

Council extends mandate on racism, adopts texts on situation in Palestine and other Occupied Arab States

AFTERNOON

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The Human Rights Council this afternoon adopted 12 texts in which it extended the mandate of the Special Rapporteur on racism and racial discrimination, and tackled issues concerning human rights and international solidarity, the right to food, the protection of human rights in the context of HIV/AIDS, the human rights situation in Palestine and other occupied Arab territories, Burundi, the Democratic Republic of the Congo, Guinea, and the Human Rights Council Advisory Committee.

Concerning the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Council extended the mandate of the Special Rapporteur for a further three years. Nigeria introduced the resolution on behalf of the African Group and the United States spoke in explanation of the vote before the vote.

Under its agenda item on the human rights situation in Palestine and other occupied Arab territories, the Council adopted four resolutions concerning the human rights situation in the occupied Palestinian territory, including East Jerusalem; the right of Palestinian people to self determination; Israeli settlements in the occupied Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan; and follow-up to the report of the United Nations Fact-Finding Mission on the Gaza conflict.

I

Action on Resolutions Under the Agenda Item on the Human Rights Situation in Palestine and Other Occupied Arab Territories

Action on Resolution on Grave Violations by Israel in the Occupied Palestinian Territory, Including East Jerusalem

In a resolution (A/HRC/16/28) regarding the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, as orally revised, adopted by a vote of 30 in favour, 1 against, and 15 abstentions, the Council demands that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967, and that it respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours; strongly condemns the continuous Israeli military attacks and operations in the Occupied Palestinian Territory, including its regular military incursions, and calls for their immediate cessation and condemns also the indiscriminate rocket and mortar fire from the occupied Gaza Strip against civilians and calls for their immediate cessation; demands that the occupying

Power, Israel, stop the targeting of civilians and halt its administrative decisions and practices that directly or indirectly coerce Palestinian citizens to leave East Jerusalem, including evictions, demolitions, forced displacements, cancelation of residence permits and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the fourth Geneva Convention; also demands that the occupying Power, Israel, immediately stop its illegal decisions to demolish a large number of Palestinian houses in East Jerusalem, including in the neighbourhood area of Al-Bustan in Selwan, and the evacuation of Palestinian families in Al-Sheikh Jarrah and Beit Hanina areas of East Jerusalem, which is resulting in the displacement of a large number of resident Palestinians of East Jerusalem; further demands that the occupying Power, Israel, release Palestinian prisoners and detainees, including women, children and elected members of the Palestinian Legislative Council; calls upon the occupying Power, Israel, to lift checkpoints and open all crossing points and borders according to relevant international agreements; demands that Israel, the occupying Power, immediately lift the siege imposed on the occupied Gaza Strip, and that it open all borders and crossing points and allow the free access of fuel, humanitarian needs and medicine in addition to all necessary materials and equipment needed for the reconstruction and rehabilitation of Gaza, as agreed upon at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, on 2 March 2009; and decides to continue the consideration of this question at its nineteenth session.

The result of the vote was as follows:

In favour (30): Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, Uganda, and Uruguay.

Against (1): United States of America.

Abstentions (15): Belgium, Cameroon, France, Guatemala, Hungary, Japan, Norway, Poland, Republic of Moldova, Republic of Korea, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, and Zambia.

MARIAM MADIHA AFTAB (Pakistan), introducing draft resolution L. 28 on behalf of the Organization of the Islamic Conference, said that the resolution condemned Israel's persistent violations of all the human rights of the occupied Palestinian people. The preamble of the resolution underlined the right of all people to self determination and the inadmissibility of acquisition of land by the use of force. Pakistan informed the Council that there were some changes in the operative part of the draft resolution. The Organization of the Islamic Conference believed that the Council was dealing with a grave humanitarian crisis and hoped that the Council members would adopt this resolution with consensus.

There were two additional co-sponsors.

EILEEN CHAMBERLAIN DONAHOE (United States), speaking in a general comment, said the United States was deeply concerned about the suffering of the Palestinian and Israeli people and stressed that only negotiations between the two parties to achieve a two-State solution would resolve the problem and lead to peace. Israel should take steps to stop settlement activity. The United States had not accepted the legitimacy of Israel's settlements. The United States said the

Palestinians should reform governance institutions and end incitement to violence. The United States was deeply troubled with the resolution because it failed to address the real challenges of the region. The surest way to protect the rights of both peoples was to move the peace process forward. The United States had continued to provide technical support to the Palestinian Authority and was a large donor to the United Nations Agency to provide humanitarian relief to the Palestinian people. The role of this Council should be to support peace talks between the two parties to agree on an outcome that would meet the goals of both parties. The United States would call a vote on this resolution.

HECTOR RAUL PELAEZ (Argentina), speaking in a general comment, said that Argentina supported the draft resolution L. 28 and the serious human rights violations meant that the Human Rights Council had to assess them on an ongoing basis. The Council must avoid a proliferation of resolutions regarding Israel which detracted the attention to make efforts which would lead to effective improvements in the region. The Council had to make further efforts to identify the responsibilities and obligations of each part involved and avoid simply criticizing one of them. Argentina appealed for the draft to be balanced. Argentina reiterated the need to treat human rights violations in a balanced and independent manner without political connotation and regardless of the part of the world where they occurred.

IBRAHIM KHRAISHI (Palestine), speaking as a concerned country, said that it would quote an Israeli phrase, 'shut up there is a war going on,' this philosophy had underpinned the Israeli policy for decades. Israel had tried to give the opinion that it was the target of assassins and outlaws. Israel had tried to accuse the Palestinian people. The official position was that Palestine was ready to work together with Israel to investigate the bus bombing in Jerusalem. In this Council if either an Israeli or Palestinian was killed it should be condemned. The draft resolution was positive and balanced and took into account most of the comments made by colleagues. The resolution had not asked for a coalition to bomb Israelis as in Libya but only to condemn the violence that was going on against international humanitarian law.

II

Action on Resolution on the Right of Palestinian People to Self Determination

In a resolution (A/HRC/16/L.29) regarding the right of the Palestinian people to self determination, adopted by a vote of 45 in favour, 1 against, and no abstentions, the Council reaffirms the inalienable, permanent and unqualified right of the Palestinian people to self determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State; also reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security; stresses the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem; urges all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self determination; and decides to continue the consideration of this question at its nineteenth session.

The result of the vote was as follows:

In favour (45): Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, Ghana,

Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Poland, Qatar, Republic of Moldova, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, and Zambia.

Against (1): United States of America.

Abstentions (0):

MARIAM MADIHA AFTAB (Pakistan), speaking on behalf of the Organization of the Islamic Conference in introduction of resolution L.29, said that the realization of the right to self determination was an essential condition to guarantee the observance and promotion and protection of individual human rights. The resolution focused on the unquestionable right of self determination of the Palestinian people, granted to them by the United Nations Charter, international law, relevant human rights instruments and United Nations resolutions. The resolution reaffirmed the inalienable, permanent and unqualified right of the Palestinian people to self determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State. The resolution also affirmed its support for a two State solution, Palestine and Israel, living side by side in peace and security and urged all Member States and United Nations bodies to support and assist the Palestinian people in the early realization of their right to self determination.

MARIA NAZARETH FARANI AZEVEDO (Brazil), speaking on behalf of the Southern Common Market MERCOSUR in a general comment, said that MERCOSUR countries stood by previous statements and their country had traditionally supported the right of the Palestinian people to build a State and the right of Israel to live side by side with the Palestinian State and the international community's support with a view to achieving a peaceful agreement between the two parties. They believed that peace required a two States solution in accordance with the countries' commitments. Brazil rejected any acts that aimed at jeopardizing human dignity.

EILEEN CHAMBERLAIN DONAHOE (United States), speaking in a general comment, said the United States wished to call for a vote on this resolution for the same reasons given on resolution L.28 and said the United States would vote no.

III

Action on Resolution on Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem and in the Occupied Syrian Golan

In a resolution (A/HRC/16/30) regarding Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, as orally revised, adopted by a vote of 45 in favour, 1 against, and no abstentions, the Council condemns the recent Israeli announcements of the construction of new housing units for Israeli settlers in and around occupied East Jerusalem, as they undermine the peace process, constitute a threat to the two states solution and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law, and calls upon the Government of Israel to immediately reverse its decisions, which would further undermine and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with relevant United Nations resolutions;

expresses its grave concern at the continuing Israeli settlements and related activities, in violation of international law, including 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, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention, and recalls that settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State; urges Israel, the occupying Power to reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities, including in East Jerusalem and to prevent any new installation of settlers in the occupied territories, including in East Jerusalem; and demands that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice.

The result of the vote was as follows:

In favour (45): Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Poland, Qatar, Republic of Moldova, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, and Zambia.

Against (1): United States of America.

Abstentions (0):

MARIAM MADIHA AFTAB (Pakistan), speaking on behalf of the Organization of the Islamic Conference in introduction of resolution L.30, said the resolution responded to the humanitarian and human rights challenges of Israel's illegal settlements in the Occupied Palestinian Territories including East Jerusalem and the occupied Syrian Golan. The resolution urged Israel to reverse the settlement policy, to prevent any new installation of settlers in all occupied Arab territories including full implementation of the Access and Movement Agreement of 15 November 2005, to prevent acts of violence by Israeli settlers and demanded that Israel implement the recommendations regarding the settlements made by the High Commissioner for Human Rights and to comply with the Advisory Opinion on the Separation Wall.

EILEEN CHAMBERLAIN DONAHOE (United States) speaking in an explanation of the vote before the vote, said they would call for a vote for the same reasons given when considering L. 28 and would vote "no".

IBRAHIM KHRAISHI (Palestine), speaking as a concerned country, said that they would have liked to see the present and previous draft resolutions adopted by consensus. The Prime Minister of the occupying forces in Palestine had announced its vision for the process and had announced that there would not be a complete or permanent sovereignty for the Palestinian State, nor would there be a freeze on settlements. If the situation continued like this Palestine feared that they

might come too late in the future and they called upon the members of the Council to adopt this resolution. Palestine said that they did not see any efforts deployed towards those who impeded the achievements of this resolution.

FAYSAL KHABBAZ HAMOUI (Syria), speaking as a concerned country, said the Middle East was witnessing an unprecedented acceleration of settlement activity in the Occupied Palestinian Territories and in the Occupied Golan. Since the occupation of Palestine by Israel it had continued to steal land and to bring foreigners from all over the world to settle on these lands. The regional council for the Israeli settlers in the Syrian Golan launched a campaign which was called Come to Golan with incentives and even licenses to build on stolen Syrian land. Israel continued to change the geographical features of the Syrian Golan. This settlement activity was an impediment to the peace process and was unacceptable.

ANDRAS DEKANY (Hungary), speaking in an explanation of the vote before the vote on behalf of European Union, said that the European Union was concerned about the continuing Israeli illegal settlements which were an obstacle to the two states solutions. The European Union urged Israel to stop the settlement activities immediately. The European Union policy regarding West Jerusalem was in line with the relevant United Nations General Assembly resolutions. The European Union considered that Jerusalem was crucial to the settlement and peaceful solution of the conflict between Israel and Palestine.

IV

Action on Resolution on Follow-up to the Report of the United Nations Fact-Finding Mission on the Gaza Conflict

In a resolution (A/HRC/16/31) regarding follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict, as orally revised, adopted by a vote of 27 in favour, 3 against, and 16 abstentions, the Council regrets the non-cooperation by the occupying power, Israel, with the members of the committee of independent experts, and its failure to comply with the calls of the Human Rights Council and the General Assembly to conduct investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission and calls on all parties to the conflict including the Palestinian side, to take into account the conclusions of the committee; calls upon the High Commissioner to follow up on the determination of the appropriate modalities for the establishment of an escrow fund for the provision of reparations to Palestinians who suffered loss and damage as a result of unlawful acts attributable to the State of Israel during the military operations conducted from December 2008 to January 2009, also taking into consideration Israelis who suffered loss and damage as a result of unlawful acts attributable to the Palestinian side; reiterates its call to the General Assembly to promote an urgent discussion on the future legality of the use of certain munitions as referred to in the report of the United Nations Independent International Fact-Finding Mission on the Gaza conflict; also recommends that the General Assembly reconsider the report of the United Nations Fact-Finding Mission on the Gaza Conflict at its sixty-sixth session, and urges the Assembly to submit that report to the Security Council for its consideration and appropriate action, including consideration of referral of the situation in the Occupied Palestinian Territory to the prosecutor of the International Criminal Court, pursuant to article 13(b) of the Rome Statute; requests the Secretary-General to present a comprehensive report on the progress made in the implementation of the recommendations of the Fact-

Finding Mission by all concerned parties; and requests the High Commissioner to submit a progress report on the implementation of the present resolution to the Human Rights Council at its eighteen session of September 2011.

The result of the vote was as follows:

In favour (27): Angola, Argentina, Bahrain, Bangladesh, Brazil, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, and Uruguay.

Against (3): Slovakia, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Abstentions (16): Belgium, Burkina Faso, Cameroon, France, Guatemala, Hungary, Japan, Mexico, Norway, Poland, Republic of Moldova, Republic of Korea, Spain, Switzerland, Ukraine, and Zambia.

MARIAM MADIHA AFTAB (Pakistan), introducing draft resolution L. 31 on behalf of the Organization of the Islamic Conference, said that the Human Rights Council strongly condemned the aggression launched by the Occupying Power Israel in 2009 in the Occupied Gaza Strip. The Human Rights Council held two Special Sessions on the subject and fully endorsed the report and recommendations contained in the report of the United Nations international Fact-Finding Mission on the Gaza conflict. The Mission's report asked for a series of actions which needed serious and consistent follow up by the United Nations system. This resolution sought to address this important purpose. There were a number of amendments in the draft resolution and they believed that attainment of a comprehensive, just and lasting peace and stability in the Middle East was possible only through ensuring accountability, preventing impunity and ensuring justice. This resolution precisely addressed this question.

There were two additional co-sponsors for this resolution.

AHARON LESHNO-YAAR (Israel), speaking as a concerned country, said less than two weeks ago a Jewish family was stabbed to death by terrorists. Fifty tons of weapons were found sailing in the Mediterranean intended to kill more Israeli men and women. Two days ago terrorists planted a bomb in a phone booth in a bus station in Jerusalem and a tourist from the United Kingdom was killed. Yesterday Hamas fired on Israel and schools were closed so children could stay in bomb shelters. In Yemen protestors were killed, in Syria as well, and in Libya the Government forces were killing Libyan citizens. In Geneva, this Council continued to spend its time condemning Israel and that was why this Council's reputation was held in even lower esteem than that of its predecessor.

IBRAHIM KHRAISHI (Palestine), speaking as a concerned country, said that Palestine believed that the Council would work in order to fulfill its mission. Everybody knew the recommendations of the Fact-Finding Mission that said that both parties had committed humanitarian crimes. Palestine asked that this question be dealt with on a legal basis. Since the attack on the flotilla more than 120 Palestinian had died as a result of the aggression of the army of the occupying force and there were hundreds of justifications that could have led them to call for a special session, however they did not do so and, instead, they had carried out internal investigations and a fact finding mission. However, the Israeli authorities had refused to abide by these recommendations in order to solve this issue. Therefore Palestine asked why the Council did not resort to law.

Their position was against the targeting of any civilians from any party. They called upon the Council to adopt this draft resolution because this was the mission of the Council.

EILEEN CHAMBERLAIN DONAHOE (United States), speaking in an explanation of the vote before the vote, said the Council was too often exploited as a platform to critique Israel. The United States said there were serious human rights issues to address in Israel and the Palestinian Territories but this should be done with a consistent rubric. The best way to address human rights issues would be to resolve the underlying conflict. The United States had worked on a two track approach, political to resolve the issues in the peace process and institutional to support the Palestinian Authority. Israel had established an independent public commission to investigate complaints into claims against armed conflict and had demonstrated its ability and willingness to investigate its behavior. The United States rejected the recommendations of the Swiss Government, the one sided call for the High Commissioner to determine the modalities of an escrow fund for Palestinians, the launch of an inquiry into weapons and the referral of the issue to the International Criminal Court. The United States would ask for a vote and would vote against the resolution.

NATALIA ZOLOTOVA (Russian Federation), speaking in an explanation of the vote after the vote, said that consultations had been held to come up with a more balanced text. Some recommendations had been taken into account but some were not, particularly Russia's request for the exclusion of the operative part of the Goldstone report.

HU MIAO (China), speaking in an explanation of the vote after the vote, said that China's desire was to facilitate the restoration of peace and they had voted in favour of the resolution. However China disagreed with some parts of the resolution and on the long impact that this resolution would have in the future. The International Criminal Court should carry out its mandate in a manner that was not in contrast with the mandate of the other courts. China joined the international community in continuing to make constructive efforts to make contributions to the peace and stability in the Middle East.