

U.S. Mission Statement  
On HRC President's Institution Building Text  
June 15, 2007

Thank you, Mr. President.

The United States once again thanks you and the working group facilitators for your tremendous efforts in constructing the architecture for the Human Rights Council.

Your most recent text brings us closer to establishing a new body that could promote and protect human rights in a more robust and innovative manner. There remains, however, troubling language in several sections, which, if not addressed, would undermine our best efforts to create an institution that would protect victims of human rights violations throughout the world. I would like to outline the most significant of these problems.

Regarding the **special procedures and review of mandates**, my delegation remains concerned by indications in the non-paper that geographic mandates are to be treated differently from thematic mandates. UNGA resolution 60/251, OP 3, gives the Council the mandate to address country situations. There should not be any distinction between the handling given geographic mandates and thematic mandates as we move toward a mandate-by-mandate review. The decision to rationalize or modify mandates should be based on the review, not prematurely as part of the process in which we are currently engaged without such a review. The same holds true for the OPT mandate, which must also undergo review and be subject to modification or rationalization.

Regarding the criteria for mandate holders, while we agree that individuals holding decision-making positions in government must not be appointed, we fear applying that formulation to other organizations or entities would exclude much-needed expertise from civil society. We find that, as described in the non-paper, the selection process for experts compromises their independence and efforts to promote professionalism and expertise by giving States a controlling role in the selection of mandate-holders. We view as inappropriate the new appeal role proposed for the Consultative Group as it would open the way for regional groups, through their representatives, to make deals on candidates – in effect further politicizing the process.

Mr. President, you have noted that the **agenda** remains under discussion and that the text in the paper is more of placeholder. Nonetheless, given the importance the agenda will have in shaping the Council's work, I would like to highlight some serious inequities in the document currently under discussion. By singling out one situation -- that of the Occupied Palestinian Territories -- the agenda already suffers from selectivity and politicization. In our view, an agenda item titled "human rights situations" is necessary to meet the requirements of resolution 60/251 and would be inclusive enough to allow consideration of any situation of concern to any state.

On the question of a specific agenda item for the right to development (RTD), my delegation would prefer it listed as a sub-item under item 3. However, in order to address others' concerns, we propose as a compromise that each sub-item currently appearing under item 3 be listed as a separate agenda item. Also, under current item 3, we request that the current sub-item on the "Rights of peoples and specific groups and individuals" be re-drafted to bring it in line with previously agreed language focusing on the "rights of individuals belonging to specific groups."

Mr. President, the **UPR** procedures represent an excellent example of the Council and observer states working together to find common ground on a central mechanism of the new institution. In our view, there are two remaining points in UPR that need to be addressed. While we appreciate the efforts that have been made to reach a compromise text on the reference to international humanitarian law in the UPR process, the United States would prefer to eliminate any reference to IHL.

As far as UPR funding is concerned, this is a question for Fifth Committee in New York, not for this Council. Any language that suggests that the Council can determine how existing financing mechanisms will be used or how new ones will be created must be clarified or deleted. For this reason, footnote three of the President's text must be deleted.

In the **Rules of Procedure**, we request that language referring to private meetings – with the exception of those related to the complaints procedure – be deleted. From the very beginning, transparency and inclusiveness were cited as major hallmarks of this new Council. They should be our legacy.

In the **Complaint Procedure** section of the paper, it is important to clarify in the text at the end of section IV, that the 24-month time period for consideration includes the time from transmission of the complaint to the State concerned and *either its dismissal by the working group or consideration by the Human Rights Council.*

On the **Human Rights Council Advisory Committee**, we have a number of concerns regarding the size, regional representation and election of experts. At 18 members, as proposed in your paper, the body will be too large and unwieldy, far from the flexible and responsive mechanism that we sought to replace the Sub-Commission.

Mr. President, this Council does not exist in a vacuum, divorced from the daily realities of those people in whose names we claim to speak. What we accomplish here – or DO NOT accomplish – is rapidly broadcast throughout the world, and trickles down even to those living in places where freedom of expression or assembly cannot be taken for granted. We have before us an opportunity to do right by those people. I ask all delegations to heed that call, and ensure that this body retains the flexibility to address human rights violations wherever they occur. Thank you, Mr. President.