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

**Written statement* submitted by B’nai B’rith International, a non-governmental
organization on the Roster**

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

[2 March 2007]

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

Special Sessions and Agenda:

At the founding session of the Human Rights Council last year, Secretary-General Kofi Annan cautioned, "Never allow the Council to become caught up in political point-scoring or petty maneuver." As recently as on Human Rights Day of 2006, he cautioned more specifically that he is "worried" about this body's disproportionate focus on Israel. Yet despite the reform process of abolishing the Commission on Human Rights and replacing it with a Human Rights Council, little has changed. Unfortunately, the Council risks becoming even more politicized than its predecessor.

Resolution 60/251 of the General Assembly, which establishes the Council, begins with a reference to the UN Charter, "reaffirming the purposes and principles contained in the Charter of the United Nations, including developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples...." One of the resolution's decisions enjoins the Council to "be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights...."

When the Council adopted its first resolution in its inaugural session, proposing that "Israeli human rights violations in occupied Palestine" be permanently incorporated into the agenda of future Council sessions, B'nai B'rith International cautioned that it might be "the vote that may bury, rather than revive real human rights reform at the United Nations." We urge the Council not to continue on this path and to refrain from replicating the old Commission's selectivity.

Since its inception the Council has passed five resolutions, three decisions and held three emergency special sessions devoted to Israel and the Middle East. In contrast, only one special session and consequent resolution was adopted with regard to Darfur, where genocide is occurring. Further, 90% of all press releases posted on the Human Rights Council's website relate to Israel and a whole section is focused on Israel.

Considering these challenges, our view of the Council is one of vast disappointment. Nonetheless, B'nai B'rith International continues to engage in Council sessions and urges its member states to reorient the Council's work, so as to begin fulfilling its responsibilities to promote and protect universal human rights.

Mandate Holders:

We take issue with the selective and one-sided mandate of John Dugard, the Special Rapporteur on "Palestinian territories occupied since 1967." Having previously stated that he has a political agenda, Dugard is as one-sided in his selection of facts as is his mandate. In the most recent report before the Council, he mentions the financial burden under which the Palestinians are suffering, blaming Israel, Europe, and the US for the imposition of financial sanctions without discussing the Quartet's three principles for engagement. While no one will deny the importance of fulfilling humanitarian needs it is important to consider some relevant figures. The UN Palestinian Relief and Works Agency (UNRWA), which is primarily financed by the US and the EU, was allocated a cash budget for 2006 of \$470.9 million, which is meant to underwrite UNRWA's ongoing services in education, health, and relief. Yet, according to Dugard, these areas are the ones that are suffering most.

According to the UN statistics, 27,000 staff work for UNRWA, whereas the entire headquarters and field staff of the Office for the High Commissioner for Human Rights numbers 576. At \$86.5 million, OHCHR's budget is almost five times smaller than UNRWA's budget of \$470.9 million.

B'nai B'rith International continues to support the system of special procedures, with the exception of the role of the aforementioned Rapporteur. We also take issue with Jean Ziegler, the Special Rapporteur on the Right to Food, the only expert to have been censured by the Secretary-General and the High Commissioner for Human Rights, who has abused his position to advance a radical, anti-Israel agenda. Mandate holders should demonstrate expertise in their fields, be independent of any government and demonstrate impartiality and integrity.

Universal Periodic Review:

Pursuant to paragraph 5 of the GA resolution 60/251, the Human Rights Council is to “undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies; the Council shall develop the modalities and necessary time allocation of the universal periodic review mechanism within one year after the holding of its first session”.

Universal periodic review (UPR) remains a potential area in which the Council might positively distinguish itself from its predecessor and help reorient the UN's human rights system onto a productive track. Unfortunately, discussions regarding the modalities and periodicity for UPR have been contentious and the outcome of UPR negotiations could potentially be abused by those countries that wish to eliminate any scrutiny of their human rights violations. We therefore urge member states to reconsider the original intent of UPR in their on-going discussions and we echo the EU's oral statement of 12 February 2007, according to which “universality is the opposite of selectivity, politicization, and double standards.”

The UPR process should review each country's human rights record by the same rigorous standards. The Office of the High Commissioner for Human Rights, special procedures, non-governmental organizations and other expert resources and stakeholders should play roles in the creation and execution of UPR. Further, the period of time involved for each review and the interval between each review should be the same for each member state, regardless of that country's geographic affiliation or its state of development. We welcome Israel's statement, that “despite the numerous, unique and pressing menaces facing Israel in its unceasing struggle against terrorism, and the wars and hostilities imposed upon them, Israel (has) consciously chosen to open itself to international scrutiny through interaction with UN human rights treaty bodies, other UN mechanisms and non-governmental organizations.” This openness to human rights procedures from a nation that has been consistently and one-sidedly scrutinized in a selective and politicized way should set an

example to other Council members who conveniently seem to focus only on Israel to the exclusion of all other countries.

Durban Review Conference

The 2001 World Conference Against Racism, Racial Discrimination and Xenophobia in Durban provided a platform for an extreme manifestation of anti-Semitism, both visible and physical, as well as verbally explicit in the text of the NGO-adopted Declaration. The decision taken by member states at the third regular session of the Human Rights Council to convene a Durban review conference bears great risk of repeating that shameful aberration. Without an official acknowledgement from the United Nations and its member states of the hatred spawned by the Durban WCAR, in the absence of a review of lessons to be learned and a commitment to prevent similar manifestations through practical steps, the planning and execution of an additional Durban conference threaten to perpetuate the same hatred, thereby promoting the very antithesis of the Conference's avowed purpose.
