

U.S. Statement

Working Group Established with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights

Thank you, Mr. President.

We cannot support efforts to elaborate an optional protocol to the Covenant on Economic, Social and Cultural Rights for both procedural and substantive reasons. As a matter of process, there is no consensus within the Working Group that such a protocol would be desirable or what it should cover. This lack of consensus on fundamental issues has no doubt resulted in the notion that the chair of the group should draft the optional protocol rather than allowing states to negotiate the text. Mr. President, such a method of work is problematic to say the least, sets a poor precedent in this field, and calls into question how this new body will engage the world community on global human rights issues.

As a substantive matter, the idea of elaborating an optional protocol modeled on other conventions is ill-advised as economic, social and cultural rights are not justiciable in the same way as other rights. The Committee cannot be expected to have the capacity or experience to review the most fundamental resource allocation decisions of governments. These decisions, which are based on exceptionally

complex facts and projections, involve everything from macroeconomic employment and monetary policy at the national level to the social welfare decisions of local governments. The Committee will be ill equipped to review these decisions, leaving it with almost limitless discretion to opine on the essential resource and regulatory decisions of nation-states.

For these reasons, Mr. Chairman, we cannot support elaborating a protocol to this Covenant. Thank you.