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Organizational and procedural matters

Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General

Report of the secretariat on the office of the President of the Human Rights Council*

* Late submission.

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I. Introduction

1. On 25 March 2011, the Human Rights Council adopted resolution 16/21 on the review of the work and functioning of the Council, in which it adopted the outcome document of the review process in Geneva, as annexed to the resolution. In paragraphs 54 and 55 of the outcome document, it was decided that, in line with the procedural and organizational roles of the President, the Office of the President of the Council should be established, within existing resources, in order to support the President in the fulfilment of his or her tasks and enhance efficiency, continuity and institutional memory in this regard. It was also stated that the Office of the President should be provided with adequate resources drawn from the regular budget, including staff, office space and necessary equipment required for the fulfilment of their tasks. The appointment of the staff of the Office should promote equitable geographic distribution and gender balance, and that staff should be accountable to the President. According to paragraph 56, the composition, modalities and financial implications of the Office of the President should be considered by the Council on the basis of the report of the secretariat, at its seventeenth session. The present report is submitted pursuant to that request and is intended to provide the Council with information relevant to its consideration of this matter.

II. Background

A. Existing arrangements

2. Since the inception of the Human Rights Council, the elected President has been supported by the staff of his own mission, in addition to a few staff members provided by individual Governments on loan arrangements and/or financed by a foundation or a regional organization. With a few exceptions, Presidents have not been entrusted with the selection of junior officers. Office space has been allocated on an ad hoc basis by the United Nations Office at Geneva, and other material support has been provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR). Given the ad hoc nature of these arrangements, there was no predictability of the number of staff members seconded to support the President, their experience or level. Accordingly, the working arrangements and modalities varied from one President to another. Successive Presidents have, however, promoted the idea of establishing an Office of the President, funded by the regular budget of the Organization, which would provide support to his/her activities as President.

B. Legislative mandates

3. At its ninth session, the Human Rights Council adopted decision 9/103 on strengthening the Council, in which it recommended that the General Assembly should ensure the establishment of an office of the President of the Council, with adequate staffing resources, including the provision of necessary equipment. In its decision, the Council also requested the United Nations Office at Geneva to ensure that the facilities for the President are in the immediate vicinity of the conference room used by the Council. The General Assembly took note of the annual report of the Council (A/HRC/63/53 and Add.1) and acknowledged the recommendations contained therein. In the absence of a specific decision by the Assembly to endorse the recommendations contained in decision 9/103, no further action was taken during the sixty-third session to consider the financial implications of establishing an office of the President of the Council.

4. In December 2010, the General Assembly adopted resolution 64/144 entitled “Office of the President of the Human Rights Council”. Recalling Council decision 9/103 and underlining the crucial importance of appropriate resources to support the work of the Council and its numerous mechanisms, bearing in mind that the Council met regularly throughout the year in no fewer than three sessions per year for a total duration of no less than 10 weeks, the Assembly acknowledged the recommendation of the Council to establish an office of the President and requested the Council to address the question of the establishment and the modalities of an office in the context of the review of its work and functioning five years after its establishment, in accordance with Assembly resolution 60/251.

III. Review of the work and functioning of the Human Rights Council

5. During the process of the above-mentioned review in 2010 and 2011 through the intergovernmental open-ended working group established by the Human Rights Council, a group of States proposed that urgent measures should be taken towards the establishment of an office of the President of the Council. One Member State also proposed that the existing office of the President be institutionalized and reinforced on the example of the President of the General Assembly, to enable the Council President to have the necessary support to perform his or her mandate. A few Member States also proposed specific positions to be created within the office of the President, such as a legal adviser and a public relations/communications adviser.

6. Views in favour of the establishment of an office of the President highlighted the need to preserve the institutional memory and to enhance the continuity between presidencies rotating every Human Rights Council year, and to ensure a predictable and reliable support structure. In this context, a concern was noted that each of the past Presidents had been dependent upon variable support from his permanent mission, if available, and the staff provided by other Member States or regional organizations, whereby Presidents had no say in the selection of the staff concerned. The ad hoc arrangements were thus insufficient and did not guarantee stable, professional and quality support to Council Presidents. These shortcomings, combined with the heavy nature of assignments entrusted to the President, have made it difficult for a country not supported by a large permanent mission in Geneva to present its candidacy for the presidency.

7. Different views were expressed by several other Member States. It was noted that it was necessary to clarify the objectives of the establishment of an office of the President and to avoid overlap with the current functions performed by the secretariat. A view was expressed that the institutional memory function was satisfactorily carried out by the secretariat. Reference was also made to a potential contradiction between the objective to ensure institutional memory and the selection of staff on a yearly basis.

IV. President of the Human Rights Council

8. A discussion on an office of the President of the Human Rights Council, including its structure, staff composition and budget, would benefit from a brief description of the main functions and activities of the President, based upon the experience gained over recent years. The Council was established as a quasi-standing organ that performs its activities throughout the year, with the activities of the Council President being a full-time function. In chairing meetings of the Council throughout the year, including its regular and special sessions, organizational meetings, informal consultations and the Working Group on the

Universal Periodic Review, the President directs discussions and ensures observance of the rules and procedures. In addition, the President is often called upon to make use of his authority and impartiality to facilitate consultations on any politically sensitive issues arising during Council sessions or inter-sessional periods. The President carries out specific mandates envisaged in the institution-building package, such as the consideration of recommendations made by the consultative group on the selection of special procedures mandate holders and related consultations. Pursuant to specific Council resolutions, the President is also increasingly requested to appoint members of fact-finding missions and commissions of inquiry following consultations with relevant groups and States. The President holds regular meetings with non-governmental organizations, holds press conferences and responds to requests for interviews from the media. The President receives a number of letters from permanent representatives, regional or other groups of States, national human rights institutions, non-governmental organizations and academic institutions on a variety of issues relating to the work of the Council, most of which require considered responses. The President travels to Headquarters to present the annual report of the Council to the General Assembly and hold consultations on issues relevant to the work of the Council.

V. Office of the President of the Human Rights Council

9. To date, all Presidents have been supported by the staff of their own Governments serving as special assistant and the main focal point for interactions with the Human Rights Council secretariat. The tasks of the special assistants have typically included providing policy and political advice on all issues relating to the functions of the President during the sessions and beyond; drafting or clearing draft statements and other documents to be presented by the President to the Council; assisting in convening meetings of the Council Bureau, preparing talking points for the President and drafting minutes; and finalizing draft correspondence for the President.

10. The Presidents have also been supported by a few additional staff members provided by other individual Governments on the basis of a loan arrangement and/or financed by a foundation or a regional organization. Their tasks include organizing, under the supervision of the President's special assistant, the agenda of the President; setting up and preparing for bilateral meetings of the President; and drafting standard letters of reply from the President to incoming correspondence. They undertake other ad hoc tasks requested by the President, and respond to other queries on the work of the President in general.

VI. Secretariat of the Human Rights Council

11. The secretariat of the Human Rights Council is a small team located within the Human Rights Council Branch of OHCHR. As such, it is institutionally separate from the Council and its President and, as an organizational unit of OHCHR, operates under the authority of the High Commissioner and the Secretary-General. Throughout the year, the Council secretariat, inter alia, provides substantive support for the organization, servicing and follow-up to meetings of the Council and its subsidiary bodies. In the implementation of these tasks, the secretariat undertakes consultations with other parts of OHCHR, the United Nations Office at Geneva, which provides conference servicing support for the meetings of the Council, and other Departments at Headquarters, as needed.

12. Within the framework of the above-mentioned support for the Council, the Council secretariat provides the President with substantive and parliamentary advice and support in relation to formal and informal meetings of the Council; for instance, the secretariat prepares speaking points for the President in chairing meetings and provides advice on the

conduct of those meetings. At the request of the President, it also provides information relevant to the agenda items of meetings of the Bureau. The support provided by the secretariat does not, however, extend to the President's activities outside the meetings of the Council, such as his or her bilateral meetings and informal consultations, or to personal and logistic assistance functions.

13. With the establishment of the Human Rights Council and the adoption of the institution-building package, a few Professional posts for the Council secretariat were approved by the General Assembly in anticipation of an increased workload resulting from the number of meetings of the Council as compared with the Commission on Human Rights; the actual workload and new demands over the past few years, however, have outstripped the existing capacity of the Council secretariat. Consequently, for each session, the Council secretariat is forced to take ad hoc measures to fill capacity gaps, including through the full involvement of interns in certain conference-servicing and administrative tasks.

VII. Office of the President of the General Assembly

14. In the United Nations system, the General Assembly is the only intergovernmental organ originating from the Charter of the United Nations whose President is supported by a formal office structure. Despite the considerable differences between the Assembly and the Human Rights Council as its subsidiary organ in all aspects of their work and mandates, it may be worthwhile reviewing the role, functions and composition of the Office of the President of the General Assembly, as well as related financial arrangements.

15. The President of the General Assembly oversees, manages and guides the ongoing work of the Assembly throughout the year of the rotating presidency. In addition to presiding over meetings, the President plays a critical role in organizing and facilitating informal consultations on major high-level plenary meetings, their follow-up and thematic debates and in coordinating the work among the Main Committees and the principal organs, including the Security Council. The President also has official, ceremonial and protocol functions to perform, including representing the body to the outside world. She or he receives an average of 60 official visits per month and is invited to attend, preside over and participate in international conferences, summits, forums and regional and subregional meetings. The President also visits many countries in different regions.

16. As the workload of the General Assembly has evolved, the role of the Office has also changed over time to become more substantive and expert in nature. The Office provides substantive backstopping support to the work of the President mentioned above and also to the facilitators appointed to support informal consultations on a wide range of issues. A group of experts in the Office provides informed analysis and expert advice. The Office undertakes daily coordinating functions, including liaising with Member States, committee chairpersons and co-chairs and facilitators of various processes, as well as with the Executive Office of the Secretary-General, the departments and offices of the Secretariat and the funds, programmes and agencies of the United Nations system. The Office also interacts with civil society, non-governmental organizations and the media.

17. The day-to-day administrative work of the Office of the President is supported by the Department for General Assembly and Conference Management, which provides meeting planning, conference management and servicing, as well as translation and interpretation functions. As part of the Department, the General Assembly and Economic and Social Council Affairs Division provides technical assistance and administrative and procedural advice on the orderly and effective conduct of the deliberations and follow-up actions of the Assembly, among other issues. The Division also supports the President and

his or her Office by preparing the President's notes for each meeting, drafting the Assembly's agenda and processing draft resolutions, and by providing support during meetings, including advice on the application of the relevant rules of procedure.

18. In terms of resources provided to the Office of the President of the General Assembly, four regular budget posts, including one D-2 (Chef de Cabinet), one D-2 (Deputy Chef de Cabinet), one D-1 (Adviser), one P-5 (Adviser) as well as one General Service staff member, are provided from within the regular budget on an annual basis. Additional support comes from staff members seconded by Member States. Recent Presidents have also appointed a number of senior advisers on specific issues.

19. The President's security is ensured by a detail of two security officers on a routine basis provided by the Department of Security and Safety. In its resolution 65/107, the General Assembly requested the Department of Public Information to continue to enhance its working relationship with the Office of the President, while in resolution 60/286 and subsequent resolutions it encouraged the Secretary-General to continue the practice of providing a spokesperson for the President and an assistant to the spokesperson.

20. Pursuant to General Assembly resolution 52/221, a budget of approximately \$290,000 is allocated annually to the Office of the President to cover expenses relating to travel, hospitality and incidentals required for him or her to undertake official responsibilities. In resolution 59/313 and subsequent resolutions on the revitalization of the work of the General Assembly, the Assembly requested the Secretary-General to make available to the President adequate office and conference space, as well as proper protocol services, with a view to enabling the President to carry out his or her functions in a manner commensurate with the dignity and stature of the Office.

VIII. Composition of staff of the office of the President of the Human Rights Council

A. Consolidation of current ad hoc arrangements

21. Since the inception of the Human Rights Council, the Presidents of the Council have been supported by a staff member of his permanent mission serving as a special assistant/adviser to the President, as well as a few professional officers provided or financed by Member States on an ad hoc basis (see paragraphs 9 and 10 above). On the basis of the long-standing requests from past Presidents and the past practice, it would be considered appropriate to ensure that these functions are performed through consistent and institutionalized rather than ad hoc arrangements. The following positions currently funded in an ad hoc manner outside the secretariat could henceforth be funded through regular budget resources:

(a) A special assistant/adviser, to serve as the focal point for the overall support to the President and direct the work of the Office, in particular on all policy issues. For instance, she or he will assist in convening meetings of the Bureau, in consultation with the Council secretariat, draft or review draft statements for the President, assist the President in all his or her political consultations and organize the daily activities of the President;

(b) A liaison and administrative officer, responsible for the organization and preparation of minutes of various meetings of the President, including bilateral meetings, handling of correspondence and queries, as well as for all administrative matters relating to the President and the Office.

B. Possible new functions to be performed by the office of the President and formerly performed by the secretariat

22. Apart from these existing functions, it should be emphasized that the President needs to be supported by a public information officer/speech writer. It should be recalled that, in December 2007, the General Assembly approved a post at the P-3 level for a Human Rights Officer to respond to an increasing number of media requests for information on the work of the Human Rights Council and interviews with the President and other members of the Council. Such media interest has continued to increase, requiring the position to be a full-time Public Information Officer undertaking critical public information functions, which include producing public information material about Council meetings in liaison and coordination with the Department of Public Information, the OHCHR Communications Section and other relevant parts of OHCHR; developing communication and media strategies; and writing, editing and updating information on the Council Internet and Extranet sites. It could be envisaged that this position be located within the Office of the President.

23. Furthermore, consideration could be given to a way in which legal advice on the application of the rules of procedure and related practice, currently provided by the secretariat of the Human Rights Council, could be provided to the President, including through the presence of a Legal Officer from the Office of Legal Affairs during Council sessions.

IX. Modalities for staffing the office of the President

24. According to the outcome document of the review process in Geneva, the appointment of the staff of the office of the President should promote equitable geographic distribution and gender balance, and the staff of the office should be accountable to the President. It is anticipated that, as United Nations staff members, the staff of the Office will be selected and recruited in accordance with applicable Staff Regulations and Rules of the United Nations Secretariat, thereby broadening the pool of candidates for respective positions and facilitating the composition of a geographically diverse staff. It is also anticipated that the staff of the Office will be expected to respect the Staff Regulations and Rules, including those relating to performance evaluation and confidentiality.

25. It is relevant to note, however, that experience of the Office of the President of the General Assembly seems to indicate that, even with the establishment of a certain number of positions, the high turnover of its staff has made it challenging for the Office to maintain its institutional memory. In order to ensure the institutional memory and the continuity of the rotating presidency of the Human Rights Council, therefore, consideration could be given to making arrangements to ensure that some of the staff members of the Office of the President continue to serve for successive Presidents. Such arrangements would not preclude the possibility for an incoming President to select staff, particularly his or her Special Assistant/Adviser against an established position or on secondment.¹

¹ In resolutions 58/126 and 59/313, in which the General Assembly decided to provide additional posts for the Office of the President of the General Assembly, the Assembly also decided that those posts were to be filled on an annual basis following consultations with the incoming President.

X. Financial implications

26. As recalled in paragraph 1 above, the office of the President should be provided with adequate resources drawn from the regular budget, including staff, office space and necessary equipment required for the fulfilment of their tasks.

27. According to the statement of programme budget implications prepared with respect to Human Rights Council decision 9/103 (A/C.3/63/L.77),² an independent office of the President of the Human Rights Council would require two professional and one General Service posts. These additional resources were estimated at approximately \$785,400 for the biennium. The requirements for public information or legal advice functions were not envisaged in the budget implications.

28. In considering the financial implications of the composition of the office of the President, it would be important to bear in mind that, given the different nature of the tasks performed by the Human Rights Council secretariat and by the office of the President, additional resources would be necessary to consolidate the current ad hoc arrangements (two posts) that could not be absorbed within existing regular budget resources.

29. In addition to staffing, the President should continue to be provided with resources for his or her travels, including for the presentation of the annual report of the Human Rights Council to the General Assembly. As far as other expenditures are concerned, the United Nations Office at Geneva has been providing, as a matter of courtesy, the President and the staff supporting him with two offices at the Palais des Nations. The offices are located in proximity to the room in which the sessions of the Human Rights Council are held and are equipped with basic office furniture, computers and other office equipment; office supplies and basic logistical support are also provided. It would be necessary in future for these requirements to be met through resources allocated specifically to the office of the President.

² The document was withdrawn following the oral revisions made to the original text of a Third Committee decision on the annual report of the Human Rights Council (see paragraph 3).