

**General Assembly**

Seventy-fourth session

Official Records

Distr.: General
19 December 2019

Original: English

Sixth Committee**Summary record of the 35th meeting**

Held at Headquarters, New York, on Wednesday, 20 November 2019, at 10 a.m.

Chair: Mr. Mlynár (Slovakia)**Contents**Agenda item 172: Observer status for the International Organization of Employers in the General Assembly (*continued*)Agenda item 173: Observer status for the International Trade Union Confederation in the General Assembly (*continued*)Agenda item 174: Observer status for the Boao Forum for Asia in the General Assembly (*continued*)Agenda item 85: The law of transboundary aquifers (*continued*)Agenda item 75: Responsibility of States for internationally wrongful acts (*continued*)Agenda item 76: Criminal accountability of United Nations officials and experts on mission (*continued*)Agenda item 78: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (*continued*)Agenda item 79: Report of the International Law Commission on the work of its seventy-first session (*continued*)Agenda item 80: Diplomatic protection (*continued*)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 (*continued*)Agenda item 83: The rule of law at the national and international levels (*continued*)Agenda item 84: The scope and application of the principle of universal jurisdiction (*continued*)

This record is subject to correction.Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

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

Agenda item 165: Report of the Committee on Relations with the Host Country
(*continued*)

Agenda item 121: Revitalization of the work of the General Assembly (*continued*)

Agenda item 136: Programme planning

Agenda item 5: Election of the officers of the Main Committees

Completion of the Committee's work

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

Agenda item 172: Observer status for the International Organization of Employers in the General Assembly (continued) (A/C.6/74/L.3)

Draft resolution A/C.6/74/L.3: Observer status for the International Organization of Employers in the General Assembly

1. **Ms. Heusgen** (Germany), speaking on behalf of the sponsors of the draft resolution, said that some States had expressed reservations about the granting of observer status to the International Organization of Employers. The sponsors of the draft resolution believed that there was merit in discussing the matter further. She proposed that consideration of the agenda item be deferred to the seventy-fifth session of the General Assembly.
2. **The Chair** said he took it that the Committee wished to recommend that the General Assembly defer consideration of the agenda item to its seventy-fifth session.
3. *It was so decided.*

Agenda item 173: Observer status for the International Trade Union Confederation in the General Assembly (continued) (A/C.6/74/L.4)

Draft resolution A/C.6/74/L.4: Observer status for the International Trade Union Confederation in the General Assembly

4. **Mr. Fodda** (France), speaking on behalf of the sponsors of the draft resolution, said that many States had expressed support for the granting of observer status to the International Trade Union Confederation and had joined the list of sponsors. However, three delegations had expressed reservations. The sponsors of the draft resolution would continue to discuss those reservations with the delegations concerned, with a view to finding a solution that was acceptable to all. Accordingly, he proposed that consideration of the agenda item be deferred to the seventy-fifth session of the General Assembly.
5. **The Chair** said he took it that the Committee wished to recommend that the General Assembly defer consideration of the agenda item to its seventy-fifth session.
6. *It was so decided.*

Agenda item 174: Observer status for the Boao Forum for Asia in the General Assembly (continued) (A/C.6/74/L.5)

Draft resolution A/C.6/74/L.5: Observer status for the Boao Forum for Asia in the General Assembly

7. **Mr. Liu Yang** (China) said that while some States had expressed support for the granting of observer status to the Boao Forum for Asia, others had voiced reservations. His delegation had taken note of those reservations and would continue to communicate with the States concerned. Given the lack of consensus, he proposed that consideration of the agenda item be deferred to the seventy-fifth session of the General Assembly.
8. **The Chair** said he took it that the Committee wished to recommend that the General Assembly defer consideration of the agenda item to its seventy-fifth session.
9. *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

10. *Draft resolution A/C.6/74/L.11 was adopted.*
11. **Mr. Marani** (Argentina), speaking in explanation of position on behalf of Brazil, Paraguay, Uruguay and his own country, said that the four delegations commended the International Law Commission, the Special Rapporteur and the Working Group on shared natural resources for their work on the topic of the law of transboundary aquifers. By seeking expert advice, the Commission had gained a better understanding of the nature of aquifers, including the Guarani aquifer system, which fell under the sovereign jurisdictions of Argentina, Brazil, Paraguay and Uruguay.
12. The draft articles on the law of transboundary aquifers were the first systematic formulation of international law at the global level applicable to such aquifers. They defined a set of principles and basic rules for harmonizing the use of underground water reservoirs intersected by international boundaries and indicated cooperation mechanisms for the responsible management of aquifers by neighbouring States in order to avoid disputes and preserve freshwater reserves for current and future generations.
13. The four delegations shared the approach followed by the Commission in formulating general rules for such harmonization as normative proposals, starting with the recognition that the States in whose territory the

aquifers were located had sovereignty over the part of the aquifer or aquifer system within their territory. States must exercise that sovereignty in accordance with international law and the principles and rules developed in the draft articles. Under the draft articles, States were required to establish effective mechanisms of cooperation for the equitable and reasonable utilization of aquifers; in addition, they were called on to extend technical cooperation to developing States in respect of transboundary aquifers.

14. In 2010, Argentina, Brazil, Paraguay and Uruguay had concluded the Guarani Aquifer Agreement, which aimed to expand the scope of concerted action for the conservation and sustainable use of the transboundary resources of the Guarani aquifer system. As one of the first multilateral agreements on the management of a transboundary aquifer, the Agreement was an important contribution to the topic. The next appropriate step by the General Assembly would be the adoption of the draft articles in the form of a declaration of principles, to be taken into account in bilateral or regional agreements on the proper management of transboundary aquifers.

Agenda item 75: Responsibility of States for internationally wrongful acts (*continued*)
(A/C.6/74/L.16)

Draft resolution A/C.6/74/L.16: Responsibility of States for internationally wrongful acts

15. **Ms. de Souza Schmitz** (Brazil), introducing the draft resolution on behalf of the Bureau, said that different versions had been discussed during the informal consultations, as delegations had opposing views on whether a convention should be elaborated on the basis of the articles on responsibility of States for internationally wrongful acts. The draft resolution currently before the Committee reflected the consensus that had emerged for the text to provide for continued dialogue on possible future action regarding the articles, with consideration of the question of a convention on State responsibility being deferred to a future session.

16. Much of the text was unchanged from that of General Assembly resolution 71/133, although a number of additions and technical updates had been made. In the first preambular paragraph, the Assembly would recall the report of the International Law Commission on the work of its fifty-third session, which contained not only the text of the articles but also detailed commentaries and recommendations on the topic. In the new sixth preambular paragraph, the Assembly would note the informal substantive dialogue among Member States during the period between the seventy-first and seventy-fourth sessions of the Assembly. The only new operative

paragraph was paragraph 3, which was based on the fourth preambular paragraph of resolution 71/133.

17. *Draft resolution A/C.6/74/L.16 was adopted.*

18. **Mr. Alves De Carvalho** (Portugal), speaking in explanation of position on behalf of Argentina, Mexico, Sierra Leone and his own country, said that while the four delegations had joined the consensus on the draft resolution, they believed that it perpetuated the status quo, which, in their view, was imbalanced and hindered a serious and in-depth discussion of the topic of responsibility of States for internationally wrongful acts. Nearly 20 years after the draft articles on the topic had first been brought to the attention of the General Assembly, the draft resolution still did not reflect the views of the many Member States, from all regional groups, that supported the elaboration of a convention, nor did it reflect the full extent of the International Law Commission's recommendation of 2001 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 with a view to concluding a convention on the topic.

19. Promoting a better and more substantive discussion on the issue was different from embarking on an exercise to undermine the status of the articles and was without prejudice to any future decision on the matter. On the contrary, such a discussion could only help to strengthen the articles. By refusing to go beyond the traditional binary debate, the General Assembly was sending a negative signal about its engagement on the issue, which could be detrimental to the articles themselves. The draft resolution also signalled the Committee's uneasiness, unwillingness or inability to openly debate difficult and controversial legal questions. The four delegations would continue to engage with all Member States with a view to finding ways to work together and bridge existing differences on the topic, as well as reenergizing the General Assembly and the Committee as a forum for debating the progressive development of international law and its codification.

Agenda item 76: Criminal accountability of United Nations officials and experts on mission (*continued*) (A/C.6/74/L.14)

Draft resolution A/C.6/74/L.14: Criminal accountability of United Nations officials and experts on mission

20. **Mr. Warraich** (Pakistan), introducing the draft resolution on behalf of the Bureau, said that the text largely reiterated and further strengthened General Assembly resolution 73/196, with a number of additions

and amendments. In the preambular part, by a new sixth paragraph, the Assembly would honour the heroic work of United Nations officials and experts on mission, underscore that the United Nations should not let the actions of a few tarnish the achievements of the whole, and commend the Member States that had taken steps to prevent, investigate and hold accountable their personnel for criminal conduct, such as that involving sexual exploitation and abuse. In the twenty-second preambular paragraph, the Assembly would recall its decision that, bearing in mind its resolutions [62/63](#) and [70/114](#), the consideration of the report of the Group of Legal Experts would be continued during its seventy-fifth session in the framework of a working group of the Sixth Committee.

21. *Draft resolution A/C.6/74/L.14 was adopted.*

22. **Ms. Nyrhinen** (Finland), speaking in explanation of position on behalf of the European Union and its member States; the candidate countries Albania, Montenegro and North Macedonia; the stabilization and association process country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway; and, in addition, Australia, Georgia, Switzerland, Ukraine and the United States, said that it was regrettable that a number of proposals on which broad agreement had been reached with those delegations that had expressed concerns during the negotiations and which could have strengthened the draft resolution had not been included in the final text. Informal negotiations were an opportunity to discuss proposals openly in a spirit of compromise, with a view to reaching consensus on important issues such as the need to end impunity for crimes committed by United Nations officials and experts on mission. The Committee's tradition of working on a consensus basis was commendable and all delegations should strive to ensure that that tradition was not undermined.

Agenda item 78: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
(continued) ([A/C.6/74/L.15](#))

Draft resolution A/C.6/74/L.15: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

23. **Mr. Korbich** (Ghana), introducing the draft resolution on behalf of the Bureau, said that the text was an update of General Assembly resolution [73/201](#). The only new operative paragraph was paragraph 28, by which the Assembly would appoint 25 Member States as members of the Advisory Committee on the United

Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law for a period of four years, beginning on 1 January 2020.

24. *Draft resolution A/C.6/74/L.15 was adopted.*

25. **Mr. Park** Young-hyo (Republic of Korea), speaking in explanation of position, said that paragraph 28 of the resolution stipulated that the members of the Advisory Committee would serve for four years. However, based on the practice of the Advisory Committee, non-members currently had to wait for a Member State from the same regional group to relinquish its seat in order to join the Advisory Committee. In his delegation's view, a non-member willing to be appointed should, on the basis of its interest and contribution, be given priority over a sitting member seeking to be reappointed, or at the very least equal consideration. While there was merit in continuity of membership, members should not be allowed to occupy their seats over an extraordinarily long period or even permanently. Instead, there should be a good mix of new and old members, and the replacement of outgoing members should be determined in a transparent manner.

26. Membership of the Advisory Committee was largely symbolic and not very demanding. It was not a vital question for the Republic of Korea, and his delegation did not take issue with the unique status of Ghana as the founding Chair of the Advisory Committee. However, the current method of selecting members was not consistent with the spirit of the Advisory Committee and the Sixth Committee, and his delegation hoped to see positive change over the coming years. Indeed, it had joined the consensus on the draft resolution in the hope of seeing positive change over the next four years.

Agenda item 79: Report of the International Law Commission on the work of its seventy-first session
(continued) ([A/C.6/74/L.20](#) and [A/C.6/74/L.21](#))

Draft resolution A/C.6/74/L.20: Report of the International Law Commission on the work of its seventy-first session

27. **Mr. Cuellar Torres** (Colombia), introducing the draft resolution on behalf of the Bureau, said that the text largely reiterated and strengthened General Assembly resolution [73/265](#), with a number of technical updates. In paragraph 7, the International Law Commission would be encouraged to take particular account of its workload when including topics in its current programme of work. In paragraph 10, the General Assembly would reiterate its appreciation of the

efforts of the Commission to improve its methods of work, and would encourage it to continue that practice. In paragraph 13, the Assembly would underline the importance of having the documents of the Commission published in due time, while ensuring their accuracy in all six official languages and, to that end, would request that the Secretariat give due consideration to the quality of the translation of the documents of the Commission in the six official languages. Lastly, in paragraph 16, it would decide that the next session of the Commission would be held at the United Nations Office at Geneva from 27 April to 5 June and from 6 July to 7 August 2020.

28. *Draft resolution A/C.6/74/L.20 was adopted.*

Draft resolution A/C.6/74/L.21: Crimes against humanity

29. **Mr. Tang** (Singapore), introducing the draft resolution on behalf of the Bureau, said that the text was based on the practice of the General Assembly in dealing with instruments prepared by the International Law Commission for its consideration. In the preambular paragraphs, the Assembly would refer to the Commission's report on the work of its seventy-first session; note the Commission's decision to recommend the draft articles on prevention and punishment of crimes against humanity to the Assembly and the elaboration of a convention on the basis of the draft articles; emphasize the continuing importance of the codification and progressive development of international law; and recognize the need to prevent and punish crimes against humanity.

30. In the operative paragraphs, the General Assembly would express its appreciation to the Commission for its continuing contribution to the codification and progressive development of international law; take note of the draft articles; and decide to include in the provisional agenda of its seventy-fifth session an item entitled "Crimes against humanity" and to continue to examine the recommendation of the Commission.

31. Several rounds of informal consultations had been conducted in order to develop a draft resolution that reflected the views of delegations on how to proceed with the draft articles. The duration of those consultations reflected the level of interest in the topic. While the consultations had enabled delegations to better understand one another's positions, in the end it had become apparent that more time was needed and that the best course of action would be to continue the consultations at the following session. He hoped that delegations would make good use of the intervening time to find even more common ground. It was essential

that delegations continue to genuinely seek to understand the views of others and work together to find mutually acceptable solutions, in a spirit of collegiality. He believed that the text of the draft resolution reflected the common view of all delegations on how best to proceed at the current point in time.

32. *Draft resolution A/C.6/74/L.21 was adopted.*

33. **Ms. Katholnig** (Austria), speaking in explanation of position on behalf of Argentina, Belgium, Brazil, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Germany, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Panama, Paraguay, Poland, Portugal, Romania, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay and her own country, said that all those delegations welcomed the conclusion of the work of the International Law Commission on crimes against humanity and the adoption of draft articles on prevention and punishment of crimes against humanity. It was regrettable, however, that the Committee had not been able to agree on an ambitious and structured approach for its future deliberations on the Commission's recommendation to elaborate a convention on the basis of the draft articles. More time should have been allowed for the consultations in order to enable delegations' differing views on the way forward to be accommodated. In addition, some delegations would have appreciated more time to examine the draft articles themselves. She hoped that the Committee would be able to reach consensus and provide efficient guidance on the way forward at its next session.

Agenda item 80: Diplomatic protection (continued)
(A/C.6/74/L.17)

Draft resolution A/C.6/74/L.17: Diplomatic protection

34. **Mr. Molefe** (South Africa), introducing the draft resolution on behalf of the Bureau, said that delegations had expressed a preference for a draft resolution that would defer consideration of the final form of the articles on diplomatic protection to a future session, primarily because the fate of those articles continued to be linked to that of the articles on responsibility of States for internationally wrongful acts. The draft resolution was based on General Assembly resolution 71/142, with a number of technical updates. In paragraph 2, the General Assembly would decide to include the agenda item in the provisional agenda of its seventy-seventh session, based on the desire to align the

consideration of the fate of the articles on diplomatic protection with that of the articles on State responsibility.

35. *Draft resolution A/C.6/74/L.17 was adopted.*

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
(continued) (A/C.6/74/L.12)

Draft resolution A/C.6/74/L.12: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

36. **Ms. Asgedom** (Ethiopia), introducing the draft resolution on behalf of the Bureau, said that it was based on General Assembly resolution 73/206, with some technical updates. It reflected the views expressed by Member States and the recommendations set forth in the report of the Special Committee (A/74/33). In paragraph 3, the Assembly would request the Special Committee to consider, in accordance with Assembly resolution 71/146, the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions (Article 50 of the Charter) and would request the Secretary-General to submit a report on that issue to the Assembly at its seventy-sixth session. In paragraph 5, the Assembly would request the Secretary-General to brief the Special Committee on that same issue.

37. The topic for the next thematic debate, “Exchange of information on State practices regarding the use of conciliation”, was indicated in paragraph 6 (a). Paragraphs 12 to 19 reproduced verbatim the recommendations contained in paragraph 77 of the report of the Special Committee, with the exception of paragraph 14, which had been expanded to express appreciation for other contributions made by Member States.

38. Differences of opinion remained with regard to the seventeenth preambular paragraph and paragraph 1. Despite weeks of informal consultations and bilateral discussions, it had not been possible to reach consensus. The only feasible way forward was to go with the views of the majority. The draft resolution reflected, to the extent possible, the agreement reached among delegations.

39. **Mr. Knyazyan** (Armenia), speaking in explanation of position before the decision, said that in its work to encourage States to prevent disputes and settle them peacefully, the Special Committee should take into account the activities of internationally

mandated conflict and dispute settlement mechanisms. Each conflict was unique in terms of its causes, essence, mediation forum and principles put forward for its resolution. The Special Committee should be cautious and guard against attempts by some States to misuse it to propagate one-sided narratives.

40. The Special Committee should examine carefully the information provided by Member States before including it in its report, in order to avoid factual mistakes and the distortion of internationally accepted terminology. In that connection, while his delegation understood that paragraph 59 of the report of the Special Committee (A/74/33) contained just a listing of mediation formats offered by some delegations, Armenia strongly objected to the wording used in reference to the Nagorno-Karabakh conflict. The manner in which the conflict was described in the report was in total contradiction with the manner in which it was referred to officially by the Organization for Security and Cooperation in Europe and its Minsk Group, which was the only internationally mandated mediation forum for the Nagorno-Karabakh conflict. The distorted formulation used in the report had been included at the last minute, based on a suggestion made by a single delegation, thus perpetuating a perception of bias about the conflict.

41. His delegation therefore wished to disassociate itself from the consensus on paragraph 1 of the draft resolution, which contained a reference to the report of the Special Committee.

42. *Draft resolution A/C.6/74/L.12 was adopted.*

43. **Mr. Musayev** (Azerbaijan), speaking in explanation of position, said that his delegation welcomed the adoption of the draft resolution. He recalled that the session of the Special Committee had been open to all Member States and that the report of the Special Committee had been adopted by consensus. During the session, delegations had exchanged information on State practices regarding the use of mediation and had offered practical examples, one of which had been the mediation by the Organization for Security and Cooperation in Europe of the conflict in and around the Nagorno-Karabakh region of Azerbaijan.

44. In response to the comments made by a single delegation during the consideration of the agenda item, it should be made clear that the formulation “the conflict in and around the Nagorno-Karabakh region of Azerbaijan” contained in paragraph 59 of the report of the Special Committee was a quote from the relevant resolutions of the Security Council and the General Assembly. Council resolutions 853 (1993), 874 (1993) and 884 (1993) adopted in response to the capture and

occupation of the territory of Azerbaijan referred explicitly to “the conflict in and around the Nagorno Karabakh region of the Azerbaijani Republic”, while “reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic”, as well as the “inviolability of international borders”. Similar wording had been used in Council resolution [822 \(1993\)](#) and in a series of resolutions adopted by the Assembly on cooperation between the United Nations and the Organization for Security and Cooperation in Europe and on the situation in the occupied territories of Azerbaijan.

45. It was the sovereign right of the States Members of the United Nations to decide on the content of the documents that they adopted or approved in an open, transparent and inclusive manner, in accordance with the relevant rules and procedures. It was important that Member States that had a different view engage in the process and express their position at the proper time; if they failed to do so, for whatever reason, they should refrain from undermining or misusing the Sixth Committee and its working methods. His delegation thanked all other delegations for their strong support and principled positions taken during the negotiations on the report of the Special Committee and the draft resolution.

Agenda item 83: The rule of law at the national and international levels (*continued*) ([A/C.6/74/L.13](#))

Draft resolution [A/C.6/74/L.13](#): The rule of law at the national and international levels

46. **Mr. Alavi** (Liechtenstein), introducing the draft resolution on behalf of the Bureau, said that the rule of law was a fundamental building block of the United Nations that was deeply enshrined in the purposes and principles of its Charter. The draft resolution was based on General Assembly resolution [73/207](#), with several technical updates. The only substantive change was in paragraph 23, which provided for the inclusion of the subtopic “Measures to prevent and combat corruption” for debate in the Committee at the seventy-fifth session of the Assembly.

47. *Draft resolution [A/C.6/74/L.13](#) was adopted.*

Statements made in explanation of position

48. **Mr. Al Arsan** (Syrian Arab Republic) said that his delegation wished to express its unequivocal reservation regarding paragraph 3 of the draft resolution, in which the General Assembly would take note of the report of the Secretary-General ([A/74/139](#)), and to dissociate itself from the consensus on the paragraph. His delegation’s reservation was based on the reference to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons

Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic in paragraph 75, under the heading “Other international accountability mechanisms”. In the view of his delegation, the Secretariat had yet again adopted an imbalanced and inappropriate approach in the paragraph by continuing to refer to that Mechanism. His delegation wished to reiterate that any discussion on or assessment of that illegitimate Mechanism presented in the report should not be construed in any way as acceptance or acknowledgment by the Syrian Arab Republic of the Mechanism or of any of its mandates, activities or illegitimate acts.

49. The Syrian Arab Republic called on other delegations to closely examine documents [A/74/518](#), [A/74/108](#), [A/73/562](#), [A/72/106](#) and [A/71/799](#), which were some of the letters from its Permanent Mission addressed to the Secretary-General and the President of the General Assembly on the subject of the Mechanism. In those documents, his delegation demonstrated, in clear legal terms, the fact that the General Assembly had had no authority to establish such Mechanism, as well as the serious legal irregularities that had characterized the process leading up to the adoption of General Assembly resolution [71/248](#), through which the Mechanism had been established. His delegation also established, from a legal and procedural perspective, that the Mechanism could not be treated as a subsidiary body established by the General Assembly; that it could not be granted any kind of legal status or legal personality; that it could not have the power or jurisdiction to conclude agreements with Member States or other entities; and that the United Nations could not accept contributions or allocate funds in its budget to establish and operate the Mechanism. Any information or evidence collected, consolidated, stored or analysed by the Mechanism could not be taken into account in any future legal or judicial proceedings, particularly given that there was no limitation as to the territorial scope or time frame for the mandate of the Mechanism, which was not subject to any restrictions or rules consistent with the Charter and long-established rules of the United Nations.

50. The Syrian Arab Republic wondered whether the Secretary-General or any Member State really expected it to accept the collection of “evidence” beyond its national borders by a mechanism established without the consent of the State concerned, without even having consulted it, and without the provision of even minimal guarantees as to the credibility of the chain of custody. The political process in his country would be carried out by the Syrian people alone, without external interference, regardless of any obstacles or challenges

they faced. The issues of transitional justice, accountability and responsibility would be addressed by the Syrian justice system and not by any Geneva-based entity that collected so-called evidence without following with the legal and procedural rules of the United Nations or international or national criminal law rules.

51. His delegation called on the Secretary-General to ensure that the Organization refrained from any conduct or activity aimed at promoting the Mechanism, which posed a real threat to the political process in his country and called into question the neutrality and professionalism of the Organization in its role as facilitator of that process. Member States should refuse to recognize the Mechanism or to cooperate with it and should oppose its funding out of the United Nations regular budget. Countries that backed the Mechanism should themselves finance it with their taxpayers' money, rather than burdening the United Nations at a time when it was undergoing one of the worst financial crises in its history.

52. **Ms. Zabolotskaya** (Russian Federation) said that, in order to avoid duplication of efforts, information, in particular with regard to international criminal justice, the International Criminal Court and the so-called Independent International Commission of Inquiry on the Syrian Arab Republic, that was contained in other reports submitted to the General Assembly should not be included in the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities.

53. **Mr. Nasimfar** (Islamic Republic of Iran) said that his delegation aligned itself with the statements made by the representatives of the Russian Federation and the Syrian Arab Republic.

Agenda item 84: The scope and application of the principle of universal jurisdiction (*continued*)
(A/C.6/74/L.6)

Draft resolution A/C.6/74/L.6: The scope and application of the principle of universal jurisdiction

54. **Mr. Jaiteh** (Gambia), introducing the draft resolution on behalf of the Bureau, said that it was a rollover from the previous year's draft resolution, with a number of technical updates. The second preambular paragraph now included a reference to General Assembly resolution 73/208, on which the draft resolution was based. The third preambular paragraph had been updated to take into account the discussions held in the Sixth Committee during the current session. Under paragraph 2, the Working Group would again be given the mandate to continue, during the seventy-fifth

session of the Assembly, to discuss the scope and application of universal jurisdiction. In paragraph 3, Member States and relevant observers to the Assembly would be invited to submit information on that subject and the Secretary-General would be requested to submit his annual report to the Assembly at its seventy-fifth session. The words "to the General Assembly" had been added to paragraph 4 in order to ensure consistency with paragraph 3. Under paragraph 5, the Assembly would decide to include in the provisional agenda of its seventy-fifth session an item devoted to the topic.

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

Agenda item 109: Measures to eliminate international terrorism (*continued*) (A/C.6/74/L.18)

Draft resolution A/C.6/74/L.18: Measures to eliminate international terrorism

56. **Ms. Boucher** (Canada), introducing the draft resolution on behalf of the Bureau, said that the text was based on General Assembly resolution 73/211 and included technical updates, three new preambular paragraphs, one amended preambular paragraph and one amended operative paragraph. In the new fifth preambular paragraph, the Assembly would recall its resolution 73/305 and look forward to the first Global Congress on Victims of Terrorism, to be held in 2020. In the amended nineteenth preambular paragraph, the Assembly would note the United Nations High-level Conference of Heads of Counter-Terrorism Agencies of Member States, which had been held on 28 and 29 June 2018 in New York, as well as the intention of the Secretary-General to convene another such conference in 2020, and the organization of regional high-level conferences in the lead-up thereto. The Assembly would also encourage the Secretary-General to consult Member States in that regard. In the new twenty-third preambular paragraph, the Assembly would express its awareness of the need to adopt a comprehensive approach in addressing underlying conditions conducive to the spread of terrorism. In the new twenty-fifth preambular paragraph, it would reiterate that terrorism was a global phenomenon that was not and should not be associated with any religion, nationality, civilization or ethnic group.

57. In paragraph 22, the Assembly would recognize the role of the United Nations, in the context of the its Global Counter-Terrorism Strategy, in assisting Member States in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building. In paragraph 23, the Assembly would note the issuance by the Secretariat of the fourth edition of the compendium

of international instruments relating to the prevention and suppression of international terrorism, in English and Russian, and its continuing efforts to issue the publication in all official languages of the United Nations. In paragraph 25, the Assembly would recommend that the Sixth Committee, at the seventy-fifth session of the Assembly, establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism. Delegations had, at the current session, discussed the prospect of a biennial consideration of the item and of issues within the mandate of the Working Group in order to rationalize and revitalize work on the item. No consensus had been reached, but the discussions had been constructive.

58. *Draft resolution A/C.6/74/L.18 was adopted.*

Agenda item 165: Report of the Committee on Relations with the Host Country (*continued*)
(A/C.6/74/L.19)

Draft resolution A/C.6/74/L.19: Report of the Committee on Relations with the Host Country

59. **Mr. Chrysostomou** (Cyprus), introducing the draft resolution on behalf of the sponsors, said that the text was based on that of General Assembly resolution 73/212, with a few changes to reflect the recommendations and conclusions contained in paragraph 65 of the report of the Committee on Relations with the Host Country (A/74/26). The new fifth and sixth preambular paragraphs referred, respectively, to the primary purpose of the Headquarters Agreement and to the Convention on Privileges and Immunities of the United Nations, which did not distinguish between permanent and visiting representatives of Member States.

60. The amendments to paragraph 2 reflected the growing concerns raised by permanent missions regarding the normal performance of their functions and the readiness of the Committee on Relations with the Host Country to effectively address them, as well as the expectation that all issues raised would be duly settled expeditiously, in a spirit of cooperation and in accordance with international law. Paragraph 3, which referred to the applicability of privileges and immunities to the premises of permanent missions to the United Nations, had been amended to highlight allegations of ongoing violations by the host country of those privileges and immunities and restrictions applied to the premises of a Permanent Mission.

61. In paragraph 6, new wording had been added regarding the request to the host country to remove travel restrictions and the serious concerns arising from

the imposition of more stringent travel restrictions on the permanent and visiting representatives of two Member States. Reference was also made to statements by affected delegations to the effect that the travel restrictions hampered their ability to carry out their functions, restricted their access to services and choice of residence and had a negative impact on their families. Reference was also made in the paragraph to the statement made by the United Nations Legal Counsel, as set out in document A/AC.154/415, on the matter at the emergency 295th meeting of the Committee on Relations with the Host Country.

62. Paragraphs 7 to 10 contained new wording regarding, inter alia, the increasing number of entry visa-related issues, the statement by the Legal Counsel and the expectation that entry visas would be issued promptly by the host country to all representatives of Member States and staff members of the Secretariat. The host country would also be called upon to review its differing processes for granting visas to the personnel of certain missions, with particular attention to single-entry visas. In paragraph 15, the Assembly would request the Secretary-General to engage more actively in the work of the Committee on Relations with the Host Country, take note of the statement by the Legal Counsel, and consider that if the issues raised in the report of the Committee on Relations with the Host Country were not resolved within a reasonable and finite period of time, serious consideration would be given to taking steps under section 21 of the Headquarters Agreement. Paragraph 16 contained a request to the Committee on Relations with the Host Country to recommend, in its report to the seventy-fifth session of the General Assembly, additional measures to enhance its work and effectiveness.

63. *Draft resolution A/C.6/74/L.19 was adopted.*

Statements made in explanation of position

64. **Mr. Nasimfar** (Islamic Republic of Iran) said that the host country, by imposing unnecessary and illegal restrictions on certain missions, had violated its international obligations and was hindering the smooth functioning of the United Nations. If the host country respected the content of the draft resolution, there would be no need for the Committee on Relations with the Host Country or the current agenda item. It was clear from past practice that the host country had joined the consensus but had no intention or willingness to implement the draft resolution, which captured some of the concerns raised by his delegation. In the draft resolution, the General Assembly would request the removal of all restrictions and reject the application of measures based on reciprocity in the treatment afforded

to permanent missions accredited to the United Nations in New York. Nonetheless, his delegation had decided to join the consensus as a sign of respect to the Member States and despite the obstacles faced by members of his country's Permanent Mission, and the fact that the draft resolution was not sufficiently action-oriented and had little chance of being enforced.

65. The illegal and inhuman additional restrictions recently imposed on the Permanent Missions of Cuba and the Islamic Republic of Iran had seriously curtailed their capacity to perform their functions in a normal fashion. His delegation also took note of paragraph 15, which stated that if the issues raised in the report of the Committee on Relations with the Host Country were not resolved in a reasonable and finite period of time, serious consideration would be given to taking steps under section 21 of the Headquarters Agreement. It was clear that a dispute existed under that section and under the Convention on the Privileges and Immunities of the United Nations, and that the Secretary-General had a key role to play in initiating proceedings thereunder. The new, more stringent restrictions placed on members of his delegation and under which visiting Iranian diplomats were confined to three buildings in Manhattan could no longer be viewed as travel restrictions. Travel was not possible in an area of less than three square miles, and thus the new rules must be considered restrictions on movement. That should be clearly reflected in the draft resolution.

66. **Ms. Zabolotskaya** (Russian Federation) said that the draft resolution reflected the serious problems that had arisen for delegations with regard to the implementation of the Headquarters Agreement. The draft resolution, in addition to containing demands for the issuance of visas to all visiting representatives and the lifting of restrictions on the movement of diplomats working at the United Nations, also reflected concerns regarding the confiscation of property and the infringement of the inviolability of mission premises. Her delegation expected that the draft resolution would be implemented fully. If the problem was not resolved within a reasonable period of time, section 21 of the Headquarters Agreement would need to be invoked. The adoption of the draft resolution was just a first step. The Secretary-General and the Legal Counsel must continue to take steps to ensure its implementation. The Chair of the Sixth Committee should also continue to take measures to ensure that representatives from the Russian Federation were allowed to participate in the work of the General Assembly. Eighteen representatives from the Russian Federation had been denied visas to attend the Assembly's current session. Her delegation trusted that

there would be no repetition of such issues at the seventy-fifth session of the Assembly.

67. **Mr. Al Arsan** (Syrian Arab Republic) said that his delegation aligned itself with the statements just made by the representatives of the Islamic Republic of Iran and the Russian Federation. It had long warned that the silence of the Secretary-General and the Secretariat and their failure to fulfil their mandates would eventually result in the kind of situation that had unfolded during the current session of the General Assembly, with the host country denying entry visas to various representatives, notably those of the Russian Federation and the Islamic Republic of Iran, and imposing movement restrictions on representatives of the Permanent Missions of Cuba and the Islamic Republic of Iran.

68. Now that the draft resolution had been adopted, his delegation understood that the process for implementing the recommendations contained in the report of the Committee on Relations with the Host Country had begun. As a result, the agenda item would remain open pending the adoption of measures to ensure that they were indeed implemented. His delegation hoped that the host country would move swiftly to lift all restrictions imposed on the representatives of various missions, including that of his country, and to grant diplomats entry visas. Otherwise, consideration would have to be given to triggering proceedings under section 21 of the Headquarters Agreement. His delegation was grateful to members of the host country's Permanent Mission for their efforts to have the restrictions lifted as far as possible. Nonetheless, his delegation wished to underscore the obligation of the host country to remain neutral in its dealings with permanent missions, regardless of the nature of their bilateral relations, and to treat the representatives of all Member States impartially and equally.

69. **Ms. Guardia González** (Cuba) said that her delegation aligned itself with the statements just made by the representatives of the Islamic Republic of Iran, the Russian Federation and the Syrian Arab Republic. It looked forward to the prompt implementation of the draft resolution with a view to resolving, in accordance with the law, the current differences regarding the interpretation and application of the provisions of the Headquarters Agreement, thereby bringing about an end to violations thereof by the host country.

70. **Ms. Matos Juárez** (Bolivarian Republic of Venezuela) said that her delegation aligned itself with the statements just made by the representatives of the Islamic Republic of Iran, the Russian Federation, the Syrian Arab Republic and Cuba. It believed that urgent

measures were required to address the problems experienced by her country's Permanent Mission and those of other countries with regard to the issuance of visas and the imposition of restrictions on movement by the host country.

Agenda item 121: Revitalization of the work of the General Assembly (*continued*) (A/C.6/74/L.22)

71. **The Chair** said that the Bureau had prepared a draft provisional programme of work for the Committee for the seventy-fifth session of the General Assembly, which had been issued as draft decision A/C.6/74/L.22. It would be adopted on the understanding that the programme would be applied flexibly as required by the circumstances.

72. **Mr. Fintakpa Lamega** (Togo) said that it was important to ensure that the first and second rounds of negotiations on the draft omnibus resolution on oceans and the law of the sea did not coincide with meetings of the Sixth Committee.

73. **The Chair** said that no Committee meetings were scheduled for 18 November 2020. There might, however, be some overlap between the negotiations and a meeting of the Committee scheduled for the morning of 19 November. He took it that the Committee wished to adopt the draft decision contained in document A/C.6/74/L.22.

74. *It was so decided.*

Agenda item 136: Programme planning

75. **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 allocated to the Sixth Committee at the current session.

Agenda item 5: Election of the officers of the Main Committees

76. **The Chair** said that, in accordance with rule 99 (a) of the rules of procedure of the General Assembly and rule 103, as amended by General Assembly resolution 58/126, all the Main Committees should, at least three months before the opening of the session, elect a Chair and a full Bureau. Based on the interim arrangement concerning the rotation of Chairs of the Main Committees of the General Assembly, contained in General Assembly decision 72/313, it was his understanding that the Chair of the Sixth Committee for the seventy-fifth session of the General Assembly would be selected by the Latin American and Caribbean States. He therefore suggested that the regional groups hold

consultations at an appropriate time to enable the Committee to elect its next Chair, three Vice-Chairs and Rapporteur in June 2020.

Completion of the Committee's work

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

The meeting rose at 12.50 p.m.