

Permanent Mission of India
Geneva
(10th Human Rights Session)

GENERAL DEBATE ON ITEM 5
(23 MARCH 2009)

Reports of the Human Rights Council Advisory Committee

STATEMENT BY INDIA

Mr. President,

My delegation would like to thank the Chairperson of the Advisory Committee for his presentation of the reports of the Committee's First and Second Sessions' held in August 2008 and January 2009 respectively.

Mr. President,

2. My delegation attaches importance to the work of the Advisory Committee as a think tank of the Council working under its directive and guidance. As a newly established body which has only recently commenced its work it is important that we ensure that its initial steps are in the right direction and do not stray from the provisions of the Institution Building Package of June 2007 which defines the function of the Advisory Committee as providing expertise to the Council.

3. Paragraphs 75 to 77 of the IB Package provide the following:

- (i) There must be a specific request by the Council in each and every case;
- (ii) The Council's resolution requesting the expertise should set out the scope of work and issue specific guidelines;

- (iii) Within the scope of work so defined, the Advisory Committee may suggest further or additional research proposals for the Council's consideration and approval;
- (iv) The Advisory Committee should provide the expertise in the manner and form requested by the Council;
- (v) The expert advice on the matter referred to it should be implementation-oriented & its scope limited to thematic issues that fall within the mandate of the Council; &
- (vi) The Advisory Committee should not adopt resolutions or decisions.

4. Thus, there is no general derogation by the Council to the Advisory Committee to undertake initiatives on any matter within the mandate of the Council. The only latitude permitted on an issue of substance is that, within the framework of a reference already made, the Advisory Committee may propose further research proposals i.e. it should represent additionality to the reference already made.

Mr. President,

5. While considering the report of the Advisory Committee's first session (04-15 August, 2008) my delegation finds that its recommendations 1/6, 1/10, 1/12, and 1/13 are not in compliance with paragraphs 75 to 77 of the Institution Building Package as these are not in response to a specific reference or resolution by the Council. These should, therefore, not be considered by the Council and no action taken on these.

6. The Advisory Committee should be advised that in future it should give its expertise only upon a specific request by the Council. We would suggest that the Council provide general guidelines to the Advisory Committee on the following lines:

GENERAL GUIDELINES FOR THE ADVISORY COMMITTEE

- I. Expert advice must be rendered only on the basis of a specific request by the Council in each and every case;
- II. The Council's resolution requesting the expertise would set out the scope of work and issue specific guidelines to be observed;
- III. Within the scope of work so defined, the Advisory Committee may suggest further or additional research proposals for the Council's consideration and approval;
- IV. The Advisory Committee should provide the expertise in the manner and form requested by the Council;
- V. The expert advice on the matter referred to it by the Council should be implementation-oriented & its scope limited to thematic issues that fall within the mandate of the Council; &
- VI. The Advisory Committee should not adopt resolutions or decisions.

Mr. President,

7. The report of the Advisory Committee on its first session should be only taken note of and its other recommendations made in response to specific Council resolutions considered separately under the relevant Agenda Item under the Council referred the matter to the Advisory Committee. We would be happy to work with other delegations in order to enable the Council to adapt decisions in accordance with these guidelines.

Mr. President,

8. It is imperative that that the Advisory Committee, in the nascent stages of its existence, not repeat the mistakes of the former Sub-Commission which finally led to its being wound up.

Thank you, Mr. President
