

Check against Delivery

Statement by Mr. Walid Abu-Haya
Permanent Mission of Israel
To the United Nations, Geneva

Human Rights Council Review
Second Session of the Open-Ended Working Group
Agenda

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Thank you.

Mr. President,

The Council, in its adoption of the Annex to resolution 5/1, in its continued approval of resolutions, special sittings and other mechanisms arising out of Agenda Item 7 and in its recent omission of removing Item 7 from the Permanent Agenda of the Council has acted *ultra vires* to its legal and political authority.

The very establishment of Permanent Agenda Item 7 of the Council in Section V (B) and (C) of the IB package directly contravenes the mandate of this Council. Any refusal by the Council to rectify this inherent institutional flaw illustrates the Council acting, knowingly and willfully, outside the scope of its mandate in its politicization of human rights. From a legal and procedural perspective any act arising out of Agenda Item 7 is without legal effect.

Removal of Item 7 from the Permanent Agenda of this Council and Framework is the only way to begin the process of reconstructing the Council's credibility and legitimacy by subsequently giving equal footing to all human rights in an equitable and fair manner under Agenda 4.

The Council lacks the authority to adopt paragraph 51 of Section V maintaining the status quo of the "Agenda" and "Framework for the programme of work" as specified in Section V (B) and (C) of the Annex to resolution 5/1. For the aforementioned reasons, this paragraph does not enjoy the support of Israel.

B. Programme of Work

52. The provisions of Rule 8 in the section on the Rules of Procedure in the annex to Council resolution 5/1 shall be read in conjunction with the following:

a) The Council shall have its programme of work for its two regular sessions of four weeks each as per the format specified in Appendix 2.

While in theory we are not opposed to the proposal in Section B paragraph 52, to amend the Council's programme of work to two regular sessions of four weeks, we support the proposal on the condition that the UPR adoption session shall also be open to other matters consistent with the mandate of the Council. Further, while recognizing positive contributions to the programme of work specified in Appendix 2, including the de-clustering of interactive dialogues with special procedure mandate holders, we must in principle disassociate ourselves from any programme of work arising out of the review process that prejudices the outcome of the review by *inter alia* the continued inclusion of Permanent Agenda Item 7.

b) The Council's programme of work for its remaining regular session(s) shall be devoted to the adoption of the reports of the UPR working groups.

With regard to subsection (b) of paragraph 52, we propose to insert the word "plenary" before session(s). Further we proposed to insert after the end of the sentence "and other matters consistent with the mandate of the Human Rights Council."

It will read, "The Council's programme of work for its remaining regular plenary session(s) shall be devoted to the adoption of the reports of the UPR working groups and other matters consistent with the mandate of the Human Rights Council."

[We also stand by our proposal to significantly increase the time allotted to Item 4 within the programme of work to better ensure the Council lives up to its responsibility to promote universal respect for, and the realization of, human rights and fundamental freedoms for all. In this regard we are open to the insertion of any such language that supports this proposal.]

I thank you.