



Statement by Mr. Ajai Malhotra, Ambassador/Deputy
Permanent Representative of India, on the Human Rights
Council, at the Informal Plenary meeting of the UN General
Assembly,
New York, on 7 February 2006

Mr. Chairman,

I did not initially plan to take the floor as I had already shared, last Friday, my preliminary comments on the draft text that you had circulated to us. Having revisited the text over the last few days, I am happy to confirm once again that my delegation finds it to be a balanced, fair-minded and reasonable proposal, for which I would once again like to commend the Co-Chairs.

I am intervening, Mr. Chairman, because a point raised by a couple of delegations during the discussions yesterday needs a response. This relates to the proposal in Operative Paragraph 7 as regards how the membership of the new Human Rights Council, based on equitable geographic distribution, would actually be distributed.

Mr. Chairman, I would like to emphasise that what the Asian Group is asking for, unanimously, is equitable geographic distribution. We are certainly not seeking favourable or preferential treatment. All we are requesting is that, at least henceforth, the new Human Rights Council not be biased against our group in its composition.

Mr. Chairman, Asia is currently denied an equitable presence on the Human Rights Commission. For decades others have benefited from what has been a clearly unfair, unjust and discriminatory situation. However, if we had wanted a "fair" distribution, we would have reminded everyone that nearly 60-65% of the world's population comes from our region. Accordingly, whether we look at human rights as an individual right or a collective right, or both, we would have no choice but to ask for at least 27 seats on the 45 seat HRC that you have proposed. If we had wanted a "just" distribution of seats we would have had to, in addition, build in a further corrective for the unjust way in which we have been treated for over five and a half decades, and ask for even more than 27 seats. However, all we are asking for, Mr. Chairman, is to be treated "equitably". I am highlighting this, Mr. Chairman, because in our discussions yesterday you had noted that the European Union wanted to change the proposed distribution of seats, pointed out that a Latin American country too had changes to suggest on the lines of the PBC, and had even ventured that perhaps the African Group may also have a problem with your proposed distribution of seats.

Mr. Chairman, we are already having enough problems with the PBC allocation, so the less said about the PBC pattern idea, the better. Furthermore, turning to the European Union, the EU statement of February 6 mentions, and I quote, "On the question of size and distribution of seats in OP 7, the proposed package is not acceptable and must be discussed further". However, I suspect, Mr. Chairman, that what is not acceptable to the EU is only the proposed size of the HRC and that as regards its distribution they actually have no real problem. I listened carefully to statements made yesterday by individual EU member countries, such as France, Sweden and others. None of them referred to distribution of seats as an issue, even in passing. I think we need to delve deeper into the mysterious EU position. If we do so we may find that the proposed

distribution is actually not a matter of serious concern to them.

Mr. Chairman, we are not asking for any favours. All we are asking for is that each and every electoral group be treated equitably. Some here may be wondering as to what magic the Asian Group has used to suddenly be in a position to ask for so many seats. So, I think it may be useful to share how the Asian Group has grown in recent years. Thus, in 1991 we were happy to welcome Republic of Korea, Democratic People's Republic of Korea, Federated States of Micronesia and Marshall Islands, to the Asian Group. In 1992, we welcomed Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. In 1994, Palau. In 1999, Kiribati, Nauru, and Tonga. In 2000, Tuvalu. In 2002, we welcomed our most recent member, Timor Leste. In fact, Mr. Chairman, six of the seven new UN members in the last decade have joined the Asian Group. The only one that got away was Switzerland and given the close cooperation between us and the Ambassador of Switzerland on human rights issues here, perhaps it too could have been welcomed into our group!

Mr. Chairman, the Ambassador of Singapore has very helpfully worked out and provided us with a sliding scale of how seats are to be assigned between the various regional groups, depending upon the size of the Human Rights Council that we finally agree upon. On looking at it my only suggestion, if you agree to make a change Mr. Chairman, is to increase the size of the proposed new Human Rights Council from 45 to 46, assigning the additional seat to the African Group. That would also ensure that your proposal would have, at the very minimum, the support of well over half the UNGA membership.

Mr. Chairman, the task before us is to see that the new Human Rights Council does not start off on an inequitable and discriminatory footing insofar as assignment of seats to

any group is concerned. So, Mr. Chairman, if there is any other proposal that is brought before you pretending to reflect an equitable geographic distribution, and I have not heard of any, I would offer only a single point for your consideration. I would request you to test and judge such a proposal against but one template. Ask, Mr. Chairman, what is its basis? What principle does it operate on? If it is based on horse-trading, or is otherwise inherently discriminatory, my request to you, Mr. Chairman, is to politely but firmly reject it.

Thank you, Mr. Chairman.

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