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Third Committee votes to adopt the
Human Rights Council (Council) Report

On 16 November 2007, the Third Committee adopted, by way of an amendment, the Report of the Human Rights Council (the Report).¹ 167 States voted in favour, seven opposed,² and three abstained.³ The General Assembly is expected to take up consideration of the Report before the end of the year.

Third Committee amends the draft resolution on the Human Rights Council Report

The Third Committee considered the draft resolution relating to the Report, along with an amendment to the draft resolution.⁴ This amendment was introduced by Cuba and co-sponsored by 11 other States covering all five geographic regions.⁵ The amendment sought to address the concern raised by the Russian Federation when the draft resolution was first introduced to the Third Committee on 4 November 2007, namely that it only referred to the institution-building package of the Human Rights Council (Council *Resolution 5/1*), but not the Code of Conduct for special procedures mandate holders (Council *Resolution 5/2*). The Cuban amendment provided for the Third Committee to 'take note' of both Council resolutions and to 'endorse' the decision of the Council to adopt both resolutions.⁶

Immediately prior to the consideration of the Cuban amendment, the Secretary of the Third Committee explained that, should the amendment be adopted, the Programme Budget Implications (PBI) would be adjusted to reflect the revised resolution.

At this point, Israel and the United States of America (USA) took the floor to disassociate themselves from consensus on the amendment. Israel also warned that if adopted, it would call for a vote on the amended resolution.

¹ A/C.3/62/L.32 Please see <http://www.un.org/ga/third/62/propolist.shtml> Agenda Item 65

² Australia, Canada, Israel, Marshall Islands, Micronesia, Palau, USA.

³ Nauru, Equatorial Guinea, Swaziland. Swaziland later informed the Chairperson that they had meant to vote in favour of the text.

⁴ A/C.3/62/L.84

⁵ The sponsors of the amendment were: Armenia, Brazil, China, Costa Rica, Cuba (on behalf of NAM States), Liechtenstein, Mexico, New Zealand, Norway, Russian Federation, Switzerland, and Uruguay.

⁶ The original draft was titled "Institution-building of the United Nations Human Rights Council", with one operative paragraph that provided for the Third Committee to 'welcome' the resolutions adopted by the Human Rights Council on 18 June 2007. Please see ISHR's *Daily Updates* on the Council's 5th session at www.ishr.ch/hrm/council for more information.

The amendment was adopted without a vote, and the Committee moved on to consider the amended draft resolution on the Report.

Third Committee adopts Council Report

As promised, Israel called for a vote on the resolution. The USA then made a statement to explain why they would vote against the institution-building package, which echoed the criticism it had made of the Council when the resolution was first introduced.⁷ These criticisms centred on the 'deep structural flaws' of the Council, its failure to bring the most serious human rights violators to account, and its 'relentless focus' on Israel.

Other States who took the floor to explain why they would not vote in favour of the resolution included Palau, Israel, Micronesia, Australia, and Canada. Several of the States shared the concern of the USA that the institution-building package had been 'pushed through' the Council late one night, allegedly after States had been informed that the package would be dealt with the following morning. On this basis, they argued that there was no agreement on the institution-building package within the Council, and that this 'unorthodox procedure' set a dangerous precedent.⁸

Belarus also made a statement to explain why it supports the institution-building package, which it sees as an important element in the process of rationalising and streamlining the special procedures of the Council. Belarus spoke in similarly positive terms about the universal periodic review (UPR) because it will be applied equally and to all States. Belarus called on Israel to look 'honestly and openly' at the institution-building package and reconsider its position.

China also took the floor to call on all States to vote in support of the institution-building package. While China agreed with other States that the package is far from perfect, it was the result of a year of negotiations and reflects the consensus view of the Council. For any State to not support the institution-building package at this point would be 'regrettable'; now is the time that all States should be working to ensure the Council can begin its implementation phase.

The resolution was put to a vote and adopted with 167 States in favour, seven opposed, and three abstaining. Several States were absent.⁹ Many members of the Third Committee applauded the successful passage of the resolution.

Budgetary implications of the Council Report

According to the PBI document prepared by the Secretariat,¹⁰ the implementation of the institution-building package will require \$8,147,600 in 2008-09. The main elements of the institution-building package are the UPR, special procedures, the Council's Advisory Committee, and the complaint procedure. Some of the specific costs to implement the institution-building package include:

- \$3,054,000 for 18 new posts; and
- \$5,093,600 in non-post resources (including consultants, experts, travel, general operating expenses, grants and contributions).

Japan was the only State to make reference to the budgetary implications of the Report when the resolution on the Report was considered, and it did so after the adoption of the resolution. Although Japan, along with a number of other States, welcomed the adoption of the Report,¹¹ it expressed regret at its 'huge' financial

⁷ Refer to ISHR's *New York Update* on the General Assembly Third Committee's consideration of the HRC Report on 5-7 November 2007, available at http://www.ishr.ch/hrm/nymonitor/new_york_updates/nyu_ga_62_council_report.pdf

⁸ Comments made by Australia. Israel and Canada expressed similar concerns about whether there was agreement on the institution-building package when it was adopted by the Council.

⁹ Bosnia and Herzegovina, Cameroon, Central African Republic, Dominica, Guinea-Bissau, Kiribati, Kyrgyzstan, Nigeria, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Seychelles, Somalia, Tajikistan, Tonga, Tuvalu, Vanuatu.

¹⁰ A/C.3/62/L.60 page 5.

¹¹ States welcoming the adoption of the resolution included: Japan, Pakistan, Cuba, Portugal (on behalf of the EU), Netherlands, Poland, Iran, UK and France.

implications. Japan encouraged further streamlining of ineffective or unnecessary mandates that report to the Council and advised that it will closely monitor the Council's budget.

Now that the Third Committee has adopted the Report, the PBI associated with it will be forwarded to the General Assembly's Advisory Committee on Administrative and Budgetary Questions (ACABQ) and this body's recommendations will be provided to the Fifth Committee of the General Assembly for approval. It is expected that the Fifth Committee will wait for PBIs on other agenda items of the Third Committee so they can be considered together. The Fifth Committee will then report to the General Assembly Plenary on its findings. The Plenary will then take action on the resolution relating to the Report.

Background

The General Assembly is the main deliberative organ of the United Nations (UN). It is composed of representatives of all member States and has a general mandate to discuss and make recommendations on any matters within the scope of the *United Nations Charter*. Under Article 13 of the Charter, the General Assembly is specifically mandated to 'initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion'. The 62nd session of the General Assembly¹² will take place between September and December 2007.¹³ Each year the Assembly addresses over 150 agenda items, which are considered either in the plenary or in one of its six committees.¹⁴ This year, the Third Committee (Social, Cultural, and Humanitarian) will address a number of issues relevant to human rights defenders under various agenda items, including the advancement of women, children's rights, the rights of indigenous peoples, the elimination of racism, the protection of refugees, and human rights questions. Numerous special procedures will also report to the Committee and engage in an interactive dialogue with States.¹⁵ The following persons were elected to the Bureau of the Third Committee: Chairperson: Mr. Raymond Wolfe (Jamaica); Vice-Chairpersons: Mr. Takashi Ashiki (Japan), Ms. Kristine Malinovska (Latvia), Mr. Alan Gibbons (Ireland); Rapporteur: Ms. Tebatso Baleseng (Botswana).

¹² Information on the General Assembly is available at <http://www.un.org/ga/about/background.shtml>

¹³ The previous ISHR reports on the General Assembly are available at <http://www.ishr.ch/hrm/archive/GA/GA%20-%20Contents.htm>

¹⁴ Information on the main committees of the General Assembly is available at <http://www.un.org/ga/maincommittees.shtml>

¹⁵ A schedule of the special procedures is available at <http://www.un.org/ga/third/62/specialprocedureschedule.pdf>

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