

EGYPT



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The Permanent Mission of Egypt
to the United Nations
New York

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Statement by

**H.E. Ambassador Maged Abdelaziz
Permanent Representative of the Arab Republic of
Egypt**

**Informal Thematic Consultations on
Cluster III: Freedom to Live in Dignity
in
the Report of the Secretary General
entitled**

***On Larger Freedom: Towards Development, Security and
Human Rights for All***

19 April 2005

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Mr. Chairman

As we embark upon this thematic stage in the consideration of various issues that would compose together the outcome of the high level meeting to be held in September, I find it pertinent to renew to you and to the Permanent Representative of Slovenia our full confidence and support in your capabilities to extract the points of agreement on the issues under consideration in Cluster III.

It is our firm belief that achieving a successful outcome to our consideration of this and other clusters should always be guided by the overarching principle of balance in commitments and strong determination to guarantee the implementation of what would be agreed upon. This in itself requires consideration of the widest possible range of ideas and proposals put forward by the Secretary General as well as by member states and political and regional groupings.

It is further my delegation's conviction that the process of consultations and negotiations should be an intergovernmental process, and that the facilitators –under the auspices of the President of the General Assembly- be fully in charge and fully responsible for the course of the negotiations and its drafting process.

My delegations commit itself towards achieving a successful outcome that would guarantee the balance between development, security, human rights and institutional reforms.

Mr. Chairman

The suggested reforms as contained in Cluster III need to be viewed within the context of agreed principles and accepted norms. In this regard, permit me to suggest some basic premises that constitute, according to us, some foundations for dealing with the issues at hand:

First, Human Rights, Democracy and respect for the Rule of Law constitute universal values that belong to all of us. Their application should not, by any means, be limited to the internal affairs of states. It should rather be applied universally at the intra-state level, as well as, at the level of the international community.

The proper application of concepts such as Good Governance, equality and freedom should also be applied internationally with full respect for the rule of International Law.

Second, the guiding principle to ensure freedom to live in dignity should not be substituting existing structures by new structures. It should rather be based on an honest evaluation of those structures first, with a view to ascertaining the deficiency and pitfalls, and consequently enabling us to revise and reform their scope of action and their mandates. We believe that the current legal instruments in the field of human rights and fundamental freedoms are still valid and solid. What is lacking is the balanced and effective implementation of policies and procedures without double standards or artificial bias based on culture, religion or ethnic background.

Third, that any concept pertaining to any proposal submitted has to fulfill the prerequisite of prior consent by all. We need to be very clear on the fact that the process of reform should not entail controversial elements or concepts that would divide us more. Doing so will result in operational obscurity that could lead to further weakening the capabilities of our organization in all fields.

Mr. Chairman,

The proposals under discussion in the field of Human Rights require careful consideration on our part since They entail a leap forward to develop new norms for intervention by the international community and the Security Council without clear parameters that would protect the interests of all states.

The “Responsibility to Protect” conflicts directly with such well established principles enshrined in the Charter particularly those related to the use of force, sovereignty, territorial integrity and non interference in the internal affairs of states. Furthermore, attempts to apply such undefined concepts will confront us with many impediments that can hinder our common efforts. It would allow the strong to judge the weak, as it will further deepen the suspicions among civilization and cultures. We believe that the responsibility to protect should be replaced by international responsibilities to develop, responsibilities to abolish weapons of

mass destruction and by responsibilities to end occupation and settle the political and economic problems that are hindering our developmental and security efforts.

On the other hand, we are committed to the fundamental orientation to promote the rule of law as the basic foundation for safeguarding international security and human rights, provided that it is undertaken within the parameters of international law and commonly agreed principles and norms and with the approval of the General Assembly whenever necessary.

Furthermore, we consider that adhering to international treaties that the Secretary General is a depository, is essential provided that those treaties cover the interest of all states, particularly in the fields that constitute a threat to humanity such as the NPT.

In addition, enhancing the role of the International Court of Justice in developing new legal norms would be highly beneficial in view of its representative character of the international legal system. The ICC could also play a positive role in dealing with gross violations of human rights that fall under its jurisdiction.

The establishment of a Democracy Fund to support member states in their endeavor to deepen the roots of democracy requires further clarification. However, we believe that the request of the state concerned and its consent to the activities of such a fund are of paramount importance, and that helping states to achieve their economic and political goals would, in itself safeguard the movement towards better democracy. Furthermore, there is a need to prevent tying this assistance with any conditionality.

This is also a connected issue with the proposal calling for substituting the Commission on Human Rights with a proposed Council on Human Rights. The initial reading of the supplementary note circulated by the S.G. leads us to conclude that such a council, with its suggested functions does not necessarily enhance our mutual efforts to promote better respect for human rights, for there is no guarantee that the same structural and functional problems pertaining to the Commission of Human Rights will not be automatically subsumed in the new structure, even if it were to take a peer review format.

Moreover, the majority of the structures and procedures of the Commission, appear to be mostly inherited by this newly suggested body, thereby adding further to our doubts as to the value of establishing such a council or elevating its status to match the status of the Security Council and the Economic and Social Council without committing directly to its governmental nature and to provisions of the Charter. Hence, the option of reforming the Commission appear to be the best alternative at this stage instead of creating a new body and striving for its consensual operationalization.

Finally, my delegation is still considering the proposals concerning strengthening the role of the Office of the United Nations High Commissioner for Human Rights, but our aim should be strengthening her relations first with the ECOSOC and other main bodies in the United Nations. In this regard, we believe that any attempt to mainstream human rights should take duly into account the specificities and cultures of everyone of our societies and peoples.

Mr. Chairman

These were some preliminary ideas and reflections that my delegation would like to present at this stage. They clearly reflect several fundamental elements owing their roots to commonly accepted norms and principles that guided the work of multilateralism for decades. It is our sincere hope that these discussions will be fruitful in narrowing the gaps among different delegations and opening the door for common agreement among all for our common benefit.

Thank You