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## Third Committee

### Summary record of the 50th meeting

Held at Headquarters, New York, on Friday, 16 November 2018, at 10 a.m.

*Chair:* Mr. Saikal ..... (Afghanistan)

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*The meeting was called to order at 10.05 a.m.*

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

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*)  
(A/C.3/73/L.50 and A/C.3/73/L.51\*)

*Draft resolution A/C.3/73/L.50: Situation of human rights in the Syrian Arab Republic* (*continued*)

1. **Mr. Forman** (United Kingdom) said that as Syria entered its eighth winter of war, the international community must shine a spotlight on the suffering of the Syrian people. Over half a million people had died and millions more had been displaced. The perpetrators must be held to account.

2. The draft resolution was not politically motivated, but rather was based on evidence, including the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic. In the previous year, the regime and its backers had targeted civilians and medical facilities, and hundreds had suffered or died in chemical weapons attacks. The death notifications issued by the regime in 2018 were further evidence of its brutality and had brought attention to the torture-related deaths of thousands of Syrians. The resolution was balanced, highlighting atrocities committed by Islamic State in Iraq and the Levant (ISIL). By voting for the draft resolution, the international community would send a strong signal that the regime and its backers must end violations of human rights, allow sustained humanitarian access and commit to a political process to end the conflict.

3. **Mr. Ja'afari** (Syrian Arab Republic) said that delegations had been asked to use the official country names recognized by the United Nations. The previous day, he had respected that decision and had refrained from referring to certain States as "regimes". The Chair was requested to once again remind the delegations to use the official names of Member States, including the Syrian Arab Republic; otherwise, the Committee would turn into a circus. Political differences among countries did not give any delegation the right to be rude and disrespectful and depart from the norms of political discourse.

4. **Ms. Pritchard** (Canada) said that Member States must condemn the systematic violations of human rights law and humanitarian law in Syria. The draft resolution drew attention to the human cost of the conflict and called for unhindered access for humanitarian aid. The recent findings of the Organisation for the Prohibition of Chemical Weapons (OPCW) and the Commission of

Inquiry regarding chemical weapons attacks in 2018 were particularly alarming, and the perpetrators must be held accountable. Canada called on Member States to fulfil their obligations to protect civilians and humanitarian workers. Canada supported tools for ensuring criminal accountability, including the International, Impartial and Independent Mechanism as well as other transitional justice initiatives that complemented its work. Finally, Canada welcomed the recognition, reflected in the resolution, that the participation of women and girls was critical to any political process in Syria.

5. **Ms. González Tolosa** (Bolivarian Republic of Venezuela) said that her country maintained its principled position of rejecting country-specific human rights resolutions, as such selectivity was politically motivated and a violation of the Charter of the United Nations. The repeated adoption of such country-specific resolutions went beyond the purview of the Committee and was a breach of the principles of universality, objectivity and non-selectivity. Dialogue with concerned States was the only effective way to promote and protect human rights. Her delegation believed that human rights issues should be examined within the context of the universal periodic review and called on countries to build on the progress made since the creation of the Human Rights Council. The Bolivarian Republic of Venezuela would therefore vote against the draft resolution.

6. **Ms. Nemroff** (United States of America) said that her country strongly supported justice and accountability in Syria and welcomed the strong condemnation in the text of the continued abuses and violations of international law carried out by the Syrian Government, which was responsible for the vast majority of the killing, death and destruction inflicted on the Syrian people. The draft resolution called attention to Commission of Inquiry reports on those egregious violations, including those involving unlawful killing, arbitrary detention, sexual and gender-based violence, forced displacement and the use of chemical weapons. It addressed specific military intelligence facilities where, according to the reports of the Commission of Inquiry and Syrian documentation groups, rapes, mutilations and the killings of detainees took place. The United States also condemned the use of chemical weapons such as chlorine, sarin and sulfur mustard. It would continue to provide political, diplomatic and financial support to ensure that there would be consequences for the atrocities committed in Syria. The United States called on the United Nations-led intra-Syrian peace process to reach a political solution to the conflict. It looked forward to the creation of a

constitutional committee as the first of several confidence-building measures that would bring peace and stability to Syria.

7. **Mr. Denктаş** (Turkey) said that the scale of the tragedy in Syria was beyond comprehension, with no parallel in recent history. Moreover, it threatened international security. The Syrian regime aimed for a military victory, but the only way out of the carnage was through a negotiated political process. The memorandum on the stabilization of the situation in the Idlib de-escalation area had prevented a humanitarian tragedy and had kept the prospect of a political solution alive. The current priority was to use that momentum to advance the political process through finalizing the preparations for the establishment of a constitutional committee.

8. The crisis had begun when the Syrian regime had started its violent oppression of the democratic aspirations and legitimate demands of Syrians. During the past years, the regime had waged a war against its own people. The people of Syria had been punished with barrel bombs, chemical weapons, demographic change, torture, starvation and sieges. The draft resolution covered significant issues with respect to human rights, which had been violated in Syria with impunity. While adoption of the draft resolution was not in itself sufficient to address the situation, it would demonstrate that the international community stood with the Syrian people.

9. **Mr. Al-Mouallimi** (Saudi Arabia) said that while he respected the request of the delegate of the Syrian Arab Republic that delegations use the official country names, he wished to remind the Chair and the delegations that, at the seventy-first session, a legal opinion on the matter had been sought. The opinion had noted that the expression “Syrian regime” had been used in previous General Assembly resolutions and could therefore be permitted. While he appreciated the Chair’s concern for protocol, continued interruptions would delay the proceedings.

10. **The Chair** said that although there was no specific rule of procedure on the point of country names, he believed it had been a best practice of the United Nations. As he was in charge of maintaining decorum in the Committee, he asked all delegations to use official country names as recognized by the United Nations.

11. **Mr. Kuzmenkov** (Russian Federation), speaking on a point of order, said that the representative of Saudi Arabia appeared to be questioning the Chair’s authority by not using the correct form of the country name. The Russian Federation supported the Chair’s appeal to delegations to act in accordance with established

diplomatic practice at the United Nations by refraining from referring to other Member States offensively.

*Statements made in explanation of vote before the voting*

12. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that the draft resolution was another clear instance of double standards and the politicization of United Nations human rights mechanisms. It intentionally disregarded the achievements made by the Government and people of Syria through political processes during the previous year and ignored the Syrian Government’s efforts to provide humanitarian assistance and facilitate the return of internally displaced persons. The draft also failed to recognize that the Government and people of Syria were facing waves of terrorism and suffering under unilateral coercive measures.

13. It was absurd that the main sponsor of the resolution, which also sponsored terrorist groups in Syria, including the most radical ones such as ISIL, had again raised the alarm with respect to the humanitarian situation in Syria. Saudi Arabia should be held accountable for the grave violations of human rights committed by terrorist groups during the Syrian crisis. Saudi Arabia was not concerned about human rights in Syria, or the human rights of its own citizens, but rather was worried about the billions of dollars it had spent to destabilize legitimate Governments through creating, nurturing, funding and arming terrorist groups, which now seemed to be a lost investment. Collusion between Saudi Arabia and self-proclaimed champions of human rights was also illustrative. The exploitation of the Committee for political ends contravened the principles of universality, non-selectivity and objectivity in addressing human rights issues, and his delegation would therefore vote against the draft resolution.

14. **Mr. Al-Mouallimi** (Saudi Arabia), speaking on a point of order, said that the subject under discussion was the human rights situation in the Syrian Arab Republic. He asked the Chair to remind the speakers to restrict their remarks to that issue.

15. **Ms. Velichko** (Belarus) said that her delegation had always opposed the consideration of country-specific topics at the United Nations, as they undermined the principles of objectivity and increased confrontation. Country-specific resolutions were of no use and served only to create artificial barriers to equal and constructive dialogue between interested sides. Human rights issues should not be used as a pretext for interfering in the affairs of other sovereign States or exerting pressure. The universal periodic review provided a means for balanced consideration of the

human rights situation in every country and was the most effective way to encourage Governments to address human rights issues. Belarus would vote against the draft resolution.

16. **Mr. de Souza Monteiro** (Brazil) said that his country remained deeply concerned about accounts of human rights violations and would therefore vote in favour of the draft resolution. Nevertheless, his delegation noted that the text failed to recognize the responsibility of all parties directly or indirectly involved in the conflict and hoped that future resolutions on the matter would be more balanced and constructive.

17. As the conflict dragged on, millions of people were driven from their homes, contributing to greater instability both inside and outside Syria. Objective, impartial and fact-based accounts must be used to assess the situation on the ground. Brazil staunchly supported a political solution that was inclusive, led by Syrians and compliant with relevant human rights standards. Although the resolution had taken those elements into account to some degree, more remained to be done.

18. **Mr. Ríos Sánchez** (Mexico) said that his country was concerned about the grave situation in Syria and would therefore vote in favour of the resolution. Parties to the conflict must refrain from attacking the civilian population; respect the principles of international human rights law and international humanitarian law; and demonstrate their commitment to civilians and victims of human rights violations by negotiating in good faith to resolve the conflict. Parties should halt the transfer of arms, whether indiscriminate weapons of mass destruction or conventional weapons, that was fuelling the escalation of conflict in Syria. The draft resolution should adequately reflect the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic and avoid, as far as possible, references to actions committed by certain parties to the conflict, which could lead to the politicization of the text.

19. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that his delegation reiterated its opposition to country-specific resolutions, as they politicized human rights issues and imposed the political interests of certain States. Human rights issues must be discussed in an atmosphere of constructive dialogue and respect for sovereignty and territorial integrity rather than one of confrontation. Furthermore, the universal periodic review of the Human Rights Council provided a forum to discuss the human rights issues of every country equally. For those reasons, his delegation would vote against the draft resolution.

20. **Mr. Ja'afari** (Syrian Arab Republic) said that any references made by the Syrian delegation to the "Saudi resolution" were by no means indicative of a belief that Saudi Arabia was the key driver or drafter of the initiative, as the Saudi authorities had only ever heard the phrase "human rights" and related concepts in the Committee meeting room and often resorted to fatwas to cover up their violations of human rights. The Saudi resolution was nothing but a façade for countries that were hostile to Syria. The Saudi authorities had for eight consecutive years prevented Syrian citizens from performing the Haj pilgrimage, one of the pillars of Islam, in a violation of the basic human right and freedom to practice one's religion. That violation was carried out by the self-proclaimed "Custodian of the Two Holy Mosques".

21. The Syrian delegation categorically rejected the content of the draft resolution and reminded countries that believed in international law, the Charter of the United Nations and numerous multilateral instruments that the draft resolution's content lay outside the scope of the Committee and would impose financial burdens on Member States after 2020. Syria would resist Saudi and Western attempts to exploit the Committee for anti-Syria propaganda purposes, as had happened the previous day, for example, when the Permanent Representative of Saudi Arabia had insisted on putting the draft resolution to a vote after the meeting had officially been adjourned by the Chair and even though the interpreters had finished work. That had demonstrated the interest of Saudi Arabia in playing to the media and using the forum for purposes that had nothing to do with human rights, diplomacy, dialogue between Member States or the work of the Committee. Syria therefore urged other delegations to vote against, to abstain on or to decline to vote on the draft resolution.

22. **Mr. Cepero Aguilar** (Cuba) said that his country would vote against the draft resolution, which fostered a punitive approach rather than considering the interests of the country concerned. A political solution to the conflict in the Syrian Arab Republic, taking into account the interests and aspirations of the Syrian people, could not be achieved through resolutions that undermined the sovereignty and territorial integrity of the country in question. A peaceful and negotiated solution was required, and the Committee should foster such cooperation with full respect for the sovereignty of the country. The international community must abandon politicized and selective practices, which only hindered the prospect of a peaceful solution in the country concerned.

23. *A recorded vote was taken on draft resolution A/C.3/73/L.50.*

*In favour:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Cabo Verde, Cameroon, Canada, Central African Republic, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, Somalia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Yemen.

*Against:*

Algeria, Belarus, Bolivia (Plurinational State of), Burundi, China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Mauritania, Nicaragua, Philippines, Russian Federation, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Zimbabwe.

*Abstaining:*

Afghanistan, Angola, Antigua and Barbuda, Armenia, Bangladesh, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Chad, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Paraguay, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, South Sudan, Suriname, Tajikistan, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Viet Nam, Zambia.

24. Draft resolution *A/C.3/73/L.50* was adopted by 106 votes to 16, with 58 abstentions.

25. **Ms. Eugenio** (Argentina) said that significant progress had been made during the peace negotiations held in Geneva and Astana. Political dialogue between the parties to the conflict in the Syrian Arab Republic was the only legitimate and realistic means of achieving peace. In that regard, her delegation hoped that the work of the new Special Envoy of the Secretary-General for Syria would assist the parties to the conflict in reaching a credible political solution that met the aspirations of the Syrian people.

26. Argentina strongly condemned the use of chemical weapons and the other human rights violations committed in Syria and called for all parties involved in the conflict to comply with their obligations under international humanitarian law. Furthermore, supplying arms and funds to the parties to conflict would only exacerbate the suffering of the Syrian people. As her Government had stated on several occasions, including as a non-permanent member of the Security Council, the situation in the Syrian Arab Republic should be referred to the International Criminal Court.

27. Argentina reiterated its willingness to receive Syrian refugees and its commitment to strengthen its humanitarian visa programme for those affected by the conflict. Support had also been provided in Lebanon through the national humanitarian assistance agency.

28. **Ms. Wagner** (Switzerland) said that the perpetrators of the systematic and repeated violations of human rights in Syria must be held to account so that justice could be done for the victims. Switzerland therefore supported the work of the International, Impartial and Independent Mechanism and the efforts of Syrian civil society organizations to establish criminal accountability. The Swiss delegation took note of the recent joint declaration of Turkey, Russia, France and Germany following the release of the memorandum on the stabilization of the situation in the Idlib de-escalation area and called on the parties to the conflict to comply with their obligations under international law by establishing a demilitarized zone and allowing humanitarian access.

29. Switzerland regretted that the text was not balanced, owing to the selective naming of parties to the conflict, the removal of the paragraph on the financing of the International, Impartial and Independent Mechanism and a lack of transparency and consultation during the negotiation process. Finally, Switzerland called on all parties to the conflict, as well as all powers with influence in Syria, to return to the negotiating table

under the auspices of the United Nations to find a viable and durable solution to the conflict.

30. **Ms. Abdelkawy** (Egypt) said that her delegation had abstained from voting because of its principled position regarding country-specific human rights resolutions and the need to avoid politicization of human rights issues. Egypt believed that the universal periodic review of the Human Rights Council was the proper forum for constructive international discussions of ways to promote human rights in all Member States.

31. Egypt had been greatly distressed by the human rights situation in Syria since the beginning of the conflict in 2011 and welcomed international efforts to end the suffering of the Syrian people as soon as possible. It also hoped that peace and security would be prioritized over narrow geopolitical interests.

32. **Mr. García Paz y Miño** (Ecuador) said that his delegation condemned the human rights violations committed by all parties to the conflict in the Syrian Arab Republic and wished to express its solidarity with the Syrian people. His country deplored the widespread use of illegal methods of warfare likely to constitute crimes against humanity, such as the siege of cities, attacks on freedom of movement, forced evacuation, internal displacement, the starvation of the population, the use of civilians as human shields and attacks on schools, hospitals, medical services and humanitarian aid. It also condemned the use of chemical weapons prohibited under international law and hoped that those responsible for human rights violations, including those who had provided weapons or funding for the continuation or aggravation of the conflict in the Syrian Arab Republic, would be brought before the competent international courts of justice, including the International Criminal Court.

33. On the basis of its principles of promoting and protecting human rights and seeking peaceful conflict resolution, Ecuador had voted in favour of the resolution, as part of the political and diplomatic response required by the international community to the human rights violations committed in the Syrian Arab Republic.

34. **Mr. Al-Mouallimi** (Saudi Arabia) said that the fact that 106 countries had voted in favour of the draft resolution spoke for itself. The previous day had been a watershed for international justice when a Cambodian criminal court had found individuals guilty of war crimes and crimes of genocide. That verdict showed that justice would eventually prevail.

35. The delegate of the Syrian Arab Republic had engaged in blatant distortions when he said that Saudi

Arabia had prevented Syrians from performing the Muslim pilgrimage. Nothing was further from the truth. Saudi Arabia welcomed pilgrims from every place on earth, even from Israel and the Occupied Palestinian Territories. In addition, hundreds of thousands of Syrians lived in Saudi Arabia. It was also untrue that the draft resolution contained programme budget implications. If that were true, it would have been reflected in the statement on budget implications. In the meetings of that day and the previous day, there had been a very strange harmony between Iran and Syria. The delegate of Iran had used expressions that were not in accordance with usual practice, mocking Saudi Arabia, and yet he had not been stopped. The Saudi Arabian delegation did not wish to stoop to that level.

36. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran), speaking on a point of order, said that the delegate of Saudi Arabia should speak within the scope of the agenda item. If he wanted to exercise his right of reply, there would be an opportunity to do so later.

37. **Mr. Kickert** (Austria), speaking on behalf of the European Union; the candidate countries Turkey, the former Yugoslav Republic of Macedonia, Montenegro and Albania; Ukraine and Georgia, said that his delegation condemned gross violations of international humanitarian law by all parties, particularly the Syrian Government and its allies. It condemned the use of chemical weapons by the Government and by ISIL, as described in the report of the OPCW fact-finding mission, and the attack in Duma, which had reportedly killed dozens of people and injured hundreds more. It also condemned atrocities committed by ISIL and other terrorist groups and affirmed its commitment to defeating them.

38. All those responsible for breaches of international law must be brought to justice. The European Union called for the Security Council to refer the situation in Syria to the International Criminal Court. In the absence of avenues for international justice, the prosecution of war crimes under national jurisdiction, where possible, represented an important contribution to justice. The European Union was also concerned by the ongoing destruction of cultural heritage and recalled that deliberate attacks on historical monuments might amount to war crimes.

39. The European Union supported the work of the Commission of Inquiry on Syria and the International, Impartial and Independent Mechanism, and for ongoing efforts to preserve evidence of grave human rights violations. The European Union urged the Syrian Arab Republic to cooperate with those mechanisms and grant them unhindered access to the country. The European

Union welcomed the efforts conducted within the International Partnership against Impunity for the Use of Chemical Weapons and encouraged cooperation between that organization, the Commission of Inquiry, the Mechanism, and civil society organizations working to ensure accountability in Syria.

40. The European Union condemned the use of chemical weapons by the Syrian Arab Republic against its people. The European Union welcomed the June decision of the Special Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and called for its early and full implementation, in particular with respect to arrangements for OPCW to identify the perpetrators of chemical weapons attacks in Syria.

41. The primary purpose of the resolution was to urge respect for international law. The common objective of Member States was to advance the political process under United Nations auspices, which was the only way to bring lasting peace to Syria. To that end, the European Union supported the mandate and efforts of the Special Envoy of the Secretary-General for Syria to establish a constitutional committee that would pave the way for an inclusive, credible and sustainable political solution in Syria in accordance with Security Council resolution [2254 \(2015\)](#). The European Union reiterated that it stood ready to assist in the reconstruction of Syria, but only once a comprehensive, genuine and inclusive political transition was underway.

42. **Ms. Suzuki** (Japan) said that her country hoped that the violence in the Syrian Arab Republic would come to an end as soon as possible and that fundamental human rights would be ensured for all people in the country. Accordingly, Japan was a sponsor of the draft resolution and had voted in favour of it.

43. **Mr. Ja'afari** (Syrian Arab Republic) said that Saudi Arabia had conducted deliberations on the draft resolution in a manner that had contravened the principles of the Committee. There had been an utter lack of transparency and no open informal sessions had been held on the draft. Furthermore, he reiterated that Saudi Arabia had prohibited Syrians from performing the pilgrimage for eight years in a row, which constituted a violation of human rights.

*Draft resolution A/C.3/73/L.51\*: Situation of human rights in Myanmar*

44. **The Chair** drew attention to the statement of programme budget implications contained in document [A/C.3/73/L.58](#).

45. **Mr. Sinirlioglu** (Turkey), introducing the draft resolution on behalf of the Organization of Islamic Cooperation (OIC), said that the serious human rights violations perpetrated against Rohingya Muslims and other minorities continued to be a cause of deep concern for the international community. Myanmar had been trapped for decades in a vicious cycle of violence and forced displacement, of which the events of 25 August 2017 were only the latest episode. A comprehensive strategy was the only long-term solution. The findings of the independent international fact-finding mission on Myanmar pointed to the commission of the gravest crimes under international law and extensive, systematic and brutal attacks against the Rohingya community, including widespread rape of women and girls. To end that vicious cycle, the Government of Myanmar must create the necessary conditions for peaceful coexistence in Rakhine State and for the safe return of refugees by providing humanitarian agencies immediate and unhindered access to populations in need, imposing international humanitarian and human rights law in Rakhine State and bringing all perpetrators to justice. Although the international community must also do its utmost to find a lasting solution, mechanisms and memorandums of understanding were fruitless without strong political will. It was therefore important to monitor implementation of commitments assumed by the Government of Myanmar.

46. The international community and relevant United Nations institutions should support the commendable efforts by Bangladesh to assist Rohingya refugees, as the voluntary, safe and dignified return of Rohingya refugees from Bangladesh to Myanmar and their reintegration in Rakhine State was the only way forward. Nevertheless, the refugees should not be repatriated from camps in Bangladesh to camps in Myanmar, but to their places of origin, with their basic rights upheld and with relevant United Nations agencies granted full access to verify conditions. Since it would be impossible to guarantee their voluntary return without first holding the perpetrators accountable for their crimes, the international community must urge Myanmar to address the root causes of the problem.

47. **Mr. Kickert** (Austria), speaking on behalf of the European Union and its member States in introduction of the draft resolution, said that the text articulated the international community's concern for the Rohingya refugees and its dismay at the findings of the independent international fact-finding mission on Myanmar. It also underscored the concern at the human rights violations perpetrated against other minorities; identified actions to be taken to support victims and secure redress and justice; recognized the steps taken by

Myanmar to improve the situation in Rakhine State; and called for further efforts to be made. With regard to accountability, it emphasized that the ongoing independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 should operate in full recognition of the jurisdiction of the International Criminal Court and with a view to cooperating closely with investigations by the Court pertaining to serious crimes committed in Myanmar. The Security Council had the authority to refer the situation in Myanmar to the International Criminal Court. While the attention that the situation in Myanmar had generated at the United Nations reflected the magnitude of the crisis, the work of the Special Rapporteur, the Special Envoy of the Secretary-General on Myanmar and the fact-finding mission had contributed to the understanding of the situation and had given momentum to efforts to address it. The draft resolution would build on that momentum.

48. **Mr. Khane** (Secretary of the Committee) said that Andorra, Argentina, Australia, Bosnia and Herzegovina, the Central African Republic, Iceland, Liechtenstein, the Marshall Islands, Mexico, Monaco, Montenegro, New Zealand, Norway, the Republic of Korea, San Marino, Switzerland and Ukraine had joined the sponsors.

49. **Mr. Suan** (Myanmar) said that his delegation had requested a vote on the draft resolution, which it rejected in its entirety. From a procedural perspective, it was not warranted in the Third Committee to put forward a country-specific resolution on the human rights situation of a country that was already being scrutinized by the Human Rights Council. General Assembly resolution 60/251 had established the Human Rights Council with the aim of building mutual respect and cooperation in the promotion and protection of human rights, but the draft resolution flouted any such system by duplicating efforts. The submission of country-specific resolutions was a politically motivated attempt to exert pressure on other countries. The European Union had joined the tabling of the one-sided, biased, unconstructive and politicized draft resolution in order to make political gains out of the misfortune of a fledgling democratic nation struggling to overcome complex historical challenges. The draft resolution also demonstrated the hostility and dictatorial intent of the co-sponsors towards a soft target, since it had been drafted without holding consultations with members outside the group of co-sponsors, in flagrant violation of the established practice of the General Assembly.

50. The draft resolution, 90 per cent of which was devoted to the rights of Muslims in Rakhine State, contained sweeping allegations of human rights

violations based on a report by the fact-finding mission on Myanmar, which itself was not evidence-based. Not a single paragraph acknowledged the relentless efforts of the Government of Myanmar to find sustainable solutions to the issues in Rakhine State or positive political and socioeconomic developments in the country. The document had been devised to ratchet up international pressure on Myanmar, further polarize the various communities in Rakhine State and sow mistrust between Myanmar and the international community. It also deliberately ignored the fact that terrorism was the real cause of the country's current humanitarian issues. Attacks by the so-called Arakan Rohingya Salvation Army in northern Rakhine State in October 2016 and August 2017 had resulted in waves of people fleeing to Bangladesh and southern Rakhine State. Omission of all mention of the terrorist group, that was allegedly supported by Al-Qaida, Islamic State of Iraq and the Levant and Tehrik-e Taliban Pakistan, raised doubts about the co-sponsors' true intentions.

51. For over three decades, the United Nations had manifested double standards in its handling of human rights issues in Myanmar and had abandoned the principles of impartiality, objectivity, non-selectivity, non-politicization and non-interference in the internal affairs of sovereign States. Myanmar had in good faith facilitated the visits of independent experts, special rapporteurs, special advisors and special envoys of the Secretary-General since 1995, and yet the country was still treated unfairly and discriminated against on the pretext of human rights. It was under the scrutiny of at least seven United Nations mechanisms and had been subjected to country-specific resolutions in the Third Committee for 26 years. The United Nations could have used its scarce resources to help the poor and vulnerable of the world instead of allocating so much of its budget to those seven special mechanisms.

52. The humanitarian problem in Rakhine State was a top priority for the Government of Myanmar. It was working bilaterally with Bangladesh to guarantee the safe, voluntary and dignified return of those who had fled and would continue the repatriation process in coordination with the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Refugees (UNHCR). It had reached an agreement with Bangladesh to start the initial repatriation of over 2,000 people in mid-November, some of whom had refused to return to Myanmar because Bangladesh had not used the repatriation forms agreed upon during the bilateral discussions. The return of all bona fide former residents of Rakhine State wishing to return voluntarily should be prioritized and Myanmar was fully prepared to receive



the returnees and guarantee their protection, security and livelihoods.

53. He urged the international community to support the bilateral agreements between Myanmar and Bangladesh and, rather than engaging in rhetoric, pointing fingers at the parties involved and obstructing the repatriation process, to provide practical assistance to the returnees. His delegation was grateful to China, India, Japan and certain States members of the Association of Southeast Asian Nations (ASEAN) for providing materials and financial assistance for the resettlement and rehabilitation of the returnees in northern Rakhine State. Myanmar had recently also invited the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management to dispatch a needs assessment team to identify possible areas of cooperation in Rakhine State and facilitate the repatriation process. The Government had also implemented 81 of the 88 recommendations submitted by the Advisory Commission on Rakhine State and had set up the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine to undertake humanitarian assistance, resettlement and development programmes in the region.

54. Myanmar was committed to upholding the rule of law and would hold the perpetrators of the terrorist attacks carried out by the Arakan Rohingya Salvation Army accountable if there was sufficient evidence. The Government would take all necessary measures on the basis of the findings of the independent commission of enquiry established by the Government of Myanmar in July 2018.

55. The only viable way to resolve the complex issues in Rakhine State and achieve sustainable peace and development in Myanmar was through the constructive engagement of the international community. The current draft resolution was, however, hostile in tone and indicated a total disregard for the dignity and sovereignty of Myanmar. Its adoption would not solve the current humanitarian crisis but worsen the complicated situation among the different communities in Rakhine State. The undue political pressure and coercive measures imposed on Myanmar would also impede the democratization process for which the people of Myanmar had been longing for decades.

56. **Mr. Aldahhak** (Syrian Arab Republic) said that his delegation reiterated its firm rejection of mandates and resolutions that targeted specific Member States.

57. **Mr. Al-Mouallimi** (Saudi Arabia) said that events in Myanmar had cast a cloud over the positive political developments that had taken place in the country. The Myanmar authorities continued to deny the national

identity and basic rights of more than a million Rohingya Muslims, as well as members of other oppressed groups. The authorities did not stop there but denied their very right to exist.

58. The previous year, Saudi Arabia had noted with serious concern the destruction of homes and the expulsions of hundreds of thousands of Rohingya, who had been forced to cross into Bangladesh. Saudi Arabia greatly appreciated the manner in which Bangladesh had dealt with those refugees despite scarce resources. More than a year since the expulsions, arsons and killings suffered by the Rohingya in Rakhine State, there was no glimmer of hope for the dignified and voluntary return of refugees to their homes as they did not know what fate awaited them or how they would be treated by the army and extremist militias.

59. The draft resolution was objective and balanced. It welcomed the positive steps that had been taken by the Government but stressed the need to find a solution to the tragedy of the Rohingya Muslims that recognized their right to citizenship and their right to return. Saudi Arabia called on the civilian leadership of Myanmar to realize that the international awards conferred moral responsibility. The country's leadership must prove worthy of the world's respect by embracing all its nationals, without discrimination or favouritism.

60. **Mr. Bin Momen** (Bangladesh) said that the international community must redeem itself for failing to prevent the commission of the gravest crimes under international law against the Rohingya population during the previous year. The draft resolution represented a statement of solidarity in support of the Rohingya community, reaffirming that they must be allowed to return to Rakhine State of their own accord and setting out the conditions for an environment conducive to their return. By taking note of the work of the independent international fact-finding mission on Myanmar and supporting follow-up decision by the Human Rights Council, it emphasized that accountability for the atrocities committed against the Rohingya people could no longer be deferred. Given the positive engagement of the authorities of the Myanmar with the Special Envoy, as recognized in the report, it was critical for Member States to support her efforts to promote a peaceful, just and lasting solution.

61. Bangladesh had been urging the international community since August 2017 to support its efforts to resolve the crisis through dialogue. Although it had agreed a deal with Myanmar on 15 November 2018 to commence voluntary repatriation, not a single Rohingya had availed themselves of the option to return as they sought guarantees for a pathway to citizenship, land

entitlement, compensation, protection from violence and reprisals and the dispensation of justice. On the one hand, United Nations agencies must be allowed access to the country to ascertain whether the environment was propitious, on the other hand, Myanmar must make further demonstrable efforts to respond to the Rohingya's demands. Nevertheless, instead of supporting the draft resolution at the current meeting, the delegation of Myanmar had repeated a fictional narrative about the recent repatriation process. Bangladesh would gain nothing from holding the Rohingya back or forcing them to return. All parties should therefore refrain from using any such narrative or from condescending to tell Bangladesh what to do. Being a responsible State, Bangladesh would continue to adhere to the established norms of international humanitarian law and international human rights law. He urged all Member States to support the draft resolution in the spirit of responsibility-sharing.

62. **Ms. Simpson** (United States of America) said that her delegation was deeply concerned by widespread reports of human rights abuses in Burma, including in Kachin, Rakhine and Shan States. Although the commitment of the Government of Myanmar to implement the recommendations of the Advisory Commission on Rakhine State and its signing of a memorandum of understanding with UNDP and UNHCR represented progress, commitments were not enough without action. She called on the authorities to establish civilian control of the military; ensure accountability for those responsible for human rights violations and remove them from positions of authority and future public office; provide unhindered access to the United Nations, humanitarian organizations, human rights investigators and media professionals; fully implement the Advisory Commission's remaining recommendations, including with regard to access to citizenship and freedom of movement; and ensure that all displaced persons could voluntarily return to their places of origin, safely and with dignity.

63. The documentation of human rights abuses in reports by the fact-finding mission should spur the international community to act. The United States welcomed all efforts to promote accountability in Myanmar, especially the establishment of an ongoing independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and the appeal for its expeditious entry into operation. Her delegation interpreted the reference in the twenty-second preambular paragraph of the draft resolution to the prosecution of those responsible for violations of international law to pertain

only to actions that constituted criminal violations under applicable law, while the effective remedies referred to in the same paragraph should be provided only to persons whose rights had been violated under applicable international treaties. Consequently, the draft resolution did not change the current state of conventional or customary international law and did not bind States to obligations under international instruments to which they were not party.

64. The United States called upon the authorities to cooperate fully with all relevant mandates and strongly disapproved of the Government's decision in December 2017 to rescind cooperation with the Special Rapporteur on the situation of human rights in Myanmar. The deterioration of respect for fundamental freedoms was also a cause for concern. In that light, she called for the immediate and unconditional release of Reuters reporters, Wa Lone and Kyaw Soe Oo, who had been imprisoned for reporting on extrajudicial killings of Rohingya villagers. She thanked the Government of Bangladesh for remaining generous hosts to over 1 million Rohingya and welcomed a recent declaration to suspend their immediate repatriation. All parties should work with United Nations agencies to promote the well-being of refugees and repatriate them only if their return was voluntary, dignified, safe, sustainable and in line with the principle of non-refoulement.

65. **Mr. Suan** (Myanmar), speaking on a point of order, said that the representative of the United States should show more respect to Myanmar as a sovereign State by referring to it by its official name.

66. **Ms. Velichko** (Belarus) said that her delegation would vote against the draft resolution. The current topic exemplified the way in which country-specific agenda items undermined trust between stakeholders and increased confrontation. While sharing the concern of OIC member States with regard to the Rohingya refugee crisis, Belarus could not support the use of country-specific resolutions to resolve such issues and viewed the Third Committee as an ineffective platform for improving the situation of the Muslim Rohingyas. Since the draft resolution had always been a way of exerting political pressure on Myanmar, the agenda item was ineffective and did not inspire trust; thus her delegation had asked to remove it from the Committee's agenda. The crisis in Myanmar would be resolved only through dialogue and cooperation, not through external pressure or threats. Belarus therefore welcomed the recent agreement between Bangladesh and Myanmar and the three-phase plan for the Rohingya issue proposed by China.

67. **Mr. Xing** Jisheng (China) said that China consistently advocated the resolution of human rights disputes through constructive dialogue and cooperation on the basis of equality and mutual respect and opposed country-specific human rights resolutions. The issue of Rakhine State involved complex historical, ethnic and religious factors and required dialogue and negotiations between Myanmar and Bangladesh in order to resolve it.

68. His delegation welcomed the consensus that had been reached at the end of October regarding the return of a first group of Rohingya refugees and hoped that Myanmar and Bangladesh would enhance their communication and consultations and work to implement that consensus as soon as possible. The two countries would thus set the stage for a resolution to that complicated issue and accumulate valuable experience in preparation for the return of more groups in the future.

69. His delegation was confident that Myanmar and Bangladesh, as amicable neighbours of China, had the ability and wisdom to appropriately resolve the issue and China would continue to lend its support to that end. The United Nations and the international community should remain patient and promote dialogue between the countries concerned rather than further complicate the problem. For those reasons China would vote against the draft resolution.

70. **Mr. Kuzmenkov** (Russian Federation) said that his country understood the complexity of the situation of Muslim Rohingyas and other minorities in Myanmar. It noted the efforts of Bangladesh to host refugees and the need for the international community to provide them with assistance. The international community should provide the country with practical support to address the causes of the complex problem, especially given that the representative of Myanmar at the current meeting had reaffirmed his country's willingness to cooperate. The draft resolution was replete with sweeping criticisms that would in no way remedy the situation. Experience had shown that politicized, country-specific resolutions could neither resolve challenges, nor facilitate constructive dialogue. The Russian Federation had historically rejected and voted against country-specific resolutions of the Third Committee, which were contrary to the principle of the sovereign equality of States. Since the bodies referred to in the text had no competence to interpret crimes committed in Myanmar, the use in the draft resolution of terms clearly defined in international law, such as genocide and crimes against humanity, undermined trust in international law and in the United Nations system. His delegation would vote against the draft resolution.

71. *A recorded vote was taken on draft resolution A/C.3/73/L.51\*.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cabo Verde, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, Somalia, South Sudan, Spain, Sudan, Suriname, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Yemen, Zambia.

*Against:*

Belarus, Burundi, Cambodia, China, Lao People's Democratic Republic, Myanmar, Philippines, Russian Federation, Viet Nam, Zimbabwe.

*Abstaining:*

Bhutan, Cameroon, Congo, Democratic People's Republic of Korea, Dominican Republic, Equatorial Guinea, Ethiopia, Guinea-Bissau, India, Japan, Kenya, Lesotho, Mongolia, Namibia, Nepal, Saint Vincent and the Grenadines, Serbia, Sierra Leone, Singapore, South Africa, Sri Lanka, Thailand, Timor-Leste, Tonga, Uganda, Venezuela (Bolivarian Republic of).

72. *Draft resolution A/C.3/73/L.51\* was adopted by 142 votes to 10, with 26 abstentions.*

73. **Mr. Kafle** (Nepal) said that his country was grateful to Bangladesh, which despite natural disasters and other difficulties was generously hosting and providing humanitarian assistance to displaced Rohingya refugees. The bilateral process between Bangladesh and Myanmar should continue until a sustainable solution could be found to the current crisis. Meanwhile, international efforts should be complemented by the work of agencies on the ground, in full compliance with international humanitarian law. Nepal called upon all parties to do their utmost to ensure that refugees could enjoy the right to return to their homeland safely and with dignity. His delegation had abstained from voting on the draft resolution, in accordance with its well-established position on country-specific resolutions.

74. **Ms. Nguyen Lien Huong** (Viet Nam) said that her country shared the concerns about the situation in Rakhine State but welcomed the initiatives of the Government of Myanmar to establish an independent commission of enquiry and invite the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management to send a needs assessment team. Viet Nam highly valued the generous support provided to displaced people by Bangladesh and ongoing efforts by the Governments of Bangladesh and Myanmar to repatriate them. As a neighbour and fellow member of ASEAN, Viet Nam would always support the Government and people of Myanmar in their efforts to promote harmony and national reconciliation.

75. Viet Nam did not support country-specific resolutions, as they undermined trust and cooperation. Given that the current text also failed to fully reflect the views of the parties concerned, especially those of Myanmar, her delegation had voted against the draft resolution. She encouraged further constructive engagement between Myanmar and the international community on the basis of genuine dialogue and cooperation.

76. **Mr. Srivihok** (Thailand) said that his delegation had abstained from voting on the draft resolution. A holistic approach involving close consultations with Myanmar was the most viable way of achieving a long-term and durable solution to the urgent crisis in Rakhine State. While encouraging the Government of Myanmar to continue constructive dialogue with all relevant mechanisms, he welcomed its cooperation with the Special Envoy, its signing of a memorandum of understanding with UNDP and UNHCR, its efforts to implement recommendations by the Advisory

Commission on Rakhine State and its invitation to the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management to send a needs assessment team to Myanmar. His delegation highlighted the importance of not rushing into the process of repatriating displaced persons from Bangladesh until the sustainability of their return could be assured. Thailand hoped that Myanmar would address the concerns of the international community by allowing the independent commission of enquiry to conduct credible investigations and by creating an environment conducive to the safe, voluntary and sustainable return of displaced persons. Regional and international collaboration would be essential for such a complex undertaking. Thailand stood ready to support Myanmar by enhancing socioeconomic development in Rakhine State and sharing best practices on how to end statelessness.

77. **Mr. Gafoor** (Singapore) said that his country had always taken a consistent and principled approach against country-specific resolutions, as they were highly selective and often driven by political rather than human rights considerations, and had consistently abstained from voting on them. Its abstention from voting on the draft resolution on the situation of human rights in Myanmar should not be interpreted as taking a position on the substance of the human rights issues raised therein.

78. There were no quick fixes for the complex issue rooted in history that lay at the heart of the crisis in Rakhine State. There was an urgent need to restore peace, stability and harmony among all communities, and that would only be possible through reconciliation and dialogue. His Government welcomed the recent agreement between Bangladesh and Myanmar to commence the repatriation of the first group of verified displaced persons to Myanmar and looked forward to the full implementation of the memorandum of understanding signed by the Government of Myanmar, the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme to facilitate the repatriation. It was essential to ensure that displaced communities returned in a voluntary, safe and dignified manner. While the responsibility to resolve the intercommunal and complex issues pertaining to the peoples of Rakhine State ultimately rested with all parties concerned in Myanmar, the international community could do its part by supporting efforts to work towards a viable solution. The immediate priority should be to alleviate suffering through humanitarian assistance. Singapore was ready to support the Government of Myanmar.

79. **Mr. Kawamura** (Japan) said that his country highly commended the efforts of Bangladesh to receive and support displaced persons from Myanmar and to resolve the current crisis through dialogue with the Government of Myanmar. Japan shared the concerns of the international community regarding the situation of human rights in Myanmar and called for the safe, voluntary and dignified repatriation of displaced persons under the auspices of the United Nations. The Prime Minister of Japan had urged the State Counsellor of Myanmar during her recent visit to Japan to accelerate efforts to create the conditions for repatriation.

80. Japan took note of the report of the independent international fact-finding mission on Myanmar. However, to promote peace and reconciliation among communities, Myanmar should carry out a credible and transparent investigation into alleged human rights violations in Rakhine State and take necessary measures with the support of the international community. On that basis, his delegation had abstained from voting on the draft resolution and called on the Government and military of Myanmar to cooperate with an independent commission of enquiry to ensure that it was able to conduct a credible and transparent investigation. Japan would continue to participate in discussions to improve the human rights situation in Myanmar and urged the international community to support the concrete actions of Myanmar to improve its human rights and humanitarian situations.

81. **Mr. Visonnavong** (Lao People's Democratic Republic) said that, while understanding the concerns of the international community with regard to the developments in Myanmar, including in Rakhine State, his country also understood the complexity of the issue and welcomed the positive steps taken by the Government of Myanmar in its efforts to resolve the conflict. The adoption of a country-specific resolution would not help to improve the human rights situation in the country. Constructive dialogue with an understanding of the context and background of the complex issue would bring positive outcomes that were beneficial to all. Human rights issues should be addressed at the Human Rights Council and through the universal periodic review process. His delegation had therefore voted against the draft resolution.

82. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that his country, which had unfairly and repeatedly been a target of country-specific resolutions, reiterated its position against such resolutions, adding that the repeated abuse of the Third Committee for political purposes had hindered it from working towards the advancement of human rights and addressing human

rights violations. His delegation's vote should be construed within the context of the grave human rights violations, including against the right to life and the right to citizenship, that were being committed against the Muslim minority in Myanmar. His delegation believed that the coverage and scope of the resolution differed from other country-specific resolutions that were considered by the Committee. It took positive note of the steps and commitments made by the Government of Myanmar to make a safe, dignified and voluntary return of refugees possible.

83. **Mr. Ajayi** (Nigeria) said that his country had always abstained on country-specific resolutions, because the universal periodic review was the most competent organ to resolve country-specific human right issues. However, in the specific instance under consideration, his Government had decided to join the consensus under the aegis of the Organization of Islamic Cooperation in order to remain objective and balance its human rights values with the need to defend the rights of the many defenceless people affected by the crisis. Its position on the current vote did not in any way alter its traditional stance on country-specific resolutions. However, while commending the Government of Myanmar for the positive steps it had taken, his country urged all parties to the crisis to embrace more committedly the peaceful efforts of the international mechanisms established for Myanmar and invest in confidence-building that would facilitate the full implementation of the provisions contained in the memorandum of understanding signed by the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees.

84. **Ms. Abdelkawy** (Egypt) said that her country had called on the authorities of Myanmar to allow safe and unhindered access to humanitarian assistance and uphold its responsibility to ensure that the perpetrators of violations and abuses committed against the Rohingya Muslim minority in Rakhine State were held accountable.

85. Her delegation wished to express its reservation on references made to the independent mechanism. In the draft resolution, the General Assembly welcomed the decision of the Human Rights Council to establish an ongoing independent mechanism. However, such a decision did not fall within the mandate of the Human Rights Council and consequently the General Assembly should neither welcome it nor call for its expeditious entry into operation. It was also regrettable that the draft resolution failed to address the overlap between the various initiatives, mandate holders and commissions focused on the situation of human rights in Myanmar at the regional and international levels, as well as the lack

of cohesion and synergy in their work, which raised questions about the proper use of the limited resources of the United Nations. Efforts should focus on the means to expedite the extension of humanitarian assistance to the Rohingya Muslim minority and ensure their voluntary return to their homes. The Government of Myanmar should adopt the necessary measures to provide protection to the Rohingya and redress to the victims and their families, and to end impunity.

86. **Mr. Habib** (Indonesia) said that, during discussions on the draft resolution, his delegation had consistently held the view that the draft resolution should assist Myanmar in the creation of an environment in Rakhine State in which freedom of movement was respected, discrimination was uprooted and development was inclusive. The draft resolution should also help to address the issue of voluntary, safe and dignified repatriations. The success of Myanmar was vital for peace and security in the region and its crisis should not be allowed to lead to a further disaster. ASEAN, as the region's principal organization, should become part of the solution through meaningful involvement. Indonesia stood ready to work with the Government of Myanmar in solving the immeasurable challenges it faced through bilateral, ASEAN and United Nations mechanisms.

87. **Mr. Sparber** (Liechtenstein), also speaking on behalf of Iceland, said that its longstanding concern about the situation in Myanmar had found its tragic and full-scale expression in the report of the independent international fact-finding mission. Consistent patterns of serious human rights violations and abuses in Kachin, Rakhine and Shan States, in addition to serious violations of international humanitarian law, rape and other forms of sexual violence, had been perpetrated on a massive scale and were the result of what appeared to be a policy by the authorities. His delegation welcomed the inclusion of those findings in the draft resolution and the reference made to Human Rights Council resolution 39/2 and its landmark decision to establish an independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law and to prepare files in order to facilitate and expedite criminal proceedings. It was a much-needed step to ensure accountability for the heinous crimes committed in Myanmar.

88. However, it was regrettable that the draft resolution omitted key developments and decisions of the Human Rights Council in the fight against impunity. The draft resolution failed to acknowledge the ruling of the Pre-Trial Chamber of the International Criminal Court that the International Criminal Court could

exercise jurisdiction over the forced deportation of the Rohingya people from Myanmar to Bangladesh, and the request to the ongoing independent mechanism to cooperate closely with any of its future investigations pertaining to human rights violations in Myanmar. It also failed to recall the authority of the Security Council to refer the situation in Myanmar to the International Criminal Court, which was mentioned in the Human Rights Council resolution.

89. His delegation's calls to accurately reflect those developments, in line with Human Rights Council resolution 39/2, had not been acted upon. With those omissions, the Third Committee unfortunately failed to acknowledge relevant efforts and achievements in addressing the human right situation in Myanmar and deviated from the important work of the Human Rights Council. Recent reports that returns of Rohingya refugees to Myanmar might be forced, which would be inconsistent with international law, including the principle of non-refoulement, were a cause for concern. Returns must be voluntary, safe, dignified and sustainable, and uphold the human rights of refugees.

90. **Ms. Boucher** (Canada) said that the draft resolution sent a strong signal that the gross human rights violations and abuses committed against the Rohingya and other minorities in Myanmar should not go unpunished. The international community had a moral imperative to stand up for those without a voice and a responsibility to ensure justice for persecuted minorities around the world, including the Rohingya. Canada remained deeply concerned by reports that the repatriation of thousands of Rohingya refugees was set to begin imminently, despite non-existent conditions for return. Repatriation must be voluntary, safe, dignified and sustainable and must not be rushed. Her delegation urged the Government of Myanmar to demonstrate real progress in the implementation of the recommendations of the Advisory Commission on Rakhine State and guarantee the protection of returning refugees. Ensuring safe freedom of movement, equal rights, opportunities for livelihood, access to essential services and access to citizenship for all Rohingya was essential.

91. Her delegation called on the Government of Myanmar to grant full and unimpeded access for the United Nations and other international organizations to monitor, assess and facilitate future repatriation efforts and reiterated the importance of informed consent for any return to take place. The draft resolution was an integral part of the continuing efforts by the international community to end impunity in Myanmar and to bring the perpetrators of the genocide to account. In that context, her Government welcomed the establishment without delay of an ongoing and

independent mechanism to collect and preserve evidence of international crimes committed in Myanmar and reiterated its call for the Security Council to refer the situation in Myanmar to the International Criminal Court. Without justice, equality and respect for fundamental rights in Myanmar, there could be no lasting peace and reconciliation. It was necessary to continue to address the acute needs of the Rohingya, the host communities in Bangladesh and other vulnerable and conflict-affected populations in Myanmar. Her Government commended Bangladesh for its generosity.

92. **Mr. Suan** (Myanmar) said that his delegation would like to thank those delegations that had expressed their principled position of opposing country-specific resolutions by voting against the draft resolution, abstaining or not taking part in the vote for demonstrating their courage to resist the attempt of major groups in the United Nations system to dictate their political agenda to small developing Member States. Such attempts went against multilateralism and the principles and purposes of the Charter of the United Nations and were a major concern for small States. Given the many resolutions adopted and sessions held on the situation in Myanmar over the years, it was clear that the United Nations was spending a significant amount of its scarce resources on excessive duplication and overlapping mechanisms targeted on a single developing country in democratic transition to the detriment of other crises such as the one affecting Yemen.

93. The adoption of yet another ill-intentioned, selective and politically motivated resolution would not help the efforts of his Government to solve the situation in Rakhine State, but would lead to further polarization and escalation of tensions among religious communities in the country and aggravate mistrust between the people of Myanmar and the international community. The United Nations must promote and advocate for peace, harmony and reconciliation, not hatred, mistrust or polarization. The people of Myanmar were united under the leadership of its State Counsellor in their relentless efforts to build peace and ensure the rule of law, national reconciliation and development. Myanmar was determined to achieve democracy with the support and good will of its friends.

## **Agenda item 28: Social development (continued)**

### **(a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (continued) (A/C.3/73/L.17/Rev.1)**

*Draft resolution A/C.3/73/L.17/Rev.1: Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly*

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

95. **Ms. Abdelkawy** (Egypt), introducing the draft resolution on behalf of the Group of 77 and China, said that the action-oriented text examined policies, strategies and innovative approaches to address different forms of inequalities with a view to implementing the objectives of the World Summit for Social Development and the 2030 Agenda for Sustainable Development. The draft resolution addressed the particular needs of Africa and least developed countries and highlighted the situation and specific needs of young people, older persons, persons with disabilities, families and indigenous peoples. The draft resolution continued to lend its full support to the work of the Commission for Social Development as the main United Nations forum for global dialogue on social development issues and reaffirmed that the Commission would contribute to the follow-up to the 2030 Agenda for Sustainable Development. The draft resolution gave priority to youth employment and women's economic empowerment as important pillars of social development towards the implementation of the 2030 Agenda for Sustainable Development.

96. **Mr. Khane** (Secretary of the Committee) said that Austria, Belgium, Denmark, Estonia, France, Italy, Luxembourg, Malta, Montenegro, the Netherlands, Portugal, Romania, Serbia, Slovenia, Spain and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

97. **Ms. Simpson** (United States of America), speaking in explanation of vote before the voting, said that her delegation was disappointed by the inclusion of issues that had no clear link to social development or the work of the Third Committee, as the consideration of unrelated issues was a misuse of resources. The United States expressed concerns about the vague and sweeping references to some trade practices and barriers and their supposed negative impact on economic and social development. Furthermore, the draft resolution inappropriately called upon international financial institutions and other non-United Nations organizations

to take actions that went beyond the scope of the draft resolution. The United States would therefore vote against the draft resolution and encouraged other Member States to do so as well. Her delegation underscored that the draft resolution did not change or necessarily reflect the obligations of the United States or other States under treaty or customary international law.

98. The draft resolution made an unacceptable reference to foreign occupation in the seventeenth preambular paragraph. The United Nations Guiding Principles on Business and Human Rights provided an important universal framework to address a wide range of challenges. The United States understood that corporate responsibility, referred to in paragraph 17, as mentioned in the draft resolution, was consistent with the Guiding Principles and was not artificially limited to transnational or private corporations.

99. With regard to economic and trade issues, it was inappropriate for the General Assembly to call on international financial institutions to provide debt relief, as in paragraph 16. The demands in paragraph 26, that the international community should increase market access or provide debt relief, were unacceptable. General Assembly resolutions should refrain from using language such as “shall” in reference to action by Member States, as such terminology was only appropriate in binding texts, did not have standing in the Third Committee or any other forum and should not be included in future negotiated documents. The topic of a right to development, contained in the eleventh preambular paragraph, did not have an internationally accepted meaning recognized by the United States and any related discussion on development needed to focus on aspects that related to rights that were universal. The language on climate change in the draft resolution was without prejudice to the position of the United States. Her country affirmed its support for promoting economic growth and improving energy security while protecting the environment. In addition, Member States must collectively avoid any unintended interpretation of the term “equitable”, which was used in multiple contexts in the draft resolution, to imply a subjective assessment of fairness that might lead to discriminatory practices. Finally, she reiterated her delegation’s concerns about the references in the draft resolution to the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda and technology transfer.

100. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/73/L.17/Rev.1.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People’s Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Israel, United States of America.



*Abstaining:*

None.

101. *Draft resolution A/C.3/73/L.17/Rev.1 was adopted by 181 votes to 2.*

102. **Ms. Kaszás** (Hungary) said that her country had supported the draft resolution as a Member State that was deeply committed to inclusive and equitable social development and economic growth, the eradication of poverty and sustainable development. With regard to paragraph 14 (z), on the nexus between migration, social development and labour laws, the definition of labour, economic and demographic policies remained a national prerogative and should therefore be referenced as such. Irregular migration flows presented major challenges to countries of origin, transit and destination, and international efforts must therefore aim to halt that phenomenon, fight irregular migration and tackle its root causes. It fell under the sovereign right of States to make a decision on who they wished to allow into their territory, to exercise control over their borders and to uphold the safety and security of their citizens as a primary consideration.

*The meeting rose at 1.05 p.m.*