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Laying the Foundation for another Goldstone Report

Following the conclusion of the 19th session of the UN Human Rights Council, at which five resolutions directed against Israel were adopted, the Government of Israel decided to break off all contacts with the Council, and thus with the staff of the UN High Commissioner for Human Rights. Its action was prompted by one of the five resolutions, a resolution “to dispatch an independent international fact-finding mission ... to investigate the implications of the Israeli settlements on the civil, political, economic, cultural and social rights of the Palestinian people.”

The Government of Israel clearly realized that the Council was repeating the process that had led to the Goldstone Report: the dispatch of a “fact-finding mission” for no other purpose but to write a report that would support the allegations against Israel already set forth in the Council’s resolution. In the resolution adopted at its 19th session, the Council “notes with grave concern the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories.” These are the “facts” that the Council had already “found” and that the mission was instructed to “find” again. *It is quite clear that the Council has thus initiated another anti-Israel propaganda scheme to be funded out of the UN budget*

The **United States**, in announcing its decision to vote “no” on this resolution, made the following observations: “The United States is deeply troubled by another one-sided United Nations mechanism against Israel. It is inappropriate to prejudge final status issues that can only be resolved through bilateral negotiations between Israel and Palestine. The United States is against new Israeli settlements but cannot support a one-sided investigation of the conflict. The Council should engage in action which help move the parties toward peace and not actions that complicate the peace efforts through a biased fact finding mission that would sap resources and time.”

The resolution was adopted by a vote of 36 in favor, 1 against, and 10 abstentions. The member states abstaining on this resolution were **Cameroon, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Moldova, Poland, Romania and Spain.**

Other Business Transacted by the 19th Session of the UN Human Rights Council

Freedom House, a respected organization that has since 1941 worked to advance the cause of freedom throughout the world, has for many years issued annual reports that assess respect for democratic principles and human rights in all countries of the world. On that basis, it classifies countries as “free,” “partly free,” and “not free.” In its most recent report, Freedom House has rated 86 UN member states as “free,” 60 as “partly free,” and 47 as “not free.”

When the Human Rights Council met for its 19th session in March 2012, it considered human rights conditions in 4 of the 47 countries that Freedom House has classified as “not free” (Burma, Iran, North Korea, and Syria); and in 1 of the 60 countries classified as “partly free” (Sri Lanka). The Council adopted resolutions criticizing each of them. But, as usual, an entirely disproportionate amount of attention was paid to Israel, *the one country that is on the Council’s permanent agenda for review*, and a country that Freedom House has classified as “free.” As noted earlier, the Council adopted five resolutions directed against Israel.

The Iran resolution was adopted by a vote of 22 to 20, the Sri Lanka resolution by a vote of 24 to 15, and the Syria resolution by a vote of 37 to 3. The Burma and North Korea resolutions passed unanimously. The five resolutions dealing with Israel were adopted with only one dissenting vote, that of the United States.

What explains the unanimous vote against Burma and North Korea is that both countries are truly friendless on the world scene. The Syria vote can be explained by the fact that the Arab League has now turned against the Alawite leadership of that country. Only China, Cuba, and Russia voted “no.” Israel can count on the United States as a friend at the UN, but it has other friends on the world scene as well. *The problem for Israel at the UN is that a well-organized band of operatives, operating inside the UN system, cleverly manipulates many of the member state missions of the UN in an effort to delegitimize the State of Israel. Many of these missions cast their votes without instructions from their governmental leaders.*

The Latest Batch of anti-Israel Resolutions

Three of the anti-Israel resolutions adopted at the 19th session of the UN Human Rights Council are essentially, declaratory, like most other resolutions that the Council adopts to criticize human rights violations in specific countries. No practical consequences attach to them. These resolutions (a) criticize Israeli measures in the administration of the Golan Heights, (b) affirm the right of the Palestinian people to self-determination, and (c) criticize Israel for measures taken in the administration of the West Bank, Gaza, and East Jerusalem.

But two resolutions have operational consequences, as they are expressly designed to lay the foundation for further international propaganda campaigns directed against Israel. The first of these has been discussed on page 1 of this Report. The second operational resolution seeks to keep the discredited Goldstone Report alive, as it

1. *Reiterates its call* upon all concerned parties, including United Nations bodies, to ensure their full and immediate implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza conflict, in accordance with their respective mandates;
2. *Welcomes* the efforts made by the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1, bearing in mind the statement adopted on 15 July 1999, as well as the reconvening of the conference and the declaration adopted on 5 December 2001, and recommends that the Government of Switzerland continue to pursue its efforts with the aim of resuming the above-mentioned conference as soon as possible;

This resolution is a response to the UN Security Council's failure to take the final step recommended in the Goldstone Report: to refer the Report for action by the prosecutor of the International Criminal Court. Those who want to bring Israel before the Criminal Court were unable to obtain the nine affirmative votes required for Security Council action under the UN Charter. Their efforts thus failed without the need for a U.S. veto. For that reason, anti-Israel forces are now pursuing an alternative route for action on the Goldstone Report: to convene the High Contracting Parties of the Fourth Geneva Convention to take action on the recommendations of the Report

The United States Position.

The United States was the only one of the Human Rights Council's 47 members to cast "no" votes on the five resolutions. In taking the floor in opposition to the resolution, the United States made the following observations on the other four resolutions:

With regard to the declaratory Golan Heights resolution: "The resolution put forward on the Golan Heights is one sided, biased, and undermines to common work of the Council to bring an end to the crisis in Syria."

With regard to the two declaratory resolutions on the West Bank, Gaza, and East Jerusalem: "The United States is deeply concerned about the plight of the Palestinians. The issue can only be resolved with a two-state solution. The United States is deeply troubled by the slate of resolutions that undermine the work of the Council. These issues belong in direct negotiations.... The United States is troubled by the disproportionate and one-sided resolutions. This goes against collective efforts to bring about a just and lasting peace."

With regard to further action on the Goldstone Report: "The best way to address human rights issues in Palestine is through political negotiations that would result in a two-State solution. ... Council Member States should take a balanced approach to human rights violations in the Middle East. The United States objects to the call for Switzerland to reconvene the contracting parties to the Geneva Convention...."

The Countries that Abstained

No state abstained on all five resolutions, but lessons can be learned in identifying those that did abstain on some of the resolutions:

Cameroon and **Guatemala** abstained on four resolutions, voting "yes" only on the declaratory resolution on the Palestinian right to self-determination. Cameroon has for many years been the only African state to abstain consistently on anti-Israel resolution in the UN system. There is reason to believe that that reflects the outlook of President Biya, who has been in office for the last thirty years. In the case of Guatemala, there is reason to believe that the votes reflect the outlook of the new Guatemalan administration, which took office in January 2012, particularly the outlook of Foreign Minister Caballeros.

Joining Cameroon and Guatemala in abstaining on the two operational resolutions and the Golan Height resolutions, thus on three resolutions, were all East European members of the Council, except for Russia. They were the **Czech Republic, Hungary, Moldova, Poland** and **Romania**.

Two West European states: **Italy** and **Spain, also abstained on those votes.** (The abstention of Spain may very well reflect the outlook of its new government.)

The other four West European members -- **Austria, Belgium, Norway, and Switzerland** -- abstained on only two of the resolutions, the Golan Heights declaratory resolution and on the operational resolution that calls the convening of the High Contracting Parties to the Fourth Geneva Convention to act on the Goldstone Report. (It is significant that Switzerland, which the resolution commended for its efforts to convene the session, abstained on this resolution.) These four states did, however, vote for the operational resolution that calls for the appointment of a fact-finding mission on settlements.

Costa Rica voted for all three declaratory resolutions but abstained on the two operational resolutions.

Burkina Faso, Mexico and **Uruguay** abstained on only one resolution, that calling for the convening of a session on the Goldstone Report

The Consistent Yes Votes

Voting consistently for all anti-Israel resolutions were 29 of the Council's 47 member states.

(a) the 7 members of the Arab League that serve on the Council: **Djibouti, Jordan, Kuwait, Libya, Mauritania, Qatar, and Saudi Arabia;**

(b) 8 sub-Saharan African states: **Angola, Benin, Botswana, Congo, Mauritius, Nigeria, Senegal, and Uganda;**

(c) 9 non-Arab Asian states: **Bangladesh, China, India, Indonesia, Kyrgyzstan, Malaysia, Maldives, Philippines, and Thailand;**

(d) 4 Latin American states: **Chile, Cuba, Ecuador, and Peru;**

(e) 1 East European state: **Russia.**

Freedom House rates the 29 states that voted for all five resolutions criticizing Israel for alleged human rights violations as follows: 7 are "free;" 11 are "partly free;": and 11 "not free."

Concluding Observations

AJIRI does not normally report on the activities of the UN Human Rights Council. It is the Council's effort to get another Goldstone Report underway that deserves special attention. What is now quite clear is that Israel's opponents at the UN have become increasingly sophisticated in their operations. Rather than merely using the UN as a forum for speech-making and the adoption of declaratory anti-Israel resolutions, they now seek to make use of existing international mechanisms or create new ones to accuse Israel of violations of international law and have it found guilty of such violations.

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