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Chair: Mr. Danon..... (Israel)

Contents

Agenda item 84: The rule of law at the national and international levels (*continued*)

Agenda item 74: Responsibility of States for internationally wrongful acts
(*continued*)

Agenda item 75: Criminal accountability of United Nations officials and experts on mission (*continued*)

Agenda item 78: Report of the International Law Commission on the work of its sixty-eighth session (*continued*)

Agenda item 81: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (*continued*)

Agenda item 83: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*)

Agenda item 86: The law of transboundary aquifers (*continued*)

Agenda item 108: Measures to eliminate international terrorism (*continued*)

Agenda item 165: Report of the Committee on Relations with the Host Country
(*continued*)

Agenda item 173: Observer status for the International Chamber of Commerce in the General Assembly (*continued*)

Agenda item 121: Revitalization of the work of the General Assembly (*continued*)

Agenda item 135: Programme planning

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

Completion of the Committee's work


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The meeting was called to order at 10.05 a.m.

Agenda item 84: The rule of law at the national and international levels (*continued*) (A/C.6/71/L.27)

Draft resolution A/C.6/71/L.27: The rule of law at the national and international levels

1. **Mr. Eiermann** (Liechtenstein), introducing the draft resolution on behalf of the Bureau, said that during the negotiations on the text of the draft resolution delegations had continued to discuss the 2030 Agenda for Sustainable Development and ongoing activities of the Treaty Section, including its work relating to Article 102 of the Charter of the United Nations. The text included elements from the debate on the two subtopics considered under the agenda item during the current session: “Sharing national practices of States in the implementation of multilateral treaties” and “Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable”. Paragraph 20 reflected the general agreement among delegations on the importance of the provision of birth registration for all, and appropriate registration and documentation of refugees, migrants, asylum seekers and stateless persons. It also recognized the role of knowledge and technology in judicial systems. In paragraph 24, the Secretary-General was requested to prepare a report on the registration and publication of treaties and international agreements pursuant to Article 102 of the Charter. In paragraph 26, Member States were invited to focus their comments during the Sixth Committee debate on the agenda item at the seventy-second session of the General Assembly on the subtopic “Ways and means to further disseminate international law to strengthen the rule of law”.

2. *Draft resolution A/C.6/71/L.27 was adopted.*

Agenda item 74: Responsibility of States for internationally wrongful acts (*continued*) (A/C.6/71/L.28)

Draft resolution A/C.6/71/L.28: Responsibility of States for internationally wrongful acts

3. **Mr. Luna** (Brazil), introducing the draft resolution on behalf of the Bureau, said that different versions had been discussed during the informal consultations, as delegations had expressed opposing

views on whether a convention should be elaborated on the basis of the articles on responsibility of States for internationally wrongful acts. The draft resolution currently before the Committee reflected the consensus that had emerged for the text to provide for continued dialogue on possible future action regarding the articles while deferring consideration of the question of a convention on State responsibility to a future session.

4. Much of the text was unchanged from that of General Assembly resolution 68/104, although a number of additions and technical updates had been made. In the new sixth preambular paragraph, the General Assembly would note the discussion on whether Member States should examine all procedural options regarding possible action on the basis of the articles. In the new paragraph 4, the Secretary-General would be requested to prepare a technical report listing the references to the articles contained in the compilation of decisions of international courts, tribunals and other bodies referring to the articles prepared since 2001, as well as references to the articles made in submissions presented by Member States before international courts, tribunals and other bodies since 2001. By paragraph 5, which was also new, the General Assembly would acknowledge the possibility of requesting, at its seventy-fourth session, the Secretary-General to provide it with information on all procedural options regarding possible action on the basis of the articles, without prejudice to the question of whether such possible action was appropriate. The final new paragraph was paragraph 7, by which the General Assembly would acknowledge the constructive dialogue that had taken place in the context of the working group of the Sixth Committee during the seventy-first session of the General Assembly, and would encourage all Member States to continue the substantive dialogue on an informal basis during the period prior to the seventy-fourth session of the Assembly. He hoped that the draft resolution would be adopted without a vote.

5. *Draft resolution A/C.6/71/L.28 was adopted.*

Agenda item 75: Criminal accountability of United Nations officials and experts on mission
(continued) (A/C.6/71/L.25)

Draft resolution A/C.6/71/L.25: Criminal accountability of United Nations officials and experts on mission

6. **Mr. Ahmad** (Pakistan), introducing the draft resolution on behalf of the Bureau, said that the text largely reiterated General Assembly resolution 70/114, with some technical updates. Both the preamble and the operative paragraphs had been substantively strengthened. By the new seventeenth preambular paragraph, the General Assembly would take note of the report of the Joint Inspection Unit on fraud prevention, detection and response in United Nations system organizations (JIU/REP/2016/4), the Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat (ST/IC/2016/25) and the report of the Secretary-General on his practice in disciplinary matters and cases of possible criminal behaviour for the period from 1 July 2015 to 30 June 2016 (A/71/186). In the operative part, paragraph 1 had been expanded to take note in particular of annex II of the report of the Secretary-General on the criminal accountability of United Nations officials and experts on mission (A/71/167). By a new paragraph 4, the General Assembly would welcome the appointment of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse and request the Secretary-General to regularly update Member States on progress with respect to the implementation of the Special Coordinator's mandate. By paragraph 6, which incorporated new language, it would urge the Secretary-General to continue to ensure that his zero-tolerance policy for criminal activities, such as sexual exploitation and abuse, fraud and corruption, was fully implemented in a coherent and coordinated manner throughout the United Nations. It would also call upon all entities in the United Nations to inform and to cooperate fully with the Office of Legal Affairs in all cases involving allegations that a crime might have been committed by United Nations officials and experts on mission. Paragraph 7 had been added to reflect the concerns expressed by many delegations regarding the low rate of response from States to referred allegations. Paragraph 18, wherein the General Assembly would request the Secretary-General to seek updates on the status of investigations or prosecutions, was also new, and paragraph 19 now included a request to the

Secretary-General to continue and undertake the necessary follow-up with the States concerned on their handling of such allegations made against their nationals, with a view to encouraging those States to respond. In paragraph 26, which had been expanded, the General Assembly would request the Secretary-General to prepare and keep updated a report containing a compilation and a summary table of national provisions regarding the establishment of jurisdiction over their nationals whenever they served as United Nations officials or experts on mission, in relation to crimes as known in their existing national criminal laws, particularly those of a serious nature. In that regard, it would take note of the questionnaire distributed by the Secretariat to all Member States to assist in that process. In paragraph 27, the Secretary-General would be requested to submit a report setting out all relevant existing United Nations policies and procedures regarding the allegations referred to in paragraphs 17 and 18. Paragraph 28 had been amended to extend the reporting obligations of the Secretary-General to paragraph 12, which concerned, inter alia, measures to ensure that all United Nations officials and experts on mission were properly vetted by the States contributing personnel and by the Organization. In the amended paragraph 29, the Secretary-General would be requested to continue to improve reporting methods and expand the scope of reporting, by providing information on the allegations referred to in paragraphs 17 and 18 as well as information received pursuant to paragraph 19 since 1 July 2007, with certain limitations. He hoped that the draft resolution would be adopted without a vote.

7. *Draft resolution A/C.6/71/L.25 was adopted.*

Agenda item 78: Report of the International Law Commission on the work of its sixty-eighth session
(continued) (A/C.6/71/L.26 and A/C.6/71/L.31)

Draft resolution A/C.6/71/L.26: Report of the International Law Commission on the work of its sixty-eighth session

8. **Mr. Horna** (Peru), introducing the draft resolution on behalf of the Bureau, said that it contained a number of technical updates and reflected the results of the informal consultations held with delegations. In paragraph 2, the General Assembly would note in particular the completion of the second reading of the draft articles on the protection of persons in the event of

disasters, with the adoption of an entire set of draft articles on the topic; the completion of the first reading of the draft conclusions on the identification of customary international law, with the adoption of an entire set of draft conclusions; and the completion of the first reading of the draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, with the adoption of an entire set of draft conclusions. In paragraph 7, which reflected article 12 of the Statute of the International Law Commission, the General Assembly would once again recall that the seat of the Commission was at the United Nations Office at Geneva. In paragraph 8, it would take note of the comments of the Commission on the possibility of holding one half session in the next quinquennium in New York and it would endorse the Commission's recommendation that the first part of its seventieth session, which would coincide with the commemoration of its seventieth anniversary, should be held in New York.

9. *Draft resolution A/C.6/71/L.26 was adopted.*

10. **Mr. Cherif** (Algeria), speaking in explanation of position, said that his delegation welcomed the decision to hold one half session of the Commission in New York in 2018, as that would facilitate the exchange of ideas with Member States. His delegation also commended the Commission's efforts to expand the scope of the protection of the environment in relation to armed conflicts to include territories under occupation. With regard to *jus cogens*, the Commission should attach greater importance to regional *jus cogens* and, in particular, the principle of the maintenance of borders inherited from colonialism, which was the cornerstone of peace and cooperation in Africa. Lastly, his delegation welcomed the Commission's commitment to multilingualism, which facilitated the comprehension of its reports by national experts, researchers and students.

Draft resolution A/C.6/71/L.31: Protection of persons in the event of disasters

11. **Mr. Kantor** (Slovakia), introducing the draft resolution on behalf of the Bureau, said that it was modelled on resolution 61/35, by which the General Assembly had taken note of the articles on diplomatic protection. He understood that there was a consensus in support of the draft resolution and therefore recommended that it should be adopted without a vote.

12. *Draft resolution A/C.6/71/L.31 was adopted.*

Agenda item 81: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

(continued) (A/C.6/71/L.21)

Draft resolution A/C.6/71/L.21: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

13. **Ms. Lyngdorf** (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and introducing the draft resolution on behalf of the sponsors, said that they had been joined by France, Ghana, Italy and Lithuania. The general purpose of the draft resolution, as usual, was to stress the importance of international humanitarian law and improve its implementation in order to enhance protection for victims of armed conflict. Specifically, it aimed to increase acceptance of the Protocols Additional to the Geneva Conventions of 1949. The draft resolution also highlighted some recent developments in international humanitarian law that could help to improve its implementation on the ground. She hoped that the text would be adopted by consensus, as in the past.

14. **Mr. Ahmed** (Sudan), speaking in explanation of position, said that his delegation objected to the references in the text to the Rome Statute of the International Criminal Court, as the Sudan was not a State party to that instrument. The preamble to the draft resolution appeared to single out the Rome Statute as the applicable legal framework covering the most serious crimes under international humanitarian law, when in fact the Rome Statute was just one of a number of relevant codes and frameworks.

15. *Draft resolution A/C.6/71/L.21 was adopted.*

Agenda item 83: 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.6/71/L.15)

Draft resolution A/C.6/71/L.15: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

16. **Mr. Katota** (Zambia), introducing the draft resolution on behalf of the Bureau, said that the text

was based on that of General Assembly resolution 70/117, with some additions, amendments and technical updates. Paragraph 2 stated that the Special Committee would hold its next session from 21 February to 1 March 2017, for a total of seven days in a nine-day period, in line with past practice. Paragraph 3 set out the mandate for that session. In accordance with the recommendation in the report of the Special Committee (A/71/33) that the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions should be considered by the Special Committee at the seventy-second session of the General Assembly and biennially thereafter, paragraph 3 (b) had not been carried over from resolution 70/117. Similarly, the text of paragraph 16 from resolution 70/117, on the report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, did not appear in the current draft resolution, on the understanding that it would be reintroduced in the draft resolution submitted at the Committee's seventy-second session. However, wording from paragraph 3 (b) of resolution 70/117 had been retained in the second part of the new paragraph 4, by which the General Assembly would endorse the decisions and recommendations adopted by the Special Committee at its 2016 session and would call upon the Special Committee to consider them "in an appropriate, substantive manner and framework". The phrase "and welcomes the establishment of a new website for the Repertory" had been added to paragraph 12 to bring that development to the attention of Member States. The annex contained the text of the decisions and recommendations adopted by the Special Committee at its 2016 session. Two minor editorial corrections had been made to the footnotes. He hoped that the text would be adopted without a vote.

17. *Draft resolution A/C.6/71/L.15 was adopted.*

Agenda item 86: The law of transboundary aquifers (continued) (A/C.6/71/L.22)

Draft resolution A/C.6/71/L.22: The law of transboundary aquifers

18. **Mr. Sawada** (Japan), introducing the draft resolution on behalf of the Bureau, said that the text was similar to that of General Assembly resolution

68/118, with a few additions and technical updates. To reflect recent developments, the new fourth and fifth preambular paragraphs referred, respectively, to the 2030 Agenda for Sustainable Development and the establishment of the High-level Panel on Water, and a sixth preambular paragraph had been added to commend the efforts made by the International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in order for the Member States to draw more attention to and to deepen understanding of the draft articles on the law of transboundary aquifers. Paragraph 2 had been amended to encourage the International Hydrological Programme to continue its contribution by providing further scientific and technical assistance upon the consent of the recipient State and within its mandate. He hoped that the text would be adopted by consensus.

19. *Draft resolution A/C.6/71/L.22 was adopted.*

20. **Ms. Özkan** (Turkey), speaking in explanation of position, said that the work on transboundary aquifers should focus on the general principles of respect for the sovereign right of each State to promote the sustainable utilization of water resources from aquifers in its territory and the obligation not to cause any significant harm to other aquifer States. The provisions of the draft articles should have taken into account the various interests of aquifer States in a balanced and objective manner. Each transboundary aquifer system had its own specific characteristics and peculiarities and existed in a specific regional, economic, social, cultural and historic context, meaning that one-size-fits-all approaches to the question were not appropriate. The draft articles should therefore serve only as non-binding guidance. Turkey also dissociated itself from the reference to the Model Provisions on Transboundary Groundwaters, as it was not a party to that instrument.

Agenda item 108: Measures to eliminate international terrorism (continued) (A/C.6/71/L.24)

Draft resolution A/C.6/71/L.24: Measures to eliminate international terrorism

21. **Ms. Boucher** (Canada), introducing the draft resolution on behalf of the Bureau, said that two informal meetings on a technically updated draft text had been held, during which no amendments had been proposed; subsequently, a final draft text containing

further technically updated language in paragraphs 24 and 25 had been circulated. In paragraph 24, the General Assembly would recommend that the Sixth Committee should establish, at the seventy-second session, a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism, as well as discussions on the item included in its agenda by resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. In paragraph 25, the Assembly would recognize the efforts of Member States towards resolving any outstanding issues and encourage them to redouble their efforts during the intersessional period.

22. *Draft resolution A/C.6/71/L.24 was adopted.*

Agenda item 165: Report of the Committee on Relations with the Host Country (*continued*)
(A/C.6/71/L.29)

Draft resolution A/C.6/71/L.29: Report of the Committee on Relations with the Host Country

23. **Ms. Krasa** (Cyprus), introducing the draft resolution on behalf of the sponsors, said that the text was based on that of General Assembly resolution 70/121. By the draft resolution, the General Assembly would endorse the recommendations and conclusions contained in the Committee's report (A/71/26). In particular, in a new paragraph it would stress the need for the permanent missions and the United Nations to benefit from appropriate banking services and would anticipate that the host country would continue to assist permanent missions and their staff in obtaining such services. She hoped that the draft resolution would be adopted without a vote.

24. *Draft resolution A/C.6/71/L.29 was adopted.*

Agenda item 173: Observer status for the International Chamber of Commerce in the General Assembly (*continued*) (A/C.6/71/L.7)

Draft resolution A/C.6/71/L.7: Observer status for the International Chamber of Commerce in the General Assembly

25. **Mr. Stehelin** (France) said that the draft resolution introduced at the Committee's 13th meeting

had been revised in the light of reservations expressed by some delegations with regard to the request for observer status for the International Chamber of Commerce in the General Assembly. In particular, new preambular paragraphs had been added by which the Assembly would reaffirm its decision 49/426 of 9 December 1994 and emphasize that the resolution would not change the criteria established in that decision. Hence, the resolution would not set any new precedent for the granting of observer status. Furthermore, a new second preambular paragraph would highlight the unique importance of the International Chamber of Commerce and its special role and authority as a representative of the business community in more than 120 countries, while a new third preambular paragraph, which was modelled on paragraph 30 of the United Nations Millennium Declaration (General Assembly resolution 55/2), would stress the need to give greater opportunities to the business community to contribute to the realization of the Organization's goals and programmes.

26. By granting the International Chamber of Commerce observer status, the General Assembly stood to benefit from the expertise of tens of thousands of businesses and professional associations worldwide and from greater engagement of the business community in efforts to achieve the Organization's objectives with regard to development and climate change. The Chamber had long enjoyed a close relationship with the United Nations, having been granted general consultative status in the Economic and Social Council in 1946. It had agreed to give up that status if it was granted observer status in the Assembly. Canada, Denmark and Luxembourg had joined as sponsors of the draft resolution, which he hoped would be adopted by consensus.

27. **Mr. Monthe** (Cameroon), **Ms. Guillén-Grillo** (Costa Rica), **Mr. Ndong Mba** (Equatorial Guinea), **Ms. Piiskop** (Estonia), **Mr. Waweru** (Kenya) and **Mr. Otto** (Palau) said that their delegations wished to become sponsors of the draft resolution.

28. *Draft resolution A/C.6/71/L.7, as orally revised, was adopted.*

29. **Mr. Medina Mejías** (Bolivarian Republic of Venezuela), speaking in explanation of position, said that observer status in the General Assembly had been granted mainly to intergovernmental organizations, in accordance

with Assembly decision 49/426. Non-governmental organizations could seek consultative status in the Economic and Social Council, as the International Chamber of Commerce had done. In 1990, the General Assembly had decided to accord observer status to the International Committee of the Red Cross by virtue of the specific responsibilities it had been given in widely ratified treaties. It had been made clear, however, that the granting of observer status to that organization should not constitute a precedent for granting such status to any other entity of a non-governmental nature. Nevertheless, some recent decisions and requests for observer status had called into question the Assembly's decision to confine observer status to intergovernmental organizations and States not members of the Organization. After extensive discussions with the delegation of France and other interested delegations, his delegation had agreed not to oppose the adoption of the draft resolution on observer status for the International Chamber of Commerce, on the strict condition that it would not set a precedent for granting such status to other non-governmental entities or modify the criteria established in decision 49/426. In conclusion, his delegation wished to reiterate its concerns regarding the international investment arbitration system, which was discriminatory and violated State sovereignty, and to encourage the International Chamber of Commerce to take part in the consultations on the reform of the system within the United Nations Commission on International Trade Law.

30. **Mr. Musikhin** (Russian Federation), speaking in explanation of position and endorsing the statement made by the representative of the Bolivarian Republic of Venezuela, underscored that the Sixth Committee's decision regarding the granting of observer status to the International Chamber of Commerce should not be taken as a precedent. He urged delegations to continue to respect the criteria established by the General Assembly in its decision 49/426 on the question of criteria for the granting of observer status.

Agenda item 121: Revitalization of the work of the General Assembly (continued) (A/C.6/71/L.30)

Draft decision A/C.6/71/L.30: Provisional programme of work of the Sixth Committee for the seventy-second session

31. **The Chair** said that, taking into account the Committee's discussions, at its 32nd meeting, on the

Bureau's draft proposal for a provisional programme of work of the Committee for the seventy-second session, the Bureau had prepared a final version of the provisional programme of work, contained in draft decision [A/C.6/71/L.30](#). Discussions were still under way with the Committee on Relations with the Host Country regarding the possibility of scheduling the consideration of that body's report earlier in the session. Once those discussions had been concluded, the Bureau for the seventy-second session might make a recommendation concerning the date for consideration of the report. In the meantime, he suggested that the date proposed in the draft provisional programme of work should be maintained. Following the earlier discussion on the draft programme, assurances had been received that, to the extent possible, conflicts between meetings of the Sixth Committee and the planned dates for the election of judges to the International Court of Justice would be avoided. Time would be allotted in the provisional programme for the meetings of several working groups, as envisaged in the relevant General Assembly resolutions. The draft decision would be adopted on the understanding that the programme of work would be applied flexibly, taking into account the rhythm of the debate and any needs that might arise. Several meetings would be held in reserve for that purpose.

32. *Draft decision A/C.6/71/L.30 was adopted.*

Agenda item 135: Programme planning

33. **The Chair** 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 provided to the Sixth Committee at the current session.

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

34. **The Chair** said that, in accordance with rule 99 (a) of the rules of procedure of the General Assembly and rule 103, as amended by General Assembly resolution [58/126](#), all the Main Committees should, at least three months before the opening of the session, elect a Chair and a full Bureau. Based on the interim arrangement concerning the rotation of Chairs of the Main Committees of the General Assembly, contained in General Assembly decision 68/505, it was

his understanding that the Chair of the Sixth Committee for the seventy-second session of the General Assembly would be selected by the Asia-Pacific States. He suggested that the regional groups should hold consultations at an appropriate time to ensure that the Committee was in a position to elect its next Chair, three Vice-Chairs and Rapporteur at least three months before the opening of the seventy-second session of the Assembly.

Completion of the Committee's work

35. After the customary exchange of courtesies, **the Chair** declared that the Sixth Committee had completed its work for the main part of the seventy-first session.

The meeting rose at 11.40 a.m.