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Chair: Mr. Saikal (Afghanistan)

Contents

Agenda item 74: Promotion and protection of human rights (*continued*)

- (a) Implementation of human rights instruments (*continued*)
- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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The meeting was called to order at 3.10 p.m.

Agenda item 74: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/73/L.38)

Draft resolution A/C.3/73/L.38: Human rights treaty body system (*continued*)

1. **Mr. Khane** (Secretary of the Committee) said that, in order to implement the requests contained in paragraph 6 of the draft resolution, six additional posts and other operational resources would be required starting from 2020. Accordingly, the adoption of the draft resolution would give rise to total requirements in the approximate amount of \$1.4 million. Hence if the General Assembly adopted the draft resolution, as orally revised, no additional requirements would arise under the programme budget for the biennium 2018–2019 but additional resource requirements in the amount of \$1.4 million would be included in the proposed programme budget for 2020 under section 28, Public information, and section 29F, Administration, Geneva. Mexico had joined the sponsors of the draft resolution.

2. **Mr. Forman** (United Kingdom) said that the treaty body system was at the heart of the rules-based international system, and treaty bodies played an essential role in monitoring universal human rights standards. His Government continued to prioritize the promotion and strengthening of treaty bodies, particularly in the build-up to the 2020 review of the treaty body system. Since the twenty-seventh session of the Universal Periodic Review Working Group, the United Kingdom had made recommendations to most countries under review regarding best practices on the selection of national candidates for treaty body elections.

3. His delegation was once again a sponsor of the draft resolution on the human rights treaty body system because transparency, accountability and international participation of representatives of Member States and civil society were crucial elements of the system. Recalling paragraph 30 of General Assembly resolution 68/268, which stipulated that a maximum of three official working languages would be allocated for the work of the treaty bodies, with the inclusion of a fourth official language on an exceptional basis, the United Kingdom welcomed the proposal to webcast meetings in the official working languages used in the respective committees. The positive feedback received from non-governmental organizations following a pilot project in which webcasting and video-archiving had been provided in three meeting rooms used by the treaty

bodies indicated that webcasting would help even more non-governmental organizations, national human rights institutions and individuals to engage with the treaty monitoring process in the future. It was regrettable that the final details on the costs associated with the draft resolution had not been made available until very late, since it had prevented discussion of ways to ensure better value for money.

4. *Draft resolution A/C.3/73/L.38, as orally revised, was adopted.*

5. **Mr. Sparber** (Liechtenstein) said that the draft resolution would allow the Third Committee to regulate its engagement with the treaty body system and reaffirm previous mandates whose implementation was insufficient, particularly those contained in resolution 68/268. Unfortunately, the draft resolution did not reaffirm the recommendation contained in paragraph 11 of resolution 68/268 pertaining to the procedure for electing experts to the Committee on Economic, Social and Cultural Rights. His delegation expected the Secretariat to report on progress on that recommendation in its next report on the status of the treaty body system. Until then, the second preambular paragraph of the draft resolution should not be read in any way that would prevent the implementation of paragraph 11 of resolution 68/268.

6. **Ms. Sorto Rosales** (El Salvador) said that her country had joined the consensus on the draft resolution, even though consultations on the text had not been very open. Her delegation would have preferred the draft resolution to have included a reaffirmation of paragraph 23 of resolution 68/268 concerning the use of videoconferencing facilities for members of delegations not present at meetings.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/73/L.30, A/C.3/73/L.39/Rev.1 and A/C.3/73/L.62)

Draft resolution A/C.3/73/L.30: United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

7. **The Chair** said that the draft resolution contained no programme budget implications.

8. **Ms. Cordova Soria** (Plurinational State of Bolivia), introducing the draft resolution on behalf of Cuba, Ecuador, El Salvador, Nicaragua, South Africa and the Bolivarian Republic of Venezuela, said that the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas had been

adopted by the Human Rights Council in September 2018 at the end of a transparent and inclusive process involving peasants, farmers, fishermen, indigenous peoples and rural workers from across the globe. Bolivia was sponsoring the draft resolution in line with its commitment to ensuring food security and combating poverty. Peasants and other people working in rural areas produced some 70 per cent of the world's food; the draft resolution sought to protect and promote their rights, inter alia, to education, health and development and to provide them with a better quality of life. Member States should recognize their vulnerability, since they depended entirely on the land and were therefore the first and principal victims of climate change. Data from the Food and Agriculture Organization of the United Nations (FAO) indicated that poverty was three times worse in rural areas than in urban areas and that over 2 billion people in such areas lacked access to water and basic sanitation.

9. She called upon all delegations to support the draft resolution with the aim of making societies more resilient, sustainable and inclusive. By adopting the draft resolution, States would be making progress towards public policies that recognized not only peasants' rights and needs, but also their contribution to the well-being and quality of life of the societies that they supported through their daily work. The draft resolution would be instrumental in protecting human rights and eradicating hunger and poverty, in line with the 2030 Agenda for Sustainable Development and the United Nations Decade of Family Farming.

10. **Mr. Khane** (Secretary of the Committee) said that Benin, the Central African Republic, Chad, the Dominican Republic, Egypt, Eritrea, Guinea, Indonesia, the Islamic Republic of Iran, Kazakhstan, Kenya, Liberia, Mali, Namibia, the Niger, Nigeria, Pakistan, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sierra Leone, Somalia, South Sudan, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe had joined the sponsors.

11. **Ms. Diedricks** (South Africa) said that the Declaration was important not only for South Africa, but also for the global South, where food production, food security, nutrition and the quality of livelihoods were issues of paramount importance. Its adoption would represent a significant milestone in the establishment of a normative framework to strengthen policies for enhancing the living standards of peasants and other people working in rural areas. South Africa gave the highest priority to the rights of peasants and rural workers, as many South Africans were primarily dependent on agriculture for their livelihoods, the majority of them being women. Even though farm

dwellers were the main providers of food throughout the world, they were often the most food insecure. The Declaration would bring the international community one step closer to improving their precarious situation, which needed to be addressed as a matter of urgency.

Statements made in explanation of vote before the voting

12. **Ms. Wagner** (Switzerland) said that her country was committed both nationally and internationally to maintaining and developing small-scale farming and had therefore supported the drafting of the Declaration in recent years. The Declaration would be an important political statement even though it was non-binding and would not affect existing norms. Her delegation would vote for the draft resolution, as it had done in the Human Rights Council, but wished to reiterate three concerns about the text. First, the agrarian reforms referred to in article 17, paragraph 6, should be carried out in accordance with a proper legal procedure with legal guarantees, and fair compensation should be given for the expropriation of land. Second, article 19 on the right to seeds was problematic from the standpoint of intellectual property, and Switzerland would therefore interpret paragraphs 1 (a), 1 (d), 4 and 8 under that article in accordance with national and international law. Lastly, the Declaration did not contain sufficient references to the international environmental system or sustainable development, including obligations under environmental treaties. Respect for such obligations was crucial to guaranteeing the rights of future generations of peasants and other people working in rural areas.

13. **Mr. Bastida Peydro** (Spain) said that his country was committed to improving the lives of peasants and other people working in rural areas and recognized their specific needs and the crucial role they played in society, especially in guaranteeing diverse resources for future generations. Spain would continue working on initiatives to support such persons and would uphold their rights at relevant international organizations. His delegation would abstain from voting, in the belief that the establishment of specific rights for peasants and other people working in rural areas should be considered in other forums in order to guarantee coherence with the entire human rights system.

14. **Mr. Gebru** (Ethiopia) said that his country's Constitution recognized the rights of peasants and pastoralists, including their right to obtain land without payment, to protection against eviction and to have access to land for grazing and cultivation. Ethiopia could not accept, however, the expansion of their rights in accordance with articles 7 and 21 of the draft declaration, on transboundary tenure and water,

respectively. The entire declaration was legally non-binding and, in accordance with article 2, paragraph 1, of the International Covenant on Civil and Political Rights, the applicability and scope of all provisions was subject to the jurisdiction of each State. Any current and future national laws or international obligations assumed by Ethiopia therefore took precedence over the provisions of the Declaration. Since the instrument was non-binding, his delegation appreciated the inclusion of article 28. While supporting the collective will to implement the Declaration, his delegation would abstain from the vote.

15. **Mr. Duque Estrada Meyer** (Brazil) said that the text of the Declaration was not perfect and additional discussions were required on topics such as the right to land and seeds and the principle of prior consultation. It was important to strike the right balance between supporting small-scale farmers, of whom there were millions in Brazil, and protecting commercial agricultural activities that produced a significant proportion of the country's exports.

16. Various major issues could have been resolved through further negotiations: a clearer definition was needed of "other people working in rural areas"; the preambular paragraph on duties to other individuals should be deleted; greater emphasis should be placed on the requirement that agrochemicals complied with international standards and norms in order to minimize the risks to workers' health; reference should be made to the Indigenous and Tribal Peoples Convention of the International Labour Organization; the wording of article 17, on land tenure rights, should be harmonized with internationally agreed instruments such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security; and articles 19 and 20 of the text should be aligned with the provisions of the International Treaty on Plant Genetic Resources for Food and Agriculture, the Convention on Biological Diversity and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity. Given the current shortcomings of the text, his delegation would abstain from the vote.

17. **Mr. Elizondo Belden** (Mexico) said that his delegation had not expressed its position during the negotiations because it understood that by recognizing the rights of a specific economic group, the draft resolution might result in the differentiated application of international human rights law. However, since articles 4 and 28 restricted its interpretation in relation to existing international human rights instruments, Mexico would vote in favour of the draft resolution.

18. The Declaration was consistent with the position on food security supported by Mexico in the context of FAO, and referenced numerous rights set out in international treaties to which Mexico was a party and international best practices followed by Mexico. The recognition of the rights of indigenous people to be consulted and to development, the principle of non-discrimination and recognition of the gender perspective were also positive aspects that were consistent with Mexico's legal framework and with the United Nations Declaration on the Rights of Indigenous Peoples. The United Nations Declaration on the Rights of Indigenous Peoples was different from the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas because the former had drawn on international best practices on indigenous peoples' rights, whereas such case law barely existed for the latter. The Declaration must not favour one economic sector over others, since all persons should be protected by international human rights instruments, regardless of their livelihood. The Declaration could, however, be useful as a guide for improving the living conditions and protecting the human rights of vulnerable groups within the framework of applicable human rights instruments.

19. **Mr. Forman** (United Kingdom) said that the United Kingdom had engaged constructively with the open-ended intergovernmental working group on the rights of peasants and other people working in rural areas, both nationally and through the European Union, and supported the efforts to improve the promotion of the rights of rural workers within the existing international framework. It would continue to work with smallholder farmers throughout the developing world to increase their resilience to climate change, improve their agricultural productivity and food security and link them to commercial opportunities in markets and in local and global value chains. The Government had committed £150 million in funding over 10 years to the Adaptation for Smallholder Agriculture Programme and supported the development and implementation of relevant United Nations standards and guidelines, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

20. His delegation had long-standing and serious concerns about the content of the Declaration insofar as it granted rural workers new collective rights that were unavailable to others and broadened the scope of existing rights specifically for that group. Since equality and universality were fundamental to human rights, the United Kingdom could not accept the establishment in international law of collective human rights, except with

regard to the right to self-determination. His delegation would vote against the draft resolution.

21. **Mr. Vaultier Mathias** (Portugal), speaking on behalf of Luxembourg, said that peasants and other people working in rural areas were more prone to suffer from discrimination or to fall victim to rights violations. The rapid disappearance of family and small-scale farms also exacerbated unemployment, food insecurity and the vitality of rural areas. The Declaration would help to support the livelihoods of affected persons and raise awareness of the need to uphold their human rights. He called on all Member States to vote in favour of the draft resolution.

22. *At the request of the delegation of the United States of America, a recorded vote was taken on draft resolution A/C.3/73/L.30.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burundi, Cambodia, Central African Republic, Chad, Chile, China, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Moldova, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Solomon Islands, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

Against:

Australia, Hungary, Israel, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining:

Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Malta, Montenegro, Netherlands, Norway, Palau, Poland, Republic of Korea, Romania, Russian Federation, San Marino, Singapore, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey and Ukraine.

23. *Draft resolution A/C.3/73/L.30 was adopted by 119 votes to 7, with 49 abstentions.*

24. **Ms. Nemroff** (United States of America) said that the United States was concerned about the challenges facing people working in rural areas and had taken numerous initiatives to improve their circumstances. Nevertheless, her delegation had called for a vote on the draft resolution because of fundamental difficulties with the text.

25. First, international human rights law bestowed rights on individuals, but not on groups. Her delegation could not agree with claims that rural workers had collective rights or that categories of individuals merited special treatment in the international human rights framework. Second, the Declaration assumed the existence of rights for which there was no internationally accepted definition or recognition, such as rights to seeds, to return to the land, to use traditional ways of farming, to food sovereignty and to biological diversity. Third, the word "shall" appeared frequently in the text, which might lead to significant misunderstandings about the authority of the Declaration. Fourth, the United States did not agree with references to technology transfer or any language that could undermine intellectual property rights. It supported technology transfer only when it was voluntary and on mutually agreed terms. The Declaration was not an appropriate vehicle for pronouncements on technology transfer or intellectual property and any language in that regard appeared to have been included in order to prejudice ongoing or anticipated negotiations in other forums. Overall, the draft resolution distracted from efforts to find practical solutions to the problems faced by individuals in rural

communities in favour of single-minded misstatements about international law.

26. **Mr. Kuzmenkov** (Russian Federation) said that the text of the draft resolution remained problematic, and further work on the document in Geneva might help to achieve consensus. His delegation had abstained from voting because the practice of assigning peasants and other people working in rural areas to a specific category and granting them additional rights and legal protection was inconsistent with the principle of the equal treatment of all persons.

27. **Mr. Karlman** (Sweden) said that each State had the obligation to ensure that all persons under its jurisdiction could fully exercise their human rights. Since obstacles to food security in rural areas affected women particularly severely, Sweden prioritized the economic empowerment of women in rural areas and continued to support the efforts of various organizations in that regard, including FAO, the International Fund for Agricultural Development, the World Food Programme and the United Nations Entity for Gender Equality and the Empowerment of Women.

28. His delegation believed that the current human rights normative framework adequately protected peasants and rural workers, and that the challenge lay in its implementation. Clarification was needed as to how the new collective human rights referred to in the Declaration, such as the right to seeds and food sovereignty, were related to human rights. The fact that such rights were recognized only for peasants and those living in rural areas created legal uncertainty. Further consideration of the text could also prevent contradictions with the human rights framework arising from the expansion of existing rights. Lastly, certain elements of the Declaration were inconsistent with legally binding multilateral agreements and national law. More work on the text was needed to address those concerns, and his delegation had therefore voted against the draft resolution.

29. **Mr. Bermúdez Álvarez** (Uruguay) said that peasants and other people working in rural areas deserved tailored public policies that reflected a holistic approach to rural development, social issues and human rights. Negotiations on the draft resolution should not focus on the creation of new rights but on guarantees to all rural workers that they could enjoy their human rights on an equal footing with others. His delegation understood that various parts of the text went beyond a narrow focus on human rights by including sensitive concepts such as food sovereignty, the right to seeds, the right to the means of production and the right to natural resources. Nevertheless, his delegation supported the

Declaration because it did not create rights that had not already been established in other instruments and it could be interpreted in accordance with each country's domestic legislation and international obligations.

30. **Mr. García** (France) said that farmers, and, more broadly, rural populations, needed help in responding to environmental and climate challenges. In addition, members of rural populations were very often the victims of discrimination, poverty and malnutrition. The Declaration contained elements that addressed those issues. It reiterated numerous rights enshrined in international instruments that applied to farmers and rural populations, such as the rights to life, security, freedom of movement and association and the right to food, all of which France endorsed. France had nevertheless abstained from the vote, for two main reasons. Firstly, it was committed to a universal vision of human rights. The creation of a new international instrument specifically to cover peasants increased the segmentation of human rights and raised questions of how the Declaration was related to other instruments that protected the human rights of all, including peasants. For constitutional reasons, France could not accept references to collective rights. Furthermore, the scope of the text, as defined in article 1, was too vague: the term "peasant" was not recognized in international law and "other people working in rural areas" included disparate categories such as migrant workers, regardless of status, and indigenous peoples, who had previously been the subject of a United Nations declaration.

31. Moreover, France believed that the text would lead to the creation of new rights that conflicted with the right to property, including intellectual property, and with international instruments such as the International Treaty on Plant Genetic Resources for Food and Agriculture and the Convention on Biological Diversity. New rights contained in the text, such the right to the means of production, the right to land and natural resources and the right to seeds, had not been negotiated in international forums.

32. **Ms. Lim** (Singapore) said that her delegation regretted that there had not been sufficient opportunity to discuss the issues referred to in the draft resolution. The Declaration, notwithstanding its non-binding nature, sought to create new classes of rights or expand the interpretation of existing rights in a manner that would apply to only one segment of society. For those reasons, Singapore had abstained from the vote.

33. **Mr. Molina Linares** (Guatemala) said that some of the proposals that his delegation had put forward during the negotiation process had unfortunately not been incorporated into the final text, which

demonstrated the difficulty of harmonizing such a wide range of positions into a draft resolution. Some of the wording in the Declaration that did not exist in other international instruments might prove difficult to incorporate into national law and have uncertain consequences, especially for the rights of indigenous peoples. In view of its concerns, Guatemala had abstained from the vote.

34. **Mr. Charwath** (Austria), speaking on behalf of the European Union and its Member States; the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; and the stabilization and association process country Bosnia and Herzegovina, said that the European Union attached great importance to the human rights of peasants and other persons living and working in rural areas and was concerned about the pervasive inequalities that obstructed realization of their human rights. Given the diverging views on the content of the Declaration, the European Union wished to emphasize that every State was obliged to ensure the protection of all human rights equally.

35. During the deliberations of the open-ended working group on the rights of peasants and other people working in rural areas, some of the proposals of the European Union had been incorporated. Nevertheless, some member States had had concerns about notions such as the rights to seeds and land, and some had noted inconsistencies between the text of the Declaration and legally binding multilateral agreements, particularly with respect to the environment. Finally, there had been concerns that the draft would lead to the creation of new rights, including collective human rights, even though the Declaration would not be a legally binding document and thus incapable of creating new rights.

36. **Mr. Habib** (Indonesia) said that the Declaration would guide Member States in the formulation of improved national policies with respect to food, agriculture, seeds and land management. Many elements of the Declaration had been implemented in Indonesia, in line with the country's legislation and national programmes. Although the adoption of the Declaration was an important first step towards improving the livelihoods of peasants and reducing inequality, certain of its definitions and concepts of rights required further discussion before they were implemented within the regulatory frameworks of Member States.

37. The Indonesian constitution stipulated that the State had the power to use the country's land, waters and natural resources for the benefit of its people, including peasants and others working in rural areas. Indonesia would take that mandate into account when

implementing the Declaration. Finally, some of the rights stipulated in the Declaration would be adapted in accordance with the country's laws and international obligations.

Draft resolution A/C.3/73/L.39/Rev.1: Extrajudicial, summary or arbitrary executions

38. **The Chair** said that the draft resolution contained no programme budget implications.

39. **Mr. Sauer** (Finland), introducing the draft resolution on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the text of the biennial resolution had been slightly updated, with text added to reflect the evolving and emerging threats to the right to life. The focus on prevention had been strengthened, with new language introduced on private security providers, law enforcement and the need to address impunity in cases of gender-related killings. The facilitators of the negotiations had tried to accommodate as many concerns and suggestions as possible, and the revised text was the best possible compromise. Therefore, his delegation deeply regretted that three amendments had been proposed to the draft resolution and asked their sponsors to reconsider.

40. **Mr. Khane** (Secretary of the Committee) said that Argentina, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, the Dominican Republic, Panama, San Marino, Serbia, the former Yugoslav Republic of Macedonia, Uruguay and the Bolivarian Republic of Venezuela had joined the sponsors of the draft resolution.

41. **Ms. León Murillo** (Costa Rica) said that her delegation would vote in favour of the draft resolution and encouraged other delegations to do the same. Costa Rica highly valued the right to life and human dignity, but lasting peace would be impossible so long as people continued to commit crimes with impunity. The international community must make every effort to put an end to and vigorously condemn impunity, which ran counter to the rule of law and the principles of the Charter of the United Nations.

42. **The Chair** drew the attention of the Committee to the proposed amendment to draft resolution [A/C.3/73/L.39/Rev.1](#), contained in [A/C.3/73/L.62](#). The draft amendment contained no programme budget implications.

43. **Mr. Omer Mohamed** (Sudan) said that inserting references in resolutions to the International Criminal Court undermined agreement on certain issues. Such references ran counter to the principle of multilateralism, because they promoted the jurisdiction

of a judicial organ that had nothing to do with the United Nations system. The Sudan therefore requested that a clear demarcation be made between what was beneficial for the United Nations and what was not, in order to avoid discord and division among Member States. Sixty per cent of the natural persons on the planet were nationals of States that did not recognize the jurisdiction of the International Criminal Court, and an increasing number of States were rejecting its jurisdiction. In Security Council resolutions attempts had been made to subject Member States to the authority of a body that they did not recognize.

44. Since the entry into force of the Rome Statute of the International Criminal Court 16 years previously, the practice of the International Criminal Court had not been characterized by fairness and impartiality but had been dangerously politicized. The United Nations should therefore distance itself from the Court and maintain an impartial stance between countries that recognized the Court and those that opposed it. The Court had no integral relationship with the United Nations, working with it on logistical issues only, and resolutions should not be used as a means of integrating an alien body into the United Nations system. The delegation of the Sudan requested a vote on the draft amendment and urged Member States to vote in favour.

Statements made in explanation of vote before the voting

45. **Mr. Charwath** (Austria), speaking on behalf of the European Union, said that his delegation regretted that the Sudan had proposed amendments to the fifteenth preambular paragraph and paragraph 13. Those paragraphs had appeared in the text since the fifty-third session of the General Assembly and their simple references to the Rome Statute were as relevant as ever. The fight against impunity for the most serious crimes was critical to ensuring a just society and sustainable peace. The International Criminal Court helped secure justice for victims when national courts had failed to do so. For those reasons, all 28 States members of the European Union would vote against the proposed amendment.

46. **Ms. Pritchard** (Canada), speaking also on behalf of Australia, Liechtenstein, New Zealand and Switzerland, said that the language of the fifteenth preambular paragraph had been the subject of consensus for years. In that paragraph, Member States recognized that extrajudicial, summary and arbitrary executions could in certain circumstances constitute crimes against humanity, war crimes or genocide; they also recalled that States had the responsibility to protect their populations from such crimes. In paragraph 13 of the

draft resolution, they welcomed the contribution of the International Criminal Court to ending impunity and called on States that were under an obligation to cooperate with the Court to do so.

47. Neither paragraph contained provisions that obliged States to become parties to the Rome Statute, or imposed Court jurisdiction on States that were not parties. They merely recalled certain tools that could be used by the international community to address extrajudicial executions when they rose to the level of genocide, crimes against humanity or war crimes. The Court played a critical role when national courts could not or would not exercise jurisdiction. The delegations would vote against the proposed amendment.

48. **Mr. Sauer** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) said that the delegations reiterated their support for the International Criminal Court as an important tool for fighting impunity and contributing to peaceful societies. Gross violations of international humanitarian law and human rights law, especially extrajudicial, summary and arbitrary executions, were a reminder of the increasing relevance of the Court, which was intended to complement, and not replace, national courts. The primary responsibility to prosecute individual crimes lay with States.

49. The creation of the Court had given millions of victims of atrocities new hope that justice would be served. States from all over the world had joined efforts to make that possible, and the impact of the Court in addressing impunity had been clear over the course of its existence. The delegations of the Nordic countries would therefore vote against the proposed amendment.

50. **Mr. Omer Mohamed** (Sudan) said that the Court's record over the two decades following the entry into force of the Rome Statute had been poor. There were two main indicators of its ineffectiveness: first, the high cost of proceedings, which precluded meaningful justice; and second, the number of cases tried by the Court since the Statute had entered into force. The International Criminal Court was not the only judicial body that could dispense justice. South Africa and Rwanda had been fortunate that the International Criminal Court had not existed when the former was fighting apartheid and the latter was enduring a genocide; otherwise, peace and justice would not have been achieved. Independence and impartiality must be observed at the United Nations.

51. *At the request of the delegation of the Sudan, a recorded vote was taken on the proposed amendment to draft resolution A/C.3/71/L.39/Rev.1 contained in document A/C.3/73/L.62.*

In favour:

Bahrain, Belarus, Burundi, Cameroon, China, Cuba, Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Eritrea, Iraq, Myanmar, Oman, Pakistan, Russian Federation, Saudi Arabia, South Sudan, Sudan, Syrian Arab Republic, Yemen, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Zambia.

Abstaining:

Algeria, Angola, Bahamas, Bhutan, Brunei Darussalam, Chad, Ethiopia, Fiji, Ghana, India, Indonesia, Israel, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mauritania, Mauritius, Morocco, Nepal, Qatar, Rwanda, Solomon Islands, Sri Lanka, Togo, Turkey, Uganda, United Arab Emirates, United States of America, Viet Nam.

52. *The proposed amendment to draft resolution A/C.3/73/L.39/Rev.1 contained in document A/C.3/73/L.62 was rejected by 103 votes to 21, with 34 abstentions.*

53. **The Chair** drew the attention of the Committee to the proposed amendment to draft resolution [A/C.3/73/L.39/Rev.1](#), contained in [A/C.3/73/L.63](#). The

draft amendment contained no programme budget implications.

54. **Mr. Charwath** (Austria), speaking in explanation of vote before the voting on behalf of the European Union, said that, for the reasons highlighted previously, the 28 States members of the European Union would vote against the proposed amendment and urged others, particularly parties to the Rome Statute, to do likewise.

55. *At the request of the delegation of the Sudan, a recorded vote was taken on the proposed amendment to draft resolution [A/C.3/71/L.39/Rev.1](#) contained in document [A/C.3/73/L.63](#).*

In favour:

Bahrain, Belarus, Burundi, Cameroon, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Iraq, Myanmar, Oman, Pakistan, Russian Federation, Saudi Arabia, South Sudan, Sudan, Syrian Arab Republic, Togo, Yemen.

Against:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Zambia.

Abstaining:

Algeria, Angola, Bahamas, Bhutan, Brunei Darussalam, Cambodia, Chad, Ethiopia, Fiji, Ghana, India, Indonesia, Israel, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mauritania, Mauritius, Morocco, Nepal,

Papua New Guinea, Qatar, Rwanda, Singapore, Solomon Islands, Sri Lanka, Thailand, Turkey, Uganda, United Arab Emirates, United States of America, Viet Nam, Zimbabwe.

56. *The proposed amendment to draft resolution A/C.3/73/L.39/Rev.1 contained in document A/C.3/73/L.63 was rejected by 99 votes to 20, with 38 abstentions.*

57. **The Chair** drew the attention of the Committee to the proposed amendment to draft resolution [A/C.3/73/L.39/Rev.1](#), contained in [A/C.3/73/L.65](#). The proposed amendment contained no programme budget implications

58. **Mr. Moussa** (Egypt), introducing the proposed amendment contained in [A/C.3/73/L.65](#) on behalf of the Organization of Islamic Cooperation (OIC), said that OIC strongly condemned all extrajudicial, summary and arbitrary executions and deplored all forms of stereotyping, exclusion, intolerance, discrimination and violence directed against all peoples, communities and individuals. It affirmed that human rights were universal, indivisible, interdependent and mutually reinforcing. In the past and during the most recent negotiations, OIC member States had made one simple request that would have allowed all delegations to join consensus on the topic of the draft resolution: they had asked for the inclusion of a broad reference to any extrajudicial, summary or arbitrary executions taking place on any discriminatory grounds, without highlighting specific kinds of discrimination.

59. As that call had yet again been ignored, OIC member States had had no alternative but to table the proposed amendment. The proposal was simple and born of a genuine attempt to achieve consensus. It was phrased in a generic manner that served to cover all forms of discrimination and it strengthened and improved the text by promoting comprehensiveness rather than selectivity, thereby reaffirming the international community's commitment to preventing extrajudicial, summary and arbitrary executions. The amendment, if accepted, would refocus attention on the issue at hand and shift it away from private conduct that fell outside the internationally agreed human rights framework.

60. **Ms. Prizreni** (Albania) said that her country was a traditional sponsor of the resolution contained in [A/C.3/73/L.39/Rev.1](#) and would vote in favour of it. Her delegation had informed OIC on 6 November 2018 that Albania did not wish to sponsor any amendment to the original text, as it did not believe that any vulnerable groups should be omitted from the text of the resolution.

The Secretary was therefore kindly requested to remove Albania from the list of sponsors of the amendment.

61. **Ms. Nemroff** (United States of America), speaking in explanation of vote before the voting, said that no one should be subjected to extrajudicial, summary or arbitrary executions. As stated in paragraph 7 (b) of the draft resolution, killings of all persons must be investigated, including the killings of persons belonging to national, ethnic, linguistic or religious minority groups or killings based on sexual orientation or gender identity. As had been reported, persons belonging to those minority groups experienced intimidation, harassment and violence. The deletion of the paragraph's references to those minority groups would constitute a failure to recognize their human dignity and human rights. Such a deletion by a body charged with protecting and promoting human rights would be deeply troubling. Accordingly, the United States would vote against the proposed amendment.

62. **Mr. Sauer** (Finland), speaking on a point of order on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that his delegation understood that if one State of a group was no longer a sponsor of an amendment, the amendment was no longer tabled on behalf of that group. Therefore, the amendment under consideration was now proposed by a group of States members of OIC, and not on behalf of OIC.

63. **Mr. Khane** (Secretary of the Committee) said that he concurred with the interpretation of the delegate of Finland, with the caveat that although sponsors often used the phrase "on behalf of" a group, sponsorship was always undertaken on behalf of the United Nations Member States belonging to that group.

64. **Ms. Brink** (Australia), speaking in explanation of vote before the voting on behalf of Australia, Canada, Iceland, Liechtenstein, New Zealand and Switzerland, said that the resolution included a list of vulnerable persons who were at a higher risk of extrajudicial killings, including persons targeted for racial reasons, persons belonging to ethnic, religious or linguistic minorities and individuals living under foreign occupation. The reference to killings on the basis of sexual orientation, which had been introduced into the resolution more than ten years previously, was vital, as the persons concerned were more likely to suffer deadly violence and were more often the victims of impunity.

65. Paragraph 7 (b) focused on the obligation of States to conduct prompt, exhaustive and impartial investigations into the killings of members of the vulnerable groups listed. It did not oblige States to change their domestic laws, nor did it require that

homosexuality be decriminalized. Killings based on sexual orientation or gender identity were well-documented in the reports of human rights treaty bodies and special mandate holders. It would send the wrong message to individuals belonging to the groups mentioned in the text if the General Assembly decided that their situation no longer warranted special attention. The delegations would therefore vote against the amendment.

66. **Ms. Pierce** (United Kingdom) said that the purpose of the resolution was to reiterate the State's obligation to conduct prompt, thorough and fair investigations into all suspected extrajudicial, arbitrary and summary executions and to investigate all killings regardless of the victim's identity. While issues of sexual orientation and gender identity could be sensitive for many States, the text proposed by the delegation of Finland did not ask States to take a moral stance on those issues; rather, it merely identified those individuals who might be at greater risk and urged States to conduct prompt and thorough investigations. In urging delegations to vote against the proposed amendment, the United Kingdom aimed simply to uphold the principle that States were responsible for ensuring the enjoyment of human rights by all, on an equal basis.

67. **Mr. Aldahhak** (Syrian Arab Republic) said that his delegation wished to clarify that Syria had previously been a member of OIC but was not a sponsor of the proposed amendment because its membership of the Organization had been suspended.

68. **Mr. Khane** (Secretary of the Committee) said that Albania, Algeria, Jordan, Lebanon, Tunisia and Turkey had withdrawn their delegations' sponsorship of the proposed amendment contained in document [A/C.3/73/L.65](#).

69. **The Chair** said that a recorded vote had been requested on the proposed amendment contained in document [A/C.3/73/L.65](#).

70. **Mr. Sauer** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) in explanation of vote before the voting, said that his delegation would not vote for the proposed amendment. The sponsors of the amendment had proposed to delete the list of vulnerable groups in paragraph 7 (b), a list that included persons who were more likely to suffer deadly violence than others, as reported by the Special Rapporteur on extrajudicial, summary or arbitrary executions, and were more often victims of impunity. For his delegation and the other sponsors, it was critical that the list of vulnerable groups be kept in the resolution, as it had been for well over a decade. Paragraph 7 (b) mirrored the reality on the

ground and it would be a wrong and dangerous message to the vulnerable groups mentioned in the text if the General Assembly decided that they no longer deserved special protection. Inclusion of the listing in no way implied the need for States to change domestic legislation with regard to sexual orientation and gender identity. However, not everyone would understand that the vulnerable groups mentioned in the text were also included if they were not mentioned specifically. His delegation therefore called on all delegations to support the text as drafted and to vote against the amendment.

71. *A recorded vote was taken on the amendment contained in document [A/C.3/73/L.65](#).*

In favour:

Afghanistan, Azerbaijan, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, China, Comoros, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Gabon, Gambia, Guinea, Guinea-Bissau, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, South Sudan, Sudan, Suriname, Trinidad and Tobago, United Arab Emirates, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Myanmar, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Algeria, Benin, Bhutan, Cambodia, Côte d'Ivoire, Ethiopia, Fiji, Ghana, Haiti, Kazakhstan, Kenya, Kiribati, Lao People's Democratic Republic, Lesotho, Liberia, Mauritius, Namibia, Nepal, Papua New Guinea, Philippines, Rwanda, Solomon Islands, Togo, Uganda, Viet Nam.

72. *The amendment contained in document [A/C.3/73/L.65](#) was rejected by 86 votes to 50, with 25 abstentions.*

The meeting rose at 6.15 p.m.