



General Assembly

Distr.: General
6 September 2016

English only

Human Rights Council

Thirty-third session

Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by United Nations 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.

[29 August 2016]

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

GE.16-15446(E)



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Support of Request by Government of Canada for Review of Appointment of the Special Rapporteur

REQUEST BY THE GOVERNMENT OF CANADA FOR REVIEW OF APPOINTMENT OF MICHAEL LYNK

On 25 March 2016, in reaction to the appointment of Mr. Michael Lynk as the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Canadian Minister of Foreign Affairs Stéphane Dion called on the President of the United Nations Human Rights Council to “review this appointment,”¹ saying that UN Special Rapporteurs needed to have “a track record that can advance peace in region,”² and to be “credible, impartial and objective.”³ Dion’s office expressed “concerns” about Mr. Lynk’s “suitability and impartiality.”⁴

“This candidate was not put forward by Canada and does not represent the views of this government,” stated Dion’s spokesman. “There are legitimate questions and concerns raised, which is why we’ve asked for a review.”⁵

The statement also said Canada’s UN ambassador made it clear the human rights council should appoint a “professional, neutral and credible” candidate.⁶

FACTS AND LAW REQUIRE REVIEW

Canada’s request for a review of the appointment of Mr. Lynk is fully supported by the law, as established under UNHRC resolutions 5/1 and 16/21, and by the facts surrounding his misleading application and the flawed appointment.

a. UNHRC Rules of Impartiality Disqualify Partisan Applicants

Under the rules of the Council, as defined in resolution 5/1 and 16/21, the criteria of “impartiality” and “objectivity” are to be of paramount importance when selecting and appointing mandate-holders.

Mr. Lynk fails the impartiality and objectivity test because of his long record of partisan statements, partisan positions, and partisan campaigning on the Palestinian issue, as documented in detail by United Nations Watch in its report of March 10, 2016, entitled *Mandate to Discriminate: Appointing the 2016-2022 UN Special Rapporteur on “Israel’s Violations of the Principles and Bases of International Law.”*⁷

In particular, Mr. Lynk fails the test of impartiality and objectivity because he played an undisclosed leadership role in three separate pro-Palestinian lobby groups:

¹ Canadian Foreign Minister S. Dion, at <https://twitter.com/MinCanadaFA/status/713411853599289344>.

² *Ibid.*

³ Canadian Foreign Minister S. Dion, at <https://twitter.com/MinCanadaFA/status/713104165141102592>.

⁴ “Canada Isn’t a Fan of the UN’s Pro-Palestinian Choice for a Human Rights Watchdog, VICE News, March 28, 2016, at https://news.vice.com/article/canada-isnt-a-fan-of-the-uns-pro-palestinian-choice-for-a-human-rights-watchdog?utm_source=vicenewsfb.

⁵ *Ibid.*

⁶ “Dion questions appointment of Canadian law professor as UN human rights adviser,” Canada’s Globe & Mail, March 25, 2016, at <http://www.theglobeandmail.com/news/national/dion-questions-appointment-of-canadian-law-professor-as-un-human-rights-adviser/article29396458/>.

⁷ Report by United Nations Watch, at <http://www.unwatch.org/wp-content/uploads/2009/12/Mandate-to-Discriminate-UN-Watch-Report-March-10-v548.pdf>.

1. Mr. Lynk was a member of the board of directors of the National Council on Canada-Arab Relations;
2. Mr. Lynk was a member of the advisory board of the “Canadian-Palestinian Education Exchange” (CEPAL), which promotes events like the “4th Annual Israeli Apartheid Week”;
3. Together with former Arab League representative Clovis Maksoud, Mr. Lynk was on the advisory board of Friends of Sabeel North America, another pro-Palestinian organization.

In this capacity, Mr. Lynk actively lobbied against Israel, including his attempt at the Canadian Parliament in 1996 to alter, delay and undermine a Canada-Israel trade deal.⁸

b. Michael Lynk Failed to Disclose Material Information in His Application

The appointment of Mr. Lynk is legally null and void because Council members who supported Mr. Lynk’s appointment did so on the basis of a deceptive application which failed to disclose his long and substantial record of partisan activity for the Palestinians, which was of a degree as to call into question his credibility on this subject.

For example, in his application form responses to a series of questions concerning “Compliance with Ethics and Integrity Provisions,” Mr. Lynk failed to disclose his leadership role in the three aforementioned pro-Palestinian organizations.

- Asked about any “professional” or “personal” relationships that might cause him to limit the extent of his inquiries, or to weaken or slant findings in any way, he responded: ***“No. I have no official, professional, personal or financial relationships that would limit the extent of my inquiries, or weaken or slant my findings.”***⁹
- Asked if there were any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate’s ability to act independently in discharging his mandate, he responded, ***“No, there are not.”***¹⁰
- Asked if there is there any reason, currently or in that past, that could call into question his moral authority and credibility—or whether the candidate held any views or opinions that could prejudice the manner in which he discharges his mandate—Lynk responded, ***“No, there are not.”***¹¹

c. Failure to Submit Names Prior to the Session

Finally, the appointment of Mr. Lynk is also legally null and void because his name was submitted past the mandated deadline. By law, the Consultative Group’s selection of rapporteurs must be submitted “at least one month before the beginning of the session in which the Council would consider the selection of mandate-holders.” (Article 47, Institution Building Package, Resolution 5/1)¹²

⁸ Parliament of Canada transcript, hearing of Standing Committee on Foreign Affairs and International Trade, October 29, 1996, reviewing Bill C-61, *An Act to implement the Canada-Israel Free Trade Agreement*. Mr. Michael Lynk is listed as “Secretary Treasurer, National Council on Canada-Arab Relations,” in which capacity he requested “that this bill be withdrawn from the government agenda” until his demands were met. See transcript at: http://www.parl.gc.ca/Content/HOC/Archives/Committee/352/fore/evidence/49_96-10-29/fore49_blk-e.html.

⁹ M. Lynk, application to be UN Special Rapporteur, at <http://www.unwatch.org/wp-content/uploads/2009/12/LYNKStanleyMichael-1.pdf>.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² Resolution 5/1, at <http://www.refworld.org/docid/4ae9acbbd.html>.

However, in the 31st session of March 2016, the CG sent their letter on March 4th, after the session already began. The entire process needed more time, as envisaged and indeed mandated by the IBP. The President tried to request more time, but the Palestinian representative took the floor to oppose this move, and he led a campaign to rush the appointment, contrary to law.

CONCLUSION

For the reasons stated above, and as clarified by United Nations Watch in its full statement¹³, Mr. Lynk's appointment as Special Rapporteur must be subject to a United Nations review, as requested by the Government of Canada.

¹³ For UN Watch's full statement on this matter, please see www.unwatch.org/lynk-review.