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Chairperson: Mr. Lamine (Vice-Chairperson) (Algeria)

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Completion of the Committee's work

In the absence of Mr. Al Bayati (Iraq), Mr. Lamine (Algeria), Vice-Chairperson, took the Chair.

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

Agenda item 150: Report of the Committee on Relations with the Host Country (A/63/26 and A/C.6/63/L.18)

1. **Mr. Hadjimichael** (Cyprus), Chairman of the Committee on Relations with the Host Country, introducing the Committee's report (A/63/26), said that during the period under review the topics dealt with by the Committee had included the security of missions and the safety of their personnel; entry visas issued by the host country; acceleration of immigration and customs procedures; use of motor vehicles, parking and related matters; the procedure for claiming tax exemptions on gasoline; the issue of property taxes levied by the City of New York on premises of permanent missions used to host diplomats; and the congestion fee on vehicles entering Manhattan. The Committee's recommendations and conclusions were contained in chapter IV of the report.

2. The Committee, established by the General Assembly in 1971, had proved to be an open and versatile body in which all Member States could participate and raise concerns, a standing mechanism through which problems might be addressed in a consensual and result-oriented manner.

3. Speaking as the representative of Cyprus, he introduced draft resolution A/C.6/63/L.18 on the report of the Committee on Relations with the Host Country on behalf of the sponsors. He observed that the draft resolution endorsed the conclusions and recommendations contained in paragraph 51 of the report. Among other matters, it underlined the importance of observing the privileges and immunities of the missions accredited to the United Nations; noted that some permanent missions continued to experience problems in connection with the implementation of the Parking Programme for Diplomatic Vehicles; requested the host country to consider removing the remaining travel restrictions imposed on the staff of certain missions and Secretariat staff of certain nationalities; and noted that the Committee anticipated that the host country would ensure the timely issuance of entry visas to the representatives of Member States.

4. **Mr. Renié** (France), speaking on behalf of the European Union; the candidate countries Croatia and

the former Yugoslav Republic of Macedonia; the stabilization and association process countries Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Iceland, the Republic of Moldova and Ukraine; said that the Committee on Relations with the Host Country continued to serve as an important and necessary venue for considering the various issues and problems that missions accredited to the United Nations might face. In that connection, the European Union wished to express its appreciation for the host country's commitment and efforts to accommodate the needs, interests and requirements of the diplomatic community in New York and to promote mutual understanding between the diplomatic community and the people of New York City.

5. Although the various issues handled by the Committee were often practical in nature, they were crucial for the preservation of the legal regime that defined the status of the United Nations and laid down the rights and obligations of diplomatic agents. It was therefore vital to safeguard the integrity of the relevant body of international law. Since the observance of privileges and immunities was extremely important, the decision of the host country to exempt diplomats accredited to the United Nations in part from secondary screening procedures at airports was most welcome.

6. The European Union supported the proper implementation of the Parking Programme for Diplomatic Vehicles in a manner consistent with international law. The Union appreciated the host country's efforts to ensure the timely issuance of entry visas to representatives of Member States on United Nations business and urged the host country to remove the travel restrictions imposed on the personnel of certain missions and staff members of the Secretariat of certain nationalities.

7. The European Union fully endorsed the conclusions and recommendations of the Committee on Relations with the Host Country, which remained the most suitable body for assisting Member States to communicate matters of concern to the host country and for facilitating dialogue between the parties. The Committee's methods should continue to be guided by the constructive approach and spirit of cooperation that had prevailed hitherto, with a view to finding solutions that were entirely consonant with international law.

8. **Mr. Ramjanally** (Mauritius), speaking on behalf of the African Group, said that the host country's efforts

to resolve matters affecting the welfare of the diplomatic community and the United Nations were commendable. The African Group attached great importance to the Headquarters Agreement, the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations and believed that they should serve as the basis for resolving any problems that arose in the interactions of Member States and the United Nations with the host country.

9. A matter of concern to the African Group was the selective treatment of diplomats on the basis of their origin or destination when they travelled through United States airports. The practice of affixing coded stickers on the tickets and luggage of certain diplomats was not only incompatible with their diplomatic status but also demeaning. The Group urged the host country to treat all diplomats equally and with respect, in conformity with international law.

10. Another matter of concern was the issue of property taxes levied on premises used by permanent missions and the related decision of the United States Supreme Court. The African Group was following closely the cases of India and Mongolia, which would be heard by the Court of Appeals in 2009, because it considered that property tax exemption was not a matter for the courts, but rather a purely administrative issue that the host Government should resolve directly with the New York City authorities.

11. **Mr. Paswan** (India) said that the open and transparent exchanges of views and spirit of cooperation obtaining within the Committee on Relations with the Host Country made it a useful forum for addressing issues relating to the functioning of Member States' missions so that their representatives might perform their functions without hindrance. His delegation appreciated the host country's commitment to fulfilling its obligations under the Convention on the Privileges and Immunities of the United Nations and the Headquarters Agreement.

12. India had brought to the Committee's attention the issue of property taxes being imposed by the City of New York on diplomatic premises used by the Permanent Mission of India to the United Nations to house its diplomats. In a judgement handed down in February 2008, the United States District Court had ruled that the Vienna Convention on Consular Relations and the Vienna Convention on Diplomatic

Relations supported the City's position that the residential exemption from taxes was limited to the residence of the Head of Mission. His Government had filed an appeal against the ruling, even though it continued to believe that, as a sovereign State, India was immune from the jurisdiction of United States courts and was not liable for property tax on the portion of the premises of the Permanent Mission used by its diplomats for residential purposes. Many permanent missions were in a similar situation, and his delegation hoped that the host country would devote attention to removing the ambiguity of its laws so as to ensure that Member States and the staff of their missions were granted the same privileges as those enjoyed by other accredited diplomats, as required by the Headquarters Agreement.

13. As for immigration and customs procedures, the host country's right to monitor and control entry into its territory, to adopt the security measures it deemed necessary and to ensure that delegations did not misuse their privileges and immunities had to be balanced against the right of delegations to participate in the work of the United Nations. Security and immigration officials should therefore be made aware of the privileges and immunities enjoyed by diplomats and their families and should show appropriate respect for them. Lastly, his delegation welcomed the steps taken to address diplomatic missions' parking problems and hoped that the remaining issues, including the request for parking slots by the Indian mission, would soon be resolved.

14. **Ms. Pino Rivero** (Cuba) said that it was essential for the host country to apply the pertinent provisions of the Convention on the Privileges and Immunities of the United Nations, the Vienna Convention on Diplomatic Relations and the Headquarters Agreement in a satisfactory manner.

15. One particularly sensitive issue considered in the report concerned the continued problems with entry visas requested for Cuban diplomats to enable them to attend official meetings of the United Nations, in accordance with the provisions of the Headquarters Agreement. During the reporting period two visa requests had received no response, and in another case the visa had been issued late. Her delegation was concerned about a situation that placed Cuban diplomats at a disadvantage when texts were negotiated, examined and adopted.

16. In addition, owing to the travel restrictions imposed by the host country on Cuba, its diplomatic personnel could not travel beyond a 25-mile radius from Columbus Circle without a special travel permit. Cuba considered that the policy of applying restriction to the movement of Cuban diplomats accredited to the United Nations or Cuban nationals working in the Secretariat was unjust, selective, discriminatory and politically motivated. The restrictions contravened the Headquarters Agreement, as well as customary rules of diplomatic law, and should be eliminated.

17. On the question of acceleration of immigration and customs procedures, it was important that diplomatic courtesies should be accorded when formally requested and that fair treatment of the diplomatic personnel of Member States in airports should be assured. To that end, the host country should increase the training provided to police, security and customs agents, to ensure that they respected diplomatic privileges and immunities.

18. The security of diplomatic missions and their personnel was essential to their proper functioning. In November 2007, the host country had withdrawn permanent police protection from the Cuban diplomatic mission in order to initiate a new protection programme. The host country should make every effort to ensure a rapid and effective response to any incidents against missions or their personnel and provide pertinent information on the measures taken.

19. Lastly, the Parking Programme should be applied in an efficient, equitable and non-discriminatory manner in accordance with international law. Her delegation urged the host country to respect its obligations under the Headquarters Agreement and general principles of international law, particularly the principles of equality and non-discrimination.

20. **Mr. Kuzmin** (Russian Federation) said that his delegation shared the concerns of previous speakers; but, at the same time, it was pleased to observe that, over the past year, the dialogue with representatives of the host country and New York City authorities had been quite constructive, which was reflected in some progress in the search for solutions that would help improve the working conditions for diplomats in New York.

21. His delegation wished to pay tribute to the members of the host country Mission, who were doing their utmost to provide assistance to accredited diplomats. Nevertheless, the problems remained basically the same

each year: restriction of movement, visa and customs procedures, parking and taxes. The Government of the host country should take a comprehensive approach to addressing the issues identified in the Committee's recommendations. It was important to ensure stable, equitable and non-discriminatory conditions for the operation of missions accredited to the United Nations.

22. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran) said that his delegation attached great importance to the work of the Committee on Relations with the Host Country, because it provided a useful forum for the Member States to express their concerns and exchange views with regard to the efficient operation of diplomatic missions accredited to the United Nations in the light of the host country's obligations. The concerns of the Member States expressed during meetings of the Committee should be considered seriously by the relevant authorities of the host country and the necessary measures taken to prevent any interference with the normal functioning of the missions.

23. His delegation acknowledged the efforts made by the host country to fulfil its obligations under the Convention on the Privileges and Immunities of the United Nations. Nevertheless, it was concerned about the repeated failure of the host country to grant entry visas promptly to representatives of the Islamic Republic of Iran assigned to attend official meetings. For example, a senior legal adviser to the Ministry of Foreign Affairs and former member and chairman of the International Law Commission had been unable to travel to New York to attend meetings of the Sixth Committee because he did not receive an entry visa, even though he had applied in a timely manner. The Headquarters Agreement, as the principal legal instrument governing relations between the host country and the United Nations, made it clear that the host country authorities should not impose any impediment on transit to or from the Headquarters district on representatives of Member States irrespective of the relations between their Governments and the Government of the United States.

24. It was also regrettable that travel restrictions continued to be imposed on some missions, including his own, and also on staff members of the Secretariat of certain nationalities — an unjust and discriminatory policy that not only contravened the obligations of the host country as set out in the Headquarters Agreement but also violated the provisions of the relevant international instruments.

25. His delegations shared the concerns raised about the application of special screening measures at airports to diplomats of certain nationalities and urged the host country to honour its obligations under the Headquarters Agreement and other relevant international instruments and ensure representatives of Member States unimpeded entry into the United States.

26. **Mr. Donovan** (United States of America) said that the United States was proud to serve as host country to the United Nations and was grateful to the delegations that had recognized its efforts. Since 1946, his Government had fulfilled its relevant treaty obligations and commitments in every respect, and it remained committed to doing so in the future.

27. The Committee on Relations with the Host Country was a valuable forum in which to discuss issues relating to the presence of the large, diverse diplomatic community in New York City. The meetings of the Committee provide the host country with an opportunity to assess the concerns of the United Nations community and to address them. His delegation appreciated the work of the Committee and welcomed the presence in meetings of numerous observer delegations. The ability of delegations that were not members of the Committee to take part in the meetings had helped make its deliberations more open and representative of the United Nations diplomatic community. Moreover, the Committee's limited but representative membership had made it efficient and unusually responsive. Over the past year, the Committee had continued its discussions on issues such as improving immigration procedures and mitigating delays in visas issuance, areas in which efforts were ongoing and had been increasingly successful. His mission would uphold its commitments to the United Nations community, including on matters relating to the arrival and departure of diplomats from New York area airports.

28. Restrictions on the private non-official travel of members of certain missions, on the other hand, did not violate international law. Under the Headquarters Agreement, the United States was obliged to provide members of missions and delegations with unimpeded access to the Headquarters district, and it did so. It was not required to permit all such individuals to travel to other parts of the country unless they did so on official United Nations business. Travel to unofficial events, such as those hosted by universities, was not governed by the relevant international agreements.

29. *Draft resolution A/C.6/63/L.18 was adopted.*

Agenda item 129: Administration of justice at the United Nations (*continued*) (A/C.6/63/L.9)

30. **The Chairperson** drew attention to draft decision A/C.6/63/L.9 and said that the dates agreed for the meeting of the Ad Hoc Committee on the Administration of Justice at the United Nations, from 20 to 24 April 2009, should be inserted in the blank spaces in the text.

31. **Ms. Arsanjani** (Secretary of the Committee), referring to the programme budget implications of the draft decision, said it was envisaged that the Ad Hoc Committee would hold 10 meetings with simultaneous interpretation in all six languages. Twenty-five pages of pre-session, 55 pages of in-session and 55 pages of post-session documents would be required, to be issued in all six languages. As the session had already been included in the calendar of conferences and meetings for 2009, no additional financial resources would be required.

32. *Draft decision A/C.6/63/L.9, as orally revised, was adopted.*

Agenda item 73: Criminal accountability of United Nations officials and experts on mission (*continued*) (A/C.6/63/L.10)

33. *Draft resolution A/C.6/63/L.10 was adopted.*

Agenda item 72: Nationality of natural persons in relation to the succession of States (*continued*) (A/C.6/63/L.14)

34. *Draft resolution A/C.6/63/L.14 was adopted.*

Agenda item 74: Report of the United Nations Commission on International Trade Law on the work of its forty-first session (*continued*) (A/C.6/63/L.4, L.5 and L.6)

35. **The Chairperson** drew attention to draft resolution A/C.6/63/L.4 on the report of the United Nations Commission on International Trade Law on the work of its resumed fortieth and its forty-first sessions and announced that Malta and the Republic of Korea had also become sponsors.

36. **Mr. Stastoli** (Albania), **Ms. Durbuzović** (Bosnia and Herzegovina), **Mr. Navoti** (Fiji), **Mr. Baghaei Hamaneh** (Islamic Republic of Iran), **Ms. Malinovska** (Latvia), **Mr. Čelebić** (Montenegro) and **Ms. Radu**

(Republic of Moldova) said that their delegations wished to become sponsors of the draft resolution.

37. *Draft resolution A/C.6/63/L.4 was adopted.*

38. **The Chairperson** drew attention to draft resolution A/C.6/63/L.5 on the Legislative Guide on Secured Transactions of the United Nations Commission on International Trade Law.

39. *Draft resolution A/C.6/63/L.5 was adopted.*

40. **The Chairperson** drew attention to draft resolution A/C.6/63/L.6 on the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea.

41. **Ms. Arsanjani** (Secretary of the Committee), referring to the programme budget implications of the draft resolution, said that pursuant to paragraph 3, the signing ceremony for the Convention would be held in September 2009 in Rotterdam, the Netherlands. The Government of the Netherlands would cover all additional extrabudgetary costs arising from the holding of the ceremony in Rotterdam rather than in Vienna. No financial implications would therefore arise under the proposed programme budget for the biennium 2008-2009.

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

Agenda item 77: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (*continued*) (A/C.6/63/L.12)

43. **Ms. Nyberg** (Finland) announced that Israel had joined the sponsors of draft resolution A/C.6/63/L.12.

44. **Mr. Stastoli** (Albania), **Mr. Babadoudou** (Benin), **Mr. Koné** (Burkina Faso), **Mr. Morejón** (Ecuador), **Ms. Onanga-Anyanga** (Gabon), **Ms. Malinovska** (Latvia), **Ms. Randrianarivony** (Madagascar) and **Mr. Čelebić** (Montenegro) said their delegations wished to become sponsors of the draft resolution.

45. *Draft resolution A/C.6/63/L.12 was adopted.*

Agenda item 156: Observer status for the International Fund for Saving the Aral Sea in the General Assembly (*continued*) (A/C.6/63/L.13)

46. *Draft resolution A/C.6/63/L.13 was adopted.*

Agenda item 75: Report of the International Law Commission on the work of its sixtieth session (*continued*) (A/C.6/63/L.20 and L.21)

47. **Mr. Sheeran** (New Zealand), introducing draft resolution A/C.6/63/L.20 on the report of the International Law Commission on the work of its sixtieth session on behalf of the Bureau, said that the fifth, sixth and seventh preambular paragraphs, reaffirming the importance of the information provided to the Commission by Member States concerning their views and practice, recognizing the importance of the work of the special rapporteurs and recalling the role of Member States in submitting proposals for the Commission's consideration, were new elements.

48. Also new were paragraph 14 commending the convening on the sixtieth anniversary commemorative meeting; paragraph 16 encouraging the Commission to consult with key humanitarian actors on the topic "Protection of persons in the event of disasters"; paragraph 17 on the Commission's envisaged meeting with legal advisers of international organizations; and paragraph 27 on the framing of the Commission's questions on specific issues.

49. Following extensive consultations on the question of honoraria in relation to special rapporteurs, he was proposing an oral revision of the resolution through the insertion of a new paragraph, based on an amendment submitted by the Russian Federation. The new paragraph, to be inserted after paragraph 8, read: "*Requests* the Secretary-General to submit to the General Assembly, in accordance with the established procedures, and bearing in mind its resolution 56/272, a report on the assistance currently provided to special rapporteurs and options regarding additional support of the work of special rapporteurs".

50. *Draft resolution A/C.6/63/L.20, as orally revised, was adopted.*

51. **Mr. Sheeran** (New Zealand), introducing draft resolution A/C.6/63/L.21 on the law of transboundary aquifers on behalf of the Bureau, said that the draft articles on the topic, included in an annex to the resolution, succeeded in balancing the competing interests at stake in the use and preservation of a vital but increasingly scarce natural resource. The draft resolution, inter alia, took note of the draft articles on the law of transboundary aquifers and commended them to the attention of Governments without prejudice to their future adoption; encouraged States to make appropriate

bilateral or regional arrangements taking into account the provisions of the draft articles; and decided to include an agenda item on the topic at the sixty-sixth session. It also expressed appreciation for the scientific and technical assistance rendered by relevant organizations, which was intended to encourage the Commission to take such an approach where appropriate in the future.

52. *Draft resolution A/C.6/63/L.21 was adopted.*

Agenda item 76: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (*continued*)
(A/C.6/63/L.15)

53. **Mr. Lundkvist** (Sweden), introducing draft resolution A/C.6/63/L.15 on behalf of the sponsors, said that the following countries wished to become sponsors: Belarus, Burkina Faso, Cambodia, Costa Rica, Ecuador, Fiji, Kenya, Mongolia, Montenegro, New Zealand, Trinidad and Tobago, Uganda and Zambia, bringing the total number of sponsors to 76. The agenda item had initially been introduced at the request of Denmark, Finland, Norway and Sweden at the thirty-seventh session of the General Assembly. At that time, its main purposes had been to call upon States not parties to the Additional Protocols to consider ratifying or acceding to them, and to affirm the value of established humanitarian rules relating to armed conflicts and the need to ensure respect for those rules. The scope of the item had since broadened to take account of recent important developments in the field of international humanitarian law in general.

54. The draft resolution contained a new preambular paragraph relating to developments regarding cluster munitions. There were also new preambular paragraphs noting the entry into force of the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Adoption of an Additional Distinctive Emblem (Protocol III); welcoming certain developments surrounding the study by the International Committee of the Red Cross on customary international humanitarian law; and noting the special responsibilities of national Red Cross and Red Crescent societies as auxiliaries to the public authorities of their respective States. Since all delegations strongly supported international humanitarian law relating to the victims of armed conflict, he hoped that the resolution could be adopted by consensus.

55. **Ms. Negm** (Egypt), speaking in explanation of position, affirmed the importance of peace efforts in areas

of armed conflict to saving lives and achieving stability for all communities. Until that goal was accomplished, however, strict application of the principles of international humanitarian law in areas so affected was instrumental to the protection of civilians, particularly the most vulnerable. With that in mind and in the sole interest of preserving the consensus on such a vital draft resolution, her delegation had demonstrated the utmost flexibility by accepting the reference to Protocol III contained in the fourteenth preambular paragraph.

56. Its reasons for joining the consensus were first of all based on the fact that the reference in no way indicated any form of support for Protocol III but merely signalled the most recent development relating to the status of the Additional Protocols. The adoption of Protocol III by vote was regrettable insofar as it failed to take into account the reservations expressed during the negotiation of the draft, thereby constituting an undesirable precedent in matters relating to international humanitarian law that should never be repeated. Neutrality and universality were important principles to be maintained in the interest of avoiding any failure of consensus on new instruments of international humanitarian law, the negotiation of which should be based on the principles of that law and on humanitarian — not political — considerations.

57. The reservations that had been expressed concerning the draft protocol were still relevant, in particular the fact that the adoption of a new neutral emblem for use in Israel excluded the occupied Arab territories in Palestine and the Golan. The memorandum of understanding signed between the Palestine Red Crescent Society and the Israeli equivalent, Magen David Adom (MDA), set out the territorial boundaries for their respective operations. Contrary to its official assurances, however, MDA had not yet fulfilled its undertaking to consult with the Palestine Red Crescent Society and the Syrian Arab Red Crescent Society concerning its operations in the Israeli-occupied territories, an omission that constituted a new violation of the principles of international law and a breach of the memorandum of understanding. Moreover, MDA teams continued to include armed soldiers, which was inconsistent with the principles of the International Red Cross and Red Crescent Movement, in particular resolution XI of its tenth International Conference, held in 1921. Her delegation also had continuing legal reservations relating to the amendment of the Constitution of the International Federation of Red Cross and Red Crescent Societies.

58. Notwithstanding its numerous reservations, her delegation attached great importance to the application of Protocol III in conformity with all such principles, including those of international humanitarian law. It therefore called on the international community to take a stand against the repeated violations of those same principles by a national society that ostensibly applied Protocol III. Such a stand was vital to ensuring greater protection for the region's victims of armed conflict and occupation, particularly bearing in mind that their numbers were ever increasing. In conclusion, she reiterated that her delegation would not oppose the draft resolution.

59. *Draft resolution A/C.6/63/L.15 was adopted.*

60. **Mr. Limon** (Israel), speaking in explanation of position, said that his delegation had joined the consensus on the resolution. The experience of recent years had only served to highlight the importance of preventing a dilution of the laws of armed conflict and of maintaining the crucial distinction between civilians and combatants. Those principles were the bedrock of the international laws of armed conflict, and were universally recognized. They continued to represent a unique challenge because of the increase in armed conflicts around the world and the ongoing struggle against terrorism. Educational programmes within armed forces and security services played a fundamental role in the protection of basic rights. Israel's defence forces endeavoured to ensure that all their members were familiar with the humanitarian principles and were equipped with the necessary training to act in accordance with them.

61. Israel had not been alone in expressing its concerns regarding certain aspects of the Additional Protocols of 1977. Some States and some leading scholars had questioned whether a number of provisions in the Protocols had a sound legal basis. When instruments of international humanitarian law were manipulated and politicized, the standing of those instruments was inevitably weakened, with the risk of harming the very people they were designed to protect. Israel, while acknowledging the importance of many aspects of the Additional Protocols of 1977, was unable to become a party to them because of the political terminology which had been allowed into the text. Although the text of the present resolution was generally unobjectionable, his delegation would have been compelled to abstain if it had been put to the vote. He reiterated his country's support for Protocol III,

which advanced humanitarian protection in many circumstances.

Agenda item 78: 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.6/63/L.19)

62. **Ms. Negm** (Egypt), introducing draft resolution A/C.6/63/L.19 on behalf of the Bureau, said that the draft resolution was an updated version of General Assembly resolution 62/59. Paragraph 2 gave the dates of the Special Committee's next session. Paragraph 3 (b) had been amended to replicate the wording of the recommendation, contained in paragraph 21 of the report of the Special Committee (A/63/33), concerning the working document submitted by the Russian Federation on the subject of sanctions. A new paragraph 4 had been added to reflect the decision not to keep on the agenda of the Special Committee the topic relating to the consideration of a working paper, also submitted by the Russian Federation, on the subject of peacekeeping operations. Paragraph 15 had been amended to request the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 11 of his report on implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/63/224).

63. **Ms. Arsanjani** (Secretary of the Committee), referring to the programme budget implications of the draft resolution, said that, pursuant to paragraph 2, the next session of the Special Committee would be held from 17 to 25 February 2009, comprising a total of 14 meetings with simultaneous interpretation in all six languages. Twenty-five pages of pre-session, 55 pages of in-session and 55 pages of post-session documentation would need to be issued in all six languages. At current rates, the cost of conference-servicing requirements for the meeting was estimated at US\$ 433,252. The session had already been included in the calendar of conferences and meetings for 2009, however, and did not therefore constitute an addition.

64. As for the advisory opinions to be issued as official documents in accordance with paragraph 8 of the draft resolution, they would be processed as and when capacity became available and following the past pattern of submission. Consequently, they would not constitute an additional workload. In short, the draft resolution would give rise to no additional

requirements under the programme budget for the biennium 2008-2009.

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

Agenda item 79: The rule of law at the national and international levels (*continued*) (A/C.6/63/L.17)

66. **Mr. Alday González** (Mexico), introducing draft resolution A/C.6/63/L.17 on behalf of the Bureau, said that the draft resolution reflected the progress achieved in rule of law activities during the two years since the agenda item had been introduced at the request of Liechtenstein and Mexico to implement paragraph 134 of the 2005 World Summit Outcome.

67. The draft resolution, *inter alia*, reaffirmed the role of the General Assembly in encouraging the progressive development of international law and its codification and the need for States to abide by all their obligations under international law; stressed the importance of adherence to the rule of law at the national level and the need to strengthen support to Member States in domestic implementation, upon their request; recognized the importance of the rule of law to virtually all areas of United Nations engagement; and encouraged the Secretary-General to accord high priority to the rule of law. The draft resolution also expressed full support for the Rule of Law Coordination and Resource Group and the Rule of Law Unit and stressed the need to consider without delay the resource requirements of the Unit.

68. Paragraph 10 set out three sub-topics on which Member States were invited to focus their comments in Sixth Committee debates during the next three sessions. An understanding had been reached during the course of consultations on the content of the sub-topics. In the case of the sub-topic to be discussed at the sixty-fourth session, namely "Promoting the rule of law at the international level", the understanding was that delegates might wish to comment on such issues as strengthening an international system based on the rule of law; the role of the United Nations, including the International Court of Justice, in the peaceful settlement of disputes; promoting respect for the purposes and principles of the Charter; and other international dispute resolution mechanisms. Under the sub-topic to be discussed at the sixty-fifth session, "Laws and practices of Member States in implementing international law", delegates might wish to comment on such issues as their laws and practices in the domestic

implementation and interpretation of international law; strengthening and improving coordination and coherence of technical assistance and capacity-building in that area; mechanisms and criteria for evaluating the effectiveness of such assistance; ways and means of advancing donor coherence; and perspectives of recipient countries. With regard to the third sub-topic, "Rule of law and transitional justice in conflict and post-conflict situations", which was to be discussed at the sixty-sixth session, delegates might wish to comment on such issues as combating impunity and strengthening criminal justice; the role and future of national and international transitional justice and accountability mechanisms; and informal justice systems.

69. **Ms. Arsanjani** (Secretary of the Committee), referring to the programme budget implications of draft resolution A/C.6/63/L.17, specifically paragraph 9 regarding the resource requirements of the Rule of Law Unit, said that the relevant report of the Secretary-General on the item (A/63/154) had been submitted pursuant to paragraph 4 of General Assembly resolution 62/70 and was scheduled to be reviewed by the Fifth Committee during the current session. In the meantime, *ad hoc* arrangements were in place to support the functioning of the Rule of Law Unit.

70. *Draft resolution A/C.6/63/L.17 was adopted.*

71. **The Chairperson** said that, in the absence of any objections, he would take it that the Committee wished to set forth in an official document of the Sixth Committee the further explanations of the three sub-topics referred to in footnote 5 of the draft resolution, as articulated by the representative of Mexico, preceded by a note by the Chairperson that would read: "The Sixth Committee reached the following understanding in connection with operative paragraph 10 of draft resolution A/C.6/63/L.17, entitled 'The rule of law at the national and international levels', which it adopted at its 26th meeting on 14 November 2008:".

72. *It was so decided.*

Agenda item 99: Measures to eliminate international terrorism (*continued*) (A/C.6/63/L.11)

73. **Mr. Morrill** (Canada), introducing draft resolution A/C.6/63/L.11 on behalf of the Bureau, said that the draft resolution was an updated version of General Assembly resolution 62/71, encompassing minor changes only, notably a reference to the first biennial review of the United Nations Global Counter-

Terrorism Strategy in the second preambular paragraph and in paragraph 25. He expressed his gratitude to delegations for their flexibility concerning the dates of the next meeting of the Ad Hoc Committee established by General Assembly resolution 51/210, which was scheduled to take place later than usual in the interests of effectiveness. He also commended the constructive approach shown during the five informal consultations held with a view to improving and streamlining the draft resolution. Although the draft resolution had remained substantially unchanged despite those efforts they had nonetheless served as an important basis for future work.

74. **Ms. Arsanjani** (Secretary of the Committee), referring to the programme budget implications of the draft resolution, said that pursuant to paragraphs 22 and 23 the next session of the Ad Hoc Committee was scheduled to take place from 29 June to 2 July 2009, comprising a total of 8 meetings with simultaneous interpretation in all six languages. Twenty-five pages of pre-session, 60 pages of in-session and 40 pages of post-session documentation would need to be issued in all six languages. The session had already been included in the calendar of conferences and meetings for 2009 and did not therefore constitute an addition. In short, the draft resolution gave rise to no additional requirements under the programme budget for the biennium 2008-2009.

75. **Ms. Negm** (Egypt), speaking in explanation of position, said that her delegation would join the consensus on the draft resolution but wished to express a reservation concerning the twenty-first preambular paragraph insofar as it included a misplaced reference to the North Atlantic Treaty Organization, which, being a military alliance, differed in nature and in terms of its activities from the other organizations listed.

76. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran) and **Mrs. Pino Rivera** (Cuba) said that their delegations shared the same reservation but would nonetheless join the consensus on the draft resolution.

77. *Draft resolution A/C.6/63/L.11 was adopted.*

78. **Mr. Ben Lagha** (Tunisia) said that the reference to "other relevant initiatives" in the twenty-fourth preambular paragraph of the draft resolution included his country's initiative for the convening of an international conference under United Nations auspices for the purpose of establishing an international code of conduct on counter-terrorism. Various regional and

political groups had already declared their support for that initiative, and his delegation looked forward to its implementation.

Agenda item 119: Programme planning

79. **The Chairperson** said that there were no reports to be considered under the item, the Committee for Programme and Coordination having already considered and approved the "Legal affairs" section of the biennial programme plan for the period 2008-2009. If he heard no objection, he would therefore take it that the Committee had concluded its consideration of the item.

80. *It was so decided.*

Agenda item 110: Revitalization of the work of the General Assembly (A/C.6/63/L.16)

81. **The Chairperson** said that the Bureau had prepared a provisional programme of work for the sixty-fourth session, contained in draft decision A/C.6/63/L.16, which was intended to assist the overall planning, preparation and organization of the Committee's work for that session.

82. *Draft decision A/C.6/63/L.16 was adopted.*

83. **Mr. Sheeran** (New Zealand) said that he wished to commend the Office of Legal Affairs, in particular the Codification Division and the Division for Ocean Affairs and the Law of the Sea, for its scheduling of the Committee's meetings and the informal consultations on the draft omnibus resolution on oceans and the law of the sea and the draft resolution on sustainable fisheries. The resulting avoidance of overlap had afforded smaller delegations in particular the benefit of full participation in the discussions, and he hoped for the continuation of similar arrangements in future.

84. **Mr. Alday González** (Mexico), speaking on behalf of the Rio Group, said that he wished to express his gratitude to the Bureau and the Secretariat for their similar efforts to avoid overlap, which was essential to improving coordination and enabling small missions to remain continually informed of developments.

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

85. **The Chairperson** 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 Main Committees

should, at least three months before the opening of the next session, elect a Chairman and a full Bureau. He therefore suggested that the regional groups should hold consultations at least three months before the opening of the sixty-fourth session of the General Assembly, which would enable the Committee to elect its next Chairperson, three Vice-Chairpersons and Rapporteur at an appropriate time.

Completion of the Committee's work

86. **The Chairperson** declared that the Committee had completed its work for the main part of the sixty-third session.

The meeting rose at 12.20 p.m.