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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by United Nations Watch (UN Watch),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 June 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

UN Watch Written Statement on the Program of Work for the First Year of the UN Human Rights Council

UN Watch urges Council members—especially members of the Community of Democracies, who have pledged to work together regionally and globally to further human rights—to create a credible and effective Council. In particular, the program for the first year should address the following:

(1) Working Methods and Agenda: The Council must ensure that all aspects of its work conform with the UN Charter principles of universality and equality, which are equally emphasized in GA Resolution 60/251. Secretary-General Kofi Annan recently called for an end to the long-standing anomaly of one member state's exclusion in Geneva from membership in any regional group.¹ If the new Council is to be credible, it cannot be premised on the segregation of one state. We urge the High Commissioner for Human Rights to follow up on the Secretary-General's appeal, as the late Mr. de Mello had done.

Similarly, we recall the important words of the Australian government, delivered at the Informal Sessions on June 20, 2005 and on May 30, 2006, regarding the need for a balanced agenda that does not single out one particular state. This point was emphasized in the Civil Society Proposal of 22 November 2005, delivered by more than 30 NGOs.² It is also strongly endorsed by the Human Rights Watch statement of May 19, 2006: "Establishing a separate agenda item for any one country would smack of the politicization and selectivity criticized by many member states during the negotiations." The Council's agenda should be based on the principle that every member state is equal before the law.

(2) Universal Review: Some of the current proposals for universal periodic review are stronger, some softer. Although "cooperative dialogue" has its place, we call on Council members to fashion a mechanism that will, in a fair and impartial manner, apply thorough scrutiny in order to hold all governments to account for any deviations from the guarantees enshrined in the Universal Declaration of Human Rights and other obligations of international human rights law. We also urge the Council to create this mechanism as quickly as possible, to allow for review of those members whose terms are only for one year.

(3) Urgent Action: The Council must be prepared to take urgent action against mass atrocities. In May, the High Commissioner again sounded the alarm about the ongoing situation of "gross human rights violations" in Darfur and the need to end the perpetrators' "culture of impunity." The Secretary-General has likewise condemned "gross human rights violations" in this area, and a UN International Commission of Inquiry found that war

¹ "[M]ore and more, the State of Israel enjoys the same rights and responsibilities as every other member. [...] And for some years Israel has been participating in one of the Assembly's regional groups—the West European and Others Group—in New York. I hope the same group will soon find ways to include Israel in its deliberations in Geneva and Vienna, too." (Remarks to the American Jewish Committee Centennial Dinner, 4 May 2006.) Similarly, last year the Secretary-General said, "I will do whatever I can to encourage corresponding groups [of WEOG] in Geneva and Vienna to follow suit. We need to correct a long-standing anomaly that kept Israel from participating fully and equally in the work of the [United Nations] Organization." (Remarks at Dinner Hosted by H.E. Mr. Moshe Katsav, President of the State of Israel, 15 March 2005, available at <http://www.un.org/apps/sg/sgstats.asp?nid=1350>.)

² Available at www.unwatch.org, under "Testimony at the UN."

crimes and crimes against humanity were occurring. Yet at last year's Commission, regrettably, this grave situation was classified under Agenda Item 19, as a mere matter of "Technical Cooperation." To be credible, the new Council must be ready and willing to call gross violations of human rights by their name. We hope that it will not revert to the old practice of focusing obsessively on one highly politicized situation while ignoring or trivializing major crises, which was a significant factor in the Commission's demise.

(4) *Special Procedures and the Term Limit Rule:* The impressive contributions of Special Procedures must be maintained. UN Watch supports their extension for a period of one year while the Council reviews the mandates. With respect to the few individual mandate-holders who are at the end of their six-year term limit, however, the term limit rule should be respected. The term limit adopted in 1999 is mandatory: "any individual's tenure in a given mandate, whether thematic or country specific, will be no more than six years."³ The Commission expressly imposed this limit "to help maintain appropriate detachment and objectivity on the part of individual office-holders, and to ensure a regular infusion of new expertise and perspectives."⁴ Nominations for these three vacancies should be submitted to the Chair.

(5) *NGO Participation:* We urge the Council to ensure a level of participation of non-governmental organizations at least as high as at the Commission. Strong NGO participation was one of the great strengths of the Commission, and this ought to be not only preserved, but increased.

(6) *Conclusion*

The UN needs a credible, effective human rights body. As an active member of the Geneva NGO community, UN Watch is committed to joint cooperation with all stakeholders to achieve that goal.

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³ Report of the 55th Session of the Commission on Human Rights, Para. 552.

⁴ *Id.* The term limit was recommended by the previous session's Bureau, which clearly distinguished between mandates and the individuals in those mandates—supporting a clear term limit for mandate-holders but not for the mandates themselves, which should be reviewed and renewed, if needed, at the Commission's discretion. Report of the Bureau of the 54th Session of the Commission on Human Rights, E/CN.4/1999/104, pp. 19-20. The importance to the Commission of bringing in new individuals as mandate-holders is highlighted by the one point on which its decision departed from the Bureau's recommendation. In addition to the six-year term limit, the Commission decided that "reassignment of individuals to other mandates will be considered only in exceptional circumstances." 55th Session Report, Para. 552. The Bureau, by contrast, had recommended that individual mandate holders be eligible for reassignment to other mandates.