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## Sixth Committee

### Summary record of the 25th meeting

Held at Headquarters, New York, on Thursday, 12 November 2009, at 10 a.m.

*Chairman:* Mr. Benmehidi . . . . . (Algeria)  
*later:* Ms. Baghaei Hamaneh (Vice-Chairman) . . . . . (Islamic Republic of Iran)  
*later:* Mr. Benmehidi (Chairman) . . . . . (Algeria)

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*The meeting was called to order at 10.15 a.m.*

**Agenda item 164: Report of the Committee on Relations with the Host Country** (A/64/26; A/C.6/64/L.13)

1. **Mr. Zaimov** (Bulgaria), Vice-Chairperson of the Committee on Relations with the Host Country, introducing the Committee's report (A/64/26) said that the Committee was an open, transparent and flexible forum in which representatives of Member States could seek to resolve problems with the host country affecting the diplomatic community through a frank and constructive exchange of views. In addition to the regular membership, any interested Member State could participate as an observer, and no member had the right of veto.

2. Speaking as the representative of Bulgaria, he introduced draft resolution A/C.6/64/L.13 on the report of the Committee on Relations with the Host Country on behalf of the sponsors. *Inter alia*, the resolution endorsed the Committee's recommendations, 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's anticipation that the host country would ensure the timely issuance of entry visas to the representatives of Member States.

3. **Ms. Grönblad** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Montenegro and Serbia; and, in addition, Armenia, Georgia, Liechtenstein, the Republic of Moldova and Ukraine, said that the Committee on Relations with the Host Country continued to serve as an important and necessary forum for considering the various issues and problems that missions accredited to the United Nations might face. 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 that community and the people of New York City.

4. Although the issues dealt with by the Committee were often practical in nature, they were crucial to preservation of the legal regime that defined the status of the United Nations and laid down the rights and obligations of diplomatic agents. The observance of diplomatic privileges and immunities was a matter of great importance, and it was vital to safeguard the integrity of the relevant body of international law. In that light, the European Union welcomed the decision of the host country to exempt all diplomats accredited to the United Nations from some of the secondary screening procedures at airports and looked forward to its effective implementation. It supported proper implementation of the Parking Programme for Diplomatic Vehicles in a manner consistent with international law and appreciated the host country's efforts to ensure the timely issuance of entry visas to representatives of Member States on United Nations business.

5. The European Union fully endorsed the conclusions and recommendations of the Committee on Relations with the Host Country. 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 fully in keeping with international law.

6. **Mr. Delgado Sánchez** (Cuba) said that it was important for the host country to apply properly the relevant provisions of the Convention on the Privileges and Immunities of the United Nations, the Vienna Convention on Diplomatic Relations, the Headquarters agreement and the general principles of international law, especially the principles of equality and non-discrimination. A particularly sensitive issue for his delegation concerned the travel restrictions imposed on staff of the Cuban mission; its diplomatic personnel could not travel beyond a 25-mile radius from Columbus Circle without applying for a special travel permit. The restrictions, which affected not only Cuban diplomatic officials, but also Cuban nationals accredited to the United Nations or working for the Organization, prevented them from participating in numerous multilateral events related to the work of the United Nations. They were unjust, selective, discriminatory and politically motivated and contravened the host country's obligations under international law.

7. Furthermore, there were still irregularities in the issuance of visas by the host country, which should make a greater effort to ensure their timely issuance, not only for United Nations meetings in New York but for other United Nations meetings as well. 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 at airports should be assured. The host country should further intensify the training of police, security and customs and border control officers to ensure that diplomatic privileges and immunities were fully respected. Lastly, the Parking Programme should be implemented in an equitable, non-discriminatory and efficient manner consistent with international law. Steps should be taken to ensure that the diplomatic parking spaces assigned to a permanent mission to the United Nations were not occupied by other vehicles without proper authorization.

8. His delegation reaffirmed the importance of the work of the Committee on Relations with the Host Country as adviser to the host country and advocated facilitating active participation by other States.

9. **Mr. Gouider** (Libyan Arab Jamahiriya) stressed that the privileges and immunities of all diplomats must be respected so that they could perform their functions properly. Selective treatment of the diplomatic personnel of certain countries during security inspections at airports was contrary to the Headquarters Agreement and other relevant international law instruments. Violations should be investigated and measures taken to prevent their recurrence. His delegation welcomed the United States authorities' attempt to speed up inspection procedures and asked that that effort should be increased until the problem was solved.

10. **Mr. Koshyari** (India) said that the open, transparent exchange of views in the Committee on Relations with the Host Country had made it possible to address issues relating to the functioning of missions of Member States in a spirit of cooperation. His delegation was pleased to note that the host country had issued a notification that real property owned by foreign Governments, including those housing diplomatic missions, was exempt from local property tax in the United States, pursuant to international law. However, the City of New York had challenged the notification and a case regarding the Permanent

Mission of India to the United Nations was pending before the courts.

11. With regard to 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. In some cases, entry visas were not issued in time to permit attendance at official United Nations meetings; his delegation therefore supported the recommendation that the host country should enhance its efforts to ensure timely issuance.

12. **Mr. Kuzmin** (Russian Federation) expressed his delegation's support for the work of the Committee on Relations with the Host Country and its recommendations. His delegation had traditionally played an active role in that Committee's work and had sought compromise in the interests of all parties. There were, however, certain long-running issues that impeded the normal course of diplomatic business. In addition to the missions' frequent complaints about parking problems, airport checks and visa issuance procedures, his own Permanent Mission faced the additional problem of the travel restrictions imposed by the host country on its diplomats and on United Nations staff members who were citizens of the Russian Federation. Measures which targeted particular countries were undoubtedly discriminatory, based as they were on nationality, and could not be regarded as acceptable or reasonable. He trusted that the Committee on Relations with the Host Country would succeed in resolving that problem.

13. **Ms. Ross** (United States of America) said that the United States of America was proud to serve as host country to the United Nations and was grateful to the delegations that had recognized its efforts. Her Government had fulfilled its relevant treaty obligations and commitments since 1946 and remained committed to doing so in the future.

14. 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. Its meetings provided the host country with an opportunity to assess the concerns of the United Nations community and to address them. The host country valued greatly the

cooperation and constructive spirit of the members of the Committee and welcomed the presence in its meetings of numerous observer delegations, which had helped to make its deliberations more open and representative of the United Nations diplomatic community. The Committee's limited but representative membership made it efficient and unusually responsive. Over the past year, the Committee had continued its discussions on such issues as improving immigration procedures at New York airports and mitigating delays in visa issuance, areas in which the host country regarded its efforts as ongoing and increasingly successful.

15. *Draft resolution A/C.6/64/L.13 was adopted.*

**Agenda item 78: Criminal accountability of United Nations officials and experts on mission** (*continued*) (A/C.6/64/L.8)

16. *Draft resolution A/C.6/64/L.8 was adopted.*

**Agenda item 79: Report of the United Nations Commission on International Trade Law on the work of its forty-second session** (*continued*) (A/C.6/64/L.10 and L.11)

17. **The Chairman** drew attention to the draft resolution A/C.6/64/L.10 on the report of the United Nations Commission on International Trade Law on the work of its forty-second session.

18. **Ms. Köhler** (Austria) announced that Afghanistan, India and Jamaica had become sponsors of the draft resolution.

19. *Draft resolution A/C.6/64/L.10 was adopted.*

20. **Mr. Cabouat** (France), speaking in explanation of position, recalled the importance that his delegation attached to continued reflection on the Commission's working methods and said that it was not a sponsor of the draft resolution, as it had been in previous years, because paragraph 13, concerning the working methods of the Commission, did not reflect the new developments over the past year that were mentioned in the Commission's report (A/64/17). The changes to that paragraph that the delegation of France had proposed consisted entirely of elements from the report and on a subject of such importance, it was difficult to justify the drafters' failure to update the relevant portion of the draft resolution.

21. **The Chairman** drew attention to draft resolution A/C.6/64/L.11 on the Practice Guide on Cross-Border Insolvency Cooperation of the United Nations Commission on International Trade Law.

22. *Draft resolution A/C.6/64/L.11 was adopted.*

**Agenda item 83: The rule of law at the national and international levels** (*continued*) (A/C.6/64/SR.14)

23. *Draft resolution A/C.6/64/L.14 was adopted.*

**Agenda item 106: Measures to eliminate international terrorism** (*continued*) (A/C.6/64/L.12)

24. **Mr. Mikulka** (Secretary of the Committee), explaining the programme budget implications of the draft resolution, said that in paragraphs 22 and 23, it was envisaged that the Ad Hoc Committee established by General Assembly resolution 51/210 should hold its next session from 12 to 16 April 2010, which would entail 10 meetings with simultaneous interpretation in all six of the Organization's official languages; the documentation requirements would be 25 pages of pre-session, 60 pages of in-session and 40 pages of post-session documentation issued in the six languages. The session had already been included in the calendar of conferences and meetings for 2010, for which provision had been made in the proposed programme budget for the biennium 2010-2011 (A/64/6). Accordingly, should the General Assembly adopt the draft resolution, no additional requirements would arise under the proposed programme budget.

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

26. **Mr. Adi** (Syrian Arab Republic), **Ms. Pino** (Cuba) and **Mr. Baghaei Hamaneh** (Islamic Republic of Iran) said that their delegations shared the reservations expressed by the representative of Egypt but would nonetheless join the consensus on the draft resolution.

27. *Draft resolution A/C.6/64/L.12 was adopted.*

**Agenda item 80: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law** (*continued*) (A/C.6/64/L.17)

28. **Mr. Appreku** (Ghana), introducing the draft resolution on behalf of the Bureau, said that the text followed the previous resolutions on the subject. However, it had been streamlined and updated in order to reflect the outcome of the discussions held during the forty-fourth session of the Advisory Committee on the Programme of Assistance, as reflected in the report of the Secretary-General on the implementation of the Programme of Assistance (A/64/495). The initial draft had been circulated for comments and proposals under a silence procedure. The present text incorporated some of the amendments proposed by delegations but, unfortunately, it had not been possible to reflect certain proposals that had not enjoyed broad support. He appealed to all delegations to join the overwhelming consensus in a spirit of flexibility.

29. On the whole, the text of the draft resolution reflected a balance based on the mandate, principles and practice of the Advisory Committee and the Sixth Committee, which had over four decades of precedent in providing advice to the Secretary-General on all aspects of the Programme of Assistance, including with regard to promotion of a wider appreciation of international law, working methods and administrative and financial matters.

30. *Draft resolution A/C.6/64/L.17 was adopted.*

31. **Mr. Appreku** (Ghana), speaking in explanation of position, said that the Charter underscored the importance of international law by providing that the United Nations should establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained.

32. The United Nations Decade of International Law had strengthened the importance of international law by promoting its teaching, study, dissemination and wider appreciation; respect for and acceptance of its principles; its progressive development and codification; and the peaceful settlement of disputes. Those objectives could be achieved through education, study and awareness-raising, which could not be accomplished without adequate resource mobilization.

33. The General Assembly had emphasized that there would be room for the possible expansion of the Programme of Assistance. In fact, the establishment of the Audiovisual Library of International Law, which the International Association of Law Librarians had awarded the 2009 Best Website Award, demonstrated the need for the Committee to constantly explore creative ways to streamline, update and adapt its future resolutions to changing circumstances, as appropriate. The year 2015 would mark the golden jubilee of the Programme of Assistance, which would provide an opportunity for the Committee to consider the progress made and prospects for the future of the Programme, including the possible launching of another decade of international law.

**Agenda item 81: Report of the International Law Commission on the work of its sixty-first session** (*continued*) (A/C.6/64/L.15)

34. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran), introducing the draft resolution on behalf of the Bureau, said that it contained a technical update of General Assembly resolution 63/123 and some necessary adjustments based on the Commission's progress on each topic. Paragraph 6 concerned the provision of additional support for the work of special rapporteurs; paragraph 14 added a reference to article 25 of the Commission's Statute; and paragraph 18 took note of paragraph 233 of the report of the Commission (A/64/10) and stressed the need to expedite preparation of its summary records.

35. *Draft resolution A/C.6/64/L.15 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.6/64/L.9)

36. **Ms. Negm** (Egypt), introducing the draft resolution on behalf of the Bureau, said that the text was an updated version of General Assembly resolution 63/127. A document entitled "Introduction and implementation of sanctions imposed by the United Nations" was contained in annex to the resolution; at the 2009 session of the Special Committee, delegations had expressed divergent views on how to bring that document into the resolution, and it had ultimately been agreed to take note of it in paragraph 2 thereof.

37. Paragraph 3 established dates for the next session of the Special Committee, which would meet from 1 to 9 March 2010. After lengthy negotiations, it had been agreed that, as in previous years, the length of the session would be seven working days.

38. **Mr. Mikulka** (Secretary of the Committee), explaining the programme budget implications of the draft resolution, said that in paragraph 3, it was envisaged that the Special Committee should hold its next session from 1 to 9 March 2010, which would entail 14 meetings with simultaneous interpretation in all six of the Organization's official languages; the documentation requirements would be 25 pages of pre-session, 55 pages of in-session and 55 pages of post-session documentation in all six languages. The 2010 session of the Special Committee had already been included in the calendar of conferences and meetings for 2010, for which provision had been made in the proposed programme budget for the biennium 2010-2011 (A/64/6). It was understood that the advisory opinions to be issued as official documents under paragraph 8 of the draft resolution would not constitute an additional workload since they would be processed as and when capacity became available and following the past pattern of submission. Accordingly, should the General Assembly adopt the draft resolution, no additional requirements would arise under the proposed programme budget.

39. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that it was the understanding of the Non-Aligned Movement that the document entitled "Introduction and implementation of sanctions imposed by the United Nations" constituted an integral part of the draft resolution. However, it was dismayed that the language used in paragraph 2 of the draft resolution did not reflect the views of the majority of Member States regarding the adoption of the document, which was the result of years of negotiations and many compromises, including on the part of the Movement. The text had been generally accepted on the last day of the Special Committee's February 2009 session and it was disappointing that the Sixth Committee could not adopt the document as had been generally agreed by the Special Committee. Nevertheless, that should not affect the document's authority in guiding the activities of the Security Council with respect to the introduction and implementation of sanctions. The Non-Aligned

Movement would join the consensus on adoption of the draft resolution.

40. *Draft resolution A/C.6/64/L.9 was adopted.*

41. *Mr. Baghaei Hamaneh (Islamic Republic of Iran), Vice-Chairman, took the Chair.*

**Agenda item 84: The scope and application of the principle of universal jurisdiction** (*continued*)  
(A/C.6/64/L.18)

42. **Mr. Bugingo Rugema** (Rwanda) introduced the draft resolution.

43. **Mr. Ajawin** (Sudan) expressed his delegation's support for the draft resolution. His delegation, had, however proposed, during the discussions on the text, that the words "inter alia" should be inserted in paragraph 1 before the words "the scope and application of the principle of universal jurisdiction ..." since that principle was still in its legal infancy; indeed there was no definition of the term "universal jurisdiction" in *Black's Law Dictionary*. Moreover, the draft resolution invited Member States to submit their own observations on the matter, which might not be limited to the sources mentioned in the resolution.

44. *Draft resolution A/C.6/64/L.18 was adopted.*

*The meeting was suspended at 11.45 and resumed at noon.*

45. *Mr. Benmehidi (Algeria) resumed the Chair.*

**Agenda item 133: Programme planning**

46. **The Chairman** 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 118: Revitalization of the work of the General Assembly** (A/C.6/64/L.16)

47. **The Chairman** drew attention to the provisional programme of work of the Sixth Committee for the sixty-fifth session of the General Assembly, contained in draft resolution A/C.6/64/L.16, and noted that the topic "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" should be included after

“Diplomatic Protection”, scheduled for 20 October 2010. The programme was provisional in nature and was intended to help delegations and the Secretariat in planning and preparing for the sixty-fifth session.

48. **Mr. Alday González** (Mexico), speaking on behalf of the Rio Group, paid tribute to the efficiency, transparency and inclusiveness demonstrated in the work of the United Nations and, in particular, the Committee. During the current session, the Committee had avoided overlapping with the work of expert legal bodies. The electronic link to draft resolutions on the Committee’s website made its work more efficient and transparent; however, ever greater efficiency could be achieved by negotiating draft resolutions at an earlier stage, well in advance of the date on which they were to be introduced, in order to allow for a proper, inclusive negotiation process. There should also be more open consultations when draft resolutions were being negotiated. He urged all Member States to remain committed to the revitalization of the work of the General Assembly.

49. **Ms. Cabello de Daboin** (Bolivarian Republic of Venezuela) proposed that, with a view to increased transparency, invitations to the Committee’s meetings should be extended to representatives of non-United Nations bodies on the basis of a decision by the Committee as a whole whenever there was no consensus on the matter in the Bureau. A formal presentation on any item on the Committee’s agenda called for a formal decision by either the Bureau or the Committee. Informal presentations, on the other hand, could be very useful and did not require a formal procedure.

50. **Mr. Alshehhi** (United Arab Emirates) said that the General Assembly played a significant role as a principal United Nations organ in which all States were afforded an equal opportunity to participate in the decision-making process. It was the only United Nations body with a comprehensive mandate on all matters relating to disarmament, the maintenance of peace and security, cooperation and economic, social, political and environmental affairs. The revitalization of its work was therefore extremely important and should take priority in the United Nations reform efforts, which were fully supported by his delegation.

51. It was essential, however, to maintain the separation between the powers and functions of the Organization’s main bodies, in particular the General

Assembly and the Security Council, by rectifying the imbalance in the institutional relationship between the two and addressing the problem of the Council’s repeated encroachment on the Assembly’s mandate. It was also essential to revitalize the Assembly’s key role in matters relating to international peace and security, which should be expanded beyond the financing of United Nations peacekeeping missions to include conflict prevention and settlement, particularly where the Security Council was incapacitated by abuse or by hinted use of the veto with the result that conflicts and suffering were overly prolonged, as in the Middle East. An integrated strategy was needed to achieve those ends, although rationalization of the Assembly’s agenda should not affect the role assigned to it under the Charter of the United Nations, including its effective response to international developments and to the needs of countries and peoples.

52. Revitalization was an ongoing process that demanded the effective implementation of General Assembly resolutions on the subject and the negotiation of additional strengthening measures. The Secretary-General’s reports to the General Assembly, including his report on the work of the Organization, should contain precise information on the status of implementation of those resolutions; the technology employed in the work of the Assembly, including its voting system, should be updated; and steps should be taken to address the recurrent delay in the issuance of documents in all six official languages. Lastly, the methods for coordination and consultation with other organs of the United Nations, in particular the Security Council and the Economic and Social Council, should be improved, as should the system of periodic briefings by senior officials of United Nations agencies, funds and programmes.

53. **Mr. Adi** (Syrian Arab Republic) thanked the Chairman and the Bureau for their efforts to enhance the effectiveness of the Committee during the current session.

54. *Draft resolution A/C.6/64/L.16, as orally amended, was adopted.*

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

55. **The Chairman** 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 28/126, 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-fifth session of the Assembly, which would enable the Committee to elect its next Chairman, three Vice-Chairmen and Rapporteur at an appropriate time.

*The meeting rose at 12.15 p.m.*