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Chair: Mr. Saikal (Afghanistan)

Contents

Agenda item 69: Report of the Human Rights Council (*continued*)Agenda item 70: Promotion and protection of the rights of children (*continued*)(a) Promotion and protection of the rights of children (*continued*)Agenda item 73: Right of peoples to self-determination (*continued*)Agenda item 74: Promotion and protection of human rights (*continued*)(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)Agenda item 65: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)Agenda item 74: Promotion and protection of human rights (*continued*)(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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

Agenda item 69: Report of the Human Rights Council (continued) (A/C.3/73/L.56)

Draft resolution A/C.3/73/L.56: Report of the Human Rights Council

1. **The Chair** said that the draft resolution contained no programme budget implications.
2. **Ms. Alfeine** (Comoros), introducing the draft resolution on behalf of the African Group, said that the Group attached importance to General Assembly resolution 60/251 and the resulting institution-building package that had served as the foundation of the Human Rights Council and its mandate. It was imperative for the Human Rights Council, as a subsidiary body of the General Assembly, to report on an annual basis to the Assembly. In that regard, the Group remained committed to ensuring that the provisions of subparagraphs 5 (c), 5 (i) and 5 (j) of resolution 60/251 were implemented. The establishment of the Human Rights Council was a milestone in the global efforts aimed at promoting and protecting human rights for all, based on constructive cooperation that avoided selectivity and double standards. Growing attempts to submit the report of the Human Rights Council to the General Assembly without the endorsement of the Committee were a cause for concern and a dangerous precedent with respect to the methods of work of the General Assembly and its subsidiary bodies.
3. **Mr. Khane** (Secretary of the Committee) said that Ecuador and the Russian Federation had joined the sponsors.
4. **Mr. Sparber** (Liechtenstein), speaking on behalf of Australia, Canada, Iceland and New Zealand, said that in General Assembly resolution 65/281 an understanding had been reached on the institutional arrangements between the Human Rights Council and the General Assembly, including its main Committees, pursuant to which the Third Committee would discuss recommendations contained in the report of the Human Rights Council, while it was the responsibility of the General Assembly plenary to take action on the report of the Council. It was disappointing that the draft resolution continued to disregard that understanding by providing for the report to be taken note of in the Third Committee. Such action undermined the Council's mandate, which was regrettable.
5. **Ms. González Tolosa** (Bolivarian Republic of Venezuela), reaffirming the importance of the Human Rights Council as the primary platform for addressing human rights issues on the basis of cooperation and

dialogue with States, said that her country would vote in favour of the draft resolution. However, it maintained its position of opposing country-specific human rights resolutions and special procedures, which were beyond the mandate of the Third Committee and contravened the principles of universality, objectivity and non-selectivity in addressing human rights issues. In that regard, Venezuela disassociated itself from document A/HRC/39/1. Cooperation and dialogue were the appropriate means for the effective promotion and protection of human rights, as called for repeatedly by the Non Aligned Movement. Her delegation called for a continuation of the valuable progress that had been achieved since the establishment of the Human Rights Council. The universal periodic review was the most appropriate mechanism for addressing human rights issues.

6. **Ms. Gebrekidan** (Eritrea) said that her country would support the draft resolution with the conviction that it was imperative for the Third Committee, as a subsidiary organ of the General Assembly, to discuss the report of the Human Rights Council in accordance with General Assembly resolution 60/251. Her delegation's vote should not be interpreted in any way as an endorsement of the report of the Human Rights Council (A/73/53). Eritrea disassociated itself from the part of the report that included resolution 38/15 on the situation of human rights in Eritrea, which was politically motivated and went against the Council's mandate to promote human rights in a universal, objective and non-selective manner.

7. **Ms. Ndayishimiye** (Burundi) said that her country was committed to human rights despite the challenges that it currently faced. Dialogue, cooperation and consensus-based mechanisms like the universal periodic review were the ideal forums for addressing human rights issues without selectivity. The increasing politicization of human rights to satisfy the political interests of certain States undermined the efforts being made by several countries, including Burundi, and was diverting the Human Rights Council from its goals. Some States used the Human Rights Council to submit resolutions that sought to advance their interests while turning a blind eye to massive human rights violations in protected countries. Burundi would therefore maintain its position of principle of rejecting country-specific resolutions and mechanisms and disassociate itself from the part of the report that referred to Burundi, in particular those paragraphs relating to the Commission of Inquiry on Burundi, which was established by the Human Rights Council against the will of the Government of Burundi.

8. **Mr. Aldahhak** (Syrian Arab Republic) said that said that his delegation did not accept the politicization of human rights mechanisms or the use of such mechanisms against specific States in order to further the political goals of other Member States. Syria also did not accept the content of Human Rights Council reports or resolutions regarding Syria. It reiterated the need for professionalism, credibility and objectivity with respect to human rights issues and the avoidance of politicization and double standards when addressing human rights issues.

9. **Mr. Baror** (Israel) said that the Human Rights Council was mandated to be guided by the principles of impartiality, objectivity and non-selectivity, and to work in a constructive, unbiased and non-politicized manner. However, those important principles were, unfortunately, not in evidence when Israel was on the agenda. The establishment of a special agenda item, the holding of around a third of all special sessions and the adoption of over a third of all country-specific resolutions devoted to the topic of Israel, a biased special rapporteur and an endless number of country reports reflected the Council's attitude towards Israel. During the past 48 hours, over 400 rockets had been fired on civilians as a well-calculated strategy by terror organizations to wage war against Israeli civilians, and there was little doubt that the incident would soon be reflected in a report of the Human Rights Council that would find Israel guilty of an unclear charge.

10. By its resolution 31/36, the Council had called for a boycott of Israel through the creation of a database of enterprises by the United Nations High Commissioner for Human Rights, a request that fell outside the purview of the Council and blatantly exceeded the mandate of the High Commissioner; it was an attempt by the biased Council to expand its power into areas in which it had no legal authority. That was an example of prejudice displayed by the Human Rights Council against one Member State that severely damaged the credibility of the Council. Israel called for a recorded vote on the draft resolution under consideration and would vote against the adoption of the report of the Human Rights Council.

11. **Ms. Velichko** (Belarus) said that her delegation did not universally approve of the activities of the Human Rights Council over the reporting period and would therefore vote against the draft resolution. Although the Council had a crucial role to play in upholding human rights, it was increasingly becoming a repressive body that exceeded its mandate for the non-selective monitoring of human rights situations through the universal periodic review. It publicly castigated Member States on political grounds, adopted resolutions that were motivated by the narrow national

interests of a select group of countries and imposed dubious models of social order on Member States. No other United Nations body had such a controversial reputation. In addition, many of the resolutions referred to in the report of the Human Rights Council contradicted the principles of international cooperation and friendly relations between Member States enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights.

12. **Mr. Kickert** (Austria), speaking on behalf of the European Union and its member States, said that the States members of the European Union had had concerns about the initiative since its inception, primarily on procedural grounds. By requesting the Committee to take note of the entire report of the Council, the draft resolution disregarded the agreement reached on the allocation of the report to both the plenary and the Third Committee. The Third Committee should consider and, when necessary, take action only on individual recommendations contained in the report of the Human Rights Council. Since the compromise reached in the General Assembly had been institutionalized as a result of the review of the Council's work, it had been the understanding of the European Union that the matter had been settled. It was therefore disappointing that the draft resolution continued to disregard that common understanding. It was sufficient to consider the report of the Human Rights Council in the plenary of the General Assembly. During the current session, the European Union had expressed its views on the work and functioning of the Council in that forum and had welcomed the opportunity to listen to the views of others on the Council's overall performance.

13. Given the questions that many Member States continued to have regarding the initiative, the European Union hoped that, in the future, open discussions would be held before a draft resolution was tabled under the agenda item. For those reasons, the States members of the European Union would abstain from the vote.

14. *At the request of the delegation of Israel, a recorded vote was taken on draft resolution A/C.3/73/L.56.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Dominica,

Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Belarus, Israel, Myanmar.

Abstaining:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan.

15. *Draft resolution A/C.3/73/L.56 was adopted by 111 votes to 3, with 65 abstentions.*

16. **Ms. Nemroff** (United States of America), speaking in explanation of vote, said that her country continued to view the draft resolution on the report of the Human Rights Council as procedurally unnecessary. More broadly, the United States continued to object to the Council's disproportionate focus on Israel and had concerns about certain other resolutions adopted over

the previous year. The continued membership of some States with particularly poor human rights records undermined the credibility of the Council.

17. **Mr. Thein** (Myanmar), speaking in explanation of vote, said that his country had always supported the Human Rights Council and the universal periodic review process in principle as it believed that it was the most appropriate forum for the discussion of human rights issues. However, the Council had been manipulated by some countries to promote their own political agenda. The three resolutions on Myanmar contained in the report of the Council were politically motivated, lacked impartiality and objectivity, were intrusive in nature and infringed upon national sovereignty. Furthermore, the one sided and biased resolutions on Myanmar had not been adopted by consensus and his delegation had categorically rejected them. Myanmar had therefore voted against the draft resolution.

18. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran), speaking in explanation of vote, said that, despite the proper functioning of the universal periodic review mechanism, it was deeply regrettable that certain countries carried on their well-worn policies of confrontation and recrimination. The insistence on politicization and polarization of human rights, including through the introduction of country-specific resolutions, did no good to the noble cause of human rights. His delegation thus dissociated itself from the part of the Council's report (A/73/53) that included resolution 37/30 on the situation of human rights in the Islamic Republic of Iran and, for that reason, had abstained from the vote.

19. **Ms. León Murillo** (Costa Rica) said that Costa Rica fully supported the work of the Human Rights Council, its special procedures and the universal periodic review mechanism. As a country committed to human rights and the mechanisms of the Organization that promoted and protected those rights, Costa Rica believed that it was vital to preserve the work and decisions of the Human Rights Council. Nevertheless, her delegation had abstained from voting. It was her country's position that the report of the Human Rights Council should be considered in the General Assembly plenary, and that only the recommendations contained in the report should be considered by the Third Committee in accordance with subparagraph 5 (j) of General Assembly resolution 60/251 and paragraph 6 of General Assembly resolution 65/281.

Agenda item 70: Promotion and protection of the rights of children

(a) Promotion and protection of the rights of children (A/C.3/73/L.25)

Draft resolution A/C.3/73/L.25/Rev.1: Protecting children from bullying

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

21. **Mr. De La Mora Salcedo** (Mexico), introducing the draft resolution, said that bullying was a global phenomenon that affected millions of children and adolescents and had long-term consequences. It therefore required a comprehensive response with the participation of parents, teachers, civil society, government authorities and community members. Collective efforts to build awareness and engage in dialogue had led to consensus against all forms of bullying. Fully in line with the Convention on the Rights of the Child, the draft resolution addressed the importance of early childhood, noted the role of technologies and recognized the challenges that persisted in spaces such as sports associations.

22. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Argentina, Armenia, Australia, Austria, the Bahamas, Belgium, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Cyprus, Czechia, the Dominican Republic, El Salvador, Estonia, Finland, the Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, the Federated States of Micronesia, Monaco, Montenegro, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, Saint Kitts and Nevis, San Marino, Sao Tome and Principe, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and the Bolivarian Republic of Venezuela had joined the sponsors.

23. *Draft resolution A/C.3/73/L.25/Rev.1 was adopted.*

Agenda item 73: Right of peoples to self-determination (continued) (A/C.3/73/L.37)

Draft resolution A/C.3/73/L.37: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

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

25. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution, said that its adoption would send a message that the use of mercenaries posed a threat to peace, security, self-determination of peoples and human rights. The draft resolution noted the danger that mercenary activities posed to the peace and security of developing countries, in particular in areas of armed conflict, and recognized that armed conflict, terrorism, arms trafficking and covert operations by third parties increased the demand for mercenaries worldwide.

26. **Mr. Khane** (Secretary of the Committee) said that Angola, Benin, Cameroon, Chad, Egypt, Ghana, Madagascar, Malaysia, Niger, Nigeria, Sao Tome and Principe and the Sudan had joined the sponsors.

27. **Mr. Ndong Mba** (Equatorial Guinea) said that his country had on four occasions suffered from mercenary attempts aimed at overthrowing the Government and taking control of the natural resources of the country. Such attempts had been thwarted with the support of friendly countries, including Zimbabwe in 2014 and Cameroon in 2017. His delegation had sponsored the draft resolution and would vote in favour of it.

28. **Mr. Kickert** (Austria), speaking on behalf of the European Union and its member States, said that the European Union shared many of the concerns of Cuba with regard to the dangers and impact of mercenary activity, which had been highlighted by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self determination, and recognized the negative effect of contemporary forms of mercenary activity. However, the European Union regretted the lack of conceptual clarity in the draft resolution and in the mandate of the Working Group. The Working Group should focus on the role and action of mercenaries, which were defined in international law, not on the activities of private military and security companies. In addition, the Working Group should be replaced by a United Nations independent expert regulating, monitoring and overseeing the activities of private military and private security companies, which would help to establish conceptual clarity and consolidate the future work of the intergovernmental working group.

29. The European Union had proposed deletions and amendments to the draft resolution but, regrettably, they had not been taken into consideration. The wording of paragraph 14, which had been offered by the main sponsors as an alternative text to the problematic paragraph 14 of draft resolution A/C.3/72/L.34, was still controversial and had no relevance to the subject of the

resolution. The confusion in the resolution was unhelpful and ran counter to the legitimate human rights concerns arising from the use of mercenaries and private military and security companies.

30. The European Union was unable to support the draft resolution as presented and would therefore vote against it.

31. *At the request of the delegation of the Austria, a recorded vote was taken on draft resolution [A/C.3/73/L.37](#).*

In favour:

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

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece,

Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Colombia, Fiji, Liberia, Mexico, Palau, Switzerland, Tonga.

32. *Draft resolution [A/C.3/73/L.37](#) was adopted by 131 votes to 52, with 7 abstentions.*

33. **Mr. Mazzeo** (Argentina) said that his Government fully supported the right to self-determination of peoples subjected to colonial domination and foreign occupation, in accordance with General Assembly resolutions [1514 \(XV\)](#) and [2625 \(XXV\)](#). The exercise of the right to self-determination required an active subject, namely a people subjected to alien subjugation, domination and exploitation, without which the right to self-determination was not applicable. The draft resolution just adopted should be interpreted and implemented in keeping with the relevant resolutions of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

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

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) ([A/C.3/73/L.32](#), [A/C.3/73/L.33](#), [A/C.3/73/L.34](#) and [A/C.3/73/L.35](#))

Draft resolution [A/C.3/73/L.32](#): Human rights and unilateral coercive measures

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

35. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution on behalf of the Movement of Non Aligned Countries, said that the Movement was opposed to all unilateral coercive measures, especially when taken to exert political and economic pressure and when used against developing countries. The delegation of Cuba, as coordinator of the Working Group on Human Rights

of the Movement of Non-Aligned Countries, asked Member States to reject the use of such measures by voting in favour of the draft resolution.

36. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors of the draft resolution.

37. **Ms. Nemroff** (United States of America), speaking in explanation of vote before the vote, said that her delegation would vote against the draft resolution, as it had no basis in international law and did not advance the cause of human rights. It was a well-known and long-standing principle that States had the responsibility to protect and promote human rights and fundamental freedoms. The text of the draft resolution was a direct challenge to the sovereign right of States to freely conduct their economic relations and to protect their legitimate national interests, including with respect to national security. Furthermore, the text undermined the international community's ability to respond to offenses against international norms. Unilateral and multilateral sanctions were a legitimate, non-violent means to achieve foreign policy and other objectives.

38. *At the request of the delegation of Austria, on behalf of the European Union, a recorded vote was taken on draft resolution [A/C.3/73/L.32](#).*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and

Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

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

Abstaining:

Brazil, Democratic Republic of the Congo, Palau.

39. *Draft resolution [A/C.3/73/L.32](#) was adopted by 133 votes to 53, with 3 abstentions.*

Draft resolution [A/C.3/73/L.33](#): Enhancement of international cooperation in the field of human rights

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

41. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that it was recognized in the draft resolution that the strengthening of international cooperation was essential to fully achieve the goals of the United Nations, including the effective promotion and protection of all human rights. It further recognized that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue in order to strengthen the capacity of States Members to fulfil their human rights obligations for the benefit of all people.

42. **Mr. Khane** (Secretary of the Committee) said that El Salvador, Paraguay and the Russian Federation had joined the sponsors of the draft resolution.

43. *Draft resolution A/C.3/73/L.33 was adopted.*

44. **Ms. Nemroff** (United States of America) said that her delegation supported increased international cooperation to further protect and promote human rights. However, it disassociated itself from the fifth preambular paragraph because it inappropriately asserted that the enhancement of international cooperation was essential for the effective promotion and protection of human rights. While international cooperation was a useful tool, States had the primary responsibility for the promotion and protection of human rights. States' human rights obligations were not contingent on international cooperation, and the absence of such cooperation could not be invoked to justify a failure to honour those obligations. Similarly, a lack of development could not be invoked to justify any abridgment of human rights.

45. In addition, the draft resolution contained inaccurate wording with respect to the issue of a global food crisis. While the United States agreed that certain populations were experiencing regional crises, particularly in conflict zones, it did not believe that there was currently a global food crisis. Bodies such as the Food and Agricultural Organization had issued warnings about global and regional food prices and price volatility but had made clear that the current situation did not constitute a global food crisis.

Draft resolution A/C.3/73/L.34: Promotion of a democratic and equitable international order

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

47. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution, presented two oral revisions to the text: the words "and reaffirms that Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State" should be added at the end of paragraph 12 and the words "in particular those of the World Bank and the International Monetary Fund" should be deleted from paragraph 22.

48. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Benin, Burundi, the Central African Republic, the Comoros, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ghana, Guinea, India, the Islamic Republic of Iran, the Lao People's Democratic Republic, Libya, Madagascar, Mali, Namibia, the Niger, Nigeria, Saint Vincent and the Grenadines, South Africa, South Sudan, Sri Lanka, the Sudan, the Syrian Arab Republic, Togo, Uganda, the United Republic of Tanzania and Zimbabwe had joined the sponsors of the draft resolution.

Statements made in explanation of vote before the voting

49. **Ms. Nemroff** (United States of America) said that democracy, human rights and the rule of law were critical elements of the foreign policy of the United States. The country's views on the topic of the draft resolution were well known, as were its views on the existence of the "right to development". Because of its reservations about the draft resolution and the controversial and extraneous issues contained therein, the delegation of the United States had requested a recorded vote on the draft resolution and would vote against it.

50. **Mr. Kickert** (Austria), speaking on behalf of the European Union and its member States; European Union candidate countries the former Yugoslav Republic of Macedonia, Serbia and Albania; the stabilization and association process country and potential candidate Bosnia and Herzegovina and the Republic of Moldova, said that the European Union was committed to working towards a democratic, equitable and rules-based international order. While the European Union and its member States had taken note of the report of the Independent Expert on the promotion of a democratic and equitable international order and the draft resolution introduced by the representative of Cuba, they believed that a number of defining elements of the draft resolution extended far beyond the scope of the United Nations human rights agenda, and, as such, were not within the Committee's mandate. For that reason, the European Union and its member States, as in previous years, would vote against the draft resolution.

51. *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.34.*

In favour:

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

Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

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

Abstaining:

Armenia, Brazil, Chile, Colombia, Costa Rica, Liberia, Mexico, Peru.

52. *Draft resolution A/C.3/73/L.34 was adopted by 129 votes to 53, with 8 abstentions.*

Draft resolution A/C.3/73/L.35: Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

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

54. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution, said that a draft resolution on the promotion of peace as a vital requirement for the full enjoyment of all human rights by all had not been presented to the Third Committee since the sixty-ninth session of the General Assembly. Although the theme was usually submitted biennially, a special draft resolution on the

Declaration on the Right to Peace (A/C.3/71/L.29) had been presented at the seventy-first session instead. He presented one oral revision to the text: in paragraph 1, “Welcomes the adoption of the Declaration on the Right to Peace” should be amended to read: “Welcomes the Declaration on the Right to Peace, adopted by the General Assembly on 19 December 2016”. The adoption of the draft resolution would send a strong message about the commitment of the international community to promoting peace.

55. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Belize, Benin, Burundi, China, the Central African Republic, the Comoros, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Guinea, India, the Islamic Republic of Iran, the Lao People’s Democratic Republic, Libya, Madagascar, Mali, Mozambique, Myanmar, Namibia, the Niger, Nigeria, Saint Vincent and the Grenadines, Senegal, Seychelles, South Africa, South Sudan, Sri Lanka, the Sudan and the Syrian Arab Republic had joined the sponsors of the draft resolution.

56. **Mr. Kickert** (Austria), speaking in explanation of vote before the voting, and on behalf of the European Union and its member States, the candidate countries the former Yugoslav Republic of Macedonia, Serbia, Montenegro and Albania; the stabilization and association process country and potential candidate Bosnia and Herzegovina and the Republic of Moldova, said that while full respect for human rights, democracy and rule of law was necessary for the realization of peace and security, the converse was not true: an absence of peace and security could not be used as a justification for a failure to respect human rights. The draft resolution under consideration was similar to one adopted four years earlier, with only minor technical updates and a new paragraph welcoming the Declaration on the Right to Peace adopted by the General Assembly in 2016. The European Union had traditionally voted against that resolution.

57. Furthermore, the current draft failed to touch on the fundamental duties of States towards their own citizens, including the responsibility to ensure respect for human rights, thereby ignoring a core component of the mandates of the Committee and of the Human Rights Council. In addition, no European Union member State had supported the adoption of the Declaration on the Right to Peace in 2016. For those reasons, the European Union and its member States would vote against the draft resolution.

58. *At the request of the delegation of Austria on behalf of the European Union, a recorded vote was taken on draft resolution A/C.3/73/L.35, as orally revised.*

In favour:

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

Against:

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

Abstaining:

Liberia, Tonga.

59. *Draft resolution A/C.3/73/L.35, as orally revised, was adopted by 134 votes to 53, with 2 abstentions.*

Agenda item 65: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued) (A/C.3/73/L.59)

Draft resolution A/C.3/73/L.59: Office of the United Nations High Commissioner for Refugees

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

61. **Ms. Schoulgin Nyoni** (Sweden) speaking also on behalf of Denmark, Finland and Norway, said that the omnibus resolution on the Office of the United Nations High Commissioner for Refugees (UNHCR) was a purely humanitarian, non-political text that would promote the work of UNHCR for the benefit of refugees. The year 2018 was important for the omnibus resolution as the New York Declaration for Refugees and Migrants stipulated that the global compact on refugees was to be adopted in conjunction with the UNHCR resolution. For that reason, the current draft resolution contained four paragraphs on the global compact on refugees. The compact reflected the political will of the international community to operationalize the principle of burden-sharing.

62. The global compact on refugees demonstrated that the international community had made clear progress on refugee issues, as there was now a comprehensive plan to strengthen cooperation and solidarity with refugees and host countries. A spirit of constructive compromise had guided the negotiation process, although no delegation was pleased with every single element of the final result. In past years, the resolution had always been adopted by consensus and had never been brought to a vote.

63. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Argentina, Armenia, Austria, Azerbaijan, Belize, Benin, Czechia, Guatemala, Japan, Liechtenstein, the Federated States of Micronesia, Mongolia, Morocco, New Zealand, the Niger, Nigeria, Paraguay, Serbia, Seychelles, Tunisia, Uganda, Ukraine and Uruguay had joined the sponsors of the draft resolution.

Statements in explanation of vote before the vote

64. **Mr. Ali** (Pakistan) said that his country, as host to the second-largest refugee population in the world, fully understood the burdens and costs associated with

hosting refugees. Despite the constraints imposed on the Pakistani State and society by the large refugee population, refugees had not been used as scapegoats for populist purposes, as they had in other countries.

65. Increasing humanitarian need had stretched the limited financial resources available for supporting refugee-hosting countries, which had their own financial and economic constraints and were not able to take on additional loans. While complementary funding had been offered by development partners to support refugees and host communities, Pakistan had reservations about the modalities of loans that had been introduced by the World Bank to help host countries. Those loans violated the international norm that refugees were a humanitarian issue and thus the responsibility of the international community. Loans to countries to support refugees would put pressure on the economies of host countries by increasing debt and reducing mainstream development assistance. Pakistan joined consensus on the draft resolution and urged stakeholders to demonstrate a constructive spirit ensuring that the new financing modality did not adversely affect the fiscal situations of host countries.

66. **Ms. Bellout** (Algeria) said that as the provisions of the draft resolution were in line with national legislation, and, given that Algeria was host to a large number of refugees, her delegation would vote in favour of the draft resolution.

67. **Mr. Kashaev** (Russian Federation) said that his delegation would vote for the draft resolution and found it regrettable that consensus had been broken. The work of UNHCR was both necessary and important, while the global compact on refugees would help to protect the human rights of refugees, enhance their status and boost the effectiveness of the work of UNHCR. His delegation reiterated its position that it understood the term “responsibility-sharing” in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol relating to the Status of Refugees. The decision to accept refugees should be taken by host States in accordance with their domestic legislation and international obligations. The principle of non-refoulement was not determined by the personal preferences of refugees but was based on objective factors in the State in which they were nationals. He drew attention to the fact that refugees who had committed particularly grievous crimes were not entitled to rights related to refugees, that States’ obligations to guarantee refugees’ labour rights, provide social security and governmental assistance applied only to refugees lawfully staying in their territory and that climate, environmental degradation and natural disasters were not recognized under international law as

reasons for migration. Lastly, he emphasized that the global compact on refugees would not be a legally binding instrument and that the Russian Federation would therefore not be bound by any legal, financial or other obligations under it.

68. **Ms. González Tolosa** (Bolivarian Republic of Venezuela) said that her delegation would vote in favour of the draft resolution and recognized its importance in the context of the New York Declaration for Refugees and Migrants. While appreciating the efforts of UNHCR to promote the global compact on refugees, further work was needed to address the concerns of developing countries and host countries. Her delegation welcomed the support in the draft resolution for refugees’ free and informed choice to return to their country of origin, however, that right should not be violated through the imposition of unilateral coercive measures or other manifestations of neo-colonialism or foreign intervention that paralyzed a country’s economic and social development. In accordance with the Statute of the Office of the High Commissioner for Refugees and General Assembly resolution [46/182](#) on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, the implementation of resolutions, especially on responsibility-sharing with respect to refugees, should not be politicized.

69. **Mr. Tshishiku** (Democratic Republic of the Congo) said that his delegation would vote in favour of the draft resolution because it believed that it was the most coherent measure that could be taken at the international level. In 1994, the Democratic Republic of the Congo had experienced instability after opening its borders to refugees, and the Government believed that the international community should support not only refugees, but also their host States; otherwise, other States could fall into the predicament that his country had faced.

70. *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.59](#).*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, 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, Costa Rica, Côte d’Ivoire,

Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, 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, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, 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:

United States of America.

Abstaining:

Eritrea, Liberia, Libya.

71. *Draft resolution A/C.3/73/L.59 was adopted by 176 votes to 1, with 3 abstentions.*

72. **Ms. Eckels-Currie** (United States of America) said that her delegation had called for a vote and had voted against the draft resolution as its concerns had not been addressed. The United States supported the aim of the global compact on refugees to encourage greater burden-sharing among Member States and other stakeholders, including development actors, refugee-hosting communities and the private sector. The United

States had in the past been a strong supporter of the work of UNHCR to alleviate suffering, provide protection and respect the dignity of refugees, internally displaced persons and stateless persons and remained the largest single donor of humanitarian assistance worldwide, providing nearly \$1.6 billion to UNHCR alone in 2018.

73. However, the draft resolution contained elements that ran counter to the Government's sovereign interests. Specifically, references to the New York Declaration for Refugees and Migrants and its calls for States to implement its provisions were inconsistent with United States immigration policy. The President had made clear public statements opposing global approaches that were incompatible with the country's sovereign interests. Her delegation also had serious concerns about the wording of paragraph 31 regarding alternatives to detention and the "need" to limit the detention of asylum seekers. The United States, consistent with its domestic laws, would detain and prosecute those who entered its territory illegally.

74. The United States reiterated that the global compact on refugees was not legally binding, and that States retained the sovereign right to determine their own immigration laws, policies and practices. Additionally, none of the compact's provisions created or affected rights or obligations of States under international law or otherwise changed the current state of conventional or customary international law. Accordingly, the United States could not accept the wording "affirms the global compact on refugees" and "calls upon" States to implement the compact.

75. **Ms. Bird** (Australia) said that her delegation had voted in support of the draft resolution. Global displacement was a universal challenge and Australia would not shirk its responsibilities to its citizens or the international community. Australia had resettled almost 22,000 refugees for the 2016–2017 period and had increased its regular resettlement programme to 18,750 places for the 2018–2019 period, with a focus on resettling the most vulnerable, including persecuted minorities and women and children.

76. Nevertheless, Australia remained concerned about aspects of the global compact on refugees. Australia believed that States must be able to ensure the security of their borders, manage their resettlement programmes in line with their economic and social circumstances and ensure the integrity of their migration programmes. Australia also wished to restate its position with respect to State consent. International humanitarian law held that in armed conflict, States had a primary obligation to meet the basic needs of the populations under their control, including allowing neutral and impartial

humanitarian relief. Consent to principled humanitarian relief must not be withheld on arbitrary grounds. Further, the specific needs of internally displaced persons should be addressed in accordance with the Guiding Principles on Internal Displacement.

77. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that during the consultation process, his delegation had requested the inclusion of a robust mechanism in the global compact on refugees. Regrettably, the final text did not include concrete formulas, measurable commitments or specific targets for sharing responsibility for hosting and protecting refugees. During the recent negotiations in Geneva on the draft resolution, mechanisms for ensuring equitable burden-sharing among Member States were incorporated. That was an appropriate first step towards ending a situation wherein the majority of refugees was hosted in a few developing countries.

78. While Iran had voted in favour of the draft resolution, it believed that no improvement would be seen until truly effective mechanisms were established to address the needs of refugees. Despite limited resources, Iran had borne a huge burden to mitigate the suffering of refugees and would continue to do so as a matter of principle. Iran deeply regretted that countries whose foreign policy created large numbers of refugees had shut their doors to them, and it urged those States to live up to their basic legal obligations in that regard.

79. **Mr. Habib** (Indonesia) said that his delegation had voted in favour of the draft resolution. Although Indonesia was not party to the global compact, it had accommodated more than 14,000 refugees and asylum seekers. It encouraged the international community to cooperate closely on the details of the compact, in accordance with each country's application of the 1951 Convention relating to the Status of Refugees. More work was needed, in particular, on equitable burden- and responsibility-sharing: the concept did not mean that all refugees should be divided equally, but that all parties must contribute to a solution. Host countries should therefore be provided with tangible support and not be burdened with responsibilities that overstretched their capacities. Since many provinces in Indonesia were having difficulty handling refugees, more studies were needed to ascertain the socioeconomic impact of their presence. Indonesia stood ready to work through the United Nations, the Association of Southeast Asian Nations and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime to tackle the refugee crisis.

80. **Ms. Sudhidhane** (Thailand) said that the global compact was an important manifestation of the

international community's political will and ambition to strengthen support for refugees and affected host communities. As a country that hosted many refugees, Thailand firmly supported more equitable and predictable burden- and responsibility-sharing and had therefore voted in favour of the draft resolution.

81. **Mr. Kickert** (Austria), speaking on behalf of the European Union and its member States, said that Norway also aligned itself with his statement. European Union member States fully supported the global compact and commended UNHCR for the inclusive, transparent and comprehensive process leading to its development. The comprehensive refugee response framework, which had guided and inspired the compact, had already served as a catalyst for change and had generated positive results for host countries, communities and refugees. If adopted by the General Assembly, the compact would signal a further shift towards a global approach to refugee protection and solutions.

82. **Ms. Pritchard** (Canada) said that her delegation welcomed the adoption of the draft resolution but was dismayed that a vote had been requested on it for the first time in the history of the Third Committee. Canada provided UNHCR with timely, multi-year, unearmarked and flexible funding and strongly supported its mandate. The draft resolution at the current session was particularly important because the General Assembly would soon vote on the final draft of the global compact. Canada reiterated its unwavering support for the global compact, which offered a unique opportunity to build international solidarity and helped not only refugees but also host communities. It also provided a road map for future actions in priority areas for Canada, such as health and women's rights. She encouraged all Member States to work towards the full implementation of the global compact.

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

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/73/L.44 and A/C.3/73/L.57)

Draft resolution A/C.3/73/L.44: Moratorium on the use of the death penalty

83. **Mr. Vieira** (Brazil), speaking on behalf of Albania, Angola, Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia,

Lithuania, Luxembourg, Malta, Mexico, the Federated States of Micronesia, Mongolia, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom, said that the draft resolution was largely modelled on the draft resolution on the same theme submitted at the seventy-first session of the General Assembly. During negotiations on the text, language had been removed or adjusted in seven paragraphs. Language had been added on the need to ensure that the death penalty was not applied on the basis of discriminatory laws; to express concern at recent reports by the Secretary-General indicating that poorer people, minorities and foreign nationals were disproportionately represented among those sentenced to the death penalty; on the need for those facing the death penalty to have access to legal counsel; and on the need for Member States to consider removing the mandatory application of the death penalty. The additions brought added value to the text and further aligned it with the provisions of international human rights law and relevant trends.

84. Although the main sponsors of the draft resolution fully respected the right of each State to determine its own stance on the death penalty, they had decided not to include a paragraph on sovereignty that had been inserted through a voted amendment at the seventy-first session. The decision not to include language on sovereignty stemmed from substantive and systemic considerations that had been explained to all interested delegations before, during and after the informal consultations.

85. **Mr. Khane** (Secretary of the Committee) said that Algeria, Andorra, Burkina Faso, Cabo Verde, the Central African Republic, Colombia, Côte d'Ivoire, Dominica, the Dominican Republic, Eritrea, Gabon, Israel, Madagascar, the Federated States of Micronesia, Panama, Samoa, San Marino, Sao Tome and Principe, the former Yugoslav Republic of Macedonia, Togo and Uruguay had joined the sponsors.

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

87. **Mr. Gafoor** (Singapore), introducing the draft amendment contained in document [A/C.3/73/L.57](#), said that the amendment proposed by his delegation was simple and neutral. It did not advocate a position on the substance of the draft resolution or question policies adopted by others but reaffirmed the principle that every country had the sovereign right to develop its own legal systems in accordance with its obligations under international law. Even though his delegation had been an active participant in the informal consultations,

almost none of its substantive amendments, including the paragraph on sovereignty, had been accepted by the proponents of the draft resolution. The atmosphere during the consultations had been courteous, but there had been scant actual discussion, as it had been clear that the proponents of the draft resolution were not prepared to change their approach or accept substantive amendments. Singapore and a group of other countries therefore had no alternative but to table the amendment on sovereignty.

88. The amendment did not contain new wording but reintroduced language from the previous draft resolution. Importantly, it did not advocate the use of the death penalty but defended the principle that each country had the sovereign right to determine its own legal systems and penalties. Malaysia, for example, had recently exercised that right by making the political choice to abolish the death penalty; that decision had not been imposed on it by a foreign capital or under a United Nations resolution. The international community must respect all sovereign rights, whether to adopt a moratorium or apply the death penalty. The proponents of the draft resolution, on the contrary, were reluctant to accept the sovereign rights of countries that held a view different from their own.

89. Some sponsors of the draft resolution had asserted that the amendment set a bad precedent by allowing countries to invoke the principle of sovereign rights in the Third Committee, but it was the draft resolution itself that set a bad precedent by allowing a group of countries to impose a particular legal system on the rest of the world. The text was deeply flawed and unbalanced: it did not acknowledge that international law permitted the application of the death penalty for serious crimes, in particular, under article 6.2 of the International Covenant on Civil and Political Rights. It also failed to mention that use of the death penalty was a criminal justice issue, not one of human rights. While it was true that the Second Optional Protocol to the International Covenant on Civil and Political Rights called for the abolition of the death penalty, that was only binding on parties to that treaty; it did not create rights and obligations for non-parties without their consent. Only 86 States had ratified the Second Optional Protocol, which accounted for less than half the United Nations membership. The basic weakness of the draft resolution was that it tried to impose a norm where there was no consensus. If one group of countries could impose its views, what would stop other countries from doing the same?

90. The amendment was fundamentally about respect for a multilateral, rules-based system. Under such a system, when there was no agreement on the rules,

Member States had a collective responsibility to engage in dialogue to try to reach consensus. If consensus could not be achieved, the solution should not be to impose the views of one group on the rest of the world, especially on issues relating to culture, social values and legal systems. Under the multilateral system, no system or culture was superior to any other, and yet the proponents of the draft resolution had recently mobilized their vast machinery and diplomatic network with the single purpose of defeating his delegation's proposed amendment. He called on all delegations to vote in favour of the amendment in order to defend the principles of the Charter of the United Nations, sovereignty and mutual respect among nations.

91. **Mr. Khane** (Secretary of the Committee) said that Malaysia, Palau, Saint Lucia, the Sudan, the Syrian Arab Republic and Uganda had joined the sponsors.

92. **Mr. Vieira** (Brazil) said that his delegation fully respected the right of each State to determine its own stance on the death penalty, however, nothing in the draft resolution contradicted that principle. The amendment was unacceptable both for substantive and systemic reasons that had been explained to delegations before, during and after the informal consultations. Since the attempts to reach a compromise on the wording of the text had failed to bridge the divergent opinions, he requested a recorded vote on the proposed amendment.

93. **Mr. Moussa** (Egypt) said that his delegation supported the statement by the representative of Singapore. During negotiations on the draft resolution, sponsors had failed to heed numerous delegations' repeated requests to include paragraph 1 of the amended draft resolution on the same theme adopted at the seventy-first session. The paragraph in question had reaffirmed the principle of the sovereignty of Member States as enshrined in the Charter of the United Nations. The argument that such an amendment was contrary to the spirit of the draft resolution was fundamentally flawed since the draft resolution was itself already guided by the purposes and principles of the Charter, and thus implicitly, by the principle of sovereignty.

94. **Mr. Kelapile** (Botswana) said that his delegation supported the amendment proposed by Singapore as it would not alter the substance of the draft resolution but strengthen protection of the sovereign rights of each nation.

95. **Mr. García Moritán** (Argentina) said that the adoption of the draft resolution in its current form would enhance respect for human dignity and strengthen human rights. The text entailed respect for State sovereignty in accordance with international law and

was not designed to interfere with a State's legislative powers. On the contrary, as established in the initial paragraphs, its aim was to encourage States to consider the moratorium on the use of the death penalty in the context of the principles and purposes of the Charter of the United Nations and international human rights law. Its provisions did not impose obligations on States to change their domestic legal order, especially their criminal justice system, but emphasized the importance of national discussions and debates, without prejudicing their outcome. His delegation would vote against the proposed amendment because it considered that the insertion of a paragraph on sovereignty would be of no added value or legal significance.

96. **Mr. Kickert** (Austria), speaking on behalf of the European Union and its member States, said that 115 States had voted in favour of the draft resolution on the same subject two years earlier, despite their differing stances on the death penalty. The diversity of support reflected the breadth and inclusivity of the text. The sponsors of the draft resolution had not avoided the issue of sovereignty during negotiations at the current session but had felt that the insertion of the paragraph proposed by the delegation of Singapore would in no way improve the text. In its current form, the draft resolution did not compel Member States to adjust their criminal justice systems or assert that use of the death penalty violated international law. Indeed, the reference to the Charter of the United Nations in the first paragraph of the text should serve as sufficient assurance of State sovereignty. Accusations that certain delegations had used diplomatic machinery to leverage support for the draft resolution were conspiracy theories; sponsors had reached out to convince Member States in the same way that they always did, without undue pressure.

97. European Union member States would be unable to vote in favour of the amendment. The inclusion of the proposed paragraph would set a dangerous precedent, especially since no equivalent proposals had been made in other draft resolutions. During negotiations, the sponsors had responded constructively to principled opposition and adjusted their position accordingly whenever arguments were well founded. As a result, seven paragraphs had been amended. The proposed amendment, however, was a solution to a problem that did not exist. He encouraged all Member States to vote against it.

98. **Ms. Pritchard** (Canada) said that his delegation regretted that the amendment had been proposed. Canada supported the sovereign right of all countries to develop their own legal systems, but the additional paragraph was both unnecessary and unhelpful. It was

unnecessary because the first preliminary paragraph provided that the draft resolution was guided by the purposes and principles contained in the Charter of the United Nations, which included the principle of State sovereignty. It was unhelpful because the text already represented a fine balance between the rights of Member States to determine their own legal systems and the need for them to uphold their obligations under international human rights law. Many compromises had already been made by all parties to preserve that balance and incorporate the concept of sovereignty into the text. Her delegation would vote against the amendment and encouraged others to do the same.

99. *At the request of the delegation of Brazil, a recorded vote was taken on the proposed amendment to draft resolution A/C.3/73/L.44 contained in document A/C.3/73/L.57.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Nauru, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Papua New Guinea, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan, Viet Nam, Yemen, Zambia and Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea-

Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Vanuatu.

Abstaining:

Central African Republic, Djibouti, Dominica, Eswatini, Guatemala, Guinea, Lebanon, Liberia, Mozambique, Nepal, Republic of Korea, Samoa, Sri Lanka and Togo.

100. *The proposed amendment to draft resolution A/C.3/73/L.44 contained in document A/C.3/73/L.57 was adopted by 96 votes to 73, with 14 abstentions.*

The meeting rose at 1.05 p.m.