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GENERAL ASSEMBLY
83rd (extraordinary) session
Rome, 11 March 2024

UNIDROIT 2024
A.G. (83) 3
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REPORT

(prepared by the UNIDROIT Secretariat)

<i>Summary</i>	<i>For the information of the Members of the General Assembly</i>
<i>Action to be taken</i>	<i>None</i>
<i>Related documents</i>	<u>UNIDROIT 2023 - A.G. (82) 11</u>

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Item No. 1: Opening of the session by the Secretary-General and the Chair of the General Assembly

1. The 83rd (extraordinary) session of the General Assembly of the International Institute for the Unification of Private Law (UNIDROIT) was held in hybrid format on 11 March 2024 in Rome. A list of participants is included in Annexe I.

2. The *Chair of the General Assembly* welcomed the participants. She observed that it was the first time that the General Assembly had been convened in 2024 and expressed the hope that it would be able to reach a final decision on the item for discussion at this session. She invited the Secretary-General to provide a summary of the explanatory document concerning the procedure for the reappointment of the Members of the Finance Committee of the Institute that had been shared with all members of the General Assembly prior to the session.

3. The *Secretary-General* welcomed the participants. He recalled that the 83rd session of the General Assembly was an extraordinary session, which had been convened as a result of the decision of the General Assembly at its 82nd session to postpone the decision on the reappointment of the members of the Finance Committee, which, accordingly, was the only item on the agenda. Noting that the related agenda item of the 82nd session of the General Assembly had covered both the approval of the report of the Finance Committee and the reappointment of that Committee, he highlighted that the only item on the present agenda was the latter.

4. He then drew the participants' attention to the explanatory note that the Secretariat had provided to clarify some of the procedural issues of the decision-making process of the General Assembly. Addressing the nature of the Finance Committee, he explained that it was a delegate committee of the General Assembly, devoid of decision-making competences, whose role was to inform the decisions on financial matters to be taken by the Governing Bodies, such as the Governing Council and, especially, the General Assembly. Traditionally, the Finance Committee had always been composed by as many Member States as those wishing to participate, which meant that the decision on their reappointment had always been adopted by consensus. Therefore, it was the view of the Secretariat that the approach to the agenda item ought to be the same as presented at the 82nd session, namely that the reappointment would be for all candidates by consensus. Expressions of lack of support or disassociation would not be deemed as breaking consensus because consensus was not to be intended as unanimity but rather the absence of opposition to a decision. Therefore, if any of the Member States in attendance decided to break consensus, they would need to indicate accordingly and/or expressly ask for a vote.

5. The *Chair of the General Assembly* thanked the Secretary-General for the introduction. She informed the General Assembly that remote participation had been facilitated for formally delegated representatives of Member States but, as all Member States had been informed prior to the session, the right to vote was exclusive to delegations with representatives attending the session in person.

Item No. 2: Adoption of the agenda ([A.G. \(83\) 1](#))

6. The *Chair* then drew the attention of the General Assembly to Item 2 on the agenda, inviting any comments thereto prior to adoption.

7. In the absence of comments, the General Assembly adopted the agenda as proposed (see Appendix II).

Item No. 3: Reappointment of the Members of the Finance Committee – Procedural Guidance (A.G. (83) 2)

8. Next, the *Chair* invited the Secretary-General to introduce item 3 on the agenda on the reappointment of the Members of the Finance Committee.

9. Before moving on to agenda item 3, and asking for the Chair's indulgence, the *Secretary-General* expressed the Secretariat's profound pleasure to bring to the attention of all delegations that the Luxembourg Rail Protocol to the Cape Town Convention had entered into force on 8 March 2024. The Supervisory Authority to the Registry which would handle the Rail Protocol had been created on the same day. Hence a new international treaty as well as a new international organisation had come into existence. The Secretariat would inform all Member States as well as all other Contracting States to the Cape Town Convention of this enormous success by way of *note verbale* in the coming days.

10. Then the Secretary-General moved on to agenda item 3, reiterating that the Secretariat's proposal for the General Assembly was to reappoint all Members of the Committee by consensus. Only if a delegation did not agree with that proposal or agreed and wished to make a statement to that effect, would it be invited to take the floor at this stage.

11. The *representative of Latvia* stated that the Latvian, Lithuanian, Swedish, and Estonian delegations wished to jointly make an intervention deviating from consensus. They believed that States, as members of the international organisations operating in a multilateral forum, had an obligation to respect the international order. The representative stated that the Russian Federation had violated countless international principles in Ukraine and, therefore, the abovementioned delegations believed that it was their responsibility as members of the international community to take a stand, express their solidarity with Ukraine, and request a vote specifically on the reappointment of the Russian Federation to the Finance Committee by roll call.

12. The *representative of Poland* stated that they seconded the request expressed by the Latvian, Lithuanian, Swedish, and Estonian delegations.

13. The *representative of the Czech Republic* also seconded the statement made by Latvia, Lithuania, Sweden, and Estonia.

14. The *Chair* thanked the Member State delegations for their interventions and invited the Secretary-General to proceed.

15. The *Secretary-General* thanked the delegations for their interventions. He asked the delegations to confirm the understanding that the Member States Latvia, Sweden, Lithuania, Estonia, Poland, and the Czech Republic had agreed to break consensus and asked for a vote, which they asked to be carried out by a roll call and to be limited to the reappointment of the Russian Federation only.

16. The representatives of Latvia, Sweden, Lithuania, Estonia, Poland, and the Czech Republic confirmed this request.

17. The *representative of the United States of America* expressed support for the aforementioned Member States' request for a vote by roll call.

18. The *representative of Bulgaria* also seconded the call for a vote.

19. The *representative of the Russian Federation* noted that the Institute, which had been established as a gathering of equal members, was turning into a political institution driven by political ambition and geopolitical tensions. He stated that a group of countries was trying to block the

reappointment of the Russian Federation to the Finance Committee providing false arguments and baseless accusations. The Russian delegation stated their readiness for reappointment, noting that no arguments had been voiced against the experience and the background of their expert who had been contributing to the work of this body. They believed that the application of the Russian Federation to the Finance Committee ought to be supported and called upon the other Member States to give a second thought to the possibility and the need of organising a vote on a particular State to the Committee. Moreover, the Russian Federation proposed to decide on whether the General Assembly needed a vote on a particular Member State as member of the Finance Committee. He concluded by highlighting the need to uphold the long-established practice of deciding on the composition of the Finance Committee by consensus, inviting any country or group of countries that did not support another country's membership in the Finance Committee to dissociate from the consensus.

20. The *representative of Iran* expressed their belief that the reappointment of the members of the Finance Committee ought to remain free from political influence and focus on its technical and professional responsibility. If the General Assembly proceeded to the voting procedure for the appointment or reappointment of the members of Finance Committee, then not only the subjective scope of the vote needed to be determined but also the voting method, neutrality, reciprocity, and French alphabetical order ought to be considered to ensure a fair, transparent, and democratic process.

21. The *Chair* thanked the delegations for their interventions and invited the Secretary-General to respond on the voting procedures to follow based on the proposals that had been made.

22. The *Secretary-General* noted that eight Member States had expressly decided to break consensus and asked for a vote, while the Russian Federation had asked for reconsideration of this position to revert to the proposal of reappointment by consensus with potential declarations of disassociation as desired. He summarised that Iran had made a statement which would seem to go in the same direction as proposed by Russia, but that no other country had intervened and none of the eight countries which had spoken in favour of breaking consensus had made a statement to recant from such a proposal. Therefore, in principle, it seemed that consensus had been broken, and that a vote on reappointment was necessary, because the countries which decided to break consensus had expressly stated that, firstly, the consensus was broken with regard exclusively of the Russian Federation, secondly, that the vote ought to be carried out by a roll call, as envisaged expressly in the Institute's regulations. Accordingly, the General Assembly would move on to a vote, in the French alphabetical order, on the question of whether or not each of the present delegations agreed with the reappointment of the Russian Federation to the Finance Committee. The delegations could express their agreement with the reappointment, express their disagreement with the reappointment, or abstain. Any declaration other than agreement or disagreement would in principle be deemed an abstention.

23. The *representative of the Russian Federation* asked for clarification of the procedures regarding the voting on a particular Member State as a member of the Finance Committee. He stated that the agenda item was the approval of the Finance Committee membership and therefore maintained that the Assembly ought to first decide to make a statement that the Member States of the Institute disagreed with the approval of the Finance Committee in its current composition. Only afterwards, should a number of States express their will to vote on a particular member of the Finance Committee, might it proceed to a vote. Furthermore, noting that the Russian Federation proposed to vote on the vote itself, he enquired whether the statement by the Russian Federation to that effect sufficed to initiate that vote.

24. The *Chair* invited the Secretary-General to again explain how the General Assembly would proceed.

25. The *Secretary-General*, in reply to the representative of the Russian Federation, noted that as previously explained, the proposal was to approve the reappointment of every Member State of the Finance Committee by consensus. Several countries had, however, disagreed and broken consensus with regard to the Russian Federation, not with regard to the rest of the members of the Committee. That meant that the consensus continued with regard to the other 15 Committee Members, which were deemed reappointed to the Finance Committee, whereas the only way of knowing whether Russia was reappointed was via a vote, which had been asked for by some members of the present Assembly. There was no need to vote for a vote, because it was within the rights of participants to the Assembly to ask for a vote, as clarified in the note and previously explained at the 82nd session in December 2023. The Finance Committee was a delegate body of the Assembly that needed to be reappointed, and reappointment could happen by consensus, failing which there needed to be an election. There was no other way to appoint a Member State. Accordingly, because reappointment had been breached only with regard to the Russian Federation, the vote would be only on the reappointment of the Russian Federation. The other 15 countries were deemed reappointed.

26. The *representative of the Russian Federation* thanked the Secretary-General for the clarification but reiterated that the agenda item was formulated as the appointment of the Committee and therefore the Assembly ought to decide whether or not it approved the Committee in its current composition. Only thereafter should it proceed with the vote on a particular Member State. His delegation still believed that this was a breach of practice and not in conformity with the basic principles of the Institute. Nevertheless, before commencing the procedures that the Secretary-General had explained, they wished to once again reiterate that the Russian Federation considered the motion of a number of States a clear breach of the basic principles of the Institute. They considered this a very sorrowful fact, because a number of countries were projecting geopolitical tensions on the work of the Institute with the act of discrimination against the Russian Federation. The Russian Federation would not be in a position to execute its financial obligations vis-à-vis the Institute, and it should not be held accountable for any redistribution of financial burden among the contributors of the Institute. He concluded that the Institute was taken hostage by a number of countries that had started a war against the Russian Federation and represented a political and military alliance.

27. The *Chair* invited the Secretary-General to clarify further whether the General Assembly ought to vote on the entire membership of the Finance Committee or merely on the reappointment of the Russian Federation.

28. The *Secretary-General* noted that the Secretariat's very hard work was based on the contribution of States, and therefore the loss of the contribution of the Russian Federation was no minor problem. Nevertheless, the only option for the Assembly was to proceed to the vote concerning the reappointment of the Russian Federation. As no delegation had asked for a vote on the reappointment of the other Members of the Committee, those were deemed reappointed by consensus. As requested by the delegations, the vote would be carried out as roll call.

29. The *Chair* invited the Member State delegations in French alphabetical order to cast their votes.

30. Once all *representatives* had expressed their vote, the *Chair* declared the vote concluded and proceeded to announce the result of the vote. She stated that 52 Member States had been present and were eligible to vote, of which 51 had cast their votes. Of these, 10 States had voted for the reappointment of the Russian Federation. These States were, in French alphabetical order: Brazil, China, Egypt, Russian Federation, Hungary, India, Iran, Pakistan, Tunisia, Uruguay. Another 9 States had abstained from the vote, which were, in alphabetical order: South Africa, Argentina, Chile, Indonesia, Mexico, Paraguay, Republic of Serbia, Switzerland, Saudi Arabia. The remaining 32 States had voted against the reappointment of the Russian Federation. These States were, in

alphabetical order: Germany, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Croatia, Spain, Estonia, United States of America, Finland, France, Greece, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Norway, Netherlands, Poland, Portugal, Republic of Korea, Czech Republic, Romania, United Kingdom, Slovenia, Slovakia, Sweden. She concluded that accordingly, the Russian Federation had not been reappointed to the Finance Committee.

31. The *representative of Uruguay* highlighted, regarding the vote cast by Uruguay, that his country's position at the present session ought to be understood as a compromise. It was not to be understood as an expression against or in favour of any particular political position, but as a compromise to ensure the proper functioning and good performance of a strictly technical body such as the Finance Committee beyond any political or other considerations.

32. The *representative of the People's Republic of China* stated that UNIDROIT was an international legal institute specialised in private law with a mandate limited to the field of private and commercial law. Its mandate was to coordinate and unify international commercial laws and rules. Therefore, the General Assembly ought to restrain from making irrelevant issues or politicising discussions. His delegation believed that it was common interest of the international community to develop a fair and equitable system of global economic and trade governance as an integral part of a fairer and more equitable global governance system. International legal institutes played an irreplaceable role in this process, but institutes that excluded or lacked substantial participation of principal legal systems of the world would find it difficult not only to sustain their influence and authority, but also to promote their work globally. In light of the foregoing, China was deeply concerned about the trajectory of issues discussed at the present meeting. China had always resolutely stood for equity and justice, and it had called for an equal and orderly multipolar world. It was committed to work closely with other Member States to strengthen the representativeness and credibility of this Institute.

33. The *representative of Egypt* stated that his delegation also aimed to explain their voting position, similar to the foregoing interventions made by the delegations from Uruguay and China. His delegation highlighted their regret that there was another attempt to politicise the work of the international organisations based in Rome. UNIDROIT was a technical institute, and its work should not be impacted by lengthy discussions on a very procedural and technical composition of one of its committees. There was a lot of work and efforts being exerted in other international organisations in Rome to refrain from the politicisation of the discussions during the meetings and the bodies of these organisations in the future. He concluded that what had happened at the present session was a step backward in that regard.

34. The *representative of Brazil* stated that his country followed the conflict in Ukraine with great concern and acted in appropriate fora to contribute to a peaceful solution and to the protection of fundamental rights and freedoms of people affected by the war. He stated that Brazil's position had been made clear at the United Nations Security Council and General Assembly and was founded on the principles of international law and on the constitutional provisions governing their external relations. His country was also careful to avoid the politicisation of technical organisations. The conflict in Ukraine had added enormous stress to the multilateral system, which was already subject to new challenges and increasing descent. The current context of polarisation and distrust had made international cooperation much more difficult. He expressed the belief that Member States should not replicate such dynamics at UNIDROIT, but rather preserve the Institute as a forum dedicated exclusively to its mandate, namely the harmonisation of private law. To this end, Member States should avoid measures that constituted a breach of the established practice in this organisation and therefore all members who wished to continue to participate in the Finance Committee should have had their terms renewed in accordance with UNIDROIT's practice.

35. The *representative of the Russian Federation* thanked those countries who had voted in favour of the reappointment of the Russian Federation to the Finance Committee. He noted that his

delegation believed this had been an act of politicisation and a clear example of the wilful intent of a group of countries that had led the organisation into chaos and derailed it from its mission. His delegation deeply regretted this and still believed that there was a lot of strength and interest on the part of a group of countries to uphold and restore the initial mission of the Institute.

36. The *representative of the United States of America* stated that, while they were content with the remaining the 15 Member States being reappointed to the Finance Committee by consensus, her country expressed disassociation from the consensus for Iran.

37. The *representative of Indonesia* joined other delegations in expressing regret about the decision to resolve this issue by voting. He observed that this was not the way in which the General Assembly should be operating, nor the way that this organisation was mandated for in accordance with its statute. He cautioned that Member States should not politicise the Institute and not repeat this same practice in the future work of the Assembly. This consideration had motivated Indonesia chose to abstain from voting.

38. The *representative of Australia* recorded their disassociation from the reappointment of Iran to the Finance Committee.

39. The Chair concluded that the General Assembly approved the present composition of the Finance Committee except for the reappointment of the Russian Federation, with the recording of dissociations by the United States of America and Australia in respect of the reappointment of Iran to the Finance Committee.

Item No. 4: Any other business

40. The *Chair* introduced item 4 on the agenda.

41. In the absence of any further interventions, the Chair thanked all Member States for their time and efforts.

ANNEXE I**LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS**

83rd (extraordinary) session of the General Assembly / 83^{ème} session (extraordinaire)
de l'Assemblée Générale

ARGENTINA / ARGENTINE
In person

Mr Diego ALONSO GARCÉS
Chargé d'affaires a.i.

Mr Lucas Ricardo PAVIOLO
Secretary
Embassy of the Argentine Republic in Italy

AUSTRALIA / AUSTRALIE
In person

Ms Tanya PRIDANNIKOFF
First Secretary
Australian Embassy

AUSTRIA / AUTRICHE
In person

Mr Karl EHRlich
Minister Plenipotentiary
Deputy Head of Mission
Embassy of Austria in Italy

Ms Elisabeth Sperka (*alternate*)
Attaché
Embassy of Austria in Italy

BELGIUM / BELGIQUE
In person

S.E. M. Lieven DE LA MARCHE
Ambassadeur
Représentant permanent auprès des
organisations internationales basées à
Rome

M. François HIRSCH
Représentant permanent adjoint

BRAZIL / BRÉSIL
In person

Mr Otávio Augusto DRUMMOND CANÇADO
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Diplomatic Advisor
Office of the Legal Advisor
Ministry of Foreign Affairs

Mr André COLLINS CAMPEDELLI
Second Secretary
Embassy of Brazil in Italy

BULGARIA / BULGARIE
remotely

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International Law Directorate
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Ms Sasha RAYCHEVA
State Expert
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<i>In person</i>	Ms HU Rui Second Secretary Economic & Commercial Counsellor's Office Embassy of the People's Republic of China in Italy
CROATIA / CROATIE <i>In person</i>	Mr Igor SURDICH First Secretary Embassy of the Republic of Croatia
REPUBLIC OF CYPRUS / RÉPUBLIQUE DE CHYPRE <i>In person</i>	Ms Kypriani STAVRINAKI Deputy Head of Mission, Counsellor A Embassy of the Republic of Cyprus to Italy
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	Ms Andrea NIMMERFOHOVA Economic Specialist Embassy of the Czech Republic in Italy
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In person

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Embassy of Mexico

Ms Victoire TISSINIE
Embassy of Mexico

NETHERLANDS / PAYS-BAS
In person

Mr Marten LAMMERTINK
First Secretary, Political Affairs
Embassy of the Kingdom of the Netherlands
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NORWAY / NORVÈGE
In person

Mr Martin ANDESTAD
First Secretary
Embassy of Norway

PAKISTAN
In person

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Counsellor
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PARAGUAY
In person

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POLAND / POLOGNE
In person

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REPUBLIC OF KOREA / RÉPUBLIQUE CORÉE
In person

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Embassy of the Republic of Korea to Italy

ROMANIA / ROUMANIE
In person

Ms Maria Cătălina CONSTANTIN
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Romania to the UN Agencies in Rome
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RUSSIE

Ms Yulia DRAGUNOVA
Head of Division

<i>In person</i>	Legal Department Ministry of Economic Development Mr Denis CHEREDNICHENKO Counsellor Permanent Mission of the Russian Federation to FAO
SAN MARINO / <i>SAINT-MARIN</i> <i>In person</i>	H.E. Ms Daniela ROTONDARO Ambassador of the Republic of San Marino in Italy
SAUDI ARABIA / <i>ARABIE SAOUDITE</i> <i>In person</i>	Mr Abdulaziz Nasser A. ALASIM First Secretary Embassy of Saudi Arabia in Rome Ms Latifah K. ALISMAIL Attache Embassy of Saudi Arabia in Rome
SINGAPORE / <i>SINGAPOUR</i> <i>remotely</i>	Ms Delphia LIM Director International Legal Division Ministry of Law
SLOVAK REPUBLIC / <i>RÉPUBLIQUE SLOVAQUE</i> <i>In person</i>	Ms Livia TYMKOVÁ Legal Expert International Law Department Ministry of Foreign and European Affairs Ms Marianna PILÁTOVÁ Consul Embassy of the Slovak Republic
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Ms Susanna TAVAZZI
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Ms Julie MEYLAN
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TUNISIA / *TUNISIE*
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Ambassadeur de la Tunisie
Ambassade de Tunisie en Italie

M. Mohamed Hedi CHIHAOUI
Ministre plénipotentiaire hors classe

TÜRKIYE
In person

Mr Oğuzhan ÖÇBE
First Secretary
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UNITED KINGDOM / *ROYAUME UNI*
In person

Mr Cameron BALLESTER
First Secretary
British Embassy Rome

In person

Mr Edward ASHINGTON-PICKETT
British Embassy Rome

remotely

Mr Ian THOMPSON
UNIDROIT Coordinator
Department for Business and Trade

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In person

Ms Dionandrea SHORTS
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U.S. Mission to the United Nations Agencies
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URUGUAY
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Mr Juan Pablo WALLACE
Minister-Counsellor
Embassy of Uruguay in Italy

Ms Mariella Crosta

ANNEXE II**AGENDA**

1. Opening of the session by the Secretary-General and the Chair of the General Assembly
2. Adoption of the agenda (A.G. (83) 1)
3. Reappointment of the Members of the Finance Committee – Procedural Guidance (A.G. (83) 2)
4. Any other business