

USA

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**Item 4.4 Agenda and framework for Programme of Work, Methods
of Work and Rules of Procedure**

OEWG

October 27, 2010

Mr. President,

I believe we all agree that the current calendar and program of work could be significantly improved. We're therefore cautiously optimistic that we will find a way forward on this item that will boost our efficiency, improve the Council's follow up to its own initiatives, and help depoliticize our dynamics so as to unlock the Council's full potential. For example, the current agenda means that the Council spends too much time on some issues, while rushing through some of the highest priorities in relation to the Council's mandate. And the practice of allowing new resolutions to be raised throughout the Council session up to the tabling deadline often prevents meaningful, well-informed engagement. It stops many delegations from fully participating in the

debate. To remedy these problems, both the calendar and the agenda must be rationalized to make them more predictable.

Specifically, the United States proposes requiring delegations to submit a list of any resolutions they plan to table during a Council session before that session begins, and to table the first draft of all resolutions one week before the tabling deadline, although exceptions will need to be made for crisis situations. In addition, the United States proposes that resolutions to renew thematic and country mandates should come up only once every two years so as to significantly cut down on unnecessary repetition of resolutions.

We propose expanding the time allotted to interactive dialogues with Special Procedures, and requiring more predictability and advance notice of such dialogues. Monthly mini-sessions are one way to accomplish this. Of course, these mini-sessions will have to be announced far enough in advance to allow for full participation by states and NGOs.

During this review, the Council also needs to make strides towards reducing the stigma associated with action on country situations in the Council, improving everyone's perception of the fairness and even handedness of this Council. This would reduce polarization, improve efficiency and enhance the positive engagement of all. The most entrenched and indefensible manifestation of structural bias in this Council comes in the form of Item 7, the only agenda item devoted on one country situation, whereas the UN's other 191 members are all grouped together under items 10 and 4. Item 7 can be understood solely as a tool to apply pressure on Israel, ostracize Israel, and spotlight Israel's conduct. The United States believes strongly that Israel can and must uphold its international human rights obligations, and maintains a continuous dialogue with Israel to advance that goal. We are convinced that the built-in structural bias against Israel within the UN human rights system has unhelpfully distanced Israel from institutions and mechanisms with which it might otherwise cooperate more closely, as well as undermining our other very positive and fruitful work together. For some, the political objectives accomplished through this structural

bias may outweigh its negative consequences. But as a group charged with examining what must be done to improve the credibility and efficacy of this Council it is incumbent upon us to see beyond those potent political considerations in the context of this review, and to do what is right to help the Council become more evenhanded and depoliticized. We hope that in the coming months we can all engage in a reasoned conversation about how to rationalize the Council's treatment of country situations in a way that demonstrates our collective commitment to fairness, that shields no country from scrutiny or reproach, and that positions the Council to achieve the aspirations we have all vested in it. To that end, the United States proposes combining agenda items 4, 7, and 10. The institution of one, consolidated country situation agenda item to replace 4, 7, and 10 would go a very long way towards helping to do away with bias and stigma for the benefit of all, and towards ensuring that this Council lives up to its mandate in 60/251 to abide by the principles of impartiality, objectivity, and constructive international dialogue and cooperation. To ensure the Council does not

spend less time on these situations, interventions for this new agenda item should be ten minutes each.

Mr. President,

The Council has not effectively used its full range of tools from the Institution Building Package to address situations of violations of human rights, including gross and systematic violations, and make recommendations, as mandated by OP 3 of resolution 60/251. We need to better use these tools, and allow for more time for discussion.

The United States proposes developing criteria to assure Council meetings in appropriate cases. For example, we propose that if five different thematic special procedures cite a country as a specific country of concern, this should trigger a meeting that represents an opportunity for dialogue, with no predetermined outcome. We propose establishing a dedicated Working Group on Prevention or Early Warning with the authority to request immediate meetings of the Council. Again, these meetings would be critical opportunities for real time dialogue, with no

predetermined outcomes. We recognize that the issue of automatic triggers is not simple and requires discussion to find the most workable ones. Other triggers we propose for consideration at this stage include:

1) a request from the Secretary General, on advice from any of his Under Secretaries, including the High Commissioner, or from his special representatives; 2) requests from National human rights institutes operating under the Paris principles when they request a special meeting on their own country.

Finally, we would propose the following improvements to the rules of procedure to help ensure Council members meet their obligation to uphold the highest standards in the promotion and protection of human rights. Specifically, that member states "take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments" when selecting Council members. This criteria is already established in 60/251.

We propose that candidates for membership in the Council shall present their voluntary pledges and other commitments at an interactive

dialogue before the General Assembly in accordance with a standardized format to be developed. OHCHR should prepare a report for this interactive dialogue that includes, inter alia, implementation of human rights treaties the candidate country has ratified, whether the country is under any sanctions related to human rights, the nature of human rights complaints against a country, the status of implementation of accepted UPR recommendations, how the country has cooperated with special procedures, and how the candidate country has contributed to human rights initiatives. There should be more candidate countries from each region than available openings on the Council to allow for full evaluation of candidate countries.

We look forward to discussion of these proposals in coming days and weeks.

Thank you, Mr. President.

