

TIMELINE: HOW THE UN HUMAN RIGHTS COUNCIL WAS BORN

The timeline below documents how the purported June 2007 reform package on new council rules and institutions—set to come before the current GA session—was never legally adopted.



Zeal for the Deal

June 18, 6:00 pm Mariachi band performs outside plenary chamber at victory party arranged by council president Luis Alfonso De Alba of Mexico—which turned out to be premature. After one song they were told to stop—there was no agreement to toast. The grand, Mexican-themed celebration included tequilas and tacos, Mexican beer and guacamole. De Alba brought foreign minister Patricia Espinosa all the way from Mexico City to be there for the win. Winning at all costs led to the trespass of human rights principles and basic procedures.



Geneva's Piaget Clocks Don't Lie. As for the UN...

June 19, 12:02 am Photo evidence reveals that council president Luis Alfonso de Alba's announcement occurred *past*—and not before—the legal midnight deadline of June 18. However, official UN records were later fixed to read “11:55 pm” on “June 18.” UN High Commissioner for Human Rights Louise Arbour, left, joins the applause. The President announced an “agreement” even though Canada never agreed. The promised formal adoption never took place. *(UN Photo)*



Package Rammed Through, Canada Denied Right to Vote

June 19, 4:21 pm Canadian representative Terry Cormier: “By denying Canada its right to call for a vote, this Council threatens to undermine not only its own rules of procedure and those of the General Assembly, but more than sixty years of established practice of the UN, which is based on the fundamental principle of equality of all of its members states... such a precedent stands to affect more than the interests debated today.”

Date & Time	Event	Comments	Legal Status of Package
Monday June 18, 10:50 – 10:53 am	HRC President Luis Alfonso De Alba addresses plenary: “[Y]esterday I presented a new version of a compromise text, and I intend to continue consultations on that text in the coming hours... so that without exception, [we] can reach agreement in order to adopt the decisions without a vote... Thus I suggest that we suspend this meeting and that we begin bilateral and group consultations... and I then suggest that we resume this session when we have reached results.”	Negotiations behind closed doors continue throughout the day in anticipation of the midnight deadline. President De Alba reportedly receives objections from Canada, China, the Czech Republic and Poland. A few minutes before the midnight deadline, the word from informed diplomats was that there was no deal. Yet right after midnight, De Alba would ascend the podium and suddenly declare otherwise.	Not yet adopted.
Tuesday, June 19, 12:00 am	The midnight deadline expired without any agreement being reached. At this point, by law President De Alba was no longer the president; the membership had changed; and the GA mandate for the Council to adopt the package expired.	The expiry of the midnight deadline was later covered up by official UN documents.	Not yet adopted.
Tuesday June 19, 12:00 – 12:05 am <i>(just after midnight Monday)</i>	HRC President Luis Alfonso De Alba ascends the podium and announces to the plenary that he has an agreement: “There is an agreement on a final text which will be circulated in a few moments in the room, and which encompasses all of the institutional arrangements... I think it is inappropriate to proceed with this exercise, it is in fact literally impossible because of the logistic difficulties, and I would like to propose that you accept this text as a compromise <u>on the understanding that it includes also the Code of Conduct, and that tomorrow the council can take action on them.</u> If I hear no objections, it is so decided.” <i>[Immediately President de Alba bangs gavel; delegates applaud for 45 seconds and give standing ovation; High Commissioner Arbour joins celebration.]</i> “With your permission, I would ask you then to allow me to adjourn this meeting, I think it is the right thing to do, and I would like to reaffirm my thanks to all... So on this understanding, I would adjourn the meeting without giving the floor to anyone. It is so agreed. ” <i>[Bangs gavel; more applause.] (See UN webcast video at 00:00 – 00:05)</i>	When the meeting adjourned, minutes after midnight, the understanding as stated by the President was that action on the proposal had <i>not yet been taken</i> . He pledged to put the final text—which had not yet been circulated to the delegates—before the Council the next day. A visibly concerned Canadian ambassador was seen exchanging words with De Alba immediately after he descended the podium.	Not yet adopted.

Date & Time	Event	Comments	Legal Status of Package
Tuesday June 19, 1:26 am	AP reports: “Shortly after a midnight deadline expired, council president Luis Alfonso de Alba of Mexico said members had agreed to a new proposal... The new proposal will be put before the council for formal approval when it meets for a brief session later Tuesday. ‘We have all made compromises, it is not a perfect text. Negotiations never achieve a perfect text,’ de Alba told reporters.” (<i>Associated Press Online</i> , “Human Rights Group Reaches Compromise.”)	The AP report confirms the delegates’ understanding, based on De Alba’s clear statement, that the text was <i>not yet legally adopted</i> , and that the Council would need to formally approve it later that day. On a separate issue, the report also confirms that De Alba acted <i>after</i> the midnight deadline had expired.	Not yet adopted.
Tuesday June 19, morning	UN issues press release after the midnight meeting: “The President of the Human Rights Council announced today that agreement had been reached on a final text which encompassed all institutional arrangements for the Council, and invited Member States to take action on it on 19 June. . . The text would be circulated and he invited the Council to take action on it on 19 June. The next meeting of the Council will be held at 10 a.m. on Tuesday, 19 June.” (“President of Human Rights Council Announces Agreement on Final Text on all Institutional Arrangements For Council,” 18 June 2007 [sic])	This confirms De Alba’s statement that the Council still needed to take action on the package—and that <i>the final text of the package had still not been circulated to the delegates</i> . This UN release—issued after De Alba’s announcement in the first minutes of 19 June—was dated as “18 June.” The falsification of the time and date of the meeting was intended to cover up the expiry of the legal deadline.	Not yet adopted.
Tuesday June 19, 11:30 am - 4:00 pm	It is announced at 11:32 am that Tuesday’s meeting—supposed to begin at 10:00 am—would not begin until at least 12 noon. Delays in fact continue until 4:00 pm, when the meeting finally begins.	The Council leadership apparently feared that putting the package before the Council for approval—the legally required action, which was promised by De Alba to the plenary—would result in a contested vote and not the consensus implied by De Alba’s announcement of the night before. It seems that the leadership at this point concocted a new interpretation of the events of the night before, as evidenced by what happened next.	Not yet adopted.
Tuesday June 19, 4:00 pm.	In De Alba’s new capacity as outgoing, provisional President—his one-year term having legally ended at the end of the previous day—he convenes the first organizational session of the second cycle of the Council, where Romanian Ambassador Doru Romulus Coastea is elected as new President.		Not yet adopted.

Date & Time	Event	Comments	Legal Status of Package
Tuesday June 19, 4:20 pm.	<p>Newly sworn-in HRC President Doru Romulus Costea: “Thanks to [De Alba’s] efforts, today we are starting a new cycle and the second year of the Council’s existence with a compelling roadmap... Now, we do have institutions, we do have new mechanisms that offer us tremendous possibilities in the field of protection and promotion of human rights. Here I am committed in my capacity as new President of the Human Rights Council to strive with my entire abilities to make the new mechanisms work properly...” (See UN webcast video, June 19, 2007.)</p>	<p>The newly sworn-in president of the Council asserted by implication that the institution-building package had <i>already been legally adopted</i> the night before. The Council leadership apparently decided upon an approach that would simply pretend that De Alba’s mere announcement of an agreement, and his banging upon the gavel, constituted the legal adoption by the Council—and that it would ignore De Alba’s own promise to put the package before the Council for action.</p>	<p>Not yet adopted.</p>

Date & Time	Event	Comments	Legal Status of Package
<p>Tuesday June 19, 4:21 pm</p>	<p>Canadian representative Terry Cormier (<i>Point of Order</i>): “I have to intervene on a point of order to challenge the interpretation that the proceedings of June the 18th constitute an effect that a decision was taken on the package under consideration yesterday. Last night’s decision to adjourn action until today was express in stating that the matter would be brought for action today, and I quote from the President’s statement. In paragraph 5 of the President’s statement, he notes, ‘It is literally impossible, because of logistic difficulties, I would like to propose that you accept this text as a compromise under the understanding that it also includes the code of conduct, and that tomorrow the Council can take action on them.’”</p> <p>“This did not, and could not, constitute adoption of the package under discussion, as Canada never agreed to it and had expressed its concerns to this effect. In fact, Canada had not even seen the final version of the text until the end of the session, and the draft resolution contained in doc L.2 has only been circulated today. Any other view would forever preclude the ability of a UN committee to adjourn decisions and debate for further consultations. Striking the table with a gavel while stating that action has been postponed does not constitute a decision on a substantive point.”</p> <p>“Even the press release of the President clearly states that he had invited the Council members to take action on June the 19th, which is today. By denying Canada its right to call for a vote on this subject, this Council threatens to undermine not only its own rules of procedure and those of the General Assembly, but more than sixty years of established practice of the UN, which is based on the fundamental principle of equality of all of its members states. I need not remind the members of the Council that such a precedent stands to affect more than the interests debated today.”</p>	<p>Canada’s objection speaks for itself. The Council leadership’s line that the package had been formally adopted was untrue, unlawful and unconstitutional—and therefore null and void. The legal status of the package remained unchanged: not yet adopted.</p>	<p>Not yet adopted.</p>

Date & Time	Event	Comments	Legal Status of Package
<p>Tuesday June 19, 4:24 pm</p>	<p>Human Rights Council President Costea: “There is a challenge to a ruling that I have just said. . . that this organizational meeting need[s] to proceed with the necessary follow-up concerning the agreement on the package. . . I would call for a vote on this situation. . . whether the ruling that I have just offered is correct or not. Let me repeat what your opinion is asked about: We need to proceed with the necessary follow-up concerning the agreement on the package.”</p> <p>Council members vote 46 to 1 in support of the president’s interpretation, effectively ruling that the post-midnight announcement of De Alba constituted adoption of the text—and that, notwithstanding Canada’s declared opposition, it had been adopted “by consensus.”</p>	<p>It should be noted that this vote was not an up-or-down vote on the package, but rather a procedural vote endorsing the president’s interpretation that the adoption had occurred on the night before. Of course, no such adoption had ever occurred. The failure to validly enact a resolution cannot be remedied by a mere procedural declaration that it had indeed been so enacted. A famous maxim of English constitutional law held that “Parliament can do anything but make a man a woman and a woman a man.” The Council can no more make the non-adoption of a resolution into such an adoption.</p>	<p>Not yet adopted.</p>

Date & Time	Event	Comments	Legal Status of Package
Tuesday June 19, 4:27 pm	<p>Canada (Explanation of Vote): “In establishing the Council, the General Assembly set out its guiding principles. These include universality, impartiality, objectivity, and non-selectivity. Canada therefore regrets that the inclusion in the proposed agenda of the Council of an item that singles out one situation for politicized, selective, partial, and subjective treatment. The proposed agenda item on Palestine and the occupied Arab territories is not consistent with the founding principles of the Council. If this Council is to be credible and effective, we must hold it to standards set out by the General Assembly.” <i>[Egypt, in its first act as new Council member, interrupts Canada with a point of order, but the president allows Canada to continue.]</i></p> <p>Canada (<i>continuing</i>): “We note that while not perfect, there are many positive elements in the proposed package before us today. However, Canada cannot agree to a package that includes an item so clearly contradictory to the principles upon which the Council was founded. In addition, the text fails to treat all mandates equally. While all other mandates have limited terms, the mandate on the Occupied Palestinian Territory does not. The text also fails to renew only the mandates on Cuba and Belarus, both situations that clearly warrant continued scrutiny by specific country mandates.”</p>	Canada explains the merits of why it sought a vote against the package. Notwithstanding Canada’s express opposition, however, the Council leadership from that point on declared that the package had been adopted “by consensus.”	Not yet adopted.
Tuesday June 19, 4:30 pm.	Twenty states begin to congratulate the new and former presidents, with members of all regional groups referring to the “consensus” that had been reached. Algeria speaking for the African Group and Germany for the EU both refer to the package as a “ consensus text. ” Morocco welcomed the “adoption” of the President’s text; Japan called it an “historic achievement”; Brazil said it was a “turning point” in the Council’s history. Only the United States challenged this attitude.		Not yet adopted.

Date & Time	Event	Comments	Legal Status of Package
Tuesday June 19, 5:10 pm	<p>US Ambassador Warren Tichenor: “My delegation is deeply concerned by the actions taken over the past 24 hours in this Council. The United States' understanding of last evening's events was that the Council would indeed take action, substantive action, on the package today. We are deeply disappointed that for reasons of political expediency a member's right to call for a vote or break consensus on the substance of a motion before the Council has been denied. . . . We sincerely hope that despite the flawed institutional architecture, the Council will rise to meet the challenge of protecting and promoting human rights in all countries.”</p>		Not yet adopted.
Tuesday June 19	<p>US State Department Spokesman Sean McCormack criticized the procedural irregularities: ““We are concerned about the procedural irregularities employed last night denying Council members the opportunity to vote on this agenda. The Human Rights Council was intended to be the world’s leading human rights protection mechanism. Its proceedings should be a model of fairness and transparency. Instead, in the interest of political expediency, procedural irregularities denied members the right to an up-or-down vote on principled human rights concerns—a right guaranteed by the rules of the institution.”</p>	To condone the Council’s contempt for basic rule of law principles—whether for political expediency or institutional human rights concerns—is to allow the ends to justify the means.	Not yet adopted.
Tuesday, June 19	<p>The UN issues a press release at the end of the day claiming that the package had been adopted the night before: “The Human Rights Council concluded its fifth session at midnight on 18 June after adopting a Presidential text on the institution building of the Council.” (“Human Rights Council Concludes Fifth Session After Adopting Presidential Text on Institution Building of Council,” 19 June 2007)</p>	This became the first of a series of subsequent UN official reports that would misrepresent the previous night’s events by claiming that the text had been adopted—even as it contradicted the UN’s own release from earlier in the day (see above) stating that <i>action still need to be taken</i> .	Not yet adopted.

Date & Time	Event	Comments	Legal Status of Package
Wed., June 20	<p>Jordan ambassador Mousa Burayzat, former rapporteur of the council, officially declared that the midnight package was adopted “Monday last, when we reached consensus.” Canadian diplomats repeated their objections in a point of order.</p> <p>Suggesting Canada’s representatives misunderstood international law, Burayzat said, “When I use the word consensus it does not mean unanimity, and I think this is a well accepted interpretation . . . it is not to contradict any country's position or to try to change the facts that happened at Monday night.” New Council Vice President ambassador Dayan Jayathilake of Sri Lanka also overruled Canada, saying “yesterday’s vote shows that there is a consensus that there was a consensus.”</p>	“There is a consensus that there was a consensus.”	Not yet adopted.
June-Aug. 2007	UN documents continue to misrepresent the events of June 18-19, including in (1) the Report of the Human Rights Council, dated 8 August 2007, which will be submitted to the General Assembly for its approval; (2) the Report to the General Assembly on the Fifth Session of the Human Rights Council dated 7 August 2007; and (3) the Report to the General Assembly on the Organizational Meeting of the Human Rights Council, dated 7 August 2007.	UN documents report decisions that never took place, and also use the false date of June 18.	Not yet adopted.
July 13, 2007	Governments of the U.S., Canada and Poland officially file separate proceedings challenging the U.N.’s version of the June events. (See ohchr.org, Extranet, written submissions to Organizational Meeting of June 2007.)		Not yet adopted.
Oct/Nov 2007	UN General Assembly will decide whether or not to remedy the illegalities created by the Human Rights Council—as well as the content of the reform package.		To be determined.