



General Assembly

Sixty-sixth session

Official Records

Distr.: General

5 January 2012

Original: English

Sixth Committee

Summary record of the 8th meeting

Held at Headquarters, New York, on Thursday, 6 October 2011, at 3 p.m.

Chair: Mr. Salinas-Burgos (Chile)

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The meeting was called to order at 3.10 p.m.

Agenda item 82: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(A/66/33, A/66/201 and A/66/213) (*continued*)

1. **Mr. You Ki-Jun** (Republic of Korea) said that he agreed with the comments made during the Committee's 7th meeting by the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America; the working methods of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should be rationalized. However, his delegation considered that the suggestion made by the representative of the Democratic People's Republic of Korea at that meeting was not relevant to the Committee's work.

2. **Mr. Kim Yong Song** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the Committee was the forum that dealt with legal matters relating to the implementation of the Charter of the United Nations. He reminded the representative of South Korea that the United Nations Command had no legal basis; it had been established pursuant to Security Council resolution 84 (1950), which had been adopted in the absence of the representative of the former Soviet Union in clear violation of Article 27, paragraph 3, of the Charter.

3. Paragraph 1 of General Assembly resolution 3390 (XXX) stated that the Assembly considered it necessary to dissolve the United Nations Command and withdraw all the foreign troops stationed in South Korea under the flag of the United Nations. Former United Nations Secretaries-General had acknowledged that the Command had no administrative or financial ties to the United Nations; moreover, the Government of the United States of America, in a letter dated 27 June 1975 addressed to the President of the Security Council, had stated that it was prepared to terminate the United Nations Command on 1 January 1976. Thus, it should long since have been dissolved.

4. **Mr. You Ki-Jun** (Republic of Korea), speaking in exercise of the right of reply, said that the use of the United Nations flag by the Unified Command in the Korean peninsula had been authorized by the Security Council in resolution 84 (1950), which, together with Security Council resolution 88 (1950), adopted in

accordance with all due legal procedures, officially recognized the United Nations Command as the entity responsible for maintaining peace in the Korean peninsula.

5. On 18 November 1975, the General Assembly had adopted resolutions 3390 (XXX) A and 3390 (XXX) B on the question of Korea. The former urged all parties directly concerned in the matter to enter into negotiations on new arrangements designed to replace the 1953 Korean military armistice agreement and to reduce tension and ensure lasting peace on the Korean peninsula. It was, however, countered and offset by the latter, to which the representative of the Democratic People's Republic of Korea had apparently referred. Mentioning one resolution without the other gave the misleading impression that there was a single authoritative General Assembly resolution on the issue.

6. Regarding the position of the Secretary-General on the matter, a letter dated 24 March 2006, released to the Korean press, had stated that the United Nations Secretariat did not take a formal position with regard to the United Nations Command on the Korean peninsula. As to the point raised by the representative of the Democratic People's Republic of Korea concerning Article 27, paragraph 3, of the Charter, the effect of subsequent practice on the interpretation and application of that provision had to be borne in mind. The absence of one of the Security Council's permanent members did not change the applicability of resolution 84 (1950).

7. **Mr. Kim Yong Song** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that he had addressed the issue of the illegal status of the United Nations Command at the 7th meeting of the Committee. Since the Command consisted of members of the armed forces of the United States of America stationed in South Korea, his delegation considered it inappropriate for the representative of South Korea to comment on the matter.

8. **Mr. You Ki-Jun** (Republic of Korea), speaking in exercise of the right of reply, reiterated that resolutions 84 (1950) and 88 (1950), which had been adopted in accordance with all legal procedures of the Security Council, officially recognized the United Nations Command as the entity responsible for maintaining peace on the Korean peninsula. His delegation held the view that a lasting peace agreement should be negotiated by the relevant parties in an appropriate forum outside the United Nations, as provided in the

joint statement adopted on 19 September 2005 following the six-party talks. The Special Committee was not the appropriate forum for discussing the United Nations Command and the Korean peace treaty.

Agenda item 172: Observer status for the Intergovernmental Authority on Development in the General Assembly (A/66/193 and A/C.6/66/L.7)

Draft resolution A/C.6/66/L.7

9. **Ms. Sinegiorgis** (Ethiopia), introducing the draft resolution on behalf of the sponsors — the States members of the Intergovernmental Authority on Development (IGAD) — drew attention to the explanatory memorandum contained in annex I to document A/66/193. IGAD, originally known as the Intergovernmental Authority for Drought and Development, had been established in 1986 by Djibouti, Ethiopia, Kenya, Somalia, the Sudan and Uganda in order to coordinate its members' efforts to combat drought and desertification. It had evolved into a forum for addressing a range of political, social, economic, peace and security issues in Eastern Africa. Its guiding principles were similar to those enshrined in the Charter of the United Nations and the Constitutive Act of the African Union: the sovereign equality of all member States; peaceful settlement of conflicts through dialogue; maintenance of regional peace, stability and security; and recognition, promotion and protection of human and peoples' rights.

10. Since its establishment, IGAD had been actively engaged the maintenance of peace and security in the subregion. It had played a critical role in the negotiation and implementation of the landmark 2005 Comprehensive Peace Agreement between the Sudan and South Sudan and had steered the peace process that had resulted in the formation of the Transitional Federal Government of Somalia. It had put in place the Conflict Early Warning and Response Mechanism (CEWARN) and the IGAD Capacity Building Programme against Terrorism (ICPAT); made progress towards the establishment of a subregional free-trade area; and established the IGAD Climate Prediction and Applications Centre, which dealt with extreme climate events such as droughts and floods and promoted sustainable development in the subregion.

11. IGAD collaborated closely with the African Union and with other African subregional organizations with a view to greater regional integration. It was

committed to working with the United Nations to promote sustainable peace, security and development in Africa and believed that its work would complement and assist the Organization's endeavours in those areas. IGAD met the criteria for observer status established by the General Assembly in its decision 49/426.

12. **Mr. Wambura** (Kenya) said that IGAD was an intergovernmental organization with international legal personality, whose objectives — the promotion of economic and social development, regional integration, good governance, democracy and human rights — were in conformity with the purposes and principles of the Charter. It had provided a framework for cooperation between its member States in promoting peace, security and stability in the subregion and had played a leading role in resolving the conflicts in the Sudan and Somalia. The organization had been established following a series of Economic and Social Council decisions that had been subsequently endorsed by the General Assembly and, on several occasions, it had been mandated by the Security Council to assist in preserving and promoting peace and security in the region. Most recently, Security Council resolution 1725 (2006) had given IGAD major responsibility for maintaining peace in war-torn Somalia. The organization also played a leading role in the African Economic Community and the African Union. IGAD thus clearly met the criteria for observer status.

13. **Mr. Muhumuza** (Uganda) said that IGAD had played an outstanding role in promoting subregional peace and stability and that its work would be enhanced by closer interaction with other international organizations. He therefore encouraged all delegations to consider sponsoring the draft resolution.

14. **Mr. Moussa Djama Ali** (Djibouti) said that since its inception, IGAD had cooperated tirelessly with both the African Union and the United Nations. He supported the adoption of the draft resolution.

Agenda item 173: Observer status for the Parliamentary Assembly of Turkic-speaking Countries in the General Assembly (A/66/196 and A/C.6/66/L.8)

Draft resolution A/C.6/66/L.8

15. **Mr. Sharifov** (Azerbaijan), introducing the draft resolution on behalf of the sponsors — the States members of the Parliamentary Assembly of Turkic-speaking Countries (TURKPA) — said that TURKPA had been established by the Istanbul Agreement, signed

on 21 November 2008 by the heads of the parliaments of Azerbaijan, Kazakhstan, Kyrgyzstan and Turkey. Its aim was to promote inter-parliamentary cooperation and political dialogue and to create a favourable political climate for the implementation of initiatives aimed at safeguarding regional and global security. It had four commissions: on economic, trade and financial affairs; legal affairs; social, cultural and humanitarian affairs; and international relations.

16. TURKPA maintained relations with the United Nations, other regional and international organizations and various parliamentary organizations, including the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE), the European Parliament, the Parliamentary Union of the Organization of Islamic Cooperation member States, the Inter-Parliamentary Union (IPU), the Association of Secretaries General of Parliaments (ASGP) and the Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC). Those organizations could participate in its meetings as observers or guests, as could national parliaments that were not TURKPA members. TURKPA had been granted observer status in IPU and the Parliamentary Union of the Organization of Islamic Cooperation member States, had participated as a guest in the OSCE Parliamentary Assembly and had taken part in the parliamentary activities of the South-East European Cooperation Process (SEECP) and the Conference on Interaction and Confidence-building Measures in Asia (CICA).

17. TURKPA adhered fully to the purposes and principles enshrined in the Charter of the United Nations and met the criteria for observer status established in General Assembly decision 49/426. Granting it that status would institutionalize and enhance its cooperation with the United Nations and assist TURKPA in its efforts to encourage regional initiatives.

18. **Ms. Cabello de Daboin** (Venezuela) said that her delegation would like to examine the constituent instrument of the Parliamentary Assembly before taking a decision on the draft resolution.

19. **Mr. Sahinol** (Turkey) said that his delegation strongly supported the proposal to grant TURKPA observer status to in the General Assembly and urged other delegations to do so as well.

Agenda item 174: Observer status for the International Conference of Asian Political Parties in the General Assembly (A/66/198 and A/C.6/66/L.9)

Draft resolution A/C.6/66/L.9

20. **Mr. You Ki-Jun** (Republic of Korea), introducing the draft resolution, drew attention to the explanatory memorandum contained in annex I to document A/66/198 and said that Pakistan had become a sponsor. The International Conference of Asian Political Parties (ICAPP) had been established as an international institution in September 2000 with the aim of building political cooperation and creating mutually beneficial networks of political parties in Asia. The organization had grown steadily in both membership and influence and currently comprised 341 political parties in 52 States and 1 territory in Asia. It provided a unique platform for dialogue between international, regional and national organizations and could be a strong and efficient channel between the United Nations and the governments of the region.

21. Since its establishment, ICAPP had had a successful cooperative relationship with the United Nations and the increasing frequency of meetings between the two organizations confirmed their mutual interest in cooperating on issues of common concern. Indeed, the Secretary-General had provided useful guidance for the deliberations of the ICAPP special conferences and had welcomed the Kunming Declaration on Poverty Alleviation, adopted at the special conference held in Kunming, China, in July 2010, as a reference for the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals. Representatives of the United Nations Development Programme (UNDP) and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) had attended the ICAPP General Assembly as observers and had made presentations on relevant issues. The organization also cooperated with other international organizations, including associations of political parties in Africa, Latin America and the Caribbean, with a view to forming a global forum of political parties. ICAPP and the Permanent Conference of Political Parties in Latin America and the Caribbean (COPPPAL) held annual joint sessions in order to coordinate their efforts to promote United Nations objectives.

22. ICAPP had always been a staunch supporter of the United Nations and its activities; indeed, its charter

declared its unequivocal commitment to the purposes and principles of the Organization. It could play a major role in forging cooperation between the United Nations and political parties not only in Asia, but also in Latin America and Africa by compiling and communicating to the United Nations the views of the peoples of those regions as expressed in political discussions at the local, national and regional levels and by helping political parties in emerging democracies to build their law-making and oversight capacities in areas in which the United Nations provided international cooperation.

23. Paragraph 136 of the 2005 World Summit Outcome document had affirmed Member States' commitment to strengthening countries' capacity to implement the principles and practices of democracy. ICAPP was firmly convinced that representative democracy could not function properly without political parties, which enabled the electorate to express itself and played a key role in ensuring inclusive participation and accountable representation. Observer status in the General Assembly would enable ICAPP to further align its mandate with United Nations goals on issues such as democracy and human rights.

24. **Mr. Khel** (Cambodia) said that ICAPP sought to promote cooperation among political parties in Asia, enhance mutual understanding and trust among the people of the region and create an environment for sustained peace and shared prosperity. Granting the organization observer status in the General Assembly would enable it to better support political parties in emerging democracies and to play a more active role in building peace and maintaining stability throughout the world.

25. **Mr. Do Van Minh** (Viet Nam) said that the documentation submitted in support of the request for observer status spoke for itself. In its brief but rich history, ICAPP had grown to be a sizeable organization and had brought together the most prominent Asian political leaders with a view to achieving a more peaceful, democratic and prosperous Asia. It had also reached out to political leaders in other regions and was currently organizing the first trilateral meeting of Asian, African and Latin American political parties.

26. **Mr. Wada** (Japan) said that as a sponsor of the resolution, his delegation believed that granting ICAPP observer status would greatly contribute to the General

Assembly's activities. He hoped that other States would also become sponsors.

27. **Mr. Hameed** (Pakistan) said that the representative of the Republic of Korea had clearly described the structure, historical background, membership, objectives and activities of ICAPP and its commitment to the principles and objectives of the Charter of the United Nations. The cases of the International Olympic Committee (IOC) and IPU provided interesting precedents for the request for observer status for ICAPP; his delegation strongly supported the adoption of the draft resolution.

28. **Mr. Borje** (Philippines), expressing his delegation's support for the application, said that ICAPP members worked together closely on matters such as national disasters and environmental protection, governance, peace and security, poverty alleviation and the Millennium Development Goals (MDGs). Thus, its work was clearly aligned with and contributed to that of the United Nations. ICAPP had also supported efforts to enhance international security in keeping with the Final Document of the 2010 Review Conference of the Parties to the Treaty on Non-Proliferation of Nuclear Weapons, particularly the participants' call for States to make special efforts to establish the necessary framework to achieve and maintain a world without such weapons, and with the Secretary-General's five-point proposal on nuclear disarmament, which had urged States to consider negotiating a nuclear weapons convention.

29. As other speakers had noted, ICAPP was also working to promote biregional integration with Latin America and Africa, giving it a special and unique position in the international community. Observer status in the General Assembly would enable it to forge closer cooperation between the United Nations and Asian political parties in building international consensus on United Nations efforts to meet key global challenges and in supporting political parties in emerging democracies.

30. **Mr. Gurung** (Nepal) expressed his delegation's support for the draft resolution.

31. **Ms. Cabello de Daboin** (Venezuela) said that her delegation would like to examine the constituent instrument of ICAPP, which appeared to be a non-governmental organization (NGO) that might be eligible for consultative status in the Economic and

Social Council, but not for observer status in the General Assembly.

32. **Ms. Guo Xiaomei** (China) said that ICAPP had done a great deal to promote exchanges and cooperation between Asian political parties and that its work had helped build mutual understanding and trust between Asian countries by strengthening cooperation and encouraging development in the region. Her delegation welcomed its unique contribution.

33. **Ms. Millicay** (Argentina) said that it would have been useful for the Committee to have before it a copy of the constituent instrument of ICAPP and, indeed, those of all organizations requesting observer status in the General Assembly. Her delegation had doubts as to whether ICAPP should be granted observer status as it did not appear to meet the criteria established in General Assembly decision 49/426.

34. **The Chair** recalled that at the Committee's 4th meeting, several members had suggested that the Committee should engage in a general discussion on how to handle future requests for observer status in the General Assembly. He invited comments from delegations.

35. **Mr. Salem** (Egypt) stressed the importance of adhering to the criteria established in General Assembly decision 49/426, according to which observer status could be granted only to States and to those intergovernmental organizations whose activities covered matters of interest to the Assembly. In his view, the Committee should examine its working methods with respect to the consideration of requests for observer status. For example, the Committee should be given adequate time to conduct a legal analysis of each request, for which purpose it should receive adequate information and documentation.

36. **Mr. You Ki-Jun** (Republic of Korea) and **Mr. Sahinol** (Turkey) expressed the view that it was not appropriate for the Committee to engage in a general discussion on the criteria and procedure for the granting of observer status because the matter had not been included in the agenda for the current session of the General Assembly.

37. **The Chair** said that the idea was to hold a general discussion on a cluster of items that were indeed on the agenda: items 165 to 174, all of which related to the granting of observer status in the General Assembly.

38. **Mr. Delgado Sánchez** (Cuba), noting that his remarks would relate in a general way to the granting of observer status, not to any specific request, said that it was essential to preserve the intergovernmental character of the General Assembly and to ensure that its decisions were properly applied. Under the legal framework established by its decision 49/426, only intergovernmental organizations were eligible to request observer status; therefore, all organizations seeking such status should be required to submit their constituent instruments for examination. NGOs that wished to participate in the work of the United Nations could apply for consultative status with the Economic and Social Council through the Committee on Non-Governmental Organizations.

39. Decision 49/426 also established that the activities of intergovernmental organizations seeking observer status must cover matters of interest to the General Assembly, a substantive requirement which his delegation interpreted to mean that the organization's work must, inter alia, be in accord with the purposes and principles of the Charter. No past or future decision on the granting of observer status to an organization, even if adopted by consensus, could change the legal requirements established by decision 49/426 and his delegation reserved the right to object to any application that did not meet those requirements.

40. **Ms. Millicay** (Argentina) recalled that her delegation had repeatedly expressed concerns about the almost automatic way in which requests for observer status were considered and approved. The General Assembly had entrusted the Committee with responsibility for making recommendations on the granting of observer status because it was the body that dealt with legal matters. The Committee should therefore conduct a legal analysis of all applications and in order to enable it to do so, every organization seeking observer status should be required to submit, in addition to an explanatory memorandum, its constituent instrument.

41. In addition, as the representative of Egypt had said, sufficient time must be allocated to the consideration of each application. If an organization met the criteria established in decision 49/426, there should not, in principle, be any problem in recommending by consensus that the General Assembly should grant it observer status. But in the interests of fairness both to the applicant organization and to the Committee, sufficient time should be

allowed for the consideration of cases that were not so straightforward, even if that meant deferring a decision until the following session of the Assembly.

42. **Mr. Wada** (Japan) said that while he agreed that it was important to discuss the criteria for the granting of observer status, he shared the concerns expressed by the representatives of the Republic of Korea and Turkey and believed that it would be preferable for the Committee to discuss the matter in an informal setting in which members could engage in a frank exchange of views.

43. **Ms. Millicay** (Argentina) agreed that delegations might feel more free to express their opinions in an informal setting.

44. **The Chair** said he took it that the Committee wished to continue the discussion informally.

45. *It was so decided.*

The meeting rose at 4.45 p.m.