

Advance Draft – Rush Summary by UN Watch

UN Human Rights Council
Informal Meeting on Special Session of Syria
August 19, 2011

President:

We are examining the comment to keep the text procedurally correct and coherent. Our discussion today comes after publication of report of FFM, after substantial discussion in NY SC where HC briefed the SC on the findings and recommendations.

I believe that we have to have in mind is this picture, our discussion are going on at the same time as deterioration of situation is taking place.

Today- my intention is to listen as much as possible to your comments, take specific comments on the text, we can go into a para by para exam of the draft resolution so that we can provide the next round of in formals a new text ASAP. We will need in formals on Monday at 9 o'clock in room XXI.

(addressed the francophone's about maybe having one in French).

Any general comments? (*although wanted to go straight to paragraph by paragraph analysis*)

Russian Federation

Convinced that situation in Syria can be settled without interference from the outside on the basis of national public dialogue.

SC is preoccupied by the situation in Syria on the third of August adopted President statement which already represents legal position on the situation.

The draft presented is one sided and biased, we'd like to avoid a politicized approach. It consists of only condemnation and blame of one side. We should condemn all sides and call on parties for dialogue. The EU draft does not represent the steps taken by Syria on the issue.

EU text also contains measures of provisional measure which are out of our mandate in res 62/251. Therefore Russia prepared amendments to the draft which will like to present here. We introduced this text already manended and passed it to the sponsors.

This will make the DR objective, unbiased. Amendments are on the table of the chair.

China

In general we agree with our Russian colleague. We also believe this Council needs to function in an impartial and objective way and we need to bear in mind the whole situation in the Middle East. The situation in Syria will affect the whole region.

There are some shortcomings in your resolution that will further complicate the situation in Syria. We also have some amendment suggestions and we also believe the Security Council statement issued early this month needs to be considered.

President

Thank you China for repeating what you said yesterday.

Cuba

Endorse statements by Russia, current text is unbalanced and politicized. Most of the provisions here need to be changed, we support the amendments submitted by Russia and we'll comment specifically when we enter into P-to-P.

Egypt

On behalf of Arab Group, we'll present a number of amendments not to go beyond our mandate and do not use the situation in Syria as a back door to change it. There is a great number of countries sponsoring it, but are they the same countries which are going to support the current form of the DR?

President

We could have even more support for the resolution, as we still want to work towards a consensus. I want to appeal to really get to the exam of the DR and go para-by-para in the interest of saving time.

France

I want to congratulate you for the drafting which we are supporting and as I said, I will repeat myself, this SS has been asked by 26 members, more than half. And I appreciate that the 4 neighboring countries joined this convocation for a SS. We have a document in front of us. Unfortunately, no journalists are authorized to get into Syria.

This report is clear enough to show massive violations in Syria. The office of the HC would have been pleased to get into Syria. But the authorities did not make a positive sign to cooperate.

We have to take a new step forward to be sure the human rights situation in Syria is improving, and what we are witnessing, there is a worsening of the situation, so I call to everyone to work in a constructive manner.

When you change everything which was propose by many countries (about Russia's amendment), I don't see a constructive approach.

We have the credibility of the HRC at stake.

President

Thank you for reminding us what is really going on.

Egypt

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President

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Pakistan

All I wanted to say was that the amendment which will be presented by Egypt on behalf of the Arab group have the endorsement of the IOC

Nigeria

Certain clarity has been brought forward since yesterday. Just to say, as much as yesterday we provided certain specificities, for every proposal that comes, the next question is what the solution.

If we focus on Syria it will be easier.

The outcome of the SC was very clear, they want an investigation on Syria, period. It means the SC can act without the HRC. This will not prevent us from doing our work.

Two things shouldn't happen:

- We spent 2 years to review the HRC. If we try to bring out the things we did not get in this process will make it difficult. Heart of the matter is two things:
 1. Condemnation of what is going on in Syria
 2. Get an independent inquiry.
- If you look at OPP1, we are just putting statements made by one person or the other, I don't think this is the solution. Referring to the SG makes it difficult. If you begin to go to individual comments it makes it very difficult.

Russia

Responds to France.

Why Russia presented its amendments? To make the DR reflect the ground reality.

Countries supporting the session do not necessarily support the DR. Pakistan is proof of this.

Regarding the journalists, we have a number of journalists which were allowed to Damascus and conflict zones.

PARAGRAPH by PARAGRAPH ANALYSIS

PP2

Recalling resolution s-16-1

Nigeria: recalling resolution S-16/1. As it is now, you pick only what you think is relevant. You should say what you mean. If you want to recall this resolution go straight to the title of the resolution.

Egypt: confirms what Nigeria said, we should stick to the title of the resolution rather than just pick elements. Same for PP3.

Russia: same opinion as Nigeria and Egypt (Arab Group)

President: we're just saying what the main request of the resolution was.

PP3

(PRST= Statement by President of the Security Council made on Aug 3 2011)

On whether any particular quotes of the PRST should be mentioned:

Nigeria- regarding the PRST- the first point of PP3- Nigeria says this is a statement of the SC, not of the President and that the President is simply announcing the statement of the SC.

President thanked him.

Algeria- Algeria prefers a simple reference to “grave violations of human rights” rather than “picking and choosing” certain specific violations.

Russia -supported this.

Angola- with regard to PP3- and the President of the SC statement on the 3rd August 2011- shares the view of colleagues of **Nigeria** and **Egypt**. Angola believes there should only be a reference to the title of the statement, and not through details of the President statement.

China- They also do not think a selective quote of the Presidential statement is needed.

United Kingdom- UK is in favor of selecting the human rights aspects addressed by the Presidents statement on the Aug 3rd 2011, so to focus on the past actions agreed and selective parts of the PRST are appropriate.

Cuba- Cuba echoes comments of **Nigeria** and others, they prefer no reference to the PRST at all, but if there has to be one they prefer just the title of the PRST and no comments.

Brazil- the PRST was the result of a difficult balance reached in New York, and believes Geneva will be able to have a joint consensual message. Brazil desires concrete improvement on the ground. Supports it is difficult to decide which parts of the PRST are related to the situation on the ground in Syria.

Peru- Agree with colleagues that it is better for the PRST to be only mentioned by title and not some paragraphs. Human rights concerned are reflected in all paragraphs so only the name is needed.

Chile- Believes it better to have just a mention of the general title.

PP4

On the briefing by the HC in New York.

Nigeria: totally vacant. There is no intent or clarity here. What is the focus? Nothing comes out of this. Just delete this. She’s just making a briefing. There are two things which happened here already, as Angola and Brazil pointed out. We could consider having the entire statement of the SC as a paragraph. The briefings of the HC don’t have an important impact.

Egypt (Arab Group): supports Nigeria, also proposes deletion of paragraph.

Angola: we prefer to delete this, but if the proponent wants this sentence we can take note of it.

Russia: we don't see any added value here, we want this PP to be simply deleted or say "taking note of"

UK: if people would feel more welcomed we might work on language but we want to keep a reference of that in the text.

France: It seems that some parts appear to be too difficult to read for some delegates. After having the HC go to New York, address the SC, her comments have been widely commented, we should not talk about this? In her statement didn't she mention her statements? i'm sorry but we cannot continue like this if for every specific point on Syria no one wants it taken down on the resolution. We want it written down. We want to mention some recommendations she made, too.

Algeria: Echos Arab Group. But briefing was not mandated by the HRC, with all respect to HC this was a closed meeting but the HRC cannot work on something which was not public.

Pakistan: France and UK were lucky enough to be in the room when the briefing was made, my delegation was not in the room so we cannot take note of it.

China: We were in the closed meeting but we share statement by Pakistan, our discussion here has nothing to do with briefing by HC, which was not mandated by the HC, and her statements were not checked by the HRC.

South Africa: on PP9, we support its deletion as well. As far of the title of PP1, 2 and 3 we support proposals made by Russia, Nigeria and Arab Group.

Nigeria: we are in the SC when the HC briefed, but that's not the issue. The issue is that if the SC took a decision, we could make reference to that. But that didn't happen. This here is extremely vague. If we want to consider this PP at all, just put "takes note of". I've already mentioned the key 2 issues in Syria.

Cuba: We also want PP2 deleted. We cannot base our positions on press statements, we see this briefing as not- mandated by anybody in the UN system.

PP5

On welcoming the recent statements of the UN SG calling on Syrian authorities to cease all violence:

Egypt- Has the same reservation on PP4 for PP5 and PP6 (do not support it)

Nigeria- it does not add any flavor, just "note it", not "welcome it".

USA- Would not have a problem with "noting it". (*people laughed when he said it was "well drafted"*)

Brazil- We could add Mme Amos here, not just of Pillay.

Malaysia- Fully supports the position of the Arab group on this, supports "noting" PP5. Proposes to tidy them it up by "noting" all the statements instead of "welcoming".

Russia- on PP5 and PP6, must look at everything relevant to the Syrian issue. Proposes to note the encouraging statement by the SG on the situation in Syria and the other statement on the end of military operations against military operations.

China- Supports **Russia**.

Canada- Not comfortable with the announcement of the end of military forces as it has been said more than once and without effect.

USA- Cannot support including “PP4bis”, there have been recent report of new killings on yesterday alone so to welcome note of the authorities on the end of military operations would run contrary to the goals we are trying to achieve in this resolution.

Cuba- Supports the amendment proposed by **Russia**. It would balance the text.

PP6

Supporting statements by HC and SRs on Syria

Nigeria: statements made to whom? When? You don’t leave a lot of ambiguity, this is not good drafting, it does not look well. The issue is how to deal with it procedurally: let’s only focus on Syria and leave out all the rest. If we’re not careful we won’t achieve consensus. If you really want to deal with HC statements, bring out the core issues the HC raised.

PP7

*On expressing deep concern following the statement by the special advisors of the UN SC on the prevention of genocide and RTP and consequent possibility of **crimes against humanity** having been committed in Syria*

Egypt- Requests deletion of this paragraph.

Nigeria- The only person with official status there is the SG.

France- There are two special advisors: one on the prevention of genocide (named) and one on RTP (named)- it is known by everybody.

Russia- Support deletion of the paragraph as prevention of genocide and RTP are not on mandate of HRC.

Cuba- Reminds that there have been hard discussions on RTP and this is not the place to enter into hem again.

South Africa- Asks if we quote press releases in resolutions like this as she has not found any reference to these advisors’ statements other than press releases.

President- Will check this. Believes it is other than just press release.

Nigeria- Asking for more details, asking for the advisors not to be left vague, this resolution will remain for life, say who the advisors are.

Canada- One way to go could be to refer specifically to p.13 to FFM, “mission found pattern that constitutes acts which might constitute war crimes”.

Angola- It is not usual to welcome statements of UN advisors, they are SG appointed and not my MS’s so we should not be concerned with them here. Rephrase or delete the paragraph.

Australia- Purpose of this is to paint a broader context, we have not decided to call a SS because we are bored. SC delivered a statement and the HC flew to NY to talk to the SG, as have the advisors and governments have. There is a need to set the scene, perhaps merge them, perhaps “taking note” but there is a need to reflect all the events.

Australia will not support any statement of “Syrian authorities ceasing military actions” unless we state there were further violations yesterday. Supports as well suggestions to reflect as **Canada** said the findings of the FFM.

President- thanks for reminding of the context.

Russia- Genocide or RTP or crimes against humanity is not within the mandate of the HRC. It is out of the mandate to define or decide whether there were crime against humanity carried out.

PP8

On concern expressed by OIC, Arab League, Gulf Cooperation Council, EU and others

Nigeria: why didn't you also add the African Union, ECOWAS? Maybe you put these ones because they were more active, but the whole world engaged on Syria. FFM was set up by the Council, we're supposed to follow the report they formulated. We'll have a discussion on that. PP1 to PP9 are all about statements. Why all these statements? These paragraphs are not strong. In OPs you're supposed to implement PPs, this is not how it is done.

Brazil: a reference on Syria by the Council we'll admit, but on the others we support what Nigeria said.

Egypt: shares concerns by Nigeria and Brazil. But we also have to make sure that these statements are correct, these statements were not always by the organizations themselves.

UK: The drafters may pick up something from these statements, to focus more closely on the work of the HRC.

PP9

On the issue of bearing in mind diplomatic demarches of several countries

Nigeria- Delete it.

Egypt- Position is the same on PP9, request deletion as the Arab Group. Believes the FFM Report is for discussion during the 18th Session at the Council and believes it will be premature to include parts of it in this resolution.

Russia- Delete it.

Indonesia- There is a need to be careful not to overact to the demarches and to delete it.

Egypt- PP9 gives impression the HRC gives authority to diplomatic or bilateral demarches so it is not proper to have it here, even if the demarches are good.

Cuba- Delete it. Believes it has no sense and shares comment by **Egypt** on intention of picking and choosing certain parts of the report of the FFM.

USA- Makes a general comment. Hopes that people that have been commenting extensively are doing so for constructive reasons. It agrees with some **Nigeria** comments as **Australia** and **Canada**. The PP's need to be strong and set up what we

are doing in the OP's. We need to build as oppose to delete. There is room for streamlining the text and strengthening PP's, maybe I am optimist and hearing this but we should not believe everything.

President- There is room to take advantage of all the comments and to streamline this first part of the resolution and make it more coherent with the operative parts. No need to delete the paragraph but can streamline.

China- Understand **US** wish of strong preamble but **Russia's** proposal is good, like a PP4 bis to balance, which was unfortunately rejected. With all the problems with the PPs, advises to delete all the paragraphs. Does not mind if the "PP4 bis" proposed by **Russia** does not go through.

Egypt- Wanted to see more human rights law, but seems to be based on op-eds rather which carry opinion as much as fact. Nobody is disputing the facts but if we want to build a strong operative part, it needs a legal basis. The parts **Egypt** wants deleted sees no value added by them.

President- we are not citing op-eds. Will work to streamline it but to define statements from the SG, HC and HRC as op-ed is not what we are doing.

USA- Purpose of objection to "PP4 bis" is because it does not reflect what is going on the floor after this "end of military action was made".

OP1

Welcomes report of HC on Syria, transmit it to the Security Council

Nigeria: During the time we were preparing resolution on Syria we talked about the HC. But you haven't cleared the content of the report yet. What we are doing here is creating a new language which restructures entirely the review process. It says that the HRC should submit the report to the SC. In Cote d'Ivoire we solved this problem by submitting to the GA. We also said that we recommended the GA to submit then to the SC. When we go to OP2, we condemn HR violations: this is we as Council speaking, and there is nothing to it.

Switzerland: We consider OP1 to be one of the central ones to the resolution. The report submitted yesterday provides us with valuable information, the HC gives us information coming from independent sources. On the second part of the OP (submitting to the SC), we know that it is creating some noise and we urge parties to meet an agreement.

Russia: Report in OP1 was submitted yesterday, and won't be translated into other countries. Do you really think that all countries on the HRC will have time to consider it and submit it? Are we just a mere mailbox between the HC and the SC? It will be extremely difficult to even take note of the report. We haven't had time to consider it, we want this report to be translated into the 6 languages of the UN.

President: we had time to read the report and we have the weekend to do it.

Angola: Shares concern by Nigeria, HRC is subsidiary body of the GA, not the SC. We cannot recommend the report to the SC if we're not first recommending it to the GA. I will propose to say that we welcome the report, recommend it to the GA without mentioning the SC.

Brazil: it's impossible to ignore the report of the HC in its substance and conclusions. We're not working in a vacuum. However, this is still not an advanced version, we may still have developments on the ground and these facts should be reflected appropriately. We should stick to the mandate of the HRC, this should be the follow up to April.

Algeria: We have to be careful not to have a disconnection between this and what we decided in April. We have to be consistent with that. Clarification on "final report" in this OP which was not included in previous resolution. Shares comments on the part for the SC.

US: Suggestion that we ask the GA is good, we can work on a consensus for that. This report contains facts from the ground which we cannot ignore.

France: We would have preferred to have the normal session in September, but we came to the conclusion that we had to go faster. Ms. Pillay on Monday will present a report. There is no way for the HRC not to take into account the report. HC will also update the report since July 15, we will consider elements that this resolution can reflect the report. Multilingualism is important, but we have to work fast.

Cuba: I want to emphasize that for many delegations it's difficult to welcome a report which has not been discussed before in the HRC. We're not in the position to agree on this language.

South Africa: We'll await reformulation of OP1 before considering it.

Norway: Report is important, supports what other delegates said.

Mexico: We support transmitting it first to the GA and recommend it to the SC. We also believe that report was mandated so we need to keep care of what we asked the HC to do, so it would be good to welcome it.

Australia: Supports those who want to see the recommendations of the report in the resolution.

Egypt: It takes a lot to read the report, also because we have to send it to capital. Procedurally it is also questionable, what are we going to do in September when we have already taken a decision now? HRC is not a minor which has to be overseen by other UN bodies.

OP2

On condemning the continued various listed human right violations by the Syrian authorities:

Russia- Wants to be consistent with the language of the PSRT and proposes “Condemns human rights violations and {...} of *all sides*”

Canada- End of paragraph mentions journalists so suggests to fix the end of the paragraph as some journalists can be human rights defenders.

UK- Wants to include a reference to children.

Mexico- OP2 should be OP1, to start with the strongest language we can find.

Chile- Fine with the wording but if language of the PRST will be used so slight amendment.

OP 3

On deploring the continued attacks on the population and calling on the authorities to cease all attacks:

Russia- Change it to read “urges *all sides* to cease”.

China- Supports Russia’s suggestions for OP2 and OP3

Canada- Not convinced that these suggestions are the best. In OP3- might refer to the fact that security forces are acting with complete impunity, so suggest “by security forces acting with complete impunity”. Will send language.

OP 4

On reiterating call on Syrian authorities to immediately put an end to all human rights violations:

Russia- Want to introduce 4 OP’s after OP3: (*the OPs are found in Par. 6 PRST 2011/16*)

1. Reaffirms its strong commitment to the sovereignty
2. Only way forward is with Syrian cooperation
3. Strongly calls on all forces in Syria, including opposition, to engage into this cooperation
4. Expresses grave concern of armed groups from outside Syrian borders which aim at destabilizing the situation in the region and incitement to violence
5. Condemns sending of illicit arms to Syria

Egypt- Arab group supports to proposals by **Russia**.

Pakistan- Arab group is supporting this but it has not been discussed at the OIC so the OIC not yet in position to support this “OP3 bis”

USA- The “OPs bis” did not work. The Syrian government is not prepared to negotiate with anyone. The future is in the people’s hands and this has not been allowed to go on. There are some elements we can consider but the thrust of the OP’s proposed by **Russia** seem to run contrary to many realities on the ground. There is no credible interlocutor on the other side. As initial reaction **USA-** some fat is good and some is not.

Algeria- OP3 bis, comes from the PRST contained in one of the Ops. If my reading is correct, it looks like something St Africa could accept.

Czech Republic- As a sponsor, it believes that the SC is a body with life on its own and the HRC also has life on its own with a specialized mandate so HRC can be inspired by other texts but not to contend ourselves with square quotations. There is a

need to be specific as to what specific human rights violations are happening on the ground.

Nigeria- needs consistency with PRST

Russia- It is exact quotation of Para 6 of the PRST 2011. As to **USA-** this text is cholesterol free. All P5 members have agreed to it.

Brazil- Need for strong message for end of violation against peaceful demonstrators and also for the end of violence, *all* forms of violence in Syria. To call all to put an end to the violence. On Russian proposals- it is up to Syrians themselves to decide on their own future in an democratic process. Ban-Ki Moon yesterday expressed concerns. The issue of arms- whatever may increase the killing on the ground is a human rights issue.

China- important suggestion made by **Russia** which they endorse this “OP3 bis”. In all circumstances territorial integrity should be respected. Any violence in Syria is a threat to human rights.

OP5

Reiterates call on syria to end HR violations

Nigeria: if OP5 is OP2 of former SS resolution, we don't need it.

Pakistan: OP4 bis was not discussed by OIC.

OP 6

No comment

OP7

Urging Syria to allow independent and international media, free internet

Nigeria: This is taking away the ability of government to deal with accreditation of journalists, it interferes with sovereignty.

Russia: We should respect national laws, so we propose the words “in accordance with national legislation of Syria consistence with obligations under international HR laws”.

OP 8

On urging the Syrian authorities to allow for a dialogue:

USA- We are beyond requiring a dialogue, it should be deleted it. If we include it, we should express discontent that previous dialogues have failed. Prepared to work with language incorporation part of OP 8.

Indonesia- Supports retaining the paragraphs.

South Africa- Supports **Indonesia**.

Algeria- Speaks in favor of retaining paragraph.

Senegal- Supports Indonesia.

Thailand- Supports Indonesia.

Brazil- Wants to retain paragraph and give message that full implementations have not been made.

Egypt- Wants to retain this- stresses important of international dialogue.

OP9

Stresses the need for an international investigation

Russia: change language as submitted to main sponsor.

Egypt: Arab Group does not believe the need for an international investigation since we already created OIC.

US: Proposal to add “international *HR* law”.

OP 10

Reinforces the call upon the Syrian authorities to fully cooperate with the OHCHR:

No comment

OP 11

No comment

OP 12

Russia- Delete most of the paragraph.

USA- Wants to delete “In Syria” and change it to “by Syrian authorities”.

President- Not many tools- this is one of guaranteeing an independent and international inquiry of what is going on in the country.

Thailand- Need for immediate action on the ground. Want to see cooperation of the Syrian authorities with the FFM.

President- That is precisely what is not happening.

South Africa- Reacts to **US** proposals. Title is “in Syria” so we should retain that and not “by Syrian authorities”.

France- recommendation made by the report is very clear. The FFM will work until Sept 18th. Purpose for commission of inquiry is to upgrade the mechanism. Having a commission of inquiry is not just collecting facts but implementation as well.

Russia- Does not support **USA** suggestion.

Canada- Hopeful that such a commission could be beneficial and facilitate dialogue to Damascus, more fruitful maybe then the mission.

Nigeria- OP12 is at the heart of the resolution. If you focus only the inquiry on the authorities it has to be an inquiry on the whole.

Italy- We work with political messages, but we cannot predetermine the events (on whether the inquiry would be let in to Syria) but it is not a reason not to try.

China- Surprised that only Syrian authorities can conduct human right violations. Agrees with **Nigeria**, **South Africa** and **Brazil**. Does not agree to changes “In Syria” to “By Syrian authorities”

Cuba- Supports amendment of **Russia** and not accept **US** proposal.

Senegal- Not comfortable with **US** proposal supported by **France**.

USA- The COI is one of the tools, unfortunately it is limited but it is the appropriate response of what is going on on the ground.

OP 13

On requesting the Commission of Inquiry to report as soon as possible to the Council- and transmit to the UN SG:

Nigeria- OP 13 is a serious distraction. This means we need another session before March which other than September we do not have. Have to delete this idea of “after November”.

Egypt- Wants to delete the last reference to the UN SG and relevant bodies.