

UNITED NATIONS GENERAL ASSEMBLY, 65TH SESSION

ITEM 63

REPORT OF THE HUMAN RIGHTS COUNCIL

STATEMENT

BY

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CHECK AGAINST DELIVERY

Mr. President,

I would like to thank the President of the Human Rights Council for his report to the General Assembly that provides a comprehensive overview of the work of the Council during the last cycle with the addition of the recent September session. We would like to take this opportunity to reflect on the work of the Council during this period. We are generally satisfied with the ongoing Universal Periodic Review (UPR) as its universality has been respected so far by all States under Review. We also believe that the cooperation with the UPR not only implies formal submission under the review process by each State, but also an engagement in substance. The success of the UPR system will crucially depend on the manner in which recommendations are implemented by States under Review and the way in which States discuss and follow-up on them. States under Review rejecting recommendations should engage in a discussion about the underlying reasons for the rejection and rejections in general should not preclude proper follow-up on the issue at hand. A concrete proposal to strengthen the follow-up process could be the submission by States of an interim report, possibly oral, on current progress in the implementation of the recommendations. Thematic clustering of recommendations and integration of the outcome into one single document could also facilitate implementation and the provision of technical assistance by UN country teams.

Mr. President,

We regret that the work of the Special Procedure mechanisms has again come under criticism. The independence of Special Procedure mandate-holders must not be put into question due to simple disagreement with their findings. Allegations of individual States that an independent expert has overstepped the respective mandate can and should be addressed by the Coordination Committee. Full independence of Special Procedures is essential to ensure the high-quality work, which makes these mechanisms such an important feature of the UN human rights machinery. At the same time, we must continue to ensure that the best experts are chosen as mandate-holders. A professional selection process as well as predictable and adequate funding are important elements in this respect.

Mr. President,

Proper and timely implementation of the decisions of the Council are crucial for its authority. In this respect, the autonomy of the Council needs to be strengthened, including through the respect of the Council's decisions in other fora. During its brief history, the relationship between the Council and the General Assembly, in particular its Third and Fifth Committees, has been inefficient and at times inconsistent. Both from a procedural and a substantive point of view this relationship has potential for improvement and clarification that would strengthen the Council's role within and outside the UN system. For example, the recurring procedural questions where and in what form the report of the Council should be dealt with and how the Council's decisions can be appropriately and timely funded require a systematic solution. There is also a considerable potential to increase complementarity between the agendas of the two bodies. The back and forth between the Council and the General Assembly on the follow-up to the Goldstone report and then also on the flotilla incident illustrate the problems of the current practice – usually to the detriment of the Human Rights Council. A proliferation of political tracks can never be a substitute for effective political decision-making and is, of course, a very inefficient use of our resources. The review of the status of the Council in New York as well as of the work and functioning of the Council in Geneva provides a welcome opportunity to address these and other issues.

Mr. President,

On the positive side, we note that the Council has been able to create innovative ways of dealing with country situations, in particular the “stand-alone interactive dialogue” on Somalia. Another good innovation was the special sitting on the flotilla incident. Both examples illustrate that there is room for flexibility within the existing framework and that the Council can indeed react in creative ways to emergency situations. We also consider it a positive development that such discussions can take place in an interactive way and not necessarily have to result in some

sort of formal decision – certainly not necessarily at a first stage. We hope that such models will be further explored and, when appropriate, be combined with positive follow-up consideration. Additional formats such as monthly briefings by the High Commissioner for Human Rights, combined with an interactive dialogue, could also help enhance the dialogue on current human rights issues.

Mr. President

The Human Rights Council depends on independent expert input in order to take well-informed decisions. As the part of the Secretariat that offers expertise on human rights, it is the task of the Office of the High Commissioner to provide such input. Currently, a considerable amount of human and financial resources of the Office is taken up by conference servicing and administrative tasks for the Council. We should consider the option of a permanent office of the President of the Council that would alleviate the administrative burden of the Office of the High Commissioner and thereby liberate valuable resources to be used on substantial work in the field of human rights under the oversight of the General Assembly. It would also strengthen the governance structure of the Council itself and thereby contribute positively to its outside perception.

Thank you.