

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## HUMAN RIGHTS COUNCIL, 5<sup>TH</sup> SESSION DAILY UPDATE, 19 JUNE 2007

### Outgoing President's introduction

The first meeting of the second cycle of the Human Rights Council (the Council) was delayed until 4pm due to closed consultations. The organisational meeting was finally opened by outgoing President Luis Alfonso de Alba. He welcomed the Council in his capacity as the 'provisional President', as the designated incoming President had not yet been elected. While Ambassador de Alba declined to read a personal statement he had written on the previous day, he thanked Louis Arbour, the High Commissioner for Human Rights, as well as the Office of the High Commissioner for Human Rights (OHCHR), the United Nations team, and the Government of Mexico for their continual support throughout the year.

### Election of officers

The first agenda item for the day's meeting was the formal election of officers. The Ambassador of Poland, on behalf of the Eastern European Group, was given the honour of presenting the Council with its new President - Ambassador Doru Romulus Costea, Ambassador of Romania, who was then elected by acclamation.

President Costea opened his commentary by expressing his gratitude to former President de Alba, who had set a high standard in his position. He declared that he looked forward to the profound task of effectively implementing the mechanisms of the institution-building process. President Costea then challenged the Council, stating that "future generations will judge us by our abilities" and that the results will not be measured by the good decisions it takes, but by the change in the situations of those who are victims of human rights violations. Lastly, he warned the Council that it must avoid politicisation, selectivity, and double standards by basing its interactions on constructive dialogue, transparency, and respect.

The Ambassador of Brazil then took the floor to present nominations for the Bureau of the Council.

- The new Council Rapporteur, from the Latin American and Caribbean group, is Permanent Representative Alejandro Artucio of Uruguay.
- The African Group nominated Ambassador Mohamed-Siad Doualehof of Djibouti.
- The Western European and Others Group nominated Ambassador Boudewijn Van Eenennaam from the Netherlands.

- Ambassador Dayan Jayathilake, Permanent Representative of Sri Lanka, was named as Vice President from the Asian Group.

## Adoption of the President's Text

President Costea explained that his first order of business was to proceed with the “necessary follow-up concerning the agreement on the package” from the night before, including the code of conduct for special procedures mandate holders contained in draft resolution L.3 Rev. 1. This would also include action on drafts L.4, L.5, and L.6<sup>1</sup> as well as the elaboration of the Council’s agenda and programme of work as provided in Rule 8 of the newly agreed rules of procedure. Canada then interrupted with a point of order challenging this interpretation of the events of midnight on 18 June as relayed by the President. Canada insisted that ‘agreement’, in their view, did not constitute ‘adoption’. To underline this point, Canada quoted from the President’s statement of 18 June that “it is inappropriate to proceed with this exercise. It is, in fact, literally impossible because of the logistic difficulties and I would like to propose that you accept this text as a compromise on the understanding that it includes also the Code of Conduct and that tomorrow the Council can take action on them.”<sup>2</sup> The alternative view that the Text had been adopted would call into question the definition of consensus. It would also undermine the equality of members of the Council, and thus the legitimacy of the Council and the United Nations.

Faced with this challenge to his interpretation of the agreement of 18 June, President Costea repeated his view that the organisational meeting needed to “proceed with the necessary follow-up concerning the agreement on the package.” He then called on the members of the Council to determine by vote if his interpretation of the facts was correct. All States voted in favour of the President’s interpretation, except Canada, which voted against. The Council therefore determined by a vote of 46 to one that the “agreement” on the Text on institution-building submitted by President de Alba constituted adoption of the Text by consensus and therefore the Text was to be applied immediately.

Canada was given an opportunity to explain its vote after the vote. It referred to the principles enshrined in General Assembly *Resolution 60/251* of universality, impartiality, objectivity, and non-selectivity, and stressed that these were violated by the inclusion of the situation in Palestine and other occupied Arab territories as a fixed agenda item. By selecting one issue as more important than others, these four pillars have been violated.

President Costea was forced to interrupt Canada as Egypt raised a point of order. Egypt complained about the content of Canada’s statement, saying explanations of votes had to be limited specifically to what was voted upon, and could not touch upon issues of substance peripheral to the vote. In response, the President agreed with Egypt but allowed Canada to complete its statement, saying that it had been his intention all along to open the floor for comments on the agreement reached the night before.

Canada then initiated the general comments from delegations on the outcome of the institution-building process, which lasted until the closing of the day’s meeting.<sup>3</sup> Canada stated that, while there are many positive elements to the agreement, such clear contradictions, as expressed by the failure to treat all mandates equally, could not be accepted. In addition to concern over the Occupied Palestinian Territories, Canada expressed dissatisfaction that the mandates on Cuba and Belarus were discontinued without formal Council action.

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<sup>1</sup> Draft resolution on the follow-up to the report of the Commission of Inquiry on Lebanon; Draft resolution on the human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council resolutions S-1/1 and S-3/; Draft decision on the follow-up to Human Rights Council Resolution A/HRC/4/8 of 30/03/07 entitled "Follow-up to HRC decision of 13/12/06 entitled 'Situation of human rights in Darfur (S-4/101)'".

<sup>2</sup> A transcript of the President’s closing statement is available on the OHCHR extranet under “Oral Statements”.

<sup>3</sup> ISHR’s forthcoming report on events from 18-20 June will provide a summary of these general comments.

## Additional Information

The remainder of 19 June passed as various delegations added their opinions of what had happened and hopes for the future. A summary of States' positions will be provided in ISHR's report covering the events from 18-20 June 2007.

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