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Held at Headquarters, New York, on Tuesday, 6 November 2018, at 10 a.m.

Chair: Mr. Biang (Gabon)

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

Agenda item 80: Report of the United Nations Commission on International Trade Law on the work of its fifty-first session *(continued)*

(A/C.6/73/L.11, A/C.6/73/L.12, A/C.6/73/L.13 and A/C.6/73/L.14)

Draft resolution A/C.6/73/L.11: Report of the United Nations Commission on International Trade Law on the work of its fifty-first session

1. **The Chair** announced that Serbia and Spain had become sponsors of the draft resolution.

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

Draft resolution A/C.6/73/L.12: United Nations Convention on International Settlement Agreements Resulting from Mediation

3. *Draft resolution A/C.6/73/L.12 was adopted.*

Draft resolution A/C.6/73/L.13: Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation of the United Nations Commission on International Trade Law

4. *Draft resolution A/C.6/73/L.13 was adopted.*

Draft resolution A/C.6/73/L.14: Model Law on Recognition and Enforcement of Insolvency-Related Judgments of the United Nations Commission on International Trade Law

5. *Draft resolution A/C.6/73/L.14 was adopted.*

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

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

6. **Mr. Warraich** (Pakistan), introducing the draft resolution on behalf of the Bureau, said that the text largely reiterated and further strengthened General Assembly resolution 72/112, with a number of additions and amendments. In the preambular part, by a new twenty-first paragraph, the General Assembly would note the oral report of the Chair of the working group of the Sixth Committee on its work during the seventy-third session. In the operative part, the General Assembly, by a new paragraph 15, would reiterate its decision that the consideration of the report of the Group of Legal Experts, in particular its legal aspects, taking into account the views of Member States and also noting

the inputs by the Secretariat, would be continued during its seventy-fifth session and would invite further comments from Member States on that report, including on the question of future action.

7. The low rate of response from States to referred allegations having been again noted during the plenary debate and in the informal consultations, a new paragraph 21 had been added, whereby the General Assembly would encourage all States to provide to the Secretary-General a point of contact in order to strengthen and allow for efficient communication and cooperation between the United Nations and Member States, and would request the Secretary-General to maintain and update a list of points of contact.

8. Paragraph 26 had been amended to stress the critical importance of ensuring that victims of criminal conduct perpetrated by United Nations officials and experts on mission were made aware of available victim assistance and support, including from a gender perspective. In addition, the Secretary-General would thereby be requested to report to the Sixth Committee on such assistance and support during the briefing at the seventy-fourth session.

9. In amended paragraph 29, the General Assembly would request the Secretary-General to keep up to date the online compilation of the full submissions and questionnaire responses as well as the online summary table of national provisions, based on information received from Member States, and would also request the Secretary-General to prepare a report containing a general overview of such provisions, provided that sufficient information had been received from Member States.

10. Paragraph 30 had been amended to include a request to the Secretary-General to report on any updates to relevant existing policies and procedures of the United Nations system regarding allegations. Amended paragraph 31 now included a cross-reference to paragraph 30.

11. He thanked delegations for the spirit of compromise that they had demonstrated in the consultations on the draft resolution, which he hoped would be adopted without a vote.

Agenda item 123: Revitalization of the work of the General Assembly (A/C.6/73/2)

12. **Mr. Escalante Hasbún** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the General Assembly had an essential role to play in making the United Nations stronger, more effective and transparent;

it served as the central forum for multilateral discussions and work; its jurisdiction and authority must be fully respected, together with its role in setting administrative and budgetary standards. The egalitarian, inclusive and democratic representation of Member States in the General Assembly demonstrated the universal character of the Organization and the sovereign equality of all its Member States.

13. CELAC believed in the usefulness of organizing thematic debates to discuss specific issues of critical importance for the international community. While recognizing the improvements made in the scheduling of meetings, CELAC called on the General Committee and the Secretariat to avoid scheduling conflicts between its plenary sessions and meetings of its subsidiary organs. The timing of important debates had a particular impact on permanent missions staffed by only a small number of officials, affecting not only their attendance but also the quality of the substantive discussions. Additional planning efforts were therefore required in the interests of inclusiveness and efficiency.

14. CELAC also wished to highlight the importance and value of International Law Week and, in particular, of the time set aside for the meeting of legal advisers. Accordingly, and in view of the highly technical nature of its deliberations, the time assigned for that annual meeting should be maintained, without creating scheduling conflicts with the Committee's other activities. Delegations should also be required to limit their statements to a reasonable length of time, especially during the debate on the report of the International Law Commission. Should more extensive comments need to be made, delegations could distribute a written version of their statement.

15. As in previous years, CELAC wished to stress that all relevant General Assembly resolutions on multilingualism should be fully and effectively implemented and the six official languages of the Organization should be treated equally, without excuses related to budgetary constraints.

16. Revitalizing the work of the General Assembly meant constantly updating its working methods to ensure that they continued to be suitable for its purposes. CELAC wished to emphasize the usefulness of the electronic systems for sponsoring resolutions and for inscription on speakers' lists, which had already been introduced in other Main Committees. It was pleased to note that the Sixth Committee had begun to use those tools during the current session. The practice of sharing the provisional list of speakers through email before the plenary debate was also welcome. The e-deleGATE

portal had been useful for uploading draft resolutions during the seventy-third session.

17. Another way of revitalizing the work of the General Assembly was to reflect on the agenda items considered by the various Committees. CELAC welcomed the inclusion of the topic "Strengthening and promoting the international treaty framework" on the agenda of the seventy-third session of the General Assembly, which offered an opportunity to review the regulations for the registration of treaties under Article 102 of the Charter. CELAC encouraged all Member States to continue thinking about possible new agenda items for the Sixth Committee, to ensure that discussions on current issues in international law were conducted within the United Nations.

18. CELAC welcomed General Assembly resolutions [69/321](#), [70/305](#) and [71/323](#), which sought to enhance the role, authority, effectiveness and efficiency of the General Assembly and should be fully implemented. It continued to encourage the Secretary-General to take effective measures to ensure a fair and equitable distribution of posts throughout the Organization, including senior posts, and to achieve gender and geographic balance, while also maintaining the highest standards of efficiency, competence and integrity.

19. **Mr. Scott-Kemmis** (Australia), speaking also on behalf of Canada and New Zealand, said that the three delegations fully supported efforts to make the best possible use of the time allotted to the Committee, particularly during International Law Week. The debate on the work of the International Law Commission had been longer than usual during the current session, affecting the amount of time available for other important discussions, including informal discussions on draft resolutions. Concrete measures needed to be taken to streamline and revitalize the Committee's work.

20. Speakers, including the Chair of the International Law Commission, should be subject to time limits. For regular agenda items, a time limit of five minutes might be imposed for national statements and eight minutes for group statements. For debates on the International Law Commission's report, national statements could be capped at eight minutes and group statements at 14 minutes. States would still have every chance to make their views known to the Commission and to each other, either directly or through the PaperSmart portal.

21. Other practical measures also deserved support, such as continuing discussions in the plenary meetings of the Sixth Committee following the annual statement by the President of the International Court of Justice to the General Assembly. Opportunities for dynamic and

interactive exchanges among legal advisers on topical and emerging issues continued to be of considerable value and should not be curtailed. The three delegations welcomed and further encouraged efforts to fully include a gender perspective in all issues considered by the Committee, which should be reflected both in reports prepared by the Secretariat and in the draft resolutions negotiated among the Committee members.

22. **Ms. Argüello González** (Nicaragua) said that the democratization of the United Nations was of vital importance for it to comply fully with the aims and purposes set out in the Charter, especially since Member States had agreed to unite their efforts to implement the 2030 Agenda for Sustainable Development and to achieve the Sustainable Development Goals. To that end, measures must continue to be taken to strengthen the authority of the General Assembly so that it could discharge its duties as the most democratic, deliberative and policymaking organ of the Organization. It was therefore important to ensure the full implementation of General Assembly resolutions [69/321](#), [70/305](#) and [71/323](#) on the necessary revitalization of the work of the Assembly.

23. The General Assembly should serve as a true bridge for communication with global governance actors, guaranteeing transparency, inclusiveness and accountability, to ensure that all countries, big and small, could make their voices heard and have their votes respected, thereby complying with the principle of equality of all 193 Member States.

24. The clear division of work among the various organs set out in the Charter and in General Assembly resolutions must be respected and issues that were within the purview of the General Assembly should not be referred to the Security Council. The purpose of the revitalization process was indeed to reaffirm the central role of the General Assembly, which was empowered, *de facto* and *de jure*, to consider critical and urgent issues affecting the international community and to adopt specific resolutions thereon.

25. At a time when it was vitally important to strengthen multilateralism, the general process of reform of the United Nations needed to be addressed, to ensure that the Organization was acting more democratically and more effectively, with the General Assembly at its core. In that spirit, Nicaragua reiterated its commitment to continue collaborating in efforts to achieve the important and necessary goal of revitalizing the General Assembly.

26. **Mr. Bukoree** (Mauritius) said that it was essential to revitalize the General Assembly, the chief deliberative, policymaking and representative organ of

the United Nations. Since the adoption of General Assembly resolution [70/305](#), in which the Assembly had pointed to the critical need to continue to strengthen its role and authority and improve its working methods, several reforms had been outlined to that end, aimed in particular at improving the transparency and accountability of the Office of its President through the introduction of an oath of office and a code of ethics. It was therefore important to continue to support the full implementation of that resolution and other previous General Assembly resolutions on the revitalization of its work.

27. In recent times, the role and profile of the Office of the President of the General Assembly appeared to have evolved, entailing in particular more frequent official appearances by the President as the representative of the General Assembly all over the world at events attended by other dignitaries and even celebrities. Adequate resources should therefore be provided accordingly. His delegation also attached great importance to establishing and maintaining the institutional memory of the Office of the President, as called for by previous General Assembly resolutions. The records of the Office, including archives, should be kept in the Office and be accessible to future Presidents of the General Assembly. His delegation was also in favour of the issuance of a compendium of best practices of past Presidents of the General Assembly that could serve to strengthen the institutional memory of the Office and to ensure continuity, coherence, transparency and accountability.

28. In conclusion, Mauritius wished to highlight the importance of transparency and ethics at all levels. Adoption of the code of ethics had been a first step towards ensuring and maintaining respect for the integrity of the United Nations throughout the world. His delegation was confident that the work of the General Assembly would be further enhanced in years to come.

29. **Mr. Dotta** (Uruguay) said that the many growing challenges faced by the international community directly affected the response capacity of the United Nations, which must therefore be enhanced. That required the General Assembly in particular, as the most wide-ranging, representative and legitimate organ of the Organization, to affirm its authority and enhance the effectiveness and efficiency of its working methods. As a body representing 193 Member States, each with one vote, it was competent to deal with all issues related to the three pillars of the Organization: human rights, peace and security, and development.

30. Recent years had seen significant progress in that regard with the adoption of General Assembly resolutions 69/321, 70/305 and 71/323, which had had tangible repercussions on its work and the exercise of its authority, following intense joint efforts by its Members and interactive debate on the most pressing issues. At the seventy-second session of the Assembly, however, there had been no significant progress; further work was required with regard to several issues of interest to Member States on which no consensus had been achieved, notwithstanding the commendable efforts of the President of the General Assembly and the co-Chairs of the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly. His delegation hoped, however that the lack of progress was only temporary.

31. As part of the process of revitalizing its work, the General Assembly currently elected its President and Vice-Presidents and the Chairs of its Main Committees at least three months before the beginning of each new session. Further efforts were needed to continue advancing that process, in particular by giving due attention to gender balance and geographical distribution for appointments to senior positions in the Organization. In addition, it was necessary to implement all General Assembly resolutions on multilingualism and to ensure equal treatment in practice for the six official languages of the Organization.

32. There must be more dynamic and better coordinated communication between the General Assembly and the other organs, particularly the Security Council, on relevant matters of substance. That would contribute to greater transparency and inclusiveness and also to the effectiveness of the Organization as a system. It was essential that the Assembly continue to include the peaceful settlement of disputes between States in its programme of work, adopting a diligent, proactive approach in exercising its jurisdiction in that regard. It was particularly important that it exercise its legitimate jurisdiction and not remain inactive when another organ attempted to exercise that jurisdiction over issues that were clearly within its purview. There was also a need for improved coordination and communication between the Economic and Social Council and the General Assembly for the implementation of the 2030 Agenda for Sustainable Development.

33. His delegation remained committed to fully supporting the revitalization of the work of the General Assembly, which at the same time implied the strengthening of the entire United Nations system.

34. **Mr. Al Busaidi** (Oman) said that his delegation welcomed the progress that had been made in recent

years towards revitalizing the work of the General Assembly. In particular, it appreciated the introduction of hearings with candidates for the post of Secretary-General conducted by representatives of Member States, the strengthening of the role of the President of the General Assembly, and the fact that the Secretary-General had held intensive informal consultations with Member States before launching his vision for the revitalization of the work of the United Nations.

35. With a view to strengthening the institutional memory of the Office of the President of the General Assembly, his Government had made a contribution towards the digitization of United Nations audiovisual archive materials. That initiative would benefit the Organization as a whole, including the Secretariat and Member States.

36. His delegation supported the calls for greater transparency and geographic diversity in the appointment of the Secretary-General, senior officials and staff members more generally. Such diversity should apply within regional groups as well as among them.

37. There was a growing trend towards convening high-level summits and meetings, which were most often attended only by permanent representatives and occasionally a few other diplomats. It would be worth reviewing the practice of organizing such events, or at least avoiding any increase in their number.

38. Lastly, his delegation noted that the President of the General Assembly tended to choose familiar faces to act as facilitators. That practice was inconsistent with the principle of equal opportunities among Member States, and it failed to ensure true representativeness within the Organization.

39. **Mr. Horna** (Peru) said that cooperation and dialogue between the International Law Commission and the Sixth Committee were vital, although both bodies should maintain their separate and distinct roles. The former, composed of legal experts, had a scientific role; the latter, composed of government representatives with knowledge of legal matters, provided political and/or diplomatic guidance.

40. In order to improve that cooperation and dialogue, the Committee should be encouraged not only to endorse but also to select the topics that the Commission might consider. The manner in which the Committee established the Commission's terms of reference should also be improved. Thought could be given to a possible informal meeting between the Chairs of the two bodies at the beginning of each session to review outstanding matters requiring action by the Committee. An increase

in informal dialogue would also be desirable, including not only States represented in the Sixth Committee and the International Law Commission but also, where possible, with the academic community. His delegation encouraged the Commission to consider holding part of its session in New York at set intervals, taking duly into account article 12 of its statute.

41. **The Chair** drew attention to the provisional programme of work of the Committee for the seventy-fourth session, copies of which had been circulated in the meeting room. It was intended simply to help delegations and the Secretariat to better plan, prepare and organize the next session. It had been drawn up on the assumption that the Committee would begin its work on 7 October 2019 and end on 20 November 2019, it being understood that the high-level debate of the General Assembly would conclude on 30 September 2019. Delegations would thus have time in the intervening week to attend other meetings and to prepare for the meetings of the Sixth Committee.

42. The proposed programme also showed possible meeting dates for working groups, without prejudice to the Committee's decision to establish such groups. Two agenda items were shown in italics as possibly being included in the agenda of the General Assembly, namely "Strengthening and promoting the international treaty framework" and "Protection of persons in the event of disasters". Negotiations on draft resolutions relating to those items were under way and their outcome would be reflected in the final version of the proposed programme for the seventy-fourth session.

43. The proposed draft programme was similar to the programme for the current session, except that it began on Monday and covered three more days. In keeping with the tradition of the Committee, the fourth week would be designated International Law Week, when the Committee would begin considering the report of the International Law Commission. The Bureau was still discussing the two meetings of legal advisers to be held in the afternoons of 28 and 29 October in the light of the need that had become apparent during the current session to maximize the time available for the debate on the Commission's report.

44. The Bureau had sought, as at previous sessions, to coordinate the Committee's meetings with those of special interest to representatives on the Sixth Committee, in particular those in which the General Assembly would be considering the reports of the International Residual Mechanism for Criminal Tribunals and the International Criminal Court. The General Assembly debate on those two reports would be held respectively in the afternoon of 23 October and on

4 November. The Committee would not schedule formal meetings at those times, to allow delegations to attend.

45. **Mr. Nagy** (Slovakia) said that the Committee's formal debate on the report of the International Law Commission was one of the main channels of interaction between States and the Commission. Accordingly, sufficient time should be available for it, especially considering that senior officials responsible for matters of international law would be present in New York during International Law Week. In the draft programme of work, while it was reasonable to avoid clashes with formal United Nations meetings on legal issues, like the General Assembly debate on the report of the International Court of Justice, it was inappropriate to expect informal meetings of the Committee to make way for meetings that were by their nature no more than side events. His delegation therefore supported the scheduling of the plenary meeting of the Committee in the afternoons of the Monday and Tuesday of International Law Week. There was indeed a need to explore ways of revitalizing the informal meetings of legal advisers, but that was not a matter to be discussed during a formal meeting of the Committee.

46. **Mr. Dotta** (Uruguay) said that any change in the established practice of holding meetings of legal advisers on two afternoons during International Law Week would require a consensus; they should not overlap with plenary meetings of the Committee. His delegation was opposed to any such change.

47. **Mr. Ahmed** (Sudan) said that, while he understood that the draft programme was provisional, the scheduling of a debate on the topic of protection of persons in the event of disasters seemed questionable, given that, to his knowledge, it had not yet been decided whether the topic would be included in the seventy-fourth or the seventy-fifth session. He wondered whether that was also true of any of the other topics proposed.

48. **Ms. Riley** (Barbados) said that her delegation appreciated the efforts made in the scheduling of the Committee's meetings during the current session to take into account the constraints affecting the capacity of small delegations. The debate on the report of the International Law Commission had thus benefited from increased participation by Member States, particularly small island developing States. It was important to structure the programme of work to facilitate the participation of all delegations. As a member of the Caribbean Community, Barbados intended to increase its participation in the Committee's deliberations at the seventy-fourth session and was grateful to the Bureau for taking the Community's concerns into account. Her

delegation would have wished for a full day to be devoted to the consideration of the report of the International Court of Justice but could nevertheless support the draft programme of work.

49. **Ms. Fierro Obregón** (Mexico) said that her delegation agreed on the importance of maintaining the two afternoon meetings of legal advisers and that those meetings should not overlap with other meetings of the Committee.

The meeting rose at 11.25 a.m.