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## Third Committee

### Summary record of the 48th meeting

Held at Headquarters, New York, on Tuesday, 7 November 2023, at 3 p.m.

*Chair:* Mr. Marschik ..... (Austria)

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*The meeting was called to order at 3.05 p.m.*

**Agenda item 60: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued)** (A/C.3/78/L.26 and A/C.3/78/L.28)

*Draft resolution A/C.3/78/L.26: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees*

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Ms. Rodríguez Mancia** (Guatemala), introducing the draft resolution, said that Guatemala was a State party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It had adopted the Cartagena Declaration on Refugees and the Global Compact on Refugees and remained committed to promoting actions from the comprehensive regional protection and solution framework for refugees. The Office of the United Nations High Commissioner for Refugees (UNHCR) was a strategic partner in increasing confidence in institutions, building relations marked by trust and empathy to meet the needs of refugees, particularly persons in need of international protection, and extending support to those facing challenges related to human mobility.

3. **The Chair** said that a recorded vote had been requested on the draft resolution.

4. **Ms. Rodríguez Mancia** (Guatemala) said that it was surprising that a vote had been called. No procedural draft resolution had been put to a vote since such resolutions had been introduced in 1995, and requesting a vote now was a poor precedent to set. The draft resolution referred to Economic and Social Council decision 2023/313 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and requested the Council to elect the additional member in 2024. She called on all delegations to support the draft resolution and to preserve the procedures that governed the Third Committee.

5. *At the request of the representative of Libya, a recorded vote was taken on draft resolution A/C.3/78/L.26.*

*In favour:*

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Canada,

Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Monaco, Montenegro, Morocco, Nepal, Netherlands (Kingdom of the), New Zealand, Niger, Nigeria, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Türkiye, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Zambia, Zimbabwe.

*Against:*

China, Lesotho, Somalia.

*Abstaining:*

Algeria, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Comoros, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Equatorial Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mongolia, Mozambique, Namibia, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Viet Nam, Yemen.

6. *Draft resolution A/C.3/78/L.26 was adopted by 121 votes to 3, with 41 abstentions.*

7. **Mr. Elsonni** (Libya) said that his delegation had requested the recorded vote on the draft resolution on behalf of the members of the Group of Arab States, which had abstained from voting on the draft resolution. Countries seeking to join the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, which was a noble body working to protect refugees and victims of conflict, should be very sensitive to refugee crises and should

support related humanitarian issues. However, at the 41st meeting of the tenth emergency special session of the General Assembly, regarding the Gaza Strip, Guatemala had voted against the adoption of a purely humanitarian draft resolution, [A/ES-10/L.25](#), on the protection of civilians and upholding legal and humanitarian obligations, which had also called for the protection of United Nations staff. Owing to the current war, Palestinian refugees in Gaza were one of the most vulnerable groups, and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) had been targeted by Israel, leading to the loss of the lives of dozens of its staff members. The Group therefore did not believe that Guatemala met the criteria for membership in the Executive Committee contained in the Charter of UNHCR. By voting against the adoption of draft resolution [A/ES-10/L.25](#), Guatemala had shown that it was not committed to the humanitarian values that governed the work of the Executive Committee, and the Group was of the view that Guatemala would not respect the principles of humanitarian work and human rights in protecting civilians, refugees and vulnerable persons in the event that it was elected to the Executive Committee.

*Draft resolution A/C.3/78/L.28: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees*

8. **The Chair** said that the draft resolution had no programme budget implications.

9. **Mr. Kyslytsya** (Ukraine), introducing the draft resolution, said that UNHCR had recently reported that a record-breaking 108.4 million people had been forcibly displaced worldwide in 2022, including due to the full-scale invasion of Ukraine by Russia. Expanding the Executive Committee of the Programme of the United Nations High Commissioner for Refugees presented a unique opportunity to base the Programme's initiatives on unity, solidarity and effective multilateral cooperation.

10. Since 2014, Ukraine had been addressing the enormous challenges caused by the unprecedented scale of forced displacement, and more than 11 million Ukrainians remained displaced. His country's extensive experience and expertise in finding practical solutions to such challenges would be an asset to the Executive Committee and would support the vital work of UNHCR in providing international protection and humanitarian assistance.

11. His delegation regretted that, for the first time ever, technical and procedural draft resolutions, which had previously been adopted by the Economic and

Social Council, were being put to a vote. Such an approach risked politicizing the work of UNHCR in carrying out its core humanitarian mandate. Ukraine urged Member States to vote in favour of the draft resolution to show their collective commitment to addressing urgent global challenges related to forced displacement.

12. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands (Kingdom of the), Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United States of America.

13. He then noted that the following delegations also wished to become sponsors: Albania, Guatemala, Montenegro and Republic of Moldova.

14. **Mr. Kashaev** (Russian Federation), speaking in explanation of vote before the voting, said that the work of UNHCR was particularly valuable in large-scale humanitarian crises. However, the politicization of humanitarian activities and of the work of UNHCR harmed international cooperation in support of international peace and security. In 2014, after the anti-constitutional coup in Kyiv and the coming into power of ultraradical nationalists, leading to a civil war, Russia had begun to host hundreds of thousands of Ukrainian refugees. The mass exodus of people from Ukraine to Russia had continued ever since, owing to constant attacks on civilian areas in Donbas by Ukrainian armed forces. The clearly politicized approach and clear motives of Ukraine for joining the Executive Committee did not correspond to the humanitarian work of UNHCR and would not facilitate international efforts to protect and assist refugees and other displaced persons. His delegation had requested a vote on the draft resolution and would vote against it.

15. *At the request of the representative of the Russian Federation, a recorded vote was taken on draft resolution A/C.3/78/L.28.*

*In favour:*

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cabo Verde, Cambodia, Canada, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany,

Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Myanmar, Nepal, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Türkiye, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Zambia, Zimbabwe.

*Against:*

Democratic People's Republic of Korea, Nicaragua, Russian Federation, Syrian Arab Republic.

*Abstaining:*

Algeria, Bahrain, Belarus, China, Congo, Djibouti, Dominica, Egypt, Equatorial Guinea, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Mali, Mauritania, Mongolia, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sri Lanka, Sudan, Togo, Tunisia, United Arab Emirates, Viet Nam, Yemen.

16. Draft resolution [A/C.3/78/L.28](#) was adopted by 121 votes to 4, with 42 abstentions.

17. **Mr. Elsonni** (Libya) said that the Group of Arab States had abstained from voting on the draft resolution as its member States wished to maintain their principled position with regard to human rights issues. At the 41st meeting of the tenth emergency special session of the General Assembly, Ukraine had abstained from voting on draft resolution [A/ES-10/L.25](#) on the protection of civilians and upholding legal and humanitarian obligations, despite facing refugee and humanitarian issues of its own.

18. **Ms. García Rico** (Spain), speaking on behalf of the European Union, said that it was regrettable that votes had been requested for technical and procedural

draft resolutions. Both Guatemala and Ukraine met the three criteria for membership of the Executive Committee, as established in resolutions of the General Assembly and the Economic and Social Council. The European Union and its member States supported the membership of both countries.

*Statements made in exercise of the right of reply*

19. **Ms. Rodríguez Mancía** (Guatemala) said that her delegation rejected some of the comments made by the representative of Libya. The Third Committee was not the forum to discuss the adoption of a resolution at the tenth emergency special session of the General Assembly. Her country invited all delegations to read the statement in explanation of vote that it had delivered during that session and to carefully consider the elements contained therein in order to understand its position. Guatemala was open to dialogue and supported the existence of spaces, outside the Third Committee, in which to discuss differences of position.

20. Her delegation rejected the claim that Guatemala was insensitive to humanitarian situations around the world. Guatemala deeply regretted the current situation of the Palestinian people and the Israeli population that had resulted from the attacks by Hamas, which her delegation unequivocally condemned. Guatemala hoped for the immediate release of the hostages taken on 7 October 2023, including the 30 babies among them, and was sensitive to the humanitarian situation inflicted on them by the terrorist actions of Hamas.

21. **Mr. Elsonni** (Libya) said that the Third Committee was the appropriate place to discuss the principles of human rights. At the emergency special session of the General Assembly, there had been overwhelming support for human rights and for a ceasefire or truce in Gaza, yet Guatemala had voted against such proposals. The resolution in question had not been politically motivated but was instead based on saving lives and stopping all forms of aggression against the people in Gaza and the Palestinian people. It was shocking that 10,000 people, including 3,000 babies, had been killed there. The Third Committee was the forum in which to discuss human rights, children and armed conflict and women's rights. Those countries advocating for human rights and wishing to support refugees should look at the situation in the UNRWA refugee camps, many of which had been targeted deliberately. Member States must stand together to stop the aggression in Gaza and to save lives. The vicious cycle could not be stopped without a ceasefire and without addressing the root causes of the situation, which had not started on 7 October but was the result of seven decades of challenges and conflict.

**Agenda item 68: Rights of Indigenous Peoples** (*continued*)

**(a) Rights of Indigenous Peoples** (*continued*)  
(A/C.3/78/L.20/Rev.1)

*Draft resolution A/C.3/78/L.20/Rev.1: Rights of Indigenous Peoples*

22. **The Chair** said that the draft resolution had no programme budget implications.

23. **Ms. Caldera Gutiérrez** (Plurinational State of Bolivia), introducing the draft resolution, said that negotiations on the text had resulted in the inclusion of new elements related to health, such as an appeal for States to implement World Health Assembly resolution 76.16 of 30 May 2023 entitled “The health of Indigenous Peoples”. The draft resolution contained reference to the importance to Indigenous women and girls of international instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples, and included a request for a high-level event to commemorate the tenth anniversary of the adoption of the outcome document of the World Conference on Indigenous Peoples. The use of initial capital letters when referring to Indigenous Peoples, as agreed in the English version of the draft resolution, should be reflected in all applicable official languages of the United Nations.

24. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Austria, Bosnia and Herzegovina, Burundi, Central African Republic, Cuba, Cyprus, El Salvador, Estonia, Greece, Ireland, Latvia, Luxembourg, Malta, Panama, Peru, Slovenia, South Africa, Trinidad and Tobago and Ukraine.

25. He then noted that Dominica also wished to become a sponsor.

26. **Ms. Zalabata Torres** (Colombia) said that one of the elements agreed upon in the draft resolution was the enhanced participation of Indigenous Peoples within the United Nations, which was a priority for the realization of a more sustainable, just and peaceful world. Her delegation called on the President of the General Assembly to implement the decision of the Assembly to continue the consideration of further measures to enhance the participation of Indigenous Peoples’ representatives and institutions in relevant United Nations meetings on issues affecting them, as originally requested in General Assembly resolution 71/321 and reaffirmed in the draft resolution. Her delegation also called for all States and Indigenous Peoples’ representatives to participate actively in efforts to improve the United Nations.

27. **Ms. Rios Balbino** (Brazil) said that the draft resolution would further improve the promotion and protection of the rights of Indigenous Peoples. Her delegation particularly welcomed the emphasis placed in the draft resolution on the need to involve Indigenous Peoples in issues affecting them and the call contained therein for States to fully implement the United Nations Declaration on the Rights of Indigenous Peoples.

28. **Ms. Arab Bafrani** (Islamic Republic of Iran) said that her delegation acknowledged the merit in adopting a resolution addressing issues related to Indigenous Peoples and would join the consensus. However, her delegation wished to disassociate itself from the thirteenth and fourteenth preambular paragraphs and paragraphs 23 and 32 of the draft resolution, as they contained non-consensus-based and contentious terminology, which lacked any agreed definition among Member States and caused divisions on an important issue.

29. In addition, her delegation considered that General Assembly resolutions did not require States to join or implement international instruments that they had not ratified, and that the conventions and treaties reaffirmed or referred to therein applied only to States parties. Similarly, resolutions or outcome documents of subsidiary bodies and organs of the principal organs of the United Nations did not apply to all Member States.

30. While the Islamic Republic of Iran supported the draft resolution, it believed that Indigenous Peoples who migrated were no longer Indigenous and were instead migrants. As such, her delegation highlighted the non-legally binding nature of the Global Compact for Safe, Orderly and Regular Migration and reiterated that the Compact was a voluntary vehicle for enhancing cooperation among Member States on the management of migration flows and did not impose any legal obligations other than those to which Iran had already subscribed. Nothing in the Compact should be construed as confusing refugees with migrants, which were two distinct groups governed by separate legal frameworks.

31. *Draft resolution A/C.3/78/L.20/Rev.1 was adopted.*

32. **Mr. Ndiaye** (Senegal) said that Indigenous Peoples should not be subjected to any discrimination in the exercise of their rights or their full participation in the realization of the Sustainable Development Goals. The draft resolution strengthened solidarity with Indigenous Peoples, recognition of their rights and the duty of institutions to commit to integrating the promotion and protection of those rights in development policies and programmes at the national, regional and international levels. Although it had joined the consensus, his delegation wished to disassociate itself



from the use of the phrase “multiple and intersecting forms of discrimination”.

33. **Mr. Mogyorósi** (Hungary) said that the promotion and protection of the human rights of Indigenous Peoples, as well as persons belonging to national, ethnic, religious or linguistic minorities, who often faced similar difficulties and limitations on the realization of their rights, required special attention from States when fulfilling their international obligations.

34. His delegation wished to disassociate itself from the eleventh preambular paragraph. Hungary had voted against the Global Compact on Safe, Orderly and Regular Migration, did not take part in its implementation and could not accept reference to it in international documents. Moreover, the definition of migration policies remained a national prerogative, and his delegation interpreted the draft resolution in line with those considerations. It also disassociated itself from paragraph 23, as Hungary collected data disaggregated by sex and therefore interpreted the term “gender” to mean “sex”.

35. **Mr. Zumilla** (Malaysia) said that his Government was committed to protecting and promoting the rights of Indigenous Peoples in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development. The adoption by consensus of the draft resolution demonstrated the shared view of Member States on the importance of protecting and promoting the rights of Indigenous Peoples.

36. Although his delegation had joined the consensus, the draft resolution continued to include the term “multiple and intersecting forms of discrimination”. His Government’s interpretation of that term would be based on its national laws, values and customs and thus did not include any concepts that were inconsistent with the existing international human rights architecture.

37. **Mr. Sylvester** (United Kingdom) said that his Government had always provided political and financial support for the economic, social and political development of Indigenous Peoples and would continue to work through multilateral institutions to improve their situation. Indigenous individuals were entitled to enjoy the full protection of their human rights and fundamental freedoms in international law on an equal footing with others. However, since equality and universality were fundamental to human rights, it was the long-standing position of the United Kingdom not to accept the concept in international law of collective human rights, whereby groups benefited from the enjoyment of human rights not available to others,

except where that concept applied to the right to self-determination. Although the Governments of many States had strengthened the political and economic situation of Indigenous Peoples by granting them collective rights domestically, his country’s position ensured that individuals within groups could not be left vulnerable or unprotected if the rights of a group superseded the human rights of individuals. The United Kingdom thus understood any internationally agreed reference to the rights of Indigenous Peoples to refer to rights granted at the national level to Indigenous Peoples by Governments in accordance with that position.

38. **Ms. Dhanutirto** (Indonesia) said that her Government was committed to safeguarding the cultural identities of all communities, including Indigenous Peoples. It was important that the international human rights framework recognized the diversity of cultural groups and societies around the world, including those to which the concept of “Indigenous Peoples” did not apply, such as those in Indonesia.

39. Her delegation wished to disassociate itself from paragraph 17 of the draft resolution. It was important to ensure the meaningful participation of Indigenous Peoples in international mechanisms, particularly in processes that directly impacted their livelihoods, but such processes must be firmly rooted in existing modalities and respect the intergovernmental principles of inclusivity and respect for sovereignty.

40. Her delegation also wished to disassociate itself from the use of the term “multiple and intersecting forms of discrimination”, which was not universally accepted and ensured protection only from certain categories of discrimination. No form of discrimination should be tolerated, and Indonesia remained committed to the eradication of all forms of discrimination.

41. Lastly, the implementation of any United Nations resolutions must be aligned with national legal frameworks to ensure that it was effective and harmonious with each nation’s cultures and practices.

42. **Mr. Grünwald** (Slovakia), speaking also on behalf of Bulgaria, France and Romania, said that the health situation of Indigenous Peoples was deeply concerning, and the coronavirus disease (COVID-19) pandemic had particularly affected Indigenous women and girls. All violence, discrimination and harassment against Indigenous Peoples should end immediately. Their four delegations were strongly committed to combating racism and all forms of discrimination and intolerance, and firmly supported the role of human rights defenders, who should be protected from all forms of intimidation and reprisals.

43. Human rights were universal rights to which everyone was equally entitled. Their four delegations did not recognize the collective rights of any groups defined by their origins, culture, language or belief. They therefore could not accept the references in the draft resolution to the collective rights of Indigenous Peoples. It would be preferable to refer to the rights of persons belonging to Indigenous groups in line with commonly recognized human rights principles.

44. **Ms. Morin** (Canada), speaking also on behalf of Australia, Iceland, New Zealand and Norway, said that a more peaceful, prosperous and healthy world could not be realized without the full, effective and meaningful participation of Indigenous Peoples, including women and girls, who had the right to participate and take a leading role in decisions affecting them at the global, regional and local levels. Enhancing such participation in United Nations forums would fulfil the recognized right of Indigenous Peoples and all peoples to self-determination. As such, Indigenous Peoples should not be conflated with local communities, minority groups or civil society organizations, and the process of empowering Indigenous Peoples' representatives and institutions to participate through the creation of a formal and distinct status must focus on the right to self-determination.

45. Their five delegations welcomed the call in the draft resolution for Member States to take necessary measures to ensure the rights, protection and safety of all Indigenous Peoples and for cases of threats, harassment and reprisals to be investigated and perpetrators to be held accountable. Safeguards were needed to ensure that the United Nations was a place of safety for all. The five delegations further appreciated that, in the draft resolution, it was noted that Indigenous Peoples were disproportionately affected by climate change and should have the opportunity to share their traditional and ancestral knowledge, as well as scientific and technical knowledge, in preparations for and responses to climate change.

46. **Ms. Sillah** (Gambia) said that her delegation had joined the consensus but wished to disassociate itself from terms such as "multiple and intersecting forms of discrimination". Such language was not in conformity with the values of the Gambia.

47. **Monsignor Murphy** (Observer for the Holy See) said that it was important to acknowledge the particular experience of Indigenous Peoples in areas such as environmental protection. The Holy See therefore welcomed the fact that the draft resolution stressed the disproportionate impact of climate change on Indigenous Peoples due to their direct reliance on

ecosystems, including for meeting their basic needs and engaging in traditional and economic activities. The United Nations Declaration on the Rights of Indigenous Peoples affirmed their right to traditional medicines and to maintain their health practices. The Holy See was concerned at any attempt to forcefully impose predetermined models of health that were not culturally sensitive and did not take into account national contexts and priorities or the limitations set out in the Declaration. General recommendations of treaty bodies were not intergovernmentally agreed upon and were just one source that informed States parties to a particular convention on legislative, policy and other relevant measures for its implementation.

48. The Holy See, in conformity with its nature and particular mission, understood the term "gender" to be grounded in biological sexual identity and difference, namely, male or female. The Holy See also recognized that the expression "multiple and intersecting forms of discrimination" lacked a definition that had been agreed upon between Governments, which lent itself to an interpretation that reduced the human person to particular characteristics and categorized individuals according to artificial and selective criteria that were not universally acknowledged, thereby undermining the universality of human rights. Everyone was entitled to human rights and fundamental freedoms without distinction of any kind, as established by article 2 of the Universal Declaration of Human Rights.

#### **Agenda item 70: Right of peoples to self-determination** (*continued*) (A/C.3/78/L.29)

*Draft resolution A/C.3/78/L.29: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*

49. **The Chair** said that the draft resolution had no programme budget implications.

50. **Mr. González Behmaras** (Cuba), introducing the draft resolution, said that the use of mercenaries and related activities were an impediment to the full enjoyment of human rights and a threat to the peace, security and self-determination of peoples. For those reasons, his delegation presented the draft resolution on a yearly basis. The current iteration of the text was a technical update of General Assembly resolution 77/206 and conserved its traditional content. Various Member States continued to show their support by sponsoring the draft resolution and voting in its favour over the years. In so doing, they were sending a clear message about the use of mercenaries as a means of violating human rights and impeding self-determination. The text was in line with the principles and purposes of the Charter of the

United Nations and international law and should be adopted by consensus. In the event of a request for a vote, all delegations should vote in favour of the draft resolution in order to help the United Nations to address that serious issue.

51. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Congo, Djibouti, Egypt, Eritrea, Jamaica, Lesotho, Myanmar, Namibia, Nicaragua, Saint Vincent and the Grenadines and Saudi Arabia.

52. He then noted that the following delegations also wished to become sponsors: Algeria, Democratic Republic of the Congo, Niger and Nigeria.

53. **Mr. Merron** (United States of America), speaking in explanation of vote before the voting, said that his delegation condemned the grave threat posed by certain non-State armed groups to the ability of States to promote and protect human rights and maintain order. However, there was a sharp contrast between destabilizing mercenary activities and the proper role played by private military and security companies. The United States had consistently championed innovative and effective approaches to international frameworks and codes of conduct by addressing the activities of private military and security companies. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination should focus its attention solely on the issue of mercenaries, in accordance with its mandate. For the foregoing reasons, his delegation would vote against the draft resolution, and other delegations should do the same.

54. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/78/L.29.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan,

Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Kiribati, Liberia, Mexico, Palau, Switzerland, Tonga.

55. *Draft resolution A/C.3/78/L.29 was adopted by 126 votes to 52, with 6 abstentions.*

56. **Mr. Escobar** (Argentina) said that his delegation fully supported the right to self-determination of peoples who remained under colonial domination and foreign occupation, in keeping with General Assembly resolutions 1514 (XV) and 2625 (XXV). Self-determination was applicable only when there was an active subject of that right, namely a people subjected to alien subjugation, domination and exploitation, as outlined in paragraph 1 of resolution 1514 (XV). In the absence of such a subject, there was no right to self-determination. In the same vein, the draft resolution that had been adopted should be interpreted and implemented in accordance with the relevant resolutions



of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

57. **Mr. Kumaria** (United Kingdom) said that his delegation recognized the importance of addressing the activities of mercenaries and related actors and of holding those actors to account for human rights abuses. However, the United Kingdom was concerned that the draft resolution unhelpfully conflated the roles and actions of mercenaries, as defined under international humanitarian law, with those of private military and security companies. Responsible and law-abiding private military and security companies working to high standards were vital to the protection of diplomatic missions, companies and non-governmental organizations, particularly those working in complex and dangerous environments, and relevant applicable rules were outlined in the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict. Discussions related to private military and security companies should be reserved for the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies.

58. The United Kingdom recognized the clear need for a draft resolution to address mercenaries and mercenary-related activities, but discussing private military and security companies in such a resolution served only to add a lack of clarity regarding its purpose and undermined the working group's objectives. The United Kingdom had put forward several proposals to address such issues in the draft resolution and ensure greater conceptual clarity, but they had all been rejected. For those reasons, the United Kingdom had voted against the draft resolution. His delegation was committed to continuing the dialogue with other States regarding the draft resolution and hoped that its proposals would be considered in the future.

59. **Ms. Nishihara** (Chile) said that her delegation had traditionally supported both the draft resolution and a similar resolution presented in the Human Rights Council. The use of mercenaries posed a threat to the human rights of persons living in situations of armed conflict and to the enjoyment of the right of peoples to self-determination enshrined in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

60. However, Chile was concerned that successive versions of the text, both in the General Assembly and the Human Rights Council, had placed an increasing emphasis on the sovereignty of States and the protection of institutions, rather than on issues related to self-determination as an essential guarantee for the promotion and protection of human rights.

61. Chile had continued to vote in favour of the draft resolution and trusted that it would be considered appropriately by the General Assembly. Future versions of the text should better address the impact of the use of mercenaries on the rights to life and personal integrity and the threat posed to vulnerable groups such as children, young persons, women and racial and ethnic minorities. Chile called for the draft resolution to be reformulated so that it better addressed such issues and could be the subject of greater agreement within the Assembly.

#### **Agenda item 71: Promotion and protection of human rights** (*continued*)

##### **(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/78/L.32, A/C.3/78/L.33, A/C.3/78/L.35, A/C.3/78/L.37, A/C.3/78/L.38, A/C.3/78/L.44, A/C.3/78/L.45 and A/C.3/78/L.46)

##### *Draft resolution A/C.3/78/L.32: Promotion of a democratic and equitable international order*

62. **The Chair** said that the draft resolution had no programme budget implications.

63. **Mr. González Behmaras** (Cuba), introducing the draft resolution, said that the COVID-19 pandemic and other global challenges had shown that the current international order maintained the privileges of rich countries and perpetuated the exclusion of developing countries. The draft resolution mostly corresponded to the equivalent resolution adopted during the seventy-seventh session (General Assembly resolution 77/215). Following transparent and open negotiations on the draft resolution, the need to strengthen efforts towards the implementation of the Vienna Declaration and Programme of Action and the Universal Declaration of Human Rights had been emphasized.

64. A more just, democratic and equitable international order should be the shared objective of all Member States and would provide a platform for the advancement of human rights. The draft resolution should be adopted by consensus, but, in the event of a request for a vote, all delegations should vote in favour.

65. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Bahamas, Bolivia (Plurinational State of), Burundi, Congo, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Iran (Islamic Republic of), Jamaica, Malaysia, Myanmar, Nicaragua, Saint Vincent and the Grenadines, South Africa, Sri Lanka, Uganda and Zimbabwe.

66. He then noted that the following delegations also wished to become sponsors: Algeria, Burkina Faso, Cameroon, Comoros, Gambia, Guinea, India, Mali, Niger, Nigeria and Pakistan.

67. **Mr. Merron** (United States of America), speaking in explanation of vote before the voting, said that the United States was committed to championing democratic principles and institutions around the world, but his delegation had concerns regarding the general premise of the draft resolution and specific aspects of the text. For those reasons, it had requested a vote and would vote against it.

68. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution [A/C.3/78/L.32](#).*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and

Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Armenia, Chile, Costa Rica, Liberia, Mexico, Peru, Uruguay.

69. *Draft resolution [A/C.3/78/L.32](#) was adopted by 123 votes to 54, with 7 abstentions.*

*Draft resolution [A/C.3/78/L.33](#): Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity*

70. **The Chair** said that the draft resolution had no programme budget implications.

71. **Mr. González Behmaras** (Cuba), introducing the draft resolution, said that there was an urgent need to ensure that the consideration of human rights questions was guided by the principles of universality, objectivity and non-selectivity. The draft resolution was mostly a technical update of General Assembly resolution [76/164](#), but language had been introduced to highlight the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action. The text was in line with the principles and purposes of the Charter of the United Nations and should be adopted by consensus. In the event of a request for a vote, all delegations should vote in favour of the draft resolution.

72. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Bahamas, Belize, Bolivia

(Plurinational State of), Congo, Djibouti, Dominican Republic, Egypt, Eritrea, Haiti, Iran (Islamic Republic of), Jamaica, Namibia, Nicaragua, Rwanda, Saint Vincent and the Grenadines, Sri Lanka, Tunisia, Uganda and Zimbabwe.

73. He then noted that the following delegations also wished to become sponsors: Algeria, Burundi, Cameroon, Comoros, Democratic Republic of the Congo, India, Mali, Niger, Nigeria, Pakistan and United Republic of Tanzania.

74. *Draft resolution A/C.3/78/L.33 was adopted.*

*Draft resolution A/C.3/78/L.35: The right to food*

75. **The Chair** said that the draft resolution had no programme budget implications.

76. **Mr. González Behmaras** (Cuba), introducing the draft resolution, said that hunger was an affront to human dignity. It was unacceptable that millions of people continued to go hungry when the international community had the resources, knowledge and technology to avoid that situation.

77. The text of the draft resolution mostly corresponded to the equivalent resolution adopted during the seventy-seventh session (General Assembly resolution 77/217). New language had been introduced to strengthen reference to the Vienna Declaration and Programme of Action and the Universal Declaration of Human Rights on the occasion of their thirtieth and seventy-fifth anniversaries, respectively. All new elements were the result of transparent and open negotiations.

78. The promotion and protection of the right to food should be a shared goal for all, above and beyond any political considerations. The draft resolution should continue to be adopted by consensus, which would send an unequivocal message concerning the need to eliminate the ethical paradox of a world in which more than enough food was produced but millions of people suffered from hunger. In the event that a vote was requested, all delegations should vote in favour of the draft resolution.

79. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Andorra, Armenia, Austria, Bangladesh, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Burundi, Cabo Verde, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, Germany, Greece, Guyana, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica,

Kazakhstan, Kenya, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands (Kingdom of the), Nicaragua, Norway, Panama, Peru, Philippines, Poland, Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tajikistan, Thailand, Tunisia, Türkiye, Uganda and Zimbabwe.

80. He then noted that the following delegations also wished to become sponsors: Algeria, Angola, Burkina Faso, Cambodia, Cameroon, Chad, Comoros, Democratic Republic of the Congo, Gambia, Guinea, India, Kiribati, Maldives, Mali, Niger, Nigeria, Pakistan, Paraguay, Senegal, Sri Lanka, Suriname, Timor-Leste, Trinidad and Tobago, United Republic of Tanzania and Zambia.

81. **Mr. Kumaria** (United Kingdom) said that his Government continued to recognize the rights defined in the International Covenant on Economic, Social and Cultural Rights, was committed to fulfilling its obligations under the Covenant and took legislative and administrative measures to progressively realize all rights recognized in the Covenant.

82. His Government had not incorporated the Covenant into domestic law, and article 2 of the Covenant did not require States parties to do so. The United Kingdom therefore considered that its method of implementation fulfilled its obligations under article 2(1). His delegation did not believe that a report examining the role of the international financial architecture in the realization of the right to food, as requested in the draft resolution, would be useful. Notwithstanding those issues, the United Kingdom supported the draft resolution and would join the consensus.

83. *Draft resolution A/C.3/78/L.35 was adopted.*

84. **Mr. Pilipenko** (Belarus) said that his delegation welcomed the adoption of the draft resolution by consensus. The right to food was a fundamental right of every person, ensured physical well-being and formed the basis for development, education and prosperity. However, tens of millions of people around the world lacked access to adequate food. In 2022, the Special Rapporteur on the right to food had described the situation as a perfect storm, in which simultaneous factors were critically affecting an already difficult situation.

85. Some of those factors had arisen through the action of specific States. Unilateral coercive measures,

for example, posed a serious threat and sometimes unsurmountable obstacle to the enjoyment of the right to food by restricting access to food and creating humanitarian crises that affected the most vulnerable. Unilateral restrictions had been imposed on Belarusian potash fertilizers, which, since a lack of such fertilizers lowered soil fertility, had critically affected agricultural production in a number of States and had led to catastrophic consequences for the food security of entire regions. The issue was regularly raised by the Secretary-General, the Food and Agriculture Organization of the United Nations, the World Bank Group, the World Food Programme and the Special Rapporteur on the right to food. His delegation called for a full, unequivocal and irreversible end to the use of unilateral coercive measures.

86. It was important to increase international cooperation, and Belarus, which had long been carrying out work bilaterally, was ready to assist all countries interested in achieving food security. Together, Member States could create a world in which no one faced hunger or malnutrition and respect for basic human rights was a fundamental principle for all nations.

87. **Mr. Ono** (Japan) said that, recognizing the importance of the right to food, Japan had joined the consensus from a broad perspective. However, his delegation wished to express its concern regarding reference in the draft resolution to the international financial architecture. Discussions about international financial institutions and the international financial architecture should take place in a more appropriate forum than the Third Committee, which was dedicated to deliberating human rights issues.

88. **Mr. Merron** (United States of America) said that the need for action to combat food insecurity had never been greater, and, as a global challenge, required a global solution. The United States would continue to lead the response to the crisis as Member States came together to support those in greatest need. Food security was essential for broader peace and prosperity, and, since January 2021, the United States had committed over \$17.5 billion in life-saving humanitarian and development assistance to build resilient food systems, increase sustainable agricultural production and save lives through emergency interventions and bilateral programmes of his country's flagship initiative on global hunger.

89. The draft resolution rightfully acknowledged the hardships faced by millions of people and called on States to support United Nations emergency humanitarian appeals. Nevertheless, the text contained problematic and inappropriate language that was not

focused on human rights. His delegation was also disappointed that the facilitators of the draft resolution had accepted very few of the edits that had been proposed by a variety of delegations. Although his delegation would not prevent adoption by consensus, it wished to disassociate itself from the thirteenth preambular paragraph and paragraph 24.

90. His delegation was also concerned that new language referring to "international financial architecture" had no internationally agreed meaning. Access to adequate and appropriate financing should not be conflated with the international financial architecture, however defined. The United States strongly supported mobilizing finance to transform food systems and had been highly responsive to calls for support and reform, including by championing multilateral development bank evolution.

91. The United States recognized the right of everyone to an adequate standard of living, including food, as reflected in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. His delegation's position with regard to the Covenant and other issues was addressed further in its general statement delivered on 3 November 2023 (see [A/C.3/78/SR.47](#)), which would also be made available on the website of the United States Mission to the United Nations.

*Draft resolution A/C.3/78/L.37: Enhancement of international cooperation in the field of human rights*

92. **The Chair** said that the draft resolution had no programme budget implications.

93. **Mr. González Behmaras** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the draft resolution aimed to strengthen the spirit of international cooperation in the field of human rights. The text primarily constituted a technical update to the resolution adopted during the seventy-seventh session. However, it also included new language on the need to strengthen efforts towards the implementation of the Vienna Declaration and Programme of Action and the Universal Declaration of Human Rights. The Movement hoped that the constructive spirit of dialogue and cooperation that had led to support for the draft resolution in previous years would continue, resulting in its adoption by consensus.

94. **Mr. Mahmassani** (Secretary of the Committee) said that El Salvador had become a sponsor of the draft resolution.

95. *Draft resolution A/C.3/78/L.37 was adopted.*



96. **Mr. Merron** (United States of America) said that the United States continued to support increased international cooperation to further the protection and promotion of human rights. However, his delegation wished to dissociate itself from the fifth preambular paragraph, owing to the incorrect assertion contained therein that the enhancement of international cooperation was essential for the effective promotion and protection of all human rights. While international cooperation might help to promote the fulfilment of human rights, each individual State maintained primary responsibility for their promotion and protection. Moreover, the human rights obligations and commitments of States were not contingent upon international cooperation, and the absence of such cooperation did not justify a failure to honour those obligations and commitments. Similarly, a lack of development could not be invoked to justify the abridgement of internationally recognized human rights. Furthermore, the Vienna Declaration and Programme of Action was a non-binding document, which did not undermine the value of its important goals, but meant that it did not create obligations for States. The United States and other countries also had long-standing concerns with regard to certain elements of the Durban Declaration and Programme of Action that singled out the State of Israel and included overly broad restrictions on freedom of expression.

*Draft resolution A/C.3/78/L.38: Promotion of equitable geographical distribution in the membership of the human rights treaty bodies*

97. **The Chair** said that the draft resolution had no programme budget implications.

98. **Mr. González Behmaras** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the text primarily constituted a technical update to the resolution adopted during the seventy-sixth session. The draft resolution recognized that equitable geographical distribution in the membership of the human rights treaty bodies was essential to their effective functioning. In that regard, the regional imbalance in the current composition of the membership, favouring one regional group in particular, was a matter of concern. The text reaffirmed the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems.

99. Language had been added to the text to emphasize the need to strengthen efforts towards the implementation of the Vienna Declaration and Programme of Action and the Universal Declaration of

Human Rights, as well as on the importance of universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards. All new elements were the result of transparent and open negotiations. At its core, the draft resolution aimed to promote international cooperation, multiculturalism, pluralism and recognition and respect for the diversity of Member States, in line with the Charter of the United Nations, and should therefore be adopted by consensus.

100. **The Chair** said that a recorded vote had been requested on the draft resolution.

101. **Mr. González Behmaras** (Cuba) asked which delegation had requested a vote on a draft resolution that promoted respect for multiculturalism within a multicultural organization such as the United Nations.

102. **The Chair** said that the recorded vote had been requested by the delegation of the United States of America.

103. **Mr. Merron** (United States of America), speaking in explanation of vote before the voting, said that, as in previous years, the United States remained concerned that the draft resolution purported to establish requirements for the selection of experts to human rights treaty bodies and for their election, which were already set forth in the respective treaties. His delegation strongly believed that the treaty bodies benefited from having experts from all over the world, including from a wide range of cultures and legal systems; such diversity was demonstrated in their current composition. Given that consensus had already been reached for each treaty body on the considerations that applied to the election of its members, it would be inappropriate for the General Assembly to substitute its judgment for that of the relevant States parties. The treaty bodies must remain independent and objective in their work and be free from political or other interference. The draft resolution could undermine their independence and, ultimately, the perceived objectivity and independence of their work. For those reasons, his delegation would vote against the draft resolution and urged other delegations to do likewise.

104. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/78/L.38.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde,



Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

None.

105. Draft resolution [A/C.3/78/L.38](#) was adopted by 128 votes to 52.

106. **Ms. Alonso Giganto** (Spain), speaking on behalf of the European Union, said that the European Union and its member States fully recognized the importance of equitable geographical distribution in the

composition of the human rights treaty bodies. The composition of and elections to the treaty bodies were governed by the provisions set out in each treaty; some contained references to equitable geographical distribution and the principal legal systems, while others did not. It was not up to the General Assembly to modify those provisions, nor should it request the States parties to do so. Moreover, experts were elected to the treaty bodies in their personal capacity, rather than as representatives of States or regional groups. The European Union welcomed discussions on ways to attract the best experts possible, but decisions on who should be elected must be based on the provisions set out in the relevant treaty and on the merits of the candidates.

107. The European Union opposed the idea of establishing quotas by geographical region for the treaty bodies. In its resolution [68/268](#), the General Assembly reaffirmed that the independence and impartiality of members of the human rights treaty bodies was essential for the performance of their duties, yet that important point was not included in the draft resolution. For those reasons, the member States of the European Union had voted against the draft resolution.

108. **Ms. Morin** (Canada) said that the treaty body system was central to a strong and effective human rights system that could fulfil its integral role in international human rights monitoring and protection. However, her delegation maintained its long-standing concern that the objectives of the draft resolution, in particular the concept of a quota system for appointments to international treaty bodies, fell outside the mandate of the General Assembly.

109. Canada remained committed to maintaining a constructive dialogue with the entities of the international human rights system, and would continue to actively support the Office of the United Nations High Commissioner for Human Rights in its pursuit of the necessary reforms. The outcomes of those reforms would have a profound impact on whether, and how, the system could overcome its current challenges and effectively fulfil its mandate. The treaty body reform process would impact the broader issue of streamlining the United Nations human rights system, including the universal periodic review and the special procedures.

*Draft resolution [A/C.3/78/L.44](#): Human rights and cultural diversity*

110. **The Chair** said that the draft resolution had no programme budget implications.

111. **Mr. González Behmaras** (Cuba), introducing the draft resolution on behalf of the Movement of

Non-Aligned Countries, said that the text primarily constituted a technical update to the resolution adopted during the seventy-sixth session. Language had been introduced on the need to strengthen efforts towards the implementation the Vienna Declaration and Programme of Action and the Universal Declaration of Human Rights. The draft resolution, which was fully aligned with the purposes and principles of the Charter of the United Nations and the pluralistic, multicultural spirit of the Organization, should be adopted by consensus.

112. **Mr. Merron** (United States of America), speaking in explanation of vote before the voting, said that his delegation continued to support the promotion of cultural pluralism, tolerance, cooperation and dialogue among individuals from different cultures and civilizations. Societal diversity contributed to the strength and diversity of States as members of institutions, enabling them to address modern-day issues more effectively in an interconnected world. Furthermore, States were responsible for complying with their obligations under international human rights law. International cooperation and the promotion of human rights and fundamental freedoms for all was a key commitment, as set out in the Charter of the United Nations. Communities that had been historically underserved, in the United States and in many other countries, had played a crucial role in shaping history and the world.

113. Despite its commitment to cultural diversity, the United States was concerned that the conceptualization thereof in the draft resolution could be misused to elevate a particular nation, people or social group above another and to legitimize human rights abuses. Efforts to promote cultural diversity should not infringe on the enjoyment of human rights, or justify unreasonable limitations on their scope. The draft resolution also misrepresented the relationship between cultural diversity and international human rights law, by raising the concept of cultural diversity to the level of an essential objective, while failing to reflect potential concerns about its misuse. Furthermore, his delegation considered that the United Nations Educational, Scientific and Cultural Organization should not take up initiatives proposed in the draft resolution aimed at promoting intercultural dialogue on human rights, nor did it support the request set out in the draft resolution for the preparation of a report on its implementation. For those reasons, his delegation would vote against the draft resolution.

114. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/78/L.44.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

None.

115. *Draft resolution A/C.3/78/L.44 was adopted by 130 votes to 54.*

*Draft resolution A/C.3/78/L.45: Human rights and unilateral coercive measures*

116. **The Chair** said that the draft resolution had no programme budget implications.

117. **Mr. González Behmaras** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the text primarily constituted a technical update to the resolution adopted during the seventy-seventh session. New language had been introduced on the need to strengthen efforts towards the implementation of the Vienna Declaration and Programme of Action and the Universal Declaration of Human Rights. The draft resolution was based on the fact that unilateral coercive measures affected the enjoyment of all human rights, and on a firm opposition to their use as a tool for exerting political and economic pressure on developing countries. It addressed what was an existential matter for many countries. By supporting the draft resolution, countries would also be supporting the Charter of the United Nations, international law and the full realization of all rights for all people.

118. **Mr. Merron** (United States of America), speaking in explanation of vote before the voting, said that the draft resolution did not advance respect for or protection of human rights. The United States was committed to working with all States to achieve common objectives for the advancement of human rights; however, a small number of Member States insisted on advancing a politically motivated agenda in relation to so-called unilateral coercive measures. Economic sanctions were a legitimate, appropriate and effective tool for responding to harmful activity and addressing threats to peace and security, and could be used to promote accountability for human rights violations and abuses, to respond to malign behaviour and to counter transnational crime, terrorism and the proliferation of weapons of mass destruction. Furthermore, sanctions were a tool for promoting positive and enduring behaviour change, and such goals were pursued with clarity and transparency. The United States used sanctions in a manner consistent with international law and with such objectives in mind; it was not alone in that view or practice.

119. The draft resolution inappropriately challenged the ability of States to determine their economic relations and protect legitimate national interests, including taking actions in response to national security concerns. It also attempted to undermine the ability of the international community to respond to human rights

violations and abuses. The United States was mindful of the potential unintended consequences of sanctions, and its aim was to constrain abuses by Governments, not to harm their people. His delegation had been one of the penholders for Security Council resolution 2664 (2022), which had been drafted with a view to easing the delivery of humanitarian aid to those in need in all United Nations sanctions regimes, while helping to ensure that such aid was not diverted or abused by malicious actors. The United States had numerous humanitarian authorizations and domestic sanctions programmes that were designed to ensure that its sanctions affected the intended targets, while limiting unintended consequences for innocent people. Those who suggested that sanctions were inherently unjustified advanced a false narrative, which his delegation could not support. Sanctions did not undermine respect for human rights, but rather those who committed human rights violations and abuses. For those reasons, his delegation had requested a vote, and would vote against the resolution.

120. **Mr. Mahamadou Seydou** (Niger), speaking in explanation of vote before the voting, said that, following the regime change in the Niger on 26 July 2023, the Heads of State of the Economic Community of West African States (ECOWAS) had held two extraordinary sessions and decided to impose a general blockade on the Niger. The blockade involved a freeze on all service transactions, including for public services; the suspension of all commercial and financial transactions; and the closure of the land and air borders between the Niger and other ECOWAS member States. Those sanctions were unlawful, inhuman and unjust, contravening the objectives and fundamental principles set out in the Revised Treaty of ECOWAS and its Supplementary Acts and Protocols. They also ran counter to Article 2 of the Charter of the United Nations and article 23 of the African Charter on Human and Peoples' Rights.

121. The illegal sanctions imposed on the Niger had a devastating impact on women and children, who were deprived of their fundamental rights to health and to food owing to the blockage in the supply chain for pharmaceutical and essential products. His delegation therefore welcomed consideration by the Third Committee of the draft resolution, which established that unilateral coercive measures ran counter to international law, international humanitarian law, the Charter of the United Nations, and the norms and principles governing peaceful relations between States. The Niger urged all States to refrain from adopting such measures, which breached international law and prevented women and particularly children from

exercising their fundamental rights, including those related to food. The Niger would therefore vote in favour of the draft resolution, and called on all delegations to do the same.

122. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution [A/C.3/78/L.45](#).*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of

Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

None.

123. *Draft resolution [A/C.3/78/L.45](#) was adopted by 128 votes to 54.*

124. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela), speaking on behalf of the Group of Friends in Defence of the Charter of the United Nations, said that the Group strongly condemned the continued, ever-increasing implementation of unilateral coercive measures, which were aimed at advancing interventionist and destabilization agendas, both political and economic in nature. Such measures prevented and hindered access to essential goods and services; provided an alleged legal framework for the confiscation of sovereign resources; and severely affected the policies and capacities of the Governments of over 30 countries worldwide, including in relation to implementation of the 2030 Agenda.

125. It was both immoral and completely contradictory for some Governments to present themselves as defenders or promoters of human rights while committing mass violations and crimes against humanity through the illegal application of unilateral coercive measures. Unfortunately, such measures, whether of a political or economic nature, had become the preferred tool of certain States to exert pressure, particularly on developing countries, in order to obtain advantages. They also represented a massive violation of the human rights of over one third of humanity and a direct attack on one of the main pillars of the Organization.

126. The Group urged States to refrain from applying any economic, financial or commercial unilateral coercive measures that impeded the full achievement of socioeconomic development, particularly against developing countries, given the negative impact they had on the full enjoyment of human rights.

127. **Ms. Alonso Giganto** (Spain), speaking on behalf of the European Union, said that the European Union and its member States welcomed the incorporation of references to the anniversaries of the Vienna Declaration and Programme of Action and the Universal Declaration of Human Rights in the draft resolution. However, those changes did not address their main concerns, and they had therefore voted against its adoption. The European Union imposed restrictive measures in full conformity with its obligations under international law and the

Charter of the United Nations, and was one of the main donors of international assistance in the world, including for countries that were subject to sanctions.

128. The restrictive measures imposed by the European Union were always selective and carefully graduated, aimed at those responsible for policies or actions. The measures fully adhered to humanitarian principles and international humanitarian law, and were formulated to ensure no adverse effects on food security worldwide. Consequently, agricultural and food products, including cereals and fertilizers, medication and other emergency supplies were never subject to European Union sanctions. In addition, such sanctions only applied within the European Union jurisdiction. The European Union and its member States were committed to working with the United Nations and all its Member States in fulfilling their shared responsibilities and defending the Charter, including through promotion of and respect for human rights.

129. **Ms. Lundy** (United Kingdom) said that her country opposed the draft resolution. Targeted sanctions were part of a comprehensive and proportionate foreign policy strategy, and were imposed for specific purposes, with a focus on deterring and constraining serious human rights abuses and violations, breaches of international law, proliferation and the obstruction of peace processes. There was no inconsistency or conflict with the Charter of the United Nations in that regard. United Kingdom autonomous sanctions provided for a range of exceptions and licensing grounds where appropriate and necessary, including to support humanitarian assistance. Her delegation would continue to consistently oppose language proposals or resolutions that attempted to misrepresent sanctions, with a view to preventing the spread of misinformation about sanctions to advance political agendas.

130. **Ms. Nishihara** (Chile) said that her delegation had supported the draft resolution, as unilateral coercive measures were inconsistent with the Charter of the United Nations and the principles governing peaceful relations between States. Such measures could have a negative impact on the enjoyment of human rights, as well as on free trade and international cooperation between States, undermining the achievement of the Sustainable Development Goals. In addition, they often disproportionately affected vulnerable groups, and could lead to serious humanitarian consequences.

131. Multilateralism, peaceful conflict resolution and constructive dialogue between States under the auspices of the United Nations were the guiding principles of Chilean foreign policy. Her country therefore supported adoption of the draft resolution, which nevertheless

must not be interpreted as support for any of the government regimes or individuals responsible for serious violations and abuse of human rights worldwide that had been subject to unilateral coercive measures. Her delegation called for discussions on unilateral coercive measures and their impact on human rights to be conducted with impartiality and objectivity, and categorically rejected the use of the draft resolution for political purposes, as its spirit must focus strictly on protecting the human rights of those affected by such measures.

132. **Mr. Pilipenko** (Belarus) said that his delegation welcomed the draft resolution. Unilateral measures without or beyond the authorization of the Security Council that could not be qualified as retorsions or countermeasures were illegal under international law and had been condemned in many Human Rights Council and General Assembly resolutions. The draft resolution detailed the destructive effects of sanctions on human rights. Economic, financial and trade sanctions, as well as embargos on shipments, negatively affected the entire population of the country under sanctions. They exacerbated the economic situations of countries; hindered access to medicine, food and other basic goods; hampered the functioning of public infrastructure; and impinged on the human rights of the entire population.

133. Notwithstanding the comments of the representative of the United States, the unclear basis for the imposition of secondary unilateral measures; the deliberate implementation of difficult requirements for the reconsideration of existing sanctions; the limiting of access to justice in the context of secondary sanctions; and the phenomenon of extraterritorial jurisdiction all constituted the dark side of sanctions, which was not discussed by those in favour of instrumentalizing human rights for political purposes. Therefore, Belarus called for a comprehensive, unequivocal and irreversible end to the use of unilateral coercive measures.

134. **Mr. González Behmaras** (Cuba) said that clarification was required on some of the issues raised by the representative of the United States with regard to the draft resolution. The draft resolution was about unilateral coercive measures, which were very clearly defined in the text, and had nothing to do with what could happen under Chapter VII of the Charter of the United Nations. Moreover, the draft resolution clearly delineated the relevant unilateral coercive measures, which were those that ran counter to the Charter and international law. It was possible that the United States could not grasp the subtle but clear difference between such measures as defined in the text. In addition, the representative of the United States had said that the



reason for requesting the vote and for applying unilateral coercive measures was related to the supposed human rights violations in a given country. He asked where the unilateral coercive measures of the United States were in response to the genocide in Gaza, and whether that delegation took a selective approach in terms of the human rights violations it chose to address.

135. The suggestion that there was no indiscriminate humanitarian impact as a result of unilateral coercive measures was false. The entire Cuban population was subject to the daily, highly detrimental impact of the economic, commercial and financial blockade on their human rights, which had been unjustifiably imposed by the United States 60 years previously, all because of their desire for freedom and for the ability to choose their own path. The only truthful element of the statement made by the United States delegation in its request for a vote was that unilateral coercive measures were used as a tool for economic pressure, which suggested an affront to the sovereign equality of Member States, and was therefore an unacceptable premise. If all Member States were equal, that equality must be respected. However, it was very difficult for the United States to accept that everyone was truly equal.

*Draft resolution A/C.3/78/L.46: The right to development*

136. **The Chair** said that the draft resolution had no programme budget implications.

137. **Mr. González Behmaras** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the majority of the text corresponded to the resolution adopted during the seventy-seventh session. The draft resolution was based on an express recognition of the right to development as an inalienable human right and an integral component of the fundamental human rights that should be enjoyed by all individuals. It also addressed the impact of the COVID-19 pandemic on the exercise of the right to development.

138. The Movement had decided to strengthen the language on implementation of the Vienna Declaration and Programme of Action and the Universal Declaration of Human Rights and to include a request to the Secretary-General to address the issue of reform of the international financial architecture in his next report. The text also took note of the decision of the Human Rights Council, through its resolution 54/18, to submit to the General Assembly the draft international covenant on the right to development for its consideration, negotiation and subsequent adoption. While that process would be complex, the Movement was determined to bring it to a successful conclusion. The new elements

had been introduced on the basis of transparent negotiations open to all delegations and on the unnegotiable and unequivocal right to development, in accordance with General Assembly resolution 41/128 and the 2030 Agenda. By voting in favour of the draft resolution, delegations would be supporting recognition and promotion of that human right, by virtue of which all individuals and peoples were empowered to participate in economic, social, cultural and political development.

139. **Mr. Merron** (United States of America), speaking in explanation of vote before the voting, said that a commitment to development lay at the very core of United States foreign policy. His country had provided more in foreign assistance than any other – over \$3.75 trillion since the Second World War – and remained the largest bilateral donor, partnering with countries worldwide to support their development priorities. Over the previous two years, his Government had invested over \$100 billion to drive development progress, and had mobilized billions more in private sector improvements. Moreover, the United States remained deeply committed to the full implementation of the 2030 Agenda, with a view to upholding the inherent dignity of every human being, and welcomed international collaboration to pursue more inclusive development partnerships.

140. While there was no uncertainty about the importance of development, his delegation was concerned that the draft resolution created a detrimental narrative that would elevate the process of development above human rights, undermine the human rights system and harm development rather than promote it. The draft resolution shifted focus from an approach that respected the central importance of the human right to development to one that prioritized development over human rights, thus tilting the decades-long balance between those two imperatives. The right to development identified in the text appeared to protect States instead of individuals. States did not have human rights; rather, they guaranteed them to individuals.

141. The right to development was not recognized in any of the human rights conventions, did not have an agreed international meaning and was not identified as a universal right held and enjoyed by individuals. His delegation was concerned about the proposed legally binding instrument, the lack of meaningful negotiations thereon and the incomplete support thereof. In addition, reference in the draft resolution to the draft international covenant was a matter of concern, as it implied that it would be placed on the same levels as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

For that reason, the United States would vote against the draft resolution, while remaining committed to the full implementation of the 2030 Agenda at home and abroad, with a view to expanding economic opportunities, advancing social justice, caring for the planet, promoting good governance, and ensuring that no one was left behind.

142. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution [A/C.3/78/L.46](#).*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Türkiye, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Hungary, Israel, Japan, Latvia, Lithuania, Netherlands (Kingdom of the), New Zealand, North Macedonia, Poland, Romania, Slovakia, Sweden, Switzerland, Ukraine, United Kingdom

of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Albania, Andorra, Australia, Canada, Chile, Cyprus, Georgia, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Mexico, Monaco, Montenegro, Norway, Portugal, Republic of Korea, Republic of Moldova, San Marino, Slovenia, Spain, Uruguay.

143. Draft resolution [A/C.3/78/L.46](#) was adopted by 131 votes to 26, with 25 abstentions.

144. **Ms. Alonso Giganto** (Spain), speaking on behalf of the European Union, said that the European Union and its member States were fully committed to promoting and supporting sustainable development in line with the Sustainable Development Goals. The institutions of the European Union, together with its member States, accounted for the majority of all official development assistance globally. Moreover, the European Union promoted a human rights-based approach to inclusive and sustainable development, and strived to support the capacities of its partner countries to enable them to fulfil their human rights obligations, while also fostering legislative and legal reforms, the establishment of institutions and awareness-raising, which also assisted rights holders in claiming their rights. The right to development must be rooted in the universal, indivisible, interrelated and interdependent nature of all human rights, which meant that it could not be given separate treatment or used as a pretext for States failing to protect, promote and fulfil human rights.

145. Although the European Union and its member States respected the decision to limit changes to the text to technical modifications in the present session, the Committee had not had the opportunity to give due consideration to the rest of the draft resolution, which meant that many of the long-standing concerns of the European Union and its member States had not been addressed. The current text also included a reference to the deliberations in the Human Rights Council on a draft instrument on the right to development, however, many issues and divergent opinions had yet to be addressed in terms of the substance and form of that instrument. Significant work was needed to reach consensus in that regard, by way of transparent and inclusive negotiations.

146. **Ms. Pizarro-viales** (Costa Rica) said that her delegation had voted in favour of the draft resolution, reaffirming its full support for the Declaration on the Right to Development and the promise to make human rights a reality for all. However, the new paragraph 7

was a matter of concern. The right to development was based on the universal, indivisible, interrelated and interdependent nature of international human rights law. Therefore, States had a fundamental duty to create national and international conditions that were favourable to the realization of all human rights, not only the right to development. Moreover, no State could invoke lack of development as a justification for limiting human rights, as set out in the Vienna Declaration and Programme of Action.

147. Costa Rica had abstained from voting on Human Rights Council resolution [54/18](#), as it considered that the discussions in Geneva had been concluded prematurely, without reaching consensus on a draft before referring the matter to the General Assembly. An effective legally binding instrument on the right to development required broad agreements on its necessity and substance. Unfortunately, the calls of a significant number of Latin American States to avoiding rushing discussions in Geneva had been ignored. Going forward, her delegation hoped that a spirit of dialogue, cooperation and political will would prevail, through inclusive, transparent and open negotiations involving significant civil society participation, with a view to reaching consensus.

148. **Mr. Escobar** (Argentina) said that although his delegation had voted in favour of the draft resolution, there was a lack of consensus with respect to the legally binding draft instrument on the right to development. Discussion of that instrument should have continued within the Human Rights Council, as the main body of the human rights system for intergovernmental deliberations on standards and norms.

149. **Mr. Hakobyan** (Armenia) said that his delegation attached the utmost importance both to the right to development and the right of peoples to self-determination, which were strongly interlinked, and therefore had voted in favour of draft resolutions [A/C.3/78/L.45](#) and [A/C.3/78/L.46](#). However, Armenia wished to disassociate itself from the sixth preambular paragraph of draft resolution [A/C.3/78/L.45](#) and the twenty-fourth preambular paragraph of draft resolution [A/C.3/78/L.46](#) referring to the Eighteenth Summit of Heads of State and Government of Non-Aligned Countries, the outcome document of which contained the one-sided, conflicting narratives of the outgoing Chair of the Movement of Non-Aligned Countries.

150. **Ms. Lundy** (United Kingdom) said that the United Kingdom was proud of its record of global leadership in international development. In the international development sector, there were no quick fixes, and no country could make long-term progress without a

responsive and capable Government that respected human rights and upheld the rule of law. The human rights-based approach to development was underpinned by the 2030 Agenda. Development could be sustainable only when no one was left behind, and such ambitious targets could be achieved only by working in partnership.

151. The United Kingdom in no way disputed the right of every country to develop and grow economically; however, a new human rights treaty should not govern that approach. While her delegation would continue to participate in negotiations in good faith, the treaty proposed in the text lacked a clear purpose, in particular with regard to which new rights were being set out, and for whom. Moreover, it included no clear definition of the right to development; did not focus on the obligations of States towards individuals within their jurisdictions; referenced a wide range of standards and concepts that were being discussed elsewhere and had not been agreed upon; and lacked references to key human rights that were essential to development, particularly civil and political rights. In addition, her delegation did not agree that the ability of States to protect human rights was linked to debt and financial obligations, as set out in the twenty-sixth preambular paragraph of the draft resolution. Her delegation was disappointed that none of its concerns on the draft treaty had been reflected in the final text, and had therefore voted against the draft resolution.

152. **Mr. Oehri** (Liechtenstein), speaking also on behalf of Australia, Iceland and Norway, said that the 2030 Agenda represented a comprehensive implementation programme for the vision of the Declaration on the Right to Development. The Sustainable Development Goals aimed to create an enabling environment for the realization of the human rights of every individual, while acknowledging that peace and the rule of law were essential to development and the responsibility of every State to ensure equal opportunities based on non-discrimination.

153. The Declaration on the Right to Development provided sufficient guidance on the right to development, which must be rooted in the common goal for a more peaceful, just and prosperous world for all, as well as the universality of human rights. However, the reference to a legally binding instrument on the right to development could undermine consensus and obstruct the achievement of the Sustainable Development Goals. Paragraph 7 of the draft resolution noted that the draft international covenant had been submitted to the General Assembly; that body was now responsible for considering and negotiating the document. The four delegations did not support the draft resolution, as it

may do more harm than good in the pursuit of sustainable development and ensuring that no one was left behind. Nonetheless, they looked forward to an open, transparent negotiation process, involving all Member States, and hoped that greater consensus could be achieved on the right to development, particularly given the challenges and socioeconomic impact of the COVID-19 pandemic.

154. **Ms. Buist-Catherwood** (New Zealand), speaking also on behalf of Switzerland, said that both delegations fully supported the goal of realizing the right to development for all, and reiterated their unwavering support for the 2030 Agenda, which built on the Declaration on the Right to Development. Human rights and development were inextricably linked, and States bore primary responsibility for ensuring the right to development for their citizens. However, the draft resolution included unclear concepts that risked undermining the universality of human rights, and suggested a hierarchy among them. In order to make global progress on the right to development, efforts must be made to reconcile current divisions.

155. Those delegations acknowledged the recent submission of a draft covenant to the General Assembly for its consideration, however, a new legally binding instrument on the right to development would not be an appropriate mechanism for progress. Moreover, existing human rights treaties already provided comprehensive protections for human rights, and international consensus was lacking on the need for such an instrument. Given the diverging views on the right to development and its implementation, it was important to work together and take into account the views of all Member States, with a view to reaching consensus. For those reasons, the two delegations had voted against the draft resolution.

156. **Ms. Nishihara** (Chile) said that the commitment of Chile to human rights was cross-cutting in nature, taking into account civil, political, economic, social and cultural rights, including the right to development. However, her delegation was concerned by certain developments in Geneva and New York, including in relation to the draft resolution. To ensure a robust legally binding instrument on the right to development, broad consensus was required among the international community with regard to the need for such a treaty, as well as absolute clarity on the content and scope of that right. The recent decision of the Human Rights Council to submit a draft international covenant to the General Assembly was regrettable, as it did not fulfil either of the above-mentioned conditions. Furthermore, the draft international covenant did not take into account the progressive development of international human rights

law, including significant advances related to gender, and took a selective human rights-based approach. It was unfortunate that the calls of Latin American countries to continue striving for greater consensus in Geneva had been ignored. For those reasons, Chile had abstained from voting on the draft resolution.

157. **Ms. Santa Ana Vara** (Mexico) said that her delegation had abstained from voting on the draft resolution. Mexico was committed to full and inclusive development, particularly for those in situations of vulnerability. The right to development included the corresponding obligation of Member States to create conditions at the national and international levels for its fulfilment. Nonetheless, her delegation had some concerns with regard to the draft resolution, which reflected an approach that could make the obligations of States in the area of human rights and the achievement of the Sustainable Development Goals conditional on international cooperation. Moreover, during negotiations, there had been uncertainty over the nature of the right to development, which was sometimes confused with economic, social and cultural rights. The right to development could not be exercised unless civil, political, economic, social or cultural rights were realized, and a failure to fulfil the right to development could not be used as a pretext for failing to fulfil those other rights. Mexico also had reservations regarding various elements of the draft instrument on the right to development, which lacked clarity or implied reversals on international human rights standards. Lastly, her delegation remained committed to implementing the 2030 Agenda, which was focused on individuals and fully consistent with human rights.

158. **Ms. Wallenius** (Canada) said that her delegation supported the concept of the right to development that placed the individual at its core, both as the main participant and the beneficiary of development. Furthermore, the human rights of individuals should be integrated into the process, outcomes and goals of development as part of a human rights-based approach. Advancing human rights had a powerful multiplier effect on development. Rather than seeking to create new legal obligations, as proposed in the draft resolution, the international community must work together to share best practices and strengthen existing initiatives, with the aim of enabling individuals and communities to realize their full development potential within existing international human rights obligations and frameworks.

159. Development cooperation programmes should further the realization of human rights as set out in international human rights instruments, by increasing the capacities of States to meet their human rights

obligations and raising awareness among rights holders, enabling them to know, understand and claim their rights. Canada remained committed to implementing the 2030 Agenda, and would continue to promote human rights, which were essential to leaving no one behind.

160. **Ms. Rizk** (Egypt) said that, as a founding member of the Movement of Non-Aligned Countries, Egypt was a committed supporter of the right to development, which served as a translation of the universality, interdependence, indivisibility and interrelatedness of all human rights. The duty to cooperate was a well-established principle under international law. Therefore, the right to development must be addressed as a collective and individual right. Her delegation fully supported the elaboration of a legally binding instrument on the right to development, which would put that right on an equal basis with all human rights, as called for in the Vienna Declaration and Programme of Action.

*The meeting rose at 6.10 p.m.*