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## Sixth Committee

### Summary record of the 28th meeting

Held at Headquarters, New York, on Friday, 7 November 2014, at 10 a.m.

*Chair:* Mr. Manongi..... (United Republic of Tanzania)

## Contents

Agenda item 107: Measures to eliminate international terrorism (*continued*)

Agenda item 83: The scope and application of the principle of universal jurisdiction (*continued*)

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

Agenda item 84: Effects of armed conflicts on treaties (*continued*)

Agenda item 85: Responsibility of international organizations (*continued*)

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

**Agenda item 107: Measures to eliminate international terrorism** *(continued)*

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

1. **Mr. Perera** (Sri Lanka), Chair of the Working Group, recalled that, pursuant to General Assembly resolution 68/119, the Committee had decided to establish a working group, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, with a view to finalizing the process on the draft comprehensive convention on international terrorism as well as discussions on the question of convening a high-level conference under the auspices of the United Nations. Members of the Bureau of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 had been invited 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, 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](#)).

2. The Working Group had held three meetings, on 24 October and on 4 and 5 November 2014. 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. At its second meeting, it had considered the question of convening a high-level conference under the auspices of the United Nations. At its third meeting, it had held informal consultations on the way forward and concluded its work. At that meeting, the Working Group, noting that more time was required to achieve substantive progress on the outstanding issues, had decided to recommend that the Sixth Committee, at the seventieth 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 General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations.

The Chair and the Coordinator of the draft comprehensive convention, Ms. Maria Telalian (Greece), had also engaged in bilateral contacts with interested delegations on the outstanding issues relating to the draft comprehensive convention.

3. During the informal consultations on 24 October 2014, the Coordinator had offered clarifications and responded to comments made by delegations. The delegations had reiterated their strong condemnation of terrorism in all its forms and manifestations and stressed the importance of concluding the draft convention. Several delegations had referred to current events and the increase in terrorist acts worldwide and had emphasized the need to make a renewed push towards concluding the draft convention. They had expressed their conviction that, with the necessary political will, the remaining outstanding issues could be resolved. Some delegations had said that the negotiations had been going on for far too long and that the time had come to agree on compromise solutions; nine years had passed since Heads of State and Government, in the 2005 World Summit Outcome document (General Assembly resolution 60/1), had stressed the need to conclude a comprehensive convention on international terrorism. It had also been noted that the ongoing negotiations offered the Committee an opportunity to show its relevance to the fight against terrorism.

4. In relation to the outstanding issues surrounding the draft convention, several delegations had reaffirmed their support for the proposal put forward by the Bureau in 2007 ([A/68/37](#), annex II), described as a balanced compromise text that sought to address the various concerns raised while also preserving the integrity of international humanitarian law. Following the observation that concerns that could not be appropriately addressed in the draft convention itself could be dealt with in the accompanying resolution, it had been suggested that work on the draft convention and the accompanying resolution could be undertaken in parallel. However, some delegations, recalling other proposals contained in [A/68/37](#), annex II, had expressed the view that the concerns of all delegations were not being sufficiently taken into account and had urged delegations to work creatively to bridge the different positions. Some delegations had stressed that the Bureau's proposal should be regarded as a basis for further negotiations, while others had expressed a willingness to consider that proposal without

modification, on condition that the negotiations would thereby be able to be successfully concluded.

5. Some delegations had said that, as no cause could legitimize terrorist acts, it was improper to see a dichotomy between self-determination and terrorism; others had said that acts of terrorism should be distinguished from the legitimate struggle of peoples under foreign occupation and colonial or alien domination in the exercise of their right to self-determination. It had been clarified that acts undertaken in the context of that struggle, including in situations of occupation, were regulated under international humanitarian law. That point had been taken into account in paragraphs 1 and 2 of the Bureau's proposed draft article 3, as well as in paragraph 5, which stated that the draft convention was without prejudice to the rules of international law applicable in armed conflict, in particular those rules applicable to acts lawful under international humanitarian law. It had been recalled that the phrase "acts lawful under international humanitarian law" was to be understood to mean acts that were not prohibited and that the principles of distinction and proportionality underpinned international humanitarian law.

6. On the issue of State terrorism, the view had been expressed that it should be covered by the draft convention and that terrorism should be addressed in a holistic manner. It had also been argued that acts undertaken by the armed forces of a State or irregular paramilitary groups should also fall within the scope of the draft convention when those acts were not covered by international humanitarian law (A/68/37, annex II). It had been recalled, however, that, early in the negotiations, delegations had opted for a law-enforcement instrument focusing on the criminal responsibility of individuals, an approach that had been followed in all the counter-terrorism instruments that had been elaborated in the context of the Ad Hoc Committee and the working groups of the Sixth Committee. Nevertheless, in order to alleviate concerns over the question of State terrorism, provisions relating to the obligations of States had been included in the accompanying draft resolution. Attention had been drawn to draft article 10[8] (A/68/37, annex I), which also contained provisions on obligations of States. In order further to manage expectations, it had been proposed that the draft convention should be renamed the United Nations Convention for the Prevention and

Suppression of International Terrorism. With regard to acts undertaken by the military forces of a State, it had been reiterated that the draft convention was not intended to provide impunity for such forces, as was spelled out in paragraphs 3 and 4 of draft article 3 of the Bureau's proposal.

7. During the informal consultations on the outstanding issues held on 4 November, the Coordinator had recalled that the Bureau's proposal was the outcome of many years of intense consultations and informal soundings with delegations and had been introduced in order to overcome the impasse in the negotiations. She had stressed that the text reflected the collective efforts of delegations and still offered the best prospect for reaching an agreement and that it was necessary to move beyond political statements and reach common ground on the outstanding issues. The informal reading of the text should therefore focus on the legal aspects of those issues.

8. The Coordinator had reiterated that there was a close link between draft article 2, which defined acts of terrorism, and the Bureau's proposed draft article 3, which sought to define those activities that should be excluded from the scope of application of the draft convention by safeguarding the continued application of other fields of law, including the Charter of the United Nations, international humanitarian law and military law. The proposed preambular paragraph and paragraphs 1 to 5 of draft article 3, read in conjunction with draft article 2, sought to respond to the calls of delegations to distinguish between acts of terrorism and the exercise of a people's right to self-determination, ensure the integrity of international humanitarian law and prevent impunity for military forces of States. The Coordinator had recalled that the Bureau's proposed preambular paragraph was based on the language of the last preambular paragraph of the International Convention for the Suppression of Terrorist Bombings and of the International Convention for the Suppression of Acts of Nuclear Terrorism and that the reference to "peoples" had been added to draft article 3, paragraph 1, to emphasize the importance of the right of peoples to self-determination.

9. The Coordinator had also recalled that the terms used in the draft convention relating to the law of armed conflict, such as "armed forces" and "armed conflict", should be interpreted as those terms were

understood in international humanitarian law; the point was critical to understanding situations in which international humanitarian law applied. It had been noted in that regard that, in accordance with Protocol I Additional to the Geneva Conventions, an international armed conflict also included an armed conflict in which peoples were fighting against colonial domination, alien occupation and racist regimes in the exercise of their right of self-determination. The Coordinator had further recalled that an act prohibited by international humanitarian law could not be legitimized through being in the service of a just cause: that was at the very heart of the distinction between *jus in bello* and *jus ad bellum*. Civilians and non-combatants could not be targeted since the primary purpose of international humanitarian law was to protect civilians. Since the draft convention was without prejudice to those acts that were lawful or not prohibited under international humanitarian law, the draft convention did not attempt to criminalize acts that were not prohibited thereunder. The additional “without prejudice” clause in paragraph 5 of the Bureau’s proposed draft article 3 was intended to make the demarcation between the draft convention and international humanitarian law clearer.

10. The proposed preambular paragraph and the addition to paragraph 4 sought to address concerns that there should be no impunity gap. While the activities of the military forces of a State were excluded from the scope of application of the draft convention, in cases where they nevertheless corresponded to acts proscribed by the draft convention, paragraph 4 stressed that other national and international laws might be applicable to such activities. According deference to existing applicable law was not meant to imply impunity. Rather, it had been considered important to indicate that conduct that would be characterized as criminal under draft article 2 would be liable for prosecution under other laws irrespective of how it was characterized under those laws.

11. The Coordinator had then introduced elements of the draft resolution proposed by her in 2011 and endorsed by the Bureau in 2013 (A/68/37, annex III, para. 34), in keeping with the idea, supported by some delegations, that certain outstanding issues might be addressed in an accompanying resolution as part of the overall package. The second and third preambular paragraphs of the draft resolution recalled and tracked the provisions of the Declaration on Principles of

International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. The Coordinator had emphasized that the International Court of Justice, in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* had stated that those provisions of the Declaration were declaratory of customary international law. The proposal, as part of the overall package, to change of name of the draft convention to “United Nations Convention on the Prevention and Suppression of International Terrorism” had been reflected in the draft resolution.

12. Some delegations had expressed support for the Bureau’s proposal and reiterated their willingness to consider it, without modification, if that resulted in the successful conclusion of the negotiations. It had been pointed out that, following the impasse reached in 2002, the proposal appropriately addressed, either in the text or in the proposed accompanying resolution, all the concerns that had been expressed during the negotiations. It provided a valuable compromise on key issues and had the merit of not having been rejected by any delegation.

13. Other delegations had called for clarification and had resisted the proposal to treat the Bureau’s proposal as an agreed package, considering that, since other proposals remained on the table, a holistic approach was required. While affirming their readiness to consider the Bureau’s proposal, they had pointed to the proposal made by the Organization of Islamic Cooperation (OIC, formerly the Organization of the Islamic Conference) in 2002 (A/68/37, annex II).

14. It had been recalled, however, that, in 2002, neither that proposal nor the proposal made by the former Coordinator had generated sufficient support among delegations. Because of the lack of consensus on those texts, efforts had been made over the years to find a compromise, leading to the proposal by the Bureau. That proposal, together with the accompanying resolution, had to be seen as elements of an overall package on which agreement to resolving the outstanding issues could be based.

15. In response to a request from delegations for clarification as to the scope of paragraphs 1, 4 and 5 of draft article 3, the Coordinator had reiterated that the intention was to safeguard the rights and obligations of individuals and States in accordance with the Charter

of the United Nations, international humanitarian law and human rights law. The reference in paragraph 1 to “other rights, obligations and responsibilities of States” had been based on previously negotiated language contained in counter-terrorism conventions already adopted. The word “other” had been used because those conventions already set out obligations of States. The Coordinator had also stressed that the Bureau’s proposal encompassed all situations of armed conflict, including those of foreign occupation, and that its purpose was not in any way to criminalize activities not prohibited by international humanitarian law.

16. In response to an inquiry about the difficulties posed by the OIC proposal for draft article 3, it had been explained that the language used in the OIC proposal deviated from the *acquis* of previous conventions negotiated within the context of the Ad Hoc Committee; the option that had been found feasible was to add new text rather than alter previously agreed language. Views had been exchanged on the differences in the wording of the various texts and why certain terms such as “armed forces” or “parties” had been preferred in different versions of paragraph 2 of draft article 3. It had been stressed that the term “armed forces”, under international humanitarian law, was not restricted to the armed forces of a State and that, in the context of developments in such law, as reflected in the 1949 Geneva Conventions and the 1977 Additional Protocols and the commentaries thereto, there was a broad understanding of the meaning of “armed forces” and “armed conflict”. Some delegations had found the term “parties” to be unclear, even though it was also recognized under international humanitarian law.

17. On the question whether the term “armed conflict” in paragraph 2 of draft article 3 should be explicitly qualified as “including in situations of foreign occupation”, as in the OIC proposal, some delegations had noted that the substantive meaning of the text of that paragraph on that point was essentially the same in all the proposals and that, in international humanitarian law, “armed conflict” already included situations of occupation. Since some delegations had not agreed to the inclusion of that explicit wording, paragraph 5 had been an attempt to overcome the differences and had the advantage of safeguarding the integrity of international humanitarian law.

18. On the question of impunity, it had been stressed that the difference noted by some delegations between

the phrase “inasmuch as they are governed by other rules of international law” in paragraph 3 of the Bureau’s proposed draft article 3 and the phrase “inasmuch as they are in conformity with international law” in paragraph 3 of the OIC proposal was one of nuance. The point had been made, however, that the addition to paragraph 4 in the Bureau’s proposal satisfactorily addressed the question of the impunity gap. Moreover, it had been observed that, in practice, there would not be a substantial number of conceivable cases in which the military forces of a State would be implicated in international terrorism. The provision was to be read together with draft article 5.

19. Turning to the question of convening a high-level international 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 said that during the informal consultations on 24 October some delegations had expressed their support for convening a conference and questions had been raised about the possible consequences of such a conference for the work on the draft convention. During the informal consultations on 4 November, the sponsor delegation of Egypt had recalled that the proposal had first been made in 1999. Despite all the efforts made at the national, regional and international levels, an action plan was still needed, covering both legal and procedural aspects, to ensure active international cooperation in fighting international terrorism. The sponsor delegation had stressed that the proposed conference should be discussed on its own merits and should not be linked to the discussions on the draft convention; it could, however, facilitate negotiations and mobilize the political will necessary to reach agreement thereon. It would offer an opportunity to adopt an action plan and provide a forum to address all related issues, including the definition of terrorism, the conditions conducive to its spread and outstanding issues relating to the draft convention. It had been further recalled that the proposal had been supported by the Organization of Islamic Cooperation, the Movement of Non-Aligned Countries, the African Union and the League of African States.

20. Some delegations had expressed their support for the proposal, agreeing in particular that it should not be linked to the ongoing discussions on the draft convention. Since the current working methods had not yielded a positive outcome, there was a need to move

out of entrenched positions. The political discourse of a high-level conference could have a catalytic impact on discussions of outstanding issues, such a conference could be an opportunity to overcome the current impasse in deliberations on the draft convention, arrive at a definition of terrorism and address its root causes. Other delegations, while not being necessarily opposed in principle to such a conference, had reiterated their previous views that it was as yet premature and should be considered only after the negotiations on the draft convention had been completed. In view of the preparatory work involved in the convening of a high-level conference, it had been suggested that a conference at the level of permanent representatives to the United Nations could be considered in order to decide how to proceed with negotiations on the draft convention. It had also been suggested that the proposal on the high-level conference should be updated to take into account the latest developments, including the adoption of the United Nations Global Counter-Terrorism Strategy and the work of the Ad Hoc Committee, as well as the current needs of the international community; the update would build on existing synergies and avoid duplication of effort.

21. He concluded by noting that, despite overwhelming support for the conclusion of the draft convention, lack of the necessary political will had resulted in the continuing, decade-long impasse. The draft convention would not stop acts of terrorism but its adoption could help to counter them through enhanced measures of international cooperation and a clear definition of acts of terrorism, as contained in draft article 2; it would be the first time that such a definition had appeared in a binding instrument. He urged delegations to remain engaged and to generate the necessary momentum to conclude the task.

22. **The Chair** invited delegations to comment on the oral report of the Working Group.

23. **Mr. Saeed** (Sudan) said that all delegations shared a commitment to work together towards the conclusion of the draft convention. However, in the oral report, while there had been several references to delegations, only the Organization of Islamic Cooperation had been explicitly named. As many delegations agreed with the OIC proposal, it was unfair to single out that Organization and to suggest that its proposal ran counter to the Bureau's proposal. Furthermore, no package existed as proposals were still being considered and no single one had yet been

accepted by all delegations. His delegation would appreciate clarifications.

24. **Mr. Perera** (Sri Lanka) said that the oral report was an informal summary, for reference purposes only; it sought to capture the actual discussions during the consultations. The Organization of Islamic Cooperation had been cited as there had been an in-depth discussion of the points of divergence and possible convergence between the OIC proposal and the Bureau's proposal in order to determine how far apart they were and whether the gap could be closed. As for the package to which he had referred, that did not imply an agreement; it was no more than a collection of elements for a possible consensus outcome.

25. **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.

26. *It was so decided.*

**Agenda item 83: The scope and application of the principle of universal jurisdiction** (*continued*)  
(A/C.6/69/L.8)

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

27. **Ms. Guillén-Grillo** (Costa Rica), Chair of the Working Group, recalled that, pursuant to General Assembly resolution 68/117, 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. The Working Group had had before it five reports of the Secretary-General on the scope and application of the principle of universal jurisdiction (A/65/181, A/66/93 and A/66/93/Add.1, A/67/116, A/68/113 and A/69/174), the record of the oral reports of the Chair on the work of the Working Group in 2012 (A/C.6/67/SR.24, paras. 3 to 18) and 2013 (A/C.6/68/SR.23, paras. 93 to 105), 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 relevant excerpts from decisions of international tribunals.

28. The Working Group had held three meetings, on 16, 17 and 23 October 2014. During the first meeting, the Chair had recalled the progress that had been made during previous sessions and circulated an informal working paper that merged the informal papers compiled in the course of the Working Group's deliberations from 2011 to 2014. The informal working paper was divided into sections corresponding to sections of the road map. Following a discussion, she had prepared a revised informal working paper. The working paper was illustrative and without prejudice to the positions of delegations; it did not reflect agreement among delegations and would be subject to further discussion. The paper took into account the "Agreements on methodology" section of the road map; the informal compilations prepared by the Secretariat ([A/C.6/66/WG.3/INF.1](#) and [A/C.6/66/WG.3/INF.2](#)); the compilations of information shared by Governments, including those contained in the relevant reports of the Secretary-General; and oral statements made in the Sixth Committee and in the Working Group. In view of the stage of discussions, the wording attempted to strike the best possible balance between precision and flexibility.

29. Section 1 addressed the definition of the concept of universal jurisdiction. Section 1 (a) (The role and purpose of universal jurisdiction) included the elements "To combat immunity", "To protect the rights of victims" and "Achieving international justice/promoting justice". As had been the case with the other sections, delegations had acknowledged that further refinements and suggestions could be made.

30. The Working Group had then discussed the subject "Essential elements of a working concept of universal jurisdiction" under section 1 (b) (Relevant components). Some delegations had asked whether the Working Group should include an examination of universal civil jurisdiction. However, it had been felt that the Working Group should maintain the previous understanding by retaining its focus on criminal matters. Conflicting views had been expressed regarding the wording describing universal jurisdiction as "exercised exceptionally/exceptional character". The phrase captured a spectrum of views but would require further elaboration and clarification.

31. The Working Group had devoted some time to the fourth of the essential elements as initially set out; that formulation sought to combine the two components that delegations had identified as the core of the concept of universal jurisdiction, namely the nature of certain crimes under international law that warranted the exercise of such jurisdiction, and the distinctive form of universal jurisdiction as compared with the other classical grounds of jurisdiction. As a result of requests for clarification of the wording used in the Chair's initial informal working paper, the revised paper contained the following formulation, which used the common terminology of jurisdiction under international law: "Based on the nature of certain crimes under international law, and not on any other jurisdictional connection to the State exercising jurisdiction (including territoriality, nationality, passive personality or protective principles, as recognized under international law)". In section 1 (c) (Distinction from other related concepts) a similar concern for clarity had led to the replacement of the phrase "Other forms of territorial jurisdiction" with the phrase "Other forms of jurisdiction (including territoriality, nationality, passive personality or the protective principles, as recognized under international law)".

32. Under section 2 (Scope of universal jurisdiction), there had been a lively discussion regarding the crimes subject to universal jurisdiction. The chapeau of the preliminary list of crimes had been altered in the light of an understanding regarding the nature of the informal working paper, namely, that it was merely intended to stimulate discussion, an understanding that clearly applied to each and every element in the working paper. Some delegations had emphasized the need to include two further understandings: first, that the question of the appropriateness of composing a list at all remained an open one, and second, that discussions over the scope of universal jurisdiction were not a matter of preference, but rather a matter of rights and/or obligations under treaty law and/or customary international law, and should proceed on that basis.

33. Although the content of the preliminary list of crimes was not different from the one circulated at the sixty-eighth session, delegations had expressed views regarding specific crimes or the nature of the exercise in general. Delegations had raised questions concerning the sources of international law that could support the inclusion of a crime within such a list.

They had also questioned whether certain crimes were genuinely at the same level of seriousness as others that were listed. Other delegations had noted that some items on the list were specific crimes, while others, such as terrorism, were more aptly characterized as categories of crime. It had also been suggested that instead of a list of specific crimes, a general reference could be developed alluding to obligations arising under customary international law and treaty law.

34. With regard to section 3 (Application), she recalled that the Chair of the Working Group established during the previous session of the General Assembly had prepared and circulated an informal paper entitled “Application of the principle of universal jurisdiction”. Given the limited time available to discuss that informal paper at the time, the Working Group had considered it more thoroughly at the current session.

35. It had proved difficult to place elements within the sections and subsections of the road map, as the successive working groups had not sufficiently clarified what elements each subsection was intended to include, and the titles of the subsections were open to divergent interpretation. Some comments had focused on suggestions for merging subsections within section 3 of the road map, or moving elements around, or even creating a new subsection (g) to be entitled “Abuse of universal jurisdiction”. The road map itself stated that the lists of issues for discussion that it contained were descriptive and open, not prescriptive or closed, and that they might be added to or built upon. It was understood that the issues identified in sections 3(a) through 3(f) were interlinked and could benefit from further development and elaboration in order to elucidate their intended import and normative scope.

36. Delegations had engaged in meaningful dialogue and made several suggestions. The elements of good faith and judiciousness had been moved from section 3(a) (Conditions for application) to section 3 (b) (Criteria for exercising jurisdiction). Section 3 (b) had remained otherwise unchanged. The question of the discretionary or obligatory nature of universal jurisdiction — a question that would have different answers depending on the other factors at stake — had been added to section 3(a).

37. The changes to section 3 (c) (Procedural aspects) were aimed primarily at ensuring greater clarity. At the suggestion of some delegations, examples of what fell into the category of “international due process

guarantees” had been included on the basis of recognized elements from international human rights law. The unclear element “prima facie case” had been expanded to read “Establishment of a prima facie case before proceeding”. Some delegations had highlighted the unique challenges posed by the gathering and preservation of evidence for the exercise of universal jurisdiction. That element had therefore also been added.

38. The wording and ordering of section 3 (d), (Role of national judicial systems), had been improved in the interests of clarity and consensus. At the request of some delegations, an element had been added under section 3 (d) in order to refer to the complementary role of courts exercising universal jurisdiction with respect to courts exercising other forms of jurisdiction.

39. With regard to section 3 (e) (Interaction with other concepts of international law) some delegations had said that the interaction of universal jurisdiction with the question of immunity was a critical issue and should be included there as well as under other sections. Others had stressed that universal jurisdiction and immunity were distinct, albeit interrelated, concepts. The view had been expressed that, when discussing the interaction between the principle of universal jurisdiction and that of *aut dedere aut judicare*, the focus should be on the distinction between the two concepts. The informal working paper had been modified in the light of those two suggestions.

40. Delegations had expressed differing views on how to reformulate the element formerly worded “State responsibility for abuse”. Some delegations had recalled that the issue of abuse of universal jurisdiction was what had led to the inclusion of the item on the agenda of the Sixth Committee. Others had pointed out that abuse of the principle of universal jurisdiction, left undefined, might not necessarily lead to or be synonymous with State responsibility under international law. In an attempt to accommodate those viewpoints, the informal working paper had opted for the wording “Questions of State responsibility for wrongful acts in the exercise of universal jurisdiction, including, as appropriate, its abuse”. Some delegations had stressed the importance of discussing possible abuses of the principle of universal jurisdiction. The element “Abuse” had therefore been added to section 3(e).

41. Under section 3 (f) (International assistance and cooperation), delegations had suggested expanding the



scope of assistance and cooperation. In particular, the suggestion had been made to add the element “Technical assistance and cooperation in the conduct of criminal matters” and to add to the items listed in parentheses next to each element.

42. Delegations had also made comments concerning the meaning of footnote 5 of the informal working paper; footnote 5 referred to the element “Immunity” listed under section 3 (a) (Conditions for application). The footnote read as follows: “It is recognized that there are multiple dimensions to this tier”. It had originally been inserted because delegations had felt that, while the element “immunity” had been included under section 3 (a), it could also belong under a number of other sections. However, some delegations had expressed concern that the wording of the footnote suggested a particular substantive interpretation of the immunity of State officials from foreign criminal jurisdiction, an interpretation that they did not share. Other delegations, on the other hand, had stated that any discussion of the topic would inevitably have multiple dimensions. It had also been noted that the topic was currently on the agenda of the International Law Commission, whose deliberations the Working Group should not prejudice. The footnote had been retained in the light of the reasons for its original inclusion and the preliminary nature of the informal working paper.

43. When the Working Group had discussed the way forward, several delegations had once again mentioned the possibility of requesting the International Law Commission to study certain aspects of the question. It had been emphasized that the proposed study would complement and run in parallel with the Sixth Committee’s deliberations, and that the Commission was in a good position to examine the technical aspects of the topic. On the other hand, several other delegations had reiterated the view that the proposal remained premature, that the current sessions debate had been substantive and fruitful, and that the Sixth Committee should therefore continue to be the exclusive avenue for examination of the topic.

44. Substantial progress had been made in working groups since the item had been taken up by the Sixth Committee. At the current session, the Working Group had further elaborated the text developed in previous years, modifying and clarifying various elements. In the process, it had deepened its understanding of the issues. While the range of understandings reflected in the informal working paper showed that more remained to be done, a picture of the way forward was emerging.

She hoped that delegations could use the intersessional period to exchange views in that regard. Delegations should consider whether it might be possible, on the basis of the informal working paper, which followed the road map, to develop a normative text that could serve as the basis for work at the next session.

45. **The Chair** said he took it that the Committee wished to take note of the oral report by the Chair of the Working Group.

46. *It was so decided.*

*Draft resolution A/C.6/69/L.8: The scope and application of the principle of universal jurisdiction*

47. **Mr. Mukongo Ngay** (Democratic Republic of the Congo), introducing draft resolution [A/C.6/69/L.8](#) on behalf of the Bureau, said that the text largely replicated General Assembly resolution 68/117 with some slight technical modifications. He was confident that the draft resolution could be adopted by consensus.

48. *Draft resolution A/C.6/69/L.8 was adopted.*

**Agenda item 75: Criminal accountability of United Nations officials and experts on mission** (*continued*) ([A/C.6/69/L.11](#))

*Draft resolution A/C.6/69/L.11: Criminal accountability of United Nations officials and experts on mission*

49. *Draft resolution A/C.6/69/L.11 was adopted.*

**Agenda item 84: Effects of armed conflicts on treaties** (*continued*) ([A/C.6/69/L.9](#))

*Draft resolution A/C.6/69/L.9: Effects of armed conflicts on treaties*

50. *Draft resolution A/C.6/69/L.9 was adopted.*

**Agenda item 85: Responsibility of international organizations** (*continued*) ([A/C.6/69/L.10](#))

*Draft resolution A/C.6/69/L.10: Responsibility of international organizations*

51. *Draft resolution A/C.6/69/L.10 was adopted.*

*The meeting rose at 11.40 a.m.*