

## Treaty Body Reform

### A review of the process from a Swiss perspective

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### Challenges to the process

- Duration and shaping of the process
- Technicalities vs. Political implications
- Reform fatigue, unfriendly environment for independent HR bodies
- Well organized opponents with superbe procedural know-how

## Swiss position with regard to treaty bodies

- Cornerstone of the human rights system
  - Independence of experts
  - State reporting and recommendations to States
  - Individual complaint procedures
- Key factors need to be strengthened/maintained (independence of expert)
- Shortcomings need to be addressed (backlogs (workload), reporting procedures, implementation of recommendations)
- Strengthening of TB = strengthening of int. Geneva

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## Challenges to the process

- **Duration and shaping of the process**

First reform discussions started in 2002

'Serious' process initiated by the HC on HR in 2009, all stakeholder meetings, CH support (retreat in Sion in 2011)

Report of the HC in July 2012 (Geneva based)

Parallel GA – process initiated by Russia late 2012

Shift of the discussions from Geneva (experts) to NY (diplomats)

GA plenary– negotiations by HR diplomats during 2013

GA 5th committee - discussions by budget/finance experts in March 2014

Challenge of internal coordination (different actors involved in Capital, Geneva, NY)

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## Challenges to the process

- **Technicalities vs. political implications**

Discussions at GA on technicalities (procedures, figures, meeting time, reporting cycle, numbers of pages, on costs and savings), which are not of particular interest to HR diplomats

Challenge not to lose sight of the overall political aim and the political implications of the technicalities, threat that the spoilers use procedural issues to slow down negotiation process and appetite

## Challenges to the process

- **Reform fatigue, unfriendly environment for independent HR bodies**

Certain reform fatigue at the UN, in particular in the field of HR  
Focus on strengthening HRC and UPR

HR friendly States are major donors and very reluctant to agree to budget increases

HR critical States are getting better organized and more vocal  
- want to push oversight and limit independence

## Challenges to the process

- **Well organized opponents with superbe procedural know-how**

Cross-regional group with huge spoiling potential

(Belarus, Bolivia, China, Cuba, Iran, Nicaragua, Pakistan, Russia, Syria, Venezuela)

Revindication for a Code of Conduct

## Success factors during negotiations

- Africa as a game-changer (WEOG an big parts of GRULAC in favor, Russia and parts of Asia against reform)
- Accomodate Africa's call for capacity building and WEOG's call for zero budget implications
- Shift resources from Conference Management to meeting time and OHCHR (capacity building), from form to substance
- Counter the call for a code of conduct with the self-regulatory guidelines on independence of the TBs (Addis Abeba Guidelines) and minor concessions in the resolution (bearing state views' in mind...)

## Lessons learned for Switzerland

- Define and defend clear positions (internal coordination)
- Build a coalition of support and anticipate actions from the spoilers
- Be pragmatic and focused on solutions
- Be realistic – what is achievable vs. what is desirable
- Try to achieve the best possible outcome that circumstances allow

## Next steps

- Responsibility for the implementation of the resolution with TBs and OHCHR.
- Swiss support: Creation of a Platform for Treaty Bodies in Geneva