



CHAIR OF
THE NON-ALIGNED MOVEMENT



HUMAN RIGHTS COUNCIL
Sixth Resumed session

STATEMENT BY H.E. MR. JUAN ANTONIO FERNANDEZ,
AMBASSADOR, PERMANENT REPRESENTATIVE OF THE
REPUBLIC OF CUBA, ON BEHALF OF THE NON-ALIGNED
MOVEMENT

(Check against delivery)

Geneva, 11 December, 2007

Mr. President,

1. I have the honor to deliver this statement on behalf of the Non Aligned Movement.
2. First of all allow me to express our appreciation for the presence of the High Commissioner with us this morning. We have carefully listened to her statement and many of the points that we are going to address are in one way or the other related to it and to the work of the OHCHR and the Council.

Mr. President:

3. This new Council has gone a long way in his one year and some months of work. With full commitment and willingness to compromise from all sides, we managed to approve a balanced Institutional Building Package, including the Code of Conduct for Special Procedures. The package was recently approved by the Third Committee of the General Assembly and in some days it will also be adopted by the GA. For the NAM it was an honor and a privilege to take the leadership and introduce the enabling draft resolution to that end.
4. Before I refer to some issues that we want to put to the attention of the High Commissioner, let me very briefly refer to two points to which the NAM attaches great importance in light of this sixth resumed session.
5. The Non-Aligned Movement welcomes the efforts of the President in taking forward a process of consultations in order to resolve some technical and political issues with regards to the role of the UPR Troika Rapporteurs and the modalities of the UPR Working Group. Members of the Movement have actively and constructively contributed to this process, which we hope will be continued and finalized in an open and inclusive manner. We believe that it is essential to arrive at a clear and common understanding among all on these important issues, so that we could move in a firm and steady way towards the UPR, and proceed to the Troika selection.
6. The Non-Aligned Movement also welcomes the efforts of the President towards achieving a common framework for the Review, Rationalization and Improvement of mandates. We are aware Mr. President that you have recently begun consultations on this matter and we encourage all members and observers to get involved in that

process. The Council has already reviewed some mandates, and we believe that we should take the good and the bad lessons learned from those exercises in order to build up a common framework for present and future revisions. We see this process as an ongoing one, and we are fully committed to contributing to it in a constructive manner.

Mr. President,

7. We have carefully listened to the Statement by the High Commissioner and we are sure that some NAM members will react more in details to it. But we would like to take advantage of the presence of the High Commissioner with us this morning to highlight some issues of concern to members of the Movement.
8. The Council adopted in June the Code of Conduct for Special procedures for mandate holders, which was already adopted by the Third Committee and will soon be also approved by the GA. It is therefore a multilaterally negotiated and agreed document with full force and validity for the work of the Special Procedures mandate-holders. However, we have noted some lack of enthusiasm towards this important document.
9. The NAM troika held a meeting with the Chairperson of the Special Procedures Coordinating Committee, Ms Gay McDougall, in which we were informed of the fact that the Special procedures are studying the Code of Conduct in order to improve their Manual for Special Procedures taking into account the provisions of the Code.
10. The NAM takes note of the efforts being done in this regard, but it is our firm view that the Code of Conduct was not adopted to serve as a basis for the improvement neither of the Manual nor of any other document. The Code of Conduct is an intergovernmentally agreed document, designed to be the main basis for the work of special procedures, and we expect nothing but full compliance with its provisions. By the way, we have checked the web page of the OHCHR and in the section for special procedures the only document put with some relevance there is the Manual, not the Code of Conduct. We hope all this inconsistencies will be addressed urgently.
11. The NAM regrets some recent incidents that compromise the atmosphere of cooperation, dialogue and good faith in the relations between States and some special procedure mandate-holders. It is unacceptable that a special procedure make a presentation on his/her

visit to a country in the framework of an intergovernmental body of the UN without having prepared a written report nor having it shared first with the concerned Government. It is also unacceptable that Special procedures report directly to the Third Committee without first coming to the Council.

12. At the same time, members of the NAM also regrets other incidents have compromised the independence of some special procedures, who have made public trough a press release the content of an urgent appeal being at that moment processed by the concerned Government.
13. We are embarking on a new Era in the promotion and protection of all human rights, but actions of this kind contribute to undermining the principles of impartiality, independence, objectivity, non-selectivity and constructive international dialogue and cooperation, on which rely the foundations of the new institutions that we are creating.
14. The Non Aligned Movement calls upon all States, special procedures and all other stake-holders to make the new Council profit this unique opportunity to transit through new avenues of genuine cooperation, good faith, dialogue and constructiveness in its approach to the promotion and protection of all human rights for all.
15. As we have said in the past, stamping out politicization, double standards, and selectivity is the only way to make a real contribution to the noble cause of human rights, which we all embrace.

I thank you