



BANGLADESH

Statement under Agenda Item 82: *Expulsion of Aliens* at the Sixth Committee of the 72nd Session of the UN General Assembly

Statement by: Mr. Tareq Md. Ariful Islam, Deputy Permanent Representative

Date and Venue: Friday, 13 October 2017, Trusteeship Council Chamber

Mr. Chairman,

Bangladesh takes this opportunity to reaffirm our continued interest in the Agenda Item on “Expulsion of Aliens”. We take note of the International Law Commission’s adoption of a set of 31 draft Articles, along with commentaries, on its second reading in 2014.

We also acknowledge the seminal contribution of Mr. Maurice Kamto, Special Rapporteur, as reflected in his ninth report. It is noteworthy that ILC had remained seized with the subject on its agenda since 2004.

Bangladesh generally endorses the Commission’s approach with regard to further clarifying the interface between the rights of a State to expel an alien and the rights and remedies available to the person subject to expulsion.

We see particular merit in the current formulation of the scope of the draft Articles, as in draft Article 1, where an explicit reference to aliens present ‘lawfully or unlawfully’ had been omitted without undercutting the latter provisions that may separately be applicable to either category.

Bangladesh agrees with the overarching thrust of draft Article 3 as it aims to balance the uncontested right of the State to expel an alien from its territory subject to its obligations under international law, in particular relevant human rights law. Like other delegations, we remain supportive of efforts to make laws and their application clear, predictable and transparent, especially when the human rights of individuals are concerned.

Accordingly, the provisions concerning the grounds of expulsion, as in draft Article 5, appear to be convincing. It may, however, be subject of further discussions whether an explicit reference to the ‘grounds of national security and public order’ could still be retained, even in terms of exceptional circumstances.

We find the provisions concerning the deprivation of nationality for the sole purpose of expulsion in draft Article 8, prohibition of collective expulsion in draft Article 9, prohibition of disguised expulsion in draft Article 10, and prohibition of expulsion in order to circumvent extradition in draft Article 12 to be some of the most critical elements of the overall text.

We tend to note broad-based support for the provisions concerning the protection of aliens subject to expulsion in the expelling, destination and transit states. We would, however, underline the need for taking a cautious and practical approach with regard to suggested progressive development of the law. The provision of draft Article 23 on the consideration of death penalty as a prohibitive factor for expulsion is a case in point.

We would also see grounds for further discussions on the provision concerning individual recourse to a competent international body, as in draft Article 28.

The provisions on legal consequences of expulsion as stipulated in the last three draft Articles appear convincing to us, subject to further consideration of the progressive development of law.

Bangladesh recognizes the potential for developing a Convention on the subject of 'Expulsion of Alien' drawing on the draft Articles at a suitable time. In the interim, we recommend these provisions to be duly considered during the ongoing work on developing a Global Compact on Promoting Safe, Regular and Orderly Migration.

To conclude on a related note, Bangladesh urges the international community to reject and condemn the continued provocative statements and brutal tactics used by Myanmar's military leadership and other vested groups to expel Rohingyas in our neighbouring Rakhine State under the entirely baseless and racially motivated pretext of projecting them as 'illegal immigrants' or otherwise 'aliens'. This systematic campaign of ethnic cleansing must come to an end, with unconditional guarantee of protection for the remaining Rohingyas in Rakhine State and with a view to ensuring safe, dignified and sustainable return of those forcibly displaced within and across Myanmar's border.

I thank you.