

Summary record of the 35th meeting – A/C.6/73/SR.35

Agenda item 82

A/C.6/73/SR.35

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Sixth Committee

Summary record of the 35th meeting

Held at Headquarters, New York, on Tuesday, 13 November 2018, at 10 a.m.

Chair: Mr. Biang (Gabon)

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

(...)¹

Agenda item 82: Report of the International Law Commission on the work of its seventieth session (*continued*) (A/C.6/73/L.22, A/C.6/73/L.23, A/C.6/73/L.24 and A/C.6/73/L.29)

Draft resolution A/C.6/73/L.22: Report of the International Law Commission on the work of its seventieth session

4. **Mr. Horna** (Peru), introducing the draft resolution on behalf of the Bureau, said that negotiations had been more intensive than in previous sessions. Various new proposals had been made with regard to the work of the International Law Commission. Five rounds of informal consultations had taken place; before the last of those meetings, one delegation had made comments under the no-objection procedure with reference to the thirteenth preambular paragraph. All delegations had participated constructively in the process.

5. The thirteenth preambular paragraph now contained a reference to the seventieth anniversary commemorative meetings of the Commission and the discussions that had taken place, inter alia, on the working methods of the Commission. In paragraph 8, the Commission would be encouraged to take into account the capacity and views of Member States when including topics in its current programme of work. In paragraph 9, the General Assembly would take note of the inclusion of new topics in the long-term programme of work of the Commission and would call on the Commission to take into consideration the comments, concerns and observations expressed by Governments during the debate in the Sixth Committee. In paragraph 10, it was noted that the first part of the seventieth session of the Commission had been held at United Nations Headquarters in New York, and that the second part had been held at the United Nations Office at Geneva. Paragraph 15 recalled the importance of an in-depth analysis of State practice and the consideration of the diversity of legal systems of Member States to the work of the Commission. In paragraph 18, it was noted that the following session of the Commission would be held at the United Nations Office at Geneva from 29 April to 7 June and from 8 July to 9 August 2019. In paragraph 19, the General Assembly would stress the desirability of further enhancing the dialogue between the International Law Commission, in particular the special rapporteurs, and the Sixth Committee. In paragraph 22, it would stress that sufficient time should be allowed for the consideration of the report of the International Law Commission in the Sixth Committee.

6. **The Chair** drew attention to the statement of programme budget implications contained in document A/C.6/73/L.29.

1 For the purpose of this journal the Summary Record of this meeting has been reduced to only include Agenda item 82, paragraphs 4-11 and Agenda item 87, paragraphs 27-28.

7. *Draft resolution A/C.6/73/L.22 was adopted.*

Draft resolution A/C.6/73/L.23: Subsequent agreements and subsequent practice in relation to the interpretation of treaties

8. **Mr. Varankov** (Belarus), introducing the draft resolution on behalf of the Bureau, said that, in paragraph 3, the General Assembly would take note of the statements in the Sixth Committee on the topic of subsequent agreements and subsequent practice in relation to the interpretation of treaties, including those made at the seventy-third session of the General Assembly, after the International Law Commission had completed its consideration of the topic in accordance with its statute. In paragraph 4, the Assembly would take note of the draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, with the commentaries thereto, bring them to the attention of States and all who might be called upon to interpret treaties, and encourage their widest possible dissemination, as had been recommended by the International Law Commission in its report on the work of its seventieth session (A/73/10). The draft conclusions were contained in the annex to the draft resolution.

9. *Draft resolution A/C.6/73/L.23 was adopted.*

Draft resolution A/C.6/73/L.24: Identification of customary international law

1 10. **Mr. Mikeladze** (Georgia), introducing the draft resolution on behalf of the Bureau, said that, in paragraph 3, the General Assembly would take note of the statements in the Sixth Committee on the topic of the identification of customary international law, including those made at the seventy-third session of the General Assembly, after the International Law Commission had completed its consideration of the topic in accordance with its statute, and, in paragraph 4, it would take note of the draft conclusions on identification of customary international law. Paragraphs 3, 4 and 5 all reflected the recommendations set forth in paragraph 63 of the Commission's report. The draft conclusions were contained in the annex to the draft resolution.

2 11. *Draft resolution A/C.6/73/L.24 was adopted.*

(...)

Agenda item 87: The scope and application of the principle of universal jurisdiction (*continued*) (A/C.6/73/L.16)

Draft resolution A/C.6/73/L.16: The scope and application of the principle of universal jurisdiction

1 27. **Mr. Jaiteh** (Gambia), introducing the draft resolution on behalf of the Bureau, said that the second preambular paragraph now included a reference to General Assembly resolution 72/120, on which the draft resolution was based. The third preambular paragraph had been updated to take into account the discussions held in the Sixth Committee during the current ses-

sion. In paragraph 2, the working group would again be given the mandate to continue, during the seventy-fourth session of the General Assembly, to discuss the scope and application of universal jurisdiction. Under paragraph 5, the General Assembly would decide to include in the provisional agenda of its seventy-fourth session an item devoted to the topic.

2 28. *Draft resolution A/C.6/73/L.16 was adopted.*

(...)

The meeting rose at 12.50 p.m.