

**EXPLANATION OF POSITION/VOTE AFTER THE ADOPTION OF DRAFT
RESOLUTION A/60/L.48
“HUMAN RIGHTS COUNCIL”**

MEETING OF THE GENERAL ASSEMBLY

STATEMENT

BY

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TO THE UNITED NATIONS**

NEW YORK, 15 MARCH 2006

CHECK AGAINST DELIVERY

Mr. President,

We have just witnessed a historic moment in UN reform. The establishment of the Human Rights Council fulfills one of the major promises made at the World Summit last and enables us to move forward with our overall reform efforts.

We are pleased to be part of the overwhelming majority of member States that consider the Council a new and clear commitment to enhance the promotion and protection of human rights worldwide. We firmly believe that the adopted text constitutes a significant improvement over the Commission on Human Rights, while we share the dissatisfaction of many with some of its features. We would, for instance, have preferred a convening mechanism which is more flexible in order to allow for a case-specific dialogue with special procedures, treaty bodies and the High Commissioner for Human Rights. Also, we would have preferred a clear division of work between the Council and the Third Committee of the General Assembly, but understand that this concern can be accommodated when the Council is set up in Geneva. Avoiding duplication and mutually enforcing work of the two bodies continues to be of high importance to us.

The positive features of the new Council are numerous and have been mentioned by previous speakers. I wish to emphasize at this point but a few which will undoubtedly have a significant long-term impact:

- The new Council can meet regularly throughout the year and address human rights issues according to a need to do so, instead of a preset and inflexible schedule. There is genuine hope that this in itself will lead to a human rights work that is truly based on dialogue and cooperation and help avoid some of the highly controversial debates we witnessed at the Commission of Human Rights.
- The Council is firmly based on the principles of cooperation and dialogue. While we hope that the Council will address situations of systematic and gross violations of human rights in a fair and determined manner, we strongly welcome the recognition and dialogue and cooperation as the groundwork in the vast and complex area of human rights.

- Also, we have for the first time in the history of this organization decided that no State should be a de facto permanent member of the new Council. This is a genuine reflection of the universality of human rights and a very important precedent for the future.

Mr. President,

The public debate over the past few weeks has strongly focused on the question of eligibility of States. While this almost exclusive focus on quality of membership led to a distorted picture in that one element of a complex whole became bigger than the whole itself, quality of membership is clearly a key concern. Who serves on the Council is even more important than in the past, after we have decided to downsize the Council to 47 members. We will cast our vote at the first elections for the Human Rights Council for those States which have a proven track record in the promotion and protection of human rights, both domestically and in their UN activities. In this respect, we will give particular emphasis to issues such as standing invitations extended to special procedures, full cooperation with them and with other mechanisms established by the Commission as well as ratification of the core human rights instruments and the quality of reporting to the treaty bodies established by them. We do not believe that a State that is, at the domestic level, in violation of universally recognized human rights, due to unwillingness rather than inability, is likely to make the effective contribution to the global promotion and protection of human rights worldwide that we expect. And we do agree that States that are under enforcement measures imposed by the Security Council for their human rights record should not serve on the new Council for as long as those measures are in place.

Mr. President,

The human rights discourse at the United Nations is, in its core, a political problem. Some of us believe that unequivocal statements on situations of gross and systematic violations of human rights are the mainstay of our human rights work, while others think that this approach is almost inevitably undermined by selectivity and double standards. This dispute will not go away, but we the Council gives us the opportunity for the fresh start that was clearly needed. We hope that

periodic review – one of the new features of the Council – will at least help address it. Stronger emphasis on the operational aspects of human rights work which directly benefit individuals worldwide will be of paramount importance.

Mr. President,

Any institution and any UN body evolve over time and become something quite different from what it was conceived to be when it was founded. The examples are ample: The UN as a whole, as the SG has made clear in several of his reports, the Security Council which has evolved far beyond the mandate given to it by the founding fathers and, in the area of human rights proper, the treaty bodies which have expanded their field of activities very significantly since their inception. This will be even more the case for the Human Rights Council, since the text just adopted makes it clear that numerous of its features, among them crucial ones such as the special procedures and the periodic review will be shaped by the Council itself. The Council is therefore not what it is. Much rather it will be what we all allow it to be and enable it to be, through our collective political will. Like yourself, Mr. President, we would have had a strong preference for a consensual adoption of the resolution just passed. More importantly, though, we firmly believe that it is crucial that all States committed to the promotion and protection of human rights to engage with the newly created body and make sure it truly reflects the new approach our Heads of States and Governments decided on at the Summit meeting in September

I thank you.