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## Third Committee

### Summary record of the 44th meeting

Held at Headquarters, New York, on Thursday, 19 November 2009, at 3 p.m.

*Chairperson:* Mr. Penke ..... (Latvia)

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*The meeting was called to order at 3.10 p.m.*

**Agenda item 64: Report of the Human Rights Council** (*continued*) (A/C.3/64/L.61)

*Draft decision A/C.3/64/L.61: Report of the Human Rights Council*

1. **Ms. Kondolo** (Zambia), introducing the draft decision on behalf of the African Group, said that the Human Rights Council was making a significant contribution to overcoming the obstacles that in the past had shackled international efforts to consolidate respect for human rights and fundamental freedoms. That had been made possible by its constructive and cooperative approach to human rights questions, based on the provision of advice and technical and financial assistance upon the request of Governments, which had primary responsibility for protecting the human rights of their citizens. Its report dealt with issues to which the African Group attached great importance. She looked forward to adoption of the draft decision by consensus as a message of strong support for the important work of the Council.

2. The African Group was however deeply concerned at the changes made to the text by the Secretariat without consulting the Group. The paragraphs of the original text had been merged and it had been submitted as a draft decision, rather than a draft resolution. In so doing the Secretariat had usurped the rightful role of Member States; that was unacceptable.

3. **Mr. Khane** (Secretary of the Committee) took note of the concern raised by the representative of Zambia but stressed that the Secretariat in no way wished to substitute itself for Member States. It was the role of the Secretariat, however, to advise member States and, for example, to edit texts submitted for issuance; its editing changes and recommendations were by and large accepted by Member States and the General Assembly.

4. The editing service had determined that the substance and format of the draft proposal made it more appropriate to submit the text as a draft decision. The Secretariat had been notified of the changes only the previous day and, while it had informed the main sponsor, there had not been sufficient time for consultations. The main sponsor had, however, been advised that the text itself could be re-issued as originally submitted, in two paragraphs and with three

headings. He noted that the final authority with regard to the format of the text remained with the General Assembly.

5. **Mr. Attiya** (Egypt) associated himself with the statement made by the representative of Zambia. He acknowledged the Secretariat's role in offering advice to delegations but stressed that delegations had the right to accept or reject that advice. In the case before the Committee the Secretariat had made changes without obtaining the approval of the delegation concerned. That was unprecedented and unacceptable and must not be repeated.

**Agenda item 69: Promotion and protection of human rights** (*continued*)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/64/L.30/Rev.1, A/C.3/64/L.40, A/C.3/64/L.42/Rev.1 and A/C.3/64/L.47)

*Draft resolution A/C.3/64/L.30/Rev.1: The right to food*

6. **The Chairperson** said that he had been advised that the draft resolution contained no programme budget implications.

7. **Ms. Pérez Álvarez** (Cuba) said that Australia, Bahrain, Bangladesh, Brazil, Cambodia, France, Germany, Fiji, Finland, Greece, India, Ireland, Liechtenstein, Netherlands, Seychelles, South Africa, Swaziland, Tajikistan, Thailand, Tunisia, Turkey, Ukraine, United Kingdom and Vanuatu had joined the sponsors. Hunger was a violation of human dignity; its elimination must be a priority for action at the national, regional and international levels. It was appalling that the number of persons in the world who did not have enough food was growing, a trend that had been accelerated by the current economic crisis, which was attributable to structural and systemic weaknesses in the international trade system. She called on all States to adopt policies and support international trade agreements that would not have a negative effect on the food supply in other countries.

8. She wished to make two revisions to the text of the draft resolution. In the fourteenth preambular paragraph, "guaranteeing" should be replaced by "to guarantee"; in paragraph 13, "to become" should be replaced by "to favourably consider becoming". She

hoped that the draft resolution would be adopted by consensus.

9. **Mr. Khane** (Secretary of the Committee) said that Botswana, Burkina Faso, Central African Republic, Malta, Morocco, Nauru, St. Kitts and Nevis and Turkmenistan wished to join the sponsors.

10. *Draft resolution A/C.3/64/L.30/Rev.1, as orally revised, was adopted.*

11. **Ms. Melon** (Argentina) said that the promotion of economic, social and cultural rights, including the right to food, was a priority of her Government's foreign policy. Her delegation had joined the consensus on the draft resolution and supported regional and multilateral efforts to address the food crisis. It had participated in efforts to reform the Food and Agriculture Organization of the United Nations (FAO) Committee on World Food Security. It would likewise continue to work for the elimination of the food policies in the developed countries that distorted international trade and resulted in under-investment in agriculture and severe food insecurity in many developing countries.

12. Her delegation did not share the view that the concept of food sovereignty should be substituted for that of food security. Trade policies should be in conformity with the accepted rules of international trade and subject to reform as necessary. The General Assembly must consider the issue of trade-distorting food policies and subsidies in the context of food security and identify imbalances in the agricultural sector worldwide with a view to adopting policies that would lead to the elimination of hunger in the world.

13. **Ms. Sunderland** (Canada) said that her delegation supported the progressive realization of the right to food as a component of the right of everyone to an adequate standard of living. It reported on its efforts to promote the right to food in the context of its periodic reports to the Committee on Economic, Social and Cultural Rights and had been pleased to join the consensus with regard to the draft resolution.

14. She noted, however, with regard to paragraph 26 of the draft resolution, that the concepts of food security and the right to food did not appear anywhere in the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement. It was her delegation's position that paragraph 26 simply encouraged World Trade Organization (WTO) member States to consider the manner in which they implemented that agreement;

it did not suggest that United Nations Member States should make substantive interpretations of the TRIPS agreement nor did it instruct WTO member States on how to implement it. Moreover, there was nothing in the TRIPS agreement that prevented States from pursuing objectives relating to the right to food and food security.

15. While her delegation appreciated the efforts of the Special Rapporteur of the Human Rights Council on the right to food, she said that his report could have presented a more balanced perspective on how effective intellectual property rights and plant variety protection could contribute to food security.

16. **Mr. Suárez** (Colombia) said that his delegation had joined the consensus because it considered the right to food to be an important element in the realization of the fundamental rights to life, health and personal integrity. With regard to paragraph 26 of the draft resolution, however, he underscored that trade-related aspects of intellectual property rights fell within the mandate of WTO. Furthermore, since there was no internationally agreed definition of food security, his delegation understood the reference to "food sovereignty" in paragraph 15 as simply suggesting study of that concept for further clarification.

17. As for references in the text to international trade in general, international trade in a context of distortion-free and transparent markets provided an opportunity to promote investment in agriculture, rural development and food production, in particular in the developing countries. His delegation understood references to biological diversity to be understood in the context of the Convention on Biological Diversity, which was the binding international instrument in that regard. With regard to paragraph 25 and its references to international cooperation, there were important areas where assistance was essential for full realization of the right to food.

18. **Mr. Kuehl** (United States of America) said that his delegation was pleased to join in the consensus on the resolution on the right to food for the first time. Combating global hunger and promoting food security was a key foreign policy objective of his Government, as evidenced by the agreement at the recent Group of Eight Summit in L'Aquila, Italy, concerning principles for a comprehensive and coordinated approach to support country-led food security strategies and related pledges of US\$ 20 billion over the next three years, as

well as by the “Partnering for Food Security” conference of 26 September 2009, which had been co-hosted by his Government and the Secretary-General with a view to building further support for those principles. His delegation looked forward to working with partners to implement those principles on the ground. The United States was also committed to realization of the Millennium Development Goal of eradicating extreme poverty and hunger, including the target of halving by 2015 the proportion of people who suffered from hunger.

19. While his Government’s objective was to achieve a world where everyone had adequate access to food, it did not consider the right to food to be a formal, enforceable obligation. The United States was not a party to the International Covenant on Economic, Social and Cultural Rights but interpreted the resolution’s references to the right to food in the light of its Article 2, paragraph 1, in which States Parties undertake to take steps “with a view to achieving progressively the full realization” of economic, social, and cultural rights. Moreover, while the United States was the world’s largest food aid donor, it did not agree that States had particular extraterritorial obligations arising from the right to food.

20. His delegation likewise had concerns with regard to the treatment of the issues of international trade liberalization, the Doha Round and the TRIPS agreement in the text. He associated himself with the statement made by the representative of Canada concerning paragraph 25.

21. His delegation welcomed the work of the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the right to food but had significant disagreements with some of the recommendations made by that Committee, including its General Comment 12, and in the report of the Special Rapporteur. That report could have been strengthened by presenting a more balanced view of the importance of adequate and effective intellectual property rights and plant variety protection and their role in promoting research and investment, meeting the needs of farmers and ensuring food security.

22. **Mr. Bennwick** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina,

Montenegro and Serbia; and, in addition, Republic of Moldova and Ukraine, said that the European Union was committed to the realization of the right to adequate food.

23. States bore primary responsibility for adopting measures, at the national level and in cooperation with international partners, to meet the food needs of their people and eradicate poverty. Good governance at the national level and enjoyment of the full range of civil, political, economic, social and cultural rights were critical in meeting those objectives. The main sponsors of the draft resolution should therefore consider increasing the focus on human rights, in particular women’s rights, in the text.

24. With regard to paragraph 15, he noted that the concept of food sovereignty was not internationally defined. The European Union supported respect for rules-based international systems in all fields. While it accepted the possibility of differentiated treatment for developing countries, it did not accept that States could freely implement policies that disregarded the rules-based international system, which had been established taking into account various considerations, including food security.

25. Furthermore, a rights-based approach should emphasize strengthening entitlements as well as promoting food production. An emphasis on national production and availability of food rather than individual entitlement did not, for example, address the needs of the urban poor, landless peasants or subsistence farmers.

26. **Ms. Lemmetty** (Finland) said that her delegation strongly supported the implementation of economic, social and cultural rights and attached great importance to the right to food and States’ obligation to promote that right. In the previous two years her delegation had not, however, been able to join the consensus on the draft resolution because of its weak and unclear reference to the Declaration on the Rights of Indigenous Peoples. The relevant part of the current text, while still inadequate, had nevertheless been strengthened. Her delegation therefore had been able to join in the consensus in the hope that the text would be further strengthened in the future.

*Draft resolution A/C.3/64/L.40: Subregional Centre for Human Rights and Democracy in Central Africa*

27. **Mr. Khane** (Secretary of the Committee) said that he wished to inform the Committee, in accordance with rule 153 of the rules of procedure of the General Assembly, and with reference to paragraphs 5 and 6 of the draft resolution, that the total resources proposed for the Centre under section 23, Human Rights, of the proposed programme budget for the biennium 2010-2011 amounted to US\$ 2,271,700 (before re-costing), which included nine posts (four professional, one national officer and four locally recruited staff) as well as non-post resources. In addition, the Centre was supported by extrabudgetary resources estimated at US\$ 634,700 for the biennium 2010-2011. Additional provisions had made in the programme budget for the biennium 2008-2009 in response to the request contained in General Assembly resolution 62/221. Should the Third Committee adopt the draft resolution, there would be no requirement for additional provisions under the proposed programme budget for the biennium 2010-2011.

28. With regard to paragraph 6, he drew attention to the provisions of section VI of General Assembly resolution 45/248B and subsequent resolutions, the most recent of which was General Assembly resolution 62/236, in which the General Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters and also reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

29. **Ms. Mballa Eyenga** (Cameroon) said that Guinea-Bissau, Luxembourg, Namibia, Swaziland and Togo had joined the sponsors. She underscored the importance of the work of the Subregional Centre for Human Rights and Democracy in Central Africa, a region facing many challenges as the result of conflict situations. She called on Member States to once again adopt the draft resolution without a vote as a gesture of solidarity and in order to ensure that the Centre would have the necessary resources to implement its mandate.

30. **Mr. Khane** (Secretary of the Committee) announced that Central African Republic, Croatia, Germany, Hungary, Israel, Italy, Lesotho, Serbia, Slovenia, Spain and the former Yugoslav Republic of

Macedonia, wished to join the sponsors of the draft resolution.

31. *Draft resolution A/C.3/64/L.40 was adopted.*

32. **Ms. Pérez Álvarez** (Cuba), with regard to the seventh preambular paragraph of the draft resolution, recalled the reservations various delegations had expressed with regard to the final document of the 2005 World Summit.

*Draft resolution A/C.3/64/L.42/Rev.1: International Convention for the Protection of All Persons from Enforced Disappearance*

33. **The Chairperson** said that he had been informed that the draft resolution contained no programme budget implications.

34. **Ms. Gasri** (France), speaking also on behalf of Argentina, said that Belize, Eritrea, Grenada, Kazakhstan, India, Tanzania, Timor-Leste and Ukraine had joined the sponsors. She urged member States to sign or ratify the International Convention for the Protection of All Persons from Enforced Disappearance with a view to its entry into force in the very near future.

35. **Mr. Khane** (Secretary of the Committee) announced that Central African Republic, Israel, Saint Kitts and Nevis, Somalia and South Africa wished to join the sponsors of the draft resolution.

36. *Draft resolution A/C.3/64/L.42/Rev.1 was adopted.*

*Draft resolution A/C.3/64/L.47: The right to development*

37. **Mr. Khane** (Secretary of the Committee) said that he was making a statement in accordance with rule 153 of the rules of procedure of the General Assembly, with regard to paragraphs 1, 2, 3 and 36 of the draft resolution. The provision required to implement the activities of the Working Group on the Right to Development and the high-level task force on the implementation of the right to development was included under section 23, Human Rights, of the proposed programme budget for the biennium 2010-2011. In addition to the provisions under section 23, Human Rights, provisions were included under section 2, General Assembly and Economic and Social Council Affairs and Conference Management, and under section 28 (e), Administration-Geneva, of the proposed programme budget for the biennium 2010-

2011, to provide the required conference servicing to the Working Group and the task force. Accordingly, should the Third Committee adopt draft resolution A/C.3/64/L.47 there would be no requirement for additional provisions under the proposed programme budget for the biennium 2010-2011.

38. **Ms. Pérez Álvarez** (Cuba) noted with satisfaction that China and Brazil had joined the sponsors of the draft resolution, the text of which had been updated to reflect the language of Human Rights Council resolution 12/23, in particular with regard to the future work of the Working Group on the Right to Development and the high-level task force on the implementation of the right to development and the elaboration of criteria and operational subcriteria as well as an international legal standard of a binding nature. She urged the Committee to adopt the draft resolution as a sign of the international community's commitment to realization of the right to development for all the peoples of the world.

39. **The Chairperson** said that a recorded vote had been requested by the representative of the United States of America.

40. **Mr. Javaheri** (Sweden), speaking on behalf of the European Union in explanation of vote before the voting, expressed full support for the right to development as an integral part of fundamental human rights. The European Union would continue to play an active role in the implementation of that right. Lack of development must not, however, be invoked to justify the curtailment of internationally recognized human rights.

41. While national development efforts needed to be supported by an enabling international economic environment, States continued to have primary responsibility for creating the conditions necessary for the realization of the right to development. It was therefore the understanding of the European Union that human rights instruments dealt with the obligations of a State to its citizens and not responsibilities between States.

42. The European Union would continue to collaborate with the Working Group on the Right to Development and the high-level task force and supported the extension of their mandate. However, since the right to development remained undefined or ill-defined, the European Union maintained its position that the open-ended nature of the work of the Working Group and the task force did not imply a process

intended to lead to a binding international legal instrument.

43. He regretted that the European Union's suggestions aimed at balancing the text of the draft resolution had not been taken into consideration and that contentious references from past resolutions had been included. That was unacceptable. The progressive fulfilment of the right to development should take place on a consensual basis, avoid politicization and be based primarily on promotion of and respect for civil, political, economic, social and cultural rights.

44. The European Union suggested that the Movement of Non-Aligned Countries should consider submitting a procedural resolution on the right to development to the General Assembly with a view to concentrating work on the right to development in Geneva, where the High Commissioner for Human Rights and relevant mandates conducted their work.

45. **Mr. Sammis** (United States of America), speaking in explanation of vote before the voting, underscored his delegation's long-standing commitment to development for all, integration of more economies into the global trade system and implementation of the Millennium Development Goals, including the eradication of extreme poverty. His delegation did not, however, believe that the current draft resolution reflected a genuine consensus on how best to achieve those goals and would vote against it.

46. In particular, his delegation did not consider it appropriate at the current time to consider the elaboration of an international legal standard of a binding nature. It also had concerns about the resolution's numerous statements concerning topics that had little to do with the right to development. It nonetheless welcomed the contribution of the independent expert on the right to development and the high-level task force and looked forward to continuing engagement as the task force worked to identify criteria and operational subcriteria on the right to development. Those tools could be shaped through a process of genuine consensus and would lay the foundations for progress on such a vital issue.

47. **Ms. Sunderland** (Canada), speaking in explanation of vote before the voting, expressed support for the concept of the right to development, which served as an important bridge between civil, economic, political, cultural and social rights. Her delegation had participated actively in the Working

Group on the Right to Development. Along with the high-level task force, it was helping to build a consensus on difficult and divisive issues related to the right to development.

48. She expressed concern, however, at the text before the Committee and the limited opportunity for discussion of its substance. The resolution incorporated language from the recent Summit of the Movement of Non-Aligned Countries, which did not include all Member States; all parties should be included in discussions of such an important issue.

49. There was no international consensus on the right to development and her delegation had serious concerns regarding any consideration of a legally binding instrument in that regard. Efforts should be focused on more consensual and productive alternatives, such as the sharing of best practices and strengthening of existing initiatives. She hoped that a more constructive and consensual approach that took into account the views of all partners would prevail in future discussions of the right to development and regretted that her delegation's attempts to negotiate compromise language had not been given serious consideration. Her delegation would vote against the draft resolution.

50. **Ms. Taylor** (New Zealand), speaking also on behalf of Switzerland in explanation of vote before the voting, recalled that those delegations had voted in favour of the relevant draft resolution the previous year, but they had procedural and substantive concerns with regard to the current text. She regretted that the consultations had not been more transparent and inclusive of the views of States from all regions. She also expressed concern with paragraphs 6, 7 and 8, in particular the suggested development of an international legal standard of a binding nature, given the absence of any international consensus on a definition of the right to development. Her delegation and the delegation of Switzerland would vote against the draft resolution.

51. *A recorded vote was taken.*

*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, 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 (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint 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, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), 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 of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

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.

52. *Draft resolution A/C.3/64/L.47 was adopted by 130 votes to 22, with 30 abstentions.*

53. **Mr. Attiya** (Egypt), speaking on behalf of the Movement of Non-Aligned Countries, said that 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, non-interference in internal affairs and prevention of violence were fundamental for spreading the culture of peace and ensuring friendly relations among nations.

54. Promotion of human rights and fundamental freedoms should be undertaken in a constructive manner. Equal treatment should be given to civil, political, economic, social and cultural rights, including the right to development. Efforts to promote human rights, in particular the right to development, as well as democracy and good governance at the national and international levels, were mutually reinforcing.

55. The Heads of State and Government of the Movement, at the Summit meeting held in July 2009, had underscored the need to continue to promote and protect universally recognized human rights, in particular the right to development. They had reaffirmed the importance of making that right a reality for everyone and decided to give due consideration to the impact of unilateral economic and financial coercive measures on its realization.

56. The Heads of State and Government had also reaffirmed the need for a new global human order aimed at reversing the growing disparities between rich and poor, through the promotion of poverty eradication, full and productive employment and decent work, and social integration. The international financial and economic crisis had severely affected the economies of the developing countries in particular. That crisis must be addressed with a view to promoting human development, including actions aimed at sustained economic growth, poverty eradication and sustainable development. States must also combat extreme poverty and hunger, implement the Global Jobs Pact adopted by the International Labour Organization (ILO) in June 2009 and foster participation by the poorest members of society in decision-making processes.

57. All States should implement measures for implementation of the right to development, deepen cooperation for development and promote effective international cooperation. Lasting progress towards the right to development, as well as equitable economic

relations, likewise required the establishment of a favourable economic environment at the international level.

58. The United Nations human rights machinery must make operationalization of the right to development a priority, including through the elaboration of a convention on the right to development. The right to development should be mainstreamed into the Organization's policies and activities, as well as the policies and strategies of the international financial institutions and the multilateral trading system. Partnerships for development should be promoted and political or other non-economic considerations should not be used to justify discriminatory treatment against the developing countries.

59. The draft resolution constituted a genuine attempt to meet the aspirations of the peoples of the Movement of Non-Aligned Countries for development and prosperity. It was regrettable that some delegations had decided to put it to a vote. In the future, all Member States should work with more determination to achieve consensus.

60. **Ms. Zhang Dan** (China) said that the right to development was an inalienable right and one of the pillars of the Organization's work. The Human Rights Council should strengthen its support for the Working Group on the Right to Development and the high-level task force on the implementation of the right to development. The international community must work to promote that right, encourage effective cooperation, eliminate obstacles to its realization and mainstream the right to development in the work of the United Nations, the international financial institutions and the multilateral trade system.

#### **Agenda item 69: Promotion and protection of human rights** (*continued*)

##### **(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/C.3/64/L.35 and A/C.3/64/L.36)

61. **Ms. Gendi** (Egypt), speaking on behalf of the Movement of Non-Aligned Countries with regard to the draft resolutions contained in documents A/C.3/64/L.35 to L.37, recalled the provisions in the outcome document of the 2005 World Summit relating to the role of the Human Rights Council in addressing human rights situations. The Heads of State and Government of the Movement, at their 15th Summit,



had emphasized that the Human Rights Council was the principal body responsible for consideration of human rights issues.

62. They had expressed deep concern with the adoption of country-specific resolutions in the Third Committee, which breached the principles of universality, objectivity and non-selectivity and undermined cooperation for the realization of human rights. They had therefore reiterated the importance of the universal periodic review as an impartial, transparent, non-selective, constructive and non-politicized mechanism for interactive dialogue based on reliable information and full involvement of the countries under review. All members had been urged to support other members of the Movement during the review process.

63. She therefore called on member States of the Non-Aligned Movement to abide by the commitment made in the relevant final documents during consideration of the country-specific resolutions under the current agenda item.

*Draft resolution A/C.3/64/L.35: Situation of human rights in the Democratic People's Republic of Korea*

64. **The Chairperson** said that he had been advised that the draft resolution contained no programme budget implications.

65. **Ms. Mirow** (Sweden), speaking on behalf of the European Union, said that the draft resolution reflected the concerns of the international community at the widespread and grave violations of human rights in the Democratic People's Republic of Korea. She would have preferred a negotiated process with the Government regarding the human rights situation in that country, but the Government had not made any substantial effort to respond to the concerns of the international community and had refused any discussions in that regard. Member States should show that they cared about the continued suffering of the people of the Democratic People's Republic of Korea and support the draft resolution.

66. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea) said that his delegation categorically rejected the draft resolution, which had been tabled by the European Union and Japan despite the opposition of the overwhelming majority of Member States to country-specific resolutions, which targeted only developing countries. The draft resolution constituted a

politically motivated attempt led by the United States of America to use the pretext of human rights to eliminate the social system of his country.

67. He wondered why the invasion of sovereign States and killing of civilians by the United States, Japan's crimes against humanity and the racial discrimination and xenophobia rampant in the European Union were not likewise called into question. It was the height of hypocrisy for the worst human rights abusers to talk about human rights situations in other countries, while ignoring their own grave human rights problems.

68. No matter how desperately they attempted to eliminate the social system in the Democratic People's Republic of Korea, its Korean-style social system, chosen by the Korean people and defended at the cost of their lives, would remain unshaken. His delegation called for a recorded vote on the draft resolution and urged all States that were against politicization, selectivity and double standards in dealing with human rights situations in other countries to oppose the draft resolution on the basis of the principles of respect for sovereignty, non-interference in domestic affairs and justice.

69. **Mr. Okuda** (Japan) said that human rights should be addressed through dialogue and cooperation with full respect for different cultures and societies. The human rights situation in the Democratic People's Republic of Korea was, however, an exceptional case and the current draft resolution was necessary to help its people and others detained there, including the Japanese citizens abducted by the Democratic People's Republic of Korea.

70. The Democratic People's Republic of Korea continued to refuse to engage in dialogue with the human rights mechanisms of the Organization and even restricted emergency food assistance from international organizations, denying its citizens' right to food. It had rejected the call of the General Assembly to put an end to systematic, widespread and grave human rights violations in its territory. The Democratic People's Republic of Korea had abducted citizens of Japan and other sovereign countries. His Government continued to urge the Democratic People's Republic of Korea to return all the abducted Japanese citizens as soon as possible.

71. The universal periodic review was an important tool for examining the human rights situation in all

Member States, but that did not mean that country-specific situations should be considered solely in that forum. In the universal periodic review, Member States were reviewed only once every four years; furthermore, the Human Rights Council had a limited membership, whereas the General Assembly was an organ to which all Member States of the Organization belonged.

72. The Human Rights Council as well as the Third Committee should address systematic, widespread and grave violations of human rights, within their respective mandates, with a view to improving the situation on the ground. The draft resolution reflected his delegation's belief that the situation of human rights in the Democratic People's Republic of Korea must be improved and all abductees must be repatriated. He urged all delegations to support the draft resolution and called on the Democratic People's Republic of Korea to take concrete measures to improve its human rights situation, as requested in the text.

73. **Ms. Booker** (Bahamas), speaking in explanation of vote before the voting, said that the Bahamas did not condone the wanton violation of human rights, and recognized the right of each Member State to bring before the General Assembly any matter which it deemed of high importance. Her country was aware of reports of egregious human rights violations both in the countries that were the subject of draft resolutions and in other Member States. The question was whether the submission of a country-specific violation depended on the gravity of the violations. Only three such draft resolutions had been submitted at the current session, as opposed to seven at the sixty-first session. States might differ as to whether there had been any improvement in the remaining four countries.

74. Her delegation was not convinced that country-specific resolutions could promote meaningful dialogue aimed at improving the situation. The Committee should seek ways to minimize the spirit of confrontation that currently prevailed.

75. Some delegations had argued that human rights violations should be addressed at the Third Committee because, unlike the Human Rights Council, it had universal membership. That argument was flawed: the Members of the Council were elected by the General Assembly, itself a universal body. Human rights should be addressed in a balanced manner, and any threat to

international security should be referred to the appropriate body.

76. The universal periodic review was an opportunity for States to engage in an open and transparent manner. The State that was the subject of the draft resolution would undergo that process at the sixth session in December 2009. The Human Rights Council must be given the opportunity to fulfil its mandate to review and assess human rights situations in Member States. The Bahamas would therefore abstain on draft resolution A/C.3/64/L.35 and on the other country-specific resolutions.

77. **Ms. Halabi** (Syrian Arab Republic) said that some Member States insisted on tabling country-specific draft resolutions for political reasons. In so doing, they threatened the credibility of international political and legal mandates and weakened consensus on human rights mechanisms. Those draft resolutions contravened the principle of the sovereign equality of all States, which was enshrined in the Charter of the United Nations. The Human Rights Council was the appropriate forum for consideration of such issues. Her delegation would vote against the draft resolution.

78. **Ms. Abubakar** (Libyan Arab Jamahiriya) said that her delegation strongly regretted the persistent submission of country-specific draft resolutions, which were informed by a selective approach to human rights and contravened the principle of national sovereignty. Such draft resolutions resulted in an overlap between the work of the Committee and that of the Council. The universal periodic review mechanism had been put in place in order to avoid politicization.

79. Her delegation fully supported the resolution adopted in 2006 at the fourteenth Summit of the Movement of Non-Aligned Countries, which rejected the targeting of any country for political ends, and would vote against the draft resolution. That position did not mean that the Libyan Arab Jamahiriya condoned human rights violations.

80. **Mr. Rastam** (Malaysia) said that human rights should be addressed through constructive dialogue and with respect for the principles of objectivity, national sovereignty, non-interference, impartiality, non-selectivity and transparency, as well as the historical, cultural and religious characteristics of each country.

81. His delegation would vote against the draft resolution, but urged the Democratic People's Republic

of Korea to engage with the universal periodic review and resolve outstanding bilateral issues with neighbouring States.

82. **Mr. Gonzáles** (Costa Rica) said that owing to its concern at the situation of human rights in the States in question, his delegation would vote in favour of all three country-specific resolutions. The Human Rights Council had the main competence with regard to human rights, and implementation of the universal periodic review mechanism would strengthen the Council's credibility, as it would ensure equal treatment for all Member States. Constructive dialogue and cooperation should guide the way forward. The Human Rights Council should be given the opportunity to carry out the function for which it had been created.

83. **Ms. Bhoroma** (Zimbabwe) said that the human rights agenda should focus on enhancing the enjoyment of human rights by all, instead of smearing selected developing States. The Committee should prefer engagement to confrontation, and should promote all human rights, including the right to development. Her delegation therefore opposed country-specific resolutions.

84. **Ms. Mndebele** (Swaziland) said that her country was committed to human rights but favoured non-interference and dialogue. Her delegation would therefore abstain on all country-specific resolutions. However, that position should not be interpreted as condoning or ignoring human rights situations anywhere in the world.

85. **Ms. Pérez Álvarez** (Cuba) said that country-specific resolutions focused selectively on countries of the South for political purposes. Such double standards had discredited the Commission on Human Rights. The Council and the universal periodic review mechanism provided a forum for genuine, objective and impartial dialogue. Her delegation would vote against the draft resolution.

86. **Ms. Zhang Dan** (China) said that all countries should resolve their differences on human rights issues through dialogue and cooperation, based on the principles of equality and mutual respect. The Democratic People's Republic of Korea was a developing country which, despite facing many economic, social and development problems in the current food, energy and financial crisis, was making efforts to strengthen its cooperation with the United Nations Children's Fund (UNICEF) and the World

Food Programme, and was willing to undergo the universal periodic review. In the framework of the universal periodic review mechanism, each country's situation would be considered in a transparent manner. China hoped that the international community would pursue constructive dialogue on human rights with the Democratic People's Republic of Korea.

87. **Mr. Bhattarai** (Nepal) said that his delegation shared the concerns expressed in the draft resolution, and in particular in paragraph 2 concerning the abduction of foreign nationals. However, country-specific issues ought to be addressed comprehensively through the universal periodic review. As a matter of principle, his delegation would abstain.

88. **Mr. Degia** (Barbados) said that his delegation was concerned at the divisive and confrontational nature of the debate on country-specific resolutions. It was disappointing that despite the establishment of the Council, the Committee continued to consider such resolutions. His delegation would therefore abstain on all country-specific resolutions. His country's action should not be misconstrued as a lack of concern for human rights. Barbados urged all States to engage in dialogue to address human rights violations.

89. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said the draft resolution was an instrument for the promotion of petty political interests and strategic confrontation. It was incoherent and illegitimate, and of no benefit to the victims of human rights. Its authors had themselves violated human rights, but were not subject to such resolutions. Her delegation would vote against the draft resolution.

90. **Mr. Ali** (Sudan) said that the Democratic People's Republic of Korea was being unfairly singled out. The Committee should not consider such selective and politicized resolutions; the Council was the appropriate forum for the issues at hand. His delegation would vote against the draft resolution.

91. **Ms. Hoang Thi Thanh Nga** (Viet Nam) said that her country opposed all human rights violations, including abductions, and extended its sympathy to the victims and their families. However, her delegation did not support country-specific resolutions, which were counterproductive, and would vote against the draft resolution.

92. *At the request of the Democratic People's Republic of Korea, a recorded vote was taken on draft resolution A/C.3/64/L.35.*

*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 of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

*Against:*

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

*Abstaining:*

Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Barbados, Bangladesh, 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.

93. *Draft resolution A/C.3/64/L.35 was adopted by 97 votes to 19, with 65 abstentions.*

94. **Mr. Suárez** (Colombia), speaking in explanation of vote after the voting, said that his country was all too well acquainted with the problem of abductions, which it unequivocally opposed in all forms. It demanded the immediate and unconditional release of all abductees and renewed its call on Member States to combat that practice.

95. **Mr. Vimal** (India) said that the abduction of foreign nationals was unacceptable. His country shared the anguish of the families and hoped for a resolution to the issue.

96. **Mr. Kleib** (Indonesia) said that one of the main reasons for reforming the United Nations human rights mechanisms had been to allow for non-politicized and more credible consideration of country-specific situations. Every proposal submitted to the Committee should be assessed on the basis of whether it made a useful, objective contribution. His delegation had voted against the draft resolution because it was selective and politicized.

97. At the same time, there was an urgent need for the Democratic People's Republic of Korea to cooperate with the international community, grant access to international aid and intensify efforts to resolve the issue of abductions.

98. **Mr. Perez** (Brazil) said that his delegation noted the concerns that had been raised regarding human rights in the Democratic People's Republic of Korea, but had abstained on the grounds that the Council had principal responsibility for such issues. His delegation encouraged the Democratic People's Republic of Korea to extend invitations to special mandate holders, fulfil its obligations to the Council and implement the recommendations of the forthcoming universal periodic review.

99. **Mr. Ahmed** (Bangladesh) said that his country was concerned at the longstanding issue of abductions,

and hoped for the immediate return of the abductees. However, his delegation had abstained because it believed that country-specific resolutions were not the best way forward.

100. **Ms. Al-Zibdeh** (Jordan) said that although her delegation had abstained, it remained concerned at the issue of abductions, which must be addressed through dialogue and in accordance with international standards.

101. **Mr. Vinluan** (Singapore) said that his delegation had abstained because it opposed country-specific resolutions, which were inherently divisive. Country-specific situations should be considered through the universal periodic review. That position should not be taken as an evaluation of the countries in question: his delegation called on all States to promote human rights.

*Draft resolution A/C.3/64/L.36\*: Situation of human rights in Myanmar*

102. **The Chairman** drew the Committee's attention to the statement of programme budget implications of the draft resolution (A/C.3/64/L.62).

103. **Ms. Schlyter** (Sweden) said that the draft resolution was an important component of the international community's engagement with Myanmar. It would allow the Secretary-General to continue to follow the situation closely through the work of his Special Adviser. That work would be crucially important as Myanmar prepared for the 2010 national elections. The Government must take steps to ensure a free, fair, transparent and inclusive political process.

104. The draft resolution reiterated the international community's deep concern at the situation of human rights in Myanmar. Over 2,000 prisoners of conscience were still detained, including Daw Aung Sang Suu Kyi. Freedom of assembly and expression were severely restricted. A wide range of human rights violations were perpetrated with impunity. The Government must cooperate fully with the good offices of the Secretary-General and with the Special Rapporteur, who would visit in late November 2009. The Special Rapporteur's report (A/64/318) identified core human rights instruments which should be implemented, including urgent judicial reform.

105. Extensive bilateral consultations had taken place both before and after the submission of the draft resolution. The sponsors had appreciated the opportunity to engage in discussions with Myanmar throughout the process. It would have been preferable to reach a consensus; as that had not been possible, she urged all delegations to vote in favour of the resolution.

106. **Mr. Swe** (Myanmar) said that the draft resolution was anachronistic and flawed on a number of counts. It was inconsistent with the trend towards a more cooperative approach. The most intractable problems could be overcome with tolerance, mutual understanding and dialogue.

107. The draft resolution failed to take into account the function of the Human Rights Council and its universal periodic review mechanism, which was designed to ensure that all Member States were assessed in a just and transparent manner. Myanmar would undergo the review in early 2011. The States that had been reviewed had prepared their national reports through broad consultations, and the process was yielding positive results.

108. Most importantly, the draft resolution was glaringly deficient and subjective. While repeating the allegations of exiles and insurgents, it failed to note the formidable challenges faced by the Government and people of Myanmar, not to mention the vast transformation taking place. The country enjoyed unprecedented peace and stability. A new Constitution, which had been approved by an overwhelming majority of voters, provided for a bicameral legislature and a presidential system. The 2010 elections would be free and fair: citizens would have the right to form political parties and contest the elections. It was unconscionable to ignore those developments at such a critical time.

109. The draft resolution was another means to maintain political pressure on Myanmar. Such pressure, combined with the denial of development aid by States and international financial institutions, was unjust and immoral. The Heads of State and Government of the Non-Aligned Movement had stated that the exploitation of human rights for political purposes, including the selective targeting of individual countries, contravened the Charter of the United Nations. He therefore called on all Member States to take a principled position against the draft resolution.

\* Reissued for technical reasons.

110. **Ms. Zhang Dan** (China), speaking in explanation of vote before the voting, said that finger-pointing would not help promote human rights. The universal periodic review was the appropriate forum for constructive dialogue. Moreover, the text did not reflect the progress made by Myanmar. Her delegation would vote against the draft resolution.

111. **Ms. Abubakar** (Libyan Arab Jamahiriya) said that her delegation strongly regretted the persistent submission of country-specific draft resolutions, which were informed by a selective approach to human rights and contravened the principle of national sovereignty. Such draft resolutions resulted in an overlap between the work of the Committee and that of the Council. The universal periodic review mechanism had been put in place in order to avoid politicization.

112. Her delegation fully supported the resolution adopted in 2006 at the fourteenth Summit of the Movement of Non-Aligned Countries, which rejected the targeting of any country for political ends, and would vote against the draft resolution. That position did not mean that the Libyan Arab Jamahiriya condoned human rights violations.

113. **Mr. Rastam** (Malaysia) said that a more constructive approach was needed, and the universal periodic review was the appropriate forum for realizing it. Consensus could not be gained through naming and shaming. At the same time, he urged Myanmar to continue cooperating with the good offices of the Secretary-General and to hold free and fair elections in 2010.

114. **Mr. Lukiyantsev** (Russian Federation) said that lack of true dialogue had been one of the main reasons for the failure of the Commission on Human Rights. Consideration of human rights situations in individual countries must focus on the universal periodic review. His delegation would vote against the draft resolution.

115. **Mr. Ali** (Sudan) said that his delegation was gravely concerned at the approach adopted, and completely rejected the draft resolution, which was politicized and selective.

116. **Ms. Halabi** (Syrian Arab Republic) said her delegation rejected the selective use of human rights issues in order to interfere in the internal affairs of States. Consensus could be gained not through hegemony, but rather through responsible, objective dialogue on the basis of respect for national

sovereignty. Her delegation would therefore vote against the draft resolution.

117. **Ms. Hoang Thi Thanh Nga** (Viet Nam) said that the text failed to refer to positive developments in Myanmar. It did not reflect the comprehensive approach of the Association of Southeast Asian Nations (ASEAN), which was working with Myanmar to address the root causes of social tension in the country on the basis of respect for national sovereignty. Her delegation would vote against the draft resolution.

118. **Ms. Pérez Álvarez** (Cuba) said that country-specific resolutions focused selectively on countries of the South for political purposes. Such double standards had discredited the Commission on Human Rights. The Council and the universal periodic review mechanism provided a forum for genuine, objective and impartial dialogue. Her delegation would vote against the draft resolution.

119. **Ms. Méndez Romero** (Venezuela) said that the use of human rights issues as a political weapon was unacceptable. Her delegation hoped that it would not be repeated in future.

120. *At the request of Sweden, a recorded vote was taken on draft resolution A/C.3/64/L.36\*.*

*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 of Great Britain and

Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

*Against:*

Algeria, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Nicaragua, Oman, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Tuvalu, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

*Abstaining:*

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.

121. *Draft resolution A/C.3/64/L.36\* was adopted by 92 votes to 26, with 65 abstentions.*

122. **Mr. Vimal** (India), speaking in explanation of vote after the voting, said that his delegation acknowledged the steps taken by the Government of Myanmar to promote reform in accordance with the seven-step road map for transition to democracy. The Secretary-General had been able to visit Myanmar, and its Prime Minister had attended the general debate of the General Assembly. Thousands of political prisoners had been released. The Government was in contact with Daw Aung Sang Suu Kyi, and was aware of the need to achieve national reconciliation. India welcomed the good offices of the Secretary-General and other efforts to support the process. However, sanctions would be counterproductive. The draft

resolution was condemnatory and not constructive, so his delegation had been unable to support it.

123. **Mr. Okuda** (Japan) said that his delegation had supported the resolution because it sent a united message that the forthcoming elections must be transparent and fair. At the same time, it was important not only to censure Myanmar, but also to recognize the progress that had been made. His delegation had therefore suggested a number of amendments, which regrettably had not been accepted by the sponsors. The final text had, however, incorporated several suggestions, for example the paragraph welcoming the favourable response to the Special Rapporteur's requests to visit the country. Another was the paragraph noting with appreciation recent contact between the Government of Myanmar and Daw Aung Sang Suu Kyi.

124. Japan welcomed recent positive steps, including the release of over 100 political prisoners, and expected that all parties would be allowed to participate in the forthcoming elections. Japan was considering gradually expanding its humanitarian and human resource development assistance.

125. **Mr. Kleib** (Indonesia) said that his delegation was steadfast in its support for the good offices of the Secretary-General, and welcomed the visit of the Special Adviser. He called on the Government of Myanmar to release all political prisoners, including Daw Aung Sang Suu Kyi, and to implement the seven-step road map. A consensus resolution would have sent a strong message and helped further national reconciliation. His delegation supported some aspects of the draft resolution. However, because it favoured a constructive approach to the question, it had abstained.

126. **Mr. Perez** (Brazil) said that his delegation was concerned at the situation in Myanmar, and in particular at the issues referred to in the Secretary-General's report. The release of Daw Aung Sang Suu Kyi and her full participation in the 2010 elections must be addressed. His delegation took note of the memorandum submitted by the delegation of Myanmar (A/C.3/64/2), which referred in particular to that country's obligations towards the Human Rights Council. The latter had principal responsibility for the consideration of human rights issues. His delegation encouraged Myanmar to engage fully with the universal periodic review, and took note of the steps taken to cooperate with United Nations institutions.

127. **Mr. Ahmed** (Bangladesh) said that his country was prepared to extend any necessary support to Myanmar. His delegation welcomed the fact that the Government of Myanmar had agreed to allow the Special Adviser to conduct a follow-up visit. Thousands of prisoners had been released on humanitarian grounds over the previous ten months, and the Special Adviser had been able to meet with Daw Aung Sang Suu Kyi. The Government of Myanmar was committed to holding free and fair elections. His delegation had voted against the draft resolution, which risked being counter-productive.

128. **Ms. Andamo** (Thailand) said that her delegation had abstained because human rights should not be approached through country-specific resolutions, but rather through the universal periodic review. The recent summit of ASEAN had underscored the need for national reconciliation and free and fair elections in Myanmar. Thailand strongly supported the good offices of the Secretary-General and the work of the Special Adviser. The future of Myanmar was in the hands of its own people.

129. **Ms. Horsington** (Australia) said her delegation strongly supported the focus of the draft resolution on human rights and free, fair and credible elections. All political prisoners should be released, and all players should engage in a genuine reform process. Her delegation commended the delegation of Sweden for conducting transparent consultations, and welcomed the decision of the delegation of Myanmar not to submit a no-action motion.

*Statements made in exercise of the right of reply*

130. **Mr. Preston** (United Kingdom), responding to the comments made at the forty-third meeting by the representative of Argentina, said that the position of the United Kingdom on the Falkland Islands was well known. His country was in no doubt regarding its sovereignty over the Falkland Islands. There would be no negotiations on the issue unless and until the Falkland Islanders so wished.

131. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea) said that Japan was in no position to lecture other countries on human rights, least of all Korea. Japan had abducted 8.4 million Koreans, killed 1 million, and forced 200,000 Korean women and girls into sexual slavery.

132. A number of delegations had referred to the abduction issue. They had been lied to by the delegation of Japan. His country had made the facts clear on several occasions. The abduction of little more than 10 Japanese citizens paled into insignificance in comparison with the grave crimes committed against Korea by Japan. Nevertheless, his Government had addressed the issue with great sincerity and generosity. At the request of the Japanese authorities, a nationwide investigation had been launched. The Government of Japan had been informed that 13 of its citizens had been abducted in the 1970s and early 1980s. The circumstances had been fully explained, and the perpetrators had been punished. The five abductees who were still alive had been allowed to return to Japan with their families and children. His Government had expressed regret at the highest level. It had done everything it could, and considered the matter settled.

133. **Mr. Okuda** (Japan) said that the statement made by the representative of the Democratic People's Republic of Korea did not reflect the consultations between the two countries. The Government of Japan had identified 17 Japanese citizens who had been abducted. Only 5 had returned; the remaining 12 had not been accounted for. Moreover, there were other cases in which the possibility of abduction could not be excluded.

134. In August 2008, the two countries had agreed on the purposes and modalities of a comprehensive investigation. In accordance with that agreement, the Democratic People's Republic of Korea should establish a committee with the necessary authority and launch a new investigation. However, no tangible action had been taken.

135. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea) said that only 13 individuals had been abducted. He did not know where the figure of 17 came from. However, according to some reports in Japan, 8 individuals who were believed to have been abducted had since reappeared in Japan.

136. The agreement had stated that if his Government organized an investigation and informed Japan of the results, Japan would lift its sanctions against the Democratic People's Republic of Korea. His Government had fulfilled those requirements, but the sanctions had been intensified. Japan should refrain from continuing to use the issue for political purposes.

*The meeting rose at 6.25 p.m.*