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PRESS RELEASE

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Statement by Mark P. Lagon, Deputy Assistant Secretary Bureau of International Organization Affairs, in the Human Rights Council working group, November 1, 2005

Excellencies:

Once again, I wish to begin by expressing our gratitude to Ambassador Arias and Ambassador Kumalo for their leadership as co-chairs of this working group.

Today is the final scheduled meeting of the working group. We understand its focus to be on "Rules of Procedure, working methods, and transitional arrangements."

Working Methods

The working methods of the Council should largely be decided by the Council itself.

The United States hopes that the General Assembly will seize the opportunity to create in the new Human Rights Council a body that is both empowered to review the agenda and activities of the Commission on Human Rights and granted the responsibility to preserve the elements it deems necessary to fulfill its mandate.

The United States believes that one of the fundamental weaknesses of the Commission on Human Rights lies in its working methods – specifically with its agenda. The Commission on Human Rights has an agenda that is repetitive, time consuming, and inherently unbalanced.

A new agenda should improve upon the selectivity of the agenda of the Commission, so that no country gets disproportionate and unfair focus in the Council, including Israel.

Many countries have spoken about the system of Special Procedures being preserved. We agree; many special procedures have important value-added in the human rights system.

We must empower the new Human Rights Council to review the mandates of the existing Special Procedures of the Commission on Human Rights and re-affirm, renew, or revoke them as it deems appropriate. We must better rationalize between them where their

mandates overlap. The High Commissioner for Human Rights might best be given an increased role to make recommendations in this regard.

A final point on preserving the strengths of the Commission on Human Rights: we want to echo the sentiments that many other delegations have made in the past weeks and months that we must preserve the essential role NGOs play in the Commission on Human Rights in the new Human Rights Council.

Transitional Arrangements

It is not too early to begin thinking about how to transition from the existing Commission on Human Rights to a new Human Rights Council.

While many of the specific transitional questions will emerge more clearly as we clarify the main outlines of a Human Rights resolution, one thing is clear: we cannot hold another CHR in a business-as-usual fashion.

The Outcome Document enjoins us to conclude our negotiations on a resolution as soon as possible, and we support those advocating agreement on a viable resolution establishing the Human Rights Council by the end of the year. If we can accomplish this, there would be no need to convene another Commission at all.

If necessary, however, we could accept the Commission convening one more time – not necessarily a full six-week session – but instead a targeted session that completes the transitional arrangements for the new Human Rights Council.

Conclusion

As this is the last opportunity to address this group in this format, let me review the main features of the Human Rights Council as the United States envisions it:

Mandate:

We believe strongly that the Council should promote the strengthening of Member States' abilities to implement their human rights commitments, and we request the Office of the High Commissioner to provide human rights related technical assistance to countries.

An effective body must also have the authority to make recommendations to other UN bodies – the General Assembly, of course; but also the UN Security Council.

The resolution should establish the Council's mandate to respond to urgent or continuing human rights violations.

As discussed earlier, the resolution should direct the Human Rights Council to review the mandates of the existing Special Procedures of the Commission on Human Rights and retain those it deems appropriate.

Membership:

The resolution should establish that the Council reflect a diverse regional distribution and have a small enough size to be poised to act to help governments or peoples in need. We believe a 30-member Council would be about right.

We believe that new members of the Council should be elected individually and directly by the General Assembly.

The resolution should emphasize that the members of the Human Rights Council must have a demonstrated commitment to the promotion and protection of human rights

The resolution should require prospective members to submit to the UNGA President a letter that outlines their qualifications for membership.

The resolution should require prospective candidates to receive the specific endorsement of a majority of States in their regional groups via letters from a senior political level to the UNGA President that indicate the qualifications of the potential candidate.

The resolution should stress that no Government against which measures have been imposed and are in effect under Articles 41 or 42 of the UN Charter for human rights-related reasons, that is subject to a UN Security Council Commission of Inquiry, or that is subject to a similar UN Security Council procedures related to human rights may serve on the Council. This minimal disqualifier is simple and sensible, and avoids a controversial debate over complicated or sweeping criteria.

Working Methods/Other Issues:

The resolution should call for the Human Rights Council to be a standing body that meets multiple times per year in Geneva (and we recommend every two months for two week sessions). The Council's Chair or a simple majority of members, or the High Commissioner for Human Rights or the Secretary-General would each be able to call for additional sessions as needed.

As discussed earlier, the resolution should mandate the Human Rights Council to set its own agenda and working methods.

The resolution should suspend further meetings of the Subcommission for the Promotion and Protection on Human Rights until the Human Rights Council makes a determination about what subsidiary bodies it wishes to create.

The resolution should come for action before the UN General Assembly by December 31, 2005.

Thank you, Co-chairmen. The US delegation looks forward to working closely and constructively with all Member States as we move into the next phase of these negotiations.