

**Press encounter of General Assembly President Jan Eliasson  
and Co-Chairs for the Human Rights Council,  
Ambassador Dumisani S. Kumalo (South Africa)  
and Ambassador Ricardo Alberto Arias (Panama),  
following informal plenary consultations of the General Assembly  
on the Human Rights Council  
New York, 20 January 2006**

President Eliasson: I'd like to meet you in this constellation with my two Co-Chairs for the human rights consultations. We have just had a brief plenary meeting with most of the Members. The countries were represented at a very high level, and the house was full – which indicates the interest in human rights, as you understand, the new Human Rights Council.

The Co-Chairs have had 20 consultations, and we are now reaching, hopefully, the final stages of the negotiation on the Human Rights Council. We have had a number of bilateral consultations, the three of us, in the past week. We will continue to have such consultations. These consultations deal with the most difficult issues – which are in the bolded text of the resolution. Ambassador Arias will lead a meeting on Tuesday the 24<sup>th</sup> on the rest of the document. We are encouraging the Member States to give serious thought to the different formulas that we need for the solution of the outstanding issues. We want them to deal with those issues with us -- but also align themselves, because we need to meet now also in smaller constellations -- but always come back to the open, transparent and inclusive work of the plenary consultations in the end.

Our hope is that by the beginning of the following week, we will sit together and hopefully work out the next draft resolution, and present that to the membership around the 1<sup>st</sup> or 2<sup>nd</sup> of February. And that, we hope, will be the very final negotiations – so that we can finish our work in good time for the Human Rights Commission. You know the Human Rights Commission is starting, normally, its work at the end of February, and we want to finish our work here on the Human Rights Council in good time, before that.

That is our aim, and of course this builds on the confidence and the trust among the Members, of the road ahead, and the good cooperation and creative thinking that is needed. We know it's a serious matter for Member States -- human rights go right to the heart of nations, cultures, religions, traditions, and the capitals are strongly involved in this work.

But we also know that our leaders in the Outcome Document in September stated that a Human Rights Council is to be established, and that we should finalize our negotiations as soon as possible during the 60<sup>th</sup> session. And it is the view of Ambassador Kumalo and Ambassador Arias and myself that “as soon as possible” means before the Human Rights Commission begins its work, at the end of this month or at the beginning of the next.

So those are my comments. Ambassador Kumalo, Ambassador Arias, anything to add?

Amb. Kumalo: No, maybe we can respond to questions.

Q: So you hope to adopt the final resolution by the first half of February, then? Is that ...

President Eliasson: This is our hope, yes.

Q: There are certain numbers in brackets – there are a lot of bracketed areas in this draft text that was circulated. Do you all three consider yourselves committed to staying within those brackets, or what is the course of the negotiation?

President Eliasson: It depends on the inputs from the Member States. We have indicated in bold the difficult issues. We are open to the different solutions, the solutions that are in bold – but, of course, also there might be compromises between the different texts in the bold. And this is the type of discussion we are carrying on right now.

Q: Do you see any movement on the most difficult issues, since the time crunch is becoming stronger?

President Eliasson: Yes -- otherwise we would not express the hope that we will be able to finalize our work. We know it's difficult, but we are making progress. There is an openness to discuss the size of the Council, election methods, the number of meetings and, of course, the expectations we have of the membership – the kind of commitments that are being made to human rights, and so forth. I would say that we see a movement – it's slow and cautious, we are in the midst of a very sensitive negotiation, but there is enough movement for us to be encouraged to meet on the 30<sup>th</sup> of January and work on then, hopefully, a new text.

Q: I hate to deal with hypotheticals, but there is a sort of an artificial deadline. And many people think that if the spoilers – the so-called spoilers -- can block this and keep the Commission going, what if you can't reach anything by mid-February, or mid-March, even?

President Eliasson: I have great difficulty speculating on defeat. We are having very close consultations with all Member States, and we are talking very thoroughly with all delegations. I think all delegations also realize that there is an instruction from our leaders, political leaders, that we should finalize our work as soon as possible. And there will have to be a solution.

Amb. Kumalo: You see, we have not come across one country that does not want a Human Rights Council. Everybody wants a Human Rights Council. So there are no spoilers in that way, but what we do have now are people wanting to see what kind of Council it's going to be, what it's going to do. Those are the very difficult, sensitive

issues that we face, but the fact about whether we'll have a Council or not, that's no longer the question. They've agreed now, that we will have a Council.

Q: But it sounds like many of the countries are asking for nothing more than – or little more than -- a change of the name. Is that...

Amb. Kumalo: No, there's a lot in the document – if you read the document, there's a lot that, already with what we have, makes it clear that this is not the same as the CHR [Commission for Human Rights]. For instance, the Council will meet at least three times a year, for a term longer than the six weeks than the CHR is doing. For instance, the Council will work in a cooperative manner. For instance, the Council will be assisting in the protection and promotion of human rights all over. You can go on and on, it's there -- it's already there in the document. The only thing now, we're trying to work out how it is actually going to operate, because that's important for the UN itself, it's important for the individual countries.

President Eliasson: Let's also add the ideas about universal review, which are a new factor, and the fact that – something that's often forgotten – there was a decision also by the Summit meeting to double the staff on human rights work. And this means that in the budget that we got through, as you know, at Christmas time, 85 new posts are established in the human rights sector. So things are moving. We can't speak about this being just a repetition of the Human Rights Commission. This is a new Council coming out. We can already say that now.

Q: This just seems to be sort of a bare minimum, though, of what many of the Member States were hoping to see from this new Council. If this is what we end up with, a kind of a bare minimum of a changed Council from what we saw in the Commission, will you consider that as a success?

President Eliasson: We are creating the framework for dealing with human rights issues. And it is up to the Member States to use the framework right. We are creating a structure, and we hope there is enough political will to seriously deal with human rights issues in the future. And this will be a structure that will be effective in that regard.

Q: There's some concern at this point that some of the delegates are too firm in their positions, setting it up [inaudible]... showdown in the GA, up or down vote, inflexibility at this point?

President Eliasson: We don't have those indications. I think there is a genuine desire to find common ground. Thank you very much.

...

Q [to Amb. Arias]: Are you satisfied [inaudible]...?

Amb. Arias: Yes, I am. I think there are a lot of indications that the Member

States are coming up with their national positions. But of course, in any negotiation, there are – not extreme – but there are very -- proper national positions. But in the process of negotiations there's a [inaudible]... to consider all the Member States' positions and try to reach agreement. We do think that there's a great opportunity to reach agreement in the next few weeks.

Q: But behind closed doors, there is a lot of tension, isn't there?

Amb. Arias: There is a lot of tension because it is a very important and sensitive issue, and of course, we're developing a totally new framework for the handling of the promotion and protection of human rights. And that creates tension. There's tension in the UN all around. And this is part of it. But I do feel that we are advancing, that we're going beyond the merely national positions.

...

Q: So if the draft is passed by mid-February, then what happens? The Commission will meet, there will be a truncated session? And when will the Council actually first meet?

Amb. Arias: The process as presented by now in the Co-chairs' draft is that the Commission should meet for a last session, in March.

Q: Full session?

Amb. Arias: A full session, but in the understanding that it's terminating its function and it has to deliver all its mandates to a new entity; that after that, we should have the elections for the Council, and the Commission should cease operating, concurrently with the beginning of operations of the Council, so you don't have any lapse there, where human rights are simply not protected by any organization. So the Commission should terminate as the Council starts its operation.

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