



Statement by Counselor Xie Bohua at Informal Consultations on Rule of Law, Human Rights and Democracy (Cluster III) of the Secretary-General's Report

(19 April 2005)

Mr. Coordinator,

The Chinese Delegation wishes to thank you and the Bangladesh Ambassador for holding the informal consultations on Cluster III of the Secretary-General's report on reform. We will fully cooperate with you and other delegations.

We appreciate the great importance the Secretary-General has attached in his report to questions of rule of law, human rights and democracy. We would like to share with you our views on the proposals raised by the report.

I. Rule of law

1. On the responsibility to protect

The Chinese delegation is of the view that sovereign states remain at the very forefront in response to various security threats. The purposes and principles of the UN Charter should continue to be abided by, and the rights and obligations of sovereign states should continue to be respected. We believe that countries have the primary responsibility to protect their nationals. When confronting large-scale humanitarian crisis, it is appropriate for the international community to respond by easing and checking the crisis and offer timely assistance. However, we must not fail to see that disturbances of a country often have complicated causes, and judgment should be made cautiously on whether a country is able or willing to protect its nationals. Acts of interference should not be taken willfully. When it is decided to take necessary actions, it is essential for the international community to strictly abide by the UN Charter and the cardinal principles of equality of sovereignty and non-interference in other countries' internal affairs. The Security Council should act on the basis of realities, make clear evaluations and use, to the greatest extent, peaceful means within the UN framework. In adopting mandatory actions, it is even more important to act prudently on a case-by-case basis and avoid generalization.

2. On participation in treaty event and treaties relating to the protection of civilians

Treaty event is a very good form of activities. It can serve to urge some countries to use this opportunity to go through the procedures of treaty accession. We wish to see continued treaty event in future.

3. On International Court of Justice

China supports strengthening the role of the Court, including better usage of its powers. However, we wish to emphasize that a country's right to freely choose the way for peaceful settlement of international disputes should be respected.

II. Human Rights

1. On global program "Action 2"

While appreciating the work carried out by UN country teams, we think they should respect Member States' sovereignty and comply with their law, and give full consideration to the actual human rights needs of Member States, so as to enhance their human rights capacity building. Country teams should submit annual report on their work for review by Member States.

2. On the role of the High Commissioner for Human Rights in the work of Security Council and the proposed Peacebuilding Commission

The Chinese Government supports the High Commissioner in playing an active role within the UN system according to the mandate. The Security Council and the proposed Peacebuilding Commission can invite, when it is necessary, the High Commissioner to take part in their deliberations.

3. On Member States providing the Office of the High Commissioner with necessary resources as well as the High Commissioner submitting a plan of action to the Secretary-General

We support this proposal in principle, and we also hope that the Office of the High Commissioner for Human Rights will find more cost-effective measures to enhance its work. The composition of the Office should better reflect the principle of equitable geographic distribution, so as to receive more extensive support from Member States.

4. On finalization and implementation of harmonized guidelines on reporting to all treaty bodies.

China is in favor of this proposal. It is necessary for treaty bodies to start feasibility studies on signatory states submitting a comprehensive implementation report of treaties, avoiding duplication among treaty bodies and genuinely reducing the burden of signatory states. At the same time, to strengthen exchange and dialogue between treaty bodies and signatory states, consideration should also be given to formulating a code of conduct for treaty bodies.

The Chinese delegation will elaborate its position on proposed Human Rights Council in Cluster IV.

III. Democracy

On the creation of a UN democracy fund, we are in the view that, to facilitate further deliberations, it is necessary for the Secretary-General to first explain its financial resources and ways for its usage and evaluation. We are not in favor of artificially categorizing countries as "democratic" or "non-democratic" categories.

IV. Peace culture

We fully agree with the remarks made by Malaysian Ambassador on behalf of the Non-aligned Movement. The important principles embodied in peace culture should be fully reflected in the outcome report of the high-level meeting.

The above is the views of the Chinese Delegation on relevant proposals in Secretary-General's report. \

Thank you, Mr. Chairman.