

THE SECRETARY-GENERAL

MESSAGE TO THE THIRD SESSION OF THE HUMAN RIGHTS COUNCIL

GENEVA, 29 NOVEMBER 2006

Delivered by Ms. Louise Arbour, High Commissioner for Human Rights

Distinguished Members of the Human Rights Council,

I send you my greetings as you begin your third regular session. Since your first session in June you have been very active – holding three special sessions as well as two regular ones. You have focused especially on the Arab-Israeli conflict, which indeed has escalated during these months in ways that cause deep concern to us all. I am glad to note that the High Commissioner is also paying close attention to developments in the Middle East, and that you will be hearing a report from her on her recent visit to Israel and the occupied Palestinian territory.

I hope, however, that the Council will take care to handle this issue in an impartial way, and not allow it to monopolize attention at the expense of others where there are equally grave or even graver violations. There are surely other situations, besides the one in the Middle East, which would merit scrutiny by a special session of this Council. I would suggest that Darfur is a glaring case in point.

If this Council is to fulfil its vocation, and take its place as one of the paramount bodies of the United Nations, giving human rights a priority on a par with that accorded to peace and security and to development, its work must be marked by a strong sense of purpose – one in which states from all regions come together to promote the vision contained in the UN Charter and the Universal Declaration for Human Rights.

That will only happen if the Council's members are willing and able to build coalitions based on principle, and on a determination to uphold human rights worldwide. Do not let yourselves be split along the fault line between north and south – between developed and developing countries – as your colleagues have done in some other parts of the system, with results inimical to progress. States that are truly determined to uphold human rights must be prepared to take action even when that means, as it sometimes will, giving offence to other states within their own region. Only by showing such courage and rigour can you avoid disappointing the many people around the world who look to the UN for support in their struggle for human rights, and driving them to turn elsewhere.

The great challenge for the Council, as I see it, is to find a way to embrace the universality of rights while at the same time addressing specific human rights situations. That is why I strongly believe that the Council must preserve and strengthen the system of Special

Procedures – the crown jewel of the system – while also developing a robust universal periodic review.

It has long since been recognized in theory, and increasingly also in practice, that the rule of law cannot be left to the discretion of governments, no matter how democratically elected they may be. It requires them to subject themselves to vigilance and constraint by independent institutions, such as courts and ombudsmen. By the same token, an intergovernmental body such as this Council cannot ensure the protection of human rights by taking all decisions into its own hands. It must be careful to avoid any innovation that would erode or undermine the independence of the Special Procedures, or of the High Commissioner and her staff.

By contrast, where there is most need for innovation is in the organization of the universal periodic review. This transformative idea was certainly not intended to impede or discourage the Council from bringing massive and gross violations of human rights to the world's attention as and when they occur. It was intended to give concrete form to our shared principles of universality, non-selectivity, objectivity, and cooperation. The world looks to the Council to develop a review mechanism that lives up to those ideals.

This dual approach to human rights – combining universality with specificity – must be based on the understanding that the Council can only be effective if it undertakes specific work at the country level. We have to face the fact that states are not only the collective protectors of our international norms but also, too often, the violators of those norms.

So there is much at stake for the Council, and for human rights, in the months ahead. A new atmosphere is vitally needed. You, the members of the Council, were elected on your own record and on your pledge to “uphold the highest standards in the promotion and protection of human rights.” You have an obligation to rise above national and regional interests, and to fulfil that pledge wherever and whenever abuses occur.

It is not too late to make this new beginning worthy of the hopes that humanity has placed in it. Some critics have rushed to a premature judgement. Now is the time, for those members from all regions of the world who are truly dedicated to a strong and effective Council, to prove them wrong.