



# THE REPUBLIC OF KOREA

PERMANENT MISSION TO THE UNITED NATIONS

335 East 45<sup>th</sup> Street, New York, N.Y. 10017  
Tel (212) 439-4000, Fax (212) 986-1083

---

**Statement by Ambassador Shin Kak-soo, Deputy Permanent Representative of the  
Republic of Korea to the United Nations on the Rules of Procedure and Transitional  
Arrangements of the Human Rights Council  
November 1, 2005**

---

Mr. Co-chair,

On behalf of the delegation of the Republic of Korea, let me begin today's comment with rules of procedure of the proposed Human Rights Council. As was already made clear at the last informal consultation, my delegation can go along with setting up the Council as a subsidiary organ of the General Assembly in light of the long and difficult process of amending the United Nations Charter. However, our position rests on the premise that this interim step toward a principal organ of the United Nations should not diminish the Council's mandate or functions. It is therefore imperative that the Council be endowed with broader mandate, power and functions commensurate with its status as the primary body for the promotion and protection of human rights, if Member States genuinely hope to make human rights one of the three pillars of the United Nations.

Against this backdrop, my delegation considers it crucial for the proposed Council to have its own rules of procedure, which can reflect its unique stature and mandate. It is not desirable that its nominal nature as a subsidiary organ of the General Assembly imposes the rules of the procedure of the General Assembly on the Council, thereby restricting the smooth operation of the Council. To become an effective and efficient organ, the Council should be allowed to adopt its own rules of procedure. In our view, the Council should be able to draw up the specific rules of procedure, once it holds its first meeting. For the purpose of facilitating the early operation of the Council, preparatory drafting assistance from the Secretariat or the Office of High Commissioner for Human Rights might be helpful subject to the deliberation and approval of the Council.

Mr. Co-Chair,

Turning to the transitional arrangements, we must be mindful not to create a vacuum in the human rights machinery of the United Nations during the transition period. To avert such a possibility, it is important to canvass the overall picture over what should be done before the Council starts to operate as well as what part of the work of the existing Commission on Human Rights needs to be carried over to the Council. Time constraint requires us to put priority to the basic requirements for the creation of the Council before the end of this year, leaving aside technical details for its future work after its inception. It is also another important element in the transitional arrangements to sort out the strength of the Commission that should be retained within the mandate of the Council. Given its complexity and urgency, the transitional arrangement needs to be taken up at the early stage of our informal consultation. To this end, it is essential to have all the relevant stakeholders, including the OHCHR, our colleagues in Geneva and various NGOs, engage themselves in bringing up realistic methods that ensure a smooth transition.

Among other things, genuine dialogue among diverse stakeholders to review the strength and weakness of the Council should be carried out before we work out the transitional arrangements. Furthermore, serious review of what the Commission has done would help us charter the safe voyage of the newly established Council by drawing some valuable lessons from the work of the Commission. In this regard, my delegation would like to propose to make use of the time before negotiation, which will start in late November or early December, for holding informal dialogue for this purpose. My delegation also would like to emphasize that any transfer of the functions of the Commission to the Council should be subject to reform and improvement.

Mr. Co-Chair,

As for the working methods of the Council, a practical measure worth our consideration would be to adopt a truly interactive mechanism. Members and observers, NGOs and other relevant parties should feel that they are taking active part in a discussion that aims to achieve real substantial progress, not simply pointing fingers at each other. This interactive process is much needed for the situations in which the Council is going to take action. To achieve a fair and transparent process, the discussion in the Council should be conducted in a manner to ensure

interactive dialogue among diverse stakeholders. Despite some cynicism and frustration about the attempts to conduct "interactive dialogue" at the United Nations, we believe that interactive dialogue is requisite for guaranteeing due process in handling of human rights issues, thereby mitigating the criticism against the politicization of the CHR.

Mr. Co-Chair,

We believe that through the three consecutive consultations during the last three weeks, you have obtained rough ideas of what kind of a Council Member States wish to create. My delegation hopes to see concrete rolling texts with options and brackets, which will offer us a starting point for our negotiation. While commending all the work that you have done, we look forward to your excellent stewardship as we enter into the next phase of our endeavor.

Thank you.

