

**Report on the Expert Roundtable Meeting “Reform of the Commission on Human Rights – Options for Non-Governmental Organisations”**

**Hotel EPSOM Manotel, 21<sup>st</sup> July 2005, 7:00pm**

**Participants:**

- Mr. David Arnott, Burma Peace Foundation
- Mr. Musa Gassama, ISHR
- Ms. Andrea Halverson, Lutheran World Federation
- Ms. Penny Parker, Minnesota Advocates for Human Rights
- Mr. R. Joseph Rajkumar, Pax Romana
- Mr. Theodor Rathgeber, German Forum Human Rights
- Mr. Peter Splinter, amnesty international
- Ms. Monika Wucherpfennig, Diakonisches Werk der EKD
- Mr. Adrien-Claude Zoller, Geneva for Human Rights

*Friedrich-Ebert-Foundation:*

- Mr. Erfried Adam, Director, Geneva-Office
- Mr. Knut Dethlefsen, Director, Office in East Jerusalem
- Mr. Karl-Heinz Moder, Program Officer, Geneva-Office
- Ms. Julia Brümmer, Intern, Geneva-Office

An introduction into the present debate on the reform of the Commission on Human Rights was given by Theodor Rathgeber on the basis of his paper “Reforming the UN Commission on Human Rights. Perspectives for Non-Governmental Organisations”. The discussion at the expert roundtable meeting dealt with three major topics: Firstly, the current reform process itself, secondly, the nature of reforms that would be necessary, and thirdly, the role of NGOs within the reform process and more generally the possibilities to improve NGO participation in the field of human rights at the international level.

The general judgement of the reform process was mixed: The participants criticized a certain neglect of substantial questions within the reform debate as the governments tend to focus rather on formal aspects as for example the future composition of the human rights body. Some therefore saw the risk that the reform result could possibly be restricted to technical amendments, lacking substantial improvements. Penny Parker reminded that the term “reform” had a rather negative connotation within the human rights community. In the past, positive changes in the international human rights system were normally not related to what

would be called a “reform-process”. Nevertheless, she – and several other participants – expressed optimism on behalf of the current reform debate, still seeing the possibility to come to a positive outcome.

However, the opinions differed on what such a “positive outcome” would look like. Which importance should be given respectively to the working methods and the mandate of the Commission within the reform? According to Joseph Rajkumar, the mandate should clearly be in the centre of interest. If the Commission was transformed into a permanent Council – as it is currently discussed – a more specific mandate would be needed. More specifically, Rajkumar argued in favour of stretching competences of the future body beyond simple supervision of human rights issues to tasks in the area of compliance and enforcement. He stressed that for this a very competent secretariat would be needed. As to the working methods, in his belief they would automatically adapt to a reformed mandate.

On the contrary, Peter Splinter took the view that changes in the working methods and mechanisms of the Commission could have in themselves very positive effects and that a reform outcome with improvements in this respect would have to be welcomed. Adrien-Claude Zoller also saw in the mechanisms of the body a major problem that had to be addressed within the reform process. He referred namely to the widely used possibility of governments to block work on severe cases of human rights violations for political reasons (“politicisation”), mentioning the Darfur-crisis as a recent example.

Erfried Adam raised the question about the tension between integration, representation and efficiency (or effectiveness). In opposition to the currently discussed enlargement of the UN Security Council aiming at an improved country representation there are proposals to reduce the membership of the future human rights body in order to enhance its efficiency. However, Adam underlined the importance of integrating the largest possible number of countries into the international work on human rights – norm setting as well as implementation. In the same way, Penny Parker warned not to further restrict the representation of states within the future Human Rights Council. A body acting as a “closed club”, possibly with an over-representation of Western countries, would be perceived very negatively by Asian and African states. In her view, efficiency could be reached best by working groups. Theodor Rathgeber argued that efficiency could be enhanced by making the whole process of human rights protection more independent from state interference.

Andrea Halverson mentioned a proposal made by the United States to grant the seats in the Council according to the human rights performance of countries: According to this proposal the countries that obtain the highest “credits” for respect of human rights should be represented in the body. Participants raised the problem of defining appropriate criteria for the assessment of a country’s human rights performance and pointed to the human rights violations of western democracies. They generally agreed on the importance of integrating the governments committing human rights violations into the discussion.

In the last part of the discussion the participants tackled the issue of the role of NGOs – on the one hand directly within the context of the present reform process and on the other hand within the international human rights system in general. Peter Splinter said that it was crucial to determine the role of NGOs in the procedures and mechanisms of the future human rights body and that more attention to this aspect should be paid by NGOs at the national level.

The participants declared to be conscious that the NGOs as well had to think about reforms. Joseph Rajkumar pointed to the changed role of NGOs after 11<sup>th</sup> September 2001: He saw an increased importance of NGOs in the determination of norms in a context where states that claim to be democratic tend to circumvent human rights norms in the name of the “war against terrorism” (a behaviour that he called “tactical concessions”).

Different participants deplored the poor quality of the contributions of many NGOs within processes like the current reform debate. Adrien-Claude Zoller argued that NGOs not having sufficient capacities to make valuable contributions – according to him the vast majority of NGOs – should not be accorded the right of speech in international organisations in order to strengthen the position of better qualified NGOs (amnesty international and Human Rights Watch were mentioned as positive examples).

Erfried Adam supported the view that certain criteria should be established for the participation of NGOs in international processes. According to Joseph Rajkumar it would be important to think about how to link up NGOs working on the regional, national and international levels, especially NGOs working on the same issues. Adrien-Claude Zoller proposed a brainstorming meeting on the NGOs working methods, which could possibly take place this autumn. The Friedrich-Ebert-Foundation offered its assistance for such an event.