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## Third Committee

### Summary record of the 44th meeting

Held at Headquarters, New York, on Friday, 21 November 2008, at 10 a.m.

*Chairman:* Mr. Majoor . . . . . (Netherlands)

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*The meeting was called to order at 10.20 a.m.*

**Agenda item 64: 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.3/63/L.31, L.32, L.35/Rev.1 (and amendments contained in documents A/C.3/63/L.74 and L.75), L.38/Rev.1, L.41 and L.44)

*Draft resolution A/C.3/63/L.32: Enhancement of international cooperation in the field of human rights* (*continued*)

1. **Mr. Khane** (Secretary of the Committee) recalled that China and El Salvador had become sponsors of the draft resolution at the time of its introduction.
2. **The Chairman** said that the draft resolution had no programme budget implications.
3. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, made two revisions to the draft resolution. In the third line of the second preambular paragraph, the word "all" should be deleted and, in the third line of paragraph 7, "as well as by the elimination of double standards and politicization" should be deleted. He hoped that the draft resolution, which aimed to advance the Human Rights Council's activities in respect of enhancing international cooperation in the field of human rights, would be adopted by consensus.
4. **Mr. Khane** (Secretary of the Committee) announced that Brazil had joined the sponsors of the draft resolution, as orally revised.
5. *Draft resolution A/C.3/63/L.32, as orally revised, was adopted without a vote.*

*Draft resolution A/C.3/63/L.31: Human rights and unilateral coercive measures* (*continued*)

6. **Mr. Khane** (Secretary of the Committee) recalled that China and El Salvador had become sponsors of the draft resolution at the time of its introduction.
7. **The Chairman** said that the draft resolution had no programme budget implications.

8. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, recalled the content of the draft resolution and expressed regret that unilateral coercive measures continued to be promulgated and implemented with all their negative implications for the social humanitarian activities and economic and social development of developing countries. The Movement of Non-Aligned Countries hoped that, for the first time, the draft resolution would be adopted by consensus and that, if a vote was taken, the resolution would be supported by all delegations.

9. **The Chairman** informed the Committee that a recorded vote had been requested.

10. **Mr. Amorós Núñez** (Cuba) asked which delegation had requested the recorded vote.

11. **The Chairman** said that the vote had been requested by the delegation of the United States of America.

12. *A recorded vote was taken on draft resolution A/C.3/63/L.31.*

*In favour:*

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

Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

*Against:*

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

*Abstaining:*

None.

13. *Draft resolution A/C.3/63/L.31 was adopted by 124 votes to 52.\**

*Draft resolution A/C.3/63/L.35/Rev.1 (and amendments contained in documents A/C.3/63/L.74 and L.75):  
Extrajudicial, summary or arbitrary executions*

14. **Ms. Schlyter** (Sweden) asked whether consideration of the draft resolution could be deferred to 24 November 2008, as negotiations on the text were still under way.

15. **The Chairman** said that consideration of the draft resolution would be deferred to 24 November 2008.

*Draft resolution A/C.3/63/L.41: International Convention for the Protection of All Persons from Enforced Disappearance (continued)*

16. **Mr. Khane** (Secretary of the Committee) announced that Bosnia and Herzegovina, Cameroon,

Canada, Côte d'Ivoire, Cyprus, Georgia, Liechtenstein, Malawi, Malta, Norway, Poland, the Republic of Korea, Republic of Moldova, Senegal, Serbia, Slovakia, Slovenia, Swaziland, Sweden and the United Republic of Tanzania had joined the sponsors of the draft resolution.

17. **The Chairman** said that the draft resolution had no programme budget implications.

18. **Ms. Melon** (Argentina) said that the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance would help to protect the human rights of all persons and to combat impunity, and thanked the 72 sponsors for their support for the draft resolution, including the five States parties to the Convention and the States that had signed it or planned to do so. Since the draft resolution had been introduced, Bolivia, Colombia, Mongolia and South Africa had joined the sponsors. Her country hoped that the draft resolution would be adopted by consensus, with a view to the Convention's prompt entry into force and universalization in the near future.

19. **Mr. Khane** (Secretary of the Committee) announced that Cambodia, Cape Verde, the Congo, the Dominican Republic, Haiti, Latvia, Mali, Mauritius, Montenegro, Morocco, Timor-Leste, Togo, Uganda and Ukraine had joined the sponsors.

20. *Draft resolution A/C.3/63/L.41 was adopted without a vote.*

21. **Mr. McMahan** (United States of America) said that his country had joined the consensus on the draft resolution because it shared the other Member States' views on the need to combat the phenomenon of enforced disappearance. At the same time, he noted that his country had neither signed nor ratified the Convention because of a number of major problems in the text, which it had outlined in both a general statement and a 2006 communication addressed to the Human Rights Council.

*Draft resolution A/C.3/63/L.38/Rev.1: Protection of migrants*

22. **Mr. Khane** (Secretary of the Committee) announced that Algeria, Armenia, Belarus, Benin, Colombia, the Comoros, Côte d'Ivoire, Eritrea, Ethiopia, Ghana, Guinea, Haiti, Honduras, Iraq, Kyrgyzstan, Lebanon, Morocco, Nigeria, Sri Lanka,

\* The delegations of Ghana and Zimbabwe subsequently informed the Committee that, had they been present during the voting, they would have voted in favour of the draft resolution.

the Sudan, Tajikistan and Uruguay had joined the sponsors of the draft resolution.

23. **Mr. Ochoa** (Mexico) said that Afghanistan, Albania, Angola, Bangladesh, Belize, the Congo, the Gambia, Kenya, Mali, Mauritania, the Niger, Saint Vincent and the Grenadines and Turkey had also joined the sponsors. He introduced oral revisions to the draft resolution, including the deletion of the phrase “and subsequent rulings of the International Court of Justice following that Judgment” from the eighth preambular paragraph and the insertion of the words “as adopted” between commas after the words “Recalling its resolution 62/270 of 20 June 2008 on the Global Forum on Migration and Development” in the eleventh preambular paragraph.

24. The draft resolution had been the result of intensive negotiations. He was pleased by the references to new measures regarding the detention of irregular migrants, particularly those mentioned in paragraph 13. He commended the efforts made by all parties to the negotiations on behalf of the world's migrants. Adopting the draft resolution without a vote would demonstrate the international community's desire to uphold the human rights and fundamental freedoms of all migrants, regardless of their migration status.

25. **The Chairman** said that the draft resolution had no programme budget implications.

26. **Mr. Khane** (Secretary of the Committee) announced that Burkina Faso, Cape Verde, the Central African Republic and Guinea-Bissau had joined the sponsors of the draft resolution as orally revised.

27. *Draft resolution A/C.3/63/L.38/Rev.1, as orally revised, was adopted without a vote.*

28. **Mr. Escalona** (Bolivarian Republic of Venezuela) said that he welcomed the adoption by consensus of the draft resolution. Given the direct and indirect social, economic and cultural consequences of international migration, a comprehensive and multidimensional approach was needed. Criminalizing illegal migration reflected the view that it was a matter of State security, in disregard of its social, economic and other aspects. Over the previous year many countries had taken stiffer measures against irregular migrants. That approach had dangerously encouraged xenophobia and discrimination and did not offer constructive solutions to shared challenges and responsibilities. Efforts to address

issues relating to irregular migrants should fully respect human rights and fundamental freedoms.

29. With regard to paragraph 15, it should be understood that under international law every person had the right to return to his or her country of origin and that States had a corresponding international obligation to readmit citizens claiming that right. Moreover, that right was an individual right that could not be invoked by a State. The positive contributions of migrants to their host countries should not be overlooked. His country noted proudly that like many other States it had welcomed European and other migrants who had been victims of war and hunger.

30. **Mr. Gonnet** (France), speaking on behalf of the European Union, said that, while the European Union had some reservations about draft resolution A/C.3/63/L.38/Rev.1, it had joined the consensus. As Europe was the region that admitted the highest number of migrants, the European Union fully recognized the need to protect the human rights of all persons, including migrants, and welcomed the inclusion in the draft resolution of a clear reference to the obligation of States to ensure that their returning nationals were duly received. It regretted, however, that the draft resolution did not take into account in a balanced way the need to regulate immigration in order to protect and promote human rights or the various obligations of States in that regard. Some of the issues raised during the negotiations did not pertain to human rights but rather to national migration policies. Within the European Union, such policies were compatible with the human rights obligations of the member States and were based on a comprehensive, balanced approach and on the rule of law. In that context, the regulation of migration helped to promote and protect the human rights of all persons, including migrants, and to combat the trafficking and exploitation of irregular migrants and the violation of labour law. Such a balanced approach should have been more effectively taken into account in the draft resolution.

31. With regard to paragraph 9, the European Union stressed that detention measures were subject to strict legal review and were applied in accordance with international human rights obligations. Such measures could not be considered excessive but must be seen in the context of States' obligations regarding the return of their nationals.

32. The European Union continued to attach importance to the Global Forum on Migration and Development, which offered countries a means of continuing their dialogue on the subject and helping to work out comprehensive approaches. That intergovernmental process could contribute added value, provided that it was informal, voluntary, non-binding and conducted by interested States and participants. He therefore hoped that the draft resolution submitted at the next session would reflect a more balanced, comprehensive and objective approach, with emphasis on human rights protection for all, including migrants, and would consequently be of real interest.

33. **Mr. McMahan** (United States of America) said that his delegation had joined the consensus after substantial and constructive negotiations. Any negotiation or discussion on international migration was implicitly underpinned by the well-settled principle under international law that all States had the sovereign right to control admission to their territory and to regulate the admission and expulsion of foreign nationals. At the same time, States must recognize the human rights of migrants, consistent with their obligations under international law, including international human rights law. The United States fulfilled those obligations by providing substantial protections under the Constitution and other domestic laws to aliens within its territory, regardless of their immigration status. Reiterating some of the points raised during the consultations, he stressed the principle that States had an affirmative duty to accept the return of their nationals who had been expelled from the territory of another State. The expeditious return of irregular migrants to their countries of origin would contribute significantly to decreasing detention periods. Although international law did not prohibit the detention of persons who had violated a country's immigration or criminal laws, States must enforce such laws in a manner consistent with international law, including as parties to human rights treaties.

34. The draft resolution dealt with migration on a global scale and sought to find common ground among Member States for the protection of human rights. The Organization's approach to that crucial global concern should not be sidetracked by undue focus on bilateral issues already being addressed by the States concerned. It was therefore regrettable that a specific bilateral legal matter concerning two Member States, already

considered by the Committee, should be referred to in the eighth preambular paragraph of the draft resolution; it diverted attention from the multilateral reflection and action required.

35. The United States urged its citizens, more than 1 million of whom lived abroad, to observe all national and local laws when in other countries. It welcomed the presence in its territory of millions of immigrants and visitors, including legal workers and students, and was committed to protecting the rights of migrants within its borders.

*Draft resolution A/C.3/63/L.44: Promotion of a democratic and equitable international order (continued)*

36. **Mr. Khane** (Secretary of the Committee) recalled that Algeria, Burkina Faso, Cameroon, El Salvador, Honduras, the Islamic Republic of Iran, Lebanon, the Libyan Arab Jamahiriya, the Russian Federation, Sierra Leone, South Africa and Viet Nam had joined the sponsors of draft resolution A/C.3/63/L.44 when it had been introduced.

37. **The Chairman** said that the draft resolution had no programme budget implications.

38. **Mr. Amorós Núñez** (Cuba), having recalled that a democratic and equitable international order depended, inter alia, on the right of all peoples to self-determination, the right of peoples and nations to permanent sovereignty, equal participation in the decision-making process, and mutual interest, solidarity and cooperation among all States, made some oral revisions to the text of the draft resolution. After the sixth preambular paragraph, a new paragraph should be added: "*Stressing* that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world". The words "of the worsening" should be deleted from the fourteenth preambular paragraph. After the fifteenth preambular paragraph, a new paragraph should be added: "*Stressing also* the need for adequate financing of and technology transfer to developing countries, in particular the landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change". Lastly, in the third line of the

fourteenth preambular paragraph of the Spanish text, the word “menoscabar” should be replaced by “violar” to correspond to the original English version of the text.

39. The Cuban delegation pointed out that Jamaica, Malaysia, Myanmar and Zambia had also joined the sponsors of the draft resolution, and called on all delegations to demonstrate their commitment to a democratic and equitable international order by voting in favour of the draft resolution.

40. **Mr. Khane** (Secretary of the Committee) said that Bangladesh, Benin, Chad, the Democratic People’s Republic of Korea, the Dominican Republic, Indonesia, Lesotho, Namibia, Nigeria, the Solomon Islands and Swaziland had joined the sponsors of the draft resolution as orally revised.

41. **The Chairman** informed the Committee that a recorded vote had been requested on draft resolution A/C.3/63/L.44 as orally revised.

42. **Mr. Amorós Núñez** (Cuba) asked which delegation had requested a recorded vote.

43. **The Chairman** said that the United States of America had made the request.

44. **Mr. Gonnet** (France), speaking in explanation of vote before the voting on behalf of the European Union, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Montenegro; and, in addition, the Republic of Moldova and Ukraine, said that the European Union considered that it was necessary to continue working towards a democratic and equitable international order. Although it recognized that the draft resolution raised important issues that required careful analysis and action on the part of all nations, the European Union was of the view that a number of the points included in the text lay outside the purview of the Third Committee and were not dealt with comprehensively, but instead were referred to in a selective and random manner without a proper context. The draft resolution emphasized international obligations to control the workings of globalization but omitted the duties and obligations of States in that respect, something that the European Union considered highly important.

45. Bearing in mind the nature and content of the draft resolution, the European Union wished to reiterate that the Third Committee was not the proper

forum in which to deal with those issues. It also pointed out that it did not consider that the wording of paragraph 12 prejudged the outcome of the review being done by the working group of the Human Rights Council of all of the mandates, mechanisms, functions and responsibilities of the Commission on Human Rights. For those reasons, the European Union would vote against draft resolution A/C.3/63/L.44.

46. *A recorded vote was taken on draft resolution A/C.3/63/L.44.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, 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, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg,

Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Argentina, Armenia, Chile, Mexico, Peru, Timor-Leste, Vanuatu.

47. *Draft resolution A/C.3/63/L.44, as orally revised, was adopted by 120 votes to 52, with 7 abstentions.\**

**Agenda item 64: Promotion and protection of human rights (continued)**

**(c) Human rights situations and reports of special rapporteurs and representatives (continued)**  
(A/C.3/63/L.26, L.33 and L.71)

48. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, recalled the decision adopted by the Movement at its fourteenth summit, held in September 2006, regarding country-specific resolutions. That decision had prohibited the exploitation of human rights for political purposes, which was contrary to the founding principles of the Movement and the Charter of the United Nations, and condemned selectivity and double standards in the promotion and protection of human rights. Cuba urged all States members of the Movement to uphold those principles when voting on country-specific draft resolutions before the Third Committee.

49. **Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) said that his delegation would vote against the three draft resolutions concerning the situation of human rights in the Democratic People's Republic of Korea, Myanmar and the Islamic Republic of Iran, respectively. They were marked by politicization, selectivity and double standards and clearly ran counter to the principles and purposes set out in the Charter of the United Nations. Human rights situations should be reviewed by the Human Rights Council, in a spirit of

constructive dialogue, cooperation and impartiality, on the basis of objective, reliable information. It was inadmissible that some countries should use human rights as a political weapon to stigmatize others, without having the moral authority to do so since they had themselves committed crimes against humanity. There should be no repetition in the future of such a practice, which was harmful to human rights and to constructive action.

50. **Mr. Lima** (Cape Verde) expressed his conviction that human rights were indivisible and universally applicable everywhere at all times. Accordingly, as noted in a number of human rights texts, a selective approach to human rights would distort the very meaning of the struggle for human rights. Each effort to that end was so crucial that care had to be taken not to empty it of its substance, sidetrack it from its aims or undermine its foundations. That struggle, which was at the very heart of the Organization's action, must not be pursued in a context of power games and political one-sidedness; that could debase its underlying significance, impair its universality and offend the memory of all those who had given their lives for it and of those who were currently suffering personally for having demanded a minimum of respect for human dignity. Human rights must not be used as a means of pressure or, unduly politicized, as a kind of bargaining chip to escape criticism or come out on top, regardless of the consequences.

51. It was puzzling that the debate should be taking place at United Nations Headquarters, an eminently political forum, when there existed in Geneva a specialized body with every means of fully and objectively shedding light on human rights violations throughout the world. There was a danger that shifting the centre of gravity from Geneva to New York would lessen the significance of the Human Rights Council and limit the impact of efforts to promote human rights worldwide. No one should be a hostage to the political designs of anyone else in that respect, as that could well debase the ideals underpinning human rights and sap the very foundations of modernity.

52. **Ms. Abubakar** (Libyan Arab Jamahiriya) said that her delegation regretted the submission of politically motivated country-specific draft resolutions informed by a selective approach to human rights. All human rights issues should be addressed within the Human Rights Council so as to guard against any overlap between its work and that of the Third

\* The delegation of Uzbekistan subsequently informed the Committee that, had it been present during the voting, it would have voted in favour of the draft resolution.

Committee. The universal periodic review mechanism put in place by the Council was relevant in that regard.

53. Her delegation fully supported the resolution adopted in 2006 at the fourteenth Summit of the Movement of Non-Aligned Countries, which rejected the targeting of any country for political ends, and would vote against the draft resolutions submitted under agenda item 64 (c).

54. **Mr. Saeed** (Sudan) said that his delegation rejected, as a matter of principle, country-specific draft resolutions on human rights; they served political ends and in no way contributed to the promotion and protection of human rights. Such resolutions had already marred the credibility of the Commission on Human Rights, whose work had been tainted by politicization and selectivity. It had therefore been decided to set up the Human Rights Council, whose work was based on dialogue, cooperation and neutrality. The universal periodic review mechanism offered a means of considering the human rights situation in every country, big or small, and for that reason, country-specific draft resolutions were unacceptable, especially since they targeted exclusively developing countries in the southern hemisphere. His delegation would therefore vote against the draft resolutions in question and called on all other delegations to do likewise.

55. **Ms. Halabi** (Syrian Arab Republic) said that her delegation also totally rejected the selective exploitation of human rights issues for the purpose of interfering in countries' domestic affairs on the pretext of protecting those rights. That was a violation of the Charter of the United Nations, which recognized the sovereign equality of all States Members of the United Nations. Responsible and objective dialogue based on mutual respect for national sovereignty, territorial integrity, non-selectivity, transparency and absence of hegemony in international relations were the best means of fostering closer ties and promoting cooperation in support of human rights and ensuring everyone's enjoyment of those rights through laws and international instruments. Her delegation would therefore vote against draft resolution A/C.3/63/L.26.

56. **Ms. Abdelhak** (Algeria) said that her delegation had always been against resolutions focusing on the human rights situation in a particular country. Such resolutions, which were adopted every year, had revealed their limitations and, far from promoting

human rights, exacerbated mistrust and hostility between countries, maintaining an atmosphere of confrontation harmful to the cause of human rights. The application of the universal periodic review mechanism had demonstrated the virtues of constructive dialogue and communication; it provided the framework in which human rights situations should be considered. Every effort should be made not to jeopardize the work of the Human Rights Council through the submission of such draft resolutions. Her delegation would therefore vote against the country-specific draft resolutions submitted at the current session.

*Draft resolution A/C.3/63/L.26: Situation of human rights in the Democratic People's Republic of Korea (continued)*

57. **The Chairman** said that the draft resolution had no programme budget implications.

58. **Mr. Khane** (Secretary of the Committee) recalled that Montenegro had joined the sponsors of the draft resolution at the time of its introduction.

59. **Mr. Delacroix** (France), speaking on behalf of the European Union and Japan, said that Bosnia and Herzegovina, Georgia and Turkey had also joined the sponsors. Deploping the inadequacy of the progress achieved by the Democratic People's Republic of Korea, as noted in the preamble of the draft resolution, he drew attention to the serious concerns expressed in paragraphs 1, 2 and 5 and urged the international community to rally in support of the suffering people of that country. He hoped that the widest possible support would be given to the draft resolution.

60. **Mr. Khane** (Secretary of the Committee) announced that El Salvador also wished to join in sponsoring the draft resolution.

61. **Mr. Okuda** (Japan) said that all Governments had the duty to protect and promote human rights, having regard to the specific characteristics of each people, and to intervene in the event of serious violations. It was regrettable that a draft resolution must again be submitted on the Democratic People's Republic of Korea, but there had been no real improvement in the human rights situation in that country, which refused all dialogue with the Special Rapporteur and the United Nations High Commissioner for Human Rights; moreover, the problem of the abduction of foreign nationals remained unresolved.



62. The draft resolution, far from being politically motivated or having a selective or one-sided focus, was simply aimed at promoting dialogue with the Democratic People's Republic of Korea in order to improve its human rights situation. It was true that the universal periodic review was a useful mechanism, but countries were reviewed only once every four years, even in cases of serious, large-scale violations of human rights. When the situation gave cause for concern, the international community must react immediately: the involvement of both the Human Rights Council and the Third Committee should be sought, the former by virtue of its mandate and the latter on account of its universal membership. His delegation urged all delegations to vote in favour of the draft resolution.

63. **Ms. Wong** (Singapore) said that, as a matter of principle, her delegation did not support country-specific resolutions; not only were they usually politically motivated, but they were also highly selective and counterproductive. If a country did not respect human rights, it was for the Human Rights Council, and not the Third Committee, to study the situation, under the universal periodic review. Her delegation would therefore abstain from voting on the draft resolution, as it would on all similar draft resolutions.

64. **The Chairman** announced that a recorded vote had been requested on draft resolution A/C.3/63/L.26.

65. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea), speaking in explanation of vote before the voting, said that his delegation would vote against the draft resolution, which his country strongly rejected. It was the product of a political conspiracy fomented by countries that blindly followed the United States, the worst peace disturber and human rights violator in the world. Those countries, marked through and through by every kind of crime and social evil currently being denounced by the whole world, such as discrimination, the ill-treatment of immigrants, the defamation of religions, murder and rape, were so ridiculous and hypocritical as to set themselves up as judges of others. Japan, which, to its shame, had joined the sponsors of the draft resolution, was the only criminal State to dodge the settlement of its unprecedented human rights violations and nearly every day vented its hatred against Koreans living in its territory. The machinations of South Korea were a challenge to the dignity of the Democratic People's Republic of Korea

and called completely into question the joint declarations recently adopted by the two countries, to which it had even demanded that no reference should be made in the draft resolution although they had been welcomed unanimously by the United Nations. Clearly, that country was seeking confrontation with the Democratic People's Republic of Korea; its treachery would be at a price.

66. The Democratic People's Republic of Korea, which was perfectly willing to participate in the universal periodic review, refused categorically to be targeted for political ends and called on Member States to also reject that malicious attempt to politicize the issue of human rights. Even if so meaningless and worthless a resolution continued to be adopted, the people-centred socialism that the Democratic People's Republic of Korea had chosen and that its people had themselves built would remain invincible and would thrive forever. His delegation hoped that other Member States would oppose the attempt by the United States and other Western countries to politicize the issue of human rights.

67. **Mr. Acharya** (Nepal) said that, while sharing the concerns expressed by the sponsors, he considered that specific human rights issues should be addressed by the Human Rights Council through the universal periodic review mechanism. For that reason, and as a matter of principle, his delegation would abstain from voting both on the current draft resolution and on other draft resolutions of the same kind.

68. **Mr. Rastam** (Malaysia) said that human rights could not be politicized: such issues must be dealt with in an objective, impartial, transparent manner, with due respect for sovereignty and territorial integrity, under the universal periodic review. The targeting of particular countries was against the principles and purposes set out in the Charter of the United Nations. His delegation would vote, as a matter of principle, against the draft resolution concerning the Democratic People's Republic of Korea, which it called on to settle its disputes with its neighbours.

69. **Mr. Kyaw Tint Swe** (Myanmar) said that his delegation was also against the politicization of human rights, bias and discrimination and would therefore vote against the draft resolution. International cooperation, not confrontation, was the key to the promotion of human rights.

70. **Ms. Morgan-Moss** (Panama) said that, in view of the seriousness of the situation in the Democratic People's Republic of Korea, her delegation would vote in favour of the draft resolution; it would do likewise for other draft resolutions of the same kind. She expressed concern, however, about the continued submission of country-specific draft resolutions to the Third Committee, considering that such issues should be referred to the Human Rights Council. Indeed, the purpose of restructuring the United Nations was to avoid such duplication and the Committee should support the work of the Human Rights Council.

71. **Mr. Chiriboga** (Ecuador) said that his delegation would abstain from voting on the draft resolution. It was the responsibility of the Human Rights Council to consider the situation in particular countries, especially when it gave cause for serious concern, under the universal periodic review, setting aside all political considerations, in a transparent, objective, impartial manner, so as to promote dialogue and cooperation.

72. **Ms. Gendi** (Egypt) said that, as a matter of principle, her country was strongly opposed to country-specific draft resolutions on human rights issues, regardless of any positive features they might have. They were selective, did not permit an objective review within the framework of international cooperation and capacity-building and did not contribute to the desired results. In the current sixtieth anniversary year of the Universal Declaration of Human Rights, such draft resolutions ran completely counter to international cooperation on human rights. Her delegation rejected categorically the attempts made by some to impose their own ideas about human rights through draft resolutions targeting particular countries. The best approach was to strengthen international mechanisms for combating violations and further develop international cooperation in order to initiate a constructive dialogue with the States concerned and achieve the desired results. Her delegation would vote against draft resolution A/C.3/63/L.26.

73. **Mr. Amorós Núñez** (Cuba) said that his delegation would vote against the draft resolution because human rights issues needed to be addressed through international cooperation in an objective and non-discriminatory fashion rather than exploited for political ends. The Human Rights Council rather than the Third Committee was the appropriate venue for addressing all such issues.

74. **Ms. Akbar** (Antigua and Barbuda) said that her delegation would abstain on principle from voting on the draft resolution on the Democratic People's Republic of Korea and all other similar draft resolutions. While unequivocally condemning all violations of fundamental rights and freedoms, which should be fully respected, her country believed that certain critical issues were best addressed through constructive dialogue and international cooperation and that all parties involved should put diplomacy first.

75. **Ms. Blum** (Colombia) said that her delegation would abstain from voting on the draft resolution. Her country was all too well acquainted with the terrible consequences of abductions, a phenomenon it had firmly addressed in its own territory and to which it was unequivocally opposed in all forms. In solidarity with victims and their families throughout the world, her country demanded the immediate and unconditional release of all abductees and renewed its call on Member States to combat that criminal practice.

76. *At the request of the representative of the Democratic People's Republic of Korea, a recorded vote was taken on draft resolution A/C.3/63/L.26.*

*In favour:*

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Chile, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

*Against:*

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Guinea, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Oman, Russian Federation, Somalia, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

*Abstaining:*

Angola, Antigua and Barbuda, Azerbaijan, Barbados, Benin, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Congo, Côte d'Ivoire, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Gambia, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Mali, Mauritania, Mauritius, Mozambique, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Singapore, Solomon Islands, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zambia.

77. *Draft resolution A/C.3/63/L.26 was adopted by 95 votes to 24, with 62 abstentions.\**

78. **Mr. Anshor** (Indonesia) said that he greatly regretted that again that year the problem of country-specific resolutions had arisen, and that it should be explored in depth. One of the main reasons for reforming the United Nations human rights machinery, and in particular for creating the Human Rights Council, had been to allow for non-politicized and more credible consideration of country-specific situations. While recognizing the legitimate concerns of the international community and the Human Rights Council, he believed that the Committee's consideration of the draft resolution had reflected a degree of politicization and selectivity. In the division of labour between the Committee and the Council, the consideration of country-specific situations should fall

exclusively to the Council, in particular through the universal periodic review mechanism. The Committee should focus its discussions on policy and should make recommendations to the General Assembly that would assist the international community, including the Human Rights Council, in enhancing the promotion and protection of all human rights. When it came to considering the situation in a given country, the Committee had a role to play in certain cases, especially when the Council's recommendations were clearly not being applied owing to lack of cooperation by the country in question.

79. His country fully supported the international community's efforts to improve human rights situations in all countries, including the Democratic People's Republic of Korea, but believed that such action should be based on mutual respect and genuine international dialogue and cooperation. He called on the Democratic People's Republic of Korea to give due consideration to the legitimate concerns expressed by the international community, and in particular unresolved questions relating to the abduction of foreigners.

80. **Ms. Hoang Thi Thanh Nga** (Viet Nam) said that although her country shared the concerns about abductions, her delegation had voted against the draft resolution in accordance with its position of not supporting resolutions designed to single out certain countries on the pretext of protecting human rights. It supported dialogue and cooperation to promote and protect human rights, and believed that the Human Rights Council's universal periodic review was the appropriate mechanism for consideration of country-specific human rights situations.

81. **Mr. Luangmuninthone** (Lao People's Democratic Republic) said that his delegation believed that human rights questions should be considered in an international context through constructive and mutually beneficial cooperation and dialogue based on the principles of objectivity, non-selectivity, non-politicization, transparency and consideration of the political, historical, social and religious features of each country. Unfortunately, the draft resolution, which addressed a country-specific situation, did not conform to those principles and its adoption would not only create divisions and tensions among Member States but also contribute to an unwelcome politicization of the work of the General Assembly. His delegation had therefore voted against the draft resolution. His Government was opposed to all forms of abduction

\* The delegation of Namibia subsequently informed the Committee that it had intended to abstain from voting on the draft resolution.

under any circumstances, and expressed its deep sympathy for the families involved. The international community should take appropriate preventive measures, but when such problems arose they should be resolved through a constructive and peaceful approach.

82. **Ms. Zhang Dan** (China) said that her delegation had always been convinced that all countries should resolve their differences on human rights issues through dialogue and cooperation, based on the principles of equality and mutual respect. China opposed the use of human rights issues to exert political pressure on developing countries. The Democratic People's Republic of Korea was a developing country which, despite facing many economic, social and development problems in the current food, energy and financial crisis, was making efforts to strengthen its cooperation with the United Nations Children's Fund (UNICEF), the World Food Programme and other organizations and had submitted periodic reports under the Convention on the Rights of the Child. In the framework of the universal periodic review mechanism, each country's situation would be considered in a transparent and equitable manner. In that context, China hoped that the international community would pursue constructive dialogue on human rights with the Democratic People's Republic of Korea. Naming and blaming would only aggravate misunderstandings and antagonism, rather than protecting and promoting human rights.

83. **Mr. Perez** (Brazil) said that his country, although concerned that the human rights situation in the Democratic People's Republic of Korea scarcely seemed to have improved, had abstained from voting on the draft resolution because it had been encouraged by the goodwill shown by that country in cooperating with human rights bodies and meeting its obligations under the universal periodic review mechanism. Brazil recognized that the Democratic People's Republic of Korea was cooperating with the World Food Programme and had renewed its contacts with the United Nations Development Programme (UNDP), but the human rights situation in that country was still a matter of concern, especially the arbitrary arrests, inhumane conditions of detention, public executions, forced labour and lack of respect for the freedom of expression and association.

84. Brazil took the opportunity to express support for strengthening the Human Rights Council as the

principal United Nations body for protecting and promoting human rights. In carrying out the mandate entrusted to it by General Assembly resolution 60/251, the Human Rights Council should seek to create an environment in which any human rights issue could be considered in a true spirit of cooperation and dialogue, while as far as possible avoiding selectivity and politicization. The submission of a national report by the Democratic People's Republic of Korea in the context of the universal periodic review mechanism would be an unprecedented step towards improving relations between that country and United Nations human rights bodies, and would demonstrate that country's genuine desire to cooperate and overcome its difficulties.

85. **Mr. Strigelsky** (Belarus) said that his country supported the consideration of country-specific situations in the context of the universal periodic review mechanism established by the Human Rights Council and believed that the Committee had neither the time nor the resources necessary to carry out an in-depth and detailed technical analysis of human rights situations in Member States. Belarus had therefore voted against the draft resolution.

86. **Mr. Malhotra** (India) said that the abduction of the nationals of one country by another country was unacceptable and that his country shared the anguish of the families concerned. He hoped that the remaining cases would soon be resolved.

87. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea) recalled that the Korean peninsula had been a showcase of confrontation between East and West during the cold war period. Although the cold war had come to an end in other parts of the world, it continued in the Korean peninsula. The West was collectively targeting the Democratic People's Republic of Korea on the pretext of protecting and promoting human rights. The draft resolution was motivated not by concern for human rights but by its sponsors' concern to protect and promote their political interests.

88. Japan had spoken impassively about the human rights situation in his country when Japan itself persisted in refusing to recognize or offer reparation for all kinds of crimes that it had committed in the Democratic People's Republic of Korea, including the forced conscription of more than 8.4 million young Koreans, the killing of another million, and the forced sexual slavery of 200,000 Korean women for the

Japanese army of aggression. It was therefore all the more appalling that Japan had referred to the abduction of scarcely more than a dozen persons. His country had conducted a nationwide investigation at the Japanese Government's request and had found that 13 Japanese nationals had been abducted. His country had informed the Japanese authorities at the most senior level and had officially expressed its regrets, while authorizing the return of all those involved to their families. That was the reality of the "abduction issue".

89. Protecting and promoting human rights was merely a pretext for meddling in the internal affairs of the Democratic People's Republic of Korea. The true intention of the draft resolution's sponsors was to bring about a change of Government or a change of regime in that country. That had been their objective since 2005, but although they still pursued that evil aim, they would never achieve it. The more they tried to stifle the Democratic People's Republic of Korea and the will of its people to defend and fully develop the social system that it had chosen, the more the country would prosper and grow stronger.

90. The delegation of the Democratic People's Republic of Korea expressed its sincere gratitude to those delegations which had demonstrated their support and solidarity for that country by voting against the draft resolution.

*Draft resolution A/C.3/63/L.33: Situation of human rights in Myanmar (continued)*

91. **The Chairman** drew the Committee's attention to the statement of programme budget implications of draft resolution A/C.3/63/L.33 (A/C.3/63/L.71).

92. **Mr. Kyaw Tint Swe** (Myanmar), speaking on a point of order in accordance with rule 116 of the rules of procedure of the General Assembly, called for adjournment of the debate on draft resolution A/C.3/63/L.33. The sponsors of the text were deliberately and selectively targeting Myanmar in order to exert political pressure, despite his country's cooperation with the Special Rapporteur on the situation of human rights in Myanmar and with the Special Adviser of the Secretary-General on Myanmar. Recalling the principled position previously expressed by the Cuban delegation on behalf of the Movement of Non-Aligned Countries regarding the exploitation of human rights for political purposes, Myanmar appealed to all developing countries, countries not members of

the Movement, and all countries attached to that principle, to vote in favour of the no-action motion.

93. **The Chairman** announced that he would proceed in accordance with the provisions of rule 116.

94. **Ms. Zhang Dan** (China) said that her delegation supported the no-action motion because it had always opposed the practice of using country-specific draft resolutions on human rights issues to exert pressure on developing countries. She called on the countries concerned to refrain from that practice in the Committee, as it led to confrontation. The human rights situation in each country would be examined by the Human Rights Council by means of a transparent and equitable mechanism, and the countries involved should reject a draft resolution that would lead to political confrontation and instead engage in a genuine dialogue on human rights based on equality and mutual respect. Not only had the sponsors of the draft resolution in question not conducted open-ended consultations, but they had not taken into account any of the amendments proposed by China and many other countries. Such behaviour cast doubt on the sponsors' willingness to engage in dialogue and seek consensus. The no-action motion would contribute to the objective and equitable review by the Committee of all human rights issues, and China asked other delegations to support it.

95. **Mr. Lukiyantsev** (Russian Federation) said that his delegation opposed the practice of submitting unilateral country-specific draft resolutions on human rights situations which, far from resolving existing problems, led to new confrontations between Member States. Convinced that the establishment of the Human Rights Council and the universal periodic review would favour constructive cooperation based on mutual respect, and that the consideration of country-specific human rights situations was a matter for the Human Rights Council, the Russian Federation supported the no-action motion on draft resolution A/C.3/63/L.33 and invited other States to do the same.

96. **Ms. Juul** (Norway) expressed her delegation's deep regret that a no-action motion had been tabled on draft resolution A/C.3/63/L.33. All texts submitted to the Committee, regardless of their content, should be reviewed on their merits, and delegations should be allowed to comment on them. Norway opposed no-action motions on principle. While there had been much talk about the selectivity of country-specific

draft resolutions, the United Nations, including the Committee, should remain a forum for addressing such cases. Dialogue was essential, but should not preclude criticism when needed. No-action motions ran counter to the principle of dialogue and were tantamount to turning a blind eye to human rights violations. Norway urged all delegations to oppose them.

97. **Ms. Hill** (New Zealand) recalled the mandate of the General Assembly regarding the consideration of human rights situations and the adoption, for over 30 years, of resolutions on some of the most serious cases. That practice had often contributed to an improvement in a human rights situation. New Zealand was committed to dialogue and cooperation in that area and was convinced that resolutions should only be adopted after negotiations with the countries and regions concerned, and with as broad a consensus as possible. The General Assembly had a major role to play in that respect and should not remain silent. In response to delegations which feared that the Committee would be duplicating the work of the Human Rights Council, she noted that the universal periodic review would not be a substitute for the country-specific resolutions adopted by the General Assembly for a number of reasons, including, in the current case, the fact that the universal periodic review mechanism would not be considering Myanmar in 2008 and would not do so until 2011. Draft resolution A/C.3/63/L.33 raised serious concerns which remained regarding the human rights situation in Myanmar, and the Committee should give consideration to them. The New Zealand delegation would vote against the no-action motion and hoped that all other delegations would support its position.

98. *A recorded vote was taken on the motion to adjourn the debate on draft resolution A/C.3/63/L.33.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Brunei Darussalam, Cambodia, Central African Republic, Chad, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Kazakhstan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Oman, Qatar, Russian Federation, Saudi Arabia, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic,

Tajikistan, Thailand, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

*Abstaining:*

Belize, Benin, Brazil, Burkina Faso, Cameroon, Dominica, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Jamaica, Jordan, Kenya, Lesotho, Malawi, Mali, Mauritania, Mozambique, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Trinidad and Tobago, United Republic of Tanzania.

99. *The motion to adjourn the debate on draft resolution A/C.3/63/L.33 was rejected by 90 votes to 54, with 34 abstentions.*

100. **Mr. Khane** (Secretary of the Committee) recalled that Montenegro had joined the sponsors of the draft resolution at the time of its introduction.

101. **Mr. Delacroix** (France), speaking on behalf of the European Union and all the sponsors of draft resolution A/C.3/63/L.33, requested Member States to support the text, and announced that Bosnia and

Herzegovina and Turkey had also joined the sponsors of the draft resolution on the situation of human rights in Burma/Myanmar. He informed Member States of a slight revision to paragraph 3 (f) of the draft resolution, where the phrase “them to intensify these” should be replaced by the words “the continuation and intensification of”. Recalling the main provisions of the text, and in the light of recent developments that were particularly worrying, he stressed the urgent call on the Burmese authorities to respect human rights and to cooperate fully and in good faith with the international community. The French delegation hoped that the General Assembly would be able to adopt the draft resolution.

102. **The Chairman**, responding to a point of order raised by the representative of Myanmar, recalled that the official name of the country was Myanmar and not Burma/Myanmar.

103. **Mr. Kyaw Tint Swe** (Myanmar) said that the draft resolution was entirely flawed in terms of both substance and procedure, and reflected the clear intention of its sponsors, which was to exert political pressure on Myanmar on the pretext of defending human rights, despite the position adopted at the outcome of the seventh Asia-Europe Meeting, in October 2008. Myanmar had demonstrated its willingness to cooperate with the international community, as the Special Adviser to the Secretary-General on Myanmar had recently emphasized to the Committee. The draft resolution did not take into account any of the measures taken by Myanmar, such as the release of and amnesty for over 9,000 persons in September 2008. The text was clearly based on allegations by exiles and members of insurgent groups who were waging a disinformation campaign, aided by other countries. It also referred to areas that were strictly within national jurisdiction, in violation of the provisions of the Charter of the United Nations. Recalling the recent adoption of draft resolution A/C.3/63/L.31, relating to unilateral coercive measures, in particular paragraph 4, he denounced the exploitation of human rights for political purposes and the use by the European Union of coercive measures against his country. Contrary to what had been said by the New Zealand delegation, the Human Rights Council was the forum where human rights situations should be considered.

104. The Government of Myanmar, among other steps, was continuing its policy of national reconciliation and

its dialogue with Daw Aung San Suu Kyi, and it planned to organize multiparty elections in 2010 that would be free and fair, as publicly stated. It was unconscionable that the European Union had turned a blind eye to those tangible results, and had decided to submit a draft resolution that infringed upon Myanmar’s sovereignty and that, if adopted, would set a dangerous precedent for all developing countries. The draft resolution was clearly based on political considerations and selectively targeted a country that was out of favour with the Western countries, and was an attempt by the countries of the North to exert pressure on a country of the South. He called on the delegations of all developing countries, in a spirit of solidarity, as a matter of principle and in accordance with the position taken by the Heads of State and Government of the Movement of Non-Aligned Countries, to vote against the European Union’s politicized country-specific draft resolution. He requested that a recorded vote should be taken.

105. **The Chairman** said that, in view of the time, the Committee would continue the debate on draft resolution A/C.3/63/L.33 in the afternoon.

106. **Mr. Kyaw Tint Swe** (Myanmar), speaking on a point of order, asked whether the rules of procedure allowed voting to be suspended. If that was not the case, he asked for the Committee to proceed to vote on the draft resolution.

107. **Mr. Saeed** (Sudan), speaking on a point of order, said that he shared the opinion of the representative of Myanmar and recalled that the same situation had arisen at the previous session; he requested clarification from the Secretariat as to how the Committee should proceed. Postponing the decision when the procedure was under way ran the risk of setting a precedent and engendering a very complex situation. The debate on the draft resolution should continue in accordance with the rules of procedure.

108. **Mr. Khane** (Secretary of the Committee), after reading out rule 128 of the rules of procedure, indicated that the voting procedure itself had not yet begun. The Committee had not reached that stage as the Chairman had not yet announced that a recorded vote had been requested.

*The meeting rose at 1.10 p.m.*