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Seventieth session

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**Sixth Committee****Summary record of the 29th meeting**

Held at Headquarters, New York, on Friday, 20 November 2015, at 10 a.m.

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\* Reissued for technical reasons on 29 February 2016.

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*The meeting was called to order at 10.10 a.m.*

**Agenda item 80: Criminal accountability of United Nations officials and experts on mission**  
(continued) (A/C.6/70/L.17)

*Draft resolution A/C.6/70/L.17: Criminal accountability of United Nations officials and experts on mission*

1. **Mr. Ahmad** (Pakistan), introducing the draft resolution on behalf of the Bureau, said that the text largely reiterated General Assembly resolution 69/114, with some technical updates. Both the preamble and the operative paragraphs had been substantively strengthened. The preamble part now underlined the importance of a zero-tolerance policy for misconduct and the commission of crimes by United Nations officials and experts on mission, and the importance of appropriate training to prevent any criminal conduct, as well as emphasizing that genuine accountability rested on the cooperation of Member States. In the operative part, paragraphs 2 and 5 were new, and paragraphs 10 to 12 had been updated. By a new paragraph 13, the General Assembly would take note of the briefing by the Secretariat during the seventieth session and decide to organize another briefing at the seventy-first session with a view to furthering discussion on measures that could be taken to help ensure the accountability of United Nations officials and experts on mission and prevent future crimes; and by a new paragraph 14, it would encourage all Member States to redouble their efforts, informally during the intersessional period, and with the support of the Secretariat, towards devising concrete proposals to ensure the accountability of such officials and experts, in particular through the organization of informal briefings. Reporting procedures had been strengthened in paragraphs 15 and 16. Paragraph 20 underlined the importance of a culture in which individuals were encouraged and supported by the Organization to report alleged crimes and stressed the need for appropriate safeguards against retaliation. A new paragraph 22 recalled the General Assembly's request to Governments to provide specific details on the measures taken to implement its previous resolutions on the subject while, in paragraph 23, the Assembly would request the Secretary-General to prepare a compilation of national provisions regarding the establishment of appropriate criminal jurisdiction. In paragraph 24, the General Assembly would reiterate its requests to the Secretary-General to report to it at its seventy-first session on the implementation of the

resolution; while, in a new paragraph 25, it would request the Secretary-General to improve reporting methods and expand the scope of reporting. He hoped that the draft resolution would be adopted without a vote.

2. *Draft resolution A/C.6/70/L.17 was adopted.*

**Agenda item 83: Report of the International Law Commission on the work of its sixty-seventh session**  
(continued) (A/C.6/70/L.13)

*Draft resolution A/C.6/70/L.13: Report of the International Law Commission on the work of its sixty-seventh session*

3. **Mr. Horna** (Peru), introducing the draft resolution on behalf of the Bureau, said that it contained a number of technical updates and reflected the results of the informal consultations held with delegations. In the draft resolution, the General Assembly would take note of the final report on the topic of the most-favoured nation clause and encourage its widest possible dissemination. It would also recall that the seat of the International Law Commission was at the United Nations Office at Geneva and note that the Commission, having considered the feasibility of holding part of its sixty-eighth session in New York, pursuant to General Assembly resolution 69/118, had concluded that it was not feasible. The Assembly would however note that the Commission had indicated that such a possibility could be anticipated during the first segment of its session in 2017 or 2018 and had recommended that all necessary information should be made available in order for it to take the decision at its sixty-eighth session in 2016. Without prejudice to the outcome of those deliberations, the General Assembly would decide to revert to the consideration of any recommendation by the Commission in that regard at its seventy-first session.

4. **Mr. Llewellyn** (Secretary of the Committee), speaking in accordance with rule 153 of the rules of procedure of the General Assembly, said that the decision indicated in paragraph 17 of the draft resolution, according to which the next session of the International Law Commission would be held at the United Nations Office at Geneva from 2 May to 10 June and from 4 July to 12 August 2016, would require 12 weeks of meetings. However, the level of resources contained in the proposed programme budget for the biennium 2016-2017 for the Office of Legal Affairs would provide for split sessions of up to 10 weeks each

year. The additional two weeks of meetings in 2016 would entail additional requirements in the amount of \$232,100. Accordingly, should the General Assembly adopt draft resolution [A/C.6/70/L.13](#), additional requirements in that amount would arise under section 8, Legal affairs, of the proposed programme budget for the biennium 2016-2017. It was not foreseen that the additional amount of \$232,100 required for a 12-week session could be absorbed within the existing resources under section 8.

5. *Draft resolution [A/C.6/70/L.13](#) was adopted.*

6. **Mr. Marhic** (Observer for the European Union), speaking in explanation of position, said that the member States of the European Union supported a 12-week session in 2016 but were disappointed that the associated full costs had not been incorporated in the proposed programme budget and that no attempt had been made to reprioritize activities in order to accommodate the additional costs. The adoption of the draft resolution did not prejudice discussions in the Fifth Committee on the proposed programme budget for the biennium 2016-2017.

7. **Mr. Norman** (Canada), speaking in explanation of position, said that his delegation supported the substance of the draft resolution but regretted its programme budget implications.

**Agenda item 85: The rule of law at the national and international levels** (*continued*) ([A/C.6/70/L.16](#))

*Draft resolution [A/C.6/70/L.16](#): The rule of law at the national and international levels*

8. **Mr. Arrocha Olabuenaga** (Mexico), introducing the draft resolution on behalf of the Bureau, said that paragraph 7 referred to the adoption of the 2030 Agenda for Sustainable Development, while paragraph 8 reflected the positive outcomes of the debate held during the current session on the subtopic “The role of multilateral treaty processes in promoting and advancing the rule of law”. In paragraph 23, two subtopics were proposed for the Committee’s debate at the seventy-first session, namely, “Sharing national practices of States in the implementation of multilateral treaties” and “Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable”. He hoped that the draft resolution would be adopted without a vote.

9. *Draft resolution [A/C.6/70/L.16](#) was adopted.*

10. **Mr. Norman** (Canada), speaking in explanation of position, said it was regrettable that his delegation’s proposal to include a reference to rule-of-law cultures in the draft resolution had not been supported. The rule of law was understood to denote an acceptance that all persons were equal before the law, that States were subject to their own laws, that laws should be codified, transparent and non-retroactive and that independent judges should interpret and apply those laws on a consistent and non-arbitrary basis. The common elements of the rule of law were reflected in international norms, which were themselves based on rule of law principles and provided the stable and transparent framework required for the work of the Committee; they were necessary to ensure peace, security and prosperity, sustainable development and improved quality of life for everyone.

**Agenda item 108: Measures to eliminate international terrorism** (*continued*) ([A/C.6/70/L.15](#))

*Draft resolution [A/C.6/70/L.15](#): Measures to eliminate international terrorism*

11. **Mr. Norman** (Canada), introducing the draft resolution on behalf of the Bureau, said that the coordinator had circulated a technically updated text to all delegations on 15 October 2015. Informal consultations had subsequently been held, during which delegations had made a number of different proposals. Despite significant discussion, consensus had not been reached on any of those proposals and many delegations had expressed a desire to return to the coordinator’s original, technically updated text.

12. Paragraph 24 of the draft resolution, in its current wording, would lead to the establishment of a working group by the Committee, at the seventy-first session of the General Assembly, with a view to finalizing the process on the draft comprehensive convention on international terrorism; paragraph 25, using similar language to previous years’ resolutions, would encourage all Member States to redouble their efforts during the intersessional period to resolve any outstanding issues. He understood that there was a consensus in support of the draft resolution and therefore hoped that it would be adopted without a vote.

13. *Draft resolution [A/C.6/70/L.15](#) was adopted.*

*Statements in explanation of position*

14. **Mr. Rao** (India), noting that after the recent attacks in Paris and Mali no one knew where terrorism could strike next, said that his delegation would participate actively in informal consultations to resolve the outstanding issues concerning the draft comprehensive convention on international terrorism. He encouraged all other Member States to redouble their efforts to address those issues during the intersessional period.

15. **Mr. Musikhin** (Russian Federation) said that recent tragic events were evidence of the serious threat that terrorism posed to international peace and security. His delegation was increasingly disappointed that no palpable progress had been made in adapting the annual resolution on measures to eliminate international terrorism to reflect current realities. Apart from technical updates, the draft resolution just adopted was unchanged from a year earlier. It was surprising that some Member States had failed to take a constructive approach to the useful proposals put forward by his own and a number of other delegations. He hoped that the Committee would in the future be able to rectify that situation and reassert its commitment to finding an appropriate and effective response to the terrorist threat.

16. **Mr. Alabrune** (France) said that his delegation was grateful for the words of support and messages of solidarity it had received from all around the world in the wake of the Paris attacks. Other countries had been similarly affected in the past few months, most recently Mali. The attacks were a further illustration of the gravity of the threat hanging over the entire international community. Against that backdrop, the draft resolution had particular resonance, since it pointed to the need to prevent and combat terrorism and strengthen international cooperation in counter-terrorism efforts. However, the international community's efforts in that regard could not be fully effective in the absence of a common, consensual and unambiguous definition of terrorism. That was not yet in sight, notwithstanding the significant progress achieved. His delegation was therefore in favour of continuing the discussions with legal experts in order to arrive at a comprehensive legal counter-terrorism framework, so as to ensure the credibility and effectiveness of the international community's response to that threat.

**Agenda item 167: Report of the Committee on Relations with the Host Country** (*continued*)  
(A/C.6/70/L.14)

*Draft resolution A/C.6/70/L.14: Report of the Committee on Relations with the Host Country*

17. **Mr. Emiliou** (Cyprus), introducing the draft resolution on behalf of the sponsors, which had been joined by Canada, Costa Rica and Côte d'Ivoire, said that the text endorsed the recommendations and conclusions contained in the Committee's report (A/70/26). He hoped that it would be adopted by consensus.

18. *Draft resolution A/C.6/70/L.14 was adopted.*

**Agenda item 168: Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly** (*continued*) (A/C.6/70/L.4)

*Draft resolution A/C.6/70/L.4: Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly*

19. **Mr. Rakhmetullin** (Kazakhstan), speaking on behalf of the sponsors of the draft resolution, said that, while every effort had been made to reach a consensus during informal consultations, more time was needed to achieve that aim. Accordingly, the sponsors requested that the agenda item should be deferred to the seventy-first session of the General Assembly.

20. **Ms. Zeytinoglu Özkan** (Turkey) said her delegation regretted the fact that, yet again, the Committee had been unable to achieve a consensus.

21. **Mr. Emiliou** (Cyprus) said that observer status was a significant privilege customarily granted by consensus, the purpose of which would be defeated were it to be granted when consensus had not been reached. Requests must be treated on their own merits and in strict accordance with the criteria set out in General Assembly decision 49/426. His delegation welcomed the efforts made to facilitate better understanding of the issues involved with a view to overcoming the current deadlock, and noted the engagement of all concerned. All the interested parties needed to give thorough consideration to the relevant concerns with the aim of reaching a final settlement of the matter. His delegation stood ready to continue consultations with the sponsors and all interested delegations in the intersessional period and hoped that any future consideration of the item would be

successfully concluded once the concerns had been addressed.

22. **Mr. Sargsyan** (Armenia) said that, while his delegation welcomed the efforts made by some sponsors of the draft resolution to consult with concerned parties, no real progress had yet been made towards meeting the concerns expressed. He hoped that those legitimate concerns would be thoroughly examined and duly taken into account in any future consultations.

23. **The Chair** said he took it that the Committee wished to recommend that the General Assembly should defer consideration of the agenda item to its seventy-first session.

24. *It was so decided.*

**Agenda item 169: Observer status for the Eurasian Economic Union in the General Assembly (continued)**  
(A/C.6/70/L.2)

*Draft resolution A/C.6/70/L.2: Observer status for the Eurasian Economic Union in the General Assembly*

25. **Mr. Dapkiunas** (Belarus) said that, during the extensive informal consultations conducted since the introduction of the draft resolution, no comments had been made to indicate that the Eurasian Economic Union, an intergovernmental organization, failed to meet the requirements set out in General Assembly decision 49/426. Recalling that the Treaty establishing the Eurasian Economic Union confirmed the commitment of its member States to the purposes and principles of the Charter of the United Nations, including the sovereign rights and territorial integrity of States, and to other universally recognized principles and norms of international law, and that its aims and purposes were fully aligned with key issues of interest to the General Assembly in such areas as sustainable development, international trade and the environment, he reiterated that the Union not only fully met the criteria for observer status in the General Assembly, but also operated in strict compliance with the Charter of the United Nations. The Committee should therefore give further consideration to the draft resolution and establish whether or not delegations had any points to raise that could legitimately impede its adoption.

26. **Mr. Kydyrov** (Kyrgyzstan), endorsing the comments made by the representative of Belarus, said that the Eurasian Economic Union would play an important role in developing the economies of its

member States and promoting both intra- and interregional economic cooperation. It was open to accession by any State that shared its purposes and principles and its activities were fully aligned with the interests of the General Assembly. Moreover, it would cooperate with the United Nations for the effective implementation of the 2030 Agenda for Sustainable Development. He therefore urged all delegations to base their decision on objective factors and support the adoption of the draft resolution.

27. **Mr. Sargsyan** (Armenia) said that his delegation endorsed the statements made by the representatives of Belarus and Kyrgyzstan. It was regrettable that the sincere efforts of the Belarusian delegation to achieve consensus on the draft resolution had been obstructed. The Eurasian Economic Union clearly met all the criteria laid down in General Assembly decision 49/426 regarding the granting of observer status. It was an intergovernmental organization and its nature and activities clearly corresponded to the purposes and interests of the United Nations, especially in the area of international economic and social cooperation. Convinced that the Union and the General Assembly could benefit from and contribute to each other's work, his delegation had been seeking to build consensus among Member States for the adoption of the draft resolution. The Committee should examine requests for observer status on their merits, pursuant to General Assembly decision 49/426, and should consider the eligibility of the organization itself, not its individual members. Attempts to divert the focus of discussions on the granting of observer status ran counter to the Committee's specific mandate and should not be permitted.

28. **Ms. Mammadova** (Azerbaijan) said that her delegation had set out its position on the request of the Eurasian Economic Union for observer status in the General Assembly at the Committee's 11th meeting on 19 October 2015. Azerbaijan respected the sovereign decision of States to create regional arrangements based on the Charter of the United Nations and noted that the basic documents of the Eurasian Economic Union duly referred to that Charter. At the fifty-eighth session of the General Assembly, Azerbaijan had unequivocally supported the granting of observer status to the precursor organization of the Eurasian Economic Union, namely the Eurasian Economic Community, whose membership had comprised Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan.



However, Azerbaijan had fundamental concerns about the consequences of one particular State's membership of the Eurasian Economic Union; the State in question had not only grossly violated the norms and principles of international law by occupying territory belonging to Azerbaijan but was also seeking to expand the *acquis* of the Union into that occupied territory in an attempt to consolidate the status quo. While some efforts had been made to discuss the issue and resolve the deadlock, no substantial progress had been made towards addressing the concerns of Azerbaijan regarding the request for observer status. Her delegation was therefore not in a position to support the draft resolution.

29. **Mr. Musikhin** (Russian Federation) said that there was a general understanding in the Committee that the application of the Eurasian Economic Union fully met the criteria for the granting of observer status set out in General Assembly decision 49/426. He hoped that all delegations would take due account of that fact and would be able to move towards the adoption of the draft resolution by consensus.

30. **Mr. Sargsyan** (Armenia), speaking in exercise of the right of reply, said that his delegation strongly rejected the allegations made by the delegation of Azerbaijan, which regrettably made a habit of using every agenda item to spread misinformation and fabricated facts. The comments made by the Azerbaijani delegation had nothing to do with the Committee's discussion on the granting of observer status for the Eurasian Economic Union in the General Assembly; it had not put forward any legal argument in relation to the organization under consideration or made a single reference to its activities or founding document; it was those issues that should be taken into account in considering requests for observer status. The delegation of Azerbaijan should refrain from politicizing the Committee's deliberations; instead, it should engage positively and speak on the substance of the important agenda items under consideration.

31. **Ms. Zeytinoglu Özkan** (Turkey) said that it was clear from the Committee's discussions at its 11th meeting, following the introduction of draft resolution [A/C.6/70/L.2](#), that no consensus existed regarding the granting of observer status for the Eurasian Economic Union in the General Assembly. The Treaty establishing the Union, which had entered into force only on 1 January 2015, was long and contained many protocols and annexes of a technical

nature. Her delegation would therefore require more time to examine it.

32. **Ms. Mammadova** (Azerbaijan), speaking in exercise of the right of reply, said that the illegal occupation of territories, in violation of the Charter of the United Nations, was a legal issue, not merely a political one. It was on that basis that her delegation had reservations about the request for observer status for the Eurasian Economic Union. She wished to remind the Armenian delegation that the Security Council had adopted four resolutions, namely resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), on the situation in and around the Nagorny Karabakh region of Azerbaijan. Those resolutions recognized the sovereignty and territorial integrity of the Azerbaijani Republic, with Nagorny Karabakh as a part of it, and demanded the immediate, complete and unconditional withdrawal of all occupying forces. Given that the Armenian leadership took pride in its personal involvement in the seizure of Azerbaijani lands and the effective control of occupied territory in Azerbaijan, it was astonishing that the representative of Armenia could deny his country's responsibility in that regard.

33. **The Chair** said it was his understanding that, in view of the opposition to taking action on draft resolution [A/C.6/70/L.2](#) at the present session, more time for consultations was needed and the sponsors would accept the deferral of a decision on the proposal to the next session of the General Assembly. He therefore took it that the Committee wished to recommend that the General Assembly should defer consideration of the agenda item to its seventy-first session.

34. *It was so decided.*

35. **Mr. Dapkiunas** (Belarus) said that the principle of consensus was the natural method for taking decisions on legal issues and any deviation from that principle in the Sixth Committee would be very unwelcome. His delegation had therefore not requested a vote on draft resolution [A/C.6/70/L.2](#), since that would have set a negative precedent. It should, however, be stressed that the presence of a de facto right of veto placed an additional responsibility on each delegation, since only the responsible use of such a veto could guarantee the future productive work of the Committee. It was a matter of great concern that, based on considerations unrelated to the Committee's mandate, a decision on granting observer status to the

Eurasian Economic Union had been blocked. That situation also set a negative precedent for the work of the Committee and should not be repeated.

**Agenda item 120: Revitalization of the work of the General Assembly** (*continued*) (A/C.6/70/L.18)

*Draft decision A/C.6/70/L.18: Provisional programme of work of the Sixth Committee for the seventy-first session*

36. **The Chair** said that, taking into account the Committee's discussions, at its 28th meeting, on the Bureau's draft proposal for a provisional programme of work of the Committee for the seventy-first session, the Bureau had prepared a final version of the provisional programme of work, contained in draft decision A/C.6/70/L.18. By adopting the draft decision, the Committee would recommend that the General Assembly should approve the provisional programme of work set out therein, on the understanding that it would be applied flexibly, taking into account the rhythm of the debate in the Committee and any needs that might arise. The provisional programme of work specifically sought to address the question of overlap with plenary meetings of the General Assembly; in that regard, no meetings of the Sixth Committee would be scheduled for the same time slots as the plenary meetings at which the reports of the International Criminal Court and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 were to be presented.

37. *Draft decision A/C.6/70/L.18 was adopted.*

**Agenda item 135: Programme planning**

38. **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**

39. **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 68/505, it was his understanding that the Chair of the Sixth Committee for the seventy-first session of the General Assembly would be selected by the Western European and other States. He suggested that the regional groups should hold consultations at an appropriate time to ensure that the Committee was in a position to elect its next Chair, three Vice-Chairs and Rapporteur at least three months before the opening of the seventy-first session of the Assembly.

**Completion of the Committee's work**

40. After the customary exchange of courtesies, **the Chair** declared that the Sixth Committee had completed its work for the main part of the seventieth session.

*The meeting rose at 11.45 a.m.*