

A double-edged sword

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Valorization Addendum

The current PhD thesis discusses the effects of politicization on the authority of the United Nations (UN) Universal Periodic Review (UPR) and the state reporting process of the UN Treaty Bodies. The current addendum addresses the knowledge valorization of this study. Knowledge valorization is defined as “the process of creating value from knowledge, by making knowledge suitable and/or available for social (and/or economic) use and by making knowledge suitable for translation into competitive products, services, processes and new commercial activities” (Regulation governing the attainment of doctoral degrees at Maastricht University, 2013, art. 23). Concretely, this section discusses the relevance of this thesis for non-academic audiences, and the efforts that have been made to disseminate this research’s findings outside the academic community.

Policy Relevance

The current thesis contributes to augmenting current knowledge on the functioning of non-binding reviewing mechanisms in international organizations. This study is part of a wider comparative research project studying the conditions under which peer reviews in international organizations develop authority. Findings from this study highlight that the institutional design features of the UPR are highly conducive to authority when put in relation to other peer reviews in different policy and organizational contexts. In particular, the high levels of procedural transparency of the UPR make the mechanism stand out from its counterparts in other policy areas, as involved actors highly value the fact that all review-relevant information is made available on the UN website, and that any interested individuals can attend review sessions as part of the public or online through a webcast.

Additionally, this study contributes to a better understanding of the functioning and the comparative strengths and weaknesses of the UPR and the state reporting process of the Treaty Bodies, and of the causes for such strengths and weaknesses. On the basis of this newly gained knowledge, it developed a set of recommendations for the improvement of these mechanisms. These recommendations are meant to be of particular value to the national and UN officials involved in these procedures, as they provide a set of solutions to address what this thesis identified as the most pressing challenges faced by the two reviews. More broadly, these recommendations might be of interest to wider audiences, such as civil society actors, as they may serve as a starting point for reflecting on these mechanisms’ functioning and proposing further strategies for their improvement.

1. Strengthening the apolitical nature of the Treaty Bodies: This thesis showed that credibility problems and frustrations arise when Treaty Body committee members do not live up to the expectations of independence and expertise embedded in their role. In order to improve the independence and expertise of committees, it is essential to select the membership of these bodies more strictly on the basis of merit and expertise. For example, the UN could encourage more countries to engage in an open and transparent national selection process, following the model employed in the United Kingdom. Indeed, the United Kingdom is often praised by involved actors for selecting potential committee members on the basis of an open and transparent call for applications where interested candidates are requested to submit their résumés. This process is unlike that undertaken by the majority of UN member states, which appoint candidates following informal, behind-the-scenes consultations.
2. Criteria for appointing and electing committee members: Following from the previous point, it is essential to ensure that committee members possess the adequate expertise to perform their task. More specifically, this study research highlighted that the ‘ideal’ committee member should possess the following types of expertise.
 - a. The most important characteristic is to possess *human rights knowledge* in general, ideally acquired through a combination of formal training and practical professional experience, and possibly attested to by concrete professional achievements.
 - b. It is crucial for committee members to possess *expertise on the specific sets of rights* monitored by the treaty.
 - c. *Familiarity with the diplomatic environment* is necessary, as committee members should be able to understand diplomatic culture and language in order to better operate within the system. Committee members should have the ability to understand which demands can be realistically placed on states under review.
 - d. It would be helpful for committee members to know how to interact not only with high-level political actors but also *with civil society*. This would help them deliver recommendations that resonate with and reinforce those by civil society and that civil society can help to push forward.

Even though it is highly unlikely for each individual member to possess all these characteristics, it is necessary to aim for a good balance of these types of expertise within each committee.
3. Streamline the work of the Treaty Bodies: This thesis showed that Treaty Bodies are faced with substantial problems related to states’ late and non-reporting, and that many states are subject to a high reporting burden by being members to multiple treaties. In order to at least partially address this reporting fatigue in the Treaty Bodies, and thus hopefully reduce the large number of overdue reports, possible solutions would involve streamlining the work of the Treaty Bodies and ensuring they do not ask states to report on the same issues across different Treaty Bodies. It can for

example be argued that if a country is already requested to submit a report to the Committee Against Torture, it might not be necessary for that same country to report on torture in the framework of the Human Rights Committee. Following this reasoning, the two committees with a broader mandate – namely, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights – would only discuss issues that are not subject to review in the other committees of which the specific state under review is part. This would not only reduce the reporting workload for states, but it would also decrease the chances of different Treaty Bodies delivering contradicting or conflicting recommendations to states under review.

4. Limit the negative consequences of politicization in the UPR: This thesis showed that politicization has both positive and negative effects in the UPR. For this reason, trying to completely eradicate politicization would not only be improbable, but also not be beneficial. However, it might be possible to reduce the negative consequences of politicization in the UPR. Indeed, this dissertation highlighted that politicization causes the UPR to be seen as unfair and incapable of offering equal treatment to states, and its output is often believed to inaccurately reflect the human rights situation in the countries under review. In order to limit these negative effects of politicization, the UN Secretariat could play a more substantial role as a guardian of the process. For example, reviewing states could be requested to send their recommendations to the Secretariat in advance, allowing the Secretariat to approach reviewing states if concerns arose – for example, in the case of clearly biased recommendations. While reviewing states would still maintain the final say, the Secretariat could exert some pressure on states to revise their recommendations.
5. Provide stricter guidelines for reviewing states in the UPR: This dissertation highlighted that UPR recommendations are weaker than those delivered by the Treaty Bodies with relation to one aspect: they are often very general, thus failing to properly guide states by outlining the specific steps that should be taken toward implementation. In order to improve the specificity and helpfulness of UPR recommendations, stricter guidelines should be provided to reviewing states. Recommendations should follow a specific format, and they could for instance require reviewing states to formulate at least one very specific recommendation and to provide explanations and examples on the best way to implement it. The UN Secretariat could once more play an important supporting role in this.
6. Improve the follow-up procedure in the UPR: The UPR should provide a more formalized procedure for discussing the extent to which the state under review followed up on the recommendations received during the previous review. This would allow for a closer monitoring of the progress made by reviewed states and, possibly, for an extra layer of pressure on them to follow up on the recommendations received. In order to achieve this goal, states in the UPR could be required to provide

specific information on the implementation of previous recommendations in their report, as is done in the Treaty Bodies. Alternatively, the first thirty minutes of the UPR interactive dialogue could be dedicated to reviewing the status of implementation of recommendations received during the previous review cycle.

7. Strengthen the linkages between the UPR and the state reporting process of the Treaty Bodies: The UPR and the state reporting process of the Treaty Bodies could reinforce each other's strengths by working more closely together. For example, reviewing states in the UPR should systematically consult recommendations previously delivered to the state under review in the Treaty Bodies before formulating their own recommendations. Even though this already occurs in several instances, it could be beneficial to make it a structural part of the process. This would be essential because, as this thesis showed, the Treaty Bodies are generally considered to be better than the UPR at guiding states toward implementation by specifying the necessary steps that should be taken. At the same time, UPR recommendations are much more effective in generating pressure on states by virtue of their bilateral nature. Thus, if UPR recommendations were more strongly based on the Treaty Bodies' Concluding Observations, they would preserve their political force while, at the same time, provide better guidelines for states under review to improve their performance. Furthermore, experts in the Treaty Bodies could adopt the consistent practice of holding states accountable for recommendations they accepted in the UPR setting, adding an additional layer of pressure on implementation.

Dissemination of Results

Throughout the process of writing this dissertation, efforts have been made to disseminate research findings outside of the academic community. These efforts will continue beyond the timeframe of the PhD project.

First, a luncheon was organized on 26 June 2015 in Geneva, where both the UPR and the state reporting process of the Treaty Bodies take place (with the exception of some Treaty Body examinations of states reports taking place in New York). The luncheon event took place at the *Palais des Nations*, the main building of the UN Geneva offices, as a side event to the 29th meeting of the UN Human Rights Council. My research team and I organized the event in collaboration with the non-governmental organization (NGO) UPR Info and with the participation of the Chief of the UPR branch of the UN Office for the High Commissioner for Human Rights, Ms. Shahrzad Tadjbakhsh. The event consisted of a presentation of the wider research project of which this study is part, and a presentation of my PhD research. Specifically, I discussed the outline and goals of my PhD research, and presented some preliminary findings. The event was attended by UN officials, state delegates involved in the two mechanisms, and civil

society actors. Many of the attendees expressed interest in being updated on the final results of the PhD project, and will receive an electronic copy of the dissertation. A follow-up event in Geneva is planned to take place in the second half on 2017. In that occasion, I will present the results of my research and distribute additional copies of my dissertation to interested individuals or organizations.

Second, when conducting fieldwork in Geneva and New York, interviewees and other contacted officials expressed interest in the research project, and asked to be kept up to date concerning the results. Once finalized, I will send electronic copies of this PhD to interested officials, so as to make them directly aware of the findings of this study. Similarly, during a research visit at Harvard Law School in the 2015 fall semester, I established contacts not only with interested academics, but also with a number of civil society activists, with whom I discussed my preliminary findings and results.

Third, I presented the results of this PhD project at seven international conferences. Even though these events were mainly attended by academics, a number of practitioners – such as governmental actors or NGO activists – were often present, and expressed interest in my research. Specifically, I presented my findings at the following international conferences: ECPR General Conference, Prague, 7-10 September 2016; ISA Joint Conference on Human Rights in an Age of Ambiguity, New York, 13-15 June 2016; Workshop 'Shaming in World Politics', Stockholm, 19-20 May 2016; ISA Joint Conference on Human Rights and Justice, The Hague, 8-10 June 2015; ECPR Joint Sessions of Workshops, Warsaw, 29 March - 2 April 2015; Seminar 'Understanding Complementary Institutions in Human Rights Implementation', Utrecht, 17 November 2014; ECPR Graduate Conference, Innsbruck, 3-5 July 2014.

Fourth, I published a single-authored article on the politicization of the UPR and the Treaty Bodies in the leading human rights journal, *Human Rights Quarterly*. Even though this is an academic journal, it is widely known and read by practitioners as well.

Finally, in the framework of the wider research project of which this thesis is part, extensive use has been made of a project website and of a group Twitter account in order to raise awareness on the ongoing research. As a consequences of these outreach efforts, a number of interested individuals have contacted us to ask further information and be kept up to date with the outcomes of the project. Interested individuals will receive updates on the project's publications and will be invited to upcoming dissemination events.