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Chairperson: Ms. Picco (Monaco)

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The meeting was called to order at 10 a.m.

Agenda item 107: Measures to eliminate international terrorism (*continued*) (A/65/37, A/65/89 and A/65/175 and Add.1 and 2)

1. **Mr. Al-Sheikh** (Yemen) said that his country had joined in international efforts to combat terrorism. The Islamic faith was one of tolerance and moderation. Terrorism, an alien phenomenon, had claimed the lives of thousands of Yemenis. Despite the meagre resources at its disposal, his Government had succeeded in apprehending many terrorist operatives and thwarting their plans.

2. He called on the international community to assist his country by building capacity and coordinating security arrangements and intelligence. Counter-terrorism measures were an additional burden for Yemen, which was a least developed country. Poverty and unemployment created a favourable environment for Al-Qaida operatives to recruit terrorists, whose actions would in turn damage the economy.

3. Yemen was seeking to strengthen intercultural dialogue and had also adopted a counter-terrorism strategy designed, *inter alia*, to foster tolerance and protect young people from extremist influences. The strategy included media campaigns, curriculum reforms and closing of unofficial religious schools and centres sympathetic to extremist trends.

4. In April 2010, Yemen had been visited by the Security Council Committee established pursuant to resolution 1373 (2001) (Counter-Terrorism Committee), to which it had submitted a total of six periodic reports. The country was a party to 13 international counter-terrorism instruments, in addition to a range of bilateral extradition agreements. Domestic legislation had been enacted in order to criminalize terrorism, kidnapping and money-laundering, and specialized counter-terrorism courts had been established.

5. His delegation supported the establishment of an international counter-terrorism centre in Saudi Arabia and had long called for an international conference to define terrorism, as distinct from right of peoples under occupation to struggle for independence. It stressed the need for comprehensive and non-selective implementation of the United Nations Global Counter-Terrorism Strategy, especially with regard to the conditions contributing to terrorism, and for the timely finalization of the draft comprehensive convention on international terrorism.

6. **Mr. Sharifov** (Azerbaijan) said that, long before the horrifying terrorist attacks of 11 September 2001, the Armenian secret services and various Armenian terrorist organizations had already been perpetrating subversive and terrorist acts on the territory of Azerbaijan, targeting industrial facilities and means of transport. Over 2,000 citizens of Azerbaijan had been killed, most of them women, older persons and children. As a country that had endured State-sponsored terrorist attacks in the past and continued to be a target, Azerbaijan strongly condemned terrorism. It was a party to all of the major international counter-terrorism instruments and collaborated at the international, regional and bilateral levels in combating terrorism.

7. Terrorism should not be linked to a particular culture or religion. In order to combat terrorism, it was important to promote understanding between cultures and religions, in particular through the Alliance of Civilizations and initiatives to foster a culture of peace. States should refrain from directly or indirectly supporting terrorist activities and should take all necessary practical measures to ensure that their respective territories were not used for terrorist and related separatist activities, in particular where the intention was to undermine the sovereignty and integrity of Member States.

8. It was necessary to address the root causes of terrorism. Terrorism was closely related to aggressive separatism. Armed conflict, and especially foreign military occupation, often created conditions that could be exploited by terrorists. Member States in effective military and political control of occupied territories should be prevented from acquiring conventional weapons, and their attempts to deny responsibility should be rejected.

9. He hoped that Member States would finalize the comprehensive convention on international terrorism; the absence of a clear definition made it difficult to pursue individual terrorists, terrorist organizations or States that promoted, supported or financed terrorist activities.

10. **Mr. Rajnath Singh** (India) said that his country had been the target of terrorism for decades. The memory of the horrific attacks on Mumbai in 2008, which had been planned and executed from across the border, was still alive. Under General Assembly resolution 49/60, States were obligated to take appropriate practical measures to ensure that their

respective territories were not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens. In such cases, the United Nations must take strong action.

11. India had strengthened its strategic and operational counter-terrorism framework. Domestic legislation had been amended in accordance with the requirements of the Security Council Committee established pursuant to resolution 1267 (1999). It now included provisions criminalizing incitement, financing of terrorism and possession of any weapon or substance that could be used for mass destruction or biological or chemical warfare. India had concluded numerous bilateral treaties regarding extradition, mutual legal assistance and information exchange. The country was a party to 13 international counter-terrorism instruments and an active member of the Financial Action Task Force on Money Laundering (FATF).

12. There was increasing momentum towards a consensus on the draft comprehensive convention. As the Secretary-General had rightly noted in paragraph 139 of his report on the United Nations Global Counter-Terrorism Strategy (A/64/818), the Strategy could not be fully implemented without such a convention. There were now only a few outstanding issues with regard to draft article 18. He urged all delegations to show flexibility; too much time had already been lost.

13. For thousands of years, India had harmonized different schools of thought through a culture of non-violence and non-aggression. He hoped that that tradition could contribute to the political and intellectual fight against terrorism.

14. **Mr. Sial** (Pakistan) said that his country was taking every possible measure to eliminate terrorism. Over 120,000 security forces had been deployed along the border with Afghanistan, and 938 border posts had been established. Hundreds of Al-Qaida operatives, including most of the organization's top leaders, had been captured, and several planned attacks prevented. However, those gains had come at a considerable cost in lives and resources.

15. Because terrorism had multiple causes, a long-term international response should include dialogue among civilizations, economic development, cultural harmony, dispute resolution and political settlements. A comprehensive strategy should address the root causes

of terrorism, including prolonged unresolved conflicts, unlawful use of force, aggression, foreign occupation, denial of the right to self-determination, political and economic injustices and political marginalization and alienation.

16. Pakistan fully supported the consensus resolution adopted during the second biennial review of the United Nations Global Counter-Terrorism Strategy. However, the Strategy would be of little importance if it was not implemented comprehensively and in all its aspects. The procedures of the Security Council Committees should undergo further reform in order to ensure observance of the rule of law and due process. The real added value of the Strategy was that it had broadened the scope of counter-terrorism to include a more wide-ranging endeavour to eliminate extremism and to encourage more harmonious relations between the major civilizations. Implementation of the Strategy should address the unjust defamation of certain religions and should promote economic and social development.

17. Pakistan was a party to 11 universal and two regional counter-terrorism instruments, and had enacted eight national statutes to combat terrorism. His delegation hoped that a comprehensive convention on international terrorism would be adopted by consensus and remained open to any proposal that did not compromise or constrain the legitimate right of peoples to struggle for self-determination and against foreign occupation. His delegation also supported the proposals for an international counter-terrorism centre, a high-level conference on counter-terrorism and an international counter-terrorism code of conduct.

18. **Mr. Wada** (Japan) said that the recent adoption of General Assembly resolution 64/297 sent an unequivocal message that the international community was united in combating terrorism. Principal responsibility for implementing the Global Counter-Terrorism Strategy lay with Member States. However, the important coordinating role of the Counter-Terrorism Implementation Task Force also could not be denied. The institutionalization of that entity was therefore a welcome development.

19. Japan continued to attach importance to the early adoption of the draft comprehensive convention on international terrorism. His delegation appreciated the Coordinator's proposal, which was a constructive effort to bridge the gap between Member States, and called

on all delegations to show the utmost flexibility. The question of convening a high-level conference on international terrorism should be taken up only once an agreement had been reached on the draft convention.

20. **Mr. Alghatam** (Bahrain) said that his country was committed to combating terrorism in close cooperation with other Member States by encouraging dialogue, tolerance and a culture of peace. His delegation supported the Global Counter-Terrorism Strategy and urged Member States to put in place mechanisms to facilitate the work of the Counter-Terrorism Implementation Task Force. Responsibility for implementing the Strategy rested with Member States, but international, regional and subregional organizations also had a role to play, notably in technical assistance and capacity-building.

21. Bahrain was a party to 13 international counter-terrorism instruments, in addition to the Convention of the Organization of the Islamic Conference on Combating International Terrorism (1999) and the Arab Convention on the Suppression of Terrorism (1998). It also coordinated efforts with its fellow Gulf Cooperation Council (GCC) members in the context of the GCC Counter-Terrorism Agreement adopted in 2004.

22. It was important to agree on a specific definition of terrorism in order to facilitate the conclusion of a comprehensive convention, identify the causes of international terrorism and determine responses. The legitimate right to resist occupation must not be equated with terrorism. Bahrain supported the proposals to convene a high-level conference and to establish an international counter-terrorism centre in Saudi Arabia.

23. **Mr. Muhumuza** (Uganda) said that terrorism could be tackled only through a comprehensive approach. A comprehensive definition should be formulated in order to prevent terrorists from claiming to wage a legitimate struggle. On the other hand, it was essential to address root causes, not just to combat symptoms. The United Nations Office on Drugs and Crime had played a valuable role in providing technical assistance on the criminal justice aspects of counter-terrorism. His delegation also commended the International Maritime Organization for developing legal instruments and related training programmes and guidance materials. The United Nations Educational, Scientific and Cultural Organization had helped to foster a culture of peace and promote dialogue among civilizations, religions and cultures.

24. Uganda had continued to contribute to the African Union Mission in Somalia (AMISOM) in the fight against the terrorist group Al-Shabaab. Piracy could be used as a means to deliver weapons to terrorist organizations, which viewed Somalia as a safe haven. His delegation called on the international community to support AMISOM and build the capacity of the Transitional Federal Government of Somalia to tackle those problems.

25. On 11 July 2010, Uganda had suffered a suicide bombing resulting in the indiscriminate loss of life. That incident highlighted the need for capacity-building in order to eradicate terrorism in the region. Cooperation in security matters was as important as legal cooperation in order to bring terrorists to justice.

26. The International Atomic Energy Agency had revealed troubling incidents of illicit trafficking or other unauthorized activities involving nuclear materials in 2009. In that light, the dumping of toxic waste material off the coast of Somalia was a matter of particular concern; there was a risk that such materials could be recycled by terrorists for use as weapons of mass destruction. Those responsible for the dumping should be held accountable.

27. **Mr. Al-Kuwari** (Qatar) said that terrorism could not be addressed by launching wars, which caused fear, death and displacement and hindered the dialogue of cultures and religions. The situation called for carefully considered steps taken within an equitable legal framework. Attempts to associate the Islamic religion with terrorism had only distorted perceptions of international counter-terrorism efforts, thereby causing setbacks.

28. As a member of the international community at risk from terrorism, Qatar cooperated actively with other States and was a party to 13 international and three regional counter-terrorism instruments. Qatar had established a national counter-terrorism committee with a coordination and awareness-raising role in 2007 and a national committee to combat money-laundering and the financing of terrorism in 2010. A law issued in 2010 empowered the public prosecutor to freeze the assets of persons believed by the national committee or the Security Council to be involved in terrorism or terrorist financing. In May 2009, Qatar had hosted a regional workshop designed to raise awareness of legal issues in the context of counter-terrorism, human rights and related international cooperation.

29. Measures to tackle the root causes of terrorism should address incitement to hatred of minorities or foreigners, or other races and religions. Terrorism should be defined in a clear and realistic manner and should be distinguished from the legitimate right to struggle against foreign occupation. The term should not be politicized or manipulated.

30. **Mr. Khazaee** (Islamic Republic of Iran) said that any attempts to link terrorism to a given religion, nationality or culture should be neutralized and collective efforts to promote tolerance and to counter disrespect and defamation of religions should be multiplied. Terrorism was categorically rejected by all religions and cultures, including Islam.

31. In the twentieth century, State terrorism had been responsible for the overthrow or destabilization of many democratically constituted governments, and it was a policy still being followed in some regions, as manifested in the systematic killing and kidnapping of people living in the occupied Palestinian territories. States' efforts to exploit violence and extremism for short-term interests, for example in Afghanistan during the cold war, often created a backlash with wide ramifications. Military intervention by foreign Powers had not only failed to counteract terrorism but had actually fueled terrorist activities.

32. Innocent civilians bore the brunt of terrorist acts, yet were indiscriminately targeted by military forces in the name of counter-terrorism. Terrorism could never be eliminated in an environment of hatred and violence, aggression and foreign occupation, injustice and exclusion. Nor could it be eradicated as long as some States applied double standards and selective approaches in dealing with it. His country had long been a target of terrorism, in some cases supported and encouraged by certain foreign Powers.

33. A clear and objective consensual definition of terrorism would strengthen international cooperation and remove ambiguity by recognizing the legitimacy of the struggle for self-determination and against foreign occupation. The draft comprehensive convention on terrorism should criminalize all acts of terrorism, including those committed by States and their military forces. The United Nations Global Counter-Terrorism Strategy was a living document, which should be consolidated and adapted to new circumstances, as appropriate.

34. The Islamic Republic of Iran was keen to improve its capacity to prevent and combat terrorism and crime with the assistance of Persian Gulf Countries. His country was a party to nine international instruments against terrorism and was considering ratifying the International Convention for the Suppression of the Financing of Terrorism. It planned to host an international conference in 2011 in the interests of gaining a better understanding of the complex phenomenon of terrorism.

35. **Mr. Kohona** (Sri Lanka) said that his country knew well the damage that could be wrought by terrorism on a society, an economy or a culture. It had defeated a long-standing terrorist threat on both land and sea, yet the same terrorist group now operated in a number of other countries, engaging in fund-raising and hiding behind legal façades. Because terrorism was often used as a political weapon, it should not be viewed as a purely military challenge: the underlying political, economic and security factors must be addressed. Double standards, unfair politicization and selective implementation of international obligations must be eliminated, and intelligence exchange should be promoted.

36. The negotiations on the draft comprehensive convention on international terrorism should be completed without further delay. Sri Lanka welcomed the reaffirmation of the Global Counter-Terrorism Strategy during the second biennial review and the progress made towards institutionalization of the Counter-Terrorism Implementation Task Force. In cooperation with the Counter-Terrorism Committee Executive Directorate (CTED), Sri Lanka had recently hosted a regional workshop on countering terrorism for police officers and prosecutors in South Asia.

37. As the key global entity promoting cooperation among States, respect for the rule of law, good governance and political pluralism, the United Nations was the body best placed to lead a concerted global campaign against terrorism, including maritime terrorism. In advocating strong measures against terrorism, Sri Lanka took the view that terrorism should not be associated with any religion, nationality or ethnic group: to do so would provide it with a perverse justification. Moderates of all races, religions and civilizations should be involved in the fight against terrorism.

38. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) said that the fight against terrorism must be persistent and transparent and must be carried out in a framework of mutual cooperation in accordance with international norms and domestic legislation. His Government fully implemented its obligations in that regard and was undertaking legislative reforms to ensure effective action to combat terrorism. The Global Counter-Terrorism Strategy could be an important tool in that struggle, but it could not be effective without measures to address the root causes of terrorism, including poverty, injustice, social and economic inequalities and intolerance.

39. No State should lend its territory or financial support to persons or groups for the preparation or execution of terrorist acts. All States should work together to ensure speedy and effective punishment for such acts, as required by Security Council resolution 1373 (2001), among other instruments. On 6 October 1976, a Cuban airliner had been bombed over the waters of Barbados, resulting in the deaths of 73 innocent civilians. The mastermind of that attack, the convicted terrorist Luis Posada Carriles, remained at liberty in the United States of America. The Venezuelan Government reiterated its request for the extradition to Venezuela or prosecution in the United States of the most notorious terrorist on the American continent. Another terrorist, Raúl José Díaz Peña, had obtained an entry visa to the United States under suspicious circumstances, despite having been convicted by a Venezuelan court for his involvement in terrorist acts against the Colombian and Spanish consulates in February 2003. Two other Venezuelan terrorists implicated in the same attacks had found refuge in the United States, despite being under arrest warrant and subject to an extradition request from the Venezuelan Government. It was disturbing to see the United States becoming a safe haven for known terrorists who were wanted by the law in Venezuela.

40. A consensus has needed a comprehensive international instrument to provide a framework for combating terrorism. State terrorism should not be condoned on grounds of self-defence: it violated national sovereignty, threatened world peace and resulted in massacres of innocent civilians and massive human rights violations. Those responsible for State terrorism should be brought before the International Criminal Court. A definition of terrorism must strike a balance between the right of peoples to oppose foreign

domination and occupation and the quest for international peace and security.

41. **Mr. Somdah** (Burkina Faso) said that the increasingly close links between terrorism and organized crime, drug and arms trafficking and money-laundering necessitated more resolute joint action at the international, regional and national levels. Member States should work to achieve the effective implementation of the Global Counter-Terrorism Strategy and of the relevant international instruments and Security Council resolutions. In order to strengthen the legal framework, a definition of terrorism must be arrived at so that a comprehensive convention could be concluded as soon as possible.

42. Burkina Faso was a party to international counter-terrorism conventions and protocols and had adopted three major pieces of legislation on eradicating terrorism and combating the financing of terrorism and money-laundering. It had excellent relations with the United Nations institutions working in the field and was working at the subregional and regional levels with African countries seeking to create a common framework for preventing and combating terrorism.

43. Burkina Faso welcomed the cooperation between the Security Council Committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004) and the Counter-Terrorism Implementation Task Force; the appointment of an Ombudsperson to reinforce the sanctions regime; and the prohibition against ransom as a means of financing terrorism pursuant to Security Council resolution 1904 (2009).

44. It was through dialogue, tolerance and trust that terrorism would be overcome. His delegation therefore supported all initiative for establishing dialogue and peace among peoples and for developing the economic social and political conditions that would enable them to flourish.

45. **Mr. Nega** (Ethiopia) said that his country strongly condemned all acts of terrorism and considered the elimination of terrorism vital for its economic development and democratization process. To that end, it had been working closely with its partners in the region and beyond. At the national level, new legislation had created a financial intelligence unit within the National Bank of Ethiopia to control foreign funding of terrorism and had empowered judicial authorities to confiscate proceeds from crimes such as money-laundering and the

financing of terrorism. The Revised Penal Code of Ethiopia criminalized terrorist acts, money-laundering and other related crimes.

46. The struggle against terrorism could only be effective when addressed collectively. Ethiopia had ratified nine of the international instruments on terrorism and incorporated the offences addressed in them in its counter-terrorism legislation. The Government was also taking measures to implement the Global Counter-Terrorism Strategy and the counter-terrorism resolutions of the Security Council. In addition, Ethiopia was a party to the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, which included a definition of terrorism and dealt with matters such as areas of cooperation, extradition and State jurisdiction.

47. The absence of peace and stability in the Horn of Africa, and especially in Somalia, had created a safe haven for international terrorists and made the subregion vulnerable to attacks. Terrorism in Somalia was strongly tied to extremism and posed a threat to Ethiopia and other nations in the region. Al-Qaida was operating in the subregion largely through proxy terrorist organizations, including al-Shabaab in Somalia, al-Ittihad al-Islami in Ethiopia and Somalia, and local opposition groups in Ethiopia. Owing to continued attacks by al-Shabaab on the civilian population, the Transitional Federal Government and the African Union Mission in Somalia, the situation in Somalia had become a greater threat to regional and international security. Ethiopia had been a victim of terrorist attacks and believed in the need to take proactive and preventive measures in combating radicalization in the subregion.

48. In view of the importance of coordinating national, regional and international measures, there was a need to step up the Committee's efforts to finalize the draft comprehensive convention on international terrorism.

49. **Mr. Manjgaladze** (Georgia) said that international terrorism had become the main threat to international security and stability. Georgia supported the Security Council Committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004) and considered the adoption of the Global Counter-Terrorism Strategy and the adoption of the consensus resolution following the second biennial review (General Assembly resolution 64/297) to be significant benchmarks. The international community

must act as one in order to defeat the terrorist threat and should concentrate on providing rapid and effective relief to the victims of terrorism. However, efforts to suppress terrorism should not violate human rights; counter-terrorism activities must be conducted in compliance with international law. Lastly, it was imperative for the Committee to finalize the draft comprehensive convention on international terrorism, an instrument that would help to facilitate successful joint counter-terrorism efforts.

50. **Mr. Najeel** (Maldives) said that, as a small archipelagic State with limited resources, his country was vulnerable to external threats by non-State actors and was committed to addressing the issue of terrorism at the national and international levels through both security and socio-economic measures. It had ratified the South Asian Association for Regional Cooperation (SAARC) Regional Convention on Suppression of Terrorism and its Additional Protocol and was a party to 12 international instruments relating to terrorism. His delegation also believed that strengthened international and regional cooperation was paramount for the continued implementation of Security Council resolution 1373 (2001). It strongly supported all initiatives for the protection and security of small States.

51. The international community had failed to attribute criminal accountability to the perpetrators of terrorist acts. The Maldives therefore joined other delegations in calling for the urgent adoption of the draft comprehensive convention on international terrorism during the sixty-fifth session of the General Assembly. In addition, it was in favour of convening a high-level conference to coordinate a joint response to terrorism.

52. While the Maldives was an ardent supporter of the Global Counter-Terrorism Strategy, it wished to point out that there were large capacity gaps between countries and huge economic costs involved in implementing it. Resources were being used to combat terrorist activities that could have been directed towards economic or social development. Reporting deadlines under the relevant United Nations Security Council resolutions posed a further challenge. In that regard, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime was to be commended for its capacity-building efforts. Lastly, the Maldives joined the call for States to respect international human rights law and humanitarian law while countering terrorism.

53. **Mr. Momen** (Bangladesh) said that his country was a party to 13 international conventions on terrorism as well as to the SAARC Regional Convention on Suppression of Terrorism and its Additional Protocol. Bangladesh had ensured that the national anti-terrorism and anti-money-laundering legislation adhered to the provisions of those international instruments, including reporting requirements and penalties for non-compliance by reporting agencies. His country had also taken regional initiatives, for instance, by hosting a successful regional counter-terrorism workshop for law enforcement personnel and prosecutors in South Asia.

54. No country was immune from terrorism. Indeed, there was some evidence to show that the number of victims of terrorism was greater in the developing countries. The regrettable tendency to associate terrorism with certain religious beliefs was not only unfair but counterproductive: it bred distrust and undermined much of the good work being done to contain terrorism.

55. With regard to the draft comprehensive convention, the definition of terrorism needed to address the issue of State terrorism and make a clear distinction between terrorism and legitimate struggles for self-determination and against colonial domination and foreign occupation. Anti-terrorism sentiments should not be used to suppress genuine popular movements.

56. Bangladesh fully supported the Global Counter-Terrorism Strategy and the resolution adopted at the conclusion of the second biennial review and welcomed the gradual institutionalization of the Counter-Terrorism Implementation Task Force. The system should be strengthened to ensure that all counter-terrorism efforts under the auspices of the United Nations were transparent; Member States should be briefed on them regularly. His delegation supported the proposal of Saudi Arabia to establish an international counter-terrorism centre and was in favour of convening a high-level conference on counter-terrorism.

57. **Ms. Kocharyan** (Armenia), speaking in exercise of the right of reply, regretted that the delegation of Azerbaijan continued its unfortunate habit of using every possible agenda item as an opportunity for anti-Armenian propaganda. Azerbaijan portrayed Nagorno Karabakh as a terrorist stronghold and Armenia as a terrorist State because it was easier to blame a national minority of terrorism than to respond to its legitimate and non-violent

claims for self-determination. Unlike the mythical "Armenian terrorists", Azerbaijan had well-known and widely documented connections to terrorist networks. Anti-Armenian hysteria was being used by top Azerbaijan officials to justify constant calls for war. The militaristic rhetoric threatened ongoing peace negotiations. Armenia, on the other hand, had always advocated a peaceful political resolution to the conflict through negotiations within the framework of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE).

58. **Mr. Sharifov** (Azerbaijan), speaking in exercise of the right of reply, said that Armenia had added little to the debate. Armenia bore the primary responsibility for the unleashing of war on Azerbaijan, the military occupation of Nagorno Karabakh and the perpetration of serious international crimes in the course of the conflict. Terrorism as a means of achieving political goals was actively used by separatist groups and countries supporting them, of which Armenia was one. Armenia was using the presence of an Armenian minority as a pretext for the realization of territorial claims in a number of States in the region. Armenian terrorist organizations were powerful, well-equipped structures that could not be operating without State support. By disregarding the Security Council and General Assembly resolutions that placed the primary responsibility for maintaining peace and security upon it, Armenia clearly showed which State was pursuing a destructive militaristic policy. Instead of contributing to the ongoing political process to find a durable solution to the conflict based on the norms and principles of international law, Armenia preferred bellicose rhetoric and escalation with unpredictable consequences. Armenia needed to recognize that there was no alternative to putting a prompt end to its State-sponsored terrorist activities, aggression and illegal occupation and entering negotiations in good faith with the objectives of peace, stability and cooperation.

59. **Ms. Kocharyan** (Armenia), speaking in exercise of the right of reply, said that the references to Armenia's so-called aggression were misleading: Armenia had not engaged in an act of aggression against any of its neighbours. It was Azerbaijan that had started a full-scale war against Nagorno Karabakh, forcing its population to take up arms. The current situation in the region was the consequence of Azerbaijan's decision to use military force to suppress the just and peaceful quest of the people of the

Nagorno Karabakh to exercise their right to self-determination as guaranteed by international law and the Charter of the United Nations. It was Azerbaijan that had violated the Security Council resolutions urging the concerned parties to pursue negotiations within the OSCE Minsk Group and through direct contact. Azerbaijan's refusal to engage in direct negotiations with the elected representatives of the Nagorno Karabakh Republic and its hostile stance against anything Armenian were the main impediments to the resolution of the Nagorno Karabakh issue. Azerbaijan failed to acknowledge that Armenia had done exactly what the Security Council resolutions called on it to do, which was to use its good offices with Nagorno Karabakh leadership to help find a peaceful resolution to the conflict.

60. **Mr. Sharifov** (Azerbaijan), speaking in exercise of the right of reply, said that the United Nations should not be misused for political advantage by Member States that violated international law, advocated a culture of impunity and promoted dangerous ideas of racial, ethnic and religious superiority. Armenia's stance showed that it was far from engaging in a sober and efficient search for peace. Its provocative and irresponsible behaviour was an open challenge to the conflict settlement process and a serious threat to international peace and security. Azerbaijan expected Member States to call on Armenia to cease its destructive policies and respect generally accepted norms and principles of international law.

Agenda item 140: Administration of justice at the United Nations (*continued*) (A/65/86, A/65/303, A/65/304 and A/65/373)

61. **Mr. Janssens de Bisthoven** (Belgium), speaking on behalf of the European Union; the candidate countries Croatia and Iceland; the stabilization and association process countries Albania, Bosnia and Herzegovina and Serbia; and, in addition, Armenia, Georgia, Norway and the Republic of Moldova, said that the European Union regretted that the report of the Secretary-General on the administration of justice at the United Nations (A/65/373) had been made available only on the eve of the session, limiting delegations' ability to comment on the complex matters at hand, and deplored the fact that the report of the Ombudsman (A/65/332) had not been issued in time. He thanked the Internal Justice Council for its pertinent report (A/65/86).

62. The establishment and functioning of a new independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice at the United Nations represented a significant collective achievement. Although the transition had not been without problems, the European Union shared in the assessment of the Internal Justice Council that, after a year of operation, the new system was working well and would continue to improve. The success of the new system depended on a guarantee of its independence and adequate support.

63. With respect to chapter IV of the report, it was premature to comment on issues that might have significant financial implications and impact on the interests of the United Nations. It shared the view of the Internal Justice Council that it was important not to infringe upon the independence of the United Nations Appeals Tribunal, as issues adjudicated within the United Nations Dispute Tribunal might be subject to appeal before the Appeals Tribunal. The European Union believed that it would be premature to amend the statutes of the Tribunals and shared the Internal Justice Council's view that the internal system of justice should be reviewed again by the General Assembly during its sixty-seventh session.

64. With respect to recourse mechanisms for non-staff personnel, the General Assembly, in resolution 63/223, had decided to revert to the issue of the scope of the system of administration of justice at its sixty-fifth session with a view to ensuring that effective remedies were available to all categories of United Nations personnel. In that regard, the European Union had stressed that the new system should be consistent with fundamental principles of the rule of law and due process, including the right to an effective remedy, equal access to justice and the right to be heard. Providing an effective remedy to all persons performing work for the United Nations was of paramount importance for the Organization's credibility. Effective remedies needed to be available to all categories of United Nations personnel. More information was needed concerning the exact numbers of persons within different categories of non-staff personnel as well as information on the financial implications of the options available for dispute settlement for non-staff personnel.

65. **Ms. Revell** (New Zealand), speaking on behalf of the CANZ group of countries (Canada, Australia and New Zealand), said that the CANZ countries had been long-standing advocates for a fair and effective system

of internal administration of justice at the United Nations. The CANZ countries appreciated the progress that had been made in putting the new system into operation and the work done by the new Tribunals in the expeditious handling of their caseloads and development of working methods. It was time to consider what modifications might be needed, and the range of issues identified by the Secretary-General required further input from Member States. The CANZ countries welcomed the initiative of the Office of the Under-Secretary-General for Management in compiling a regular publication entitled "Lessons learned from the jurisprudence of the system of administration of justice: a guide for managers", which would help to ensure that the new system was applied in a fair and effective manner.

66. **Ms. Quezada** (Chile), speaking on behalf of the Rio Group and the Caribbean Community (CARICOM), said that their members were keen to contribute their legal expertise in discussing the scope of the system of administration of justice, the terms of reference of the Ombudsman and the Mediation Division and ways to strengthen the Office of Staff Legal Assistance; if time permitted, other legal matters, such as the criteria for the removal of judges and the terms of reference of the registries could be discussed. The members of the two groups had consistently supported measures to protect the basic rights of United Nations personnel in accordance with internationally agreed standards and continued to support all measures that could help the United Nations to become the best employer and attract and retain the best employees.

67. Some progress had been made with measures to ensure an orderly transition from the old system to the new one, although there was still a backlog that undermined the efficiency of certain components of the administration of justice system. The preparation of the code of conduct for judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal was a positive step towards professionalization. The Office of Staff Legal Assistance had been engaged in the vital task of supporting staff with counsel and other legal services. The Dispute Tribunal had demonstrated its firm commitment to promoting justice at the United Nations.

68. The Sixth and Fifth Committees must cooperate closely to ensure an appropriate division of labour and avoid encroachment of mandates. The late issuance of some of the documents on administration of justice had

hindered the ability of delegations to prepare adequately. The Committee anticipated receiving updated information through briefings.

69. **Mr. Al-Sheikh** (Yemen), speaking on behalf of the Group of 77 and China, said that the issue of administration of justice was an integral part of an effective human resources management system. The Group supported the reforms approved by General Assembly resolutions 61/261, 62/228 and 63/253 and looked forward to conducting a comprehensive review of the new system. An effective system of administration of justice was imperative to ensure due process for and just treatment of United Nations staff and increased accountability and transparency in decision-making. The Group regretted the late submission of the reports on the item and reiterated its concern over the negative implications of late submission of reports for the work and output of the Committee.

70. **Ms. Rodríguez-Pineda** (Guatemala), while welcoming the reports of the Secretary-General and the Internal Justice Council, drew attention to the rule whereby documents must be available in all the official languages of the United Nations no later than six weeks before their consideration by the General Assembly.

71. When the elements of a new system for administration of justice had been agreed on two years ago, the General Assembly had decided on a gradual approach to its implementation. The reforms were thus an ongoing effort, and the first review of the measures undertaken should focus on whether they were appropriate or needed adjustment. Since the new system had only been operational since 1 July 2009, its components were not all sufficiently well established to permit their functioning to be assessed properly.

72. With regard to the reports of the Secretary-General (A/65/303 and 373) and of the Internal Justice Council (A/65/304), her delegation reiterated its call for speedy clearance of the backlog of cases from the old system. Continued reliance on ad litem judges must be considered in conjunction with the functioning of half-time judges and the flexible judicial capacity sought by the Secretariat. Means should be found for lightening the workload of the formal system and using informal alternatives to litigation. The increased number of oral hearings under the new system presented additional challenges in the administration of justice, including the need for sufficient facilities, interpretation services and adequate training. The

Management Evaluation Unit played an important part in the new system, giving management a chance to review decisions and provide remedies before cases proceeded to formal litigation before the United Nations Dispute Tribunal. The Unit must remain an independent body. Disciplinary hearings, especially those involving members of the peacekeeping forces, must be handled with scrupulous respect for due process. The Office of Staff Legal Assistance helped to reduce litigation and advise staff on the protection of their rights. It should be allocated additional resources and its field presence enhanced, in view of the heavy demand for its services. The Secretariat should continue to make maximum use of technology to increase the accessibility of the new system.

73. The Sixth Committee should continue studying from a legal perspective the application of the administration of justice system to non-staff personnel, with the objective of ensuring that all persons working for the United Nations had access to appropriate remedies. The task was complicated by distinctions based on the duration and type of contract: the loyalty of someone working permanently in the Organization could not be compared to that of one employed on a short-term basis for a specific purpose. Moreover, recruitment policies were in flux; it was to be hoped that the hiring of daily paid workers in peacekeeping operations, for example, had been eliminated. Many non-staff members, particularly contractors and consultants, were hired by the United Nations funds and programmes, and a cost-sharing arrangement should be made.

74. Lastly, her delegation agreed with the Secretary-General that during its first year of operation, the new system had been a success and a significant improvement over the old one. Few decisions adopted by the General Assembly had produced such tangible results in so short a time, and it was to be hoped that the reforms would continue to yield such good results.

75. **Ms. Taratukhina** (Russian Federation) said that her delegation considered the reform of the system of administration of justice at the United Nations a positive development that contributed significantly to strengthening the rule of law at the Organization. The necessary prerequisites were in place for the new system to comply with the highest legal standards in the resolution of labour and administrative disputes.

76. Unfortunately, owing to the delay in publication, her delegation had not had an opportunity to examine

closely the Secretary-General's report on the item (A/63/373). It appreciated the work of the Internal Justice Council in developing a code of conduct for justices of the Dispute and Appeals Tribunals.

77. With regard to the question of expanding access to the new system, the main task was to ensure that all categories of United Nations personnel had effective legal remedies, while taking care to avoid overloading the new system. Specific mechanisms for different personnel categories should correspond to actual need. In particular, it was doubtful that resolution disputes with consultants and individual contractors truly required the creation of a supplementary internal structure. Rushing to provide non-staff personnel in those categories with access to the Dispute and Appeals Tribunals on a par with Secretariat staff was not advisable, as it was unclear whether that was the optimal way to improve their legal protection. Resort to alternative means of dispute settlement, arbitration in particular, was more appropriate.

78. On the other hand, non-staff personnel possessing the status of experts on mission had a closer legal connection to the United Nations, but there was no clarity as to the type of recourse available to them if their rights were violated due to administrative action or inaction. The Russian Federation welcomed giving interns, type II gratis personnel and volunteers access to the management evaluation process.

79. Informal methods for settling disputes should be used to their fullest potential, with maximum use of the mediation services of the Office of the United Nations Ombudsman and Mediation Services. Further, the way legal assistance was provided to staff affected the effectiveness of the system as a whole and required special attention.

80. The Russian Federation favoured continued regular reviews of the new system and urged the adoption of thoroughly verified solutions for improving the legal status of personnel employed by the United Nations without prejudice to the Organization itself and its Member States.

The meeting rose at 1 p.m.