

INFORMAL MEETING OF THE GENERAL ASSEMBLY

ON THE DRAFT OUTCOME DOCUMENT

OF THE HIGH-LEVEL PLENARY MEETING OF THE GENERAL ASSEMBLY

(14 – 16 SEPTEMBER 2005)

STATEMENT

BY

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TO THE UNITED NATIONS

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CHECK AGAINST DELIVERY

Mr. President

Let me once again thank you and the Facilitators for your excellent work in preparing this updated version of the draft outcome document. In our view, we are already very close to the final text, and we sincerely hope that the current draft will not suffer any substantial bruises in the coming weeks. Having said this, we also realize that the document has become very long and could therefore usefully be supplemented by an Executive Summary. Furthermore, some editorial and linguistic improvements need to be made. Some of these also concern the introductory part where we think, for instance, that the reference to a “global world” is quite redundant. As for the substance of the text, we wish to offer the following comments and suggestions.

VALUES AND PRINCIPLES

We welcome in particular that an acknowledgment of the essential role of **good governance and the rule of law** has been included in the introductory part. In fact, we are of the view that they form the indispensable basis of all our efforts to address the challenges and threats confronting our world and to achieve the necessary progress in the areas of development, security and human rights. We therefore think it is important to have the reference to this essential role of good governance and the rule of law extended to include all these areas.

We further support the acknowledgment of the need to encourage **dialogue and respect among different cultures and peoples** as a means to promote international peace and security. Such dialogue is most fruitful if it takes place on the common and unequivocal recognition of the universality and indivisibility of all human rights. We welcome the clarification that has been brought about in this regard and think that, with this understanding, it should be recognized that all cultures do indeed contribute to the enrichment of humankind.

9. We also acknowledge that good governance and the rule of law at the national and international all levels are essential for ~~sustained economic growth, sustainable development and eradication of poverty and hunger~~ **progress in the areas of development, security and human rights.**

12. We reaffirm the universality and indivisibility of all human rights. ~~We~~ **and** recognize that all cultures and civilizations ~~can~~ contribute to the enrichment of humankind. We acknowledge the importance of ...

DEVELOPMENT

We note that the chapter on development has been substantially expanded and support this expansion where it has gone beyond mere declarations and added important operational elements or clarified existing ones – which, I may add is not the case in all instances. We are particularly pleased to see that more and concrete elements have been included with regard to gender equality and the empowerment of women. Success or failure of our efforts to achieve the internationally agreed development goals will depend to a large extent on the full implementation of obligations and commitments of all States in this field. In respect of the protection of women adversely affected by armed conflicts, we would like to stress that their

protection has to be ensured during and after conflict, for it is the women who usually bear the primary burden of reconstructing societies that emerge from conflict and who build the basis for further development. This has also been recognized by the Security Council in its landmark resolution 1325 (2000).

Gender equality and empowerment of women

35. We reaffirm that the full and effective implementation of the Beijing Declaration and Platform for Action is essential to achieving the internationally agreed development goals, including those contained in the Millennium Declaration; and resolve to promote gender equality and to eliminate pervasive gender discrimination by:

...

- Ensuring the protection of women **and the girl child** ~~in~~ **during and after** armed conflicts in accordance with **Security Council resolution 1325 (2000)** and the obligations of States under international humanitarian **and human rights** law

...

- Supporting direct actions to protect women and the girl child from violence, including by ending impunity, ~~in particular in situations of wars and civil strife~~

PEACE AND COLLECTIVE SECURITY

We welcome the improvements made in the chapter on peace and collective security. We support in particular the strengthened language on protecting **children in armed conflicts**, the role of **women** in prevention and resolution of conflicts, and **sanctions**. Regarding the **use of force** we would like to reiterate that the current text would be more complete if it also referred to the inherent right of **self-defence** in accordance with the Charter.

We also welcome the inclusion of more detailed language regarding the decision to establish a **Peacebuilding Commission**, designed as an intergovernmental advisory body assisting countries emerging from conflict. While the draft contains many constructive elements regarding its composition, mandate and working methods, the scope of situations to be considered by the Commission seems in our view overly narrow, and ECOSOC in particular should be given the possibility to request the Commission's advice. We are concerned that giving exclusive authority to the Security Council in this respect would further upset the already dangerously skewed institutional balance of the organization.

In the chapter dealing with **terrorism** we are surprised to see that the Summit should only agree to *consider* the Secretary-General's counterterrorism strategy in the General Assembly. In our view, the five "D's" that also address the issue of root causes are ready to be endorsed as a whole by the international community as a sign of our unwavering resolve to fight terrorism, and should not be left for open-ended discussion. An unequivocal statement is furthermore warranted with respect to the role of **human rights in fighting terrorism**. The current formulation, which merely "recognizes" that the fight against terrorism "should" be conducted in conformity with international law, falls far short of what has previously been stated in relevant resolutions of the General Assembly, and of what is in fact required by binding international law. The Summit must not constitute a step backwards from existing commitments in this area of crucial significance.

Terrorism

85. ... We ~~welcome~~ **endorse and resolve to implement** the Secretary-General's counter-terrorism strategy ~~and will consider it in the General Assembly with a view to adopting it.~~ ...

87. We ~~recognize~~ **reaffirm** that international cooperation to fight terrorism ~~should~~ **must** be conducted in conformity with international law, including the United Nations Charter and relevant international conventions and protocols. States should adhere to the principles of good governance, respect for human rights and the rule of law in the fight against terrorism.

(Cf. General Assembly resolution A/RES/59/191: We resolve to ensure that any measure taken to combat terrorism complies with our obligations under international law, in particular international human rights, refugee and humanitarian law.)

HUMAN RIGHTS AND THE RULE OF LAW

We are pleased to see that the chapter on human rights and the rule of law has been enriched in a number of respects. We support in particular the improved language on the strengthening of the **Office of the High Commissioner for Human Rights**, the inclusion of **mainstreaming of human rights throughout the United Nations, rule of law, impunity** and the endorsement of the principle of **responsibility to protect**. At the same time, we still feel the need for certain clarifications, such as the fact that the UN Charter is not a human rights instrument *per se* and therefore, as such, does not “enshrine human rights” as it is put again in the revised draft. Furthermore, we are of the view that additional resources provided for the **treaty body system** should also be used for assisting States to enhance their reporting capacities. As far as the reference to the **private sector** is concerned, we concur with the idea that business companies can play an important role in the advancement of human rights. The responsibility to promote and protect human rights and fundamental freedoms lies, however, on the state and its authorities. This includes the responsibility to regulate and monitor the activities of the private sector in such a way that they contribute to the advancement of human rights.

98. We recommit ourselves to universal adherence to ~~human rights as they are enshrined in the Charter of the United Nations~~ and the full implementation of the human rights standards contained in the Universal Declaration of Human Rights and other human rights instruments.

102. We resolve to improve the effectiveness of the human rights treaty bodies, including through more timely reporting, improved and streamlined reporting procedures, aimed at enabling the treaty bodies to function as a unified system, additional resources, **including for assistance to States to enhance their reporting capacities**, and to **further enhance our** ~~promote the~~ implementation of their recommendations.

105. We note that the private sector also has an important ~~responsibility and~~ role in the advancement of human rights ~~in a significant way~~, and encourage **its contributions** ~~them to contribute~~ to that end.

106. **We** recognize the ~~importance of~~ Guiding Principles on Internal Displacement as the minimum international standard for the protection of internally displaced persons and commit ourselves to promote the implementation of those principles through national legislation and practices.

STRENGTHENING OF THE UNITED NATIONS

Regarding the role of the **General Assembly** we wish to reiterate our position that the language in the outcome document would need to be revisited in case the draft resolution on General Assembly revitalization is not adopted prior to the Summit. This resolution must reaffirm the central role of the GA and contain tangible measures which enable it to effectively assume this responsibility. We therefore hope that we will very soon take action on the draft presented by you, Mr. President.

The second draft has brought about considerable clarifications with regard to the mandate of the **Human Rights Council**. In particular, the new text makes it clear that in the field of standard-setting there is to be a close sequence of work between the Council and the General Assembly, with the Council conducting preparatory activities to form the basis for the possible further development of international human rights law by the General Assembly. Unfortunately, this is virtually the only specific reference to the essential requirement of avoiding duplication of work between the Council and the Third Committee of the General Assembly. A clear division of work between these two bodies should, however, constitute one of the building-blocks of a new system that aims at improving the efficiency and effectiveness of the intergovernmental work in the human rights field. We would therefore like to call on you, as we did during our last consultations, to include in the outcome document wording which underlines the intention to avoid duplication and overlap between the Council and the Third Committee. The elaboration of the details of this division of work would be one of the tasks assigned to the General Assembly in the follow-up to the Summit. In this context, we welcome the idea of having this work accomplished by the end of this year. We are, however, not in favor of the proposal to discuss all the elements that are already included in the draft only after the summit. In our view they constitute the absolute minimum on which agreement is necessary in order to ensure a balanced outcome document.

While there seems to be an emerging consensus that the Human Rights Council should preserve and build on the strengths of the Commission on Human Rights, in particular the system of special procedures, it is also clear that the establishment of a new and standing body will at the same time require the elaboration of new methods of work and specific procedural rules. For this reason, we propose to amend the relevant wording in the draft to ensure this room for evolution.

In earlier statements we had also pointed out that there is an inextricable link between the size of the Council and the modalities for election of its members. While the question of size has been further clarified in the new version, the draft remains silent on the equally important question of re-election. Given the proposal that the Council should be smaller than the Commission on Human Rights and that the term of membership on the Council should be three years, the modalities for election should exclude de facto permanent membership on the Council. A degree of rotation will both ensure the widest possible participation of the membership and facilitate the proposed peer review.

We fully agree that election to a Council which is to have primary responsibility for promoting the universal respect for and protection of all human rights and fundamental freedoms for all should be based not only on the principle of equitable geographical distribution but also on the record and pledges of candidate countries with regard to the promotion and protection of human rights. In this respect we are of the view that elected members have to be committed to abide by the highest human rights standards.

The interaction between the Council and the Third Committee is also implied in the proposal to have an annual report submitted by the Council to the General Assembly. Such report would certainly provide for the opportunity of having an interactive dialogue among the entire membership about the functioning of the Council and would also help refine the modalities of its relation with the Third Committee if such need arose. The submission of an annual report alone does, however, not suffice if the Council is also to address situations of human rights violations that require urgent action by the international community.

Human Rights Council

131. The Human Rights Council will have the following mandates, size and composition:

A. ... To carry out this mandate the Council shall ~~assume and review all the functions of the Commission on Human Rights and~~ preserve ~~its~~ **the strengths and best practices of the Commission on Human Rights**, including the system of special procedures. In particular it ...

B. The Council shall comprise between 30 and 50 members, each serving for a period of three years, to be elected directly by the General Assembly, by a two thirds majority. **A retiring member of the Council shall be eligible for immediate re-election once.** In establishing the membership of the Council, due regard ...

C. Those elected to the Council ~~should undertake~~ **shall commit** to abide by **the highest** human rights standards in their respect, protection and promotion of human rights, and ...

E. The Council shall provide an annual report **as well as special reports where necessary** to the ~~UN~~ General Assembly.

132. We request the President of the General Assembly to conduct consultations with Members States in order to adopt ~~during its sixtieth session,~~ before 31 December 2005, the modalities, ~~functions,~~ procedures and working methods of the Human Rights Council, **the modalities of the division of work with the Third Committee of the General Assembly with a view to making their work complementary,** and transitional arrangements from the Commission to the Council.

I thank you