



STATEMENT

BY

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TO THE UNITED NATIONS
CHAIRPERSON OF THE AFRICAN GROUP FOR THE
MONTH OF OCTOBER 2005
ON BEHALF OF THE AFRICAN GROUP

AT

INFORMAL CONSULTATIONS OF THE PLENARY
ON THE HUMAN RIGHTS COUNCIL

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New York, 18 OCTOBER 2005

CHECK AGAINST DELEVERY

Mr. Co-Chairman,

On behalf of the African Group, I wish to thank you for convening these informal consultations. It is our hope that these consultations undertaken under your leadership, will lead towards reaching an early decision by the General Assembly on the outstanding issues and operational aspects of the Human Rights Council before the end of the 60th Session.

In addition to the brief comments made during the informal consultations last week Tuesday, October 11 2005, the African Group would like to make the following comments with respect to the mandate and functions.

The African Group welcomes the establishment of the Human Rights Council in accordance with the decision taken by the Heads of State and Government at the High-Level Plenary Meeting of the General Assembly on 16 September 2005.

The Group believes that the mandate and functions of the established Council should pay particular attention to the promotion and protection of human rights. Fundamental freedoms must be addressed within the global context through a constructive, dialogue-based and non-confrontational approach, whilst adhering to the guiding principles of objectivity, respect for the sovereignty, territorial integrity, political independence and non-interference in the internal affairs of States, as well as impartiality, non-selectivity and transparency.

The human rights agenda of the UN should be addressed in a fair and balanced manner, taking into account the need to ensure equal attention, application and treatment of both civil and political rights as well as economic, social and cultural rights, including the right to development which remains a question of great importance to the developing countries. Similarly, adequate attention should also be given to poverty, under-development, marginalization, instability and foreign occupation issues that engender social and economic exclusion and violation of human dignity and human rights. These fundamental issues cannot be divorced from any meaningful discussion relating to human rights.

The Council should be devoid of any exploitation of human rights issues for political purposes, including through 'naming and shaming' of States and the application of double standards, and selective targeting of individual countries for extraneous considerations, which are contrary to the principles and purposes of the United Nations Charter. Such approaches, which have obstructed the Commission on Human Rights (CHR) from fulfilling its role, mandate and terms of reference, must not be allowed to have a place in the Council.

The General Assembly would need to address the systematic question associated with the creation of the Council, in particular the envisaged abolition of the Commission on Human Rights (CHR), which is a functional Commission established by ECOSOC, bearing in mind the relationship among the principal organs of the UN and their role and competencies as enshrined in the Charter. In this context, the General Assembly should ensure that the abolition of the Commission on Human Rights and the creation of the Council, which are inter-linked, will be carried out in an orderly fashion, to ensure that the work by the United Nations in the field of human rights proceeds uninterrupted resulting in a seamless transition.

Mr. Co-Chairman,

The African Group believes that the above-mentioned general principles should lay down the foundation of these consultations and wishes to highlight the following specific observations relating to the Mandate and Functions;

1. First and foremost, the general mandate of the Human Rights Council is outlined in document A/60/L.1 in which the General Assembly has resolved to create a Human Rights Council which "will be responsible for promoting universal respect for the protection of human rights and fundamental freedoms for all, without any distinction of any kind and in a fair and equal manner", recognizing their indivisible, inalienable, interdependent and interrelated character.
2. The Council should address situations of violations of human rights including gross and systematic violations, and make recommendations thereon. It should also promote effective coordination and the mainstreaming of human rights within the United Nations system.
3. The work of the Human Rights Council should be directed towards submitting proposals, recommendations and reports to the General Assembly regarding the implementation of: International Bill of Human Rights i.e. Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and all relevant human rights instruments.
4. The Council should make recommendation to the General Assembly on the elaboration and further development of norms, declarations and any other instruments in the field of human rights as well as their implementation.