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Statement by Nigeria on behalf of the African Group on the facilitation and coordinating processes on the review of the work and functioning of the Human Rights Council at the 2nd Inter-governmental Working Group on the review of the work and functioning of the Council

7th February 2011

Mr. President

I have the honour to make this statement on behalf of the African Group.

We begin by expressing our appreciation and commendation to the President as well as the five facilitators and Coordinator on the tremendous work they have done over the past few months, through sustained consultation, in identifying not only all the crucial issues under their purview but also their resolve in moving the process towards a consensual and beneficial outcome.

As we advance towards the final stages of the review process here in Geneva, we in the African Group find it necessary to cast our mind back to the *raison d'être* of the entire process, conscious of the relative infancy of the Human Rights Council. In comparison with similar United Nations bodies, the Council, in our view, has recorded appreciable successes in the few years of its existence. Consequently, we consider the review exercise as an important opportunity to devise collectively ways and means by which the Council should better discharge its mandate without, nevertheless, attempting to overhaul its carefully designed structure and bearing in mind the cooperative manner of engagement as envisioned in GA resolution 60/251. In this connection, the African Group believes in the preservation of the Institution Building Package and making minimal fine-tuning only when necessary.

Mr. President,

Having had a quick look at the Compilation of Contributions presented by the facilitators last week, the African Group would like to make the following general comments in this regard, as follows:

- i. The African Group notices with great concern a preponderance of proposals in the compilation which reflect only a minority opinion. We have consistently called for the inclusion of only elements which enjoys a wide consensus,

- ii. We are ^{note} ~~dismayed~~ that the contribution made by the Coordinator has not been incorporated in the Compilation ^{and recommended} ~~its inclusion~~;
- iii. we maintain that the relationship between the Human Rights Council and the OHCHR should be dealt with in the context of the ongoing review;
- iv. It is our view that the Outcome Document of the review process in Geneva should be formally transmitted to the General Assembly by the Human Rights Council as was the case following the adoption of IB Package in the Council;
- v. The African Group believes in the non-selective reaffirmation and preservation of the IB Package. The product of the ongoing review exercise should only serve as a supplement of the IB Package;

Universal Periodic Review

- vi. Convening of UPR Plenary sessions should be solely dedicated to the adoption of the UPR Working Group reports. General Debate on Agenda Item 6 should continue to be held in the context of regular Council sessions;
- vii. Determining of UPR list of speakers must not detract from the principles of universality, equal treatment and transparency,
- viii. UPR Voluntary Trust Fund as well as the Voluntary Fund for Financial and Technical Assistance should be made fully operational;
- ix. The African Group does not subscribe to the presentation of implementation plan by States on recommendations made to them;
- x. only those recommendations which were accepted by the State under Review during the first cycle should be the basis of follow-up in the second cycle;

Special Procedures

- xi. Special procedures should carry out their work in strict compliance with their mandates. Mandated reports should always take precedence over un-mandated ones;
- xii. While we support the idea for Special Procedures to cooperate with States and vice-versa, we should never attempt to put these two on par;

- xiii. The African Group supports the establishment of a Legal Committee on Compliance with the Code of Conduct. A self-regulating body such as the Coordination Committee of Special can never fill that vacuum;
- xiv. The African Group supports the enhancement of funding for special procedures from the UN regular budget. Additional voluntary funding should be un-earmarked so that such funds could be utilized based on need;

Advisory Committee and Complaints Procedure

- xv. The status quo on the nomination and appointment process for members of the Advisory Committee should be maintained;
- xvi. The confidentiality of the Complaint Procedure should be upheld while guarding against duplication of cases under the procedure in other mechanisms of the Human Rights Council;
- xvii. The two-working group approach of dealing with communications under the Complaint Procedure should be maintained. At no stage should the President be involved as this runs counter to the procedural and organizational role of the President;

Agenda and Framework for Programme of Work, Methods of Work and Rules of Procedure

- xviii. The African Group opposes any innovation that is designed to trigger discussion in the Council either at a formal or informal setting. The tools at the disposal of the Council are robust enough to handle all scenarios;
- xix. The inter-governmental character of the Council should be preserved at all times and this should be reflected in how it works and functions;
- xx. The Council should adjust its programme of work, through consultations by the President, should an urgent human rights situation emerge in the course of its regular session, to respond to that situation accordingly,
- xxi. To achieve the desired results of establishment of country-specific mandates, the cooperation of the state concerned should be sought. This is consistent with the cooperative approach of the Council as envisaged in GA resolution 60/251;

xxii. The Group supports the establishment of an Office of the President. Of the Human Rights Council and we look forward to the finalization of the modalities;

xxiii. we are skeptical about the workability of using videoconferencing for the participation of stakeholders. This is as a result of the technical difficulties that might arise;

At this juncture, Mr. President, the African Group wishes to stress that ~~the~~ the Compilation of Contributions presented by the facilitators will not serve as a document for future negotiations. We also seize this opportunity to reiterate that an "Appendix" to "Work Methods and Rules of Procedure" is not part of the Compilation and cannot be deliberated upon in the context of this Working Group.

In closing, the African Group shall continue to engage in a constructive manner, with all concerned as we enter the crucial stage of this process.

I thank you.

we are concerned that our
We, *recommending* ^{the} *for* the establishment
of a special funding mechanism aimed
at empowering small delegations, in
particular those from Small and Vulnerable
Economies and Least Developed Countries,
to participate more effectively in
the proceedings of the Council. The
Group will make a detailed presentation on the modalities
to set up a Human Rights Council Technical Assistance
Trust fund.