

**The following is an excerpt from the official meeting records of the General Assembly on March 15, 2006.**

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**Mr. Sen** (India): First of all, let me begin with a phrase used by Jawaharlal Nehru, who said that a decisive moment is when an age ends and a new one begins. We have seen such a decisive moment this morning.

The United Nations has shown that, in spite of all its critics and the crescendo of criticism to which it has been exposed, particularly in the recent past, that it can deliver and that it can create something with a high threshold, something that is radical, something that is new, and that it can achieve this broad agreement among such a vast membership.

Here I must say, Mr. President, that you deserve our special congratulations for the sensitivity with which you have held firmly to the centre, where broad agreement is to be found, and the sensitivity with which you have been able to take on board the views of diverse members, harmonize them in this text and achieve a broad agreement.

As far as India is concerned, it is certainly a special day, because we are committed — and have been since before independence — to the enlargement of human freedoms throughout the world. Therefore this Council, which meets, to use once again a phrase of Nehru's, possibly not in full measure but certainly in substantial measure, the demands of the civil society of the world, is indeed a creditable and important achievement for the United Nations itself.

We also congratulate the co-Chairmen — Ambassador Arias and Ambassador Kumalo — for the work they have done and for their tireless efforts. Personally, I think that the strength that has been shown in the negotiations has been the strength of cooperation and dialogue. The future strength of the Council will also depend on those same principles of cooperation and dialogue. It is in that spirit that my delegation and I personally also worked to promote a broad agreement, and therefore we also have a sense of institutional satisfaction as a delegation.

We are confident that, because of the principle that I just enunciated, there is no real contradiction. I have listened carefully to the statements of most delegations — I have tried to be present here most of the time — and I do not see any contradictions between what is in the text and what most delegations would like to achieve and like to see happen.

For instance, you yourself, Mr. President, said in your statement that we must develop better ways of promoting tolerance of, respect for and freedom of religion and belief. That is something that is a part of the work of any human rights council; it is certainly a part of innumerable human rights instruments that we have. In that connection, I would like to recall the American Convention on Human Rights of 22 November 1969 — also referred to as the Pact of San José, Costa Rica — to which most of the countries of the Americas are signatory. In its Part I, Chapter I, Article 1, the Convention emphasizes opposition to discrimination for reasons of race, colour, sex, language or religion.

So I do not really think that there is any contradiction between what this Council will do and should do and an established understanding of human rights as embodied in various instruments, including in the region where we are sitting at present. In addition, we all know that this is very much a part of the African (Banjul) Charter on Human and Peoples' Rights. It is also part of the thinking of the developing countries. Specifically, one of the greatest philosophers of modern-day Ghana, Kwame Appiah, says in his great work "Cosmopolitanism" that there are universals. We

may not think that those universals include, let us say, liberalism or any special beliefs, but there are universal moral obligations, which include respect, as he says, for particularities. So that is very much a part of our thinking and very much a part of the spirit of cooperation and dialogue in which the Council was born and which will give strength and life to the Council as it works in the future.

Similarly, we stand very firmly by the text with regard to the General Assembly having the power to point out systematic or gross violations of human rights. We are happy that we do not have Security Council-led conditionalities. Quite apart from most of the other reasons mentioned earlier — which I will not go into — in the context of the current debate, I think any Security Council-led conditionalities would be open to the temptation of further encroachment on what is essentially something for the General Assembly to ultimately take a position on. Therefore, such encroachment would continue to be resisted, as with a wall of steel, and hopefully would eventually be rolled back and swept away, as by a river in spate. So here also, I do not really see any contradiction. In fact, we think that the text captures what needs to be done.

The same is true of the question of development. In both the preambular and the operative paragraphs of this resolution, a commitment to the right to development is reflected quite clearly, and I believe that that is as it should be. So here also, I do not see any contradiction between an emphasis on that right and what the text already contains. The text belongs to a long tradition going back to resolution 41/128 of 4 December 1986, on the right to development. The resolution said clearly that development is an inalienable human right and that all human rights and fundamental freedoms can be fully realized through it. Moreover, as we all know, it was the United Nations Committee on Economic, Social and Cultural Rights that, in 1990, sponsored the Global Consultation on the Realization of the Right to Development as a Human Right. And finally, there are various other instruments to that end. As you said in your statement, Mr. President,

“On development, we must now do all we can to ensure that the commitments of 2005 are implemented in 2006. If we are to achieve the Millennium Development Goals by 2015, there is no time to lose.”

In that context, I would recall the seventh session of the Working Group on the Right to Development, held in Geneva from 9 to 13 January 2006. It adopted a set of criteria for the periodic evaluation of the global partnership for development referred to in Millennium Development Goal 8 from the perspective of the right to development. It also said that the policies of the Bretton Woods institutions have to be corrected in terms of deficiencies from the perspective of the right to development.

Here also, there is broad agreement that straddles various divides. And that relates back to what I said about not seeing any fundamental contradictions. In fact, this year in Geneva, both Canada and Japan joined the consensus in the Working Group on the Right to Development. Therefore, I am sure that as we move forward we will continue to have the cooperation of the broad majority of States in fulfilling what the Millennium Declaration stated: that we have to make the right to development a reality for all.

I would like to conclude by expressing my congratulations to all the Member States that made this possible.