



Berne, march 2006

Documentation

Creation of a UN Human Rights Council

Course of a diplomatic initiative for the creation of a UN Human Rights Council: historical background

- **March 2003:** address by the Head of the Federal Department of Foreign Affairs (DFA), Federal Councillor Micheline Calmy-Rey, at the 59th session of the Commission on Human Rights, in which she mentions the need to reform the Commission, whose credibility is at stake and whose working practices and general approach are being called into question. After more than 50 years of activity, this organ is suffering from excessive politicisation and selectivity in its proceedings as well as from an inability to respond quickly to crisis situations.
- **Spring 2003:** the DFA mandates Professor Walter Kälin of the Institute of Public Law at the University of Berne to explore options for reforming the Commission in a study entitled "Reform of the UN Commission on Human Rights". The idea of creating a Human Rights Council is voiced for the first time.
- **March 2004:** address by Mrs Calmy-Rey at the 60th session of the Commission on Human Rights, in which she reiterates her call for reform of this body and undertakes to submit some strong ideas on the creation of a Human Rights Council.
- **August 2004:** Professor Kälin is again mandated by the DFA and presents a second study, "Towards a Human Rights Council: Options and Perspectives", which puts forward three different models for the creation of such a Council.
- **In September 2004,** this study is submitted by Mrs Calmy-Rey to the UN Secretary-General and to the High-level Panel on Threats, Challenges and Change.
- **November 2004:** creation within the DFA of the Human Rights Council Task Force. This organ serves as a basis for work in this area, as a strategic think tank and as



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a coordination platform between the headquarter and the offices abroad, in particular the Permanent Missions in New York, Geneva and Brussels.

- **1 December 2004:** publication of the report of the High-level Panel, which touches on the creation of a Human Rights Council as an option in the long term.
- **14 March 2005:** address by Mrs Calmy-Rey at the 61st session of the Commission on Human Rights, in which she reminds her audience that the question of reforms to the UN system for the protection of human rights ranks among Switzerland's priorities and that she supports the innovative proposal to establish a Human Rights Council and to strengthen the Office of the High Commissioner for Human Rights.
- **21 March 2005:** presentation of the UN Secretary-General's report on his planned reform of the United Nations, "In larger freedom: towards development, security and human rights for all", which comes back to the idea of replacing the Commission with a Human Rights Council. In April 2005, while the Commission on Human Rights is in session, the Secretary-General speaks out in favour of the creation of a Human Rights Council.
- **2 May and 7 June 2005:** Switzerland organises two seminars in Lausanne to discuss the creation of a Human Rights Council with all interested countries.
- **14 to 16 September 2005:** the 2005 World Summit (M+5) is held at UN Headquarters in New York. At the end of the summit an Outcome Document is adopted, in which the heads of state and government request "the President of the General Assembly to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session, with the aim of establishing the mandate, modalities, functions, size, composition, membership, working methods and procedures of the Council".
- **15 September 2005:** statement by President of the Swiss Confederation Schmid during the high-level plenary meeting of the 60th session of the UN General Assembly (M+5 Summit). The President expresses Switzerland's satisfaction regarding the decision to create a new Council and speaks of the country's determination to pursue the efforts undertaken. President Schmid expressed similar sentiments at a meeting of the Francophonie states in the margins of the M+5 Summit.
- **20 September 2005:** statement by Mrs Calmy-Rey on the occasion of the general debate of the 60th session of the General Assembly, in which she cites the creation of a Human Rights Council as one of Switzerland's four priorities for institutional reform. She also conveys her country's regret regarding the lack of a consensus as to the modalities of the future Council in the M+5 Document.



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- **3 October 2005:** Switzerland places Rachel Groux, a Swiss expert on human rights, at the disposal of the President of the UN General Assembly, Jan Eliasson. With her experience, Rachel Groux makes a substantial contribution to the formulation of President Eliasson's negotiation strategy.
- **11 October 2005:** the President of the General Assembly nominates the permanent representatives of Panama and South Africa as co-presidents to facilitate the negotiations on the creation of the Council and puts forward his proposed work schedule for the entirety of the reforms. Beginning of a period of intense negotiations.
- **3 November 2005:** presentation by the President of the General Assembly of an options paper on the modalities of the future Human Rights Council based on proposals formulated by the states.
- **21-22 November 2005:** the President of the GA goes to Geneva to listen to the delegations, human rights experts and civil society representatives. He also explains to them the strategy behind his work schedule.
- **24-26 November 2005:** Switzerland organises a two-day seminar in Geneva for all Francophonie states with the aim of raising the delegations' awareness of the importance of international Geneva and discussing key points relating to the Council. The GA President's Special Adviser, Parfait Onanga-Anyanga, attends the seminar.
- **23 December 2005:** the UN budget for 2006-2007 is approved in New York. The requests of the High Commissioner for Human Rights, Louise Arbour, for increased resources in terms of staffing (91 new positions) and financing (an additional USD 86 million for two years from the regular budget of the UN) are granted. The Swiss delegation in New York has made substantial efforts within the Budgetary Committee of the GA to obtain this result.
- **End-2005 – January 2006:** the deadline proposed by the President of the General Assembly for the conclusion of the negotiations is not respected. The delegations taking the most extreme positions are not yet ready to make concessions, and no solution is found before the Christmas break. Negotiations are adjourned until early January 2006. On 11 January, the discussions resume on the basis of a new draft text. Numerous differences re-emerge.
- **1 February 2006:** the two co-presidents submit a new text proposing compromises on a number of issues which remain open:
 - the size, the election procedures and the first members of the Council
 - the number of sessions and their duration



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- the quality of Council membership

Thanks to a substantial amount of work behind the scenes and constructive intervention in the discussions by Switzerland and certain other moderate countries, the text is relatively well received, although differences remain. It would seem, however, that this date foreshadows a turning point in the negotiations, with the most hard-line delegations realizing that they will have to make concessions.

- o **6 February 2006:** judging that the time has come, the President of the General Assembly takes the negotiation process in hand personally and institutes informal bilateral consultations with the delegations with a view to being able to present a consensus text before the end of February.
- o **23 February 2006:** President Eliasson presents his draft resolution at a plenary meeting of the General Assembly. The head of the Swiss Mission in New York launches an intensive lobbying and facilitation process to promote the adoption of the proposed text.
- o **15 March 2006:** The UN General Assembly adopts the resolution on the creation of a Human Rights Council based in Geneva.