



Sixth Committee

Sixth-third session

NATIONALITY OF NATURAL PERSONS IN RELATION TO THE SUCCESSION OF STATES *(Agenda Item 72)*

Summary of work

Background (source: A/63/100)

deration of the draft articles and their

adoption as a declaration at that session; and invited Governments to submit comments and observations on the question of a convention on the topic, with a view to the General Assembly considering the elaboration of such a convention at a future session (resolution 54/112).

The General Assembly considered the item at its fifty-fifth session (resolution 55/153).

At its fifty-ninth session, the General Assembly reiterated its invitation to Governments to take into account the provisions of the articles contained in the annex to resolution 55/153, in dealing with issues of nationality of natural persons in relation to the succession of States; encouraged States to consider at the regional or subregional levels, the elaboration of legal instruments regulating questions of nationality of natural persons in relation to the succession of States, with a view to preventing the occurrence of statelessness as a result of a succession of States; and invited Governments to submit comments concerning the advisability of elaborating a legal instrument on the question of nationality of natural persons in relation to the succession of States, including the avoidance of statelessness as a result of a succession of States (resolution 59/34).

Consideration at the sixty-third session

The Sixth Committee considered the item at its 11th, 25th and 26th meetings, on 21 October, and on 5 and 14 November 2008.

Statements were made by the representatives of India, Kenya (on behalf of the African Group), Nigeria, Lesotho, Qatar, South Africa, Slovenia, Algeria, the Russian Federation, Venezuela (Bolivarian Republic of), Iran (Islamic Republic of) and Austria.

Delegations expressed their support for the draft articles on "Nationality of natural persons in relation to the succession of States", adopted by the International Law Commission in 2001. They stressed the importance of the right to a nationality, as recognised in several international legal instruments, as well as the need to avoid statelessness following the succession of States. Some delegations also underlined the principle of non-discrimination in dealing with nationality issues in the context of State succession.

With regard to the outcome of the draft articles, some delegations favoured their adoption by the General Assembly in the form of a declaration, arguing that a non-binding instrument would provide guidance to States in establishing domestic legislation on nationality, while respecting their sovereignty in determining the conditions of attribution of nationality. Other delegations expressed their preference for a convention. It was also proposed that the possibility of elaborating a convention be considered at a later session of the General Assembly. In addition, the view was expressed that further analysis of State practice was needed in order to ensure that the draft articles better reflect contemporary international standards.

Action taken by the Sixth Committee

At the 25th meeting, on 5 November 2008, the representative of the Democratic Republic of the Congo, on behalf of

59/300, focusing on its legal aspects, taking into account the views expressed in the Ad Hoc Committee. At the same meeting, the Sixth Committee elected Ms. Maria Telalian (Greece) as Chairperson of the Working Group (A/C.6/63/SR.1). The Working Group held 4 meetings, on 14, 15 and 17 October. At the 14th meeting, on 24 October, the Chairperson of the Working Group presented an oral report on the work of the Working Group (A/C.6/63/SR.14).

Sixth Committee

Delegations generally welcomed the comprehensive review of UNCITRAL's working methods and the note prepared by the Secretariat for such purposes describing the current practices. While several delegations recalled their support for the established practice of consensus, few speakers stressed the need to clarify that concept. With regard to the participation of NGOs as observers in UNCITRAL meetings, it was observed that only Member States should participate in the decision-making process even though the expertise and technical support that NGOs are able to provide are of value and greatly welcomed.

Several delegations emphasized the participation of developing States in the works of UNCITRAL and also recalled the importance of technical assistance provided by the Secretariat to those developing States.

was held at the sixty-first session of the General Assembly (decision 61/411), and the next election will be held during the sixty-sixth session.

At its sixty-second session, the General Assembly recommended that the Commission continue its work on the topics in its current programme; drew the attention of Governments to the importance for the Commission of having their views on the various aspects involved in the topics on its agenda, in particular on all the specific issues identified in chapter III of its report; invited Governments to provide information to the Commission regarding practice with regard to the topics "Expulsion of aliens" and "The obligation to extradite or prosecute (aut dedere aut judicare)", and regarding State practice, in particular more contemporary practice on the topic "Effects of armed conflicts on treaties"; drew the attention of Governments to the importance for the Commission of having their comments and observations on the draft articles and commentaries on the law of transboundary aquifers by 1 January 2008; took note of the decision of the Commission to include the topics "Protection of persons in the event of disasters" and "Immunity of State officials from foreign criminal jurisdiction" in its programme of work; and recommended that the debate on the report of the International Law Commission

transboundary aquifers” with a view to examining, inter alia, the question of the form that might be given to the draft articles.

STATUS OF PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS (Agenda Item 76)

Summary of work

Background (source: A/63/100)

This item was included in the agenda of the thirty-seventh session of the Gener

Action taken by the Sixth Committee

At the 26th meeting, on 14 November 2008, the representative of Sweden, also on behalf of Albania, Argentina, Australia, Austria, Belarus, Belgium, Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, Congo, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Swaziland, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, Ukraine, the United Kingdom, the United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) and Zambia, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/63/L.15*). At the same meeting, the Committee adopted draft resolution A/C.6/63/L.15* without a vote. Before the adoption of the draft resolution, the representative of Egypt made a statement in explanation of position; after the adoption of the draft resolution, the representative of Israel made a statement in explanation of position. Under this draft resolution, the General Assembly would request the Secretary-General to submit to the Assembly at its sixty-fifth session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross.

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES (Agenda Item 77)

Summary of work

Background (source: A/63/100)

This item was included in the agenda of the thirty-fifth session of the General Assembly, in 1980, at the request of Denmark, Finland, Iceland, Norway and Sweden (A/35/142).

The General Assembly considered the item annually at its thirty-sixth to forty-third sessions, and biennially thereafter (resolutions 36/33, 37/108, 38/136, 39/83, 40/73, 41/78, 42/154, 43/167, 45/39, 47/31, 49/49, 51/156, 53/97, 55/149, 57/15 and 59/37).

At its sixty-first session, the General Assembly requested the Secretary-General to submit to the Assembly at its sixty-third session a report containing (a) information on the state of ratification of, and accessions to, the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives; and (b) a summary of the reports received from States on serious violations involving diplomatic and consular missions and representatives and actions taken against offenders, as well as of the views of States with respect to any measures needed or already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives (resolution 61/31).

Consideration at the sixty-third session

The Sixth Committee considered the item at its 14th, 25th and 26th meetings, on 24 October and on 5 and 14 November 2008.

Statements were made by the representatives of France (on behalf of the European Union; the Candidate Country the former Yugoslav Republic of Macedonia; the Countries of the Stabilization and Association Process and potential candidates Albania and Montenegro, the EFTA country Iceland, member of the European Economic Area; as well as Ukraine and the Republic of Moldova which aligned themselves with the declaration), Norway (on behalf of the Nordic countries), Canada (also on behalf of Australia and New Zealand), China, Turkey, Venezuela (Bolivarian Republic of), Iran (Islamic Republic of), Cuba and Israel. The representative of Cyprus spoke in exercise of the right of reply.

Since its thirtieth session, the General Assembly has reconvened the Special Committee every year (resolutions 31/28, 32/45, 33/94, 34/147, 35/164, 36/123, 37/114, 38/141, 39/88, 40/78, 41/83, 42/157, 43/170, 44/37, 45/44, 46/58, 47/38, 48/36, 49/58, 50/52, 51/209, 52/161, 53/106, 54/106, 55/156, 56/86, 57/24, 58/248, 59/44, 60/23 and 61/38).

At its sixty-second session, the General Assembly decided that the Special Committee should hold its next session from 27 February to 5 March and on 7 March 2008 and requested it to submit a report on its work to the Assembly at its sixty-third session (resolution 62/69).

The Special Committee met at United Nations Headquarters from 27 to 29 February and on 3 to 5 and 7 March 2008. Also at its sixty-second session, the General Assembly requested the Special Committee, at its session in 2008: (a) to continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, and, in that context, to consider other proposals relating to the maintenance of international

Also at its resumed fifty-ninth session, in April 2005, the General Assembly decided that the Secretary-General should form a panel of external and independent experts to consider redesigning the system of administration of justice; and that the panel should submit its findings and recommendations by the end of July 2006 (resolution 59/283, sect. IV).

At its resumed sixtieth session, in May 2006, the General Assembly decided to defer until its sixty-first session consideration of some of the documents issued under this item U-1.14-5.1(006 (res)59.9(em (just n o)-48pnaocume)-dB TD0 Tc-11 Tc0.

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY (Agenda Item 150)

Summary of work

Background (source: A/63/100)

The Committee on Relations with the Host Country was established by the General Assembly at its twenty-sixth session, in 1971 (resolution 2819 (XXVI)). The Committee is currently composed of the following 19 Member States: Bulgaria, Canada, China, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, France, Honduras, Hungary, Iraq, Libyan Arab Jamahiriya, Malaysia, Mali, Russian Federation, Senegal,

OBSERVER STATUS FOR THE INTERNATIONAL FUND FOR SAVING THE ARAL SEA IN THE GENERAL ASSEMBLY (Agenda Item 156)

Summary of work

Background