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HUMAN RIGHTS COUNCIL

Organizational Meeting

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 June 2007, at 3 p.m.

Temporary President: Mr. DE ALBA (Mexico)

President: Mr. COSTEA (Romania)

CONTENTS

OPENING OF THE ORGANIZATIONAL MEETING

STATEMENT BY THE TEMPORARY PRESIDENT

ELECTION OF THE BUREAU

STATEMENT BY THE PRESIDENT

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"

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The meeting was called to order at 4 p.m.

OPENING OF THE ORGANIZATIONAL MEETING

1. The TEMPORARY PRESIDENT declared the 1st Organizational Meeting of the Human Rights Council open.

STATEMENT BY THE TEMPORARY PRESIDENT

2. The TEMPORARY PRESIDENT said that he would distribute a written statement outlining his personal thoughts on the achievements of the Human Rights Council in the past year and expressed his heartfelt thanks to all who had made those achievements possible.

ELECTION OF THE BUREAU

3. Mr. RAPACKI (Observer for Poland), speaking on behalf of the Group of Eastern European States, nominated Mr. Costea (Romania) for the office of President.

4. Mr. Costea (Romania) was elected President by acclamation.

5. Mr. Costea (Romania) took the Chair.

6. Mr. FLORÊNCIO (Brazil) said that as a result of consultations held among the regional groups, the following persons had been nominated for the four offices of Vice-President: Mr. Valles Galmes (Uruguay), nominated by the Group of Latin American and Caribbean States; Mr. Doualeh (Djibouti), nominated by the Group of African States; Mr. Van Eenennaam (Netherlands), nominated by the Group of Western European and Other States; and Mr. Jayatilleka (Sri Lanka), nominated by the Group of Asian States. Mr. Valles Galmes would serve as Rapporteur.

7. Mr. Valles Galmes (Uruguay), Mr. Doualeh (Djibouti), Mr. Van Eenennaam (Netherlands) and Mr. Jayatilleka (Sri Lanka) were elected Vice-Presidents by acclamation.

STATEMENT BY THE PRESIDENT

8. The PRESIDENT thanked the outgoing President for his outstanding work and said that the creation of new mechanisms such as the universal periodic review and the strengthening of the system of special procedures had paved the way for more effective implementation of human rights, responsibility for which lay with the Council. There had been enough talk of politicization, selectivity and double standards: it was time for the Council to focus on achieving its objectives in a spirit of dialogue, cooperation, transparency and mutual respect. He was fully committed to ensuring that the Council's new mechanisms functioned properly.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL" (A/HRC/5/L.2
and L.3/Rev.1)

9. The PRESIDENT said that, as agreed at the final meeting of the fifth session, the work of the current Organizational Meeting would include follow-up action by the Council on the agreed package, which consisted of document A/HRC/5/L.2, containing a text proposed by the President entitled "United Nations Human Rights Council: Institution-building", and document A/HRC/5/L.3/Rev.1, containing the proposed draft Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, and action on all other outstanding draft proposals.

10. Mr. CORMIER (Canada), speaking on a point of order, challenged the President's interpretation that a decision had been taken at the Council's previous meeting on the matters that had been under consideration. Rather, it had been decided to defer action on those matters until the following day. That did not constitute adoption of the package under discussion, with which Canada was not in agreement. Any other view would preclude the ability of a United Nations body to defer decisions and debate in order to allow further consultations. By denying his delegation the right to call for a vote on the matter under consideration, the Council threatened to undermine not only its own rules of procedure and those of the General Assembly but more than 60 years of established practice within the United Nations system, which was based on the fundamental principle of equality of all Member States.

11. The PRESIDENT suggested that the Council should decide by means of a recorded vote whether it wished to uphold his ruling that the Council should proceed with the necessary follow-up on the agreement reached at the final meeting of the fifth session on the package comprising documents A/HRC/5/L.2 and A/HRC/5/L.3/Rev.1.

12. A recorded vote was taken on the President's suggestion.

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Italy, Japan, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Sri Lanka, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia

Against: Canada

Abstaining: None

13. The President's ruling was upheld by 46 votes to 1.

14. Mr. CORMIER (Canada) recalled the guiding principles set out by the General Assembly when it had established the Human Rights Council, which included universality, impartiality, objectivity and non-selectivity. His delegation regretted the inclusion in the Council's proposed agenda of an item that singled out one situation for politicized, selective, partial and subjective treatment: the proposed agenda item on Palestine and other occupied Arab territories was inconsistent with the Council's founding principles. If the Council was to be credible and effective, it must adhere to the standards set by the General Assembly.

15. With regard to the President's text (A/HRC/5/L.2), he said that although it was not perfect, it did contain many positive elements. However, the various mandates of the special procedures had not been given equal treatment, since limits had been placed on the term of all mandates with the exception of the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. Moreover, the only two mandates that had not been renewed, relating to Cuba and Belarus, both pertained to situations that clearly called for continued scrutiny under country-specific mandates.

16. Mr. JAZAÏRY (Observer for Algeria), speaking on behalf of the Group of African States, said that he wished to clarify the Group's understanding that the universal periodic review mechanism could not be used to hold a State accountable for the implementation of recommendations or obligations other than those to which the State had committed itself, either under a treaty or in the context of the universal periodic review mechanism itself.

17. Mr. CHENG Jingye (China) said that in order to prevent country mandates from becoming an instrument of politicization, selectivity and double standards and to safeguard the authority and credibility of the Council, China and other developing countries had submitted a proposal on country-specific human rights resolutions, which had been reflected in document A/HRC/5/L.2. It was his delegation's understanding that the sections of that document that dealt with human rights situations in specific countries would be strictly adhered to.

18. Mr. STEINER (Germany), speaking on behalf of the European Union, said that document A/HRC/5/L.2, though not flawless, afforded an adequate basis for a robust system for the protection of human rights. The European Union had wished to preserve all of the achievements of the Commission on Human Rights and, in particular, all of the existing mandates of the special procedures. It was, however, important to avoid selectivity, and while the Union remained deeply concerned about the human rights situation in the Occupied Palestinian Territory, that situation should not have been included as a separate agenda item in the President's text.

19. The European Union had resisted all efforts to restrict the powers of the Council to address human rights situations. Regarding the universal periodic review mechanism, it believed that consideration of a country's level of development must not compromise the universality of the standards on which the review was based, and should relate only to the outcome phase of the review.

20. The European Union had accepted the draft Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council on the understanding that it constituted the final step in regulating the work of the special procedures.

21. Mr. THORNE (United Kingdom) said that he fully supported the role of the Office of the High Commissioner for Human Rights (OHCHR) in providing independent expertise and assistance in the universal periodic review process. He also welcomed the efforts made to ensure that the Council had a balanced agenda. However, while the situation in the Occupied Palestinian Territory continued to be worrying, it was important that the Council should deal effectively with other human rights problems around the world.
22. Regarding agenda item 3 as proposed in document A/HRC/5/L.2, he said that his delegation did not accept the concept of collective rights in international law, with the exception of the right to self-determination.
23. It was disappointing that two of the country mandates had not been renewed. The Council should consider how it could continue to consider the situations in question, especially when they were characterized by serious and systematic abuses of human rights.
24. As initially proposed, the draft Code of Conduct for Special Procedures Mandate-holders had been a deeply damaging initiative designed to seriously restrict the effectiveness of the special procedures. The revised draft was more balanced, and he particularly welcomed the obligation on Member States to cooperate with the special procedures and to facilitate their work.
25. Ms. JANJUA (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the universal periodic review mechanism must remain an intergovernmental process, and the equal treatment of all countries under review must be ensured. The outcome of the review should take into account the response of the State concerned and should be adopted by consensus. States could be held accountable only for those recommendations to which they had subscribed.
26. The Council had acknowledged that the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 was not included in the review because that mandate had been established to last until the end of the occupation. OIC recognized that the agenda and framework for the programme of work as set out in document A/HRC/5/L.2 were helpful, and it supported the inclusion of both an agenda item dealing with Palestine and other occupied Arab territories and an agenda item dealing with racism. She hoped that agenda item 4, on human rights situations that required the Council's attention, would not be used as an excuse for embarking on a witch-hunt.
27. While OIC had not understood the rationale behind all of the amendments that had been put forward, it did support the President's text in the form in which it had been accepted.
28. Mr. ALI (Bangladesh) endorsed the idea that national reports should form the basis of the universal periodic review, and emphasized that the review mechanism should be a cooperative one that produced consensual outcomes. The draft Code of Conduct should be an excellent tool for improving the much-abused system of special procedures, as it would ensure that mandate-holders were appointed by and held accountable to the Council. With regard to the complaints procedure, he said that adequate time must be allowed for States' responses, as the time frame set out in the President's text was indicative only.

29. His delegation believed that the Council must have its own secretariat; if OHCHR was to provide the secretariat, as the President's text suggested, it must do so under the direct supervision of the Council.

30. Ms. HSU (Malaysia) said that the Council should turn its efforts towards making the Council a more credible and less politicized body, and in doing so should proceed in a constructive and cooperative manner. Her delegation shared the view that under the universal periodic review States should be held accountable only for commitments that they had actually made and for those recommendations in the outcome to which they had agreed. She further recalled that the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 remained valid until the end of Israeli occupation. Lastly, she reiterated that her delegation favoured more stringent requirements for country-specific mandates and welcomed the efforts made by the Chinese delegation in that regard.

31. Mr. FERNÁNDEZ PALACIOS (Cuba) said that the Council's acceptance of the President's text (A/HRC/5/L.2) was a tribute to the long struggle of the Cuban people for truth and justice, as it marked the end of the illegitimate mandate of the Personal Representative of the High Commissioner for Human Rights on the situation of human rights in Cuba, which had been created by the Commission on Human Rights at the instigation of the United States of America, the main enemy of human rights in the world. Cuba nevertheless continued to have serious reservations about the continued existence of other country mandates targeting countries of the South. Moreover, there were insufficient provisions in the President's text to prevent the application of the double standards and selectivity that had discredited the former Commission.

32. As it continued to advocate the just cause of the Palestinian people, Cuba supported the inclusion of a separate agenda item on that issue. At the same time, Cuba did not believe that the universal periodic review and the complaints procedure as described in the President's text would prevent political abuses, and his delegation would remain vigilant in that regard.

33. His delegation strongly objected to the stance taken by the representative of Canada and others regarding the Council's acceptance of the President's text: such a position demonstrated a hypocritical, anti-Cuban view of human rights by delegations that supported the imperialist incursions of the current President of the United States of America. The Council had responded to those members by accepting the text proposed by the President of the Council, and that acceptance was therefore a day of victory for Cuba.

34. Mr. TICHENOR (Observer for the United States of America) said that his delegation was deeply concerned by the actions taken during the previous 24 hours. He found it profoundly disappointing that, for reasons of political expediency, a member's right to vote or break consensus on the substance of a motion before the Council had been denied.

35. With regard to the President's text itself, he cautioned that a biased agenda that included the examination of the occupied Palestinian territories and the arbitrary removal of two vital country mandates raised serious questions about the Council's priorities, its ability to assess human rights situations fairly and the seriousness with which it regarded its responsibility to promote and protect human rights around the world.

36. Ms. JANJUA (Pakistan) said that her delegation had long supported the creation of the universal periodic review and called on all the members of the Council to work together for its impartial and cooperative implementation. It was to be hoped that the review mechanism and the draft Code of Conduct (A/HRC/5/L.3/Rev.1) would increase confidence in the Council and its mechanisms. She expressed her optimism that the right to self-determination would be emphasized as the Council considered its regular agenda, and noted that her delegation understood proposed agenda item 3 to include the right of peoples to self-determination.

37. Mr. LOULICHKI (Observer for Morocco), while welcoming the acceptance of the President's text and the draft Code of Conduct, regretted that it had been necessary to proceed to a vote which called into question the result of months of work by all Council members. His delegation believed that the consensus established at the 9th meeting of the Council's fifth session had been real, considered and balanced, and the effectiveness of the universal periodic review depended on its implementation.

38. Mr. JAYATILLEKA (Sri Lanka), speaking on behalf of the Group of Asian States, said that, while the Group remained concerned about certain aspects of the President's text, it had accepted that text because it had sought a consensual outcome to the institution-building project, in which all members of the Human Rights Council had invested much time and hard work.

39. Mr. SINGH (India) said that the President's text accepted by the Council was the result of lengthy negotiations and struck a fine balance between the various expectations and demands of different stakeholders. The willingness of members to reach difficult and sensitive decisions by consensus augured well for the future work of the Council. The universal periodic review would make it possible to address country situations in a positive manner.

40. Mr. GODET (Switzerland) said that the President's text was a balanced document because it was the result of concessions made by all members of the Council. His delegation had supported that acceptable compromise so that the Council could at last fulfil the mandate given to it. Nevertheless, his delegation was disappointed that the contributions of the independent experts to the universal periodic review mechanism had not been included in the President's text; it nevertheless hoped that such contributions might ultimately be included in a best practice.

41. Despite its reservations about the draft Code of Conduct Switzerland had agreed to accept that text because of the importance of the special procedures for human rights protection. His delegation nevertheless insisted that the independence and jurisdiction of the mandate-holders should be maintained at all costs.

42. Mr. RIPERT (France) said that the time had come for the Council to put the tools it had forged to good use. His delegation regretted that the agenda that had been agreed was unbalanced insofar as it singled out one particular situation for attention; fortunately, it also allowed the Council to consider and act on any human rights situation anywhere in the world.

43. The special procedures had a central role to play, and France would have preferred to retain all of them. Moreover, a code of conduct should not be used as a means of constraining their action or curbing their freedom of movement.

44. Mr. MALGINOV (Russian Federation) said that his delegation had striven to ensure that the work of the Council was based on the principles of objectivity, impartiality, neutrality and non-selectivity. It believed that the Council should become the core body of the human rights system, free from politicization and manipulation, and it was satisfied that the outcome of the previous year's efforts upheld the intergovernmental nature of the Council and, in particular, of the universal periodic review. It also believed that the Council should develop its own institutions and mechanisms, which should be accountable to the Council. A code of conduct for special procedures would be a welcome step in that direction.

45. Owing to the lack of time, certain points in the President's text had inevitably remained unclear, but his delegation intended to circulate a paper setting out the Russian Federation's understanding of the agreements reached. His delegation believed that the observance and protection of human rights was primarily the responsibility of individual States, and that the international community could assist States in their efforts by offering cooperation, dialogue and trust. The documents that had been accepted by the Council would help uphold those principles.

46. Mr. ARTUCCIO (Uruguay) said that, while the text that had been agreed was not all that Uruguay might have wished, his delegation was satisfied and hoped to see further progress made through the actual practice of the Council as it implemented the agreements reached.

47. Mr. MARTABIT (Observer for Chile) said that the universal periodic review was the heart of the new system. However, the Council would need to exercise extreme caution and vigilance if it was to avoid any hint of politicization. The Council would be doing scant service to the cause of human rights if it had to resort to regional agreements to attain its objectives.

48. Mr. AMIRBAYOV (Azerbaijan) said that the agreed text was balanced, comprehensive and forward-looking. Consensus had been reached through a prevailing spirit of political will and collegiality, a spirit that would strengthen the new culture of decision-making within the Council and enhance the Council's credibility.

49. Mr. FUJISAKI (Japan) said that as the Council had succeeded in agreeing on its institutions, its most important task was to address human rights situations in the world without delay, listening and responding to the call of those who were waiting for its attention.

50. Mr. CERDA (Observer for Argentina) said that his delegation would have preferred to see independent experts actively involved at all stages of the universal periodic review; however, in the interest of compromise, it had agreed for the time being that OHCHR should assume that advisory role. He trusted that the Office would be accorded the necessary human and material resources to fulfil that role.

51. His delegation was pleased to note that the gender perspective was reflected in the agenda and programme of work. It had not been in favour of a code of conduct for mandate-holders, since such a code might affect their independence. He noted nevertheless that some of Argentina's proposals were reflected in the compromise text.

52. Mr. FLORÊNCIO (Brazil) said that two important aspects of the universal periodic review were its openness to all stakeholders and the fact that it was a cooperative mechanism rather than a tribunal.

53. Speaking on behalf of the Group of Latin American and Caribbean States, he said that the Group's dialogue with the Group of African States had resulted in a draft Code of Conduct that focused on mandate-holders without forgetting the necessary interaction with States.

54. Mr. LEVANON (Observer for Israel) said that the text that the Council had accepted showed that the Council was completely politicized from the outset. His delegation rejected that text because it perpetuated the immoral fixation on Israel. To include in the agenda an item that singled out one situation for special attention did not further the principles of universality, impartiality, non-selectivity or objectivity. A similar selectivity could be seen in the section on the review of mandates. The Council should have the courage to admit that what it had reached was a political compromise.

The meeting rose at 6 p.m.