



# General Assembly

Seventy-third session

**63**<sup>rd</sup> plenary meeting  
Thursday, 20 December 2018, 3 p.m.  
New York

Official Records

*President:* Ms. Espinosa Garcés. . . . . (Ecuador)

*In the absence of the President, Korneliou (Cyprus),  
Vice-President, took the Chair.*

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

## Agenda item 125 (continued)

### Strengthening of the United Nations system

#### (a) Strengthening of the United Nations system

##### Draft resolution (A/73/L.63)

**The Acting President:** I now give the floor to the representative of Mexico to introduce draft resolution A/73/L.63.

**Mr. Gómez Camacho (Mexico)** (*spoke in Spanish*): On behalf of Mexico, I have the honour to introduce draft resolution A/73/L.63, entitled “Judgment of the International Court of Justice of 31 March 2004 concerning *Avena and Other Mexican Nationals*: need for immediate compliance”.

On 31 March 2004, the International Court of Justice issued its judgment in a case filed by Mexico concerning the violation of the 1963 Vienna Convention on Consular Relations and due process rights in more than 50 cases involving Mexican nationals sentenced to death in the United States. The Court found that the United States had violated its obligation to provide the requisite consular information and allow Mexico to exercise its right to consular assistance in accordance with the 1963 Convention.

Accordingly, the Court ordered the review and reconsideration of 51 cases involving Mexican nationals cited in the judgment. It has been almost 15 years since that judgment was handed down and, to this date, it has yet to be complied with. In response to that non-compliance, Mexico again appealed to the International Court of Justice in 2008, and subsequently sent three letters to the Security Council, in 2014, 2017 and 2018, to make it aware of the violations. To date, Mexico has not received a response to those letters from the Security Council.

Over the ensuing 14 years, Mexico has sought enforcement of the ruling in cooperation with the State Department and other United States authorities. Despite those efforts, which the Mexican Government recognizes and appreciates, six Mexican citizens were executed in the State of Texas in violation of the Court’s order to review and reconsider their guilty verdicts and sentences. The most recent execution took place barely a month ago. Such actions cause additional harm to the Mexican State.

Given the circumstances, every effort having been exhausted and in accordance with Article 10 of the Charter of the United Nations, the Government of Mexico has decided to seek recourse at the General Assembly. Non-compliance with judgments issued by the International Court of Justice — the principal judicial organ of the Organization — is not merely a concern at the bilateral level but, rather, a violation of the rule of international law that has a profound impact on the United Nations system as a whole.

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For those reasons, Mexico has introduced draft resolution A/73/L.63 under sub-item (a) of agenda item 125, “Strengthening of the United Nations system”. The text of the draft resolution is legal and technical. In order to further simplify the text and avoid political considerations, however, I would like to formally propose a draft revision to delete operative paragraph 2. We would request that the General Assembly take action on the text as orally revised.

Lastly, I reiterate the willingness of the Government of Mexico to continue to cooperate with the authorities of the United States of America in honouring the *Avena* decision.

**The Acting President:** We shall now proceed to consider draft resolution A/73/L.63, as orally revised.

Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Ms. Eckels-Currie** (United States of America): The United States believes that it is inappropriate that Mexico has brought this bilateral matter to the General Assembly. We are also disappointed that Mexico failed to consult with the United States prior to circulating draft resolution A/73/L.63. We will vote against it. Our vote should not be interpreted as a repudiation of our international obligations regarding consular notification and access. On the contrary, the United States continues to take very seriously its international obligations with respect to consular notification and access.

We will vote against the draft resolution to affirm that the General Assembly is not the appropriate venue for addressing this issue. The United States continues to take steps with respect to the *Avena* judgment, and we have engaged in close and extensive consultations with Mexico. The United States notes that the United States Supreme Court has held, in *Medellin v. Texas*, that the *Avena* decision of the International Court of Justice does not constitute directly enforceable federal law and that United States obligations could be discharged through the adoption of federal legislation.

Draft resolution A/73/L.63 will not alter the force of the Supreme Court’s decision as binding upon the United States Government. Accordingly, legislation that would facilitate actions consistent with the judgment in *Avena and Other Mexican Nationals (Mexico v. United*

*States of America)* in the United States was included in the President’s fiscal year 2019 budget request.

The State Department has engaged directly with the relevant State authorities in the United States, urging them to take the necessary steps to give effect to the *Avena* decision. The United States has closely consulted with Mexico on its efforts to implement the *Avena* judgment and has kept Mexico informed of its efforts. Mexico’s decision to introduce draft resolution A/73/L.63 was unfortunate. We call on all delegations to vote against it.

**Mr. Luna** (Brazil): I wish to reaffirm Brazil’s unwavering support for the International Court of Justice and its role in the strengthening of the rule of law at the international level. The Court plays a key role in promoting a culture of peace, tolerance and justice, thereby advancing the goals of the United Nations. The duty to comply with decisions of the International Court of Justice is an obligation established in Article 94, paragraph 1, of the Charter of the United Nations and in Article 59 of the Court’s Statute, which is also an integral part of the Charter. Therefore, the General Assembly has an unquestionable competence to discuss situations of non-compliance with the Court’s decisions.

One of the fundamental features of international adjudication is the separation of the adjudication phase from that of post-adjudication. While adjudication typically involves a bilateral issue, post-adjudication is characterized by the existence of a binding decision of the principal judicial organ of the United Nations. That the Court’s decisions should be fully and expeditiously complied with is a matter of interest to all who are committed to building an order based on international law.

Moreover, I wish to put on record our understanding that the situation of non-compliance before us does not relate to international peace and security, and thereby does not qualify as an important question for the purposes of Article 18, paragraph 2, of the Charter.

**The Acting President:** We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/73/L.63, entitled “Judgment of the International Court of Justice of 31 March 2004 concerning *Avena and Other Mexican Nationals*: need for immediate compliance”, as orally revised. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Andorra, Argentina, Austria, Bahamas, Bangladesh, Belarus, Belgium, Belize, Bolivia (Plurinational State of), Brazil, Bulgaria, Cambodia, Canada, Central African Republic, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Ecuador, El Salvador, Estonia, Finland, Germany, Guatemala, Guyana, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Lao People's Democratic Republic, Lesotho, Liechtenstein, Luxembourg, Maldives, Malta, Mauritius, Mexico, Mongolia, Myanmar, New Zealand, Nicaragua, Norway, Pakistan, Peru, Philippines, Portugal, Republic of Korea, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Serbia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Turkey, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam

*Against:*

Israel, Liberia, Marshall Islands, United States of America.

*Abstaining:*

Albania, Algeria, Armenia, Australia, Bahrain, Barbados, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Chad, Colombia, Comoros, Côte d'Ivoire, Czech Republic, Djibouti, Dominican Republic, Egypt, Eswatini, Ethiopia, France, Greece, Guinea, Haiti, Honduras, Hungary, Italy, Japan, Jordan, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mali, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, Nigeria, Panama, Papua New Guinea, Paraguay, Poland, Qatar, Romania, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Slovakia, Solomon Islands, South Africa, Suriname, Thailand, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Vanuatu, Zimbabwe

[Subsequently the delegations of Lesotho and Yemen informed the Secretariat that they had intended to abstain.]

*Draft resolution A/73/L.63, as orally revised, was adopted by 69 votes to 4, with 66 abstentions (resolution 73/257).*

**The Acting President:** Before giving the floor to speakers in explanation of vote on the resolution just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Mlynár** (Slovakia): Slovakia has been a long-standing supporter of the International Court of Justice — the cornerstone of the peaceful settlement of disputes among States. We are convinced that the role of the Court as the principal judicial organ of the United Nations is indispensable, both for strengthening international law and preventing conflicts. As one of the Member States that has accepted the compulsory jurisdiction of the Court, Slovakia wishes to reiterate that the judgments and decisions of the Court are binding upon parties and shall be complied with and implemented in good faith.

We understand that the case in question relates to compliance with the Vienna Convention on Consular Relations, which is a multilateral treaty of central importance for maintaining friendly relations among States. We wish to emphasize the obligation of all States to comply fully with their obligations under international treaties and to ensure respect for the rights of individuals accorded by article 5 of the Convention, on consular protection.

We are fully aware of Article 94, paragraph 2, of the Charter of the United Nations, which enables a party to a dispute to have recourse to the Security Council should the other party fail to perform the obligations incumbent upon it under a judgment rendered by the Court. We also note that the General Assembly is empowered, under Article 10 of the Charter, to discuss any matters within its scope, including the Statute of the Court. The subsidiary nature of that competence is underlined by the Charter, which, in Article 12, paragraph 1, provides that recommendations by the General Assembly may be made only provided that the Security Council is not exercising its functions in respect of a given situation.

Bearing in mind that subsidiarity provided for in the Charter, we assume that the General Assembly may take steps regarding non-compliance with the Court's judgments only in very specific circumstances and if strict conditions — not met in the present case — are fulfilled. Furthermore, we are of the view that dispute

settlement generally, and the implementation of the judgments and decisions of the Court specifically, represent an obligation that is primarily owned *inter partes*, which means by the parties to the dispute. That is also reflected in the principle that the parties to a dispute settle their dispute by peaceful means of their own choosing.

In the context of those considerations, we wish to point out that resolution 41/31, which was recalled in resolution 73/257, was unique and of a different order given that the principles of non-intervention and the prohibition on the use of force were central in that case.

Due to our reservations with regard to its procedural aspects, Slovakia abstained in the voting on resolution 73/257.

**Mr. Elshenawy** (Egypt): Egypt considers that the International Court of Justice — as reflected in Articles 92 and 94 of the Charter of the United Nations — is the principal judicial organ of the United Nations and that every Member State should undertake to comply with the decisions of the Court in any case to which it is a party.

Egypt respects the Vienna Convention on Consular Relations, of 24 April 1963, and the judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals (Mexico v. United States of America)*. Egypt calls for full and immediate compliance with the judgments of the International Court of Justice.

**Mr. Racovita** (Romania): At the outset, please allow me to stress that Romania strongly opposes the use of the death penalty in all circumstances and has been an active advocate for the full and immediate implementation of moratoriums in all retentionist States.

We highlight the important role of the International Court of Justice in the peaceful resolution of inter-State disputes and the requirement that all Member States comply with its judgments and decisions. That notwithstanding, we would like to refer to the provisions of Article 94 of the Charter of the United Nations and the possibility that Member States may appeal to the Security Council rather than the General Assembly, should any party to a case fail to comply with judgments of the International Court of Justice, while not entirely dismissing the latter option.

On those grounds, the delegation of Romania decided to abstain in the voting on resolution 73/257.

**Mrs. Weiss** (Israel): At the outset, it is important to stress that the State of Israel truly values its bilateral relationship with Mexico, as it does with the United States. We look forward to further strengthening our close ties with both countries. Furthermore, our vote today is without prejudice to the substantive matters that are the subject of any past or ongoing dispute and does not relate to the substantive issues raised in the decision of the International Court of Justice in the *Avena and Other Mexican Nationals (Mexico v. United States of America)* case.

My delegation voted against resolution 73/257 because Israel does not want to intervene in what we regard as a bilateral issue that should be resolved between the two sides. Therefore, we believe that recourse to the General Assembly is inappropriate and unwarranted in such circumstances.

**Mr. Al-Maawda** (Qatar) (*spoke in Arabic*): My country's delegation abstained in the voting on resolution 73/257, while nevertheless reaffirming our commitment and dedication to, and respect for, the judgments of the International Court of Justice, in accordance with the Charter of the United Nations.

Our abstention today should not be interpreted as attributing any lesser importance to the judgments of the International Court of Justice or the obligation of States to respect international law as the basis on which the Court issues its rulings. We wish to reiterate that cooperation is necessary to guarantee the implementation of all judgments and decisions of the International Court of Justice. Respecting those judgments is in the interests of all parties to a dispute, and we underscore the importance of respecting international law in all inter-State legal disputes.

**Mr. Scott-Kemmis** (Australia): Compliance with the judgments of the International Court of Justice — the principal judicial organ of the United Nations — is of critical importance. It is essential for the maintenance of the international rules-based order, it is a pillar of the United Nations system and, under the Charter of the United Nations, such compliance is a legal obligation for Member States.

The importance and confidence that Australia places in the International Court of Justice is reflected by our acceptance of the Court's compulsory jurisdiction. For Australia, obligations under the Vienna Convention on Consular Relations, including States' rights to consular access and communication, are vital. Parties

must comply with those obligations at all times. We are conscious that, in the case addressed by resolution 73/257, the parties accept that it is their obligation to comply with the Court's decision.

Furthermore, we understand that the United States Government has engaged consistently and at senior levels with the United States state in question with a view to achieving compliance with the International Court of Justice ruling. We understand that draft federal legislation has been conceived that, if agreed, would be a path to compliance with the Court's decision. It is our understanding that that bill remains under active consideration. Australia acknowledges the frustration felt by the Government and the people of Mexico at the lack of progress on that important issue, but we also take note of the ongoing good-faith efforts by the relevant party.

For those reasons, Australia decided to abstain in the voting on resolution 73/257.

**Mrs. Gasri** (France) (*spoke in French*): The situation at the heart of resolution 73/257, which the General Assembly just adopted, relates to the non-fulfilment of a decision of the International Court of Justice in a case between Mexico and the United States. In that regard, France wishes to reaffirm its adherence to the obligation incumbent upon Member States to comply with all decisions of the International Court of Justice in all disputes to which they are a party, in accordance with of the Charter of the United Nations.

Furthermore, Member States should respect the procedure set out in Article 94, paragraph 2, of the Charter, which states that

“if any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council”.

Finally, France believes that States have a duty to comply with other obligations, in particular those resulting from the Vienna Convention on Consular Relations.

France also underscores its opposition to capital punishment in all cases and circumstances, and calls on all retentionist States to put in place moratoriums with a view to abolishing it.

**Mr. Park Young-hyo** (Republic of Korea): My delegation believes that international obligations

regarding consular notification and access should be fully respected. We greatly appreciate the United States taking steps to draft federal legislation in order to facilitate actions consistent with the judgment in the *Avena and Other Mexican Nationals (Mexico v. United States of America)* case. At the same time, my delegation is concerned that Mexico did not hold any substantive consultations with Member States, including the United States, prior to circulating the resolution 73/257.

We hope that the two parties to the *Avena* case will continue to closely consult each other in an effort to implement this International Court of Justice judgment.

**Mr. Tang** (Singapore): I take the floor to explain my delegation's abstention in the voting on resolution 73/257, which the General Assembly just adopted.

As a small State, Singapore is deeply committed to multilateralism and upholding international law. We wish to reaffirm and underscore our support for the international rules-based system and the obligation of States to abide by decisions and awards of international courts and tribunals in cases to which they are a party. Our abstention today in no way detracts from that long-standing and well-known position of Singapore. Our abstention today also should not, and must not, be interpreted as diminishing the undertaking enshrined in Article 94, paragraph 1, of the Charter of the United Nations.

We regret, however, that resolution 73/257 was presented at a very late stage and that delegations were not afforded sufficient time or opportunity to engage in consultations on it. For that reason, my delegation abstained in the voting.

**Ms. Shikongo** (Namibia): Namibia wishes to take this opportunity to explain its vote on resolution 73/257, just adopted.

Namibia fully supports the international system and places the highest consideration on the judgments of the International Court of Justice, having itself been a recipient of some of its judgments. Namibia further urges all Member States to comply with the judgments of the International Court of Justice. Finally, Namibia urges all Member States to resolve bilateral issues between themselves.

For those reasons, Namibia abstained in the voting.

**Mr. Nguyen** (Viet Nam): Viet Nam voted in favour of resolution 73/257. Viet Nam supports the rule of law

at all levels, compliance with international law, the rulings of international judicial institutions and the settlement of disputes by peaceful means. At the same time, we reaffirm that the issue of the death penalty falls within the sovereign jurisdiction of the State and that its application should be based on strict compliance with national legislation.

**The Acting President:** We have heard the last speaker in explanation of vote.

The General Assembly has thus concluded this stage of its consideration of sub-item (a) of agenda item 125.

**Agenda item 128 (continued)**

**Cooperation between the United Nations and regional and other organizations**

**(n) Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons**

**Draft resolution (A/73/L.72)**

**The Acting President:** I now give the floor to the representative of the Netherlands to introduce draft resolution A/73/L.72.

**Mr. Van Oosterom** (Netherlands): I have the honour to introduce draft resolution A/73/L.72, entitled “Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons”, on behalf of approximately 40 sponsors.

The United Nations is the principal Organization dealing with matters relating to peace, justice and development, while the Organization for the Prohibition of Chemical Weapons (OPCW) is the principal organization dealing with activities to achieve the comprehensive prohibition of chemical weapons, in accordance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

For instance, the OPCW operates first by verifying the destruction of chemical weapons stockpiles; secondly, by preventing the re-emergence of chemical weapons through inspections; and, thirdly, by promoting the peaceful use of chemistry. In doing so the OPCW contributes to the promotion of peace, disarmament, international cooperation and the realization of the purposes and principles of the Charter of the United Nations.

The Kingdom of the Netherlands — with The Hague as the legal capital of the world — is proud to host the OPCW. My delegation has had the honour to coordinate the negotiations on the draft resolution on this topic since 1977, and to biennially submit it to the General Assembly for its consideration.

Today’s draft resolution is procedural in nature and an effectual update of resolution 71/250, of 22 December 2016. It acknowledges the important contribution of the OPCW to the realization of the purposes and principles of the Charter and the ongoing cooperation between the OPCW and the United Nations. We would like to express our sincere appreciation to all delegations that participated in the negotiations. It is their spirit of compromise and willingness to engage in constructive dialogue that ultimately led to the draft resolution that is before the Assembly today.

Although a vote has been requested, it is still our hope that the draft resolution can be adopted by consensus. We firmly believe that we have achieved the best possible balance in representing the various views that were expressed. We therefore invite delegations to support the draft resolution in the spirit of compromise and cooperation.

**The Acting President:** The Assembly will now take a decision on draft resolution A/73/L.72, entitled “Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons”.

I now give the floor to the representative of the Secretariat.

**Mr. Nakano** (Department for General Assembly and Conference Management): I should like to announce that, since the submission of the draft resolution, in addition to those delegations listed in the document, the following countries have become co-sponsors of draft resolution A/73/L.72: Albania, Andorra, Argentina, Australia, Belgium, Cameroon, Canada, Chile, Georgia, Germany, Hungary, Iceland, Japan, Montenegro, New Zealand, Norway, the Republic of Korea, Samoa, San Marino, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United States of America.

**The Acting President:** A recorded vote has been requested. A separate, recorded vote has been requested on operative paragraph 6 of draft resolution A/73/L.72.

*A recorded vote was taken.*

*In favour:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Belize, Bhutan, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chad, Chile, Colombia, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Estonia, Eswatini, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Yemen, Zambia

*Against:*

Belarus, China, Cuba, Democratic People's Republic of Korea, India, Iran (Islamic Republic of), Myanmar, Nicaragua, Russian Federation, Sudan, Syrian Arab Republic

*Abstaining:*

Algeria, Bolivia (Plurinational State of), Cambodia, Côte d'Ivoire, Ecuador, Egypt, Iraq, Jordan, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Mali, Mongolia, Pakistan, Philippines, Thailand, Venezuela (Bolivarian Republic of), Viet Nam

*Operative paragraph 6 of draft resolution A/73/L.72 was retained by 114 votes to 11, with 19 abstentions.*

**The Acting President:** I shall now put to the vote draft resolution A/73/L.72, as a whole.

*A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Bulgaria, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Eswatini, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia

*Against:*

None

*Abstaining:*

Belarus, Cambodia, China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Mali, Myanmar, Nicaragua, Russian Federation, Syrian Arab Republic, Zimbabwe

*Draft resolution A/73/L.72, as a whole, was adopted by 142 votes to none, with 12 abstentions (resolution 73/258).*

[Subsequently, the delegation of Brunei Darussalam informed the Secretariat that it had intended to abstain.]

**The Acting President:** Before giving the floor to speakers in explanation of vote after the voting, I would like to remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Ghaniei** (Islamic Republic of Iran): I take the floor to explain the position of my delegation with respect to resolution 73/258, on cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons (OPCW), which was just adopted.

Essentially, this resolution is expected to focus on the cooperation between the two organizations. At the same time, that should be done by confining the scope of the resolution only to topics that are covered by the agreements between those organizations. However, the resolution goes beyond those areas and includes issues on which the members of the OPCW have divergent views. That is an attempt to politicize a purely procedural resolution, which needs to be avoided.

It is worth noting that, during the informal consultations, we called for avoiding the inclusion of contentious issues. Nonetheless, unfortunately, that concern was not met. That left us with no choice other than to vote against operative paragraph 6 of the resolution and to abstain in the voting on the resolution as a whole.

We remain hopeful that the next version of this resolution in the coming years will not include contentious issues, which would therefore enable us to adopt it by consensus.

**Mr. Hallak** (Syrian Arab Republic) (*spoke in Arabic*): The Syrian Arab Republic has been a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction since 2013. We acceded to the Convention based on our rejection of all uses of chemical weapons, and since then have fulfilled all of our obligations under it in an exemplary and unprecedented manner, especially given the complex and difficult circumstances that our country has endured.

The Syrian Arab Republic reiterates its strong condemnation of the use of chemical weapons and

weapons of mass destruction anywhere and in all circumstances, given that their use would constitute a crime against humanity and an immoral act that cannot be justified for any reason.

My delegation sought to reach consensus on resolution 73/258, on cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons, because it is a procedural and technical resolution that has always been adopted by consensus. However, Syria emphasizes that since 2014 certain countries have been seeking to politicize aspects of the resolution by including contentious issues, which is the reason for having had to put it to a vote in the first place. Those States have clearly and deliberately exploited the resolution by introducing controversial elements, focusing on Syria as a selective target, as has been done with other resolutions that target specific States, contrary to the spirit of cooperation between the United Nations and other international organizations.

My delegation would like to stress that it was fully prepared to join the consensus on resolution 73/258, despite having strong reservations with regard to paragraphs 6 and 7.

First, paragraph 6 of resolution 73/258 makes reference to the decision adopted at the fourth special session of the Conference of States Parties to the Chemical Weapons Convention, an unacceptable and illegitimate decision that was unable to achieve consensus — it was supported by only 82 of the 193 States, reflecting less than half of the States parties to the Convention. It was adopted only as a result of certain parties resorting to blackmail, pressure and intimidation tactics.

Our reservation on the adoption of that resolution is based on its incomplete nature and the fact that it is inconsistent with the provisions of the Chemical Weapons Convention. It sets a dangerous precedent by mandating a scientific and technical organization to conduct criminal and legal investigations to determine responsibility for the use of chemical weapons, which clearly goes beyond the competence of the international body concerned with maintaining international peace and security.

Secondly, with regard to paragraph 7 of resolution 73/258, regarding the fact-finding mission, Syria welcomed the establishment of that mission and cooperated fully by providing the facilities necessary to carry out its activities and by immediately alerting



the Director General of the Organization for the Prohibition of Chemical Weapons to deploy the fact-finding mission whenever terrorist groups carried out toxic chemical attacks.

However, the mission did not comply with its mandate or the provisions of the Convention. It did not exercise the professionalism and independence required for the successful realization of its work. The mission did not comply with the conditions required for carrying out investigations into cases of the use of chemical weapons. It carried out remote investigations and refused to undertake visits to alleged attack sites, under various pretexts. It relied on open sources of information, which, of course, originated from terrorist groups and their handlers. It tested samples that were neither collected directly from attack sites nor legally proven to be viable. It heard eyewitnesses from the breeding grounds of armed terrorist groups and viewed pictures and videos produced by the White Helmets — an arm of terrorist groups.

We therefore have reservations about the working methods of the fact-finding mission, based on our serious and genuine concerns about the implementation of its mandate. That situation has created division among States members of the OPCW and caused considerable discord among them, preventing its reports and recommendations from being adopted.

My delegation reiterates its commitment to the provisions of the Chemical Weapons Convention and to achieving its universality. We underscore our deep conviction that we must seek the elimination of all weapons of mass destruction, particularly in the Middle East region, in order to ensure regional and international peace and security.

**Ms. Guardia González** (Cuba) (*spoke in Spanish*): The delegation of Cuba would like to give its explanation of vote regarding resolution 73/258, entitled “Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons”.

As a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, our country supports the continued cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons. A resumption of the adoption by consensus of this resolution would benefit the cooperative relationship between the two

organizations, re-establishing the traditional unity among States on this issue. During consultations on the resolution, we called for contentious issues not be included. We cannot support States being specifically singled out when it comes to such a generic issue. We do not consider it constructive that the resolution includes references to decisions adopted by the Organization for the Prohibition of Chemical Weapons without the consensus of its member States.

Any attempt to undermine the unanimous support of the Organization in favour of the OPCW must be rejected. We must preserve the purpose and nature of the resolution.

**Mr. Nguyen** (Viet Nam): My delegation wishes to explain its position on resolution 73/258. Viet Nam reiterates its policy condemning the use of chemical weapons by anyone, anywhere and under any circumstances. As a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Viet Nam supports the full implementation of the Convention and the work of the Organization for the Prohibition of Chemical Weapons, as well as all efforts aimed at the non-proliferation and disarmament of chemical weapons.

We deeply regret that paragraph 6 of the draft resolution was changed at the last minute. We would like to recall that the decision at the fourth special session of the Conference of the States Parties to the Chemical Weapons Convention was adopted with 82 votes in favour out of the 193 States parties to the Convention. It is our view that the activities relating to investigation and attribution should be carried out carefully in an objective, transparent and comprehensive manner by a competent mechanism such as the Security Council.

**Ms. Premchit** (Thailand): Thailand supported resolution 73/258 to reaffirm its support in principle for cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons (OPCW). It is increasingly important that we renew our commitment to and support for all efforts to uphold our obligations in implementing the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, as we witness the alarming trend of more frequent use of chemical weapons.

Nevertheless, Thailand abstained in the voting on operative paragraph 6, which takes note of the report

of the Conference of the States Parties to the Chemical Weapons Convention on its fourth special session and the decision of the Conference at that session on addressing the threat from the use of chemical weapons. Thailand recognizes and respects the adoption of that decision. At the same time, we share the concern of many Member States and States parties to the Convention about how the implementation of that decision would take shape.

Inclusive dialogue, transparency and a cooperative spirit are needed on the future design of the relevant mechanism and delivery of that decision, with a view to ensuring that such a mechanism fits and complements the mandates and objectives of the OPCW. Thailand believes that that process requires all States parties to the Convention to be engaged in such deliberations, with the principles of transparency, inclusiveness and impartiality as their guideposts. Only then can we ensure that the Chemical Weapons Convention moves forward successfully and that international peace and security is maintained.

**The Acting President:** We have heard the last speaker in explanation of vote after the voting.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (n) of agenda item 128?

*It was so decided.*

#### **Agenda item 128 (continued)**

#### **Cooperation between the United Nations and regional and other organizations**

##### **(q) Cooperation between the United Nations and the Association of Southeast Asian Nations**

##### **Draft resolution (A/73/L.71)**

**The Acting President:** I now give the floor to the representative of Singapore to introduce draft resolution A/73/L.71.

**Mr. Gafoor** (Singapore): It is a great honour to speak on behalf of the 10 States members of the Association of Southeast Asian Nations (ASEAN) to introduce the draft resolution contained in document A/73/L.71, entitled "Cooperation between the United Nations and the Association of Southeast Asian Nations", under sub-item (q) of agenda item 128. I would like to make three points.

First, the establishment of ASEAN, 51 years ago, was an exercise to deepen regional integration and economic cooperation. Thanks to ASEAN, a region that was once marked by confrontation and conflict has been transformed into a region that operates on the basis of consultation and consensus. ASEAN has played an indispensable role in bringing about peace, prosperity and growth to South-East Asia. Our combined population today stands at 630 million people. Sixty per cent of that population is under 35 years old. ASEAN is forecast to become the fourth-largest economy in the world by the year 2030.

ASEAN has tremendous potential as a regional organization. To maximize that potential, ASEAN is redoubling its efforts towards economic integration, deepening cooperation to address security threats and implementing innovative ideas to bring our cities and peoples closer together. For example, we launched the ASEAN Smart Cities Network this year — a collaborative platform to synergize the development of smart cities across the ASEAN region and create innovative urban solutions that will bring tangible improvements to our peoples' lives.

Secondly, ASEAN's efforts for regional integration have been complemented and amplified by the international community. ASEAN's rapid transformation could not have been effected without the support of the international community, particularly our 10 dialogue partners. ASEAN recognizes that closer collaboration with our external partners is necessary to tackle the challenges of an increasingly interdependent and interconnected world. On our part, the ASEAN member States will continue to build strategic trust and mutual confidence through open lines of communication in order to maintain an open, inclusive and ASEAN-centric regional architecture.

Thirdly, the relationship between ASEAN and the United Nations is mutually reinforcing. The United Nations provides the multilateral rules-based framework that allows regional organizations like ASEAN to flourish. At the same time, ASEAN contributes to global peace and security and sustainable development by strengthening habits of cooperation and respect for international law at the regional level. Today ASEAN stands united as a regional organization that is committed to the promotion and protection of international law and the strengthening of the rules-based multilateral system. Most recently, ASEAN leaders reaffirmed the importance of multilateralism

and close cooperation with the United Nations, during the meeting with Secretary-General António Guterres in October.

ASEAN has introduced the draft resolution today to welcome the expanding relationship and deepening partnership with the United Nations. Since ASEAN first presented the biennial resolution in 2002 (resolution 57/35), the relationship between the United Nations and ASEAN has advanced significantly. We have updated the resolution to reflect the progress made in the implementation of the Plan of Action to Implement the Joint Declaration on Comprehensive Partnership between ASEAN and the United Nations (2016-2020), including in areas such as peacekeeping operations, cybersecurity and disaster management.

The draft resolution is simple, straightforward and not contentious. I take this opportunity to thank all delegations for their constructive participation in the informal consultations, as well as their flexible and pragmatic approach, which enabled ASEAN to produce a text that is balanced and substantive. We request all Member States to kindly lend their continued support to the draft resolution by adopting it by consensus.

**The Acting President:** We shall now proceed to consider draft resolution A/73/L.71.

Before giving the floor to speakers in explanation of position, may I remind delegations that explanations are limited to 10 minutes and should be made by delegations from their seats.

I now give the floor to the representative of Bangladesh.

**Mr. Kazi** (Bangladesh): As an immediate neighbour of the Association of Southeast Asian Nations (ASEAN) to the east, Bangladesh attaches high importance to its multidimensional relations with that regional organization. We recognize and value ASEAN's proactive contribution to promoting peace, security and stability in the region. In the same vein, we continue to expect ASEAN to meaningfully cooperate with the United Nations in addressing some of the most critical challenges facing the Organization and the wider region.

The illicit trafficking of methamphetamine from Myanmar — an ASEAN member — is already wreaking havoc across South-East Asia and Oceania. The Rohingya humanitarian crisis, also originating in Myanmar, is overwhelming in its gravity and magnitude

and poses a host of immediate and long-term challenges to peace and security in the region. Bangladesh has made efforts to contain the wider regional impact of the crisis for now, but cannot take responsibility for possible fallout from the crisis in the wider regional context over a longer period. ASEAN has a critical role to play in that regard, which should extend to facilitating and supporting initiatives at all the relevant multilateral forums, including the United Nations.

We therefore regret that the ASEAN member States did not accept the inclusion of any generic references to that issue, let alone the Rohingya humanitarian crisis itself, in draft resolution A/73/L.71. We would expect ASEAN to demonstrate the maturity and pragmatism to take responsibility for an issue that should be a salient feature of its cooperation with the United Nations. In the spirit of our traditional good-neighbourliness, Bangladesh will join the consensus on the draft resolution, which we had the pleasure of co-sponsoring in 2016.

We thank the Singaporean delegation for its constructive role as ASEAN Chair this year. We look forward to a similar level of engagement and responsiveness from the incoming Chair.

**The Acting President:** The Assembly will now take a decision on draft resolution A/73/L.71, entitled "Cooperation between the United Nations and the Association of Southeast Asian Nations".

I give the floor to the representative of the Secretariat.

**Mr. Nakano** (Department for General Assembly and Conference Management): I should like to announce that, since the submission of the draft resolution, in addition to those delegations listed in the document, the following countries have become co-sponsors of draft resolution A/73/L.71: Algeria, Angola, Australia, Austria, Bahrain, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Djibouti, the Dominican Republic, Ecuador, Estonia, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Hungary, Iceland, India, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mexico, the Federated States of Micronesia, Morocco, Nepal, the Netherlands, New Zealand, the Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Poland, Portugal, the Republic of Korea, Romania, Saint Lucia, Samoa, Sao Tome and Principe, Seychelles, Slovakia,

Slovenia, Solomon Islands, Sri Lanka, Switzerland, the Sudan, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, the United Arab Emirates, the United Kingdom and the Bolivarian Republic of Venezuela.

**The Acting President:** May I take it that the General Assembly decides to adopt draft resolution A/73/L.71?

*Draft resolution A/73/L.71 was adopted (resolution 73/259)*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (q) of agenda item 128?

*It was so decided.*

*The meeting rose at 4.10 p.m.*