

**ITEM 68:**  
**REPORT OF THE HUMAN RIGHTS COUNCIL**

**STATEMENT**

**BY**

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TO THE UNITED NATIONS**

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Check against delivery

Madame President

We welcome the presentation of the report of the Human Rights Council by the President of the Council today. The establishment of the Council earlier this year was one of the crucial decisions in the follow-up to the World Summit 2005. The sometimes overwrought criticism of the Commission on Human Rights, its predecessor, created the need for putting the human rights discourse on a new basis. The Council offers the opportunity we all had been looking for to focus the UN work on the implementation of human rights standards, for engaging in a genuine dialogue and for a better division of work between Geneva and New York.

Madame President

The report before us is clearly structured and makes a welcome distinction between recommendations to the General Assembly and decisions taken by the Human Rights Council. This reflects the letter and the spirit of resolution 60/251 in that the Council has, of course, the competence to make autonomous decisions and, at the same time, can make recommendations to the General Assembly as the universal body which continues to have competence in the field of human rights. The resolution establishing the Council makes specific reference, in this context, to recommendations for the further development of international law in the field of human rights, and the two recommendations contained in the report have therefore been put forward for action to the Third Committee of this Assembly. The General Assembly has decided, on 26 October, on a division of work between the plenary of the General Assembly and its Third Committee, and we expect that this arrangement, reached after lengthy negotiations in the General Committee, will be honored by all parties until its possible review at future sessions.

Madame President

The Council has only held two sessions – the second of which is not concluded yet – and two special sessions. It has thus not gone through a full reporting cycle and any pronouncement on the substance of its work must be preliminary. However, we note that the opportunity the establishment of the Council offers has not been made use of to the fullest extent. It must be said in particular that the spirit of dialogue which was the guiding principle in setting up the Council has not been applied in practice in a satisfactory manner. This was particularly damaging in connection with the second Special Session, where the Council first remained inactive for a considerable period of time and then was rushed to the adoption of a resolution that was barely consulted on and therefore passed by a strongly divided vote. In general terms, it is fair to say that the Council has not been off to an easy start. It is understood that the first year of this new body should focus on

institution-building and that the transitional phase the human rights work is going through will necessarily lead to more limited results on issues of substance. However, where substantive action is needed, it must still be forthcoming, and such results should be sought on the basis of consultations that go beyond regions and interest groups and with the full involvement of States that are not members of the Council. One of the new features of the Council as compared to the Commission on Human Rights is that special responsibility for upholding the highest standards in the promotion and protection of human rights is conferred on the members of the Council. Special responsibility does not entail, however, the exclusion of States that are not serving as members. Resolution 60/251 in fact states quite the opposite, and the discussions in Geneva have illustrated clearly that the quality of the work would benefit from stronger involvement of States that do not serve as Members.

Madame President

While there was much enthusiasm about the fresh start for the human rights work of the United Nations, there were not enough concrete ideas how to shape this fresh start. We commend the President of the Council for initiatives he has taken in this respect, but also believe that States must come forward themselves with innovative approaches that are in keeping with resolution 60/251. On several occasions, the temptation to slip back into the well-known patterns of the Commission – and sometimes worse – was too strong to resist for many. This trend must be reversed and it must be reversed soon. Like any new body, the Council must be given a grace period and have the opportunity to organize its work and proceedings in a circumspect and undisturbed manner. But this grace period is quickly coming to an end, and the efforts to put the Council on a solid foundation are nowhere near conclusion. It is therefore crucial that the conclusion of the second session is prepared carefully and in a manner which leads to the adoption of a limited number of decisions dealing with matters of substance and matters of urgency. It should be seen to it that these decisions are made with the strongest possible political support. The Third Session could also make a number of substantive decisions, on the basis of thorough preparation and wide consultations, and in parallel more clarity should be created in the area of working methods which should be guided by the principles of inclusion and dialogue. This will enable the Council to become a fully operational and functional body, in particular after decisions have been reached on the issues of Universal Periodic Review and Review of Special Procedures.

I thank you.