OVERVIEW OF THE 60th SESSION OF THE GENERAL ASSEMBLY
(New York, September to December 2005)

Introduction

The United Nations (UN) General Assembly’s sixtieth anniversary session began with a three-day High-Level Plenary Meeting – known as the 2005 World Summit – where world leaders reviewed progress since the adoption of the Millennium Declaration in 2000, and pledged to take action on a wide range of global issues in the areas of development, security, human rights and reform of the UN. The summit was followed by a two week general debate, the meeting of the General Assembly’s six Committees, including the Third Committee on Social, Humanitarian and Cultural Issues, which deals with human rights and finally a General Assembly plenary session, where resolutions adopted in the Committees were considered.

Overview

The sixtieth session of the General Assembly was largely focussed on following up the discussions on reform of the UN that took place during the World Summit. In the Summit Outcome Document, several commitments that the 191 Member States had agreed to, including the establishment of a Human Rights Council (Council) to replace the Commission on Human Rights (Commission), were deferred to the General Assembly for further consultations. By the end of the year, States had still not achieved consensus on a resolution creating the new human rights body and consultations were postponed until January 2006 though some progress was made on negotiations on the Council. These negotiations for the most part also overshadowed the work of the Third Committee, the main General Assembly committee addressing human rights.

The General Assembly succeeded in adopting 52 draft resolutions and eight decisions relating to human rights, including on the protection of refugees and internally displaced persons, women's rights, children's rights, indigenous issues, human rights defenders, torture, racism, counter-terrorism and human rights, the protection of migrants, and the right to food. Six resolutions on human rights situations in specific countries were also adopted.

For the first time, the General Assembly adopted resolutions on the human rights situation in Democratic People’s Republic of Korea (DPRK) and on Uzbekistan. The General Assembly also adopted resolutions pointing to human rights violations in the Democratic Republic of the Congo (DRC), the Islamic Republic of Iran (Iran), Myanmar, and Turkmenistan. The Third Committee successfully overcame an attempt by members of the Non-Aligned Movement (NAM) to block consideration of four (Iran, Myanmar, Turkmenistan, Uzbekistan) of these country resolutions. Arguing that Western nations have double standards when it comes to addressing human rights, the NAM used a procedural device known as a “no-action motion” to try to thwart adoption of the

3 All six of the country-specific resolutions were adopted after a vote except for the one on Myanmar, which was adopted by consensus. See http://www.democracycaucus.net/pdf/Scorecard%202005-2006%20Analysis.pdf for an analysis of Third Committee voting patterns on country resolutions at the 60th session.
4 Both these resolutions were sponsored by the European Union (EU).
5 The Non-Aligned Movement (NAM) was originally formed as a bloc of countries that would remain neutral during the Cold War. It is “non-aligned” in name only and operates as a voting and negotiating bloc throughout the UN system. The NAM held its first gathering of heads of Government in 1961. It includes 113 UN member States: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Democratic People’s Republic of the Congo, Côte d’Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Democratic People’s Republic of Korea, Kuwait, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Rwanda, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, United Republic of Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Vanuatu, Bolivarian Republic of Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.
6 Under rule 116 of the General Assembly’s rules of procedure, a representative may move for the adjournment of the debate on the item under discussion. No-action motions have been used successfully on a number of occasions at the Commission
resolutions. Though these no-action motions were finally defeated, there was heavy lobbying for votes and it was difficult to predict whether the resolutions would be adopted till the very last minute.

The General Assembly however failed victims of severe human rights violations in Darfur by approving a "no-action motion" on Sudan. This motion bought by Nigeria, on behalf of the Africa Group, abruptly ended the General Assembly’s consideration of human rights abuses in Sudan. Sudan was able to achieve this reprieve due to the unquestioning support of its African colleagues within the 53-member States of the African Union (AU). Most other countries under scrutiny do not have such a large ready-made regional club of States that they could rely upon for solidarity and votes.

These procedural games were also a concern in the delicate ongoing negotiations to create a Human Rights Council, where States are greatly polarised on the appropriate selection process of countries for scrutiny for their human rights record. If most of the no-action motions tabled on country-specific resolutions had succeeded, the confidence and momentum to create a strong and effective body with the mandate to act on serious and continuing human rights violations in specific country situations may have been undermined.

Another disappointing outcome was the last-minute withdrawal of a draft resolution on human rights mainstreaming in the UN system, sponsored by the Netherlands and Belgium. Through this initiative, Belgium was attempting to follow up on the commitment made by States in the 2005 Summit Outcome Document, which provided “the first clear, broad, and high-level intergovernmental mandate for mainstreaming human rights throughout the United Nations system”. The draft resolution’s three objectives were to further the issue of human rights mainstreaming in the UN; take stock of developments already in place and to identify gaps in the area of human rights mainstreaming; and stimulate sharing of information on how to further the mainstreaming of human rights. Cuba and Pakistan initially helped fracture the burgeoning consensus by accusing the main sponsors of a lack of transparency in negotiations. However the resolution was ultimately undone because of the United States of America (USA), which refused to accept some South African amendments (supported by most of the developing world and the EU) to integrate language on the right to development into the text. The ever increasing rigidity stand of the USA, and the “take no prisoner’s style” of diplomacy embraced by the US Ambassador and his mission, not only stymied progress on this important and progressive measure, but also prevented consensus on several other key resolutions, including on the right to food, the rights of the child, and the Convention on the Elimination of All Forms of Discrimination against Women. The USA cast the lone dissenting vote on all of these texts.

Two other resolutions were also withdrawn during the Third Committee session: the USA-initiated resolution on the incompatibility between corruption and human rights, and an Egyptian text on Palestinian children. The first because Cuba overwhelmed the text with amendments the USA could not accept, and the second after the co-sponsors felt that relevant elements were adequately incorporated in another EU-sponsored resolution on the rights of the child.

Despite the limited progress made in establishing a Human Rights Council, one of the most welcome and far-reaching decisions of the General Assembly this session came in the form of a major budget boost to the Office of the High Commissioner for Human Rights (OHCHR). The General Assembly approved over 90 new staff posts for

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7 Unfortunately, the Security Council’s inadequate action in regards to the deteriorating situation in Darfur mirrored the General Assembly’s regrettable performance. Although a sanctions regime on Darfur was set up by the Security Council, it remains ineffective, and the African Union Mission in Sudan (AMIS), is under funded and lacks expertise. In March this year some progress was made with the Security Council’s referral of crimes committed in Darfur to the International Criminal Court (ICC), however the Khartoum Government has made clear that it will not cooperate with the ICC.

8 The no-action motions were tabled on the following country resolutions: Iran (by Iran); Turkmenistan (by Turkmenistan); Uzbekistan (by Uzbekistan); Myanmar (by Cuba) and Sudan (by Nigeria).


10 http://www.unhchr.ch/huricane/huricane.nsf/view01/C747C553549DF123C12570A60029E91C?

11 The Incompatibility between Corruption and the Full Enjoyment of Human Rights, A/C.3/60/L.42.

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OHCHR, which, among other things, will assist the High Commissioner to expand the OHCHR’s emphasis on protection in the field and also strengthen its New York Office.

UN Reform: Human Rights Council

In her remarks to the Third Committee this year, the High Commissioner for Human Rights praised the commitment of world leaders, in the Summit Outcome Document, to strengthen the UN’s human rights machinery and establish a new Human Rights Council. The Council, she said, would have an “all-encompassing responsibility” for “promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind”, and would be “empowered to address situations of violations of human rights, including gross and systematic violations, and to promote the mainstreaming of human rights throughout the UN system.” Although the Third Committee weighed in on the human rights reform process in an open meeting the core Council negotiations continued elsewhere behind closed doors. As mentioned earlier, the challenge to reach agreement by the end of the year proved remained unmet.

Process

General Assembly President Jan Eliasson selected two co-Chairs to lead further discussions on the establishment of the Council: Ambassador Dumisani S. Kumalo (South Africa) and Ambassador Ricardo Alberto Arias (Panama) at the close of the 2005 World Summit. Soon after their appointment in October 2005, the co-Chairs held several informal consultations on the Council during the General Assembly plenary session (at the Ambassadorial level). The negotiations took place on the basis of four paragraphs in the Summit Outcome Document though with the caveat from President Eliasson that the Outcome Document should not “set a limit on our ambitions; rather it should be a beachhead from which we launch ourselves forward.” This call was particularly important considering the lack of strong language in the Outcome Document detailing how the Council would operate.

After an initial general consultation, the co-Chairs held three further consultations on specific issues on which governments needed to reach agreement: mandate and functions (18 October); status, size, composition and membership (24 October); and rules of procedures, working methods and transitional arrangements (1 November). The consultations were supposed to be closed meetings and no formal arrangements were made for the participation of non-governmental organisations (NGOs). However, some NGOs were able to enter the conference room where the negotiations were taking place and monitor the proceedings, although access to delegates and UN documents was limited and unpredictable.

Following the four informal consultations (as well as the continued bilateral discussions with governments and other interested actors, including NGOs) the co-Chairs drafted and distributed an ‘Options Paper’ on 3 November. This paper was based on the main elements that came up during the consultations and also identified the issues on which agreement still needed to be reached. Governments were asked to respond to the paper by 15 November 2005. President Eliasson and the co-Chairs also visited Geneva, Switzerland, on 21-22 November to consult with the human rights community there, including with NGOs.

On 28 November 2005, President Eliasson circulated a “compilation text” and negotiations continued on a paragraph-by-paragraph basis. The “compilation text” looked like the text of a resolution and contained the preambular and operative paragraphs from the Options Paper distributed earlier by the co-Chairs in addition to a variety of proposals of amendments by States and regional groups. The compilation did not, however, reflect a consensus among States. During further negotiations, States for the most part restated their positions on the preambular section of the text as well as all the operative sections dealing with the status; mandate and functions; size, membership and composition; rules of procedure; methods of work; and transitional arrangements.

14 30 September letter from Assembly President Eliasson to Permanent Representatives in New York
16 For the text of some of State’s statements from these consultations, see www.reformtheun.org
A streamlined and reorganised compilation text was circulated on 12 December by the co-chairs and discussed by States in the ensuing week. On 16 December, President Eliasson also held an informal briefing with the NGO community.

The last draft of the year -- a four-page resolution text -- was distributed on 19 December. Despite the appearance of a relatively 'clean' text (it contains only limited bracketed language with brackets indicating language not yet agreed), States were still not in agreement on the non-bracketed language in the text.

Although many hoped that final consultations would wrap up by the end of the 2005 General Assembly session, the General Assembly President's Office decided to postpone further negotiations until 11 January 2006.

Note: The process was nearly derailed in early October by a draft resolution presented by Belarus, China and Russian to create an "open-ended working group" (a euphemism in UN inner circles for closed and never ending) of the General Assembly to study and work out the details of the new Council. The resolution was ultimately withdrawn, but could still be reintroduced, depending on how these States view the next batch of negotiations progressing.

At the close of the negotiations in December 2005, the major sticking points in the final Council "compilation text" of the year included the size of the membership in the Council; election rules and procedures, and terms of service; pre-requisites or criteria for membership; and the frequency and length of Council meetings. One of the most contentious issues - how to address human rights violations in countries, and in particular the adoption of country-specific resolutions - comprised a major stumbling block. In the current compilation, several controversial provisions and phrases threaten to weaken the text in this regard: "Code" words for stymieing action on country situations are peppered throughout. These include a reference to "achieving international cooperation" in the first provision that prioritises the role of the UN Charter and another to the importance of ensuring "universality, objectivity, and non-selectivity" in a paragraph underlining and the avoidance of double standards and politicisation in the consideration of human rights issues. A major concern for human rights groups is a particularly contentious provision that requires that any resolution critical of a specific State's human rights situation be adopted by "two-thirds of the members present and voting," and not the current simple majority that is required for the Commission on Human Rights and the General Assembly. Governments are also still far from reaching a consensus on universal periodic peer review, and an outcome on this may ultimately depend on what happens to the other provisions related to country scrutiny. Several other key provisions that are still being debated closely include those on the participation of NGOs in the Council, and the status of the relationship between the OHCHR and the Council.

To no one's surprise, the same States that acted as spoilers (including China, Cuba, Egypt, Indonesia, Iran, Malaysia, Pakistan, Vietnam, Venezuela, Syria, and Sudan) during the World Summit negotiations took the lead in creating obstacles and using delaying tactics during consultations on the Council, tactics which ultimately threatened to undermine the creation of a strong and effective new human rights body.

On a more positive note, the majority of States, including countries from all the regions (many Latin American and Caribbean States, the EU, a few Asian and African States, and the USA) expressed support for an independent, authoritative and effective Council, in line with many of the elements that human rights NGOs around the world are supporting.

19 See http://www.ishr.ch/About%20UN/Reports%20and%20Analysis/UN-Reform/HRC-RevisedCoChairText-19December.pdf
20 Many developing governments are concerned that the review might be used as a punitive rather than a cooperative device, whereas a few developed countries also fear that the mechanism would divert funds from other areas and programs that may have more a direct impact on implementation of human rights in countries.
21 The provision on universal periodic peer review the table now outlines a mechanism where States can scrutinize each other's human rights records followed by publication of a Chair's summary of "the conclusions of the review".
22 A handful of countries, led by China, had earlier in the negotiations, supported a provision that the Council supervise or review the work of the now independent OHCHR: an unacceptable proposition for many countries as well as human rights nongovernmental organizations.
23 One of the major sticking points – how country situations will be addressed in the new body – remains an unresolved issue for not only this handful of States, but for numerous members of the NAM.
Although no opportunity was provided for NGOs to speak formally at the consultations, over one hundred NGOs from around the world communicated their concerns and recommendations in writing to the General Assembly President and governments during the negotiations. These included recommendations that: the Council should have the ability to consider country situations and adopt resolutions (by a simple majority of Council members); it should ensure a level of participation by NGOs at least as high as that enjoyed by them at the Commission; the system of special procedures should be transferred to the Council with enhanced coherence and support; and the Council should schedule no fewer than six meetings per year for a total duration of no less than twelve weeks.

The question on everyone's mind now is where the consultations in 2006 will lead. Will the “supporters of the Council” take the necessary tough stands to ensure that it is more effective than the Commission and improves upon the current strengths of Commission, especially in the areas of scrutiny of countries, special procedures, and participation by NGOs? Or will the demands of a few spoilers lead to "more of the same" with a new name, or worse, a body with less teeth than the current Commission?

**Country Resolutions**

The Special Rapporteur on the situation of human rights in the DPRK noted discrepancies and transgressions in implementing human rights in the country, and provided clear and cogent recommendations to improve the human rights situation. The DPRK has made limited progress in improving the human rights situation in the country despite three consecutive Commission resolutions condemning its poor human rights record. It has not cooperated with the Special Rapporteur's mandate. The General Assembly's adoption of its first-ever resolution on the Situation of Human Rights in the Democratic People's Republic of Korea by a vote of 88 in favour, 21 against and 60 abstentions was therefore a timely and important contribution, illustrating the international community's solidarity and concern with the victims in that country. One delegate noted that the Resolution was a "model" one; with content that was tough, balanced and up to date.

As in previous years, Canada tabled a resolution condemning violations of human rights in Iran. Iran's representative again accused Canada of tabling the Resolution because of a bilateral legal dispute between the two countries. The Resolution, entitled the Situation of Human Rights in the Islamic Republic of Iran, which is significantly stronger than last year's, was approved despite the Iranian Government's fierce lobbying to bring a no-action motion on the measure. The Resolution was also adopted by a larger majority this year (75 in favour to 50 against, with 43 abstentions).

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24 [http://www.ishr.ch/About%20UN/UN%20Reform/UNReformLetter1Nov.pdf](http://www.ishr.ch/About%20UN/UN%20Reform/UNReformLetter1Nov.pdf)
25 Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, A/60/306.
26 The Special Rapporteur asks the Government to abide by international human rights standards, including the four human rights treaties to which they are party; follow up the recommendations of those treaties' monitoring committees; uphold human rights; respect the rule of law, particularly the promotion of an independent, transparent judiciary; reform the justice system, and improve the prison system. The Special Rapporteur also recommends that the Government ensure that humanitarian assistance, including food, is sustained and reaches targeted groups, and that the Government prevents the persecution of displaced persons and guarantees freedom of movement.
27 A/RES/60/173
28 The voting patterns recorded in this report are from the Assembly plenary unless noted otherwise.
29 The Resolution expresses concern at “the refusal of the Government of the DPRK to recognize the mandate of the Special Rapporteur” (OP1a), and to cooperate with him and with the OHCHR. It also expresses concern at the continuing reports of systematic, widespread and grave human rights violations, and “deep concern at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition” (OP3). In this context, the text urges the Government of the DPRK “to ensure the full and safe access of humanitarian organisations,... in particular the World Food Programme...this concern having been aggravated by the announcement by the authorities of the DPRK of their intention not to accept humanitarian assistance from January 2006” (OP4). It also urges the Government implement fully the measures set out in both resolutions before the General Assembly and the Commission, in particular full cooperation with the Special Rapporteur.
30 A/RES/60/171
31 The Resolution expresses its serious concern over the continuing harassment, intimidation and persecution of human rights defenders, NGOs, political opponents, religious dissenters, journalists, and students through undue restrictions on freedoms of assembly, press and expression, arbitrary arrests, as well as the disqualification of large numbers of prospective candidates during the June 2005 presidential elections. It condemns the continuing use of torture and cruel, inhuman or
The Special Rapporteur on Myanmar (Mr. Paulo Sérgio Pinheiro), who has not been allowed to conduct a fact-finding mission to Myanmar since November 2003 despite repeated requests, submitted his interim report to the General Assembly and addressed the Third Committee for the last time. The EU-sponsored resolution on the Situation of Human Rights in Myanmar was adopted by consensus as in previous years and without any significant change in the number of co-sponsors who were mainly from the European region.

The Secretary-General’s Special Envoy for Myanmar and the Special Rapporteur have failed to persuade the Myanmar Government to improve the human rights situation and the Government has continued to ignore many recommendations in previous General Assembly and Commission resolutions aimed at rectifying the situation in Myanmar. A welcome development this year therefore was the Security Council’s unanimous agreement to hold a briefing on Myanmar. Although the briefing was not placed on the formal agenda, but raised under “other matters,” it was hoped that the discussion would help contribute in persuading several reluctant Security Council members to place Myanmar on the permanent agenda. Human rights groups have been pushing for a decade for the Security Council to take up the situation in Myanmar, and many saw the development as a significant step forward.

In a critical initiative, the USA tabled a resolution on the Situation of Human Rights in Turkmenistan, which the General Assembly adopted (for the third consecutive year) by a vote of 71 in favour to 35 against, with 60 conditions.

The resolution expresses grave concern at the ongoing systematic violation of human rights, and at the continuing restrictions on the NLD and other political parties, which prevented their participation in the National Convention, and at the fact that neither the Special Envoy of the Secretary-General nor the Special Rapporteur had been allowed to visit the country for almost two years. It strongly calls on the Government of Myanmar to end impunity and to release all political prisoners immediately and unconditionally. It also calls on the Government “without further delay to cooperate fully with the Special Rapporteur to facilitate an independent international investigation of continuing reports of sexual violence and other abuse of civilians carried out by members of the armed forces in Shan, Karen, Mon and other States” (OP3f).

Grave concern is also expressed about “the continuing use of torture, deaths in custody, political arrests and continuing imprisonment and other detentions” (OP 2 b) and the Government is strongly called upon “to ensure that discipline in prisons does not constitute torture or cruel, inhuman or degrading treatment or punishment (OP3n).”

The Special Rapporteur informed the Third Committee that he remains very concerned at the practice of administrative detention, and in particular the house arrest of the National League for Democracy (NLD) General Secretary Aung San Suu Kyi. He observed that the National Convention was reconvened this year without involving some political parties, including the NLD, rendering any notion of a democratic process devoid of meaning. In particular, the Special Rapporteur called on the Government of Myanmar to repeal Order 5/96, whose provisions allow up to 20 years’ imprisonment of anyone who drafts a constitution without official permission and otherwise criminalises the right of freedom of expression and assembly. He also reported that serious human rights violations continue to be perpetrated against ethnic minority communities in Myanmar.

The mandate is up for renewal at the Commission on Human Rights in 2006, and the present Special Rapporteur has served the maximum number of terms allowed.

A/RES/60/233

32 Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the Situation of Human Rights in Myanmar, A/60/221

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35 A/RES/60/233

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In addition the General Assembly expresses grave concern “at the continued denial of the freedom of human rights defenders to pursue their legitimate activities” (op.2 f), and strongly calls on the Government “to allow human rights defenders pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit” (OP3d). Grave concern is also expressed about the “continuing use of torture, deaths in custody, political arrests and continuing imprisonment and other detentions” (OP 2 b) and the Government is strongly called upon “to ensure that discipline in prisons does not constitute torture or cruel, inhuman or degrading treatment or punishment (OP3n).”

37 The momentum for including Myanmar on the Council agenda peaked this year following the release of a report commissioned by Czech Republic president Vaclav Havel and Nobel Peace laureate Desmond Tutu entitled "Threat to the Peace: A Call for the UN Security Council to Act on Burma", and a push by the US Ambassador to persuade Council members that the situation indeed posed a threat to international peace and security and was therefore worthy of inclusion of the Council agenda.

38 During the briefing, under-Secretary General for Political Affairs informed the Council on Burma's humanitarian and human rights conditions.

39 A/RES/60/172.
In another first, the General Assembly adopted an EU-sponsored resolution on the Situation of Human Rights in Uzbekistan[41] by a vote of 74 in favour to 39 against, with 56 abstentions. This move reflected the international response to the Uzbek Government’s use of indiscriminate and disproportionate force to quell demonstrations in Uzbekistan’s eastern city of Andijan last May, resulting in many civilian casualties, and the serious deterioration of the wider human rights situation in Uzbekistan.

The resolutions on Iran, Myanmar, Turkmenistan and Uzbekistan were successfully adopted only after no-action motions to block consideration of the situations were defeated (in Iran's case by 70 in favour, 77 against, 23 abstentions; in Myanmar's case by 54 in favour, 77 against, 35 abstentions; in Uzbekistan's case by 65 in favour to 75 against, with 28 abstentions; and in Turkmenistan's case by 64 delegations in favour to 70 against, with 26 abstentions).

As a result of the AU collectively standing by the Government of Sudan, the no-action motion on the EU-sponsored resolution on the Situation of Human Rights in Sudan (A/C.3/60/L.47) passed by 84 votes in favour and 79 against, with 12 abstentions, even after furious lobbying by the UK on behalf of the EU in the face of this African solidarity. The only silver lining to this shameful debacle was that the margin between the countries voting for and against the motion significantly decreased from last year: in 2004 the motion was won by seventeen, this year by only five.

This fiasco occurred despite Ms. Sima Samar, the newly-re-established Special Rapporteur on human rights in Sudan, informing the Third Committee of her great concern for continuing human rights violations and the culture of impunity still existing in the Sudan[42]. She conducted her first mission to the Sudan in October 2005 and informed the Third Committee that practices such as harassment of civilians and internally displaced persons, torture, sexual violence and discrimination by armed men (officers and non-officers) remain overwhelming in the Sudan, especially in Darfur. She also reported on various legal initiatives, that are impeding the work of the media, civil society organisations and human rights defenders in violation of guarantees under the Interim Constitution and international human rights conventions to which the Sudan is party.

In her unheeded recommendations to the General Assembly, she proposed that the Government provide unrestricted access to national security facilities for human rights officers in the United Nations Mission in Sudan (UNMIS). She also recommended that the Government cooperate closely with the AU Mission in Sudan (AMIS) to deploy police in vulnerable areas in Darfur to protect civilians, particularly in camps for internally displaced persons, and prevent attacks on women. She also advocated for stronger cooperation by the Government with the International Criminal Court (ICC), and proposed the creation of an independent national human rights commission in line with the Paris Principles.

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40 The Resolution expresses grave concern at continuing and serious human rights violations, including the repression of political opposition and media, arbitrary detentions, imprisonment and surveillance. It also expresses concern about poor prison conditions, reports of torture and mistreatment of detainees, forced displacement of citizens, including a disproportionate number of ethnic minorities, restrictions on the exercise of freedom of thought, conscience, religion or belief, and continued restrictions on the right of peaceful assembly. The Assembly urges the Government to work closely with the OHCHR, cooperate with requests made by a number of special rapporteurs to visit the country, and to submit reports to UN treaty bodies to which it is bound and give their recommendations due regard. The Government is also urged to implement the recommendations of the rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe (OSCE), and to allow the International Committee of the Red Cross (ICRC) full access to places of detention.

41 The Resolution expresses concern over allegations of serious human rights violations in Uzbekistan, particularly the Government’s use of indiscriminate and disproportionate force to quell the May 2005 Andijan demonstrations resulting in many civilian casualties (OP2a); pressure to prevent Uzbek refugees from travelling to third countries; arbitrary arrest and detention; increasing restrictions on and harassment and censorship of journalists and civil society activities; continued blocking of opposition parties; lack of freedom of thought and religion; and serious constraints and harassment of nongovernmental organisations and human rights defenders, including the International Committee of the Red Cross (ICRC) (OP4i). The text also strongly calls upon the Uzbek Government to fully implement without delay the June 2005 recommendations of the report of the OHCHR, particularly authorising the establishment of an independent inquiry commission into the events in Andijan, and to fully implement the recommendations of the Independent Expert on the protection of human rights and fundamental freedoms while countering terrorism (OP4e), and of the recommendations of the Special Rapporteur on the question of torture (OP1b) made following his 2002 visit to Uzbekistan (A/RES/60/174) Report of the Special Rapporteur on the Situation of Human Rights in the Sudan, A/60/356
The General Assembly also received a report by the Independent Expert on the human rights situation in the DRC (Mr. Titinga Frédéric Pacéré). The Independent Expert visited the DRC twice in 2004 and once in 2005, and concluded that the human rights situation remained worrisome, particularly in the eastern part of the country. A resolution on the Situation of Human Rights in the Democratic Republic of Congo, tabled by the EU with the cooperation and support of the DRC, was adopted. The text was almost approved by consensus (102 in favour, three against, and 67 abstentions), but two countries – Uganda and Rwanda – voted against it due to provisions making oblique references to their role in the violence in DRC. Egypt was the third dissenting vote.

Some countries that were not targeted in resolutions but were spotlighted because of concerns about their human rights situation, by Canada and the EU in their statements during the Third Committee debate on human rights questions were: Syria (physical abuse of detainees, including torture); Togo (serious human rights abuses, including killings, torture and inhumane treatment); Colombia (need for protection of activities of human rights defenders); Zimbabwe (restrictions to freedoms of speech, association, and the press, ongoing arbitrary detentions and use of torture, clampdown on civil society groups); Belarus (repression of civil society, the independent media, opposition political parties, national minority organisations and trade unions, politically motivated arrests and detentions); Eritrea (intimidation and detention of political opponents and journalists); Saudi Arabia (reports of torture and forced confessions as well as high incidence of capital and corporal punishment); Ethiopia (use of force against opposition demonstrators and their detention following recent elections); China (severe restrictions on freedom of expression and association, religious or spiritual belief and the rights of minorities); Vietnam (restrictions on freedom of expression and association continue); Cuba (restrictions on freedom of speech and association, release of political prisoners required); Pakistan (religious discrimination, child labour, blasphemy laws, women’s rights and gender equality, impunity); and the Côte d’Ivoire (killings of civilians by armed militias go unpunished).

The country-specific resolutions in 2005 were a great improvement over the previous year. In 2004 Sudan, Zimbabwe and Belarus were able to escape censure by the General Assembly by resorting to no-action motions. Until last year, the General Assembly, unlike the Commission, had never resorted to no-action motions.

Members of the NAM routinely express their distaste for country-specific resolutions, accusing developed nations of selectivity and double standards in targeting developing countries in country resolutions and disregarding the developed world. Some members complained of the failure of either the Commission or the General Assembly to condemn countries such as the USA, which is reported to have violated human rights, including through the treatment of prisoners in the Guantanamo Bay detention facility and the practice of torture in the Abu Ghrab prison in Baghdad. It is true that no country is completely free of human right violations, and question marks have been raised for many years as to how the international community can consistently sidestep scrutiny and denunciation of human rights violations, for instance, in the five permanent members of the

44 The Special Rapporteur said that militias and armed forces are still committing atrocities and other human rights violations with impunity. He also expressed concern about the absence of consensus in the joint management of the transition period and the steady deterioration of law and order; the absence of an independent judiciary and the executive branch’s control over the judiciary and judicial decisions; lack of security; the situation of women and children; the trafficking and illegal exploitation of natural resources; and other violations of fundamental rights.
45 A/RES/60/170
46 The Resolution condemns the continuing violations of human rights in the DRC, especially in the eastern region. It urges all parties to conflict to implement the Global and All-Inclusive Agreement ceasing the impediments to the country’s sovereignty and territorial integrity; to support the transitional Government in re-establishing political and economical stability; cease the recruitment of child soldiers; and cooperate effectively with the International Criminal Court and the International Criminal Tribunal for Rwanda. It condemns in particular the use of sexual violence as a means of warfare and urges parties to the conflict to ensure safe and free movement of all civilians, UN personnel, humanitarian workers, and human rights defenders. It also calls on the Government of National Unity and Transition to hold free and transparent elections; restructure and ensure human rights training for the national armed forces; ensure surrender of weapons; bring justice to the country. It also requests further investigation on the situation of human rights in the DRC, and a report from the Independent Expert at the Assembly session in 2006.
48 Turkmenistan moved for a “no-action motion” in the Plenary of the General Assembly in December 2004. However, that “no-action motion” was rejected.
Security Council. However the motives for the critique of the system by some NAM members appear to have less to do with a desire to protect the victims of human rights abuses globally and more to do with deflecting the spotlight from their own countries. One issue is clear: any human rights body that is worth having, be it the Third Committee, the Commission or a new Human Rights Council, must be able to consider human rights violations in countries openly and transparently and exclusively on their merits. It must not allow political and economic considerations to outweigh a consistent and principled approach to addressing those country situations. An effective human rights body cannot be silenced by States who are unwilling to speak out against egregious human rights abuses and stand up firmly for the victims that endure these violations.

The use of procedural ploys to control the debate and consideration of country situations is unequivocally not the answer – they only serve to ridicule people's suffering and rights and damage the General Assembly's reputation as a body that can seriously assist in the realisation of human rights; an obligation placed on it by the UN Charter.

Thematic issues

Torture and counter terrorism

The UN Secretary-General stated in his Human Rights Day speech on 10 December 2005 that "torture can never be an instrument to fight terror, for torture is an instrument of terror."\(^\text{49}\) On the same day, the High Commissioner for Human Rights also made terrorism and torture the central themes of her speech. She expressed her concern that the "absolute ban on torture, a cornerstone of the international human rights edifice, is under attack" and that Governments in a number of countries are claiming that "established rules do not apply anymore".\(^\text{50}\)

Indeed, around the globe, the absolute prohibition of torture and ill-treatment under international law has been undermined, circumvented and torture has been legitimised by the "war on terror". Increasingly and brazenly, some governments are testing exceptions to the prohibition on torture and adopting counter-terrorism measures, in relation to detention, interrogation and asylum, that violate human rights.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment\(^\text{51}\) singled out six countries -- the USA, United Kingdom (UK), Canada, France, Sweden and Kyrgyzstan -- for not observing the principle of non-refoulement\(^\text{52}\) and violating international human rights conventions by deporting terrorist suspects to countries such as Egypt, Syria, Algeria and Uzbekistan, where they may have been tortured.

The expectation that the General Assembly would address some of the aspects of the human cost of the "war on terror" in their resolution on torture was partially realised. In the resolution on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment\(^\text{53}\), introduced by Denmark and co-sponsored by another 80 plus States, the General Assembly reiterates that the right to be free from torture and cruel, inhuman or degrading treatment

\(^{50}\) In one regrettable incident this year, the High Commissioner for Human Rights was publicly critiqued in an ad hominem assault by the USA Ambassador. In the High Commissioner's Human Rights Day speech, she accused governments of "watering down the definition of torture, claiming that terrorism means established rules do not apply anymore", and highlighted that the USA's use of secret prisons and practice of sending suspects to foreign countries with only diplomatic assurances as safeguards was undermining the international ban on torture. The USA Ambassador had reacted that he thought it "inappropriate and illegitimate for an international civil servant to second-guess the conduct that we're engaged in the war on terror, with nothing more as evidence than what she reads in the newspapers." This comment – clearly aimed at diminishing the authority and credibility of the High Commissioner to speak out against human rights violations, was roundly and publicly rejected by a leading human rights NGO (see http://hrw.org/english/docs/2005/12/15/usint12295.htm) and the Secretary-General himself, who vigorously defended the High Commissioner, saying he was "confident that she will carry on her work without being impressed or intimidated by what happened," and that as High Commissioner, she had an unrestricted right to "speak on human rights on a global scale."
\(^{51}\) Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/60/316, paras. 51-2.
\(^{52}\) The prohibition of the return of asylum-seekers or refugees to a State where his or her life or freedom may be threatened or where he or she is at risk of persecution.
\(^{53}\) A/RES/60/148
is non-derogable. The text also retained language from last year confirming "the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment" (OP1).

Some progress was also made on the issue of diplomatic assurances. The Special Rapporteur on Torture has highlighted that diplomatic assurances are "not legally binding... carry no legal effect and no accountability", are "unreliable and ineffective in the protection against torture and ill-treatment" and are sought "usually from States where the practice of torture is systematic". New language was inserted this year to provide that such assurances "do not release States from their obligations under international human rights, humanitarian and refugee law ... in particular the principle of non-refoulement" (para 8).

The Special Rapporteur on the independence of judges and lawyers (Mr. Leandro Despouy) also commented on the need for governments to respect human rights in combating terrorism, including the right to a fair trial. He highlighted several countries that are "currently discussing the adoption of national measures that could undermine adherence to international human rights standards", such as the debate in the UK regarding domestic measures applicable to suspected terrorists, and the USA's resumption of proceedings before military commissions in Guantanamo Bay. He pointed out that these measures do not comply with international standards concerning the right to a fair trial.

The Special Rapporteur on counter-terrorism and human rights (Mr. Martin Scheinin) emphasised the need to ensure that any measures taken to combat terrorism comply with international law, particularly human rights, refugee and humanitarian law. He also reported on his exchanges with the Security Council's Counter-Terrorism Committee (CTC) following the Commission's resolution requiring him to establish dialogue with the CTC. The resolution on the Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, adopted without a vote, urges States to respect fully non-refoulement obligations under international refugee and human rights law, and encourages the Security Council and its CTC to strengthen cooperation with the OHCHR and the Special Rapporteur on counter-terrorism and human rights.

Elaboration of human rights standards

The fight to end impunity and ensure justice for victims of human rights violations moved forward this year with the General Assembly's approval of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (the Principles and Guidelines). The Principles and Guidelines -- negotiated over a 15-year period -- are not legally binding, but represent the first international instrument that codifies the norms on the right to reparation for victims of grave human rights abuses. They contain a detailed description of the mechanisms, procedures and forms of adequate redress that are required under international law. They will be an important means for ensuring that States comply with their obligations under international law to guarantee an effective remedy and reparations when violations of international human rights and humanitarian law occur, as well as to prevent future violations.

54 The Commission only confirmed that torture and ill-treatment "are and shall remain prohibited at all times", and did not extend the similar provision to include also "cruel, inhuman or degrading treatment or punishment".
55 Some countries have justified extraditions on the ground that they are given have given "diplomatic assurances or formal guarantees" that detainees will not be subject to torture or ill-treatment.
56 Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/60/316
57 Note by the Secretary-General transmitting the report of the Special Rapporteur on the Independence of Judges and Lawyers, A/60/321
58 Ibid. pg. 2.
59 The CTC was set up by the Security Council in 2001 to monitor States implementation of Security Council Resolution 1373.
60 He told the Third Committee that specific forms of cooperation had been discussed during a meeting with the CTC. He also commented that the plans were still under consideration, emphasising that the role of the CTC itself was undergoing a transformation.
61 A/RES/60/158
62 A/RES/60/147
63 A Chilean-sponsored resolution containing the Guidelines and Principles were adopted at the Commission earlier this year. The USA initiated a vote on the text, which was adopted by 40 in favour with 13 abstentions, the USA vote being one of the abstaining votes.
The General Assembly also moved forward on the process of creating a convention on the rights of persons with disabilities, by adopting a consensus resolution on an Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/RES/60/232) which endorses the holding of two sessions of the Ad Hoc Committee in 2006. In 2006, States will begin a reading of the new draft text of a convention prepared by the Chairman of the Ad Hoc Committee.

The Sixth Committee (Legal) adopted an Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, which extends legal protection to UN and related workers in the field delivering emergency humanitarian assistance or providing humanitarian, political or development assistance in peacebuilding. The Convention itself had required a complicated declaration of “exceptional risk” before such protection applied.

The Sixth Committee also adopted a resolution calling for the Ad Hoc Committee on Terrorism to reconvene from 27 February to 3 March 2006 to continue elaborating a comprehensive convention against international terrorism. It is extremely important for human rights organisations that the text reflect States' obligations to protect human rights while countering terrorism, and ensures that the definition of terrorism in the convention is precisely defined and accords with international human rights standards.

Peacebuilding Commission

The General Assembly also successfully followed up on a key reform commitment in the World Summit Document when they endorsed the creation of a UN Peacebuilding Commission. The new 31-member intergovernmental advisory body will be dedicated to overseeing and bringing coherence to the process of peacebuilding. It will bring together all relevant actors to marshal resources, advise on and propose comprehensive strategies for peacebuilding and post-conflict recovery.

Human Rights Defenders

In her fifth and final annual report to the General Assembly, the Special Representative of the Secretary General on human rights defenders (Ms Hina Jilani) highlighted the fundamental role of human rights defenders in the preservation and restoration of peace and security. She urged the General Assembly to recognise how their work provides early warning of emerging problems, including of gross human rights violations, and can help to prevent problems from deteriorating further.

The Special Representative's message goes to the heart of why international peace and security strategies – in order to be effective - must give particular attention to protecting the role and situation of human rights defenders. They should not be used, as has been done in the framework of the war on terror, to hinder the work of defenders and made it increasingly dangerous for them to function.

Despite concerns that Cuba would try to call a vote on the resolution, the text on the Declaration of the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms was adopted by consensus. Unfortunately however compromise language regarding human rights defenders abiding by national legislation in their work was inserted in the Resolution to keep this consensus. Overall, the Resolution, while enjoying broad representation (additional co-
sponsors joined from the African, Arab and Asian regions failed to adequately reflect the crucial role of defenders in the promotion of security, the focal point of the Special Representative's report. The text, orally amended just before adoption, does not mention the role of human rights defenders as early warning mechanisms, and only recognises "the substantial role that human rights defenders can play in supporting peace through dialogue, openness, participation and justice including by monitoring and reporting on human rights" (PP 8). A positive development was the reinsertion of a specific reference to women defenders after it was deleted from last year's resolution.

**Women's rights**

A number of resolutions devoted to women's rights were adopted, including one on the *In-depth Study on All Forms of Violence Against Women* (A/RES/60/136), which called for a technical rollover of the study till the General Assembly's 61st session. It is anticipated that the study will be used as an opportunity not only to synthesise existing information and analysis on this subject, but also to develop strategic and ambitious recommendations for action by the UN and by States.

The General Assembly authorised the Committee on the Elimination of Discrimination against Women (CEDAW) to hold extra sessions to deal with its backlog of State reports. Despite an attempt by a few countries, led by USA, to have the relevant provisions removed, the Resolution on the *Convention on the Elimination of All Forms of Discrimination against Women* provides for CEDAW's members to work in parallel working groups for part of the session. The Resolution as a whole was adopted by a vote of 127 in favour to 1 against (USA), with no abstentions.

**Rights of the Child**

As in the previous year, States were unable to reach consensus on the 11-page omnibus resolution on the *Rights of the Child*, which the first time, highlights the cataclysmic effect of HIV/AIDS. The EU and "some Latin American countries" sponsored resolution was adopted by a vote of 130 in favour, 1 against, and no abstentions.

Multiple amendments were proposed for various paragraphs, including those on corporal punishment in schools, and on the extension of the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict. Although all the proposals were rejected, the number of votes called on different parts of the text reflected the erosion of wide support for the resolution as a whole. Most European countries voted in favour of the resolution while many African countries did not vote at all. The USA (who this year decided not to attend the informals on the Resolution) asked for a vote on the text as whole (as it did last year), citing issues with lack of neutrality of ICC language, and disagreements with the phrasing in the text of references to international human rights instruments protecting children. However the USA did not make its usual reference to the prohibition on the juvenile death penalty paragraph contained in the Resolution, no doubt a result of the ruling earlier in 2005 by the US Supreme Court that the execution of juveniles convicted of murder was unconstitutional.

Another noteworthy report on children was that of the Special Representative of the Secretary-General for Children and Armed Conflict, which gives an overview of the agenda for war-affected children and highlights the progress that has been achieved and identifies the principal elements of the "era of application" campaign for the enforcement of existing international child protection norms and standards on the ground. The key preambular paragraph 14 to keep consensus, reads that "national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms, is the juridical framework within which human rights defenders conduct their activities".

71 Nigeria, South Africa and Lesotho co-sponsored from the African region, Jordan co-sponsored from the Arab region, and Sri Lanka co-sponsored from the Asian region.

72 It had originally read "recognizing the substantial role that human rights defenders can play in supporting peace and security, including as early warning mechanisms, by monitoring, reporting on and protecting human rights"

73 In 2003 the UNGA adopted by consensus resolution 58/185 requesting the UN Secretary-General to submit to the UNGA in 2005 an in-depth study on all forms of violence against women (subparagraph (d)). Due to delays in securing funding for the study work only began in late 2004, the Assembly decided to extend the deadline for submission of the report "at the latest by early September 2006" for consideration at the 61st session.

74 A/RES/60/230

75 A/RES/60/231

76 Report of the Special Representative of the Secretary-General for Children and Armed Conflict, (A/60/335)
elements of the “era of application” campaign include the review, naming and listing of parties who commit grave child rights violations; the initiation of dialogue with offending parties leading to the preparation and implementation of action plans to halt grave abuses; the implementation of a monitoring and reporting mechanism; and ensuring accountability through concrete action by key policymakers and entities, such as the General Assembly.

**Economic, social and cultural rights**

The General Assembly adopted a resolution on the Right to Food by an overwhelmingly vote of 171 in favour, one against (USA), and one abstention. New in the text this year is the recognition of the dramatic effects that natural disasters have had for the realisation of the right to food in several regions of the world, and the importance of international cooperation and assistance in this context. The Resolution also responds to the assertion in the Special Rapporteur's report on the right to food that in most countries hunger and malnutrition are disproportionately higher among indigenous populations than non-indigenous ones. The Resolution acknowledges the critical situation of indigenous communities in regards to their right to food, and expresses the need to address the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and discrimination against them. In another noteworthy development with regards to indigenous issues, the General Assembly adopted the Programme of Action for the Second International Decade of the World's Indigenous People and the theme for the decade: “Agenda for Life”.

The report of the Special Rapporteur on the right to health (Mr Paul Hunt) discusses the role of health professionals in promoting and protecting human rights and argues that the skills drain -- when developed countries employ health professionals trained in and needed by developing countries — undermines the right to health in developing countries and deepens global health inequality. No resolution was adopted on the right to health.

For the first time, the General Assembly heard from the Independent Expert on the Effects of Economic Reform Policies and Foreign Debt (Mr. Bernard Nyamwaya Mudho) who discussed his mandate in regard to considering the challenges of debt and structural reforms from a human rights perspective.

**OHCHR and budget issues**

The High Commissioner for Human Rights submitted several reports, including her main report to the General Assembly, which drew attention to the Plan of Action of the OHCHR and its implementation, and activities undertaken by her and the OHCHR since the fifty-ninth session of the General Assembly. The High Commissioner for Human Rights also submitted a new report on the issue of Palestinian pregnant women giving birth at Israeli checkpoints. This report compiles information received from UN entities and specialised agencies represented in the Occupied Palestinian Territory, including statistics on women who had given birth at checkpoints from 2000 to 2005, and describes the efforts made by the Secretary-General and OHCHR towards addressing this issue.

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77 A/RES/60/165
78 Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the Right to Food, A/60/350
79 A/RES/60/142
80 The Resolution urges all actors involved in the process to cooperate to achieve the Second Decade's goals, and appeals to the international community to provide financial support to the Decade's Voluntary Fund.
81 Note by the Secretary-General transmitting the report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, A/60/348
83 A/60/36 SUPP
84 Report of the High Commissioner on the issue of Palestinian Pregnant Women Giving Birth at Israeli Checkpoints, A/60/324
The Plan of Action launched on 27 May 2005 sets out an ambitious programme for the transformation of the OHCHR that requires Member States to double the Office’s overall budget over the next five to six years.85 The Secretary-General made a similar appeal to strengthen the OHCHR earlier in the year in his report "In Larger Freedom", stating, "Member States' proclaimed commitment to human rights must be matched by resources to strengthen the Office's ability to discharge its vital mandate".86 In the Summit Outcome Document, States answered the call with a decision to double the OHCHR regular budget resources over the next five years.87 During the sixtieth session, the General Assembly's Fifth Committee, which deals with budgetary matters, approved proposals for over 90 staff posts submitted by the High Commissioner for Human Rights.88 Given the persistent problem of under-funding of the OHCHR in past years, this decision was greatly welcome.

The Fifth Committee had agreed to the proposals after receiving the report (A/60/7/Add.13 of 8 December 2005) of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), which approved the majority, though not all, of the posts recommended by the OHCHR.89 For example, the ACABQ approved all but one of the six posts the OHCHR recommended for strengthening the New York Office of OHCHR. In that case, the ACABQ suggested that the evaluation of the proposal to create an Assistant Secretary-General (ASG) for the New York Office be postponed until after the OHCHR completed a review determining whether other OHCHR functions and personnel might be better located in the New York office (para. 44 of (A/60/7/Add.13).

On other relevant budgetary issues, the General Assembly approved the financing for peacekeeping missions in Haiti, Côte d'Ivoire, Sudan and the Democratic Republic of the Congo, which total over $3 billion together. An amount of $23.78 million was approved for the UN Office in Timor-Leste -- a special political mission -- for the period 21 May to 31 December 2005. The General Assembly also adopted a 2006-2007 budget of $269.76 million for the International Criminal Tribunal for Rwanda and $305.14 million for the International Criminal Tribunal for the Former Yugoslavia.

Despite gains in the human rights programme budget this year, the General Assembly’s adoption of the entire UN biennial budget did not go smoothly. A stand-off occurred after the USA insisted it would not join the consensus unless managerial reforms outlined in the 2005 Summit were implemented. At the eleventh hour, a compromise was found and the General Assembly finally recommended a 2006-2007 budget of $3.79 billion with a provision for limited spending in the first part of the first year to $950 million and remaining funds subject to a later request. This stop-gap measure provides a window for the USA to pursue and implement their priority reforms and ostensibly to hold the budget hostage at a later date if these are not carried out to their liking.

**Conclusion**

This year's session of the Third Committee was less active than usual, with one delegate commenting that it "never fired on all cylinders". No politically difficult issues galvanised the Committee, the usual procedural fights and controversies appeared to be placed on the back burner, and little energy was channelled to pushing new initiatives. Many delegates attributed the lack of vigour to Summit 'fatigue', as well as to an overriding sense that Third Committee work was the 'side-show' to the 'real' consultations on the Human Rights Council going on elsewhere in the UN building.

The waiting game being played out at the UN needs to end soon and the fate of the human rights machinery must be decided with a clear, strong mandate forward. Delaying tactics and gamesmanship should not be an option when the lives of real people are at stake. As delegates move into the next round of consultations, it will behove them to keep in mind the High Commissioner's advice:

85 The OHCHR receives only 1.8 percent of the UN budget (about US$90 million) with the bulk (about two thirds) of resources coming from extra-budgetary -- also known as voluntary -- contributions.
87 "Strengthen the Office of the High Commissioner for Human Rights, taking note of the Plan of Action, to enable it to effectively carry out its mandate... through the doubling of its regular budget resources over the next five years..." (Outcome Document, paragraph 124).
88 The OHCHR submitted a supplementary budget in addition to of its already approved original budget proposals for 2006/2007 - for additional posts, programming activities and other allocations over the next two years (the UN budget cycles cover two years).
89 The Fifth Committee normally acts on the advice of the ACABQ, although it is not bound by its recommendations.
While developing the foundations to enable us to move from an era of declaration to one of implementation, we must constantly fight against that process itself becoming but mere declaration. We must implement, as we seek to reform and we must not become prisoners of process, distracted from the substance of our task.

If this counsel is heeded, the expectations and hopes of human rights stakeholders worldwide may still get fulfilled with the creation of a new stronger human rights body that is truly better able to protect and promote human rights than the existing Commission and to deal substantively with human rights violations in all countries around the world without any discrimination.