

Second Part: Word APPLICATION FORM FOR SPECIAL PROCEDURES MANDATE HOLDERS

Special Rapporteur on the situation of human rights in Myanmar

How to start the application process:

- The application process has been split into 2 parts, the first part is a Web-based survey and the second part is an application form in word which can be downloaded, completed and returned by email. Both parts and all sections of the application form should be filled in for the application to be processed.

The **first part**, i.e. the [Web-based survey](#) is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate/s applying for and nominating entity. **The web-based survey should only be completed once**, i.e. multiple selection allowed to indicate if the candidate is applying for more than one mandates.

This is the **second part, i.e.** of the application form in Word which can be downloaded, completed and saved in word format and then submitted as an attachment by email. Information provided in this form, includes a motivation letter of maximum 600 words, will be used as received to prepare the public list of candidates who applied for each vacancy and will be made available to concerned parties, including through the OHCHR Internet.

Once completed the application form in Word should be submitted by email to hrcspecialprocedures@ohchr.org

If the candidate is applying for more than one mandates, an application form needs to be completed and sent for each mandate.

- A maximum of 3 reference letters can be attached, in pdf format, to the application sent by email. No additional document is required.
- **Application Deadline: 31 OCTOBER 2013 (midnight, GMT).**
- Shortlisted candidates will be interviewed at a later stage.

If encountering technical difficulties, you may contact us by email: hrcspecialprocedures@ohchr.org or fax: + 41 22 917 9011

An acknowledgment will be sent when we receive both parts of the application process, i.e. the information through the web-based survey and the application form through email.

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I. PERSONAL DATA

Family Name: Kaye	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
First Name: David	Date of birth (d-MMM-yy): 20-Aug-68
Maiden name (if any):	Place of birth: USA
Middle name: Aaron	Nationality(please indicate the nationality that will appear on the public list of candidates): USA
	Any other nationality:

II. MANDATE - SPECIFIC COMPETENCE/QUALIFICATION/KNOWLEDGE

NOTE: Please describe why the candidate's competence/qualifications/knowledge is relevant in relation to the specific mandate:

<p>QUALIFICATIONS (200 words) Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)</p>	<p>My bachelors and law degrees are from the University of California, Berkeley. I worked as a lawyer with the U.S. Department of State for ten years, including several as principal staff attorney for international humanitarian law (e.g., advising for application of Geneva Conventions after 9/11) and three as a legal adviser to the U.S. Embassy in The Hague. I co-founded human rights programs at UCLA and UC Irvine and have conducted or supervised field research around the world. I have collaborated with leading scholars, human rights organizations, civil society actors, diplomatic missions, UN agencies, and others and published in leading international law journals, engaging in scholarly debate in traditional and on-line media. I consider it a fundamental responsibility of human rights scholars to engage the public, so I have taken my human rights advocacy to mainstream media such as Foreign Affairs, The New York Times, The Los Angeles Times,</p>
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	<p>Foreign Policy, and other leading U.S. outlets. My analysis has focused on international and domestic human rights issues, including U.S. implementation of the ICCPR and other treaties and post-9/11 policies and practices.</p>
<p>RELEVANT EXPERTISE (200 words) Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired). Knowledge of institutional mandates related to the United Nations or other international or regional organizations' work in the area of human rights. (Please state how this was acquired). Proven work experience in the field of human rights. (Please state years of experience).</p>	<p>For nearly twenty years, my career has explored human rights and IHL, with field and high-level experience worldwide. Key areas include:</p> <ul style="list-style-type: none"> - domestic implementation of the ICCPR; - as a diplomat, drafting and negotiation of expansion of the scope of application of the Convention on Conventional Weapons and assistance in development of Additional Protocol III to the Geneva Conventions; - as a State Department lawyer, developing and advancing arguments for application of IHL by the United States and others, including the Geneva Conventions and their Additional Protocols; and for ratification of the Hague Convention protocol on cultural property and Additional Protocol II; - as an advocate, researcher, and diplomat, implementation of the statutes and rules of procedure/evidence of the ICTY, ICTR, and Rome Statute; - as scholar and teacher, analysis of the European Convention of Human Rights and the ECtHR and the Inter-American system for human rights protection. <p>I have worked with or written about UN bodies, such as the ICTY, OHCHR, Legal Affairs, Rule of Law, and Disarmament; organizations such as the ICRC; and NGOs such as Open Society and Human Rights Watch.</p> <p>All of the above I also teach in my courses on human rights, IHL, and international justice.</p>

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<p>ESTABLISHED COMPETENCE (200 words) Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired).</p>	<p>I have delivered invited presentations at, among other places, the United Nations, the International Criminal Court, Council on Foreign Relations, the American Society of International Law, and universities in Europe, China, the Middle East, and the United States. I have collaborated with leading organizations in the field, including Human Rights Watch, Open Society Justice Initiative, and the International Centre for Transitional Justice. The State Department recognized my expertise with several superior and meritorious honor awards.</p> <p>I have been honored with membership, positions, or awards including:</p> <ul style="list-style-type: none">- Council on Foreign Relations, Life Member- American Society of International Law: Co-Editor, ASIL Insights (2009 - 13); Executive Council (2010 - 2013); Executive Committee (2010 - 11); Program Committee Member, 2010 and 2013 Annual Meetings & 2011 Midyear Meeting- Center for Civil Society and Democracy in Syria, Advisory Board - Member- American Branch - International Law Association (Chair, IHL Section)- Democracy Council of California, Board of Directors - Member- Human Rights Watch, California Committee South - Member- International Justice Resource Center, Advisory Board - Member- California State Bar, Member
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<p>FLEXIBILITY/READINESS AND AVAILABILITY OF TIME (200 words) to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. (Indicate whether candidate can dedicate an estimated total of approx. three months per year to the work of a mandate)</p>	<p>A mandate-holder must devote significant amount of time to ensure accurate, rigorous, objective, independent, and fair reporting and analysis that takes into account not only the legal standards but the interests and concerns of stakeholders. I would bring to the mandate the deep advantages of a growing law school at one of the top university systems in the United States. My mandate would draw upon the work of students and faculty at the University of California, Irvine, School of Law. In particular, students in our human rights clinic and broad pro-bono program would contribute desk research and field fact-finding assistance. I would devote myself to year-round work on the mandate. We would seek outside funding where necessary, expanding our capacity and adding to that provided by OHCHR, and I would develop collaborations across the University and beyond, with other scholars, civil society organizations, and international NGOs.</p>

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III. LANGUAGES (READ / WRITTEN / SPOKEN)

Please indicate all language skills

Languages	Read		Write		Speak	
	Easily	Not Easily	Easily	Not Easily	Easily	Not Easily
Arabic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chinese	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
English	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Russian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spanish	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mother tongue: English	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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IV. Motivation Letter (600 word limit)

Myanmar is at a crossroads, with the remarkable political transition that began recently intersecting now with the realities of ethnic, religious, economic, and other kinds of difference throughout the country. The special procedures mandate should serve as a key mechanism for the monitoring and enforcement of human rights law during this period. But it may also do more. It may serve as a vital bridge between the international community and Myanmar, including the remarkable array of individuals and institutions in government and parliament, universities, civil society, international organizations, and independent actors. I have a strong interest in helping monitor, report, counsel, and bridge the various interests playing a role in Myanmar's development while sensitive to the dynamics, independence, and interests of all parties.

In addition to my strong motivation for this and other available opportunities to hold special procedures mandates, I should highlight a few factors that strengthen my ability to perform the functions of a mandate holder.

First, I am very eager to engage in the work of this mandate, and I already enjoy relationships with individuals, institutions, and organizations working on Myanmar's transition to democratic governance, human rights, and rule of law. My career has been devoted to the implementation of the norms of public international law – especially human rights and humanitarian law – and I have a special interest in implementation at the national level. I believe that a mandate holder has the opportunity to help domestic actors transition to widespread respect for rule of law – and to do so in a way that is respectful of the need for the nation as a whole to participate in that transition, especially including government and non-governmental players. An objective mandate holder, performing the mandate with rigorous research, taking into account the full range of stakeholders, and reporting in a way that is sensitive to individual, national, and international concern, could serve an extremely valuable purpose for the future of the country.

Second, I am fully cognizant of the fact that UN resources to support a mandate-holder are limited. I would bring to any mandate the resources and intellectual support of my home institution, the University of California, Irvine, School of Law. Presently, in addition to teaching and conducting research in the areas of human rights, international humanitarian law, and public

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international law more generally, I direct a human rights clinic. The International Justice Clinic involves at least sixteen advanced law students every year in concrete human rights projects. They would assist in the research, fact-finding, and reporting that would be at the core of the mandate. Including the Clinic that I directed at UCLA School of Law, we have developed experience conducting field work and elite-level interviews in a variety of locations, from UN and other institutions in The Hague, Geneva, and New York to domestic and civil society actors in west Africa, Cambodia, Colombia, Myanmar, Northern Ireland, Bosnia and Herzegovina, and elsewhere. The Law School might serve as a convener of meetings, seek philanthropic support for our work, and provide the framework for a website for the mandate's work. I would bring these resources and this experience and expertise to bear on any mandate.

Finally, I would bring to this mandate the experience of nearly twenty years of diplomatic, academic, legal, and activist work, able not only to bridge multiple interests but also deploy the resources of university, NGO, philanthropic, and other communities.

Thank you very much for your consideration.

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V. EDUCATIONAL RECORD

NOTE: Please list the candidate's academic qualifications: (university level and higher)

Name of degree and name of academic institution	Years of Attendance	Place and Country
JD, University of California, Berkeley, School of Law	1992 - 1995	Berkeley, California, USA
BA, University of California, Berkeley	1986 - 1990	Berkeley, California, USA

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VI. EMPLOYMENT RECORD

NOTE: Please briefly list ALL RELEVANT professional positions held, beginning with the most recent one:

Name of Employer Functional Title Main functions of position	Years of Attendance/ Work	Place and Country
University of California, Irvine, School of Law Clinical Professor of Law Teach and research in international human rights law, international humanitarian law, international justice, and other areas of public international law.	2012 - currently	Irvine, California USA
University of California, Los Angeles, School of Law Executive Director, International Human Rights Program; Director, International Justice Clinic Co-founded and provided overall direction for the first major human rights law program and clinic in the Los Angeles area. Taught human rights law and international justice clinic focusing on accountability for serious human rights violations. Led projects around the world.	2007 - 2012	Los Angeles, California USA
Whittier Law School Visiting Professor of Law; Acting Director, Center for International and Comparative Law Taught first-year and advanced courses. Organized two major symposia and a colloquia program. Taught in the summer programs at the Universities of Amsterdam and Toulouse	2005 - 2007	Costa Mesa, California USA
Embassy of the United States, The Hague, The Netherlands Deputy Legal Counselor U.S. liaison to the International Criminal Tribunal for the former Yugoslavia (ICTY), Permanent Court of Arbitration, and other legal institutions in The Hague. Co-counsel of the United States before the	2002 - 2005	The Hague, The Netherla nds

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<p>International Court of Justice and Iran-U.S. Claims Tribunal.</p> <p>U.S. Department of State, Office of the Legal Adviser Attorney-Adviser and Special Assistant principal staff attorney in areas including:</p> <ul style="list-style-type: none"> - Application of law of armed conflict, use of force and human rights law following 9/11, including Geneva Conventions, detainee issues and military commissions. Lead drafter of memoranda advocating application of Third Geneva Convention with respect to those detained in Afghanistan. - Negotiations on weapons under law of armed conflict, including landmines and cluster bombs. Led inter-agency working group developing U.S. Government positions. Drafted proposed protocols of the Convention on Conventional Weapons, including expansion of Convention to govern non-international armed conflict and application to anti-vehicle landmines. - International agreements on nuclear nonproliferation, safety and liability; North Korean nuclear issues; U.S. sanctions law following nuclear tests of India and Pakistan; nuclear export controls. - Law of state responsibility, including U.S. policy concerning the Helms-Burton (Libertad) Act of 1996 and consequent NAFTA and U.S.-European negotiations. 	<p>1995 - 2002</p>	<p>Washington, DC USA</p>
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**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS (of
Council Resolution 5/1)**

1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause him/her to limit the extent of their inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.

No

2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate's ability to act independently in discharging his/her mandate? If yes, please explain:

No

3. Is there any reason, currently or in that past, that could call into question the candidate's moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which she/he discharges his mandate? If yes, please explain:

No

4. Does the candidate comply with the provisions in paragraph 44 and 46 of the Annex to Human Rights Council resolution 5/1?

Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.

Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate-holders will act in their personal capacity

Yes

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5. Should the candidate be appointed as a mandate holder, he/she will have to take measures to comply with paragraphs 44 and 46 of the Annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.

Not applicable.

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Thank you for your interest.