



PERMANENT MISSION OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS

General Assembly, informal consultations on
the Human Rights Council

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LIECHTENSTEIN

Statement by
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Status

As we have said on several earlier occasions, we in principle agree with those who wish for the HR Council to be a principal organ. This would be an accurate institutional reflection of the trias security-development-human rights which we have subscribed to at the 2005 Summit. However, we advocate at this point the establishment of a subsidiary organ of the General Assembly. The main reason for this is that we are weary of a process entailing a Charter amendment and thus requiring several years before real change can take place. We strongly believe that change is required now and must take place before the outdated Commission on Human Rights convenes. The decision on establishing a subsidiary organ of the GA should therefore be accompanied by a review clause allowing for the possibility of the creation of a principal organ. It seems reasonable to conduct a review to this effect five years after the HR Council has taken up its work.

Most importantly, however, we think that the Human Rights Council must have an efficient convening mechanism which allows for meetings when they are needed instead of when they are scheduled in advance. This is to our mind one of the marked differences that is needed to make the Council more than a mere re-labeled CHR – the outcome we have to avoid at any cost. This is usually captured in the shorthand “standing body” – we are happy to use this term, without being attached to it. There are many occasions on which the Council would benefit from an efficient convening mechanism: a report of the High Commissioner on a country visit, a report presented by a special procedure, the need to discuss the specifics of technical assistance, a situation of gross and systematic violation of human rights that requires urgent attention, possibly also a consideration in the framework of the universal review mechanism. Such meeting of the Council could be convened upon the request made by one of its members or on the recommendation of its president. If that is possible, we are of the view that the regular sessions of the Council can be kept to two sessions of three weeks each per year which is identical to the meeting time given to CHR – lack of meeting time has never been the problem of CHR, much rather the way the time was utilized. The six weeks of regular session could most effectively be used for the discussion of the actual implementation of human rights standards on the ground, instead of negotiating repetitive resolutions on such standards.

Size and composition

These two issues need to be looked at together. Also, we believe that the decision on size is conditional on the provisions for re-election or - more simply - on the question whether or not de facto permanent membership is possible. We

are happy to support a Council that is smaller than CHR, provided that there is a reasonable degree of rotation among the membership. A look at the composition of CHR makes it clear that 11 States from several regional groups serve virtually permanently on that body, thus in fact reducing the number of seats available for the other Member States to 42. We therefore advocate a duration of three years for one term of membership and that immediate re-election is possible only once. Provided that, we could see a Council with a membership of 35 to 45. As far as composition among regions is concerned, we favor retaining the percentages of distribution among regional groups in CHR. The question of size and composition is, however, also linked to the status of Member States which do not sit on the Council. A very robust status of non-members of the Council allowing for far-reaching involvement in its work would address possible concerns of the UN membership as a whole regarding equitable participation.

Membership

As we have stated previously, we do not think that introducing criteria for membership is either feasible or desirable. The membership in the Human Rights Council must be in conformity with the principle of sovereign equality upon which this organization is based. However, this does not mean that we should not pay attention to who we elect to represent the international community on a body dealing with a matter of the utmost importance. States submitting their candidatures should bolster their claim to a seat on the Council with a summary of their human rights record including issues such as ratifications, cooperation with special procedures as well as standing invitations issued to them. We would also be very interested in hearing what priorities States would pursue in the event that they are elected to the Human Rights Council. While this would be a welcome and useful development in connection with the Human Rights Council, it would also be our hope that similar arrangements can be made in connection with other bodies where a common agreement on how States should present their candidatures could help us greatly make our choices.

Election procedure

A system of voluntary pledges will be particularly successful if there is a real incentive for States to accompany their candidature with such information. This is an additional reason for us to offer for consideration in the informal discussions an innovative election procedure for the members of Council which provides an incentive for regional groups to present a higher number of candidatures than the fixed seats available to them. As we have stressed in the past, the quality and credibility of the Human Rights Council can be greatly enhanced if we design its election procedure in such a way as to encourage regional groups to present more candidates than seats allocated to them. If we were to agree on

such an election procedure, we could at the same time solve the controversial issue of majority required for election, since a simple majority would in this case suffice to our mind. We have elaborated an illustrative proposal to that effect, which is attached to the copies of this statement distributed in the room. While the numbers reflected in that proposal are merely illustrative and can be adjusted in accordance with a final agreement on size of the Council, the concept is clear and simple: regional groups which present a greater number of candidatures than seats and thus allow for real choice will be rewarded with an additional seat. We look forward to discussing this proposal further with interested delegations.

Illustrative proposal on possible HRC election procedure

The proposal offers an incentive for regional groups to present the membership with a **real choice** in electing the members of the Human Rights Council: If the number of candidatures is higher than the fixed number of seats available to that group, the group will be rewarded with an **additional seat** on the Council.

The main purpose of the proposal is to promote choice in the election process, thereby strengthening the quality and credibility of the Council's membership. Since the proposal makes clean slates extremely unlikely, a **simple majority** requirement would suffice.

The proposal preserves the functioning and importance of regional groups as well-established mechanisms within the United Nations system. The proposal does not preclude "clean slates" by regional groups, but promotes the idea of offering choice to the membership.

Given the high interest in seats on the Council, it is expected that all regions will present enough candidatures in order to fill all additional seats. In the theoretical event that an additional seat would not be awarded to a regional group, it could either remain temporarily unfilled (as frequently happens in some functional commissions for lack of interest) or be filled as a floating seat.

The number 42 for membership in the proposal below is chosen for ease of illustration. The proposed system is workable with any other number, *mutatis mutandis*.

The General Assembly shall elect 42 members of the Human Rights Council. They shall be elected by simple majority according to the following pattern:

- (a) 11 members from **African** States. This number shall be raised to **12** in case there are at least 14 candidatures from that group.
- (b) 8 members from **Asian** States; this number shall be raised to **9** in case there are at least 11 candidatures from that group.