

**Draft Statement on Country Mandates  
by H.E. Ambassador SHA Zukang  
on behalf of the LMG**

Mr. President,

I have the honour to make this statement on behalf of the Like-Minded Group (LMG) with the view to share our observations and comments on the review of mandates, in particular, country-specific mandates.

Mandates and mechanisms with their functions and responsibilities are a valuable legacy of the now defunct Commission on Human Rights. Recognizing the relevance of this useful tool, the UN General Assembly requested the Human Rights Council to maintain a system of special procedures, expert advice and a complaint procedure. The fact remains that the special mechanisms are far from perfect. UNGA resolution 60/251, therefore, requests the Council to review and, where necessary improve and rationalize all mandates, functions and responsibilities.

The LMG believes the most serious flaw, one that is based on selectivity and has led to the greatest amount of politicization, is country mandates that proliferated under agenda item 9 of the erstwhile Commission on Human Rights.

There are a number of reasons that compel the LMG to make the case for considering removing all country-specific mandates from the agenda of the Human Rights Council. Our position also finds resonance and support among other members of the Council. To quote some of the reasons for our position of principle on the matter, include:

Firstly, most country mandates were set up by resolutions adopted after intense and bitter negotiations and divisive votes. Consensus was not the basis of such decisions. Some country mandates were summarily rejected by countries concerned. Country mandates have thus been the product of excessive politicization, double standards and selectivity. They do not conform to the principles of cooperation and genuine dialogue that should be the basis of the work of the Council if we have to break away from the practices of the Commission.

Secondly, the Universal Periodical Review (UPR) created by UNGA resolution 60/251, aims at ensuring universality of coverage and equal treatment for all states. Hence, we do not see the utility of having another mechanism which would not only duplicate the work done in

the context of the UPR but would also lead to further political confrontation that we intended to avoid when we replaced the Council with the Commission.

Thirdly, most states have expressed their desire to maintain the 1503 confidential procedure. This confidential procedure, with some improvements, would help adequately deal with gross and systematic violations of human rights and make recommendations thereon.

Finally, UNGA resolution 60/251 has given the Human Rights Council the additional tool of holding special sessions, when needed, to address gross human rights violations and to respond promptly to human rights emergencies. The convening of the two special sessions after the first session of the Human Rights Council have proven that the utility of this flexible tool as an efficient and functional mechanism to address country specific human rights violations.

Mr. President,

As an old Chinese saying goes, past experience, if not forgotten, is a guide for the future. Country mandates, over the years, have proven to be dysfunctional, unnecessary and controversial. They remind us how and why the Commission on Human Rights was discredited and replaced. The Human Rights Council should not repeat the mistakes of the Commission on Human Rights lest it loses its credibility. It is our sincere hope that the Working Group on the Review of Mandates will examine all country mandates as a matter of priority and conclude the work of these mandate holders immediately.

Mr. President,

The LMG would like to strongly support and reiterate the decision of the Council that the mandate of the *Special Rapporteur on the situation of Human Rights in the Palestinian Territories occupied since 1967*, does not fall in the category of country mandates as it deals with the situation of a people under occupation. Occupation constitutes the worst form of human rights violations. The LMG strongly believes in the importance and relevance of this mandate, established by the Commission on Human Rights under agenda item 8. This mandate is fundamentally different from country mandates set up under CHR's item 9.

I thank you, Mr. President.