Her delegation had particularly appreciated the sessions on public-private partnerships and micro, small and medium-sized enterprises. Enabling such enterprises to participate in the digital economy and global value chains was a priority of her Government's pandemic response and recovery strategy. Her delegation would continue to participate in the efforts of Working Group I to develop a legislative guide on an UNCITRAL limited liability organization and would examine the draft materials on access to credit for micro, small and medium-sized enterprises.

31. Her delegation supported the proposal to consider enlarging the membership of UNCITRAL. In order to ensure equal and balanced participation, the Group of 77 and China should be represented proportionally. Lastly,

the Philippines was grateful to the UNCITRAL Regional Centre for Asia and the Pacific which, with significant support from the Republic of Korea, had done much to raise awareness of UNCITRAL and build regional capacities in relation to international trade law.

32. **Mr. Guerra Sansonetti** (Bolivarian Republic of Venezuela) said that his delegation had participated actively in the sessions of the working groups and was pleased with the progress that they had made. The Bolivarian Republic of Venezuela welcomed the Commission's endorsement of the Incoterms 2020 rules, which were clearer than the previous rules and reflected recent legal developments.

33. His delegation supported the Commission's contribution to the promotion of the rule of law at the national and international levels and to the achievement of the Sustainable Development Goals. It also supported the ongoing efforts to elaborate a draft instrument on the judicial sale of ships. The Bolivarian Republic of Venezuela would continue to participate constructively in the Commission's work and facilitate inclusive dialogue within the working groups.

34. **Mr. Simcock** (United States of America) said that while it was unfortunate that the Commission had not been able to adopt any instruments at its recent session, the secretariat should be commended for enabling UNCITRAL to make some progress despite the challenges associated with remote working. The virtual panels held in July 2020 had made a valuable contribution to the global discourse on the impact of the pandemic on cross-border economic activity and State responses to the challenges.

35. The United States noted with satisfaction the approval of a number of new projects, including a project to prepare a model law on warehouse receipts, which would further enhance the Commission's important role in expanding access to credit, in particular in developing economies. His delegation welcomed the planned work on civil asset tracing and recovery in the area of insolvency and on applicable law in insolvency proceedings. It hoped that UNCITRAL would be in a position to give Working Group V a mandate to commence work on both those issues at its next session.

36. While consensus had not been reached on the matter of requesting additional resources for the work on investor-State dispute settlement reform, all delegations had demonstrated willingness to consider the plans for work on that topic ahead of the Commission's fifty-fourth session. His delegation welcomed the continuing discussions on the size and composition of the Commission's membership and

appreciated the emphasis that had been placed on reaching a consensus on that question. In such discussions, it was important to bear in mind the importance of ensuring that UNCITRAL would be able to maintain and improve upon its ability to develop and promote effective, usable instruments that supported stable and predictable legal outcomes.

37. **Ms. Flores Soto** (El Salvador) said that her delegation commended UNCITRAL and its secretariat for the adaptability and resilience that had allowed the completion of the Commission's work during the fifty-third session, despite the exceptional circumstances arising as a result of the COVID-19 pandemic. Her delegation particularly appreciated the successful organization of the series of virtual panels on the role that UNCITRAL texts could play in assisting States with their COVID-19-related recovery. The legislative and non-legislative tools developed by UNCITRAL would be important instruments in the economic recovery efforts of States, which had faced unprecedented obstacles in recent months.

38. The work of each working group, and especially that of Working Group IV (Electronic Commerce), made an invaluable contribution to the codification and development of international trade law. In that regard, El Salvador had adopted its Electronic Commerce Act in October 2019, to govern commercial and contractual relationships established by digital, electronic or technologically equivalent means.

39. Her delegation welcomed the Commission's decision that Working Group I should continue its work to prepare a legislative guide on an UNCITRAL limited liability organization, with a view to its finalization in 2021, and to start as soon as possible to consider the draft materials on access to credit for micro, small and medium-sized enterprises, a topic that had assumed particular relevance in the context of COVID-19 response and recovery measures. El Salvador also supported the Commission's endorsement of the Incoterms 2020 rules, which made a valuable contribution to the facilitation of international trade.

40. As an observer in UNCITRAL, El Salvador had demonstrated its continued commitment to the Commission's invaluable work by participating as actively as possible in the various meetings and activities organized over the past year to promote the progressive harmonization and modernization of international trade law.

41. **Mr. Kanu** (Sierra Leone) said that his delegation noted the important work done by the Commission during its fifty-third session and the business continuity achieved despite the challenges of the COVID-19

pandemic. The procedure adopted for taking decisions during the pandemic was an exceptional and temporary measure that should not, and did not, set a precedent.

42. Accession to the New York Convention had been a major reform priority for his Government as a means of fostering responsible private sector development in Sierra Leone. His Government had deposited its instrument of accession with the United Nations Secretary-General on 28 October 2020, and had also lodged a declaration and reservation on reciprocity, commerciality and non-retroactive application. The Convention would enter into force for Sierra Leone on 26 January 2021, in accordance with article XII, paragraph 2, thereof. The recognition and enforcement of foreign arbitral awards was seen as an important tool for protecting investors and promoting foreign direct investment. His country's accession to the New York Convention, together with the entry into force of the Singapore Convention on Mediation on 12 September 2020, would therefore lead to the establishment, as a high priority, of a new legislative framework for domestic and international commercial dispute settlement.

43. His delegation commended the progress made by Working Group III on the possible reform of investor-State dispute settlement and took note of the project schedule prepared by the Working Group at its thirty-eighth session. Recalling that the Working Group was to ensure that the deliberations, while benefiting from the widest possible breadth of available expertise from all stakeholders, would be government-led, with high-level input from all Governments, consensus-based and fully transparent, Sierra Leone noted with appreciation the contributions made by the European Union, Switzerland and Germany to support the participation of developing countries, pursuant to General Assembly resolution [74/182](#). However, it remained concerned about a lack of diversity in the investor-State dispute settlement mechanism, and a lack of plurality in the deliberations owing to a lack of expertise and/or financial resources. It also noted with concern the threat posed by inordinate arbitral awards to the stability of developing States. Investor-State dispute settlement reform was no longer a one-dimensional economic issue, but rather a multidimensional issue with implications for political and social stability, especially with respect to natural resource governance.

44. His delegation commended the progress made by Working Group I, including its completion of the first review of all sections of the draft legislative guide on an UNCITRAL limited liability organization. Given that access to credit for micro, small and medium-sized enterprises was still a challenge in Sierra Leone, his delegation was pleased that the Commission had

encouraged the Working Group to conclude its deliberations on the draft legislative guide in order to devote full consideration to the topic of access to credit in 2021.

45. Lastly, his delegation noted with concern the percentage of Commission members not represented in its work at its fifty-third session. Although the COVID-19 pandemic might have exacerbated the challenge of effective representation, there was a need for decisive action to achieve the intended inclusive approach to the formation of rules that would eventually govern an interdependent global economy. Effective representation of not only member States but also observer States was necessary in order to facilitate effective domestic implementation.

46. **Ms. Zilbergeld** (Israel) said that the great efforts of the UNCITRAL secretariat to adapt to the challenges posed by the COVID-19 pandemic had enabled the Commission to move forward in its work and make important decisions for its work programme for 2020–2021 and beyond.

47. Israel had been extensively engaged in the efforts of Working Group II in negotiating the text of the Singapore Convention on Mediation, which had entered into force in September 2020. The need for flexible, adjustable international dispute settlement mechanisms such as mediation was all the more evident in the current global health crisis. The Convention had the potential to provide certainty among parties to international transactions regarding the enforceability of the agreements resulting from such a process and, if widely ratified, could significantly contribute to the use of mediation in international trade and the efficient resolution of cross-border commercial disputes.

48. Her delegation welcomed the Commission's decision to organize a colloquium on legal issues related to the digital economy, which was expected to address, among other topics, the development of tools to facilitate dispute resolution in international high-tech-related transactions, based on a joint proposal submitted to the Commission by Israel and Japan in 2019. Israel, in cooperation with Japan, the Czech Republic and the UNCITRAL secretariat, had also organized several events in recent months at which that issue had been discussed. UNCITRAL was clearly the entity best suited to the development of universal tools to advance the creation of new and innovative mechanisms to optimize dispute resolution processes in the global high-tech sector. Such tools might also prove applicable to other sectors.

49. The Commission should be proactive in assisting member and observer States in addressing the economic

impacts of the COVID-19 pandemic over coming months. One way to do so would be to develop a platform for States to exchange best practices and legislative experiences quickly and efficiently. Such a platform could, for example, assist States in adapting their domestic legal frameworks in line with the need to digitalize services, which was increasingly important in order to adhere to current social distancing requirements and to address the impact of travel restrictions on dispute resolution processes, as well as the economic hardships related to the pandemic.

50. Lastly, Israel supported the initiative to enlarge the membership of UNCITRAL, which would be beneficial for the Organization and for international trade law in general. It hoped that consensus on the geographical allocation of new seats could be achieved by the time the Commission held its 2021 session.

51. **Mr. Hwang Woo Jin** (Republic of Korea) said that his delegation appreciated the flexibility demonstrated by the Commission throughout the session and commended the secretariat for its professional and efficient work despite the challenges posed by the COVID-19 pandemic. It also appreciated the timeliness and relevance of the topics discussed during the virtual panels held in July 2020.

52. The Republic of Korea was honoured to have been selected to host the first regional office of the Commission, the UNCITRAL Regional Centre for Asia and the Pacific, and had provided financial and human resource support to ensure that the Centre operated in the most efficient manner possible. Since its establishment, the Centre had allowed the Commission to expand its influence in the region and to achieve its goals relating to the study and dissemination of international trade law. The aims of the Centre were to provide capacity-building and technical assistance for States in the region, and to support public, private and civil society initiatives that helped to promote international trade and development.

53. His Government had recently co-hosted an UNCITRAL special session on capacity-building for the Asia-Pacific region, followed by the ninth Asia-Pacific alternate dispute resolution conference, held in a virtual format. It appreciated the active engagement of participants from many countries despite the exceptional circumstances faced, and remained committed to supporting the work of UNCITRAL and its Regional Centre for Asia and the Pacific.

54. **Mr. Skachkov** (Russian Federation), congratulating the Commission on the fortieth anniversary of the adoption of the United Nations Convention on Contracts for the International Sale of Goods, said that his

Government greatly valued the Commission's contribution to the development of economic cooperation and international private law and was party to a number of international agreements developed by UNCITRAL. The Commission was to be thanked for finding a way to continue its work under difficult circumstances. He hoped that it would soon be able to resume in-person meetings, which would ensure that consultations were as inclusive as possible and that the Commission's output continued to be of the highest quality.

55. The COVID-19 pandemic had affected every aspect of life and brought problems in international trade law to the fore. He was grateful to the secretariat for its readiness to begin work on the proposal put forward by his delegation to update the work programme of the Commission in the light of the consequences of the pandemic, and he called on all States to contribute to that effort. Together with other international organizations, the Commission could make an important contribution to the recovery from the pandemic by establishing a more predictable legal environment that would be beneficial for the future development of international trade.

56. His delegation supported the secretariat in its study of unified approaches to the regulation of smart contracts, artificial intelligence, blockchain technologies, digital assets and related new technologies. Electronic commerce was the future of international trade, making it critical for such regulations to be standardized as soon as possible, so that both developed and developing countries could take advantage of the Commission's instruments.

57. His delegation welcomed the continuing efforts of Working Group I to develop standards aimed at reducing the legal obstacles faced by micro, small and medium-sized enterprises. It was taking an active part in the preparation in Working Group II of amendments to the UNCITRAL Arbitration Rules concerning expedited arbitration. Regarding the discussion of investor-State dispute settlement reform in Working Group III, he wished to reiterate the need for a cautious and balanced approach that was based on a broad consensus and an objective analysis of existing mechanisms and that took account of regional approaches to regulation.

58. With regard to the future work of Working Group IV, his delegation was of the view that, in the light of rapid digital transformation, best practices should be taken into account, particularly in view of the potential consideration by the Working Group of issues relating to effective legal protection of cross-border electronic interaction. It also hoped that Working Group



V would successfully prepare a set of solutions to common issues facing micro and small enterprises in the context of insolvency. Lastly, he welcomed the progress made by Working Group VI (Judicial Sale of Ships) under its new mandate.

59. **Mr. Hernandez Chavez** (Chile), commending the Chair of UNCITRAL and its secretariat for continuing to take forward the Commission's work in difficult circumstances, said that Chile supported the work of UNCITRAL on the understanding that, based on equality, equity, shared interest, and respect for and promotion of the rule of law, it contributed to better coherence and creativity in the unification and harmonization of international trade law, bearing in mind the different realities, traditions and approaches of States. His delegation had appreciated the virtual panels and round tables on UNCITRAL texts held in July 2020, and reaffirmed the Commission's leadership in developing new international frameworks and reviewing existing ones to bring them into line with current realities and thus help achieve global economic recovery. The constant workload of the Commission demonstrated its credibility as the core legal body within the United Nations system in the field of international trade law.

60. With regard to Working Group III, Chile had participated in the drafting of working documents for the establishment of a multilateral instrument with model clauses enabling States to modernize their international investment treaties in a flexible and inclusive manner, while also ensuring the uniformity and coherence of the system. Such an approach would address the concerns identified by States and allow results to be achieved in the short to medium term. Chile had also participated in preparing a proposal highlighting factors relevant to the decision on the additional resources that the Working Group might need from 2021 onwards, taking into account the uncertainties arising from the COVID-19 pandemic. To achieve investor-State dispute settlement reform, Chile advocated recourse to the broadest range of legal instruments and technological working formats available, in order to facilitate the active and informed participation of all delegations on an equal basis.

61. Digital commerce had gained even greater importance as a result of the pandemic, which was accelerating the move to online business processes with paperless trade and secure electronic payments. UNCITRAL had a central role to play in that regard, including in relation to high-tech dispute settlement. The Commission should develop a guide on that and other new topics, which extended beyond the scope of Working Group IV (Electronic Commerce).

62. His delegation welcomed the introduction of the UNCITRAL Latin American and Caribbean Days, which would help raise awareness of the Commission's work. In Chile, related events would address topics such as the insolvency of small and medium-sized enterprises, digital trade, dispute settlement mechanisms and investor-State dispute settlement reform.

63. His delegation's full statement would be made available in the eStatements section of the *Journal of the United Nations*.

64. **Ms. Ishibashi** (Japan) said that her delegation commended the UNCITRAL secretariat for its prompt and effective response to the unprecedented challenges posed by COVID-19. It had particularly appreciated the series of webinars organized in July 2020 on UNCITRAL texts and COVID-19-related recovery.

65. Japan was grateful for the broad support expressed by delegations at the fifty-third session for the proposal on stocktaking of dispute resolution in the modern context that it had submitted for the Commission's consideration. While the global situation since early 2020 had highlighted the need to achieve enhanced resilience and modernization across the board, including with regard to dispute resolution in the area of international trade law, the challenges posed by the COVID-19 pandemic were only the tip of the iceberg. Japan was therefore proposing that the UNCITRAL secretariat conduct the necessary activities, including research, webinars and online consultations, to compile relevant information on the latest trends and developments regarding dispute resolution, which would serve as the starting point for considering how best to enhance resilience and modernization. It was of the view that such work would be timely as the international community began to envisage a post-COVID-19 world. It hoped to organize relevant activities to flesh out the details of its proposal, in close cooperation with the UNCITRAL secretariat, in the period leading up to the Commission's fifty-fourth session.

66. With respect to the initiative to enlarge the UNCITRAL membership, Japan had organized three rounds of open-ended informal consultations held in person and one round held in a virtual format, as part of the Vienna-based consultation process. It had also held regional group meetings with all five regional groups. It remained eager to continue discussions on the initiative and counted on the active participation and support of all States Members of the United Nations in that open and transparent process, which it hoped would lead to a successful outcome in 2021.

67. **Ms. Falconi** (Peru) said that the Commission's work in modernizing and harmonizing international trade law played a vital role in facilitating transactions that promoted economic, political and social development. Her delegation was grateful to the UNCITRAL members and secretariat for their flexibility in adapting the Commission's working methods in response to the exceptional circumstances related to the COVID-19 pandemic. It appreciated the virtual panels held to address the relationship between the work of UNCITRAL and the economic consequences of the pandemic, as well as the virtual seminars and other online events organized by the working groups. It was vital to continue exploring good practices and instruments to mitigate the disruption of international trade and business in the context of COVID-19, stimulate economic recovery and strengthen and modernize the legal frameworks of States.

68. Her delegation wished to highlight the progress made by Working Group I, especially in relation to the preparation of the draft legislative guide on an UNCITRAL limited liability organization. With regard to Working Group II, Peru appreciated the progress made in preparing a revised draft of the expedited arbitration provisions, and, in particular, the updating of some provisions to allow arbitral tribunals to conduct case management conferences in person, virtually or by other means of communication.

69. Her delegation continued to closely follow the work of Working Group III, given the presence of major foreign investment flows in Peru and the need to reform the current dispute settlement system. It would be necessary to support the Working Group so that it could complete its work in a reasonable period of time. It would also be a good idea to establish an advisory centre on investor-State dispute law, similar to the Advisory Centre on World Trade Organization Law. The work of Working Group IV (Electronic Commerce) was also of particular interest to Peru, which noted the progress made in the first review of the draft provisions on identity management and trust services.

70. Her delegation expressed its support for the ongoing organization of virtual events, which enabled the working groups to make continued progress and also kept all delegations and regional actors abreast of their work, especially those unable to attend meetings in New York or Vienna because of COVID-19 travel restrictions and social distancing requirements.

71. **Ms. Wattanasophorn** (Thailand) said that the virtual panels on UNCITRAL texts and the COVID-19 response had emphasized the relevance of the Commission's instruments even in extraordinary

circumstances. The organization of similar activities should be encouraged in order to address future developments in international trade in a timely manner. In that regard, Thailand supported the use of digital technology to facilitate the work of UNCITRAL, while ensuring the principles of transparency, efficiency and equity.

72. Her delegation supported in principle the initiative to enlarge the membership of UNCITRAL. Such enlargement would not only increase the number of experts participating in the Commission's activities but would also raise awareness of UNCITRAL, and increase its visibility and acceptability. However, the efficiency of UNCITRAL should be unaffected by the enlargement and the new geographical distribution should address concerns about the underrepresentation of specific regions.

73. Thailand congratulated the Commission for the entry into force of the Singapore Convention on Mediation and the fortieth anniversary of the United Nations Convention on Contracts for the International Sale of Goods; it was considering becoming a party to both instruments in the near future. It also attached great importance to investor-State dispute settlement reform, especially the establishment of an advisory centre on international investment law, which would enhance the legitimacy of the system by strengthening the capacity of underresourced developing countries so that they were in a position to defend themselves adequately. Many of the reform options currently being discussed in Working Group III, such as the code of ethics for arbitrators and rules on third-party funding, could serve as building blocks for incremental, yet immediate, changes to the regime. As such, a flexible approach to the implementation of outcomes was needed, so that reform tools that were simpler to achieve could be introduced at an earlier stage.

74. Thailand, which had been an active member of UNCITRAL since 1992, reaffirmed its unwavering support for and confidence in the Commission's work as a major international mechanism for advancing the harmonization and development of international trade law.

75. **Mr. Nasimfar** (Islamic Republic of Iran) said that his delegation was grateful to the Chair and secretariat of UNCITRAL for their professional and efficient work in facilitating the Commission's fifty-third session, despite the challenges posed by the COVID-19 pandemic. It also congratulated the secretariat for the virtual panel discussions organized on the topic of UNCITRAL texts and COVID-19-related response and recovery, which had been extremely fruitful for the future work of the Commission. His delegation

welcomed the work of UNCITRAL on expedited arbitration, which was less expensive and faster than standard arbitration and seemed to be more satisfactory for the parties involved, especially in the case of simple, small-scale disputes. The principle of party autonomy was key to any expedited arbitration and should therefore be incorporated into the rules under consideration, which should also be flexible so that they were more acceptable to the various parties. The efficiency of the procedure should be increased by ensuring quality, due process and fairness.

76. The Islamic Republic of Iran appreciated the efforts of Working Group III to prepare consistent rules, resolve legal concerns and remove restrictions to international trade. The Working Group must remain committed to its goal of harmonizing international investment law to realize a fair, non-discriminatory, transparent, predictable and stable trade and investment environment. His delegation also attached great importance to the topic of identity management and trust services, which were critical for facilitating trustworthy e-commerce and other online activities, and valued the contribution of Working Group IV in promoting confidence and trust in online interactions, especially during the pandemic. It was important to pay attention to the concerns of developing countries regarding national sovereignty, security, confidentiality and data protection.

77. Working Group VI (Judicial Sale of Ships) should give further consideration to the fact that it would be setting a precedent by providing for the recognition and enforcement of foreign judgments without recourse to national courts. His delegation also noted that doubt had been expressed during the Commission's fifty-third session as to whether a model law or a convention would be more suitable; consequently, the decision on the form of the instrument was not yet final.

78. His delegation welcomed the long-standing collaboration among UNCITRAL, the Hague Conference on Private International Law and UNIDROIT and would appreciate greater clarification regarding the interaction between the instruments produced by the three organizations. While the pandemic had had negative consequences for trade and led to the imposition of worldwide trade restrictions, it should be noted that unilateral coercive measures had impeded trade between States on a much broader multinational scale.

79. **Ms. Lito** (United Kingdom) said that her delegation commended the flexible approach taken by the UNCITRAL secretariat to ensure progress in the important work of the Commission despite the COVID-19 pandemic. The United Kingdom welcomed

the work undertaken by Working Group I to develop standards aimed at reducing the legal obstacles faced by small businesses. Her delegation had also noted with interest the consideration of the issue of expedited arbitration by Working Group II. The United Kingdom would make a decision on whether to apply the Singapore Convention on Mediation after it had undertaken a consultation with domestic stakeholders in the near future.

80. Her delegation had participated in the work of Working Group III during its thirty-ninth session, under COVID-19 alternative arrangements, and looked forward to continuing that work in an inclusive and efficient way. It welcomed the approach taken by the secretariat in considering the views of stakeholders and supported further engagement, including with the business community.

81. The United Kingdom continued to support the work of Working Group IV in developing a model law for cross-border recognition of identity management and trust services. It had also participated in the fifty-sixth session of Working Group V (Insolvency Law) and in the alternative arrangements established in place of the postponed fifty-seventh session. It had been encouraging to see the progress made, including in the work on the insolvency of micro and small enterprises and the organization of a colloquium on asset tracing in the area of insolvency, which had represented a welcome initial exploration of the topic. Her delegation supported the Commission's commitment to shortening the fifty-seventh session of Working Group V so as to allocate time for an additional colloquium on applicable law in cross-border insolvencies, in which her delegation would participate. Lastly, the United Kingdom welcomed the progress made by Working Group VI and continued to support the development of an international instrument on the judicial sale of ships that struck a fair balance between all interested parties.

82. **Mr. Phiri** (Zambia) said that his delegation congratulated the Commission for its innovativeness during the COVID-19 pandemic and for the alternative arrangements it had set in place in order to make progress in its work. The pandemic had further highlighted the pivotal role played by UNCITRAL in the development of international trade law and the modernization and harmonization of international business rules, all the more so as States grappled with the devastating global health impact of COVID-19 and the ensuing massive social and economic crisis. Regrettably, the unprecedented measures adopted by States to mitigate the effects of the pandemic were not just a transient setback on the pathway to global economic development but were likely to continue

disrupting international trade and economic activity for the foreseeable future. He therefore urged the Commission to continue developing instruments and other legislative tools that would assist States in modernizing and strengthening their legal frameworks and improving their resilience in the face of the severe economic shocks occasioned by the pandemic.

83. The careful implementation of the UNCITRAL Model Law on Electronic Commerce, the UNCITRAL Model Law on Electronic Signatures and the UNCITRAL Model Law on Electronic Transferable Records would mitigate the disruption of international trade and business resulting from the COVID-19 pandemic, by facilitating business transactions conducted through the transmittal and use of electronic documents. His Government, with the aim of achieving a diversified and inclusive economy, had engaged in a number of initiatives supported by legislation providing for the conduct and use of electronic communications in a safe, secure and effective environment. A key law in that regard was the Electronic Communications and Transactions Act No. 21 of 2009, which, in its sections dealing with electronic transactions and signatures, was essentially an enactment in domestic law of the UNCITRAL Model Law on Electronic Commerce and the UNCITRAL Model Law on Electronic Signatures. The Act was being further updated to reflect the continued evolution of e-commerce and e-governance.

84. Zambia had invested heavily in electronic commerce and had made huge strides towards digital transformation, especially in the areas of digital infrastructure, digital financial services and digital platforms. It had a state-of-the-art data centre for public and commercial use, with all provincial centres linked to the fibre backbone. Efforts were under way to build capacity in digital skills and entrepreneurship. In July 2020, his Government had launched the pilot phase of its Digital Initiatives project, which sought to help the country to combat the COVID-19 pandemic and embrace the “new normal”, including through the acceleration of e-governance initiatives over the medium to long term. Despite its limited resources, Zambia was determined to meet its ambitious goals of attaining inclusive economic growth by doing more with less.

85. **Mr. Milano** (Italy) said that his delegation, which had always attached great importance to the work of UNCITRAL and its working groups, was pleased to see that the Commission remained an effective forum for deliberations on mutually agreed tools to improve the rules and regulations in respect of international trade law. Despite the unprecedented circumstances, the Commission and its working groups had continued to work without interruption and to use all available tools,

although the COVID-19 pandemic had forced a postponement of the final adoption of some texts. His delegation also congratulated the UNCITRAL secretariat for its invaluable work during the pandemic. The Commission had an expanding role to play in assisting Member States as they adapted their legislation to changing needs, including in connection with new technologies and the specific characteristics of micro, small and medium-sized enterprises, as well as in relation to sustainable development.

86. A successful conclusion to the work on the draft legislative guide on an UNCITRAL limited liability organization, which the Commission hoped to adopt at its next session, would be a very valuable achievement, since it would provide Member States with an additional flexible model of business organization in addition to those already in place in their domestic legal systems. The fact that such entities would be characterized by limited liability would facilitate their access to financing. The new legislative guide, together with the legislative guide on business registration, would provide Member States and markets with new tools for promoting sustainable development.

87. The Commission’s work on e-identity management, which was also nearing a successful conclusion, was important too, since in the digitalization of commercial and non-commercial relations it was essential to ensure the clear identification of participating parties and avoid data mismanagement. His delegation commended the Commission for achieving consensus on a topic that was highly sensitive owing to the significance of data and data sharing in the current digital economy.

88. Italy was confident that future projects undertaken by the Commission would be equally successful. In particular, it supported the activities of the UNCITRAL secretariat on the taxonomy of legal issues in the digital economy and the related workplan, and welcomed its planned cooperation with the UNIDROIT secretariat in further developing that taxonomy. His delegation considered such collaborative exercises to be essential for ensuring legal certainty in the current era of digital innovation and looked forward to seeing progress in that regard.

89. **Mr. Shaev** (Belarus) said that his Government remained committed to reducing barriers to global trade as much as possible through the development of universal legal instruments and soft law instruments. The adoption of the UNCITRAL Model Law on Electronic Commerce, the UNCITRAL Model Law on Electronic Signatures and the UNCITRAL Model Law on Electronic Transferable Records would significantly facilitate trade, which had been negatively affected by

the pandemic. In that regard, his Government supported the proposal of the Russian Federation to expand the Commission's work programme to include consideration of unified approaches to the regulation of measures aimed at mitigating the fallout for global trade from the pandemic. The topic could be further discussed at the regional conference on the digital economy to be held in Minsk in 2021.

90. Turning to the work of Working Group III at its thirty-ninth session, his Government believed that further discussion and agreement was needed regarding the reform options with respect to the following issues: a multilateral instrument on investor-State dispute settlement reform, multiple proceedings including counterclaims, dispute prevention and mitigation as well as other means of alternative dispute resolution, and security for costs. Most importantly, it was important to ensure that investor-State dispute settlement remained apolitical, to ensure trust in the system on the part of the international community.

91. The organization of international events relied increasingly on information technology, without which the work of the Commission would have been very limited in 2020. Nonetheless, it was important for the Commission to continue to hold in-person meetings in the future.

92. **Mr. L'Heureux** (Belgium) said that Belgium attached great importance to the efforts of UNCITRAL to harmonize and develop international trade law, and to ensure an international order anchored in international law and the rule of law. Faced with the unprecedented circumstances arising from the COVID-19 crisis, exceptional measures and additional instruments were needed to safeguard the progress of the Commission's work. Furthermore, the challenges posed by the COVID-19 pandemic must be incorporated in a cross-cutting manner into the work of all the working groups.

93. His delegation supported the work of Working Group I concerning micro, small and medium-sized enterprises, which played a vital role in the Belgian economy. It also fully supported the current focus of Working Group II on improving the efficiency and quality of arbitration and would contribute to its preparation of provisions on expedited arbitration, with a view to their finalization at the Commission's 2021 session. In that regard, his delegation stressed the need to ensure coherence between the expedited arbitration provisions and the UNCITRAL Arbitration Rules. In the light of the current health crisis, it would be particularly important to ensure that the UNCITRAL Arbitration Rules provided for the same possibilities of using modern means of communication and remote meeting,

including videoconference, as did the new expedited arbitration provisions.

94. With regard to Working Group III, his delegation was in favour of in-depth investor-State dispute settlement reform and strongly supported the establishment of a multilateral investment court. The process must remain inclusive and it was important to ensure that the challenges associated with the current pandemic did not prevent delegations from participating effectively in the discussions. Furthermore, the Working Group must complete its work within a reasonable period of time.

95. The work of Working Group IV could greatly facilitate international electronic commerce, particularly during the current health crisis. Belgium supported its efforts to harmonize international legal-certainty standards, in particular in the area of identity management and trust services, appreciated the increasingly specific nature of the related discussions and hoped that the work would be completed expeditiously. It was open to discussing potential areas of future work, including artificial intelligence, the data economy and online platforms, which would require the allocation of substantial resources.

96. His delegation highlighted the growing importance of the work of Working Group V, which sought to provide small and medium-sized enterprises with an effective and appropriate legal framework in relation to insolvency. As a result of the economic crisis caused by the pandemic, insolvency would become a major challenge for the economy in general and for small and medium-sized enterprises in particular.

97. Lastly, as a nation that relied on maritime trade, Belgium was well positioned to contribute to the work of Working Group VI on the preparation of an international instrument on the judicial sale of ships. It would focus, in particular, on ensuring the existence of adequate legal guarantees to verify the authenticity of court decisions; on ensuring that priority was given to national laws at the time of the deletion of charges entered in a ship's registry; and on establishing a clear scope of application, which would require the concepts of a "ship" and a "judicial sale" to be clarified.

98. **Mr. Khng** (Singapore) said that the entry into force of the United Nations Convention on International Settlement Agreements Resulting from Mediation, also known as the Singapore Convention on Mediation, on 12 September 2020, just over one year after it had been opened for signature, was a significant milestone that had been marked by a digital commemorative event organized jointly by his delegation and the Commission. The Convention filled a gap in the enforcement framework for

cross-border commercial disputes by enabling international settlement agreements resulting from mediation to be enforced or invoked more readily. It was of particular importance in times of economic uncertainty such as that caused by the COVID-19 pandemic, as it enabled businesses to rely on mediation – which had advantages over adversarial forms of dispute resolution – as an option for the settlement of cross-border disputes. Singapore was grateful to the Commission and Member States for their contributions to the development and success of the Convention, which bore testament to multilateralism and the continued commitment of States to a rules-based international order. Noting that the Convention had 53 signatories and six parties to date, his delegation hoped that more States would become parties in the near future and stood ready to provide more information on the Convention to interested delegations.

99. His delegation commended the Commission for its timely and appropriate response to the challenges posed by the COVID-19 pandemic. In particular, it welcomed the series of virtual panels organized to consider the role that the UNCITRAL texts could play in assisting States with their COVID-19 economic response and recovery efforts, which had demonstrated the relevance of the Commission's work. The new work methods developed and the lessons learned would stand the Commission in good stead not only in the event of future disruptions but also in normal times, because they promoted the efficient use of available resources.

100. While it welcomed the ambition reflected in the promising list of proposals for future work by the Commission, it noted that the list had more potential topics than there were available working groups to consider them. It might therefore be necessary to set priorities in the light of limited resources and increasing challenges. His delegation supported the Commission's approach regarding collaboration with other international organizations such as the Hague Conference on Private International Law and UNIDROIT. Where appropriate, it should also consider collaborating with other suitable global partners.

**Agenda item 182: Observer status for the Asian Forest Cooperation Organization in the General Assembly** (*continued*) (A/75/192; A/C.6/75/L.7)

*Draft resolution A/C.6/75/L.7: Observer status for the Asian Forest Cooperation Organization in the General Assembly (continued)*

101. **Mr. Sisouk** (Lao People's Democratic Republic) said that the Asian Forest Cooperation Organization was an intergovernmental organization, the aim of which

was to strengthen forest cooperation by transforming proven technologies and policies into concrete actions in the area of sustainable forest management, in order to address the impact of climate change. Granting the organization observer status would further enhance the work of the United Nations by contributing to the efforts of the international community to address environmental degradation and achieve broader global goals and targets, such as the Sustainable Development Goals and the global forest goals. He therefore called on Member States to support the adoption of the draft resolution.

102. **Ms. Chea** (Cambodia) said that Cambodia was a member of the Asian Forest Cooperation Organization, an intergovernmental regional organization that had been established with the aim of strengthening cooperation among member countries and regional and global players in the forest sector, and promoting action-oriented sustainable forest management practices through policy support, capacity development and inclusive partnerships to address the impacts of climate change. The Asian Forest Cooperation Organization had actively engaged with relevant United Nations agencies and other international partners in contributing to the promotion and protection of the global environment and the implementation of the 2030 Agenda for Sustainable Development. Its activities covered matters of interest to the General Assembly and granting it observer status would further enhance its cooperation with the United Nations and its Member States in addressing such issues as climate change and sustainable development.

103. **Mr. Taufan** (Indonesia) said that, as a member of the Asian Forest Cooperation Organization, Indonesia supported the adoption of the draft resolution. The Asian Forest Cooperation Organization adhered to the purposes and principles of the Charter of the United Nations and, through its activities, would contribute to the achievement of the Sustainable Development Goals, the Aichi Biodiversity Targets, the strategic objectives defined in the context of the 2018–2030 Strategic Framework of the United Nations Convention to Combat Desertification and the nationally determined contributions communicated pursuant to the Paris Agreement under the United Nations Framework Convention on Climate Change. If it was granted observer status in the General Assembly, it could expand its role in sharing cooperation models and best practices, particularly with regard to improving the sustainable management of global forest resources.

104. **The Chair** said that action would be taken on the draft resolution at a subsequent meeting.

**Agenda item 183: Observer status for the Global Dryland Alliance in the General Assembly**  
(A/75/194; A/C.6/75/L.8)

*Draft resolution A/C.6/75/L.8: Observer status for the Global Dryland Alliance in the General Assembly*

105. **Ms. Al-Thani** (Qatar), introducing the draft resolution on behalf of the sponsors, said that they had been joined by Azerbaijan, Costa Rica, Malaysia, Oman, the Republic of Korea, Singapore and Turkey. More than 2.8 billion people living in dryland countries were faced with increasingly complex challenges to their food security, including diminished food production and climate change. The activities of the Alliance were conducive to the realization of Sustainable Development Goal 15, one component of which consisted of combating desertification. Pursuant to its statute, the Alliance performed its activities in accordance with the purposes and principles of the United Nations, in conformity with policies of the United Nations that furthered sustainable development goals. Being granted observer status would enable the Alliance to follow and participate in the relevant aspects of the work of the General Assembly.

106. **Mr. Rasidi** (Malaysia) said that his delegation welcomed the work of the Global Dryland Alliance in finding solutions to the food crisis that threatened the well-being and livelihoods of dryland populations. The Alliance's work was clearly in line with the Sustainable Development Goals, specifically Goals 1, 2, 6, 7, 12 and 15, and would also help meet the Zero Hunger Challenge launched in 2012 by the then Secretary-General, Ban Ki-moon.

107. Malaysia commended the Global Dryland Alliance for its approach in fostering cooperation without sacrificing self-sufficiency among its members. Its emphasis on the development of agriculture and the search for sources of reliable and affordable food, water and energy to sustain the peoples of the drylands was the right way forward to address the crippling crisis that they would otherwise face. As one of the sponsors of the draft resolution, Malaysia fully supported granting the Alliance observer status in order to allow it to participate in the sessions and the work of the General Assembly.

108. **Ms. Chelbi** (Tunisia) said that Tunisia was a founding member of the Alliance, which played a valuable part in fostering cooperation among States and other stakeholders with a view to realizing the relevant Sustainable Development Goals, particularly as they pertained to food security. Observer status would enable the Alliance to participate effectively in and benefit

from the work of the General Assembly, and would thus strengthen cooperation between the two bodies.

109. **The Chair** said that action would be taken on the draft resolution at a subsequent meeting.

**Agenda item 85: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**  
(continued) (A/C.6/75/L.3)

*Draft resolution A/C.6/75/L.3: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization*

110. **Ms. Asgedom** (Ethiopia), introducing the draft resolution on behalf of the Bureau, said that the text was based on that of General Assembly resolution 74/190, with the necessary technical updates. It also reflected the recommendations set forth in the report of the Special Committee (A/75/33). Unlike the previous year's resolution, it did not include a request that the Special Committee consider the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions, since, in accordance with General Assembly resolution 71/146, that question was to be considered by the Special Committee only biennially. Similarly, it did not contain a request that the Secretary-General brief the Special Committee on that question at its next session, but requested him to submit a report on the question to the General Assembly at its seventy-sixth session.

111. In paragraph 5 (a) of the draft resolution, Member States were invited to focus their comments during the next thematic debate on means for the settlement of disputes on the subtopic "Exchange of information on State practices regarding the use of arbitration", as recommended by the Special Committee in paragraph 59 of its report. Paragraphs 11 to 17 of the draft resolution reproduced verbatim the recommendations contained in paragraph 75 of the Special Committee's report. The draft resolution reflected consensus among delegations and should be adopted without a vote.

112. **The Chair** said that action would be taken on the draft resolution at a subsequent meeting.

**Agenda item 171: Report of the Committee on Relations with the Host Country** (continued)  
(A/C.6/75/L.2)

*Draft resolution A/C.6/75/L.2: Report of the Committee on Relations with the Host Country*

113. **Mr. Chrysostomou** (Cyprus), introducing the draft resolution on behalf of the sponsors, said that,



while the text was based on that of General Assembly resolution 74/195, several changes had been made to reflect the recommendations and conclusions contained in paragraph 194 of the report of the Committee on Relations with the Host Country (A/75/26). In paragraph 2 of the draft resolution, reference was made to the expectation that all issues that remained unresolved would be duly settled expeditiously. In paragraph 3, on the applicability of privileges and immunities to premises, new language had been added to highlight concerns regarding the lack of resolution of alleged ongoing violations and restrictions applied to the premises of a permanent mission. In paragraph 6, on travel restrictions, additional language had been included to express concern regarding the non-lifting of the requirement for staff of one mission to relocate, while noting the steps taken by the host country to temporarily defer the relocation of affected staff due to the COVID-19 pandemic. In paragraph 8, the importance of the full participation of all delegations in the work of the United Nations was emphasized, with new language added in relation to, inter alia, the non-issuance of visas to delegates participating in the work of the General Assembly at its seventy-fourth session and the denial of a visa to the Minister for Foreign Affairs of a Member State. In that paragraph, the General Assembly would also take note of the statements of the Legal Counsel at the 297th and 298th meetings of the Committee on Relations with the Host Country, reiterating his statement at its emergency, 295th, meeting, set out in document A/AC.154/415. In paragraph 10, the Assembly would note that that Committee called upon the host country to review its differing processes of granting visas, including single-entry visas, with a view to ensuring that delegations were able to participate fully in the work of the United Nations.

114. Paragraph 12 contained new language, by means of which the General Assembly would note the assurances given by the representative of the host country at the online informal meetings of the Committee on Relations with the Host Country on 13 August and 17 September 2020 that impediments to the banking operations of one mission had been lifted, and would stress the importance of effectively enabling the affected mission to expeditiously transfer funds to its bank account. In paragraph 13, the Assembly would express appreciation for the efforts made by the United States Mission to the United Nations, including to respond to requests from the diplomatic community during the COVID-19 pandemic. In paragraph 15, it would request the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country at various levels in order to resolve the issues raised in the report; take note of the

statements of the Legal Counsel at the emergency, 295th, meeting of the Committee on Relations with the Host Country, and also at its online informal meeting on 17 September 2020; recall that serious consideration should be given to taking steps under section 21 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations if the issues raised in the report of the Committee on Relations with the Host Country were not resolved in a reasonable and finite period of time; and recommend that the Secretary-General should now consider and take any appropriate steps under section 21 of the Headquarters Agreement.

115. **The Chair** said that action would be taken on the draft resolution at a subsequent meeting.

*The meeting rose at 12.50 p.m.*