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Third Committee**Summary record of the 51st meeting**

Held at Headquarters, New York, on Friday, 16 November 2018, at 3 p.m.

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

Agenda item 28: Social development (continued)

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (continued) (A/C.3/73/L.6/Rev.1, A/C.3/73/L.18/Rev.1 and A/C.3/73/L.19/Rev.1)

Draft resolution A/C.3/73/L.6/Rev.1: Inclusive development for and with persons with disabilities

1. **Mr. Penaranda** (Philippines), introducing the draft resolution on behalf of the sponsors listed in the document, said that some changes had been made to the text since it had last been considered in 2016. The title of the draft resolution had been amended to “Inclusive development for and with persons with disabilities”, the “and with” having been added for consistency with the principle “nothing about us without us”. The Secretary-General’s decision to conduct an institutional review of the current United Nations approach to mainstreaming disability across its operations was also acknowledged. The draft resolution now stressed that persons with disabilities, including children, had the right to inclusive and equitable education and lifelong learning, and urged Member States to ensure full access to education and lifelong learning opportunities for persons with disabilities on an equal basis with others. The elimination of barriers that prevented persons with disabilities from accessing water, sanitation and hygiene was encouraged and the importance of assistive technologies was recognized. Lastly, the draft resolution requested that Member States continue to collect and submit data to the United Nations to inform policymaking. Member States had decided to discuss how best to present the data, including through a flagship report, at the seventy-fifth session of the General Assembly.

2. **Mr. Khane** (Secretary of the Committee) said that Albania, Algeria, Andorra, Angola, Argentina, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liberia, Libya, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mexico, Mongolia, Montenegro, Morocco, the Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Saint Kitts and Nevis,

Samoa, San Marino, Senegal, Serbia, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Thailand, Togo, Tunisia, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, Uruguay, the Bolivarian Republic of Venezuela and Viet Nam had joined the sponsors.

3. *Draft resolution A/C.3/73/L.6/Rev.1 was adopted.*

4. **Ms. Korac** (United States of America) welcomed the Secretary-General’s decision to conduct an institutional review of the current United Nations approach to mainstreaming disability across its operations, which would strengthen the ability of the United Nations system to address the needs of individuals with disabilities. Her delegation also welcomed the fact that the draft resolution no longer placed emphasis on the World Programme of Action Concerning Disabled Persons, since the rights of persons with disabilities should be promoted from a human rights perspective, rather than on the basis of an outdated charity and medical model. However, she said that the full application and implementation of the international normative framework on persons with disabilities and human rights and development, mentioned in the eighteenth preambular paragraph, should be referred to as a commitment, rather than a duty. Lastly, her delegation fully supported the call for access to education, participation and benefits without discrimination. In the United States, decisions regarding education were made in line with the respective federal, state and local authorities.

Draft resolution A/C.3/73/L.18/Rev.1: Follow-up to the Second World Assembly on Ageing

5. **Mr. Khane** (Secretary of the Committee), presenting a statement of programme budget implications in accordance with rule 153 of the rules of procedure of the General Assembly, said that, pursuant to paragraph 51 of the draft resolution, it was envisaged that a four-day session of the Open-ended Working Group on Ageing, consisting of four meetings, with interpretation in all six languages, would be held in April 2019. That would constitute an addition to the meetings workload for the Department for General Assembly and Conference Management in 2019. However, the requirements in meeting services in 2019 in the amount of \$67,200 would be met from within existing resources. Meeting services requirements for the annual sessions of the Working Group in future years would be considered in the context of the respective proposed programme budgets. Accordingly, should the General Assembly adopt draft resolution A/C.3/73/L.18/Rev.1, no additional requirements would

arise under the programme budget for the biennium 2018–2019.

6. **Ms. Abdelkawy** (Egypt), introducing the draft resolution on behalf the Group of 77 and China, said that the text recognized the successful conclusion of the third review and appraisal of the Madrid International Plan of Action on Ageing and acknowledged the recommendations made by the Commission for Social Development at its fifty-sixth session. It also included important inputs from the report of the Secretary-General (A/73/213) relating to long-term care strategies to support care workers for older persons, and information on the impact of the social exclusion of older persons from the report of the Independent Expert on the enjoyment of all human rights by older persons (A/HRC/39/50).

7. The draft resolution highlighted the importance of supporting national efforts to provide funding for research that would enable a better understanding of how to promote ageing in a way that was not adversely affected by rapid urbanization and gentrification. It also emphasized the need to take effective measures against ageism and to view older persons as active contributors to society rather than as passive recipients of care and assistance. Lastly, the draft resolution requested support for the organization of the tenth session of the Open-ended Working Group on Ageing, with the aim of facilitating a more fruitful interaction among the members of the Working Group and fulfilling its mandate.

8. **Mr. Khane** (Secretary of the Committee) said that Austria, Croatia, Ireland, Israel, Italy, Malta Montenegro, Norway, Portugal, the Republic of Korea, San Marino, Serbia, Slovakia, Slovenia, Turkey and the United Kingdom of Great Britain and Northern Ireland had joined the sponsors.

9. *Draft resolution A/C.3/73/L.18/Rev.1 was adopted.*

10. **Ms. Korac** (United States of America) said that her delegation had been pleased to join the consensus. The draft resolution called on Member States to protect and assist older persons in emergency situations in accordance with the Madrid International Plan of Action on Ageing and the Sendai Framework for Disaster Risk Reduction 2015–2030. Her delegation noted that both of those documents were voluntary and other documents were also relevant to the protection and assistance of persons in humanitarian crisis situations, including older persons, such as the Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster and the Guiding Principles on Internal Displacement.

Draft resolution A/C.3/73/L.19/Rev.1: Follow-up to the twentieth anniversary of the International Year of the Family and beyond

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

12. **Ms. Abdelkawy** (Egypt), introducing the draft resolution on behalf of the Group of 77 and China, said that the objectives of the International Year of the Family and its follow-up processes remained relevant and useful. Among the changes to the text in 2018, the draft resolution encouraged Member States to continue to enact inclusive and responsive family-oriented policies for poverty reduction, focusing on areas such as inclusive and quality education and lifelong learning for all, full and productive employment, social security and social cohesion.

13. **Mr. Khane** (Secretary of the Committee) said that Turkey had joined the sponsors.

14. **Mr. De La Mora Salcedo** (Mexico) said that, although the family was the fundamental nucleus of society, its structure varied according to the social, cultural, legal and political context. The national programme for equality and non-discrimination in Mexico clearly established that Mexican society was composed of a multiplicity of families. Public policymaking therefore included full respect for sexual and gender diversity through campaigns that recognized all the structures, manifestations and diversity of family forms and communities. All families were protected by the State and, in line with its Constitution, Mexico rejected all forms of discrimination against them.

15. *Draft resolution A/C.3/73/L.19/Rev.1 was adopted.*

16. **Mr. Charwath** (Austria), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; and the stabilization and association process country Bosnia and Herzegovina, said that the European Union attached great importance to family-related issues and its member States shared the view that families made a valuable contribution to strengthening society and that policies must be developed to support their role. For policies to be successful, however, they must also be inclusive and responsive to the changing needs of families. Across the European Union and in the rest of the world, families had changed and would continue to evolve in response to economic and social developments. The text was a considerable improvement in that regard; it recognized the need for inclusive and responsive family policies, gender-

sensitive family protection systems for tackling poverty, special attention to families in vulnerable situations, and the need to work with the right array of stakeholders in the development and implementation of those efforts.

17. In all discussions on family and family policies, it must be recognized that various forms of the family existed in different cultural, social and political systems. The States members of the European Union understood all references to “family” in the draft resolution to reflect that fact.

Agenda item 29: Advancement of women (*continued*)
(A/C.3/73/L.7/Rev.1 and A/C.3/73/L.60)

Draft resolution A/C.3/73/L.7/Rev.1: Trafficking in women and girls

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

19. **Mr. Penaranda** (Philippines), introducing the draft resolution on behalf of the sponsors listed in the document, said that the text presented a comprehensive approach to preventing, combating and eradicating all forms of human trafficking in women and girls. Among other changes, the draft resolution now took account of the positive role that technology could play in combating human trafficking.

20. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Argentina, Australia, Bahamas, Bangladesh, Belgium, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Cyprus, Czechia, the Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Finland, France, Georgia, Greece, Guatemala, Guinea, Guinea-Bissau, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Mexico, Monaco, Montenegro, Morocco, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Panama, Peru, Portugal, the Republic of Korea, Romania, San Marino, Sao Tome and Principe, Senegal, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Thailand, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Uruguay, the Bolivarian Republic of Venezuela and Zambia had joined the sponsors.

21. **Ms. Velichko** (Belarus) said that her delegation had been pleased to join the sponsors of the draft resolution and commended the transparent and open manner in which the consultations had been conducted. Her delegation welcomed the call in the draft resolution for Governments to intensify their efforts to counter the

demand that fostered trafficking in women and girls. Countering the demand for human commodities should be at the heart of efforts to eliminate trafficking in persons. In the age of rapid technological progress, the activities of traffickers were becoming more sophisticated. Belarus therefore supported the language in the draft resolution both on the need for the responsible use of media, particularly the Internet, with a view to eliminating the exploitation of women and children that could foster human trafficking, and on the dissemination by the media of information regarding the dangers of human trafficking and the means used by traffickers. The practical implementation of the draft resolution should form part of further collective efforts to enhance coordination in the fight against trafficking in persons, including by strengthening partnerships.

22. **The Chair** drew attention to the draft amendment contained in document A/C.3/73/L.60, which requested the deletion of the sixteenth preambular paragraph of draft resolution A/C.3/73/L.7/Rev.1. Accordingly, the amendment contained no programme budget implications.

23. **Mr. Omer Mohamed** (Sudan) said that during the informal consultations, his delegation had expressed its objection to the sixteenth preambular paragraph because it gave the impression that the International Criminal Court was the only competent authority to consider gender-based crimes and ignored the fact that not all States were parties to the Rome Statute of the International Criminal Court. Furthermore, the paragraph disregarded the existence of numerous other national, regional and international mechanisms that addressed such questions. Therefore, his delegation had worked assiduously during the informal consultations to introduce changes to the draft in order to arrive at a balanced text that would garner consensus. However, those efforts had not borne fruit. The conduct of the consultations had left the Sudan no option but to put forward an amendment. The imposition of a particular court system as a basic frame of reference for all was not consistent with the letter and spirit of international law, including the Vienna Convention on the Law of Treaties.

24. His Government had always made efforts to combat impunity within the framework of international law, which guaranteed justice and equality among States and preserved national sovereignty. It was therefore concerned over the attempt to universalize and impose the International Criminal Court on all United Nations Member States.

25. References to the Court contributed to the politicization of draft resolutions, thereby weakening

and complicating them. The Committee's objectives should not be undermined in that way, and it should not be used as a forum to promote the Court. Furthermore, there was no practical utility to such references, as the Court was unable and unwilling to deal with cases unless they involved African States. That was clear to anyone who had examined the Court's track record. On that basis, his delegation was calling for the deletion of the sixteenth preambular paragraph from the draft resolution.

Statements made in explanation of vote before the voting

26. **Mr. Charwath** (Austria), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, said that the European Union was a long-standing supporter of the resolution and was firmly committed to combating human trafficking.

27. The amendment proposed by the representative of the Sudan was deeply regrettable. The sixteenth preambular paragraph had been in the resolution since 2003 and was a simple factual statement that acknowledged the inclusion of gender-related crimes in the Rome Statute. The International Criminal Court was not being given special attention, since numerous other non-universal legal instruments were also referenced in the draft resolution. Fighting impunity for the most serious crimes was critical to a fair and just society, and peace and justice were complementary, not mutually exclusive. European Union member States strongly supported the International Criminal Court, which enabled victims to obtain justice for the most serious crimes when it was not possible at the national level. All perpetrators of such crimes must be held accountable; a key element of the Rome State was its equal application. The creation of the Court had provided victims of atrocity crimes with the opportunity to be heard and to seek justice and redress. The 28 States members of the European Union would therefore vote against the draft amendment.

28. **Ms. Ellertsdottir** (Iceland), speaking also on behalf of Australia, Canada, New Zealand, Norway and Switzerland, said that the sixteenth preambular paragraph had been consensus language for years. It acknowledged the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court. The Rome Statute was one of the first international treaties to extensively address conflict-related sexual and gender-based violence as crimes against humanity, war crimes and, in some instances, genocide. The Court

thus had a key role to play in ending impunity for gender-related crimes and bringing justice to victims where national courts were unwilling or unable to exercise jurisdiction. Australia, Canada, Iceland, New Zealand, Norway and Switzerland would therefore vote against the draft amendment and called upon all Member States to do likewise.

29. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/73/L.7/Rev.1 contained in document A/C.3/73/L.60.*

In favour:

Bahrain, Belarus, Burundi, Cameroon, China, Egypt, Equatorial Guinea, Eritrea, Iraq, Israel, Mauritius, Oman, Pakistan, Russian Federation, Saudi Arabia, Sudan, Syrian Arab Republic, United States of America, Yemen.

Against:

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

Abstaining:

Algeria, Angola, Bahamas, Bhutan, Brunei Darussalam, Cambodia, Ethiopia, Fiji, India, Indonesia, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Malaysia, Maldives, Mauritania, Morocco, Mozambique, Qatar, Rwanda, Saint Vincent and the Grenadines, Sao Tome and

Principe, Sierra Leone, Singapore, Sri Lanka, Thailand, Turkey, Uganda, United Arab Emirates, Viet Nam.

30. *The proposed amendment to draft resolution A/C.3/73/L.7/Rev.1 contained in document A/C.3/73/L.60 was rejected by 101 votes to 19, with 34 abstentions.*

31. **Ms. Ndayishimiye** (Burundi) said that her delegation had voted in favour of the proposed amendment. Although Burundi supported the draft resolution, it had withdrawn from the International Criminal Court owing to its ineffectiveness and politicization, and the sixteenth preambular paragraph was therefore not relevant to her country.

32. **Mr. Omer Mohamed** (Sudan) said that his delegation respected and appreciated the choices made by other States and called on them to respect its rejection of International Criminal Court jurisdiction over States that did not recognize the Court. That categorical and non-derogable principle was clearly stated in the Vienna Convention on the Law of Treaties. His delegation would nevertheless join the consensus on the draft resolution because it addressed the serious global challenge of human trafficking, particularly of women and girls, and the Sudan and the European Union were currently working to combat that phenomenon through the implementation of a joint programme. Human trafficking had become a global problem faced by most countries of the world, requiring redoubled international and regional anti-trafficking efforts.

33. The draft resolution contained positive elements, including initiatives the international community could implement to combat trafficking, and the Sudan agreed with the main sponsor of the draft resolution that trafficking in women and girls was a scourge with no place in the world. However, he noted that two countries at the forefront of combating human trafficking had sponsored the draft resolution but had nevertheless objected to the insertion of the troublesome reference to the International Criminal Court.

34. *Draft resolution A/C.3/73/L.7/Rev.1 was adopted.*

35. **Ms. Hermann** (Austria) said that, in the light of the fact that her Government had decided not to join the Global Compact for Safe, Orderly and Regular Migration and had not sent an official representative to the Intergovernmental Conference to Adopt the Global Compact, her delegation did not support the wording “taking note with appreciation” or “welcomes the convening of the Intergovernmental Conference” in preambular paragraph 10 of the draft resolution and would have preferred neutral wording. The Global

Compact did not establish any legal obligations for Austria and could not lead to the emergence of customary international law. However, given the importance that Austria placed on combating trafficking in persons and on supporting and protecting victims of trafficking, her delegation had joined the consensus on the draft resolution.

36. **Ms. Kaszás** (Hungary) said that her delegation had joined the consensus on the draft resolution but had concerns about preambular paragraph 10. Irregular migration flows presented major challenges to countries of origin, transit and destination. International efforts must therefore aim to halt migration flows, combat irregular migration and trafficking in and smuggling of persons, and tackle the root causes of migration by providing the conditions necessary to enable people to remain and prosper in their homelands. It was the sovereign right of States to decide whom to admit into their territories, to exercise control over their borders and to uphold the safety and security of their citizens. Owing to the lack of sufficient recognition of those principles in the Global Compact for Safe, Orderly and Regular Migration, Hungary disagreed with the way in which the Compact was referred to in preambular paragraph 10 of the draft resolution. In addition, paragraph 34 seemed to create misleading links between migration and employment. Labour, social and demographic policies fell under domestic legislation.

37. **Ms. Korac** (United States of America) said that, over the past two years, her Government had increased its engagement with the United States Advisory Council on Human Trafficking, which gave trafficking survivors a meaningful seat at the table to help to guide anti-trafficking policies and ensure the adoption of a victim-centred approach by the Government.

38. However, her delegation wished to disassociate itself from paragraph 31 of the draft resolution and was disappointed that it had not been able to join the sponsors of the draft resolution owing to the inclusion of overtly controversial language on sexual and reproductive health and on migration. The United States believed that women should have equal access to reproductive health care and remained committed to the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development. There had been international consensus that those documents did not create new international rights, including any right to abortion. The United States fully supported the principle of voluntary choice regarding maternal and child health and family planning. It did not recognize abortion as a method of family planning or support abortion in its reproductive health assistance. The United States was

the largest bilateral donor for reproductive health and family planning assistance.

39. Her delegation also wished to disassociate itself from preambular paragraph 10 of the draft resolution. The United States did not support the Global Compact for Safe, Orderly and Regular Migration and objected to the references thereto in the draft resolution. The United States had not participated in the negotiations on the Compact and would not endorse the instrument. It should therefore be clear that the United States was not bound by any commitments or outcomes stemming from or contained in the Compact. Decisions about whom to admit for residency or to whom citizenship should be granted were among the most important sovereign decisions a country could make and were not subject to negotiation in international instruments or forums. The United States maintained the sovereign right to facilitate or restrict access to its territory in accordance with its national laws and policies, while providing relevant protections consistent with its international obligations. The United States recognized the right of every nation to set its own immigration policy in accordance with its national interests. Migration should not be governed by an international body that was not accountable to the citizens of the United States.

Agenda item 72: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/73/L.52/Rev.1 and A/C.3/72/L.68)

Draft resolution A/C.3/73/L.52/Rev.1: A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Work

40. **The Chair** drew attention to the statement of programme budget implications contained in document [A/C.3/73/L.68](#).

41. **Ms. Abdelkawy** (Egypt), introducing the draft resolution on behalf of the Group of 77 and China, said that the Group was deeply concerned by the alarming resurgence of contemporary forms of discrimination and the incitement to hatred and intolerance, racial profiling and negative stereotyping in many parts of world. All forms of racism, racial discrimination, xenophobia and related intolerance constituted serious violations of human rights and must be rejected by all possible means. The draft resolution aimed to contribute to

strengthening international efforts to address that important topic. The Group welcomed the constructive engagement during the negotiations and hoped that the current text would be acceptable to all delegations.

42. **Mr. de Souza Monteiro** (Brazil) said that his delegation had been proud to join the sponsors of the draft resolution. It welcomed the creation of a forum on people of African descent. However, further discussions were needed on the modalities of such a forum, including its duration, venue and structure. Priority should be given to establishing it in a manner that guaranteed coordination and efficiency. Brazil welcomed the meeting of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action in October 2018 and looked forward to supporting its mandate.

43. **Ms. Ben-Ami** (Israel) said that the Jewish people had fought against racism throughout their history. Israel had therefore always been outspoken in the fight against racism, racial discrimination, xenophobia and related intolerance. Israel had joined other States in Durban, South Africa, 17 years ago with the expectation that the plague of racism could be combated through cooperation. A small group of States, however, had pursued a different objective, namely, to defame, demonize and delegitimize the State of Israel. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had been hijacked by the same countries that had hijacked so many other meetings to advance their destructive agenda. Given the importance of eliminating racism, Israel had tried, as it had done in the past, to engage on the draft resolution, but to no avail. Her delegation therefore had no choice but to call for a vote and would vote against the draft resolution.

Statements made in explanation of vote before the voting

44. **Ms. Simpson** (United States of America) said that the firm commitment of her country to combating racism and racial discrimination was rooted in the saddest chapters of its history. The United States continued to implement the International Convention on the Elimination of All Forms of Racial Discrimination, which provided comprehensive protections in that area and was the most relevant international framework for addressing all forms of racial discrimination. The United States sought to raise the profile of the International Decade for People of African Descent. It was convinced that the best antidote to offensive speech was not bans and punishments, but a combination of robust legal protections against discrimination and hate crimes, proactive Government outreach to communities and vigorous protection of the freedom of expression.

45. Regrettably, her delegation could not support the draft resolution because the text was not genuinely focused on combating racism, racial discrimination, xenophobia and related intolerance. Among its concerns were the endorsements of the Durban Declaration and Programme of Action, the outcome of the Durban Review Conference and overbroad restrictions on freedom of speech and expression. Her delegation rejected any efforts to advance the “full implementation” of the Durban Declaration and Programme of Action. Rather than providing a comprehensive and inclusive way forward to combat the scourge of racism and racial discrimination, the draft resolution perpetuated the divisions caused by the World Conference and its follow-up. Furthermore, the United States could not accept the legally incorrect implication in the draft resolution that any reservation to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination was incompatible with the object and purpose of the treaty. Her delegation reiterated that the draft resolution had no bearing on international law. It also categorically rejected the call upon former colonial Powers for reparations, consistent with paragraphs 157 and 158 of the Durban Programme of Action.

46. Lastly, the United States expressed its concerns about the additional costs under the regular budget for the reactivation of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action. In view of the significant constraints on the regular budget and the limited ability of Member States to provide increasing amounts of resources, the United States stressed the need to consider carefully the resource implications of such requests. For those reasons, the United States would vote against the draft resolution.

47. **Mr. Charwath** (Austria), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova, said that the European Union remained fully committed to the total elimination of racism and related intolerance, as well as the promotion and protection of human rights for all without discrimination on any grounds. Racism and its contemporary forms, including those related to extremist ideologies such as neo-Nazism, should be addressed in a balanced and comprehensive way by implementing effective measures at the national, regional and international levels, in particular through the ratification and full implementation of the International Convention on the Elimination of All

Forms of Racial Discrimination. The European Union remained firmly committed to the primary objectives and commitments undertaken at the 2001 World Conference.

48. While the European Union appreciated the efforts of the South African delegation to hold constructive and transparent informal consultations, it would have liked to see a process directed towards finding genuine consensus on the draft resolution. The European Union had engaged constructively in discussions; regrettably, none of its proposals had been included. As a result, the draft resolution had not brought the Member States closer to consensus. The thrust of the proposals made by the European Union was to reaffirm that the Convention was and should remain the basis of all efforts to prevent, combat and eradicate racism, as there was no evidence that the Convention had gaps or failed to address contemporary forms of racism. The European Union therefore did not believe that the declaration proposed in the draft resolution would be appropriate.

49. Another proposal made by the European Union was to clarify that the General Assembly had endorsed only the programme of activities for the implementation of the International Decade for People of African Descent, while it had decided not to endorse the programme of action. The European Union had also sought to avoid the proliferation and duplication of Durban follow-up mechanisms. Resources should be devoted primarily to supporting concrete measures to combat racism and all forms of discrimination on the ground. The European Union had also made proposals with a view to correctly reflecting the language of the Durban Declaration and Programme of Action and regretted that those proposals had not been taken into consideration or reflected in the draft resolution.

50. Rather than demonstrating unity in the fight against racism, Member States continued to introduce draft resolutions that were divisive. For those reasons, the States members of the European Union regrettably continued to be unable to support the draft resolution.

51. *At the request of the representatives of Israel and the United States of America, a recorded vote was taken on draft resolution A/C.3/73/L.52/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Argentina, 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, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's

Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, 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, 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, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czechia, France, Germany, Israel, Japan, Marshall Islands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, 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, Ukraine.

52. *Draft resolution A/C.3/73/L.52/Rev.1 was adopted by 128 votes to 10, with 42 abstentions.*

53. **Mr. Mori** (Japan) said that his Government reiterated its strong commitment to the total elimination of racism, racial discrimination and xenophobia through the promotion and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. However, Japan had serious concerns about the establishment of a permanent forum on people of African descent, as decided in paragraph 12 of the

draft resolution. Institutional issues in the United Nations should be decided by consensus. The modalities and activities of the forum were not clearly defined in the draft resolution. Furthermore, as the statement of programme budget implications had been issued late in the day and no estimates had been provided beforehand, there had regrettably been no time to consider the details of the permanent forum or its budget implications. Expenditure on the permanent forum was not acceptable to Japan, and his delegation had therefore voted against the draft resolution.

54. **Mr. Ajayi** (Nigeria) said that his delegation welcomed the overwhelming support for the draft resolution at a time when its integrity had been called into question and urged all delegations to demonstrate their commitment to the elimination of racism by supporting the draft resolution in the future. Nigeria called for the work of the group of independent eminent experts to be strengthened by making adequate provisions for the extension of the current number of days needed to carry out its work and by providing the group with more resources.

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.27/Rev.1](#), [A/C.3/73/L.31/Rev.1](#), [A/C.3/73/L.36/Rev.1](#) and [A/C.3/73/L.47/Rev.1](#))

Draft resolution A/C.3/73/L.27/Rev.1: Human rights and extreme poverty

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

56. **Mr. Duclos** (Peru), introducing the draft resolution on behalf of the sponsors listed in the document, said that extreme poverty and exclusion from society constituted a violation of human dignity. The eradication of extreme poverty required urgent national action and international action, and respect for human rights and fundamental freedoms. He hoped that, as in previous years, the draft resolution would be adopted by consensus.

57. **Mr. Khane** (Secretary of the Committee) said that Albania, Algeria, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cabo Verde, Cameroon, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Estonia, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-

Bissau, Haiti, Hungary, Iceland, India, Israel, Italy, Jordan, Kenya, Latvia, Lebanon, Libya, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mexico, Monaco, Montenegro, Morocco, Mozambique, the Netherlands, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Palau, Panama, the Philippines, Poland, Portugal, Romania, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, Senegal, Serbia, Slovakia, Slovenia, Sri Lanka, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Viet Nam and Yemen had joined the sponsors.

58. *Draft resolution A/C.3/73/L.27/Rev.1 was adopted.*

59. **Ms. Simpson** (United States of America) said that her country had a long-standing commitment to international development. Although the guiding principles on extreme poverty and human rights referred to in the draft resolution gave States useful guidelines to formulate and implement poverty reduction and eradication programmes, not all of its aspects were appropriate in all circumstances, and her delegation disagreed with some of its interpretations of human rights law.

60. Her delegation had joined the consensus on the draft resolution on the understanding that States were not obligated to become a party to instruments to which they had not acceded; nor were they obligated to implement commitments under human rights instruments to which they were not a party. Her Government did not recognize any change in the current state of treaty or customary international law. Furthermore, the reaffirmation of prior documents contained in the draft resolution was understood to apply to those who had affirmed them initially.

61. With regard to references to the 2030 Agenda for Sustainable Development in the draft resolution, and in all other Third Committee draft resolutions of the seventy-third session of the General Assembly, including those that had been already adopted, the United States underscored that the 2030 Agenda was a non-binding document that did not create or affect rights or obligations under international law, nor did it create any new financial commitments. The United States understood references in draft resolutions to “internally agreed development goals” to refer to the 2030 Agenda. The 2030 Agenda recognized that each country must work towards its implementation in accordance with its own national policies and priorities, and States were called upon to implement the 2030 Agenda in a manner consistent with their rights and obligations under international law. In accordance with paragraph 58 of

the 2030 Agenda, implementation must respect and be without prejudice to the independent mandates of other processes, including negotiations, and did not preclude or serve as a precedent for processes under way in other forums and decisions taken therein. For example, the Agenda did not represent a commitment to provide new market access for goods or services and did not interpret or alter any World Trade Organization (WTO) agreement or decision, including the Agreement on Trade-Related Aspects of Intellectual Property.

62. With respect to the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, much of the trade-related language in that document had been overtaken by events since July 2015, rendering it immaterial. Reaffirmation of the outcome document therefore had no standing in ongoing work and negotiations involving trade.

63. While recognizing the significant link between human rights and development, the United States maintained its long-standing concerns regarding the existence of a “right to development”, as such a right had no internationally agreed meaning. More work was needed to make it consistent with human rights, which were recognized by the international community as universal rights held and enjoyed by individuals and which all individuals could demand from their own Governments.

Draft resolution A/C.3/73/L.31/Rev.1: The right to development

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

65. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the text constituted a genuine effort by the members of the Movement to support the just aspirations of their peoples to development and prosperity.

66. The delegation of Cuba, on behalf of the Movement of Non-Aligned Countries, had conducted transparent and open negotiations and wished to thank all delegations that had participated, including those that typically voted against or abstained from voting on the draft resolution. However, the absence of certain delegations from the negotiations was regrettable; although they were usually the ones to call for a vote on the text, they had been reluctant to engage in dialogue. It was clear that their intention, far from being to support the Committee’s work, was to inhibit and poison it. The members of the Movement had striven to present a text that could be supported by all. There was a need for greater acceptance, effectiveness and realization of the

right to development at the international level. He urged all States to develop national policies and measures that would realize the right to development as a key component of all human rights and fundamental freedoms.

67. The right to development was an inalienable human right that enabled all human beings and peoples to participate in economic, social, cultural and political development, on the basis of which all human rights and fundamental freedoms could be realized. The human right to development also entailed the full realization of the right to self-determination, which included the inalienable right of peoples to full sovereignty over their wealth and natural resources.

Statements made in explanation of vote before the voting

68. **Ms. Simpson** (United States of America) said that her country was firmly committed to the promotion and advancement of global development efforts. The Government collaborated with developing countries, other donor countries, non-governmental organizations and the private sector to alleviate poverty and aid development efforts.

69. However, the United States remained concerned that the right to development as identified in the draft resolution protected States instead of individuals. States must implement their human rights obligations regardless of external factors, including the availability of development and other assistance. The lack of development could not be invoked to justify the abridgement of internationally recognized human rights. States must respect their human rights obligations and commitments regardless of their level of development. Her delegation continued to oppose references to the right to development in the draft resolution and other draft resolutions presented during the current session of the General Assembly.

70. The United States could not support the inclusion of the phrase “to expand and deepen mutually beneficial cooperation”, which had been promoted interchangeably with win-win cooperation by a single Member State in order to insert the domestic policy agenda of its Head of State into United Nations documents. No delegation should support the inclusion in a multilateral document of political language targeting a domestic political audience or language that undermined the fundamental principles of sustainable development. Owing to its long-standing concerns about the existence of a “right to development”, her delegation had called for a vote and would vote against the draft resolution.

71. **Mr. Sparber** (Liechtenstein) said that, while it had been challenging to discuss the right to development in a constructive way in the past, his delegation noted with concern attempts to obscure the meaning of the right to development as the inalienable right by virtue of which every individual was entitled to participate in, contribute to and enjoy economic, social, cultural and political development, whereby all individual rights and fundamental freedoms could be fully realized. Although the main sponsors had made positive changes to the text, a number of conceptual inaccuracies with regard to the interrelationship of development and human rights remained. Liechtenstein had hoped for a more ambitious text that would further broaden the consensus on the right to development. His delegation would abstain from the voting on the draft resolution.

72. *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.31/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, 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, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, 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, Turkey, Turkmenistan, Tuvalu,

Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Czechia, Denmark, Finland, Germany, Israel, Netherlands, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Estonia, France, Georgia, Iceland, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Malta, Montenegro, New Zealand, Norway, Palau, Poland, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia.

73. *Draft resolution A/C.3/73/L.31/Rev.1 was adopted by 141 votes to 10, with 33 abstentions.*

74. **Mr. Clyne** (New Zealand), speaking also on behalf of Australia, Canada, Iceland, Norway and Switzerland, said that their delegations recognized the right to development in accordance with the Declaration on the Right to Development, adopted by the General Assembly in 1986, and regarded the Vienna Declaration and Programme of Action as the authoritative point of reference on the interplay between human rights and development. Enshrined in that document was the recognition that while development facilitated the enjoyment of all human rights, the lack of development could not be invoked to justify the abridgement of internationally recognized human rights. They had welcomed the incorporation of that element in the draft resolution, along with language from the Vienna Declaration reaffirming that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing.

75. However, their delegations had abstained from voting on the draft resolution owing to outstanding concerns with respect to its twentieth preambular paragraph, paragraph 10 (c) and, in particular, paragraph 17, which reaffirmed that development contributed significantly to the enjoyment of all human rights by all. They interpreted the latter paragraph in the light of the Vienna Declaration, noting that strong economic development might contribute to, but did not automatically imply, the full respect, protection and fulfilment of all civil, political, economic, social and cultural rights. A human rights-based approach to development could help to address those challenges.

76. **Mr. Elizondo Belden** (Mexico) said that an advanced international framework already existed that States should use to realize the right to development. The Declaration on the Right to Development was the human rights framework of reference, and States were currently focused on implementing the 2030 Agenda. For those reasons, Mexico believed that a legally binding instrument on the subject would not provide any value added. To avoid the duplication of effort, emphasis should first be placed on finalizing the criteria and subcriteria for realizing the right to development before considering the development of a binding instrument.

77. Follow-up was needed not only on the work of the Special Rapporteur on the right to development, to ensure that it guided national efforts for the progressive realization of the right to development, but also on the mandate of the Working Group on the Right to Development. Mexico called for both to work in coordination.

78. **Mr. Charwath** (Austria), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova, said that the European Union reiterated its support for the right to development based on the indivisibility, interdependence and universality of all human rights. The full realization of those rights was a prerequisite to fulfilling the right to development, for which States bore the primary responsibility.

79. He expressed appreciation for the constructive steps taken by the facilitator to streamline parts of the text and to address some concerns about its balance. However, the European Union and its member States remained concerned about elements in the draft resolution that made consensus more difficult to achieve, and about the failure to take into account several constructive proposals by the European Union that would have allowed for greater consensus.

80. The European Union opposed developing an international legal standard of a binding nature, believing that it was not the appropriate instrument for that purpose, and regretted that the draft resolution prejudged the outcome of the ongoing discussions in the Working Group on the Right to Development.

81. In article 10 of the Vienna Declaration and Programme of Action, it had been recognized that while development facilitated the enjoyment of all human rights, the lack of development could not be invoked to justify the abridgement of internationally recognized

human rights. Sustainable development could not be achieved without respecting, protecting and fulfilling all human rights.

82. Human rights were central to the 2030 Agenda. However, in its implementation, primacy could not be given to the right to development or to any other right. For too long, development had been approached in isolation from human rights, but the 2030 Agenda represented a golden opportunity to chart a new course. The successful achievement of the Sustainable Development Goals required that all human rights be fully integrated with sustainable development strategies and that the impact of those strategies on individuals and their rights be evaluated.

83. The European Union remained ready to engage constructively on the right to development and to pursue consensus in the coming negotiations, in order to achieve a positive outcome for all parties.

Draft resolution A/C.3/73/L.36/Rev.1: The right to food

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

85. **Mr. Cepero Aguilar** (Cuba), introducing the draft resolution on behalf of the sponsors listed in the document, said that the right to food had been recognized in human rights instruments and declarations that enjoyed broad international acceptance. However, fully realizing that right remained a utopian dream.

86. In previous years, one delegation had made statements concerning references in the text to other international organizations. However, responsibility for tackling the global problem of hunger did not lie solely with the United Nations and relevant international organizations were invited in the draft resolution to continue to promote policies and projects that had a positive impact on the right to food. A failure to heed that call to action would place Member States on the wrong side of history.

87. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Albania, Andorra, Austria, Barbados, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Chad, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, the Dominican Republic, Egypt, Estonia, Ethiopia, the Gambia, Germany, Ghana, Greece, Guatemala, Haiti, Hungary, India, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Mexico, Monaco, Montenegro, Morocco, Norway, Peru, Poland, Portugal, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Suriname, Sweden, Switzerland, the former

Yugoslav Republic of Macedonia, Thailand, Turkey, Turkmenistan and Yemen had become sponsors of the draft resolution.

88. **Ms. Wagner** (Switzerland) said that she wished to thank the Cuban delegation for introducing the draft resolution and to encourage the main facilitator to carry out open negotiations in the future, in order to ensure the full participation of all delegations concerned. However, given that the right to food was a priority for Switzerland, her delegation supported the content of the text.

89. **Ms. Simpson** (United States of America), speaking in explanation of vote before the voting, said that the international community was confronting one of the gravest food security emergencies in modern history. Hunger was on the rise for the third year in a row after a decade of progress. Over 35 million people in South Sudan, Somalia, the Lake Chad Basin and Yemen were facing severe food insecurity and, in the case of the latter, potential famine. The United States remained fully engaged and committed to addressing those conflict-related crises.

90. The draft resolution rightfully acknowledged the hardships that millions of people were facing and included an important call to Member States to heed the urgent United Nations humanitarian appeal and assist countries facing drought, starvation and famine. However, the draft resolution also contained many unbalanced, inaccurate and unwise provisions that the United States could not support. The text did not articulate meaningful solutions for preventing hunger and malnutrition or avoiding their devastating consequences.

91. Discussions of trade-related issues fell outside the Committee's subject matter and expertise; as such, they were not appropriate in the draft resolution. As the United States had expressed on many occasions, it was unacceptable for the United Nations to address the ongoing or future work of WTO, to reinterpret the agreements and decisions of WTO or to seek to shape the negotiations and agenda of WTO, which was an independent organization with its own membership, mandate and rules of procedure. The language in the draft resolution in no way superseded or otherwise undermined the Nairobi Ministerial Declaration, which all WTO members had adopted by consensus and which accurately reflected the status of the issues in those negotiations. At the Tenth WTO Ministerial Conference, held in Nairobi in 2015, WTO members had not reached an agreement to reaffirm the Doha Development Agenda. As a result, WTO members were no longer negotiating under that framework.

92. The draft resolution also inaccurately linked trade negotiations at WTO to the concept of a right to food. The United States rejected the suggestion that any tension existed between international trade agreements and the right to an adequate standard of living, including food, and could not accept the United Nations opining on what WTO members should do or consider in implementing a WTO agreement. The United Nations had no voice on those matters.

93. Improved access to local, regional and global markets helped to ensure the availability of food to people who needed it most and to smooth price volatility. In that regard, the United States was concerned that the concept of food sovereignty could be used to justify protectionism or other restrictive import or export policies, with negative consequences for food security, sustainability and income growth. Food security required that appropriate domestic actions be taken in a way that was consistent with international commitments.

94. She wished to clarify that the climate change language in the draft resolution was without prejudice to her country's position and to affirm her country's support for promoting economic growth and improving energy security while protecting the environment.

95. In addition, the United States did not support the numerous calls in the draft resolution for technology transfer that was not done voluntarily and on mutually agreed terms. Strong protection and enforcement of intellectual property rights, including through the international rules-based intellectual property system, crucially incentivized key innovations to address current and future development challenges. Individual States held the primary responsibility for implementing their human rights obligations, which all States must uphold regardless of external conditions, such as the availability of technical assistance.

96. The United States did not accept any reading of the draft resolution or related documents that would suggest that States had particular extraterritorial obligations arising from any concept of a right to food. It supported the right of everyone to an adequate standard of living, including food, as recognized in the Universal Declaration of Human Rights. Domestically, the United States pursued policies that aimed to provide adequate food access for all persons, but it did not treat the right to food as an enforceable obligation, nor did it recognize any change in the current state of conventional or customary international law regarding food-related rights.

97. Moreover, the International Covenant on Economic, Social and Cultural Rights provided that

each State party undertook to take the steps set out in article 2 (1) of that instrument with a view to achieving progressively the full realization of the rights therein.

98. Lastly, the United States interpreted the reaffirmation of previous documents, resolutions and related human rights mechanisms in the draft resolution as applicable to the extent that countries had affirmed them at the time of their adoption.

99. *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.36/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, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Djibouti, 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, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, 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 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, Somalia, 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, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

None.

100. *Draft resolution A/C.3/73/L.36/Rev.1 was adopted by 179 votes to 2.*

101. **Ms. Al-Katta** (Canada) said that her country continued to support the progressive realization of the right to adequate food as a component of the right of everyone to an adequate standard of living. Her delegation had therefore been pleased to vote in favour of the draft resolution.

102. However, with regard to paragraph 35 of the draft resolution, she wished to note that the concepts of food security and the right to food did not appear anywhere in the Agreement on Trade-Related Aspects of Intellectual Property Rights and that there was no established link between those concepts and the Agreement. Her delegation therefore interpreted the language in paragraph 35 as simply encouraging WTO members to consider the manner in which they implemented the Agreement and not as either suggesting that Member States make substantive interpretations of the Agreement or instructing WTO members on how to substantively implement it. Nothing in the Agreement prevented States from pursuing the objectives of the right to food or food security.

103. **Mr. Cepero Aguilar** (Cuba), thanking the delegations that had voted in favour of the draft resolution, said that his delegation regretted the apparent inconsistency between the negotiation and adoption phases from the delegation that had called for a vote. The delegation of Cuba and other delegations that had participated in the negotiations were hearing those concerns for the very first time. He urged that delegation to address that inconsistency and present unified proposals the following year, when they would certainly be studied.

Draft resolution A/C.3/73/L.47/Rev.1: Missing persons

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

105. **Mr. Mikayilli** (Azerbaijan), introducing the draft resolution on behalf of the sponsors listed in the document, said that he wished to express his appreciation to all delegations that had participated in the informal consultations for their constructive engagement, valuable input and flexibility.

106. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Albania, Andorra, Argentina, Armenia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, El Salvador, Equatorial Guinea, Finland, France, Georgia, Germany, Greece, Guinea-Bissau, Hungary, Italy, Japan, Kiribati, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Morocco, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tajikistan, Tunisia, Uruguay, Uzbekistan and the Bolivarian Republic of Venezuela had become sponsors of the draft resolution.

107. **Ms. Stepanyan** (Armenia) said that her country attached great importance to humanitarian actions, especially during armed conflict and post-conflict situations, and believed that serious attention should be afforded to prevent persons from going missing in connection with armed conflict. All parties to an armed conflict, as well as the international community, should establish viable mechanisms to address pressing humanitarian issues, decrease the suffering of affected populations and build avenues for trust and peace.

108. Armenia had historically sponsored the draft resolution on missing persons for the above-mentioned reasons, and her delegation had negotiated in good faith to contribute to and strengthen the current text. Despite the regrettable fact that important proposals by her delegation and a number of other Member States had not been duly reflected in the final draft, Armenia had decided to join the consensus and sponsor the draft resolution.

109. The report of the Secretary General on missing persons (A/73/385) contained a number of recommendations which required a genuine joint effort from all parties to conflict. Her delegation agreed that joint humanitarian action was crucial to upholding the ideals and standards of international humanitarian and human rights law and to building confidence between parties to a conflict.

110. Armenia opposed the unlawful military use of civilian infrastructure, such as schools, hospitals and places of worship. Its commitment to promoting the safety of civilians in armed conflict was reflected in its

support for the Safe Schools Declaration, the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups and the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups.

111. While her delegation maintained its commitment to cooperating and engaging in humanitarian initiatives, including those related to missing persons, it believed that the draft resolution could do more to more tangibly address the issue of missing persons.

112. *Draft resolution A/C.3/73/L.47/Rev.1 was adopted.*

113. **Mr. Weatherall** (United States of America) said that avoiding harm to civilians, including by minimizing the military use of civilian infrastructure, was important to prevent persons from going missing in connection with armed conflict. However, States were under no international legal obligation to minimize the military use of civilian infrastructure. Accordingly, his delegation interpreted the language in paragraph 4 of the draft resolution as referring only to the general obligation of States to act in accordance with applicable international law, and not as stating that international law required States to minimize the military use of civilian infrastructure.

Agenda item 109: Crime prevention and criminal justice (*continued*) (A/C.3/73/L.15/Rev.1)

Draft resolution A/C.3/73/L.15/Rev.1: Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption

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

115. **Mr. Carabalí Baquero** (Colombia), introducing the draft resolution on behalf of the sponsors listed in the document, said that the text was principally based on the agreements reached during the seventh session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Vienna in November 2017.

116. **Mr. Khane** (Secretary of the Committee) said that Albania, Algeria, Argentina, Armenia, Austria, Bangladesh, Bosnia and Herzegovina, Botswana, Brazil, Chile, Croatia, Cyprus, Denmark, Ecuador, Egypt, France, the Gambia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, India, Ireland, Jamaica, Japan, Liberia, Libya, Malta, Mexico, Montenegro, the Niger, Norway, Panama, Peru, the

Philippines, Portugal, Qatar, the Russian Federation, Sao Tome and Principe, Senegal, Serbia, Sierra Leone, Spain, Sweden, Switzerland, Thailand, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Viet Nam and Zambia had become sponsors of the draft resolution.

117. *Draft resolution A/C.3/73/L.15/Rev.1 was adopted.*
The meeting rose at 5.55 p.m.