

**UNITED NATIONS GENERAL ASSEMBLY
SIXTIETH SESSION
INFORMAL CONSULTATIONS OF THE PLENARY ON THE HUMAN RIGHTS
COUNCIL
STATEMENT BY H E ROSEMARY BANKS
PERMANENT REPRESENTATIVE OF NEW ZEALAND
ON BEHALF OF CANADA, AUSTRALIA AND NEW ZEALAND
11 OCTOBER 2005**

Mr President,
Canada, Australia and New Zealand welcome the timetable you have set out and we are ready to work on this basis.

Our three countries welcomed the Leader's Summit decision to establish a Human Rights Council. But we were disappointed that the broad measure of agreement reached during pre-summit negotiations on the purpose and establishment of the Council was not captured in the outcome document.

We were encouraged that the great majority of the United Nations membership indicated during the negotiations that they could accept the compromises that had been put forward by President Ping in his second revision to the outcome document. It is unfortunate that a very small minority of states essentially vetoed any more ambitious decisions. We cannot let that happen again.
Status

Turning now to the four issues listed in your letter, Mr President, our delegations continue to see value in making the Human Rights Council a principal organ of the United Nations. We indicated during the outcome negotiations that we would be prepared to show flexibility on this point and go along with the compromise proposed by President Ping. That was a significant concession on our part, and one that we offered in the context of the overall package in the outcome document.

That compromise was rejected, however, and our position remains that the Council should be a principal organ of the United Nations, if not now, then at some point in the future. We also believe that the Council must be a standing body so it has the capability to meet throughout the year. If the Council is to be effective, it must be able to discuss urgent situations when they arise, and not many months later.

Mandate and functions

Mr President, the Council must have a strong, clear mandate, and must have the ability to address any matter or situation related to the promotion and protection of human rights, including urgent or continuous human rights situations. It must

be able to make recommendations direct to the other main organs of the United Nations, and should focus on capacity building and implementation of human rights. It must retain the system of Special Procedures developed by the Commission on Human Rights.

Canada, Australia and New Zealand would also like to strongly support the points made this morning by the representatives from Thailand and Liechtenstein, that we must take this opportunity to ensure a clear division of labour between the Council and the Third Committee. Norm development, for example, could be left for the General Assembly, which has universal membership.

Size, composition and membership

Mr President, Canada, Australia and New Zealand continue to support a Council that is smaller than the existing Commission on Human Rights, and whose members are elected by the two-thirds majority of the General Assembly. We would also expect members of the Council undertake to abide by the highest standards of human rights.

Language to this effect was not controversial in the outcome negotiations, and consensus on it was close. We would like, therefore, to see that language brought back into any new draft.

We also believe that states seeking membership of the Council ought to be prepared to submit their own human rights records for periodic review. One of the most frequently cited criticisms of the Commission on Human Rights is that of selectivity. The universal review mechanism directly addresses that problem by putting all member states on the same footing.

Rules of procedure and methods of work

Mr President, there was widespread support during the outcome negotiations for the Council to retain the unique relationship that the Commission has developed with non-government organisations. We would like to see that agreement reflected in any new text.

Our delegations do not think, however, that it is appropriate to enter into debate at this stage on the rules of procedure or methods of work of the Council. It is long standing practice in this organisation for parent bodies to set the mandates of the organs they create, but to let them set their own rules of procedure and methods of work themselves. These two issues should not be resolved by the General Assembly. They are for the Council itself to resolve. We would much prefer to concentrate our efforts on those issues that need to be resolved by the General Assembly before the Council can be established. Questions such as the Council's working methods, its agenda, and how often it meets should be left up to the Council to determine for itself.

Mr President, Canada, Australian and New Zealand look forward to close cooperation with all other groups and Member States, as well as with you and your distinguished co-Chairs. We are committed to completing this cycle of negotiations by the end of this year to ensure that a Human Rights Council can be established as early as possible in 2006.
Thank you.

<http://nzmissionny.org/frmznzatun.htm>