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Chairman: Mr. Benmehidi (Algeria)
later: Mr. Stastoli (Vice-Chairman) (Albania)

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The meeting was called to order at 10.10 a.m.

Agenda item 78: Criminal accountability of United Nations officials and experts on mission (*continued*) (A/64/183 and Add.1)

1. **Ms. Telalian** (Greece) (Chairperson of the Working Group on criminal accountability of United Nations officials and experts on mission), reporting on the outcome of the Working Group's meetings, said that the Working Group had decided that the available friends of the Chairperson of the 2008 Working Group would continue to act as friends of the Chairperson during the Working Group's 2009 meetings. Thus, Ms. Lind (Estonia) and Mr. Bahaei Hamaneh (Islamic Republic of Iran) had served in that capacity and the African Group and the Group of Latin American and Caribbean States had been invited to nominate representatives to do so as well.

2. The Working Group had had before it the report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations (A/60/980), the Note by the Secretariat on Criminal accountability of United Nations officials and experts on mission (A/62/329) and the reports of the Secretary-General (A/63/260 and Add.1 and A/64/183 and Add.1) on the subject. Furthermore, a number of documents also had been available for reference.

3. The Working Group had held two meetings, on 13 and 15 October 2009. It had adopted its work programme at its first meeting. Bearing in mind the provisions of General Assembly resolutions 62/63 and 63/119, the Working Group had focused its discussions on the aspects of the report of the Group of Experts concerning the elaboration of a convention.

4. The Working Group had exchanged views mainly on the question of whether it was timely and appropriate to start negotiations on a draft international convention relating to the criminal accountability of United Nations officials and experts on mission, as proposed by the Group of Legal Experts. Some delegations had expressed their readiness to start such negotiations. It had been stated, in particular, that a binding legal instrument would constitute a solid legal basis for establishing criminal jurisdiction by the State of nationality of the alleged offender, so as to eliminate potential jurisdictional gaps, and for enhancing

cooperation among States and between States and the United Nations. It had also been noted that the adoption of a convention would give a strong political signal that criminal conduct by United Nations officials or experts on mission could not and would not be tolerated, as well as assist those States that might need an international convention to effect necessary changes at the domestic level. The view had also been expressed that the draft convention should cover military personnel engaged in peacekeeping operations.

5. On the other hand, other delegations had considered that it was premature to discuss a draft convention. It had been pointed out that further information and study were needed in order to understand the nature and extent of the problem — including potential jurisdictional gaps or obstacles to cooperation — and to assess whether a convention would be an appropriate response thereto. It had also been stated that efforts should focus on the implementation of the measures adopted in General Assembly resolutions 62/63 and 63/119, in particular the improvement by individual States of their own legislation, as well as enhanced cooperation among States. Furthermore, reference had been made to the possibility of adapting the model status-of-forces agreements and status-of-mission agreements to specific situations, by focusing, *inter alia*, on the elaboration of appropriate jurisdictional clauses and provisions aimed at strengthening cooperation in the prosecution of crimes of a serious nature committed by United Nations officials and experts on mission.

6. Informal consultations had also begun, focusing on the elaboration of a draft resolution that would reaffirm the need to implement the short-term measures envisaged in General Assembly resolutions 62/63 and 63/119. The Working Group had indicated that a working group of the Sixth Committee should resume consideration of the report of the Group of Legal Experts in a couple of years.

Agenda item 106: Measures to eliminate international terrorism (*continued*) (A/64/37, A/64/161 and Add.1)

7. **Mr. Perera** (Sri Lanka) (Chairman of the Working Group on measures to eliminate international terrorism), reporting on the outcome of the Working Group's meetings, said that in keeping with its established practice, the Working Group had decided that members of the Bureau of the Ad Hoc Committee established by

General Assembly resolution 51/210 of 17 December 1996 would continue to act as friends of the Chairman during the meetings of the Working Group. Accordingly, Ms. Telalian (Greece), Ms. Rodriguez Piñeda (Guatemala), Ms. Negm (Egypt) and Mr. Xhoi (Albania) had served as friends of the Chairman.

8. The Working Group had had before it the report of the Ad Hoc Committee on its thirteenth session (A/64/37). It had also had before it the letter dated 1 September 2005 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General (A/60/329), and the letter dated 30 September 2005 from the Permanent Representative of Egypt to the United Nations addressed to the Chairman of the Sixth Committee (A/C.6/60/2).

9. The Working Group had held two meetings, on 9 and 15 October 2009, as well as three informal consultations, on 9, 12 and 22 October 2009.

10. At its first meeting, the Working Group had adopted its work programme and had decided to proceed with its discussion of outstanding issues relating to the draft comprehensive convention and then consider 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. He, as Chairman, together with the Coordinator of the draft comprehensive convention, Ms. Telalian, had also had informal consultations and bilateral contacts with interested delegations on the outstanding issues.

11. At its second meeting, the Working Group had received a report on the results of the bilateral contacts held during the current session. At the same meeting, the Working Group also had undertaken a discussion of the question of convening a high-level conference.

12. Summarizing the results of the informal consultations on the draft comprehensive convention, he said that the Coordinator had recalled that she had already had an opportunity in the past to offer the background context and rationale for the elements of a possible package that had been presented in 2007 (A/62/37; A/C.6/62/SR.16; A/C.6/63/SR.14 and A/64/37).

13. The Coordinator had also recalled that at the thirteenth session of the Ad Hoc Committee it had been noted that the sixty-fourth session of the General

Assembly would be crucial in making decisions on the way forward. That was the message she had been conveying in contacts with delegations during the current session. She had noted that in order to facilitate discussions and the relevant decision-making processes, some delegations had alluded to the need for an overall picture of the whole package to be made available. Although the various reports, including the reports of the Ad Hoc Committee in 2002 and 2007 (A/57/37 and Corr.1 and A/62/37) could be pointed to as containing the various components of a possible package, indications had been made to the Coordinator that something more concrete might help to focus the discussions. The Coordinator had expressed the hope that the work at the current session could be advanced towards a common goal of completing the task, which could allow the Sixth Committee and, eventually, the General Assembly, to take the necessary decisions.

14. The Coordinator had also drawn attention to the elements of the package proposal made in 2007 and had invited delegations to make specific comments on those elements, bearing in mind the points she had raised regarding the way forward, which were intended to facilitate the attainment of common ground and were based on a number of considerations raised in discussions on the draft convention over the years. In her view, those aspects needed to be harnessed in order to have a clearer picture of where the negotiations stood and what should happen next if there were to be any possibility of achieving success in the negotiations.

15. In that connection, the Coordinator had recalled certain aspects of the negotiating process thus far and other considerations relevant thereto. Firstly, the draft convention was designed to serve as a law enforcement instrument aimed at ensuring individual criminal responsibility on the basis of an extradite or prosecute regime. The consequence of that approach was that any other approach might not easily fit into the scheme of the draft convention and would affect the integrity of the text at that late stage of the negotiations.

16. Secondly, in addressing the material scope of the convention, the approach taken in the negotiating process had been patterned on an approach that sought to (a) proscribe, as comprehensively as possible, through inclusionary clauses, the particular conduct; and then (b) provide particular exclusionary "safeguards" in respect of certain activities. Instead of having the exclusions as part of the material scope proscribing particular conduct, as was done in some

regional regimes, the approach in the current negotiations was that such exclusions formed the essence of “applicable or choice of law” and “without prejudice” clauses. That approach had been agreed upon following intense debates and delicate negotiations. Although there had been wide-ranging views on how determinative particular exclusions would be, there had been at least some common ground in that the activities which were to be excluded were the subject of regulation by other legal regimes, including the law under the Charter of the United Nations, international humanitarian law, and aspects of international and national “security law”.

17. Paragraphs 1 to 5 of the elements of a package proposed in 2007 sought to address those aspects. The Coordinator had emphasized that there could be no clearer statement of principle than that contained in paragraph 1, which provided the context of appreciating paragraphs 2 to 5. It had been recalled that paragraph 1 was an overarching principle in safeguarding the full range of principles and obligations under the Charter, including the right of peoples to self-determination. The reference to “peoples” in that paragraph had been added to take into account that particular consideration. The paragraph also did not affect the *jus ad bellum* and *jus in bello*.

18. Thirdly, the interpretation and application of the convention were the primary responsibility of the parties to the convention. It was part of the functioning of law in society and was a common occurrence that words or terms which might appear vague, obscure and indeterminate attained their own dynamic and assumed concreteness, clarity and determinacy in specific fact situations once relevant authorities played their roles of interpretation and application.

19. The Coordinator had further recalled that the negotiation of provisions similar to article 18 had not been easy. The current attempt to provide additional language was intended to preserve the structure and the previous precedent language, while providing a thrust that would help to clarify the understanding of particular provisions and overcome an impasse in the negotiations.

20. The Coordinator had indicated that achievements of the Ad Hoc Committee and the Working Group had advanced processes elsewhere, for example, developments that had led to amendments to some sectoral instruments negotiated by the International

Maritime Organization and the International Atomic Energy Agency. In her view, the elements of the 2007 package had been presented to help clarify what had already been agreed upon; if the elements still posed problems or raised particular concerns, it would help the process to have those problems and concerns aired. At the same time, the Coordinator had cautioned that any attempts to pick and choose parts of the elements would affect the overall balance that was being sought. Draft article 18 needed to be understood as a whole.

21. The Coordinator had then made suggestions on the way forward for consideration of the negotiating process. Firstly, it had been recalled that in the negotiations the inclusionary elements of draft article 2 had been considered to be closely linked to the exclusionary elements, by way of the applicable law and “without prejudice” clauses of draft article 18. Accordingly, in moving forward, it would be useful to consider the placement of article 18 closer to article 2, as was the case with the International Convention for the Suppression of Acts of Nuclear Terrorism.

22. It had also been recalled that in the negotiations, the notion that a “comprehensive convention” was being elaborated had heightened certain expectations. However, the Coordinator had emphasized that it was in the nature of negotiations that not all views expressed about what the draft comprehensive convention should contain had found their way into the draft as it currently stood and not all approaches that had been espoused had been accommodated. Consequently, arguments had been made that the draft convention was not “comprehensive”. While the negotiations had come a long way even to have a definitional article of acts of terrorism for individual criminal responsibility like the one contained in draft article 2, as part of managing the expectations, it was necessary to seriously consider, as had been suggested, renaming the draft convention, for example, the “United Nations convention for international cooperation in the prevention and suppression of international terrorism”.

23. Moreover, as another important aspect of managing expectations, there was a possibility that some of the concerns informing some of the proposals made could be captured in an accompanying resolution. In that regard, the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* could provide guidance on what the General Assembly could do in

the future regarding broader aspects of counter-terrorism issues. In that judgment, the International Court of Justice had confirmed that the duty of every State, under the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts involved a threat or use of force, constituted an obligation under customary international law. Questions that could be extrapolated by that affirmation constituted a challenge which could be addressed in the future by the General Assembly, on the basis of proposals that delegations might wish to make. However, flagging such considerations in an accompanying resolution might help overcome some of the concerns raised in the current negotiations.

24. Concluding her briefing, the Coordinator had noted that if the negotiating process was ready to take the necessary decisions it would be possible to reflect the issues raised in a format that would advance the process further.

25. Turning to comments by delegations, the Chairman said that during the informal consultations, several delegations had reiterated the importance they attached to the early conclusion of the draft comprehensive convention and that it had been stressed that, with the necessary political will, the remaining outstanding issues could be successfully resolved. Nevertheless, the point had also been made that the negotiations had been going on for many years and that the 2007 proposal made by the Coordinator as a compromise text had been on the table for almost three years without generating clear progress. Although many delegations had expressed support for the Coordinator's proposal, those delegations still experiencing difficulties with the text had been called upon to provide more concrete feedback on the proposal in order to allow for a constructive dialogue. It had been stressed that the time had come to decide how and whether to proceed with the negotiation process. Several delegations had pointed out that the draft convention would enhance the existing legal counter-terrorism framework and, in that regard, its value in strengthening cooperation and coordination

among States based on the principle of extradite and prosecute had been particularly emphasized.

26. As to the outstanding issues surrounding the draft convention, some delegations had expressed support for the exclusionary approach currently taken in draft article 18 and had stressed that any text must respect the integrity of international humanitarian law. The point had also been made that the proposal put forward by the Coordinator in 2007 constituted an ingenious approach in ensuring that the right of peoples to self-determination was not affected by the draft convention. It had also been reiterated that the draft convention should rectify the deficiencies in the existing conventions dealing with terrorism and should include a clear legal definition that would cover all forms of terrorism. While some delegations had expressed their willingness to continue considering the 2007 proposal made by the Coordinator, they had also reiterated their preference for earlier proposals made with regard to draft articles 18 and 2.

27. In response to the suggestion to remove the word "comprehensive" from the title of the draft convention to attenuate some of the concerns raised during the negotiations, some delegations had expressed a preference for resolving the outstanding issues in a manner which would leave the title intact. The point had been made that renumbering the draft articles could assist States in better contextualizing the issues at hand.

28. At the second meeting of the Working Group the Chairman had recalled the three issues that had been stressed by the Coordinator in her statement during the informal consultations relating to possible ways forward and had explained that he and the Coordinator had since met with delegations, at which time the issues had been discussed further. In the course of the discussions, views had been expressed regarding the need to present the issues with a certain level of specificity in order to avoid any misunderstanding of the thrust of the issues being proposed for consideration. Accordingly, the friends of the Chairman had agreed that the Chairman should circulate the various texts of articles for discussion in the framework of informal consultations to facilitate discussions on the 2007 proposal by the Coordinator.

29. In particular, one set of documents contained texts of the preamble and articles 1 and 2 and 4 [2 bis] to 27 of the draft convention. It had been explained

that, for discussion purposes, that set of documents incorporated the various texts contained in annexes I, II and III to the report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 at its sixth session (A/57/37), for discussion, taking into account developments at the current session. In particular, the text incorporated a new suggested title of the draft convention and an updated preamble to take into account recently adopted conventions. Moreover, article 3 had been left blank, it being understood that draft article 18, once agreed upon, would be moved forward as article 3. Subsequent articles had thus been renumbered accordingly.

30. Regarding the proposed new title, the Chairman had noted that a suggestion had been made to shorten the title, which read “United Nations Convention for international cooperation in the prevention and suppression of international terrorism”, to “United Nations convention for the prevention and suppression of international terrorism”. In addition, editorial changes of a technical nature had been introduced to align the language of the draft text with the recently adopted counter-terrorism instruments negotiated in the context of the Ad Hoc Committee and the Sixth Committee. The number in square brackets of articles corresponded to the numbering of the relevant article in previous texts.

31. The second set of documents contained the text of article 3 [18] of the draft convention, together with an additional preambular paragraph reflecting the text circulated by the Coordinator in 2007 (A/62/37). A footnote clarified that the text was currently under consideration in the Working Group of the Sixth Committee and the Ad Hoc Committee. It had been stressed that the consideration of the text had been without prejudice to all written and oral proposals submitted by delegations in the context of negotiations on the draft convention. The second set of documents also contained a list of written proposals, which had been made together with the relevant texts.

32. Several delegations had expressed concern over the circulation of the texts, which they had considered might entail substantive and procedural implications for the negotiations. It had also been pointed out that the new texts could add an element of confusion to the negotiation process and contained changes that had not yet been agreed upon. On the other hand, some other delegations had welcomed the circulation of the texts and had expressed the view that they would facilitate

discussions and, in particular, assist new delegations in better understanding the outstanding issues.

33. The view had also been expressed that placing the 2007 proposal of the Coordinator together with other proposals detracted attention from the focus the Coordinator’s proposal required.

34. During the informal consultations held on 22 October 2009, which had focused on outstanding issues concerning draft article 18 on the basis of the proposal made by the Coordinator in 2007, several delegations had expressed support for the proposal. It had been pointed out that the 2007 proposal provided useful clarifications with respect to the relationship between the draft convention and international humanitarian law and ensured that the substance and integrity of that body of law was upheld. In that context, it had been reiterated that the proposal constituted a balanced approach which left the right to self-determination, as understood under international law, unaffected. That was a key factor determining why the proposal should serve as a compromise in reaching a consensus on the draft convention. It had also been understood that the proposal did not purport to modify existing obligations under international humanitarian law or introduce additional obligations under that law. Some delegations had also underlined the fact that while the 2007 proposal might not be perfect, it reflected reality in that concessions had to be made by all delegations.

35. Several delegations had stressed that the draft convention should be considered as a law enforcement instrument for enhanced cooperation and coordination among States in the fight against terrorism and had reiterated their willingness to continue considering the 2007 proposal as the basis for negotiations. Some delegations had reiterated that they accepted the 2007 proposal because they considered that it constituted a package. On the other hand, the view also had been expressed that the 2007 proposal would be considered but did not represent a package.

36. Some other delegations, while expressing their willingness to continue considering the 2007 proposal, nevertheless reiterated their preference for earlier proposals relating to draft article 18. At one level, it had been emphasized that the draft convention should differentiate terrorism from the acts of liberation movements, which were already covered under international humanitarian law. In view of the

comprehensive nature of the draft convention, the need to include activities undertaken by military forces of a State in peacetime had been underlined, as had the need to address the issue of State terrorism. The point had also been made that the draft convention should not be viewed only as an instrument regulating cooperation and coordination among States. While it had been acknowledged that expectations of what the draft convention could achieve had become more modest over the years, it had also been stressed that the draft convention should bring some added value to the sectoral conventions.

37. At another level, the view had been expressed that progress on the draft convention was predicated on two principles, namely that the convention excluded from its scope activities of military forces of a State and that it included activities undertaken by national liberation movements. It had been explained that the 2007 proposal would have had merit, provided that there was some understanding that the interpretation of the text would be no different from the text submitted by the Coordinator in 2002 or the interpretation of similar provisions in the sectoral conventions. Since that did not seem to be the case, the divergent views on the meaning of the additional language raised fundamental issues which could not be glossed over by using ambiguous language.

38. As to concerns raised by some delegations regarding the ambiguities in the 2007 proposal, it had been pointed out that all sectoral counter-terrorism conventions contained provisions, notwithstanding their differences, which ensured the integrity of international humanitarian law. In that context, it had been suggested that an accompanying resolution could address those ambiguities by specifying that neither the draft convention nor the sectoral conventions altered existing obligations or created new obligations under international humanitarian law.

39. It also had been pointed out that the draft convention focused on acts committed by individuals, whatever their affiliation, and that the issue of State terrorism could not realistically be addressed in the context of the convention.

40. The Coordinator had recalled that the 2007 proposal had emerged following difficult and protracted negotiations and that it reflected the result of common efforts. It sought to take into account concerns of all delegations, including those highlighted

during the informal consultations. She had stressed that the very aim of the 2007 proposal was to clarify the relationship between the draft convention and international humanitarian law, and to ensure that the rules of international humanitarian law would not be prejudiced. Pointing out that the principle also applied to the sectoral counter-terrorism conventions, she had specified that the objective was not to alter existing obligations or to impose new obligations under international humanitarian law.

41. With regard to the question of impunity, the Coordinator had emphasized that activities of military forces of a State in peacetime should not remain unpunished and that States should prosecute perpetrators on the basis of other laws. She had further stated that the draft convention was a law enforcement instrument and that it could not address State terrorism.

42. Several delegations had stressed the need to take decisive steps forward on the draft convention and bring the long-standing negotiation process to a closure. In that regard, it had been suggested that the next meeting of the Ad Hoc Committee should be its final meeting and that that fact should be explicitly reflected in the relevant procedural texts.

43. In response to questions regarding the texts of articles circulated on 15 October 2009 by the Chairman, it had been clarified that the texts had been circulated in good faith and transparency and were intended to facilitate discussions in the framework of informal consultations on the 2007 proposal by the Coordinator. In the light of the comments made during the informal discussions, the Chairman had noted that the circulation of the texts had achieved a useful purpose. The view had been expressed that the texts of articles were useful and could be used informally.

44. Turning to the question of the convening of a high-level conference, the Chairman said that at the second meeting of the Working Group, on 15 October 2009, the sponsor delegation of Egypt had recalled the reasons behind its proposal to convene a high-level conference and had emphasized in particular the serious nature of the threat of terrorism to individuals and societies. It had been explained that a plan of action was needed in order effectively to address all aspects of terrorism in a coordinated and coherent manner. Such a plan of action would strengthen efforts undertaken at the international, regional and national levels. The conference would provide a forum to

address all the issues related to the fight against terrorism, including lessons learned and best practices, conditions conducive to the spread of terrorism and new measures to enhance national capabilities to combat terrorism. It had also been stressed that the conference would contribute to the discussion on the definition of terrorism. The sponsor delegation had further recalled that the proposal had been endorsed by the Movement of Non-Aligned Countries, the Organization of the Islamic Conference, the African Union and the League of Arab States.

45. Several delegations had reiterated their support for the proposal made by the Egyptian delegation and had emphasized that the convening of the conference should not be linked to the completion of work on the draft comprehensive convention. It had been stressed that the conference could provide fresh impetus to the negotiations on the draft convention and facilitate resolution of the remaining outstanding issues. Several other delegations, while supporting the convening of the conference in principle, had questioned its timing. Some had reiterated their view that the conference should be convened only after the draft comprehensive convention on international terrorism had been concluded, which should be the main focus of the Working Group.

46. He was encouraged by the discussions that the Working Group had held so far. Although his expectations at the beginning of the session that necessary decisions would be taken during the discussions had not been fully met, several options had been put on the table for further reflection by delegations. In particular, the Coordinator had raised three issues which it was hoped would be the subject of further reflection by delegations in their future deliberations. Additional ideas had also emerged that could be useful in the consideration of elements for any accompanying resolution to the convention, once adopted.

47. **The Chairman** said that the completion of the draft comprehensive convention would be an important contribution to United Nations efforts to elaborate a comprehensive legal framework to combat terrorism.

48. **Mr. Adi** (Syrian Arab Republic) said that although his delegation was grateful for the efforts of the Working Group and the delegations that had participated in the bilateral negotiations, it remained

concerned that texts which had not yet been agreed upon, even informally, had been circulated.

49. *Mr. Stastoli (Albania), Vice-Chairman, took the Chair.*

Agenda item 165: Observer status for the International Humanitarian Fact-Finding Commission in the General Assembly (*continued*) (A/C.6/64/L.6)

50. **Mr. Bichet** (Switzerland) announced that the delegations of Albania, the Central African Republic, Mongolia and Uruguay had joined the sponsors of draft resolution A/C.6/64/L.6.

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

52. **Ms. Negm** (Egypt) said that her delegation had made an exception in joining the consensus on the draft resolution despite its reservations concerning article 90 of the Protocol additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts. It was essential to abide by the provisions of General Assembly decision 49/426 and General Assembly resolution 54/195 when considering requests for observer status in the General Assembly.

53. **Mr. Adi** (Syrian Arab Republic) said that his delegation had joined the consensus despite its reservations about granting observer status to an entity that did not meet the criteria set out in General Assembly decision 49/426.

54. **Mr. Bahaei Hamaneh** (Islamic Republic of Iran) said that, in keeping with General Assembly resolution 54/195, the Sixth Committee should abide strictly by the criteria for granting observer status set out in General Assembly decision 49/426. The fact that his delegation had joined the consensus to grant such status to the International Humanitarian Fact-Finding Commission should not be construed as a precedent in respect of future requests for observer status by non-governmental organizations.

Agenda item 166: Observer status for the Global Fund to Fight AIDS, Tuberculosis and Malaria in the General Assembly (*continued*) (A/C.6/64/L.7)

55. **Ms. Kafanabo** (United Republic of Tanzania) announced that, in addition to the delegations listed by the Chairman at the Committee's 10th meeting as having become sponsors of draft resolution

A/C.6/64/L.7, the following delegations had added their names to the list: Grenada, Haiti, Israel, Japan, Liberia, Monaco, Morocco, Myanmar, Namibia, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, Slovenia and Ukraine.

56. She recalled her introduction of the draft resolution at the Committee's 10th meeting and expressed the hope that additional countries would become sponsors before the Committee voted on the text.

57. **Mr. Xhoi** (Albania), **Mr. Appreku** (Ghana), **Mr. Eriksen** (Norway) and **Mr. Ben Lagha** (Tunisia) said that their delegations wished to join the list of sponsors of draft resolution A/C.6/64/L.7.

58. *Draft resolution A/C.6/64/L.7 was adopted.*

59. **Ms. Negm** (Egypt) said that her delegation had joined the consensus in favour of adopting the draft resolution in recognition of the humanitarian nature of the Global Fund to Fight AIDS, Tuberculosis and Malaria.

60. Her delegation had also noted the fact that the Fund was not an intergovernmental organization. It was essential for the Committee to abide by the relevant General Assembly resolutions and decisions when it considered applications for observer status in the General Assembly.

61. **Ms. Guo Xiaomei** (China) said that although her delegation had joined in the consensus, it did not consider the Global Fund to be an intergovernmental organization in the strict sense of the term or that it met the criteria set out in General Assembly decision 49/426, to which strict adherence was essential. The granting of observer status to the Global Fund was an exception and should not constitute a precedent. The Fund was obligated to regulate the actions of its non-State members in order to prevent any harm to the General Assembly or its Member States.

62. **Ms. Zainul Abidin** (Malaysia) said that her delegation understood that the Global Fund's Board included representatives of Governments, non-governmental organizations and the private sector. As a matter of principle, the Committee should not grant the Fund's request for observer status in the General Assembly. Nevertheless, her delegation had agreed to make an exception in the case of the Fund, given its noble ideals and its work in reaching out to those in need of its services. Her delegation would review future

applications for observer status on a case-by-case basis and believed that the General Assembly should reconsider its decision governing the granting of observer status, as it no longer served as a suitable guideline.

63. **Mr. Bahaei Hamaneh** (Islamic Republic of Iran) said that his delegation had joined the consensus on granting observer status in the General Assembly to the Global Fund to Fight AIDS, Tuberculosis and Malaria in recognition of its valuable contributions. However, the Fund was not, strictly speaking, an intergovernmental organization, and the exception made in its case must not be considered a precedent. Observer status in the General Assembly should be granted in strict observance of General Assembly decision 49/426.

64. **Ms. Kafanabo** (United Republic of Tanzania) said that she would convey all the concerns delegations had expressed to the Global Fund with a view to enabling its work to be guided by the norms of the General Assembly.

Agenda item 168: Observer status for the International Conference on the Great Lakes Region of Africa in the General Assembly (*continued*)
(A/C.6/64/L.4)

65. **Ms. Orina** (Kenya) announced that the delegations of Senegal and Nigeria had become sponsors of draft resolution A/C.6/64/L.4.

66. *Draft resolution A/C.6/64/L.4 was adopted.*

67. **Ms. Millicay** (Argentina) said that requests for observer status were not meant to be granted on a quasi-automatic basis; they required a serious review of the legal issues involved. For example, although such requests usually were accompanied by an explanatory memorandum, the constituent instrument of the requesting organization generally was not provided.

68. The manner in which the Sixth Committee handled requests for observer status in the General Assembly should be improved in order to ensure that the Committee fully met the obligations entrusted to it by General Assembly resolution 54/195 and pursuant to General Assembly decision 49/426.

69. **Ms. Guo Xiaomei** (China) said that her delegation endorsed the suggestion by the representative of Argentina. The Committee required

additional information from entities requesting observer status in the General Assembly to guide its deliberations on such requests.

70. **Ms. Negm** (Egypt) said that her delegation agreed that the Committee should review its methods of work regarding requests for observer status. It was essential to ensure that organizations seeking that status clearly met the criteria set out in the relevant guidelines.

71. **Mr. Shah** (Pakistan), endorsing the remarks of the representatives of Argentina, China and Egypt, said that the Committee should revisit the criteria for granting observer status in the General Assembly and ensure that any new criteria fully addressed the concerns aired in the Committee. Informal consultations should be held to review accompanying explanatory notes before the Committee took action on the requests.

72. **Ms. Cabello de Daboin** (Bolivarian Republic of Venezuela), while expressing general agreement with the preceding speakers, said that the Committee's working methods for considering requests for observer status should be improved; the criteria for observer status did not need to be changed.

The meeting rose at 11.30 a.m.