



Misión Permanente de Chile ante
Las Naciones Unidas

**STATEMENT BY THE CHAIRPERSON OF THE SIXTH COMMITTEE
OF THE GENERAL ASSEMBLY
ON THE REVITALIZATION OF THE WORK OF THE GENERAL ASSEMBLY**

New York, April 30, 2012

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Distinguished Co-Chairs: Ambassador Susan Waffaa-Ogoo, Permanent Representative of the Gambia to the United Nations, and Ambassador Alexander Lomala, Permanent Representative of Georgia to the United Nations.

First let me thank you for giving me the opportunity, in my capacity as Chairperson of the Sixth Committee at the sixty-sixth session of the General Assembly, to address this Working Group established by resolution 65/315 on the important item of the Revitalization of the work of the General Assembly and thus to contribute to the discussion of this topic.

Distinguished Co-Chairs,

Allow me from my vantage point as Chairperson of that Committee to put forward the following ideas on this topic.

1. Firstly, I believe that it is important to define the work and the function entrusted to the Sixth Committee within the General Assembly. This Committee is responsible for analyzing all the legal and juridical questions being considered by the Assembly. In the past, its work has produced important Conventions and legal instruments which today benefit the entire international community. It is also an important source of inspiration for those who devote themselves to the study of international law or who work in that area. Undoubtedly this gives the Committee a crucial role to play in the work being done by the General Assembly.
2. With specific reference to the item before us, the Legal Committee last year held a meeting on this subject. It adopted the provisional agenda with the calendar for the next Assembly session a task which it has been performing for some years now as a way of rationalizing the work and which has proved to make an effective contribution to its labour. In addition, the Sixth



Committee is usually asked to examine the entities which asked the Observer status in the Assembly, and this requires at least one meeting over the approved calendar.

3. Traditionally the item on Revitalization of the General Assembly and particularly at the improvement of the working methods, the Sixth Committee is addressed by several regional groups, which make comments that they believe can help to improve those methods. During 2011, the Rio Group made statements on this item and on that occasion my country, representing Rio Group member States, made suggestions on the effective use of electronic media, transparency in the negotiation of resolutions among other matters.
4. As far as the work of the Sixth Committee at its sixty-sixth session is concerned, I believe that the results were good. There were 30 plenary meetings, three working groups were established and were adopted by consensus 22 resolutions and five decisions. Last December, the General Assembly endorsed these actions by adopting the resolutions and decisions by consensus.
5. I shall now venture to comment on some aspects of the working methods and to put forward some substantive ideas.
 - a) Elements to be highlighted include the fact that meetings respected the agreed calendar and the allotted time. An addition to the original calendar was the analysis of nine institutions' asking the quality of observer status and this required the addition of two meetings. Periods during which no formal discussion was being held were used for informal consultations on the resolutions. In this connection, I announced and emphasized to the Sixth Committee, to the Bureau and particularly to the coordinators of resolutions that the texts of resolutions should be circulated in advance and that all resolutions should be discussed in at least one meeting of informal, open, transparent and inclusive consultations.
 - b) Aspects to be developed, in my opinion, include the need for various improvements in working methods. For example, there should be a reconsideration of the need for annual discussion of some Agenda Items, which may eventually become repetitive and without substantive contribution. One possibility would be to consider some Items in a summary form or to group items on the same subject. As regards procedural aspects, the main point is that there should be open and inclusive consultations on all the resolutions of the Sixth Committee. In addition, in order to make better use of existing resources, delegations' statements could be issued electronically instead of being distributed at the Conference Room.
 - c) In addition, regarding more substantive aspects, the actual debate is extremely formal, so that many of the Items placed on the Agenda eventually become just a ritual and there is no real discussion. Ways could be sought to make the debate more interactive and substantive. Some items exist which have been studied by the International Law Commission and then referred to the Sixth Committee for decision, without the Committee ever having analyzed them substantively. I refer, for example, to the items on Responsibility of States for internationally wrongful acts and on Diplomatic Protection. During the year, an ad hoc or Working Group of the Sixth Committee could identify problems with the items in question, with a view to subsequent adoption of Conventions if so, as advocated by the ILC, or of other legal instruments. The

present agenda of the Sixth Committee also includes some items which could be discussed in greater depth by delegations. Often this does not happen because there is little time for discussion in the Committee. A clear example of this is the Item on the Rule of Law, on which much work remains to be done but which has not yet been given the proper organized and systematic consideration. In my opinion, this cannot be done without a clearer commitment.

- d) An important part of the Sixth Committee's work is consideration of the Report of the International Law Commission, which traditionally takes two weeks and which is clearly the most important question allocated to the Sixth Committee. Various aspects of the treatment of this Item should be improved.

As it is well known, in the period during which the ILC report is considered, delegations analyze the various topics studied by ILC, make comments and suggestions and often respond to specific questions addressed to countries by ILC on varied legal issues. This segment of the Sixth Committee's work is traditionally attended by Legal Advisers from the capitals, so that it becomes a forum for legal interaction of various kinds.

One key point is that, for the debate on the ILC report, it is vital for delegations to receive the report advanced on time. The report usually has over 400 pages and contains the legal discussion held by ILC members at sessions during the year in question. Countries need to study this background material at least three months before the item is discussed. This will enable delegations to conduct the appropriate analysis.

Perhaps the best way to ensure that the Report becomes available earlier is for ILC to meet earlier in the year, so as to allow time for efficient work. In addition, although the calendar of Assembly meetings allocates two weeks to consideration of the Report, in practice this does not happen, since during these weeks there are meetings of Legal Advisers and a discussion of the reports of the International Court of Justice and of the International Criminal Court, both in the plenary Assembly. Ultimately this curtails consideration of the item.

A second comment in this connection is that, like the other Sixth Committee meetings, the debate is extremely formal. A formula should be sought that would allow greater delegation interaction on substantive ILC items. This would enhance the discussion of ideas and concepts and would also allow delegations to become more familiar with the work of ILC. One possibility might be to have a system whereby the Sixth Committee, through a working group or an ad hoc group, would decide hold informal consultations during the year on any of the ILC items. In this way, delegations could participate more actively in the work of ILC, at the same time improving the input required of them by the Commission.

The participation of the Rapporteurs in the debate on the ILC report is essential. It is crucial for them to be present during the introduction of the report on topics which they are analyzing.

A fourth point concerning the ILC report is that the Commission should bear in mind the need for it to be more accessible to the Sixth Committee. At least some of the ILC sessions over a five-year period should be held in New York. This would also enable delegations to be more conversant with the work of the Commission.

Lastly, analysis of the ILC report should not coincide with the analysis of other topics pertaining to legal matters. It has already happened that, during two previous Assembly sessions, meetings of the General Assembly on the reports of the International Court of Justice and of the International Criminal Court have been scheduled at the same time as meetings of the Sixth Committee on the report of the International Law Commission. Revitalization also involves creating the necessary space for appropriate and opportune analysis of issues. The overlapping of items does not promote this.

6. Finally, as regards the work of the Sixth Committee, I must emphasize the important role played in its work by the United Nations Secretariat and particularly the Sixth Committee Secretariat. As Chairperson of the Sixth Committee, I am grateful for the assistance given to me and to the Bureau during the session. The Secretariat is vital for a focused discussion of the items and should certainly contribute to the extent possible. Timely issuance of reports by the Secretariat is essential. The necessary support given by the Secretariat to delegations and to the Bureau in the consideration of topics and in logistics is crucial for the smooth organization of work.

In this connection, I suggest that use should be made of technology: a suitable web page with information on the items allocated to the Sixth Committee; a website where delegations can find relevant reports; advance information on formal and informal meetings; posting of draft resolutions on web pages; and material for a database providing information to delegates (phone numbers and e-mail addresses should also be assembled by the Secretariat and distributed to delegations).

Distinguished Co-Chairs, I should like to conclude this brief statement by reiterating on my own behalf and on behalf of my Government my gratitude for being allowed to take part in this debate. In my opinion, the revitalization of the Assembly involves not only working methods but also a genuine desire on the part of delegations to discuss substantive items of interest to the entire international community.

