

NEW ZEALAND MISSION to the UNITED NATIONS



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UNITED NATIONS GENERAL ASSEMBLY FIFTY-NINTH SESSION

INFORMAL MEETING OF THE PLENARY ON THE HIGH-LEVEL PLENARY MEETING OF THE GENERAL ASSEMBLY OF SEPTEMBER 2005

COMMENTS BY THE NEW ZEALAND REPRESENTATIVE

28 JULY - 2 AUGUST 2005

CHECK AGAINST DELIVERY

Mr President

New Zealand thanks you and the facilitators for your efforts in drawing together this revised draft of the outcomes document. In substance, this is a step forward from the previous version, but there is still some distance to go. We hope that before we finish our work the outcome document can be shorter and crisper.

We focus our comments on those areas of particular priority to New Zealand.

Cluster 1

We welcome the increased focus on HIV/AIDS, and more explicit language on gender equality and the empowerment of women. We strongly support also the language on the special needs of Small Island Developing States, including the undertaking to promote greater international cooperation in implementing the Mauritius Strategy.

Cluster 2

Peacebuilding Commission

New Zealand is pleased that the proposal for the Peacebuilding Commission has such broad support. We strongly endorse the proposal to establish the PBC during the Summit itself and that the framework should be fully in place by then. On the structure and mandate of the PBC, we support the proposals in the current draft but would like to make two substantive points.

Firstly, on mandate, we fully support the proposal that Member States should be able to apply to the PBC (and the Standing Fund) for assistance in reducing the risk of conflict. We are however concerned the current proposal is too narrow in that it restricts the right of application to those states who have experienced conflict in the past. Rather we hope that any Member State at risk of sliding into conflict would be welcome to seek appropriate assistance.

Secondly, on reporting, we remain of the view that the strength of the PBC will lie in its ability to coordinate and provide transition. To do this, the PBC should have the flexibility to report to any organ of the United Nations - be it the Security Council, ECOSOC or the General Assembly - according to need. This point has also been made by Switzerland.

It is common practice for the various organs of the UN to address different aspects of a broad issue simultaneously. We encourage open and inclusive reporting arrangements, which will maximise smooth transition and early planning by all parts of the UN system.

Disarmament

New Zealand sees the high level plenary meeting of the General Assembly as a timely opportunity for the international community to express in the strongest possible terms its support for strengthening the disarmament and non-proliferation multilateral regime, and to seek the universalisation of treaty and other multilateral commitments.

Mr President, since receiving your latest draft, Norway has presented its papers agreed in a small cross regional group; a draft Ministerial Declaration and a proposal for the outcome document. We welcome these efforts to give renewed political momentum to disarmament and non-proliferation, after the disappointing experience of the NPT Review Conference.

We agree that the Summit offers an opportunity we must seize, to reignite public interest in disarmament and non-proliferation. But any changes must go in the direction of making the outcome document more specific and action focused. In many respects the Norwegian initiative text is an improvement, but some issues are better expressed or more comprehensively covered in the President's draft. There are three areas we would highlight.

We note the strength of the call in paragraph 3A of the new text for urgent action on non-proliferation of WMD. We would like to see a similarly strong call to action in paragraph 3B on disarmament.

Your draft, Mr President, calls for the Additional Protocol to form the standard of compliance for the verification of the peaceful use of nuclear energy, and we see this as a very important point which should be clearly stated in the outcome document.

We support retention of the paragraph on the transport of radioactive materials by sea through SIDS regions, which we know is of particular importance in the Pacific community.

We would also like to see retained references to accession to the Ottawa Convention, and to international instruments on the transfer of small arms and light weapons.

Terrorism

We strongly support the language in the section on terrorism, which reflects the international community's unequivocal condemnation of all acts of terrorism, regardless of their motivation. We fully endorse the importance placed on concluding a Comprehensive Convention on Terrorism during the 60th session of the General Assembly and also the recognition given to upholding fundamental human rights in all counter-terrorism efforts. The effectiveness of

counter-terrorism measures is critical and the language in the document on capacity building and on the consolidation of Security Council counter-terrorism mechanisms is therefore very welcome.

Cluster 3

Responsibility to Protect

We support fully the current text on the responsibility to protect, although we would see it as the minimum required to put to leaders in September on this most vital of issues. Paragraph 113 has been welcomed by many speakers during the debate thus far. These have included – importantly – a number of African delegations. The Rwandan representative in particular has made the case for R2P more persuasively and eloquently than we could hope to do.

The language on R2P has been carefully crafted. It places the responsibility to protect firmly with individual states and we fully support the additional phrase in the first sentence where states explicitly accept this responsibility. The paragraph refers to the duties of the international community, first and foremost to assist states in meeting their responsibilities. Assistance includes support for prevention, as other speakers such as Sweden pointed out earlier.

It is clear to us that the text regards the possibility of action under Chapter VII of the Charter as a last resort - in extreme circumstances where no other effective options are available. Chile made the point well in describing R2P as a continuum.

We have heard concerns that the R2P concept has not yet been fully discussed, and needs further consideration. We disagree. As Portugal has noted, it is not a new idea. The Commission report was published four years ago. But more important, the concept of humanitarian intervention has been around for many years. We know the issues well. The ghosts of Rwanda still haunt the halls and corridors of this building.

We are also concerned with the suggestion (in this context and elsewhere) that text in the outcome document be limited to previously agreed language. This would make for a document of very limited value. We are precisely asking our leaders to endorse R2P. They are meeting to progress issues, not to describe past agreements. We are seeking recognition that in extreme circumstances the international community has a responsibility to act. Do we, the UN membership, deny this possibility? Surely not.

In practice, the particular circumstances in which the international community might intervene under Chapter VII on humanitarian grounds would be a matter for judgement at the time. R2P is a concept. It is not a blank cheque. The

case for a particular intervention would still have to be made. We disagree with suggestions that acceptance of R2P broadens the legal mandate of the Security Council. R2P would operate within the framework of existing international law. In summary, Mr President, we join other delegations who wish to recognise that the possibility of international intervention cannot be ruled out as a last resort, and indeed who see R2P more broadly as an important emerging norm.

Cluster IV

Human Rights Council

New Zealand welcomes the improvements made to the text on human rights, including the elaboration of detail on the Council's mandate, size and composition. We support the recommendation that the Council's mandate should include dialogue on thematic issues, the promotion of international cooperation to implement human rights agreements, the promotion of human rights mainstreaming in the United Nations, and the examination of urgent human rights situations. It continues to be important to New Zealand that the Council is small enough to function effectively and efficiently. Our preference remains for the Council to be 30 rather than 50 members. Even at 30 members it would still be larger than a Security Council increased in size under proposals before us. We don't accept that there is an inconsistency in seeking enlargement of the Security Council but a smaller Human Rights body. On the contrary, we would be moving towards organs of similar size.

New Zealand has consistently argued that the Council should be established as a principal organ of the United Nations. We regret that the draft still does not reflect this position. We recognise, however, that a compromise has been put forward (in paragraph 130) committing the General Assembly to come back to this question in five years time. At that review New Zealand would press actively for the Council to be elevated to principal organ status.

New Zealand has a reservation about the proposal on arrangements for participation by Non-Governmental Organisations in the Council. These are more restrictive than those currently in place for the Commission. We would want to ensure that the most comprehensive access for NGOs is assured, given their central role in the human rights debate. Accordingly, we would propose that a reference be added to paragraph 131(d) to clarify that arrangements for consultation with NGOs would be on the same basis as those for the existing Commission on Human Rights. After all, as we note in paragraph 131 (a), we are proposing a Human Rights Council that preserves the strengths of the CHR.

We would also like to support the suggestions made yesterday on the debate on the human rights section on cluster 3, that paragraph 99 should reflect the

full list of grounds of non-discrimination as listed in the universal declaration of human rights.

Management reform

Our ability successfully to strengthen the UN across development, security and human rights will be enhanced by reaching agreement on critical management reforms. Having the right infrastructure, modern work methods, a credible system of accountability and flexible budgetary and human resources practices will support our efforts to reinvigorate the Organisation. Our best endeavours on any individual policy area are unlikely to bear fruit if the underlying institution is unable to respond to change.

Over the past few weeks we have discussed an ambitious agenda of strengthened or new initiatives across a broad range of programme areas. We want to ensure that the Secretariat is able to implement the outcomes from the Summit. It is for this reason that we consider ensuring the Secretary-General has the necessary flexibility and authority as stated in paragraph 136 as an essential element of the Summit outcome. Without it, we risk seeing the Organisation struggle to meet our new demands within a management culture which belongs to another era.

We would like to comment on the question of the role and authority of the membership. In our view, the initiatives in paragraphs 136 to 138 strengthen and clarify the role of the membership. These paragraphs make clear that the General Assembly will review and determine the budgetary and human resources rules for the Organisation, and determine which mandates may have served their purpose and can usefully be set aside or reworked to better serve the contemporary priorities of the UN. Those priorities are of course determined by the General Assembly and reflected in the outcomes of recent High Level events and Summits. Does it make sense to retain mandates relating to health that were conceived in a time before we knew what HIV/AIDS was, or the devastation it would cause, or which relate to information, but do not take account of the enormous leaps in technology? These are the questions that we think worth asking in the context of a review of mandates, so that the energy and focus of the Organisation can best be targeted at the activities that will address current challenges, and recognise current conditions.

We are confident that recent steps taken by the Secretary-General and throughout the Secretariat indicate that improved leadership, integrity and accountability are being given priority attention, and that the strengthening of oversight and accountability systems, as envisioned in paragraphs 139-141 and paragraphs 144-145 are underway. These initiatives have our full support.

We welcome the opportunity for leaders to put their direct stamp on the importance of improved management and accountability in the UN. We recognise that we are calling for some major changes in the culture of the

Secretariat. Equally, as Member States we must be ready to fulfil our role in setting the management framework for the Organisation and evaluating how effectively it is being implemented, but to step back from micro-management of the day to day running of the Organisation and give the Secretary-General the authority he needs to deliver our high expectations for the UN.

Finally, Mr President, we are pleased to see retention of the call in paragraph 149 for negotiations to be concluded during UNGA60 on a protocol expanding the scope of legal protection for UN and associated personnel.