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HUMAN RIGHTS COUNCIL

Second session

SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 November 2006, at 3 p.m.

President: Mr. DE ALBA (Mexico)

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The meeting was called to order at 4.35 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 2) (continued)
(A/HRC/2/L.44 and A/HRC/2/L.48)

Draft decision on Darfur (A/HRC/2/L.44)

1. Mr. JAZAÏRY (Algeria), speaking on behalf of the Group of African States, requested a suspension of the meeting until negotiations on the draft decision were completed.

The meeting was suspended at 4.40 p.m. and resumed at 5.20 p.m.

2. Mr. JAZAÏRY (Algeria), introducing the draft decision on behalf of the Group of African States, said that the Group of African States and the European Union had not been able to resolve their differences regarding amendments to the draft decision. In particular, the Group of African States had objected to the apparent reintroduction of country-specific reporting to assess the human rights situation in Darfur. Country-specific reporting had contributed to the selective demonization of particular countries, which had hampered the work of the Commission on Human Rights. The Group of African States and the European Union also held differing views as to which United Nations resolutions should be mentioned in the revised draft decision.

3. While the Group of African States had been prepared to pursue negotiations on the revised draft decision, the European Union had been in favour of returning to the original draft decision (A/HRC/2/L.44) and the proposed amendments thereto (A/HRC/2/L.48). The Group of African States had reluctantly agreed that the Council should consider the original draft decision. Before considering the draft decision, the Council might wish to vote on the proposed amendments as a whole.

4. Mr. HIMANEN (Finland), speaking on behalf of the European Union, said that the differences between the European Union and the Group of African States on the revised draft decision did not involve mere technicalities. The situation in Darfur merited a specific report by the United Nations High Commissioner for Human Rights to the fourth session of the Council. The question of impunity had also been a subject of disagreement.

Amendment to draft decision L.44 (A/HRC/2/L.48)

5. Mr. HIMANEN (Finland), introducing the amendment to draft decision L.44 on behalf of Canada and the European Union, said that the purpose of the amendments was to draw attention to the deterioration of the human rights situation in Darfur and to enable the Human Rights Council to take effective measures in accordance with its mandate to address gross and systematic violations of human rights. The proposed amendments set out the primary responsibility of the Government of Sudan to protect all individuals against violations, including sexual and other forms of gender-based violence and the use of child soldiers, and called on all parties to cooperate fully in the implementation of the Darfur Peace Agreement and relevant United Nations resolutions.

6. Mr. JAZAÏRY (Algeria), speaking on behalf of the Group of African States in explanation of vote before the vote, said that a meeting of the five permanent members of the Security Council and representatives of a number of African States had reached a more positive assessment of the situation in the Sudan than had the European Union. The Group of African States would therefore vote against the proposed amendments.
7. Mr. MEYER (Canada) urged the Human Rights Council to focus on the grave human rights violations in Darfur. At the current session of the Council, the Secretary-General and the United Nations High Commissioner for Human Rights had called for urgent action to address the situation. The proposed amendments would strengthen the draft decision by emphasizing the primary responsibility of the Government of the Sudan to protect civilians and, by requesting the High Commissioner for Human Rights to report to the Council at its fourth session. He welcomed the Council's attention - albeit belated - to the situation in Darfur and proposed that the Council should hold, in the near future, a special session devoted to the situation in Darfur.
8. Mr. BURAYZAT (Jordan) regretted that the Council had not reached a consensus on the draft decision. During his recent visit to the region, he had met with government representatives, members of the opposition, various non-governmental organizations (NGOs) and internally displaced persons, and he was convinced that the origin and consequences of the conflict differed significantly from what was being reported in the media. The amendment to the draft decision (A/HRC/2/L.48) contained a political dimension that had no place in the Human Rights Council; rather, the Council should focus on the humanitarian aspect of the situation in Darfur.
9. Mr. VIGNY (Switzerland) announced that his country had become a sponsor of the amendment to the draft decision (A/HRC/2/L.48).
10. Mr. IBRAHIM (Observer for the Sudan) said that the Government of the Sudan was committed to the protection and promotion of human rights. The Government of the Sudan had recently made efforts to verify the facts relating to the situation in Darfur in order to provide the Council with reliable information on which to base its decisions. Over the past three years, the Sudan had received more than 400 high-level fact-finding missions from various countries. Since the signing of the Darfur Peace Agreement on 5 May 2006, steady progress had been made in the areas of security and humanitarian assistance. The Government of the Sudan had cooperated fully with the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, and various NGOs and humanitarian agencies to enable those bodies to carry out their mandates properly. He urged the members of the Council to vote against the proposed amendments.
11. At the request of the representative of Algeria, a recorded vote was taken on the amendment to draft decision A/HRC/2/L.44 (A/HRC/2/L.48).

In favour: Argentina, Canada, Czech Republic, Ecuador, Finland, France, Germany, Ghana, Guatemala, Japan, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Algeria, Azerbaijan, Bahrain, Bangladesh, China, Cuba, Djibouti, Gabon, India, Indonesia, Jordan, Malaysia, Mali, Morocco, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia.

Abstaining: Brazil, Mauritius, Philippines, Zambia.

12. The amendment to draft decision A/HRC/2/L.44 (A/HRC/2/L.48) was rejected by 22 votes to 20, with 4 abstentions.

13. Mr. HIMANEN (Finland), speaking on behalf of the European Union and the acceding country Romania, expressed disappointment that it had not been possible to reach consensus on a draft decision on Darfur. Until the Human Rights Council adopted and fully implemented a draft decision on the subject, it should continue to focus on the responsibility of the Government of the Sudan and other parties to the conflict to protect civilians and facilitate the work of the African Union and the humanitarian community. Draft decision A/HRC/2/L.44 did not adequately reflect those concerns. His delegation would therefore vote against the draft decision.

14. Mr. THORNE (United Kingdom) said that it was difficult to imagine a situation that fell more squarely within the mandate of the Human Rights Council than Darfur. In a statement addressed to the Security Council, the Secretary-General had observed that the current situation in Darfur would be a crucial test of the Security Council's authority and effectiveness, and had also urged the Human Rights Council not to focus on the situation in the Middle East to the exclusion of the situation in Darfur. Since the draft decision failed to address the situation in Darfur in an effective manner, his delegation would vote against the draft decision.

15. Mr. RIPERT (France) regretted that it had not been possible to reach agreement on a draft decision that spelled out the obligations of the Sudanese Government and provided for a specific follow-up mechanism to assess the situation in Darfur. The Government of the Sudan should protect the civilian population, especially women and children, from all forms of violation and should cooperate fully with the international community. As long as the situation warranted it, the Human Rights Council should continue to consider the question of Darfur, and he hoped that the Special Rapporteur on the situation of human rights in the Sudan would be able to continue her work with the cooperation of the Sudanese Government.

16. A recorded vote was taken on draft decision A/HRC/2/L.44.

In favour: Algeria, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Gabon, India, Indonesia, Jordan, Malaysia, Mali, Mexico, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia.

Against: Canada, Czech Republic, Finland, France, Germany, Netherlands, Poland, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Ecuador, Ghana, Guatemala, Japan, Mauritius, Peru, Republic of Korea, Uruguay, Zambia.

17. Draft decision A/HRC/2/L.44 was adopted by 25 votes to 11, with 10 abstentions.

18. Mr. LARENAS SERRANO (Ecuador) said that his delegation had abstained in the vote because it had supported the amendments contained in document A/HRC/2/L.48.

19. Mr. CHANG Dong-hee (Republic of Korea) regretted that the Human Rights Council had not been able to adopt the draft decision without a vote. His delegation had abstained in the vote because it believed that the amendments contained in document A/HCR/2/L.48 would have contributed to a more forceful and relevant decision than the one just adopted.

20. Mr. PUJA (Indonesia) said that his delegation had voted in favour of the draft decision because it considered that the situation in Darfur should be addressed through regional efforts. He called on all parties to the conflict to support the Darfur Peace Agreement.

The meeting rose at 6.15 p.m.