



**PERMANENT MISSION OF THE REPUBLIC OF INDONESIA  
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS**

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**Statement  
by H.E. Dr. Makarim Wibisono  
Indonesian Ambassador/Permanent Representative  
on the implementation of the Special Session's  
Decision 4/101 of the Human Rights Council**

**Geneva, 16 March 2007**

Mr. President,  
Madam High Commissioner,

As the Human Rights Council, still in its first year of existence, embarks on its new journey, it is important to underscore that the success of the Council will depend on whether or not we can ensure that all of its resolutions and decisions are duly implemented. At this juncture, we are now at the stage where we have to discuss the follow up of all decisions of the Council, including those of its Special Sessions.

At its 4<sup>th</sup> Special Session last December, the Human Rights Council adopted by consensus its Decision 4/101 expressing the Council's concern over the seriousness of the human rights and humanitarian situation in Darfur. The said decision established and dispatched a High-Level Mission to assess the human rights situation in Darfur and the needs of the Sudan in this regard.

In the statement I made during the 4<sup>th</sup> Special Session on the human rights situation in Darfur, I mentioned that this Session was important in its significance because the Government of Sudan was co-operating with the Council, which opened a much-needed window of opportunity for an improvement of the human rights situation in the region. In my view, such participation by the country concerned is essential and in line with the mandates of the Human Rights Council, which should discuss and deliberate on any and all human rights violations, wherever and whenever they occur, in a spirit of constructive dialogue and co-operation.

While concerned with the human rights and humanitarian situation in the region, Indonesia expressed its hope early on that the outcome of the Special Session could lead to a solution to the problem. In this regard, we repeatedly called for a mission to the country to be part of the solution, not part of the problem. This could be realised only if the mission was able to work according to its given mandates to seek a solution.

It was in that context that I felt it an honor to be nominated by the Asian Group and subsequently appointment by the President of the Council to be part of the implementation process of the decision of the Council and become a member of the High-Level Mission to Darfur. My acceptance was based on the conviction that one should be ready at all times to contribute in whatever way possible to helping or strengthening the Council's work. My later decision not to join any further activities of

the Mission after February 14<sup>th</sup> is also known to this Council, therefore I shall not use this opportunity to dwell on that matter.

Also, since I was a member of the Mission and resigned, I shall not comment on its report. Having said this, I think it is important for the Council to discuss and reflect on how to deal with situations in which a mission of inquiry that it established is unable to undertake a country visit. Likewise, it should reflect on the mission's membership characteristics if these differ from the stipulations in the founding decision, or if they change midway through the mission and before the latter has concluded its report.

As we know, we have several Special Sessions' decisions that cannot be implemented for a number of different reasons involving different actors and countries. If the Council fails to follow up on its decisions, it will be too costly for its credibility. Hence, we should draw a lesson from our experience, and seek out a silver lining from it.

In this regard, we need to decide whether all cases of non-implementation of the Council's decisions are identical in nature; and if not, then what it is that makes them different and how we should approach the idiosyncrasies of each case.

By the same token, we should maybe question whether to treat those who reject a Council's decision in its entirety and those who accept it with some technical reservations in the same way, or whether we should treat them differently. In this regard, we should also ask ourselves who will determine the next step to take -- the related Mission itself? the High Commissioner?, the President of the Council?, the Council itself?, or the UN General Assembly because the Council is the subsidiary body of the UNGA?

Similar problems have occurred in the past, including in the late Commission, which have potentially raised procedural and legal issues. But most of the time, they have been papered over by overriding political perceptions and predilections of the members of the forum, whether in the Commission or the Council. I believe these old ways need to be changed. If we are serious in our efforts to ensure that the Council does not repeat the old mistakes, and to avoid confusion for the members of any such mission themselves, the Council needs to draw up some procedural rules or guidelines. If we can have such a procedure or guideline, we shall then have the same benchmark to assess the performance of any mission established by the Council. It will then become clearer for all of us to know how to respond in an objective manner, whatever our individual views might be.

We are still in the institutional-building phase and I am aware that discussing and formulating potential new procedures or guidelines, as I have just suggested, would add another important issue to the current work of the Council.

Indeed, country-specific issues and Special Session decisions are the rifest with accusations of politicization, double standards and selectivity. They have always been the most controversial. Hence, it follows that if we are true to our pledge to build a Council that is free from the shortcomings of the former Commission, we should put our minds together to devise procedural ways that will make it more difficult for political bias and discrimination to find their way into the process and procedure of a special session.

To conclude, Mr. President, I would like to reiterate our strong commitment to strengthen the Human Rights Council and to express our sincere appreciation for the efforts that have been undertaken in this regard. It is incumbent upon us to contribute to the development of Special Session procedures based on the lessons learned as well as to contribute more effectively to resolving the human rights situation in Darfur that is before us today.

Thank you.