

**GENERAL ASSEMBLY, THIRD COMMITTEE:
DEBATE ON AGENDA ITEM 67 (A)**

IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

STATEMENT

BY

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TO THE UNITED NATIONS**

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CHECK AGAINST DELIVERY

Mr. Chairman

The World Summit has brought about some significant decisions in the area of reform, including in the area of human rights. In the first phase of the implementation of the results of the World Summit, we rightly focused our efforts on the establishment of the Human Rights Council and were able to achieve a result which allows for the necessary new discourse on human rights. We hope that better use will be made of this opportunity during future sessions of the Human Rights Council. We are of the continued view that treaty body reform deserves our equal attention. On the one hand, the system of monitoring established under the human rights treaties is in fact one of the success stories of the UN human rights work. While the quality of the membership varies to an extent that we believe should be corrected, we can nevertheless speak of high quality work and of a fruitful system of reporting and dialogue taking place in the meetings of the treaty bodies. It is particularly worth emphasizing to what extent the system has evolved in its scope of activities since the first treaty body was conceived.

However, the current system also faces serious problems and challenges. I have already mentioned the quality of membership which should be addressed through an improved process of nomination and selection. In addition, the reporting burden placed on States poses a great challenge to small States in particular, and the system continues to be plagued by the phenomenon of non-reporting – which is often due to lack of resources rather than to lack of political will. These problems must be confronted if the quality of the work of treaty bodies is to be maintained and ideally improved.

Mr. Chairman

We are grateful for the leadership the High Commissioner has displayed on the issue of treaty body reform. Her commitment to this topic has been genuine and consistent. The latest contribution from the Office of the High Commissioner was the concept paper on the possibility of creating a unified standing treaty body. As you may know, Liechtenstein organized a brainstorming meeting on treaty body reform, together with the Office of the High Commissioner, this July. The meeting – known as “Malbun II”, in order to emphasize its follow-up character to a meeting we held in 2003 – brought about a discussion of the concept paper, while it also dealt with other aspects of treaty body reform. We have drawn the following conclusions from that meeting

1. There is at this time very limited support for the idea of creating a unified standing treaty body. The reservations vis-à-vis such an approach are well known and also reflected in the report of the Malbun meeting that will be published shortly. We should therefore, at least for the near future, focus our discussions on other measures which are politically feasible and do not require complex steps for implementation, such as amendments to the human rights treaties
2. There is no panacea for treaty body reform, i.e. not a single proposal which effectively addresses the several problems the current system is facing. Much rather, we need to conceive a set of practical measures which can, in their combined effect, address the shortcomings of the current system
3. The obvious lack of support for the creation of a unified standing treaty body must not prevent us from continuing to pursue more visionary and bold options, such as for example the merger of the Committees established under the two Covenants, perhaps combined with the Convention dealing with torture and the soon to be adopted treaty on enforced disappearances. We are quite convinced that the ratifications of the new treaties on persons with disabilities and enforced disappearances will enhance the complaints on reporting burden, and reducing the number of treaty bodies and thus of reports is at least an obvious option that should be seriously considered.
4. What the process of treaty body reform needs now are not more general debate type of discussions which are bound to be confined to the realm of the abstract. This is particularly true with regard to the idea of open-ended intergovernmental consultations which is being proposed in Geneva. Much rather, we need focused meetings that deal with particular aspects in an in-depth and analytical manner, e.g. on the quality of membership and on legal aspects of treaty body reform, in particular possible mergers.

Mr. Chairman

Treaty body reform can be advanced step-by-step, if it is pursued systematically and persistently. It is useful to keep this discussion as technical as it is and, to that end, we must find a clear delineation of the expert work of treaty bodies from the Universal Periodic Review that the HR Council as an intergovernmental body is mandated to design and conduct. It is our continued conviction that the work carried out by treaty bodies, along with other information from within the UN human rights machinery, should form the basis of the intergovernmental mechanism of Universal Periodic Review which should have a particular focus on follow-up to recommendations addressed to governments.

I thank you

