

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## HUMAN RIGHTS COUNCIL, INSTITUTION BUILDING PRESIDENT'S 2<sup>ND</sup> OPEN MEETING, 18 MAY 2007

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### Overview

Ambassador Luis Alfonso De Alba, the President of the Human Rights Council (the Council), held the second of his series of open meetings on 18 May 2007.<sup>1</sup> It was the second meeting in a series of informal, public consultations the President is holding in his effort to finalise the institution building of the Council, and runs parallel to the President's informal and private consultations on the key issues that remain to be resolved before 18 June 2007.<sup>2</sup>

The meeting on 18 May 2007 was dedicated to a discussion of the process of selection of special procedures mandate holders and to an exchange of views on outstanding issues related to the Council's agenda and programme of work. On the issue of the selection of mandate holders, the President circulated a discussion paper, which he had previously discussed with a selected group of States in closed consultations. His proposal foresees that a consultative group of five government representatives will shortlist three to five candidates from a list of eligible candidates prepared by the OHCHR. The President will then select a mandate holder from the shortlist, which will then be confirmed by the Council. Many States welcomed his proposal, but

<sup>1</sup> See the ISHR website at <http://www.ishr.ch/hrm/council> for the report of the first open meeting, held on 10 May 2007.

<sup>2</sup> Technically, General Assembly *Resolution 60/251* allows for the work to continue until 30 June 2007, since that is one year after the conclusion of the first session of the Council. However, because some members and the President will be replaced on 19 June 2007 it is agreed that the institution building must be completed by 18 June 2007.

some still see the role for States as too limited, or again expressed their preference for direct elections of mandate holders by the Council.

Regarding the review and rationalisation of all mandates, the President reiterated that he does not believe the process will be completed by 18 June 2007, and announced that he will prepare a framework and a timetable within which the review would be conducted. He said the review process could take up to three years. On the code of conduct, the African Group was criticised for not convening open consultations on their proposed draft code of conduct. Via its convenor, the Ambassador of Algeria, it promised to continue consultations with all regional groups.

On the question of the agenda and programme of work, the President asked for a discussion on a bilateral basis of the Facilitator's non-paper of 27 April, hoping that the delegations could focus on the main outstanding issues that he identified as Palestine and the right to development. Most comments focused on these issues as not requiring further discussion, or expressed that other issues should be maintained to be outstanding, such as the sub item 'cross-cutting human rights issues' and an item on 'Other issues'. The President noted that, along with the Facilitator, he would start drafting a new paper by 24 May 2007 when the next open meeting is scheduled.

## Background

The Council at its first and third session decided to establish open-ended intergovernmental, intersessional Working Groups to discuss different aspects of its institution building.<sup>3</sup> The discussions in the Working Groups were facilitated by the Council's Vice-Presidents and other selected Ambassadors, appointed by the President. After the conclusion of discussions of the Working Groups on 27 April, the President took over the process from the Facilitators and has set out to bring the different strands of negotiations to a successful conclusion by 18 June 2007.<sup>4</sup>

The levels of progress the different Working Groups were able to achieve during their mandate period differed significantly from one group to the other.<sup>5</sup> At the end of the Working Group session in April, the Working Group on the review of special procedures had not completed its mandate, but had left a number of key issues pending.<sup>6</sup> Among those key issues were the process of selection of mandate holders; the review and rationalisation of the special procedures system; as well as the question of a code of conduct for special procedures mandate holders. During the wrap-up session of the Working Groups, the Facilitator, the Ambassador of the Czech Republic, explained that there were clear divisions in relation to the method of selection of mandate holders, and the future of country mandates. There also remained significant disagreements about the content of a code of conduct for the work of special procedures, including the

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<sup>3</sup> The first Working Group was tasked with developing the modalities of the universal periodic review mechanism. The second Working Group was tasked with formulating concrete recommendations on the issue of reviewing and, where necessary, improving and rationalizing all mandates, mechanisms, functions and responsibilities in order to maintain a system of special procedures, expert advice and a complaint procedure. This Working Group was divided into 3 segments (on the review of special procedures, on a complaint procedure and on an expert advisory body). The third Working Group was mandated to formulate concrete recommendations on the Council's agenda, its annual programme of work, its methods of work as well as its rules of procedure. It was divided in two segments (agenda and programme of work, as well as methods of work and rules of procedure). See the ISHR website for more background information and for reports of the meetings of these Working Groups: <http://www.ishr.ch/hrm/council>.

<sup>4</sup> Technically, General Assembly *Resolution 60/251* allows for the work to continue until 30 June 2007, since that is one year after the conclusion of the first session of the Council. However, because some members and the President will be replaced on 19 June 2007 it is agreed that the institution building must be completed by 18 June 2007.

<sup>5</sup> See the ISHR Daily Highlight on the wrap-up session of 27 April 2007, available at [http://ishr.ch/hrm/council/wg/wg\\_reports/highlights/wgs\\_highlights\\_27\\_april\\_07\\_wrapup.pdf](http://ishr.ch/hrm/council/wg/wg_reports/highlights/wgs_highlights_27_april_07_wrapup.pdf).

<sup>6</sup> See the ISHR report on the third and last session of the Working Group in April, available at <http://www.ishr.ch/hrm/council> in the Working Group section.

question of States' obligation to cooperate with the special procedures. An individual review of the existing mandates had not been started in the Working Group. During the first open meeting on 10 May 2007, the President had expressed his conviction that such review could not and should not be finished by 18 June 2007.

The Working Group on the agenda and the annual programme of work had concluded the April session with both a draft agenda and draft programme of work. The Facilitator, Ambassador Carlos Ramiro Martinez of Guatemala, said that it had been difficult to strike a balance between the views of some countries or groups of countries. He stated that four main issues still required discussion, including the consideration of the reports from the universal periodic review (UPR) and special procedures mechanisms. During the first open meeting convened by the President, Sri Lanka reiterated that the Asian Group wished to see separate agenda items on the right to development and the occupied Palestinian territories (OPT). Australia opposed a specific item on the OPT, suggesting instead a generic item allowing the Council to respond to all human rights situations "according to need." They also proposed a specific item on national human rights institutions (NHRIs).

## Review of special procedures

### **Discussion paper on the selection process**

The President circulated a discussion paper on the selection process of mandate holders. He stressed again, as he had done for his discussion paper on the universal periodic review (UPR)<sup>7</sup> that he did not intend to use the paper as a basis for negotiations, nor as the starting point for the drafting of a final document. Rather he intends to use it to generate input for his further consultations. He therefore asked delegations to comment on the principles outlined in the discussion paper and not on the exact language used. The 'final document' the President was referring to would contain a package dealing with all aspects of the institution building and should then form the basis of a consensus decision by the Council on all aspects dealt with in the first year of operation.

The President's proposal involves four steps in the selection process. In a first step, the Secretariat would produce a list of eligible candidates. States and other stakeholders including NGOs in consultative status with the Economic and Social Council (ECOSOC) could submit proposals for candidates to be included on the list. The candidates would have to fulfil minimum technical and objective requirements, which would be approved by the Council. The list and the requirements for inclusion on the list would be publicly available.

In the second step, a shortlist of three to five candidates for each particular mandate would be drawn up by a 'consultative group of the President'. That group would consist of five representatives from member States of the Council (one from each regional group), as well as a representative of OHCHR. When short listing, the group would give priority to the candidates on the list, but could also consider additional nominations (if these fulfil the minimum requirements of the first step). The discussion paper also contains language to suggest excluding experts who "hold a political function or discharge an executive decision making position"<sup>8</sup> but it does not formally require such exclusion.<sup>9</sup> The third step in the President's proposal would be the selection of a mandate holder by the President from the shortlist. This would be done in consultations with the Bureau and regional groups, and presented to the Bureau two weeks before the Council. The President in presenting the proposal corrected this and said that only the regional groups would be consulted. The last step in the process

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<sup>7</sup> The discussion paper on the UPR was introduced at the open meeting on 10 May 2007. See ISHR's report on that open meeting, available at <http://www.ishr.ch/hrm/council> in the Working Group section.

<sup>8</sup> *President's discussion paper on the selection process of mandate holders*, Paragraph 2.3.

<sup>9</sup> The full sentence reads "An explicit request to avoid that expert hold a political function or discharge an executive decision making position would be included." It therefore does not entirely exclude the possibility of a person holding a political function being short listed, since it merely 'requests to avoid' such an outcome.

was the least spelled out in the discussion paper. It simply says “Confirmation by the Council of selection of mandate holders will be reflected in the report of each session.”<sup>10</sup>

The President underlined that the aim of the review must be to improve the current appointment process. He also pointed out that his proposal was intended to lead to a more balanced and longer term view on the entire system of special procedures, and therefore it was more suitable to lead to a balance in terms of gender, regional representation and representation of different legal systems than individual elections. In relation to the still outstanding review of all mandates, he said that the selection process and the review of mandates should be treated as separate questions.

Regarding the renewal of mandates, he said it should be avoided that a single President had to deal with the renewal of all mandates. Instead, the terms of mandates should be staggered, so that each year only some new mandate holders need to be selected. He also noted that since some of the current mandate holders had come to the end of their six-year term limit, he would present a list with the dates when each mandate has to be renewed respectively a new mandate holder selected.

### **Reactions by members and observers**

A number of States welcomed the President’s proposal.<sup>11</sup> Germany, on behalf of the European Union (EU), pointed out that the selection process suggested by the President provided for the involvement of the Council in four instances, but that it was well balanced. Others felt that the role for States was still too limited. They argued that the Council needed to have a sense of ‘ownership’ of the special procedures system, which they said would be strengthened through a greater role for States.<sup>12</sup> China reiterated its preference for a simple election process, but said it was ready to look at the President’s compromise formula.<sup>13</sup>

### **Formation of the roster**

A number of interventions focused on the first stage of the selection process, where the OHCHR draws up a list of eligible candidates. Thailand supported the idea that all stakeholders should be allowed to suggest candidates for the roster. A number of States thought that it should be possible to include candidates on the list at any moment, and not only when it is updated every six months.<sup>14</sup> Both Algeria (on behalf of the African Group) and Germany (on behalf of the EU) said that the update had to be more frequent. Canada pointed out that the minimal requirements for someone to be included on the list of eligible candidates should be common to all mandate holders, but that at the same time there needed to be a different set of criteria, specific to a particular mandate. South Africa asked if the Council would review the minimum criteria developed by OHCHR. Sri Lanka proposed that States should develop the criteria before 18 June 2007, while the discussion paper indicated that this should be done within three months of the 5<sup>th</sup> session of the Council. It also suggested that the members of the consultative group should be informed if and why certain candidates were not included on the roster by the OHCHR.

The President then distinguished between the criteria for being added to the list, and those specific to each mandate. The former, he suggested, should be pragmatic and measurable, and should be submitted to the Council for approval. They were needed not least so that the secretariat could justify excluding persons from the roster if they did not meet the general criteria. The criteria specific to each mandate should in his view be developed by the consultative group, based on the resolution establishing the mandate and without involvement of the Secretariat.

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<sup>10</sup> *Ibid*, Paragraph 4.

<sup>11</sup> Brazil, Canada, Japan, Switzerland.,

<sup>12</sup> Algeria (on behalf of the African Group), India, Morocco, Pakistan (on behalf of the OIC),

<sup>13</sup> A position shared by Algeria (on behalf of the African Group), Djibouti.

<sup>14</sup> Algeria (on behalf of the African Group), Morocco.

### **Composition of the consultative group**

The composition of the consultative group, which would shortlist candidates from the roster, gave rise to some comments. China opposed the idea that the representative from the OHCHR in the consultative group could give any substantial input, and stressed that OHCHR should have only logistical and administrative tasks.<sup>15</sup> The President replied that this point had already come up in his private consultations, and would be taken into account. Switzerland suggested that the members of the consultative group act in their personal capacity and not as official representative of their State respectively of the regional group.<sup>16</sup> Singapore asked if the consultative group would be a formal group. It stressed that a high level of transparency was expected from the consultative group, to prevent it from ‘making deals’. Singapore also highlighted that observer States must be given a role in the selection of candidates for the shortlist as well as in the final selection process. In particular, it proposed a pre-confirmation interactive dialogue with the candidate suggested by the President, in which also observers could participate. This would appropriately involve observers in the selection process, and ensure the highest level of transparency and participation. The idea was welcomed by a number of States.<sup>17</sup> Norway suggested that a representative of the Coordination Committee of Special Procedures should be a member of the consultative group, in order to assist the group in its work. The United Kingdom welcomed this idea, saying that the consultative group could benefit from the expertise of a current or former member of the special procedures. A number of States objected to the Norwegian proposal.<sup>18</sup>

### **Short listing of candidates by the consultative group**

The exact functions of the consultative group were not spelled out in the discussion paper, and this issue resulted in some debate. South Africa enquired how the procedure to add additional candidates would work in practice,<sup>19</sup> and asked for more clarity as to the exact functioning of the consultative group. The President agreed that the details of operation of the consultative group had not been discussed, and suggested that regional groups could discuss these details once the consultative group was established. India suggested that the consultative group should revise the list prepared by the Secretariat, and that it should have the power to add names again that had been dropped by the Secretariat for not meeting the minimum requirements.

There seemed to be some confusion about the details of the process of creating a shortlist, as well as the final confirmation by the Council. In the ensuing discussions, States did not specify whether they were referring to the process by which the consultative group would agree on the shortlist, or to the ultimate confirmation by the Council. Iran enquired what procedure would be used if the consultative group were unable to reach consensus on a shortlist from which the President could select a candidate.<sup>20</sup> Turkey expressed its hope that the final stage of the selection process (the confirmation by the Council) be as smooth as possible, and asked what the President had in mind in case the confirmation failed. The debate then fell back into the old divisions between States favouring direct elections by the Council and States preferring an appointment by the President.

Algeria, on behalf of the African Group (AG), suggested that the ultimate solution in case no agreement could be reached should be a vote by the Council, and that it would not be realistic to exclude that possibility.<sup>21</sup>

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<sup>15</sup> Supported by Bangladesh, Pakistan (on behalf of the OIC), Sri Lanka.

<sup>16</sup> Supported by Norway.

<sup>17</sup> Thailand, Bangladesh, Sri Lanka.

<sup>18</sup> Including Bangladesh, Russia

<sup>19</sup> The President’s proposal includes an option for the consultative group to put names of candidates on the shortlist that have not been included in the roster. He justified this by explaining that certain persons would not want to be mentioned on a permanent basis, but would be ready to take on a mandate on an ad-hoc basis.

<sup>20</sup> The President’s discussion paper is silent on that issue. A number of States including Algeria (on behalf of the African Group), India, South Africa joined the Iranian question.

<sup>21</sup> On a side note: Algeria (on behalf of the African Group) requested that the discussion paper clearly spelled out that the Council appoints the mandate holders, because the *Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission*, adopted by the General Assembly in 2002, specify that mandate holders are

Morocco, while agreeing that the rule should be for the President to consult with regional groups and find candidates agreeable to all, the last resort should be the possibility of “democratic elections” to confirm candidates.<sup>22</sup> Canada, on the other hand, argued that the ultimate authority in case the consultative group was unable to reach consensus should lie with the President.

Norway opposed a reintroduction of the concept of voting, and proposed that in the case where the consultative group was unable to find a consensus or where the Council did not confirm the candidates selected by the President, the proposals should be withdrawn to allow for renewed consultations within the consultative group.<sup>23</sup> Germany (on behalf of the EU) opposed the introduction of any ‘default solutions’ whether this is appointment or election. The German Ambassador was of the view that any default solution would discourage the involved States to reach a consensus solution, as they could just defer to the default solution.<sup>24</sup>

The President responded that it was important to take account of the need for consensus. In his view, it should be possible to reach consensus. He said that he saw his (and his successor’s) role as a facilitator, and not as a decision maker. He stressed that some room for ambiguity was needed, and that it would be unwise to include elections as an option.

With regard to the last stage of the process, the “Confirmation by the Council”<sup>25</sup> a number of States preferred that the Council ‘approve’, ‘endorse’ or ‘appoint’ mandate holders based on the President’s recommendation, since they felt that ‘confirmation’ did not properly reflect the crucial role of the Council.<sup>26</sup>

### ***Independence***

The independence of candidates was of particular importance to some States. China argued that members of the executive board of “so-called advocacy groups” should be excluded from the list of possible candidates.<sup>27</sup> Switzerland highlighted that the requirement to exclude political functionaries, diplomats and decision makers from being eligible was ‘absolute’ and could not be formulated in ambiguous terms, as was the case in the discussion paper.<sup>28</sup> Germany (on behalf of the EU) argued that the incompatibility of holding both a special procedures mandate and a political or diplomatic post did not extend to former or future diplomats, but only to present occupations that could lead to a conflict of interest.

### **Review and rationalisation of all mandates**

In his introduction, the President did not mention the review and rationalisation of all mandates in detail. He merely noted that it should be avoided that one President had to deal with the renewal of all mandate holders, and that a system of staggered renewals should be introduced. He also said would present a list outlining when each mandate would be up for renewal. Not many States spoke on the issue of the review and rationalisation of mandates. Canada said that it was ready to provide concrete suggestions as to how to

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accountable to the appointing body. This was the first time that Algeria referred to the GA Regulations in such a way, and even suggested to accommodate the requirements of these regulations in the text about the selection process. In the discussion around the code of conduct proposed by the African Group, Algeria had justified the need for a code of conduct with the effort to make mandate holders accountable to the Council. It now seems to agree that this is already done through the GA Regulations.

<sup>22</sup> Voting as the ultimate method of selection was supported by Algeria (on behalf of the African Group), Morocco, Russia, Sri Lanka, Venezuela.

<sup>23</sup> Supported by Australia.

<sup>24</sup> Supported by Australia, United Kingdom.

<sup>25</sup> *President’s discussion paper*, Paragraph 4 reads:

“4. Confirmation by the Council of selection of mandate holders will be reflected in the report of each session.”

<sup>26</sup> Sri Lanka, Syria,

<sup>27</sup> Algeria (on behalf of the African Group) wanted to exclude members of the executive board of advocacy groups working on the particular issue and Sri Lanka simply referred to candidates holding a position in an NGO.

<sup>28</sup> See fn. 9.

rationalise all mandates. Cuba recalled that it sees the review of individual mandates as the essence of the review process, and that the selection process is in its view is just one part of the task.<sup>29</sup>

In his concluding remarks, the President repeated that he would develop a framework of all special procedures mandates that would indicate when each mandate would have to be renewed and when the term of the mandate holder expires. Seen in relation to the programme of work, such a framework would allow to determine by when each mandate would have to be reviewed. He also reiterated that the review could not be done before 18 June 2007, but had to be scheduled over the next one to three years. Concerning the issue of country specific mandates, he expressed his hope that it could be discussed in the week from 21-25 May 2007, and that he could present initial results by the next open meeting on 24 May 2007.

### **Code of conduct**

The President in his introduction did not mention the code of conduct, as he focused only on the process of selection of mandate holders. Nevertheless, some States commented on the code of conduct, in particular on the way the consultations on that issue seem to be advancing. Switzerland pointed out that there had been no informal consultations as announced by the African Group on 26 April 2007.<sup>30</sup> It preferred to have open-ended and inclusive consultations, rather than the somewhat obscure approach taken so far. Algeria (on behalf of the African Group) simply said that the African Group had established a calendar for consultations. There had already been consultations with the Non-Aligned Movement (NAM), the Group of Latin American and Caribbean Countries (GRULAC) and with the Eastern European Group (EEG). The consultations with the Western European and Others Group (WEOG) had been postponed to the following week at the request of the Netherlands (who is coordinating the WEOG). Bangladesh welcomed this meeting programme. Australia was not satisfied with the answer given by the Algerian Ambassador, and stressed that consultations on key issues of the institution building process should be open, held with all regional groups at the same time and with the participation of civil society. It suggested that the President or a Facilitator appointed by him could facilitate such consultations. The President reiterated his willingness to assist in the process, but stressed that he did not want to offer support that was not asked for by the African Group

### **Agenda and programme of work**

#### **President's introduction**

The President introduced the agenda and programme of work without circulating a written paper. The Facilitator had distributed his final non-paper at the closing session of the Working Groups on 27 April. The President referred to two 'outstanding' matters from the end of the Working Groups: the item on Palestine (Item 7 in the 27 April non-paper) and the item on the right to development (Item 4). He hoped that the delegations could make additional efforts to make the agenda more generic in nature and rely more on the programme of work for the details of the Council's work. He reminded that the programme of work had to be approved by the Council as well, and that States should consider both documents at the same time. He asked States not to repeat their well-known positions in commenting on these issues. Finally, he noted that he would start drafting a new document by 24 May 2007 with the Facilitator's help.

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<sup>29</sup> Supported by Morocco.

<sup>30</sup> Algeria on behalf of the African Group during the last session of the Working Group on the review of mandates had announced the African Group would hold informal consultations with all regional groups on its proposal for a code of conduct. See ISHR's report on the Working Group available at <http://www.ishr.ch/hrm/council> in the Working Group section.

## **Reactions by members and observers**

The reactions to the President's introduction were mixed. Many of the States that took the floor noted that the President's list of 'outstanding' issues left out items or matters important to their delegations. These issues included the sub-items of 'cross-cutting human rights issues' (in Item 3), 'human rights situations requiring the Council's attention' (in Item 3) and 'Other issues' (in Item 11).

### ***'Generic agenda'***

Several States voiced concern over the President's call to make the agenda more 'generic'. Cuba, on behalf of the Non-Aligned Movement (NAM), expressed its concern that the debate over a 'generic' agenda had already been held in the Working Group, and should not be reopened. The delegation noted that a generic and minimalist agenda was 'a non-agenda' for Cuba, and reminded of the original NAM non-paper proposing a structured agenda. The President clarified that it was not his intention to ignore the work and efforts of the Working Group, but that "the doors should be left as open as possible". He noted that he considered the current agenda as contained in the 27 April 2007 non-paper to be 'general'. An number of States supported NAM's position as presented by Cuba.<sup>31</sup> Cuba (on behalf of the NAM) and China both reminded that the NAM or those aligned with it made up two-thirds of the membership of the United Nations, and had supported the NAM proposal favouring a structured, not a generic, agenda. On the other hand a number of States thanked the President for his explanation that making consensus would be easier if efforts were made to strive towards a more generic but inclusive agenda, agreeing that this might indeed be the case.<sup>32</sup>

### ***Palestine and the right to development***

Cuba (on behalf of the NAM) noted its support for items on both the situation in Palestine and the right to development.<sup>33</sup> Pakistan, on behalf of the Organization of the Islamic Conference (OIC), stated that it thought these two items had already been agreed upon, and that they clearly needed to remain on the agenda. It went further and asked in its national capacity why self-determination had been entirely removed from the agenda and from the programme of work. Israel noted their disapproval of the item on Palestine, saying that this went against the principle of non-selectivity. The delegate of Israel spoke for a very long time, citing reports by Mr John Dugard, Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967. The President tried to call the speaker's attention to the fact that the form of the meeting did not justify extensive citations from special procedures reports, but the delegate did not interrupt his speech until his microphone was turned off. The President said it was worrying if some delegations disregarded points of order by the President.

### ***Cross-cutting human rights, human rights situations, and 'Other issues'***

Many interventions expressed discontent that the President had not included 'crosscutting human rights issues', specific human rights situations, and 'Other issues' in his oral list of outstanding issues, as these had all been identified by the Facilitator as requiring further discussion. Iran voiced concern about how specific human rights situations would politicise the work of the Council while China and Venezuela repeated their earlier position that special sessions could be convened for such situations. Algeria (on behalf of the African Group) said the categories of crosscutting human rights and other issues were too vague to be considered as separate agenda items.<sup>34</sup> The delegation made a step towards consensus when it admitted that Canada's earlier suggestion of an organisational session two weeks before the first session to clarify or enumerate vague areas

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<sup>31</sup> Including Bangladesh, China, Palestine, Russia, South Africa, Sri Lanka, Syria, Venezuela.

<sup>32</sup> India, Morocco, Thailand, Turkey.

<sup>33</sup> Supported by Bangladesh, Brazil, Morocco, Palestine, South Africa, Sri Lanka, Syria.

<sup>34</sup> Supported by Pakistan (on behalf of the OIC), Syria.

would indeed be helpful. However, the delegation ended its intervention with a reiteration of its previous position, maintaining that these items were ambiguous and should be clarified. On the other hand, Germany (on behalf of the EU) reiterated its earlier position that General Assembly *Resolution 60/251* and in particular its operative paragraph 3 mandated the Council beyond any doubt to deal with specific situations of violations of human rights. It added that special sessions fulfilled a different purpose and were regulated in a different paragraph of the said resolution.<sup>35</sup> The delegation also supported the organisational session to clarify any vagueness delegations felt might result from ‘Other issues’ or other less predictable items. Norway repeated that ‘Other issues’ was an important agenda item, especially when other elements of the agenda were so detailed, and called for it to be maintained.

## Other issues and next steps

The President congratulated the newly elected members of the Council, and said they would start their term on 20 June 2007.<sup>36</sup>

He also reminded that time was short to finish the institution building. He announced that he intends to start drafting the final documents after the meetings on 24 and 25 May 2007. If necessary, he said, he would appoint a Facilitator to assist in the drafting.

In the continuation of his private consultations, the President wishes to deal with the expert advisory body next, followed by the complaint procedure and the rules of procedure and methods of work. He concluded by saying that he would convene another open meeting as soon as his final text was ready for publication. However, he did not mention a date for such a meeting yet.

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<sup>35</sup> A/Res/60/251, 3 April 2006. Its paragraph 3 reads: “3. Decides also that the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. It should also promote the effective coordination and the mainstreaming of human rights within the United Nations system;” while paragraph 10 reads: “10. Decides further that the Council shall meet regularly throughout the year and schedule no fewer than three sessions per year, including a main session, for a total duration of no less than ten weeks, and shall be able to hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council;”

<sup>36</sup> The General Assembly had elected 14 new members on 17 May 2007. See the UN press release at <http://www.un.org/News/Press/docs/2007/ga10593.doc.htm> for more information.

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