



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

11 May 2006

Excellency,

On 9 May 2006, you elected the first forty-seven members of the newly established Human Rights Council. A further step has thus been taken toward making the Council operational. I attach a copy of the results of the election. They can also be found on the UN website (www.un.org/ga/60/elect/hrc).

By concluding the elections to the Human Rights Council, another part of the 2005 World Summit Outcome has been implemented. I would like to take this opportunity to express my sincere appreciation to the two Co-Chairs, Ambassador Dumisani Kumalo of South Africa and Ambassador Ricardo Arias of Panama. Their dedicated and constructive leadership was key to our common achievement.

I would also like to thank the Secretary-General for his attachment to human rights as evidenced in his report “In Larger Freedom” and his steadfast support during the negotiations.

Above all, I would like to express my gratitude to you for your commitment and support, not only to the Human Rights Council but to the entire reform agenda. We still have important work to do. I count on your continued cooperation in the interest of strengthening the United Nations and enhancing multilateralism, so strongly needed in today’s world.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Jan Eliasson', with a long, sweeping flourish at the end.

Jan Eliasson

All Permanent Representatives and
Permanent Observers to the United Nations
New York

HUMAN RIGHTS COUNCIL ELECTIONS

ELECTION RESULTS

African States: Algeria (1 year), Cameroon (3 years), Djibouti (3 years), Gabon (2 years), Ghana (2 years), Mali (2 years), Mauritius (3 years), Morocco (1 year), Nigeria (3 years), Senegal (3 years), South Africa (1 year), Tunisia (1 year) and Zambia (2 years)

Asian States: Bahrain (1 year), Bangladesh (3 years), China (3 years), India (1 year), Indonesia (1 year), Japan (2 years), Jordan (3 years), Malaysia (3 years), Pakistan (2 years), Philippines (1 year), Republic of Korea (2 years), Saudi Arabia (3 years) and Sri Lanka (2 years)

Eastern European States: Azerbaijan (3 years), Czech Republic (1 year), Poland (1 year), Romania (2 years), Russian Federation (3 years) and Ukraine (2 years)

Latin American & Caribbean States: Argentina (1 year), Brazil (2 years), Cuba (3 years), Ecuador (1 year), Guatemala (2 years), Mexico (3 years), Peru (2 years) and Uruguay (3 years)

Western European & Other States: Canada (3 years), Finland (1 year), France (2 years), Germany (3 years), Netherlands (1 year), Switzerland (3 years) and United Kingdom (2 years)



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

**Concluding remarks by General Assembly President Jan Eliasson
Human Rights Council Elections
9 May 2006**

Excellencies, Distinguished Delegates,

We have now concluded the election of the first forty-seven members of the Human Rights Council. A further step has been taken to make the Council operational. But much work remains. You, the elected members, will now have a particular responsibility to bring the structures in place and prepare the first meeting of the Human Rights Council on 19 June. I trust that all Member States will actively engage in the work of the Council, in accordance with the provisions of resolution 60/251.

I would in this context like to recall that op 11 of the resolution provides for participation and consultations with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations.

We are now witnessing a new beginning for the promotion and protection of human rights. The work of the Council will be guided by the principles of universality, impartiality, objectivity, non-selectivity and constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights.

By the election today we have also in concrete terms implemented another mandate from the World Summit Outcome agreed by our leaders in September last year. Let me thank all of you for your commitment to this part of the reform agenda.

Let me also express my gratitude to the Secretary-General for his strong attachment to human rights as evidenced in his report “In Larger Freedom” and his steadfast support during the negotiations earlier this year.

The process and preparations for the new Human Rights Council will now move to Geneva. As I have already stated I have great confidence in our Geneva colleagues and that the newly elected members will agree on the measures necessary for having a successful first meeting of the Human Rights Council, starting on 19 June. I look forward to the result of these preparations and to participating in the meeting in June.

The General Assembly will regularly be able to consider the work of the Council on the basis of the annual report provided for in resolution 60/251, thus ensuring a strong link between the Council and this our chief deliberative body of the United Nations.



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

**Introductory remarks by General Assembly President Jan Eliasson
Human Rights Council Elections
9 May 2006**

Excellencies, Distinguished Delegates,

By adopting resolution 60/251 on 15 March, the General Assembly established the Human Rights Council and by that further strengthened the United Nations human rights machinery – as mandated by the 2005 World Summit Outcome. You agreed to start a new era in the United Nations endeavours to promote and protect human rights. By creating the Human Rights Council as a subsidiary organ of the General Assembly, you also decided to elevate the institutional standing of the work on human rights.

It is now time to implement this historic achievement. We are here today to elect the first members of the Human Rights Council. The first forty-seven members will play a crucial role since they will operationalize and take the first decisions of the Council. I am confident that our distinguished colleagues in Geneva will continue to bring this process forward once the members of the Council are elected. It is important that the Council is off to a good start on 19 June.

I am encouraged that Member States from the start have been guided by the letter and the spirit of the resolution. The fact that all candidates for election have presented pledges and commitments in accordance with the resolution is indeed very encouraging. These pledges and commitments have been circulated as official documents and have been posted on the UN website to assist you in this election. I wish to recall that in accordance with resolution 60/251, when electing members of the Council, Member States shall take into account the contributions of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.

We will now proceed to this election, the largest ever conducted in the General Assembly.



STATEMENT BY

**THE PRESIDENT OF THE UNITED NATIONS
GENERAL ASSEMBLY
H.E. MR. JAN ELIASSON**

**ON THE DRAFT RESOLUTION
ON THE HUMAN RIGHTS COUNCIL**

**UNITED NATIONS HEADQUARTERS
NEW YORK
15 MARCH 2006**

Excellencies, distinguished delegates,

We are assembled this morning to take action on the draft resolution on the Human Rights Council (A/60/L.48), the text of which I first presented to you in our informal consultations of the Plenary on 23 February.

The draft is presented today in pursuance of the mandate given to us by our leaders at the 2005 World Summit. The Summit resolved to strengthen the United Nations human rights machinery. As you know, we have already taken some action on this, for example by agreeing to strengthen the Office of the High Commissioner for Human Rights.

Now it falls upon us to fulfill the other main element of our leaders' resolve to strengthen the United Nations human rights machinery, by creating a Human Rights Council. Our leaders gave us a clear mandate to do so. And they gave a specific task to the President of the General Assembly to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session. This I have done, and today I formally present you the result.

The draft resolution is the culmination of five months of negotiations. We are grateful to those who have contributed. To the Secretary-General, for his leadership. To the Co-Chairs, Ambassador Arias of Panama and Ambassador Kumalo of South Africa, for their skilled and selfless work. To all of you, most of all, for the energy and commitment that you have invested in the consultations and negotiations. And to civil society, for their

active contributions. The draft resolution before us today is above all the outcome of our common combined effort, intellect and aspirations.

Since the presentation of the text on 23 February, you have all had the opportunity to study the draft resolution thoroughly, with your capitals and in your various groups. I am encouraged by the very broad support that has emerged for the text as an integrated whole as a result of your deliberations.

The text before us – as a whole – represents the work of all of us. No Member State has got everything it argued for. For many of you, adopting this draft resolution today would mean compromising on some points on which you had felt – and still feel – strongly.

But we have now reached a decisive moment, both for the promotion and protection of human rights, and for effective multilateralism and the standing of the United Nations as a whole.

As our leaders acknowledged in September 2005, the three pillars of the United Nations – development, peace and security and human rights – are interlinked and mutually reinforcing. Without strength in all, we have strength in none. And the world has never needed a strong United Nations more than it needs it today. So we need a strong Human Rights Council, just as we need to achieve strong results in the other areas of Summit follow-up and reform with which our leaders entrusted us.

On development, we must now do all we can to ensure the commitments of 2005 are implemented in 2006. If we are to achieve the Millennium

Development Goals by 2015, there is no time to lose. The cost of a failure to implement our commitments on development will be measured in lives lost or blighted by poverty, disease, and lack of opportunity. And in order to deliver, we must ensure that our Organization is as strong and effective as possible. We need to finish our work on this draft resolution on the Human Rights Council, so that we have the time, energy and political space to address development, Secretariat and management reform and the other important tasks ahead of us.

Excellencies, distinguished delegates,

There are a few aspects of the text which merit highlighting today.

The draft resolution would make universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation guiding principles of the work of the Council. It recognizes that the promotion and protection of human rights should be based on cooperation and dialogue and should aim at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings.

Acknowledging the mistrust and tensions which are so evident in today's world, the language of the draft also sends a strong and uniting message on the need for dialogue and understanding among civilizations, cultures and religions – a clear signal to us all to commit to working together to prevent provocative or regrettable incidents and to evolve better ways of promoting tolerance, respect for and freedom of religion and belief. It will be important that the relevant organs of the United Nations, including the Human Rights

Council, make positive contributions in this respect and promote a much needed dialogue on these important and sensitive issues.

The draft recognizes six decades of valuable work undertaken by the Commission on Human Rights, and its commendable record of establishing norms and setting standards. It acknowledges the important role of non-governmental organizations in the promotion and protection of human rights at the national, regional and international level which the Commission has done so much to encourage.

But the draft also responds to the criticisms of the Commission. It includes a number of innovative elements which would make the Council a significant improvement on the Commission on Human Rights.

For example, the draft resolution before us would:

- Replace the Commission with a Council, elevating its institutional standing to a subsidiary body of the General Assembly;
- It would increase the frequency of meetings throughout the year, as well as establishing an efficient mechanism to convene special sessions;
- It would introduce the universal periodic review as a mechanism whereby each State's fulfillment of its human rights obligations would be assessed. Such a mechanism would ensure equal treatment with respect to all Member States and would prevent double-standards and selectivity;

- It would incorporate within the Council's mandate the mainstreaming of human rights in the UN system and the prevention of human rights violations;
- It would distribute seats in accordance with equitable geographical representation;
- It would make Council members ineligible for immediate re-election after two consecutive terms, thereby ensuring rotation;
- Members of the Council would be elected by the majority of the members of the General Assembly, in other words by an absolute majority. Each candidate would be voted on individually and directly and would have to obtain at least ninety-six votes of support in a secret ballot;
- Member States - when electing members to the Council - would take into account the candidates' contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto prior to the election;
- The General Assembly, by a two-thirds majority of members present and voting, could suspend the rights of membership of a Council member who commits gross and systematic violations of human rights;
- Members of the Council would be expected to uphold the highest standards in the promotion and protection of human rights fully cooperate with the Council and be reviewed under the universal periodic review mechanism during their term of membership.

Excellencies, distinguished delegates,

This draft resolution represents a unique opportunity for a fresh start for human rights. The adoption of this draft would be the first step in a continued process.

The Council would be expected to assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission of Human Rights within one year of its first session. Within the same timeframe, the Council would also develop the modalities and necessary time allocation for the universal periodic review mechanism.

The General Assembly would review the status of the Council within five years. The Council would also review its work and functioning five years after its establishment and report to the General Assembly. Let us also recall that the Council will submit an annual report to the General Assembly.

Excellencies, distinguished delegates,

Today, we stand ready to witness a new beginning for the promotion and protection of human rights. By adopting this draft resolution, we would establish a body which would be based on dialogue and cooperation, and would be principled, effective and fair. A body whose members would uphold the highest standards in the promotion and protection of human rights. And a body that would advance the founding principles that were

initiated by the General Assembly with the Universal Declaration of Human Rights.

The establishment of the Human Rights Council is a decision whose time has come. Many of you have told me over recent days and weeks of the importance you attach to the prompt adoption of this text as it is. I therefore propose that the General Assembly today moves to adopt the text of this draft resolution, as a whole.

Very many of you have made contributions to the draft resolution, from both national and international perspectives, over the last five months. It is the result of our common endeavors and aspirations. No one part can now be added or subtracted in isolation without jeopardizing its balance, strength and workability. This is a draft resolution whose sum is greater than its parts. It is my hope that you, Member States, will now be ready to adopt this draft resolution in its entirety in the interest of human rights.



General Assembly

Distr.: General
3 April 2006

Sixtieth session
Agenda items 46 and 120

Resolution adopted by the General Assembly on 15 March 2006

[without reference to a Main Committee (A/60/L.48)]

60/251. Human Rights Council

The General Assembly,

Reaffirming the purposes and principles contained in the Charter of the United Nations, including developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all,

Reaffirming also the Universal Declaration of Human Rights¹ and the Vienna Declaration and Programme of Action,² and recalling the International Covenant on Civil and Political Rights,³ the International Covenant on Economic, Social and Cultural Rights³ and other human rights instruments,

Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Emphasizing the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

¹ Resolution 217 A (III).

² A/CONF.157/24 (Part I), chap. III.

³ See resolution 2200 A (XXI), annex.

Affirming the need for all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, cultures and religions, and emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for and freedom of religion and belief,

Recognizing the work undertaken by the Commission on Human Rights and the need to preserve and build on its achievements and to redress its shortcomings,

Recognizing also the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization,

Recognizing further that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Acknowledging that non-governmental organizations play an important role at the national, regional and international levels, in the promotion and protection of human rights,

Reaffirming the commitment to strengthen the United Nations human rights machinery, with the aim of ensuring effective enjoyment by all of all human rights, civil, political, economic, social and cultural rights, including the right to development, and to that end, the resolve to create a Human Rights Council,

1. *Decides* to establish the Human Rights Council, based in Geneva, in replacement of the Commission on Human Rights, as a subsidiary organ of the General Assembly; the Assembly shall review the status of the Council within five years;

2. *Decides* that the Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner;

3. *Decides also* that the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. It should also promote the effective coordination and the mainstreaming of human rights within the United Nations system;

4. *Decides further* that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development;

5. *Decides* that the Council shall, inter alia:

(a) Promote human rights education and learning as well as advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of Member States concerned;

(b) Serve as a forum for dialogue on thematic issues on all human rights;

(c) Make recommendations to the General Assembly for the further development of international law in the field of human rights;

(d) Promote the full implementation of human rights obligations undertaken by States and follow-up to the goals and commitments related to the promotion and

protection of human rights emanating from United Nations conferences and summits;

(e) Undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies; the Council shall develop the modalities and necessary time allocation for the universal periodic review mechanism within one year after the holding of its first session;

(f) Contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;

(g) Assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141 of 20 December 1993;

(h) Work in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society;

(i) Make recommendations with regard to the promotion and protection of human rights;

(j) Submit an annual report to the General Assembly;

6. *Decides also* that the Council shall assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and a complaint procedure; the Council shall complete this review within one year after the holding of its first session;

7. *Decides further* that the Council shall consist of forty-seven Member States, which shall be elected directly and individually by secret ballot by the majority of the members of the General Assembly; the membership shall be based on equitable geographical distribution, and seats shall be distributed as follows among regional groups: Group of African States, thirteen; Group of Asian States, thirteen; Group of Eastern European States, six; Group of Latin American and Caribbean States, eight; and Group of Western European and other States, seven; the members of the Council shall serve for a period of three years and shall not be eligible for immediate re-election after two consecutive terms;

8. *Decides* that the membership in the Council shall be open to all States Members of the United Nations; when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto; the General Assembly, by a two-thirds majority of the members present and voting, may suspend the rights of membership in the Council of a member of the Council that commits gross and systematic violations of human rights;

9. *Decides also* that members elected to the Council shall uphold the highest standards in the promotion and protection of human rights, shall fully cooperate with the Council and be reviewed under the universal periodic review mechanism during their term of membership;

10. *Decides further* that the Council shall meet regularly throughout the year and schedule no fewer than three sessions per year, including a main session, for a total duration of no less than ten weeks, and shall be able to hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council;

11. *Decides* that the Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council, and also decides that the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities;

12. *Decides also* that the methods of work of the Council shall be transparent, fair and impartial and shall enable genuine dialogue, be results-oriented, allow for subsequent follow-up discussions to recommendations and their implementation and also allow for substantive interaction with special procedures and mechanisms;

13. *Recommends* that the Economic and Social Council request the Commission on Human Rights to conclude its work at its sixty-second session, and that it abolish the Commission on 16 June 2006;

14. *Decides* to elect the new members of the Council; the terms of membership shall be staggered, and such decision shall be taken for the first election by the drawing of lots, taking into consideration equitable geographical distribution;

15. *Decides also* that elections of the first members of the Council shall take place on 9 May 2006, and that the first meeting of the Council shall be convened on 19 June 2006;

16. *Decides further* that the Council shall review its work and functioning five years after its establishment and report to the General Assembly.

*72nd plenary meeting
15 March 2006*



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

9 March 2006

Excellency,

On 23 February, I introduced a proposed text for a draft resolution on the Human Rights Council to an informal consultation of the plenary. This was in pursuance of the mandate given to me by our leaders at the 2005 World Summit, and a result of five months of consultations and negotiations.

Since then, you have had the opportunity to consider my proposed text carefully. I have been encouraged by the very broad support it has received. While no Member State has achieved all its objectives, very many of you have indicated that you could support the text as it is. This is both welcome and essential to the process of consensus-building.

I had intended to put the draft resolution on the Human Rights Council to you for action before the opening of the sixty-second session of the Commission on Human Rights in Geneva. You will be aware that I had scheduled a meeting of the plenary on Friday in order to do so.

I believe there is a collective wish to have the strongest possible support for the new Council. Some delegations have asked me to allow more time in order to further broaden support for my proposed text. In addition, the Fifth Committee has not yet concluded its work on the Programme Budget Implications. In my search for consensus, I have therefore decided to postpone Friday morning's meeting.

All Permanent Representatives and
Permanent Observers to the United Nations
New York

There are many other important matters on our reform agenda in this session of the General Assembly. We need to give them our full attention. The commencement of the next session of the Commission on Human Rights also remains imminent. I will therefore re-schedule the plenary meeting to the early part of next week.

I am confident that you will all use the time between now and then to ensure we can bring our work on this issue to a successful conclusion.

Please accept, Excellency, the assurances of my highest consideration.



Jan Eliasson



STATEMENT BY

**THE PRESIDENT OF THE UNITED NATIONS
GENERAL ASSEMBLY
H.E. MR. JAN ELIASSON**

AT

**THE INFORMAL CONSULTATIONS OF THE
PLENARY ON THE HUMAN RIGHTS COUNCIL**

**UNITED NATIONS HEADQUARTERS
NEW YORK
23 FEBRUARY 2006**

Excellencies, Distinguished Delegates,

I want to begin by expressing solidarity with the people of the Philippines. We have all been shocked by the television images showing no more than a mass of mud where just a few days ago there was a village of over a thousand people; men, women and children.

On behalf of the Assembly, I offer our deepest sympathy to the government and people of the Philippines, and to the family and friends of the victims.

This tragic natural disaster is one of an almost unprecedented series of other massive disasters over the last year. Their devastating impact is still being endured by many, not least the poorest and most vulnerable, long after the media spotlight has moved on.

The times we live in are turbulent and difficult. We live in a world in great need of global thinking and global solutions. From eliminating poverty, hunger and disease, to preventing and ending conflict, to combating terrorism, the big issues on the international agenda require dialogue, co-operation, deeper knowledge and greater understanding between governments and peoples – across religious, cultural and ethnic lines.

Yet, despite the necessity of greater international collaboration, we have during recent months seen more, not less, mistrust and more, not less, suspicion between peoples. We have all had cause to reflect on the need for mutual respect and understanding, two of the essential

underpinnings of a civilized world. And we can never gain respect unless we show respect.

In these times of turmoil, we need a strengthened United Nations more than ever. No other organization has the legitimacy and mandate to deal comprehensively with the issues and challenges we are facing today.

But here, within the United Nations, our work has not been easy. We cannot and must not insulate ourselves from the political realities of the world we represent. But we have to remain focused on the historic task at hand: delivering on the commitments made at the greatest meeting of world leaders ever assembled.

These commitments cover development, peace and security and human rights, as well as making this Organization more efficient and effective. We have to do everything we can to ensure that, during the course of this Session, we make real progress in our important work on each of these pillars of the United Nations.

In 2005, we made a good start by agreeing on the Peacebuilding Commission, on the new Central Emergency Response Fund, and on the Optional Protocol on the Safety of United Nations and Associated Personnel. These were difficult negotiations. But we came to closure in the interest of those in need or in danger, and in the interest of global co-operation and our own United Nations.

Other very important matters remain on our agenda. Our work to put in place a more effective Economic and Social Council is now moving close to fruition. On development, our able and dedicated Co-Chairs are

doing all they can to come to closure on a resolution to ensure that the commitments made in 2005 and earlier are truly implemented in 2006.

This work deserves our full attention. So too will other areas of Summit follow-up which we are charged to take forward this year, from ensuring that the Peacebuilding Commission can soon become operational, to Secretariat and Management reform, to counter-terrorism, Security Council reform, the environmental work, system-wide coherence and not least General Assembly revitalization.

Now more than ever we must stand up for the authority and integrity of the General Assembly. Carrying out the reform agenda with wisdom and far-sightedness, even in disturbing times, is our challenging duty. What is ultimately at stake is the value and effectiveness of multilateralism in today's world.

So now is the time for us to move to a decision, as mandated by our leaders, on the Human Rights Council. They gave a very specific mandate to the President of the General Assembly to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the Sixtieth Session. I believe that such completion is now within our grasp.

I am grateful for the energy and commitment that so many of you have invested in our thorough and comprehensive consultations and negotiations. I want to pay particular tribute today to the Co-Chairs for the Human Rights Council, Ambassador Kumalo of South Africa and Ambassador Arias of Panama, for their dedication and untiring effort

since October last year. They have been diligent, thoughtful and fair to all throughout. They have listened to you, they have discussed with you, and they have tried to find principled and workable solutions. We all owe them a debt of gratitude for their work.

On 8 February, after thorough discussions with the Co-Chairs, I advised you of my intention to conduct intensive consultations of my own. I offered to meet any delegation or group of delegations who wished to do so. I was heartened by the number of you who took up this offer.

It is as a result of the thirty-plus informal consultations of the plenary, of the valuable consultations with the human rights community in Geneva, and of the intensive discussions the Co-Chairs and I have held over the past two weeks, that I today present to you my best attempt to formulate a draft resolution on the Human Rights Council.

Our leaders resolved to further strengthen the United Nations human rights machinery. As part of the fulfillment of this commitment, we have already agreed to revitalize the Office of the High Commissioner for Human Rights. Now it falls upon us to fulfil the commitment to create a Human Rights Council. This is our primary task and an obligation we have to the governments, to the public and to the victims of human rights violations.

By strengthening this machinery and at the same time making the Council an instrument of co-operation and of dialogue, we enhance the common ownership of the human rights work of the United Nations.

Both these elements are fundamental and complementary aspects of the text that I now place before you.

Excellencies, Distinguished Delegates,

Most of the text before you remains as it was in the last draft presented by the Co-Chairs on 1st February. I have listened carefully to the views you have expressed on that text over recent weeks, and have made some changes and additions which are worthy of mention today. There are also some central points which merit highlighting again.

During our consultations, many of you rightly emphasized the need for the element of co-operation and dialogue to be clearly stated in the text. The draft I am presenting today emphasizes this element in several places: in PP1, PP10, OP4, OP5a, OP5e, OP5f, and OP12.

You will be familiar with most of the preambular paragraphs. They are largely drawn from agreed language: from the United Nations Charter, from the Vienna Declaration and Programme of Action, and from the 2005 World Summit Outcome Document. They acknowledge the three pillars of our Organization: development, peace and security and human rights. They reaffirm the important principle of the universality, indivisibility, interrelatedness, and interdependence of all human rights.

They also recognize the six decades of valuable work undertaken by the Commission on Human Rights, and its commendable record of establishing norms and setting standards. At the same time, they reflect some of the criticisms of the Commission, and recognize the importance of eliminating double standards and politicization.

And they acknowledge the important role of non-governmental organizations in the promotion and protection of human rights at the national, regional and international level.

With regard to strengthening the capacity of Member States to comply with their human rights obligations, the text now makes clear that this will be for the benefit of all ‘human beings’. This is a term drawn from Article 1 of the Universal Declaration of Human Rights, which is used to replace the concept of ‘right holders’ about which many of you had been unsure.

There is one new preambular paragraph: PP7, which builds on earlier work by this Session of the General Assembly. This paragraph sends a strong and unifying message to the world – much needed today – on the need for dialogue and understanding among civilizations, cultures and religions. It sends a clear signal to us all to promote tolerance, respect for and freedom of religion and belief. We must do our utmost to enhance tolerance and respect and to reduce the mistrust and tensions which are so evident in today’s world. It is my hope and expectation that the Human Rights Council will play a positive role in this respect.

Turning to the operative paragraphs, there are three issues worthy of specific mention today. First, the universal periodic review. The proposed mechanism would ensure equal treatment with respect to all Member States and would address the issues of double-standards and selectivity. The General Assembly, through this draft resolution, sets out the guidelines for such reviews.

As many of you have pointed out, the modalities of the review would need to be further developed by the Human Rights Council itself. This draft resolution establishes a timeframe for the development of these modalities.

Many of you have also pointed out that this review should not create a burden of new or redundant reporting obligations, that it should not duplicate the work of treaty bodies, and that it should be a light mechanism. Many of you also indicated that the time allocated to the review should be limited. I am confident that our expert colleagues in Geneva will develop modalities that take into account these important parameters.

The second important issue I should touch on is that of the Council's membership. The text presents a Council of 47 Member States, comprised according to the principle of equitable geographical representation of 13 Member States from Africa, 13 from Asia, 6 from Eastern Europe, 8 from Latin America and the Caribbean and 7 from WEOG. The text also presents a term limit, thereby ensuring rotation and increasing the opportunities for Member State participation.

Members of the Council would be elected by the majority of the members of the General Assembly, in other words an absolute majority. An individual and direct vote on all the candidates will confer full legitimacy on the members of the Council.

Thirdly, the text makes clear that membership shall be open to all Member States. It sets out how Member States will take into account candidates' contributions to the promotion and protection of human

rights when electing members. And it provides for the suspension, by decision of the General Assembly, of Council members who commit gross and systematic human rights violations.

Members of the Council are expected to uphold the highest standards in the promotion and protection of human rights, fully co-operate with the Council and be reviewed under the universal periodic review mechanism during their term of membership.

Excellencies, Distinguished Delegates,

I now want to turn to the important question that many will ask of the new Human Rights Council. How does it differ from the Commission on Human Rights? While we will build on the positive achievements and best practices of the Commission, some of the elements we are considering will make the Human Rights Council a truly new and different body – a fresh start. For example,

- the new Human Rights Council would be a subsidiary body of the General Assembly and therefore have a higher institutional standing;**
- the principles of dialogue and co-operation would guide the work of the Human Rights Council on the implementation of all human rights;**
- the Council would have an efficient mechanism to convene sessions outside its regular meeting time;**

- **the universal periodic review would be a mechanism where the fulfillment by each State of its human rights obligations would be assessed;**
- **the distribution of seats would be in accordance with equitable geographical distribution;**
- **members of the Council would not be eligible for immediate re-election after two consecutive terms;**
- **while membership of the Human Rights Council would be open to all Member States, there would be legitimate expectations on members. Asserting its standing and authority, the General Assembly would have the ability to suspend a Council member which commits gross and systematic violations of human rights;**
- **and lastly, the Human Rights Council would meet regularly throughout the year.**

Excellencies, Distinguished Delegates,

In closing, I want to recall that our leaders in September last year resolved to create a Human Rights Council. I want to express my sincere conviction that this matter is now ripe for decision. Many of you have constructively and diligently contributed to the draft before you today. We have traveled a long and arduous road to get to where we are today.

I know that each one of you – and your capitals – will now reflect on and review this text conscientiously and constructively. I know that you will do so with the values and principles enshrined in the Charter and the Universal Declaration of Human Rights at the forefront of your minds. I know that you will consider the text through the prism of both national and international perspectives.

I hope that you will see that while no Member State has got everything it argued for, the text before you is balanced, strong and workable. I also hope that, after reviewing the text as a whole and after assessing the larger issues at stake, you will be ready to move to a decision on this draft resolution as soon as possible, preferably before the end of next week.

I know that you are fully aware of the significance of this resolution for the promotion and protection of human rights, but also for effective multilateralism and the standing of the United Nations as a whole. Our ability to reach agreement on an effective and principled Human Rights Council will be seen as a litmus test for this Organization and this General Assembly.

I hope we can demonstrate to a sometimes skeptical world that – even on the most delicate of issues and during turbulent times – this General Assembly can reach a solid agreement.

Then we can move on, and reach solid agreements on the equally important tasks that remain for all of us here at the United Nations.



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

February 8, 2006

Excellency,

As you know, the two Co-Chairs, Ambassadors Arias of Panama and Kumalo of South Africa, held their most recent informal consultations of the plenary on the Human Rights Council yesterday. They have now conducted more than thirty such informal consultations. I am very grateful to them for their diligent co-chairmanship of the consultations. I am similarly grateful to you for your consistent and high-level personal participation and your thorough contributions to this important work.

The sixty-second session of the Commission on Human Rights in Geneva is now approaching rapidly. There is an expectation on all of us to do all we can to ensure a smooth transition with the Commission.

In order to move our work towards its conclusion, I will conduct intense consultations over the coming days. I look forward to meeting with any of you who wish to do so. Meanwhile, I also encourage you to continue to engage informally with each other on the outstanding issues.

Delegations have clearly articulated their positions on the elements under discussion. It is now time for us all to unite around formulas for the establishment of a Human Rights Council which will further strengthen the United Nations human rights machinery.

All Permanent Representatives and
Permanent Observers to the United
Nations
New York

In accordance with the 2005 World Summit mandate to conduct these negotiations in an open, transparent and inclusive manner, I will of course revert to the plenary after these consultations.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Jan Eliasson', written in a cursive style. The signature is positioned above the printed name.

Jan Eliasson

**PERMANENT MISSION OF PANAMA
TO THE UNITED NATIONS**

**PERMANENT MISSION OF SOUTH AFRICA
TO THE UNITED NATIONS**

19 October 2005

Excellency,

In our capacity as co-Chairs for the negotiations on the establishment of the Human Rights Council, we would like to express our appreciation for your substantive contributions made during the informal consultations of the plenary on the Human Rights Council that took place on 18 October. The thorough comments made on the mandate and functions of the future Human Rights Council will constitute the basis for the "Option paper" that will be submitted after the last round of informal consultations.

With regard to our next meeting that will be held on 24 October at 10:00 a.m. in the ECOSOC Chamber, we suggest – as previously communicated to you in our letter dated 12 October – to address the following issues:

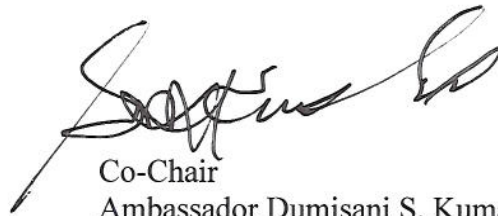
- Status
- Size
- Composition
- Membership

We look forward to the continuation of our constructive exchange of views.

Please accept, Excellency, the assurances of our highest consideration.



Co-Chair
Ambassador Ricardo Alberto Arias



Co-Chair
Ambassador Dumisani S. Kumalo

All Permanent Representatives and
Permanent Observers to the United Nations
New York

PERMANENT MISSION OF PANAMA
TO THE UNITED NATIONS

PERMANENT MISSION OF SOUTH AFRICA
TO THE UNITED NATIONS

12 October 2005

Excellency,

In our capacity as co-Chairs for the negotiations on the establishment of the Human Rights Council, we would like to express our appreciation for your thorough contributions made in the first informal consultations of the plenary on the Human Rights Council.

Based on the different comments made by you, we suggest that the next consultations be focused on those specific issues on which we need to reach agreement in order to establish the Human Rights Council, as follows:

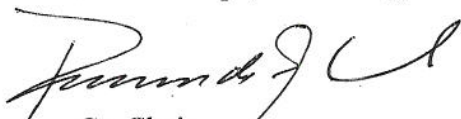
18 October	Mandate and functions
24 October	Status, size, composition and membership
1 November	Rules of procedures, working methods and transitional arrangements

With regard to our next meeting that will be held on 18 October at 10:00 a.m., in a venue to be announced, on the issue of mandates and functions, we recall that our Heads of State and Government have agreed upon a general framework that is contained in paragraphs 158 and 159 of the Summit Outcome Document. Further to that and after having listened to the many substantive comments that were made by you during the first informal consultations, we suggest to address more thoroughly the following issues:

- Thematic forum
- Promotion of cooperation and technical assistance
- Development of norms
- Universal periodic review
- Assumption and review of the mandates of the Commission on Human Rights

This list is not exhaustive but a starting point for our interactive exchange of views.

Please accept, Excellency, the assurances of our highest consideration.



Co-Chair
Ambassador Ricardo Alberto Arias



Co-Chair
Ambassador Dumisani S. Kumalo

All Permanent Representatives and
Permanent Observers to the United Nations
New York



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

7 October 2005

Excellency,

In response to the broad agreement that was expressed during our meeting on 4 October on the need to promptly begin our work on the Human Rights Council, I called the first informal consultations of the plenary on the Human Rights Council to be held on Tuesday, 11 October, at 10 a.m. Ambassador Ricardo Alberto Arias of Panama and Ambassador Dumisani Shadrack Kumalo of South Africa have kindly agreed to serve as Co-Chairs for these negotiations.

Emphasizing that our negotiations need to be conducted in a manner that is transparent, inclusive and efficient, I will on Tuesday morning present to you a timetable for our work.

The Summit Outcome Document, which is the primary basis of our work, identifies the issues on which there is a need to find agreement. I would, therefore, suggest that we start our discussions by focusing on the following issues:

1. Status
2. Mandate and functions
3. Size, composition and membership
4. Rules of procedure and methods of work

Please accept, Excellency, the assurances of my highest consideration.

Jan Eliasson

All the Permanent Representatives and
Permanent Observers to the United Nations
New York