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Chair: Ms. Al-Thani (Qatar)

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Agenda item 122: Revitalization of the work of the General Assembly (*continued*)

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Completion of the Committee's work

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

Agenda item 79: Criminal accountability of United Nations officials and experts on mission
(continued) (A/C.6/76/L.12)

Draft resolution A/C.6/76/L.12: Criminal accountability of United Nations officials and experts on mission

1. **Mr. Butt** (Pakistan), introducing the draft resolution on behalf of the Bureau, said that the text was largely based on General Assembly resolution 75/132, with some technical updates. In the twenty-second preambular paragraph, the General Assembly would recall its decision that, bearing in mind its resolutions 62/63 and 70/114, the consideration of the report of the Group of Legal Experts, in particular its legal aspects, taking into account the views of Member States and also noting the inputs by the Secretariat, would be continued during its seventy-seventh session in the framework of a working group of the Committee. In paragraph 2, the General Assembly would recall all of its relevant resolutions on special measures for protection from sexual exploitation and abuse and on the United Nations action on sexual exploitation and abuse, as well as the findings of the Office of Internal Oversight Services of the Secretariat in its evaluation report of 22 March 2021.

2. In paragraph 29, the General Assembly would request the Secretary-General to keep up to date the online compilation of the full submissions and questionnaire responses as well as the online summary table of national provisions, based on information received from Member States since 2007. The Assembly would also request the Secretary-General to prepare a report containing a general overview of national provisions, based on the information received, for the seventy-seventh session of the General Assembly, provided that sufficient information has been received from Member States.

3. In paragraph 30, the General Assembly would take note of the report of the Secretary-General setting out updates to all relevant existing policies and procedures of the United Nations system regarding the allegations referred to in paragraphs 18 and 19 of the draft resolution, and request the Secretary-General to continue to report on any updates to those policies and procedures. In paragraph 31, the General Assembly would request the Secretary-General to report at its seventy-seventh session on the implementation of the draft resolution, in particular with respect to its paragraphs 10, 12, 13, 15, 18, 20 and 30, as well as any practical problems in its implementation, on the basis of information received from Governments and the Secretariat.

4. *Draft resolution A/C.6/76/L.12 was adopted.*

Agenda item 80: Report of the United Nations Commission on International Trade Law on the work of its fifty-fourth session (continued)
(A/C.6/76/L.10)

Draft resolution A/C.6/76/L.10: Report of the United Nations Commission on International Trade Law on the work of its fifty-fourth session

5. **Mr. Gorke** (Austria), introducing the draft resolution on behalf of the sponsors, said that they had been joined by Argentina, Bolivia, Israel, Montenegro, Nigeria, Republic of Moldova, Ukraine, and United Republic of Tanzania. The text was based on General Assembly resolution 75/133 and incorporated the developments and recommendations set forth in the report of the United Nations Commission on International Trade Law on the work of its fifty-fourth session. In paragraph 2, the Assembly would commend the Commission for the finalization and adoption of, among other things, the UNCITRAL Mediation Rules and Expedited Arbitration Rules. In paragraph 3, it would note with satisfaction the contributions by the European Union, Germany and the Organization of the Petroleum Exporting Countries Fund for International Development to the operation of the transparency repository.

6. In paragraph 6, the Assembly would welcome the decision by the Commission to take stock of developments in dispute resolution in the digital economy, while in paragraph 7, it would take note of the request by the Commission to the secretariat to organize a colloquium during the seventy-fifth session of Working Group II on legal issues related to dispute resolution in the digital economy. In paragraph 13 (a), it would note with appreciation the organization by the secretariat of the UNCITRAL Day events. In paragraph 15, the Assembly would decide to allocate one additional one-week session per year for a single period of four years from 2022 to 2025 and additional support to the Commission to allow its Working Group III to continue to implement its work with respect to investor-State dispute settlement reform. In paragraph 20, it would take note of the decision by the Commission to recommend the enlargement of its membership, and in paragraph 25, it would recall that its special session on challenges and measures to prevent and combat corruption and strengthen international cooperation had been convened from 2 to 4 June 2021.

7. *Draft resolution A/C.6/76/L.10 was adopted.*

Agenda item 81: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
(continued) (A/C.6/76/L.21)

Draft resolution A/C.6/76/L.21: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

8. **Ms. Hackman** (Ghana), introducing the draft resolution on behalf of the Bureau, said that the text was based on General Assembly resolution 75/134, and included necessary technical updates as well as a few new paragraphs. Paragraphs 2, 5 through 8 and 18 concerned the activities to be carried out in 2022, including the organization and award of scholarships for the United Nations regional courses in international law and the International Law Fellowship Programme; the continuation and further development of the United Nations Audiovisual Library of International Law; the dissemination of legal publications and lectures of the Audiovisual Library; and the maintenance and expansion of the website of the Codification Division. In the draft resolution, the Assembly would also authorize the Secretary-General to award a minimum of one scholarship in 2022 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of funds from voluntary contributions and limitations that might be imposed owing to the COVID-19 pandemic.

9. In paragraph 6, the Assembly would urge the Secretary-General to conduct interactive online workshops when the regional courses in international law and the International Law Fellowship Programme could not take place in person owing to the COVID-19 pandemic. In paragraph 9, the Assembly would request the Secretary-General to continue to include resources for such activities under the proposed programme budget for 2023, while in paragraph 3, it would authorize the Secretary-General to further expand such activities, to be financed from voluntary contributions. Pursuant to paragraph 27, the Assembly would reiterate its request to Member States and interested organizations, institutions and individuals to make voluntary contributions for the Audiovisual Library and the regional courses in international law.

10. *Draft resolution A/C.6/76/L.21 was adopted.*

Agenda item 82: Report of the International Law Commission on the work of its seventy-second session (continued) (A/C.6/76/L.13, A/C.6/76/L.15 and A/C.6/76/L.16)

Draft resolution A/C.6/76/L.16: Report of the International Law Commission on the work of its seventy-second session

11. **Ms. Falconi** (Peru), introducing the draft resolution on behalf of the Bureau, said that the text was based on General Assembly resolution 75/135, with some technical updates. In the eight preambular paragraph, the General Assembly would note that, due to the coronavirus disease (COVID-19) pandemic, the International Law Seminar had not been convened in 2020 or 2021, stressing the importance and usefulness of holding the Seminar. In paragraph 2, the Assembly would note in particular the completion of the second reading of the draft guidelines on the protection of the atmosphere and the commentaries thereto, and the completion of the second reading of the draft guidelines and draft annex constituting the Guide to Provisional Application of Treaties, and the commentaries thereto.

12. In paragraph 4, the Assembly would draw the attention of Governments to the importance for the International Law Commission of having their views by 31 December 2021 or, as the case might be, by 30 June 2022, on the various aspects of the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report, regarding immunity of State officials from foreign criminal jurisdiction, succession of States in respect of State responsibility, general principles of law, and sea-level rise in relation to international law. In paragraph 7, the Assembly would note, in particular, the inclusion of the topic “Subsidiary means for the determination of rules of international law” in the long-term programme of work of the Commission. In paragraph 8, it would express its appreciation to the Commission for successfully convening a hybrid session despite the challenges outlined in paragraphs 313 and 316 of the report of the International Law Commission. In paragraph 16, the Assembly would decide that the next session of the Commission would be held at the United Nations Office at Geneva from 18 April to 3 June and from 4 July to 5 August 2022.

13. In paragraph 34, the Assembly would take note of paragraph 329 of the report of the International Law Commission proposing the consideration of the establishment of a trust fund to support the Special Rapporteurs, particularly those from developing regions, to obtain the necessary assistance to undertake the research required for the preparation of their reports,

and to address any budgetary shortfalls in provision for full attendance of its secretariat, stress the importance of ensuring necessary allocations for the Commission and its secretariat in the regular budget, and request that more information about the constraints and shortfalls referred to in paragraph 329 be provided, as well as available options to address them, including information regarding the terms of reference of the proposed trust fund, for consideration by the General Assembly at its seventy-seventh session.

14. In paragraph 35, it would express the hope that the International Law Seminar would continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants representing the principal legal systems of the world and from different countries in the various regions, including in particular those from developing countries, would be given the opportunity to attend the Seminar. Lastly, in paragraph 41, the Assembly would recommend that the debate on the report of the International Law Commission at the seventy-seventh session of the General Assembly commence on 24 October 2022.

15. *Draft resolution A/C.6/76/L.16 was adopted.*

Draft resolution A/C.6/76/L.15: Protection of the atmosphere

16. **Mr. Stellakatos Loverdos** (Greece), introducing the draft resolution on behalf of the Bureau, said that the text comprised four preambular paragraphs and four operative paragraphs, which drew on previous practice of the General Assembly in dealing with similar instruments prepared by the International Law Commission. In the preambular paragraphs, the General Assembly would, among other things, refer to the Commission's report, note the recommendation of the Commission and emphasize the continuing importance of the codification and progressive development of international law and the importance of the topic in international relations. In the operative paragraphs, the Assembly would, among other things, welcome the conclusion of the work of the Commission on the protection of the atmosphere and its adoption of the draft preamble and guidelines and commentaries thereto; express its appreciation to the Commission for its continuing contribution to the codification and progressive development of international law; and take note of the views and comments expressed in the debates of the Sixth Committee on the subject, including those made at the seventy-sixth session of the General Assembly.

17. The Assembly would also take note of the preamble and guidelines on the protection of the atmosphere, with the commentaries thereto, bring them to the attention of States, international organizations and all who might be called upon to deal with the subject, and encourage their widest possible dissemination.

18. *Draft resolution A/C.6/76/L.15 was adopted.*

Draft resolution A/C.6/76/L.13: Provisional application of treaties

19. **Ms. Solano Ramirez** (Colombia), introducing the draft resolution on behalf of the Bureau, said that in the preambular paragraphs of the text, the General Assembly would, among other things, emphasize the continuing importance of the codification and progressive development of international law; note that the subject of provisional application of treaties was of major importance in international relations; and underline the essentially voluntary and optional nature of the provisional application of treaties. In the operative paragraphs, the Assembly would, among other things, welcome the conclusion of the work of the International Law Commission on the provisional application of treaties, and the adoption of the draft guidelines and the draft annex constituting the Guide to Provisional Application of Treaties, and the commentaries thereto. It would also bring the Guide to the attention of States and international organizations for their consideration, and encourage its widest possible dissemination; and request the Secretary-General to prepare a volume of the *United Nations Legislative Series* compiling the practice of States and international organizations in the provisional application of treaties, as furnished by the latter over the years, together with other materials relevant to the topic.

20. *Draft resolution A/C.6/76/L.13 was adopted.*

Agenda item 83: Crimes against humanity
(continued) (A/C.6/76/L.17)

Draft resolution A/C.6/76/L.17: Crimes against humanity

21. **Mr. Khng** (Singapore), introducing the draft resolution on behalf of the Bureau, said that the text was based on General Assembly resolution 75/136, with some technical updates. In the draft resolution, the General Assembly would, among other things, take note once again of the draft articles on prevention and punishment of crimes against humanity presented by the International Law Commission, and would decide to include in the provisional agenda of its seventy-seventh session the item entitled "Crimes against humanity" and to continue to examine the recommendation of the

Commission contained in paragraph 42 of its report on the work of its seventy-first session.

22. During the negotiations on the draft resolution, the coordinators had convened seven rounds of informal consultations as well as an informal meeting for an initial exchange of views prior to the commencement of the Committee's session, in an attempt to find the way forward on the draft articles and the Commission's recommendation. While consensus ultimately could not be achieved during the available time, delegations had come close to agreeing on new wording. The discussions had been both extensive and rich, and would provide a platform for the discussions that would take place at the next session. The views expressed had demonstrated that there continued to be broad interest for an in-depth exchange on the substance of the draft articles. The discussions on the draft resolution had been facilitated by increased bilateral engagement between various interested delegations on the draft articles and the Commission's recommendation. Lastly, many delegations had shown flexibility, constructiveness and a willingness to engage during the negotiations. The coordinators hoped that delegations would build on the efforts of the current session with a view to achieving common ground at the next session.

Statements made in explanation of position before the decision

23. **Mr. Arrocha Olabuenaga** (Mexico) said that his delegation deeply regretted that, for the third year running, the Committee was adopting a resolution on crimes against humanity in which the General Assembly would merely take note of the draft articles elaborated by the International Law Commission and decide to include the topic on the agenda of its next session. The pattern of conduct reflected in the Assembly's resolutions 74/187, 75/136 and the current draft resolution was unacceptable, because it sent a negative message about the lack of serious discussion by the Committee. Moreover, that set of texts contributed once more to the paralysis in the consideration of the Commission's products by the Committee and engendered a new vicious cycle of inaction that added to the list of a dozen topics that were trapped in a pattern of seemingly endless cyclical considerations. It was for that reason that his delegation had stated from the start of the negotiations, and continued to maintain, that it would not be able to support a mere technical rollover of the resolution.

24. His delegation had participated actively in the negotiations, along with a large group of delegations that had also consistently sought to make progress, presenting various proposals of wording that reflected

the concerns of other delegations. The goal had been to establish a deliberative process, with a road map defined through clear deadlines and mandates, that included all States in the consideration of the Commission's recommendation to move towards a convention, without prejudging its outcome. On several occasions, his delegation had reiterated its flexibility as to the type of formal working framework that could be established to that end, and as to the timeline that could be set for the consideration of the topic.

25. Despite the constructive spirit in which the negotiations had taken place, the texts that the co-facilitators had submitted under the silence procedure (no-objection procedure) on two occasions had not only fallen short vis-à-vis those aspirations but had also marked a step backwards in terms of the seriousness with which the Committee had to consider the Commission's products. The texts also did not reflect the parliamentary atmosphere in that there was an overwhelming view in the room to move towards the substantive consideration of the Commission's recommendation. In that context, and not being able to support those proposals, his delegation had requested that a decision be taken to defer the consideration of the topic at the seventy-sixth session of the General Assembly. That would have sent a positive signal that, even though agreement could not be reached at the session, the discussions remained open and would continue, as delegations needed more time to reach an agreement. That would also have broken the pattern of inaction initiated with resolution 74/187.

26. It was worth noting that the position adopted by his delegation at the current session was not new. In the statement delivered on 19 November 2020 in explanation of position before the decision, also on behalf of Austria, Denmark, Finland, France, Germany, Iceland, Lebanon, Norway, Portugal, Sierra Leone, Slovakia, Sweden and Switzerland, Mexico had indicated that, for those reasons, at the end of the consultation process, the delegations on behalf of which it had delivered the statement had considered the possibility of deferring the agenda item to the current session rather than adopt a technical update.

27. His delegation also wished to reiterate that deferring the consideration of agenda items was part of the recurrent practice of the Committee. Not only did it do so every year in respect of a good number of requests for observer status, but at its seventy-fifth session, the General Assembly had decided, in its decision 75/526, to defer to the current session the consideration of the item "Protection of persons in the event of disasters", which had also been submitted to the Committee by the International Law Commission. That decision had paved

the way for the resumption of negotiations which had led to the adoption of draft resolution [A/C.6/76/L.20](#) at the current session, in which the Assembly would decide to examine the draft articles on the topic and to consider the recommendation of the Commission for the elaboration of a convention within the framework of a working group of the Committee.

28. Even though a large number of delegations had once again shown flexibility during the consultations to recommend that the item be deferred, the co-facilitators had decided to submit under the silence procedure (no-objection procedure) a draft resolution with a technical update. Accordingly, and in keeping with the position it had been expressing since 2019, not only during the rounds of negotiation but also in the statement delivered by Austria in explanation of position at the seventy-fourth session of the General Assembly on behalf of 43 delegations, Mexico had decided to dissociate itself from draft resolution [A/C.6/76/L.17](#). Nonetheless, it would continue working to find an agreement that would help to establish a critical course of action leading to a process of negotiation, including of a convention, on the basis of the draft articles adopted by the International Law Commission.

29. Mexico found it incomprehensible that delegations had been able to achieve that objective at the same session in respect of the protection of persons in the event of disasters – a contemporaneous product of the Commission – and not in respect of crimes against humanity. Mexico found it especially incomprehensible when delegations were at a deliberative stage where the only thing being blocked was the possibility of holding a focused discussion that would allow them to seriously consider a recommendation which the Commission had submitted formally to the Committee. What was at stake was the relationship between the Commission and the Committee. In that connection, it was important to reflect on the added value of prioritizing at all costs a method of work – consensus-based decision-making – that was neither defined nor contemplated in the regulations of the General Assembly, over the importance of pursuing the real objectives of the Committee and of the United Nations in general, especially when it came to discussing topics that could have a real positive impact on people's lives, such as the development of international law to combat impunity for atrocity crimes. The General Assembly could not, nor should it, be held hostage by its own practices, and it should not use those practices as a pretext for inaction.

30. It was under the above-mentioned premise that his delegation would consider that question during the upcoming sessions, not only in respect of the topic of

crimes against humanity but also in respect of all topics that deserved serious consideration by the Committee in the light of the recommendations of the International Law Commission. It would also be worthwhile recalling all the topics of the Commission that were still awaiting a determination by the Committee in order to think of a holistic strategy that would help the Committee make progress in a responsible and timely manner.

31. Lastly, it would be useful to assess the allocation of work to facilitators or co-facilitators. It should be noted that the Committee had decided at the seventy-fourth session of the General Assembly to recommend two co-facilitators for the topic of crimes against humanity, taking into consideration the overall balance to be maintained between the five regional groups of facilitators for the Committee's entire programme of work. That number had been raised to three at the seventy-fifth session, which was unusual in general and, in particular, in respect of the follow-up of the topics on the Commission's programme of work. That configuration should therefore be reassessed at the next session, also taking into consideration regional balance in the distribution of those functions.

32. **Ms. Langerholc** (Slovenia), speaking also on behalf of the European Union and its member States, as well as Albania, Argentina, Canada, Chile, Costa Rica, Ecuador, Georgia, Guatemala, Honduras, Iceland, Jordan, Lebanon, Liechtenstein, Montenegro, New Zealand, Norway, Paraguay, Peru, the Republic of Korea, the Republic of Moldova, Switzerland and Ukraine, said that crimes against humanity were, unlike genocide and war crimes, the only atrocity crime not regulated by an international convention, something that had real-world consequences for the victims. As underlined by almost all delegations in the plenary debate on the topic, there was indeed a gap in the current international treaty framework on the prevention and punishment of such crimes, which the international community must address without delay.

33. The delegations on behalf of which she was speaking had hoped that the debate at the current session would lead to the establishment of a procedural pathway for the examination of the International Law Commission's draft articles and recommendation on prevention and punishment of crimes against humanity. They regretted that the Committee had failed, once again, to make tangible progress on that critical matter. That missed opportunity and lack of progress had a cost in terms of not only time and effort, but above all real-life human suffering and the international community's ability to act and put in place the necessary measures to address the matter. The delegations had worked hard to achieve progress. During the negotiations, they had

remained constructive at all times and had demonstrated flexibility, stretching their limits in an attempt to reach a compromise by consensus. They had clearly not been alone in that approach and thanked those delegations that had also made substantial efforts in that regard.

34. Opposition to the establishment of a dedicated platform that would create time and space for the discussion of the substance of the Commission's draft articles ran counter to the spirit of the United Nations. It was truly incomprehensible that consensus was being used to prevent the opening of a formal, structured and inclusive dialogue that was meant to allow Member States to further their understanding of each other's position and to iron out their differences. As the world watched, the current draft resolution, which signalled inaction and unwillingness to do anything beyond taking note of the draft articles for the third year running, fell short not only in capturing the views of the majority of Member States but also in fulfilling the Committee's responsibility under the Charter of the United Nations.

35. There was a broad willingness among States to move towards the elaboration of a convention. The delegations on behalf of which she was speaking were hopeful that progress would be made on the matter at the seventy-seventh session.

36. **Mr. Wickremasinghe** (United Kingdom) said that while his delegation was disappointed that the Committee had not been able to make progress on crimes against humanity at the current session, it continued to believe, like all other delegations, that it was important to continue considering the topic. It was important to note that delegations had come very close to reaching agreement on a procedural way forward. Although a consensus could not be achieved, the vast majority of States had worked hard to accept the need for compromise and to accommodate the concerns of other States. With a further year for States to consider and familiarize themselves with the draft articles, by the time the topic was presented to the Committee at the next session, all States would have had enough time to ensure that the Committee was ready at least to map out the next procedural steps for moving the matter forward. His delegation remained committed to working with other delegations, including in the intersessional period, to ensure a positive outcome at the next session.

37. **Mr. Simcock** (United States of America) said that 75 years after the Nuremberg trials, there was no dedicated multilateral treaty on the prevention and punishment of crimes against humanity. By contrast, the prevention and punishment of genocide and war crimes were the subjects of widely ratified multilateral treaties, which had made a significant contribution to the

development of international law. The absence of such a treaty on crimes against humanity had left a hole in the international legal framework, one that his delegation strongly believed should be addressed. The International Law Commission's draft articles on prevention and punishment of crimes against humanity were an important step in that regard.

38. His delegation recognized that States had a range of views on the draft articles and the way forward. Indeed, notwithstanding their many merits, the draft articles could and should be modified in certain key respects. However, that could only be achieved through meaningful dialogue. The United States supported the establishment of a structured process by which to exchange substantive views on the draft articles, which would be fully consistent with the past practices of the Committee. It was well known that the Committee had a long tradition of consensus-based decision-making. The success of that practice was based upon an implicit understanding, namely that the Committee's working methods were driven by engagement, not by absolutism. It was incumbent upon all delegations to engage rigorously; to speak in a manner that was internally consistent; to advance arguments that were grounded in fact; and to treat words seriously. His delegation hoped that the next session would provide another window of opportunity to make progress, and looked forward to engaging with that objective in mind.

39. *Draft resolution A/C.6/76/L.17 was adopted.*

40. **Ms. Weiss Ma'udi** (Israel) said that given its history, Israel ascribed great importance to the topic of crimes against humanity and was disappointed that a consensus could not be achieved at the current session. Her delegation was also cognizant of the widely divergent views of Member States in terms of both the substantive content of the draft articles and their future form. It was therefore important for delegations to work together to create a dedicated space where their views and those of others could be heard and discussed. Her delegation hoped that the Committee would be able to achieve a consensus at the seventy-seventh session and establish an appropriate forum where the draft articles could be discussed in a meaningful manner without prejudice to their final form. The Committee should not shy away from respectful dialogue and exchange of views on the current topic or on any other topic on the programme of work of the International Law Commission. Her delegation regretted that the many rounds of negotiation at the current session had not been productive. It hoped that a positive and appropriate path forward could be found in a spirit of compromise and consensus.

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.6/76/L.7 and A/C.6/76/L.8)

Draft resolution A/C.6/76/L.7: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

41. *Draft resolution A/C.6/76/L.7 was adopted.*

Draft resolution A/C.6/76/L.8: Fortieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes

42. *Draft resolution A/C.6/76/L.8 was adopted.*

Agenda item 85: The rule of law at the national and international levels (continued) (A/C.6/76/L.9)

Draft resolution A/C.6/76/L.9: The rule of law at the national and international levels

43. *Draft resolution A/C.6/76/L.9 was adopted.*

44. **Mr. Altarsha** (Syrian Arab Republic) said that his delegation wished to dissociate itself from the consensus on paragraph 3 of the draft resolution, which contained a reference to the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/76/235), paragraph 68 of which included a reference to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. His delegation had addressed letters to the Secretary-General and the President of the General Assembly noting the grave legal gaps that had characterized the process leading up to the establishment of the Mechanism. The Syrian Arab Republic was able to conduct its own investigations into the crimes that had occurred in the country and therefore dissociated itself from that paragraph.

Agenda item 86: The scope and application of the principle of universal jurisdiction (continued) (A/C.6/76/L.14)

Draft resolution A/C.6/76/L.14: The scope and application of the principle of universal jurisdiction

45. **Ms. Raojee** (Mauritius), introducing the draft resolution on behalf of the Bureau, said that the text was based on General Assembly resolution 75/142, with mostly technical updates. In paragraph 3, the Assembly would invite the working group of the Sixth Committee, to be established at its seventy-seventh session, to

consider and comment on the question “what should be the role and purpose of universal jurisdiction”.

46. *Draft resolution A/C.6/76/L.14 was adopted.*

Agenda item 87: Protection of persons in the event of disasters (continued) (A/C.6/76/L.20)

Draft resolution A/C.6/76/L.20: Protection of persons in the event of disasters

47. **Mr. Sangadji** (Indonesia), introducing the draft resolution on behalf of the Bureau, said that the text was based on General Assembly resolution 73/209, with only technical updates made to the preambular paragraphs and a few changes made to the operative paragraphs. In paragraph 1, the Assembly would express its appreciation to the International Law Commission for its continuing contribution to the codification and progressive development of international law. In paragraph 2, it would take note once again of the draft articles on the protection of persons in the event of disasters, presented by the Commission. In paragraph 3, the Assembly would take note of the views and comments expressed in the debates of the Committee on the topic, as well as the comments and observations received from Governments on the draft articles and on any future action thereon.

48. In paragraph 4, the General Assembly would decide to examine the draft articles and to consider further the recommendation of the Commission for the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles, or any other potential course of action with respect to the draft articles, also in the light of the views and comments expressed in the debates of the Sixth Committee, as well as the comments and observations received from Governments, within the framework of a working group of the Committee, to be convened for four full consecutive days at the seventy-eighth and seventy-ninth sessions of the Assembly.

49. In paragraph 5, the Assembly would also decide that the working group would report to the Sixth Committee at the seventy-ninth session of the General Assembly on the outcome of its deliberations, with a view to the Committee making a recommendation to the Assembly as to any further action to take in respect of the draft articles. In paragraph 6, the Assembly would encourage all Member States to continue the substantive dialogue on an informal basis during the period prior to the seventy-seventh session of the General Assembly, while in paragraph 7, it would decide to include in the provisional agenda of its seventy-eighth session the item entitled “Protection of persons in the event of disasters”.

50. Initially, paragraph 6 had been drafted on the assumption that the General Assembly would be considering the agenda item at the seventy-seventh session. However, a late change had been introduced in paragraph 7 to indicate that the Assembly would instead consider the agenda item at the seventy-eighth session. The Secretariat had drawn attention to the fact that the corresponding technical change should have been made to paragraph 6, so that Member States would be encouraged to continue the substantive dialogue on an informal basis during the period prior to the seventy-eighth session. Accordingly, the reference to “seventy-seventh session” in paragraph 6 should read “seventy-eighth session”.

51. *Draft resolution A/C.6/76/L.20, as orally revised, was adopted.*

Agenda item 88: Strengthening and promoting the international treaty framework (*continued*)
(A/C.6/76/L.19)

Draft resolution A/C.6/76/L.19: Strengthening and promoting the international treaty framework

52. **Ms. de Souza Schmitz** (Brazil), introducing the draft resolution on behalf of the Bureau, said that the text was based on General Assembly resolution 75/144, with the necessary technical updates and a few new paragraphs, along with the amended regulations to give effect to Article 102 of the Charter as an annex. The amended regulations would update the instructions for the registration of a treaty that was being provisionally applied prior to its entry into force; clarify the registration process if a treaty designated one or more depositaries; indicate that Member States might submit courtesy translations their treaties into any of the six official languages of the United Nations, in order to expedite translations into English and French for the purpose of publication; and reflect the existing practice of using technology to make the United Nations *Treaty Series* more accessible to users by making texts and translations available online. Under the draft resolution, the amended regulations would apply as from 1 February 2022. Corrections had also been made to the Spanish text of the regulations to ensure the uniform use of the term “parties” across all language versions.

53. In the draft resolution, the General Assembly would once again welcome the organization of workshops on treaty law and practice by the Treaty Section at Headquarters and at the national and regional levels. To further the objective of addressing current shortcomings in treaty registration, the Assembly would note that workshops on treaty law and practice at the national and regional levels had not been organized

since 2016, including owing to a lack of funds, and invite States and interested organizations and institutions to make voluntary contributions towards the financing of such workshops. Lastly, the General Assembly would decide to undertake a thematic debate in the Committee to foster a technical exchange of views on practice relating to the strengthening and promoting of the international treaty framework. The subtopic for the thematic debate at the seventy-eighth session of the General Assembly would be “Best practices of depositaries of multilateral treaties”.

54. *Draft resolution A/C.6/76/L.19 was adopted.*

55. **Ms. Solano Ramirez** (Colombia), speaking on behalf of the Group of Friends of Spanish, said that the full implementation of multilingualism was an inescapable responsibility that must be fulfilled if the key messages of the United Nations were to be successfully disseminated in an inclusive and compelling manner. Accordingly, the Group of Friends of Spanish noted the impact that the adoption of the draft resolution would have on multilingualism. The reform of the regulations to give effect to Article 102 of the Charter would help place multilingualism at the service of the United Nations system, as reflected by the addition, in article 5 of the regulations, of the option for States to voluntarily submit courtesy translations of texts of their treaties into any of the official languages of the United Nations in order to expedite their publication in the *Treaty Series*. Article 13 of the regulations also now contained a reference to the Treaty Section making registered treaties available through electronic means.

56. Those amendments were based on the ideas presented by the delegation of Spain at the seventy-fifth session and which at the current session had been reflected in proposals formulated by a group of Spanish-speaking countries, along with Portugal, that were supported by a large number of delegations from different regions and users of various languages, whether official languages of the Organization or not. For the Group of Friends of Spanish, the adoption of the draft resolution was an example of the added value of the use of multilingualism in the Organization to improve its functioning, save on resources and time, and enhance its internal processes. Multilingualism should therefore not always be seen as a source of additional costs and of a slowdown in the work of the Organization.

57. The Group of Friends of Spanish acknowledged that many challenges remained to ensure multilingualism across the United Nations system. It would continue to advocate projects designed to put into

practice something that had been established as an operating principle of the United Nations.

Agenda item 111: Measures to eliminate international terrorism (*continued*) (A/C.6/76/L.11)

Draft resolution A/C.6/76/L.11: Measures to eliminate international terrorism

58. **Ms. Maille** (Canada), introducing the draft resolution on behalf of the Bureau, said that the text was essentially a technical update of General Assembly resolution 75/145. In the second preambular paragraph, the Assembly would recall the seven reviews of the United Nations Global Counter-Terrorism Strategy. The seventh preambular paragraph had been changed to add a reference to the declaration on the commemoration of the seventy-fifth anniversary of the United Nations. In the twentieth preambular paragraph, the Assembly would recall the second United Nations High-level Conference of Heads of Counter-Terrorism Agencies of Member States, held in New York from 28 to 30 June 2021, as part of the second Counter-Terrorism Week at the United Nations, held from 24 to 30 June 2021. In the twenty-first preambular paragraph, the Assembly would note the intention of the Secretary-General to organize regional high-level conferences on counter-terrorism and to encourage the Secretary-General to consult Member States in that regard.

59. In paragraph 2, the General Assembly would call upon all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy, as well as the resolutions relating to the seventh review of the Strategy. Paragraph 3 had been updated to include a reference to the eighth review of the Strategy. In paragraph 25, the Assembly would decide to recommend that the Sixth Committee, at the seventy-seventh session of the General Assembly, establish 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 Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations. Lastly, in paragraph 27, the Assembly would decide to include in the provisional agenda of its seventy-seventh session the item entitled “Measures to eliminate international terrorism”.

60. *Draft resolution A/C.6/76/L.11 was adopted.*

Agenda item 147: Administration of justice at the United Nations (*continued*)

61. **Mr. Bručić-Matic** (Croatia), introducing the draft letter from the Chair of the Sixth Committee addressed to the President of the General Assembly on the current agenda item, said that the text was, to some extent, a continuation of the same letter sent the previous year. In the current letter, the Committee underlined the importance of the independence of the judiciary; emphasized the need for knowledge of the internal system of administration of justice and for outreach activities; continued to underline the importance of transparency and consistency of jurisprudence and judicial directions; and further renewed its interest in improving the regulatory framework. With regard to the informal system of internal justice, the Committee continued to emphasize that informal dispute settlement was a crucial component of the internal system of administration of justice. The Committee also supported the consideration by the Office of the United Nations Ombudsman and Mediation Services of a pilot project to increase utilization of mediation for workplace disputes.

62. With regard to the formal system of internal justice, the Committee commended the Management Evaluation Unit for continuing to play an important role in enabling the resolution of work-related disputes of staff members. The Committee further requested that the Internal Justice Council, the United Nations Appeals Tribunal, the United Nations Dispute Tribunal and the Secretary-General include their views on recommendations 1 and 3 of the report of the Internal Justice Council (A/76/124) in the report of the Secretary-General for the seventy-seventh session. The recommendations concerned the modalities of appointment of the Presidents of the United Nations Appeals Tribunal and the United Nations Dispute Tribunal, and the restriction on judges engaging in any other occupation or mandate other than their judicial duties, respectively. The Committee also continued to address the issue of self-representation and the voluntary supplemental funding mechanism of the Office of Staff Legal Assistance. It took note of the proposal of the Secretary-General to extend such mechanism from 1 January 2022 until 31 December 2024.

63. Concerning the remedies available to non-staff personnel, the Committee reiterated its long-standing views, noting that the United Nations should ensure that effective remedies were available to all categories of personnel, including non-staff personnel, and recommending a continuation of the discussions on ways of providing non-staff personnel with access to

fair and effective mechanisms for resolving work-related disputes. The Committee further encouraged the continuation of the pilot project within existing resources and requested the Office of the Ombudsman and Mediation Services to include in its next report on information regarding the expected resources that would be required to expand its mandate to cover non-staff personnel.

64. On protection against retaliation, the Committee took note of the information provided in relation to staff members lodging cases before the Tribunals, and of the panel discussions held on retaliation policies. Lastly, the Committee considered it strongly advisable for the General Assembly to approve the amendment to article 48 of the regulations of the United Nations Joint Staff Pension Fund, currently under consideration before the Fifth Committee, and the corresponding amendments to articles 2.9 and 7.2 of the statute of the Appeals Tribunal at the same time. It also recommended the approval of the amendments to articles 8.2 (a), 9.2 (a), 24, 25, 26 and 27 of the rules of procedure of the Appeals Tribunal.

65. **The Chair** said that it was recommended, as had become the practice, that the Chair of the Sixth Committee send the letter to the President of the General Assembly. Following past practice, the letter contained a request that it be brought to the attention of the Chair of the Fifth Committee and circulated as a document of the General Assembly. She took it that the Committee wished to authorize her to sign and forward the draft letter to the President of the General Assembly.

66. *It was so decided.*

Agenda item 167: Report of the Committee on Relations with the Host Country (*continued*)
(A/C.6/76/L.6)

Draft resolution A/C.6/76/L.6: Report of the Committee on Relations with the Host Country

67. *Draft resolution A/C.6/76/L.6 was adopted.*

Agenda item 122: Revitalization of the work of the General Assembly (*continued*) (A/C.6/76/L.22)

Draft decision A/C.6/76/L.22: Provisional programme of work of the Sixth Committee for the seventy-seventh session

68. *Draft decision A/C.6/76/L.22 was adopted.*

Agenda item 139: Programme planning

69. **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 allocated to the Sixth Committee at the current session.

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

70. **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 resolution 72/313, it was his understanding that the Chair of the Sixth Committee for the seventy-seventh session of the General Assembly would be selected by the African Group. She therefore suggested that the regional groups hold consultations at an appropriate time to enable the Committee to elect its next Chair, three Vice-Chairs and Rapporteur in June 2022.

Completion of the Committee's work

71. After the customary exchange of courtesies, the Chair declared that the Sixth Committee had completed its work for the seventy-sixth session.

The meeting rose at 11.50 a.m.