

**STATEMENT BY AMBASSADOR RONALDO MOTA SARDENBERG
PERMANENT REPRESENTATIVE OF BRAZIL TO THE UNITED NATIONS, ON
BEHALF OF COLOMBIA, GUATEMALA, PANAMA, PARAGUAY, URUGUAY AND
BRAZIL**

72nd PLENARY MEETING OF THE GENERAL ASSEMBLY

HUMAN RIGHTS COUNCIL

(New York, 15 MARCH 2006)

Mr. President,

On behalf of Colombia, Guatemala, Panama, Paraguay, Uruguay and Brazil, I wish to congratulate you, Mr. President, and also Ambassador Ricardo Arias, and Ambassador Dumisani Kumalo, Co-Chairs, for your tenacious work throughout the last five months. The intense and transparent consultations with Member States carried out by you allowed us to reach a balanced draft resolution that creates and sets the mandate of the Human Rights Council.

Since the adoption by vote of the Universal Declaration on Human Rights, more than sixty years ago, States have incorporated to their legal systems, mechanisms that guarantee the protection and fulfillment of Human Rights. This has been a major achievement and has consolidated standards for contemporary society. Progress so far attained has been a result of strenuous efforts. Nevertheless, our determination to improve standards of living and put a stop to violations of Human Rights has overcome every sort of difficulties.

The establishment of the Human Rights Council, in replacement of the Commission on Human Rights, represents a watershed in the protection and promotion of Human Rights, but it cannot be considered an end in itself. The new Council is part of a process which has begun with the Universal Declaration of Human Rights. Although reshaping the Human Rights machinery is essential, one must not lose sight of the fact that, at the end of the day, the members of the old and often criticized Commission of Human Rights will be the very same members of the new Council. Notwithstanding, the approach of all States to Human Rights has to be reshaped.

It was a complex and sometimes tortuous negotiating process that led to the final draft resolution presented by the President of the General Assembly on 23 February. The efforts and the resolve of the whole membership prevailed over obstacles and allowed for the fulfillment of the determination mandated by our Heads of State and Governments at the 2005 World Summit.

Colombia, Guatemala, Panama, Paraguay, Uruguay and Brazil firmly support the President's text. We reaffirm that the new Council, while preserving the positive elements of the present Commission, constitutes a step forward toward the strengthening and improvement of the Human Rights machinery.

(Check against delivery)

The Council, as outlined, is definitely an important achievement. But there are imperfections, which we hope will be corrected through the day-to-day practice of the new body. The views of the delegations of Colombia, Guatemala, Panama, Paraguay, Uruguay and Brazil have been extensively expressed during the negotiating process. I would highlight three outstanding issues.

Firstly, the text could have included, in a more comprehensive fashion, the concepts of dialogue and cooperation as instruments for the treatment of violations of human rights. Experience shows that, as a rule, politicizing Human Rights tends to be counterproductive if not accompanied by positive incentives, such as cooperation and capacity building.

Secondly, Colombia, Guatemala, Panama, Paraguay, Uruguay and Brazil regret that the proposal of a global report has not been inserted in the final draft. Monitoring the situation of Human Rights in a global perspective would be an essential practice allowing for the mitigation of political selectivity and double standards, which has been the object of well-founded criticism of the work of the Commission on Human Rights.

Finally, we deeply regret that the representation of GRULAC in the Council as compared to the Commission was decreased by 27%. We understand that regions with increased number of countries should expand their presence. But there was no decrease in the number of countries in our region. So we fail to see why its representation has been reduced so drastically.

The adoption of this resolution today is long overdue. The Commission has started its work in Geneva last Monday. As our delegations stated on several occasions, our main concern was to avoid a "protection gap" created by a waning Commission while a new structure is still lacking. The persistence of this situation could temporarily undermine the UN system for the protection of human rights.

Mr. President,

In closing, I would like to concur with you, as stated in your letter dated 9 March, that there are many other important matters on the reform agenda that will require our full attention in the present session of the General Assembly. The creation of the Human Rights Council will now free the agenda and allow delegations to consider other fundamental issues for the Organization such as the reform of the Security Council, the revitalization of the General Assembly, management reform, development and ECOSOC reform.

Thank you, Mr. President,