

UN GENERAL ASSEMBLY, 61ST SESSION
GENERAL DEBATE

ADDRESS

BY

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CHECK AGAINST DELIVERY

Madame President

Let me first of all express my happiness to see you preside over the General Assembly. Your election sends a clear signal for an ever stronger participation of women in decision-making processes worldwide. We value your impressive track record on women's rights in particular and will assist you in every possible way in fulfilling your difficult task.

Madame President

We can take pride in a number of accomplishments achieved over the past session, most prominently the establishment of the **Human Rights Council** and of the **Peacebuilding Commission**. These are important institutional advances which offer us a real opportunity to do things differently and to do them better. They do, however, not automatically guarantee the results that we had in mind when we made the decision that new institutions were needed. No structural change, however skillfully crafted, can bring about substantive change in and of itself. In the area of human rights in particular, we must increase our efforts in order to create the truly new international discourse that is needed, based on cooperation and evenhanded implementation of international standards. Only a new partnership in the field of human rights, with full participation of all stakeholders, including civil society and the private sector, can ensure that people worldwide enjoy all the human rights they are entitled to. Only such a new partnership will enable us to make the quantum leap towards an era of implementation.

Madame President

One of the big issues which we have not solved after the World Summit in September 2005 is **Security Council reform**. Here again, we are of the view that structural change is needed, but not sufficient in itself. On the one hand, the Council must be given a new structure and a different composition in order to maintain its credibility worldwide. It must better reflect the geopolitical realities of the twenty-first century, which are fundamentally different from those at the time of the creation of the organization. But we must also address the equally urgent necessity to improve the way in which the Council goes about its daily business. Time and

again, we have witnessed occasions on which the Council did not live up to its mandate, as enshrined in the Charter, to act on behalf of the membership as a whole. A better representation of the views of the general membership is therefore essential for its effectiveness and credibility, in particular through a stronger involvement of non-members of the Council which have a particular interest in or expertise on a given subject matter. We are satisfied to see that the Council has made a step in the right direction in this regard, and we will remain committed to helping improve its working methods.

Working methods and enlargement are clearly complementary elements of Security Council reform. It would appear that, after a pause of more than one year, it is time to try our hands again at the enlargement of the Council, preferably with a sober approach which takes into account the experiences made in 2005.

Madame President

Like many before me, I would like to applaud Secretary-General Kofi Annan for an outstanding tenure at the helm of the organization. One key element of his legacy is the highest priority he has attached to the **rule of law**. We indeed agree that the core strength of the United Nations is its solid foundation on international law, its proud track record in promoting international law and the unique legitimacy it can provide in making decisions. Our globalized world, in which non state actors play an ever increasing role, needs clear rules which are applied equally to everybody and in a transparent manner. However, we yet have to witness the advent of an era of the rule of law which Secretary-General Kofi Annan has called for. We have, on the contrary, witnessed a dangerous erosion of international law, in particular international humanitarian law, and must urgently find ways to place the rule of law high on the agenda of this organization. We will work with others to ensure that the General Assembly will make concrete progress on this matter during this session.

While there are negative trends regarding the respect for international law, we have also made significant advances, in particular in the area of international justice. It is now

commonly understood that there can be no impunity for international crimes and that no one is immune from prosecution for having committed such crimes. This is a historic development which found its most powerful expression in the establishment of the International Criminal Court. The Court is now seized with three situations, one of which referred to it by the Security Council, and over one hundred States have become parties to the Rome Statute. This very strong momentum can only be maintained if States and indeed this organization lend their active support to a judicial institution which fully relies on such cooperation in gathering evidence and arresting indictees. Most importantly, we must realize that peace and justice are, in the long run, complementary concepts and we must uphold the principle that there can be no amnesties for the worst crimes under international law.

Madame President

The international fight against terrorism poses a particularly complex challenge in the area of rule of law. First, we must complement the existing international legal framework by adopting a comprehensive convention against **terrorism**. We have put forward our ideas in this respect and hope that they can help find the agreement which is long overdue. Second, it must be clear that the fight against terrorism and the observance of human rights and international humanitarian law are complementary and mutually reinforcing. Human rights are at the core of the value system of the international community, as we all recognized at the Summit last year. Curtailing them in the name of the fight against terrorism would therefore play into the hands of terrorists who fight this very system with fanatic zeal. Last, but not least, the United Nations and the Security Council in particular must lead by example in upholding due process and the rights of individuals.

Madame President

When I spoke in this hall last year, I gave a mixed assessment of the outcome of the World Summit. On the one hand, I expressed disappointment about the vagueness or even complete absence of some aspects of UN reform, but I also warmly welcomed some real advances. The recognition of the **responsibility to protect** constituted such an advance, indeed a real milestone in the Outcome Document. Today, we must note that the international community

has not followed up its commitment made at the World Summit with concrete action. The situation in Darfur, irrespective of the definition of the crimes in question, clearly falls under the scope of the responsibility to protect, and yet we still have to see the action necessary in accordance with our common commitment to protect civilian populations.

Madame President

The United Nations, in spite of its shortcomings, remains the only such organization of global reach and is uniquely placed to address the complex challenges the world is facing today. However, it will only be capable to live up to this role if we re-establish the institutional balance within the system. In particular, the **General Assembly** must reassert its role as a central policy-making body and work on par with the Security Council. The most prominent topics for the organization in the coming weeks are clear: The situation in Darfur, the Middle East, the nuclear program of Iran, the appointment of a new Secretary-General. All these topics are dealt with in the Security Council, while this Assembly plays at best a secondary role. The General Assembly must therefore address in parallel and make progress on the development agenda in all its aspects, system-wide coherence, disarmament, Security Council reform, and other priority areas of the work of the organization. A better division of work between the two most important organs will make the organization as a whole more effective and more efficient. It is therefore in the common interest of all States to make the General Assembly the central policy-making body it was designed to be by the founding fathers.

I thank you.