

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

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**Ms. Bahemuka** (Kenya): Mr. President, let me start by expressing my delegation's deep gratitude to you and your team for the tireless efforts that have successfully steered us through the last five months of negotiations to establish the Human Rights Council. Kenya wishes to thank the Secretary-General for putting before us last year his visionary proposal to replace the Commission on Human Rights with a more effective and less politicized Human Rights Council.

With the wide spectrum of divergent views that emerged during the informal consultations, it is highly commendable that the President and his team could come up with a compromise text that enjoyed the wide support of Member States and that to a large extent accommodated most of their concerns. No doubt, each one of the Member States would have preferred to carry home the whole cake, but we all know that in a household comprising 191 Member States, this was neither practical nor feasible. My delegation is happy, therefore, that, in a spirit of accommodation and understanding, everybody got a piece of the cake this morning. For this, Kenya is particularly grateful to the two Co-Chairs, Ambassador Kumalo of South Africa and Ambassador Arias of Panama, for the able manner in which they conducted the informal consultations that culminated in the resolution that was presented this morning.

The text that we adopted is workable. It is a big step towards creating an institution that will be stronger and more effective in protecting and promoting human rights. It represents a very significant improvement over the Commission on Human Rights and will definitely reinvigorate the United Nations machinery for the promotion and protection of human rights. The text boasts of many positive elements; it also creates very many new expectations. It is based on the principle that all human rights are universal, inalienable, indivisible and interdependent, and that all human rights should be addressed in a fair, balanced and objective manner. The text stresses dialogue and cooperation, as opposed to confrontation, which had become the hallmark of the Commission. It recognizes that all human rights are equal, be they civil, political, economic, cultural or social. The universal peer review mechanism ensures that all 191 Member States will be subject to equal scrutiny regarding their human rights record, and, more significantly, members of the Council must uphold the highest human rights standards.

It is because of these strengths that Kenya voted this morning in favour of draft resolution A/60/L.48 for the establishment of the Human Rights Council. However, it is regrettable that this important resolution could not be adopted by consensus, as we had wished.

Today for us is a defining moment in this Organization's struggle to advance human rights. It marks the beginning of a transition from the Commission on Human Rights to the Human Rights Council. In the 60 years of its existence, the Commission had its successes — the elaboration of the Universal Declaration of Human Rights, the adoption of the two Covenants, which form the pillars of the current human rights regime, and the special mechanisms of the Commission. These are things that we indeed will remain proud of. Nonetheless, in the last two decades, the Commission lost its credibility due to the selfish political agendas of Member States. Change was thus inevitable if we needed to fulfil the human rights objectives of our Organization. It is for this reason that my delegation is very proud this morning to be able to stand up and be counted among the membership that made this transformation a reality.

As we move forward towards the realization of the Council, it is our hope that we shall not lose sight of the pitfalls that led to the credibility deficit in the Commission on Human Rights. We must jointly strive to make the Council work for the benefit of the rightsholders. On its part, Kenya will fully cooperate with other Member States in creating a Council that is more responsive to the current challenges in the global human rights machinery.