

JOINT STATEMENT

77TH SESSION

SIXTH COMMITTEE OF THE GENERAL ASSEMBLY

AGENDA ITEM No. 124

Revitalization of the Work of the General Assembly

New York, November 10th, 2022

Mr. Chair,

In relation to the current item of agenda, I have the honor to deliver this statement on behalf of **the delegations of Colombia, Italy, Lebanon, México, Portugal, Sierra Leone and my own country, El Salvador.**

At the outset, allow me to express our appreciation for the valuable work undertaken under your Chairpersonship, which, together with the efforts of the members of the Bureau, have made it possible to achieve a productive session of this Sixth Committee, and our appreciation for the valuable support and service provided by the Codification Division of the United Nations Office of Legal Affairs in the organization of our work.

Overtime, our delegations have consistently been expressing their concerns regarding the working methods of the Sixth Committee, which in our view, have been seriously impacting the ability of the Committee to have substantive discussions on the topics that are brought to its attention and have great importance for a significant number of delegations, as well as on our ability to have a level of debate that honors and is reflective of the mandate this body has under the UN Charter.

We are particularly concerned with the inertia in the Committee to follow up on the work of the International Law Commission more meaningfully and provide its own contribution to the codification and progressive development of international law.

Despite what the recent record of this Committee might suggest, it is our firm conviction that States continue to have a central role in the codification and progressive development of international law and that this body should be the main multilateral forum where such an exercise should take place. We also think that the increased complexity of international relations and global phenomena require more international law, not less; it requires more and better discussions seeking to address old and emerging challenges, not a sustained decline in our ability to make progress on those debates.

Mr. Chair,

We believe the state of our work and approach to the work of the ILC is concerning and challenging. We are convinced that, if we do not live up to the challenges, we risk undermining the relationship between the GA and the ILC. We risk impairing the role of the General Assembly in terms of progressive development and codification of International law, and we risk coming to a place where States might feel tempted to consider bypassing the UN altogether when developing international law.

Accordingly, though it has been a productive session, our delegations have recognized – now more than ever – the need for this Committee to reflect on its methods of work, which are essential to ensure a productive but, more importantly, a *meaningful* session, where the Sixth Committee can constructively achieve an action-oriented outcome.

In this regard, we would like to emphasize the following:

1. First, we must recall that there already is a mandate set out in General Assembly resolution 75/325, according to which each Main Committee is requested to further discuss its working methods. In this regard, we should keep in mind the importance of understanding lessons learned and consolidating institutional memory on any best practices that might improve the functions of this Committee. And, perhaps more importantly, to reflect and to implement necessary changes to ensure continued revitalization and ever-improving methods for all of us to perform the mandate of the Committee.
2. Second, our delegations believe that it is time to examine more closely how the Sixth Committee engages with such a wide variety of topics, and whether our ultimate goals could and would be more effectively achieved with enhanced procedural engagement. In this regard, our delegations can envision improvements in how the Committee engages, and how greater clarity and procedural approaches would ensure all delegations a more secure and consistent footing.

This applies in particular to the International Law Commission products, with regard to which, we see the need to achieve a greater degree of coherence and coordination across their consideration by this Committee.

This is not advocating for a “one-size-fits-all” approach. This degree of coordination has specifically the purpose of having, both the ILC and the Sixth Committee, a meaningful dialogue and active coordination to seek ways to support each other, in order to give effect to the provisions of Article 13(1) of the UN Charter regarding the obligation to promote international cooperation in the political field and to encourage the progressive development of international law and its codification.

In this regard, we note that the ILC recently re-established a Planning Group to consider its programme, procedures and working methods. We believe this Committee could consider following this example by creating an informal space where it could focus its

discussions on working methods, agenda management and programme procedures, maintaining close interaction with the ILC.

Digital technologies could be leveraged to create forums for dialogue before the start of the Committee's work where delegations would be able to make preliminary clarifications regarding the work of the Commission and Special Rapporteurs would be able to present additional thoughts during the phase of submission of contributions.

Holding regular sessions of the ILC in New York could also be conducive to a more substantive exchange between the ILC and Member States. We must not forget that both the Sixth Committee and the ILC, in their respective mandates and roles, are subsidiary bodies of the GA and that a fruitful, mutual interaction is essential to the effective discharging of their functions.

3. Third, there is a need to understand amidst negotiations that the value of consensus -that was informally introduced into the Committee decades ago- was never intended to undermine the substantive engagement of the Committee across the topics under discussion. The efficiency, effectiveness and integrity of the Committee and its vital role within the United Nations and the world of international law may be undermined if delegations utilize the consensus approach as a veto power brought forth without good faith engagement, leading to excessive utilization of technical rollovers that have paralyzed the Committee across a range of topics on our agenda.

To this end, resolutions prepared and adopted by this Committee should reflect the level of substantive commitment and engagement of delegations, even when positions are divergent, rather than rolling-over existing texts - an "easy", default position, but one that does not make justice to the evolution of discussions over time and that may sometime constitute an incentive to delegations to avoid substantive engagement.

4.Fourth, there is a need for rationalization and enhanced rotation among the coordinators of our resolutions at regular intervals. Principles of representation, inclusivity and transparency are of relevance in this regard.

5. Fifth, in addition to discussing the ILC and Committee's relationship, the Committee should also commence a more thorough and systematic discussion over ways to support small and developing delegations to enhance their engagement with the Commission. This constant challenge continues to inhibit the impact of the outcomes of the Commission and to present obstacles for many delegations within the Committee.

To all these ends, our delegations will commence intersessional discussions with all delegations in order to seek revitalization in our methods and in our collective ability to fulfill our mandate. We would also appreciate the valuable support of the Secretariat of the Sixth Committee in this regard, to keep track of the discussions and ideas expressed concerning the improvement of our methods of work.

Finally, Mr. Chair, let us not forget the core and essential values that should guide this Sixth Committee: deliberation, representation, and decision-making which will fulfill the role, authority, effectiveness, and efficiency of the General Assembly to address the evolving global challenges and strengthen the rule of law in international relations.

I thank you.