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## Sixth Committee

### Summary record of the 27th meeting

Held at Headquarters, New York, on Friday, 5 November 2010, at 3 p.m.

*Chairperson:* Ms. Picco ..... (Monaco)

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*The meeting was called to order at 3.05 p.m.*

**Statement by the President of the General Assembly**

1. **The Chairperson** invited the President of the General Assembly to address the Sixth Committee.
2. **Mr. Deiss** (Switzerland), President of the General Assembly, said that the work of the Main Committees was essential in that it not only helped inform that of the General Assembly but also allowed the Assembly to operate more efficiently. The division of work between the committees and the plenary was an important issue which deserved further consideration within the framework of the revitalization of the General Assembly. It was essential for the committees to work in an efficient and constructive manner in order to strengthen the General Assembly as a whole and support it in its mission.
3. Turning to the substance of the work of the Sixth Committee, he said that the Committee had always had the reputation of being able to deal with delicate issues which required considerable skill and sensitivity. As the Committee had been able in the past to deliver tangible results on such crucial and difficult issues as terrorism, he was convinced that it would be able to deliver similar results on the new topics on its agenda, notably the rule of law at the national and international levels. Those results would lay the foundation for the strengthening and wider appreciation of the work of the United Nations. He hoped that the Committee would finish its work on schedule.

**Agenda item 77: Report of the United Nations Commission on International Trade Law on the work of its forty-third session (continued)**  
(A/C.6/65/L.4-L.7)

4. **The Chairperson** drew attention to the draft resolution on the report of the United Nations Commission on International Trade Law on the work of its forty-third session. (A/C.6/65/L.4).
5. **Mr. Köhler** (Austria) announced that Armenia, Lithuania, Madagascar, Poland and the Republic of Moldova had become sponsors of draft resolution A/C.6/65/L.4.
6. *Draft resolution A/C.6/65/L.4 was adopted.*
7. **The Chairperson** drew attention to the draft resolution on the Arbitration Rules of the United

Nations Commission on International Trade Law as revised in 2010 (A/C.6/65/L.5).

8. *Draft resolution A/C.6/65/L.5 was adopted.*
9. **The Chairperson** drew attention to the draft resolution on the UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property (A/C.6/65/L.6).
10. *Draft resolution A/C.6/65/L.6 was adopted.*
11. **The Chairperson** drew attention to the draft resolution on part three of the UNCITRAL Legislative Guide on Insolvency Law (A/C.6/65/L.7).
12. *Draft resolution A/C.6/65/L.7 was adopted.*

**Agenda item 75: Responsibility of States for internationally wrongful acts (continued)**  
(A/C.6/65/L.8)

13. **The Chairperson** drew attention to draft resolution A/C.6/65/L.8.
14. *Draft resolution A/C.6/65/L.8 was adopted.*

**Agenda item 76: Criminal accountability of United Nations officials and experts on mission (continued)**  
(A/C.6/65/L.3)

15. **Ms. Telalian** (Greece), introducing draft resolution A/C.6/65/L.3 on behalf of the Bureau, said that the text was similar to that of General Assembly resolution 64/110, with a few changes and technical updates. The penultimate preambular paragraph was new, and the words "continue to" had been inserted into the last preambular paragraph. In operative paragraph 1, the reference to the Working Group on criminal accountability of United Nations officials and experts on mission had been replaced with a reference to the report of the Secretary-General (A/65/185), of which the General Assembly took note. Paragraph 8 had been modified slightly to indicate that the General Assembly reiterated the decision taken in its resolution 64/110 to continue consideration of the report of the Group of Legal Experts during its sixty-seventh session in the framework of a working group of the Sixth Committee.

16. Paragraph 10 was new; while paragraph 16 reiterated the request to the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution. Accordingly, the reference to paragraph 17 of

resolution 64/110 had been deleted from the text of draft resolution A/C.6/65/L.3. Pursuant to paragraph 18, the General Assembly would include the agenda item in the provisional agenda of its sixty-sixth session. Lastly, by reaffirming the important measures and reporting mechanisms envisaged in resolutions 62/63, 63/119 and 64/110, the draft resolution would help in ensuring the criminal accountability of United Nations officials and experts on mission, while allowing States more time for reflection on further possible measures for addressing the problem.

17. *Draft resolution A/C.6/65/L.3 was adopted.*

**Agenda item 80: Diplomatic protection** (*continued*)  
(A/C.6/65/L.9)

18. **Ms. Šurková** (Slovakia), reporting orally on the work of the Working Group on diplomatic protection, said that the Working Group had held one meeting, on 20 October 2010. During that meeting, the members had expressed divergent views on the recommendation of the International Law Commission to negotiate an international convention on the basis of the draft articles on diplomatic protection. They had also discussed a draft resolution based on a text drawn largely from General Assembly resolution 62/67 of 6 December 2007 which could be submitted to the Sixth Committee for consideration under the agenda item.

19. **The Chairperson** said she took it that the Committee wished to take note of the report of the Working Group on diplomatic protection.

20. *It was so decided.*

21. **Ms. Šurková** (Slovakia), introducing draft resolution A/C.6/65/L.9 on behalf of the Bureau, said that the text was based largely on that of General Assembly resolution 62/67, with a few changes. The first preambular paragraph was new; some editorial changes of a technical nature had been made to the second and fifth preambular paragraphs.

22. *Draft resolution A/C.6/65/L.9 was adopted.*

**Agenda item 81: Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm** (*continued*)  
(A/C.6/65/L.13)

23. **Mr. Park** Chull-joo (Republic of Korea), introducing draft resolution A/C.6/65/L.13 on behalf of

the Bureau, said that the framework of the resolution mirrored that of the previous resolution on the topic. Some of the preambular paragraphs had been streamlined without any substantial changes, and the only new element in the operative paragraphs was the request for the Secretary-General to submit a compilation of decisions of international courts, tribunals and other bodies referring to the articles on prevention of transboundary harm and the principles on the allocation of loss in the case of transboundary harm.

24. *Draft resolution A/C.6/65/L.13 was adopted.*

**Agenda item 82: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflict** (*continued*)  
(A/C.6/65/L.15)

25. **Mr. Lundkvist** (Sweden), introducing draft resolution A/C.6/65/L.15, announced that Belarus, Bosnia and Herzegovina, Burkina Faso, Cambodia, the Dominican Republic, Ecuador, Honduras, Japan, Latvia, Mongolia, the former Yugoslav Republic of Macedonia, Ukraine, Uruguay and Zambia had become sponsors.

26. The agenda item had originally been introduced in order to call on States not parties to the Additional Protocols to consider ratification or accession, and to affirm the value of established humanitarian rules regarding armed conflict. While those aims remained equally valid, the scope had gradually been broadened in order to take into account subsequent developments in the field of international law in general.

27. The text was based on that of General Assembly resolution 63/125 with some additions. The tenth preambular paragraph noted that the Security Council had, in resolution 1894 (2009), considered the possibility of using the International Humanitarian Fact-Finding Commission for gathering information on alleged violations of applicable international law relating to the protection of civilians. The fourteenth preambular paragraph welcomed the various high-level meetings and seminars convened in order to celebrate the sixtieth anniversary of the adoption of the Geneva Conventions. The fifteenth preambular paragraph called on Member States to actively participate in the Thirty-first International Conference of the Red Cross and Red Crescent to be held in Geneva in November 2011. The sixteenth preambular paragraph took note of

the entry into force of the Convention on Cluster Munitions on 1 August 2010 and the ongoing negotiation of a proposal on the subject within the context of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. The nineteenth preambular paragraph noted amendments to the Rome Statute adopted at the Review Conference in 2010.

28. In paragraph 12, Member States were now asked to focus, in the information transmitted to the Secretary-General, on new developments and activities during the reporting period. In paragraph 13, Member States were encouraged to explore ways of further facilitating the submission of such information, and to consider the convenience of drawing up guidelines or a questionnaire for that purpose.

29. *Draft resolution A/C.6/65/L.15 was adopted.*

**Agenda item 83: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives** (*continued*) (A/C.6/65/L.14)

30. **Mr. Haapea** (Finland), introducing draft resolution A/C.6/65/L.14, announced that Albania, Canada, China, Lithuania, Malaysia, Malta, the former Yugoslav Republic of Macedonia and Trinidad and Tobago had become sponsors.

31. The draft resolution was intended to underline the need for all Member States to take action to prevent attacks against diplomatic and consular missions and representatives. On the basis of the report of the Secretary-General, which was welcomed in paragraph 1, a number of new elements had been introduced. The fourth preambular paragraph now included the phrase “new and recurring acts of violence” in order to highlight the continuous nature of the problem. The ninth preambular paragraph emphasized that the measures required of States should take place in a timely manner. Paragraph 5 now included references to measures of a preventive nature and the timely exchange of information. Paragraph 10 gave new emphasis to the reporting obligations of States. Other changes were of a technical nature.

32. **The Chairperson** announced that Gabon, Guinea and Nigeria had also become sponsors.

33. *Draft resolution A/C.6/65/L.14 was adopted.*

**Agenda item 78: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law** (*continued*) (A/C.6/65/L.16)

34. **Mr. Appreku** (Ghana), introducing draft resolution A/C.6/65/L.16 on behalf of the Bureau, said that, following the extensive debate on the topic, he wished to make a few oral revisions. In paragraph 2, the words “new” and “specifically” should be deleted. At the end of the paragraph, the following wording should be added: “and calls upon, in this regard, States, intergovernmental organizations, international financial institutions, donor agencies, non-governmental organizations and natural and juridical persons to make voluntary contributions to its Trust Fund”. In paragraph 6, the words “taking into account paragraph 65 of his report” should be deleted.

35. The text was based on that of General Assembly resolution 64/113, with a number of new elements. A new fifth preambular paragraph noted with concern the reduction in the programme budget for fellowships for the benefit of developing countries. Paragraph 6 now included a reference to regional courses in international law and the Audiovisual Library of International Law.

36. Paragraph 13 commended the Codification Division for the cost-saving measures undertaken with regard to the International Law Fellowship Programme. Paragraph 16 welcomed the efforts of the Codification Division to revitalize and conduct the regional courses. Paragraph 17 expressed appreciation to the Republic of Korea and to Ethiopia for agreeing to host such courses.

**Agenda item 86: The scope and application of the principle of universal jurisdiction** (*continued*) (A/C.6/65/L.18)

37. **Mr. Appreku** (Ghana), introducing draft resolution A/C.6/65/L.18 on behalf of the Bureau, said that the text was based on that of General Assembly resolution 64/117. One of the new preambular paragraphs recognized the diversity of views expressed by States and the need for further consideration towards a better understanding of the topic. Another noted the view expressed by States that the legitimacy and credibility of the use of universal jurisdiction were

best ensured by its responsible and judicious application consistent with international law.

38. In the operative part, paragraph 2 now included a decision to establish a working group of the Committee at the forthcoming session. It was understood that the Secretariat would prepare a compilation of treaties and decisions of international tribunals that were relevant to the activities of the working group. In accordance with paragraph 3, the invitation to submit information to the Secretary-General, which had previously been extended to Member States, now included "relevant observers, as appropriate". The phrase should be understood to include Palestine, the Holy See, the International Committee of the Red Cross and INTERPOL.

**Agenda item 84: 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.6/65/L.12)

39. **Mr. Salem** (Egypt), introducing draft resolution A/C.6/65/L.12, said that the text was based on that of General Assembly resolution 64/115 with technical changes and some new elements. A new paragraph 5 took note of the new subjects proposed at the most recent session of the Special Committee. Paragraph 12 now called on the Secretary-General to address in particular the backlog in the preparation of volume III of the *Repertory of Practice of United Nations Organs*.

**Agenda item 107: Measures to eliminate international terrorism** (continued) (A/C.6/65/L.10)

40. **Ms. Rodríguez-Pineda** (Guatemala), Vice-Chairperson of the Working Group on measures to eliminate international terrorism, introducing the report of the Working Group (A/C.6/65/L.10), said that annex I contained the text of the preamble and articles 1, 2 and 4 to 27 of the draft comprehensive convention on international terrorism. That text incorporated the various texts annexed to the report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 on the work of its sixth session (A/57/37 and Corr.1) and reflected subsequent developments. It represented the stage of consideration currently reached by the Working Group and would be the subject of further discussions. Editorial changes of a technical nature had been introduced in order to align the language with that of the counter-terrorism

instruments negotiated and adopted by the Ad Hoc Committee and the Sixth Committee.

41. Annex II reflected chronologically the texts of various written proposals regarding the outstanding issues, work on which had continued for several years. The Working Group had now reached a crossroads; the Sixth Committee should provide guidance on how best to proceed.

42. **Mr. Adi** (Syrian Arab Republic), speaking on behalf of the Organization of the Islamic Conference, said he wished to express a reservation with regard to the renumbering of the original draft article 18 as draft article 3, a change that had not been agreed in the Working Group. Although the Organization of the Islamic Conference would join the consensus, that concern and the other outstanding issues should be discussed again at the appropriate time.

43. *The Committee took note of the report of the Working Group (A/C.6/65/L.10).*

*The meeting rose at 4.30 p.m.*