

Non-paper of the Co-facilitators of the New York Chapter of the Review of the Human Rights Council:
Scope of the Review of the New York Chapter

The scope of the review of the New York chapter is defined in operative paragraph 1 of resolution 60/251, by which the General Assembly established the Human Rights Council. In accordance with operative paragraph 16 of the said resolution, the Assembly will also receive the report of the Human Rights Council itself on the review of its work and functioning. Following the Joint Understanding of 30 September circulated by the President of the General Assembly and the President of the Human Rights Council, the New York chapter of the review will consider the issue of status, with the understanding that no decision will be made on questions related to status before the Geneva chapter has concluded its review.

In accordance with operative paragraph 1 of the said resolution “the Assembly shall review the status of the Council within five years”. In addition to a discussion of the different aspects associated with status *stricto sensu*, this review could include the question of the relationship of the Human Rights Council and the General Assembly, in particular its Third and Fifth Committees. The practice in this respect has been inconsistent and subject to time-consuming and inconclusive discussions. The most obvious difficulty in this respect was the consideration of the report of the Human Rights Council by the General Assembly in New York. While the General Committee, after long discussions, agreed on a split allocation of the relevant agenda item to both the plenary of the Assembly and the Third Committee¹, the modalities of the consideration of the report were subject to discussions each year. The adoption of a resolution on the report of the Human Rights Council was again subject to a vote during this year’s session.

Furthermore, there is lack of clarity concerning the funding of activities resulting from resolutions and decisions adopted by the Human Rights Council. According to the current practice, the Fifth Committee takes a formal decision on the funding of resolutions and decisions adopted by the Council once a year, after having received its report. In practice, however, most of the Council’s resolutions and decisions with financial implications require immediate or short-term funding which is usually provided by the Office of the High Commissioner for Human Rights. The time discrepancy between the Council’s need for funding and the Fifth Committee’s formal decision on funding as well as the establishment of a regular source of funding for the Council’s resolutions and decisions could be addressed in the review.

Possible topics in connection with the status of the Human Rights Council

Institutional standing

- The question whether the institutional standing of the HRC and the aspects relevant to its status as a subsidiary organ of the GA should be maintained or reconsidered.

¹ A/63/250/add.1 paragraph 3

- Aspects relevant to the status of the Council at the time of its establishment (e.g. size, composition, membership of the Council, including a consideration of the current practice of pledges and commitments)

The relationship between the HRC and the Third Committee

- The question how to deal with the report of the HRC and how to ensure a consistent application of the allocation decision of the General Committee
- The question whether the reporting cycle includes the September session of HRC
- The question how to consider the recommendations of the HRC to the General Assembly
- The question whether there should be enhanced coordination between the HRC and the Third Committee to avoid duplication and overlap

The relationship between the HRC and the Fifth Committee

- Clarifying the interplay between the budget of the OHCHR and the budget of the HRC
- The allocation of regular budget resources to the financing of the implementation of HRC decisions (by a contingency fund or a separate budget item)
- The creation of a “real-time funding mechanism” for HRC decisions within the Fifth Committee