



FINAL

Malé Declaration Towards 2022

DECLARATION OF THE VIRTUAL SEMINAR FOR THE ASIA REGION OF THE LDCs/SIDS TRUST FUND

24-25 November 2021 & 1 December 2021

INTRODUCTION

We, the former Beneficiary delegates and members of the Asia Region of the Voluntary Technical Assistance Trust Fund supporting the participation of Least Developed Countries (LDCs) and Small Island Developing States (SIDS) in the work of the Human Rights Council (HRC) (hereinafter, the “LDCs/SIDS Trust Fund”):

- (i) Met virtually during the LDCs/SIDS Seminar for the Asia region from 24-25 November and 1 December 2021 to discuss the theme: "Engaging with the UN Human Rights Council, during and after COVID-19 through the LDC/SIDS Trust Fund: achievements, challenges and lessons learned";
- (ii) Agreed to adopt the present document entitled: "Malé Declaration Towards 2022"; and
- (iii) Reaffirmed our commitment to the goals and objectives established for the convening of regional seminars set forth in HRC resolution 34/40, entitled “Promotion of the Voluntary Technical Assistance Trust Fund in support of LDCs and SIDS participation in

the work of the Human Rights Council,” adopted by the HRC on 24 March 2017.

OBJECTIVES OF THE SEMINAR

The seminar was organized in accordance with HRC resolution 34/40, which encouraged the Trust Fund to organize workshops in Africa, Asia, the Pacific and the Caribbean, before its tenth anniversary in 2022, in order to:

- a) Evaluate the contribution of the Trust Fund in building the capacity of LDCs/SIDS for the promotion and protection of human rights in the Asia region, including by providing Member States with opportunities to share their collective expertise, experience and good practices among themselves and with States from other regions that can, in turn, be shared with the HRC and its mechanisms;
- b) Identify practical actions that Beneficiary delegates of the Trust Fund can recommend to OHCHR (Secretariat of the LDCs/SIDS Trust Fund) for implementation;
- c) Assess the impact that these actions are likely to have and determine the relevance of the experience of Beneficiary delegates/fellows to this implementation at the national and regional levels;
- d) Serve as a unique forum for an open and interactive dialogue regarding approaches and procedures to ensure that human rights challenges affecting SIDS are included and remain on the HRC’s agenda and that opportunities are identified to address them; and
- e) Make specific recommendations to further strengthen the participation of LDCs/SIDS in the work of the HRC and its mechanisms (UPR, Special procedures) both when the Council meets in person and when the Council meets virtually due to COVID-19 restrictions.

ACKNOWLEDGEMENTS

We, the former Beneficiary delegates of the Asia region:

1. Express our deepest gratitude to the Government of the Republic of the Maldives and to the LDCs/SIDS Trust Fund of OHCHR for organizing this virtual seminar and providing us with all necessary support;
2. Express our sincere appreciation to the Secretariat of the LDCs/SIDS Trust Fund, overseen by the Human Rights Council Branch of OHCHR, for all the support it has provided since its inception;
3. Express our gratitude for the participation of His Excellency Mr. Abdulla Shahid, President of the 76th Session of the United Nations General Assembly, and Her Excellency Mrs. Nazhat Shameem Khan (Fiji), President of the Human Rights Council (fifteenth cycle);
4. Further express our gratitude to the former Beneficiary delegates of the LDC/SIDS Trust Fund from the African, Caribbean and Pacific regions for their active participation, shared experiences and lessons learned and the identification of opportunities and challenges. We appreciate this cross-regional initiative to bring together LDCs and SIDS;
5. Express our appreciation to all donors of the LDCs/SIDS Trust Fund. We look forward to their continuous support and call on other potential donors, including those from recipient countries, to contribute to the Trust Fund's ongoing efforts to build capacities in the field of human rights; and
6. Thank the Commonwealth Secretariat and the Small States Forum (FOSS) for their participation in this seminar on LDCs/SIDS in the Asia region. We are also grateful for the contributions of the Think Tanks, which took part in these discussions.

NOTABLE ACHIEVEMENTS OF THE LDCs/SIDS TRUST FUND

Among the notable achievements of the LDCs/SIDS Trust Fund, we would like to highlight the following:

- a) This seminar for LDCs/SIDS in the Asia region is the fourth in a series of four (4) seminars being held before 2022, which will mark the tenth anniversary of the Trust Fund, in accordance with HRC resolution 34/40;
- b) This seminar has brought together, for the first time, a large majority of delegates from the Asia region who participated in a regular session of the HRC with the support of the LDCs/SIDS Trust Fund;
- c) The seminar provided a unique opportunity to exchange experiences, information and ideas and share best practices to further improve and strengthen the capacity of our countries at national, regional and international levels to participate effectively in the Human Rights Council and its mechanisms.

TOWARDS UNIVERSALITY OF HRC PARTICIPATION OF LDCs/SIDS

We, the former Beneficiary delegates from the Asia region:

1. Welcome the election of three SIDS as members of the HRC, namely, the Commonwealth of the Bahamas, the Republic of Fiji and the Republic of the Marshall for the period 2020-2021;
2. Note with great satisfaction that, for the first time since the establishment of the HRC in 2006, one SIDS country, namely Fiji, is President of the Council and is being assisted by two Vice-Presidents, the Commonwealth of the Bahamas and Sudan/Somalia;
3. Further note that out of the five members of the Bureau, four are women, thereby contributing to improved gender balance; and
4. Applaud the adoption of decision A/HRC/DEC/46/115 of 23 March 2021, the most co-sponsored decision in the history of the Council;
5. Warmly welcome the provision included in this decision that requests OHCHR, through the LDCs/SIDS Trust Fund, to ensure the

participation of Member States that do not have a Permanent mission in Geneva, in order to achieve universal participation of UN Member States in the forty-ninth session of the HRC, including in the high-level segment;

6. Welcome the adoption by the Council at its forty-eighth session, of a resolution recognizing that a clean, healthy and sustainable environment is a human right (resolution 48/13) and establishing a new Special Rapporteur on climate change (resolution 48/14);
7. Note with appreciation the policies of the LDCs/SIDS Trust Fund to encourage the participation of women and persons with disabilities in its programmes, in accordance with the relevant HRC resolutions.
8. Further note the UN General Assembly's adoption, on 24 November 2021, of resolution A/76/L.6/Rev.1, entitled Graduation of Bangladesh, the Lao People's Democratic Republic and Nepal from the Least Developed Country category after an extended preparatory period of five years (rather than the standard period of three years), which will enable them to prepare for graduation and focus on their post-COVID-19 recovery and the implementation of policies and strategies to reverse the economic and social damage resulting from COVID-19.
9. Applaud the initiative of the President of the 76th Session of the UN General Assembly's HOPE Fellowship Programme, or Harnessing Opportunities for Promoting Empowerment of Youth, which began accepting applications in early November, and anticipate that it will be successful in reaching LDCs and SIDS and empowering young women diplomats.

PROPOSED ACTION POINTS FOR THE 2022 REVIEW OF THE TRUST FUND MANDATE

After three days of intensive brainstorming, sharing experiences and identifying good practices and lessons learned, we, the former Beneficiary delegates and members of the Asia region who are participating in this seminar, make the following recommendations for possible inclusion in the report to be prepared by OHCHR and presented at the HRC's forty-ninth session (28 February – 25 March 2022).

WAY FORWARD - PRIORITIES

We note that, in spite of the COVID-19 pandemic, the Council was the only UN intergovernmental body, which successfully carried out its 2020-2021 work programme using hybrid arrangements (face-to-face and virtual).

We believe that the appointment of Focal Points by the President of the Human Rights Council, who are responsible for addressing the challenges facing the delegations of small developing countries (in particular SIDS and LDCs) and ensuring that the implementation of measures related to the use of modern technologies is monitored, is a practice that should continue. We welcome the initiative of the Focal Points to organize, with the support of the Secretariat of the Trust Fund, a meeting of the Beneficiaries at HRC48. We encourage the Focal Points to continue this good practice and to consult the LDCs/ SIDS that do not have a Permanent mission in Geneva when undertaking new initiatives.

I IMPROVE THE LDCS/SIDS TRUST FUND PROGRAMMES

1 The Fund's E-learning Tool

- a. We recognize the usefulness of the e-learning tool developed by the Trust Fund in 2016. This interactive, accessible and gender-aware online training that is designed for government officials from LDCs and SIDS, in accordance with the mandate of the Trust Fund, has contributed to ensuring the enhanced understanding and engagement of LDCs/SIDS with the work of the HRC and its mechanisms.
- b. We encourage the Secretariat of the Trust Fund to update this tool on a regular basis (every two to three years) in order to reflect the new working methods of the HRC, in particular when it meets virtually and in a hybrid manner. The first update should be completed in 2023.
- c. The updated E-learning should develop the following new modules: explanations of the different online platforms in use by the HRC (SPREG, e-delegate); videos on different procedural topics (i.e., the right to reply, points of order, the delivery of joint statements); how to draft and record video statements; where to find useful information (reports, past HRC resolutions); how to draft resolutions

and decisions; how to organize and conduct informal consultations; how to establish a Permanent mission in Geneva (interviews with Permanent Representatives), and experience sharing and key elements for undertaking an HRC membership campaign. In updating the E-learning, the Secretariat of the Trust Fund should take into account the specific needs of Permanent missions in Geneva.

- d. We encourage the Secretariat of the Trust Fund to promote awareness-raising of the E-learning tool among LDCs/SIDS Permanent missions and at national level and to annually distribute copies of the USB keys of the E-learning tool to all LDCs/SIDS Permanent missions in Geneva and New York and to relevant partners of the Trust Fund (La Francophonie, CARICOM, the Commonwealth Secretariat, the African Union, the Pacific Islands Forum and the Alliance of Small States). Priority should be given to the LDCs/SIDS without a Permanent mission in Geneva and those that are Members of the HRC.
- e. We propose that the Trust Fund develops a practical guide on the HRC and its mechanisms dedicated to newly deployed LDCs/SIDS delegates in Geneva
- f. We also encourage the Secretariat of the Trust Fund to consider the official validation of this training through a certificate issued by OHCHR.

2 Fellowship Programme

- a. We recommend that the duration of the fellowship programme should be six months for LDCs/SIDS that are not Council Members (in accordance with administrative and financial constraints) and 12 months for LDCs/SIDS which are Council Members.
- b. We encourage the Secretariat of the Trust Fund to ensure that the fellowship programme contains more practical exercises that enable fellows to develop their know-how.

3 Training selected Beneficiary delegates prior to the regular session of the Council (Duration, Themes, Social Events...)

- a. We commend the Trust Fund for organizing virtual induction courses for Beneficiary delegates prior to their arrival in Geneva. This virtual

induction course should be offered well before the beginning of the regular session.

- b. We propose to continue the virtual induction course before the arrival of the delegates even when the council resumes in-person HRC regular sessions.
- c. We believe that the Trust Fund should organize both virtual and in-person induction courses for the Beneficiary delegates. The three-day, in-person training should include briefings by former Beneficiary delegates, Geneva-based delegates and interested partners that have a mandate to support LDCs/SIDS. The training should also be available to LDCs/SIDS delegations that are based in Geneva.
- d. The social events organized by the Secretariat of the Trust Fund, which provide Beneficiary delegates with opportunities to meet representatives from UN Member and Observer States, Intergovernmental Organisations, NGOs and other key actors are an important component of the programme and should be continued.
- e. We also suggest that the Secretariat of the Trust Fund, jointly with the Secretariat of the HRC, resume its briefings on the upcoming session and invite all interested delegations to attend these briefings, in person or virtually, as appropriate.

4 Strengthen support for LDCs/SIDS at Special sessions and intersessional activities of the Council

- a. We encourage the Secretariat of the Trust Fund to consider supporting LDCs/SIDS delegations to participate in both Special sessions and intersessional activities of the HRC.
- b. Bearing in mind the resources that are required to make travel arrangements for many Beneficiary delegates, we suggest that the Trust Fund support delegates from LDC/SIDS Members of the HRC that are based in a European diplomatic representation to facilitate their participation in Special sessions and/or important intersessional activities.

- c. We suggest that LDCs/SIDS Members of the HRC should receive support to participate in each of the regular sessions of the Council during their first year of membership. We also recommend that support should only be given once to the same delegate in order to broadly build the capacity of LDCs/SIDS that are Members of the HRC.

5 Support the participation of LDCs/SIDS Trust Fund Beneficiaries in the work of the General Assembly Third Committee in New York

- a. We encourage the Secretariat of the Trust Fund to ensure that delegates who take part in a HRC session are also able to be present during the work of the General Assembly Third Committee in New York and to include information about its policies and operational procedures in their training. This would provide delegates with a better understanding of the respective roles of the two bodies and the interactions between Geneva and New York.
- b. We recommend that the Secretariat of the Trust Fund explore this proposal, on a trial basis, for Beneficiary delegates planning to attend HRC53 (June 2023) or HRC54 (September 2023).

6 DEVELOP THE CAPACITY OF LDCS/SIDS WITHOUT PERMANENT MISSIONS IN GENEVA TO PARTICIPATE MEANINGFULLY IN HRC SESSIONS

- a. We propose that the Secretariat of the Trust Fund continue to regularly brief New York-based LDCs/SIDS delegates, either in person or virtually.
- b. We also recommend that the Secretariat of the HRC add the Permanent missions of LDCs/SIDS in New York to its distribution list to ensure that they receive all relevant note verbales at the same time as the Permanent missions in Geneva.

7 STRENGTHEN THE CAPACITY OF LDCS/SIDS WITH SMALL DELEGATIONS IN GENEVA

- a. We further recommend that the LDCs/SIDS delegations in Geneva establish a group, with rotating geographic representation, to serve as a forum to exchange ideas on strengthening engagement with the HRC and its mechanisms, promote themes and topics of common interest, knowledge sharing and exchange of good practices.

8 TRAINING AT THE NATIONAL LEVEL

- a. We encourage the Secretariat of the Trust Fund to undertake training at the national level that builds on the successful experience in Vanuatu in 2019.
- b. We propose that the Trust Fund organize a training of trainers on the HRC and its mechanisms for interested, former Beneficiary delegates and fellows. This will be a cost-effective measure that will enable them to share their first-hand experiences in Geneva and further develop their skills. In order to ensure that the Beneficiaries are updated on the changes to the modalities of the Human Rights Council, we encourage Trust Fund to continue to provide technical assistance to interested former Beneficiary delegates and fellows who takes initiative to conduct these trainings.

9 Technical support to participate in virtual/hybrid trainings/sessions

- a. We note with appreciation the establishment of a HRC Desk for small States and encourage the Trust Fund to continue this excellent practice.
- b. We encourage the Secretariat of the Trust Fund to explore ways to provide LDCs/SIDS with the technical support they need to participate in the virtual/hybrid meetings of the HRC. We propose that LDCs/SIDS be granted the opportunity to request for necessary technical and financial assistance if needed to ensure access to adequate internet connectivity, if funding is available.

10 KEY STRATEGIES TO ENSURE THE SUSTAINABILITY OF THE TRUST FUND: INCREASING THE DONOR BASE

- a. We encourage the Secretariat of the Trust Fund to organize an annual meeting with existing and potential donor countries to keep them informed of activities and to provide a forum for former Beneficiary delegates and fellows to share their testimonies.

- b. We propose that on the tenth anniversary the Trust Fund (HRC49), the Secretariat should organize an event with existing and potential donor countries and former Beneficiaries in order to showcase its achievements since its establishment.
- c. We encourage the Secretariat of the Trust Fund to organise an annual review meeting with a view to sustaining the funding and to mobilise additional funding for the Trust Fund.

11 FUTURE LDCS/SIDS REGIONAL WORKSHOPS

- a. We deeply appreciate and recognize the value of the four workshops that were organized by the Trust Fund pursuant to HRC resolution 34/40.
- b. The participation of former Beneficiary delegates and fellows in the workshops of other regions is a clear value added. We acknowledge that this cross-regional dimension has contributed to nurturing constructive partnerships among the Beneficiary delegates, but more importantly, between the LDCs/SIDS Trust Fund partners, the Friends of LDCs/SIDS in Geneva and the wider UN Membership.
- c. The participation of all sitting HRC Presidents in each Regional Trust Fund Workshop increased the visibility of the specific challenges faced by LDCs/SIDS when engaging with the HRC and helped to amplify our voices. This practice should be continued and we suggest that a sitting Vice-President from an LDC/SIDS should be invited to any regional workshops, if resources are available.
- d. We note that the Workshop Declarations serve as important road maps that outline the human rights and related issues that matter most to the respective regions. They also identify the many shared interests within and between the regions and are the foundation on

which partnerships are born, developed and leveraged to help achieve our national, regional and global human rights objectives.

- e. We recognize that there are many challenges, including some that are new and emerging and are specific to certain regions. As a result, a one size fits all response will be ineffective and should be avoided. Therefore, we encourage the Trust Fund to hold extensive consultations for organizing future workshops and to ensure they do not overlap with major international meetings.
- f. We recommend that the Trust Fund continue to organize workshops on specific themes and topics. We suggest that the Trust Fund organize a Workshop for LDCs/SIDS coming from eligible regions on the following topic: “Challenges and opportunities for an LDC/SIDS in becoming a Member of the HRC: Sharing our regional experiences and lessons learned.”

12 OHCHR REPORT THE TRUST FUND AT HRC49

- a. We request that OHCHR, through its LDCs/SIDS Trust Fund, take into account the recommendations outlined in the four Declarations Towards 2022.

FINAL CONCLUSIONS

We request that the Secretariat of the Trust Fund and the host country of this Asia regional seminar inform donors of the outcome of each workshop.

We ask the host country of this virtual seminar, the Republic of the Maldives, to transmit this Declaration to the current President of the

Human Rights Council for circulation to all Permanent missions in Geneva and to all LDCs/SIDS that do not have a Permanent mission in Geneva

Done in Malé/Geneva, Wednesday 1 December 2021

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