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Overview

At first blush, this year's Third Committee of the General Assembly looks set to be less eventful than recent years. There are no new resolutions, no new standard setting instruments requiring adoption, no resolution on a moratorium for the death penalty (it is now biennial), and no formal proposal to follow up on last year's statement to the General Assembly on gender identity and sexual orientation. Nonetheless, a few controversial developments are forecast, a number of perennial debates look set for a re-run, and 'surprises' may arise.

Among the expected controversies is the Committee's dialogue with the Special Rapporteur on counter-terrorism (Mr. Scheinin), whose report to the General Assembly 'discusses the 'gendered impact of counter-terrorism measures on men and persons of diverse sexual orientation and gender identities'.¹¹ The need for the Committee to take some kind of action in response to the outcome document of the Durban Review

¹¹ A/64/211 available at <http://www.un.org/ga/third/64/documentslist.shtml>

Conference is expected to reopen this divisive topic. Many eyes will be on the United States to gauge whether there is a new approach by the Obama Administration in relation to a number of resolutions where the US has tended to be the lone voice of dissent. It remains to be seen whether the worsening human rights situations in post-election Iran, and the renewed house arrest of Aung San Suu Kyi in Myanmar will prompt more States to support the adoption of the associated country resolutions, or at least offer less support for the now routine ‘no action motions’ that accompany both resolutions. Being a ‘budget year’ at UNHQ, one of the most anticipated requests in the human rights arena will be the Secretary-General’s call for the establishment of the post of Assistant Secretary-General to head up the Office of the High Commissioner for Human Rights in New York.

This year ISHR’s is taking a new approach to reporting on human rights developments at the General Assembly. We will publish ‘new stories’ on our website as the session unfolds so that human rights defenders have a more timely and concise analysis of trends, controversies and new developments. At the end of the session, we will publish another *New York Alert* to summarise the key outcomes, and in early 2010, ISHR’s annual publication on human rights developments across the UN system, *Human Rights Monitor*, will include a chapter critically analysing the General Assembly session from a human rights perspective. If you would like to receive free email updates of our reports, please send an email to information@ishr.ch with 'New York Monitor' in the subject line.

Sexual orientation and gender identity

The Committee’s dialogue with the **Special Rapporteur on counter terrorism**² looks set to be one of the most controversial of the session, given the focus of his report on the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals. This may in turn complicate the passage of Mexico’s annual resolution on counter-terrorism, given that in the last two years, States have agreed to ‘take note with appreciation’ of the Special Rapporteur’s report. The resolution may also prove controversial if Mexico seeks to incorporate some of the recommendations from the Special Rapporteur’s report that deal with sexual orientation and gender identity.

The Special Rapporteur’s mandate from the Human Rights Council requires him to ‘integrate a gender perspective throughout [his] work’,³ and some of his earlier reports have provided an analysis of counter-terrorism measures from a gender perspective. However, this year’s report to the General Assembly is focused on this aspect of the mandate. Working on the understanding that ‘gender is not synonymous with women’, the Special Rapporteur explains that gender ‘encompasses the social constructions that underlie how women’s and men’s roles, functions and responsibilities, including in relation to sexual orientation and gender identity, are understood.’ Thus in addition to examining the human rights of women, the report also looks at ‘the gendered impact of counter-terrorism measures on men and persons of diverse sexual orientations and gender identities’. It concludes that ‘contrary to ...international human rights obligations to ensure equality, some Governments have used the human rights of women and [LGBTI] individuals as a bartering tool to appease terrorist or extremist groups in ways that have furthered unequal gender relations and subjected such persons to increased violence.’ It also contains numerous recommendations regarding States’ responsibilities to protect the human rights of LGBTI individuals.

Discussion of sexual orientation and gender identity at the General Assembly is a relatively new development, and one that some States have sought to avoid by arguing that discrimination on these grounds is not, in their view, recognised by international human rights law.⁴ Last year’s statement on human rights, sexual

² The full title of the mandate is: Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The interactive dialogue is scheduled for 26 October 2009.

³ Council *Resolution 6/28*.

⁴ Reference to discrimination on the basis of sexual orientation and gender identity has been successfully incorporated by the Nordic States in their biennial resolution on extrajudicial executions at the General Assembly in recent years, although the relevant

orientation and gender identity in the General Assembly was the first time that this principal organ of the UN had substantively addressed the issue.⁵ The statement affirmed that the principle of non-discrimination applied equally to every human being regardless of their sexual orientation or gender identity, and ‘condemned’ human rights violations based on sexual orientation and gender identity. Although the statement was supported by 66 Member States, it also elicited a hostile response from the Organisation of the Islamic Conference (OIC), many African States and the Holy See, and prompted Syria to deliver a strongly-worded counter-statement in the General Assembly.⁶

Given the cultural and political sensitivities of this subject, it is to be expected that some OIC and African States will raise objections to the Special Rapporteur’s broad interpretation of his mandate. However it is also possible that other States that have no issue with open discussion of sexual orientation and gender identity will be critical of the Special Rapporteur’s approach. In particular, they may be concerned that the adverse impacts of some counter-terrorism responses on women are so significant and largely unexplored by human rights experts, and should not be confused with debates about sexual orientation and gender identity, important though these are.

To follow up on the historic statement on ‘human rights and sexual orientation and gender identity’ delivered last year, the Swedish Mission in its capacity as President of the EU, will host a high-level side event on this issue at lunchtime on 10 December. It will feature a panel that includes experts and human rights defenders from around the world. As opposed to another statement or a resolution, this is considered a less confrontational and divisive method of raising awareness amongst States about the need for all governments to decriminalise homosexual conduct and end human rights violations based on sexual orientation and gender identity.

A new approach by the US?

The Obama Administration has pledged to chart a “new course in the world and a new approach at the UN.” Key among the commitments of the new Administration in terms of human rights are the following:

1. Constructive re-engagement at the multilateral level: responsible American leadership will enable the US to seek out opportunities to cooperate with a broad range of interlocutors (i.e. not just US allies). At the same time the US will work to ensure that others shoulder a greater share of the global challenges.
2. Implementation of core human rights principles: where the US cooperates with other States, it will do so on the basis of ‘principled engagement’ that furthers fundamental human rights norms and principles.
3. The US will speak the truth, giving voice to the victims of human rights violations and supporting those working for democracy around the world.

US ‘re-engagement’ is perhaps best illustrated by its successful campaign to run for a seat on the Human Rights Council, and announcements that it would pay its dues to the UN in full and restore funding to the UN Population Fund. More recently, its pledge of constructive and principled engagement has given rise to a joint initiative with Egypt on freedom of expression at the 12th session of the Council that was adopted by

paragraph has always been put to a vote. For more information, see ISHR’s report on civil and political rights from the 63rd session of the General Assembly, available at <http://www.ishr.ch/content/view/131/192/>

⁵ The statement delivered by Argentina, and the counter-statement delivered by Syria, are available on ISHR’s webpage for the 63rd session of the General Assembly at <http://www.ishr.ch/content/view/131/192/>

⁶ For more information, see ISHR’s *New York Alert* summarising the outcomes of the 63rd session of the GA, available at <http://www.ishr.ch/content/view/131/192/>

consensus.⁷ In the context of the General Assembly, the new Administration has already taken a number of steps to differentiate itself from its predecessor:⁸

- support for the 2008 statement on sexual orientation and gender identity;
- signature of the *Convention on the Rights of Persons with Disabilities*;
- abandonment of US opposition to references to reproductive health, the International Criminal Court, the ‘right to food’ or CEDAW in official texts; and
- support for the Millennium Development Goals.

In terms of the current session of the General Assembly, the US commitment to constructive engagement may result in new voting patterns on resolutions where the US had a practice of calling for a vote and was often the lone dissenting voice.⁹ It is likely to also manifest in more subtle ways as the US seeks to “listen, respect differences, and consider new ideas”. For example, now that the US has signed the Disabilities Convention, it may be open to mainstreaming these rights into other human rights resolutions, such as the text on torture.

However the US has already made it clear that “we cannot and will not always agree. Some things are not negotiable.” One area where disagreement can be expected is Israel, which the US maintains is unfairly singled out in both the General Assembly and the Human Rights Council. The US Ambassador to the UN has signalled the US will “demand fair treatment for Israel.”¹⁰

Report of Durban Review Conference

The Durban Review Conference was held in Geneva from 20-24 April 2009, without participation by a number of key States including the US and Israel.¹¹ Nonetheless, the High Commissioner for Human Rights heralded the consensus outcome document¹² as a “meaningful outcome enshrining a common aspiration: to defy racism in all its manifestations and work to stamp it out wherever it may occur.” She urged all States to vigorously implement this “platform for a new beginning.”¹³ Similarly the Special Rapporteur on racism has appealed to all States, including those that chose not to attend the Review Conference, to ‘publicly express their support for the outcome document of the Review Conference and to commit to its implementation’.¹⁴

Amongst the strengths of the outcome document were:

- Adoption without a vote by 182 States that participated in the review conference;
- The deletion of all references to the controversial concept of ‘defamation of religions’ and an acknowledgement of the primacy of the rights of the individual, rather than religions;
- Full protection of the right to freedom of expression, as defined under international law;
- Identified the global rise in religious intolerance, and the need to combat discrimination in the fight against terrorism, as two of the challenges to the eradication of racism;
- The deletion of all references to Israel and the situation in the Middle East;

⁷ In recent years, the theme of freedom of expression has been one of the most controversial issues at the Human Rights Council. See OHCHR media release, 2 October 2009, available at

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/6A69FF0F95283CE7C12576430046793B?opendocument>

⁸ Remarks by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, at New York University’s Center for Global Affairs, ‘A new course in the world, a new approach at the UN’, US UN press release, 12 August 2009.

⁹ Resolutions on the rights of the child, CEDAW, the right to food, right to development.

¹⁰ Remarks by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, at New York University’s Center for Global Affairs, ‘A new course in the world, a new approach at the UN’, US UN press release, 12 August 2009.

¹¹ Other States that withdrew from the Review Conference were: Australia, New Zealand and the Netherlands.

¹² A/CONF.211/8, available at <http://www.un.org/ga/third/64/documentslist.shtml>

¹³ ‘Anti-racism Durban Review Conference concludes with successful outcome’, OHCHR media release, April 2009, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DRCCConcludesWithSuccessfulOutcome.aspx>

¹⁴ Interim report of the Special Rapporteur on racism to the General Assembly, A/64/271, para.60.

- Reaffirmation of the tragedy of the Holocaust;
- Condemnation of anti-Semitism and Islamophobia; and
- Affirmation and strengthening of the call for the protection of migrants' rights, particularly migrant domestic workers and migrant women.

It is anticipated that a group of States will table a short procedural resolution dealing with the outcome document from the Durban Review Conference, however there is little prospect that the Third Committee will be able to adopt it by consensus. The US and Israel remain firmly opposed to the General Assembly supporting any references to the Durban Declaration and Plan of Action (DDPA), and differences in opinion regarding the Durban Review Conference and its outcome document amongst EU members mean it may not be able to reach a unified position on this issue. Further, there is a possibility that some States may attempt to reopen the consensus text.

Defamation of religions

Although language about defamation of religions was negotiated out of the outcome document for the Durban Review Conference, and OHCHR hosted an expert seminar to bring clarity to the linkages between articles 19 and 20 of the ICCPR,¹⁵ some States remain staunch advocates of the concept. This was made clear by the overtly hostile response from some States¹⁶ to the report of the **Special Rapporteur on racism** which was presented at the 12th session of the Human Rights Council.¹⁷ The report encouraged States to abandon the concept of defamation of religions in favour of 'the legal norm of non-incitement to national, racial or religious hatred' that is established in international law. It also reminded States of their dual obligation to protect individuals and groups of individuals against violations of their rights incurred by hate speech, and to uphold the right of freedom of religion and belief. These conclusions were met with criticism from Islamic States that the Special Rapporteur had engaged in an intellectual exercise that failed to adequately address the issue of 'defamation of religions,' overstepped his mandate and breached the Code of Conduct for special procedures mandate holders.¹⁸

It is likely that polarised discussions on defamation of religions will arise during the Third Committee's interactive debate with the Special Rapporteur on racism as his interim report to the General Assembly addresses the theme of 'incitement to racial and religious hatred' and cross references his most recent report to the Council.¹⁹ In both reports, he refers to the joint statement on 'freedom of expression and incitement to racial or religious hatred' presented with the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression and the Special Rapporteur on freedom of religion or belief at a side event during the Durban Review Conference. This joint statement, coupled with the recommendations of the interim report of the **Special Rapporteur on freedom of religion or belief**, may result in the Third Committee's interactive dialogue with this Special Rapporteur being similarly heated.²⁰

¹⁵ Article 19 enshrines the right to freedom of expression and article 20 prohibits incitement to hatred. The expert seminar was held in October 2008.

¹⁶ States belonging to the OIC, the African Group, the Arab Group and the Non Aligned Movement (NAM).

¹⁷ The Council had asked the Special Rapporteur to report on 'all manifestations of defamation of religions' with a particular focus on 'the serious implications of Islamophobia' on the human rights of its followers (Council *Resolution 10/22*, March 2009). The report of the Special Rapporteur (A/HRC/12/38) is available at <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>

¹⁸ For more information, see ISHR's *Council Update* on the racism agenda item during the 12th session, available at <http://www.ishr.ch/content/view/471/513/>

¹⁹ A/63/271 available at <http://www.un.org/ga/third/64/documentslist.shtml> The interactive dialogue with the Special Rapporteur is scheduled for 2 November 2009.

²⁰ Her interim report to the General Assembly (A/64/159) sets out a number of conclusions and recommendations regarding the protection of the right to freedom of religion or belief and to the prevention of related discrimination and intolerance. It is available at <http://www.un.org/ga/third/64/documentslist.shtml> The interactive dialogue is scheduled for 22 October 2009.

It is also expected that the OIC will run a resolution on defamation of religions, and the EU a resolution on religious intolerance. However neither Egypt nor the US are expected to run a resolution on freedom of expression as they did at the most recent session of the Human Rights Council.

Report of the Human Rights Council²¹

Since the establishment of the Human Rights Council in 2006, the question of how to allocate its annual report to its parent body, the General Assembly, has been vexed.²² However, in contrast to previous years, the General Committee of the General Assembly which determines these procedural matters, made a decision on the allocation of the report *before* this year's Third Committee got underway.²³ It determined that the report should be allocated to both the General Assembly and the Third Committee, with the Third Committee to consider and act on all recommendations of the Human Rights Council, and the General Assembly to then consider the report as a whole. Although this outcome is the same approach that was followed in 2006 and 2008, the General Committee advised that it did not set a precedent and the General Assembly would need to review the matter before its next session.

The Third Committee is scheduled to take up this item on 29 October, at which time it will consider the two recommendations from the Council that require the General Assembly to take action:

1. *Guidelines for the alternative care of children (Resolution 11/7 – adopted by consensus - which submits the guidelines to the General Assembly for adoption); and*
2. *Issuance of reports of the Working Group on the UPR in all official languages of the UN (Decision 11/117 – adopted by consensus - which requests the Secretary-General provide the resources to ensure that 'all reports adopted by the Working Group shall be issued as official documents in all official languages of the United Nations, in a timely manner before their consideration by the Council.'*

Another topic of discussion expected at this year's Third Committee concerns the **review of the Human Rights Council in 2011**. Following the establishment at the Council's 12th session of a new open ended working group to review the Human Rights Council's work and functioning,²⁴ States are likely to turn their minds to the role of the General Assembly in this matter. According to General Assembly *Resolution 60/251* establishing the Council, the General Assembly is required to 'review the status of the Council within five years.' Amongst other matters, this will require the General Assembly to explore the relationship between itself (including its Third Committee) and the Council.

²¹ The Council's report (A/64/53) contains the resolutions, decisions and president's statements adopted by the Human Rights Council from 28 November 2008 to 18 June 2009, at its tenth and eleventh sessions, and at its eighth, ninth, tenth and eleventh special sessions. It is available at <http://www.un.org/ga/third/64/documentslist.shtml>

²² Uncertainty about the formal relationship between the Council and the General Assembly can be traced back to the lack of clear guidance in the General Assembly *Resolution 60/251* that established the Council. Although that resolution clearly stated that the Council is a subsidiary body of the GA, it was silent on what if any relationship the Council should have with the GA's Third Committee. As a subsidiary body of ECOSOC, the Commission on Human Rights had a much lower place in the UN hierarchy than its successor, the Human Rights Council, and thus reported to the GA via the Third Committee. Some States argued that continuing this practice with the Council would undermine the efforts made during the reform process to ensure that the status of the Council reflected the importance of human rights at the institutional level.

²³ A/64/250, para.66 (f) on p.26.

²⁴ This working group was established by a resolution that found co-sponsors from all regional groups. It is due to commence work after June 2010. According to General Assembly *Resolution 60/251* establishing the Council, the Council should review its work and functioning five years after its establishment, therefore in March 2011. During the negotiations on the draft resolution, NGOs expressed reservations about an early commencement of the review process.

Assistant Secretary-General to head OHCHR in New York?

The need to upgrade the post held by the head of the Office of the High Commissioner for Human Rights (OHCHR) in New York has been a topic of discussion at the Third Committee for sometime,²⁵ but may be determined during this session of the General Assembly. The head of the New York office of OHCHR is currently a 'D2 post', and therefore not sufficiently senior to be included a range of high-level decision-making bodies at UN Headquarters, such as the Secretary-General's Policy Committee. Given the reaffirmation by all UN Member States at the 2005 World Summit that human rights represent the 'third pillar' of the UN, some States and NGOs have argued that a human rights perspective needs to be incorporated into the work of the Secretary-General's office, the UN Secretariat and the UN's intergovernmental bodies. In their view, the goal of mainstreaming human rights across the UN would be advanced if OHCHR were led by an Assistant Secretary-General in New York.

The Fifth Committee (which deals with budget of the UN) has before it a proposal from the Secretary-General to establish the post of Assistant Secretary-General within OHCHR, which was 'not objected to' by the UN's advisory committee on budget matters.²⁶ Although the High Commissioner has invested considerable energy in urging States to support the elevation of the post, concern remains amongst members of the G77 that if approved for OHCHR, the Fifth Committee might be confronted by a multitude of requests for ASG posts from other quarters.

The Fifth Committee is also considering the creation of two new posts within OHCHR, both of which are required to support special procedures mandates. The first of these relating to the Independent Expert on access to water and sanitation looks set to win support, but the second, relating to the Special Rapporteur on contemporary forms of slavery, may have to be funded from within existing resources. These budget matters are not likely to be resolved in the Fifth Committee until well into December 2009.

Country resolutions

As was the case last session, the Third Committee will consider only three country specific resolutions: Democratic People's Republic of Korea (DPRK), Myanmar and Iran. Given the grave violations of human rights in the post-election period in Iran, there is greater optimism that some form of follow-up mechanism might be incorporated into the resolution this year. There is no Special Procedure or country resolution on Iran in the Human Rights Council and none of the Council's special procedures have been able to conduct an official visit since 2005. In relation to the text on Myanmar, it is expected that there will be stronger language regarding the need for all political prisoners to be released, but most particularly Aung San Suu Kyi, to enable credible national elections in 2010.

As in previous years, it is expected that many Member States of the NAM and OIC will be strong opponents of any country resolutions. Since the inception of the universal periodic review (UPR) process at the Human Rights Council, these States have argued that it is the only appropriate mechanism to deal with country situations, given its grounding in the principles of impartiality, non-selectivity and non-politicisation. In contrast, members of WEOG continue to initiate country resolutions, even though their number has dwindled

²⁵ When the High Commissioner for Human Rights appeared before the previous session of the Third Committee, she expressed concern about the profile of human rights in New York and reassured the Committee she was committed to bolstering OHCHR's work at Headquarters as a priority. She had already lodged a request for the establishment of an Assistant Secretary-General level position in OHCHR's New York office to ensure that human rights were included in high-level policy meetings. She appealed to all States to support that request and encourage human rights mainstreaming.

²⁶ The Advisory Committee on Administrative and Budgetary Questions (ACABQ), a subsidiary organ of the General Assembly that advises the Fifth Committee.

as result of the heightening political resistance. Members of WEOG stridently argue that the Third Committee should be at liberty to discuss any human rights issue and consider any resolution on its merits. They regard country resolutions as a critical tool to combat impunity and assist the victims of grave human rights violations. Further, the universal membership of the Third Committee, coupled with its human rights expertise renders it, in their view, the most suitable and high-level forum within the UN to address serious human rights violations.

Women and children's rights

Following the General Assembly's recent decision to establish a new UN agency dedicated to advancing the rights and well-being of women,²⁷ it is expected that the more supportive States will push to have this commitment welcomed in the resolution on violence against women (sponsored by France and the Netherlands). This should help to maintain the momentum for reform of the UN's gender architecture and may assist in hastening the appointment of the Under Secretary-General (US-G) who is to head the new agency. Other resolutions dealing with women's human rights relate to the CEDAW (sponsored by Finland on behalf of the Nordic States) and trafficking (sponsored by Belarus).

This year's omnibus resolution on the rights of the child (sponsored by the EU and GRULAC) will have a new, more streamlined format and focus on the theme of the participation of children. To promote awareness on the theme amongst States, UNICEF will host a side event on the afternoon of 19 October.

New special procedures and new mandate holders²⁸

This session of the General Assembly will be addressed for the first time by both the **Chairperson of the Committee Against Torture** and the **Chairperson of its Sub-Committee on the Prevention of Torture**.²⁹ Also making their debut are the **Special Rapporteur on migrants** and the **Chairperson of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families**, who last year both received a standing invitation to present a report and address future sessions of the General Assembly, respectively.³⁰ Other treaty body chairpersons who are returning to address the General Assembly are from the Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination Against Women.

Addressing the General Assembly for the first time since taking up their mandates are the Special Rapporteurs on violence against women (Ms Manjoo), trafficking in persons (Ms Ezeilo), judges and lawyers (Ms Albuquerque e Silva).

Other special procedures addressing the Third Committee that are expected to trigger animated discussion include the Special Rapporteurs on human rights defenders (Sekaggya); torture (Nowak); extrajudicial executions (Alston); Myanmar (Ojea Quintana); DPRK (Muntarhorn); and occupied Palestinian territories (Falk).

²⁷ General Assembly *Resolution 63/311* (14 September 2009). More information is available at ISHR's New York news archive: <http://www.ishr.ch/content/blogcategory/127/568/>

²⁸ The schedule for the Third Committee's interactive dialogues with special procedures is available at <http://www.un.org/ga/third/64/documentation.shtml>

²⁹ General Assembly *Resolution 63/166* on torture and other cruel inhuman or degrading treatment or punishment.

³⁰ General Assembly *Resolution 63/184*, OP22 and 23.

Background

The Third Committee

The General Assembly is the main deliberative organ of the UN. It is composed of representatives of all Member States and has a general mandate to discuss and make recommendations on any matters within the scope of the *United Nations Charter*. Under Article 13 of the Charter, the GA is specifically mandated to ‘initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion’. The regular session of the General Assembly runs from the beginning of September to the end of December. Each year the GA addresses over 150 agenda items, which are considered either in the plenary or in one of its six committees. The Third Committee (Social, Cultural, and Humanitarian) addresses most agenda items relevant to human rights defenders, including advancement of women, children’s rights, the rights of indigenous peoples, the elimination of racism, and human rights questions. Numerous special procedures of the Human Rights Council also report to the Third Committee on a number of these issues and engage in an interactive dialogue with States. The Fifth Committee (Administrative and Budgetary) is also particularly relevant to human rights defenders since it evaluates and approves the budgetary requirements arising out of the work of the other five committees. After completing their work, the Third and the Fifth Committee, as well as the other three main committees, submit draft resolutions to the GA plenary for final adoption.

Bureau of the Third Committee

Chairperson: H.E. Mr. Normans Penke (Latvia)³¹

Vice-Chairpersons:

- Ms. Fiola Hoosen (South Africa)
- Mr. Edgard Pérez (Peru)
- Mr. Zahid Rastam (Malaysia)

Rapporteur:

- Ms. Nicola Hill (New Zealand)

Voting in the GA and Third Committee

Each of the 192 Member States in the GA has one vote. Voting on designated ‘important issues’ (such as recommendations on peace and security, the election of Security Council members, and budgetary matters) requires a two-thirds majority of Member States. Otherwise most other questions are decided by simple majority (50% of all votes plus one), or adopted without a vote.

In recent years, a special effort has been made to achieve consensus on issues, rather than deciding by a formal vote. A notable exception to this trend towards consensus decision-making in the human rights field are the country-specific resolutions (e.g. Iran and Myanmar), which are generally subject to a vote.

In 1945, the UN had 51 members. It now has 192, of which more than two-thirds are developing countries. Because of their numbers, regional groups of States (e.g. the African Group) or political groupings (such as the Non-Aligned Movement, NAM and G77) are often able to influence the character of debates and the voting patterns of the GA plenary and its six main committees. For many developing countries, the UN is the source of much of their diplomatic influence and the principal outlet for their foreign relations initiatives.

³¹ Mr. Penke has not previously been posted to one of Latvia’s Permanent Missions to the United Nations.

The five regional groups

All but two of the UN's current Member States have arranged themselves into the following regional groups:

1. African Group - 53 members, coordinated during this year's Third Committee by Egypt.
2. Asian Group - 53 members (Asia Pacific, including much of the Middle East).
3. Eastern European Group - 23 members.
4. GRULAC - 33 members (Latin America and the Caribbean).
5. WEOG - 28 members (Western European and Others). This includes the EU (plus Iceland, Liechtenstein, Norway, Switzerland, Turkey), Australia, Canada, New Zealand, Israel (subject to renewal every four years).

One exception is Kiribati (geographically in Asia), which does not participate in any regional grouping within the UN. The other special case is the US, which is not a member of any group but attends meetings of the WEOG as an observer and is considered a member of this group for voting purposes.

Political groupings

The four most powerful and influential political groupings operating at the UN are:

1. **Organization of the Islamic Conference (OIC)** which was established in 1969 to strengthen solidarity and cooperation among its membership, and now includes 57 Islamic States which span four continents (29 percent of the GA). It describes itself as 'the collective voice of the Muslim world ...espousing all causes close to the hearts of over 1.5 billion Muslims.' Its Charter contains a pledge in 'support of the struggle of the people of Palestine, to help them regain their rights and liberate their land' and as a result, OIC members are strong critics of Israel. Uganda currently represents the OIC at UNHQ. **Pakistan** is the Coordinator of the OIC Group in New York during this year's Third Committee.
2. **Non-Aligned Movement (NAM)** was founded in 1961 to ensure 'the national independence, sovereignty, territorial integrity and security of non-aligned countries' in their 'struggle against imperialism, colonialism, neo-colonialism, racism, Zionism, and all forms of foreign aggression, occupation, domination, interference or hegemony as well as against great power and bloc politics.' Very much a product of the Cold War, its members sought to distance themselves from the US and the Soviet Union. In reality, most NAM members were sympathetic, if not aligned, with the Soviet Union.³² With the end of the Cold War, NAM (particularly Cuba, Iran, Democratic People's Republic of Korea, Sudan, Venezuela) has rallied its members around opposition to US foreign policy. In the Third Committee, the NAM focuses its efforts on the right to development and containing the consideration of country-specific resolutions. Its current membership stands at about 118 States (61 percent of the GA). The NAM will be represented in the Third Committee this session by **Egypt**.
3. **Group of 77 (G-77)** was established in 1964 by 77 developing countries. Its aim is to coordinate, articulate, and promote the economic interests of developing countries by leveraging their 'joint negotiating capacity on all major international economic issues within the United Nations system.' Its current membership stands at 130 States (67 percent of the GA). Like the OIC, the G-77 offers resolutions and decisions in the General Assembly, its committees, and various UN bodies and specialised agencies. In the Third Committee, the G77 focuses on social development, elimination of racism, and the right to development. The G77 will be represented by **Sudan** during this year's Third Committee.

Over the course of 2008 in the GA, the G77 and NAM have increasingly begun to operate as a single block, which they refer to as the **JCC** (Joint Coordinating Committee of the G77 and NAM). When they

³² Brett D. Schaefer, *Who leads the United Nations?*, Heritage Lecture Series No. 1054, The Heritage Foundation, 4 December 2007, available at <http://www.heritage.org/Research/internationalorganizations/hl1054.cfm>

do so, their combined membership is sufficient to pass resolutions in the GA. It remains to be seen whether they will continue this alliance in the Third Committee, or operate as two separate blocs.

4. The **European Union (EU)** is an international organization that coordinates cooperation among member states on issues such as human rights, trade, development and security. It includes 25 UN member states. In the Third Committee, the EU historically has addressed country specific issues, and undertaken efforts with regard to the abolition of the death penalty. It works on the implementation of human rights standards, and is active across a number of Committee thematic issues, including women's rights, children's rights, rights of peoples with disabilities. **Sweden** currently holds the Presidency of the EU.

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