

10 DSG

TO SG
JF 9 Dec/05

Action taken.
Please fb.

Note to the Secretary-General

PRIORITY

(Through Mr. Malloch-Brown)

env

Update on the General Assembly consultations in the follow-up to the World Summit

Consultations are being held this week on Human Rights Council, Peacebuilding Commission, management reform and development.

Negotiations on the Human Rights Council so far have been a setback in terms of both process and substance. On the Peacebuilding Commission, membership remains the most divisive issue. The debate on management reform remains tense and the US proposal for a three or four month budget is resisted by most member States. ECOSOC reform is on the agenda of today's discussion on development.

Enclosed you will find a detailed account and an analysis of the status of negotiations and the process ahead.

Robert Orr
8 December 2005

Corinne

In the meeting with the Latin American and Caribbean Group, the PR of Jamaica again raised his concern about linkage between the independent evaluation of oversight and governance review.

cc: Deputy Secretary-General

Please see page 2 of this memo, do ask the DSG's office or Bob Orr whether they understand and/or share the concern.

8/12 SG OFFICE

#3970 8 Dec.
25-15647

Update on GA developments
in the follow-up process to the Summit outcome

Human Rights Council

Consultations on the Human Rights Council were held yesterday, Wednesday, 7 December. There was a serious confrontation in the Chamber between the South African co-chair and the Egyptian Ambassador. This has implications beyond the substance of the Human Rights Council debate. The negotiations so far have been a set back in terms of both process and substance. The Co-Chairs had originally anticipated finishing the text on Monday, 5 December, only to have a substantial number of spoilers, led by Egypt, Pakistan, and Cuba, delay proceedings an extra two days. Delegations are aware of the President's looming timetable of mid-December, but no sense of urgency has set in. Indeed, the Co-Chairs are facing an increasingly hostile group of member States willing to publicly challenge them at every turn. Outstanding issues regarding the Council's mandate, working methods, rules of procedure, transition from the CHR, and the text's preamble are on the agenda for Friday, 9 December.

By opening up the process for all-inclusive negotiations, in addition to the major pre-existing disagreements, there are now more than a dozen new second order issues for debate. A number of problematic proposals are gathering support that would undermine the cause of human rights (eliminating any country-specific focus, abandoning the Special Procedures immediately, forcing the Council to take all its decisions through the General Assembly, allowing Commission's members to serve out their terms, and tying the High Commissioner's activities and budget to the Council). In addition, many of the original proposals that would make the Council different than the Commission (2/3 election, ability to meet year round, peer review) are running into stiff opposition.

Supporters of a strong Council are growing impatient with the slow pace, as it was their hope that the first reading would have been completed by now. As a result, it now appears that the two Co-Chairs will not be able to release a new text until next week – and that text will, unfortunately, reflect both the growing divisions and proliferating proposals of the membership, making agreement seem farther away.

Peacebuilding

A draft resolution on the Peacebuilding Commission was circulated by the co-chairs (Denmark and Tanzania) two weeks ago. Plenary discussions on the draft were held on Tuesday, 6 December, and will be held again today, Thursday, 8 December. The President's intent is still to reach agreement before the end of the year. Membership (who will be on the organizational committee) is perhaps the most divisive issue, with the relationship between the Commission and other principal organs coming close in second place. An SG's note on the Peacebuilding Support Office was circulated to the Membership on Tuesday, 6 December. During consultations, Bob Orr answered numerous questions about the PBSO and the PB Fund. The ACABQ has not yet advised on the proposed budget for the PBSO, but it is likely to do so early next week. Fifth Committee discussions on the same budget have not yet begun. Work on the terms of reference for the Peacebuilding Fund should be finalized shortly.

Management reform

Management reform co-chairs (Pakistan and Canada) have divided up management reforms for discussion into Group A (the ethics office, the independent evaluation of oversight and auditing, and the independent audit advisory committee) and B (the mandate review and the review of budget, human resource, and financial rules and regulations) and have proposed that the GA discuss and decide on Group A items by the end of December 2005, and that consultations on Group B items be conducted in December and January, with briefings by senior Secretariat officials. These consultations would provide direction and guidance to the Secretariat on the kind of information that would be useful to the Member States for their mandate review. The Secretariat is proceeding with its assessment of budget and HR rules and is processing information on mandates received from the UN departments and entities.

Plenary consultations began on 6 December based on A/60/568 which provides details on Group A reforms. The G-77, China, Africa Group, Egypt, India, and Cuba want management proposals to be submitted to the 5th committee and agree that the mandate review should be considered by the plenary. The G-77 said that everyone wants management reform but believes "we are not in an emergency" and warned against acting in haste. Amb. Bolton left the room shortly after this statement and before Amb. Neil had completed his remarks. Amb. Neil also said that the Member States did not ask to link the governance review to the independent evaluation of oversight (they fear having private sector consultants reviewing governance arrangements that they hold dear). Some Member States requested further information, both technical notes and briefings, from the Secretariat on mandate review and the February report.

The US pressures for reforms to be reflected in the budget and its proposal for a 3-4 month budget have met with criticism from most States, including during the recent plenary. The Japanese support the US position in principle, saying that the 2006-07 budget must reflect reforms but not induce cash flow problems or disrupt UN operations; the Japanese plan to make their own proposal for a budget approach in the near future. The next management reform plenary is on Friday, 9 December.

Terrorism

At the end of November, the Sixth Committee's deliberations regarding a draft comprehensive convention on international terrorism came to a standstill, a setback which, barring any unforeseen breakthroughs, jeopardizes the feasibility of finalizing a convention during the 60th session of the General Assembly, as agreed by heads of state and government in the 2005 World Summit. In view of persisting disagreements, basically among OIC countries on one side, and the US and some other Western delegations on another, it proved difficult to reach an agreement on the fundamental issue of drawing the distinction between terrorism and the legitimate right of peoples to struggle for their self-determination. Unfortunately, the compromise language suggested by the Group of Friends of the Chairman of the Sixth Committee could not resolve this dilemma. The discussion will continue in February, during the next session of the Ad Hoc Committee, but many delegations have expressed doubts about the likelihood of reaching an agreement. The Secretary-General has publicly expressed his disappointment regarding the outcome of the Sixth Committee, and promised to consult with the Chairman of the Committee, along with other Member States, to see if there are ways for him to assist their efforts to reach agreement on the convention.

please
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a meeting
with the
Chair of the Com.

On a more positive note, the Counter-terrorism Implementation Task Force (CTITF) held a very productive third meeting (30 November-1 December), which included many fruitful suggestions for improving the Secretary-General's counter-terrorism strategy. Over the course of the next few weeks, seven Working Groups, consisting of senior representatives of the relevant UN-related departments and entities, will continue their work to develop and put forward further recommendations. The CTITF will hold its next meeting in late January.

Development

The co-chairs (Belgium and Mali) have scheduled the next informal consultations on development today, Thursday, 8 December. Consultations will focus on ECOSOC reform. This is the first meeting on the issue. The co-chairs circulated an issue paper on Monday, 5 December, to facilitate the debate. The paper poses a set of questions that are meant to set the basis for discussion on the Global Policy Dialogue, the Development Cooperation Forum, the Ministerial review, the role of ECOSOC in humanitarian emergencies and its overall coordination role. Member States agreed to work on a resolution that will provide general guidelines on the operationalization of the recommendations contained in the outcome document in order to leave the Council appropriate room to decide on the substantive and organizational details of the functions that it is expected to perform. One more consultations on ECOSOC reform will be held before the Christmas break. Discussions will continue in the first quarter of 2006. Only Pakistan had tried to push for a conclusion on the debate before the end of the year, a position that did not find support even within the G77.

Consultations of the plenary on development started on 22 November and are structured on two parallel tracks, i.e. debates on ECOSOC reform, building on paras 155 and 156 of the outcome document, and follow-up to the Summit development outcome (paras 17-67). Meetings are held once a week, dealing alternatively with the two different issues. After the first meeting of 22 November, a panel discussion was held on Thursday, 1 December with representatives of agencies and institutions within and outside the UN to brief the membership on the actions and mechanisms in place, as well as institutional relationships, that are already working on the development agenda. The upcoming meeting on ECOSOC reform will be the third one in the schedule of the development working group.