



PAKISTAN

PERMANENT MISSION TO THE UNITED NATIONS

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**INTERVENTION BY
AMBASSADOR MUNIR AKRAM,
PERMANENT REPRESENTATIVE OF PAKISTAN
TO THE UNITED NATIONS
IN THE CLUSTER OF
"HUMAN RIGHTS AND THE RULE OF LAW"
OF THE PRESIDENT'S REVISED
DRAFT OUTCOME DOCUMENT OF THE HIGH-LEVEL
PLENARY MEETING OF THE GENERAL ASSEMBLY IN
SEPTEMBER 2005**

New York
1st August 2005

Human Rights and Rule of Law

We take note of ~~the~~ improvements in ~~the~~ revised text on human rights.

2. However, the texts relating to human rights – in paragraphs 99-105 and in 130-133- need further rationalization and improvement.

3. Firstly, it is important to separate the declaratory or political provisions ~~from~~ the decisions/actions on human rights machinery. Therefore, for example, the first ~~and~~ last parts of para 101, para 102 ~~and~~ para 103 should be shifted to the latter part on human rights machinery (paras 130-133).

4. Secondly, in the first para, there is need to enumerate the political and moral basis for the promotion of human rights.

5. Therefore, we would suggest the addition of a para before para 99, which could reaffirm the Vienna's declaration's statement that: "all human rights are universal, indivisible, interdependent and mutually reinforcing and that all States regardless of their political, economic and cultural systems have the duty to promote ~~and~~ protect all human rights and fundamental freedoms, while bearing in mind the importance of national and regional particularities, as well as different historical, cultural and religious background".

6. Also, after para 99, we would propose inclusion of a reference – also from the Vienna Declaration – to the importance of Development and Human Rights: "Development facilitates the enjoyment of all human rights. We emphasize ~~the~~ importance of cooperation among states to ensure development and the realization of the right to development."

7. The section entitled "Human Rights Council" should be renamed as "human rights machinery". Under this section, we would like to offer the following comments:

8. First, there is a growing convergence of views on the replacement of the CHR by another human rights body, to be called the HR Council. We should be able to reflect this in our Outcome Document. We ~~have~~ seen with interest the proposed mandate for the new Council as elaborated in para 131. There is need for some refinement however. One, ~~the~~ Council's approach should be a "problem – solving"; not a blame and shame approach. Two, in sub-para (v), the call to address human rights "situations" should focus on "gross and consistent violations" as defined in existing UN resolutions e.g. in ECOSOC Resolution 1503, specially situations of conflict arising from foreign occupation and denial of self determination where human rights and international humanitarian law are ~~most~~ likely to be grossly violated. Three, the word "evaluate" in sub-para (131 iv), should be replaced by "Review and promote ~~through~~ cooperation" the fulfillment by all states of human rights etc.

9. If agreement can be reached on the Council's mandate, we could reflect it in the draft Outcome Document. If not, its finalization could be assigned to a follow up mechanism.

10. The positions of Member States on the size and composition of the Human Rights Council still need to be reconciled. On size, the draft recommends 30-50. While smaller ~~may~~ be better, realistically, we feel it would be difficult to reduce the size to lower than the present CHR. It may be best, therefore, to stay with the present size and regional configuration of 53 Members.

II. We agree that a Working Group could be set up under the Presidency of the General Assembly to reconcile positions ~~and~~ elaborate modalities for the new HR Council.

12. The section on human rights machinery should also deal with other aspects of strengthening UN human rights machinery which are not adequately covered in the Outcome Document.

13. Firstly, we believe that the Sub-Commission on Human Rights is worth retaining. It has a largely "expert" composition ~~and~~ could be utilized to promote part of the mandate proposed for the HR Council, e.g. (a) "review and promotion" of human rights standards; (b) examination of individual complaints under the 1503 procedure ~~and~~ (c) thematic discussions. It should function as a subsidiary of the HR Council and submit its recommendations to it.

14. Second, there is need to rationalize ~~the~~ 34 special mechanisms which exist at present. Their mandates are often very broadly defined and overlap; the process of preparation of their reports is not entirely credible; the reports are inadequately examined as a guide for decisions; the process of selecting Special Rapporteurs is non-transparent; some of their pronouncements are – to put it mildly – unaccountable and, at times, not credible.

15. Third, the Office of High Commissioner needs to be strengthened but also rationalized. Its activities do not fully reflect intergovernmental mandates, largely because a large part of its funding is voluntary for dedicated programmes indicated by donors. Its regular budget should therefore be enlarged to finance programmes decided on by Member States in the Council or the General Assembly. These should be additional resources, not drawn from "existing resources". Also there is need for a better balance in the composition of the Office. All geographical regions, civilizations and cultures must be adequately represented by competent and qualified personnel ~~and~~ the process of selection should be more transparent. The practice of nominating serving national officials and diplomats should be discontinued. This serves to further distort the human rights perspectives reflected within the UN.

16. Fourth, NGOs and civil society now make an important contribution to the promotion and protection of human rights. There are some outstanding international

NGOs – such as Amnesty International and Human Rights Watch. However, there are thousands of NGOs and civil society groups involved in the human rights field. Their contributions are now difficult for the UN machinery to absorb. Some NGOs are sponsored by governments and adopt partisan and narrow agendas. There is thus a crying need to rationalize and make more effective and objective the participation of NGOs and civil society in the UN's work on human rights machinery. This should be part of a Working Group's mandate.

Responsibility to Protect

17. Many Member States continue to have serious concerns about endorsing the concept called 'responsibility to protect.' Of course, no one denies the need to protect civilians, especially in situations of armed conflict. The title of this section should clarify its scope by referring to Protection of Civilians. Second, responsibility for protecting civilians rests, first and foremost, with the individual States where they live. This should be emphasized further. Third, the para should include affirmation of the principles of non-interference and non-intervention and full respect for national sovereignty and territorial integrity of States. It should also emphasize that humanitarian crises and conflicts can be prevented by promoting the right to development - food, shelter, fair terms of trade, debt relief, and adequate access to finance and technology and thus the necessity of helping States, which are under stress, at their request, before conflicts and crises break out.

Democracy

18. We agree with the establishment of the proposed Democracy Fund. However, its operation should be defined by intergovernmental decisions and not be unduly influenced by the preferences of donor States. The representation of all the major civilizations, cultures and principal legal systems should be ensured on the Advisory Board. The composition of the Advisory Board should be approved by the General Assembly.

Mr. President

19. My delegation will also submit textual amendments on these sections shortly in line with the above comments, We hope that our proposals will be given due consideration by yourself and your facilitators.

