

NEW ZEALAND MISSION to the UNITED NATIONS



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**UNITED NATIONS GENERAL ASSEMBLY
SIXTIETH SESSION**

**INFORMAL CONSULTATIONS OF THE PLENARY ON THE HUMAN RIGHTS
COUNCIL**

Third meeting: Status, size, composition and membership

**STATEMENT BY H E ROSEMARY BANKS
PERMANENT REPRESENTATIVE OF NEW ZEALAND
ON BEHALF OF CANADA, AUSTRALIA AND NEW ZEALAND**

MONDAY 24 OCTOBER 2005

CHECK AGAINST DELIVERY

Thank you Mr Chairman,

Status

Mr Chairman, Canada, Australia and New Zealand believe that the Secretary General made a good case for the Council to be a principal organ of the United Nations. He said, in his report "In Larger Freedom", that security, development, and human rights were interrelated and none could be achieved without the other. For that reason, the principal organs of the Organisation needed to reflect those pillars and, in addition to the General Assembly, should be comprised of the Economic and Social Council, the Security Council, and a new Human Rights Council.

Our delegations agreed with the Secretary General, and making the Human Rights Council a principal organ of the United Nations has to remain our objective. While it would still be our strong preference to create the Council as a principal organ, we would be prepared, for practical reasons, to see it established as a subsidiary body as an interim measure. But this would only be on the condition that its size, mandate and standing nature would enable it to be effective and credible. That is a concession we have been prepared to make, on the clear understanding that there would be a robust review of the Council's status at the end of five years.

Size

Mr Chairman, when considering the size of the Council, we must strike a balance between creating a Council that is big enough to be widely representative and one that is small enough to ensure that it can operate efficiently and effectively. We should resist the urge to take the easy way out and simply create a Council that is the same size as the Commission.

The Commission grew over the years to take into account the growth of the UN membership, but it grew in an ad-hoc fashion and without real thought being given to the efficiency of its work. It is abundantly clear to anyone who has attended sessions of the Commission in Geneva that it is now simply too big to function effectively. The Commission often does not have the atmosphere of a serious body with an important mandate. The Council needs to be smaller.

Last week we proposed that the role of carrying out any further norm development be carried out by the General Assembly, which would address the problem of having a limited membership body develop universal norms. Should this proposal be accepted, the way should be clear for delegations to accept a smaller Council.

Composition

We acknowledge that the Council needs to be representative of the broader UN membership. It can be so without being as large as 53 members. The proposal of Mexico for a Council of 38, with 1 member for every 5 Member States of the United Nations is an interesting proposal and one that merits the close attention of us all.

Membership

Mr Chairman, if the Council is to be credible, its members must be seen to be there to defend human rights and work towards their better implementation.

This does not mean there has to be a complex set of membership criteria. We would not favour that, and suspect that every one of us would prefer different criteria. Membership should be open to all states that wish to support the work of the Council. Requiring members to commit themselves to abiding by the highest standards of human rights, as proposed by the Secretary General, is a bottom line requirement. This could be done in the form of a statement, issued prior to elections, outlining what the candidate state intends to do domestically and internationally to advance human rights.

We also believe that the members should be required to secure a two-thirds majority in elections to the Human Rights Council. Member States need to secure a two-thirds majority to become members of the Security Council and the Economic and Social Council. Human rights should not be treated less seriously, irrespective of the status of the Human Rights Council.

In addition, members should not be elected automatically if a regional group puts forward an agreed slate. As in elections for the Security Council, individual members should still be required to receive a two-thirds majority of the votes from the rest of the United Nations membership. Without this specific vote of confidence of their peers, individual states should not expect to sit on a Council that will discuss implementation of human rights standards in other states.

Thank you Mr Chairman.

