

*Remarks by Mark Lagon, Deputy Assistant Secretary, Bureau of International Organization Affairs, in the Human Rights Council Working Group, October 18, 2005*

Like many of the countries here, the United States strongly supports the creation of a new Human Rights Council, as agreed in the [Outcome Document](#) to the September 14 [Global Summit](#) here in New York. It is one of the United States' very top priorities in near-term UN reform.

The [Commission on Human Rights](#) was intended to and has advanced human rights protection. It has produced key standards, such as the [Universal Declaration on Human Rights](#), as well as key treaties, such as the [International Covenant on Civil and Political Rights](#). However, most of us would agree that the Commission has been stymied in its momentum to be able to concretely improve the human rights situations of people on the ground, and the time has come for something new. That is an imperative for action.

We are seeking the creation of a UN Human Rights mechanism that can more effectively reach out to countries to assist them in meeting their human rights commitments and obligations. As [High Commissioner for Human Rights Louise Arbour](#) noted in her "Plan of Action", "... the clear task of the United Nations is to remind Governments of their obligations and, through an appropriate combination of dialogue, assistance, and advocacy, to assist them in realizing the required reform." When States seek help they should get it. That is why we support a doubling of the High Commissioner's Regular Budget funding. And in those acute cases that States abuse freedom and refuse to look to international partners, the UN's chief human rights organ should retain the means to, on occasion, speak out plainly.

Thus, we urge UN member states to work together to agree to establish a UN Human Rights Council that is the organ responsible for promoting universal respect for and observance and protection of human rights and fundamental freedoms. We seek a body that can better offer immediate attention to human rights by quickly addressing urgent or continuing human rights violations, including "gross and systematic violations" as cited in the Global Summit Outcome Document, and also offers technical assistance and capacity-building resources for countries seeking to strengthen their domestic human rights protections. These activities should be the main focus of the Council and the essential component of its mandate.

The United States looks forward to the opportunity to work together with our partners to ensure that this body is both legitimate and effective, with the capacity for effective decision-making facilitated by a strong, committed, and smaller membership. We propose this should best be at approximately thirty members.

At its core, the membership of this human rights machinery should believe that one of the UN's fundamental purposes is to assist states in meeting their human rights obligations. We can best do so through a course of both dialogue and cooperative assistance. And ultimately, the UN's Member states should not make room on the Council for countries

that only seek to undermine the effectiveness of the UN's human rights machinery and limit its appropriate role.

For this reason, the United States proposes that a system of incentives and disqualifiers for membership be implemented including:

1. Prospective members should be elected directly and individually by a 2/3 majority of the UN General Assembly.
2. Prospective members should have to submit to the UN Secretary General a letter that outlines their qualifications for membership.
3. Furthermore, prospective members must also receive substantial support within their regional groups. We propose that each candidate must receive the specific endorsement of a majority of States in its regional group in a letter from a senior political level to the Secretary-General that indicates the qualifications of the potential candidate.
4. In addition, Governments subject to human-rights related UN Security Council Sanctions or Commissions of Inquiry should be ineligible for membership to the Council. It only makes sense that those extremely few members whose human rights violations actually create a threat to the peace and security of the international community, or are otherwise of particular concern, would not be appropriate members of a credible Council. This is not a matter of criteria, but rather an absolute minimum objective disqualifier.

We are all accountable to produce a highly functional human rights mechanism. The United States is committed to working with the UN member states until we arrive at an entity we can stand by with pride and confidence. To this end, we should develop an implementing resolution by the end of this year, so that an increasingly discredited Commission can be replaced before it is supposed to convene again next March. We must not take this duty lightly.