



# General Assembly

Sixtieth session

**53<sup>rd</sup>** plenary meeting

Wednesday, 23 November 2005, 10 a.m.  
New York

Official Records

*President:* Mr. Eliasson ..... (Sweden)

*In the absence of the President, Mr. Swe  
(Myanmar), Vice-President, took the Chair.*

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

## Agenda item 112

### Elections to fill vacancies in subsidiary organs and other elections

#### (c) Election of the Executive Director of the United Nations Environment Programme

##### Note by the Secretary-General (A/60/553)

**The Acting Chairman:** In his note, the Secretary-General informs the General Assembly that in its decision 56/312 of 21 November 2001 the Assembly re-elected Mr. Klaus Töpfer as Executive Director of the United Nations Environment Programme (UNEP) for a four-year term, beginning on 1 February 2002 and ending on 31 January 2006.

In accordance with section II, paragraph 2, of General Assembly resolution 2997 (XXVII) and bearing in mind Mr. Töpfer's decision not to seek a further term as Executive Director of the Programme, the Secretary-General proposes a two-month extension of Mr. Töpfer's appointment until 31 March 2006, which would allow time to identify a suitable successor and ensure continuity in the work of UNEP and its Governing Council.

Accordingly, may I take it that the General Assembly wishes to extend Mr. Klaus Töpfer's appointment as Executive Director of the United Nations Environment Programme for two months, until the end of March 2006?

*It was so decided.*

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of sub-item (c) of agenda item 112.

#### Reports of the Fifth Committee

**The Acting President:** The General Assembly will consider the reports of the Fifth Committee on agenda items 113 (a) to (e), 138 and 145.

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee that are before it today.

*It was so decided.*

**The Acting President:** Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that:

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

“When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation’s vote in the plenary meeting is different from its vote in the Committee.”

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Fifth Committee, unless notified otherwise in advance.

I therefore hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Fifth Committee.

#### **Agenda item 113**

#### **Appointments to fill vacancies in subsidiary organs and other appointments**

##### **(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions**

##### **Report of the Fifth Committee (A/60/542)**

**The Acting President:** The Fifth Committee recommends in paragraph 4 of its report that the General Assembly appoint the following persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2006: Mr. Guillermo Kendall of Argentina, Mr. Igor Khalevinski of the Russian Federation, Ms. Susan McLurg of the United States of America, Mr. Tommo Monthe of Cameroon and Ms. Christina Vasak of France.

May I take it that it is the wish of the Assembly to appoint those persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2006?

*It was so decided.*

##### **(b) Appointment of members of the Committee on Contributions**

##### **Report of the Fifth Committee (A/60/543)**

**The Acting President:** In paragraph 7 of its report, the Fifth Committee recommends that the General Assembly appoint the following persons as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2006: Ms. Sujata Ghorai of Germany, Mr. Vyacheslav Anatolievich Logutov of the Russian Federation, Mr. Richard Moon of the United Kingdom of Great Britain and Northern Ireland, Mr. Hae-yun Park of the Republic of Korea, Mr. Henrique da Silveira Sardinha Pinto of Brazil and Mr. Wu Gang of China.

May I take it that it is the wish of the Assembly to appoint those persons I just mentioned as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2006?

*It was so decided.*

##### **(c) Confirmation of the appointment of members of the Investments Committee**

##### **Report of the Fifth Committee (A/60/544)**

**The Acting President:** The Fifth Committee recommends, in paragraph 4 of its report, that the General Assembly confirm the appointment by the Secretary-General of the following persons as members of the Investments Committee for a three-year term of office beginning on 1 January 2006: Mr. Madhav Dhar of India, Mr. Nemir A. Kirdar of Iraq and Mr. Masakazu Arikawa of Japan.

May I take it that it is the wish of the Assembly to confirm the appointment of those persons I just mentioned as members of the Investments Committee for a three-year term of office beginning on 1 January 2006?

*It was so decided.*

**(d) Appointment of a member of the Board of Auditors**

**Report of the Fifth Committee (A/60/545)**

**The Acting President:** In paragraph 4 of its report, the Fifth Committee recommends that the General Assembly appoint the Auditor-General of the Republic of South Africa as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2006.

May I take it that the Assembly wishes to appoint the Auditor-General of the Republic of South Africa as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2006?

*It was so decided.*

**(e) Appointment of members of the International Civil Service Commission**

**Report of the Fifth Committee (A/60/546)**

**The Acting President:** In paragraph 4 of its report, the Fifth Committee recommends that the General Assembly appoint the following persons as members of the International Civil Service Commission for a four-year term of office beginning on 1 January 2006: Mr. Minoru Endo of Japan, Mr. Gilberto Paranhos Velloso of Brazil, Ms. Lucretia Myers of the United States of America, Mr. Wolfgang Stockl of Germany and Mr. Gian Luigi Valenza of Italy.

May I take it that it is the wish of the Assembly to appoint those persons I just mentioned as members of the International Civil Service Commission for a four-year term of office beginning on 1 January 2006?

*It was so decided.*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-items (a) to (e) of agenda item 113 and of agenda item 113 as a whole?

*It was so decided.*

**Agenda item 138**

**Financing of the United Nations Operation in Côte d'Ivoire**

**Report of the Fifth Committee (A/60/540)**

**The Acting President:** The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 60/17).*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 138.

**Agenda item 145**

**Financing of the United Nations Stabilization Mission in Haiti**

**Report of the Fifth Committee (A/60/541)**

**The Acting President:** The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 8 of its report.

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted (resolution 60/18).*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 145.

**Reports of the Sixth Committee**

**The Acting President:** The General Assembly will consider the reports of the Sixth Committee on agenda items 78 to 80, 82, 153, 155, 156, 158 and 159. The reports of the Sixth Committee on agenda items 83, 108 and 116 will be considered at a later date, to be announced.

I request the Rapporteur of the Sixth Committee, Ms. Shermain Jeremy of Antigua and Barbuda, to

introduce in one intervention the reports of the Sixth Committee before the General Assembly.

**Ms. Jeremy** (Antigua and Barbuda): Today I have the honour to present to the General Assembly the reports of the Sixth Committee on 9 of the 11 substantive agenda items allocated to it, namely, items 78 to 80, 82, 153, 155, 156, 158 and 159. Item 108, "Measures to eliminate international terrorism", remains open, and the report on that item will be introduced at a later date. The report on item 83, "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel", and the report on a procedural item — agenda item 116, "Revitalization of the work of the General Assembly" — will also be considered at a later date.

I would first like to draw the Assembly's attention to agenda item 78, "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law". The relevant report of the Committee is contained in document A/60/514, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the General Assembly would, *inter alia*, approve the guidelines and recommendations regarding the execution of the Programme for the biennium 2006-2007 and authorize the Secretary-General to carry out in the biennium the activities specified in section III of the report of the Secretary-General on the Programme. It would also request the Secretary-General to continue to provide the necessary resources to the budget for the Programme for the next and future bienniums. Furthermore, the Assembly would recognize the importance of United Nations recurrent legal publications listed in the report of the Secretary-General and strongly encourage their continued publication.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

I turn now to the report of the Sixth Committee on agenda item 79, "Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session". The report is contained in document A/60/515, and the two draft resolutions recommended to the General Assembly for adoption are reproduced in paragraph 10 thereof.

Under the terms of draft resolution I, entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session", the General Assembly would, among others things, endorse the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law. It would also reaffirm the importance, in particular for developing countries, of the work of the Commission concerned with technical assistance in the field of international trade law reform and development and would, in this connection, appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the relevant trust fund and to support the technical assistance programme of the Commission.

Furthermore, the Assembly would encourage the Commission to further explore different approaches to the use of partnerships with non-State actors in the implementation of its mandate, in particular in the area of technical assistance. The Assembly would also take note with appreciation of the preparation of digests of case law relating to the texts of the Commission and would welcome the Commission's decision to hold a congress on international trade law.

I am pleased to note that draft resolution II under this agenda item contains the annex to the United Nations Convention on the Use of Electronic Communications in International Contracts. Under the terms of the draft resolution, the General Assembly would, after expressing its appreciation to the Commission for preparing the draft Convention, adopt the Convention and request the Secretary-General to open it for signature. It would also call upon States to consider becoming parties to it. In accordance with its article 16, the Convention shall be open for signature by all States from 16 January 2006 until 16 January 2008.

The Sixth Committee adopted the two draft resolutions without a vote, and it is hoped that the Assembly will do the same.

I now invite the Assembly's attention to agenda item 80, "Report of the International Law Commission on the work of its fifty-seventh session". The relevant report of the Sixth Committee is contained in document A/60/516, and the draft resolution, which the

Committee recommends to the Assembly for adoption, is set out in paragraph 8 thereof.

By the terms of the draft resolution, the General Assembly would, *inter alia*, take note of the report of the International Law Commission on the work of its fifty-seventh session and encourage the Commission to complete work on those items which are near completion at its fifty-eighth session. The Assembly would draw the attention of Governments to the importance for the International Law Commission of having their views on the draft articles and commentary on diplomatic protection and on the draft principles on allocation of loss in the case of transboundary harm arising out of hazardous activities, both of which were adopted at the fifty-sixth session of the Commission in 2004.

The General Assembly would also invite Governments to provide information on other topics, as requested in chapter III of the Commission's report. Furthermore, the Assembly would approve the Commission's conclusions regarding summary records of the Commission and reaffirm its previous decisions concerning the documentation and summary records of the International Law Commission.

The Assembly would also encourage Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee — International Law Week — so as to enable high-level discussions on issues of international law. In addition, the Assembly would decide that the next session of the Commission would be held at the United Nations Office at Geneva from 1 May to 9 June and from 3 July to 11 August 2006.

The Sixth Committee adopted the draft resolution without a vote, and it is hoped that the Assembly will do the same.

I turn now to agenda item 82, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The report of the Sixth Committee on this item is contained in document A/60/517. The draft resolution which the Sixth Committee recommends for adoption by the General Assembly is reproduced in paragraph 10 of the report.

By the terms of the draft resolution, the General Assembly would, among other things, request the

Special Committee, at its next session in 2006, to continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations. The Special Committee would also be requested to continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter and to consider, also on a priority basis, ways and means of improving its working methods and enhancing its efficiency.

Furthermore, the Special Committee would be requested to consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter of the United Nations and amendments thereto.

Additionally, the Assembly would welcome the establishment of the trust fund to eliminate the backlog of the *Repertory of Practice of United Nations Organs* and would encourage States to make voluntary contributions to it. It would also endorse the Secretary-General's efforts to eliminate the backlog of the *Repertoire of the Practice of the Security Council* and would encourage contributions to the trust fund for its updating. It would further request the Secretary-General to submit a report on both publications to the General Assembly at its sixty-first session.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do likewise.

Let me now turn to agenda item 153, "Report of the Committee on Relations with the Host Country". The report of the Sixth Committee on this item is contained in document A/60/520. The draft resolution recommended to the Assembly for adoption is set out in paragraph 8 thereof.

Under the terms of the draft resolution, the Assembly would, *inter alia*, endorse the recommendations and conclusions of the Host Country Committee; consider that the maintenance of appropriate conditions for the normal work of delegations and missions accredited to the United Nations and the observance of their privileges and

immunities are in the interest of the Organization and all Member States; and request the host country to continue to solve, through negotiations, problems that might arise, and to take all measures necessary to prevent any interference with the functioning of missions.

The Sixth Committee adopted the draft resolution without a vote, and it is hoped that the Assembly will be in a position to do so as well.

I would like to draw the Assembly's attention to agenda item 155, "Observer status for the Latin American Integration Association in the General Assembly". The relevant report of the Committee is contained in document A/60/521, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the General Assembly would decide to invite the Latin American Integration Association to participate in the sessions and the work of the General Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

I now turn to agenda item 156, entitled "Observer status for the Common Fund for Commodities in the General Assembly". The relevant Committee report is contained in document A/60/522, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7.

Under the terms of the draft resolution, the General Assembly would decide to invite the Common Fund for Commodities to participate in the sessions and the work of the Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

I now turn to agenda item 158, entitled "Observer status for the Hague Conference on Private International Law in the General Assembly". The relevant report of the Committee is contained in

document A/60/533, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the General Assembly would decide to invite the Hague Conference on Private International Law to participate in the sessions and the work of the Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do likewise.

Finally, I invite the Assembly's attention to agenda item 159, entitled "Observer status for the Ibero-American Conference in the General Assembly". The relevant report of the Committee is contained in document A/60/534, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the General Assembly would decide to invite the Ibero-American Conference to participate in the sessions and the work of the Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

That concludes my introduction of the reports of the Sixth Committee at this stage. I would like to take this opportunity to express my gratitude to Ambassador Mr. Juan Antonio Yáñez-Barnuevo, Chairman of the Sixth Committee, for his hard work and for the commendable leadership he provided to the Committee throughout this session. I also wish to thank the other members of the Bureau — Mr. Mahmoud Hmoud, Mr. Mahmoud Samy and Mr. Grzegorz Zyman — for their cooperation and the support given to me. Finally, thanks and appreciation are also due to all representatives and colleagues for their invaluable contributions to the success of this session.

**The Acting President:** If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee that are before the Assembly today.

*It was so decided.*

**The Acting President:** Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

“When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation’s vote in plenary meeting is different from its vote in the Committee.”

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Sixth Committee, I should like to advise representatives that we are going to take decisions in the same manner as was done in the Sixth Committee, unless the Secretariat is notified otherwise in advance. I therefore hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Sixth Committee.

#### **Agenda item 78**

#### **United Nations Programme of Assistance in Teaching, Study, Dissemination and Wider Appreciation of International Law**

##### **Report of the Sixth Committee (A/60/514)**

**The Acting Chairman:** The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 60/19).*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 78?

*It was so decided.*

#### **Agenda item 79**

#### **Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session**

##### **Report of the Sixth Committee (A/60/515)**

**The Acting President:** The Assembly has before two draft resolutions recommended by the Sixth Committee in paragraph 10 of its report. We shall now take a decision on them.

Draft resolution I is entitled “Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session”. The Sixth Committee adopted draft resolution I without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution I was adopted (resolution 60/20).*

**The Acting President:** Draft resolution II is entitled “United Nations Convention on the Use of Electronic Communications in International Contracts”. The Sixth Committee adopted draft resolution II without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution II was adopted (resolution 60/21).*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 79?

*It was so decided.*

#### **Agenda item 80**

#### **Report of the International Law Commission on the work of its fifty-seventh session**

##### **Report of the Sixth Committee (A/60/516)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 8 of its report. We shall now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

*The draft resolution was adopted* (resolution 60/22).

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 80?

*It was so decided.*

#### **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**

##### **Report of the Sixth Committee (A/60/517)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 10 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted* (resolution 60/23).

**The Acting President:** May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 82?

*It was so decided.*

#### **Agenda item 153**

#### **Report of the Committee on Relations with the Host Country**

##### **Report of the Sixth Committee (A/60/520)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 8 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted* (resolution 60/24).

**The Acting President:** May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 153?

*It was so decided.*

#### **Agenda item 155**

#### **Observer status for the Latin American Integration Association in the General Assembly**

##### **Report of the Sixth Committee (A/60/521)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted* (resolution 60/25).

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 155?

*It was so decided.*

#### **Agenda item 156**

#### **Observer status for the Common Fund for Commodities in the General Assembly**

##### **Report of the Sixth Committee (A/60/522)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted* (resolution 60/26).

**The Acting President:** May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 156?



*It was so decided.*

#### **Agenda item 158**

##### **Observer status for the Hague Conference on Private International Law in the General Assembly**

###### **Report of the Sixth Committee (A/60/533)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted (resolution 60/27).*

**The Acting President:** May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 158?

*It was so decided.*

#### **Agenda item 159**

##### **Observer status for the Ibero-American Conference in the General Assembly**

###### **Report of the Sixth Committee (A/60/534)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted (resolution 60/28).*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 159?

*It was so decided.*

**The Acting President:** The Assembly has thus concluded its consideration of all the reports of the Sixth Committee before it.

#### **Agenda item 81 (continued)**

##### **Report of the International Criminal Court**

###### **Draft resolution A/60/L.25**

**The Acting President:** Members will recall that the General Assembly held the debate on this agenda item at its 46th plenary meeting, on 8 November.

I call on the representative of the Netherlands to introduce draft resolution A/60/L.25.

**Mr. Majoer** (Netherlands): I have the honour to introduce this morning draft resolution (A/60/L.25), entitled "Report of the International Criminal Court".

In addition to the countries listed in L.25, the following have indicated their wish to be included as sponsors: Antigua and Barbuda, Barbados, Colombia, Georgia and Mali. That brings the total number of sponsors for this resolution to 88.

On 8 November, the President of the International Criminal Court presented the first annual report of the Court to this body. We had a very constructive and in-depth debate at that time, and I do not want to repeat that discussion here today. Allow me, however, to highlight just a few elements.

The report of the International Criminal Court and the debate in this body a few weeks ago underlined the important role that the Court plays in our common multilateral system that aims to end impunity and to establish the rule of law, to promote and encourage respect for human rights and to restore and maintain international peace and security. The establishment of the Court was the most significant development in recent years in the long struggle to eradicate impunity. We are therefore very pleased that substantial progress has been achieved in making the Court fully operational. The annual report clearly demonstrates that progress.

The Court is now at the beginning of the judicial phase of its operations, involving both operations in the field and courtroom proceedings. The issuance of arrest warrants against five leaders of the Lord's Resistance Army is a clear indication of that fact. The referral by the Security Council this spring of the situation in Darfur to the International Criminal Court's Prosecutor and the opening of an investigation into that situation by the Prosecutor were other important milestones. The fact that all Security Council

members were directly or indirectly supportive of that referral was a very welcome development, and proof of the growing support for the Court. The President of the International Criminal Court in his address to the General Assembly stressed the fact that cooperation between the Court and the United Nations and cooperation with States, international organizations and civil society are fundamental to an effective and efficient functioning Court, especially now that the Court has started the judicial phase of its work. We call on all concerned to heed his call.

While all States are free to choose whether to become a party to the Rome Statute or not, recently we were happy to welcome the one-hundredth ratification of the Statute by Mexico. We will continue to strive for a universal membership to the Rome Statute and it is therefore our sincere hope that more States will soon ratify it.

The draft resolution before us today serves three main objectives: first, to indicate political support for the International Criminal Court as an organization, for its aims and for the work it carries out.

Secondly, it underlines the importance of the relationship agreement concluded with the United Nations, which serves as a framework for the close cooperation between the two organizations. Thirdly, it serves to remind States of the need to cooperate with the International Criminal Court as it carries out its tasks.

The Netherlands hopes that the adoption of the draft resolution today will lead to even greater support for the International Criminal Court in its fight against impunity and in its attempts to hold those accused of very serious crimes accountable for their actions. In that context, we look forward to the second annual report of the International Criminal Court and its consideration during next year's session of the General Assembly.

**The Acting President:** We shall now proceed to consider draft resolution A/60/L.25. Before giving the floor to the speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Ms. Willson** (United States of America): Our concerns about the Rome Statute and the International Criminal Court (ICC) are well known. They include the

Court's assertion of jurisdiction over nationals of States not parties to the Rome Statute, including United States nationals, and the lack of adequate oversight of the Court's activities, including those of the Prosecutor, who may initiate cases without first seeking approval of the Security Council.

As in past years, those concerns require the United States to disassociate itself from consensus on the draft resolution. While our concerns about the Court have not changed, we would like to move beyond divisiveness on the issue. We share the commitment of parties to the Rome Statute to bring to justice those who perpetrate genocide, war crimes and crimes against humanity. While we have honest differences on how accountability is best achieved, we must work together to ensure that perpetrators of the atrocities are held accountable for their actions.

The actions of the United States demonstrate clearly that we have been and continue to be among the most forceful advocates of the principle of accountability for war crimes, genocide and crimes against humanity. We demonstrated our willingness to work instructively on those matters in connection with Darfur, where it was the United States that concluded that genocide had occurred and it was the United States that called for and supported the creation of the International Commission of Inquiry on Darfur.

While we would have preferred a different mechanism, we believed it was important for the international community to speak with one voice and to act decisively. Consequently, we accepted referral of the Darfur situation by the Security Council to the Court. Those events demonstrate that there can be common ground when both sides are willing to work constructively.

I would like to emphasize today what we have said in the past. We respect the right of other States to become parties to the Rome Statute. We ask in return, however, that other States respect our decision not to do so. With respect to the draft resolution, we made good faith efforts to work with supporters of the Court on language that would reflect that simple principle. We were deeply disappointed that our efforts to turn a new page were rejected.

As we move forward, we urge Court supporters to reciprocate our efforts to seek common ground and avoid divisiveness. In our view, that begins with an acknowledgement that there are honest differences of

view on the issues and an acknowledgement of the right of the United States and other States to decide not to become Parties to the Court and not to subject their citizens and officials to its jurisdiction. That should not be too much to ask.

We have noted in the past the importance we attach to the principle adopted by the General Assembly in resolution 58/318 that the costs of any assistance or services provided by the United Nations to the Court must be fully reimbursed to the United Nations. We are pleased that the sponsors of the draft resolution were willing to make that clear in the draft.

Efforts to include language in resolutions of the General Assembly or Security Council that are inconsistent with the basic respect for the honest differences of views about the Court serve only to exacerbate divisions and make it more difficult for the international community to pursue common approaches in the fight against impunity. Not every issue needs to be turned into a debate about the role of the Court. It is our hope, as we move forward, that efforts by all parties to work constructively and in good faith will allow us to spend less time arguing over the Court and more time working together to ensure accountability for serious crimes.

**The Acting President:** We have heard the only speaker in explanation of vote before the vote. The Assembly will now take a decision on draft resolution A/60/L.25. May I take it that the Assembly decides to adopt draft resolution A/60/L.25?

*Draft resolution A/60/L.25 was adopted (resolution 60/29).*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 81?

*It was so decided.*

### **Programme of work**

**The Acting President:** I would like to inform members that, in addition to the items already scheduled for Monday morning, 28 November, the General Assembly will resume its consideration of the following agenda items, to take action on several draft resolutions: agenda item 41, "Report of the Economic and Social Council", to take action on draft resolutions A/60/L.21 and A/60/L.24; and agenda item 120, "Follow-up to the outcome of the Millennium Summit", to take action on draft resolution A/60/L.26.

*The meeting rose at 11.10 a.m.*