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Official Records

President: Mr. Thomson (Fiji)

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

Agenda item 32

Protracted conflicts in the GUAM area and their implications for international peace, security and development

(a) Report of the Secretary-General (A/71/899)

(b) Draft resolution (A/71/L.71)

The President: In connection with this item, the Assembly has before it a report of the Secretary-General circulated in document A/71/899 and a draft resolution entitled “Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”, issued as document A/71/L.71.

I now give the floor to the representative of Georgia to introduce draft resolution A/71/L.71.

Mr. Imnadze (Georgia): Over the past year, one person per second was forced to flee from conflict, violence and disaster. We have 65 million displaced people around the globe today, a record high number. Among them are up to 400,000 internally displaced persons (IDPs) and refugees from my country, Georgia, uprooted in several waves of ethnic cleansing from Abkhazia and the Tskhinvali region/South Ossetia, currently under foreign occupation. They have been living in protracted displacement for more than 20 years, and despite the time difference with Georgia — it is almost midnight there — they are watching us closely right now.

I would like to share with the Assembly a message I received from an IDP from Abkhazia, 21-year-old Tamar, in which she describes her feelings about displacement, which I believe are shared by all displaced persons. She writes:

“I have a home: the one I have not been given a chance to live in, the one I have not been given a chance to explore, the one I love. I have a house, the one I currently live in, merely a roof over my head. While someone may have a house, they may not have a home where they feel free and accepted. Our only hope is to return home, even if the house is no longer standing”.

Today I take the floor to address the Assembly on behalf of my Government and in the name of forcibly displaced individuals like Tamar to introduce and solicit support for the draft resolution contained in document A/71/L.71, entitled “Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”, under agenda item 32, entitled “Protracted conflicts in the GUAM area and their implications for international peace, security and development”.

The Organization unanimously recognizes the Guiding Principles on Internal Displacement as the key international framework for the protection of internally displaced persons. Through this draft resolution, we would like to once again galvanize international support to reaffirm those very rights for the displaced population in Georgia, the overwhelming majority of which — 88.3 per cent of respondents — indicated

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the wish, in the intentions survey carried out by the Office of the United Nations High Commissioner for Refugees (UNHCR), to return voluntarily to their area of origin. In other words, we call for the application of universally acknowledged principles to the case of the displaced population in Georgia.

The draft resolution before the Assembly is based on three fundamental principles: securing the rights of the displaced, including the right to safe and dignified return, as well as property rights; the unacceptability of forced demographic changes; and the need for unimpeded humanitarian access. Furthermore, the resolution emphasizes the importance of the Geneva international discussions mandated by the six-point ceasefire agreement of 12 August 2008 and calls upon all participants to be more active in producing tangible results. For that very reason, both the draft resolution and the subsequent report of the Secretary-General serve as reference points in the Geneva international discussions and complement the work being done on humanitarian issues.

The security and human rights situation in the occupied territories is being exacerbated by the continued installation of razor-wire fences and so-called border signs, kidnappings and arbitrary detentions, seizure of property, and restrictions on free movement and residence as well as on access to education in one's language, all based on ethnic origin. The closure of the entry and exit points across the occupation line by the regime in control in the Abkhazia region severely restricts the freedom of movement of the local population and creates additional impediments to the return of IDPs and refugees to their homes.

On 9 April 2017, a so-called referendum was held in the Tskhinvali region to rename it the "Republic of South Ossetia-the State of Alania", mirroring the Republic of North Ossetia-Alania, in the Russian Federation. The so-called treaties on integration with the Russian Federation and the subsequent creation of a joint group of armed forces, as well as the merging of law-enforcement and investigative bodies, reflect a policy of factual annexation of Georgia's regions and demonstrate the need for an adequate, immediate and consolidated international reaction.

Despite the continuous call for access to the Abkhazia and Tskhinvali regions, the Office of the United Nations High Commissioner for Human Rights, as well as the Special Rapporteur on the human rights

of internally displaced persons, have been repeatedly denied access to these regions by the regimes in control.

In response, the Human Rights Council expressed serious concerns over the continuous violations and the humanitarian situation in the occupied regions of Georgia, and on 24 March it adopted resolution 34/37, sponsored by 43 States. In the complete absence of basic safeguards to monitor the situation on the ground, the resolution calls for immediate access by the Office of the High Commissioner and other international and regional human rights mechanisms to the occupied territories, while expressing concern over the fact that internally displaced persons and refugees from these regions continue to be deprived of their right of return to their places of origin in safety and with dignity.

Pending their return, the Government of Georgia is making every effort to alleviate the burden of and ensure decent conditions for the displaced population, in accordance with the national strategy and its relevant action plan. At the end of 2015, with the support of the UNHCR/Ministry for Refugees and Accommodation joint project, the Livelihood Action Plan 2016-2017 was adopted, which provides opportunities for IDPs and their host communities to fulfil their potential by gaining financial independence from the State and becoming self-reliant. In parallel, the Government is pursuing durable housing projects for the displaced population through housing construction, the procurement of apartments and individual houses and the privatization of property.

Despite the current artificial barriers, we also continue to respond to the concerns of our compatriots living in the Abkhazia and Tskhinvali regions — ethnic Abkhaz and Ossetians — who are an integral part of our common history and future. We believe that one day we will all live together in peace and prosperity, with families united and communities returned to their native soil.

The pledge to leave no one behind has been a powerful message of recent frameworks initiated by the international community: the 2030 Agenda for Sustainable Development, the Sendai Framework on Disaster Risk Reduction and the Paris Agreement on climate change. As a joint commitment, it is important to catalyse progress on addressing the needs of IDPs worldwide. The 2016 World Humanitarian Summit, in Istanbul, and the Agenda for Humanity, along with the New York Declaration for Refugees and Migrants,

increased international focus on the need to prevent and reduce forced displacement by addressing its root causes. The priority attached by the Secretary-General, Mr. António Guterres, to preventing conflict and sustaining peace has been further encouraging the deployment of renewed efforts so as to capitalize on the momentum created during the past few years.

When one person is arbitrarily expelled from his or her domicile, we call it a crime; but when hundreds of thousands, or even millions, are forcibly displaced and are not allowed to go back to their homes, we call it a humanitarian crisis. In fact, we should call it no less than a “mass crime”. The rights of the displaced should be acknowledged, reaffirmed and protected regardless of political processes. In paragraph 43 of his report A/71/899, the Secretary-General is also explicit in that:

“The individual’s right to return, in the case of an internally displaced person, derives from his or her right to freedom of movement as stipulated in international human rights instruments. It is essential to recognize that return is both a human right and a humanitarian issue and therefore cannot be directly linked to political questions or the conclusion of peace agreements. It must be addressed irrespective of any solution to the underlying conflict.”

One cannot argue against this humanitarian cause. Each and every member State concerned with the current humanitarian catastrophe in the world must take a responsible decision when the issue is raised in the General Assembly. Therefore, I once again urge members to vote “yes” on draft resolution A/71/L.71 so as to recognize and safeguard the rights of the displaced population from Abkhazia, Georgia, and Tskhinvali region/South Ossetia, Georgia.

Members’ conscious and sustained vote in favour of this draft resolution is a vote in support of the principles of humanity and of international law, to which we all subscribe.

Mr. Yelchenko (Ukraine): I have the honour to speak on behalf of the Organization for Democracy and Economic Development — GUAM and its member States: Georgia, Azerbaijan, the Republic of Moldova and my own country, Ukraine.

Millions of people in the GUAM countries have been affected by armed conflicts, disrupting their lives and leaving them in need of protection, assistance

and support. The protracted nature of the conflicts in the GUAM area is one of the most serious challenges that our nations are facing. While in some countries displacement is an ongoing crisis, in the GUAM area displacement is already a generational issue that needs to be addressed regardless of the political settlement of the conflicts.

Ensuring the safe and dignified return of internally displaced persons (IDPs) and refugees in the GUAM area, as the principal way of achieving durable solutions for the forcibly displaced persons, is an overarching goal of our countries. We believe that political issues cannot be used for preventing or conditioning the exercise of the right of return to places of origin, as well as the enjoyment of property rights.

The World Humanitarian Summit held in May 2016 and the New York Declaration adopted at the United Nations Summit for Refugees and Migrants in September 2016 reaffirmed our joint commitments to leave no one behind, while upholding the norms that safeguard humankind.

Draft resolution A/71/L.71 addresses the plight of hundreds of thousands of IDPs and refugees forcibly displaced from the Abkhazia and Tskhinvali regions of Georgia as a result of the conflict and several waves of displacement in early 1990s and in 2008. The protracted nature of the conflicts not only increases the number of those expelled from their homes, but also adds to their suffering. As a humanitarian draft resolution, the text focuses solely on the humanitarian aspects of the displacement and calls for respect of the right of return, property rights and humanitarian access to the affected regions of Georgia. Notably, the overwhelming majority of Georgian IDPs are willing to return to their homes, as reflected in the 2015 survey of the Office of the United Nations High Commissioner for Refugees, according to which 88.3 per cent of its respondents indicated their willingness to return to their homes voluntarily, in safety and with dignity.

We believe that the General Assembly is best placed to send a powerful message to the affected persons, as well as to the participants in the Geneva international discussions — an important platform to discuss and facilitate the return process. We regret that, since the adoption of resolution 70/290, at the seventieth session, none of its clauses has been implemented, as underlined in the Secretary-General’s report A/71/899.

We condemn all actions against basic human rights and freedoms in respect of internally displaced persons and refugees, in violation of the relevant obligations under international law. In this light, we are seriously concerned by the recent developments in the occupied territories of Georgia, including the holding of the so-called referendum on 9 April 2017 in the Tskhinvali region to rename the region the Republic of South Ossetia, State of Alania, as well as the systematic closure of the checkpoints along the occupation line with the Abkhazia region to impose further severe restrictions on the free movement of the local population. Such developments create additional impediments to the return of IDPs and refugees to their homes.

In the complete absence of basic safeguards to monitor the situation in the occupied regions, unimpeded access by humanitarian actors and human rights monitoring bodies to these territories is of paramount importance. In this context, we recall the adoption for the first time by the Human Rights Council, during its March 2017 session, of the resolution on cooperation with Georgia, in which the Council expresses serious concern over the human rights and humanitarian situation in the occupied regions of Georgia — Abkhazia and the Tskhinvali region/South Ossetia, calls for immediate access by the Office of the United Nations High Commissioner and other international and regional human rights mechanisms to the occupied territories, and also expresses concern over the fact that internally displaced persons and refugees from these regions are unable to exercise their right of return to their places of origin in safety and with dignity.

The GUAM member States reiterate their unwavering support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders.

In conclusion, we consider support for draft resolution A/71/L.71 as a sign of solidarity with all forcibly displaced persons around the world, as well as of the reaffirmation of the commitment of the international community to the fundamental right of return and the right to property and humanitarian access. Therefore, as in previous years, we will vote in favour of the draft resolution and encourage others to join us in supporting this noble cause.

Ms. Murmokaitė (Lithuania): I have the honour to speak on behalf of the Baltic and Nordic States:

Denmark, Estonia, Finland, Iceland, Latvia, Norway, Sweden and my own country, Lithuania. Bulgaria, the Czech Republic, Ireland and Poland align themselves with this statement.

With the global number of refugees and displaced persons reaching tens of millions of persons, including hundreds of thousands in Georgia, the urgency to address the needs and plight of those affected is more urgent than ever. The World Humanitarian Summit and the United Nations Summit for Refugees and Migrants held in 2016 have once again highlighted the crippling effects that protracted conflicts and continued displacement have on affected persons and communities, with serious repercussions at the regional and international levels. Therefore, we fully support the Secretary-General's call for renewed efforts to prevent internal displacement, address its root causes and support affected communities.

Draft resolution A/71/L.71 commits us all to continuing to work for protection for and assistance to those who have been forcibly displaced from the Abkhazia and Tskhinvali/South Ossetia regions of Georgia.

We remain concerned about the human rights situation on the ground. New restrictions on the freedom of movement and access to health care and education in the native language by the de facto authorities remains a cause of continuous concern. Regrettably, no international human rights monitoring mechanisms have been granted access to assess the situation in these regions. We share the Secretary-General's call on the de facto authorities controlling the territories of the Georgian regions of Abkhazia and Tskhinvali to ensure the unhindered access and operation of international organizations working on humanitarian and human rights protection issues.

We take this opportunity to reaffirm our strong support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders.

We remain seriously concerned by the decision of the de facto authorities in the Georgian regions of Tskhinvali and Abkhazia to conduct the so-called elections earlier this year. Let me recall that we do not recognize the constitutional and legal framework within which these illegitimate elections have taken place. We do not recognize the so-called referendum on amending the name of the Georgian region of Tskhinvali, which was held on 9 April. These illegal

actions violate Georgia's sovereignty and territorial integrity and greatly undermine the ongoing efforts to find a peaceful resolution to the conflict.

To conclude, we are pleased to see a growing awareness of the international community regarding the need to address internal displacement, including pressing humanitarian issues faced by the forcibly displaced persons and refugees from the Georgian regions of Abkhazia and Tskhinvali. In this context, we welcome the adoption of the resolution on the cooperation with Georgia at the thirty-fourth session of the Human Rights Council. The need to find lasting solutions consistent with international human rights law and humanitarian law in these regions persists. Given the negative realities on the ground and the need for United Nations continuous engagement, as in previous years we shall vote in favour of the draft resolution and call on others to support it.

The President: We shall now proceed to consider draft resolution A/71/L.71.

Before giving the floor for explanations of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Boucher (Canada): Canada is pleased to once again support the draft resolution on the status of internally displaced persons (IDPs) and refugees from Abkhazia, Georgia, and the Tskhinvali region in South Ossetia, Georgia (A/71/L.71). Today's important draft resolution is designed to remind the international community of the pressing issue of protracted displacement. In Georgia, hundreds of thousands of people in Abkhazia and South Ossetia remain displaced owing to circumstances beyond their control. Year after year, they suffer from the hardship of displacement, waiting for the day when they will finally be able to return home.

Canada's support for the draft resolution sends a clear message: we stand in solidarity with millions of IDPs and refugees around the world. We call on the international community to ensure that those forcibly displaced are able to exercise their fundamental rights, and to strengthen efforts to establish durable peace in order to facilitate the voluntary, safe and unhindered return of all IDPs and refugees to their homes.

(spoke in French)

In this context, we underline the importance of the Guiding Principles on Internal Displacement as a way forward on ensuring the international community can fulfil its responsibility to protect vulnerable displaced persons. Canada, without reservation, will continue to support Georgia's territorial integrity and sovereignty within its internationally recognized borders. We are encouraged by Georgia's sustained efforts in promoting immediate, full, sustained and unimpeded access for humanitarian assistance to internally displaced persons and refugees in all conflict-affected areas in Georgia.

Canada invites all member States to join in sustained efforts to alleviate the suffering of all people affected by conflict and to unite in order to strengthen efforts to establish durable peace. Supporting the draft resolution will bring us one step closer to reaching that goal.

Mr. Zagaynov (Russian Federation) *(spoke in Russian)*: For the tenth time, the Georgian delegation has submitted for consideration by the General Assembly a draft resolution on the problem of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia (A/71/L.71). Despite the active campaign of the authors to promote their approaches to this topic during all these years, the proposed projects have never enjoyed the support of the majority of member States. That is quite understandable.

It is obvious to us that their discussion and adoption will not help those who, as a result of armed clashes, have lost their homes and livelihoods and were forced to leave their places of permanent residence. That clearly demonstrates that the purpose of the draft resolution is purely political. Behind their actions is not genuine concern for the people of Georgia, but rather an attempt to speculate on the fate of those victims of the aggressive policy of the Georgian authorities, culminating in an armed attack on the Tskhinvali region of South Ossetia, in August 2008.

With its reckless actions, Tbilisi has actually alienated the peoples of Abkhazia and South Ossetia, who have proclaimed independence. In promoting the draft resolution and declaring its humanitarian orientation, its authors are in fact seeking to challenge those realities. Ignoring the real needs of people who are in a situation of forced displacement, they continue their line, which, in practice, leads to the impossibility of a substantive discussion on the issue

by the parties within the framework of the Geneva discussions. Equally dangerous is the fact that it causes serious damage to the work in that format as a whole. It undermines the concept of the ongoing negotiations, which, provided that there is goodwill and interest of the participants, can achieve results.

Preference is again given not to a substantive dialogue with Sukhum and Tskhinval, but rather to slinging accusations against them in forums where they are not represented and, accordingly, can not bring their point of view on what is happening. They cannot, for example, respond to allegations of restrictions on freedom of movement or directly share information with delegations about the fact that thousands of people cross the borders of Abkhazia and South Ossetia with Georgia every day. Additionally, they cannot talk about the steps they have taken to improve the mechanism of cross-border movement and develop the corresponding infrastructure. They also cannot talk about the measures that they have taken to simplify border management for the local population.

In such conditions, we have once again circulated as relevant documents of the General Assembly the corresponding information prepared by the authorities of Abkhazia and South Ossetia. We hope that it will be taken into account by delegations in determining their positions on the draft resolution under consideration.

We remain convinced that the use of the issue for political purposes, all while bypassing the Geneva discussions, is fraught with the complications of the situation in the region, the slippage of solving numerous humanitarian issues and the undermining of the process of building trust between those in Abkhazia, South Ossetia and Georgia, which is absolutely necessary if we really want to improve the situation of displaced people.

In the light of the foregoing, the delegation of the Russian Federation requests a vote on draft resolution A/71/L.71. Russia will vote against the document. We call on other delegations not to support the draft resolution.

Mr. Shearman (United Kingdom): The United Kingdom supports the important draft resolution on the status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia (A/71/L.71).

The draft resolution reaffirms the unalienable rights of internally displaced persons (IDPs) and refugees to

return to their homes in a safe and dignified manner, regardless of their ethnic origin. It is a humanitarian and human rights issue and it should not be linked to wider political processes. There are more than 250,000 registered internally displaced persons in Georgia. Many live in difficult and vulnerable conditions. It is important for the General Assembly to send the message that it has not forgotten those people and that it will continue to call for their return home. It is all the more important to do so with every year that goes by.

The United Kingdom welcomes the Government of Georgia's work to help improve the situation of IDPs and welcomes regular reports documenting the human rights situation in Abkhazia and South Ossetia by both the Government of Georgia and the Georgian ombudsmen. It is important that national and international legislation be effectively implemented to aid efforts to help and protect the lives of internally displaced persons.

We remain deeply concerned by the broader political and human rights situation in Abkhazia and South Ossetia, particularly with Russia in effective control of 20 per cent of Georgia's sovereign territory. Recent developments, including the reduction of Abkhazian administrative boundary line crossing points from six to just two, has had a damaging impact on civilian livelihoods, freedom of movement and educational opportunities.

The absorption of South Ossetian troops into the Russian Army, the referendum in South Ossetia on changing the name of the region, the so-called presidential elections in South Ossetia and the so-called parliamentary elections in Abkhazia constitute grave setbacks to efforts to make progress. We call on the Russian Federation to grant immediate and unrestricted access to the regions of South Ossetia and Abkhazia.

Finally, we hope that all parties will use the Geneva discussions as the forum to discuss and make progress on humanitarian issues. The United Kingdom is pleased to support the important draft resolution. We will vote in favour, and we will urge all other Member States to give the draft resolution the backing that it deserves.

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

The Assembly will now take a decision on draft resolution A/71/L.71, entitled "Status of internally

displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”.

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Australia, Austria, Azerbaijan, Bahamas, Belgium, Belize, Bulgaria, Canada, Central African Republic, Costa Rica, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Togo, Tonga, Trinidad and Tobago, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Yemen

Against:

Armenia, Belarus, Burundi, Cuba, Lao People's Democratic Republic, Nauru, Nicaragua, Philippines, Russian Federation, South Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe

Abstaining:

Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Chile, China, Colombia, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kyrgyzstan, Lebanon, Madagascar, Malaysia, Mali, Mongolia, Morocco, Myanmar, Namibia, Nepal, Oman, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Senegal, Serbia, Singapore, Sri Lanka, Suriname, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia,

Uganda, United Arab Emirates, United Republic of Tanzania, Zambia

The draft resolution was adopted by 80 votes to 14, with 61 abstentions (resolution 71/290).

[Subsequently, the delegations of the Democratic People's Republic of Korea and the Sudan informed the Secretariat that they had intended to vote against; the delegations of the Plurinational State of Bolivia, Kazakhstan and Uzbekistan informed the Secretariat that they had intended to abstain.]

The President: Before giving the floor for explanations of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Barros Melet (Chile) (*spoke in Spanish*): As in previous years, Chile has abstained in the voting on the text adopted today because it believes that it may prejudice or influence the consideration of issues that should be settled through the relevant negotiations in Geneva. Chile supports the quest for a peaceful, consensus-based solution reached either through talks in Geneva or another forum that ensures that the process will be impartial, in particular to prevent the politicization of purely humanitarian situations or the multilateralization of issues subject to mediation. In that regard, we urge the parties to redouble their efforts in their quest for a solution to the conflict.

Ms. Young (Belize), Vice-President, took the Chair.

Mr. Mayer Napoleão (Brazil): Brazil has consistently abstained in the voting on the draft resolution concerning internally displaced persons and refugees from Abkhazia and South Ossetia, as we believe that the text may prejudice or influence the consideration of sensitive issues that should be resolved by the relevant negotiations in Geneva. We urge all actors to seek lasting solutions to the situation of internally displaced persons and refugees, to create favourable, political conditions for their return and to dispel fears about the resumption of conflict.

Brazil recognizes the territorial integrity of Georgia and expects that the dispute between Georgia and the Russian Federation can be resolved peacefully and through dialogue in the shortest term. We urge all parties concerned to pursue further cooperation and adopt confidence-building measures, including in the framework of the Geneva process.

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

The representative of Georgia has asked for the floor to make a statement.

Mr. Imnadze (Georgia): I should like to thank all delegations that acted on conscience and on the principles that the Assembly stands for.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 32?

It was so decided.

The meeting rose at 3.45 p.m.