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Chair: Mr. Gafoor (Singapore)

Contents

Agenda item 85: The scope and application of the principle of universal jurisdiction
(*continued*)Agenda item 109: Measures to eliminate international terrorism (*continued*)Agenda item 173: Observer status for the Ramsar Convention on Wetlands
Secretariat in the General Assembly (*continued*)Agenda item 175: Observer status for the Fund for the Development of the
Indigenous Peoples of Latin America and the Caribbean in the General AssemblyAgenda item 82: Expulsion of aliens (*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: Effects of armed conflict on treaties (*continued*)

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The meeting was called to order at 10.15 a.m.

Agenda item 85: The scope and application of the principle of universal jurisdiction (continued)

Oral report by the Chair of the Working Group on the scope and application of the principle of universal jurisdiction

1. **Ms. Duncan Villalobos** (Costa Rica), Chair of the Working Group, recalling that, pursuant to General Assembly resolution [71/149](#), the Sixth Committee had decided again to establish a working group, open to all Member States and relevant observers to the General Assembly, to continue to undertake a thorough discussion of the scope and application of universal jurisdiction, said that the Working Group had had before it a number of reports of the Secretary-General on the scope and application of the principle of universal jurisdiction ([A/72/112](#), [A/71/111](#), [A/70/125](#), [A/69/174](#), [A/68/113](#), [A/67/116](#), [A/66/93](#), [A/66/93/Add.1](#) and [A/65/181](#)), the records of the oral reports of the Chair on the work of the Working Group in 2016 ([A/C.6/71/SR.31](#)), 2015 ([A/C.6/70/SR.27](#)), 2014 ([A/C.6/69/SR.28](#)), 2013 ([A/C.6/68/SR.23](#)) and 2012 ([A/C.6/67/SR.24](#)), and an informal paper of the Working Group ([A/C.6/66/WG.3/1](#)), commonly referred to as the “road map”, containing agreements on methodology and a list of issues for discussion. The Working Group had also had before it two informal compilations prepared by the Secretariat, one containing relevant multilateral and other instruments, and the other containing excerpts from decisions of international tribunals, along with the Chair’s informal working paper, which had been distributed and discussed in previous sessions of the Working Group and had provided the basis for the Working Group’s discussions.

2. The Working Group had held two meetings, on 12 and 18 October 2017. It had conducted its work in the framework of informal consultations. At its first meeting, on 12 October, the Chair had presented an overview of past proceedings, including the discussions that had led to the drawing up and refinement of the informal working paper; the points listed in the working paper were for illustration purposes only and without prejudice to future written or oral proposals made by delegations or to the positions of delegations. At that meeting and also at the second meeting, the Working Group had discussed the way forward, in terms of the product of its work and how to use the time allocated to it to advance the process. It had also held a brief discussion on the section of the informal working paper concerning application of universal jurisdiction.

3. Delegations had remained divided on the possibility of sending either the entire item or specific technical questions under the item to the International Law Commission. Some delegations had supported such a proposal, and it had been suggested that the outstanding technical questions could be submitted for examination to the Commission with a view to contributing to the work of the Sixth Committee. Other delegations had maintained that such a referral was premature and that the Working Group remained the proper forum for discussion on the item at the current stage. Some delegations had also evoked the possibility of streamlining the informal working paper, highlighting aspects on which there appeared to be a consensus among delegations or removing aspects that appeared to be repetitions.

4. Other delegations had suggested that the work of the Working Group might most usefully be focused on a set of specific technical questions. Other suggestions had been in favour of the establishment of lists of aspects from the informal working paper on which delegations held either convergent or divergent views. It had been suggested, however, that until specific proposals were made to transform the informal working paper in such ways, it remained the best means of structuring the Working Group’s discussions in form and substance.

5. Some other delegations had recognized the usefulness of the dialogue on the item, which was also seen as part of the confidence-building exercise that was central to the Working Group’s work on the item. Some delegations had suggested that revising the form of the informal working paper might be a step backwards if the changes to the form or the continued dialogue remained unfocused on a final product.

6. The intellectually stimulating nature of the subject and the range of approaches taken by delegations at the domestic level suggested that it would be possible to discuss the item *ad infinitum*. Such might well be the wish of delegations; however, such an activity would be best left to the plenary of the Sixth Committee, if not beyond the Sixth Committee altogether. Stressing that the Working Group should not be a repetition of the Sixth Committee debate, she urged interested delegations to use the intersessional period to consult with each other with the aim of identifying the potential outcome of the Working Group that would not only represent a wise use of the Working Group’s time but also be appropriate given the nature of the topic. To return to the item at the seventy-third session would be a waste of time and resources unless, during the intersessional period, clearer guidance were offered as

to the way forward, particularly regarding the final product of the Working Group's work.

7. **The Chair** said he took it that the Committee wished to take note of the report of the Chair of the Working Group on the scope and application of the principle of universal jurisdiction.

8. *It was so decided.*

Agenda item 109: Measures to eliminate international terrorism (continued)

Oral report by the Chair of the Working Group on measures to eliminate international terrorism

9. **Mr. Perera** (Sri Lanka), Chair of the Working Group, recalling that, pursuant to General Assembly resolution 71/151, the Sixth Committee had decided to establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism and to discussing the question of convening a high-level conference under the auspices of the United Nations, said that pursuant to paragraph 9 of General Assembly resolution 52/210 and consistent with past practice, the Working Group was open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. In keeping with its established practice, the Working Group had decided that members of the Bureau of the Ad Hoc Committee established by the General Assembly in its resolution 51/210 of 17 December 1996 would continue to act as Friends of the Chair. The Working Group had had before it the report of the Ad Hoc Committee on its sixteenth session (A/68/37) and the annexes thereto, including written proposals relating to the outstanding issues surrounding the draft convention; a letter from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General (A/60/329); and a letter from the Permanent Representative of Egypt to the United Nations addressed to the Chair of the Sixth Committee (A/C.6/60/2).

10. The Working Group had held three meetings, on 16, 20 and 31 October 2017. At its first meeting, it had adopted its work programme and had decided to hold discussions in the framework of informal consultations. At that meeting, the Working Group had discussed outstanding issues relating to the draft convention and had heard reports on discussions that had taken place intersessionally. At its second meeting, it had considered the question of convening a high-level conference under the auspices of the United Nations. Informal consultations on the draft convention and on the way forward had been held at all three meetings. The Chair and the coordinator of the draft comprehensive

convention had also engaged in informal and bilateral discussions with interested delegations on the outstanding issues relating to the draft convention.

11. At its third meeting, the Working Group had considered proposed recommendations of the Working Group to the Sixth Committee. It had considered various proposals aimed at acknowledging the constructive engagement shown in the Working Group during the current session and intersessionally, while encouraging further efforts during the next intersessional period. As there had been no agreement on the specific wording of the recommendation to be made by the Working Group to the Sixth Committee, the Working Group had concluded its work without making any recommendation but on the understanding that its mandate would be addressed in the context of the negotiations on the draft annual resolution, taking into account the proposal to acknowledge work accomplished during the current session and in the intersessional period.

12. During the informal consultations on 16 October 2017, the Chair had provided detailed background information on the work undertaken thus far and an update on the status of the negotiations regarding the outstanding issues surrounding the draft convention, including the attempts made over the years to overcome the differences among delegations. While some delegations reiterated the continuing relevance of their proposals, work had proceeded on the general understanding that further consideration would be given to all written amendments and proposals on the table, together with all other written and oral proposals, in future discussions, including on outstanding issues. The coordinator had reported on intersessional efforts undertaken upon the request of the Chair of the Sixth Committee at the seventy-first session to advance the consultations concerning the completion of the draft comprehensive convention.

13. At an informal retreat held for that purpose on 9 September 2017, one session had focused on international law regarding anti-terrorism and another on the interplay between such law and international humanitarian law. The retreat had also featured an informal reading of draft article 3 of the draft comprehensive convention, concerning which several views had been expressed, particularly on the possible way forward.

14. Delegations had reaffirmed their commitment to the negotiating process; they had generally found the retreat useful and had expressed interest in further opportunities to meet informally during the intersessional period. Some delegations had expressed

the view that the input of the International Law Commission could be useful on certain technical issues. Others, however, had stressed that further consideration needed to be given to identifying which issues, if any, could usefully be referred to that Commission. Still others had considered that the issues to be resolved were political in nature and that, consequently, the International Law Commission would not be the appropriate forum.

15. The view had been expressed that the definition of terrorism must be broad enough to encompass all terrorist acts, wherever and by whomsoever committed. Some delegations had also expressed the view that the pre-eminence of international humanitarian law must be respected at all times, including in situations of foreign occupation, so as not to render unlawful any acts which were lawful and were governed by that law.

16. Following the second meeting on 20 October 2017, the coordinator had circulated a non-paper intended solely to stimulate further discussion, without prejudice to any existing proposal under consideration. As delegations had previously expressed the view that paragraphs 2 and 5 of draft article 3 [18] of the draft comprehensive convention could, when read separately, result in misinterpretation, changes had been proposed in the non-paper aimed at merging those two paragraphs and streamlining their formulation. The new combined paragraph 2 would put forward the general principle that rules of international humanitarian law in armed conflict were unprejudiced and their integrity was safeguarded, and would clarify further that the activities of armed forces during armed conflict, as those terms were understood under that law, were governed by that law.

17. While some delegations had reserved their comments on the circulated text, awaiting instructions from their respective capitals, others had provided preliminary comments concerning, in particular, the exact meaning of certain terms used in the text, its scope and the potential shift in focus from “actors” to “activities”. During the informal consultations on 31 October, some delegations had expressed the view that the formulation of the proposed combined paragraph 2 of article 3 [18] maintained a degree of ambiguity that could lead to differing interpretations as to key concepts relating to the applicability of the draft comprehensive convention. Some had sought further clarity as to the meaning of the terms “armed forces” and “inasmuch as”, as used in the draft convention. Comments had also been made on the Working Group’s work procedures.

18. The coordinator had observed that it would not be useful in the current negotiations to reopen for

definition terms such as “armed forces”, as used in the draft comprehensive convention, that were already understood under international humanitarian law and were governed by that law; he had also noted that most outstanding issues concerned the way in which references to international humanitarian law were used in the draft convention. He had proposed that those issues could be the subject of further intersessional informal consultations and had encouraged the Working Group to consider including a recommendation to the Sixth Committee that would facilitate the conduct of robust activities during the intersessional period.

19. During the informal consultations on 16 and 20 October 2017, delegations had commented on 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. The delegation of Egypt, recalling that its proposal to convene an international conference had been made more than a decade earlier, had reiterated its view that the differences in opinion concerning the draft comprehensive convention on terrorism were of a political nature, and could thus be resolved only at such a level; accordingly, the conference would help to advance the process. Some other delegations had expressed the view that the convening of such a conference would be premature until agreement was reached at the technical level. Other delegations had recommended that, in view of the current impasse, the focus should be on implementing existing treaties.

20. The Chair of the Working Group, the Friends of the Chair and the coordinator were encouraged by the work done intersessionally and by the attention given to the informal text circulated by the coordinator. During the current session, possible avenues for further exploration had been considered, building upon some of the issues discussed during the retreat held intersessionally. The Chair and the Friends of the Chair looked forward to continued efforts by delegations to engage on those issues, including during the intersessional period. It was noteworthy that, despite the absence of agreement on the recommendation, there had been a general appreciation of the usefulness of intersessional efforts, including in informal settings where the process might be advanced. Indeed, it was crucial for Member States, working together with the coordinator, to redouble such efforts. The terrorist attack that very week in New York served as a reminder, if a reminder were needed, of the importance of the role of the Sixth Committee and of its Working Group in the international community’s efforts to combat international terrorism. He was convinced that Member

States had the ability and the will to overcome their outstanding differences.

21. **The Chair** said he took it that the Committee wished to take note of the report of the Chair of the Working Group on measures to eliminate international terrorism.

22. *It was so decided.*

Agenda item 173: Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly (continued) (A/C.6/72/L.6)

Draft resolution A/C.6/72/L.6: Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly

23. **The Chair** said that he had been notified that the sponsors of draft resolution [A/C.6/72/L.6](#) had requested the Committee to decide to recommend that the General Assembly defer to the seventy-third session a decision on the request for observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly. He took it that the Committee wished to make such a recommendation to the General Assembly.

24. *It was so decided.*

25. **Ms. Sande** (Uruguay) said that her delegation had requested the deferral in order to further explore the issue and consider possible ways of clarifying the legal standing of the Ramsar Convention on Wetlands Secretariat. In the meantime, she would be looking with colleagues at ways in which the Ramsar Secretariat could be involved in areas of interest to it.

26. **Ms. Pierce** (United States of America) said that, while the activities of the Ramsar Secretariat covered matters of interest to the General Assembly, a treaty secretariat did not qualify as an intergovernmental organization. The United States supported the critically important work of the Ramsar Secretariat and valued the contributions it could make to discussions on topics of relevance to it in the United Nations. Her delegation shared the desire to find creative, practical ways whereby the Ramsar Secretariat could make such contributions and was currently reviewing participation modalities for relevant meetings, including those of the High-level Political Forum and the Economic and Social Council, to enable it, when eligible, to have a seat in the room at critical discussions. Her delegation also encouraged organizers of relevant side events and meetings at the United Nations to invite and facilitate the participation of Ramsar Secretariat representatives and urged the International Union for the Conservation of Nature, which hosted the Ramsar Secretariat in

Geneva, to designate such representatives to be part of its delegations to relevant United Nations meetings.

27. **Mr. Cuellar Torres** (Colombia) said that his delegation recognized the need to clarify the legal status of the Ramsar Secretariat and welcomed the constructive spirit of the United States delegation towards the desired involvement of the Ramsar Secretariat in activities and events of interest to it. Such involvement would also be beneficial to the United Nations. He expressed the hope that it would be granted observer status in 2018.

Agenda item 175: Observer status for the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean in the General Assembly (A/72/232 and A/C.6/72/L.16)

Draft resolution A/C.6/72/L.16: Observer status for the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean in the General Assembly

28. **Mr. Zambrana Torello** (Plurinational State of Bolivia), introducing the draft resolution, said that the original sponsors had been joined by Belgium, Brazil, Cuba, Honduras, Portugal and the Venezuela (Bolivarian Republic of). The purpose of the Fund for the Development of the Indigenous Peoples of Latin America and Caribbean, established 25 years earlier at the Second Ibero-American Summit of Heads of State and Government, was to promote the interests of those peoples and to support their self-development. By virtue of its field of action and its everyday activities, it could be helpful in meeting international challenges. Its principles and purposes were in line with those of the Charter of the United Nations and reflected an integrated approach to sustainable development. He called on other delegations to support the proposal.

29. **Mr. Horna** (Peru) said that Peru had been a party to the Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and Caribbean and was a governmental member of its Board of Directors. Peru was also collaborating with the Fund in the organization in Lima in early 2018 of a meeting to prepare a regional plan of action for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

30. **Ms. Fernández Juárez** (Bolivarian Republic of Venezuela) said that her delegation supported the request to grant observer status to the Fund, to which the States of Latin America and the Caribbean were indebted for its significant role in calling attention to the vulnerable indigenous peoples in the region. The requested status would enable the Fund to contribute to

the development of channels for information and participation among the many stakeholders.

31. **Mr. Castañeda Solares** (Guatemala) said that the request also had the support of his country, which was formed of various ethnic groups whose ways of life, customs, traditions and forms of social organization were respected and promoted by the State. Observer status would give added value to the Fund, which promoted the rights of indigenous peoples in Latin America and the Caribbean on the basis of equal opportunity, the elimination of all forms of exclusion and domination and technical and political capacity-building to facilitate dialogue between States and indigenous community leaders.

Agenda item 82: Expulsion of aliens

(continued) (A/C.6/72/L.13)

Draft resolution A/C.6/72/L.13: Expulsion of aliens

32. *Draft resolution A/C.6/72/L.13 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.6/72/L.12)

Draft resolution A/C.6/72/L.12: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

33. *Draft resolution A/C.6/72/L.12 was adopted.*

Agenda item 86: Effects of armed conflicts on treaties (continued) (A/C.6/72/L.15)

Draft resolution A/C.6/72/L.15: Effects of armed conflicts on treaties

34. **Ms. Hornáčková** (Czechia), introducing the draft resolution on behalf of the Bureau, said that it had been revised on the basis of the plenary debate in the Committee and subsequent consultations with delegations. In the first preambular paragraph, a reference had been added to the most recent resolution on the item; in the final preambular paragraph, a reference to the plenary debate had been added, both in the text and in footnote 3, and a new footnote 2 had been introduced, referencing the report of the Secretary-General on the subject at the current session (A/72/96). In paragraph 1, rather than once again commending the articles on the effects of armed conflicts on treaties, the General Assembly expressed its appreciation of the International Law Commission's continuing contribution to the codification and progressive development of international law; that was in line with the draft resolution on the expulsion of aliens

(A/C.6/72/L.13) adopted earlier in the meeting. Paragraph 2, which was largely based on agreed language from General Assembly resolution 66/92 on nationality of natural persons in relation to the succession of States, had been revised to emphasize the value of the articles on the effects of armed conflicts on treaties in providing guidance to States and to invite States to use them as a reference whenever appropriate. Paragraph 3 had also been inspired by that resolution; it reflected the views expressed in favour of a decision by the General Assembly not to reschedule a debate for a specific time but to revert to it at an appropriate time.

The meeting rose at 11.20 a.m.