

Statement by President of the Human Rights Council
at the informal plenary meeting of the UNGA
on the review of the status of the Human Rights Council
30 March 2011

Mr. Chairman,

Excellencies,

Distinguished delegates,

I would like to begin by thanking the Co-Facilitators for the invitation for me to attend this informal plenary meeting once again. As you know, last Friday the Human Rights Council adopted the draft resolution A/HRC/16/L.39, whereby it adopted the outcome of the review of work and functioning of the Council for submission to the General Assembly.

In accordance with this resolution and OP 16 of the GA resolution 60/251, I therefore have the honor to present the outcome of the review today.

I have had the privilege of updating you on previous occasions on the review process in Geneva as it went through different stages. Today I intend to give a more comprehensive briefing not only on the outcome itself but also the process leading to its adoption on Friday.

Let me say first and foremost that I am very pleased that we could complete the review process in Geneva before the original timeline of the June session - thereby,

giving time for the General Assembly to undertake its part of review with a view to completing the whole HRC review process before the end of the 65th session of the General Assembly.

I also want to take this opportunity to express my appreciation for the cooperation I have received from the Co-Facilitators and the President of the UNGA, which have allowed for the close coordination between the review in New York and Geneva so that both processes, while distinct, are mutually reinforcing.

The review process actually began about a year ago during the tenure of my predecessor. Much efforts and time were spent to work out the modalities. A working group was set up, chaired by the President of the Council to conduct the review.

One of the challenges for me was how to keep the review process on track and not detracting from the regular work in the 3 main sessions of the Council, not to mention the 3 UPR sessions.

The first question that we had to deal with was **the nature and scope of the review**. The general agreement was that it was a review? and not a ?reform?. But still there were different interpretations and viewpoints on what the review should encompass.

On the one hand, many saw this as a limited fine tuning exercise within the confine of the so-called Institutional Building Package of the Council, which basically set out the working mechanisms and agenda of the Council.

On the other hand, some saw this is a broader exercise to look at how to enhance the effectiveness of the Council in discharging its mandates.

In terms of proposals to be considered, quite a few felt that they should be confined to the parameter of the IB Package, while others felt that all proposals should be placed on the table as long as they are deemed relevant to the work and functioning of the Council.

In trying to reconcile these different viewpoints and approaches, I took the position that the review will be based on the IB Package, but in the context of the mandates that have been given to the Council. It was further agreed that all proposals would be open to consideration, but we would proceed on the basis of consensus and convergences.

There was also considerable discussion on how the 2 review processes in Geneva and New York would be conducted and coordinated. In this regard, I was pleased that we were able to reach a joint understanding between myself and the President of the GA, establishing a common timeline and common understanding that the review process in Geneva would first be completed and feed into the review process by the General Assembly. It was also agreed that there would be close coordination on the so-called overlapping issues, concerning the relationship between the Council and the UNGA and the Third Committee

One particular issue that caused an impasse in our discussion in Geneva at the initial stage was that of membership. There were proposals put forth on various aspects of membership, even though many felt that membership was not a Geneva issue. But eventually we were able to reach an understanding that membership would come under the scope of the review of the status by the GA. Of course, I know that there are those who feel that the issue of membership does not fall within the scope of the review whether in Geneva or in New York.

The issue of the relationship between the Council and the Office of High Commissioner on Human Rights (OHCHR) was also raised, generating considerable debate centering around the independence of the Office and the High

Commissioner. Eventually, this issue was also taken out of the review process in order that it be dealt with independently.

I also want to add that the review in Geneva, notwithstanding its intergovernmental nature, was benefited immensely from NGOs and national human rights institutions which made creative and constructive proposals throughout the review process.

In addition to the extensive informal consultations undertaken by myself and the facilitators, we organized the so-called Bangkok Retreat in December last year which allow delegations to engage in a brainstorming session that helped us to identify both common grounds and gaps that needed to be bridged.

Through these efforts the Working Group on the review was able to adopt by consensus the outcome of the review, which was later adopted by the Council without a vote last Friday.

Excellencies,

Distinguished delegates,

Let me now turn to **the outcome** of the review process.

Let me first point out that the outcome is not a stand-alone document. It is a supplement to the IB Package - meaning that it is not a substitute to the IB Package, but only serves to complement it in certain areas which are deemed to enhance the work and functioning of the Council.

What does this outcome achieve Instead of talking about the outcome cluster by cluster namely, the Universal Periodic Review (UPR), Special Procedures, Advisory Committee, Agenda and Framework for Programme of Work and Methods of Work and Rules of Procedure, as appears in the document before you. I think the best way to appreciate the significance of the outcome is to place it in the context of what I perceive to be 3 overriding objectives of the review process in Geneva.

First How can the Council have more impacts on the ground in terms of advancing the promotion and protection of human rights

For many the answer is to strengthen the UPR whereby all the members of the UN are subject to a review of its human rights record on the basis of non-discrimination and non-selectivity. The UPR is regarded by virtually everyone as the crowning success of the Council.

In the outcome, we have worked out the modalities for the next cycle, which will focus on the implementation and follow up of recommendations made by the Council to improve the human rights situation in the country under review. We have extended the duration of the UPR from 4 to 4.5 years to allow more time for the dialogue with the country under review.

To facilitate implementation, countries are encouraged to provide clear positions on recommendations they can accept or not accept and to provide voluntary midterm update. The second cycle also foresees strengthening of funding for technical assistance and capacity building to those countries in need for such cooperation.

The role of Special Procedures was also extensively discussed in the review process and figured prominently in the outcome. As you know, Special Procedures

are regarded as eyes and ears? of the Council, helping to alert it serious human rights situations on the ground.

The outcome document deals with how to improve the selection process of mandate holders, enhance cooperation between States and Special Procedures and ensure more equitable and transparent funding for all Special Procedures.

We also agreed to promote mainstreaming of human rights in the UN system by way of organizing an inter agency panel discussion in the Council which would bring together leading UN agencies with the view to promoting human rights on their respective agenda.

The second objective which I thought was relevant to the outcome of the review process was **how to make the Council more efficient in terms of maximizing its resources.**

As you know, having served as the President of the Council, I feel that one of the main challenges faced by the Council is to streamline its work and ensure more coherence, given the increased workload and the need to work within existing resources.

The Council with its main and special sessions, including its other mechanisms, meets virtually all year round, producing a proliferation of resolutions, requiring follow ups, reports and financial resources. In this regard, the Council has to do better in terms of streamlining resolutions, ensuring more advance time in consultation on resolutions, especially those with PBIs. These are ideas reflected in the outcome document, including encouraging the bi - and triennialization of resolutions.

We have also proposed to change the cycle year of the Council from June to June to the calendar year in order to better synchronize the work of the Council with that of the General Assembly, especially in terms of having our resolutions, recommendations and decisions acted upon by the GA in a more timely manner.

Other examples to increase efficiency and effectiveness are - to establish the Office of the President of the Council, and to improve the secretariat support and the use of information technology.

Unfortunately, an important proposal that was discussed but eventually did not come through was to rationalize the work of the Council by reducing the number of plenary sessions from 3 to 2, together with the proposed 3 mini plenary sessions for adoption of the UPR outcome.

This proposal in the end unraveled because agreement could not be reached as to whether the mini plenary sessions to adopt UPR outcome could be also used to take up other issues, such as urgent human rights situations, as well.

A number of countries felt that, should this not be possible, reducing the number of main sessions from 3 to 2 will result in reducing the capacity of the Council to react to urgent human rights situations and consequently we agreed to revert back to retaining the 3 main sessions instead of 2.

And this brings me to the third objective which was subject to much divergent debate, that is - **how the Council can do better in dealing with urgent human rights situations**.

There was a lot of debate on this issue because it involves country specific situations, which has often been subject to politicization.

At present, the Council, in dealing with pressing human rights situations, usually resort to special sessions. In case where a consensus can be found, the Council has shown its ability to react. But in case where there is no consensus, the convening of special sessions can be contentious and their outcomes can be highly divisive.

Therefore, in the process of the review, there was much discussion on how the Council can have more flexible tools at its disposal. The discussion only confirmed the fact that there is a wide gap of perception and viewpoints. Many countries, understandably, were very hesitant and cautious when it comes to the concept of new tools to deal with these urgent situations. Ideas such as an automatic trigger mechanism and informal briefing were raised but we could not arrive at a consensus.

I myself tried to come up with a more consensual format that would involve the consent of State concerned that would allow it to have a say in the modalities and outcome. My thinking was that the element of consent could be an incentive for countries to engage with the Council with certain degree of confidence and comfort level. This would complement and not substitute special sessions. However, this proposal was not viewed favorably by some countries which saw it as giving veto right to the concerned country. In the end, after extensive discussion we agreed that we could not reach a convergence on this issue.

As you know there was also a proposal to merge agenda items 4, 7 and 10 of the Council which failed to gain the needed support for reasons that are obvious to you.

And lastly, let me mention briefly about the so-called overlapping issues, concerning the relationship between the Council and the GA, including the 3rd and 5th Committees. These issues the reporting line, the timely consideration by the GA of recommendations by the Council, as well as the timely availability of financial resources - were discussed at the previous informal consultation here

which I and Ambassador Jazairy of Algeria attended. I will not go into details but I believe there is a common understanding on these issues. And I hope that the review process by the GA would pursue these issues further bearing in mind that they would very much facilitate the work and functioning of the Council.

Excellencies,

Distinguished delegates,

Some may say that this outcome is below their expectations in one way or the other. I agree that it might not be as ambitious that we had thought. But I would beg to differ with those who say that it is a minimalist outcome. All of us know that it reflects the best we could achieve under the present circumstance. More importantly, it reflects the realities of the Council. Nonetheless, I still feel that the review was a worthwhile exercise that allowed us to engage in dialogue on all pertinent issues. I also believe that the outcome will, in many respects, serve to enhance the work and functioning of the Council in promotion and protection of human rights.

I thank you for your kind attention.
