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Finland's EU Presidency

UNITED NATIONS  
UNGA 61  
3<sup>rd</sup> Committee  
PROMOTION OF EQUITABLE AND MUTUALLY RESPECTFUL DIALOGUE ON HUMAN  
RIGHTS

Explanation of Vote on behalf of the European Union

Permanent Mission of Finland to the United Nations

New York, 16 November 2006

(check against delivery)

Mr. Chairperson,

I have the honour to speak on behalf of the European Union. The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey and Croatia, the Countries of the Stabilisation and Association Process and potential candidates Montenegro and Serbia, and the EFTA country Norway, member of the European Economic Area, as well as Ukraine and Moldova align themselves with this explanation of vote.

Mr. Chairperson,

The EU firmly believes that the promotion and protection of human rights should be based on cooperation and genuine dialogue. Cooperation is a cornerstone of the EU's approach to its relations across the board with third countries, and dialogue is such an important tool for the EU in its pursuit of human rights promotion and protection that it has published guidelines on the subject. These highlight the role of dialogue within the global framework of our human rights policy, as well as facilitating our use of the instrument of dialogue and making sure we are coherent in its application. We are therefore in full agreement with the purported objective of this resolution, which is to promote dialogue on human rights.

But of course, Mr. Chairperson, an approach based on dialogue and cooperation is successful only insofar as the other country concerned is willing to cooperate and is open to genuine dialogue, i.e. when there is political will to change the situation. This is unfortunately not always the case. We note in this regard that Belarus, one of the co-authors of the resolution before us, has so far failed to either cooperate fully or to enter into any meaningful dialogue with the UN's human rights machinery. Where an approach based on cooperation and dialogue fails, the international community cannot, indeed must not, remain silent. The credibility of the Human Rights Council and the UN General Assembly is at stake if they remain silent in the face of grave and widespread violations of human rights in situations where the country concerned refuses to cooperate. Doing so would mean letting down the very people we are trying to protect.

For this reason, we have fundamental concerns about the true objective of this resolution. The true objective, Mr. Chairperson, appears to be to stifle all legitimate expressions of concern by the UN about the human rights situations in particular countries, using fallacious arguments of politicisation or bias.

We fully agree that politically motivated or biased country-specific resolutions are to be avoided. However, we totally reject the overall inference in this resolution that country-specific resolutions by definition fall into those categories. We would like to recall first of all that many country resolutions, both in the GA and in the CHR, have been adopted by consensus and negotiated in full cooperation with the countries concerned. A resolution can indeed be in itself a tool for dialogue and cooperation, and in these instances they have proved to be a very useful tool for the countries in question. Secondly, as we have already mentioned, there are human rights situations that are, by all objective and impartial accounts, so

glaringly bad that the UN simply cannot remain silent even, and indeed especially, when the country concerned is not open to cooperation. To suggest that the UN is being biased or politically motivated when it speaks out on such occasions is grotesque, to say the least.

Mr. Chairperson,

There are other specific aspects of this text that give us cause for concern. As far as the Human Rights Council is concerned, the draft resolution only makes reference to one tool available for it to address country situations, whereas the Council has a very broad mandate in this respect and a variety of tools at its disposal that it is currently developing.

In addition, while the EU attaches great importance to advancing the establishment of the Universal Periodic Review, this mechanism will not substitute the work of the GA, nor make other tools of the HRC concerning country situations redundant. It is of utmost importance that the UN human rights fora continue to address situations of human rights violations in a timely manner. If we were to wait until a particular country is being examined under the future UPR, we would not be in a position to contribute to the prevention of serious human rights violations and to respond promptly to human rights emergencies - and we would not be fulfilling the mandate of the HRC.

Mr. Chairperson,

The EU engaged in the last-minute negotiations of this draft resolution, and made a number of proposals to the cosponsors, with the hope of achieving a result acceptable to all - a resolution genuinely focusing on constructive dialogue on human rights. Unfortunately, only a very small number of our proposals were considered by the sponsors.

For all of these reasons therefore, Mr. Chairperson, the EU will vote against this resolution.