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95th plenary meeting

Friday, 28 June 2019, 10 a.m.

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Official Records

President: Ms. Espinosa Garcés. (Ecuador)

In the absence of the President, Mr. Yelchenko (Ukraine), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 14 (continued)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Draft resolution (A/73/L.95)

The Acting President: I now give the floor to the representative of Egypt to introduce draft resolution A/73/L.95.

Mr. Edrees (Egypt) (spoke in Arabic): It is my honour to address the Council today on my own behalf and on behalf of my colleague, the Permanent Representative of Canada, as co-facilitators for draft resolution A/73/L.95, entitled “Commemoration of the twenty-fifth anniversary of the International Conference on Population and Development”.

The International Conference on Population and Development, held in Cairo in 1994, and its Programme of Action are important means to promote the issue of population. The Conference set out a new and progressive vision on the relationship between population and development, and between prosperity and the rights of the individual. The Conference held in Cairo saw the adoption by 179 States of the 20-year Programme of Action, which was extended in 2010,

as a comprehensive indicator of development progress based on the individual. The Programme of Action was pivotal in promoting sexual and reproductive health, the empowerment of women and gender equality, which are the cornerstones of the population and development agenda.

The issue of population is the common platform that forms the basis of the Cairo Programme of Action, specifically, and other development plans in general. Success in implementing the Cairo Plan of Action will certainly bolster efforts to achieve 2030 Agenda for Sustainable Development.

Based on all this, Egypt and Canada were keen to submit a procedural draft resolution to commemorate 25 years since the 1994 International Conference on Population and Development was held in Cairo. The draft resolution sets aside an evening session on 16 July for the General Assembly to commemorate 25 years of the Conference and to serve as an opportunity to exchange viewpoints and lessons learned with the aim of advancing national, regional and international efforts to expedite the implementation of the outcome of the Conference and contribute to the Nairobi meeting in November. We wanted this commemoration to coincide with the High-level Political Forum so as to benefit from the high-level participation of Member States and stakeholders, including the private sector, academia and civil society, as well as to strengthen links for implementing the two agendas.

With a view to ensuring good and constructive relations with all delegations of Member States, in recent

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weeks Egypt and Canada have held a series of bilateral consultations with a large number of them, as well as with regional groups. During those consultations, we listened to their proposals and views on the procedural draft resolution. That was followed by three sessions of governmental consultations, on 6, 10 and 18 June, during which we examined the procedural rules and agreed practices. All those consultations and meetings have led to the draft resolution in its current form.

In conclusion, on my behalf and on behalf of my colleague, the Permanent Representative of Canada, I would like to thank all delegations for their positive involvement in and support for our efforts as facilitators of the governmental consultations. We would also like to thank the delegations that sponsored the procedural draft resolution. Let me further thank all colleagues in the Secretariat, the staff of the Office of the President of the General Assembly and the United Nations Population Fund for their efforts and sincere cooperation with the delegations of Egypt and Canada during the preparation of this procedural draft resolution.

We look forward to seeing the President of the General Assembly and others on the evening of 16 July to commemorate the twenty-fifth anniversary of the International Conference on Population and Development.

The Acting President: The Assembly will now take a decision on draft resolution A/73/L.95, entitled “Commemoration of the twenty-fifth anniversary of the International Conference on Population and Development”.

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, and in addition to those delegations listed in the document, the following countries have also become sponsors of draft resolution A/73/L.95: Argentina, Australia, Benin, Cabo Verde, the Central African Republic, Comoros, Djibouti, Eritrea, the Gambia, Guinea, Guinea-Bissau, Japan, Lebanon, Libya, Kenya, Kiribati, New Zealand, Nigeria, Norway, Panama, Peru, the Philippines, the Republic of Korea, Senegal, Sierra Leone, South Africa, the Sudan, the Syrian Arab Republic, Togo, Tunisia, Turkey, Uruguay, Yemen and Zambia.

The Acting President: May I take it that the Assembly decides to adopt draft resolution A/73/L.95?

Draft resolution A/73/L.95 was adopted (resolution 73/303).

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

Mr. Varganov (Russian Federation) (*spoke in Russian*): We welcome the General Assembly’s decision to commemorate the twenty-fifth anniversary of the convening of the International Conference on Population and Development. We consider the Programme of Action adopted at the Conference to be a fundamental document for international cooperation in population and development that should not be amended or edited. We are of the view that the work of the bodies and agencies of the United Nations system in this area should be based on the basic principles of the Programme of Action that were agreed on 25 years ago, and not on their arbitrary interpretation.

In that context, our delegation supported resolution 73/303, which was just adopted, in order to strengthen the principle of consensus, although not all the resolution’s provisions fully take our approaches into account. We are guided by the fact that the text that was adopted does not set a precedent for the holding of such events with respect to the participation of non-governmental organizations in the meeting. We also expect that all States will have the opportunity to speak in the upcoming meeting, if they are interested in doing so, and that their statements will be given priority.

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

The Assembly has thus concluded this stage of its consideration of agenda item 14.

Agenda item 74 (continued)

Promotion and protection of human rights

Draft resolution (A/73/L.94)

The Acting President: I now give the floor to the representative of Romania to introduce draft resolution A/73/L.94.

Mr. Jinga (Romania): The European Union is pleased to introduce draft resolution A/73/L.94, entitled “Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards”, on behalf of the 66 members of the Global Alliance for Torture-Free Trade and numerous other States that are committed to seeing the international community take collective steps forward on this issue. All States are welcome to join the Alliance.

This is a timely moment for such an initiative, falling two days after the international community marked the International Day in Support of Victims of Torture to honour victims and survivors throughout the world. Today we have an opportunity to turn our words into action.

The reason why so many States have come together to call for greater scrutiny of this trade is simple. It is unconscionable to turn a blind eye to the import and export of goods that can be used to inflict torture, suffering and even death. Permit me to cite some examples: the spiked baton, which is a truncheon with sharp metal spikes along part or all of its shaft; the electric-shock belt equipped to deliver extremely painful electric shocks, which is fixed around the victim’s body; and the portable gas chamber, which requires no further explanation.

The international community is united in its condemnation of torture and has on many occasions underscored the imperative of working towards its eradication. Put simply, torture is illegal under international law. Some 166 States have ratified the United Nations Convention against Torture and have thereby pledged to take effective legislative, administrative, judicial and other measures to prevent acts of torture in their territory. Taking steps to address the trade in torture goods is a critical way in which such prevention can be assured.

The trade in goods that can only be used for torture and other cruel, degrading or inhuman treatment or punishment has been a long-standing concern at the United Nations. Indeed, over 30 years ago, the first Special Rapporteur on Torture, who was appointed by the Commission on Human Rights, addressed the issue in an early report. Subsequent Rapporteurs have scrutinized the torture trade in more detail and underscored the importance of controlling that trade in order to deliver on the international community’s commitment to eradicating torture. Several resolutions

have called for action in this field — most recently resolution 72/163, on torture, which was adopted by consensus on 17 December 2017. Regional organizations, such as the African Union Commission and the Organization for Security and Cooperation in Europe have recognized the seriousness of the torture trade and recommended action.

In bringing forward the draft resolution under consideration today, we have taken care to ensure a careful step-by-step approach that avoids making snap judgements as to how the torture trade should be addressed. Our proposed approach is intended first and foremost to solicit the views of all States Members of the United Nations as to how common international standards might be formulated in future. The views of all Member States will form the basis for the Secretary-General’s report that will then be taken up for consideration by a group of governmental experts chosen on the basis of equitable geographical distribution. That group of experts will be charged with reporting to the seventy-fifth session of the General Assembly. This process is designed to deliver food for thought in an efficient and transparent manner and to support an open and constructive engagement among the States Members of the United Nations. It does not prejudice what further steps might then be taken by the international community. It does not lock in further action in New York or Geneva.

We have also sought to ensure that the negotiation process was fair and transparent. We have held three informal consultative meetings to garner views and made a range of changes to the text. The text now makes a crystal-clear demarcation between goods used for torture and those used for the death penalty and does not entail judgments on the death penalty. The draft does provide that instruments used to apply the death penalty are to be included within the purview of the Secretary-General’s report, because certain goods that are traded, including portable gas chambers, can be used in ways that inflict undue suffering.

We have heard concerns from some States during the informal consultations that the draft resolution conflates trade and human rights concerns in an inappropriate way — and even that we have been motivated by protectionist instincts. We would like to reassure those who made these points. First, the members of the Global Alliance have a proven record in advancing free trade and are core supporters of a multilateral trading system. A commitment to free trade

does not mean that we should tolerate the import and export of goods that have been specifically designed to maim and kill. Secondly, it is by no means unusual for the United Nations to deliberate on issues that bring together trade and human rights considerations. The Kimberley Process governing blood diamonds and the United Nations Guiding Principles on Business and Human Rights are just two examples. The text makes it clear that the initiative does not aim at creating barriers to international trade.

We do not claim that the draft resolution before the General Assembly today has all the answers. Torture can of course be inflicted with a fist or a pencil. But we do contend that turning a blind eye to the torture trade can only empower those who resort to torture and can only help to legitimize an illegal international practice. We call on all members of the General Assembly to support the adoption of draft resolution A/73/L.94 today and to join us in adopting this initiative designed to boost the collective global fight against torture.

The Acting President: We shall now proceed to consider draft resolution A/73/L.94.

Before giving the floor for explanations 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. Tang (Singapore): I am taking the floor to deliver an explanation of vote before the voting on the draft resolution that has just been introduced (A/73/L.94).

My delegation is deeply disappointed with the draft resolution submitted for action today. Singapore does not condone torture. However, the draft resolution is fundamentally flawed, both in terms of substance and process. In terms of substance, the draft resolution is asking the General Assembly to legislate and regulate matters of international trade. From the outset, my delegation expressed strong concern that the draft resolution is forcing international trade issues to be decided by the General Assembly when it is not the appropriate body to do so.

In terms of process, the sponsors have shown no interest in engaging delegations with different views. There were absolutely no probatory discussions on this issue. Only three informal consultations were held, during which many delegations questioned why the sponsors were so eager to push through the

draft resolution in such a short time frame, without producing any data on the actual volumes of trade in the categories of goods in question. It was very clear that the sponsors were neither interested nor committed to engaging delegations with different views.

I will now outline my delegation's specific concerns with the draft resolution.

First, the draft resolution seeks to establish new conditionalities on international trade that could be used to justify protectionism. Ultimately, these new conditionalities will impede the flow of international trade and undermine the rules-based multilateral trading system. What is most disappointing is that the sponsors of the draft resolution have always claimed to be advocates of an open rules-based and transparent multilateral trading system, which is also ironic, as this comes at a time when the sponsors have been making strong calls against protectionism. May I also say that we were neither reassured nor convinced by the points just made in this regard by the main sponsor during the introduction of the draft resolution.

As a small and open country that is deeply committed to the rules-based multilateral trading system and whose life blood is international trade, Singapore is firmly of the view that it is inappropriate that the General Assembly adopt draft resolution A/73/L.94. At a time when unilateralism is on the rise and protectionism is rearing its ugly head, the international community should not introduce additional restrictions that would shake the core of a predictable, open and rules-based multilateral trading system. Further, we are deeply concerned that the draft resolution would provide cover for deliberate and/or disguised restrictions on free and open trade between countries. Unfortunately, the sponsors have not addressed these concerns seriously and substantively.

The introduction of a new seventh preambular does not address the fundamental flaw of the draft resolution. What is most dangerous about the draft is that it establishes a precedent for the future and emboldens others to introduce other draft resolutions that seek to legislate and regulate trade issues based on controversial criteria or requirements.

Our second concern is that the draft resolution mandates the Secretary-General to establish a group of governmental experts to draft parameters for a range of options to establish common international standards for the import, export and transfer of goods used for

capital punishment and torture. That mandate is based on the unfounded premise cited in the sixth preambular paragraph, without any evidence whatsoever having been provided, that there is “growing support across all regions for concluding an international instrument” to establish such common international standards.

My delegation is of the firm view that the General Assembly should not rush into creating such a group of governmental experts before Member States have had sufficient time to have a more in-depth dialogue on this issue. The assertions by the co-sponsors during the informal consultations that the Secretary-General’s report and the group of governmental experts are in themselves discussions on the issue are simply not credible. The fact is that the group of governmental experts will comprise a closed group of select individuals who cannot possibly represent the range of views of 193 Member States. Why are the co-sponsors reluctant to establish an open-ended working group to discuss this issue further? Are they afraid of listening to different views? Imposing common international standards through a selective and closed process is not the right way to establish such standards.

Last but not least, the draft resolution conflates capital punishment with torture — a linkage that is not supported by international law. In so doing, the co-sponsors are attempting to impose the unfounded view that capital punishment is a form of torture when there is no international consensus in that regard. By linking the two separate concepts in the draft resolution and refusing to take on board the legitimate concerns of many delegations regarding such a linkage, the members of the Alliance for Torture-Free Trade have shown that they are interested only in advancing their own narrow agenda and ideological objectives and in forcing the General Assembly to endorse their views through a cynical numbers game.

Singapore will vote against the draft resolution for all the reasons that I have set out. I would call on other delegations to do the same.

Mr. Khashaan (Saudi Arabia) (*spoke in Arabic*): My delegation would like to speak in explanation of vote before the voting on draft resolution A/73/L.94, entitled “Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards”.

The delegation of the Kingdom of Saudi Arabia regrets that the amendments it presented during

the negotiations with the co-sponsors were not incorporated in the draft resolution. We hoped to establish and promote the principle of consensus among all parties with a view to reaching a draft text that was acceptable to all and reflected all views. My delegation also expresses its regret over the way in which the negotiations were conducted. There was no flexibility and only one voice was heard.

We would like to point out that the draft resolution includes ambiguous and unclear paragraphs that contradict its title, which reflects a noble objective that we support. However, we would like to clarify the points of objection as follows.

First, the language of the draft resolution can be attributed to resolution 61/89, entitled “Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms”. That resolution dealt with weapons, not torture. The co-sponsors of the draft resolution copied and pasted certain paragraphs from the resolution without any amendments except to delete the mention of weapons and replace it with torture and capital punishment in a manner that was not professional or logical.

Secondly, capital punishment does not contravene the provisions of international law or international conventions, including the Convention against Torture. Consequently, capital punishment is not considered torture. In that regard, my delegation would like to reiterate that capital punishment in the Kingdom of Saudi Arabia is applied only against the most atrocious crimes and in very limited circumstances, in accordance with national laws, and only after a clear condemnation in line with the law and a transparent and fair trial. All cases of capital punishment are legally and judicially reviewed by more than 10 judges through various phases.

Thirdly, in the last round of negotiations the co-sponsors circulated a list containing a number of goods that are used for torture, which reflects a good effort. However, for the sake of transparency, that list could have been included in one of the operative paragraphs in order to ensure clarity and end ambiguity that could be deliberate. Hence there would be a linkage between free trade and human rights, leading to new legal grounds for the prohibition of exporting or importing certain goods based on political, not commercial, motives.

Fourthly, my delegation believes that there was unjustified urgency on the part of the co-sponsors of the draft resolution. Paragraph 1 requests the Secretary-General to seek the views of Member States on the feasibility of establishing common international standards for the import, export and transfer of goods used for capital punishment or torture or other cruel, inhuman or degrading treatment or punishment. It further requests the Secretary-General to submit a report on the subject to the General Assembly at its seventy-fourth session.

Paragraph 2 of the draft resolution also requests the Secretary-General to establish a group of governmental experts, to be chosen on the basis of equitable geographical distribution. It would have been better to wait and consider the views of States and the outcome of paragraph 1 and then establish a new mechanism if need be.

In conclusion, my delegation asserts the inherent right of States to apply their national laws in a manner that maintains their security and stability. States Members of the United Nations should respect and preserve that right. Based on that, my country will vote against the draft resolution and we call on all States to do the same.

Mr. Xing Jisheng (China) (*spoke in Chinese*): China has concerns about draft resolution A/73/L.94, entitled “Towards torture-free trade”, which was submitted by the European Union.

First of all, it is important to emphasize that China is a party to the Convention against Torture. We have always firmly opposed torture, unremittingly promoting the rule of law, human rights protection and the prohibition of torture in legislation, law enforcement, justice and monitoring. China’s position on the draft resolution has nothing to do with the issue of torture and does not affect or change China’s principled position of firmly opposing and prohibiting torture.

China is seriously concerned that the main sponsors of the draft resolution are linking trade with human rights issues. That could be used in future for political purposes to artificially create barriers to international trade on account of human rights, thereby having a negative impact of the free flow of international trade.

The draft resolution also includes capital punishment in its scope, which has no basis in international law. As is known, all countries have serious differences on

the issue of the death penalty. Countries should decide whether to apply the death penalty in line with their national circumstances and cultural traditions. The draft resolution disregards the diversity of cultures, traditions and judicial systems among different countries in the world by imposing the suspension or abolition of the death penalty on other countries.

The draft resolution deals with torture, capital punishment, trade and human rights and their interrelationships, aiming to establish common international standards and turn them into international law. It covers a wide scope with a far-reaching impact. Member States must be able to study it carefully and in-depth and build consensus through full consultation. On the contrary, there have been only three informal consultations on the draft resolution. While many countries still have fundamental difficulties with the draft, the main sponsors are insisting on submitting it to the General Assembly for consideration. This practice of imposing their will on others is not constructive.

For those reasons, China will vote against the draft resolution and hopes that other countries will take the same position.

Ms. Suzuki (Japan): I would like to explain the position of the Government of Japan on draft resolution A/73/L.94.

We find two serious issues in the draft resolution: first is the reference to the death penalty and the second the reference to the legitimacy of trade regulations.

Article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stipulates State parties’ obligation to prevent acts of torture in any territory under their jurisdiction. No exceptional circumstances whatsoever may be invoked as a justification of torture.

The prevention of torture is well established under international human rights law. The international community should act in concert to ensure that such prevention is implemented. Japan has no objection to discussing possible measures to prevent torture. However, there is no universal understanding that the death penalty constitutes an act of torture or other cruel, inhuman or degrading treatment or punishment. It is up to the national criminal justice system of each Member State to either abolish or retain the death penalty.

Addressing the death penalty and torture in the same draft resolution leads to confusion concerning

the two issues. That confusion not only gives rise to unconstructive friction between Member States but also makes it difficult to take coordinated action towards the prevention of torture.

My delegation has constructively engaged in informal negotiations, offering concrete amendment proposals on the understanding that the deletion of references to the death penalty with a strong focus on the prevention of torture would be a precondition for the discussion of trade regulations.

Many countries expressed similar concerns during the negotiations. However, the co-sponsors did not offer the opportunity for sufficient dialogue on these important concerns and did not accept the draft amendments. Under these circumstances, today's action on the draft resolution in the General Assembly is deeply regrettable.

My delegation cannot accept the current text, which addresses torture and the death penalty in the same sentence.

For that reason, Japan will vote against the draft resolution.

Mr. Elshenawy (Egypt) (*spoke in Arabic*): The delegation of the Arab Republic of Egypt would like to explain its vote before the voting on draft resolution A/73/L.94, entitled "Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards".

Egypt stresses its firm belief that the prevention of torture and other forms of harsh, inhuman or degrading treatment or punishment is an inalienable right under international human rights law and should not be breached under any circumstances. Furthermore, we believe that the prevention of torture is an obligatory norm of international human rights law.

In principle, we support the measures to promote international cooperation within the United Nations with a view to prohibiting goods that are used only for torture. Egypt would have liked to join the consensus on the draft resolution had it been accurate enough in dealing with the main objective of the text, that is, to put an end to trade in goods used for torture.

However, we would like to take this opportunity to express our reservations on a number of issues related to the draft resolution and to the manner in which it was presented to the General Assembly.

First, not enough time was allocated for discussing the draft resolution, and it was presented by the co-sponsors directly in the General Assembly, bypassing the Third Committee and all other relevant mechanisms, including the Human Rights Council. This represents a serious precedent in the handling of human rights issues at the United Nations.

The delegation of Egypt has on more than one occasion expressed its reservations on the methods used in the conduct of the negotiations and on the failure to take the views of a large number of States into account, in addition to the lack of necessary data on the controversial issue of the draft resolution, in spite of the repeated requests made by many countries during the relevant negotiations.

Secondly, Egypt's main reservation on the draft resolution is reflected in its possible impact on international trade and the possibility of the use of common international standards to be clarified in future as obstacles to trade, as well as setting politicized and non-neutral conditions on certain States based on alleged claims regarding their human rights records, thereby preventing certain goods from reaching them.

Thirdly, the draft resolution clearly links torture and other forms of harsh, inhuman or degrading treatment or punishment on the one hand, and capital punishment on the other. This linkage has been the goal of many States in the past with a view to calling for the abolition of capital punishment, based on the text of the draft resolution regarding the need to put an end to the trade of goods related to torture or capital punishment, despite the rejection of this linkage by a large number of countries.

Egypt emphasizes that article 6 of the International Covenant on Civil and Political Rights gives States the sovereign right to apply capital punishment for the most heinous crimes in accordance with their national jurisdiction and applicable rules.

In view of the aforementioned reservations, Egypt will vote against the draft resolution and calls upon other countries to do the same.

Ms. Henry (Jamaica): I take the floor to provide an explanation of vote with respect to draft resolution A/73/L.94, entitled "Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards".

Jamaica will vote against the draft resolution for the following reasons.

First, we are concerned about the text's attempts to conflate issues related to human rights and trade without the full ventilation of possible implications in the Third Committee or the World Trade Organization (WTO). It is noted that the fifth preambular paragraph highlights the absence of common international standards on the import, export and transfer of goods for the uses listed. We maintain that such discussions related to the formulation of international standards on trade should be maintained within the purview of the WTO.

Secondly, we are concerned that the draft resolution could set the stage for the imposition of conditionalities or trade regulations that restrict the ability of countries to fully pursue their international trade relations. The imposition of non-tariff measures on the basis of human rights concerns will particularly affect countries such as Jamaica, which operate open economies and are heavily dependent upon external trade.

Thirdly, the language of the draft resolution does not take into consideration the fact that there are tradable items that embody a dual purpose or use. Therefore, the list of items could be infinite. Establishing the threshold for proof and identification of such items would require relevant consultations with military and security experts.

Jamaica remains fully committed to the principles set out in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and resolution 72/163. It is noted that resolution 72/163 mandates the Secretary-General, the Committee against Torture and the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur to submit reports for consideration by the General Assembly on their activities related to torture and other cruel, inhuman and degrading treatment or punishment during this session and the upcoming session of the Assembly. Accordingly, my delegation would not wish to be engaged in a parallel process that may affect or prejudice the outcomes of the consideration of those reports.

My delegation is further disappointed that the draft resolution includes references to capital punishment and seemingly equates this lawful practice to torture. It will be recalled that there is currently no international

law prohibiting the use of capital punishment. Jamaica maintains that it is a sovereign right of every country to decide its own judicial and political systems, taking into account the country's unique history, legal traditions and national circumstances. In this respect, we are concerned about the unwarranted attempt to target and modify national legal instruments governing the use of capital punishment.

The draft resolution does not reflect the balance of interests of all Member States. The current draft does not sufficiently address or take into consideration the amendments submitted by Member States during the informal consultations. My delegation is therefore concerned that critical issues that have been raised and which require further analysis and discussion were not given the required attention during the deliberations on the draft resolution. Moreover, the draft resolution envisions the establishment of a group of governmental experts to examine the feasibility and scope of the goods to be included and draw up parameters for a range of options to establish common international standards. My delegation believes that this group of experts is unlikely to be representative of the widest possible views on the related issues. We are therefore loathe to support any draft resolution that may potentially affect international trade opportunities and our negotiations conducted under the auspices of the WTO.

On a final note, paragraph 4 calls for the cost of all activities that may arise from the implementation of the present draft resolution to be met from voluntary contributions. It would appear that this draft resolution has the potential to divert funds from the existing United Nations Voluntary Fund for Victims of Torture and from the Special Fund of the Optional Protocol to the Convention against Torture on which a report by the Secretary-General is anticipated in the seventy-third and seventy-fourth sessions of the General Assembly. We would discourage such an approach, which appears to run counter to our collective commitment to revitalizing the work of the General Assembly.

Mrs. Ahmed (Sudan) (*spoke in Arabic*): My delegation is taking the floor in explanation of vote before the voting on draft resolution A/73/L.94, entitled "Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards", under agenda item 74, "Promotion and protection of human rights", which is currently being examined.

First, it must be clarified that the Sudan is against torture and the inhuman or degrading treatment and punishment of persons. Nevertheless, linking human rights issues with international trade issues, especially torture, still does not enjoy consensus among Member States. More discussions and study are needed to reach consensus within the General Assembly. My country's delegation therefore believes that the draft resolution should be further discussed in the Committees of the General Assembly, which will lead to the desired consensus and neutral international standards.

Secondly, in several of its paragraphs the draft resolution addresses capital punishment, which is a controversial issue that does not yet enjoy consensus within the Committees of the General Assembly. This issue contradicts national legislation in many countries, as well as their cultural and ideological background. Setting punishments in accordance with national legislation and laws is a sovereign issue in the first place, and does not contravene international laws and treaties. Member States must respect that. In this regard, my country's delegation rejects the reference to capital punishment in the preambular and operative paragraphs of the draft resolution. In addition, the third preambular paragraph does not clearly state which instruments are likely to be used for torture or for causing harm, which makes exporting, importing and producing them a difficult and controversial issue.

For all these reasons, my country's delegation shares the concerns and reservations of other delegations and will vote against the draft resolution. We also request that this statement be included in the record of this meeting.

Ms. Nemroff (United States of America): The United States does not take trade-policy direction from the General Assembly. Further restrictions on the materials used in capital punishment are inconsistent with international law, which recognizes the authority of States to impose the death penalty for the most serious crimes. The United States is a signatory neither to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment nor to the Second Optional Protocol to the International Covenant on Civil and Political Rights. For these reasons, we are opposed to draft resolution A/73/L.94.

Mr. Situmorang (Indonesia): As a party to the Convention against Torture and Other Cruel, Inhuman

or Degrading Treatment or Punishment, Indonesia is committed to the full implementation of the Convention. Furthermore, Indonesia believes that the international community should cooperate to fulfil the provisions of the Convention aimed at preventing and responding to torture and other ill treatments.

The draft resolution with which we are presented (A/73/L.94) has an underlying purpose that is not completely aligned with the Convention. The proponents seek to end trade in goods used to carry out the death penalty and torture. This goal is problematic in that it conflates the death penalty with torture and other ill treatment, which is an issue of principle. Our national legislation affirms that the death penalty is a legitimate form of punishment for the most serious crimes in our society. It is also justified by international law. It is very unfortunate that the request by delegations to delete all references to the death penalty was not accommodated.

We also regret that the proposal to use such inclusive mechanisms as open-ended working groups was not accommodated in the draft resolution. The proponent insisted on the establishment of a group of governmental experts without a clear mandate, parameters or terms of reference. Inclusive mechanisms would allow more experts and Member States to contribute to the process and increase ownership over the result. We therefore continue to advocate for the formation of an open-ended working group.

Turning to the procedural aspects, the way in which this draft resolution was deliberated seems to confirm the trend of undermining multilateralism. Consensus is no longer the norm. The drafting of documents is merely an exercise in imposition rather than genuine deliberation. We regret that the draft resolution did not undergo due process.

First, the three informal consultations, held over such a short period, were not sufficient to allow for a meaningful exchange of ideas. Moreover, many of the questions raised by various delegations, including ours, were not answered.

Secondly, the strong trade element in the draft resolution should have been discussed by trade experts as well. Instead, the consultations were mainly attended by human rights experts. We argue that this should be discussed first in Geneva, which hosts both trade and human rights experts of the United Nations system, thereby leveraging United Nations expertise.

Thirdly, the draft resolution was not built on the consensus that is embodied in resolution 72/163, which we will revisit this year. The resolution already has a provision to prevent and prohibit the production, trade, export, import and use of equipment that has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment.

Indonesia is ready to support a consensus-based process. For the reasons I mentioned, we will not support the draft resolution and will abstain in the voting.

Mr. Balobaid (Yemen) (*spoke in Arabic*): My delegation would like to explain its vote on draft resolution A/73/L.94. We will vote against the draft resolution for the following reasons.

First, the sponsors of the draft resolution did not take into account the comments and points of views made by other parties that have concerns or doubts about the text of the draft resolution.

Secondly, my country's delegation fully rejects the linkage between, on the one hand, the crime of torture, which has been rejected under all international, regional and national laws, and, on the other, punishments, including capital punishment, that are carried out in accordance with legislative mechanisms and careful judgments, as well as sovereign laws that must be respected at all levels. In principle, we reject the equation of the crime of torture and harsh practices with national judgments.

Thirdly, the draft resolution is general in nature and lacks clarity. It does not include any reference to the tools to be prohibited. The crime of torture can be carried out with different tools, including very simple ones. If those tools were listed in the draft resolution, my delegation would have supported it. My country is committed to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified by the Yemeni Republic in 1991.

Mr. Al-Khaqani (Iraq) (*spoke in Arabic*): My delegation would like to provide an explanation of vote on draft resolution A/73/L.94.

My delegation participated in the consultations from the very first negotiating meeting. We expressed our concern about certain sensitive issues, foremost of which is the linkage in the draft resolution between torture and capital punishment. We clarified that capital punishment is a sovereign national issue subject to the applicable State laws. That is supported by paragraph 1

of resolution 73/175, which acknowledges the sovereign right of States to implement their national legislation. Torture is degrading and inhuman and cannot be accepted under any law, norms and religions.

Moreover, paragraph 1 of the draft resolution calls on the Secretary-General to establish common international standards for the import, export and transfer of goods used for torture. That is a very strange request because it establishes a serious precedent that is not compatible with international humanitarian law, which rejects torture and calls on all States to stop using that degrading practice.

For those reasons, my country's delegation will vote against the draft resolution.

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.94, entitled "Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards".

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, and in addition to those delegations listed in the document, the following countries have also become sponsors of draft resolution A/73/L.94: Colombia, Ecuador, Honduras, Liechtenstein, Madagascar, Mexico, Panama, Serbia, Switzerland, Turkey and Uruguay.

The Acting President: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro,

Mozambique, Netherlands, New Zealand, North Macedonia, Norway, Panama, Paraguay, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan

Against:

Bahamas, Bahrain, China, Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Japan, Myanmar, Pakistan, Papua New Guinea, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Syrian Arab Republic, United States of America, Yemen

Abstaining:

Algeria, Bangladesh, Belarus, Belize, Brunei Darussalam, Cambodia, Cameroon, Comoros, Djibouti, Grenada, Guinea, Guyana, India, Indonesia, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Libya, Malaysia, Maldives, Mauritius, Morocco, Namibia, Nepal, Nicaragua, Oman, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Lucia, Senegal, Sierra Leone, Solomon Islands, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Draft resolution A/73/L.94 was adopted by 81 votes to 20, with 44 abstentions (resolution 73/304).

[Subsequently, the delegation of Togo 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. Hassani Nejad Pirkouhi (Islamic Republic of Iran): Resolution 73/304 attempts to establish a link that does not exist between the prohibition of torture, which is a peremptory norm under international law, and the death penalty, which is recognized under international law as a permissible measure for the most serious crimes. For that reason, my delegation decided to vote against resolution 73/304.

Mr. Ahmad Tajuddin (Malaysia): My delegation has asked for the floor to explain Malaysia's position on resolution 73/304, entitled "Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards".

Like most other countries, Malaysia is absolutely against torture. We are supportive of the principles behind the resolution. Nevertheless, my delegation would like to point out a few areas of concern.

First, the approach that was taken in formulating the resolution does not adhere to the rules of procedure of the United Nations. Malaysia is of the opinion that the resolution should have first been taken up by the respective committees. In addition, the issue of torture-free trade is more appropriately discussed by colleagues in Geneva, as the matter concerns both trade and human rights.

Secondly, the goods that the resolution refers to have not been clearly defined. That may open a can of worms, since items used for torture could include weapons and almost anything that could be used as an instrument of torture. Therefore, my delegation believes that the resolution is still ambiguous in terms of what it is targeting. On that basis, my delegation decided to abstain in the voting on resolution 73/304. Nevertheless, Malaysia is willing to engage in discussions to further improve the resolution in the future.

Mr. Chatha (Pakistan): My delegation is taking the floor to deliver an explanation of vote after the voting.

Pakistan engaged constructively in the drafting of resolution 73/304, which was presented by Romania. Pakistan is firmly committed to the promotion and protection of human rights and fundamental freedoms. Torture is an abhorrent practice that violates human rights and fundamental freedoms. Pakistan, as party to the Convention against Torture, is firmly committed to the implementation of all its provisions. Pakistan's commitment to prohibiting torture is also guaranteed under article 42 of Pakistan's Constitution.

Promoting human rights and preventing torture is an important component of the global human rights regime. Resolution 73/304, unfortunately, is not consistent with the highest international standards that the international human rights regime has established. It falls woefully short of requisite human rights standards.

A resolution of the General Assembly on establishing common international standards on such

a topic requires due deliberation and due process. Regrettably, neither were deliberations held in a timely, substantive and transparent manner, nor did the process of finalizing the resolution take on board concerns expressed by an array of cross-regional Member States during consultations. We regret that none of our concerns and proposals or those of many other delegations, which we supported, were taken on board by the facilitators.

The association between trade and human rights is not a new concept, but it does not command consensus among Member States. Also, establishing common international standards for the trade of equipment has no linkage with preventing torture. That idea lacks empirical evidence. Using trade agreements to impose specific values and norms is not the right way to address human rights issues. On the contrary, theory and the available evidence suggest that the growth of the free trade system promotes human rights.

Finally, Pakistan rejects the attempt, through the resolution, to create a linkage between the death penalty and torture. The death penalty is ordered as a result of due process of the law under national criminal justice systems for the most serious crimes. It is acceptable under the International Covenant on Civil and Political Rights. Article 6 of the Covenant clearly states that a sentence of death may be imposed for only the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant. Furthermore, every country has the sovereign right under international law to decide its own criminal justice system based on its international circumstances.

For the reasons I mentioned, Pakistan was unable to join the consensus on the resolution and voted against it. Pakistan also disassociates itself from the resolution and requests the General Assembly to reflect that in its record.

Mr. Elmajerbi (Libya) (*spoke in Arabic*): My country reaffirms its respect for all human rights as the inherent and global rights of humankind that preserve human dignity and safeguard people's physical and mental integrity.

My country was one of the first to join the Convention against Torture, on 16 May 1989. In line with the Convention, we have adopted effective legislative, administrative and judicial measures aimed

at preventing torture and other cruel, inhuman or degrading treatment or punishment.

Resolution 73/304 seeks to put an end to the trade in goods that could be used for torture. However, the resolution does not take into account the concerns of many States and hence consensus was not established. We abstained in the voting on the resolution for the following reasons.

First, in its operative part the resolution establishes a link between torture and capital punishment, which are two completely different issues when considered from a legal and objective perspective. Indeed, it contradicts international conventions and national legislation. Torture, according to the Convention against Torture, is

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed”.

Capital punishment is carried out in accordance with national laws in order to deter perpetrators and as a result of a judgment that condemns them of the most heinous crimes leading to the death of other human beings. Such judgments are applicable only in the case of the most serious crimes.

Secondly, it would appear that the text of the resolution, especially its title, is aimed at the renunciation of torture in all its forms. We all agree with that. However, it obscures the ambiguity of its provisions, as the resolution identifies a linkage between human rights, on the one hand, and international trade, on the other, by seeking to establish international standards that might be politicized while having serious and long-term repercussions on international trade.

Mrs. Weiss (Israel): Israel voted against resolution 73/304 today, and we wish to explain our vote.

To be clear, the State of Israel wholeheartedly condemns torture and is a party to the Convention against Torture and fully committed to its dictates. Our vote today does not derogate from our commitment in any way. Our opposition to the resolution arises from many similar concerns raised by our colleagues. In the interest of time, I will outline those briefly.

Like our Singaporean colleagues and others, we are deeply concerned about the potential implications

for trade and the open-ended scope of the resolution, which could potentially include dual-use items, particularly in its operative paragraphs. We also have serious concerns with regard to whether the General Assembly is the proper forum to discuss these matters, and we are concerned about precedent-setting. We are also concerned about the proposed group of experts. At a very minimum, we would have liked to see a clear requirement that they possess expertise in both human rights and international trade.

The State of Israel was actively engaged in the few informal consultations that were held, and we offered constructive and concrete proposals to address many of the concerns that we and others raised today and in those consultations. We were disappointed that our suggestions were not adequately reflected in the final text. Therefore, despite our clear and unwavering position condemning torture, we could not support this initiative.

Mrs. Tripathi (India): I take the floor to explain India's vote on resolution 73/304.

India remains firmly committed to preventing torture and other cruel, inhuman and degrading treatment or punishment. We firmly believe that freedom from torture is a human right that must be respected and protected under all circumstances. Acts of torture are a punishable offence under various provisions of the Indian penal code. The Indian judiciary also serves as a bulwark against any such violations of human rights.

Resolution 73/304, on torture-free, trade seeks to establish a link between trade in goods and criminal acts of torture. It is apparent that the multilateral trading system is already under stress. In such a situation, attempts at trade restrictions in a selective manner, as proposed by resolution 73/304, is likely to raise further concerns about the implications for the international trading system. Before starting a process of this nature, the obligations undertaken by different countries and the World Trade Organization and other forums also need to be carefully examined. The current process did not afford any such opportunity to the Member States.

As for resolution 72/163, Member States are going to give full consideration to the subject matter of torture at the forthcoming General Assembly session. That also includes a range of appropriate measures to be taken to prevent and prohibit the production, trade, export, import and use of equipment that has no practical use other than for torture purposes. The current resolution

may start a duplicate parallel process related to goods used for torture and capital punishment, and therefore creates ambiguity by conflating different issues.

Every State has the sovereign right to determine its own legal system and appropriate legal penalties. In States where capital punishment is statutorily provided for, it is exercised after following the due process of law. Torture is a crime, and therefore unlawful. Incorporating capital punishment into the scope of resolution 73/304 raises concerns that it may be an attempt to place it on par with torture. Any implication that capital punishment is being treated on par with torture is unacceptable to my delegation, as in India capital punishment is a statutory provision, even though it is used in the rarest of rare cases.

In view of the substantive and procedural inconsistencies, India was unable to support the resolution 73/304 and abstained in the voting.

Mr. Bessedik (Algeria) (*spoke in Arabic*): As everyone knows, Algeria abstained in the voting on resolution 73/304. We did so for the following reasons.

First, Algeria is a party to most United Nations conventions on human rights, including the Convention against Torture. As is well known, torture is an abhorrent crime that is unacceptable to humankind, and particularly to the Algerian people, who have suffered from colonialism, occupation, torture and genocide. Algeria is therefore one of the first countries to believe in opposing torture. We want the international community to be free of this abhorrent crime.

Secondly, I would like to note and emphasize that the Algerian delegation participated in all the formal and informal meetings and consultations held on the resolution. However, the approach taken by the sponsors cannot be reconciled with the concerns expressed by various delegations, including those that have spoken in the Hall today. The sponsors did not take into consideration the proposals made by various delegations. A group of experts limited in scope led the negotiations and consultations, whereas transparency is one of the main principles of the United Nations; all parties ought to be able to participate. We would have preferred an open-ended group instead of a group of experts.

Thirdly, we cannot agree with the position linking torture and capital punishment: torture is subject to an international convention, whereas capital punishment

is subject to the national jurisdiction of States. We therefore cannot possibly agree with the approach taken in resolution 73/304.

Finally, we stress that the principles of openness and transparency must be applied in considering this matter. Consultations should have included all delegations.

Ms. Nguyen (Viet Nam): As a State party to the Convention against Torture, Viet Nam reaffirms its commitment to preventing and countering acts of torture and has continued to pursue international cooperation in this regard.

As nations differ in approaches, a genuine spirit of international cooperation lies in the principle of respect for sovereign rights and mutual understanding. The imposition of views of a group of Member States on others cannot be called cooperation or consultation. That rings true in the case of resolution 73/304, on torture-free trade, which covers many complex issues, such as capital punishment and common international trade standards. We believe that extensive and thorough discussion is required for such a resolution, rather than the mere three informal meetings held during the past few weeks. It is also regrettable that many good proposals were presented during the informal consultations to reflect the diverse views of Member States and find common ground, but which were not taken into account. Viet Nam could not therefore support resolution 73/304 and abstained in the voting. We would like to highlight the following points.

First, the inclusion of capital punishment in the resolution is unacceptable. In no way should capital punishment be linked with torture. Capital punishment is a criminal justice issue that falls within the sovereign rights of each country, and its application is restricted to only the most serious crimes.

Secondly, further clarification is needed with regard to the scope of the resolution and the definition of goods in the context thereof. Such goods must not be understood to include dual-use goods that are used for the purpose of national security, defence or public order.

Thirdly, on the group of governmental experts that the resolution aims to create, taking into account the universal nature of the issue the group will deal with, we urge that the establishment and work of the group be undertaken in an inclusive manner and based on consultation with the United Nations membership.

Last but not least, we had great concern about the direct submission of this totally new resolution to the General Assembly plenary without consultation with such relevant bodies affiliated with the Assembly as the Third Committee or the Human Rights Council. Against that backdrop, we would like to refer to resolution 51/241, entitled “Strengthening of the United Nations system”.

“[a]s a general rule, agenda items that could be considered in the Main Committees shall be referred to the Main Committees rather than the General Assembly in plenary meetings.”

We therefore call on delegations to follow closely the working methods we have agreed upon.

Mr. Swai (Myanmar): Myanmar is against any form of torture and does not condone any such violations. However, my delegation voted against resolution 73/304 because we have strong reservations on the establishment of such common international standards where there is no common position on the issue. We believe that any attempts to regulate trade by setting standards on the pretext of human rights will undermine free trade. We also share serious concerns with other countries over the lack of transparency in the process of negotiations on the resolution. The negotiations were carried out in haste and without allowing sufficient time for representatives to consult with the relevant trade bodies or experts.

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

We will now hear statements after the adoption of the resolution.

Mr. Sukhee (Mongolia): A cross-regional group of States initiated resolution 73/304, which was just adopted. That is the result of two years of collective work as part of the Global Alliance for Torture-free Trade, which brings together over 60 countries from around the world.

The number of countries committed to abolishing the death penalty and eliminating torture and inhuman and degrading treatment has increased significantly over the past two decades. However, serious challenges remain. Goods used for torture are still produced and sold and eventually find their way to buyers around the world.

The entire 2030 Agenda for Sustainable Development is centred on respect for human rights and human dignity. We, the Member States, have the primary responsibility for upholding human rights. To that end, the members of the Global Alliance for Torture-free Trade presented the resolution, which calls on the United Nations to examine the feasibility, scope and parameters for possible common international standards for torture-free trade, bearing in mind the international consensus that torture is a violation of human rights and international treaties.

We are of the view that no one should be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Therefore, as an initiator and a member of the Global Alliance for Torture-free Trade, we supported this important initiative.

Mr. Jinga (Romania): We thank all colleagues for voting in favour of this new step towards torture-free trade. Resolution 73/304 is about encouraging reflection, debate and the sharing of perspectives and experiences. It was drafted in a balanced and transparent manner. We think this is an important step on which we can build further work with regard to establishing common international standards for torture-free trade.

Mr. Yardley (Australia): Australia is a member of the cross-regional Global Alliance for Torture-free Trade and strongly supported resolution 73/304.

Trade in goods that can be used only for torture and other cruel, degrading or inhuman treatment or punishment has been a long-standing concern at the United Nations. Over 30 years ago, the first Special Rapporteur on torture, appointed by the Commission on Human Rights, addressed the issue in an early report. Several resolutions have called for action in this field, most recently resolution 72/163, on torture and other cruel, inhuman or degrading treatment or punishment, which was adopted without a vote.

Regional organizations, such as the African Union Commission and the Organization for Security and Cooperation in Europe, have recognized the seriousness of the torture trade and recommended action. One hundred and sixty-six States have ratified the Convention against Torture, and have thereby pledged to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under their jurisdiction. Taking steps to address the trade in torture goods is a critical way by which such prevention can be assured.

The approach proposed in resolution 73/304 is intended first and foremost to solicit the views of all Member States as to how common international standards might be formulated in future. The views of all Member States will form the basis for the report of the Secretary-General, which will then be considered by a group of governmental experts chosen on the basis of equitable geographical distribution. We do not assert, and neither does the resolution, that the imposition of the death penalty per se amounts to torture or cruel, inhuman or degrading treatment or punishment. Neither do we assert, and nor does the resolution, that the death penalty is prohibited per se under international law.

The resolution requests that the group of governmental experts consider, among other things, the scope of goods to be covered by any common international standards. That is because certain goods that are traded, including portable gas chambers, can be used in ways that inflict undue suffering.

Mr. Verdier (Argentina) (*spoke in Spanish*): We believe that resolution 73/304, which the Republic of Argentina co-sponsored, was not intended to urge States to adjust or modify their domestic legislation, in particular their criminal justice systems. On the contrary, the resolution invites States to share their points of view and contributions in order to establish common standards on the trade in items used for the death penalty through a transparent and inclusive process.

Moreover, in addition to what is indicated in the text, we are in no way pre-empting the results that might emerge from the report of the Secretary-General or the analysis of the group of experts in terms of the trade in goods used for the death penalty.

We underscore the fact that the text also makes a distinction by referring to goods used for the death penalty, on the one hand, and goods used for torture or other cruel or inhuman or degrading treatment or punishment, on the other, bearing in mind the purposes and principles of the Charter of the United Nations that apply in this context and international human rights law.

For Argentina, the adoption of the resolution is a crucial step forward in the international community's efforts to move forward in developing standards that will better protect human rights.

Ms. Vieira (Cabo Verde): Cabo Verde welcomes the adoption of resolution 73/304. The resolution is an

example of the best the United Nations can do to better promote and protect human rights for all.

Torture is universally recognized as a serious crime, and is therefore prohibited under international law. As a State party to the International Covenant on Civil and Political Rights and its Second Optional Protocol and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, Cabo Verde seizes this opportunity to once again confidently reaffirm that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

The provisions set forth in this resolution are ways to conduct a fair analysis on feasibility and allow for an accurate reflection of the scope of the range of options for establishing common international standards for the import, export and transfer of goods used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. By doing so, we will be able to set the parameters for achieving torture-free trade.

The Acting President: We have heard the last speaker for this item.

The Assembly has thus concluded this stage of its consideration of agenda item 74.

Agenda item 7 (continued)

Organization of work, adoption of the agenda and allocation of items

The Acting President: I should like to draw the attention of the General Assembly to draft resolution A/73/L.88, which has been distributed in connection with sub-item (b) of agenda item 74, entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms”.

Members will recall that the General Assembly concluded its consideration of sub-item (b) of agenda item 74 at its 61st plenary meeting, on 19 December 2018. In order for the Assembly to take action on the draft resolution before it, it will be necessary to re-open consideration of sub-item (b) of agenda item 74.

May I take it that it is the wish of the General Assembly to re-open its consideration of sub-item (b) of agenda item 74?

It was so decided (decision 73/504 B).

Agenda item 74 (continued)

Promotion and protection of human rights

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Draft resolution (A/73/L.88)

The Acting President: I now give the floor to the representative of Afghanistan to introduce draft resolution A/73/L.88.

Mr. Rasuli (Afghanistan): On behalf of Afghanistan and all the other sponsors, under sub-item (b) of agenda item 74, I am pleased to introduce for action by the General Assembly the draft resolution entitled “Enhancement of international cooperation to assist victims of terrorism”.

Allow me to convey our sincere gratitude to all Member States for the constructive engagement that characterized the negotiations on the draft resolution during the informal consultations. The highly engaged participation by Member States during the consultations and the quality of the debates in a cooperative atmosphere are a testimony to the importance of this issue.

Terrorism and violent extremism continue to undermine our shared values of peace, security, human rights for all and the rule of law. These evil phenomena are also direct threats to our sustainable growth and development.

Despite all of our efforts, the toll of terrorism is on the rise. Countless people around the world have been killed, suffered injuries, lost loved ones, or witnessed the destruction of their properties and livelihoods. Most of the time, victims of terrorism are forgotten shortly after the incident, left to address their trauma and pick up the shattered pieces of their lives by themselves. We believe that victims of terrorism deserve more international attention — their voices must be heard, their rights protected and their needs addressed. The current draft resolution was conceived to address that reality.

The draft resolution aims to further strengthen national and international mechanisms to support victims of terrorism and their families and to ensure that their human rights and fundamental freedoms are fully

respected. The text condemns all acts, methods and practices of terrorism in all its forms and manifestations. It expresses the unwavering commitment of the international community to strengthen cooperation to prevent and combat terrorism, address impunity and pursue accountability for the perpetrators of terrorist acts and their supporters.

Furthermore, the draft resolution calls upon Member States to develop their comprehensive assistance plans for victims of terrorism in order to address the needs of victims of terrorism and their families, and requests the relevant United Nations entities to assist Member States in developing such plans and aid in their capacity-building.

Finally, the draft resolution requests the Secretary-General to submit a report containing an evaluation of the existing United Nations activities on victims of terrorism, with a focus on concrete recommendations for a voluntarily funded comprehensive programme to support Member States in assisting the victims of terrorism through national mechanisms.

In conclusion, by adopting this draft resolution today, this organ will demonstrate its unwavering commitment to, and solidarity with, victims of terrorism and their survivors. It is my sincere hope that the General Assembly will adopt it by consensus. I would like to take this opportunity to express our gratitude to all Member States that have supported and sponsored the draft resolution. I also invite those who have not yet sponsored it to support this important initiative.

The Acting President: We shall now proceed to consider draft resolution A/73/L.88.

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

Mr. Al Khalil (Syrian Arab Republic) (*spoke in Arabic*): At the outset, my delegation would like to express its deep thanks and appreciation to the representatives of the permanent delegation of the friendly Islamic Republic of Afghanistan for the transparent and balanced process they carried out successfully and in a professional manner, which led to today's draft resolution A/73/L.88.

My country, Syria, will join the consensus on the draft resolution. We participated in the negotiations and consultations in a most positive and constructive

spirit. We wanted a draft resolution that, as much as possible, would achieve the noble objectives of promoting international cooperation to assist the victims of terrorism.

However, the path to achieving such important objectives is often routinely blocked by obstacles resulting from political considerations that are related to the interests of States or regional and geographic groups. In that regard, my delegation would like to explain its firm position with regard to the United Nations Counter-Terrorism Centre.

We shall continue to call for the reform of the Centre's system and its working methods in order to ensure the implementation of the principles of transparency, participation and governance. At the same time, the Syrian Arab Republic will continue to disassociate itself from the activities of the Centre because we believe that it works in a way that runs counter to the United Nations principles of transparency, neutrality and inclusiveness.

With regard to the substance of the draft resolution, as a country that is primarily concerned with combating terrorism, the Syrian Arab Republic welcomes any references to protecting the rights of the victims of crimes perpetrated by armed terrorist groups, which primarily target civilians, leading to the killing of thousands and the injury of thousands more on pretexts that have no basis in fact or reality. Such acts also target public and private property and infrastructure, leading to the displacement of millions and threatening the stability of States and societies, as well as the security of their citizens.

In parallel, my delegation stresses that the prosecution and ensuring of accountability for the perpetrators of terrorist acts and crimes must take place within a national framework that respects national ownership and characteristics, as well as the laws and Constitutions of States, through national legal institutions.

The Syrian Arab Republic therefore welcomes the reference in the draft resolution in that respect. We also stress that sharing information and expertise among Member States must be based on the principle of mutual respect for national sovereignty and that providing United Nations technical assistance to Member States must be based on requests from the Governments of States.

In its war against terrorism against the Islamic State in Iraq and the Sham, Al-Qaida, the Al-Nusra Front and other terrorist groups, the Syrian Arab Republic has lost tens of thousands of its sons and daughters. The Syrian people have experienced unprecedented suffering because of terrorism, in addition to terrible economic losses that no State in the world can bear alone.

However, to date my country has received no technical or concrete financial support from the United Nations in combating terrorism. In fact, it is subject to an unprecedented economic siege, imposed by the Governments of States that have either participated in financing that terrorism or have turned a blind eye to it and its supporters and financiers.

We still believe that there are many international responsibilities towards the victims of terrorism in Syria, Afghanistan, Iraq, Libya and any other parts of the world that face terrorism. Those responsibilities should be borne by Member States and the United Nations in a collective manner. They are fundamentally linked to the need to implement the relevant Security Council counter-terrorism resolutions so as to eradicate terrorism as a very dangerous international phenomenon that threatens international peace and security and leads to countless victims. We now bear the responsibility for compensating and rehabilitating those victims.

Let me say very frankly that we are here today to deal with the consequences of terrorist acts because some Governments did not commit to combating terrorism in a non-politicized way without double standards — States that did not respect the Security Council resolutions adopted under Chapter VII, which prohibit and criminalize the financing and arming of supporters of armed terrorist groups. They have breached those resolutions and have participated directly in the spread of the phenomenon of foreign terrorist fighters.

Let me conclude by stressing that my country, Syria, joins the consensus on the draft resolution and supports all international efforts that respect the national sovereignty of States, since national Governments are the true partner in combating terrorism and in protecting the rights of victims of terrorism. However, we will always emphasize that we owe the victims of terrorism everywhere on Earth a large debt and that the protection of the rights of victims of terrorism starts with dealing

with the real root causes and grounds that led to the spread of terrorism as an international phenomenon.

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.88, entitled “Enhancement of international cooperation to assist victims of terrorism”.

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 draft resolution A/73/L.88, and in addition to those delegations listed therein, the following countries have become co-sponsors of the draft resolution: Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, the Central African Republic, Chad, Croatia, Cyprus, Czechia, Denmark, Djibouti, Eritrea, Estonia, Finland, Germany, Greece, Guinea, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Kenya, Kiribati, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Monaco, Montenegro, Morocco, the Netherlands, New Zealand, North Macedonia, Norway, Panama, Poland, Portugal, the Republic of Korea, Romania, San Marino, Senegal, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Tajikistan, Tunisia, Turkmenistan, the United Kingdom, the United States of America, Uzbekistan and Yemen.

The Acting President: May I take it that the Assembly decides to adopt draft resolution A/73/L.88?

Draft resolution A/73/L.88 was adopted (resolution 73/305).

The Acting President: 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 the Russian Federation.

Mr. Shabaltas (Russian Federation) (*spoke in Russian*): At the outset, we would like to take this opportunity to thank the delegation of Afghanistan for its initiative to prepare resolution 73/305, entitled

“Enhancement of international cooperation to assist victims of terrorism”.

We are pleased to note that the result of such efforts was a consensus document that will be an important addition to the broad range of measures to combat terrorism under the United Nations Global Counter-Terrorism Strategy. We would like to stress in particular the importance of the resolution’s provisions concerning access for victims to the justice system and respect for their rights in legal cases, as well as the paragraphs pertaining to the improvement of criminal measures to punish terrorists and to cooperation between the relevant entities tasked with that role.

However, due to the thematic scope of resolution 73/305, some fundamental aspects had to be omitted. In its implementation, there is the need to consider that the imperative of combating terrorism should be punishing those participating in terrorist activities. Therefore, we call on all States to honour their international commitments and assume their responsibilities in accordance with the principle of *aut dedere aut judicare*, outlined in the Global Counter-Terrorism Strategy. It is also important to improve the mutual legal assistance and extradition mechanisms, thereby bolstering cooperation among the bodies tasked with those issues.

We believe that political will to cooperate on law enforcement is one of the most crucial factors in decreasing the number of terrorist acts and in ensuring the legal rights of the victims of such crimes.

The Acting President: We have heard the only speaker in explanation of position.

We will now hear statements after the adoption of resolution 73/305.

I give the floor to the representative of Spain.

Mrs. Palacios Palacios (Spain) (*spoke in Spanish*): We are pleased to be here for the adoption by consensus of resolution 73/305, on enhancing international cooperation to assist victims of terrorism.

First of all, we would like to thank Afghanistan for this initiative and for the efforts it made in recent years in support of victims. For years, Spain has called for the primacy of the role of victims in combating terrorism and stressed the ethical and moral need to fully recognize them and their rights and to build an

appropriate system of assistance and protection that meets their genuine needs.

The Group of Friends of the Victims of Terrorism was formed just this week. We, along with Afghanistan, will chair the Group. We hope to be able to work to promote the agenda of the victims of terrorism here at the United Nations. Furthermore, Under-Secretary-General Vladimir Voronkov recently announced a global conference that will bring together the victims of terrorism in June next year. We appreciate that initiative, view it as a positive sign and will participate fully.

The resolution just adopted calls upon Member States to develop comprehensive assistance plans for the victims of terrorism that address their immediate and short- and long-term needs. Resolution 73/305 also encourages States to share good practices in that area. Spain, which has an advanced and comprehensive system to protect and recognize the victims of terrorism, would like to demonstrate its readiness to share its experience within the framework of the resolution.

We know that several victims of terrorism throughout the world still lack the protection and recognition they deserve. We intend to continue working to change that situation. With the adoption of resolution 73/305, on which we again congratulate Afghanistan, we are optimistic and hopeful that we are finally moving in the right direction.

The Acting President: We have heard the last speaker on this item. The General Assembly has thus concluded its consideration of sub-item (b) of agenda item 74.

Agenda item 168 (*continued*)

The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity

Report of the Secretary-General (A/73/898)

Mr. Mabhongo (South Africa): My delegation would like to thank the President for convening today’s meeting.

We would also like to welcome Ms. Karen Smith and congratulate her on appointment as Special Adviser to the Secretary-General on the Responsibility to Protect (R2P). We wish her every success in her new role. Furthermore, we thank Mr. Adama Dieng,

Special Adviser on the Prevention of Genocide, for the important role his office continues to play.

We also welcome the report of the Secretary-General on the responsibility to protect (A/73/898). We would like to highlight the following five points in our statement: the importance of prevention, the role of regional organizations, the women and peace and security agenda, the protection of civilians and the of importance of guarantees of non-recurrence.

First, with regard to prevention, South Africa strongly agrees that the prevention of atrocities is central to the successful implementation of R2P. We therefore continue to advocate for a sharper focus on the wide range of tools available to us with regard to enhanced diplomacy and multilateralism. R2P must, as its central interest, promote the safety and well-being of the affected populations and should never be used to advance the narrow self-interests of those who seek intervention. Therefore, any Security Council mandate imposing R2P must be clearly defined and implemented in the letter and spirit of its provisions. Most important, it must respect the Charter of the United Nations.

The 2005 World Summit Outcome document states that the application of the responsibility to protect is strictly limited to genocide, war crimes, ethnic cleansing and crimes against humanity. As such, the application of the concept should be narrow and restricted to those four identified crimes, while utilizing all the tools of conflict prevention and resolution available to the United Nations.

Based on South Africa's experiences of Security Council resolutions 1973 (2011), concerning Libya, and 1975 (2011), concerning Cote d'Ivoire, we are opposed to any open-ended authorization of the use of force with no accountability, which has led to regime-change expeditions. Domestic interference in the internal affairs of Member States should not be disguised as applying the principles of the responsibility to protect. When that principle is abused, it can lead to catastrophic consequences that can result in the displacement of people, unprecedented migration and other humanitarian challenges. As the Secretary-General's report states, the need to strengthen the rule of law for atrocity prevention is important.

The report further calls for action in three main areas, namely, access to justice, effective and legitimate security forces, and transparent and accountable governance. We believe accountability is vital in terms

of justice for victims and the fight against impunity. However, accountability should never be a substitute for genuine prevention efforts. Furthermore, South Africa, as the co-Chair of the Group of Friends on Security Sector Reform, will continue to use that platform to promote and prioritize negotiations and the use of good offices, mediation, arbitration and other peaceful means to address any challenges faced by countries affected by conflict.

Secondly, the role of regional organizations in conflict prevention cannot be overemphasized. Article 4 of the Constitutive Act of the African Union (AU) establishes the right of the AU to intervene in the affairs of a member State to prevent grave violations of human rights. However, that should be activated only once all other efforts to mediate the conflict have been exhausted. It is broadly agreed that the principle of prevention is more effective than the use of force in reacting to conflicts, and in that regard, the African Union Commission operationalized the AU Mediation Support Unit (MSU) in mid-March 2019. The AU Commission has devoted efforts towards the strengthening of the MSU, including through capacity-building on mediation as well as the mainstreaming of gender in mediation. That has strengthened the AU capacity to address conflicts on the continent in order to avoid costly interventions, which often lead to the loss of life. The international community should help build the capacity of Member States and regional organizations in addressing conflict hot spots through mediation before activating the principle of the responsibility to protect. In that regard, we agree with the Secretary-General's report with regard to providing support to national authorities in strengthening their capacity to prevent atrocity crimes.

Thirdly, with regard to the women and peace and security agenda, as the twentieth anniversary of Security Council resolution 1325 (2000) approaches, we continue to call for women's full participation in political and economic systems to help in addressing the root causes of conflict. Women's perspectives and experiences are important for early warning that can prevent conflict and its resurgence. As the Secretary-General's report points out, women's economic empowerment also contributes positive elements to securing livelihoods and there is a need to further connect the atrocity prevention agenda with other global commitments and priorities, including the 2030 Agenda for Sustainable Development, especially Sustainable Development

Goal (SDG) 16, on women and peace and security, and international peace and security.

Fourthly, with regard to the protection of civilians, it is important for the United Nations to periodically evaluate its response to the protection of civilians because protecting civilians from the scourge of conflict is at the core of maintaining international peace and security. If the United Nations is not seen to be protecting civilians and if innocent children, women and men continue to suffer on our watch, we will have failed the mandate entrusted to us. South Africa is as such fully committed to the protection of civilians in armed conflict and continues to support a strengthened normative and legal framework for enhancing such protection.

Moreover, the Security Council would do well to consider the advice by the Secretary-General that preventative action is built on trust, transparency and accountability. The Security Council should therefore reconsider the manner in which it executes its mandate and addresses threats to, and breaches of, international peace and security. Furthermore, it should increase its engagement with Member States, especially those affected by conflict and that are open to effective engagement with regional and subregional organizations. Most United Nations peacekeeping missions include a mandate to protect civilians, and that should be strengthened to ensure that conflict-related sexual violence and activities in support of the disarmament and demobilization of armed groups are addressed.

We wish to underline that it remains the primary responsibility of States to protect civilians within their borders. Armed opposition groups also bear the responsibility of ensuring that unarmed civilians are protected. A failure by both State and non-State actors to uphold that principle should not go unpunished. Accountability must first and foremost be sought at the national level. Failing that, the international community has a collective responsibility to act in accordance with international humanitarian law, using mechanisms at its disposal, including independent fact-finding commissions and commissions of inquiry.

Fifthly, with regard to the importance of guarantees of non-recurrence, it is important to ensure that those countries that have experienced such atrocities never experience them again. National accountability efforts are also important and among the most effective

ways of preventing the recurrence of atrocity crimes, as highlighted in the Secretary-General's report. Guarantees of non-recurrence of mass atrocity crimes are embedded within United Nations resolutions and declarations on peacebuilding and sustainable development, particularly SDG 16, which links social integration, justice and sustainable peace. It is important to ensure that we address economic inequalities, which are often the cause of social tensions when certain groups in society feel marginalized.

In conclusion, South Africa reaffirms its full support for the mandates of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect and encourages Member States to do the same.

Mr. Al Habib (Islamic Republic of Iran): Let me begin by reaffirming Iran's unwavering commitment to the noble goal of the protection of civilians and the prevention of atrocity crimes. We are party to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and fully respect our obligations arising from the Convention, namely, the duties to prevent and punish the crime of genocide. We have also expressed on previous occasions our understanding of the responsibility to protect (R2P), as enshrined in the 2005 World Summit Outcome. In that connection, I would like to underline a few points.

The primary responsibility to prevent the commission of genocide, war crimes, ethnic cleansing and crimes against humanity lies with sovereign States. Other States or the international community at large may step in to help, upon request on a case by case basis and through the United Nations, to prevent such horrendous atrocities. In limited cases where the use of force is required to save the population, R2P falls within the collective security framework of the United Nations and can be authorized only by the Security Council in full compliance with international law and only as a last resort.

We also took note of some recommendations to further develop, conceptualize and operationalize the R2P concept. However, it is premature to discuss those recommendations, since we are still far from a consensual understanding of R2P. At the same time, it seems that there are some attempts to introduce alternatives to the central role of the United Nations in this process, such as putting forward the concept of international leadership of a State, or group of States, to provide preventive action. Such recommendations give

rise to serious concerns for many countries and could be easily manipulated, particularly at a time when R2P has failed the test of objectivity, as well as impartiality, and is guided by the politicized interests of certain States, rather than human dignity and rights, and therefore has been far removed from its alleged objectives and purposes. In that regard, we reiterate our call that, prior to the implementation of R2P, it is crucial to define its normative content and objectives, as well as its scope of application. Effort in that regard should be consistent with the Charter of the United Nations and well-established principles of international law.

The prevention of mass atrocity crimes should remain the core objective of R2P. That, by no means whatsoever, may be inferred as permitting the use of force against another State under any pretext, such as humanitarian intervention, which may pave the way for all manner of politically motivated interventions in other countries. The objective of R2P should not be defined as regime change or interference in the internal affairs of countries.

Prevention should be seen as a long-term strategy, be interpreted in broad terms and mainly include non-coercive measures. In that context, R2P should be seen as a framework to address the root causes of conflicts and assist vulnerable and failed States to develop their capacity to protect their populations and build safer societies. Prevention involves a broad range of issues from the promotion of sustainable development, education and health to the eradication of poverty, marginalization and discrimination.

In addition to efforts to increase the resilience of societies by addressing the root causes of conflicts through capacity-building, Member States should stop selling arms to volatile regions. The conduct of arms exporters among proponents of R2P raises profound scepticism with regard to their seriousness and honesty concerning the noble objective of the protection of civilians. The question arises as to how those countries are fulfilling their obligations vis-à-vis the protection of the population while simultaneously selling arms with the prior knowledge or experience that those arms will eventually end up being used to target innocent civilians and will ultimately lead to war crimes and crimes against humanity.

It is unfortunate that civilian populations have been attacked in recent years, in their homes, schools, hospitals and even in public ceremonies, such as

funerals and weddings. The devastating experiences of the past decade in the Middle East and Africa, which have highly contributed to the regeneration and expansion of terrorism and extremism in affected countries and the world as a whole, expose the consequences of irresponsible protection. Irresponsible military interventions have created a breeding ground for those menaces to thrive.

Last but not least, the only way to restore R2P and its legitimacy is to end the selectivity and double standards, as well as genuinely address the plight of humankind, whenever the latter faces atrocity crimes, in full conformity with the principles and objectives of the Charter. We should draw lessons from the tragic and horrible Rwanda genocide, define humanity and human dignity as the only driver of R2P and put aside political interests and considerations. Addressing the misery of people under foreign occupation is the most immediate test for R2P.

In conclusion, notwithstanding the formal discussions that have taken place in the General Assembly, we are still far from a consensual understanding of the R2P implementation. The formal discussion in the General Assembly is not an appropriate format to address existing conceptual differences among Member States. We reiterate our call that reverting to informal interactive dialogue, as agreed in 2009, could be more beneficial in achieving consensus on this controversial concept.

Mr. Mikeladze (Georgia): Georgia aligns itself with the statement delivered by the Permanent Observer of the European Union yesterday (see A/73/PV.93). I wish to make a few remarks in my national capacity.

My delegation wishes to thank the Secretary-General for his report (A/73/898) entitled "Responsibility to protect: lessons learned for prevention", and welcomes the appointment of Ms. Karen Smith as the Special Adviser of Secretary-General on the Responsibility to Protect (R2P).

Georgia has been continuously supporting the principle of the responsibility to protect and welcomes the opportunity for a formal debate on this important item at the General Assembly once again this year. As the world continues to witness conflicts, the abuse of human rights, ethnic cleansing and forced displacement in almost every corner of the world, it is high time for all of us to reinvigorate our common endeavour against

those challenges across all three pillars of the notion of R2P.

The only thing necessary for the triumph of evil is for good men to do nothing. For that very reason, the Secretary-General in his report calls for more efforts by all of us,

“to translate early warning of atrocity crimes into decisive early action towards prevention”. (A/73/898, para. 31)

Georgia — a country with its own bitter experience — suffered several waves of ethnic cleansing owing to the foreign military occupation, and is no stranger to having undergone the toll of forced displacement for more than two decades so far. Against that background, we fully understand the importance of strong and proactive preventive tools to avert the outbreak and protraction of crises, which target civilians most of all. Georgia is committed to advance its relevant national mechanisms, be it through the ratification of the core instruments of international human rights and humanitarian law or putting in place national human rights institutions to address atrocity prevention.

Essentially, the criminal code of Georgia entails a separate section on offences against humankind, which includes responsibility for crimes against humanity, peace and security, and international humanitarian law. We also make our contribution under pillar II of R2P by sharing our experience in building corruption-free, effective, accountable and transparent institutions, as envisaged by Sustainable Development Goal 16, and strengthening the principles of open governance.

The report of the Secretary-General rightly notes,

“There is a growing gap between [our] words of commitment and the experience of protecting vulnerable populations around the world”. (*ibid.*, para. 7)

In that context, let me recall the dire situation of people living on the other side of the occupation line in the two Georgian regions of Abkhazia and the Tskhinvali/South Ossetia region. Despite numerous calls from the international community, including the latest Human Rights Council resolution on Georgia, both occupied regions remain closed to international human rights bodies, including the Office of the United Nations High Commissioner for Human Rights. Sadly, the people on the ground face grave violations of freedom of movement, restrictions on education in their native

language, the deprivation of property rights and unlawful detentions, among many more. This situation creates an acute risk that could potentially lead to atrocity crimes and therefore requires greater international attention. The responsibility of Member States to assist is of paramount importance in this regard, especially when we address cases in which a sovereign State is prevented from exercising its responsibility owing to foreign military occupation.

It is imperative that the Security Council be able to act in a timely and efficient manner, exercising its critical role in the prevention of mass atrocities. In this context, we reiterate our full support for the French-Mexican initiative on voluntary veto-right restriction to prevent such crimes and for the Accountability, Coherence and Transparency group code of conduct.

This year, as we mark the seventieth anniversary of the adoption of the 1949 Geneva Conventions, the time is ripe to reflect on the challenges facing us, take stock of the achievements made and unite in action to uphold the notion of “never again”.

Finally, let me reiterate Georgia’s commitment to advancing the goals and objectives of the responsibility to protect and to support the Secretary-General in his endeavour to integrate atrocity prevention into the United Nations prevention platform.

Ms. Rodríguez Abascal (Cuba) (*spoke in Spanish*): My delegation takes note of the most recent report of the Secretary-General on the responsibility to protect (A/73/898). Cuba reiterates that the issue it addresses remains a source of grave concern for many countries, in particular small and developing States, owing to the lack of consensus on and clear definitions of various elements of this concept, which has been and could continue to be easily manipulated for political ends.

It would be a mistake to talk about the principle of the responsibility to protect. This responsibility, rather, is a concept that is not by any means a principle of international law. Its characteristics, the rules for its implementation and the mechanisms for its assessment are far from having been defined and agreed upon.

In that respect, it would be inappropriate to speak of the strengthening of the implementation of the responsibility to protect in the absence of consensus on its scope, purposes and implications that would lead to agreement on issues relating to differences in its interpretation, ensure its universal recognition

and acceptance, and lend legitimacy to the measures proposed for its implementation.

The international understanding on the responsibility to protect is limited simply to paragraphs 138 and 139 of resolution 60/1, only for cases of genocide, war crimes, ethnic cleansing and crimes against humanity. The duty of the international community lies, as appropriate, in encouraging and assisting States to exercise that responsibility.

The term “atrocities crimes” does not form part of this understanding, and therefore it should not be used in connection with the four premises mentioned in paragraphs 138 and 139, in addition to being legally inappropriate and totally ambiguous in terms of giving substance to such a controversial concept.

Cuba is deeply concerned by terms such as “atrocities crimes” and “mass atrocities”, which are very ambiguous and can be used in selective ways and for political ends to refer to various situations, given the lack of clarity and agreement regarding the United Nations mechanisms and bodies that are would be charged with defining and interpreting the concept.

In the unipolar world that some are attempting to impose on us and in which political and media-related manipulation is being carried out by major axes of power, it is vital to clearly define who decides when protection is necessary; who decides when a State is not protecting its people; who, and based on which criteria, decides what action to take; and how we can prevent this issue from being used for the purposes of intervention. Nor is it clear how to ensure that the option of taking action is exercised with the agreement of the State affected, so as to avoid the concept being used as a justification for a supposed and non-existent right to intervene.

The international efforts under way to prevent the occurrence of acts of genocide, war crimes, ethnic cleansing and crimes against humanity, goals that Cuba has always shared and supported, must contribute to strengthening the purposes and principles of the Charter of the United Nations and international law, in particular when it comes to sovereign equality, territorial integrity and self-determination.

Nonetheless, the ambiguous nature of this concept and the implications of the implementation of its so-called three pillars run counter to the purpose and principles of the Charter. Therefore, we need

to recognize the pre-eminence of the principles of voluntary action, prior consent and the consent of all States in the context of the responsibility to protect.

If the goal is prevention, what we should do is address the root causes of such situations, including underdevelopment and poverty, the inequitable international order, inequality and social exclusion, hunger and marginalization, food insecurity and the lack of access to drinking water, and the structural problems that allow conflicts to escalate into extreme situations, inter alia, which, regrettably, are not taken into account by many advocates of this concept. We believe that dealing with these issues would represent genuine acts of prevention.

Finally, Cuba firmly supports any endeavour that would ensure that the international community does not turn a blind eye to genocide, war crimes, ethnic cleansing or crimes against humanity. However, in many cases promoting the responsibility to protect is an excuse to have yet another tool to facilitate interference in domestic affairs, regime-change agendas and subversion in third countries, the majority of which are small and developing countries, to the detriment of their sovereignty. Unfortunately, world history already has a wealth of sad examples that justify our concerns.

Mr. Verdier (Argentina) (*spoke in Spanish*): Allow me at the outset to express my gratitude for the eleventh report of the Secretary-General (A/73/898), which details the lessons learnt with respect to a key aspect of the responsibility to protect: prevention.

As stated in the report, States must facilitate the prevention of atrocities crimes by focusing on the following crucial areas: the importance of accountability and the rule of law, the central role of civil society in representing a multitude of diverse perspectives, and the existence of guarantees of non-recurrence, inter alia.

Argentina deems useful the analysis conducted by the Secretary-General and believes that all States, as equal and sovereign States, have reciprocal rights and responsibilities and that all should be equally committed to the protection of their peoples against atrocities crimes, through respect for international law, in particular respect for humanitarian law, human rights norms and refugee rights law, as well as the fight against impunity.

We therefore believe that prevention is the most important dimension in protecting peoples from

atrocities crimes. We share the importance that the Secretary-General attaches to this dimension of the responsibility to protect by encouraging States to conduct national risk and resilience assessments with a gender perspective, as part of other existing processes, such as the Universal Periodic Review.

We also value the lessons learned that were indicated in the report, which underscores the need for concerted action by States at the national level to prevent of atrocities crimes, as well as the need for the international community to remain united as we aim to prioritize prevention as an essential focal point.

Moreover, it is vital that we value the participation of other stakeholders, such as civil society and regional and subregional organizations, in conflict prevention and resolution efforts. We also deem it necessary to step up our efforts to empower women as agents in the prevention of atrocities crimes.

It is imperative to bolster accountability when it comes to those responsible for atrocities crimes. The ratification of the Rome Statute and its amendments is vital in order to protect populations, given its contribution to the fight against impunity and its role as a deterrent mechanism. We also invite all Member States to endorse the Safe Schools Declaration, which has already been signed by 91 States.

Argentina supports the initiatives of the United Nations system, such as the responsibility to protect, peacekeeping operations, peacebuilding efforts, the promotion of the rule of law and the Human Rights Up Front initiative, among others. We would also like to highlight the contribution of the Global Network of Responsibility to Protect Focal Points as an essential tool to build individual and collective capacities to prevent mass atrocities.

I would like to express our support for the work of the Office on Genocide Prevention and the Responsibility to Protect. We also welcome the new Special Adviser on the Responsibility to Protect, Ms. Karen Smith, and reiterate the willingness of Argentina to work constructively with her Office.

Mr. Fintakpa Lamega (Togo) (*spoke in French*): We thank the President of the General Assembly for organizing this debate on a most important item on the agenda of the seventy-third session, namely, the responsibility to protect and the prevention of

genocide, war crimes, ethnic cleansing and crimes against humanity.

Togo takes note of report of the Secretary-General (A/73/898) in this debate, entitled “Responsibility to protect: lessons learned for prevention”. As the Secretary-General quite rightly highlights in the report, at the 2005 World Summit, Member States agreed that it was incumbent upon every State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Progress has certainly been made since then in terms of conceptualizing and implementing the responsibility to protect. However, in the face of a worrisome decline in international commitment to multilateralism, it remains imperative to continue advancing the implementation of the responsibility to protect.

In his report, the Secretary-General also invites Member States to focus their efforts on diversity, which they must manage as a force in order to strengthen the principle of accountability and the rule of law and to improve access to sustainable livelihoods. For its part, the Government of Togo adopted a national development plan for the period 2018 to 2022, thereby making a significant investment in human capital. It will ensure that the people of Togo are put first, both in terms of having their say and benefiting from the country’s development. This ambitious plan, which is being implemented as we speak, places special emphasis on vocational training in order to improve economic productivity, accelerate youth employment and reduce social inequalities.

Social protection is also key in order to gradually broaden inclusion to reach all segments of the population and bolster the contribution of the social sector to wealth creation. There are also ongoing efforts to improve the quality of, and access to, basic social services, including education, health care, nutrition, energy services, water and sanitation. The lessons learned from Togolese history have allowed our highest authorities to identify the priority areas in which the State must focus on capacity-building, so as to fulfil its responsibility to protect the people of Togo.

Over the past year, Togo has made tremendous efforts to improve security, thanks to numerous reforms and actions undertaken in this sphere, in particular strengthening the capacities of our defence and security forces, the fight against the proliferation of small arms and light weapons and the establishment

of a digital border control system. Civil protection is also a priority for my Government. Therefore, in 2017, Togo established a national civil protection agency and four emergency fire rescue units, in Lomé and other regional cities.

With regard to justice, the Government is concerned with ensuring that the Togolese justice system is fair, efficient, independent and accessible to all. Bearing that in mind, we have developed initiatives to support the modernization project for the justice system, improve judges' working conditions and bring justice closer to the people.

Human rights are a matter of particular importance for my country's authorities. Therefore, among the key reforms undertaken to promote and protect civil and political rights, as well as the economic, social and cultural rights of citizens, include Togo's ratification of almost all the relevant treaties and instruments. I refer in particular to the establishment of the Truth, Justice and Reconciliation Commission of Togo in 2009, which was tasked with providing recommendations to the Government on appropriate punishment for the perpetrators of the violations committed throughout the country's history, as well as measures to be taken to prevent such acts of violence reoccurring.

In 2016, a vote was taken to establish a law on the organization and functions of a national human rights commission, which now acts as a mechanism to prevent and combat torture. The same year also saw a vote on a law on the status of refugees in Togo in order to bridge any gaps in the evolution of refugee-protection norms, which established an appeals mechanism and provided for measures to be taken in case of a mass arrival of asylum seekers on national territory. We also created the Office of the High Commissioner for Reconciliation and Strengthening of National Unity, appointed a national mediator and reformed our armed forces, police and intelligence services.

Although it faces many constraints and challenges in implementing its responsibility to protect, Togo will continue its efforts in the priority areas I mentioned, as well as many others. I wish to take this opportunity to acknowledge and commend the valuable support Togo has received to this end from all of its bilateral and multilateral partners, including the United Nations system.

In conclusion, Togo remains convinced of the importance of promoting a more coherent and

comprehensive approach to the responsibility to protect in all of the Organization's intergovernmental bodies. Although the General Assembly remains the main forum for dialogue on this important subject, the involvement of the Security Council remains crucial in view of the fundamental role it plays in resolving issues related to peace and security. Accordingly, the Human Rights Council should also play its part by placing greater emphasis on the prevention of criminal atrocities within the overall context of the prevention of human rights violations.

Ms. Ma'udi (Israel): At the outset, we want to thank the President for organizing this second annual debate and the inclusion of this topic on the formal agenda of the General Assembly. We also wish to thank the Secretary-General, His Excellency Mr. António Guterres, for his report on this important topic (A/73/898). We welcome the appointment of a Special Adviser of the Secretary-General on the Responsibility to Protect (R2P), Ms. Karen Smith, and we support her work and the important work of the Special Adviser to Prevent Genocide, Mr. Adama Dieng.

As we watch global events unfold from the Middle East to Latin America and witness atrocities committed daily throughout the world, we are reminded each and every day of the importance of preventing genocide, war crimes, ethnic cleansing and crimes against humanity. We must all do our best. We must all do more, individually and as a global community to ensure that civilians receive the protection they need and deserve.

Two days ago, in the informal meeting of the plenary on "Combating Anti-Semitism and Other Forms of Racism and Hate – The Challenges of Teaching Tolerance and Respect in the Digital Age", we heard in speech after speech the words "never again". It is our hope as a people who have suffered from some of history's greatest atrocities and who continue to face daily and concrete threats of annihilation that this is not mere lip service, and that we all uphold the important principle of the responsibility to protect. In this regard, we thank the Secretary-General for his call to guarantee non-recurrence and for early action and, in particular, for his concrete recommendations to prevent hate speech.

The State of Israel welcomes the Secretary-General's emphasis on the first pillar of the responsibility-to-protect doctrine, namely, the responsibility of individual States to protect their own populations

from the gravest crimes. We wholeheartedly agree with and embrace the Secretary-General's important message that the responsibility to protect starts first and foremost at home.

On that front, Israel has adopted a long list of educational and legislative measures to ensure the protection of all of its citizens, regardless of their race, religion or ethnicity. For example, Israel has a long-standing educational policy to both teach and learn from the lessons of the past, with comprehensive Holocaust remembrance educational programmes.

In line with the Secretary-General's call to embrace diversity, the State of Israel has adopted policy and legislative measures to prevent discrimination and ensure diversity in the workplace. Our President has also advanced a national campaign to promote tolerance and coexistence among the various sectors of our society. Consistent with the Secretary-General's recommendation for implementing measures to ensure accountability and the rule of law, Israel also has undertaken major efforts in recent years, spearheaded by the second Turkel Commission, which was headed by a former Supreme Court Justice and joined by international observers, to review and strengthen Israel's internal accountability and investigation mechanisms. These reforms are ongoing.

Israel is also committed to sharing its experience and knowledge to further the doctrine of R2P abroad. We have worked in conjunction with United Nations bodies to assist post-conflict countries in building and strengthening their judicial institutions and the local rule of law. We are exploring options to expand these efforts along with partner nations here at the United Nations.

As we stated last year, Israel is and remains fully committed to the prevention of genocide and mass

atrocities (see A/72/PV.100). In 2005, we joined the consensus on the World Summit outcome document (resolution 60/1) which embraced and promoted the R2P principle, and we continue to support this document. At the same time, from a legal point of view, we wish to note again that it is our view that this doctrine does not create novel legal norms or obligations. Rather, we believe that the responsibility to protect should be construed and applied within existing legal frameworks. As this is an emerging doctrine, we wish to stress yet again that in order to be more effective and adequately address the most acute crises and tragedies facing the world, the principle of R2P must also address the role and responsibility of non-State actors and terrorist groups that commit atrocities, blatantly disregarding international law. Moreover, we believe that the R2P doctrine should be applied only in the most extreme situations involving mass atrocities, ethnic cleansing or genocide.

As the nation-State of the Jewish people and the victims of many of history's darkest hours, we fully embrace the call to protect civilians from mass atrocities wherever they may be occurring. We must all play a part as a global community, both domestically and internationally, to ensure that we are doing our utmost to protect innocent civilians. The responsibility to protect cannot be mere words on paper or slogans. It must be translated to real concrete action. More must be done to ensure real and lasting peace and security for all and the protection of innocent civilians worldwide.

The Acting President: We have heard the last speaker in the debate on this item for this meeting. We shall hear the remaining speakers this afternoon at 3 p.m. in this Hall.

The meeting rose at 1.05 p.m.