

PERMANENT MISSION OF INDIA, GENEVA

11TH SESSION OF HUMAN RIGHTS COUNCIL

(JUNE 2-18, 2009)

ITEM 1: APPOINTMENT OF MANDATE-HOLDERS

JUNE 18, 2009

STATEMENT BY INDIA

Mr President,

We express our appreciation for the work being done by you and the Consultative Group in helping the Council in short-listing the potential candidates.

2. At the same time, however, Mr President, we would like to express our deep disappointment with the recommendation of the nominee for the appointment to the Working Group on People of African Descent. While we value the individual expertise of the nominee, we feel his nomination is a clear violation of “the principle of non-accumulation of human rights functions at a time”, as explicitly stated in para 44 of the Council resolution 5/1, in the section on selection and appointment of mandate-holders. Indeed, this concern had been expressed by many during the organizational meeting of the Council and the subsequent consultations that you have held. We are now given to understand by the Secretariat that the nominee has conveyed his intention to resign from his current position only in end-August 2009. At the same time, in keeping with para 53 of the resolution 5/1, the Council is *obliged* to “appoint the mandate-holders before the end of the session”, i.e. today. It is clear, therefore, that the nominee, if selected, would hold, in violation of para 44, two positions simultaneously for nearly two and a half months. Also, once the Council appoints the nominee today, the date of assumption of office by the nominee is immaterial. Indeed, we are surprised that the Secretariat has not brought this important fact to the attention of the Council.

AS DELIVERED

Mr President,

Even if the nominee were to resign immediately from his current human rights function *after* his selection as a mandate-holder by the Council, we still feel that it would violate the spirit of the IB package by encouraging the practice of “career human rights function holder”; the nominee has already spent nearly eight years in his current human rights function! This is an important consideration since the Council must have the benefit of a diversity of perspectives from as wide an intellectual base as possible – a reason why the IB package limits the tenure of a mandate-holder in its para 45. In other words, our difficulty with the selection of this nominee would persist in spite of any private communication of his intention to step down from his current position. While we appreciate the services rendered by the nominee to his current human rights function, we would, therefore, request that his nomination be reconsidered, and should the Council decide to accept this nomination, we would be left with no option but to disassociate ourselves from the consensus.

Thank you, Mr President.