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HUMAN RIGHTS COUNCIL

Organizational Meeting

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 June 2007 at 10 a.m.

President: Mr. COSTEA (Romania)

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The meeting was called to order at 10.20 a.m.

ORGANIZATION OF WORK

1. The PRESIDENT said that a number of meetings had been held since the Council had last convened, on 20 June 2007, including the first meeting of the Bureau and a meeting of the designated members of the bureau of the Preparatory Committee for the Durban Review Conference. He had also met with the regional coordinators. In keeping with established practice, all members of the Council should have received minutes of the Bureau's meeting, and they would continue to be kept informed of the meetings held. He also intended to propose steps relating to issues referred to the Council under rule 8 of the rules of procedure. Ms. McDougall, Independent Expert on minority issues and Chairperson-Rapporteur of the Annual Meeting of Special Procedures Mandate-Holders and their Coordination Committee, would address the Council on matters relating to special procedures and the implementation of the reform package insofar as it affected special rapporteurs. The Council's Rapporteur would announce the date on which relevant documentation would be available and propose a timetable to permit delegations to make comments on the report of the session.
2. In accordance with rule 8 of the rules of procedure, he had discussed with the Bureau the programme of work for the months to come. In view of the undoubted usefulness of the facilitators who had assisted members of the Council over the past few months, he proposed that the Council appoint four facilitators who would be responsible for formulating specific proposals for the Council's consideration at its September 2007 session. The facilitators would use the same methods of work as their predecessors, in an open and non-exclusive manner.
3. Regarding the reform package, the following four sets of questions had to be considered: technical details and modalities of the universal periodic review mechanism; issues relating to the establishment of the Advisory Committee and mechanisms for continuing the activities of the former Sub-Commission's working groups; criteria for the selection of mandate-holders; and issues relating to the complaint procedure, particularly with regard to the handling of new cases, since the Council no longer had a working group on communications. The members of the new working group would have to be appointed by the Advisory Committee, but the latter would not be operational for several months. The Council should accordingly take steps in September 2007 to deal with that particular issue. There was no particular problem with regard to the working group on situations, since the regional groups were invited each to appoint a representative of a member State of the Council. At the meeting with regional coordinators, they had been asked to consider the matter and to transmit the names of their representatives to him as soon as possible.
4. He called on all members and groups to consider the matter of facilitators, who were due to be appointed at the half-day informal meeting scheduled for 25 July 2007. In accordance with the rules of procedure, a second organizational meeting would be held on 28 August 2007, two weeks before the start of the sixth session (10 to 28 September 2007), which would deal primarily with the follow-up to the institution-building process. The four facilitators would submit their report and the Council would consider the various issues at hand so as to take the necessary decisions. It would be addressed by the special rapporteurs who had been unable to introduce their reports at previous sessions and would have before it the reports requested for the September 2007 session. In accordance with established practice, it would also consider the follow-up to be given to its decisions.

5. Regarding the calendar of meetings for 2007, he intended to hold discussions over the summer so that the Council could adopt it in September 2007 and all delegations could make their arrangements accordingly. In that connection, he recalled that the Council had a very heavy programme of work, since it would meet in regular session for at least 10 weeks a year, was to devote 6 weeks to the universal periodic review in the context of a working group, would hold a number of organizational meetings before each regular session and would also spend time on the preparations for the Durban Review Conference.

6. Ms. JANJUA (Pakistan) said that, as she understood it, it was the Council itself that was to engage in institution-building. The tasks identified should therefore be entrusted to the Bureau and its members, not to new facilitators, since each regional group had expressed its confidence in the members of the Bureau. Her delegation would like to have further discussion on that issue. The scheduling of meetings of the Council should be rationalized, since small delegations had problems in coping with the volume of work and bringing in experts or seeking their views for each meeting. Lastly, the dates and agendas of organizational meetings should be announced in advance to save small delegations from difficulties in that respect as well.

7. Mr. LA Yifan (China), noting that the President had asked regional groups to nominate candidates for the working group on situations as well as for the Advisory Committee, said that the working group on communications, which was to be made up of experts from the Advisory Committee, would be responsible for examining communications before referring them to the working group on situations. He would therefore like to know the timetable for nominating experts to the Advisory Committee, since candidates for the working group on situations should not be proposed before the Advisory Committee was established. Regarding the calendar of meetings, he associated himself with the concerns expressed by the representative of Pakistan and said that the meetings of the Council were a great strain on the secretariat and delegations, since the human resources had not changed since the time of the former Commission, yet the Council had a great many issues to consider. That was why the universal periodic review should be included on the agenda for every Council session and be dealt with during its 10 weeks of regular sessions. As for organizational meetings, which served only to prepare the regular sessions and were taken up with procedural issues, they should not be broadcast directly over the Internet, since that required substantial financial resources. Lastly, as the representative of Pakistan had pointed out, many delegations came from geographically remote countries and therefore could not bring in their experts rapidly.

8. Ms. MTSHALI (South Africa) said she fully endorsed the concerns expressed by the Pakistan delegation. While General Assembly resolution 60/251 mentioned a minimum of 10 weeks of regular sessions in a year, a maximum should also be set, in the interests of predictability. She agreed that the universal periodic review and related activities should be carried out during the 10 weeks allocated for regular sessions. Pointing out that nowhere were the dates and agenda of the current session listed, she said a calendar of meetings should be set in advance so that all delegations could make the necessary arrangements. She likewise requested clarification on the new facilitators envisaged and asked whether it might be possible to rely on existing structures.

9. Mr. QUEIROS (Observer for Portugal) expressed concern that, according to the President, the annual programme of work could not be decided on before the end of the September 2007 session. He wished to make three remarks: first, the steps outlined in the package just adopted by

the Council must be carried out; second, the programme of work must be completed before the special procedures were renewed, something that would certainly make the Council's task more difficult, since the date when the special procedures became operational would depend on the programme of work; and, third, some degree of predictability was needed, as other delegations had pointed out. Since no annual programme of work had been adopted at the start of the current session, delegations had proposed numerous initiatives at the second meeting, since the lack of planning had left them uncertain about when they could submit them. Similarly, the secretariat had been unable to post all the reports on special procedures on the intranet, because it had not been informed in time. A calendar of meetings should accordingly be adopted by the end of July 2007 so as to put an end to uncertainty and avoid logistical problems.

10. Mr. MAHAWAR (India) fully endorsed the comments of the Portuguese delegation and said it was imperative that the Council adopt a programme of work and a calendar of meetings before the September 2007 session, keeping in mind the need for a review of the thematic mandates. India accordingly could support a proposal to finalize the programme of work either by 25 July 2007 or by 28 August 2007.

11. Ms. TOMIČ (Slovenia) shared the concerns outlined by the delegations of Pakistan, Portugal and India, among others. She hoped that, in the interests of clarity and predictability, the President would submit an annual calendar of meetings before September 2007, and if possible during the meeting scheduled for July 2007.

12. Mr. FLORENCIO (Brazil) requested the Council to establish a calendar of meetings before the start of the September 2007 session to ensure that its work was more predictable. With regard to the universal periodic review, he had understood from the text of the President of the fifth regular session, Mr. de Alba, that the dialogue between the country under review and the Council would take place within the working group, and that there was therefore no need to schedule plenary sessions but rather daily meetings between the working group and the country in question. As his delegation understood it, the working group on the universal periodic review would meet for 6 weeks, but the situation needed to be clarified since General Assembly resolution 60/251 indicated that the Council would itself meet for 10 weeks. Deciding on a programme of work for the next 12 months was clearly not possible, because all mandates were under review. As to the dialogue concerning special procedures for the year ahead, the first aspect to be dealt with was the timetable for the submission of reports, which would probably be provided by the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights, and the second was the review of mandates, which would determine what would happen with them. His delegation thought that the annual programme of work should reflect the timetable established through the dialogue, while taking into consideration the uncertainty resulting from the review of mandates.

13. Ms. SIEFKER-EBERLE (Germany) welcomed the President's proposal to create four facilitation mechanisms, namely the development of guidelines for the operation of the universal periodic review, the establishment of technical and objective criteria for the Advisory Committee as well as the special procedures, and the formulation of modalities for the complaint procedure. Her delegation agreed that the working group on communications must be established as soon as possible, care being taken to ensure that the procedure was truly victim-oriented. She therefore welcomed the President's initiative to set in motion a facilitation process for the Advisory Committee, since members of the working group on communications would be selected from it.

Turning to the first of two proposals submitted to the Council, namely the idea that the work of facilitators for the four processes proposed by the President might be taken on by the members of the Bureau, she noted that the task of the Bureau was to deal with organizational matters, not with substance, which might pose a problem in the present instance. On the second proposal, concerning the workload implied by the universal periodic review, she said she was keenly aware of the difficulties that presented for small missions and distant capitals, but it had always been understood that since it was a new mechanism, additional time would have to be allocated to it. That point also emerged from the President's text, which made several references to the fact that that work would be performed by a working group and not by the plenary.

14. Mr. THORNE (United Kingdom) endorsed the statement made by the representative of Germany. He had a question on the modalities for the universal periodic review process, since he had understood that the relevant working group would meet separately. On that point he quoted the final paragraph of section C, "Periodicity and order of the review", in the President's text (A/HRC/5/L.2): "The periodicity of the review for the first cycle will be of four years. This will imply the consideration of 48 States per year during three sessions of the working group of two weeks each." The confusion arose perhaps from the fact that the working group's product would have to be considered by the Council itself, and if it were to review 48 Member States at a rate of one hour each, that meant that two weeks of the Council's meeting time would have to be devoted to them. Lastly, he concurred with other delegations that it would be preferable to have a calendar of meetings as soon as possible, but he understood that the Council might need a little more time to reach agreement on the matter.

15. Mr. ANAEDU (Nigeria) associated himself with the remarks of other delegations, including Pakistan and South Africa, on the calendar and programme of meetings, which should be established during the organizational meetings. He did not see the need to devote precious time in substantive sessions to such matters, which were after all not the business of representatives, but rather that of members of the Bureau. The latter submitted to them the outcome of its work, and they did not spend much time on it, because if they were not satisfied, they sent it back to be revised. Turning to the universal periodic review mechanism, he stressed the need to devote six weeks to it so as to have enough time to implement it in full and administer it with efficiency, openness and objectivity. However, that also meant that giving it separate treatment would demand much effort and mobilize many delegations, whereas some argued that their size was limited and there was always a lot of work to do in Geneva. The meetings to be devoted to the working group on the universal periodic review should thus take place during the 10 weeks of the Council's regular sessions.

16. Ms. MUDIE (Observer for Australia) said she hoped that a decision could be reached as soon as possible on the calendar for the universal periodic review and the way it would affect the Council's meetings. Her delegation had never been in favour of removing from the 10 weeks allocated by General Assembly resolution 60/251 for regular sessions of the Council the 6 weeks to be devoted to the consultations of the working group on the universal periodic review, which would be the outcome of the proposal to include those 6 weeks within the Council's regular sessions. Drawing attention to principles 8 and 10 of the text on institution-building (A/HRC/5/L.2, chap. I, sect. B.1), she recalled that the universal periodic review should not be overly burdensome to the concerned State or to the agenda of the Council or diminish the Council's capacity to respond to urgent human rights situations. However, devoting six weeks of its time to the universal periodic review, important as that mechanism might be, would

necessarily prevent the Council from working on other tasks. In addition, in its resolution 60/251, the General Assembly had called for the Council, not working groups, to meet for at least 10 weeks. While acknowledging the importance of the universal periodic review and the supplementary role it would play for the Council, her delegation considered that that was not the sole objective of the future agenda. That was why she wished to see in the Council's final programme of work a balance between its regular sessions and the sessions devoted to the working group on the universal periodic review. The Council could thus make progress on the agenda established in the programme of work to be adopted and address a whole set of human rights issues that had been deemed important, some of which had been neglected for quite a long time.

17. Mr. VELLANO (Italy) said that his delegation joined the Portuguese delegation in affirming the need to establish an annual programme of work as soon as possible in the interests of clarity and the planning of activities. He was surprised, as were delegations such as Germany, by the apparent resurgence of the issue of including the time to be devoted to the working group on the universal periodic review within the Council's regular sessions. Although his delegation acknowledged the heavy workload that the Council had had to assume in its first year of operation, his impression was that the inclusion of that time had been taken for granted and had never elicited any objection. Moreover, the distinction between the work conducted in the working group on the universal periodic review and the consideration of its conclusions by the Council in plenary would lose its relevance if it was decided to include the time devoted to the review within the Council's regular annual sessions.

18. Mr. ARTUCIO (Uruguay) said that the Bureau had two fundamental concerns: efficiency and transparency; it seemed to him that the aim of the current meeting was to guarantee the second of the two. Proposals had been put forward and the Bureau had asked for comments, suggestions and criticisms before it could proceed to establishing a more definite framework. Among the issues that had been raised, some merited serious consideration, such as, for example, the need expressed by several delegations to have a more definite idea of the programme of work before the end of July 2007 in order to allow adequate time for preparation. The Bureau would discuss that matter and would attempt to find the solution most acceptable to everyone.

19. Mr. WURZNER (Netherlands) said that the Council's first organizational meeting currently under way was unusual in that it had had to be prepared at very short notice. Future organizational meetings would be structured clearly and have a pre-established agenda. The past year had admittedly been trying, and the next year would be as well, since there were many matters still to be determined in relation to the review of mandates, the universal periodic review mechanism, the Advisory Committee and the complaint procedure. Since the Advisory Committee would have to be established in accordance with all the provisions of the rules contained in the text on institution-building, it could not begin its work before spring 2008. Likewise, the working group on communications would not be operational before February or March 2008. That delay would therefore have to be made up for subsequently. With regard to the working group on the universal periodic review, the text on institution-building clearly established that it would devote six weeks a year to its task and that only the outcome of its work would be discussed by the Council in plenary. Many other tasks would be entrusted to the Council, which would have to oversee the working group on the effective implementation of the Durban Declaration and Programme of Action, complementary standards and preparations for

the Durban Review Conference. His delegation estimated that that would represent a minimum of 30 weeks of work, during which the Council would also have to work on institution-building. For that reason, the Council could not afford to make too hasty a decision.

20. The PRESIDENT, summing up the discussion, noted the common points made in the statements, one of which was the difficulty of establishing in one or two days an annual calendar and programme of work for a task as complex as that of the Council, as evidenced by the number (some 15) of delegations that had raised that point. Many proposals, ideas and suggestions proved beyond a doubt that the members of the Council had fully grasped the contents of the text on institution-building on which it was working. That was not surprising since that document had been prepared as a joint effort involving everyone's participation. He could attempt to reply to certain questions that had been raised during the current meeting but not to others, which he had noted and would study very carefully with the other members of the Bureau. In any case, one thing was certain: the Council's 10 weeks of sessions, referred to in General Assembly resolution 60/251, constituted a minimum length of time that should not be encroached upon by the universal periodic review. Although the universal periodic review mechanism was no less important than the Human Rights Council, it had its own timetable that was separate from that of the Council, as could be seen from the text on institution-building. The suggestion to include the 6 weeks to be devoted to the universal periodic review within the Council's 10 weeks of sessions was an untenable solution; however, the Council would give consideration to the question as to how best to organize those weeks. He would present a draft programme of work and calendar of meetings, if possible, at the organizational meeting to be held on 28 August 2007, during which it would be examined closely and possibly amended. Although he did not think it would be feasible to do so in time for the July 2007 meeting, especially since that meeting was an informal one, every effort would be made to come up with an outcome as soon as possible. While he fully endorsed the comments made by several delegations, as well as their concerns about the resources available to them and the workload and pressures to which they were subjected, little other choice remained than to accept that that was precisely the work they should endeavour to perform as efficiently as possible - even if it represented a heavy burden, especially before September 2007, and even if there were many decisions to be made, all of which required preparation. In the interests of transparency and non-exclusion, the Bureau believed that having facilitators for the four mechanisms mentioned was a good idea, all the more so since that arrangement had already proved its worth. The issues involved were not simple, and if the Bureau had decided to put that idea before the Council and to invite regional groups to examine it, it was so that the Council could take an informed decision. It went without saying that the Bureau had decisions to make which the Council was free either to accept or reject, but he felt that some decisions should remain at the Council's own discretion. Given that the start of the institution-building process had been part of that, he did not see why its completion should be any different, which was why he had invited the regional groups to reflect on the question and to present their proposals within a month. That did not mean that during that month, there would be no communication between himself and the Council, since he was fully prepared to meet with any group or delegation or to engage in any form of contact with them to discuss questions of common interest. He had taken note of the other issues, such as dialogue with the special procedures and the review of mandates; the Bureau would consider those matters very carefully and would attempt to incorporate them into the draft programme it would submit to the Council.

With regard to combining the function of Bureau member with that of facilitator, such an experiment had already been conducted, and was a possibility that would be examined very closely, without preconceptions, as part of a dialogue within the Council.

21. Mr. JAZAIRY (Observer for Algeria) said that, except in the case of emergency, the reports of mandate-holders should not be distributed at the last minute. The Council's rules of procedure stipulated that its members had the right to insist on those documents being distributed sufficiently in advance, and it was desirable for that rule to be better respected. With regard to the statement made by the representative of Pakistan, he said that the question was not whether to devote to the universal periodic review 6 of the 10 weeks reserved for the regular sessions of the Council but, rather, whether the working group on the universal periodic review and the Council should meet in parallel or in succession. Since the persons who travelled to attend the meetings of the Council were often the same ones who participated in the working groups, the first solution would help to save time and money and would lighten the burden of the delegations, which had many other commitments. He therefore invited the President to consider that solution. Furthermore, he underscored the need to establish a precise schedule for the review of mandates. That was an urgent matter, and it was essential to respect the deadlines set. His country saw no objection to facilitators being members of the Bureau and welcomed the fact that the President would examine that possibility before the Council's next organizational meeting.

22. Mr. MAHAWAR (India) said that the dialogue and the adoption of the report under the universal periodic review mechanism would be conducted in the working group and that only its outcome would be considered by the Council in plenary during the 10 weeks allocated to its sessions, unless decided otherwise by the Council.

23. The PRESIDENT proposed that a calendar of meetings should be established before the organizational meeting to be held in August 2007.

24. It was so decided.

25. Ms. McDOUGALL (Chairperson-Rapporteur of the Annual Meeting of Special Procedures Mandate-Holders and their Coordination Committee, and Independent Expert on minority issues) welcomed the agreement reached by the Council on 18 June 2007 concerning institution-building. In the course of the past year, the Council had established a new framework for the protection and promotion of human rights and the mandate-holders looked forward to working with the Council towards its effective implementation, as well as to pursuing the dialogue they had entered into with the Council. They trusted that the Council would support their work, including by ensuring follow-up. The mandate-holders believed they could make a contribution to institution-building, particularly in terms of the universal periodic review mechanism. They took note of the establishment of the Advisory Committee and indicated their desire to explore possible synergies with that body. They anticipated discussing the renewal of their mandates with the Council, as well as the broader special procedures framework, with a view to improving and strengthening that system as a whole. With regard to the selection of mandate-holders, the latter looked forward to helping to formulate the technical criteria to be adopted by the Council at its sixth session and to submitting input for the consideration of the Advisory Committee, as provided for in the consensus. The mandate-holders intended to continue working closely with the Council in order to ensure the implementation of human rights obligations, to build the capacity of States to guarantee the protection of human rights and to

promote cooperation and dialogue with all States. During the past year, the mandate-holders had made significant efforts to coordinate their work. During their annual meeting they had discussed an enhanced role for the Coordination Committee. They had taken note of the fact that a Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council had been adopted by the Council, and would follow closely how decisions relating to institution-building were implemented. The mandate-holders reiterated their willingness to be constructively involved in that process and to pursue their cooperation with the Council in order to ensure a robust and comprehensive human rights system that responded to the needs of victims.

26. Mr. ARTUCIO (Uruguay), Rapporteur, introducing the draft report on the first organizational meeting (A/HRC/OM/1/L.10), said that it contained a factual description of the work carried out by the Council, concerning, in particular, follow-up to the agreement reached on the institution-building package and action on draft resolutions and decisions. Owing to a lack of time, the Council had decided to conclude consideration of the latter during the current organizational meeting. He recalled that the deliberations of the Council continued to be faithfully recorded in the summary records of its meetings, which were available to the general public. Moreover, the statements made during the session, as well as the audio and video recordings of the meetings, were available on the Internet, as was the draft report.

27. The PRESIDENT said that, if he heard no objection, he would take it that the Council wished to adopt ad referendum the draft report on the first organizational meeting and the draft report on the fifth regular session of the Council.

28. It was so decided.

29. Mr. MINANI (Japan) said that his country, which was one of the leading contributors to the budget of the United Nations, was concerned about the Council's budget. The financial impact of the Council's work should be examined thoroughly by the States Members of the United Nations. Moreover, it was necessary to continue rationalizing the Council's operations, particularly by eliminating duplication and activities that served little or no purpose. That said, Japan maintained its unreserved support for the Council's efforts.

30. The PRESIDENT said that the meeting of the bureau of the Preparatory Committee for the Durban Review Conference had made progress in several areas. The permanent representative of the Libyan Arab Jamahiriya, Ms. Al-Hajjaji, had been elected Chairperson of the bureau, and she was leading discussions concerning the agenda of the Preparatory Committee, its timetable and other related issues. The Preparatory Committee would not manage to complete its preparations in the short time that had been allotted to it. He therefore suggested, in accordance with a decision taken by the Bureau of the Council, to postpone the meeting that had been scheduled for the following week to a future date.

31. It was so decided.

The meeting rose at 11.50 a.m.