

19 November 2009



General Assembly
GA/SHC/3967

United Nations

Department of Public Information • News and Media Division • New York

Sixty-fourth General Assembly

Third Committee

43rd & 44th Meetings (AM & PM)

General Assembly Will Adopt Declaration, Strategy to Counter World Drug Problem

under Terms of Draft Resolution Approved by Third Committee

Total of 14 Texts Recommended to Assembly; Human Rights Situations in Myanmar,

Democratic People's Republic of Korea, Right to Food, among Other Issues
Addressed

Raising grave concerns over the dangers posed to political and socio-economic stability by the illegal drug trade, the Third Committee (Social, Humanitarian and Cultural) today approved, by consensus, a draft resolution paving the way for the General Assembly to adopt a declaration and plan of action on international cooperation towards a strategy to counter the world drug problem, as adopted at the high-level segment of the United Nations Commission on Narcotic Drugs in March.

That resolution was one of 14 approved by the Committee -- six by vote -- on a wide range of topics: crime prevention and criminal justice, international drug control, advancement of women, elimination of racism, racial discrimination, xenophobia and related intolerance, right of peoples to self-determination, the promotion and protection of human rights, and country-specific resolutions on the situation of human rights in the Democratic People's Republic of Korea and Myanmar.

Titled “international cooperation against the world drug problem”, the draft would have the Assembly recognize that strategies for controlling crops used for narcotic drugs and psychotropic substances should be based on the principle of shared responsibility. It would stress the urgent need to respond to challenges posed by links between drug trafficking, corruption and other forms of organized crime, including trafficking in human beings, trafficking in firearms, cybercrime and, in some cases, terrorism and money-laundering. The Assembly would recommend the Economic and Social Council to devote one of its high-level segments to a theme related to the world drug problem, and also to recommend that the Assembly itself hold a special session.

As noted by the representative of the Russian Federation, the resolution did not include a clear appeal to strengthen regional cooperation in and around Afghanistan. Earlier resolutions had drawn attention to the drug trade emanating from Afghanistan, which, the Russian Federation explained, was because Afghan opiates on the illegal drug market, and the proliferation of terrorist groups in that country in relation to the drug trade, was a global threat. But, in recent years, States had developed diverging opinions on whether Afghanistan’s poppy cultivation and the resulting drug trade should be an element of the text. But, because it was absent from this year’s draft, Russia had chosen not to co-sponsor the draft, though it did not oppose consensus on that text.

Also approved by consensus was the draft resolution on the right to food, which passed without a vote for the first time to a jubilant round of applause from Member States. By its terms, the Assembly would reaffirm that hunger constituted an “outrage” and a violation of human dignity and, therefore, required urgent measures at the national, regional and international levels for its elimination. It would have the Assembly express concern that women and girls were disproportionately affected by hunger, food insecurity and poverty, and would reaffirm the need to ensure that programmes to deliver safe and nutritious food were inclusive of and accessible to persons with disabilities. The Assembly would also recognize State support for small farmers, fishing communities and local enterprises as a key element for food security and the provision of the right to food.

That draft contained further provisions calling on members of the World Trade Organization (WTO) who were party to its intellectual property rights regime to consider implementing it in a manner supportive of food security. That led some States, such as Canada and the United States, to launch a defence of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), saying there was nothing preventing TRIPs-agreeing States from pursuing the right to food or food security. But, those States also voiced support for the text, which the representative of Canada said should be realized progressively as part of the right to an adequate standard of living.

The first of six resolutions voted on by the Committee was on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. That text was approved by a vote of 124 in favour to 1 against (United States), with 55 abstentions. (See Annex I.)

The representative of the United States, responsible for requesting the vote and the sole “no” vote, said the text did not make a distinction between actions and expressions.

The European Union, which abstained from the vote, expressed concern at the text's selectivity and the way in which new paragraphs had appeared to dilute the text. The representative of Sweden, who spoke on behalf of the European Union, said the text contained an inaccurate reflection of the Nuremberg trials -- one of the draft's preambular paragraphs had the Assembly recalling the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which was said to have declared Nazi Germany's SS organization and all its integral parts, including the Waffen SS, as responsible for war crimes and crimes against humanity.

The Committee also voted on a text regarding the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, approving it by a vote of 122 in favour to 53 against, with 5 abstentions (Fiji, Saint Kitts and Nevis, Switzerland, Timor-Leste, Tonga) (Annex II).

On the provisions of that draft would have the Assembly request the Working Group on the use of mercenaries to continue the work already done by previous Special Rapporteurs on strengthening the international legal framework to regulate the use mercenaries, while taking account of the proposal for a new legal definition of a mercenary. On that point, the representative of Sweden, speaking on behalf of the European Union, said the elaboration of a definition fell under the competence of the Sixth Committee (Legal), as did any attempt to link the use of mercenaries with terrorism. The European Union voted against the draft.

Two more votes were held on texts regarding the promotion of a democratic and equitable international order, approved by a vote of 121 in favour to 54 against, with 5 abstentions (Argentina, Armenia, Chile, Mexico, Peru) (Annex III), and the right to development, approved by a recorded vote of 130 in favour to 22 against, with 30 abstentions (Annex IV).

Country-specific resolutions on the human rights situations in the Democratic Republic of Korea and Myanmar were also put to a vote. The draft resolution on the Democratic People's Republic of Korea was approved by a vote of 97 in favour to 19 against, with 65 abstentions (see Annex V), while the draft resolution on Myanmar was approved by a vote of 92 in favour to 26 against, with 65 abstentions (Annex VI). Notably this year, the country-specific resolutions on those two countries were approved without a no-action motion.

During the voting process, numerous speakers protested against country-specific resolutions, saying they were highly divisive and that human rights issues should not be exploited for political purposes. The representative of Egypt, who spoke on behalf of members of the Non-Aligned Movement, relayed the views of their leaders at a summit meeting at Sharm el Sheikh, Egypt, where they had expressed deep concern over the continuation of the selective adoption of country-specific resolutions in the Third Committee, in breach of the principle of universality, impartiality and non-selectively in addressing human rights. They, and many others with similar views, stressed that the Universal Periodic Review mechanism of the Human Rights Council was the best place to

consider the human rights situation in all countries, in the spirit of constructive dialogue and transparency.

However, the representative of Japan -- who, along with the representative of Sweden on behalf of the European Union, was one of the main sponsors of the draft resolution on the Democratic People's Republic of Korea -- argued that, under the Universal Periodic Review process, countries were only reviewed once every four years. Further, the Council had a limited membership, while all States were represented by the General Assembly. In the event of widespread violations, both the Human Rights Council and the Third Committee could address human rights issues within their respective mandates.

All remaining resolutions before the Committee were approved without a vote, including: on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity; violence against women migrant workers; and follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly.

Also approved without a vote were draft texts on: strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity; on the Subregional Centre for Human Rights and Democracy in Central Africa; and on the International Convention for the Protection of All Persons from Enforced Disappearance.

The representative of Zambia introduced a draft decision on the report of the Human Rights Council.

Speaking on matters relating to the various draft resolutions were the representatives of Liechtenstein, Venezuela, Russian Federation, Bolivia, Sweden (on behalf of the European Union), Singapore, Philippines, Belarus, United States, Switzerland, Chile, Argentina, Canada, Colombia, Finland, New Zealand (also on behalf of Switzerland), Egypt (on behalf of the Non-Aligned Movement), China, Democratic People's Republic of Korea, Japan, Bahamas, Syria, Libya, Malaysia, Costa Rica, Zimbabwe, Swaziland, Cuba, Nepal, Barbados, Sudan, Viet Nam, India, Indonesia, Brazil, Bangladesh, Jordan, Myanmar, Thailand and Australia.

The representatives of the United Kingdom, the Democratic People's Republic of Korea and Japan spoke in exercise of the right of reply.

Several countries spoke on a draft resolution adopted on 12 November, on further steps to improve the coordination of efforts against trafficking in persons. Those speakers were the representatives of the Russian Federation, Zambia (on behalf of the African Group), Ecuador, Sweden (on behalf of the European Union), Nicaragua, Norway, Japan, El Salvador and the United States.

That resolution, whose wording was approved at the Committee's last meeting, would have the Assembly take note of a decision of the President of the sixty-third session of the General Assembly to appoint co-facilitators to start consultations and consideration of a plan of action against human trafficking. But, as observed by the representative of Sweden, some States were in favour of a global plan of action, while others were not.

The Committee will meet again at 10 a.m. Friday, 20 November, to act on remaining draft texts.

Background

The Third Committee (Social, Humanitarian and Cultural) met this morning to hear the introduction of a draft decision on the report of the Human Rights Council (document A/C.3/64/L.61).

It was also expected to continue its consideration of a draft resolution on further steps to improve the coordination of efforts against trafficking in persons (document A/C.3/64/L.11/Rev.1), which it adopted on 12 November, and to take action on a draft resolution on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (document A/C.3/64/L.12), both under its agenda item on crime prevention and criminal justice.

The Committee was also expected to take action on a number of other draft texts, including, under its agenda item on international drug control, a draft resolution on international cooperation against the world drug problem (document A/C.3/64/L.15/Rev.1).

It was expected to take action on two draft resolutions under the agenda item on the advancement of women on violence against migrant women workers (document A/C.3/64/L.18/Rev.1) and follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly (document A/C.3/64/L.60).

Action was also expected on draft resolutions on inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (document A/C.3/64/L.53), under the agenda on the elimination of racism, racial discrimination, xenophobia and related intolerance, and on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (document A/C.3/64/L.57), under its agenda item on the right of peoples to self-determination.

The Committee was expected to act, under its agenda item on the promotion and protection of human rights, on 10 draft resolutions, including: promotion of a democratic and equitable international order (document A/C.3/64/L.28), strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (document A/C.3/64/L.29), the right to food (document A/C.3/64/L.30/Rev.1), Subregional Centre for Human Rights and Democracy in Central Africa (document A/C.3/64/L.40), International Convention for

the Protection of All Persons from Enforced Disappearance (document A/C.3/64/L.42/Rev.1), the right to development (document A/C.3/64/L.47), situation of human rights in the Democratic People's Republic of Korea (document A/C.3/64/L.35), situation of human rights in Myanmar (document A/C.3/64/L.36*) and its associated programme budget implications (document A/C.3/64/L.62), and situation of human rights in Iran (document A/C.3/64/L.37).

Statements Deferred from Committee's Last Meeting

The Committee began the meeting by hearing statements concerning a resolution adopted at its last meeting, on improving the coordination of efforts against trafficking in persons (document A/C.3/64/L.11/Rev.1), approved without a vote.

Regarding that draft, the representative of the Russian Federation thanked the delegation of Belarus as the draft's principal sponsor, saying the resolution addressed an important problem that required joint international effort and true political will to solve. Given the issue's importance, the lengthy calibration process was justified. From the start, the goal had been to reach consensus, which had, indeed, been achieved. The Russian Federation would like to see the resolution more focused on practical action and results, through a global plan to combat trafficking. But, the final result must be reached through compromise, so that it was acceptable to all Members. His Government had gladly joined the list of co-sponsors, and was satisfied that the draft had been adopted without a vote, as it had been in the previous year.

The representative of Zambia, offering a general statement after action on behalf of the African Group, said the resolution should help make a difference to all victims of trafficking. The Group had been happy to co-sponsor the draft and appreciated the efforts of the delegation of Belarus for the long hours of consultations it had put into the draft to guarantee consensus. Those consultations had been difficult, demonstrating the political commitment of all parties to the cause. Trafficking in persons was a problem affecting all countries, especially Africa, whose leaders had passed a unanimous decision at the African Union summit in July, at Sharm el Sheikh, calling for a United Nations global plan of action on trafficking. Such a plan should ensure a coordinated approach to combat the scourge, and to coordinate the efforts of States, the United Nations system and other stakeholders, including civil society and the private sector, while taking account of legal mechanisms such as the Convention against Organized Crime and its Optional Protocol. Many others around the world were also supportive of a plan of action on trafficking, such as the Non-Aligned Movement, and those in Europe, Asia, North America and South America. The European Union had its own European Union global plan of action, adopted in October.

She recalled that consideration of a global plan of action had started last year, and was reflected in General Assembly resolution 63/194 directed towards the President of the Assembly, who had led thematic dialogues on the issue at the sixty-third session and had appointed facilitators. The new resolution would provide the President with a legislative mandate to continue consideration of that matter, which also provided for wide participation among States and other stakeholders. At the same time, strong commitment

by the Secretary-General, the Human Rights Commissioner and the Special Rapporteur on trafficking would help take that commitment to a new level. She acknowledged the United Nations system and the good coordinating role played by the United Nations Office on Drugs and Crime (UNODC). While Africa was mainly an origin country, that crime did not discriminate against continents. There were victims everywhere and, as shown at a panel discussion convened by the Human Rights Commissioner last month, the race and ethnicity of victims did not matter. She said African countries had pledged to uphold their responsibility in helping victims to “fight their victimization”.

The representative of Ecuador said the fight against trafficking in persons had been a priority for his country since 2004. In that regard, its policies aimed at prevention, investigation and sanctioning, and the protection of victims. It paid attention, particularly, to the latter policy area and had, to that end, approved a plan to protect women, children, boys and girls. Underling that, under article 4 of the Universal Declaration of Human Rights, no one should be committed to slavery, and his country was committed to working to ensure no new form of slavery would violate its citizens’ rights.

He noted, however, that developing countries had a particular vulnerability in two aspects: they had become ideal spaces for recruitment and exploitation of victims of human trafficking. His delegation, thus, believed the network against human trafficking must be stronger and applauded the fact that the United Nations was willing to tackle that problem. The Organization should work towards a global plan against trafficking. His delegation was willing to make all efforts towards making that plan come to fruition.

Sweden’s delegate, speaking on behalf of the European Union and associated States, said the Union was pleased to join consensus on the text. The Union remained fully committed to fighting trafficking and was a proud party to the Convention against Transnational Organized Crime. It strongly believed that the strong commitment of the international community was needed to provide more stringent monitoring of this Convention. It welcomed the elaboration of a framework of action for effective implementation of the Convention’s Trafficking Protocol and had organized plans in that respect. More needed to be done to further address all forms of trafficking, including child trafficking, and to train law enforcement personnel in the protection of human rights.

He went on to say that combating trafficking in human beings was a priority for the Union, as had been reaffirmed in the ministerial conference that took place in Brussels in October. Indeed, trafficking was a grave offence. Some States were in favour of a global plan of action, while others were not. The resolution took note of the consultations on such a plan, and the Union considered it fundamental that any potential new instrument not divert energy or focus from implementing agreements laid out in other instruments, such as the Convention against Transnational Organized Crime.

The representative of Nicaragua, also thanking the representative of Belarus for conducting a conciliatory negotiations process, praised that delegation for taking account of the concerns of all delegations. Nevertheless, she expressed deep regret that some States did not share the same interest in moving forward on a global plan of action, which could provide a strategic framework for applying existing international instruments in a way that

complemented them and helped fill gaps. She reiterated the importance of having a global plan of action based on broad consensus, and said the resolution was a step towards that common objective. She extended an invitation to those that still rejected efforts to tackle this modern form of slavery to join the process of drafting such a plan.

The representative of Norway said his country had been pleased to join the consensus and thanked the delegation of Belarus for facilitating negotiations on that text. His Government was committed to combating trafficking in persons and was a strong supporter of the Convention on Organized Crime and its Optional Protocol, which it considered to be the principal legally binding instrument to fight trafficking. The growing number of supporters of that Convention was a sign of States' commitment to combat that crime. Before States moved to develop new instruments, existing ones should first be put to use fully and effectively. The Conference of States Parties had been established to improve the capacity of States to promote and review the Convention and to promote its better use, including its Protocols, and was supported by an independent review of implementation mechanisms. He looked forward to implementing decision 4/1 by the Conference of Parties on a possible mechanism to review the Convention and its Protocols.

The representative of Japan said his Government was fully committed to coordinating action to combat trafficking and had been pleased to join the consensus. Due to the grave nature of the crime, Japan firmly believed in the vital need for coordination action to be effective and efficient. As described in operative paragraph 8 of the text, States needed to start to consider the most effective and efficient means of doing so, while taking into account a global plan as one possible action. He would take part in such consultations, which he hoped would be open and transparent.

The representative of El Salvador said the subject of the resolution was an important one, and she would have liked to have seen more on providing protection to victims, particularly children and women. But, given the issue's importance, her country wished to join the list of co-sponsors, nevertheless.

The Secretary of the Committee, MONCEH KHANE, then informed the representative of El Salvador that the list of co-sponsors was closed, because the resolution had already been adopted.

The United States representative said his country appreciated the efforts of parties to reach consensus on the text and had agreed to join consensus on it. The United States did so on the understanding that it must be recognized that slavery continued to exist in the twenty-first century and much work remained to be done at all levels to combat trafficking in persons. International attention should be focused on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime. With more countries adopting strong anti-trafficking steps, there had been a reduction in trafficking. Clearly, effective enforcement of national laws was the only viable deterrent.

He further underlined that the Convention was open to accession by all States. Moreover, the rules of procedure to the Convention's Conference allowed the participation

of non-States parties as observers. In practice, there was no difference between participants and observers in terms of the decisions taken by the Conference. Thus, non-participation in the Conference was by choice. The United States remained sceptical that a global action plan would be effective, believing, instead, that that plan would be another exercise that would distract countries on what they needed to do to stop trafficking. While the United States considered international coordination important, Governments needed to do more at home. International coordination could be helpful, if it aimed to bring donors together with those seeking and in need of support.

Action on Draft Resolutions

As it moved to take action on the draft resolutions before it, the Committee turned first to a text on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (document A/C.3/64/L.12/Rev.1).

Mr. KHANE said that adoption of the text would entail no additional budgetary implications under the proposed programme budget for the biennium 2010-2011.

The representative of Italy introduced the text, which would have the Assembly reaffirm the importance of the United Nations Convention against Transnational Organized Crime and its Protocols as the main tools of the international community to fight transnational organized crime. It would also call upon Member States to strengthen their efforts to cooperate, as appropriate, at bilateral, subregional, regional and international levels to counter effectively transnational organized crime

By further provisions, the Assembly would request the UNODC to finalize, as soon as possible, the Santo Domingo Pact and other regional programmes, as well as the Managua Mechanism document for approval by States parties, in order to start their implementation with all active partners at all levels. That Office would also be urged to continue providing technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, in accordance with United Nations related instruments and internationally accepted standards.

The Assembly would further recognize the efforts made by the UNODC to assist Member States in developing abilities and strengthening their capacity to prevent and combat kidnapping and request the Office to continue to provide technical assistance in order to foster international cooperation, particularly mutual legal assistance, aimed at effectively countering that growing serious crime.

By other terms, Member States and relevant international organizations would be urged to develop national and regional strategies and other necessary measures to address effectively transnational organized crime, including trafficking in persons, the smuggling of migrants and illicit manufacturing of and transnational trafficking in firearms, as well as corruption and terrorism. In that regard, the text urges the United Nations Office on Drugs and Crime to assist Member States upon request in combating the illicit trafficking in firearms and all relevant paraphernalia.

The Secretary-General would also be requested to convene, in the framework of the tenth anniversary of the United Nations Convention against Transnational Organized Crime, a special high-level meeting of the Assembly on transnational organized crime and corruption in the second quarter of 2010. He would also be requested to organize a special treaty event to promote ratification or accession to the Convention and the Protocols thereto during that high-level meeting.

Speaking in explanation of position before action, the representative of Liechtenstein said that, as a traditional co-sponsor of the draft resolution, her delegation had approached consultations on the text in a willing spirit. It believed that the provision of capacity-building assistance by the UNODC was paramount for post-conflict countries. There was no question that the Office was, under its rule of law programme, mandated to assist States in establishing institutions for the provision of justice and rule of law, irrespective of the crimes those bodies would address. Liechtenstein believed the text was a good one, even though it did not make explicit reference to the proposals her delegation had made during the consultations.

Acting without a vote, the Committee then approved the draft text.

Speaking in explanation of position after action, the representative of Venezuela said her delegation had joined consensus, but had reservations about the context of various preambular paragraphs that did not have a basis in relevant agreements by United Nations Member States on the fight against terrorism. Among other things, she highlighted the reference to “granting of mutual legal assistance” and the granting of extradition.

Moreover, preambular paragraph 14 said the actions of States against terrorism were a “common and shared responsibility”. Yet, that was not expressed in any of the agreements or treaties on terrorism on either the international level or the regional level. That paragraph was a distortion of the Declaration of Bangkok, which talked about improving international responsibility, but did not talk about shared responsibilities. If that was so, the situation of the terrorist who had exploded a Cuban airliner would have to be discussed. Her delegation considered the content of the paragraph in question went beyond the resolution’s scope.

Turning to the content of the preambular paragraph that established a link between organized armed crime and terrorism, she said Venezuela did not recognize such links, since every action had different motivations. Presupposing an automatic link denied this and the need to address those motivations. Moreover, those links were neither automatic nor permanent. Regarding the obstacles raised by the delegation facilitating that draft, Venezuela reiterated its willingness to raise those issues again with a view towards achieving a more satisfactory text.

Following that action, the Committee turned to the draft resolution on international cooperation against the world drug problem (document A/C.3/64/L.15/Rev.1).

The Secretary, Mr. KHANE, made an oral amendment to the text to correct a punctuation error, before informing the Committee that the resolution’s adoption would not

entail any additional requirements under the proposed programmed budget for the 2010-2011 biennium. He also explained the difference between a special session and a high-level meeting, saying that a special session was likely to give rise to programme budget implications, since it would require procedural arrangements on par to a regular session: the election of a President and Bureau, the preparation of a formal, self-standing provisional agenda, and so on. On the other hand, a high-level meeting could be organized without the need for such organizational decisions and would, thus, be more straightforward to hold, irrespective of any programme budget implications. He was offering that explanation while noting that the recommendation to hold a meeting of some sort had originated from Vienna; that Office might not know the implications of holding a special session versus a high-level meeting.

The draft resolution was introduced by the representative of Mexico.

That text would have the Assembly adopt the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, as adopted at the high-level segment of the fifty-second session of the Commission on Narcotic Drugs. It would also call on States to take the measures necessary to implement the goals and targets therein.

By further terms, the Assembly would recognize that sustainable crop control strategies targeting the illicit cultivation of crops used for narcotic drugs and psychotropic substances require international cooperation based on the principle of shared responsibility, as well as an integrated and balanced approach. It would also recognize that such crop control strategies include alternative development and, where appropriate, preventive alternative development programmes, eradication and law enforcement measures and that crop-control strategies should be in full conformity with article 14 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, appropriately coordinated and phased in accordance with national policies.

Among other provisions, the Assembly would stress the urgent need to respond to the serious challenges posed by the increasing links between drug trafficking, corruption and other forms of organized crime, including trafficking in human beings, trafficking in firearms, cybercrime and, in some cases, terrorism and money-laundering. It would also urge the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and relevant regional organizations involved in combating the world drug problem. That Office would be requested to continue providing technical assistance to Member States so as to enhance capacity in countering the world drug problem.

The Assembly would also urge all Governments to provide the fullest possible financial and political support to the UNODC by widening its donor base and increasing voluntary contributions, particularly general-purpose contributions, to enable it to continue, expand, improve and strengthen its operational and technical cooperation activities. It would also recommend that a sufficient share of the regular budget of the United Nations be allocated to the Office to enable it to carry out its mandate in a consistent and stable manner.

Member States would be further urged to implement the Action Plan for the Implementation of the Declaration of the Guiding Principles of Drug Demand Reduction and to strengthen their national efforts to counter the abuse of illicit drugs in their populations, in particular among young people. It would also recommend that the Economic and Social Council devote one of its high-level segments to a theme related to the world drug problem, and also recommend that the Assembly itself hold a special session to address the world drug problem.

The representative of Russian Federation said his Government had chosen not to oppose consensus on the draft, but had chosen, also, not to co-sponsor it. The text once again did not include references to a policy for strengthening international cooperation in suppressing the proliferation of drugs from Afghanistan. The Russian Government attached great importance in dealing with the world drug problem and in expanding anti-drug cooperation under the aegis of the United Nations. It believed that a General Assembly omnibus resolution on the issue must be built on an objective and expert assessment of global trends and threats posed by illegal drugs, and on areas requiring special attention. Such an assessment would, in the long run, determine the effectiveness of efforts to deal with the world drug problem.

But, he said, in recent years, States had clearly diverged on the issue of whether Afghanistan's illicit opium poppy cultivation and the illegal trade of drugs from there was an important element of the fight against drugs. Earlier resolutions had highlighted that issue, and the Russian Federation had stated, on a number of occasions, that a mention of Afghanistan was not for the purpose of highlighting the problems of an individual country or to assess the efforts of its Government to combat drugs. Rather, it had been included in the text because existence of opiates in the illegal drug market, and of the proliferation of terrorist groups in that country in relation to the drug trade, was a global threat. In Russia's opinion, underestimating the scope of the threat posed by drugs from Afghanistan would send a counter-productive signal. Excluding a clear appeal to strengthen regional cooperation in and around Afghanistan was a step away from a balanced approach found in the omnibus resolutions of former sessions, and would hamper efforts to suppress the threat related to production and trade of Afghan drugs.

Bolivia's representative welcomed consensus on that resolution, while pointing out that operative paragraph 7 (c) would call on States to account for the traditional licit use of crops where there was historical evidence of such use. Chewing of coca leaves was a traditional and legal use of that plant in his country, as backed by abundant historical data. Any resolution on that issue must bear in mind such traditional uses. His country was firmly committed to the fight against drug trafficking.

The draft was approved, as orally corrected and without a vote.

The representative of Sweden, speaking on behalf of the European Union, welcomed the adoption of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem. He also noted that the initial proposal by the main sponsor was to strive for a streamlined and procedural resolution. Negotiations had resulted in a longer and more comprehensive text, which he believed could have been made even more comprehensive had negotiations continued. The European Union would have liked to have seen greater emphasis on the demand side, including HIV prevention, treatment, care and support. That explained why not all European Union States were able to co-sponsor the text.

The representative of Venezuela pointed out that her Government would have wanted to become a co-sponsor, but could not do so because of reservations about operative paragraph 9. Drawing an automatic link between different crimes was tantamount to ignoring the system of due process and the presumption of innocence that underpinned most judicial systems. Her country did not consider links between terrorism and transnational organized crime to be automatic or permanent, and needed to be analysed on a case-by-case basis. However, it believed the rest of the resolution was satisfactory.

The Committee then turned to a draft resolution on violence against women migrant workers (document A/C.3/64/L.18/Rev.1), which was introduced by the representative of the Philippines, who made several oral revisions, including pointing out that the correct title of the text was “violence against women migrant workers” not “violence against migrant women workers”.

That text would have the Assembly call upon all Governments to incorporate a human rights and gender perspective in legislation and policies on international migration, labour and employment consistent with their human rights obligations and commitments under human rights instruments for the prevention and protection of migrant women from violence and discrimination, exploitation and abuse. Governments would also be called on to ensure that such migration and labour policies do not reinforce discrimination and bias against women and to consider expanding dialogue among States on devising innovative methods to promote legal channels of migration in order to deter illegal migration.

By further provisions, the Assembly would urge Governments to enhance bilateral, regional, interregional and international cooperation to address violence against women migrant workers, fully respecting international law, and to strengthen efforts to reduce the vulnerability of women migrant workers, including through sustainable development alternatives to migration in countries of origin. It would also urge Governments to account for the best interests of the child by adopting or strengthening measures to promote and protect the human rights of migrant girls to prevent their labour and economic exploitation, discrimination, sexual harassment, violence and sexual abuse in the workplace.

The Assembly would also urge Governments, in cooperation with international organizations, civil society and the private sector, to strengthen the focus on and funding support for preventing violence against women migrant workers. Among other things, they should promote women's access to meaningful and gender-sensitive information and education on: the costs and benefits of migration; the rights and benefits to which they are entitled in the countries of origin; employment and the overall conditions in countries of employment; and procedures for legal migration. They should also ensure that laws and policies governing recruiters, employers and intermediaries, particularly in the fields of entertainment and domestic work, promoted adherence to, and respect for, the human rights of migrant workers.

Further by the text, Governments would be asked to recognize the right of women migrant workers to have access to emergency health services and to ensure that pregnancy and childbirth were not used as grounds for repatriation or deportation. States that have not yet done so would be urged to adopt and implement legislation and policies that protect all women migrant domestic workers, and to grant them access to transparent mechanisms for bringing complaints against employers.

The Assembly would also call on Governments, particularly those of the countries of origin and destination, to establish penal and criminal sanctions to punish perpetrators and intermediaries of violence against women migrant workers. Victims should have access to justice mechanisms, which should also ensure that migrant women do not suffer from revictimization, including by authorities.

State would be also be urged to adopt effective measures to put an end to the arbitrary arrest and detention of women migrant workers and to take action to prevent and punish any form of illegal deprivation of the liberty of women migrant workers by individuals or groups.

Acting without a vote, the Committee approved the draft text, as orally revised.

Speaking in explanation of position after the vote, the representative of Singapore reaffirmed his country's commitment to protecting the rights of women migrant workers. Singapore was pleased to join consensus on the understanding that the elements in the resolution would be implemented by nations according to their individual circumstances.

The Committee then turned to a draft resolution on follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly (document A/C.3/64/L.60), which was introduced by the CHAIR.

That text would have the Assembly call on Governments and the relevant bodies of the United Nations system and other international and regional organizations and civil society actors, to intensify action to achieve the full and effective implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session. It would further reaffirm that States have an obligation to exercise due diligence to prevent violence against women and girls, provide protection to victims of violence and to investigate, prosecute and punish the perpetrators of such violence, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms.

It would, thus, call on Governments to elaborate and implement laws and strategies to eliminate violence against women and girls; encourage and support men and boys in taking an active part in the prevention and elimination of all forms of violence; encourage increased understanding among men and boys of how violence harms girls, boys, women and men and undermines gender equality; and encourage all actors to speak out against any violence against women. It would also welcome the Secretary-General's campaign "UNiTE to End Violence against Women" and the United Nations Development Fund for Women (UNIFEM) social mobilization and advocacy platform "Say NO to violence against women".

Among other provisions, the Assembly would welcome the opportunities provided in intergovernmental bodies in 2010 to accelerate progress in the achievement of gender

equality and gender balance, as well as the empowerment of women. Those events would include, among others, the 15-year review of the implementation of the Beijing Declaration and Platform for Action and the outcome of the Assembly's twenty-third special session at the fifty-fourth session of the Commission on the Status of Women, as well as the annual ministerial review to be held by the Economic and Social Council on the theme "Implementing the internationally agreed goals and commitments in regard to gender equality and the empowerment of women".

The Assembly would encourage Member States, United Nations entities and other relevant actors to fully utilize the opportunities provided in intergovernmental bodies in 2010, including intergovernmental consultations, with a view towards prompt progress as set forth in resolution 63/311, including strengthening the institutional arrangements for the support of gender equality and empowerment of women. It would also reiterate its call to all bodies of the United Nations system to increase efforts to fully mainstream a gender perspective into all issues under their consideration and within their mandates, as well as in all United Nations summits, conferences and special sessions. In that regard, the Assembly looked forward to efficient and effective support for those efforts by the consolidated gender entity, upon its establishment.

The Assembly would also call on all parts of the United Nations system to continue to play an active role in ensuring the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, by, among other things, maintaining gender specialists in all entities of the United Nations system and by ensuring that all personnel, especially in the field, received training and appropriate follow-up for accelerated gender mainstreaming. It would further reaffirm the need to strengthen the capabilities of the United Nations system in the area of gender and call on the United Nations system to continue its efforts towards achieving the goal of gender balance, including with the active support of gender focal points.

Further to the text, the Secretary-General would be requested to provide an oral report to the Commission on the Status of Women at its fifty-fourth session and to report to the Assembly on a biennial basis, beginning at its sixty-fifth session, under the item entitled "Advancement of women". He was also asked to include in his report on human resources management information on the status of women in the United Nations system.

The Committee then approved the draft text without a vote.

In accordance with Assembly decision 55/488, it then took note of the report of the Committee on the Elimination of Discrimination against Women on its forty-second and forty-third sessions (document A/64/38); the note by the Secretary-General transmitting the report on the future operation of the International Research and Training Institute for the Advancement of Women (document A/64/79-E/2009/74); and the note by the Secretary-General transmitting the report on the activities of UNIFEM (documents A/64/164 and Add.1).

The Committee next turned to a draft on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (document A/C.3/64/L.53), introduced by the representative of the Russian Federation, who made oral corrections to the text.

The draft would have the Assembly express deep concern about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement as participants in national liberation movements.

Further by the text, the Assembly would express concern at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and would urge States in that regard to fully comply with their obligations under article 34 of Additional Protocol I to the Geneva Conventions of 1949 [on remains of deceased].

Other provisions would have the Assembly note with concern the rise of skinhead groups responsible for racist incidents in several countries, as well as the resurgence of violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report. It would emphasize the need to act to put an end to those practices, and would call on States to take more effective measures in that regard. It would reaffirm the obligation of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination -- among other things -- to declare illegal organizations that promote and incite racial discrimination and to recognize participation in such organizations or activities as an

offence punishable by law. They were also obliged to prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination.

Speaking in explanation of position before action, the representative of Belarus said her delegation fully supported the text. She thanked the Russian delegation for its introduction. The phenomena it addressed had to be addressed and the current resolution had an important message for today's youth, including its important historical message. The victory in the Second World War came at a high price. The war took the lives of millions of people, and Belarus, which lost a third of its population, believed that efforts to whitewash Nazism and the events of that war must be opposed.

The CHAIR then informed the Committee that a recorded vote had been requested, and, in response to the delegate of the Russian Federation, who asked which delegation had requested the vote, said the United States had made that request.

Speaking in explanation of vote before the vote, the representative of the United States said that there was much in the resolution with which her country could agree. It shared the repugnance of other Committee members towards any glorification of Nazism. But the United States was concerned that the text did not make a distinction between actions and expressions. Indeed, it did not consider the prohibition of expression an effective or appropriate means of eliminating intolerance. In a free society, hateful ideas would fail on their own merit. The best way to combat intolerance was a robust legal scheme that prohibited hate crimes and protected freedom of speech. Thus, her delegation could not vote for the text as drafted.

The representative of Sweden, speaking on behalf of the European Union, reiterated the Union's strong commitment to the global fight against racism, xenophobia and related intolerance. Neo-Nazism had to be vigorously combated. It still existed in many countries of the draft's co-sponsors, as well as of the European Union, and had to be tackled with all efforts to combat racism and xenophobia at the national and international levels. Indeed, the ideas that neo-Nazism tried to undermine – namely, that all men and women were born equal -- was at the core of what the United Nations stood for, and its mission should serve to unite all in combating neo-Nazism. Reiterating the Union's strong readiness to engage in negotiations with the co-sponsors to ensure that the text did this, she noted that a few of its proposals were reflected in the text. In particular, the addition to operative paragraph 8 had improved the text's clarity.

She said, however, that, given the importance of the issue, the Union regretted that the text did not reflect all proposals submitted by all delegations, which would have led to a more acceptable text. It further regretted that a number of its own more serious proposals had not been incorporated. As in past years, the text continued to be selective. Moreover, new paragraphs were introduced that contributed to further dilute the text. The Union would have also liked to have seen the text's inaccurate reflection on the Nuremberg trials corrected, particularly by incorporating its proposal that a direct quote be inserted into the text. Another matter of concern related to the tact taken to address those practices. The Union fully believed that, to be effective, the fight against racism, xenophobia and related intolerance had to take into account articles 4 and 5 of the Convention on the Elimination of All Forms of Racial Discrimination. Further, the Special Rapporteur needed to address contemporary forms of racism, xenophobia and related intolerance, and the request made to him in this year's text would strongly undermine that approach.

She stressed that the Union was increasingly concerned about the approach taken in the current resolution. Its concerns from previous years remained. The text's co-sponsors had not also taken into account the Union's concerns related to this year's text. For those reasons, it would abstain from voting.

The Committee then approved the text by a vote of 124 in favour to 1 against (United States), with 55 abstentions. (See Annex I.)

The representative of Switzerland thanked the principal sponsor for taking account of the views of non-co-sponsors on issues that would have allowed his country to have voted in favour. But, his country had abstained from the vote, because the draft did not cover all contemporary forms of racism.

Following that action, the Committee took up the draft on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (document A/C.3/64/L.57).

The Secretary, Mr. KHANE, informed the Committee that adoption of that resolution would not entail any additional resource requirements under the 2010-2011 programme biennium budget.

The draft was introduced by the representative of Cuba, who made several oral amendments to the text, which were being circulated on paper in the room.

By that text, the Assembly -- reaffirming the grave concern posed by mercenaries to States and recognizing that armed conflict, terrorism, arms trafficking and covert operations by third Powers encouraged the global demand for mercenaries -- would request States to be vigilant against the recruitment, training, hiring or financing of mercenaries by private companies. It would also request States to impose a specific ban on the intervention of such companies in armed conflicts or in actions to destabilize constitutional regimes. States that did import security services from private companies were encouraged to establish mechanisms to register and license those companies, as well as regulatory mechanisms to ensure that their services did not impede the enjoyment of human rights nor violate human rights in the recipient country.

Further by the text, the Assembly would call on States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occurred and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties. It would condemn any form of impunity granted to mercenaries and to those responsible for the use, recruitment, financing and training of mercenaries. It would urge States, in accordance with their international legal obligations, to bring them, without distinction, to justice. States would be called on to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials.

The text would have the Assembly request the Working Group to continue the work already done by previous Special Rapporteurs on strengthening the international legal framework to prevent and place sanctions on the recruitment, use, financing and training of mercenaries, while taking account of the proposal for a new legal definition. One of the oral amendments proposed by the representative of Cuba would include a reference, here, to the "elaboration and presentation of concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities".

Further by the text, the Assembly would request the Office of the Human Rights Commissioner to continue supporting the Working Group, which was convening regional governmental consultations on the matter, including two to be held before the end of 2010. The Office would be asked to bear in mind that the process might lead to the holding of a

high-level round table of States, under the auspices of the United Nations, to discuss the role of the State as holder of the monopoly on the use of force. Some of the objectives of that discussion would be to facilitate a critical understanding of the responsibilities of the different actors, including private military and security companies, and their respective obligations for the promotion and protection of human rights, and in reaching a common understanding on possible additional international regulations and controls that might be needed.

The Chair, NORMANS PENKE, informed the Committee that a vote had been requested. In response to the representative of Cuba, he said it had been asked for by the representative of the United States.

The representative of Sweden, speaking on behalf of the European Union and associated States, said the group shared the concerns of others on the dangers posed by mercenary activities, as expressed by the Working Group. It recognized the deep negative impact that such activities might have on the length and nature of armed conflicts. However, neither the Third Committee nor the Human Rights Council were the proper forums for addressing mercenary activities. While acknowledging the dangers posed, the European Union did not believe that the issue should be tackled from the perspective of human rights violations or the right to self-determination. The elaboration of a definition of mercenary activities and links between it and terrorism fell under the competence of the Sixth Committee (Legal). Therefore, the European Union could not support the draft and would vote against it. However, it would continue to actively participate in a dialogue to prevent threats posed by mercenaries, in the context of appropriate forum.

The draft was approved by a vote of 122 in favour to 53 against, with 5 abstentions (Fiji, Saint Kitts and Nevis, Switzerland, Timor-Leste, Tonga) (Annex II).

The representative of Chile pointed out that the text as presented had deleted references to new modalities of mercenary activities originally included in resolution 63/162. Her Government understood that those modalities had not been defined by a juridical international instrument. Their deletion had enabled Chile to vote in favour of the text.

Argentina's representative said his Government supported the right to self-determination of people living under foreign occupation, as per the relevant General

Assembly resolutions. The draft resolution just approved must be interpreted and applied within the context of those resolutions, as well as resolutions passed by the Special Committee on Decolonization, which outlined the special situation of the Malvinas Islands, and which recognized the sovereignty dispute between Argentina and the United Kingdom over those islands and further recognized them as the only parties to the dispute. The dispute could only be resolved upon renewal of bilateral negotiations, while accounting for the views of the population. Moreover, the exercise of the right to self-determination required an active subject living under domination, according to General Assembly resolution 1514 (XV). Without such a subject, there was no right to self-determination to speak of. The Malvinas Islands and the surrounding area were occupied by the United Kingdom, which expelled the local population and replaced them with their own population.

Next, the Committee took up the draft on promotion of a democratic and equitable international order (document A/C.3/64/L.28), introduced by the representative of Cuba.

The SECRETARY informed the Committee that, with respect to the oral revision previously made by the Cuban delegation to capitalize the words “small island developing” States, those words were only capitalized in a title, not the body of a text.

By the terms of the text, the Assembly would affirm that a democratic and equitable international order required the realization of the right to self-determination, by virtue of which people could freely determine their political status and freely pursue their economic, social and cultural development. Peoples and nations had the right to permanent sovereignty over their natural wealth and resources. They also had the right to development, peace and to an international economic order based on equal participation of all States in decision-making, in the spirit of interdependence, mutual interest, solidarity and cooperation.

The draft would have the Assembly affirm, as a requirement of an equitable social order, the principle of equitable regional representation and a gender balance in the composition of the staff at the United Nations. It would also affirm the need for a balanced flow of information to and from developing countries.

Among other things, the text would affirm everyone’s right to a healthy environment, and to international cooperation that responded effectively to the needs of

nations seeking to adapt to climate change, particularly in developing countries. Effective responses would involve the fulfilment of international agreements in the field of mitigation.

In addition to affirming the need for “equitable access to benefits from the international distribution of wealth”, the draft would have the Assembly affirm the shared responsibility of all nations in managing the world’s economic and social development, and managing threats to international peace and security on a multilateral basis.

The CHAIR informed the Committee that a recorded vote had been requested, and, in response to the delegate of Cuba, who asked which delegation had requested the vote, said the United States had made that request.

Speaking in explanation of vote before the vote, the representative of Sweden, speaking on behalf of the European Union and associated countries, said it was necessary to work towards a more democratic and equitable order. The Union fully recognized that the issues raised in the text were important and required careful analysis and action by nations. However, several actions called for in the text went beyond the scope of the Committee. Moreover, the text quoted the obligations of States rather selectively and randomly without placing them in their appropriate context. He reiterated the Third Committee was not a suitable forum for addressing those issues. For those reasons, the Union would vote against the draft resolution.

The Committee approved the text by a vote of 121 in favour to 54 against, with 5 abstentions (Argentina, Armenia, Chile, Mexico, Peru) (Annex III).

The Committee then took up the draft on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (document A/C.3/64/L.29), introduced by the representative of Cuba.

That draft would have the Assembly express its conviction that an unbiased and fair approach to human rights issues contributed to the promotion of international cooperation, as well as to the effective promotion, protection and realization of human rights and

fundamental freedoms. It would stress the continuous need for impartial and objective information on the political, economic and social situations and events of all countries. Human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, would be requested to take account of the contents of that resolution in carrying out their mandates.

It would request the Secretary-General to invite Member States and intergovernmental and non-governmental organizations to present practical proposals and ideas for international cooperation that would strengthen United Nations action in the field of human rights, based on the principles of non-selectivity, impartiality and objectivity. He would be requested to submit a report to the General Assembly at its sixty-sixth session.

The draft resolution was adopted without a vote.

Introduction of Draft Text

Introducing the draft text on the report of the Human Rights Council (document A/C.3/64/L.61), the representative of Zambia, speaking on behalf of the African Group, said it considered the establishment of the Human Rights Council a milestone in the promotion and protection of human rights. Since its inception, the Council had overcome events that had shackled the approach to human rights in the past. The African Group said the resolution took note of the report of the Council, which covers its tenth and eleventh sessions, as well as its eighth, ninth, tenth and eleventh special sessions.

She said, however, the African Group expressed deep concern at the changes introduced by the Secretariat without consultation, specifically its changing the text from a resolution to a decision. The Secretariat had no right to take the role of Member States into its own hands. The resolutions and decisions of the Human Rights Council touched on issues to which the African Group attached great importance and the Group looked forward to the resolution's adoption by consensus.

The SECRETARY said the Secretariat had taken note of the comment by Zambia on behalf of the African Group with respect to document L.61. In no way, either by intent or deeds, did the Secretariat want to substitute itself for Member States. However, the

Secretariat was mandated by Member States to edit documents submitted to it for issuance. In that context, the Secretariat had consulted with the African Group, informing the draft proposal's main sponsors that the text's editors would be changing the draft resolution to a draft decision in view of the format and content of the text. With respect to the format and the merging of the two paragraphs that were initially submitted, the Secretariat had subsequently advised the African Group that the draft proposal could be reissued with a chapeau and two paragraphs, which would hopefully be consistent with the intent. But it was a draft decision rather than a draft resolution. In the end, the Secretariat was in hands of the General Assembly and was duty bound to act accordingly.

Zambia's delegate thanked the Secretariat, but said her delegation was not effectively consulted and had been unable to take the comments to the Group.

The SECRETARY noted that he had been careful to say that the Secretariat had not consulted with the main sponsor on the decision, but had advised the main sponsor. Repeating this, he said the Secretariat had not consulted with the main sponsor before making that change. As may be recalled, the Secretariat did make changes to texts that were by and large acceptable to Member States.

Egypt's delegate, aligning his delegation with the statement made by Zambia, said that, when the Secretariat made a recommendation to a delegation tabling a document, it was up to the delegation to accept that recommendation or not. What happened here, however, was that the Secretariat had made the recommendation and then, without waiting, had acted on it. That was unprecedented. The Secretariat did not have any right to act on its own will.

Action on Draft Resolutions, Resumed

The Committee turned to a draft resolution on the right to food (document A/C.3/64/L.30/Rev.1), introduced by the representative of Cuba, who also made oral corrections to the text that were circulated in the room.

By its terms, the Assembly would reaffirm that hunger constituted an "outrage" and a violation of human dignity and, therefore, required urgent measures at the national,

regional and international levels for its elimination. It would reaffirm everyone's right to safe, sufficient and nutritious food for developing and maintaining his or her physical and mental capacities.

By further terms, the Assembly would express concern that women and girls were disproportionately affected by hunger, food insecurity and poverty. It would encourage States to address discrimination against women, in particular, where it contributed to their malnutrition. Among measures that States were encouraged to take were that of ensuring equal access by women to income, land and water, as well as full and equal access to education, science and technology. The Special Rapporteur on the right to food would be encouraged to integrate a gender perspective in the fulfilment of his mandate. The Food and Agriculture Organization (FAO) and other United Nations bodies would be encouraged to do the same.

The text would also have the Assembly reaffirm the need to ensure that programmes delivering safe and nutritious food are inclusive of and accessible to persons with disabilities.

By its other terms, the Assembly would recognize that 80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders. They were especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes. Access to land, water, seeds and other natural resources is an increasing challenge for poor producers, and sustainable and gender-sensitive agricultural policies were important tools for promoting land and agrarian reform. The Assembly would recognize State support for small farmers, fishing communities and local enterprises as a key element for food security and the provision of the right to food.

Further by the text, States were urged to favourably consider becoming party to the Convention on Biological Diversity and to consider becoming States parties to the International Treaty on Plant Genetic Resources for Food and Agriculture as a matter of priority.

Acknowledging that many indigenous organizations and representatives of indigenous peoples had expressed deep concerns over the obstacles and challenges they faced in their enjoyment of the right to food, the Assembly would call on States to take special action to combat the root causes of the disproportionately high level of hunger and

malnutrition among indigenous peoples and the continuous discrimination against them. It would call for a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization, and would stress that all States should make efforts to ensure that their international policies, including international trade agreements, did not have a negative impact on the right to food in other countries.

The text would have the Assembly stress the importance of international cooperation for improving the environmental sustainability of food production. Such cooperation could take place on crop and livestock breeding projects, through institutional innovations such as community seed banks, and other programmes. It would stress that States parties to the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) consider implementing that agreement in a manner supportive of food security, while mindful of the obligation of Member States to promote and protect the right to food.

The draft would have the Assembly call on Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, and express its deep concern that funding shortfalls were forcing the World Food Programme (WFP) to cut operations across different regions, including southern Africa.

The Assembly would, in the draft, express support for the realization of the mandate of the Special Rapporteur and request the Secretary-General and the Human Rights Commissioner to provide all necessary human and financial resources for the effective fulfilment of that mandate. It would request the Rapporteur to submit an interim report to the General Assembly at its sixty-fifth session.

The text was adopted, without a vote, to a round of applause.

The representative of Argentina said promotion and protection of human rights was an important component of her country's foreign policy, and, as such, it had been a pleasure to join consensus on that draft, which included various valuable points. But, as reflected at the special meeting on the food crisis, convened by the Human Rights Council in March 2008, her country was extremely concerned at the situation of food insecurity at the world level, and believed that it was important to overcome the problem through regional and multilateral work. Argentina was involved in reforming the Committee for food security

within the FAO. It would support the elimination of food policies of developed countries that distorted the market and led to “dis-investment” in the agriculture sector of developing countries. It did not believe in replacing the concept of “food security” with “food sovereignty”. The General Assembly should consider the effect of distorting policies and subsidies on food security. Only when imbalances in the agricultural sector were righted could hunger in the world be eliminated.

Canada's representative expressed support for the progressive realization of the right of food as part of the right to an adequate standard of living. The Canadian Government had taken steps to do so, as explained in its reports to the Committee on Economic, Social and Cultural Rights. As regards the text, it had some concerns regarding certain elements. For instance, Canada saw no link between the WTO's Agreement on TRIPs and the concept of food security and the right to food. As such, as regards the paragraph that mentioned TRIPs, she understood that it was not meant to suggest that United Nations Member States were in a position to instruct WTO members on how to implement the TRIPs Agreement. In any case, there was nothing preventing TRIPs States from pursuing the right to food or food security. The Canadian Government wished to note, as well, that the Special Rapporteur could have presented a more balanced perspective on the TRIPs issue with regard to food security. Notwithstanding those concerns, Canada was a strong supporter of the right to food and, having given this explanation, was pleased to have joined consensus.

The representative of Colombia said her Government had supported the draft, as it had done in the past. The right to food was essential for contributing to the realization of basic rights, such as the right to personal integrity and the right to life. As regards aspects of the draft touching on intellectual property rights and trade, she emphasized the WTO's autonomy and that of the World Intellectual Property Organization (WIPO). Further, operative paragraph 14 [on indigenous persons and the right to food] was not clear in scope, and touched on a concept on which there was no substantive agreement. Also, the Government of Colombia firmly believed that international trade, if conducted in transparent markets that were free from distortion, offered opportunities for investment in the rural and agricultural sector and in food production. On biodiversity, it believed in the Convention on Biological Diversity as the binding document for dealing with all matters in that sphere, and had suggested amendments in the text relating to that issue. It had also made proposals for additions to operative paragraph 25, on international cooperation, given the importance of international assistance.

The representative of the United States said his Government had been pleased to join the consensus for the first time. Combating global hunger and promoting food security was a key for policy objective of President Obama and his Administration. At the Group of 8+ Summit, the United States and 25 others had agreed on principles

to support country-led food security strategies, pledging \$20 billion over the next three years to that cause. Furthermore, on 26 September, United States Secretary of State Clinton and Secretary-General Ban Ki-moon had co-hosted an event on “partnering for food security”, attended by 130 countries to build support for those principles. His Government looked forward to working with its partners to implement in-country activities on the ground.

He said that, while the United States had pledged its commitment to the Millennium Development Goal of reducing hunger and extreme poverty by half by 2015, it, nevertheless, did not view providing access to food as a formal, enforceable obligation in reference to the International Covenant on Economic, Social and Cultural Rights, since the United States was not a party to that covenant. But it understood that, with respect to States parties to the covenant, States parties would take progressive steps to achieving the economic, social and cultural rights of persons. Moreover, while the United States was the largest food aid donor in the last decade, it did not believe that any extraterritorial obligations arose from the right to food. It had other concerns with regard to the text, particularly those related to trade liberalization and the Doha Round and WTO TRIPs, as stated by Canada. A comprehensive version of that statement would appear online later in the day. He noted and welcomed the work of the Special Rapporteur and the Committee on Economic, Social and Cultural Rights, although the United States Government had significant disagreements with their recommendatory documents, including the Rapporteur’s report of October, and the Committee’s General Comment No. 12. The Rapporteur’s report could have been stronger and more balanced on the issue of TRIPs and plant variety protection, which had value in promoting research and investment in agriculture, and in addressing farmers’ needs and ensuring food security.

The representative of Sweden, speaking on behalf of the European Union and associated countries, expressed support for the draft resolution on the right to food, which addressed problems of serious concern to all members of the Union. In that regard, the Union was guided by, among other things, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. A human rights-based approach was vital for States to ensure food security and to eradicate poverty. It was the primary responsibility of States, individually and through cooperation, to meet the food needs of their people. Good governance at the national level and full enjoyment of all civil, political, economic, social and cultural rights were critical in ensuring food security on a sustainable basis. It was important that States mainstream a human rights perspective in their national strategies to ensure food to all. He urged the main sponsors to incorporate that in the text. Furthermore, an emphasis on women’s rights was also crucial for the realization of the right to food.

Turning to food sovereignty, he noted it was not universally defined. The Union supported, in that respect, differentiated treatment for developing countries under well-defined conditions. But, States could not disregard the rules-based international system, as that system was based on imperatives such as food security. The emphasis should also be on strengthening entitlements and not only on food production. Such an emphasis over entitlements did not address the needs of the landless poor, among others. The Union welcomed the fact that that resolution could be adopted for the first time by the Assembly without a vote. He thanked the delegation of Cuba, which had taken on board the comments of the Union and others. Yet, more work remained to be done, and it was hoped that future discussions could be undertaken in a more open format.

Finland's delegate, aligning her remarks with the statement made on behalf of the European Union, said her country attached great importance to the right to food and the State obligations in that regard. It commended the consensus finally reached on that important resolution. Notwithstanding that, the importance of the rights of indigenous peoples was also important to Finland. It had been unable to join co-sponsorship in the past due to the text's treatment of that issue. It regretted that the text had again been weakened in that respect from the sponsors' original proposal, but noted that it was stronger than last year's text. To that end, Finland thanked the text's main sponsor.

The Committee then took up a draft resolution on the Subregional Centre for Human Rights and Democracy in Central Africa (document A/C.3/64/L.40), which was introduced by the representative of Cameroon.

The SECRETARY said that, should the Committee adopt the resolution, there would be no requirement for additional provision under the proposed programme budget for the biennium 2010-2011.

By the terms of the text, which welcomes the brainstorming session held on 28 May 2009 between the Centre and the ambassadors of the subregion, as well as the main Cameroonian ministries, on possible orientations and activities of the Centre for the period 2009-2011, the Assembly would request the Secretary-General and the High Commissioner to continue to provide additional funds and human resources within the existing resources of the Office of the United Nations High Commissioner for Human Rights, to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy and the rule of law in the Central African subregion.

Acting without a vote, the Committee approved the draft text.

Speaking after action, the representative of Cuba acknowledged the leadership of the main co-sponsor of the text, which was essential for the countries of Central Africa. She noted that, with respect to the last preambular paragraph, a number of countries had reservations on the adoption of the outcome document of the 2005 World Summit.

The Committee then turned to a text on International Convention for the Protection of All Persons from Enforced Disappearance (document A/C.3/64/L.42/Rev.1), which was introduced by the representative of France.

The CHAIR informed the Committee that the text had no programme budget implications.

By that text, the Assembly would call upon States that have not yet done so to consider signing, ratifying or acceding to the International Convention for the Protection of All Persons from Enforced Disappearance as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances, with a view to its entry into force by December 2009.

It would also request United Nations agencies and organizations, and invite intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue undertaking efforts to disseminate information on the Convention, to promote understanding of it, to prepare for its entry into force and to assist States parties in implementing their obligations under this instrument.

The Committee approved the draft text without a vote.

Next, the Committee turned to a draft resolution on the right to development (document A/C.3/64/L.47), which the representative of Cuba introduced.

The SECRETARY said that, should the Committee adopt the resolution, there would be no requirement for additional provisions under the proposed programme budget for the biennium 2010-2011.

The draft would have the Assembly endorse the conclusions and recommendations adopted, by consensus, by the Working Group on the Right to Development of the Human Rights Council at its tenth session, and would call for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors.

By the text, the Assembly would support the realization of the mandate of the Working Group, as renewed by the Human Rights Council, with the recognition that the Working Group would convene annual sessions of five working days and submit its reports to the Council. It would also support the realization of the mandate of the high-level task force on the implementation of the right to development established within the framework of the Working Group, with further recognition that the task force would convene annual sessions of seven working days and submit reports to the Working Group.

Further provisions would have the Assembly endorse the Working Group's recommendations that the criteria for the right to development and its corresponding subcriteria address features of that right as defined in the Declaration on the Right to Development, including concerns of the international community beyond those enumerated in the Millennium Development Goal. It would stress that, once endorsed by the Working Group, those criteria and subcriteria be used in the elaboration of a set of standards to implement the right to development. It would emphasize the importance of having the Working Group take appropriate steps to ensure practical application of such standards, which could take various forms, including the elaboration of guidelines on the implementation of the right to development, which could evolve into a basis for consideration of an international legal standard of a binding nature.

The CHAIR informed the Committee that a vote had been requested and, in response to the representative of Cuba, who asked which delegation had made this request, said the United States delegation had made this request.

Sweden's delegate, speaking on behalf of the European Union, said the Union remained fully committed to the right of each person to development, as in the Vienna Declaration. It would continue to play a role in promoting the right to development at national and international levels. As the largest provider of development aid to third countries, the Union had demonstrated its commitment to development. But, it believed it was the primary responsibility of States to ensure that right. That responsibility needed to be supported by an enabling international environment, as stated in the Monterrey Consensus.

Since the definition of the right to development was ever-changing and was, in many cases, shrouded in ambiguity, it was the long-standing view of the European Union that the Working Group's efforts would not lead to standards of a legally binding nature. She said that the Union would, nevertheless, continue to cooperate with the Working Group and its high-level task force. It had engaged constructively with the negotiations on the text and put forward suggestions that it believed would result in a more balanced draft. However, its major concern had not been taken into account and the text's main sponsor had chosen to use portions of texts used in the past that had not received support. The Union suggested the Non-Aligned Movement consider a procedural text in the future, in order to keep the momentum in Geneva.

The representative of United States said his country had a long-standing commitment to development. President Obama had spoken of a global economy that could advance opportunities for all people, and had pledged to help integrate more economies into the global trade system as a way of tackling poverty. Those views aligned closely with the thrust of the resolution. But, he had, nonetheless, called for a vote because the text was not believed to reflect a genuine consensus on how to achieve those goals. It would vote "no" on the text. It did not believe the resolution dealt with the appropriate criteria to evolve a legal standard of a binding nature. It was also concerned by the appearance of extraneous topics in the draft, such as on international governance, WTO negotiations, and indigenous peoples, among others. But, his Government welcomed the contributions of independent experts and the high-level task force, and looked forward to engaging on the elaboration of criteria and subcriteria aimed at strengthening developing practice to underpin common purpose on a vital issue.

Canada's representative said that, as stated on several occasion, her Government supported the right to development as a bridge between political and civil rights and economic, social and cultural rights. Canada had supported the 1986 Declaration on the right, and was part of the associated working group, which was studying the meaning of that right and how States could address it. The working group and high-level task force were successful forums for building consensus on divisive issues. But, she harboured concerns that the resolution, and the limited opportunity to discuss issues of substance in

the lead-up to its tabling, would undercut the consensus being built up to that point. She noted that the resolution drew on language from the Non-Aligned Movement summit, where not all States were represented. She noted, as well, that there was no international consensus on the elaboration of a legally binding instrument. Rather than pursuing a divisive approach, she said there was a need to focus on sharing best practices, and strengthening existing initiatives. It was unfortunate that compromise language proposed by Canada had not been given serious consideration and hoped that it would be considered more favourably in the future. She would vote against the text.

The representative of New Zealand, speaking also on behalf of Switzerland, expressed support for the implementation of the right to development. Both had voted in favour of the resolution in the past, but this year, both had procedural and substantive concerns with the draft. A more transparent and inclusive approach, which accounted for the views of States from all regions, would have resulted in a better text. They also had concerns with operative paragraphs 6, 7 and 8. Further, they were in favour of practical implementation of the right to development, but believed that, in the absence of genuine international consensus, any discussion towards a legally binding instrument on right to development were premature. For those reasons, they would vote against the resolution.

The draft was then approved by a recorded vote of 130 in favour to 22 against, with 30 abstention (Annex IV).

Making a general statement after the vote, the representative of Egypt, speaking on behalf of the Non-Aligned Movement, said the full realization of the right to development and the right of peoples under foreign occupation and colonial domination to self-determination, together with respect for sovereignty and territorial integrity of States, non-interference in internal affairs, prevention of violence and promotion of non-violence, were all fundamental for spreading the culture of peace and laying down the foundations for developing friendly relations among nations.

He said the Non-Aligned Movement believed in implementing a constructive approach towards promoting and protecting human rights and fundamental freedoms. Democracy and good governance at the national and international levels, development and respect for human rights -- particularly the right to development -- were interdependent and mutually reinforcing. Equal treatment should be given political and civil rights and economic, social and cultural rights. The Heads of State and Government of the Non-Aligned Movement had, at their fifteenth summit in Sharm el Sheikh in July, reaffirmed the need to protect all universally recognized rights, including the right to development. They

further reaffirmed the objective of making the right to development a reality for everyone, as set out in the Millennium Declaration.

Noting the interdependence of nations, they had also reaffirmed the need for a new global human order aimed at reversing the disparities among the rich and the poor and within and among countries. That should be accomplished through, among other things, full and productive employment and decent work. The international financial and economic crisis had severely affected the economies of developing countries, impacting the realization of the right to development, constraining social investment and deepening poverty. The crisis had to be addressed in ways that promoted human development. States must promote measures to combat hunger and eradicate extreme poverty. The poorest in society must be incorporated in decision-making processes. To that end, the Non-Aligned Movement urged all States to expand and deepen cooperation in the context of promoting full realization of the right to development.

He further urged the United Nations machinery to operationalize the right to development, including through the elaboration of a convention on the right to development. He called on the United Nations and its various bodies to mainstream the right to development in their policies and strategies, in addition to the international financial institutions. He noted that the draft resolution just adopted was thus a genuine attempt to fulfil the aspirations of all peoples of the countries of the Non-Aligned Movement. The Heads of State and Government of those countries, thus, regretted that some delegations had put that text to a vote.

China's representative said her delegation supported efforts to promote the right to development, which was one of the pillars of the United Nations, and had, thus, voted for the resolution. China supported the high-level task force in the third phase of its work and hoped that the Human Rights Council would further support it, in that regard. China also supported the promotion of effective cooperation, as well as the elimination of obstacles to development. It hoped the Organization would mainstream that right into its work.

Next, the Committee moved to take up three draft resolutions under the item "human rights situations and reports of Special Rapporteurs and Representatives".

As the committee moved to take up the first resolution, a speaker from Egypt took the floor to speak on behalf of the Non-Aligned Movement. She said that, in line with

provisions in 2005 World Summit outcome document on the role of the Human Rights Council in addressing violations of human rights, Non-Aligned Movement Heads of State and Government had emphasized during its fifteenth Summit at Sharm el Sheikh, the role of the Human Rights Council as the organ responsible for the consideration of human rights in all countries, in the context of the Universal Periodic Review and based on cooperation and constructive dialogue. The leaders had expressed deep concern over the continuation of the selective adoption of country-specific resolutions in the Third Committee, in breach of the principle of universality, impartiality and non-selectively in addressing human rights.

Such resolutions undermined cooperation, which was essential in effectively promoting universally recognized human rights, he said. The Non-Aligned Movement reiterated the importance of ensuring the implementation of the Universal Periodic Review as an action-oriented, cooperative mechanism based on reliable information and interactive dialogue with the full involvement of the countries under review, and in a constructive, impartial, transparent, non-confrontational and non-politicized manner. They had also urged Non-Aligned Movement States to support States under review. She called on Non-Aligned Movement members to abide by those commitments as they considered the country-specific resolutions presented to the Committee today.

The Committee first turned to the draft resolution on the situation of human rights in the Democratic People's Republic of Korea (document A/C.3/64/L.35), introduced by the representative of Sweden.

The draft would have the Assembly express serious concern at persistent and continuing reports of torture and inhuman treatment, including inhuman conditions of detention, public executions, and extrajudicial and arbitrary detention. It would express concern at the absence of due process and rule of law, including lack of guarantees for fair trial, lack of an independent judiciary, and the imposition of the death penalty for political and religious reasons. That concern would also extend to the practice of collective punishments, and the existence of a large number of prison camps and the extensive use of forced labour.

By other terms, the Assembly would express concern at limitations imposed on every person wishing to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned. It would express concern at the situation of refugees and asylum-seekers expelled or returned to the country, and sanctions imposed on citizens who have been repatriated from abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death

penalty. In that regard, the Assembly would urge all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely, and to ensure unhindered access to the United Nations High Commissioner for Refugees and her Office.

The text would have the Assembly express concern at all-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information. Restrictions were achieved through such means as the persecution of individuals -- and their families -- who exercise their freedom of opinion and expression. Concern is expressed, as well, over violations of economic, social and cultural rights that had led to severe malnutrition, widespread health problems and other hardships, particularly for persons belonging to particularly exposed groups, such as women, children and the elderly. It would express concern at the subjection of women to human smuggling and forced abortions.

Noting the vulnerable situation faced by returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention and institutions, and children in conflict with the law, the Assembly would -- by the text -- express continuing reports of violations of the human rights and fundamental freedoms of children. It would express concern over continuing reports of human rights violations against persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children.

Further by the text, it would express concern over violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights, and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child.

The text would have the Assembly express concern at the continued refusal of the Government to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him, despite the renewal of the mandate by the Human Rights Council in its resolutions 7/15 and 10/16.

The Assembly would, by further provisions, reiterate its very serious concern at unresolved questions relating to abductions of nationals of other countries, and strongly calls on the Government to resolve those questions. The Government would be strongly urged to respect all human rights and fundamental freedoms and to put an end to the systematic, widespread and grave violations of human rights. It would be strongly urged to address the issue of impunity, to tackle the root causes leading to refugee outflows, and to prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims.

The Assembly would also strongly urge the Government to engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, and in the Universal Periodic Review by the Human Rights Council. It would also be strongly urged to engage in cooperation with the International Labour Organization (ILO) with a view to significantly improving workers' rights.

The representative of the Democratic People's Republic of Korea said he categorically rejected the draft resolution, which was being tabled by the European Union and Japan in strong opposition from a majority of Member States for targeting only developing countries on a selective basis. The draft was nothing more than "a document of political conspiracy" to put "a unanimous veil" on a United States-led campaign to obliterate the Democratic People's Republic of Korea. The European Union had been tabling such a resolution since 2003, ever since the United States raised nuclear issues against his country. The European Union had no record of dealing with the Democratic People's Republic of Korea with its own view. That being the case, it had devised an anti-Democratic People's Republic of Korea resolution with Japan -- the criminal State against humanity. Their ulterior motive was to isolate his country.

The human rights record of the United States, which was responsible, among other things, for killing of civilians, and Japan, which was responsible for crimes against humanity, should be called into question, he said. The resolution was the height of hypocrisy and arrogance. Talking of human rights situations in other countries while putting their own problems on the shelf was an example of double standards. No matter how desperate they were to obliterate the State and social system of the Democratic People's Republic of Korea, it would be futile to expect any outcome from the resolution. The Democratic People's Republic of Korea would remain invincible forever, to develop its system of people-centred socialism. His country would call for a vote on the draft resolution, and expressed hope that all States who stood against politicization, selectivity

and double standards would render their support to, and solidarity with, the Democratic People's Republic of Korea by opposing the draft.

Japan's representative said his country believed that human rights should be addressed through dialogue, while remaining aware of the historical, religious, cultural and other such differences among States. However, the human rights situation in the Democratic People's Republic of Korea was an exceptional case: the adoption of the draft was needed to protect the people of the Democratic People's Republic of Korea and the people detained there, such as abducted Japanese citizens. The Democratic People's Republic of Korea's Government continued to refuse to engage in dialogue with the Special Rapporteur or the Human Rights Commissioner. It continued to restrict food assistance from international organizations and denied its citizens the right to food. It rejected calls by the General Assembly to end human rights violations. He reiterated that the draft addressed the rights of all people, including those of abductees from Japan and other countries. Since every Government was responsible for protecting the rights of its own citizens, Japan would like to urge the return of Japanese abductees in the Democratic People's Republic of Korea.

Also, he added the Universal Periodic Review was important for examining situations in all Member States, and as a member of the Human Rights Council, Japan would contribute to the effective functioning of the Council. But, it was not true that country-specific situations could only be dealt with by the Council. Under the Universal Periodic Review process, countries were only reviewed once every four years. Further, the Council had a limited membership, while all States were represented by the General Assembly. In the event of widespread violations, both the Human Rights Council and the Third Committee could address human rights issues within their respective mandates. Japan tabled the resolution in the belief that the human rights situation of the people in the Democratic People's Republic of Korea must be addressed, as should the return of abductees. He called on the Democratic People's Republic of Korea to take measures to improve its human rights situation.

The CHAIR noted that a recorded vote had been requested.

Speaking in explanation of vote before the vote, the representative of the Bahamas said her delegation was a strong advocate of the promotion and protection of fundamental freedoms and the rule of law. All Member States had a solemn duty to respect and abide by those principles, and the Bahamas did not condone the wanton disrespect of those rights. It also reaffirmed the right of any State to bring a resolution before the Assembly. It was widely accepted that human rights violations existed in all States and that United Nations

Member States sought to end violations. However, the question was what number of violations was required to bring a country-specific resolution before the Assembly. Why were there three, not seven, resolutions before the Committee today?

She stressed that the Bahamas was not entirely convinced that country-specific resolutions, no matter how extensive the human rights violations involved, would engage the countries in dialogue. Thus, it must be asked if those resolutions impeded opportunities for dialogue, since the United Nations must seek more opportunities for such exchange. Her delegation was aware of the arguments that such issues should be addressed in the Third Committee vis-à-vis the Human Rights Council, but considered that that argument was flawed. That was particularly true since all Member States could participate in the deliberations of the Human Rights Council. Further, if the violations had implications for international peace and security, the situation should be referred to the relevant body.

She went on to state that the Bahamas maintained support for the Human Rights Council. It had recently participated in the Universal Periodic Review and found the resulting suggestions to be helpful. She noted that the country under review in the current resolution would soon undergo its own review. For all those reasons, the Bahamas would abstain from the vote on this resolution, as well as on the two following.

The representative of Syria aligned herself with the statement by Egypt and expressed regret that some States continued to raise draft resolutions referring to specific countries, undermining the credibility of international relations. It undermined international consensus regarding human rights matters. Her country rejected the use of human rights mechanisms to interfere in the internal affairs of States, in a manner contrary to United Nations Charter which provided for the sovereignty of all Member States. Cooperating with one another based on respect for territorial integrity, non-selectivity and transparency would bring States closer together and enhance the prospects for protecting human rights. Syria was opposed to texts that did not comply with those values. Further, human rights matters should be dealt with through the Human Rights Council, which was mandated to review human rights situations in all States and not just specific States. For that reason, she would vote against the resolution.

The representative of Libya voiced support for the statement by Egypt and, like Syria, regretted that some States had submitted selective and political resolutions dealing with specific States. That was contrary to principles contained in international human rights instruments. She was concerned that some States were using the Committee to achieve their political objectives. It was a sign of double standards, and indicated an overlap with the work of the Human Rights Council. The Universal Periodic Review by

the Human Rights Council served to avoid politicization of resolutions. Libya was not a member of Non-Aligned Movement, but wished to say that it was committed to the principles declared at its Summit. It was for those reasons that she would vote against the draft. But, that position was not to suggest that her country supported the violations of human rights.

Malaysia's representative, aligning himself with the representative of Egypt, said his country had long called for a non-confrontational approach to human rights issues, and held strongly to the notion of constructive dialogue on such issues, while holding respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States, impartiality, non-selectivity and transparency as the guiding principles, taking into account the political, historical, social, religious and cultural characteristics of each country. Human rights issues should not be exploited for political purposes. Due to that principled position, he would vote against the resolution. He urged States to take advantage of the Universal Periodic Review process of the Human Rights Council to address human rights questions affecting States, in a transparent manner. He also urged the Democratic People's Republic of Korea to resolve outstanding bilateral issues.

The representative of Costa Rica said his country's concern for the human rights situation in some countries required it to vote for all country-specific resolutions. The Human Rights Council, however, had the prime authority in that regard and should have a primary role in the issues considered today. The Universal Periodic Review was the most appropriate tool in the consideration of that issue and the strengthening of that mechanism would overcome any inconsistencies. His delegation believed the Human Rights Council should be given the opportunity to assume the functions for which it was intended.

The representative of Zimbabwe said her country was against country-specific resolutions because it strongly believed they did not promote constructive dialogue. It took a principled position in that regard under the belief that no country was perfect when it came to promoting and protecting human rights. Further, the objective should be on promoting the human rights of all, rather than smearing certain countries. Thus, Zimbabwe promoted a cooperative route in which all rights were promoted. Indeed, it was important that all rights be treated in an equal and fair manner. Her delegation would, therefore, vote against all country-specific resolutions before the Committee.

The representative of Swaziland, aligning her delegation with the statement made on behalf of the Non-Aligned Movement, said that her country had voted for the establishment of the Human Rights Council. It supported the Universal Periodic Review, which the Third Committee had approved in the framework of the Council's institution-

building. Swaziland reaffirmed its commitment for the protection and promotion of human rights. It also believed in the principle of non-interference. For that reason, it would abstain from all country-specific resolutions. However, that vote should not be interpreted as condoning human rights violations anywhere in the world.

Cuba's delegate, aligning her statement with the remarks made on behalf of the Non-Aligned Movement, said it reaffirmed its position against country-specific resolutions against countries of the South. Those political practices were harmful and constituted a double standard. Among others, the principle of non-selectivity was the best way to promote human rights. The establishment of the Human Rights Council, and specifically its Universal Periodic Review, provided a basis on which to address the human rights situation in all countries on a fair and equal footing.

The representative of China said her delegation would vote against the draft resolution based on its opposition to country-specific resolutions. China believed that human rights differences should be addressed through dialogue and cooperation. The experience of past years indicated that country-specific resolutions could only provoke differences. The Democratic People's Republic of Korea was facing challenges due to the current global crises, and China welcomed that country's cooperation with, among other things, the World Food Programme, as well as its willingness to submit to the Universal Periodic Review. China supported the international community's engagement with the Democratic People's Republic of Korea on the basis of cooperation.

The representative of Nepal, aligning himself with the statement by Egypt, called on the Democratic People's Republic of Korea to find a solution to the question of the abduction of foreigners. Believing that, as a matter of principle, country-specific resolutions should be addressed in the Human Rights Council, he would abstain from the vote.

The representative of Barbados said the divisive nature of the human rights debate within the Third Committee was of concern to his Government, and it had hoped that the Human Rights Council would usher a new era of dialogue. Thus, it was disappointed that a confrontational approach still continued, which, in reality, did not improve the human rights situations in the countries concerned. Based on its principles and its consistent position, Barbados would abstain from all country-specific resolutions. But its position should not be misconstrued as inattention to human rights issues. It was gravely concerned by patterns of abuse and urged all States to engage constructively in addressing such issues.

The representative of Venezuela, aligned with Egypt and said, in keeping with her Government's foreign policy, she would vote against the draft because it was opposed to a selective, politically motivated process that was contrary to the principle of non-interference in the internal affairs of others. It was undesirable to continue that "illegitimate process", which did not provide any support to victims of rights violations. Co-sponsors of those drafts had committed violations themselves, and there was no movement made against them, which amounted to a double standard.

The representative of the Sudan, aligning himself with the representative of Egypt, said he would vote against the draft, given its belief that taken up the human rights situation in Democratic People's Republic of Korea was a selective choice, which was not acceptable. The real challenge was to pursue dialogue with stakeholders, while selectivity and politicization only worsened the situation. On that basis, he called on all delegations to remedy the situation by sending the issue to the Human Rights Council, the competent international forum for promoting and protection human rights.

The representative of Viet Nam, aligning herself with Egypt, said her country was opposed to violations of human rights law, including the abduction of foreign nationals, and shared the concern of countries who were victims of abduction. But, at the same time, its position was not to support country specific resolutions. The way in which issues were presented in the draft was detrimental to the promotion and protection of human rights in the Democratic People's Republic of Korea, and she would vote against it.

The draft was approved by 96 in favour to 19 against, with 65 abstentions. (see Annex V).

The electronic board reflected a vote of 97 in favour, but the Secretary provided an explanation for the discrepancy.

The SECRETARY said there was a discrepancy in the vote on the board due to the fact that the delegation of Kiribati was not in the room, but had sent its credentials to allow it to participate in the vote. However, those credentials specified only certain votes and did not include a vote for L.35. Thus, the country's "proxy" vote for this resolution could not be counted.

Speaking in explanation of vote after the vote, the representative of Colombia said his country had felt the impact of abductions and, thus, rejected all abductions. He affirmed solidarity with all those abducted. He called on States to take steps to put an end to that crime.

India's representative said that the abduction of all nationals by another country was unacceptable. It hoped for a swift resolution in this matter.

The representative of Indonesia said his delegation believed that efforts in the realm of human rights should be based on mutual respect. He recalled that one of the main reasons for reforming the United Nations human rights machinery was to address the selectivity of country-specific resolutions. The mechanism should be truly optimized. Further, every proposal put before the Committee had to be assessed on its own merit and on whether it would contribute to solving the problem at hand in a cooperative manner. Indonesia, therefore, regretted the draft resolution's selectivity and had voted against it. However, it recognized the urgent need for the Democratic People's Republic of Korea to fully cooperate with respect to international humanitarian assistance. He called on that country to speed up efforts to resolve the question of the abduction of foreigners, which remained unsettled.

Brazil's representative said his country had abstained in the vote. It noted the concerns raised by the Secretary-General, particularly with respect to the right to food. Brazil recognized the Human Rights Council as the forum for addressing human rights issues and, in that regard, encouraged the Democratic People's Republic of Korea to cooperate with the special procedures mandate-holders. It hoped that the Universal Periodic Review of the Democratic People's Republic of Korea would provide an opportunity for that country to show its willingness to cooperate with the international community and to fulfil its human rights obligations.

The representative of Bangladesh said his country was concerned on the long-standing abduction issue and hoped that issue would be quickly resolved. Nevertheless, Bangladesh believed country-specific resolutions might not be the best way forward and had abstained in the voting.

The representative of Jordan said that, despite the fact that her country had abstained in voting, it was necessary to address the coercive abduction of people in a transparent manner.

The representative of Singapore said, as matter of principle, his Government did not agree with country-specific resolutions that were often motivated by political, rather than human rights, considerations. They were divisive and counterproductive. Country-specific resolutions should be taken up under the Universal Periodic Review mechanism, which had been created for that purpose. Singapore had abstained on the vote and would take the same approach with regard to other country-specific resolutions. But the abstention was no reflection of its position on the human rights situation on the concerned countries. He called on all States to respect human rights.

The Committee then turned to a draft resolution on the situation of human rights in Myanmar (document A/C.3/64/L.36*) introduced by the representative of Sweden, on behalf of the European Union.

The Chair, Mr. PENKE, drew the Committee's attention to its associated programme budget implications (document A/C.3/64/L.62).

The draft would have the Assembly strongly condemn the systematic violations of human rights and fundamental freedoms of the people of Myanmar. It would express grave concern at the recent trial, conviction and sentencing of Daw Aung San Suu Kyi, resulting in her return to house arrest, and would call for her immediate and unconditional release. While noting the recent release of more than 100 prisoners of conscience, it would further urge the Government to release all prisoners of conscience, currently estimated at over 2,000, without delay or conditions, and with full restoration of their political rights. It would strongly call on the Government to reveal the whereabouts of persons who were detained or had been subjected to enforced disappearance, and to desist from further politically motivated arrests.

By further provisions, the Assembly would reaffirm the importance of genuine dialogue and national reconciliation in the country's transition to democracy, and would note with appreciation recent contact between the Government of Myanmar and Daw Aung San Suu Kyi. It would call on the Government to undertake a genuine dialogue with her

and all other concerned parties and ethnic groups, and to permit contact for her with the National League for Democracy and other domestic stakeholders.

The text would further urge the Myanmar Government to ensure that necessary steps be taken towards a free, fair, transparent and inclusive electoral process, and would call on the Government to take such steps without delay, including by enacting the required electoral laws and allowing the participation of all voters, all political parties, and all other relevant stakeholders in the electoral process.

By other terms, it would have the Assembly call strongly on the Myanmar Government to lift restrictions on the freedom of assembly, association, movement and freedom of expression -- including for the media -- and including through the Internet and the use of mobile telephone services, and by ending the use of censorship.

The text would also have the Assembly call on the Government to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, while fully engaging with democratic opposition and ethnic groups, and recalling that the procedures established for the drafting of the Constitution had resulted in a de facto exclusion of the opposition from the process. It would urge the Government to ensure the independence and impartiality of the judiciary and to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform.

Additional provisions would have the Assembly call strongly on the Myanmar Government to act urgently to end the targeting of persons belonging to particular ethnic groups, the targeting of civilians by military operations, and rape and other forms of sexual violence, and to end impunity for such acts. It would strongly call on the Government to end the systematic, forced displacement of large numbers of persons within the country and other causes of refugee flows into neighbouring countries. It would express concern about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State. It would call on the Government to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority.

By further terms, the Assembly would urge the Myanmar Government to provide, in cooperation with the Office of the High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, and to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations. It would welcome the dialogue between the Myanmar Government and the Committee on the Elimination of Discrimination against Women on the occasion of the consideration of the Government's report in November 2008, as a sign of engagement in international cooperative efforts in the field of human rights. It would call on the Myanmar Government to consider acceding to remaining international human rights treaties, which would enable a dialogue with the other human rights treaty bodies.

Also by the text, the Assembly would strongly call on the Myanmar Government to end the recruitment and use of child soldiers by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, including by granting access to areas where children are recruited, for the purpose of implementing an action plan to halt this practice.

The draft would have the Assembly note with appreciation that steps had been taken with regard to the supplementary understanding between the ILO and the Myanmar Government to eliminate the use of forced labour. But it would express grave concern at the continuing practice of forced labour, and would urge the Government to continue to work with the ILO on the basis of that understanding, including through awareness-raising activities, with a view to extending action against forced labour as widely as possible throughout the country and to fully implement the recommendations of the Commission of Inquiry of the ILO.

It would -- by other terms -- call on the Government to ensure full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners. In doing so, the Government would be called on to cooperate fully with those actors to ensure that humanitarian assistance is delivered to all persons in need throughout the country, including displaced persons. It would call on the Government to resume its humanitarian dialogue with the International Committee of the Red Cross (ICRC) and allow it to carry out its activities according to its mandate, in particular by granting access to persons detained and to areas of internal armed conflict.

Further by the text, the Assembly would reaffirm its full support for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the Secretary-General on the situation of human rights in Myanmar, and would urge the Government to cooperate fully with the good offices mission in the fulfilment of its responsibilities as mandated by the General Assembly, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to parties that included the highest level of leadership within the regime, human rights defenders, representatives of ethnic minorities, student leaders and other opposition groups, and to respond substantively and without delay to the five-point plan of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices.

In the same text, the Assembly would welcome the favourable response to the Special Rapporteur's requests to visit the country, and would urge the Government to cooperate fully with him in the exercise of his work as mandated by the Human Rights Council, and to implement the four core human rights elements recommended by him. It would call on the Government to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms.

The draft would have the Assembly request the Secretary-General to continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, including democracy and human rights groups and all relevant parties, and to offer technical assistance to the Government in this regard.

According to a document on programme budget implications of that draft resolution (document A/C.3/64/L.62), the estimated costs of continuing the efforts of the good offices of the Secretary-General through his Special Adviser for Myanmar, from 1 January to 31 December 2010, as requested in operative paragraph 30 (a), (b) and (c), stands at \$1.16 million net (\$1.28 million gross).

Speaking in explanation of position, the representative of Myanmar said his delegation greatly regretted that the European Union persisted in its ritual of presenting this country-specific resolution, which was anachronistic and flawed on numerous counts. First, it was glaringly out of step with current times, when the international community was not engaged in a zero-sum game. The European Union would do better to adopt a cooperative approach in step with the growing recognition that efforts to promote and

protect human rights should be based on the principles of cooperation and genuine dialogue.

Second, he said, the draft resolution failed to account for the Human Rights Council's *raison d'être* and its centrepiece mechanism, the Universal Periodic Review. That innovative mechanism was designed to ensure that the human rights situations of all Member States were viewed in a just and transparent manner free of double standards. Myanmar was up for review in 2011 and noted that all those already reviewed had firmly pledged to improve implementation of human rights standards at the national level and strengthen cooperation with human right mechanisms at the international level.

Thirdly and most importantly, he said the draft resolution was glaringly deficient and patently subjective. It repeated allegations that invariably emanated from exiles and insurgents without noting the formidable challenges faced by the Government and people or the vast transformations taking place in Myanmar today. A new constitution, which provided for a bicameral legislature and a presidential governance system, had been approved. The Government was making systematic preparations for general elections to be held in 2010 and had given full assurance they would be free and fair.

It was unconscionable for the European Union to turn a blind eye to those positive developments. The Union's concerns were misplaced and the draft resolution was another means to maintain pressure on Myanmar in tandem with sanctions. Political pressure and the denial of development aid were unjust and immoral. In that regard, he noted that the Heads of State and Government of the Non-Aligned Movement had affirmed that the exploitation of human rights for political purposes, including selective targeting of individual countries for extraneous consideration, was as contrary to the United Nations Charter and should be prohibited. In short, the draft resolution was not what the co-sponsors pretended.

He thus called for a recorded vote on draft resolution L.36 and called on all countries to vote against it.

Making a statement in explanation of vote before the vote, the representative of China said her delegation believed that constructive dialogue and cooperation remained the only way to promote human rights. Finger-pointing would not. The Human Rights Council's Universal Periodic Review provided a platform for dialogue and should be used

as such. In contrast, submitting the current resolution to the Third Committee would not support dialogue, and China would vote against it.

Libya's delegate said her country would vote against the text and regretted the insistence of some countries in continuing to submit draft resolutions against other countries. Libya was extremely concerned that those texts were being submitted to the Third Committee since the texts sought to interfere in their subjects. Moreover, there was an overlap with the work of the Human Rights Council. She emphasized that the Universal Periodic Review was an important means for avoiding politicization and selectivity. Libya supported the outcome documents of the summits of the Non-Aligned Movement, which rejected singling out of certain countries. Her delegation would thus vote against L.36. Its position did not mean, however, that it supported human rights violations.

The representative of Malaysia said a more constructive approach was needed. Country-specific resolutions were highly divisive. Though it was said that consensus was sought, it was hard to achieve it if the intent was to name and shame countries for political purposes. It was due to that long-held belief that Malaysia would vote against the draft text. Moreover, it noted that Myanmar would hold elections in 2010.

The representative of the Russian Federation said his delegation had repeatedly pointed out that it did not agree with the practice of one-sided, selective resolutions on the human rights situations of individual countries. It was well known that the lack of true dialogue was among the main deficiencies of the former Commission on Human Rights. The new Human Rights Council and the Universal Periodic Review offered an arena for cooperation and dialogue and efforts should be focused on the work of that Council. The Russian Federation would vote against the resolution and urged other countries to do the same.

The representative of the Sudan observed that the Committee was revisiting the issue of selectivity for a second time. He voiced his "complete refusal" of the resolution, which was using the same method as the other country-specific texts to give certain States a way to interfere in the matters of other States and to target only certain States. His Government supported the principle of non-interference and the promotion of human rights through objective dialogue through the Human Rights Council.

Syria's representative, offering an explanation of vote before the vote, said she would refuse to exploit human rights issues in a selective manner and would forego an attempt to interfere in the concerns of other States under the pretext of championing human rights, in contravention to the Human Rights charter. Her Government believed in dialogue based on mutual respect, territorial integrity, impartiality and transparency, which was the right way to approach relations between States and to promote cooperation in upholding human rights. She would vote against the resolution.

The representative of Viet Nam reiterated her support for the Secretary-General's good offices efforts in Myanmar, which were creating an environment conducive to national reconciliation. As a neighbour to Myanmar, Viet Nam followed closely the Secretary-General's visits and those of his Adviser, and believed that the positive tendencies they engendered needed to be encouraged. The resolution failed to reflect that tendency. As a neighbour, it would work with Myanmar to help overcome its difficulties. Based on the principle of not supporting the politicization of human rights issues, she would vote against the draft.

Cuba's representative wished to maintain her country's traditional stance against country-specific resolutions, which were often directed at countries of the South. Only through international cooperation, based on the principles of impartiality and non-selectivity, could human rights be protected. The Universal Periodic Review offered the possibility of considering human rights situations in all countries on an equal footing, based on constructive dialogue. She would vote against the resolution.

The representative of Venezuela said, in support of the principle of the self-determination of countries, she would vote against the draft. It was an example of politicization, double standards and selectivity, and was contrary to the principles outlined in the United Nations Charter. Human rights situations should be considered in the spirit of cooperation based on objective and reliable information, and not used as a political weapon to stigmatize others. She said such a harmful practice should not be continued in future.

The resolution was approved by a vote of 92 in favour to 26 against, with 65 abstentions (Annex VI).

Speaking in explanation of vote after the vote, India's delegate said that his delegation believed the promotion of human rights should be achieved through

dialogue. Initiatives on the situation in Myanmar should be inclusive, non-condemnatory and forward-looking. India recognized the steps taken by Myanmar, including its seven-step road map towards democracy. He also noted the Secretary-General's visit to the country, as well as the release of some political prisoners by the Government and some contact between it and Aung San Suu Kyi. India believed in engagement and held the view that sanctions would be counterproductive. It regretted that the text did not conform to that approach and feared that it was counterproductive.

Japan's representative said his country had voted for the resolution especially in light of the international community's message that the elections scheduled for next year must be free and fair. The international community should not only criticize violations, but also note positive developments. He regretted that some of his country's suggestions on the text had not been accepted, but was pleased that others had been incorporated. Japan welcomed certain recent steps in Myanmar, including the release of some political prisoners. It expected that the election process would be conducted in a manner that allowed all parties to participate. Based on recent steps by Myanmar, Japan was considering expanding its assistance to the country.

Indonesia's delegate said that his country had been a firm supporter of the good offices mission of the Secretary-General. The last year had seen some good developments, as well as some setbacks. In that regard, he highlighted the visit by the Special Representative of the Secretary-General. He called for the release of all political prisoners and the implementation of the seven-step road map. Stressing that a consensus text would have sent a strong message to Myanmar, Indonesia regretted that the Committee had had to resort to a vote on the text, especially despite the Secretary-General's calls for support for Myanmar. Due to the text's divisive nature, his delegation had been unable to vote in favour of it and had, therefore, abstained.

Brazil's representative, noting that his country had abstained, said it remained concerned with the human rights situation in Myanmar, including, among other things, the situation of prisoners of conscience, the conditions of their detention and restrictions on freedom of association in light of the upcoming elections there. His delegation encouraged Myanmar's participation in the Universal Periodic Review and hoped the preparation of its country report would be a step towards improving the human rights situation there.

The representative of Bangladesh supported the initiatives of the Special Representative of the Secretary-General and encouraged Myanmar to remain engaged in the process. His delegation had taken note of the visit of the Special Rapporteur on

Myanmar to the country and welcomed the meeting between Aung San Suu Kyi and the Special Representative of the Secretary-General earlier this year. Bangladesh believed the adoption of the current resolution would harm those developments and had voted against it.

The representative of Thailand had abstained, based on the position that such issues should be addressed through constructive engagement, rather than through country-specific resolutions. Furthermore, the Human Rights Council was the appropriate forum for dealing with such matters. As a neighbour and member and chair of the Association of South-East Asian Nations (ASEAN), it had always been engaged in constructive dialogue with Myanmar. At the recent ASEAN summit in Thailand, her Government had underscored the importance of national reconciliation in Myanmar and that the upcoming elections must be conducted in a fair manner in order to be credible. It had welcomed Myanmar's commitment towards that end. It had participated in a discussion involving the ASEAN Commission on Human Rights established last month, and had issued an invitation to the United Nations Special Rapporteur for a country visit. Thailand reaffirmed its support for the good offices efforts of the Secretary-General, but added that the future of Myanmar lay with the people of the country. The Thai Government would continue to work with the Myanmar Government towards achieving national reconciliation and democratization.

The representative of Australia said that, as co-sponsor of the text, her Government supported the resolution's focus on seeking to improve the country's human rights situation and in helping it establish the conditions needed for free and fair elections to take place in 2010. That would include the release of political prisoners and the conduct of dialogue with all concerned parties. Her Government encouraged democratic reform and reconciliation in Myanmar, and called for the full participation of all political parties in a genuine process of reform. Noting that the time had come for a comprehensive approach to Myanmar's human rights situation that included engagement and dialogue, she voiced appreciation to the representative of Sweden for the inclusive and transparent manner in which it had conducted consultations on the text. She also voiced appreciation to the Government of Myanmar not to call a no-action motion on the draft.

Before the Chair adjourned the meeting, the Secretary, Mr. KHANE, revisited the draft resolution on the human rights situation in the Democratic People's Republic of Korea (document A/C.3/64/L.35), saying that the Government of Kiribati had, indeed, put forward credentials for a proxy vote in relation to that resolution, rendering the vote cast on behalf of Kiribati for that resolution as valid. In that respect, the resolution had been approved by a vote of 97 in favour to 19 against, with 65 abstentions. The corrected voting sheet would be distributed in due course.

Rights of Reply

Speaking in exercise of the right of reply, the representative of the United Kingdom said he was responding to the comments by Argentina on the Falkland Islands following the vote on the draft text on the use of mercenaries. The position of the United Kingdom was well known and was articulated in the right of reply it had exercised in response to the President of Argentina during the General Assembly's general debate. The United Kingdom had no doubts about its sovereignty over the Falkland Islands, and there could be no negotiations on the sovereignty of those islands unless and until such time as the islanders so wished.

The representative of the Democratic People's Republic of Korea, responding to the remarks made by the Japanese delegation and others on abductions, said that Japan was in no position to make those comments, given its forcible drafting of 8.4 million Koreans, in addition to killing over a million Koreans and submitting millions of Korean women and girls to sexual slavery. The delegation of Japan never told the truth and always lied on the abduction issue. While his delegation had, on a number of occasions, made its position known, that situation was only the tip of the iceberg compared to the violations committed by Japan.

He stressed, moreover, that the Democratic People's Republic of Korea had made a nationwide investigation of the so-called "abduction issue". In the 1970s and early 1980s, there had been abductions of 13 people. His country had informed the Japanese delegation about the results of that investigation, including all the background regarding those abductions, the death of those abducted and the punishment of those who had committed those abductions. Those abductees still alive had been allowed to return to Japan. Those were, he said, the facts concerning the abduction issue: His country had conducted an investigation, had informed Japan and had issued a formal statement of regret. That issue was settled.

Responding, the representative of Japan said that those remarks did not reflect the consultations between his country and the Democratic People's Republic of Korea. To clear up any misunderstanding, he said the Japanese Government had identified 17 victims, of which five had returned. Of the remaining 12, no satisfactory explanation had ever been provided. Moreover, there were other situations in which the possibility of abduction could not be excluded.

He said the two sides had agreed in 2008 on the modalities of an investigation and the Democratic People's Republic of Korea must fulfil its obligations and commence an investigation immediately. Japan had heard repeatedly that the Democratic People's Republic of Korea was ready to take action on this agreement, but it had not done so. Japan expected the Democratic People's Republic of Korea to establish an investigation committee.

The delegate of the Democratic People's Republic of Korea said that only 13 Japanese had been abducted. All those still alive had been returned. As for the 17, the Democratic People's Republic of Korea had no idea about that. As for the investigation team that his country had promised to organize, it had been agreed that a team would be organized and would reinvestigate. If that was done, Japan had agreed it would lift sanctions. The team had been organized and Japan informed, but in response Japan had intensified sanctions. That was a fact and he urged Japan not to use that issue for its political purposes inside and outside Japan.

(annexes follow)

ANNEX I

Vote on Practices Fuelling Racism

The draft resolution on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (document A/C.3/64/L.53) was approved by a recorded vote of 124 in favour to 1 against, with 55 abstentions, as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana,

Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States.

Abstain: Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Namibia, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom.

Absent: Central African Republic, Chad, Dominica, Equatorial Guinea, Gabon, Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, Sao Tome and Principe, Somalia, Vanuatu.

ANNEX II

Vote on Mercenaries

The draft resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (document A/C.3/64/L.57) was approved by a recorded vote of 122 in favour to 53 against, with 5 abstentions, as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

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

Abstain: Fiji, Saint Kitts and Nevis, Switzerland, Timor-Leste, Tonga.

Absent: Central African Republic, Chad, Dominica, Equatorial Guinea, Gabon, Kiribati, Nauru, Samoa, Sao Tome and Principe, Somalia, Turkmenistan, Vanuatu.

ANNEX III

Vote on Equitable International Order

The draft resolution on the promotion of a democratic and equitable international order (document A/C.3/64/L.28) was approved by a recorded vote of 121 in favour to 54 against, with 5 abstentions, as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

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

Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Abstain: Argentina, Armenia, Chile, Mexico, Peru.

Absent: Central African Republic, Chad, Dominica, Equatorial Guinea, Gabon, Kiribati, Micronesia (Federated States of), Namibia, Nauru, Sao Tome and Principe, Somalia, Vanuatu.

ANNEX IV

Vote on Right to Development

The draft resolution on the right to development (document A/C.3/64/L.47) was adopted by a recorded vote of 130 in favour to 22 against, with 30 abstentions, as follows:

In favour: Afghanistan, Algeria, Angola, Antigua-Barbuda, Armenia, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New

Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Australia, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Georgia, Germany, Hungary, Israel, Liechtenstein, Lithuania, Netherlands, New Zealand, Poland, Slovakia, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom, United States.

Abstain: Albania, Andorra, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Finland, France, Greece, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, Malta, Monaco, Montenegro, Norway, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovenia, Spain, Turkey, Ukraine, Vanuatu.

Absent: Chad, Dominica, Gabon, Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Sao Tome and Principe, Turkmenistan.

ANNEX V

Vote on Democratic People's Republic of Korea

The draft resolution on the situation of human rights in the Democratic People's Republic of Korea (document A/C.3/64/L.35) was approved by a recorded vote of 97 in favour to 19 against, with 65 abstentions, as follows:

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

Against: Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Indonesia, Iran, Libya, Malaysia, Myanmar, Oman, Russian Federation, Somalia, Sudan, Syria, Venezuela, Viet Nam, Zimbabwe.

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

Absent: Armenia, Chad, Djibouti, Dominica, Gabon, Lao People's Democratic Republic, Mongolia, Sao Tome and Principe, Serbia, Tunisia, Uzbekistan.

Vote on Myanmar

The draft resolution on the situation of human rights in Myanmar (document A/C.3/64/L.36*) was approved by a recorded vote of 92 in favour to 26 against, with 65 abstentions, as follows:

In favour: Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guyana, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Togo, Tonga, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu.

Against: Algeria, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran, Lao People's Democratic Republic, Libya, Malaysia, Myanmar, Nicaragua, Oman, Russian Federation, Sri Lanka, Sudan, Syria, Tuvalu, Uzbekistan, Venezuela, Viet Nam, Zimbabwe.

Abstain: Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Brazil, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Madagascar, Mali, Mauritania, Mozambique, Nepal, Niger, Pakistan, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the

Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zambia.

Absent: Chad, Djibouti, Dominica, Gabon, Ghana, Namibia, Sao Tome and Principe, Serbia, Tunisia.