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Chair: Mr. Sergeyev (Ukraine)

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Agenda item 166: Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly (*continued*)

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The meeting was called to order at 10.05 a.m.

Agenda item 165: Report of the Committee on Relations with the Host Country (A/67/26; A/C.6/67/L.19)

1. **Mr. Emiliou** (Cyprus), speaking as Chair of the Committee on Relations with the Host Country, introduced the report of the Committee (A/67/26). During the reporting period, the Permanent Representative of Saint Vincent and the Grenadines had been arrested and handcuffed by a member of the New York City Police Department. The host country had expressed regret and an investigation had been opened. Many delegations, both members of the Committee and observers, had expressed the view that additional training for the police would be beneficial in preventing such incidents in the future.

2. Unfortunately, a situation that had been addressed in 2011 had recurred in 2012: the bank accounts of some permanent missions to the United Nations had been closed and they had encountered problems when attempting to open new ones. The host country had continued its efforts to resolve the problem, but some permanent missions were still without banking services.

Draft resolution A/C.6/67/L.19: Report of the Committee on Relations with the Host Country

3. **Mr. Emiliou** (Cyprus) introduced the draft resolution on behalf of the sponsors.

4. **Mr. Marhic** (European Union) said that the European Union and its member States wished to express their appreciation for the work of the Committee on Relations with the Host Country, which provided a forum for addressing issues faced by the diplomat community in New York in full compliance with applicable international law and with the Headquarters Agreement between the United Nations and the host country. They also appreciated the host country's efforts to accommodate the needs and interests of the diplomatic community in New York, promote mutual understanding between that community and the people of New York and resolve any problems that arose. The issue of the privileges and immunities of diplomatic personnel was great

importance. It was therefore paramount to safeguard the integrity of the relevant body of international law, particularly the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and the Convention on the Privileges and Immunities of the United Nations.

5. The European Union and its member States thanked the host country for its continued efforts to ensure the timely issuance of entry visas to representatives of Member States and observers and the safety and security of permanent missions and their personnel. They endorsed the conclusions and recommendations contained in the Committee's report (A/67/26) and were convinced of its importance as a forum for dialogue between the host country and the membership of the Organization with a view to communicating matters of concern and addressing them constructively and effectively.

6. **Mr. Arbogast** (United States of America) said that the United States of America was proud to serve as host country to the United Nations and was grateful to the delegations that had recognized its efforts. His Government had fulfilled the relevant treaty obligations and commitments since 1946 and remained committed to doing so in the future. The Committee on Relations with the Host Country was a valuable forum in which to discuss issues relating to the presence of the diverse and dynamic diplomatic community in New York and to assess and address the concerns of the United Nations community. The host country greatly valued the Committee's cooperation and constructive spirit and welcomed the presence at its meetings of numerous observer delegations; its limited but representative membership made it efficient and unusually responsive.

7. *Draft resolution A/C.6/66/L.23 was adopted.*

Agenda item 76: Criminal accountability of United Nations officials and experts on mission (continued)
(A/C.6/66/L.17)

Draft resolution A/C.6/66/L.17: Criminal accountability of United Nations officials and experts on mission (continued)

8. *Draft resolution A/C.6/66/L.17 was adopted.*

Agenda item 78: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
(continued) (A/C.6/67/L.15)

Draft resolution A/C.6/67/L.15: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (continued)

9. *Draft resolution A/C.6/67/L.15 was adopted.*

Agenda item 79: Report of the International Law Commission on the work of its sixty-third and sixty-fourth sessions (continued) (A/67/10; A/C.6/67/L.13)

Draft resolution A/C.6/67/L.13: Report of the International Law Commission on the work of its sixty-third and sixty-fourth sessions (continued)

10. *Draft resolution A/C.6/67/L.13 was adopted.*

Agenda item 80: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (continued) (A/67/182 and Add.1; A/C.6/67/L.14)

Draft resolution A/C.6/67/L.14: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (continued)

11. **Ms. Pernilla Nilsson** (Sweden) said that Ukraine and Nigeria had become sponsors of draft resolution A/C.6/67/L.14.

12. *Draft resolution A/C.6/67/L.14 was adopted.*

13. **Mr. Aldahhak** (Syrian Arab Republic) said that while his delegation had joined the consensus on the draft resolution, it continued to have reservations about any reference, be it direct or indirect, to the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional distinctive emblem (Protocol III), which a number of States had voted against prior to its adoption at the 2005 Diplomatic Conference in Geneva.

14. **Mr. Salem** (Egypt) said that peace efforts in areas of armed conflict continued to be crucial in saving lives and achieving stability for all communities. Until that goal was accomplished, however, strict application of the principles of international humanitarian law in areas so affected was instrumental to the protection of civilians, particularly the most vulnerable. The

adoption of the draft resolution was especially important in light of the loss of innocent civilians and destruction caused by the ongoing Israeli military operations in Gaza.

15. The fact that his delegation had joined the consensus on the draft resolution should not be interpreted as support for Protocol III regardless of any reference to it, even indirectly, in the draft resolution. The adoption by vote of Protocol III was regrettable insofar as it had failed to take into account the reservations expressed during the negotiation of the draft, thereby setting an undesirable precedent in matters relating to international humanitarian law. Neutrality and universality were important principles to be maintained in the interests of avoiding a failure to reach consensus on new instruments of such law.

16. The reservations concerning the draft protocol that had been expressed in 2005, and particularly the fact that the adoption of a new neutral emblem for use in Israel had excluded the occupied Arab territories in Palestine and the Golan, were still relevant. The memorandum of understanding between the Palestine Red Crescent Society and the Israeli equivalent, Magen David Adom (MDA), set out the territorial boundaries for their respective operations. Contrary to its official assurances, however, MDA had not yet fulfilled its undertaking to consult with the Palestine Red Crescent Society and the Syrian Arab Red Crescent Society concerning its operations in the Israeli-occupied territories, an omission that constituted a new violation of the principles of international law and a breach of the memorandum of understanding. Moreover, MDA teams continued to include armed soldiers, which was inconsistent with the principles of the International Red Cross and Red Crescent Movement and, in particular, with resolution XI, adopted in 1921 at its tenth International Conference.

17. Notwithstanding its numerous reservations, his delegation attached great importance to the application of Protocol III in conformity with the principles of neutrality and universality and those of international humanitarian law. It therefore called on the international community to take a stand against the repeated violations of those principles by a national society in its application of the Protocol. Such a stand was vital in ensuring greater protection for the region's victims of armed conflict and occupation, particularly in light of their ever-increasing numbers.

Agenda item 81: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (continued) (A/67/126 and Add.1; A/C.6/67/L.10)

Draft resolution A/C.6/67/L.10: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (continued)

18. **Ms. Mäkelä** (Finland) said that Greece, Malta, Slovakia and Uruguay had become sponsors of draft resolution A/C.6/67/L.10.

19. *Draft resolution A/C.6/67/L.10 was adopted.*

Agenda item 82: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (continued) A/67/33, 189 and 190; A/C.6/67/L.11)

Draft resolution A/C.6/67/L.11: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (continued)

20. *Draft resolution A/C.6/67/L.11 was adopted.*

Agenda item 83: The rule of law at the national and international levels (continued) (A/67/290*; A/C.6/67/L.9)

Draft resolution A/C.6/67/L.9: The rule of law at the national and international levels (continued)

21. *Draft resolution A/C.6/67/L.9 was adopted.*

Agenda item 84: The scope and application of the principle of universal jurisdiction (continued) (A/67/116; A/C.6/67/L.16)

Draft resolution A/C.6/67/L.16: The scope and application of the principle of universal jurisdiction (continued)

22. *Draft resolution A/C.6/67/L.16 was adopted.*

Agenda item 105: Measures to eliminate international terrorism (continued) (A/67/162 and Add.1 and A/67/158; A/C.6/67/L.12)

Draft resolution A/C.6/67/L.12: Measures to eliminate international terrorism (continued)

23. *Draft resolution A/C.6/67/L.12 was adopted.*

24. **Mr. Aldahhak** (Syrian Arab Republic) said that, although his delegation had joined the consensus on the draft resolution, it wished to express its reservations concerning the twenty-third preambular paragraph insofar as it included a misplaced reference to the North Atlantic Treaty Organization, which, as a military alliance, differed in nature and activities from the other organizations listed.

Agenda item 170: Observer status for the European Organization for Nuclear Research in the General Assembly (continued) (A/67/192; A/C.6/67/L.6)

Draft resolution A/C.6/67/L.6: Observer status for the European Organization for Nuclear Research in the General Assembly (continued)

25. **Mr. Guerber** (Switzerland) said that the United Kingdom had become a sponsor of draft resolution A/C.6/67/L.6.

26. *Draft resolution A/C.6/67/L.6 was adopted.*

Agenda item 166: Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly (continued) (A/66/141; A/C.6/67/L.2)

Draft resolution A/C.6/67/L.2: Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly (continued)

27. **The Chair** recalled that, at its eleventh meeting, the Committee had decided to defer action on draft resolution A/C.6/67/L.2 in order to allow delegations more time for consultations.

28. **Mr. Kasymov** (Kyrgyzstan), recalling the information provided in the statutory documents of the Cooperation Council of Turkic-speaking States, said that the Council met the criteria for the granting of observer status as set out in General Assembly decision 49/426. On behalf of the States members of the Council, he called on Committee members to support the draft resolution.

29. **Mr. Şahinol** (Turkey), echoing the remarks made by the representative of Kyrgyzstan, recalled that, in 2011, several delegations had needed additional information on the Council in order to decide whether it met the criteria set out in decision 49/426. Since all the requests for information had been met, his delegation expected the draft resolution to be adopted without further delay.

30. **Ms. Demetriou** (Cyprus) said that more time was needed in order to assess the objectives and activities of the Council, which was still a young organization. While its statutory documents indicated that membership was confined to the four founding members, the scope of its activities was unclear. According to the Council's website, its activities extended to Cyprus, yet her Government had never been consulted about any such involvement. Moreover, the available information did not provide clear evidence that the Council's activities covered matters of interest to the General Assembly. Her delegation therefore could not support the draft resolution.

31. **Mr. Nazarian** (Armenia) said that the legal status of the Council was unclear: its website stated that it was an intergovernmental organization, whereas its founding Nakhchivan Agreement referred to it as a cooperation mechanism. It was too early to determine whether the Council would fulfill its role as an instrument for fostering regional cooperation and, more specifically, whether its activities covered matters of interest to the General Assembly. His delegation was not in a position to support the draft resolution.

32. **Ms. Taratukhina** (Russian Federation) said that her delegation carefully considered each request for observer status on the basis of two criteria: the organization's legal status and its activities' relevance to the work of the General Assembly. Its concerns about the Council, expressed in 2011, remained since there had been no change in its legal status, membership or structure. Her delegation did not support the draft resolution.

33. **Mr. Şahinol** (Turkey), supported by **Mr. Jafarov** (Azerbaijan), said that there could be no question as to the legal status of the Council; its founding agreement had been registered with the United Nations and was binding on its States parties. While it was understandable that some delegations needed more time to consider the information provided regarding the Council's status and activities, its relative newness should not be considered grounds for refusing to grant it observer status. Likewise, political considerations should be set aside when making purely technical decisions. He called on the Committee to adopt the draft resolution.

34. **Mr. Kasymov** (Kyrgyzstan) echoed the statement made by the representative of Turkey. Given the lack of consensus, however, he proposed that the Committee

should recommend that the General Assembly should resume its consideration of the agenda item at its sixty-eighth session. In the meantime, the States members of the Council would continue to seek consensus on the matter.

35. **The Chair** said he took it that the Committee wished to adopt the proposal put forward by the representative of Kyrgyzstan.

36. *It was so decided.*

Agenda item 167: Observer status for the International Conference of Asian Political Parties in the General Assembly (*continued*) (A/66/198)

37. **The Chair** recalled that, at its eleventh meeting, the Committee had decided to defer discussion of the agenda item in order to allow delegations more time for consultations.

38. **Mr. De Vega** (Philippines) said that there was still no consensus regarding the granting of observer status to the International Conference of Asian Political Parties. During informal consultations, a number of delegations had reiterated their suggestion that the agenda item should be withdrawn from further consideration by the Committee on the grounds that the organization did not meet the criteria for observer status as set out in General Assembly decision 49/426. Other delegations, including his own, had suggested that the item should remain on the Committee's agenda in light of the possibility that circumstances might change in the future, including through the possible amendment of decision 49/426. His delegation was of the view that the Conference was entitled to observer status; however, given the lack of consensus, he proposed that the Committee should take no action on the agenda item at the current session.

39. **Mr. Kim Saeng** (Republic of Korea), supported by **Mr. Hameed** (Pakistan) and **Mr. Takahashi** (Japan), said that his delegation supported the proposal to defer consideration of the agenda item. Nevertheless, it was important to note that there was significant support for granting observer status to the International Conference of Asian Political Parties.

40. **Ms. Taratukhina** (Russian Federation) said that while her delegation also supported the decision to defer consideration of the agenda item, such action should not be seen as a precedent that would require the Committee to take the same decision should similar

issues of legal status arise in the future. Furthermore, the criteria for granting observer status in the General Assembly were quite adequate; her delegation would not entertain proposals to amend Assembly decision 49/426. She rejected the suggestion that political considerations were involved in assessing whether a given organization should be granted observer status; each request was assessed individually, based solely on the legal criteria contained in decision 49/426.

41. **Ms. Diaz Mendoza** (Bolivarian Republic of Venezuela) expressed concern at the fact that her delegation had not been notified of the informal consultations on the agenda item. Every effort should be made to ensure that such consultations were open, transparent and involved all interested delegations.

42. **The Chair** said he took it that the Committee wished to take no action on the agenda item.

43. *It was so decided.*

Agenda item 169: Observer status for the International Chamber of Commerce in the General Assembly (continued) (A/67/191; A/C.6/67/L.5)

Draft resolution A/C.6/67/L.5: Observer status for the International Chamber of Commerce in the General Assembly (continued)

44. **The Chair** recalled that, at its eleventh meeting, the Committee had decided to defer action on draft resolution A/C.6/67/L.5 in order to allow delegations more time for consultations.

45. **Ms. Le Fraper du Hellen** (France) said that during the informal consultations, delegations had expressed overall support for the contribution of the International Chamber of Commerce to the activities of the United Nations but had raised concerns regarding the exact status of the organization, which was not intergovernmental in nature and whose offices varied in legal status from country to country. The Chamber had stated that it was open to discussing the nature of its organization with a view to bringing it into line with United Nations criteria. Time would be needed for such discussions; she therefore proposed that consideration of the agenda item should be deferred to 2013.

46. **The Chair** said he took it that the Committee wished to defer consideration of the agenda item to the sixty-eighth session of the General Assembly.

47. *It was so decided.*

Agenda item 131: Programme planning

48. **The Chair** explained that the agenda item had been allocated to all Committees on an annual basis since the sixty-first session of the General Assembly. However, no reports under that item had been provided to the Sixth Committee at the current session.

Agenda item 116: Revitalization of the work of the General Assembly (A/C.6/67/L.18)

Draft decision A/C.6/67/L.18: Provisional programme of work of the Sixth Committee for the sixty-eighth session

49. **The Chair** drew attention to the provisional programme of work for the Sixth Committee for the sixty-seventh session, contained in draft decision A/C.6/67/L.18.

50. **Mr. Errázuriz** (Chile), speaking on behalf of the Community of Latin American and Caribbean States, said that, while the Community of Latin American and Caribbean States (CELAC) welcomed the Secretariat's endeavour to avoid overlapping of the Committee's meetings with those of other bodies at which legal experts were expected to speak, it was important to make continued efforts in that regard.

51. CELAC wished to reiterate its concern at the continuing delays in issuance of some reports, which seriously compromised the quality of the Committee's debate and made it difficult for Member States to review those documents properly. The annual report of the International Law Commission posed a particular problem in that regard owing to the complexity of its subject matter, the number of related reports by special rapporteurs and the usefulness of comments by delegations. CELAC therefore requested that the Secretariat should take all necessary measures to prevent such delays from occurring in the future and that the reports in question should be issued in all six official languages in accordance with the six-week rule for the availability of documentation.

52. CELAC recognized that the current session of the General Assembly had been affected by a force majeure event that had prevented the Committee from considering all the items on its agenda but stressed that it must strive to devote sufficient time to consideration of the report of the Commission on the work of its sixty-fourth session (A/67/10). CELAC supported a more interactive debate and a closer working

relationship between the Commission and the Committee. Special rapporteurs needed more financial support and should be given the opportunity to travel to Headquarters in order to work directly with the legal experts of Member States. The possibility of holding part of the annual session of the Commission in New York should be considered in order to allow for a truly interactive dialogue with Committee experts. The Secretariat should assess the feasibility of those proposals in order to facilitate the Committee's discussions at the sixty-eighth session of the General Assembly.

53. While CELAC welcomed the efforts to ensure transparent, inclusive and efficient working methods, more needed to be done. The coordination of draft resolutions, which were not proposed by individual States and were usually adopted by consensus, must take geographical distribution into account and the allocation of time to each agenda item must reflect its nature. In particular, it should have been anticipated that several requests concerning the granting of observer status could not be introduced and discussed in one meeting. In addition, there was a consensus within the Committee that the Secretariat should request organizations seeking observer status to provide copies of their constitutive instruments for review.

54. The work of revitalizing the General Assembly should be strengthened through the adoption of agendas designed to achieve more ambitious goals. The Assembly, which was the primary deliberative, policymaking and representative organ of the United Nations, enjoyed all legal prerogatives to take action and many of its resolutions embodied important principles concerning peaceful relations among States. Its inclusive, democratic nature gave it legitimacy and prestige as the ultimate expression of the principle of the sovereign equality of States. CELAC noted with concern that many of the Assembly's resolutions were not being implemented and called for an appropriate balance among the principal organs of the United Nations in accordance with its Charter of the United Nations. In order for the Organization to play a credible role in the contemporary system of international relations, the Assembly must be at the centre of debate and multilateralism. Its revitalization was essential to genuine reform of the United Nations.

55. **Ms. Diéguez La O** (Cuba) said that, although the General Assembly was the most democratic and

representative organ of the United Nations, the many concrete proposals and requests made by Member States and regional groups with a view to its revitalization had been ignored. That situation must not be allowed to continue; her delegation urged the Ad Hoc Working Group on the Revitalization of the General Assembly to adopt a flexible working agenda and to set goals that would lead to genuine progress.

56. The primary obstacle to revitalizing the work of the General Assembly was the lack of political will shown by some States that sought to assert their narrow political interests over the views of the majority. Therefore, its revitalization was not a technical matter, as some claimed, but an essentially political one. In light of the Assembly's legitimacy, which, as the representative of Chile had stressed in his statement on behalf of CELAC, stemmed from its inclusive, democratic nature, it would appear essential for the international community to place it at the centre of the Organization's decision-making processes and to give it a broader role and strengthened prerogatives.

57. Under Article 13 of the Charter, the General Assembly had the sole responsibility for the progressive development of international law. Other bodies, such as the Security Council, must not abuse their authority by encroaching upon its legitimate right to establish definitions and norms of international law and to interpret such norms. The Council was not an independent organ; the Assembly must demand that it comply with Article 15, paragraph 1, and Article 24, paragraph 3, of the Charter and submit special reports to the Assembly in order to ensure its accountability to Member States. In that connection, her delegation reiterated its call for radical reform of the Security Council in order to make it the transparent, participatory and democratic organ that the international community desired. Only when the General Assembly was able to exercise all its functions and to take its place at the centre of multilateral endeavours could the current global issues be addressed fairly by a universal, democratic organ and the work of the United Nations be properly done.

58. *Draft resolution A/C.6/67/L.18 was adopted.*

59. **The Chair** recalled that the Committee had been selected to take part in a trial implementation of the new PaperSmart meetings arrangement and to pioneer that new technology pursuant to General Assembly resolutions 55/285 and 64/301. He had been informed

that the PaperSmart services had provided delegations with electronic access to over 459 documents in the six official languages of the Organization and had received electronic copies of 461 of the 477 statements delivered as at 9 November 2012. The PaperSmart portal had been accessible to delegations in the conference room and in their capitals and had allowed them to receive documents on a flash drive upon request. It would continue to be available after the conclusion of the Committee's work at the current session of the General Assembly. On behalf of the Committee, he thanked the Secretariat for implementing the new arrangement.

Agenda item 5: Election of the officers of the Main Committees

60. The Chair said that in accordance with rule 99 (a) of the rules of procedure of the General Assembly and rule 103, as amended by General Assembly resolution 58/126, all the Main Committees should, at least three months before the opening of the session, elect a Chair and a full Bureau. He therefore suggested that the regional groups should hold consultations at least three months before the opening of the sixty-seventh session of the Assembly, which would enable the Committee to elect its next Chair, three Vice-Chairs and Rapporteur at an appropriate time.

Completion of the Committee's work

61. After the customary exchange of courtesies, the Chair declared that the Sixth Committee had completed its work for the sixty-seventh session.

The meeting rose at 11.50 a.m.