



# General Assembly

Seventy-third session

**56<sup>th</sup>** plenary meeting  
Monday, 17 December 2018, 3 p.m.  
New York

Official Records

*President:* Ms. Espinosa Garcés. . . . . (Ecuador)

*In the absence of the President, Mr. Korneliou (Cyprus), Vice-President, took the Chair.*

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

**Agenda item 74 (continued)**

**Promotion and protection of human rights**

**(c) Human rights situations and reports of special rapporteurs and representatives**

**Report of the Third Committee (A/73/589/Add.3)**

**Draft amendment (A/73/L.60)**

**The Acting President:** The Assembly will now continue to hear explanations of vote before the voting.

I first give the floor to the representative of the Sudan to introduce draft amendment A/73/L.60.

**Mr. Mohamed** (Sudan) (*spoke in Arabic*): Unfortunately, the consensus, if not unanimity, that the General Assembly enjoyed while voting on a number of issues has been undermined through an initiative launched by several States, in particular our friends in the European Union, to include a call to join the International Criminal Court in draft resolutions that deal with such issues. Over time, such referrals have led to extreme polarization, particularly following the decision taken by some States to refer to the authority of the International Criminal Court as an integral part of their foreign policies. Those States seek to link humanitarian assistance and economic cooperation with

the stance of other countries towards the Court. That has coincided with the Court's attempts to single out Africa and its leaders exclusively, which has had serious political and strategic repercussions for countries that are targeted by the Court if they try to depart from its regional jurisdiction on the African continent.

The number of cases that are currently before the Court, the pending cases in its chambers and the exorbitant amount of money spent on each case very clearly illustrate that the International Criminal Court has not succeeded and will not succeed in effectively fulfilling its mandate, given its unacceptable selectivity, while it claims to be an independent judicial body. Those issues add to the danger posed by the Court due to its flagrant activity, clear preference and political bias, while trying to single out African leaders with arrest warrants and putting political considerations before reconciliation, peace and post-conflict rehabilitation. All those factors pose an imminent danger for social peace and national unity in developing countries. The Court has simultaneously undermined peace and justice.

With regard to draft resolution I, entitled "Situation of human rights in the Democratic People's Republic of Korea", since 2014 we have faced serious obstacles from proponents of the Court. In accordance with the rules of procedure, we therefore wish to introduce draft amendment A/73/L.60, which proposes the deletion of operative paragraph 12. We call on Member States to vote in favour of it.

**Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran): I deliver this statement in relation to draft

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**Agenda item 34****Prevention of armed conflict****(a) Prevention of armed conflict****Note by the Secretary-General (A/73/295)****Draft resolution (A/73/L.47)****Draft amendment (A/73/L.68)**

**The Acting President:** I now give the floor to the representative of Ukraine to introduce draft resolution A/73/L.47.

**Mr. Kyslytsya (Ukraine):** Draft resolution A/73/L.47, which I have the honour to introduce today under sub-item (a) of agenda item 34, entitled “Prevention of armed conflict”, focuses on a pressing legal and political issue — the problem of the militarization of the occupied territory of Ukraine, in particular the Crimean peninsula and respective parts of the Black Sea and the Sea of Azov. The draft resolution addresses a matter of fundamental concern to my country and, I believe, the broader United Nations membership.

The Autonomous Republic of Crimea and the city of Sevastopol have been occupied by the Russian Federation since February 2014. The attempt to annex that sovereign Ukrainian territory was not recognized by the international community, which was confirmed by resolution 68/262, on the territorial integrity of Ukraine. Following the Russian Federation’s occupation of Crimea, it has progressively militarized the Crimean peninsula, which includes in particular destabilizing transfers by Russia of weapon systems, including nuclear-capable aircraft and missiles, weapons, ammunition and military personnel to the territory of Ukraine.

The occupation and subsequent militarization of Crimea led to the expansion of the area of use of Russian warships and military aircraft in the Black Sea region and far beyond in the entire Mediterranean basin. As such, that activity has far-reaching consequences for security in not only the Black Sea region, but also the whole of Southern Europe, as well as North Africa and the Middle East.

Multiple military exercises conducted by Russian armed forces in Crimea and in the area reflect Russia’s aggressive policy towards Ukraine and other Black Sea littoral States. Such exercises also entail considerable

long-term negative environmental consequences in the region.

The Russian Federation is also actively militarizing the Sea of Azov by increasing the number of warships and their expansion to the whole territory of the Sea. As an example, in October the Russian Government allocated a huge designated area in the Sea of Azov to the Russian Defence Ministry. That area is located just 65 kilometres from the city of Mariupol, one of Ukraine’s largest seaport cities.

The progressing militarization of the Sea of Azov not only has implications for maritime trade and supplies into Ukraine, but also poses an additional military threat to Ukraine and is leading to an escalation of the security situation in the region. The illegal construction of the Kerch Strait bridge between Russia and temporarily occupied Crimea has substantially contributed to that threat, in particular by facilitating further militarization of Crimea and the involvement of additional Russian maritime and other forces in the area under the pretext of protecting the bridge and its infrastructure.

As a result, on 25 November a group of Ukrainian naval vessels was deliberately attacked by the Russian border guard patrol in the Black Sea near the Kerch Strait. Russia adopted a shoot-to-kill policy by openly firing at the Ukrainian servicemen and then ramming the Ukrainian vessels, which were in the process of conducting legitimate and peaceful transits to a Ukrainian port.

That attack represents yet another blatant and barefaced act of military aggression against Ukraine by the Russian Federation. Three Ukrainian military vessels were shot at and then seized by the Russians in the waters beyond the 12-mile zone in the Black Sea on their way back to Odessa port. Twenty-four Ukrainian servicemen were seized and imprisoned, with six wounded, including two in critical condition, and paraded on Russian television as part of a show trial. The provocative actions of the Russian Federation in the Sea of Azov were condemned by Security Council member States during the briefing requested by the delegation of Ukraine on 26 November (see S/PV.8410). The Secretary-General, in turn, also sounded an alarm.

Given the current volatile security situation in the mentioned areas and its far-reaching negative implications, Ukraine, together with Australia, Austria, Bulgaria, Canada, Croatia, the Czech Republic,

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resolution. My delegation will therefore vote against it, and we urge all sensible delegations to do the same.

We urge those who intend to support the Ukraine's provocative action despite everything to think about the message that they are sending to Kyiv. By voting for these kinds of draft resolutions, in practice they are enabling Petro Poroshenko to continue destroying his own citizens, undermining peace in the region and dragging his neighbours into confrontations. That is hardly consistent with the purposes and principles of the General Assembly.

**Mrs. Van Eerten** (Netherlands): The Kingdom of the Netherlands will vote against draft amendment A/73/L.68, which is not in line with the core message of draft resolution A/73/L.47 and contradicts the facts on the ground.

Let us be clear that the root cause of the current tension in the region was the illegal annexation of the Crimean peninsula by the Russian Federation. In its original form, the draft resolution once again calls on the Russian Federation to end its illegal annexation of the Crimean peninsula, to restore the territorial integrity of Ukraine within its internationally recognized borders and to respect the Charter of the United Nations. The Kingdom of the Netherlands therefore asks the representatives in this Hall to vote against the draft amendment.

**Ms. Schoulgin Nyoni** (Sweden): As one of the many co-sponsors of draft resolution A/73/L.47, Sweden has closely followed the drafting of the text. We also follow the situation on the ground in the region with great concern, as it is playing out in our own neighbourhood. It is clear that the illegal annexation of Crimea by the Russian Federation in 2014 was a flagrant breach of international law and that the progressive militarization of Crimea and parts of the Black Sea and the Sea of Azov are of the utmost concern, with dangerous regional and global implications.

We consider the proposed draft amendment A/73/L.68 as an attempt to distort the core message of the draft resolution and we believe that it contradicts the facts on the ground. Sweden will therefore vote against the proposed draft amendment and respectfully asks the representatives present to do the same.

**Mr. Radomski** (Poland): Let me thank Minister Kyslytsya for his introduction of draft resolution A/73/L.47. We call on all States to reject draft amendment

A/73/L.68, presented by the Islamic Republic of Iran, and to support the draft resolution, entitled "Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov", which reflects the serious situation on the ground correctly and in a balanced manner.

Russia's provocative actions in the Kerch Strait and the Sea of Azov resulted in a dangerous escalation of tension. The recent incidents are in keeping with Russia's persistent policy towards Ukraine — creating aggression to destabilize the country. Poland underlines that the illegal use of military force by the Russian Federation against Ukraine in the region of the Kerch Strait and the Sea of Azov constitutes a flagrant violation of both international law and the bilateral agreements concluded between Russia and Ukraine.

Through its illegal annexation of Crimea and by directly assisting separatists in eastern Ukraine, Russia violated the basic premises of a rules-based international order. Russia's recent actions against Ukraine are clearly part of its ongoing breaches of the fundamental principles of international law. No country has the legal right to benefit from its own illegal actions. We believe that the international community must rigorously react in the face of Russia's systematic violations of its own obligations under international law. Our common response must be strong enough to discourage Russia from crossing other red lines. We cannot forget that, under international law, all States have a duty not to recognize as lawful serious breaches of obligations arising under peremptory norms, such as the prohibition of aggression. It is important to emphasize the legal character of that obligation. Not to recognize such actions as lawful is not a matter of taking a political decision or approach; it is a legal requirement.

Recognition of Crimea as part of the Russian Federation is in itself a violation of international law because it constitutes a form of support for a State that breaches peremptory norms in an attempt to legalize an unlawful situation. Poland therefore does not, and will never, recognize Russia's illegal annexation of Crimea and reaffirms its enduring support for the territorial integrity, sovereignty and independence of Ukraine. Furthermore, Poland calls for the unconditional release of the vessels, crew and equipment without delay, since Russia's attack on and seizure of the Ukrainian vessels, as well as its capture of Ukrainian servicemen, were illegal. Recent developments have clearly demonstrated



that the infrastructure that Russia treats as critical, be it the Kerch Bridge or the pipeline, serve as a pretext for its illegal militarization. That is a worrying sign for the future and undermines regional stability and international peace and security.

**Ms. Plepytė** (Lithuania): I have the honour to speak on behalf of Estonia, Latvia and my own country, Lithuania. As co-sponsors of draft resolution A/73/L.47, Estonia, Latvia and Lithuania strongly reject and oppose the amendments to the draft resolution put forward by the Islamic Republic of Iran and the Syrian Arab Republic, contained in document A/73/L.68.

The proposed draft amendment contains hostile amendments that have the sole intention of disrupting the adoption of the draft resolution and changing its meaning. The amendments distort the current reality in the occupied territories of Ukraine, as well as in the adjacent areas of the Black Sea and the Sea of Azov. The amendments do not have any legal or factual background. The events that took place in the Black Sea on 25 November constitute a blatant violation of international law and bilateral agreements by the Russian Federation. Russia once again showed complete disregard for the norms of international law and, for the first time since the annexation of Crimea and the instigation of conflict in eastern Ukraine, openly and directly attacked the Ukrainian navy with military force. In that context, we once again express our strong support for the draft resolution, as it fully reflects the real situation on the ground and calls for appropriate and realistic action. Estonia, Latvia and Lithuania will vote against the draft amendment. Accordingly, we urge all Member States to reject the blatant attempt to distort the draft resolution and to vote against the draft amendment.

**Mr. Allen** (United Kingdom): I am taking the floor to urge all Member States to vote against draft amendment A/73/L.68. The amendments that it contains have been proposed by representatives of a tiny group of countries that have supported Russia's actions in the face of resolution 68/262, which was adopted with 100 votes in favour and upholds the sovereignty and territorial integrity of Ukraine.

The amendments seek to distort the facts, sow confusion and frustrate the adoption of draft resolution A/73/L.47, proposed by Ukraine, on which we will vote shortly. Above all, in paragraph 6 of the draft amendment, the text creates the misleading impression

that territorial waters were violated during the incident. We must be clear — there was no such violation. The Russian authorities have admitted using force to seize the three Ukrainian naval vessels. They have also acknowledged opening fire during the incident, injuring three servicemen. That incident happened in international waters in the Black Sea when Ukrainian vessels were moving away from the Crimean coast. It is important to note that Crimea and its territorial waters are internationally recognized as part of Ukraine.

I listened with interest to the Russian representative's comments, but no evidence has been offered by Russia to back up its claims. In paragraph 7 of the draft amendment, the text, if inserted into the draft resolution, would seek to justify Russia's arrest and prosecution of the 24 detained Ukrainian servicemen. That language would provide Russia with insurance that its actions are in line with a United Nations resolution and therefore justifiable. The draft amendment risks being misused by Russia.

However reasonable the sponsors may sound, their aims are unreasonable. It is for those reasons that the United Kingdom will vote against the draft amendment and urges others to do the same. The essence of the issue is our common belief that States must not use force in their international relations, including to acquire territory or to change borders, which is inconsistent with the Charter of the United Nations.

**Mr. Kyslytsya** (Ukraine): One of the most toxic features of this discussion is that a small number of countries that cannot help lapsing into repetitive violations of international law and the Charter of the United Nations have given us an earful of post-truths, manipulative statements, distortions and blatant lies. I would therefore like to bring our discussions back to the legal realm. Draft amendment A/73/L.68, proposed by Iran, contains amendments to draft resolution A/73/L.47 that are not acceptable to its sponsors, as we have just heard, on the following grounds.

The proposed amendments do not have any legal or factual background and do not meet the provisions of current General Assembly resolutions, notably resolution 68/262, "Territorial integrity of Ukraine", adopted on 27 March 2014 by an overwhelming majority under the same agenda item. What happened on 25 November in the Black Sea is not an incident, as the Russian propaganda machine consistently states. It is yet another violation by the Russian Federation of the

United Nations Charter and a deliberate armed attack by Russian military forces against Ukraine within the neutral borders of the Black Sea. The Russian Federation brutally violated Ukraine's right as a coastal State in Ukraine's territorial waters, intervened in its freedom of navigation in an international strait and violated Ukraine's rights in that exclusive economic zone.

As a result, Ukrainian sailors and vessels were captured by the Russian Federation. In violation of the Geneva Conventions, Russia is treating the captured crew members as criminals and is conducting a so-called criminal investigation, as we have just heard. How can the General Assembly be expected to support a draft amendment that does not meet the requirements of international humanitarian law? That is nonsense in a civilized world. Ukraine has already initiated arbitral proceedings against the Russian Federation with regard to violations of the United Nations Convention on the Law of the Sea. Ukraine also informed the arbitral tribunal of Russia's recent violations of 25 November, which aggravated the dispute.

Ukraine is committed to solving all disputes by peaceful means, in accordance with the United Nations Charter. Having said that, my delegation calls for a recorded vote on draft amendment A/73/L.68, which Ukraine will vote against, and asks other delegations to do the same. I also once again call on delegations to vote in favour of draft resolution A/73/L.47.

**Mr. Simonoff** (United States of America): The United States will vote against draft amendment A/73/L.68 and urges all delegations to do the same. We reject the notion of equivalency contained in the draft amendment. We do not support the General Assembly calling on both States to take action when the Russian Federation is the sole Member State to have repeatedly and shamelessly engaged in aggressive activities directed against Ukraine, including the purported annexation of Crimea and the aggressive activities in the Kerch Strait.

The United States is pleased to co-sponsor draft resolution A/73/L.47, which highlights serious concerns about the militarization of Crimea and Russia's recent unprovoked attack on Ukrainian naval vessels in the Kerch Strait. Russia's attack is a dangerous escalation in its ongoing aggressive activities towards Ukraine. The United States reiterates its call on the Russian Federation to immediately release the 24 captured Ukrainian crew members and the three detained vessels.

In short, the United States calls on all Member States to vote against the draft amendment and to vote in favour of the draft resolution.

**Ms. Agladze** (Georgia): I would also like to speak against draft amendment A/73/L.68, proposed by the Islamic Republic of Iran. The draft amendment substantially harms the very essence of draft resolution A/73/L.47 and gravely distorts the real situation on the ground in the occupied territories of Ukraine, as well as in the adjacent areas of the Black Sea and the Sea of Azov. It lacks any legal or factual background and contravenes the provisions of current resolutions, including resolution 68/262 on the territorial integrity of Ukraine.

On 25 November we witnessed a violation by the Russian Federation of the Charter of the United Nations in a deliberate armed attack by the Russian armed forces against Ukraine in the neutral waters of the Black Sea. The Russian Federation brutally violated Ukraine's right as a coastal State in Ukraine's territorial waters, infringed upon the freedom of navigation and violated Ukraine's right in its exclusive economic zone. Furthermore, the Russian Federation captured Ukrainian sailors and vessels and treated the crew members as criminals.

Having said all that and in reaffirmation of the territorial integrity and sovereignty of Ukraine, Georgia will vote against the draft amendment and calls on other Member States to also vote against it.

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

The General Assembly will now take action on draft resolution A/73/L.47, entitled "Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov".

I now give the floor to the representative of the Secretariat.

**Mr. Nakano** (Department for General Assembly and Conference Management): I should like to announce that since the submission of the draft resolution and in addition to those delegations listed on the document, the following countries have also become sponsors of A/73/L.47: Belgium, Greece, Hungary, Liechtenstein, Malta, New Zealand, Slovakia, Spain and the former Yugoslav Republic of Macedonia.