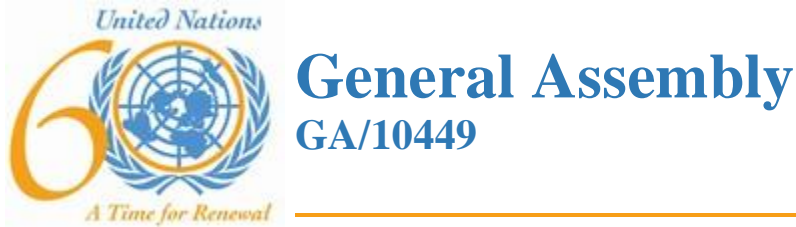


15 March 2006



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NOTE: FOLLOWING ARE SUMMARIES OF STATEMENTS MADE THIS MORNING TO THE GENERAL ASSEMBLY PLENARY ON THE HUMAN RIGHTS COUNCIL. A COMPLETE SUMMARY WILL BE AVAILABLE AT THE CONCLUSION OF THE MEETING AS PRESS RELEASE GA/10449.

Background

The General Assembly met this morning to take action on draft resolution A/60/L.48, by which it would establish a 47-member Human Rights Council, based in Geneva, in replacement of the Commission on Human Rights, to address violations of human rights, including gross and systematic violations, and promote effective coordination and the mainstreaming of human rights within the United Nations system.

The text reaffirms the Assembly's commitment to strengthen the United Nations human rights machinery, with the aim of ensuring the effective enjoyment by all of all human rights -- civil, political, economic, social and cultural rights, including the right to development.

It also emphasizes the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status. But it acknowledges that non-governmental organizations play an important role, at the national, regional and international level, in the promotion and protection of human rights.

By the terms of the draft, the membership in the new Council would be based on equitable geographic distribution, and seats shall be distributed as follows among regional groups: African Group, 13; Asian Group, 13; Eastern European Group, 6; Latin American and Caribbean Group, 8; and Western European and Others Group, 7. The members of the council will serve for a period of three years and shall not be eligible for immediate re-election after two consecutive terms.

The text would also have the Assembly decide that the membership in the Council shall be open to all Member States of the United Nations. When electing members of the Council, Member States shall take into account the candidates' contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto. The Assembly, by a two-thirds majority of the members present and voting, may suspend the rights of membership in the Council of a member of the Human Rights Council that commits gross and systematic violations of human rights.

Further by the text "members elected to the Council shall uphold the highest standards in the promotion and protection of human rights, fully cooperate with the Council and be reviewed under the universal periodic review mechanism during their term of membership".

It also envisions "a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States".

The Assembly would recommend the Economic and Social Council to request the Commission on Human Rights to conclude its work at its sixty-second session and to abolish the Commission on 16 June 2006. It would further decide to elect the new members of the Council.

The terms of membership should be staggered and such decision would be taken for the first election by the drawing of lots, taking into consideration geographical regional distribution.

Finally, the text would have the Assembly decide that the elections of the first members of the Council would take place on 9 May 2006, and that the first meeting of the Council shall be convened on 19 June 2006.

Introduction of Draft Resolution

Formally presenting the draft resolution on the new Human Rights Council (document A/60/L.48), JAN ELIASSON (Sweden), General Assembly President, said the text was in pursuance of the mandate given to the Assembly by the world leaders at the 2005 World Summit. The Summit had resolved to strengthen the United Nations human rights machinery. As everyone knew, some action had already been taken in that regard, including strengthening the Office of the High Commissioner for Human Rights. Now it fell on the Assembly to fulfil the other main elements of the leaders' resolve to strengthen the United Nations human rights machinery, by creating a Human Rights Council. The leaders had given Member States a clear mandate to do so, and they had given a specific task to the Assembly President to conduct open, transparent and inclusive negotiations, to be completed, as soon as possible, during the sixtieth session. He had done that, and today, he was formally presenting the result.

He said that the draft resolution was the culmination of five months of negotiations. The text, above all, was the outcome of "our common combined effort, intellect and aspirations". Since the presentation of the text in informal consultations on 23 February, everyone had had the opportunity to study the draft resolution thoroughly, with their capitals, and in their various groups. He had been encouraged by the very broad support that had emerged for the text as an integrated whole, as a result of those deliberations. The text before the Assembly today, as a whole, represented the work of all. No Member State had gotten everything it argued for. For many, adopting the draft today meant compromising on some points, on which they had felt -- and still felt - - strongly.

"But, we have now reached a decisive moment, both for the promotion and protection of human rights, and for effective multilateralism and the standing of the United Nations as a whole," he said.

As the leaders had acknowledged in September 2005, the three pillars of the United Nations -- development, peace and security, and human rights -- were interlinked and mutually reinforcing, he said. Without strength in all, there was strength in none. And, the world had never needed a strong United Nations more than it needed it today. So, it needed a strong Human Rights Council, just as it needed to achieve strong results in the other areas of Summit follow-up and reform, with which the leaders entrusted the international community.

On development, Member States must now do all they could to ensure that the commitments of 2005 were implemented in 2006, he said. To achieve the Millennium Development Goals by 2015, there was no time to lose. The cost of a failure to implement the commitments on development would be measured in lives lost or blighted by poverty, disease, and lack of opportunity. And, in order to deliver, it must be ensured that the United Nations was as strong and effective as possible. The work on the draft resolution on the Human Rights Council must be concluded, to free up the time, energy and political space to address development, Secretariat and management reform, and other important tasks ahead.

Highlighting a few aspects of the text, he said it would make universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation guiding principles in the Council's work. It recognized that the promotion and protection of human rights should be based on cooperation and dialogue, and should aim at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings. Acknowledging the mistrust and tensions that were so evident in today's world, the language of the draft also sent a strong a uniting message on the need for dialogue and understanding among civilizations, cultures and religions -- a clear signal to all to commit to working together to prevent provocative or

regrettable incidents, and to evolve better ways of promoting tolerance, respect for and freedom of religion and belief. He said it would be important that the relevant organs of the United Nations, including the Human Rights Council, made positive contributions in that respect, and promoted a much needed dialogue on those important and sensitive issues.

He said that the draft recognized six decades of valuable work undertaken by the Commission on Human Rights, and its commendable record of establishing norms and setting standards. It acknowledged the important role of non-governmental organizations in the promotion and protection of human rights, at the national, regional and international level, which the Commission had done so much to encourage. The draft also responded to the criticisms of the Commission. It included a number of innovative elements to make the Council a significant improvement on the Commission. For example, the draft would replace the Commission with a Council, elevating its institutional standing to a subsidiary body of the General Assembly; increase the frequency of meetings; introduce the universal periodic review to assess each State's fulfilment of its human rights obligations; incorporate the mainstreaming of human rights in the United Nations system and the prevention of human rights violations; distribute seats in accordance with equitable geographical distribution; and make Council members ineligible for immediate re-election after two consecutive terms.

Also, members of the Council would be elected by an absolute majority of the members of the General Assembly, by secret ballot. Member States, when electing Council members, would take into account the candidates' contribution to the promotion and protection of human rights, and their voluntary pledges and commitments made thereto, prior to the election; the Assembly, by a two-thirds majority of members present and voting, could suspend the rights of membership of a Council member who committed gross and systematic human rights violations; and Council members would be expected to uphold the highest standards in the promotion and protection of human rights, fully cooperate with the Council and be reviewed under the universal periodic review mechanism during their term of membership.

He said that the draft was a unique opportunity for a fresh start for human rights. Its adoption would be the first step in a continued process. The Council would be expected to assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Human Rights Council within one year of its first session. Within the same time frame, it would also develop the modalities and necessary time allocation for the universal periodic review mechanism. The Assembly would review the Council's status within five years. It would also review its work and functioning five years after its establishing and report thereon to the Assembly.

"Today, we stand ready to witness a new beginning for the promotion and protection of human rights," he said. By adopting the draft, a body would be established, which would be based on dialogue and cooperation, and would be principled, effective and fair, a body whose members would uphold the highest standards in the promotion and protection of human rights. And, that body would advance the founding principles that were initiated by the Assembly, with the Universal Declaration of Human Rights. The Council's establishment was a decision whose time had come. Many had told him in recent days and weeks of the importance they attached to the prompt adoption of the text "as it is". He, therefore, proposed that the Assembly adopt the text of the draft resolution as a whole. No one part could now be added or subtracted from it in isolation, without jeopardizing its balance, strength and workability. It was a draft resolution whose sum was greater than its parts. It was his hope that the Member States were now ready to adopt it in its entirety, in the interest of human rights.

Explanations of Vote

Before any statements were made, the representative of Cuba asked if any State had asked for a vote on the text.

Assembly President ELIASSON clarified that it was the United States that had requested the vote.

RODRIGO MALMIERCA DÍAZ (Cuba) said the decision to establish the new Council had been driven by the need to end the “huge discredit”, which had befallen the existing Commission on Human Rights, due to the “political manipulation, hypocrisy and double standards imposed on its work, by the United States and the European Union”. The draft being submitted today was by no means a sufficient response to addressing that challenge. Indeed, nothing in the creation of the new Council would prevent a repeat of the tradition of manoeuvring by the powers of the North, to unjustly condemn third world countries.

Cuba had been hoping for the establishment of a body that contributed to strengthening the international system of promoting and protecting human rights, through genuine cooperation, but the United States and its allies had insisted on making the “punitive and sanctioning” approach prevail, this time evinced by a provision in the text, which allowed for the suspension of the rights of those who questioned, interfered, or just disagreed, with the “hegemonic domination plans of the Empire”. Indeed, during the months of negotiation, Cuba had witnessed -- with indignation -- how the United States and its allies had exerted “strong pressure and resorted to their traditional blackmail, to break the resistance to this new plot”.

He went on to say that the text that would be adopted did not represent as balanced a view as some believed. In fact, it was a reflection of the dangerous, unipolar world that the Bush administration was trying to legitimise -- a world submitted to the force of power, in which reason and justice would have no value. “We were never deceived by the loudmouth objections of the Washington representatives. The fact that, today, the United States had requested a vote on the text, does not mean that it was not conceived and negotiated behind the scenes to accommodate its main demands, sacrificing vital interests of the countries of the South.”

“The attacks of the current US administration to the text... prove its arrogance. They lose nothing... [and], on the contrary, have assured a new means to exert confrontation, hatred and punishment, and if they protest today, it is because they intend to get new concessions,” he said. Cuba would reaffirm its serious reservations about the contents of the draft, namely that it reduced the number of members in the new Council to the detriment of its universality; and it endorsed the suspension of members that might be activated with the support of “two-thirds voting and present, without establishing a minimum limit of required votes”.

A country, elected with the support of 96 States, may be suspended of its rights by the will of a lesser number of countries. Cuba was also concerned that that nothing in the text limits, in the new Council, the pernicious and handy practice of imposing politically motivated resolutions on the countries of the South. He added that principles such as the right to development, a main demand of many developing countries, had been ignored. And, the fight against racism, racial discrimination, xenophobia and related intolerance, had been “negligently obviated”. A Council with those characteristics would not only allow the United States and its allies to have a strengthened “inquisition tribunal” against the peoples of the South, it would also assure them the impunity they already enjoyed on the existing Commission.

Finally, he warned that, those who mistakenly thought that a policy of appeasement and systematic concessions would “allow us to gain time and sate the appetite the neoconservatives that have seized control of the White House, should study the experiences of the past, and value the lessons learned... about the aggressive actions of a power with hegemonic intentions. Cuba does its duty of denouncing these facts.”

FERMIN TORO JIMENEZ (Venezuela), also speaking before the vote, said that, while he would not vote against the resolution, he would not vote in favour of it, he intended to abstain in the vote, as he had grave objections to endorsing various preambular and operative paragraphs of the text. Certain preambular and operative paragraphs were objectionable. He had striven to maintain that position throughout the negotiations. He wished to lodge reservations explicitly to preambular paragraph 1, and the inclusion of the phrase “humanitarian character”, which made it possible to find a pretext to interfere in the affairs of countries. He was also opposed to preambular paragraph 11 and its reference to the activities of non-governmental organizations. He expressed reservation on that issue as a whole.

He said he also had reservations concerning operative paragraphs 1, 2, 3, 4 and subparagraphs e and f of operative paragraph 5. Regarding operative paragraph 6, he said there was an implicit prerequisite that the Council would improve the system of special procedures. He had the same reservation on operative paragraph 7 and 8, where there was still use of criteria to limit States' participation on an equal footing. He also had reservations to operative paragraphs 9, 10 and 14. The reservations he had expressed meant that those paragraphs were not binding for his country, nor did they have political or legal effect, as far as he was concerned.

Action on Text

Next, the draft resolution, entitled "Human Rights Council" (document A/60/L.48), was adopted by a recorded vote of 170 in favour to 4 against (Israel, Marshall Islands, Palau, United States), with 3 abstentions (Belarus, Iran, Venezuela). (See Annex.)

Statements

Speaking after the vote, JOHN R. BOLTON (United States) said that his country had been one of the strongest proponents for meaningful engagements on human rights issues, since the United Nations creation. It had been in the forefront of the promotion of human rights and democracy, both in its own country and around the world. The United Nations was founded on the principle that nations must cooperate with each other to alleviate human suffering. In the coming years, it would be judged on whether it created a United Nations machinery that was strong and capable of doing that effectively. That no longer characterized the United Nations Commission on Human Rights. The Secretary-General had established ambitious, but appropriate, goals for efforts to reform the Commission. It was the Secretary-General who had framed the discussion, by saying that the Commission's capacity to perform its tasks had been increasingly undermined by its declining credibility and professionalism, which had cast a shadow on the credibility of the United Nations as a whole.

Recalling that the Secretary-General had made a number of proposals to improve the body, he said he had appreciated those efforts, along with those of the General Assembly President and others, to improve the Commission. Through their leadership, some of the goals had been achieved with the text. But, on too many issues, the current text was not sufficiently improved. In focusing on membership of the body, the United States had been in excellent company, as the Secretary-General had also targeted that as the fundamental problem with the Commission. Too many countries sought membership to protect themselves against criticism, or to criticize others. He strongly agreed with the Secretary-General, and that had been his own pre-eminent criticism of the Human Rights Commission. The Secretary-General had proposed that the new Council be elected by a two-thirds majority. That would have made it harder for countries not committed to human rights, to win seats on the new body. The United States had also proposed exclusive criteria to keep gross human rights abusers off the Council, to exclude the worst violators.

Sadly, those suggestions had not been included in the next text, he said. The resolution merely required Member States to "take into account" a country's human rights record, when voting. And, suspension of a member required a two-thirds vote, a standard higher than that required when electing new members. His standard was one of principle. He extended his appreciation to those Member States that agreed with his assertion that there should be no place on the new Council for human rights abusers, or for countries where sanctions have been applied for human rights violations. The United States believed "we can, and should, do more. We had an historic opportunity to create a primary human right organ in the United Nations, poised to help those most in need." The Human Rights Council would be the United Nations fundamental legacy. It should not ever be said that the United Nations Member States were willing to "settle for good enough, for a compromise, for merely the best we could do", rather than for the one thing that ensured that they were doing all they could to promote human rights.

Absent assurance of a credible membership, he had insufficient confidence in the text; he could not say that the new body would be better than its predecessor. That said, the United States would do everything possible to make the Human Rights Council as strong as it could be, for it remained committed to support the United Nations historical mission to promote and protect the

human rights of all the world's citizens. The real test would be the quality of membership that emerged on the Council and whether that included "Cuba, the Sudan, Zimbabwe, Iran, Belarus and Burma".

ENRIQUE BERRUGA FILLOY (Mexico) said that the establishment of the Human Rights Council was the most important advance of the multilateral work in favour of human rights in recent decades. Through that decision, human rights were consolidated as one of the three pillars of collective action of the contemporary international community. The dwindling efficiency and credibility of the Human Rights Commission had made strengthening the United Nations human rights machinery an urgent matter. For that reason, the main challenge of reform was to ensure that the new Council was substantially better than the Commission, and that objective had been achieved. The negotiating process, which ended today, provided a clear picture of the multiple existing views surrounding that complex issue. The resolution did not reflect an ideal world, but the real one.

Indeed, he said, there was a prevailing divide between those who perceived human rights as a way of promoting dignity and fundamental freedoms, and those who saw them as an uneasy obligation or as one that was difficult to implement, because of certain customs, ideological postures or ways to exercise power. The international community's next challenge, therefore, was to narrow that gap, to reach universality and effective promotion of human rights. The new Council must end those habits and flaws that had become common practice in the Commission, particularly the double standards, selectivity and lack of real impact in its decisions in the field. The new organ could make significant progress in the following areas: placing the human rights agenda at a higher institutional level in the United Nations; and electing its members on the basis of their merits and linking their election to their promotion and protection of human rights.

In addition, the new Council would guide its work according to international human rights standards, he continued. The General Assembly would have the ability to suspend a Council member that committed gross and systematic human rights violations. The universal periodical review mechanism would both raise the bar to wider scrutiny of human rights situations and provide greater cooperation with countries that might need it. For those reasons, Mexico supported the creation of the new body and welcomed that crucial step. His country sought to preserve the highest international standards for the defence of human dignity. The task ahead was to ensure that the Council was up to the important role granted to the United Nations, and it was the world community's collective responsibility to consolidate the Council as the centrepiece of that endeavour.

GERHARD PFANZELTER (Austria), on behalf of the European Union, welcoming the adoption of the resolution, regretted that not all had been able to support the text, and hoped that all delegations would be able to work together in the future to make the Council an institution that was genuinely able to advance the cause of human rights. The establishment of the Human Rights Council marked an important step in the implementation of commitments made by Heads of State and Government at the 2005 Summit. He hoped today's decision would give a new dynamic to the continuing reform process of the United Nations and contribute to strengthening its credibility and legitimacy. From the outset, the Union had aimed for a Council that would be equipped with the status, mandate, structures and membership necessary to give human rights the central role foreseen by the United Nations Charter. While not everything the Union had aimed for was reflected in the resolution, it represented an improvement over the Commission on Human Rights, and would further strengthen the United Nations human rights machinery. The strengthening of the Office of the High Commissioner for Human Rights had been a first important step, in that regard.

He said the resolution contained several elements that would help to improve the credibility and effectiveness of the United Nations human rights system. The Union had argued for the Human Rights Council to be a standing body. Together with additional time for the universal review, the United Nations would be able to devote more time to human rights than ever before. The Council's composition and the quality of its membership would clearly impact the functioning of the Council and the credibility of its work. While the membership was open to all Member States, it was also their responsibility to fulfil the mandate of promoting and protecting human rights. The Union took that responsibility very seriously. Each European Union member State committed itself not to cast its vote for a candidate that was under Security Council sanctions for human rights related reasons.

No State guilty of gross and systematic human rights violations should serve on the Council. He welcomed, therefore, the possibility for the General Assembly to suspend, by a two-thirds majority of members present and voting, the rights of Council membership for a member that committed gross and systematic violations of human rights.

He welcomed the new provisions for a direct, individual election by secret ballot by the absolute majority of the General Assembly. Although the Union would have preferred a requirement of a two-thirds majority, that was an improvement to the Commission on Human Rights. Other quality elements for membership in the Council were also important for the Union, and all Council members would have to fully cooperate with the Council. The Union also recognized the enhanced status of the Council as a subsidiary body of the General Assembly. The review of the status within the next five years would offer the opportunity to assess the Council's work, and whether it should be elevated to a principal organ of the United Nations. Clearly, "within five years" entailed the possibility to do so, as early as Member States decided.

The Council's mandate provided for a solid basis for the promotion and protection of human rights and fundamental freedoms for all, he said. It would provide guidance and assistance to all countries to achieve the highest standards of human rights protection, through dialogue, cooperation and capacity-building. The Council would also address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. The Union would make every effort to ensure that the Council would be able to fulfil its mandate responsibly. The Union also placed importance on the Council's mandate to promote effective coordination and mainstreaming of human rights within the United Nations system. All States had the primary responsibility to promote and protect human rights. The universal periodic review was a novelty that would submit all to scrutiny, without exception. It was essential that the review had the possibility of further follow-up, as appropriate. The Union had always argued for maintaining and building on the strengths of the Commission on Human Rights. The participation of non-governmental organizations would be an important element in the Council's deliberations and would have a positive impact on its functioning.

An important decision had been taken today, and the groundwork had been laid for a fresh start, he concluded. The Human Rights Council inherited a solid foundation of human rights instruments. The task would be to translate those norms in to tangible improvements of the human rights situation on the ground. If that could not be achieved, the Council would not be the relevant body the international community wanted it to be. The members' common wish for enhanced dialogue would also lead to greater understanding and tolerance among civilizations, cultures and religions. It was up to Member States to live up to those expectations.

PETER MAURER (Switzerland) said the resolution was a "good compromise" and a fair balance between the different perspectives and ambitions that had been expressed during negotiations. At the same time, it evinced a new commitment by Member States to promote universal human rights. He added that his delegation was aware that, for a large part of the United Nations membership, the draft's recognition of the right to development was very important. Further, the text strengthened the Organization's human rights machinery through, among other ways, a more sustained engagement throughout the year and the establishment of a universal review mechanism.

He went on to say that the resolution created an institution with greater legitimacy, in that members would not only be more carefully selected, but they must also cooperate with the Council and undertake voluntary commitments. The resolution created a framework for a "fresh start" and for exploring new forms of engagement. It also provided an opportunity to build trust, by addressing human rights in a spirit of fairness, equal treatment and avoidance of double standards, and "it is our sincere hope that we will not fall back into old patterns of behaviour", he said.

Clearly, not all the memberships' concerns had been addressed by the text, but "a reasonable level of progress has been achieved". "We do not share the intransigent and maximalist approaches of certain delegations, who want to make us believe that they are the only ones fighting for an ambitious human rights machinery. All too often, high ambitions are cover-ups for less noble aims and oriented, not at improving the United Nations, but at belittling and weakening it." He stressed that the adoption of the resolution was an important strategic achievement for the overall

United Nations reform process. "Indeed, change is a process, not an event."

JOHAN LØVALD ([Norway](#)) regretted that the historic resolution could not be adopted without a vote. Human rights were universal rights. In order for the new Council to be truly effective in the protection and promotion of human rights, the support and strong engagement of all Member States was needed. While the text was weaker in certain parts than he would have hoped for, he recognized that many other countries could claim the same. The text was a result of a compromise and could not be an ideal blueprint for anyone. The establishment of the Human Rights Council presented, however, a unique opportunity to start putting in place a reinvigorated system for the promotion and protection of human rights and fundamental freedoms around the world. The new Council represented an important step towards strengthening the United Nations human rights machinery.

The text set standards for new member countries, which would be asked to make explicit commitments to promote and protect human rights, he said. While the Council's membership was open to all States, it was the responsibility of Member States to elect candidates that were qualified to fulfil the mandate of promoting and protecting human rights. From the beginning, Norway had supported the elevation of human rights throughout the United Nations system, and the upgrading of the Commission of Human Rights to a standing Human Rights Council. That would reflect, at the institutional level, the centrality of human rights in the United Nations system. The text adopted would establish a Council with a clear mandate to address all human rights situations, a more frequent meeting schedule and a new universal review mechanism. The text also preserved key strengths of the Commission, including its unique system of special procedures and non-governmental organization participation.

The international community's political will and commitment would be as important to making the new Council a better tool for meaningful promotion and protection of human rights, as any changes in structure and working methods, he said. The real test would be implementing human rights standards. Before being able to deal with substantial issues, the first tasks would include adopting a new agenda and working methods. To avoid a potential protection gap, it was crucial to arrive at smooth transition arrangements from the Human Rights Commission to the new Council.

HERALDO MUÑOZ ([Chile](#)) said that the protection of human beings lay at the heart of Chile's interest in the Human Rights Council. Human rights abuses should not occur in any parts of the world, but when they did occur, the international community should be able to act, in a swift and timely fashion. Chile had taken part in all phases of the negotiations resulting in the text adopted today, with a view to reforming and strengthening the United Nations human rights machinery for the protection and promotion of human rights for all. Tomorrow, the Governments of some of the Member States that had resisted the creation of the Human Rights Council could be overthrown, in a reversal of circumstances, and those in power today, could become the dissidents of tomorrow. The latter group would benefit from a strong, non-discriminatory Council that safeguarded the human rights of all.

He said that, in supporting the draft, Chile was not taking a stand against any particular country, nor did it accept the "use" of human rights as an issue for any purpose. Chile was not aligned with anyone or anything here, but the cause of the promotion of human rights. It had undergone its own grim period of dictatorship, and was today a democracy, with a woman at the helm who was acquainted with torture and exile. Chileans themselves felt solidarity with people who had suffered gross and systematic human rights violations. His delegation would have favoured more clear-cut compliance with the highest human rights standards, when it came to the selection of Council members, and regional distribution could have been more in line with the Latin American and Caribbean Group's representation in the Human Rights Commission. It would also have preferred a more solid reference to civil society. All the same, the text was balanced and positive, and represented a tremendous advance. It was now incumbent on the Council and Member States to live up to the highest expectations, and build on those positive elements to restore the protection of human rights to the centre of the United Nations concerns.

ABDULLAH ALSAIDI ([Yemen](#)), speaking on behalf of the Organization of the Islamic Conference (OIC), said that his delegation was "far from being happy with the draft" that had been

adopted today by the Assembly. The Conference would have wanted it to contain unambiguous and unequivocal reference to acts of incitement, hatred and religious intolerance. "We live in a world, after all, that is seemingly rife with tensions between cultures."

That was why the OIC would urge President Eliasson to lead the Assembly action and discussions on matters pertaining to the dialogue among cultures and civilizations. Still, the OIC opted not to take steps that would lead to the text "unravelling". It hoped that the international community would recognize that acts of incitement, bigotry, hatred and religious intolerance, even when promoted as "freedom of speech", would be recognized and disdained.

VANU GOPALA MENON (Singapore) said the Assembly had been at it for months, and the fatigue in the room was palpable. Delegations had fought for their positions. There had been sharp disagreements, which sometimes seemed pointed enough to derail the process. It had certainly been the deft and patient leadership of the co-Chairs that had kept the process on track. He did not mean to suggest that the text was poor. It was balanced and realistic, and met the critical concerns of developing and developed countries. The text also established a Human Rights Council that was superior to what the United Nations had. Council members would be required to amass a significant threshold of support in a direct and secret election. Term limits would also give all members the opportunity to serve, and the Council would be more representative. In short, the Council would have legitimacy in membership and decisions.

While the text would not make everyone happy, that was a good thing, for if every delegation had gotten what it wanted, that would be capitulation, not negotiation. He called for trust in the process that had been devised, to ensure fairness and efficacy, and in the ability of Member States to make sound decisions. It was also important to trust that members would have the courage to deal with the body constructively and through a prism that was broader than just national interests. The Council would not be judged on its structure; it would be judged by its results in promoting and protecting human rights. That was where the role of Member States was crucial. It was important that members made utmost efforts to avoid the mistakes of the past, mistakes that had discredited the Commission on Human Rights. Members should also be prepared to regularly review the Council's working methods and functioning to make it more effective in the promotion and protection of human rights. In short, it was important to ensure that the Council was a living entity, one that was fine tuned and overhauled occasionally. Members should focus energy on making the Council work, as it would be judged by history.

LE LUONG MINH (Viet Nam) said he hoped that the Human Rights Council was less likely than its predecessor to become politicized when dealing with issues of membership and expansion. He recognized that the Member States might have agreed to a different Human Rights Council. Given the divergence of views on how the new body should unfold, he considered the text adopted today to be a balanced compromised draft. He highly valued the efforts of the General Assembly President. Viet Nam's support for the resolution had flowed from its consistent policy of striving, together with the international community, to strengthen the promotion and protection of human rights for all people of the world, based on respect for national independence, sovereignty and the territorial integrity of all countries. Hopefully, the text would be implemented in a balanced and fair manner, leading to implementation of a Council free from politicization.

SABELO SIVUYILE MAQUNGO (South Africa), speaking on behalf of the African Group, welcomed the adoption of the resolution, which was of great importance, not only to the African continent, but to all peoples of the world. It reaffirmed basic human rights and fundamental freedoms and placed an equal emphasis on political rights. He noted with satisfaction that the important elements of cooperation and dialogue had been incorporated into the text, and that it recognized the importance of eliminating double standards, selectivity and politicisation. The text was the product of long negotiations and was more progressive than previous texts. There were some principles, however, that the Group held dear, that had not been included in the text. Those principles provided clear parameters to establish a strong, effective and non-politicised Human Rights Council.

Regarding meetings of the Council, he hoped that efforts would be made to ensure that assistance was extended to least developed countries and developing countries, to ensure their participation. On the Council's membership, he would have hoped for a larger number than the one

adopted, to provide the opportunity for more States to participate. On development, he would have wished for a stronger development agenda to be articulated. However, the resolution was a sum greater than its parts.

While the text did not fully meet all the Group's concerns, if the provisions of the text were fully implemented by all countries and in good faith, then it would strengthen the promotion and protection of human rights internationally. He expected that, in the review conference to take place in five years, there would be opportunity to take into account the African Group's position. The Group would fully cooperate with the Council to ensure the promotion and protection of all human rights and fundamental freedoms. It was committed to enhancing and improving the work of the newly established Human Rights Council.

OMAR BASHIR MOHAMED MANIS (Sudan) said the United Nations reform process, including the creation of the Human Rights Council, was aimed at assessing the work of the Organization system-wide, and revitalize the 60-year-old world body, so that it could better reflect the modern day international scene. The Sudan hoped that the new Council would be based on international cooperation and would provide a framework to deal with all human rights issues, without selectivity or politicization. He hoped it would respect cultural and political differences, as well as the right to development, so that people in developing countries could achieve sustainable socio-economic development.

The Sudan would work to see that the new Council could address the situations that the current Commission on Human Rights could not resolve. Indeed, that body had been turned into a "forum for confrontation", hamstrung by politicization and selectivity. The Commission had ignored the flagrant human rights violations perpetrated by the major powers, but it readily considered and adopted resolutions condemning human rights situations in smaller countries.

The aim of the new Council must be to build on the advantages of the Commission and avoid that body's shortcomings. He stressed that the current resolution did not contain all the elements that his delegation would have wanted, and it, indeed, included what appeared a few holdovers from the previous Commission, which would make it easier for major powers to condemn small countries, while giving "notes of appreciation" to their allies. The Sudan would reject such efforts to politicize the Council, as well as moves to turn it into some sort of subsidiary body of the Security Council. That was to be avoided at all costs, as it would be in contravention of the will of the majority of Member States, and undermine the powers of the General Assembly.

And, while he did not wish to reply to the statement made earlier by the United States, he would remind the Assembly that that delegation had previously tried to convince the world that its detention centres at Guantanamo Bay and Abu Ghraib were "five star tourist resorts". Indeed, the Sudan did not need any lessons on human rights from the United States. The Sudan's message would be that cooperation and dialogue were the best means to deal with human rights in a fair and objective manner.

ALBERTO D'ALOTTO (Argentina) said the text was missing some elements that would have bestowed upon the Human Rights Council, the same status as that of the Security Council and the Economic and Social Council. The evolution of the negotiations, however, had led him to approve the text, apart from the fact that the Council would not be a main body of the United Nations, and that it had not been possible to require a two-third vote for membership selection. Nevertheless, he agreed with the Council's selection as a replacement for the Human Rights Commission. The latter had recorded some major achievements, but it had fallen short, as well.

The Human Rights Council should become robust enough to avoid the recurrence of similar episodes to those atrocities that had occurred in his country some 30 years ago, he said. Argentina would strive to make the new body an open forum for the victims of acts of repression, open to all who felt they had been denied their human rights. He congratulated the Assembly President for the work he had done to achieve the milestone reached today.

CHRISTIAN WENAWESER (Liechtenstein) said that the Assembly had just witnessed a "historic moment" in United Nations reform. The establishment of the Council fulfilled one of the

major promises made at the 2005 World Summit, and his delegation was pleased to be a part of the vast majority of States, which considered the Council a new and clear commitment of the international community to enhance the promotion and protection of human rights. The text adopted today marked a significant improvement over the current Commission on Human Rights, even though Liechtenstein shared the dissatisfaction of others with some parts of it.

His delegation would have preferred, for instance, a convening mechanism that was more flexible, to allow for case-specific dialogue with special procedures, treaty bodies and the High Commissioner for Human Rights. It would also have preferred a clear division of work between the Council and the Assembly's Third Committee (Social, Humanitarian, Cultural), but he understood that that was a concern that could be accommodated when the Council was set up in Geneva, with a view to avoiding duplication of work.

Among the key components of the decision taken today, was that, for the first time in the history of the Organization, the Assembly had decided that no State could have a de facto permanent membership in the new Council. That was a genuine reflection of the universality of human rights, and a very important precedent for the future. The public debate over the past few weeks had focused strongly on the question of eligibility for membership. And, while that focus had distorted the overall picture, it was, nevertheless, a real concern. Indeed, membership in the new Council was more important than ever before, because it would be made up of fewer members than the existing Commission.

Liechtenstein would cast its vote for the first group of members, for those States that had a proven track record in the promotion and protection of human rights, both domestically and in their United Nations activities. In that respect, his delegation would give particular emphasis to issues, such as standing invitations extended to special procedures, full cooperation with them and other mechanisms established by the Commission, as well as ratification of core human rights instruments, and the quality of reporting to the treaty bodies which had been established by them.

Liechtenstein did not believe that a State that engaged in domestic violations of universally recognized human rights, due to unwillingness, rather than inability, could be expected to make an effective contribution to the global promotion and protection of human rights worldwide "that we are looking for", he said. He also agreed that States that were under enforcement measures imposed by the Security Council for their human rights records should not serve on the new Council, for as long as those measures were in place.

MILAD ATIEH ([Syria](#)) said reform of the United Nations should be aimed at making the world body better able to address the challenges of the current century. Syria had voted in favour of the draft today, because of its firm belief in the leadership role the United Nations played in protecting and promoting all human rights, including the right to development. Syria had been flexible during the negotiations, and had hoped that other delegations would have been equally flexible.

And, while the text adopted had addressed some of Syria's concerns, his delegation would stress, among other things, that the newly established Council should avoid selectivity and politicization; its work should be transparent; it must adhere to the principles of territorial sovereignty and integrity; and it must promote dialogue among civilization and religious tolerance. He added that, since the new Council would replace the Commission on Human Rights, the Commission's agenda, particularly item 8 on "illegal Israeli practices in the Arab territories" should be transferred to the new body. Syria would work to ensure that the work of the Human Rights Council would be effective and credible, and not serve narrow political or national interests.

KENZO OSHIMA ([Japan](#)) welcomed the establishment of the Human Rights Council. To create a truly effective human rights body, Japan had proposed that the new Council should be a principle organ, with its members elected by a two-thirds majority. His delegation regretted that those elements had not been reflected in the final text. While the text was not perfect, it provided a good and viable basis to strengthen the United Nations human rights machinery, one that was a clear improvement over its predecessor. On that basis, Japan had voted in favour of the resolution.

Member States now faced a new task to ensure that the newly established Human Rights Council would be an effective and credible body, he said. To that end, the preparatory work to put the Council into operation was vitally important, and his delegation would appeal to all Member States to participate actively in that work. During the course of preparation, Japan expected that practices and mechanisms could be established, in order to enhance the credibility of the Council's membership, including, for example, the submission of a written pledge by candidates seeking membership, well in advance of the election, so that Member States could examine it, and fully take it into account in casting their votes. Japan would vigorously try to explore the possibilities to enhance the Council's credibility, as its rules of procedures were discussed. He also hoped that the review of the Council's status within five years would commence at an early opportunity.

He noted that, in future elections, Japan would give full consideration to the human rights situation of each candidate. Japan would cast its vote for those candidates who were committed to, and striving for, the protection and promotion of human rights. Japan would not vote for candidates that it believed were committing grave human rights violations, including those under sanctions of the Security Council for human rights related reasons. He hoped today was a day of triumph in the history of the promotion of world human rights.

ANDREY DENISOV ([Russian Federation](#)) said he had voted in favour of the draft, because, although far from perfect, the text was the outcome of an extremely difficult search for a compromise. The new body would eliminate double standards, selectivity and the politicization of human rights. It was a starting point for future activities in the human rights field. Rule 100 of annex 2 of the General Assembly's rules of procedure stated that new organs should be set up only after mature consideration. Already, on many occasions, attention had been drawn to the ambiguous nature of many provisions in the text, especially to operative paragraph 7, which discussed limiting membership to two consecutive terms. That contradicted the principle set out in the United Nations Charter on universal membership, which indicated that all States could submit candidacies for membership to any United Nations body. The situation was also not totally clear, with regard to whether or not membership in the new body was open to all; it seemed to be bound by certain criteria. Hopefully, the Human Rights Council itself would rectify the text's ambiguous provisions.

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