

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

HUMAN RIGHTS COUNCIL, SPECIAL EVENT AND ORGANISATIONAL MEETING, 4 JUNE 2007

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Overview

The Human Rights Council (the Council) convened from 3pm-5pm on 4 June 2007. The first hour was dedicated to a special address from the President of Chile, Michelle Bachelet. In the second hour, the President of the Council, Luis Alfonso de Alba (the President) submitted his final text to the Council on the institution-building process. The President gave an overview of the various sections of the document in order to explain what issues still need to be addressed.

Address by President Michelle Bachelet of Chile

The Chilean President, Michelle Bachelet, gave a special address to the Council. She spoke about Chile's commitment to human rights and democracy. She also briefly spoke about several aspects of the institutional building process. President Bachelet stated that the system of special procedures was part of the positive legacy of the former Commission on Human Rights, and that early warning mechanisms played a key role in preventing gross and systematic atrocities. She explained that she subscribed to a United Nations system where human rights are one of its fundamental pillars along with development, peace and security. She argued that the Council should become a principle forum of the United Nations system rather than a subsidiary body of the General Assembly.

Institution building

The President of the Council, Luis Alfonso de Alba, presented a text covering all the aspects of the institution building process. The President stated that this document was meant to provide an overall view of the matters that need to be addressed, and that it was an incomplete text that still required 'finishing touches'. He felt that

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at this stage it was important to provide a number of clarifications on general information regarding the text, but did not intend to open the floor for discussion. He explained that he wanted to give delegations sufficient time to consider the document.

On the **Universal Periodic Review (UPR)**, the President explained that considering international humanitarian law as a basis of review was still being discussed. The President stated that he had received information that some progress had been made in this regard, but that it was not reflected in the text. He explained that it was important that the Council establish a predictable, practical and effective system. The President was of the view that additional work would have to be undertaken after 18 June to identify the order in which reviews would be carried out. He stated that he wanted the first cycle to be completed by the end of the year.

The President included two annexes on the mechanism for selection for the system of **special procedures**. He explained that the first annex includes a possible order for a one-year calendar of the review cycle for thematic mandates, and that the renewal of mandates would be spread out over six years.

The President also confirmed that there had been negotiations relating to the **code of conduct**.¹ However, he did not see it as appropriate to produce any developments relating to those negotiations in the text.

The President explained that the text for the **Human Rights Expert Advisory Committee** went back to the Facilitator's proposal. He set the number of experts at eighteen in accordance with equitable geographic distribution. The President said that some matters still need to be decided upon, namely the criteria for selection and identifying a date where the corresponding decisions can be taken to establish the body.

Regarding the **complaints procedure**, the President stated that the necessary clarifications had been provided in the text. He also explained that the first working group will go by the same name as it did in the past (the Working Group on Communications) rather than the Working Group on Admissibility.

On the **agenda**, the President simply endorsed the Facilitator's text, and stated that he was not in a position to submit a compromise proposal. He stressed the importance of establishing an agenda that can achieve consensus.

The **programme of work** presented by the President corresponded to the second cycle, and was linked to the review of mandates.

The section on **methods of work** clarified some of the elements of the Facilitator's text. Some of the issues had been moved to the rules of procedure. The President also included a new section with compromise proposals, which he felt could be acceptable. He stressed that this was a section in need of further review and refinement, and that delegations will have to proceed with greater precision out of concern for predictability and equal applicability.

The President explained that some of the points from the **rules of procedure** text were deleted, as they were not indispensable. He also explained that he set aside the proposal made by China that country specific resolutions would need one-third sponsorship and a two-thirds majority to be adopted. He was of the view that this proposal needed more time if any understanding was to be reached. He still felt that this was a 'live and legitimate' subject, but that within the context of the other decisions that need to be adopted, it would facilitate matters if this issue were given more time.

Next steps

¹ The President stated that he was notified by the Algerian Ambassador.

The President felt that in the present circumstances, the wisest thing would be for delegations to extend him their support. He proposed that outstanding issues could be considered another time. The President understood that the text would lead to some clarifications, but he urged delegations to look at the text as something to help continue discussions. He acknowledged that the outstanding issues were not simple matters, and that he would like to continue the negotiation process at the completion of the meeting, as he would not want to postpone a decision on these issues.

The President proposed to make Tuesday 5 June available for delegations to review the document, and that he would respond to invitations from regional groups and others to explain the logic of the compromise directly starting on 6 June 2007.

The President would then begin working on the various sections of the document and convene an open-ended meeting on the morning of Friday 8 June 2007 to clarify any doubts concerning elements that were still pending. The President stated that the Council would have to make major efforts to complete its work on institution building in two weeks, but he felt that it was feasible.

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ABOUT THE PUBLICATION

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch/hrm/council.

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