

**General Assembly**

Seventy-fourth session

Official Records

Distr.: General
29 November 2019

Original: English

Sixth Committee**Summary record of the 34th meeting**

Held at Headquarters, New York, on Monday, 11 November 2019, at 10 a.m.

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

Agenda item 109: Measures to eliminate international terrorism (continued)

Oral report by the Chair of the working group on measures to eliminate international terrorism

1. **Mr. Perera** (Sri Lanka), Chair of the working group, recalling that, pursuant to General Assembly resolution [73/211](#), the Sixth Committee had decided to establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism and to discussing the items included on its agenda under General Assembly resolution [54/110](#) concerning the question of convening a high-level conference under the auspices of the United Nations, said that pursuant to paragraph 9 of General Assembly resolution [51/210](#) and consistent with past practice, the working group was open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. In keeping with its established practice, the working group had decided that members of the Bureau of the Ad Hoc Committee established by the General Assembly in its resolution [51/210](#) of 17 December 1996 would continue to act as Friends of the Chair during the meetings of the working group.

2. The working group had had before it the report of the Ad Hoc Committee on its sixteenth session ([A/68/37](#)), which contained as annex I the preamble and articles 1, 2, and 4 to 27 of the draft comprehensive convention on international terrorism, prepared by the Bureau, incorporating the various proposals contained in document [A/C.6/65/L.10](#), and written proposals relating to the outstanding issues surrounding the draft comprehensive convention, contained in the report as annex II. The working group had also had before it a letter from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General, dated 1 September 2005 ([A/60/329](#)), and a letter from the Permanent Representative of Egypt to the United Nations addressed to the Chair of the Sixth Committee, dated 30 September 2005 ([A/C.6/60/2](#)). The Chair had also drawn to the attention of the working group the previous year's oral report by the Chair of the working group, contained in document [A/C.6/73/SR.33](#).

3. The working group had held three meetings, on 21 and 24 October and 7 November 2019, convened against the backdrop of the plenary debate at the 3rd, 4th, 5th, 6th and 7th meetings of the Sixth Committee, held on 8, 9 and 10 October 2019. At its first meeting, the working group had adopted its work programme and had decided to hold discussions in the framework of informal

consultations. At that meeting, the working group had paid tribute to Mr. Angel Horna, who had been one of the Friends of the Chair and coordinator of the outstanding issues relating to the draft comprehensive convention for his contribution to the work of the working group.

4. During the informal consultations held on 21 October 2019, the Chair had provided an overview of the work undertaken over the years and an update on the status of the negotiations regarding the outstanding issues surrounding the draft convention. Work had proceeded on the general understanding that further consideration would be given to all written amendments and proposals that were on the table, together with all other written and oral proposals, in future discussions, including on outstanding issues. During the informal consultations held on 24 October 2019, attention had been drawn to the informal non-paper prepared by the former coordinator on a possible pathway to overcoming differences on the outstanding issues relating to the draft comprehensive convention and comments had been invited thereon. The Chair of the working group had also held informal bilateral contacts with interested delegations, during which several of them, while reiterating long-standing positions, and preference for the proposals they had made, had expressed their continued interest to remain engaged in the efforts of the working group.

5. During the informal consultations held on 24 October 2019, the working group had considered the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response to terrorism. The sponsor delegation of Egypt had reiterated its position on the continued relevance of its proposal. While some delegations had reiterated their support for the convening of a high-level conference, others had indicated that, without achieving consensus on the draft comprehensive convention, holding a high-level conference would be premature.

6. During the informal consultations held on 7 November 2019, the working group had considered a proposed recommendation by the Friends of the Chair, based on paragraphs 24 and 25 of General Assembly resolution [73/211](#), that the Sixth Committee, at the seventy-fifth session of the General 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 item included in its agenda by Assembly resolution [54/110](#) concerning the question of convening a high-level conference under the auspices of the United Nations. The recommendation would also have recognized 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.

7. The working group had held a wide-ranging exchange of views on the recommendation, with particular focus on the possible establishment of the working group at the seventy-sixth session instead of the seventy-fifth session. A number of delegations had seen merit in the possible reconvening at the seventy-sixth session, stating that that would allow more time for reflection on the outstanding issues and engagement of the issues during the intersessional period, as well as offer an opportunity to revitalize work on the subject, bearing in mind also the related questions concerning the need to avoid overlap within the same year of discussions on the United Nations Global Counter-Terrorism Strategy and on measures to eliminate international terrorism. Other delegations had expressed their flexibility and wish to be afforded more time for consultations with capitals. Some other delegations had expressed support for the reconvening of the working group or a focused discussion on an annual basis.

8. Given that the proposed recommendation had been linked to discussions on the draft resolution on measures to eliminate international terrorism, it had been agreed that further consideration of the issues be continued and completed in the context of informal consultations on the draft resolution.

9. As Chair of the working group, he welcomed the continued commitment expressed by delegations, and remained encouraged by their interest to continue their discussions on the draft comprehensive convention during the intersessional period. The Friends of the Chair had an opportunity to consult on the possible replacement for the coordinator of the outstanding issues relating to the draft comprehensive convention and were still in the process of consulting with delegations on the matter. He intended to continue to hold consultations on that important matter and would inform the membership of the outcome so as to allow the coordinator so designated to commence work during the intersessional period.

10. He looked forward to continued efforts by delegations to engage on those issues.

11. **The Chair** said he took it that the Committee wished to take note of the report of the Chair of the working group on measures to eliminate international terrorism.

12. *It was so decided.*

Agenda item 75: Responsibility of States for internationally wrongful acts (*continued*)

Oral report by the Chair of the working group on responsibility of States for internationally wrongful acts

13. **Ms. de Souza-Schmitz** (Brazil), Chair of the working group, said that, pursuant to General Assembly resolution 71/133 of 13 December 2016, the Sixth Committee had decided, at its 1st meeting, held on 7 October 2019, to establish a working group to further examine, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second, sixty-fifth, sixty-eighth and seventy-first sessions of the General Assembly, the possibility of negotiating an international convention, or any other appropriate action, on the basis of the articles on responsibility of States for internationally wrongful acts. The Sixth Committee had also decided to open the working group to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency.

14. The working group had had before it the written comments of Governments issued in the most recent report of the Secretary-General (A/74/156), as well as a compilation of decisions in which the articles and their accompanying commentaries had been referenced by international courts, tribunals and other bodies between 2016 and 2019, contained in document A/74/83. The working group had held three meetings, on 15 and 22 October and on 7 November 2019. At the first meeting of the working group, delegations had been given the opportunity to make general remarks on the possibility of negotiating an international convention, or any other appropriate action, on the basis of the articles on responsibility of States for internationally wrongful acts. They had been asked to elaborate on their concerns and reasonings behind their positions on the matter, so as to identify possible common ground on the way forward.

15. The initial general exchange of views in the working group had confirmed the maintenance of diverging opinions on the question of negotiating a convention, as already observed during the debate on the agenda item. There had also been different views on the status of the articles, as some delegations considered them as crystallization of custom, while others emphasized that they did not consider the articles in their entirety as customary international law. Similarly, while some delegations had stated that it was not necessary for all the articles to constitute customary international law before moving towards a convention, others deemed necessary to wait for the development of

sufficient State practice and *opinio juris* before negotiating a convention.

16. Generally, delegations had referred to the importance of legal certainty and stability, diverging, however, on whether negotiating a convention would contribute to the attainment of that goal. Delegations had exchanged views on both the risks and the benefits of moving towards a convention or maintaining the status quo. Some delegations had indicated that proceeding towards a convention would threaten the delicate balance established in the articles by the International Law Commission. They had mentioned that the articles were widely accepted and that a negotiating exercise could undermine their coherence and call into question their status in international law. Some delegations had also referred to the risks of not having a universally ratified convention, suggesting that not taking action on the basis of the articles could have a positive effect on their development. Among those delegations opposing a convention, some had suggested adopting the articles in the form of a declaration of the General Assembly.

17. At the same time, other delegations had reiterated that continued postponement in taking a decision on the future of the articles could undermine their status, recalling that the Commission, on the report of its fifty-third session (A/56/10), had recommended that the General Assembly “consider, at a later stage, and in the light of the importance of the topic, the possibility of convening an international conference of plenipotentiaries to examine the draft articles on responsibility of States for internationally wrongful acts with a view to concluding a convention on the topic”. Delegations had highlighted that States should have a primary role in the law-making process, which would be made possible through a diplomatic conference. For some delegations, the absence of action regarding the articles could give rise to a perception of disagreement among States, thus potentially undermining their status. It could also affect in the future the consideration of other projects concluded by the Commission, such as the articles on diplomatic protection and the articles on the responsibility of international organizations.

18. Delegations had also discussed the frequency of the debate on the item, with several arguing that the item should be discussed more frequently, either in annual or biennial cycles, and that more frequent debates could help to find a compromise position on the future action to be taken on the basis of the articles. Other delegations had suggested that the periodicity of the consideration of the item should be decreased to a five-year cycle or maintained as a triennial agenda item, to further allow the articles to develop organically in customary

international law. They had considered that a higher frequency of consideration could jeopardize the status of the articles. Some delegations had recalled that the seventy-sixth session of the General Assembly would coincide with the twentieth anniversary of the articles.

19. Delegations had also discussed the consideration of the relevant procedural options for the articles, some expressing the view that such debate would not prejudice the question of whether the articles should be codified as a convention or in any other form. For them, it was important that the decision on future action on the basis of the articles be an informed decision that took into account all procedural options. Other delegations had expressed the view that it would be premature to move towards a debate on procedural options. Delegations had stated that positions for or against a convention were not dependent on having information on procedural options.

20. Following the initial exchange of views at its second meeting the working group had discussed more specifically what role the Sixth Committee had to play with regard to the future status and development of the articles. Delegations had also deliberated on the current status of the articles, and on the relationship between them and other relevant products of the Commission, such as the articles on diplomatic protection and the articles on responsibility of international organizations. The working group had also continued its consideration of the modalities for the way forward. Some delegations had considered that deepening discussions on the Committee could risk calling into question the status of some articles as custom. Others had pointed out that a distinction should be drawn between the concerns regarding a diplomatic conference and the risks and benefits of exploring what the Committee could do in terms of clarifying the status of the articles, which was part of its mandate.

21. At its third meeting, the working group had focused on the elements of a possible draft resolution. Delegations had debated on the reports of the Secretary-General, the frequency of the debates and on how to better reflect the informal discussions held during the intersessional period. The exchange of views in the working group had then formed the basis of informal consultations on a possible draft resolution.

22. **The Chair** said he took it that the Committee wished to take note of the report of the Chair of the working group on responsibility of States for internationally wrongful acts.

23. *It was so decided.*

Agenda item 80: Diplomatic protection

Oral report of the Chair of the working group on diplomatic protection

24. **Mr. Molefe** (South Africa), Chair of the working group, said that, pursuant to General Assembly resolution [71/142](#) of 13 December 2016, the Sixth Committee had decided, at its 1st meeting, held on 7 October 2019, to establish a working group to further examine, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second, sixty-fifth, sixty-eighth and seventy-first sessions of the General Assembly, the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the articles on diplomatic protection and to also identify any difference of opinion on the articles. The Sixth Committee had also decided to open the working group to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency.

25. The working group had held two meetings, on 16 and 22 October 2019, and had had before it the report of the Secretary-General containing the written comments received from Governments from 2017 to 2019 ([A/74/143](#)), in addition to the reports of the Secretary-General for the sixty-second, sixty-fifth, sixty-eighth and seventy-first sessions ([A/62/118](#) and [A/62/118/Add.1](#), [A/65/182](#) and [A/65/182/Add.1](#), [A/68/115](#) and [A/68/115/Add.1](#), and [A/71/93](#) and [A/71/93/Corr. 1](#)).

26. At the beginning of their meetings, he had recalled the history of the consideration of the agenda item by the Sixth Committee. In particular, the working group had met every three years, in 2010, 2013 and 2016, to examine the articles on diplomatic protection, which had been adopted by the International Law Commission in 2006, and annexed to General Assembly resolution [62/67](#) of 6 December 2007. He had observed that delegations had expressed diverging views on the question of whether to proceed with the elaboration of a convention on the basis of the articles on diplomatic protection, and that the consideration of the item had, so far, been linked to that of the 2001 articles on the responsibility of States for internationally wrongful acts. He had also expressed his readiness to develop a road map, as previously suggested, if delegations were in a position to suggest specific elements for such a road map to guide the work of the working group. With that background in mind, the main task of the working group was to reach agreement on the best way forward, which would be reflected in a draft resolution to be negotiated at the current session.

27. During the discussions of the working group, several delegations had reiterated their views expressed during the plenary debate, highlighting substantive concerns with certain provisions of the articles on diplomatic protection, while other delegations had spoken in favour of the eventual adoption of the articles as a convention. The continued solicitation of views from Governments on the articles on diplomatic protection was welcome as a useful exercise. At the same time, it had been observed that more time was needed for State practice to develop before any action could be taken on the articles. Moreover, attention had been drawn to the ongoing consideration of the fate of the articles on State responsibility.

28. A number of suggestions had been made for the Sixth Committee to organize its work on the articles on diplomatic protection more effectively in relation to its work on the articles on State responsibility. Some delegations had taken the position that the Committee should continue its consideration of both items in parallel, focusing on a closer analysis of the substantive issues and concerns raised by States. The possibility of engaging in intersessional work on the articles on diplomatic protection had also been raised. A proposal had been made to merge the agenda items concerning State responsibility and diplomatic protection, with the latter as a sub-item, in order to combine consideration of the question of future action on the two sets of articles. In that regard, differing opinions had been voiced in respect of the feasibility of such a proposed merger of items, which raised concerns that it might complicate discussions on the questions surrounding both topics. Various options regarding the timing of convening of the working group had been explored, such as suspending the three-year cycle of its work, or reducing the time allocated to it at a future session.

29. In the light of the discussions in the working group, proposals for a draft resolution had been considered, aimed at streamlining the work of the Committee on the articles on diplomatic protection with its work on the articles on State responsibility, taking into account any developments regarding the latter.

30. **The Chair** said he took it that the Committee wished to take note of the report of the Chair of the working group on diplomatic protection.

31. *It was so decided.*

Agenda item 84: The scope and application of the principle of universal jurisdiction

Oral report of the Chair of the working group on the scope and application of the principle of universal jurisdiction

32. **Mr. Guillermet-Fernández** (Costa Rica), chair of the working group, said that, pursuant to General Assembly resolution [73/208](#) of 20 December 2018, the Sixth Committee had decided, at its 1st meeting, held on 7 October 2019, to establish a working group to continue to undertake a thorough discussion of the scope and application of universal jurisdiction. Pursuant to the same resolution, the General Assembly had decided that the working group should be open to all Member States and that relevant observers to the Assembly would be invited to participate in the work of the working group.

33. The working group had had before it various reports of the Secretary-General on the scope and application of the principle of universal jurisdiction dating back to 2010 ([A/74/144](#), [A/73/123](#), [A/73/123/Add.1](#), [A/72/112](#), [A/71/111](#), [A/70/125](#), [A/69/174](#), [A/68/113](#), [A/67/116](#), [A/66/93](#), [A/66/93/Add.1](#), and [A/65/181](#)). The working group had also had before it the non-paper previously submitted by Chile ([A/C.6/66/WG.3/DP.1](#)), the informal paper of the working group ([A/C.6/66/WG.3/1](#)), which contained a roadmap on the methodology and issues for discussion, as well as the 2016 informal working paper prepared by the Chair, which had been discussed in previous sessions of the working group.

34. The working group had held two meetings, on 18 and 24 October 2019. It had conducted its work in the framework of informal consultations. Like the previous year, the working group had proceeded to exchange views on the practice of States relating to the scope and application of universal jurisdiction. It had also held a discussion on the way forward, particularly given that 2020 would mark the tenth anniversary of the working group. The working group had been convened against the backdrop of the plenary debate at the 14th, 15th, 16th and 17th meetings of the Sixth Committee, held on 15, 16 and 17 October 2019.

35. At the first meeting of the working group, held on 18 October, he had presented an overview of past proceedings, including the discussions that had led to the informal working paper, reiterating that the issues raised in the paper had been intended to be illustrative and were without prejudice to future proposals made by delegations or to their positions. The paper did not reflect consensus among delegations and was expected to be subject to further deliberation. He had reminded delegations that no modifications to the informal working paper had been introduced to the text since

2016. No further modifications had been made at the current session to the paper.

36. To promote an exchange of views during both meetings of the working group, and to have a better appreciation of views of delegations on the item, delegations had been invited to address the following three questions, which had been circulated to them in advance: “what crimes are subject to prosecution on the basis of universal jurisdiction under your country’s national laws?”; “what are the conditions, if any, to the applicability of universal jurisdiction for such crimes?”; and “what are the instances, if any, in which universal jurisdiction has been the basis of jurisdiction in the prosecution of crimes in your country?”.

37. In response to each of those questions, several delegations had provided information on the crimes to which universal jurisdiction would apply under their national laws, as well as on the conditions for such application. Information had also been provided on judicial practice, whereby a national court had recognized universal jurisdiction as being applicable to the crime of genocide and extradition had been granted on that basis. On the whole, the information provided had tracked the information that Governments had submitted over the years to the Secretary-General in response to the various General Assembly resolutions on the item.

38. Some delegations had also highlighted the view that there was no consensus on the principle of universal jurisdiction under international law. While delegations had generally reiterated their commitment to the fight against impunity, a number of them had further highlighted concerns regarding the potential abuse or misuse of universal jurisdiction and the need to avoid its politicization. The exchange of information on the practice of States had helped delegations have a better appreciation of the positions of others. He hoped that such exchange would help to further advance work on the topic.

39. Following the exchange of views on the scope and application of universal jurisdiction, he had invited delegations to also share their views on how to better achieve the mandate entrusted to the working group, seeking the best way to proceed. Several delegations had reiterated the importance and usefulness of dialogue in the working group, expressing their willingness to continue the discussion on universal jurisdiction within the current framework. In that regard, some delegations had welcomed the continued practice of reflecting State practice in the annual report of the Secretary-General. At the same time, there had been suggestions to broaden the scope of discussion and to focus on the concerns of

delegations, making best use of the time available to the working group. In addition, support for consideration of the topic by the International Law Commission had been reiterated.

40. As Chair of the working group, he had observed that the discussion had reflected diverse views among States on that complex and sensitive topic, but progress could be achieved by further deliberations, focusing on certain points of convergence or divergence, with the aim that an open and honest debate might lead to increased understanding of the various issues raised by the subject. It had also been clear to him that the item raised serious issues of importance to States and it was incumbent on the Sixth Committee to provide the necessary guidance. With that in mind, he had expressed his readiness and availability to consult with delegations during the intersessional period and had urged delegations to engage with each other to pave the way forward for the working group in light of the significance of the topic.

41. **The Chair** said he took it that the Committee wished to take note of the report of the Chair of the working group on the scope and application of the principle of universal jurisdiction.

42. *It was so decided.*

Agenda item 85: The law of transboundary aquifers
(continued) (A/C.6/74/L.11)

Draft resolution A/C.6/74/L.11: The law of transboundary aquifers

43. **Ms. Weiss Ma'udi** (Israel), introducing the draft resolution on behalf of the Bureau, said that the text was a technical rollover from the resolution on the item adopted at the seventy-first session. The major issue that had arisen during the negotiations had been the question of retaining the triennial cycle for consideration of the item, although States had ultimately agreed that that cycle remained the best compromise, as it allowed adequate time for development of the law and State practice and reflection, on the one hand, while at the same time also keeping the Sixth Committee seized of that important issue on a periodic basis.

44. *Draft resolution A/C.6/74/L.11 was adopted.*

Agenda item 77: Report of the United Nations Commission on International Trade Law on the work of its fifty-second session (continued)
(A/C.6/74/L.7, A/C.6/74/L.8, and A/C.6/74/L.9)

Draft resolution A/C.6/74/L.7: Report of the United Nations Commission on International Trade Law on the work of its fifty-second session

45. **Ms. Katholnig** (Austria) announced that El Salvador, India, North Macedonia and Portugal had joined the list of sponsors of the draft resolution.

46. *Draft resolution A/C.6/74/L.7 was adopted.*

47. **Ms. Melikbekyan** (Russian Federation), speaking in explanation of position, said that her delegation had joined the consensus on the draft resolution, noting the active work of the Commission on legal issues pertaining to international trade law and its valuable contribution to the development of economic cooperation and private international law. It was important to note the reminder in the resolution of the importance of adherence to the rules of procedure and methods of work of the Commission, including transparent and inclusive deliberations, as set forth in paragraph 11 of the draft resolution. Her delegation therefore hoped that the work of the Commission would continue to be built on the pursuit of mutually acceptable solutions that took into account the interests of all Member States.

Draft resolution A/C.6/74/L.8: Model Legislative Provisions on Public-Private Partnerships of the United Nations Commission in International Trade Law

48. *Draft resolution A/C.6/74/L.8 was adopted.*

Draft resolution A/C.6/74/L.9: Model Law on Enterprise Group Insolvency of the United Nations Commission in International Trade Law

49. *Draft resolution A/C.6/74/L.9 was adopted.*

Agenda item 81: Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm
(continued) (A/C.6/74/L.10)

Draft resolution A/C.6/74/L.10: Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm

50. *Draft resolution A/C.6/74/L.10 was adopted.*

Agenda item 146: Administration of justice at the United Nations (*continued*) (A/74/169, A/74/171 and A/74/172)

51. **The Chair** said that the Committee had considered the item at its 17th meeting, held on 17 October 2019, as well as during several informal consultations, which had included a question-and-answer segment with a representative of the Internal Justice Council, the United Nations Ombudsman and 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.

52. 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 and circulated as a document of the General Assembly. He took it that the Committee wished to authorize him to sign and forward the draft letter to the President of the General Assembly.

53. *It was so decided.*

Organization of work (*continued*)

54. **The Chair**, recalling that the Committee, at its 13th meeting, held on 15 October 2019, had approved its programme of work up until the current meeting, invited the Committee to consider the approval of the programme of work for the remainder of the session.

55. **Mr. Nasimfar** (Islamic Republic of Iran) said that it was difficult to believe that measures were being taken by the host country to limit the freedom of movement of the representatives of a founding member of the United Nations at the Organization. The founders of the Organization could certainly not have imagined such short-sighted measures. To reject that approach and to raise awareness of the threat it posed to the integrity of the United Nations, as well as to preserve the right of representatives of Member States to contribute to the work of the Committee and to perform their duties concerning the United Nations, his delegation had challenged the approval of the Committee's programme of work at the start of the session.

56. The partial approval of the programme of work of the Committee and the suspension of two of its meetings had been the result of the irresponsible behaviour of the host country, which in turn had endangered the rule of law and disturbed the peaceful environment of the Committee. As an advocate for multilateralism, his delegation had committed to preserving the smooth

functioning of the United Nations, in particular, the Sixth Committee. What the United Nations was facing was, in fact, another consequence of unilateralism.

57. The General Assembly and the Secretariat were all calling upon the host country to respect its hosting duties and to remove any undue politicized restrictions on delegations. However, the host country had no intention to listen, and kept committing its wrongful acts by subjecting certain missions to restrictions based on its bilateral relations with their countries. The intention behind the restrictions on his delegation and the imposition of collective suffering on families and children was to undermine the substantive contribution of his delegation to the United Nations. At least all Member States had confirmed that those measures were a failed attempt to silence his mission.

58. Despite all the obstacles and pressures it faced, his delegation had engaged in a meaningful way in the activities of the Organization and would continue to engage constructively in its work. It had delivered 22 statements during the Committee's debates, including 6 on behalf of groups, a clear indication that the designers of the stringent restrictions had not achieved their objectives and what would be remembered as the result of its lawlessness was the responsibility of the host country for its wrongful act, the undermining of the integrity of the United Nations, and growing doubts and scepticism about the role of the United States as host of the United Nations.

59. Hosting the United Nations was a great privilege, but it came with certain responsibilities. Prompt issuance of visas or the provision of facilities and other privileges by the host country to missions was neither a favour nor a choice. Indeed, the Organization's failure to effectively tackle the serious challenge from the outset had, in turn, further exacerbated the problem. It was ironic that the host country had even subjected the members of the Secretariat to such illegal restrictions based on their nationality and undermined their special international status, as recognized under Article 100 of the Charter. Indeed, it was unclear why the United Nations had opted to remain silent vis-à-vis the lawlessness and violations of its rights and the rights of its staff members, as well as the rights of representatives of Member States over the years.

60. The repetition of a wrongful act did not make it right. As a result of a passive response, the host country was now moving to change the frontiers of diplomatic law through the arbitrary interpretation of its rules. As representatives of States Members of the United Nations, many other countries hosted offices of the United Nations. No country, except the United States,

had ever subjected a staff member of the Secretariat to such alarming restrictions. Staff members of the Secretariat and accredited personnel of missions of States Members of the United Nations in New York had long been suffering from discriminatory restrictions. Some of those people and their families had been restricted to a 25-mile radius in the city of New York for more than 20 years, and had suffered extensively from the implications of that and other limitations.

61. Normally, the Member States had differences of opinion and interests, but the seat of the United Nations should be a place for dialogue, cooperation and consensus-building, where nations could interact, deliberate, pursue common goals and work together to address not only their differences but also regional and international challenges. Unfortunately, the United States had been unable to resist the temptation to weaponize the seat of the United Nations and to turn it into an instrument of its foreign policy.

62. The United States should change its mindset and recognize that a powerful United Nations would not cause it any harm. It was ironic that while Member States were working on a daily basis to promote tolerance, fight discrimination and maintain the high values of the United Nations, certain representatives of Member States and their family members were being subjected to systematic discrimination on the basis of their nationality, in violation of their human rights. In the case of Iran, that discrimination was even extended to its nationals who were staff members of the United Nations, who were issued G 1 visas. Such discriminatory practices had no place in the Charter that united all Member States or in the 1961 Vienna Convention on Diplomatic Relations, which together governed the privileges and immunities of the United Nations.

63. Subjecting representatives of Member States and staff members of the Secretariat to restrictions and inflicting collective suffering on their families was a wrongful act, pure and simple. Imposing restrictions and sanctions on a Minister for Foreign Affairs could not be a sign of strength. Separating members of diplomatic households and imposing unlawful trade-offs to issue them visas, represented the highest degree of immorality; issuing single-entry visas to decapacitate diplomats was inhumane. To date, and despite all efforts, the host country had not withdrawn its two illegal notes addressed to the Permanent Mission of the Islamic Republic of Iran. That was the best testimony of the disrespect that the host country showed to the rule of law. To date, the host country had refused to adhere to its international obligations and had rejected calls by the General Assembly to remove its unlawful restrictions.

64. The delegation of the Islamic Republic of Iran commended the Sixth Committee for taking the subject seriously and particularly for its unmistakable message to the host country to remove its restrictions. In view of that, his delegation was withdrawing its opposition to the approval of the Committee's programme of work, in order to ensure a smooth and successful termination of the work of the Committee. However, it continued to invite all Member States to stand for the rule of law, using available legal means. It was their common responsibility to stand up against rule by power. The issues at hand not only raised legal questions but also had serious humanitarian ramifications. Addressing them was both a legal and an ethical imperative.

65. The rights of the United Nations and its accredited Member States could not be compromised. In particular, the Secretary-General had a historic role to play by initiating article 21 of the Headquarters Agreement. The Secretary-General was expected to engage actively role in resolving the situation and reporting the result of his interactions with the host country to the Member States. Throughout history, problems had always given rise to improvements and innovations, provided that the parties involved were prepared to take up the challenges. It was the conviction of his delegation that wisdom and light would ultimately prevail.

66. **Ms. Zabolotskaya** (Russian Federation) said that the abuse of the status of host country had led to the disruption of the work of the First and Sixth Committees during the current session, owing in part to the non-issuance of visas to 18 members of the delegation of the Russian Federation, including people who had been scheduled to participate in the high-level segment of the General Assembly, the First, Third and Sixth Committees and the conference to support the entry into force of the Comprehensive Nuclear Test-Ban Treaty. Following the special meeting of the Committee on Relations with the Host Country, where the Legal Counsel had clearly conveyed the position of the Secretary-General to the effect that entry visas must be issued to the representatives of Member States to participate in United Nations events without any exceptions, it had been expected that the host country would fulfil its obligations under the Host Country Agreement by issuing all the outstanding visas.

67. Prior to the approval of the first part of the programme of work, the Chair had promised the Committee that, in consultation with the President of the General Assembly and the Secretary-General, efforts would be made to resolve the situation. That approval had also been on the understanding that it included the report of the Committee on Relations with the Host Country. That Committee had approved its report, which

also contained recommendations and conclusions in which it expressed its concerns over the situation and expressed its expectation that visas would be issued to all delegations of Member States. That notwithstanding, the Sixth Committee had carried on with its work which, at the current juncture, was almost completed, yet the outstanding visas for representatives of her delegation had still not been issued. The Russian Federation still faced serious difficulties in exercising its right to participate fully in the work of the Organization.

68. Before the Committee could consider the approval of the remaining portion of its programme of work, her delegation would like the Chair to inform the Committee of the measures that had been taken so far in an attempt to resolve the situation. Moreover, since neither the Sixth Committee nor the Committee on Relations with the Host Country had been able to resolve the crisis, her delegation proposed that the agenda item "Report of the Committee on Relations with the Host Country" be left open, to allow for the approval of the remainder of the programme of work.

69. **Mr. Al Arsan** (Syrian Arab Republic) said that his delegation supported the statement made by the representative of the Islamic Republic of Iran and the recommendation made by the representative of the Russian Federation. Based on the recommendations contained in the report of the Committee on Relations with the Host Country and on the draft resolution to be adopted on it, the legal understanding of his delegation was that the agenda item on the report of the Committee on Relations with the Host Country would remain open. The hope was that by the time the draft resolution was adopted, the host country would have responded positively to the recommendations contained in the report. However, it appeared that the political will to respond to the recommendations or to the mediation efforts of the Secretary-General was lacking in Washington, D.C. The host country had ample time to respond to those recommendations, which concerned issues such as issuing entry visas to all representatives of Member States and lifting all restrictions on the travel and movement of all delegations and of people of all nationalities that were subject to such measures. Failing that, the representatives of the affected States would take up the matter with the Secretary-General, the Legal Counsel and the Chair of the Committee on Relations with the Host Country to implement the options set out in the Headquarters Agreement.

70. **Ms. Guardia González** (Cuba) said that her delegation supported the positions taken by the representatives of the Islamic Republic of Iran, the Russian Federation and the Arab Syrian Republic. Cuba supported the legitimate right of States Members of the

United Nations duly recognized by the Charter to participate on an equal footing and without discrimination in the work of the General Assembly, including that of the Sixth Committee and its subsidiary organs. As an affected country, Cuba rejected the use by the United States of its status as host country to selectively and arbitrarily apply the Headquarters Agreement, preventing or delaying the issuance of visas, applying selective and discriminatory policies of restriction of movement that hindered the work of representatives of States Members of the United Nations Headquarters and the participation of those States, under equal conditions, in the work and negotiations of the Main Committees of the General Assembly.

71. Cuba strongly rejected the interference by the United States in the composition of delegations and the representation of Member States at meetings of the United Nations, which was an exclusive prerogative and sovereign decision of each Member State. Cuba expressed deep concern at the repeated breaches by the host country of the Headquarters Agreement, in particular articles 11, 12, 13 and 27, relating to the granting of visas and facilities for access to United Nations Headquarters in New York, as well as of article 26 of the 1961 Vienna Convention on Diplomatic Relations, relating to the free movement of diplomats within the territory of receiving States.

72. The Sixth Committee had witnessed throughout the session that the Member States concerned had repeatedly raised their concerns in the appropriate forums, owing both to delays and refusals in the issuance of visas by the host country and to the application of illegal measures restricting the movement of diplomats of various nationalities, without a solution having been found to date, nor any willingness being expressed to begin any process to that end.

73. The Member States could not allow the work of the United Nations to be held hostage by political agendas. Cuba rejected the selective and arbitrary use of the Headquarters Agreement by the United States to prevent or limit the participation of certain delegations in the work of the Organization. Deliberately impeding the ability of Member States to be represented at meetings of the United Nations was an affront to multilateralism and a roadblock to the full and efficient functioning of the Organization and its Main Committees.

74. Cuba supported the work of the Sixth Committee and the General Assembly and reaffirmed the Committee's validity and relevance as a forum for examining pressing issues of international law. It would continue to encourage all possible diplomatic and legal

efforts at the levels necessary to put an end to the impunity of the host country for violations of international law.

75. **Ms. Argüello González** (Nicaragua) said that failure to comply with the Headquarters Agreement, particularly with the obligation to issue visas to representatives, made it difficult for all delegations to enjoy full representation in the work of the Organization, a violation of the right of Member States to participate on an equal footing without discrimination in that work. Her delegation called on the host country not to politicize and destabilize the work of the Organization. Nicaragua supported the work of the Sixth Committee and underscored its importance as the most appropriate deliberative body for addressing issues of international law. It affirmed its adherence to the principle of equality under the law and of the sovereign equality of States. It hoped that a solution would be found to ensure the equal participation of all Member States, in particular those that had been most affected by the visa situation.

76. **The Chair** said that the agenda item “Report of the Committee on Relations with the Host Country” remained open until the consideration of the draft resolution of the item by the Committee. The Bureau had been consistently in contact with the Chair of that Committee, who had informed the Bureau that his Committee had been able to reach consensus on the draft resolution and on most of the recommendations contained in the draft resolution. The Bureau had also been engaging actively with the President of the General Assembly, the Legal Counsel and the Secretary-General and they had all taken the issue very seriously and had been making every effort to find a solution. If there were any future developments he would inform the Committee accordingly.

77. He took it that the Committee wished to proceed on the basis of the programme of work for the remainder of the session as set out on the Committee’s website.

78. *It was so decided.*

Agenda item 121: Revitalization of the work of the General Assembly

79. **The Chair** said that the Bureau was in the process of preparing a draft provisional programme of work of the Sixth Committee for the seventy-fifth session, which would be circulated as soon as possible. The provisional programme would take into account the outcome of the various draft resolutions that were still being negotiated. As in the past, the Bureau looked forward to receiving any suggestions or recommendations for improving the working methods of the Committee. One topic that

might warrant some discussion concerned the length of statements made during the plenary meetings, especially during consideration of the report of the International Law Commission, while respecting the sovereign right of Member States to deliver the statements that they deemed necessary, considering the specific nature of the topics covered. While being conscious of the length of statements, the Chair had adopted a balanced approach to streamline and organize the daily work programme of the Committee, including allowing enough time for all legal advisers who had travelled to New York to deliver statements on the report. That was a specificity of the Sixth Committee that did not necessarily apply to the other Main Committees.

80. **Mr. Arrocha Olabuenaga** (Mexico), referring to the length of statements during the Committee’s debate, in particular during its consideration of the report of the International Law Commission, said that his delegation supported the call for shorter statements to be delivered, particularly considering that States had the possibility to submit written statements and to upload the full versions of their statements on the PaperSmart portal. As a suggestion for improving the working methods of the Committee, consideration could be given to adjusting the length and number of meetings allocated to the working groups, depending on their respective workloads, and using the remaining time to increase the number of plenary debates or the time set aside for informal consultations. Indeed, at the current session, it appeared that a few working groups did not use up all the three hours allocated.

81. **Mr. Fintakpa Lamega** (Togo) said that while it was true that States had the opportunity to submit written comments to the Commission for the agenda item on the report of the International Law Commission, it was important for the Committee to remain flexible to the needs of Member States. For many delegations, it was still important to be able to deliver comprehensive statements in the Sixth Committee, especially since the Commission itself often referred to those comments in its reports. Moreover, although delegations were also encouraged to upload their written statements on the PaperSmart portal, his delegation was not convinced that when it uploaded its statement written in French on the portal, it would be read by the Special Rapporteurs. For that reason, delegations should be allowed the time they needed to speak, albeit with some degree of flexibility, especially on such a substantive issue as the report of the International Law Commission on the work of its session.

82. **The Chair** said that it would be important for the Committee to find a reasonable compromise to accommodate the needs of delegations that wished to

express themselves in the meeting room rather than through PaperSmart. One good way forward might be for delegations to express themselves in the room on key priority issues and then submit in writing any comments that were of a more technical nature, touching on issues such as the rephrasing of specific provisions.

The meeting rose at 12.05 p.m.