



Routledge Research in Human Rights Law

THE HUMAN RIGHTS COUNCIL

THE IMPACT OF THE UNIVERSAL PERIODIC REVIEW
IN AFRICA

Damian Etone



‘This book tackles an important question for international human rights law: how effective is the United Nations Human Rights Council’s Universal Periodic Review (UPR) mechanism? It does so in the context of in-depth studies of African states: Nigeria, Kenya, The Gambia, Uganda and South Africa. The book finds that overall the UPR is effective as a non-confrontational system to encourage states to improve their implementation of their international human rights commitments. It also acknowledges many of the limitations and weaknesses of the UPR in practice. The book is a valuable contribution to the literature on the UPR. Its strength lies in its careful analysis and the detail in the case studies. The author has engaged in an impressively close analysis of the way that African states have engaged in the UPR process over its three cycles and the way in which they have responded to UPR recommendations. The author has built on existing methodologies and extended them. The figures presented in the case studies were very effective. A fascinating observation in the book relates to the role of regionalism in the UPR. The author points to the fact that regionalism operates strongly in the African context, with African states much more willing to accept UPR recommendations from other African states. He notes that some scholars have criticised this feature of the UPR, but observes perceptively that the regionalism can also facilitate acculturation to human rights standards. The author displays an excellent knowledge of the relevant literature and he has gone well beyond the legal literature to draw upon studies in international relations, sociology and psychology.’

—**Professor Hilary Charlesworth**, Melbourne Laureate Professor
at Melbourne Law School and Distinguished Professor
at the Australian National University



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The Human Rights Council

This book examines the engagement of African states with the United Nations Human Rights Council's Universal Periodic Review (UPR) mechanism. This human rights mechanism is known for its pacific and non-confrontational approach to monitoring state human rights implementation. Coming at the end of the first three cycles of the UPR, the work offers a detailed analysis of the effectiveness of African states' engagement and its potential impact. It develops a framework which comprehensively evaluates aspects of states' UPR engagement, such as the pre-review national consultation process and implementation of UPR recommendations, which, until recently, have received little attention. The book considers the potential for acculturation in engagement with the UPR and unpacks the impact of politics, regionalism, cultural relativism, rights ritualism and civil society.

The work provides a useful guide for policymakers and international human rights law practitioners, as well as a valuable resource for international legal and international relations academics and researchers.

Damian Etone is a Lecturer at the Division of Law and Philosophy, University of Stirling, United Kingdom.

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The Human Rights Council

The Impact of the Universal Periodic Review in Africa

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The Human Rights Council

**The Impact of the Universal Periodic
Review in Africa**

Damian Etone



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Contents

<i>Foreword</i>	x
<i>Preface</i>	xii
<i>Acknowledgements</i>	xiv
<i>Abbreviations</i>	xv
1 The establishment and operation of the Universal Periodic Review	1
<i>Contextual background</i>	1
<i>Background to the HRC and the UPR mechanism</i>	4
<i>The purposes of the HRC</i>	7
<i>Fundamental principles of the UPR</i>	8
<i>The modus operandi of the UPR</i>	19
<i>Is the UPR an effective human rights mechanism?</i>	23
<i>Membership in the UN HRC and compliance</i>	27
2 Theoretical understanding of the UPR: a case for acculturation?	31
<i>Introduction</i>	31
<i>Theoretical framework</i>	32
<i>Concluding remarks</i>	50
3 Compliance, implementation and effectiveness: clarifying the basis for assessing state UPR engagement	52
<i>Compliance, implementation and effectiveness</i>	52
4 Nigeria's engagement with the HRC's UPR: potential for acculturation or risk of regression?	59
<i>Introductory background</i>	59
<i>Commitment to the national consultation process and the quality of Nigeria's UPR delegation</i>	60

	<i>Nigeria as a reviewer</i>	68
	<i>Nigeria as a state under review</i>	73
	<i>Implementation of Nigeria's UPR recommendations</i>	82
	<i>The 'spiral' effect of the fight against Boko Haram on Nigeria's UPR engagement</i>	94
	<i>Concluding remarks</i>	98
5	Kenya and the UPR: the impact of effective NGO engagement	100
	<i>Introductory background</i>	100
	<i>Commitment to the pre-review process and the quality of Kenya's UPR delegation</i>	101
	<i>Kenya as a reviewer and as a state under review</i>	107
	<i>The role of the KNCHR and domestic NGOs in Kenya's UPR process</i>	117
	<i>NGO operational environment in Kenya</i>	124
	<i>Kenya's implementation of UPR recommendations</i>	128
	<i>Concluding Remarks</i>	137
6	NGOs versus state recommendations and the relationship between the UPR and other human rights mechanisms: the case of Kenya	139
	<i>Introduction</i>	139
	<i>The relationship between NGOs and state recommendations to Kenya</i>	140
	<i>Amplification and synergy between the UPR and other national and international mechanisms</i>	146
	<i>Concluding remarks</i>	149
7	The effectiveness of South Africa's engagement with the UPR: potential for ritualism?	150
	<i>Background to South Africa's UPR</i>	150
	<i>Commitment to the national consultation process and the quality of South Africa's UPR delegation</i>	153
	<i>South Africa as a reviewer and as a state under review</i>	158
	<i>South Africa's implementation of UPR recommendations</i>	171
	<i>Concluding remarks</i>	181
8	The Gambia and the UPR: rhetoric, inaction and the effect of regime change	183
	<i>Background to The Gambia's UPR</i>	183
	<i>The Gambia's UPR national consultation and the quality of its UPR delegation</i>	185

<i>The Gambia as a state under review</i>	188
<i>The Gambia's progress on implementation of UPR recommendations: rhetoric versus action</i>	192
<i>Concluding remarks</i>	206

<i>Index</i>	207
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Foreword

This monograph develops an original framework for analysing the effectiveness of African states' engagement with the Universal Periodic Review (UPR) mechanism. It is one that encompasses a theoretical dimension through the use of the theory of acculturation and, in doing so, addresses one of the shortcomings in the existing literature on UPR due to its limited engagement with theoretical frameworks, expands the basis for assessing the efficacy of human rights mechanisms beyond exclusively coercive models and uses the theory to suggest pathways to help close implementation gaps drawing on relevant state practice. The conceptual dimension to the framework draws on work already undertaken on the categorisation of UPR recommendations and the measurement of the implementation of these recommendations but builds on it by developing the four-step approach to evaluating the effectiveness of state engagement with the UPR. The latter broadens the scope of the analysis beyond that which is usually adopted in the existing literature by incorporating the pre-review consultation process and the quality of the UPR delegation. In doing so, it provides a range of useful insights into assessing a state's good faith engagement with the UPR process and the opportunities for greater strategic engagement by NGOs/CSOs with the process.

In terms of making a significant contribution to knowledge, this monograph can be said to do so in several respects. Through its analysis of the four case studies over UPR I, II and III, it demonstrates the evolutionary nature of the UPR mechanism and state engagement with it as well as highlights the importance of the time factor in assessing the value of this mechanism. The empirical analysis of the data, especially when combined with the focus on regionalism, cultural relativism, potential synergies between the UPR and other human rights mechanisms, and NGO/CSO engagement, provides some interesting insights. These include the manner in which regionalism can not only undermine but also enhance state engagement, how issues of cultural relativism can be addressed partly through cognitive reframing and acculturation, the limitations of an exclusively normative approach to certain issues and how NGO/CSO engagement can be harnessed to enhance state engagement with the UPR process, to ensure the relevance of human rights recommendations and to help mitigate human rights ritualism. The latter findings, in particular, emerged as a result of the broadening

of the focus of the analysis to include the pre-review stage and the innovative use of the data generated there to explore, for example, the degree of correlation between the recommendations of NGOs/CSOs and states. Significant trends, including those relating to the increasing specificity of the UPR recommendations made by African states and the degree of correlation between membership of the Human Rights Council and engagement with the UPR process, are also set out in the book.

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Preface

This monograph builds on my PhD dissertation which was completed in 2017 at the Adelaide Law School, The University of Adelaide. My interest in the UPR mechanism developed in 2013 during my master's degree at Bangor Law School, Bangor University. After two cycles of the UPR (2008–2016) and midway through the third cycle (2017–2021), questions about the impact of the Human Rights Council's Universal Periodic Review (UPR) mechanism within states have been raised. Scholars and practitioners have generally focused on the nature of the UPR recommendations, the relationship between the UPR mechanism and UN human rights treaty bodies, and the level of politicisation and ritualism within the UPR. However, insufficient attention and consideration have been given to the impact of the UPR within states in terms of implementation of UPR recommendations. This is because, until recently, there was little empirical data to assess the level of state implementation. After ten years of the existence of the UPR mechanism, it is now time to examine the impact of the UPR throughout this time frame. This time period provides a natural opportunity to examine the impact of the UPR mechanism across different regions/states and to use this as a point of reference from which trends could be identified and recommendations for change could be made. This monograph offers not only the prospect of a richer understanding of the current state of affairs in the UPR but also a foundation from which to anticipate the future of the UPR mechanism. It develops an original framework for analysing African states' engagement with the UPR mechanism. This framework encompasses a theoretical dimension through the use of the theory of acculturation and, in doing so, addresses one of the shortcomings in the existing literature on UPR due to its limited engagement with theoretical frameworks. This monograph expands the basis for assessing the efficacy of human rights mechanisms beyond exclusively coercive models and drawing on relevant state practice by African states suggests pathways to help close the UPR implementation gap. The conceptual dimension adopted by this book draws on work already undertaken on the categorisation of UPR recommendations and the measurement of the implementation of these recommendations but builds on it by developing a four-step approach to evaluating the effectiveness of state engagement with the UPR. The latter broadens the scope of the analysis beyond that which is usually adopted in the existing literature by incorporating

the pre-review consultation process and the quality of the UPR delegation. In doing so, it provides a range of useful insights into assessing a state's good faith engagement with the UPR process and the opportunities for greater strategic engagement by NGOs/CSOs with the process. Through an illuminating focus on four African states, this book examines themes, including politics, ritualism, regionalism and cultural relativism, influencing the engagement of African states with the UPR mechanism.

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Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ASEAN	Association of Southeast Asian Nations
CHR	Commission for Human Rights
CSO	Civil Society Organisation
EEG	Eastern European Group
ESC	Economic, Social and Cultural
GRULAC	Group of Latin America and the Caribbean
HRC	Human Rights Council
ICC	International Criminal Court
KSC	Kenya Stakeholders' Coalition
NCF	National Consultative Forum
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission
NHRI	National Human Rights Institution
OHCHR	Office of the High Commissioner for Human Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly
UPR	Universal Periodic Review
WEOG	Western Europe and Others Group



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1 The establishment and operation of the Universal Periodic Review

Contextual background

Monitoring state implementation of human rights treaty standards was pivotal to the UN human rights system at its birth. Specific human rights treaties established mechanisms to monitor state compliance with treaty obligations primarily through the examination of state reports.¹ The hope was that the reports would foster ‘constructive dialogue’ between states and the various treaty bodies composed of human rights experts.² With the competence to examine state human rights reports and consider individual and inter-state complaints, these bodies soon ‘evolved into quasi-judicial bodies, displaying a formalised and relatively rigid procedure’.³ However by 2000, the treaty monitoring system was in crisis as a result of the huge backlog of overdue reports, resource and financial constraints, and limited political support from states to improve the system.⁴ While there have been several proposals in recent years to strengthen the human rights treaty body monitoring system,⁵ Olivier de Frouville, a member of the UN Human Rights Committee, notes that the development of the treaty bodies has reached its limits.⁶ As of September 2019, there was an overall total of 586 overdue treaty body reports and African states represented the majority of the non-reporting states, owing about 39% of the total overdue reports.

1 James Crawford, ‘The UN Human Rights System: A System in Crisis’ in Philip Alston and James Crawford (eds), *The Future of UN Human Rights Treaty Monitoring* (Cambridge University Press 2000) 1.

2 Ibid.

3 Frans Viljoen, ‘Fact-Finding by UN Human Rights Complaints Bodies—Analysis and Suggested Reforms’ (2004) 8 *Max Planck Yearbook of United Nations Law* 49, 63.

4 James Crawford, above n 1, 1–12.

5 See Navanethem Pillay, *Strengthening the United Nations Human Rights Treaty Body System: A Report by the United Nations High Commissioner for Human Rights* (OHCHR 2012); Suzanne Egan, ‘Strengthening the United Nations Human Rights Treaty Body System’ (2013) 13(2) *Human Rights Law Review* 209.

6 Olivier de Frouville, ‘Building a Universal System for the Protection of Human Rights: The Way Forward’ in M Cherif Bassiouni and William A Schabas (eds), *New Challenges for the UN Human Rights Machinery* (Intersentia 2011) 264.

2 *The establishment and operation of the UPR*

Furthermore, there has been criticisms from African states relating to the country-specific and special procedures set up by the former UN Commission for Human Rights to deal with gross and systematic human rights violations, addressing thematic and country-specific issues.⁷ These procedures were retained under the new Human Rights Council (HRC) established in 2006. As of August 2017, the UN system has 44 thematic and 14 country procedures.⁸ However, African states, as well as many non-Western states, have repeatedly condemned findings and resolutions which target the human rights practices of specific states or regions, arguing that they breed selectivity and double standards.⁹

A distinctive addition to the UN human rights system was the Universal Periodic Review (UPR) established by the HRC in 2006 to review the human rights situation in all states.¹⁰ The first cycle of the review (UPR I) spanned from 2008 to 2011, the second cycle (UPR II) from 2012 to 2016 and the third cycle (UPR III) from 2017–2021. The distinctive feature of the UPR, as an approach to monitoring human rights implementation, is that it is based on cooperation and dialogue and is inclusive, collaborative and a process controlled by states. However, some scholars have questioned the efficacy of the UPR, especially the level of state control over the UPR process. Manfred Nowak, former UN Special Rapporteur on Torture, argues that the UPR ‘suffers from the disadvantage that states’ performance in the field of human rights is assessed by other states rather than by independent experts’.¹¹ According to de Frouville, the UPR cannot address the compliance problem of the UN human rights system.¹² De Frouville contends that this problem can be effectively addressed by the creation of a World Commission of Human Rights with a strong institutional basis and the powers to issue and enforce binding decisions.¹³ Similar desire for stronger and more confrontational approaches to human rights implementation is reflected in the argument that the best final model for securing human rights compliance is the

7 Helen Keller and Geir Ulfstein (eds), *UN Human Rights Treaty Bodies: Law and Legitimacy* (Cambridge University Press 2012) 1–2.

8 Office of the High Commissioner for Human Rights (OHCHR), ‘Special Procedures of the Human Rights Council’ (2016) available at >www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx. There are also several regional monitoring mechanisms across Africa, America, Asia and Europe. At the African regional level, various human rights monitoring mechanisms exist, such as the African Commission on Human and Peoples’ Rights, the African Court on Human and Peoples’ Rights and the African Peer Review Mechanism. See Frans Viljoen, *International Human Rights Law in Africa* (Oxford University Press 2007) 289–468.

9 Elvira Domínguez-Redondo, ‘Rethinking the Legal Foundations of Control in International Human Rights Law-The Case of Public Special Procedures’ (2011) 29(3) *Netherlands Quarterly of Human Rights* 261, 274–5.

10 *Human Rights Council*, GA Res 60/251, UN GAOR, 60th sess, 72nd plen mtg, Agenda Items 46 and 120, UN Doc A/Res/60/251 (3 April 2006) (‘*Resolution 60/251*’) para 5 (e).

11 Manfred Nowak, ‘It’s Time for a World Court of Human Rights’ in M Cherif Bassiouni and William A Schabas (eds), *New Challenges for the UN Human Rights Machinery* (Intersentia 2011) 23.

12 Olivier De Frouville, above n 6, 250–5.

13 Ibid 264–5.

establishment of a world court of human rights.¹⁴ For example, Manfred Nowak argues it is time for a world court of human rights because UN treaty bodies and other monitoring mechanisms have had little impact owing to their inability to issue and enforce binding decisions that would induce state compliance.¹⁵

The notion that economic sanctions, adjudicative, legalistic and other confrontational approaches can best enforce human rights norms has undermined the potential for more cooperative mechanisms of monitoring human rights implementation. The main argument this book makes is that the above approaches are inherently limited and do not capture the subtle and significant ways in which the UPR, based on cooperation and dialogue, can contribute to human rights changes within states. This monograph situates itself within the academic discourse on international human rights monitoring mechanisms, where the literature on the UPR is minimal. It contends that the UPR mechanism, which relies on cooperation and gives the state some degree of control over the process, can sometimes be at least as, if not more, effective than coercive mechanisms.

The UPR is a unique mechanism of the HRC which adopts a cooperative and inclusive approach to monitoring state implementation of human rights obligations. The review takes place every four and a half years in three main stages: the preparation of state reports, review of the state in Geneva and the implementation stage. The conclusion of UPR III (2017–2021) therefore invites a scholarly examination of the extent to which the mechanism is contributing to human rights implementation within African states. This monograph examines the engagement of four African states (Nigeria, Kenya, South Africa, The Gambia) with the UPR to determine the potential of this cooperative and non-coercive mechanism to improve the human rights situation on the ground. This research limits itself to Sub-Saharan Africa. It measures the effectiveness of the states' engagement with the UPR and analyses the factors impacting on that engagement. In pursuit of this objective, this book examines the following issues:

- i The participation of the states in the pre-review national consultation process, as a state reviewer and as a state under review—to determine their level of engagement with the UPR mechanism;
- ii The extent to which the UPR recommendations were implemented—to determine whether the UPR can contribute to improvement of the human rights situation on the ground;
- iii The potential for the UPR to influence African states over time through the process of acculturation; and
- iv The impacts of politics, regionalism, cultural relativism, ritualism and civil society on the engagement of African states with the UPR.

This research adopts a socio-legal research framework that incorporates a theoretical and empirical analysis of the effectiveness of African states' engagement

14 Andrew Clapham, 'Overseeing Human Rights Compliance' in Antonio Cassese (ed), *Realizing Utopia: The Future of International Law* (Oxford University Press 2012) 323–4; Manfred Nowak, 'The Need for a World Court on Human Rights' (2007) 7(1) *Human Rights Law Review* 251; Manfred Nowak, above n 11, 26–33.

15 Manfred Nowak, above n 11, 26.

4 *The establishment and operation of the UPR*

with the UPR mechanism. It examines the impact of factors, including politics, regionalism, cultural relativism and civil society, on the engagement of African states with the UPR mechanism. The unique feature of this approach lies in its ability to create a bridge between the disciplines of law, sociology and political science and has been described as providing the space ‘where law meets the social sciences and humanities’.¹⁶ Socio-legal approaches can broaden the scope of legal research by providing conceptual frameworks within which information can be evaluated and exposing power dynamics in a variety of social settings.¹⁷ As such, legal scholars agree that socio-legal approaches are a suitable methodological framework to study international human rights law.¹⁸ This research draws on sociology, socialisation and international law theories such as acculturation, the transnational legal process theory and the five-stage ‘spiral model’¹⁹ to determine an appropriate theoretical approach to evaluating state engagement with the UPR and its potential impact. It brings about an awareness of the difficulty in attempting to establish a precise causal link between UPR recommendations and the actions of states, because changes in the human rights practices of states can be motivated by multiple factors. However, the influence of the UPR recommendations is measurable with some confidence by analysing both state and non-governmental organisation (NGO) implementation reports to determine the extent to which the UPR contributed to human rights change within states. Other relevant studies on the UPR accept and use similar methodology.²⁰

Background to the HRC and the UPR mechanism

In 2006, UN General Assembly (UNGA) Resolution 60/251 established the HRC as a subsidiary organ of the General Assembly which replaces the Commission for Human Rights.²¹ One of the broad mandates of the HRC is to be ‘responsible for promoting universal respect for the protection of all human rights

16 See Caroline Hunter, *Integrating Socio-Legal Studies into the Law Curriculum* (Palgrave Macmillan 2012) 2.

17 See Shazia Qureshi, ‘Research Methodology in Law and Its Application to Women’s Human Rights Law’ (2015) 22(2) *Journal of Political Science* 629, 635.

18 Michael Salter and Julie Mason, *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research* (Pearson Education 2007); Mike McConville and Wing Hong (Eric) Chui (eds), *Research Methods for Law* (Edinburgh University Press 2007).

19 See Chapter 3.

20 See Subhas Gujadhur and Marc Limon, *Towards the Third Cycle of the UPR: Stick or Twist? Lessons Learnt from the First Ten Years of the Universal Periodic Review* (Universal Rights Group 2016) 35–7; UPR Info, ‘Universal Periodic Review: On the Road to Implementation’ (2012) 63 available at <<https://bit.ly/2mepWwI>> accessed 12/09/2019.

21 *Human Rights Council*, GA Res 60/251, UN GAOR, 60th sess, 72nd plen mtg, Agenda Items 46 and 120, UN Doc A/Res/60/251 (3 April 2006) (‘*Resolution 60/251*’) para 5 (e).

and fundamental freedoms for all'.²² The aim was to provide an alternative to the 'politicisation', 'naming and shaming' and practices of selectivity which contributed to the demise of its predecessor, the Commission for Human Rights (CHR).²³ The CHR, during its 60 years of existence, was entrusted with the international promotion and protection of human rights and recorded great achievements.²⁴ These, among many, included the drafting of the Universal Declaration of Human Rights²⁵ and a plethora of international human rights treaties.²⁶ Mandated by Article 68 of the Charter, the importance of the CHR led John Forster to refer to it as the 'soul' of the UN Charter.²⁷ The extraordinary package offered by the CHR to the international community is summarised to include a universal human rights framework, a unique system of independent and expert procedures and a close engagement with civil society organisations (CSOs) in ensuring human rights compliance.²⁸

The CHR fell from grace when allegations of selectivity, double standards and politicisation crippled its operation and accelerated its demise. These allegations can hardly be contested because the wordings of Resolution 60/251²⁹ acknowledge this fact by explicitly recognising the importance of '... the elimination of double standards and politicization'.³⁰ The criticisms against the CHR heightened and almost became apoplectic when countries like Cuba,³¹

22 Ibid para 2.

23 For a detailed analysis of the failures of the former Commission for Human Rights and the transition to the HRC, see Philip Alston, 'Reconceiving the UN Human Rights Regime: Challenges Confronting the New UN Human Rights Council' (2006) 7(1) *Melbourne Journal of International Law* 185.

24 The CHR was established under Article 68 of the UN Charter to assist the Economic and Social Council in the performance of its functions.

25 The value of this is underscored by the fact that many of its provisions have today crystallised as customary international law or have obtained the status of obligations *erga omnes*, such as protection from racial discrimination and torture or more recently the rights to self-determination. See International Law Association, 'Final Report on the status of the Universal Declaration of Human Rights in National and International law' ILA Report of the sixty-sixth Conference, Buenos Aires 1994, 527; Ian Brownlie, *Principles of Public International Law* (Oxford University Press 2008) 559; *East Timor (Portugal v Australia) (Judgement)* [1995] ICJ Rep 90 para 29.

26 For the functioning of the CHR and the role it played, see Philip Alston, 'The Commission on Human Rights' in Philip Alston (ed), *The United Nations and Human Rights* (Oxford University Press 1992) 126–210.

27 John S Nurser, *For All Peoples and All Nations: The Ecumenical Church and Human Rights* (Georgetown University Press 2005) 11.

28 Report of the Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights for All*, UN Doc A/59/2005 (21 March 2005) para 181.

29 Resolution establishing the Human Rights Council; see *Human Rights Council*, above n 21.

30 Ibid, preamble.

31 Michael Jordan, 'New Calls for Reform of UN Human Rights Commission: Cuba's Re-Election Last Week to the Commission on Human Rights Is Drawing Criticism from

Sudan,³² Libya³³ and Zimbabwe³⁴ were either elected or re-elected as members of the CHR at a time of gross human rights violations within their states. This caused the CHR to be perceived as a shield or sanctuary for violators of human rights.³⁵ These criticisms of the CHR sparked off a process of reform debates and proposals.

The problems which plagued the CHR had reached a terminal stage, and it was thought that piecemeal reforms will be inadequate to resuscitate it.³⁶ The Bern Institute of Public Law, Commissioned by the Swiss Foreign Ministry, first came up with the idea of a HRC³⁷ which gained momentum following the publication of the 2004 report of the UN High Level Panel on Threats, Challenges and Change.³⁸ Among other things, this report addressed the problems with the CHR and the need for a HRC. Following the Panel's report, negotiations within the UN culminated in the establishment of the HRC as successor to the CHR by GA Resolution 60/251 with 170 states voting in favour, four against and three abstentions.³⁹ The establishment of the UPR is rooted in one of the following purposes of the HRC.

Rights Groups' *The Christian Science Monitor* (7 May 2003) available at <www.csmonitor.com/2003/0507/p07s02-wogi.html> accessed 05/09/2019.

- 32 See United States Mission to the United Nations, *Statement by Ambassador Sichan Siv, US Representative to the Economic and Social Council, Regarding the Candidacy of Sudan for the Commission on Human Rights, in the Economic and Social Council* (Press Release, 4 May 2004) available at <<https://bit.ly/2kGoX85>> accessed 05/09/2019; Colum Lynch, 'US Protests Sudan's Election to Human Rights Panel' *The Washington Post* (Washington, DC, 5 May 2004); Evelyn Leopold, 'Sudan Elected to UN Human Rights Group, US Walks Out' *Reuters News* (5 May 2004).
- 33 See US Department of State, *US Opposed to Libya Chairing UN Human Rights Commission* (Press Release, 13 January 2003); Reporters without Borders, *UN Commission on Human Rights Loses All Credibility: Wheeling and Dealing, Incompetence and 'Non Action'* available at <www.rsf.org/IMG/pdf/Report_UNU_gb.pdf> accessed 05/09/2019.
- 34 Eric Green, US Department of State, *Press Freedom Groups Praise Nicaragua, Decry Cuba, Zimbabwe* (2005) available at <<https://bit.ly/2lNvL45>> accessed 05/09/2019.
- 35 Paul Gordon Lauren, 'To Preserve and Build on Its Achievements and to Redress Its Shortcomings': The Journey from the Commission on Human Rights to the Human Rights Council' (2007) 29 *Human Rights Quarterly* 307, 325–30.
- 36 United Nations, *Secretary-General's Address to the Commission on Human Rights* (Geneva, 7 April 2005) available at <www.un.org/sg/statements/?nid=1388> accessed 05/09/2019; attempts by the Commission to bring about institutional change were also futile; see Howard Tolley, *The UN Commission on Human Rights* (Westview Press 1987) 154.
- 37 Wolfgang A Brühlhart, 'From a Swiss Initiative to a United Nations Proposal (from 2003–2005)' in Lars Müller (ed), *The First 365 Days of the United Nations Human Rights Council* (Cambridge University Press 2007) 15–16.
- 38 High-Level Panel on Threats, Challenges and Change, *A More Secure World—Our Shared Responsibility*, UN Doc A/59/565 (2 December 2004).
- 39 UN GAOR, 60th sess, 72nd plen mtg, UN Doc A/60/PV.72 (15 March 2006) 6.

The purposes of the HRC

The purposes of the HRC are captured in Resolution 60/251 of the General Assembly. It is within these multiple purposes that the establishment of the UPR mechanism is enshrined. These purposes are:

- (a) Promote human rights education and learning as well as advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of Member States concerned;
- (b) Serve as a forum for dialogue on thematic issues on all human rights;
- (c) Make recommendations to the General Assembly for the further development of international law in the field of human rights;
- (d) Promote the full implementation of human rights obligations undertaken by States and follow-up to the goals and commitments related to the promotion and protection of human rights emanating from United Nations conferences and summits;
- (e) Undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies; the Council shall develop the modalities and necessary time allocation for the universal periodic review mechanism within one year after the holding of its first session;
- (f) Contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;
- (g) Assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141 of 20 December 1993;
- (h) Work in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society;
- (i) Make recommendations with regard to the promotion and protection of human rights;
- (j) Submit an annual report to the General Assembly.⁴⁰

⁴⁰ See *Resolution 60/251*, UN Doc A/Res/60/251, above n 21 para 5.