



STATEMENT BY

**THE PRESIDENT OF THE UNITED NATIONS
GENERAL ASSEMBLY**

H.E. MR. JAN ELIASSON

AT

**THE INFORMAL CONSULTATIONS OF THE
PLENARY ON THE HUMAN RIGHTS COUNCIL**

UNITED NATIONS HEADQUARTERS

NEW YORK

23 FEBRUARY 2006

Excellencies, Distinguished Delegates,

I want to begin by expressing solidarity with the people of the Philippines. We have all been shocked by the television images showing no more than a mass of mud where just a few days ago there was a village of over a thousand people; men, women and children.

On behalf of the Assembly, I offer our deepest sympathy to the government and people of the Philippines, and to the family and friends of the victims.

This tragic natural disaster is one of an almost unprecedented series of other massive disasters over the last year. Their devastating impact is still being endured by many, not least the poorest and most vulnerable, long after the media spotlight has moved on.

The times we live in are turbulent and difficult. We live in a world in great need of global thinking and global solutions. From eliminating poverty, hunger and disease, to preventing and ending conflict, to combating terrorism, the big issues on the international agenda require dialogue, co-operation, deeper knowledge and greater understanding between governments and peoples – across religious, cultural and ethnic lines.

Yet, despite the necessity of greater international collaboration, we have during recent months seen more, not less, mistrust and more, not less, suspicion between peoples. We have all had cause to reflect on the need for mutual respect and understanding, two of the essential

underpinnings of a civilized world. And we can never gain respect unless we show respect.

In these times of turmoil, we need a strengthened United Nations more than ever. No other organization has the legitimacy and mandate to deal comprehensively with the issues and challenges we are facing today.

But here, within the United Nations, our work has not been easy. We cannot and must not insulate ourselves from the political realities of the world we represent. But we have to remain focused on the historic task at hand: delivering on the commitments made at the greatest meeting of world leaders ever assembled.

These commitments cover development, peace and security and human rights, as well as making this Organization more efficient and effective. We have to do everything we can to ensure that, during the course of this Session, we make real progress in our important work on each of these pillars of the United Nations.

In 2005, we made a good start by agreeing on the Peacebuilding Commission, on the new Central Emergency Response Fund, and on the Optional Protocol on the Safety of United Nations and Associated Personnel. These were difficult negotiations. But we came to closure in the interest of those in need or in danger, and in the interest of global co-operation and our own United Nations.

Other very important matters remain on our agenda. Our work to put in place a more effective Economic and Social Council is now moving close to fruition. On development, our able and dedicated Co-Chairs are

doing all they can to come to closure on a resolution to ensure that the commitments made in 2005 and earlier are truly implemented in 2006.

This work deserves our full attention. So too will other areas of Summit follow-up which we are charged to take forward this year, from ensuring that the Peacebuilding Commission can soon become operational, to Secretariat and Management reform, to counter-terrorism, Security Council reform, the environmental work, system-wide coherence and not least General Assembly revitalization.

Now more than ever we must stand up for the authority and integrity of the General Assembly. Carrying out the reform agenda with wisdom and far-sightedness, even in disturbing times, is our challenging duty. What is ultimately at stake is the value and effectiveness of multilateralism in today's world.

So now is the time for us to move to a decision, as mandated by our leaders, on the Human Rights Council. They gave a very specific mandate to the President of the General Assembly to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the Sixtieth Session. I believe that such completion is now within our grasp.

I am grateful for the energy and commitment that so many of you have invested in our thorough and comprehensive consultations and negotiations. I want to pay particular tribute today to the Co-Chairs for the Human Rights Council, Ambassador Kumalo of South Africa and Ambassador Arias of Panama, for their dedication and untiring effort

since October last year. They have been diligent, thoughtful and fair to all throughout. They have listened to you, they have discussed with you, and they have tried to find principled and workable solutions. We all owe them a debt of gratitude for their work.

On 8 February, after thorough discussions with the Co-Chairs, I advised you of my intention to conduct intensive consultations of my own. I offered to meet any delegation or group of delegations who wished to do so. I was heartened by the number of you who took up this offer.

It is as a result of the thirty-plus informal consultations of the plenary, of the valuable consultations with the human rights community in Geneva, and of the intensive discussions the Co-Chairs and I have held over the past two weeks, that I today present to you my best attempt to formulate a draft resolution on the Human Rights Council.

Our leaders resolved to further strengthen the United Nations human rights machinery. As part of the fulfillment of this commitment, we have already agreed to revitalize the Office of the High Commissioner for Human Rights. Now it falls upon us to fulfil the commitment to create a Human Rights Council. This is our primary task and an obligation we have to the governments, to the public and to the victims of human rights violations.

By strengthening this machinery and at the same time making the Council an instrument of co-operation and of dialogue, we enhance the common ownership of the human rights work of the United Nations.

Both these elements are fundamental and complementary aspects of the text that I now place before you.

Excellencies, Distinguished Delegates,

Most of the text before you remains as it was in the last draft presented by the Co-Chairs on 1st February. I have listened carefully to the views you have expressed on that text over recent weeks, and have made some changes and additions which are worthy of mention today. There are also some central points which merit highlighting again.

During our consultations, many of you rightly emphasized the need for the element of co-operation and dialogue to be clearly stated in the text. The draft I am presenting today emphasizes this element in several places: in PP1, PP10, OP4, OP5a, OP5e, OP5f, and OP12.

You will be familiar with most of the preambular paragraphs. They are largely drawn from agreed language: from the United Nations Charter, from the Vienna Declaration and Programme of Action, and from the 2005 World Summit Outcome Document. They acknowledge the three pillars of our Organization: development, peace and security and human rights. They reaffirm the important principle of the universality, indivisibility, interrelatedness, and interdependence of all human rights.

They also recognize the six decades of valuable work undertaken by the Commission on Human Rights, and its commendable record of establishing norms and setting standards. At the same time, they reflect some of the criticisms of the Commission, and recognize the importance of eliminating double standards and politicization.

And they acknowledge the important role of non-governmental organizations in the promotion and protection of human rights at the national, regional and international level.

With regard to strengthening the capacity of Member States to comply with their human rights obligations, the text now makes clear that this will be for the benefit of all 'human beings'. This is a term drawn from Article 1 of the Universal Declaration of Human Rights, which is used to replace the concept of 'right holders' about which many of you had been unsure.

There is one new preambular paragraph: PP7, which builds on earlier work by this Session of the General Assembly. This paragraph sends a strong and unifying message to the world – much needed today – on the need for dialogue and understanding among civilizations, cultures and religions. It sends a clear signal to us all to promote tolerance, respect for and freedom of religion and belief. We must do our utmost to enhance tolerance and respect and to reduce the mistrust and tensions which are so evident in today's world. It is my hope and expectation that the Human Rights Council will play a positive role in this respect.

Turning to the operative paragraphs, there are three issues worthy of specific mention today. First, the universal periodic review. The proposed mechanism would ensure equal treatment with respect to all Member States and would address the issues of double-standards and selectivity. The General Assembly, through this draft resolution, sets out the guidelines for such reviews.

As many of you have pointed out, the modalities of the review would need to be further developed by the Human Rights Council itself. This draft resolution establishes a timeframe for the development of these modalities.

Many of you have also pointed out that this review should not create a burden of new or redundant reporting obligations, that it should not duplicate the work of treaty bodies, and that it should be a light mechanism. Many of you also indicated that the time allocated to the review should be limited. I am confident that our expert colleagues in Geneva will develop modalities that take into account these important parameters.

The second important issue I should touch on is that of the Council's membership. The text presents a Council of 47 Member States, comprised according to the principle of equitable geographical representation of 13 Member States from Africa, 13 from Asia, 6 from Eastern Europe, 8 from Latin America and the Caribbean and 7 from WEOG. The text also presents a term limit, thereby ensuring rotation and increasing the opportunities for Member State participation.

Members of the Council would be elected by the majority of the members of the General Assembly, in other words an absolute majority. An individual and direct vote on all the candidates will confer full legitimacy on the members of the Council.

Thirdly, the text makes clear that membership shall be open to all Member States. It sets out how Member States will take into account candidates' contributions to the promotion and protection of human

rights when electing members. And it provides for the suspension, by decision of the General Assembly, of Council members who commit gross and systematic human rights violations.

Members of the Council are expected to uphold the highest standards in the promotion and protection of human rights, fully co-operate with the Council and be reviewed under the universal periodic review mechanism during their term of membership.

Excellencies, Distinguished Delegates,

I now want to turn to the important question that many will ask of the new Human Rights Council. How does it differ from the Commission on Human Rights? While we will build on the positive achievements and best practices of the Commission, some of the elements we are considering will make the Human Rights Council a truly new and different body – a fresh start. For example,

- the new Human Rights Council would be a subsidiary body of the General Assembly and therefore have a higher institutional standing;
- the principles of dialogue and co-operation would guide the work of the Human Rights Council on the implementation of all human rights;
- the Council would have an efficient mechanism to convene sessions outside its regular meeting time;

- the universal periodic review would be a mechanism where the fulfillment by each State of its human rights obligations would be assessed;
- the distribution of seats would be in accordance with equitable geographical distribution;
- members of the Council would not be eligible for immediate re-election after two consecutive terms;
- while membership of the Human Rights Council would be open to all Member States, there would be legitimate expectations on members. Asserting its standing and authority, the General Assembly would have the ability to suspend a Council member which commits gross and systematic violations of human rights;
- and lastly, the Human Rights Council would meet regularly throughout the year.

Excellencies, Distinguished Delegates,

In closing, I want to recall that our leaders in September last year resolved to create a Human Rights Council. I want to express my sincere conviction that this matter is now ripe for decision. Many of you have constructively and diligently contributed to the draft before you today. We have traveled a long and arduous road to get to where we are today.

I know that each one of you – and your capitals – will now reflect on and review this text conscientiously and constructively. I know that you will do so with the values and principles enshrined in the Charter and the Universal Declaration of Human Rights at the forefront of your minds. I know that you will consider the text through the prism of both national and international perspectives.

I hope that you will see that while no Member State has got everything it argued for, the text before you is balanced, strong and workable. I also hope that, after reviewing the text as a whole and after assessing the larger issues at stake, you will be ready to move to a decision on this draft resolution as soon as possible, preferably before the end of next week.

I know that you are fully aware of the significance of this resolution for the promotion and protection of human rights, but also for effective multilateralism and the standing of the United Nations as a whole. Our ability to reach agreement on an effective and principled Human Rights Council will be seen as a litmus test for this Organization and this General Assembly.

I hope we can demonstrate to a sometimes skeptical world that – even on the most delicate of issues and during turbulent times – this General Assembly can reach a solid agreement.

Then we can move on, and reach solid agreements on the equally important tasks that remain for all of us here at the United Nations.