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Chair: Mr. Mac-Donald (Suriname)

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

Agenda item 28: Advancement of women (*continued*)

(a) Advancement of women (*continued*)
(A/C.3/67/L.21)

Draft resolution A/C.3/67/L.21: Intensifying global efforts for the elimination of female genital mutilation

1. **Ms. Beremwoudougou** (Burkina Faso), introducing the draft resolution on behalf of the African Group, said that there were more than 100 million victims of female genital mutilation worldwide. Each year, an additional 3 million women and girls were at risk of undergoing the practice.

2. Over the years, the Commission on the Status of Women had worked to galvanize efforts against female genital mutilation, which was carried out in a number of regions, notably in Africa, and had even been exported, through immigration, to areas where it had been previously unknown. In 2011, the Heads of State and Government of the African Union had decided to submit to the General Assembly a resolution on the worldwide elimination of female genital mutilation.

Agenda item 62: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/67/L.31)

Draft resolution A/C.3/67/L.31: Office of the United Nations High Commissioner for Refugees

3. **Ms. Klemetsdal** (Norway), introducing the draft resolution, said that it contained new language on birth registration, rescue at sea and arbitrary detention. Andorra, Argentina, Australia, Austria, Bosnia and Herzegovina, Brazil, Bulgaria, the Czech Republic, Kenya, Portugal, Serbia, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland had joined the sponsors.

4. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Costa Rica, Ecuador, Eritrea, Kyrgyzstan, Madagascar, Mali, Mauritius, Mongolia, Morocco, Peru, the Russian Federation and Uruguay had also joined the sponsors.

Agenda item 69: 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.3/67/L.45)

Draft resolution A/C.3/67/L.45: Committee against Torture

5. **Ms. Kofoed** (Denmark), introducing the draft resolution, said that it authorized the Committee against Torture to continue to meet for an additional week per session as a temporary measure. A substantially increased workload was expected, owing to the fact that many States had accepted the new optional reporting procedure. Additional meeting time in 2011 and 2012 had allowed the Committee to reduce its backlog from 30 reports to 20 and from 135 communications to 115. To allow the Committee to consider additional reports every session and prevent it from falling severely behind as it had two years earlier, it was absolutely necessary for the Committee to continue meeting for an additional week per session for the coming two years.

6. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Chile, France, Guatemala, Madagascar, Mali and Montenegro had joined the sponsors.

Agenda item 68: Right of peoples to self-determination (*continued*) (A/C.3/67/L.29)

Draft resolution A/C.3/67/L.29: Universal realization of the right of peoples to self-determination

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

8. **Mr. Butt** (Pakistan), speaking as the main sponsor, said that the right to self-determination enjoyed primacy in international law. It was affirmed and upheld by all major international summits, declarations and resolutions and by the two International Covenants. Adoption of the draft resolution by acclamation would send a strong message regarding the international community's opposition to all acts of foreign aggression and occupation.

9. **Mr. Gustafik** (Secretary of the Committee) said that Antigua and Barbuda, Jamaica and Viet Nam had joined the sponsors.

10. **Mr. Carlton** (United States of America) said that while his country considered the right of self-determination to be important and had joined the consensus, the draft resolution contained many misstatements of international law and was inconsistent with current State practice.

11. *Draft resolution A/C.3/67/L.29 was adopted.*

12. **Mr. García-Larrache** (Spain) said that while his country fully supported the right to self-determination, there were situations in which the administering Power and the authorities of the territory it had colonized established a political relationship in their own interest and insisted that there was no colonial link, while still claiming a so-called right to self-determination. That was a distortion of the Charter of the United Nations and of the relevant resolutions.

13. The original population of Gibraltar had had to leave the territory, and the current inhabitants had been installed by the occupying Power for military purposes. Claims to self-determination were therefore untenable. The United Nations considered that the colonial situation of Gibraltar affected the territorial integrity of Spain, and thus had repeatedly called for dialogue on the issue. Spain believed that a solution that respected the rights of Gibraltar's inhabitants could be found, and hoped that the United Kingdom would join it in seeking such a solution.

14. **Mr. Díaz Bartolomé** (Argentina) said that his delegation fully supported the right to self-determination, which, according to the relevant General Assembly and Special Committee resolutions, was applicable only to peoples subjected to alien subjugation, domination and exploitation. Those resolutions expressly recognized that the special and particular case of the Malvinas Islands involved a sovereignty dispute between two parties, Argentina and the United Kingdom, and called on them to resume bilateral negotiations in order to find a just, peaceful and lasting solution that took the interests of the Islands' population into account.

15. The United Kingdom illegitimately occupied the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. It had expelled the Argentine population, which it had replaced with its own subjects. The right to self-determination was therefore not applicable. The other guiding principle of decolonization, namely territorial integrity, was applicable to those Islands.

16. **Mr. Makriyiannis** (Cyprus), speaking on behalf of the European Union, said that the thrust of the draft resolution remained too narrow. The text contained a number of inaccuracies under international law. The right to self-determination as stated in the International Covenants attached only to peoples, not to nations. It was incorrect to suggest that self-determination was a precondition for the enjoyment of other human rights.

17. The right of return should have been reflected in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights.

18. **Ms. Kyrianiades** (United Kingdom), speaking in exercise of the right of reply, said that Gibraltar had been included in the United Nations list of Non-Self-Governing Territories since 1946 and enjoyed individual and collective rights accorded by the Charter of the United Nations. The right of Gibraltar to self-determination was not constrained by the Treaty of Utrecht except insofar as article X gave Spain the right of refusal should the United Kingdom ever renounce sovereignty. While the Government of Gibraltar did not share the view that such a constraint existed, it was the position of the Government of the United Kingdom that independence was an option only with Spanish consent. The referendum organized by the Government of Gibraltar with the unanimous approval of the Gibraltar Assembly, now the Gibraltar Parliament, constituted a democratic, lawful and entirely proper act.

19. The United Kingdom had no doubt about its sovereignty over the Falkland Islands and the South Georgia and the South Sandwich Islands and the surrounding maritime areas. The principle of self-determination, as established in Article 1, paragraph 2, of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights, underlay the United Kingdom's position on the issue. There could be no negotiations unless and until the islanders themselves so wished.

20. **Mr. Díaz Bartolomé** (Argentina), speaking in exercise of the right of reply, drew attention to the statements made by the President of Argentina before the Special Political and Decolonization Committee on 14 June 2012 and before the General Assembly on 25 September 2012. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were part of Argentine territory and were illegally occupied by the United

Kingdom. The illegal occupation had prompted the General Assembly to adopt a series of resolutions recognizing the existence of the sovereignty dispute.

21. Argentina restated its legitimate right to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. They were an integral part of its national territory.

The meeting rose at 3.45 p.m.