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CONSEIL DES DROITS DE L'HOMME



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HUMAN RIGHTS COUNCIL

02 September 2011

Excellencies,

I have the pleasure to submit to your attention the report of the Consultative Group regarding the selection and nomination of mandate holders for the vacancies to be filled at the 18th session of the Human Rights Council.

In this regard, I take the opportunity to recall that according to paragraph 52 of the annex to HRC resolution 5/1: "on the basis of the recommendations of the Consultative Group and following broad consultations, in particular through the regional coordinators, the President of the Council will identify an appropriate candidate for each vacancy."

In line with this paragraph, I shall be happy to hold broad consultations with all concerned parties based on the report of the Consultative Group, with a view to identifying the appropriate candidate for each vacancy.

Please accept, Excellencies, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "Laura Dupuy Lasserre".

Laura Dupuy Lasserre
President of the Human Rights Council

To all Permanent Representatives
to the United Nations Office at Geneva

Annex: Report of the Consultative Group

Report of the Consultative Group to the President of the Human Rights Council relating to the Special Procedures mandate holders to be appointed at the 18th session of the Human Rights Council

I. Background

1. Further to Human Rights Council resolution 5/1, a Consultative Group was established to propose to the President, at least one month before the beginning of the session in which the Council would consider the selection of mandate holders, a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements. The Members of the Consultative Group serving in their personal capacity are H.E. Dian Triansyah DJANI, Permanent Representative of Indonesia; H.E. Roberto FLORES BERMUDEZ, Permanent Representative of Honduras; H.E. Peter GOODERHAM, Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, H.E. Umunna H. ORJIAKO, Permanent Representative of Nigeria and H.E. Fedor ROSOCHA, Permanent Representative of Slovakia.

II. Process

2. The Consultative Group held 3 formal meetings on, 5 August, 15 August and 25 August 2011 to consider candidates for the 7 vacancies of mandate holders to be appointed at the eighteenth session of the Council. Based on a decision of the Consultative Group, H.E. Mr. Peter GOODERHAM chaired all the aforementioned meetings.

3. The Consultative Group was informed that a total of 82 candidates submitted a specific application for the aforementioned vacancies, and the applications were made public on the designated web page of Special Procedures as provided for in paragraph 22 (b) of Annex to Council resolution 16/21 (see annex I).

4. The members of the Consultative Group took into consideration the technical and objective requirements as stipulated in the annex to Council resolution 5/1, in paragraphs 39, 40, 41, 44, 45, 46, 48 and 50, as well as in Council decision 6/102. The Group also paid due attention to geographical and gender balance in the consideration of candidates.

5. In accordance with established practice, it was decided that each member of the Consultative Group would suggest a number of candidates based on the candidates' qualifications, relevant experience, expertise, independence, impartiality, personal integrity, objectivity, availability and motivation in compliance with relevant provisions of Council resolution 5/1 and decision 6/102.

6. The Group interviewed a total of 23 shortlisted candidates, as provided for in paragraph 22 (c) of Annex to Council resolution 16/21. The list is attached for information (see annex II). All the candidates were interviewed either by telephone or by Skype, and were asked identical questions based on the relevant provisions of Council resolutions 5/1, 16/21 and decision 6/102 as outlined above.

7. During the meeting on 25 August 2011, the following issues were raised:

- i) Clear identification of a candidate's primary nationality should be indicated in the written application form prior to further steps in the selection process.
- ii) While a candidate's performance at interview should be the main determinant, the final shortlist should also take into account the balance of substantive, gender, geographical, and occupational background of candidates.
- iii) The process of deliberation of the final shortlist presented by the Consultative Group should be confidential in nature.

III. Candidates proposed by the Consultative Group to the President

1. Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (member from the Group of Western European and other States)

8. The Consultative Group considered that there were 3 candidates best qualified to fulfil the mandate, of whom 2 candidates performed particularly strongly through their written applications and their interviews. The Group unanimously recommended the following candidates according to the ranking below:

1. **Mr. Gabor RONA** (United States / Hungary)
2. **Mr. Eric BLINDERMAN** (United States)
3. **Ms. Helena TORROJA** (Spain)

9. Mr. Rona has excellent experience of working on the issues covered by the mandate of the Working Group, with profound knowledge in the areas of international human rights law and international humanitarian law. He has worked as a legal adviser for the International Committee of the Red Cross and has been engaged in the work on the Montreux Document and Code of Conduct on Private Military and Security companies. The Consultative Group was impressed by his clear vision, motivation and diverse experience in the area relating to the mandate as well as his ability to work with a diverse range of actors.

10. Mr. Blinderman has strong first-hand experience of working on Private Military and Security Companies following his work as Associate General Counsel for the Coalition Provisional Authority in Iraq. He has excellent legal qualifications and demonstrated a highly perceptive understanding of the contemporary practical operation of Private Military and Security Companies.

11. Ms. Torroja has an impressive legal and academic background and has been personally engaged in the recent work carried out by the UN Working Group on the use of Mercenaries.

2. Independent Expert on Côte D'Ivoire

12. The Consultative Group considered that there were 3 candidates best qualified to fulfil the role of Independent Expert on Côte D'Ivoire. The Group unanimously recommended the following candidates according to the ranking below:

1. **Mr. Doudou DIENE** (Senegal)
2. **Mr. Pascale KAMBALE** (DRC)
3. **Mr. Mikuin Leliel BALANDA** (DRC)

13. Mr. Diène has profound and long-standing experience of working on the issues of racial discrimination, as well as inter-religious and inter-cultural dialogue. He has direct experience of working on these issues from a global perspective and in direct relation to Côte D'Ivoire in his former capacity as UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He provided a clear vision of how he could use his vast experience to help bridge divisions and provide assistance to Côte D'Ivoire in the area of human rights.

14. Mr. Kambale has strong experience of working on governance, democracy and human rights issues as a human rights lawyer and activist in a diverse range of African countries including Guinea, Sierra Leone and Kenya, where he was a member of an International Commission of Investigation into post election violence.

He demonstrated an impressive vision for the mandate focussed on helping the Government and other national actors re-establish functioning judicial mechanisms.

15. Mr. Balanda has an excellent academic and practical background working on human rights in a range of African countries. As a former Chairperson of the Commission on Human Rights Investigation Body on Côte D'Ivoire, he has high level experience of working on the human rights situation in the country. He also has extensive experience of UN human rights Mechanisms having worked for 12 years at the former Commission on Human Rights as a member of the ad hoc group of experts on Southern Africa.

3. Working Group on human rights and transnational corporations and other business enterprises

MEMBER FROM THE GROUP OF AFRICAN STATES

16. The Consultative Group considered that there were 3 candidates best qualified to fulfil the role of African member of the Working Group. There was strong support within the Consultative Group for the following candidates according to the ranking below.

1. **Mr. Daniel BRADLOW** (South Africa/ USA)
2. **Mr. Michael ADDO** (Ghana)
3. **Mr. Herbert MCLEOD** (Sierra Leone)

17. Mr. Bradlow has an extremely strong professional and academic background working in the field of human rights, development and business. He also has high level professional experience working on social and environment issues in relations to large projects in his capacity as Chair of the Independent Review Mechanism at the African Development bank. He presented an impressive vision for the Working Group focussed on the implementation and dissemination of the Guiding Principles prepared by Professor John Ruggie. An issue was raised in relation to the dual nationality of Mr Bradlow.

18. Mr. Addo has impressive academic experience working in the field of international human rights law. His areas of research include the responsibility of Transnational Corporations as well as cultural diversity in the practice of the Human Rights Council.

19. Mr. McLeod has over 35 years of experience of development work including work as Humanitarian Coordinator and Resident Coordinator in several African Countries. He has participated in the work of Professor Ruggie and has worked as an adviser to the most senior levels of Government in relation to the application of human rights in the operations of the extractive industry.

MEMBER FROM THE GROUP OF ASIAN STATES

20. The Consultative Group considered that there were 3 candidates best qualified to fulfil the role of Asian member of the Working Group. There was unanimous support within the Consultative Group for the following candidates according to the ranking below, with a close degree of proximity between the rankings of Mr. Selvanathan and Ms. Arivia.

1. **Mr. Puvan SELVANATHAN** (Malaysia)
2. **Ms. Gadis ARIVIA** (Indonesia)
3. **Ms. Motoko AIZAWA** (Japan)

21. Mr. Selvanathan has extensive practical experience in working on business and human rights in both the public and private sectors and for a non-governmental organisation. He has over 10 years experience developing the Malaysian business community's understanding of ethics, good governance and corporate accountability. He is currently President of the Business Council for Sustainable Development working with leading global companies to promote human rights and corporate sustainability. He is also working to establish human rights principles in companies in the Palm Oil sector.

22. Ms. Arrivia has a strong background in academia and in working with nongovernmental and government agencies. She successfully established a non profit organisation to promote ethical behaviour in the public and private sectors and has chaired round table meetings on these issues with companies, NGOs and government representatives. She has strong experience on upholding the rights of persons belonging to vulnerable groups, including women's human rights.

23. Ms. Aizawa is an expert in sustainability, business and human rights who has led discussions on these issues at the World Bank. She has contributed to the International Finance Corporation's external grievance system and provided advice to external clients on private sector voluntary standards. She showed a strong understanding of the practical application of the 'Guiding Principles' and had an excellent vision for the work of the Working Group.

MEMBER FROM THE GROUP OF EASTERN EUROPEAN STATES

24. The Consultative Group received only two applications for the Eastern European Group vacancy. The Consultative Group unanimously recommended the following candidates according to the ranking below.

1. **Mr. Pavel Sulyandziga** (Russian Federation)
2. **Mr. Vugar Mammadov** (Azerbaijan)

25. Mr Sulyandziga has many years of experience working on indigenous issues at the grass roots level. He has used this experience in engaging directly with Transnational Corporations working in the extraction of natural resources and has provided advice on how to work to the joint benefit of companies and local communities. His civil society background and direct engagement with business was considered of particular value for his candidacy to the Working Group. He has also served as member of the UN Permanent Forum on Indigenous Issues.

26. Mr. Mammadov has a solid legal and medical background, with a focus on medical ethics. He has worked in business and has a good awareness of some of the issues covered by the mandate of Working Group.

MEMBER FROM THE GROUP OF LATIN AMERICAN AND CARRIBEAN STATES

27. The Consultative Group considered that there were 3 candidates best qualified to fulfil the mandate. The Consultative Group unanimously recommended the following candidates according to the ranking below with the Group giving a particularly high rating to the first 2 candidates.

1. **Ms. Alexandra GUAQUETA** (Colombia /USA)
2. **Mr. Jorge Daniel TAILLANT** (Argentina)
3. **Ms. Maria SALDARRIAGA FARFAN** (Colombia)

28. Ms. Guaqueta has excellent experience of working with the private sector and non-governmental organisations, as well as in collaboration with government. She has worked in depth on training people working in business on human rights standards and has worked extensively on the extractive industry in Colombia in order to uphold human rights standards. She has been personally involved in the development of the Guiding Principles including through a pilot project on Grievance Mechanism guidelines.

29. Mr. Taillant has strong experience on working on the interrelationship between human rights, the environment and sustainability issues. He has excellent knowledge of the evolution of the 'Guiding Principles' to which he contributed with a civil society perspective. The Consultative Group was impressed

by his diverse experience in the mining sector, especially his ongoing work to develop a global protocol in the sector of mining on glaciers.

30. Ms. Saldarriaga Farfan has a strong legal background, with expertise in human rights and ethical business practice. She has valuable experience in promoting women's rights and gender equality in corporate practices.

MEMBER FROM THE GROUP OF WESTERN EUROPEAN AND OTHER STATES

31. The Consultative Group considered that there were 3 candidates best qualified to fulfil the mandate. The Consultative Group unanimously recommended the following candidates according to the ranking below with a very close degree of proximity between all 3 candidates.

1. **Ms. Margaret JUNGK (USA)**
2. **Mr. Mark TAYLOR (Canada)**
3. **Mr Douglas CAHN (USA)**

32. As founder and Director of the Human Rights and Business Department of the Danish Institute for human rights, Ms. Jungk has excellent experience in this field. She has worked extensively with leading international companies in a diverse range of fields, in the area of human rights. She also initiated the establishment of a global working group of National Human Rights Institutions on the issue of business and human rights.

33. Mr. Taylor has strong experience working for NGOs, governments and business, offering a broad perspective on the issues to be dealt with by the Working Group. He showed an impressive understanding of the 'Guiding Principles' as a regular contributor to the work of SRSG Ruggie. He presented a clear and impressive vision for the practical operation of the mandate of the Working Group.

34. Mr. Cahn has pioneered the development of systems to apply human rights to the private sector, and created the footwear industry's first code of conduct on labour conditions. He has been recognised as a leading expert in this field and provides advice to a wide range of businesses on the application of human rights standards. He has direct experience of the application of the 'Guiding Principles', having tested the grievance mechanism principles for the former SRSG.

Annex I List of candidates nominated by mandate

Independent Expert on the situation of human rights in Côte d'Ivoire

Candidates			Nationality
Mr.	Mikuin Leliel	BALANDA	Democratic Republic of the Congo
Ms.	Karima	BENNOUNE	United States of America
Mr.	Doudou	DIENE	Senegal
Mr.	Kamel	FILALI	Algeria
Mr.	Pascal	KAMBALE	Democratic Republic of the Congo
Mr.	Foromo	LOUA	Guinea
Mr.	Fatsah	OUGUERGOUZ	Algeria
Mr.	Christian	RIM	Cameroon
Ms.	Fatou	SYLLA-PASTIER	Guinea

Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

(member from the Group of Western European and other States)

Candidates			Nationality (ties)
Mr.	Eric	BLINDERMAN	United States of America
Ms.	Constance	DE LA VEGA	United States of America / Mexico
Mr.	Alfred	DE ZAYAS	United States of America/Cuba
Mr.	Vijay	PADMANABHAN	United States of America
Mr.	Gabor	RONA	United States of America/Hungary
Ms.	Katja	SAMUEL	United States of America
Ms.	Helena	TORROJA	Spain
Mr.	Charles	TUCKER	United States of America

Working Group on the issue of human rights and transnational corporations and other business enterprises

Candidates from the Group of African States			Nationality (ies)
Mr.	Michael	ADDO	Ghana
Mr.	Nassirou	AFAGNON	Benin
Mr.	David	BILCHITZ	South Africa
Mr.	Daniel	BRADLOW	South Africa/United States of America
Mr.	Danwood	CHIRWA	Malawi

Mr.	Mohab	EL SHORBAGI	Egypt
Mr.	Herbert	MCLEOD	Sierra Leone
Ms.	Florence	SIMBIRI-JAOKO	Kenya

Candidates from the Group of Asian States

Nationality

Ms.	Motoko	AIZAWA	Japan
Mr.	Charles	ANTHONY	India
Ms.	Gadis	ARIVIA	Indonesia
Mr.	Michael	CHIAM TOW HUI	Malaysia
Ms.	Sukhgerel	DUGERSUREN	Mongolia
Mr.	Dushiyant	GUNATILAKE	Sri Lanka
Mr.	Priyanga	HETTIARACHI	Sri Lanka
Mr.	Andrew	KHOO	Malaysia
Ms.	Braema	MATHIAPARANAM	Singapore
Mr.	Ranganath	MYSORE	India
Ms.	Sriprapha	PETCHARAMESREE	Thailand
Mr.	Tumkur	RANGANATH	India
Mr.	Puvan	SELVANATHAN	Malaysia
Mr.	Fasihul	SIDDIQI	Pakistan
Mr.	Ricardo	SUNGA	Philippines
Mr.	Makarim	WIBISONO	Indonesia

Candidates from the Group of Eastern European States

Nationalities

Mr.	Vugar	MAMMADOV	Azerbaijan
Mr.	Pavel	SULYANDZIGA	Russian Federation

Candidates from the Group of Latin American and Caribbean States

Nationality (ies)

Mr.	Luis	DE ANGULO	Colombia
Ms.	Alexandra	GUAQUETA	Colombia/United States of America
Ms.	Maria	SALDARRIAGA FARFAN	Colombia
Mr.	Jorge	TAILLANT	Argentina
Mr.	Alirio	URIBE MUNOZ	Colombia
Mr.	Ferdinand	WELZIJN	Suriname

Candidates from the Group of Western European and other States

Nationalities

Ms.	Jena	AMERSON	United States of America
Mr.	Ilias	BANTEKAS	Greece
Ms.	Fatim-Zahra	BENHARBET	Belgium/Morocco
Mr.	Kinnari	BHATT	United Kingdom of Great Britain and Northern Ireland
Ms.	Susan	BIRD	United Kingdom of Great Britain and Northern Ireland
Ms.	Aiko	BODE	Germany
Mr.	Douglas	CAHN	United States of America
Ms.	Judith	CHOMSKY	United States of America
Ms.	Michela	COCCHI	Italy
Mr.	Kevin	COON	Canada
Ms.	Constance	DE LA VEGA	United States of America/Mexico
Ms.	Isabelle	DE LIMA PEREIRA	France
Mr.	Alfred	DE ZAYAS	United States of America/Cuba
Mr.	Adam	GREENE	United States of America
Ms.	Katherine	HAGEN	United States of America
Mr.	Juan	HERNANDEZ	Spain
Ms.	Renate	HORNUNG-DRAUS	Germany
Ms.	Margaret	JUNGK	United States of America
Mr.	Dwight	JUSTICE	United States of America
Mr.	Sheldon	LEADER	United States of America
Ms.	Lilian Rae	LINDSAY	United Kingdom of Great Britain and Northern Ireland
Mr.	Cesare	LOMBRASSA	Italy
Ms.	Audrey	MACKLIN	Canada
Mr.	Olivier	MAUREL	France
Mr.	Aidan	MCQUADE	Ireland
Mr.	David	PETRASEK	Canada
Mr.	Alberto	SALDAMANDO	United States of America

Mr.	Muthucumaraswamy	SORNARAJAH	Australia
Ms.	Mercedes	SOTOCA	Spain
Mr.	Veli	SUNDBAECK	Finland
Mr.	Mark	TAYLOR	Canada
Mr.	Sune	THORSEN	Denmark
Mr.	Cornelis	VAN DAM	Netherlands

Annex II List of candidates interviewed by the Consultative Group

Independent Expert on the situation of human rights in Côte d'Ivoire

	Candidates	Nationality
Mr.	Mikuin Leliel BALANDA	Democratic Republic of the Congo
Mr.	Doudou DIENE	Senegal
Mr.	Pascal KAMBALE	Democratic Republic of the Congo

Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

(member from the Group of Western European and other States)

	Candidates	Nationality(ies)
Mr.	Eric BLINDERMAN	United States of America
Mr.	Gabor RONA	United States of America/Hungary
Ms.	Katja SAMUEL	United Kingdom of Great Britain and Northern Ireland
Ms.	Helena TORROJA	Spain

Working Group on the issue of human rights and transnational corporations and other business enterprises

Member from the Group of African States

	Candidates	Nationality(ies)
Mr.	Michael ADDO	Ghana
Mr.	David BILCHITZ	South Africa
Mr.	Daniel BRADLOW	South Africa/United States of America
Mr.	Herbert MCLEOD	Sierra Leone

Member from the Group of Asian States

	Candidates	Nationality
Ms.	Motoko AIZAWA	Japan
Ms.	Gadis ARIVIA	Indonesia
Mr.	Puvan SELVANATHAN	Malaysia

Member from the Group of Eastern European States

Mr.	Vugar MAMMADOV	Azerbaijan
Mr.	Pavel SULYANDZIGA	Russian Federation

Member from the Group of Latin American and Caribbean States

Ms.	Alexandra GUAQUETA	Colombia/United States of America
Ms.	Maria SILDARRIAGA FARFAN	Colombia
Mr.	Jorge TAILLANT	Argentina

Member from the Group of Western European and other States

	Candidates	Nationality
Mr.	Douglas CAHN	United States of America
Ms.	Margaret JUNGK	United States of America
Ms.	Lilian Rae LINDSAY	United Kingdom of Great Britain and Northern Ireland
Mr.	Mark TAYLOR	Canada