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## Sixth Committee

### Summary record of the 35th meeting

Held at Headquarters, New York, on Tuesday, 13 November 2018, at 10 a.m.

*Chair:* Mr. Biang ..... (Gabon)

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*The meeting was called to order at 10.15 a.m.*

**Agenda item 79: Criminal accountability of United Nations officials and experts on mission**  
(continued) (A/C.6/73/L.15)

*Draft resolution A/C.6/73/L.15: Criminal accountability of United Nations officials and experts on mission*

1. *Draft resolution A/C.6/73/L.15 was adopted.*

**Agenda item 81: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law**  
(continued) (A/C.6/73/L.25)

*Draft resolution A/C.6/73/L.25: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law*

2. **Mr. Korbich** (Ghana), introducing the draft resolution on behalf of the Bureau, said that it updated General Assembly resolution 72/115, on which it was closely based. In paragraph 10, the General Assembly would encourage the Secretary-General to support the establishment of alumni networks of participants of the training programmes organized under the Programme of Assistance and, in paragraph 11, it would note with appreciation the efforts of the Codification Division to enhance the accessibility of the Audiovisual Library by making all lectures in the Lecture Series available as podcasts. Paragraphs 14 and 16 reflected the issuance of a new volume of the *Reports of International Arbitral Awards* and the issuance of the *Recueil de droit international: Collection d'instruments*, the French language equivalent of the *International Law Handbook*. Paragraph 24 had been updated to reflect the fact that the Hague Academy of International Law had added a new winter course.

3. *Draft resolution A/C.6/73/L.25 was adopted.*

**Agenda item 82: Report of the International Law Commission on the work of its seventieth session**  
(continued) (A/C.6/73/L.22, A/C.6/73/L.23, A/C.6/73/L.24 and A/C.6/73/L.29)

*Draft resolution A/C.6/73/L.22: Report of the International Law Commission on the work of its seventieth session*

4. **Mr. Horna** (Peru), introducing the draft resolution on behalf of the Bureau, said that negotiations had been more intensive than in previous sessions. Various new proposals had been made with regard to the work of the International Law Commission. Five rounds of informal consultations had taken place; before the last of those meetings, one delegation had made comments under the

no-objection procedure with reference to the thirteenth preambular paragraph. All delegations had participated constructively in the process.

5. The thirteenth preambular paragraph now contained a reference to the seventieth anniversary commemorative meetings of the Commission and the discussions that had taken place, inter alia, on the working methods of the Commission. In paragraph 8, the Commission would be encouraged to take into account the capacity and views of Member States when including topics in its current programme of work. In paragraph 9, the General Assembly would take note of the inclusion of new topics in the long-term programme of work of the Commission and would call on the Commission to take into consideration the comments, concerns and observations expressed by Governments during the debate in the Sixth Committee. In paragraph 10, it was noted that the first part of the seventieth session of the Commission had been held at United Nations Headquarters in New York, and that the second part had been held at the United Nations Office at Geneva. Paragraph 15 recalled the importance of an in-depth analysis of State practice and the consideration of the diversity of legal systems of Member States to the work of the Commission. In paragraph 18, it was noted that the following session of the Commission would be held at the United Nations Office at Geneva from 29 April to 7 June and from 8 July to 9 August 2019. In paragraph 19, the General Assembly would stress the desirability of further enhancing the dialogue between the International Law Commission, in particular the special rapporteurs, and the Sixth Committee. In paragraph 22, it would stress that sufficient time should be allowed for the consideration of the report of the International Law Commission in the Sixth Committee.

6. **The Chair** drew attention to the statement of programme budget implications contained in document A/C.6/73/L.29.

7. *Draft resolution A/C.6/73/L.22 was adopted.*

*Draft resolution A/C.6/73/L.23: Subsequent agreements and subsequent practice in relation to the interpretation of treaties*

8. **Mr. Varankov** (Belarus), introducing the draft resolution on behalf of the Bureau, said that, in paragraph 3, the General Assembly would take note of the statements in the Sixth Committee on the topic of subsequent agreements and subsequent practice in relation to the interpretation of treaties, including those made at the seventy-third session of the General Assembly, after the International Law Commission had completed its consideration of the topic in accordance

with its statute. In paragraph 4, the Assembly would take note of the draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, with the commentaries thereto, bring them to the attention of States and all who might be called upon to interpret treaties, and encourage their widest possible dissemination, as had been recommended by the International Law Commission in its report on the work of its seventieth session (A/73/10). The draft conclusions were contained in the annex to the draft resolution.

9. *Draft resolution A/C.6/73/L.23 was adopted.*

*Draft resolution A/C.6/73/L.24: Identification of customary international law*

10. **Mr. Mikeladze** (Georgia), introducing the draft resolution on behalf of the Bureau, said that, in paragraph 3, the General Assembly would take note of the statements in the Sixth Committee on the topic of the identification of customary international law, including those made at the seventy-third session of the General Assembly, after the International Law Commission had completed its consideration of the topic in accordance with its statute, and, in paragraph 4, it would take note of the draft conclusions on identification of customary international law. Paragraphs 3, 4 and 5 all reflected the recommendations set forth in paragraph 63 of the Commission's report. The draft conclusions were contained in the annex to the draft resolution.

11. *Draft resolution A/C.6/73/L.24 was adopted.*

**Agenda item 83: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**  
(continued) (A/C.6/73/L.21)

*Draft resolution A/C.6/73/L.21: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts*

12. **Ms. Anderberg** (Sweden) introducing the draft resolution on behalf of the sponsors, said that they had been joined by Australia, Bosnia and Herzegovina, Bulgaria, Costa Rica, Croatia, Fiji, Georgia, Lebanon, Montenegro, the Netherlands, New Zealand, the Republic of Korea, San Marino and the former Yugoslav Republic of Macedonia. The draft resolution updated General Assembly resolution 71/144 and incorporated views and proposals expressed by delegations at the current session. In the tenth preambular paragraph, it was noted that the International Humanitarian Fact-Finding Commission had conducted its first operational mission in 2017. In the sixteenth preambular paragraph,

the General Assembly would emphasize the fundamentally non-discriminatory character of international humanitarian law. In the twentieth preambular paragraph, it would welcome efforts by States to implement their obligations under international humanitarian law, as well as programmes and other measures of States and their armed forces that promoted or ensured compliance with international humanitarian law. In the twenty-first preambular paragraph, it would note the work undertaken by States and by the International Committee of the Red Cross in relation to sexual and gender-based violence in armed conflict. The twenty-third preambular paragraph included a reference to Security Council resolution 2286 (2016), in relation to health care in armed conflict. In paragraph 8 of the draft resolution, the phrase "using the potential of the International Conference and international humanitarian law regional forums" had been added in order to reflect more accurately the content of resolution 2 adopted at the thirty-second International Conference of the Red Cross and Red Crescent. In paragraph 9, the General Assembly would call on Member States to participate actively in the thirty-third International Conference of the Red Cross and Red Crescent, to be held in Geneva in 2019. In paragraph 12, it would commend the International Committee of the Red Cross for organizing the universal meeting of national committees and similar bodies on international humanitarian law, held in Geneva from 30 November to 2 December 2016, and would invite it to continue to organize that meeting. The wording of paragraphs 13, 15 and 16 had been updated in order for the item to be considered by the General Assembly at its seventy-fifth session. She hoped that the draft resolution would be adopted without a vote.

13. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) speaking in explanation of position, said that the politicization of international justice for the sake of narrow self-interest could not be reconciled with the international community's endeavour to uphold justice and the purposes and principles of the Charter of the United Nations. Such politicization violated international law and merely increased tension in international relations. The current practice of the International Criminal Court showed that it had become a political actor and a proxy in international conflicts. The Sudan firmly and unambiguously rejected the Court and its practices, which underpinned the politicization of justice, targeted sitting heads of State and endangered peace and stability in African States. The Court had become a liability rather than an asset. The ongoing attempts to make the General Assembly into an assembly of States parties to the Rome Statute also violated the Charter and were inconsistent with the principles of international law. His delegation therefore objected to the inclusion in the

twenty-fourth and twenty-fifth preambular paragraphs of references to the International Criminal Court, which had no direct connection with the subject of the draft resolution. The Court was not a universal institution; it was a club with a limited membership, limited competence and limited ability to act. Its independence and transparency were open to question.

14. States that were not parties to the Statute could not be obliged to recognize the competence of the Court. Because the Sudan was not a party to the Rome Statute, it had not and would not interact with the Court or give it any consideration. Under the Vienna Convention on the Law of Treaties, international law and international customary law, the Sudan had no obligations towards the Court. It was, however, committed to combating impunity; it had a constitutional, legal, moral and cultural commitment to prosecuting crimes and violations of international instruments that were well established and accepted, including the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the four Geneva Conventions of 1949, the two Protocols additional thereto and the relevant human rights instruments. Article 3 of Additional Protocol II provided that nothing in the Protocol should be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

15. While his delegation would not depart from the consensus on the draft resolution, it wished to disassociate itself from the twenty-fourth and twenty-fifth preambular paragraphs. It hoped that the concerns of States not parties to the Rome Statute would be taken into consideration at the seventy-fifth session of the General Assembly.

16. **Mr. Fintakpa Lamega** (Togo), speaking in explanation of position, said that Togo was a party to the four Geneva Conventions, the three Protocols additional thereto and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It was firmly committed to universalizing and effectively applying those instruments with a view to protecting the victims of armed conflict. His delegation had therefore strongly supported all the General Assembly resolutions adopted on the topic on a biennial basis from resolution 39/77 to resolution 49/48, all of which exclusively concerned the status of the aforementioned protocols. It had continued to do so when new language had been included in the ninth preambular paragraph of General Assembly resolution 53/96, acknowledging the adoption of the Rome Statute.

17. At the current session, his delegation had participated actively in the informal consultations on the draft resolution. The coordinator had attempted to amend the draft resolution with a view to introducing new language noting the amendments to the Rome Statute that had been adopted on 14 December 2017, in what was now the twenty-eighth preambular paragraph. Other delegations had sought to amend the twenty-seventh and twenty-eighth preambular paragraphs. All of those changes had been rejected or abandoned owing to a lack of consensus. Like many others, his delegation believed that the seventy-third session would have provided a good opportunity to remove those paragraphs entirely and bring the resolution back to its original form. The two paragraphs could have been included instead in General Assembly resolution 73/7 concerning the report of the International Criminal Court; in that context, they could have been updated in the manner suggested by the coordinator.

18. In a constructive spirit, and without prejudice to its future position on the matter, his delegation would once again join the consensus on the draft resolution. However, in order for consensus within the Sixth Committee to remain meaningful, due regard must be had for the positions of all delegations at every session.

19. *Draft resolution A/C.6/73/L.21 was adopted.*

20. **Mr. Simcock** (United States of America) said that his delegation welcomed the inclusion in the draft resolution of additional language regarding international humanitarian law. It was important for the General Assembly to highlight programmes and other measures taken by States and their armed forces to promote or ensure compliance with that body of law. However, his delegation could not support the references in the draft resolution to the International Criminal Court and the Rome Statute, as they did not make an adequate distinction between States parties to the Rome Statute and States not parties thereto. The views of the United States Government in that regard were set out in a speech delivered by the National Security Adviser on 10 September 2018. His delegation had a long-standing principled objection to any assertion of the Court's jurisdiction over States not parties to the Rome Statute, including the United States of America and Israel, without a referral on the part of the Security Council or the consent of that State. In particular, his delegation had serious and fundamental concerns regarding the current proposal of the Prosecutor of the International Criminal Court to investigate United States personnel in the context of the conflict in Afghanistan.

21. The United States remained a leader in the fight to end impunity and continued to support justice and accountability for international crimes, including war crimes, crimes against humanity and genocide. His Government respected the decision of those nations that had chosen to become parties to the Rome Statute. In turn, it expected that its decision to refrain from doing so, and to refrain from placing its citizens under the jurisdiction of the Court, would also be respected.

**Agenda item 84: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (continued) (A/C.6/73/L.20)**

*Draft resolution A/C.6/73/L.20: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives*

22. **Ms. Nyrhinen** (Finland), introducing the draft resolution on behalf of the sponsors, said that they had been joined by Australia, Belgium, Bosnia and Herzegovina, Latvia, Liechtenstein, Montenegro, the Netherlands, Poland, Switzerland and the former Yugoslav Republic of Macedonia. Violations of the security and safety of diplomatic and consular missions and representatives continued to take place, causing concern in the international community. The draft resolution, which reflected the determination of Member States to oppose and redress such incidents, was based on General Assembly resolution 71/145. Further to informal consultations, new provisions had been added. In particular, it was recalled in the sixth preambular paragraph that, to the extent provided by the relevant rules of international law, premises of diplomatic missions, consular premises and premises of permanent missions with diplomatic status to international intergovernmental organizations, as well as private residences of relevant members of diplomatic missions and representatives to international intergovernmental organizations, should be inviolable and that, to the extent consistent with the relevant rules of international law, agents of the receiving State should not enter them, except with the consent of the sending State. In paragraph 6, the General Assembly would urge States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence. Other new language had also been added, and technical changes had been made.

23. *Draft resolution A/C.6/73/L.20 was adopted.*

**Agenda item 86: The rule of law at the national and international levels (continued) (A/C.6/73/L.19)**

*Draft resolution A/C.6/73/L.19: The rule of law at the national and international levels*

24. **Mr. Arrocha Olabuenaga** (Mexico), introducing the draft resolution on behalf of the Bureau, said that the rule of law was a fundamental building block of the United Nations and was deeply enshrined in the purposes and principles of its Charter. The draft resolution was based on General Assembly resolution 72/119, with several updates. Language had been added to recognize the role of multilateral and bilateral treaties and treaty processes in advancing the rule of law. The provisions referring to the registration and publication of treaties had been streamlined. In paragraph 23, the General Assembly would decide to invite Member States to focus their comments during the Sixth Committee debate on the agenda item at the seventy-fourth session of the General Assembly on the subtopic “Sharing best practices and ideas to promote the respect of States for international law”.

25. *Draft resolution A/C.6/73/L.19 was adopted.*

26. **Mr. Al Arsan** (Syrian Arab Republic) said that his delegation wished to dissociate itself from the consensus on paragraph 3 of the draft resolution, in which the General Assembly would take note of the report of the Secretary-General (A/73/253). His delegation had reservations regarding the reference in paragraph 63 of the report to the “International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011”. The establishment of that Mechanism had been a grave professional and legal mistake that must be reversed. In that regard, he referred delegations to his statement delivered at the 7th meeting of the Committee at the current session (see A/C.6/73/SR.7). His delegation had repeatedly requested that the paragraph referring to the so-called Mechanism in the Secretary-General’s report be deleted and that no mention be made of it in any document of the Sixth Committee. Nevertheless, there appeared to be parties within the Secretariat that felt impelled to promote the illegitimate Mechanism, whose establishment constituted a flagrant violation of the Charter of the United Nations and the working methods of the Organization.

**Agenda item 87: The scope and application of the principle of universal jurisdiction** (*continued*)  
(A/C.6/73/L.16)

*Draft resolution A/C.6/73/L.16: The scope and application of the principle of universal jurisdiction*

27. **Mr. Jaiteh** (Gambia), introducing the draft resolution on behalf of the Bureau, said that the second preambular paragraph now included a reference to General Assembly resolution 72/120, on which the draft resolution was based. The third preambular paragraph had been updated to take into account the discussions held in the Sixth Committee during the current session. In paragraph 2, the working group would again be given the mandate to continue, during the seventy-fourth session of the General Assembly, to discuss the scope and application of universal jurisdiction. Under paragraph 5, the General Assembly would decide to include in the provisional agenda of its seventy-fourth session an item devoted to the topic.

28. *Draft resolution A/C.6/73/L.16 was adopted.*

**Agenda item 90: Protection of persons in the event of disasters** (*continued*) (A/C.6/73/L.26)

*Draft resolution A/C.6/73/L.26: Protection of persons in the event of disasters*

29. **Ms. Premabhuti** (Thailand), introducing the draft resolution on behalf of the Bureau, said that General Assembly resolution 71/141 had been used as the basis for the text. In addition to technical updates, one new preambular paragraph had been added and several operative paragraphs had been modified. In the first preambular paragraph, the General Assembly would recall its resolution 71/141, in which it had taken note of the draft articles on the protection of persons in the events of disasters presented by the International Law Commission. In the second preambular paragraph, the General Assembly would recall also that the Commission had decided to recommend to the Assembly the elaboration of a convention on the basis of those draft articles. In the third preambular paragraph, the Assembly would note with concern the increasing number of disasters in the world, as well as their intensity and impact on affected populations.

30. In paragraph 1, the General Assembly would take note of the views and comments expressed in the debates of the Sixth Committee on that topic at its seventy-third session, as well as the comments and observations received from Governments on the draft articles and on any future action thereon. In paragraph 2, the Assembly would once again take note of the draft articles. In paragraph 3, it would bring to the attention

of States the recommendation of the International Law Commission that a convention be elaborated on the basis of the draft articles and request the Secretary-General to invite Governments that had not yet done so to submit comments on that recommendation. In paragraph 4, the General Assembly would decide to include the item in the provisional agenda of its seventy-fifth session.

31. A divergence of views remained regarding further action to be taken on the draft articles, as well as on the urgency of the matter. She hoped that frank and productive discussions leading to consensus would continue to be held at the seventy-fifth session.

32. *Draft resolution A/C.6/73/L.26 was adopted.*

**Agenda item 91: Strengthening and promoting the international treaty framework** (*continued*)  
(A/C.6/73/L.28)

*Draft resolution A/C.6/73/L.28: Strengthening and promoting the international treaty framework*

33. **Mr. Luna** (Brazil), introducing the draft resolution on behalf of the Bureau, said that the text reflected the outcome of the Committee's consideration of possible amendments to the regulations to give effect to Article 102 of the Charter of the United Nations, and other overarching issues. The Committee had previously adopted a resolution amending the regulations in 1978.

34. With the draft resolution, the General Assembly would reaffirm the importance of the registration and publication of treaties, and their accessibility, and note the existence of a significant backlog in the publication of the United Nations Treaty Series resulting from growing delays in the translation of treaties related, inter alia, to the limited resources available. The General Assembly would amend the regulations in line with the updated regulations, contained in an annex to the draft resolution, which would be more closely aligned with modern treaty law, as codified by the Vienna Convention on the Law of Treaties. In articles 1 and 7 of the updated regulations, the role of the depositary would be recognized. In article 5, inter alia, the text would codify the established practice of the Secretariat and provide clarification for States relating to the documentation to be presented for registration. The revised regulations would also reflect the important role of information and communications technology in the registration and publication of treaties; such technology could enhance the efficiency of the process and had rendered certain practices obsolete, such as the publication of a monthly statement by the Secretariat.

35. **Mr. Llewellyn** (Secretary of the Committee), speaking in accordance with rule 153 of the rules of

procedure of the General Assembly, said that under paragraph 12 of the draft resolution, the General Assembly would request the Secretary-General to provide, at the seventy-fifth session of the Assembly, a report, following broad consultations with Member States, with information on practice and possible options to review the regulations, taking into account outstanding issues identified by Member States. It was envisaged that the Treaty Section of the Office of Legal Affairs would undertake thorough legal research on the practice relating to registration and publication of treaties under Article 102 of the Charter and provide comprehensive legal analysis of possible options available for the General Assembly to review the regulations. Broad consultations would therefore need to be conducted with Member States, which might include requests for comments in writing and meetings with delegations. Given that the existing resources of the Treaty Section were fully committed to the timely implementation of its existing mandates in the discharge of the depositary functions of the Secretary-General and the registration of treaties, the preparation of the requested report would require additional staffing capacity of a P-3-level Legal Officer for 2020.

36. Furthermore, the request for a report contained in paragraph 12 would constitute an addition to the documentation workload of the Department for General Assembly and Conference Management of one pre-session document with a total word count of 8,500 words in all six languages starting in 2020. Accordingly, should the General Assembly adopt the draft resolution, no additional requirements would arise under the programme budget for the biennium 2018–2019. Adoption of the draft resolution would, however, result in additional resource requirements in the amount of US\$ 26,000 under section 2, General Assembly and Economic and Social Council affairs and conference management, and approximately US\$ 200,000 under section 8, Legal affairs, to be included in the proposed programme budget for 2020.

37. *Draft resolution A/C.6/73/L.28 was adopted.*

**Agenda item 111: Measures to eliminate international terrorism (continued) (A/C.6/73/L.17)**

*Draft resolution A/C.6/73/L.17: Measures to eliminate international terrorism*

38. **Ms. Boucher** (Canada), introducing the draft resolution on behalf of the Bureau, said that the text had been based on General Assembly resolution [72/123](#) and included technical updates, as well as one new and one amended preambular paragraph. In amended preambular paragraph 18, the Assembly would recall its resolution

[71/291](#), by which it had decided to establish the Office of Counter-Terrorism. In the new preambular paragraph 19, the Assembly would note that the United Nations High-level Conference of Heads of Counter-Terrorism Agencies of Member States had been held in New York in June 2018. It would also note the intention of the Secretary-General to convene another such conference and would encourage him to consult Member States in that regard.

39. As recommended by the working group, in paragraphs 24 and 25 the General Assembly would decide to recommend that the Sixth Committee, at the seventy-fourth session of the Assembly, establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism as well as discussions on the question of convening a high-level conference under the auspices of the United Nations. The Assembly would also recognize the valuable dialogue and efforts of Member States towards resolving any outstanding issues and encourage all Member States to redouble their efforts during the intersessional period.

40. *Draft resolution A/C.6/73/L.17 was adopted.*

**Agenda item 147: Administration of justice at the United Nations (continued) (A/73/167, A/73/217, A/73/217/Add.1 and A/73/218)**

41. **The Chair** said that informal consultations on the agenda item had included a question-and-answer segment with a representative of the Internal Justice Council, the United Nations Ombudsman, the Executive Director of the Office of Administration of Justice, representatives of the Office of Legal Affairs and representatives of other units of the Secretariat. Other informal meetings had also been held with the President of the United Nations Dispute Tribunal, the President of the United Nations Appeals Tribunal and a judge of the United Nations Dispute Tribunal. The informal consultations had centred on the legal aspects of the report of the Secretary-General on the administration of justice at the United Nations ([A/73/217](#) and [A/73/217/Add.1](#)), the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/73/167](#)) and the report of the Internal Justice Council ([A/73/218](#)), which included annexes containing the views of the judges of the United Nations Dispute Tribunal and the views of the judges of the United Nations Appeals Tribunal.

42. A draft letter from the Chair of the Sixth Committee to the President of the General Assembly had been negotiated during the informal consultations. The draft letter drew attention to issues relating to the legal

aspects of the reports discussed and contained a request that it be brought to the attention of the Chair of the Fifth Committee. He took it that the Committee wished to authorize him to sign and send the draft letter to the President of the General Assembly.

43. *It was so decided.*

**Agenda item 167: Report of the Committee on Relations with the Host Country** (*continued*)  
(A/C.6/73/L.18)

*Draft resolution A/C.6/73/L.18: Report of the Committee on Relations with the Host Country*

44. **Mr. Venezis** (Cyprus) introducing the draft resolution on behalf of the sponsors, said that the text was based on that of General Assembly resolution 72/124. Paragraphs 1 and 16 contained technical updates. New language referring to the recent concerns raised by permanent missions regarding the normal performance of their functions had been added in paragraph 2, which concerned the observance of the privileges and immunities of delegations and missions to the United Nations. New language referring to alleged ongoing violations and restrictions applied to the premises of a Permanent Mission and to the lack of resolution of those matters had been added in paragraph 3, which concerned the observance of the privileges and immunities applicable to the premises of the permanent missions to the United Nations. The new paragraph 4, concerning the necessary steps and the nature of consultations required prior to the institution by the host country of any proceedings that required a representative of a Member State to leave the host country, reflected the provisions of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations. New language referring to the recurring nature of the request for the removal of travel restrictions imposed by the host country, and the serious nature of recent concerns, had been added in paragraph 6. In paragraph 8, reference was made to the matter of the timely issuance of entry visas to members of the Secretariat as well as representatives of Member States, in order to enable persons assigned as members of permanent missions or persons recruited to serve in the Secretariat to take up their assignments as promptly as possible. New language referring to the active engagement of the Secretary-General in the work of the Committee on Relations with the Host Country with a view to ensuring the representation of the interests concerned had been incorporated in paragraph 14.

45. *Draft resolution A/C.6/73/L.18 was adopted.*

46. **Mr. Musikhin** (Russian Federation) said that his delegation took issue with paragraph 12 of the draft resolution, in which the General Assembly expressed its appreciation for the efforts made by the host country. Although his delegation appreciated the security arrangements made by the host country during the high-level segment of the seventy-third session of the General Assembly, the host country had otherwise demonstrated a general disregard for its obligations under the Headquarters Agreement and for the recommendations made by the Committee on Relations with the Host Country and prior General Assembly resolutions under the item. The host country had restricted access to a portion of his Mission's premises, to which reference was made in paragraph 3 of the draft resolution, and had subjected some delegations to discriminatory treatment by preventing their staff from travelling beyond a zone defined by a 25-mile radius from Columbus Circle, New York. It had also delayed the issuance of visas for members of delegations and Secretariat staff, and had violated the terms of section 13 (b) of the Headquarters Agreement. Such unlawful behaviour was not deserving of appreciation. His delegation therefore dissociated itself from paragraph 12 of the draft resolution.

47. **Mr. Al Arsan** (Syrian Arab Republic) said that his delegation wished to assure the staff of the United States Mission to the United Nations that it commended their efforts to address its concerns to the extent possible. The problem did not originate in New York; it resulted from restrictions imposed by the capital of the host country on the staff of certain permanent missions. In view of those restrictions, his delegation could not express its appreciation for the efforts made by the host country. It therefore wished to express a reservation regarding paragraph 12 of the draft resolution and to disassociate itself from the consensus in that regard.

48. **Ms. Pierce** (United States of America) said that her delegation had addressed the issues raised by the representative of the Russian Federation in a previous meeting.

**Agenda item 123: Revitalization of the work of the General Assembly** (*continued*) (A/C.6/73/L.27)

49. **The Chair** said that, taking into account the Committee's discussions at its 34th meeting on the Bureau's draft proposal for a provisional programme of work of the Committee for the seventy-fourth session of the General Assembly, the Bureau had prepared a revised version of the provisional programme of work, contained in draft decision A/C.6/73/L.27. The revised version reflected the outcome of the negotiations on draft resolutions relating to two agenda items that would

not in fact be considered by the General Assembly in 2019.

50. **Mr. Fintakpa Lamega** (Togo) said that it was important to ensure that all members of the Committee could also take part in negotiations on the draft omnibus resolution on oceans and the law of the sea.

51. **Mr. Llewellyn** (Secretary of the Committee) said that, according to the Division for Ocean Affairs and the Law of the Sea, those negotiations would start on 15 November 2019. Efforts had been made to minimize the overlap with the Committee's meetings, and the negotiations would coincide only with the meeting of the Committee to be held on 20 November 2019.

52. **Ms. Weiss** (Israel), speaking on a point of order, said that two of the Committee's formal meetings had been scheduled for 9 October 2019, which coincided with Yom Kippur, the holiest day in the Jewish calendar. In line with General Assembly resolution [69/250](#), wherein the Assembly acknowledged that Yom Kippur was a significant local holiday and invited United Nations bodies at Headquarters to avoid holding meetings on that date, her delegation requested that the programme of work be reconsidered and that no formal meetings be held on that date.

53. **The Chair** said that, in preparing the provisional programme of work for the Committee's seventy-fourth session, the Bureau had taken into account resolution [69/250](#), in which the General Assembly invited United Nations bodies to avoid holding meetings on the dates of certain religious holidays. However, in 2019, three observed holidays – Yom Kippur on 9 October 2019, Diwali on 28 October 2019 and Gurburab on 12 November 2019 – would coincide with the Committee's session. The Bureau was of the view that meetings on those days could not be avoided, in view of the Committee's full schedule. The Bureau was also of the view that the three holidays should be treated in the same way.

54. **Mr. Yedla** (India) said that, in accordance with General Assembly resolution [69/250](#), formal meetings should not be scheduled on certain observed holidays. He therefore requested that no formal meetings be held on Diwali, in accordance with past practice.

55. **The Chair** invited the representatives of Israel and India to make specific proposals to amend the proposed programme of work.

56. **Ms. Weiss** (Israel) said that only informal meetings should be scheduled to be held on the dates in question.

57. **Mr. Yedla** (India), recalling that Diwali was a major holiday in India and in many other countries, reiterated that no formal meetings should be held on that day.

58. **The Chair** said that it would not be possible to schedule informal consultations on the dates in question and the Committee's consideration of certain agenda items would therefore need to be rescheduled. He recommended that the Committee proceed on the basis of the Bureau's recommendation. The draft decision would be adopted on the understanding that the programme of work would be applied with flexibility and that it was provisional in nature.

59. He took it that the Committee wished to adopt the draft decision contained in document [A/C.6/73/L.27](#).

60. *It was so decided.*

#### **Agenda item 137: Programme planning**

61. **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 5: Election of the officers of the Main Committees**

62. **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. Based on the interim arrangement concerning the rotation of Chairs of the Main Committees of the General Assembly, contained in General Assembly decision [72/313](#), it was his understanding that the Chair of the Sixth Committee for the seventy-fourth session of the General Assembly would be selected by the Eastern European States. He therefore suggested that the regional groups hold consultations at an appropriate time to enable the Committee to elect its next Chair, three Vice-Chairs and Rapporteur in June 2019.

#### **Completion of the Committee's work**

63. After the customary exchange of courtesies, **the Chair** declared that the Sixth Committee had completed its work for the seventy-third session.

*The meeting rose at 12.50 p.m.*