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Chair: Mr. Saikal (Afghanistan)

Contents

Agenda item 110: International drug control (*continued*)Agenda item 29: Advancement of women (*continued*)

Agenda item 65: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 71: Rights of indigenous peoples (*continued*)(a) Rights of indigenous peoples (*continued*)Agenda item 73: Right of peoples to self-determination (*continued*)Agenda item 74: Promotion and protection of human rights (*continued*)(a) Implementation of human rights instruments (*continued*)

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The meeting was called to order at 10.05 a.m.

Agenda item 110: International drug control
(continued) (A/C.3/73/L.11/Rev.1)

Draft resolution A/C.3/73/L.11/Rev.1: International cooperation to address and counter the world drug problem

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

2. **Mr. Rios Sánchez** (Mexico), introducing the draft resolution on behalf of the sponsors listed in the document, drew attention to minor drafting changes in paragraph 104 of the text and said that the draft resolution represented a commitment to addressing the problem of drugs in a manner that was comprehensive and consistent with the outcome document of the thirtieth special session of the General Assembly on the world drug problem, held in 2016. The text included more robust references to health, human rights and the rule of law as they related to the problem of drugs and welcomed preparations by the Commission on Narcotic Drugs, currently chaired by Mexico, for the ministerial segment of its sixty-second session in March 2019. The General Assembly was the appropriate forum both for advancing a cross-cutting vision based on the seven thematic areas of the outcome document and for strengthening the commitment to improving system-wide coordination as called for by the Secretary-General. He was grateful to delegations for participating in the negotiations, which had united the international community behind the draft resolution despite diverging views on the subject.

3. **Mr. Khane** (Secretary of the Committee) said that Albania, Argentina, Austria, the Bahamas, Bangladesh, Barbados, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, the Dominican Republic, Ecuador, Estonia, France, Germany, Greece, Guatemala, Guinea, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Madagascar, Monaco, Montenegro, Myanmar, the Netherlands, the Niger, Nigeria, Panama, Paraguay, the Philippines, Poland, Portugal, Qatar, the Republic of Korea, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America, Uruguay and Viet Nam had joined the sponsors of the draft resolution.

4. **Ms. Mukhametzyanova** (Russian Federation) said that, recognizing the importance of the draft resolution, her delegation had joined the consensus in a spirit of compromise. However, the recent legalization of cannabis by a certain country constituted a flagrant violation of international law that not only undermined the global drug control system, but also set a dangerous precedent for the selective fulfilment of fundamental instruments to combat drugs. Her delegation hoped that the issue would be discussed further at the ministerial segment of the Commission on Narcotic Drugs in Vienna in March 2019.

5. **Ms. Abdelkawy** (Egypt) said that her delegation would join the consensus on the draft resolution as it believed in the importance of maintaining consensus in the global fight against illicit drugs. Constructive dialogue and cooperation among Member States in that area was also critical and the adoption of the draft resolution would underscore the shared resolve of the international community to address and counter the world drug problem. Regrettably, however, the draft resolution, failed to address adequately the concerns of Egypt and many other Member States; Egypt therefore urged the facilitators to exert further efforts in future sessions of the Third Committee to strengthen consensus among States while maintaining the delicate balance expressed in the text, in accordance with the international agreements and agreed terms of reference in that area.

6. **Mr. Xing Jisheng** (China), said that his delegation had joined the consensus on the draft resolution and was grateful to the delegation of Mexico for having incorporated the views of many Member States, including China, during the negotiation process. However, his delegation was concerned that paragraph 104 of the draft resolution mentioned Human Rights Council resolution 37/42 of 23 March 2018 on the contribution to the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights. That resolution had interpreted in a one-sided manner the relevant resolutions of the General Assembly, the World Health Organization, the Commission on Narcotic Drugs and other entities, and its content was not in line with the three major international drug control conventions. There were widely diverging views among the members of the Human Rights Council regarding that resolution and China had voted against it. Consequently, his delegation wished to express its reservations with regard to paragraph 104 of the current draft resolution.

7. The three major international drug control conventions constituted the foundation of international

drug control policy and China urged all countries to implement their provisions fully. China welcomed the recent statements of concern made by the International Narcotics Control Board with regard to the legalization of cannabis for non-medical purposes. During the consultations on the draft resolution, his delegation had pointed out that legalizing cannabis would pose a threat to the health and well-being of people and that the draft resolution should address that issue on the basis of the international drug control conventions. Regretfully the facilitator had not accepted its view. China called on the international community to respect the obligations of the conventions, maintain the stability of the drug control system and implement comprehensive and balanced drug control solutions.

8. *Draft resolution A/C.3/73/L.11/Rev.1, as orally revised, was adopted.*

9. **Mr. Wong Keng Hoe** (Singapore) said that his delegation had joined the consensus on the draft resolution but regretted that its concerns and proposals with regard to paragraph 104 had not been taken on board during the negotiations. It was not appropriate to take note of Human Rights Council resolution 37/42. That resolution had been adopted by a recorded vote and therefore did not enjoy consensus support. Singapore maintained its commitment to the protection of human rights. However, the promotion of human rights must be undertaken with full respect for the sovereign right of States to determine their own laws and policies, including legal penalties, in a manner that was suited to their specific national circumstances and in accordance with their obligations under international law.

Agenda item 29: Advancement of women (continued)
(A/C.3/73/L.20/Rev.1)

Draft resolution A/C.3/73/L.20/Rev.1: Intensification of efforts to end obstetric fistula

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

11. **Mr. Niang** (Senegal), introducing the draft resolution on behalf of the Group of African States, said that women living with obstetric fistula experienced such a catastrophic level of physical and psychological suffering that they were sometimes described as dead women walking. Once common throughout the world, obstetric fistula had been virtually eliminated in Europe and the United States of America, yet it persisted in developing countries. Its victims were typically poor, illiterate women and girls living in remote areas where gender inequality was pervasive and access to health care was limited. They were often subjected to stigmatization and discrimination. Ashamed, alone and

shunned by their communities and occasionally even their own families, they had few opportunities, if any, to earn a living. The persistence of obstetric fistula was a sign that health systems were failing to meet the needs of women. If the Sustainable Development Goals were to be achieved by 2030, a sustained effort and a global commitment to action were urgently needed to end obstetric fistula. In the past, the draft resolution had enjoyed broad sponsorship and been adopted by consensus every two years. He hoped that the current draft resolution would receive the same treatment.

12. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, the Bahamas, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Lebanon, Lithuania, Luxembourg, Maldives, Malta, Mexico, Monaco, Montenegro, Myanmar, the Netherlands, New Zealand, Nicaragua, Norway, the Philippines, Poland, Portugal, the Republic of Korea, Romania, San Marino, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Thailand, Timor-Leste, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay, the Bolivarian Republic of Venezuela and Viet Nam had joined the sponsors of the draft resolution.

13. **Ms. Nemroff** (United States of America), speaking in explanation of position before the decision, said that she wished to thank Senegal and the Group of African States for introducing the draft resolution. Although the United States had considered proposing amendments to the text, it had ultimately decided to join the consensus on the draft resolution. However, the United States wished to dissociate itself from paragraphs 3 and 14 (m), because the terms “sexual and reproductive health” and “sexual and reproductive health-care services” had accumulated connotations suggestive of the promotion of or right to abortion that were unacceptable to the current Administration.

14. The United States believed that women should have equal access to reproductive health care and remained committed to the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development. However, those documents did not create new international rights, including any “right” to abortion, in accordance with the long-standing international consensus to that effect.

15. The United States fully supported the principle of voluntary choice in maternal and child health and family planning. Nevertheless, it did not recognize abortion as a method of family planning, nor did it support abortion in its reproductive health assistance. She noted that the United States was the largest bilateral donor of reproductive health and family planning assistance.

16. The United States understood that any reaffirmation of prior documents applied only to those States that had affirmed them initially and, in the case of international treaties or conventions, only to States parties. That understanding included references to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, to which the United States was not a party.

17. As provided for by the International Covenant on Economic, Social and Cultural Rights, each State party undertook to take the steps set out in article 2 (1) of the Covenant with a view to achieving progressively the full realization of the rights recognized therein. The United States interpreted references to the obligations of States as applicable only to the extent they had assumed such obligations. Countries had a wide array of policies and actions at their disposal to promote the progressive realization of economic, social and cultural rights. Therefore, draft resolutions should not attempt to define the content of those rights. Furthermore, the United States understood abbreviated references to certain human rights in the draft resolution to be shorthand for the accurate terms used in the applicable international treaties, and it maintained its long-held positions on those rights.

18. The United States supported the goal of high-quality education for women and girls but noted that there was no existing “right to education of good quality” as referred to in the draft resolution. Furthermore, decisions in the United States regarding curricular and other education policies, materials and programmes were made as appropriate and consistent with its respective federal, state or local authorities.

19. Lastly, the draft resolution referred to an “internationally agreed goal of improving maternal health” which, while an admirable objective that reflected commitments by the international community, did not imply any international obligation per se.

20. *Draft resolution A/C.3/73/L.20/Rev.1 was adopted.*

21. **Mr. Charwath** (Austria), speaking on behalf of the European Union and its member States; the candidate countries Albania, Serbia and the former Yugoslav Republic of Macedonia; and the stabilization

and association process country Bosnia and Herzegovina, said that the aim of ending obstetric fistula within a decade was clear, tangible and very realistic. Education remained one of the best means to promote prevention, which was the key to ending obstetric fistula. Comprehensive, scientifically accurate and age-appropriate sexual education was needed to give young people information and skills, in accordance with their needs and evolving capacities, to enable them to make decisions about their health and sexuality. That would enable them to build self-esteem, take informed decisions, acquire communication and risk-reduction skills, and develop respectful relationships and partnerships. Parents, legal guardians, caregivers, educators and health-care providers played an important role in that regard.

22. The European Union would have preferred the draft resolution to reflect recent consensus agreements, including the recent agreed conclusions of the Commission on the Status of Women. However, in a spirit of compromise and mutual respect, it had decided not to break with the consensus on the important draft resolution.

23. The European Union also wished to underscore its support for the United Nations Population Fund and the campaign to end fistula.

Draft resolution A/C.3/73/L.21/Rev.1: Intensification of efforts to prevent and eliminate all forms of violence against women and girls: sexual harassment

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

25. **Ms. Gregoire Van Haaren** (Netherlands), speaking also on behalf of France, introduced the draft resolution on behalf of the sponsors listed in the document. She said that the topic of focus for the current draft resolution was sexual harassment, which had risen in prominence over the past few years as a form of violence that had not received the visibility and attention it deserved.

26. A cross-regional group of countries had confirmed the need to direct greater attention to the topic of sexual harassment five months prior, when input on the draft resolution had been solicited from Member States. They had issued a call to highlight the international commitment to addressing, eliminating and preventing that form of violence. It was high time for the international community to deliver a strong, unified response in that regard.

27. In previous years, the draft resolution had always been adopted by consensus and should be once more,

given the pervasive nature of sexual harassment. From the outset of negotiations, it had become clear that a few sensitive issues would need to be tackled. In eight informal sessions spanning roughly 40 hours, delegations had discussed every paragraph intensively, managing to reach consensus on almost all of them. The sponsors of the text were immensely appreciative and proud of the dedication to unity and consensus that all negotiators had demonstrated through their extensive participation in such lengthy sessions.

28. Agreement had been reached on such sensitive issues as what sexual harassment could be understood to mean, both online and offline, and on language urging States to take legislative action while respecting national legal frameworks. The final draft was as balanced and close to consensus as possible. The transparent and inclusive negotiating process was the best mechanism for the Committee to reach agreements. When sensitive issues had been encountered, negotiators had generally consented to the use of previously agreed language, in the shared belief that opening up previously agreed language to debate would jeopardize the compromises that had been carefully crafted over the years.

29. At that very moment, the Secretary-General and the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) were in the Trusteeship Council Chamber launching the United Nations Orange the World campaign, which would lead up to the International Day for the Elimination of Violence against Women on 25 November 2018. The many people currently wearing orange in the Committee Conference room were not doing so to honour the Netherlands, as one of the main sponsors of the draft resolution, but rather to highlight the need to end all forms of violence against women and girls, including sexual harassment. The world was uniting against sexual harassment and so should the Committee. All delegations that had not yet done so should therefore join the sponsors of the draft resolution, which the Committee was encouraged to adopt by consensus.

30. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Argentina, Australia, Austria, Belgium, the Plurinational State of Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Colombia, the Congo, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Estonia, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Mali, Malta, Mexico, Montenegro, Morocco, Mozambique, Namibia, New Zealand, Norway, Panama, Peru, the

Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Thailand, Timor-Leste, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay, the Bolivarian Republic of Venezuela and Zambia had joined the sponsors of the draft resolution.

31. **Ms. Nemroff** (United States of America), said that she wished to thank the Netherlands and France for facilitating negotiations on the draft resolution, and to present two oral amendments thereto in a spirit of cooperation. While the goal of her delegation was to maintain consensus, it still had deep concerns about the current draft resolution language pertaining to sexual and reproductive health. The amendments she was proposing were common sense solutions to problems shared by many delegations from many regional groups. Their purpose was to clarify the text where possible and to remove language that had no direct relevance to sexual harassment. Her delegation was grateful to the Secretariat for having circulated the proposed amendments in advance.

32. The first amendment, to paragraph 8 (d), preserved the reference to “sexual and reproductive health” while clarifying that Member States had “authority over their national and local education curricula”. The content of education, especially on a topic as important and sensitive as sexual and reproductive health, should not be decided by the United Nations, but rather by Governments at the national or local level. She asked that her colleagues support the addition of the short phrase proposed. The second amendment would delete paragraph 11 in its entirety. The language therein was inconsistent with the theme of the draft resolution, which was sexual harassment. The proposed amendments were both aimed at improving the text and she asked that colleagues vote in favour of them.

33. **Mr. García Moritán** (Argentina), speaking also on behalf of Australia, Austria, Belgium, the Plurinational State of Bolivia, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lebanon, Luxembourg, Mexico, Montenegro, New Zealand, Norway, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay, said that he wished to thank France and the Netherlands for their efforts to reach consensus on the text. The transparent and

inclusive negotiation process had afforded all delegations ample opportunity to present and discuss proposals. In that regard, he noted a number of changes that had been made as a result of those discussions.

34. He regretted the decision by the United States delegation to propose oral amendments at such a late stage instead of during the negotiations. Such an approach was no way to foster understanding, but rather a troubling practice that undermined the working methods and functionality of the Committee and jeopardized its ability to reach consensus. Of greater concern still was the nature of the amendments, which sought to delete or modify agreed language upon which there had been consensus for over two decades.

35. Sexual reproductive health and reproductive rights had a long history in intergovernmental agreements. The language at issue had been taken directly from the Programme of Action of the International Conference on Population and Development of 1994 and the Beijing Declaration and Platform for Action of 1995. While sexual harassment could be a sensitive topic, the terminology in question had been selected for its ability to encompass a wide range of perspectives, and it represented a balance that had been carefully crafted over the years. By narrowing the focus to a single issue, the proposed amendments undermined the full protection of the rights of women and girls everywhere. They failed to recognize that sexual and reproductive health was a state of complete physical, mental and social well-being in all matters related to the reproductive system of women and girls.

36. The international community had made a shared commitment in the 2030 Agenda for Sustainable Development to achieving gender equality and empowering all women and girls. That included universal access to health-care services and the elimination of all forms of violence. In that regard, paragraph 11 of the draft resolution dovetailed with target 5.6 of the 2030 Agenda, which outlined the shared commitment to ensuring universal access to sexual and reproductive health and reproductive rights in accordance with the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development.

37. Violence against women and girls had short- and long-term consequences for their rights and health, including their sexual and reproductive health. Such consequences ranged from unintended pregnancies and miscarriages to sexually transmitted infections, including HIV. Health-care providers played an important role in detecting and responding to violence

against women and girls because, as trusted figures, they were more likely to receive reports of violence from their patients. Ensuring access to health-care services was therefore a key part of any holistic response to violence against women and girls.

38. The attempt to upset consensus on the draft resolution was deeply unfortunate. The integrity of the 2030 Agenda was crucial, and efforts to frame it as controversial were unacceptable. It was important to consider the message that would be sent to those impacted by sexual harassment if the first General Assembly resolution on that topic were adopted by a vote, rather than by consensus. He urged all delegations to support the rights of women and girls and to vote against the proposed amendments.

39. **Mr. Charwath** (Austria), speaking on behalf of the European Union its member States; and the candidate countries Albania, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey, said that the European Union deeply regretted the decision to put forward amendments to such an important draft resolution, which had always been adopted by consensus. Holding a vote would send a terrible message to women and girls around the world on the very day that the United Nations was launching the campaign leading to the International Day for the Elimination of Violence against Women.

40. France and the Netherlands had facilitated the negotiations in a diligent, fair and transparent manner. They and all those who had participated in the negotiations were to be commended for their genuine efforts to maintain consensus and deliver a positive result for everyone. It had become clear during negotiations, however, that concerted and lengthy efforts to find alternative wording in paragraphs 8 (d) and 11 would not lead to an agreement acceptable to all delegations. At that point, the negotiators had broadly agreed to revert to language previously agreed upon by Member States, many of whom held divergent views on the issue at hand.

41. Undermining consensus on the draft resolution could only have negative consequences, above all for the fundamental rights of women and girls affected by the serious issues of sexual harassment and violence. The 28 States members of the European Union would therefore vote against the proposed amendments and called upon other Member States to do the same.

42. **Mr. Delattre** (France), speaking also on behalf of the Netherlands, said that he deeply regretted that the United States of America had put forward two oral amendments mid-meeting, despite never having

proposed them during the informal negotiations. It was an unmistakably hostile act.

43. Owing to the sensitive nature of paragraphs 8 (d) and 11, the facilitators had elected to draft the text using previously agreed language, which was now being undermined. They had addressed the paragraphs during every informal session. They had moved paragraph 11 in an effort to address the concerns of a number of delegations, and they had replaced language in paragraph 8 (d) that had been agreed upon two years previously with language from the more recently agreed conclusions of the Commission on the Status of Women, at the request of numerous groups and delegations.

44. The resulting draft resolution had struck a balance, taking into account the requests that had been submitted during informal consultations. After lengthy discussions, negotiators had arrived at agreed language that was respectful of the concerns of all parties involved. The language and the text in its entirety were acceptable to every delegation, with one exception. The effort by that delegation to undermine the balance achieved was truly ill-advised. Attempting to amend the text at the last minute with brand new language that had never been proposed during informal discussions was demeaning to the work of the negotiators and showed a total disregard for the compromises they had forged. The proposal to delete an entire paragraph of agreed language was completely incompatible with the Committee's efforts to arrive at a compromise. Requesting a recorded vote threatened consensus. If the amendments were adopted, the entire draft resolution would be subject to a vote as a matter of procedure.

45. The Committee had a chance to adopt by consensus the first General Assembly resolution ever to tackle sexual harassment. Just as it had done with other draft resolutions, such as those on obstetric fistula, genital mutilation and child, early and forced marriage, the Committee should send the message that the international community was truly united on the draft resolution under consideration. He therefore called upon Member States to vote against the amendments, thereby preserving the consensus and respecting both the work of the Committee and the concept of agreed language.

46. **Ms. Bhengu** (South Africa) said that her delegation wished to thank France and the Netherlands for facilitating transparent and inclusive negotiations and for choosing sexual harassment as the theme of the draft resolution. Ending the scourge of violence against women and children remained a top priority for her Government. While the majority of the population of South Africa still contended with inequality, poverty or

unemployment, women could be further undermined by the violence committed against them.

47. The Government of South Africa maintained its commitment to fighting sexual harassment and sexual exploitation and abuse. It recognized the need to strengthen institutions and build the capacity of law enforcement officers through gender-based training and policies with a view to preventing violence against women, or revictimization where violence had already occurred. It was high time that the international community intensified collective efforts to fight the scourge of sexual harassment and harmonized national policies to ensure adequate protection for victims.

48. Comprehensive sexuality education was critical for changing attitudes, behaviours and negative social norms, as well as for building self-esteem. That belief was in line with the regional frameworks and positions advanced by South Africa through initiatives in the Southern African Development Community and the United Nations system. In addition, the Constitution of South Africa guaranteed reproductive rights in recognition of their important role in realizing the right to health and the empowerment of women.

49. Her delegation would vote against the amendments proposed by the United States of America. Not only did they contravene South African legislation, they also undermined international consensus as articulated in the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and the 2030 Agenda. Moreover, the amendments, if adopted, would have ramifications for other consensus draft resolutions, including the draft resolution on the girl child put forward by the South African Development Community. She therefore urged all other delegations to vote against the amendments and to support the draft resolution.

50. **Ms. Khusanova** (Russian Federation) said that, given the importance of countering violence against women and children, including sexual harassment, her delegation had been willing to be as flexible as possible and to support the draft resolution. However, paragraphs 8 (d) and 11 had not been considered substantively, despite suggestions by a number of delegations that they be redrafted. Her delegation would support both of the amendments proposed by the United States delegation, as they would improve the text, which would undoubtedly influence the positions of many States that had joined the consensus on the draft resolution in the past but remained concerned about certain provisions.

51. **Mr. Arbeiter** (Canada) said that the draft resolution was a testament to the resolve of the international community to prevent and eliminate violence against women and girls. His delegation continued to have serious concerns about the way in which the amendments were being pursued. The Committee worked best when deliberations were guided by a spirit of transparency, inclusivity and respect for the process. The approach seen in the present meeting should not be replicated, since it undermined the effectiveness of collective work. The proposed amendment sought to change carefully crafted language that had been agreed by all delegations as recently as March 2018 in the Commission on the Status of Women.

52. Evidence of a direct link between sexual harassment and sexual and reproductive health had been clearly demonstrated. The importance of sexual and reproductive health and its link to sustainable development was reflected in the 2030 Agenda, to which all delegations had agreed. It was important to defend the integrity of the 2030 Agenda. Together, States could demonstrate their resolve to prevent and eliminate sexual harassment by voting against the proposed amendments in great numbers. Canada would certainly oppose them and called on other delegations to do the same.

53. **Ms. Brink** (Australia) said that it was the first time that a draft resolution on sexual harassment was before the Third Committee and her delegation was particularly delighted by the large numbers of countries from across the United Nations membership that were sponsoring it. Despite extensive efforts to achieve gender equality, women, girls and adolescents continued to be subjected to discrimination, harassment and violence and denied the full realization of their human rights, including sexual and reproductive health and rights. Given that International Day for the Elimination of Violence against Women would be celebrated on 25 November 2018, adoption of the draft resolution by consensus was more important than ever.

54. Her delegation was very disappointed that amendments had been proposed at such a late stage. The first proposed amendment was both unhelpful and unnecessary. It was well understood by all delegations that information on sexual and reproductive health, as referred to in paragraph 8 (d), must be in accordance with national laws. There was no need to insert that additional language. The second proposal, to delete paragraph 11, was of particular concern since it sought to erase and undo progress and agreed language that was very important to her delegation. The existing consensus language was general enough to reflect different frameworks and perspectives on the issue. She urged

delegations to reject both amendments and to support the draft resolution as originally submitted.

55. **Ms. Abdelkawy** (Egypt), speaking in explanation of vote before the voting, said that her delegation had appreciated the constructive negotiations on the draft resolution, which had allowed Member States to reach consensus on all except two paragraphs of the text. Egypt would vote in favour of the proposed amendments, which would align the draft resolution with Egyptian national laws and would reaffirm the sovereignty of States in the implementation of their international obligations.

56. **Mr. Allen** (United Kingdom) said that the Third Committee should send a strong consensus message condemning violence against women and girls and sexual harassment. It should also continue its practice of operating in a transparent manner during consultations, as it was through their mutual understanding of the processes that States were able to craft compromises even when their views on sensitive issues diverged. It set an unhelpful and even potentially dangerous precedent for the Committee to be considering amendments in such a way. The Committee should revert to consensus language when necessary. For those reasons, his delegation would vote against the proposed amendments.

57. **Ms. Schoulgin Nyoni** (Sweden), speaking on behalf of the Nordic and Baltic countries, namely Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden, said that the draft resolution had always been adopted by consensus with wide, cross-regional sponsorship. Violence against women and girls, including sexual harassment, was a global plague that deserved the attention of a united international community, and the Nordic and Baltic countries had looked forward to joining the consensus once again. It was particularly important for the Committee to show unity on the subject of sexual harassment during the current week, when its members had been encouraged to wear orange to demonstrate their resolve to eliminate violence against women. It was therefore regrettable that the United States delegation was challenging the consensus, and at such a late stage, by attempting to amend essential elements of the action that needed to be taken to eliminate violence against women and girls and which had long been agreed.

58. The manner in which the United States delegation had decided to conduct its business in the Committee was not a sign of a desire to reach consensus and did not foster understanding. When delegations could not agree, the usual practice was to revert to language that had already been agreed, for decades in the case of the

present draft resolution. If a delegation still wished to make its position clear or express disagreement, there were other ways to do so than proposing hostile amendments, such as explanations of position or general statements. Undermining consensus on the draft resolution did not serve anyone; rather, it risked negatively impacting the ability of women and girls to live their lives free from violence, including sexual harassment. Delegations might have disagreements on certain elements of the draft resolution, and compromises had been made, but the issue was too important to be minimized to one or two minor disagreements. States should be able to stand united. For those reasons, the Nordic and Baltic countries would vote against the amendments proposed by the United States.

59. **Ms. Ben Ategh** (Libya), speaking in explanation of vote before the voting, said that her delegation would vote in favour of the proposed amendments because there was no international consensus on the meaning of the terms “sexual and reproductive health” and “reproductive rights”, and no definition of those terms in any international human rights instrument to which Libya was a party. The adoption of those amendments would align the text of the draft resolution with relevant Libyan laws.

60. *At the request of the representatives of France and the Netherlands, a recorded vote was taken on the oral amendment proposed by the United States to paragraph 8 (d) of draft resolution A/C.3/73/L.21/Rev.1.*

In favour:

Afghanistan, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belarus, Brunei Darussalam, Burundi, China, Comoros, Egypt, Eritrea, Ethiopia, Gambia, Guyana, India, Indonesia, Iraq, Jamaica, Kuwait, Lao People's Democratic Republic, Libya, Malaysia, Myanmar, Nauru, Nicaragua, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Sudan, Suriname, Syrian Arab Republic, Tajikistan, United Arab Emirates, United States of America, Uzbekistan, Yemen.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea-

Bissau, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Sao Tome and Principe, Serbia, Seychelles, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Angola, Bhutan, Cambodia, Côte d'Ivoire, Equatorial Guinea, Ghana, Guatemala, Guinea, Haiti, Honduras, Jordan, Kazakhstan, Kenya, Kiribati, Lesotho, Mauritania, Nepal, Samoa, Senegal, Singapore, Solomon Islands, Sri Lanka, Viet Nam, Zimbabwe.

61. *The proposed oral amendment to paragraph 8 (d) of draft resolution A/C.3/73/L.21/Rev.1 was rejected by 88 votes to 44, with 25 abstentions.*

62. **Mr. Ali** (Pakistan) said that his delegation also had reservations regarding the procedure and the way in which the amendments had been put forward. However, it had voted on the basis of its principled position that all countries had the sovereign right to implement the recommendations of the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action in a manner consistent with their national laws and the religious and ethical values and cultural backgrounds of their peoples.

63. **Mr. Al-Khaqani** (Iraq) said that his country had voted in favour of the proposed amendment to paragraph 8(d) of the draft resolution, which would align the draft resolution more closely with the national laws of Iraq. For the same reason, his country intended to vote in favour of the second proposed amendment, namely the deletion of paragraph 11 of the resolution.

64. *At the request of the representatives of France and the Netherlands, a recorded vote was taken on the oral amendment proposed by the United States to delete paragraph 11 of draft resolution A/C.3/73/L.21/Rev.1.*

65. **Mr. Hawke** (New Zealand) said that the attempt to delete an important paragraph from the text would result in the loss of a key link between violence against women and girls and their health and rights, including their

sexual and reproductive health and reproductive rights. That was a matter of particular concern, since victims and survivors were among those most in need of those services. His delegation would therefore vote against the proposed amendment.

In favour:

Afghanistan, Antigua and Barbuda, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Burundi, China, Egypt, Guyana, Iraq, Jamaica, Kuwait, Libya, Malaysia, Myanmar, Nauru, Nicaragua, Nigeria, Oman, Qatar, Russian Federation, Saint Kitts and Nevis, Saudi Arabia, Sudan, Syrian Arab Republic, United Arab Emirates, United States of America, Uzbekistan, Yemen.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Sao Tome and Principe, Serbia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Spain, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Angola, Barbados, Cambodia, Comoros, Côte d'Ivoire, Equatorial Guinea, Gambia, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Jordan, Kenya, Kiribati, Lesotho, Mauritania, Pakistan, Philippines, Rwanda, Saint Lucia, Samoa, Senegal, Solomon Islands, Sri Lanka, Tajikistan, Viet Nam, Zimbabwe.

66. *The oral amendment to delete paragraph 11 of draft resolution A/C.3/73/L.21/Rev.1 was rejected by 98 votes to 30, with 30 abstentions.*

67. **Ms. Nemroff** (United States of America) said that her country believed that women should have equal access to reproductive health care and remained committed to the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development. Nevertheless, there was international consensus that those documents did not create new international rights, including any "right" to abortion. The United States fully supported the principle of voluntary choice in maternal and child health and family planning. It did not, however, recognize abortion as a method of family planning or support abortion in its reproductive health assistance. She noted that the United States was the largest bilateral donor of reproductive health and family planning assistance.

68. Despite repeated requests, her delegation had not been given the opportunity to participate in side group discussions to resolve its differences regarding paragraphs 8 (d) and 11. Proposing amendments was therefore the only way to make its position clear and attempt to improve the text. It was regrettable that the two amendments had been rejected and that problematic wording remained in the draft resolution. The United States therefore disassociated itself from paragraphs 8 (d) and 11 in order to make clear that the terms "sexual and reproductive health" and "sexual and reproductive health-care services" did not include abortion as a method of family planning.

69. While condemning sexual harassment and violence and assault against women, the United States believed that those terms must be defined appropriately and in accordance with its domestic law and international obligations. In particular, any measures to combat those very serious problems should be consistent with international human rights obligations, including freedom of expression.

70. An overarching concern was that the draft resolution conflated physical violence against women with sexual harassment, which, while absolutely condemnable, might not always constitute violence. Specifically, paragraph 2 defined sexual harassment as a "form of violence" against women and paragraph 3 defined sexual harassment as a broad range of unwelcome behaviours and practices, including "sexual suggestions or demands, requests for sexual favours and sexual, verbal or physical conduct or gestures, that are or might reasonably be perceived as offensive or humiliating." While reprehensible, such acts were not all considered violent acts under United States law, according to which the term violence referred to physical violence or the threat of physical violence. Calling all the acts listed in paragraph 3 "violence"

equated such acts with assault, rape, sex trafficking and female genital mutilation. That was neither legally accurate nor logically coherent. To reflect those concerns, the United States would have preferred that the terms “violence”, “abuse”, “harassment” and “sexual harassment” be used in appropriate places throughout the draft resolution to be precise about which acts were covered by the relevant language. Those terms were not interchangeable for both analytical and practical reasons. For example, sexual harassment, as defined in the draft resolution, was addressed through civil remedies in the United States justice system, in contrast to sexual abuse and other violent acts, which were punishable under criminal law.

71. The United States understood that General Assembly resolutions did not change the current state of conventional or customary international law. Furthermore, it did not read the draft resolution to imply that States must join or implement obligations under international instruments to which they were not a party. Any reaffirmation of such instruments applied only to those States that were parties to them. For those reasons, the United States also disassociated itself from paragraph 2.

72. *Draft resolution A/C.3/73/L.21/Rev.1 was adopted.*

73. **Mr. Delattre** (France), speaking also on behalf of the Netherlands, expressed satisfaction that the Third Committee had once again chosen consensus on such a key subject and pride that the Committee had adopted its first draft resolution devoted specifically to combating sex harassment. He said that was a historic moment that should be translated into action. The result of the vote also showed that delegations were committed to the Committee’s working methods and to good negotiating practices, despite attempts to depart from them.

74. **Reverend Monsignor Grysa** (Observer for the Holy See) said that his delegation firmly condemned all forms of violence against women, including sexual harassment, as well as harmful stereotypes that justified violence and promoted discrimination against them. It had therefore actively engaged in the negotiations and, given the constructive participation of delegations throughout the process, had hoped to achieve a strong document that would contribute significantly to combating sexual harassment.

75. Unfortunately, the negotiating process had been characterized by a persistent disregard for the red lines clearly articulated by delegations. Moreover, transparency had been compromised when some delegations had been excluded from the small groups, requests for bilateral consultations had gone

unanswered and capitals had been called to exert pressure on their representatives. It was therefore unsurprising that such practices had led to a vote as an expression of the sovereign right of Member States to voice their position.

76. The Committee’s success was contingent on a return to the fundamental principle of consensus and respect for the positions of sovereign States, especially where sensitive and controversial issues were concerned. It was regrettable that the process had been derailed because of an inordinate focus on issues related to sexual and reproductive health and reproductive rights and sexuality education.

77. The International Conference on Population and Development had unambiguously stated that abortion was to be determined according to the national legislative process and that State sovereignty included the right of each country to implement its recommendations in a manner consistent with its national laws and with full respect for its religious, ethical and cultural values. Those principles remained paramount and should have been included in the text.

78. Moreover, the Holy See did not consider abortion or abortion services to be a dimension of reproductive health or reproductive health care and could not accept the contradictory claim that promotion of so-called “safe abortion” was a means of “protecting” the human rights of women and girls, when in fact abortion was never safe for the unborn child and denied the most basic right – the right to life. He was grateful to those delegations that had defended that fundamental right.

Draft resolution A/C.3/73/L.23/Rev.1: Intensifying global efforts for the elimination of female genital mutilation

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

80. **Mr. Tiare** (Burkina Faso), introducing the draft resolution on behalf of the Group of African States, said that the text had been updated on the basis of the report of the Secretary-General on intensifying global efforts for the elimination of female genital mutilation (A/73/266).

81. Female genital mutilation was a sociocultural practice that existed all over the world but had no documented health benefits. Among other points, the draft resolution underscored that eliminating female genital mutilation would make an important contribution to achieving Sustainable Development Goal 5, especially targets 5.2 and 5.3, and to implementing the 2030 Agenda in general. It also urged

States to take action to address emerging new methods of female genital mutilation such as its medicalization and cross-border practice, and stressed the need to improve data collection through unified methods and standards.

82. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Andorra, Antigua and Barbuda, Australia, Austria, Bahamas, Belgium, the Plurinational State of Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, the Dominican Republic, El Salvador, Estonia, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Montenegro, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Thailand, Timor-Leste, Uruguay, the Bolivarian Republic of Venezuela and Viet Nam had joined the sponsors.

83. **Ms. Nemroff** (United States of America) said that the draft resolution was important to all Member States. However, her delegation wished to disassociate itself from paragraphs 1 and 5 because of its concern that the terms “sexual and reproductive health” and “health-care services” had accumulated connotations suggestive of the promotion of abortion or a right to abortion that were unacceptable to the Government.

84. The United States believed that women should have equal access to reproductive health care and remained committed to the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development. Nevertheless, there was international consensus that those documents did not create new international rights, including any “right” to abortion. The United States fully supported the principle of voluntary choice regarding maternal and child health and family planning. It did not, however, recognize abortion as a method of family planning, or support abortion in its reproductive health assistance. She noted that the United States was the largest bilateral donor of reproductive health and family planning assistance.

85. The United States understood that General Assembly resolutions did not change the current state of conventional or customary international law and did not read the resolution to imply that States must join or implement obligations under international instruments to which they were not a party. It also understood that any reaffirmation of those instruments applied only to those States that were parties to them.

86. *Draft resolution A/C.3/73/L.23/Rev.1 was adopted.*

87. **Mr. Charwath** (Austria), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; and the stabilization and association process country Bosnia and Herzegovina, said that the adoption of the draft resolution reflected the international community’s commitment to put an end to a harmful practice. Female genital mutilation constituted a serious human rights violation and an extreme form of violence and discrimination against women and girls. Laws must be adopted and implemented to prevent that form of gender-based violence from going unpunished. Female genital mutilation was a crime in all European Union member States and in most of them a person who facilitated travel outside the European Union to be mutilated could be prosecuted. The European Union welcomed the inclusion of a new call to establish accountability mechanisms.

88. The European Union also strongly supported the inclusion of the phrase “sexual and reproductive health” in the text, given the risk that female genital mutilation posed for sexual and reproductive health and maternal health and its short- and long-term impacts. Those had been longstanding elements of the draft resolution and continued to be essential to preventing and responding to the practice.

89. The European Union regretted that some of the strong language of the 2016 resolution had been changed and that long-standing agreed language describing female genital mutilation as a “form of violence”, mentioned since the very first iteration of the draft resolution, had been modified. Indeed, female genital mutilation was more than a harmful practice; it caused irreparable damage and could have life-threatening consequences. The link between female genital mutilation and violence against women and girls had long been recognized in international documents. A more transparent approach by the main sponsors would have been beneficial.

90. The European Union remained firmly committed to the fight against female genital mutilation and supported the Africa-led push to end female genital mutilation, including through direct development assistance. In collaboration with the United Nations and the African Union, the European Union would shortly launch the Spotlight programme for Africa, which was specifically aimed at tackling female genital mutilation and had a budget of 250 million euros. He called on all Member States to join those efforts and encouraged other stakeholders to take part.

91. **Mr. Ríos Sánchez** (Mexico) said that his delegation had observed a polarization with regard to gender equality, which had resulted in stagnation, especially where the sexual and reproductive rights of women and girls were concerned. Mexico completely rejected arguments that referred to national contexts with the aim of weakening the text and thus undermining women's right to decide freely what to do with their bodies in relation to reproduction and sexuality, beyond the sphere of health itself.

92. The Beijing Declaration and Platform of Action had represented a milestone, most of all in the recognition of reproductive rights. It was regrettable that, 25 years on, no further progress had been made. Rejecting the complementarity of the language meant missing opportunities for women to advance and for society as a whole to prosper, taking into consideration that women represented over half of the world's population.

93. When consensus could not be reached that enabled the progressive realization of human rights, the Committee reverted to previously agreed language. No country had yet achieved full gender equality and women continued to suffer exclusion, marginalization, discrimination and violence. Mexico was particularly concerned by the manner in which negotiations had been conducted on the draft resolution in terms of the lack of consensus, the unusual methods for backtracking on agreed language and the resistance to references to other multilateral forums such as the Human Rights Council. A social approach did not preclude a human rights-based approach and Mexico rejected any suggestion of a false dichotomy in that regard.

94. In conclusion, Mexico recognized the value of multilateralism as a means of promoting the best causes of humanity and fostering global governance with the highest standards of human rights.

95. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Elimination of Discrimination against Women on its sixty-seventh, sixty-eighth and sixty-ninth sessions (A/73/38), the report of the Secretary-General on the intensification of efforts to eliminate all forms of violence against women and girls (A/73/294) and the note by the Secretary-General transmitting the report entitled "Violence against women in politics" of the Special Rapporteur on violence against women, its causes and consequences (A/73/301).

96. *It was so decided.*

Agenda item 65: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)
(A/C.3/73/L.55/Rev.1)

Draft resolution A/C.3/73/L.55/Rev.1: Assistance to refugees, returnees and displaced persons in Africa

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

98. **Ms. Klein** (Madagascar), introducing the draft resolution on behalf of the Group of African States, said that, since the first introduction of the draft resolution, the number of refugees, returnees and displaced persons in Africa had constantly increased. The number of persons of concern in Africa had increased from 19.6 million people in 2016 to 24.2 million at the end of 2017, and that number was expected to grow by the end of 2018.

99. Introducing oral revisions to paragraph 7, she said that the word "Basin" should be replaced with "region", except in "Lake Chad Basin Governors' Forum"; and "calls upon donors and partners to fulfil their pledges aimed at facilitating rehabilitation, recovery and resilience-building" should be replaced with "calls upon affected countries, donors and partners to fulfil their pledges aimed at facilitating crisis prevention, rehabilitation, recovery, resilience and peacebuilding".

100. While the Group had not included every important new development so as to achieve consensus, it wished to express its gratitude to all delegations for their constructive engagement and flexibility during the informal consultations.

101. **Mr. Khane** (Secretary of the Committee) said that Canada, Finland, Georgia, Indonesia, Ireland, Italy, Japan, Norway, Poland, Spain and the United Kingdom of Great Britain and Northern Ireland had joined the sponsors.

102. **Mr. Odida** (Uganda) said that his country, having received large numbers of refugees from the region, attached great importance to the draft resolution and was grateful to the United Nations, Member States and other development partners for the support and assistance provided to his country and its refugees. Uganda looked forward to working in close partnership with the United Nations and other development partners to address the root causes of population displacement. The adoption of the draft resolution by consensus would contribute towards durable and sustainable solutions to address the plight of refugees, returnees and displaced persons in Africa.

103. *Draft resolution A/C.3/73/L.55/Rev.1, as orally revised, was adopted.*

104. **Mr. Ríos Sánchez** (Mexico) said that the subject of refugees, internally displaced persons and returnees was relevant in all regions of the world. It was regrettable that consensus had not been reached on the inclusion of a reference to the global compact on refugees in the draft resolution. The compact stemmed from the New York Declaration for Refugees and Migrants and was the outcome of a long process led by the Office of the United Nations High Commissioner for Refugees (UNHCR). It had involved multiple consultations between Member States and other stakeholders and aimed to lay the foundations for predictable and equitable burden- and responsibility-sharing through stronger international cooperation. It also sought to ease the burden on host countries and highlight the causes of large population movements. Mexico had participated in the comprehensive refugee response framework and would be interested in sharing its best practices with African countries. In that connection, his delegation reiterated its willingness to continue sharing best practices through UNHCR as part of the implementation of the global compact on refugees.

105. **Ms. Nemroff** (United States of America) said that, while strongly supporting the call in paragraph 8 of the draft resolution for States to “observe scrupulously the letter and spirit of international humanitarian law”, her delegation noted that parties to armed conflict did not have a legal obligation to ensure other parties’ respect for international law. Furthermore, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development was a non-binding document that did not create rights or obligations under international or domestic law. Much of the trade-related language in that document had been overtaken by events since July 2015, rendering it immaterial. Reaffirmation of the outcome document therefore had no standing in ongoing work and negotiations involving trade.

Agenda item 71: Rights of indigenous peoples (continued)

(a) Rights of indigenous peoples (continued) (A/C.3/73/L.24/Rev.1)

Draft resolution A/C.3/73/L.24/Rev.1: Rights of Indigenous Peoples

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

107. **Mr. Tituaña Matango** (Ecuador) speaking also on behalf of the Plurinational State of Bolivia, introduced

the draft resolution on behalf of the sponsors listed in the text. He said that its language was balanced and reflected the concerns of delegations. Among other new provisions, the draft resolution reaffirmed the importance of the International Year of Indigenous Languages, to be celebrated in 2019, and noted with concern the findings of the Special Rapporteur on the rights of indigenous peoples with regard to attacks against indigenous human rights defenders. It also reflected a decision to convene a high-level event for the conclusion of the International Year of Indigenous Languages, an invitation to the Commission on the Status of Women to consider indigenous women’s issues at the sixty-fourth session of the Commission in 2020, and an invitation to Member States to support the Secretary-General in his efforts to hold regional consultations before the nineteenth session of the Permanent Forum on Indigenous Issues. While the progress reflected in the text should lead to greater respect for the rights of all indigenous peoples, efforts must continue to ensure that their rights were protected, promoted and exercised in full.

108. He was grateful to all Member States for their support of the resolution over the years and of other activities. Although important steps had been taken at the international level to protect and promote of rights of indigenous peoples, much remained to be done, in particular to ensure that they were represented in international forums in far greater numbers.

109. **Mr. Khane** (Secretary of the Committee) said that Argentina, Austria, Brazil, Canada, Costa Rica, Cuba, Cyprus, El Salvador, Estonia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Malaysia, Mexico, Panama, Peru, Poland, Slovenia, South Africa and Ukraine had joined the sponsors.

110. *Draft resolution A/C.3/73/L.24/Rev.1 was adopted.*

111. **Ms. Mecea** (Romania), speaking also on behalf of Bulgaria, France and Slovakia, said that their countries were fully engaged in the promotion and protection of the rights of all individuals. Persons belonging to indigenous groups were often victims of discrimination and violations of human rights and fundamental freedoms because of their affiliation. Those persons must enjoy the same rights and freedoms as any other individuals in full respect for the principles of the equality and universality of human rights.

112. Human rights were individual rights. Their countries did not recognize collective rights of any groups defined by their origins, culture, language or beliefs, and subscribed to the political and legal traditions of human rights, which were based on individual rights and opposed to all forms of

discrimination. They therefore could not accept references in the draft resolution to collective rights of indigenous peoples. It would be preferable to refer to the rights of persons belonging to indigenous groups, in line with commonly recognized human rights principles. Their countries would remain engaged in the promotion and protection of the rights of those persons without discrimination.

113. **Ms. Nemroff** (United States of America) said that her delegation wished to reaffirm its support for the Declaration on the Rights of Indigenous Peoples as an aspirational document of moral and political force. However, the Declaration was not legally binding, nor was it a statement of current international law. The United States sought to achieve the aspirations of the Declaration within the structure of its Constitution, laws and international obligations, while seeking, where appropriate, to improve its laws and policies.

114. Although it had joined the consensus on the draft resolution as a whole, her delegation wished to dissociate itself from preambular paragraph 7. The United States did not support the Global Compact for Safe, Orderly and Regular Migration and objected to the references thereto in the draft resolution. The United States had not participated in the negotiations on the Compact and would not endorse that instrument. It should therefore be clear that the United States was not bound by any commitments or outcomes stemming from or contained in the Compact. Decisions about whom to admit for residency or to whom citizenship should be granted were among the most important sovereign decisions a country could make and were not subject to negotiation in international instruments or forums. The United States maintained the sovereign right to facilitate or restrict access to its territory in accordance with its national laws and policies, while providing relevant protections consistent with its international obligations.

115. **Mr. Tennakoon** (United Kingdom) said that his Government was fully committed to promoting and protecting human rights for all individuals, including indigenous people, without discrimination on any grounds. It recognized that indigenous people were entitled to their human rights and fundamental freedoms under international law. Given that the principles of equality and universality underpinned human rights, his Government did not accept that some groups in society should benefit from human rights not available to others. With the exception of the right to self-determination, the United Kingdom did not accept the concept of collective human rights in international law. That long-standing and well-established position was important in ensuring that individuals within groups were not left vulnerable or unprotected by allowing the human rights of the

group to supersede those of the individual. That position was without prejudice to the fact that the Governments of many States with indigenous populations had granted them various collective rights in their constitutions, national laws and agreements. Doing so had served to strengthen the political and economic position of, and protections for, indigenous peoples in those States.

116. In the light of the above, his Government understood any internationally agreed reference to the rights of indigenous peoples, including those in the United Nations Declaration on the Rights of Indigenous Peoples, to refer to the rights bestowed at the national level by Governments to indigenous peoples and according to the stated position on human rights and collective rights.

117. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Peoples ([A/73/137](#)).

118. *It was so decided.*

Agenda item 73: Right of peoples to self-determination (*continued*) ([A/C.3/73/L.54](#))

Draft resolution A/C.3/73/L.54: Universal realization of the rights of peoples to self-determination

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

120. **Ms. Lodhi** (Pakistan), introducing the draft resolution on behalf of the sponsors listed in the document, said that the idea that people had the right to decide their collective destiny without coercion or alien domination was the bedrock upon which the post-Second World War international order had been based. The extensive exercise of the right to self-determination in the latter half of the previous century had enabled the dark chapter of colonization to be closed and had resulted in the emergence of many nations. Pakistan was proud to continue to champion that cause.

121. By reaffirming the universality of the right to self-determination, the draft resolution served to reinforce the resolve of the international community to end the denial of that fundamental human right and the ensuing injustice and insecurity. She commended the consistent support of the General Assembly in that regard, as it sent a strong message of support to the people worldwide who were still subjugated and oppressed.

122. **Mr. Khane** (Secretary of the Committee) said that Albania, Antigua and Barbuda, Bahrain, Bangladesh, Belize, Benin, Brazil, Brunei Darussalam, Burkina

Faso, Cameroon, the Central African Republic, Chad, Egypt, Equatorial Guinea, the Gambia, Ghana, Guyana, Haiti, Jamaica, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lesotho, Liberia, Libya, Madagascar, Malaysia, Mali, Namibia, Nicaragua, the Niger, Nigeria, Papua New Guinea, Senegal, Sierra Leone, Somalia, South Sudan, Suriname, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Republic of Tanzania, Uzbekistan, Yemen and Zimbabwe had joined the sponsors.

123. **Ms. Cruz Yábar** (Spain) said that there were situations in which the administering Power and authorities of the territory that it had colonized had established a political relationship in their own interest and denied any colonial link while still claiming a so-called right to self-determination. That was a distortion of the Charter of the United Nations, the relevant resolutions and the conventions mentioned in the draft resolution.

124. The original population of Gibraltar had had to leave the territory, whereas the current inhabitants were descendants of those installed by the occupying Power for military purposes. In such circumstances, Spain denied the existence of a right to self-determination protected under international law. The United Nations had deemed that the situation in Gibraltar compromised the territorial integrity of Spain and thus had repeatedly called for dialogue on the issue.

125. The continuing existence of the colony on Spanish territory was having a negative impact on account of harmful tax competition, practices that damaged the environment, the indirect promotion of smuggling, corruption and criminality. It was therefore urgent for the United Kingdom and Spain to find a solution that was in keeping with United Nations principles.

126. It had been demonstrated in the case of other territories that had gained independence from the United Kingdom that decolonization was possible if an administering Power had the political will to undertake it. Spain therefore reiterated its invitation to the United Kingdom to negotiate a solution that would put an end to an anachronistic situation.

127. *Draft resolution A/C.3/73/L.54 was adopted.*

128. **Mr. Mazzeo** (Argentina) said that his Government fully supported the right to self-determination of peoples subjected to colonial domination and foreign occupation, in accordance with General Assembly resolutions 1514 (XV) and 2625 (XXV). The exercise of the right to self-determination required an active subject, namely a people under alien subjugation, domination and exploitation, without which the right to

self-determination was not applicable. The draft resolution just adopted should be interpreted and implemented in keeping with the relevant resolutions of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

129. **Ms. Nemroff** (United States of America) said that her delegation recognized the importance of the rights of peoples to self-determination and had therefore joined the consensus on the draft resolution. Nevertheless, the draft resolution contained many misstatements of international law and was inconsistent with current State practice.

130. **Ms. Medcalf** (United Kingdom), speaking in exercise of the right of reply, recalled that the United Kingdom had sovereignty over Gibraltar and the territorial waters surrounding it and that, as a separate Territory recognized by the United Nations and included since 1946 in its list of Non-Self-Governing Territories, Gibraltar enjoyed the rights accorded to it by the Charter of the United Nations. Her delegation also recalled that the people of Gibraltar enjoyed the right to self-determination. The 2006 Gibraltar Constitution, which had been endorsed in a referendum by the people of Gibraltar, provided for a modern and mature relationship between Gibraltar and the United Kingdom. Her Government would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes and would not enter into sovereignty negotiations which they opposed. The United Kingdom was committed to safeguarding Gibraltar, its people and its economy. The Governments of the United Kingdom and Gibraltar remained firmly committed to the Trilateral Forum for Dialogue on Gibraltar as the most credible means of strengthening United Kingdom-Gibraltar-Spain relations for the benefit of all parties. The United Kingdom regretted that the Government of Spain had withdrawn from those talks in 2012. The Governments of the United Kingdom and Gibraltar stood ready to engage with Spain to establish new and deeper forms of cooperation to address issues of mutual importance in the wider region, through dialogue that fully reflected the wishes, interests, rights and responsibilities of the people and Government of Gibraltar.

Agenda item 74: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/73/L.38)

Draft resolution A/C.3/73/L.38: Human rights treaty body system

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

132. **Mr. Allansson** (Iceland), introducing the draft resolution on behalf of the Nordic countries – Denmark, Finland, Iceland, Norway and Sweden – and Belgium and Slovenia, said that the draft resolution aimed to encourage all stakeholders to further the implementation of General Assembly resolution 68/268, which had been an important step towards strengthening the human rights treaty body system. In that resolution, the General Assembly had addressed critical elements of the reporting process, such as interactive dialogues and concluding observations, and had established efficiency measures that had reduced the cost of meetings by almost 45 per cent. It had also provided for an evidence-based, realistic and justifiable allocation of meeting time to the treaty bodies, allowing for more substantive and streamlined discussions.

133. Introducing oral revisions, he said that a new paragraph should be inserted after the sixth preambular paragraph, reading: “Emphasizing the importance of multilingualism in the activities of the United Nations, including those related to the promotion and protection of human rights, and reaffirming the paramount importance of the equality of the six languages of the United Nations for effective functioning of the human rights treaty bodies”. In addition, paragraph 5 should be revised to read: “Reaffirms paragraph 26 of resolution 68/268 that sets out how the allocation of meeting time to treaty bodies will be identified and requests the Secretary-General to provide the corresponding financial and human resources, paragraph 27 that decides that the meeting time allocated will be reviewed biennially and will be amended on this basis at the request of the Secretary-General in line with the established budgetary procedures, and paragraph 28 that requests the Secretary-General accordingly to take into account the meeting time needed by the human rights treaty body system in his future biennial programme budget”.

134. It was the hope of the Nordic countries and Belgium and Slovenia that the draft resolution would support the full implementation of General Assembly resolution 68/268 and thereby strengthen the treaty body system as a whole.

135. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Armenia, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Croatia, Czechia, the Dominican Republic, France, Greece, Guatemala, Israel, Japan, Lebanon, Luxembourg, Malta, Monaco, Montenegro, New Zealand, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Serbia, Slovakia, Spain, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay had joined the sponsors.

136. Informing the Committee that the proposed oral revisions might give rise to programme budget implications, he said that action on the draft resolution would be deferred until the subsequent meeting.

The meeting rose at 1 p.m.