

## Israel at the UN: A History of Bias and Progress September 2012

### Introduction

The United Nations (UN) has long been a source of mixed feelings for the Jewish community. While the UN played a pivotal role in the creation of the State of Israel, the international body has a continuing history of a one-sided, hostile approach to Israel.

After decades of bias and marginalization, recent years have brought some positive developments for Israel to the UN. Nonetheless, the UN's record and culture continue to demonstrate a predisposition against Israel. Israel is prevented from fully participating in the international body. Indeed, in a meeting in April 2007, Secretary-General Ban Ki-moon acknowledged to ADL leaders that Israel has been treated poorly at the UN and that, while some progress has been made, this bias still remains an issue.

There is a certain irony that, considering the international body's pivotal role in the establishment of the Jewish State, the UN is often a forum for the delegitimization of the State of Israel. In fact, the UN laid the essential groundwork for the establishment of Israel by passing UN Resolution 181 in 1947, which called for the partition of British Mandate Palestine into two states, one Jewish and one Arab. Following Israel's independence in 1948, the Jewish State became an official member-state of the international body.

Since Israel's establishment, Arab member states of the UN have used the General Assembly (GA) as a forum for isolating and chastising Israel. With support from third-world nations, particularly the Non-Aligned Movement, and others, the Arab states have had little difficulty passing harsh anti-Israel resolutions through the GA. Even today, the strength of these groups in the world body allows them to continue rebuking Israel. While anti-Israel resolutions are easily passed in the GA, this is not the case in the Security Council, where resolutions are binding in nature, as the United States has consistently used its veto power to prevent the passage of such resolutions.

In the 1970s, the Arab bloc used its power to establish and authorize funding for several UN committees and divisions of the Secretariat which primarily carry out the anti-Israel agenda. Among these are: The Division for Palestinian Rights of the Secretariat, The Committee to Investigate Israeli Practices in the Territories, and The Committee on the Exercise of the Inalienable Rights of the Palestinian People. Today, these bodies continue to be deeply engaged in promoting programs and initiatives that are harshly critical of Israel.

Some UN agencies have also exhibited anti-Israel sentiments. For example, between 1974 and 1978 the United Nations Educational, Scientific and Cultural Organization (UNESCO) instituted financial sanctions against Israel, passed hundreds of resolutions criticizing Israel's activities in the West Bank, and denounced Israel's archeological and restoration efforts in Jerusalem.

The UN Human Rights Council (HRC), which replaced the Commission on Human Rights in March 2006, has continued its predecessor's extreme focus on and biased treatment of issues relating to Israel, particularly in comparison with its mild action on pressing international human rights crises. The permanent agenda of the HRC includes a specific item targeting Israel - Agenda Item #7 – which is titled: "Human rights situation in Palestine and other occupied Arab territories: Human rights violations and implications of the Israeli occupation of Palestine and other occupied Arab territories and the Right to self-determination of the Palestinian people." Israel is the only country to appear on the HRC's permanent agenda, while other countries such as China and Sudan, notorious for their human rights abuses, are included as part of the general debate.

For decades, Israel was the only member state consistently denied admission into a regional group, the organizational structure by which member states can participate on UN bodies and committees. The Arab states continue to prevent Israeli membership in the Asian Regional Group, Israel's natural geopolitical grouping. As a result, Israel long sought entry into the Western and Others Group (WEOG) and in May 2000 was granted admission in New York, but not in Geneva, the seat of several UN bodies and subsidiary organizations. Israel's participation in the UN, therefore, is still limited and it cannot fully participate in UN Geneva-based activities. For example, Israel is effectively barred from membership on the Human Rights Council.

There have been some recent positive developments at the UN with Israel accomplishing a major first when the UN's Second Committee (Economic and Financial) adopted an Israeli-initiated draft resolution dealing with agricultural technology for development in 2009. In addition, the UN has begun to address other issues of concern to the Jewish community, particularly anti-Semitism and Holocaust denial, in a highly visible way.

What follows is a select list of significant events and issues relating to Israel at the UN.

### **UN Partition Plan**

The General Assembly of the United Nations voted on November 29, 1947 to divide the British Mandate-controlled area of Palestine into two states, one Arab and one Jewish. According to the plan, the two states, roughly equal in size and natural resources, would cooperate on major economic issues, sharing their currency, roads, and government services. The Jewish community in Palestine reluctantly accepted the partition plan, as it offered at least two of their requirements - sovereignty and control over immigration. The Palestinian Arabs and the surrounding Arab nations rejected it outright, refusing to accept the establishment of a Jewish state in the region. On May 14, 1948, Israel declared its independence, and on May 11, 1949, the Jewish State was granted admission into the UN by a vote of 37-12 with 9 abstentions.

### **Resolutions 242 and 338**

In the 1960s and 1970s, two resolutions were passed by the UN which became the cornerstone of Middle East diplomatic efforts. On November 22, 1967, following the Six

Day War, the Security Council passed Resolution 242 with the stated intention of providing a solution for the conflict in the Middle East. This resolution called for the withdrawal of Israeli armed forces from **territories** (not **all** territories) occupied during the Six Day War, in exchange for the termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

Similarly, Resolution 338, passed on October 22, 1973, in the midst of the Yom Kippur War, called for the termination of the ongoing armed battle and for negotiations to begin between Israel and her Arab neighbors on the land-for-peace premise of Resolution 242. In calling upon the Arab states to end their war against Israel, and to engage in direct peace talks, the UN created a framework for future peace negotiations.

Resolutions 242 and 338 call for Israel's withdrawal from territories as part of a peace agreement. This provision is understood primarily by Israel, the United States and the drafters of the resolution that, as part of a peace agreement, Israel's withdrawal from territories would be consistent with its security needs. However, the Palestinians and other UN member states continue to use these resolutions to claim that Israel should withdraw from **all** West Bank and Gaza territories.

### **Zionism = Racism**

The false equation of "Zionism equals racism" has its origins in the passage of the Arab and Soviet-sponsored United Nations Resolution 3379 of November 10, 1975 which declared Zionism a "form of racism and racial discrimination." The highly politicized resolution was aimed at denying Israel its political legitimacy by attacking its moral basis for existence. The resolution, which former-UN Secretary General Kofi Annan described as a "low point" in the history of the UN, was finally repealed on December 16, 1991. Unfortunately, there have been numerous efforts by Arab representatives at international conferences and forums to reintroduce this heinous equation.

### **Oslo Accords**

As the Middle East peace process got underway with Israelis and Palestinians signing the historic Declaration of Principles in 1993, there began to be a significant decrease in the number of anti-Israel condemnations at the U.N, notably:

- On December 14, 1993 when 155 member states endorsed the Israeli-Palestinian signed Declaration of Principles and the Israel-Jordan peace agreement, and granted full support for the achievements of the peace process so far. This resolution was the first UN call for Middle East peace that did not criticize Israel.
- In June 1993, Israel was nominated to its first UN committee, the Committee for Information.
- When Israeli Foreign Minister Shimon Peres addressed the General Assembly in 1994, Arab representatives did not walk out, in contrast to their usual practice of boycotting Israeli speeches.

- In 1994, Israelis participated in the UN peacekeeping mission in Angola and traveled to South Africa as part of a UN effort to monitor that country's first democratic elections.
- From 1993 and 1995 the Security Council never directly condemned Israel, and, for the first time, also denounced terrorism against Israel.
- For the first time the Human Rights Commission condemned anti-Semitism as a form of racism.

The mid-1990's saw a reversion back to the earlier period when Israel was routinely a target of condemnation and unduly harsh criticism at the UN. Examples of these condemnations include resolutions criticizing an Israeli building project in the East Jerusalem neighborhood of Har Homa, and against Israel's military operations against Hezbollah in Southern Lebanon.

### **Second Intifada**

With the outbreak of the Second Palestinian Intifada in September 2000, the environment in the UN became increasingly hostile towards Israel. Numerous GA resolutions condemning Israel for its military response to Palestinian terrorism were passed with little or no mention of Palestinian violence.

### **The Durban Conference**

In September 2001, the UN hosted a World Conference Against Racism in Durban, South Africa. Members of the UN and a host of nongovernmental organizations (NGOs) participated in this third international conference on racism, which was intended to examine effective mechanisms to combat racial discrimination and promote understanding and awareness of this global problem.

Despite these laudable goals, the conference was hijacked by a number of NGOs and Arab states who used the platform to delegitimize Israel and to promote base anti-Semitism, including a return to hateful anti-Jewish canards such as Zionism is racism.

The formal governmental conference ended with the adoption of a compromise proposal on the Middle East which recognized the Palestinian right of return, but omitted but language which would be critical of Israel.

### **The Security Barrier and the International Court of Justice**

In response to the onslaught of Palestinian terrorist attacks emanating from the West Bank, Israel decided in 2003 to begin erecting a security barrier separating Israel from Palestinian areas. The barrier, 90 percent of which is a fence, has proven highly successful in preventing West Bank terrorists from entering into Israel, effectively saving many lives.

In an effort to halt the construction of the barrier, the Palestinian Authority and its supporters submitted a resolution to the Security Council which asked the Council to recommend the case to the International Court of Justice (ICJ). Although the Palestinians were unable to find the support they needed in the Security Council, on

December 8, 2003, the GA, in a special emergency session, adopted the Palestinian initiated resolution which called on the ICJ to issue an advisory opinion as to the legality of the barrier.

On July 9, 2004, the ICJ concluded that Israel had violated international law in the routing of the security fence, and called on Israel to dismantle sections built in the West Bank and East Jerusalem. In the opinion from which U.S. judge Thomas Buergenthal and Dutch judge Pieter H. Kooijmans dissented, the court further called on the international community to refrain from rendering aid or assistance in building the fence. Twenty-two nations had submitted briefs opposing the case, either because they supported Israel's right to self-defense or because they felt the ICJ should not rule on such a complex issue. The court, however, rejected the opposition voices, and accepted without reservation the arguments of the Palestinians and their supporters.

### **2006 Lebanon War**

Israel's war against Hezbollah in Lebanon began on July 12, 2006, when Hezbollah began firing rockets at Israeli border towns as a diversion for an anti-tank missile attack on two armored Humvees patrolling the Israeli side of the border fence. The ambush left three soldiers dead, and two additional soldiers were kidnapped by Hezbollah. The fighting continued until a United Nations-brokered ceasefire went into effect on August 14<sup>th</sup>. In general, the UN's handling of the conflict focused the blame on Israel, and failed to call Hezbollah to task for its attack on Israeli soil. In addition to one-sided resolutions condemning Israel's military operations and ignoring Hezbollah's aggression UN, member states took no action to prevent Syria and Iran from supplying Hezbollah with weapons and failed to enforce longstanding international commitments aimed at disarming Hezbollah including the Taif Accords and Security Council Resolution 1559.

Security Council Resolution 1701, which called for a full cessation of hostilities, was passed on August 11<sup>th</sup>. It showed some promise, but has been poorly enforced. After calling for an international force to patrol areas in Southern Lebanon, member states, particularly those in Europe, were initially reluctant to commit significant numbers of troops and complained of the lack of a mandate for the force. Overall, the international community refused to fully acknowledge Israel's right to self-defense in the face of an unprovoked attack by Hezbollah across an internationally recognized border.

### **General Assembly President Miguel d'Escoto Brockmann**

Miguel d'Escoto Brockmann of Nicaragua was the President of the 63<sup>rd</sup> UNGA from September 2008 through September 2009. Throughout his tenure, Brockmann showed repeated disdain for Israel. During the General Assembly debate in September 2008, President Ahmadinejad gave a horrifically anti-Semitic and anti-Israel speech. While many heads of state and foreign ministers walked out, Brockmann stood and embraced Ahmadinejad after his speech. In November, Brockmann spoke at the UN Day of Solidarity with the Palestinian People, using the podium to disparage and insult the Jewish State, calling Israeli policies a version of apartheid and vocally supporting an international boycott of Israel.

### **The Goldstone Report**

Following Israel's military operations in Gaza in December '08-January '09, the UN Human Rights voted to send a mission of "experts" to assess Israel's alleged human rights violations in Gaza. The mission, led by Justice Richard Goldstone, a South African jurist, published its findings in a document titled "The Goldstone Report," accusing Israel of committing war crimes in Gaza through the deliberate and premeditated targeting of civilians and Gaza's civilian infrastructure. While Goldstone contained some discussion of Palestinian actions, including charges that Hamas violated international law, the focus of the report and its recommendations were on Israel, causing Israel, the United States, some European countries and others in the international community to reject the report's validity.

In January 2010, Israel submitted its own report to UN Secretary General Ban Ki-moon detailing an intensive Israeli investigation of the Gaza operation, including 150 military-related incidents. In July 2010, Israel submitted to the Secretary General a second report on Israel's ongoing investigations which stated that 47 criminal investigations had been initiated into incidents related to the Gaza operation, some of which have led to charges being brought. Other investigations have led to military disciplinary action. Israel also reported that the IDF has implemented procedures to further minimize civilian casualties and damage to civilian property, as well as further limits on the use of white phosphorus munitions.

In April 2011, Justice Goldstone wrote an op-ed in *The Washington Post* stating: "If I had known then what I know now, the Goldstone Report would have been a different document." In the op-ed, "*Reconsidering the Goldstone Report on Israel and war crimes,*" Goldstone withdrew the report's most serious claim that the Israeli Defense Forces intentionally targeted civilians during their operations in Gaza. The op-ed further commended Israel's investigations into charges of abuse. As Justice Goldstone concluded, "the investigations published by the Israeli military and recognized in the UN committee's report...indicate that civilians were not intentionally targeted as a matter of policy."

### **The Flotilla**

On May 31, 2010, IDF naval forces intercepted a flotilla of six ships that had left from Turkey in an attempt to break Israel's naval blockade of Gaza. While attempting to board one of the boats, the Mavi Mamara, Israeli naval commandos were attacked by activists, and the ensuing violence saw nine people killed a number of Israeli soldiers injured.

Immediately following the incident, UN Secretary General Ban Ki-moon condemned the violence and emphasized the need for an investigation. On August 2nd, Ban Ki-moon established of a four-person panel to investigate the incident, chaired by former Prime Minister of New Zealand, Geoffrey Palmer, with the outgoing President of Colombia, Alvaro Uribe serving as Vice-Chair. Israeli and Turkish representatives were also on the panel.

In September 2011, the panel released its finds in the “Palmer Report.” They concluded that while the actions of the Israelis soldiers raiding the flotilla were “excessive and unreasonable,” despite facing “organized and violent resistance from a group of passengers,” Israel’s naval blockade of Gaza was both legal and appropriate.

### **Palestinian Unilateral Declaration of Statehood**

On September 23, 2011, during the annual General Assembly meeting, Palestinian President Mahmoud Abbas submitted to United Nations Secretary General Ban Ki-moon a formal application for “the State Palestine” to become a full member of the United Nations. In order to obtain full UN membership, the Security Council must approve the application with a minimum of nine votes, and no vetoes by the five permanent members.

Leaders of the international community, including President Obama, leading European figures and others, spent the week leading up to Abbas’ submission urging the Palestinians to resume negotiations with Israel, and President Obama made it clear that, should a vote on Palestinian membership be brought to the Security Council, the US would cast a veto. The US position, as well as the Palestinian inability to garner nine yes votes, convinced the Palestinians to refrain from formally asking the Security Council to vote on their membership, though in recent months they have stated their intention to ask the General Assembly to grant them non-Membership Observer status.

Immediately after submitting the membership application, Abbas gave a strident speech before the United Nations General Assembly in which his calls for peace rang hollow amidst the extreme accusations against Israel, including charges of colonialism, ethnic cleansing, and Abbas’ clear efforts to reposition the Israeli-Palestinian conflict not as a territorial conflict, but a religious and racial conflict.

In stark contrast, Prime Minister Netanyahu’s speech soon after focused on Israel’s desire for peace and throughout, he called on the Palestinians to come back to negotiations. He declared: “The Palestinians should first make peace with Israel and then get their state. But I also want to tell you this. After such a peace agreement is signed, Israel will not be the last country to welcome a Palestinian state as a new member of the United Nations. We will be the first.”

### **UNESCO Membership**

On October 31, 2011, the United Nations Educational, Scientific and Cultural Organization (UNESCO) granted “Palestine” membership, marking the first time the Palestinians had gained full admittance into a UN organization. The U.S. and other countries lobbied vigorously against the motion, in part because U.S. legislation dating back to the early 1990’s called for a halt to American funding for any UN organization admitting the Palestinians without them having signed a final status peace agreement with Israel. This law went into effect upon Palestinian admittance into UNESCO, causing the U.S. to stop all funding of the organization.

On June 29, 2012, UNESCO, against expert advice and its own established procedures endorsed a Palestinian bid to put Bethlehem's Church of the Nativity on the list of endangered World Heritage Sites. The Palestinian Authority had applied for expedited World Heritage status for the church – one of the most sacred sites for Christians – claiming it was endangered. Many objected to this classification including the World Heritage Committee's own advisory body, the International Council on Monuments and Sites, which argued that the church did not require emergency care. Additionally, the three guardians of the Church, Theophilus III, the Patriarch of Jerusalem, Pierbattista Pizzaballa, the Custos of the Holy Land, and Archbishop Torkom Manoogian, Patriarch of the Armenian Church, wrote to Palestinian President Mahmoud Abbas opposing the authority's bid for emergency UNESCO status.

### **Human Rights Council**

In March 2006, the discredited UN Commission on Human Rights, known for its history of anti-Israel bias, was replaced by the new Human Rights Council (HRC) as part of Secretary-General Kofi Annan's program of reform. Israel and the United States, among many other member states, voted against the new council citing the ability of blatant human rights violators to be elected to the council and the failure to preempt continued institutional criticism of Israel. Here are examples of the HRC's anti-Israel bias:

- During Israel's conflict with Hezbollah in July and August 2006, the HRC showed that the reorganization had done little to diminish the bias of its predecessor. The HRC adopted a resolution condemning Israel's military actions in Lebanon saying nothing of Hezbollah's unprovoked attacks on Israel, use of human shields, and blatant violation of Security Council Resolution 1559, which calls for the group's disarmament.
- The Council continued to single out Israel for condemnation with Council President Luis Alfonso de Alba, Mexico's Ambassador to the UN in Geneva, proposing in June 2007 that Israel, and Israel alone, become part of the Council's permanent agenda. The proposal was adopted by consensus. As a result, and continuing a practice institutionalized in the discredited Commission on Human Rights, the Jewish State was singled out for alleged human rights violations on the permanent agenda of the HRC under Item 7: "Human rights situation in Palestine and other occupied Arab territories: Human rights violations and implications of the Israeli occupation of Palestine and other occupied Arab territories and the Right to self-determination of the Palestinian people." Israel is the only country to appear on the HRC's permanent agenda, while countries such as China and Sudan, notorious for their human rights abuses, are only included as part of the general debate.
- One especially outrageous report from January 21, 2008 by UN Special Rapporteur John Dugard went so far as to justify Palestinian terrorists. It blamed Israel for the terrorist actions, comparing them to the Europeans who resisted Nazi occupation, and asserted that acts of terror against military occupation must be seen in historical context.
- The 2008 appointment of Richard Falk as the UN Special Rapporteur on the "situation of human rights in the Palestinian territories occupied since 1967"

constituted a new low for Israeli relations and indicated that the trend of the HRC's bias against Israel is far from over. Falk, a notorious critic of Israel, has compared Israeli treatment of Palestinians to the Nazis activity during the Holocaust.

- In March 2009, the Obama administration decided to join the HRC, and while many groups were dismayed by the U.S. decision to participate in the prejudiced forum, the administration assured the public that they would work to reform the Council from within.
- In 2009, the High Commissioner of Human Rights Navanham Pillay convened the Durban II Conference, a follow-up to the infamously anti-Semitic Durban Conference in 2001. In November 2008, Pillay had harshly criticized Israeli policies in Gaza, giving scant acknowledgement to the daily deadly rocket barrages against Israeli civilians.
- On March 20, 2012, the HRC passed a resolution calling for the formation of a fact-finding commission to investigate the impact of Israeli settlements on the Palestinians. The resolution was viewed by many groups as another example of the HRC's mockery of human rights because it focused its efforts on bullying Israel while completely ignoring serious humanitarian violations across the world. In response, there were calls for the U.S. to formally withdraw from the Council.
- On July 6, 2012 the president of the Human Rights Council announced the appointment of three individuals - Christine Chanet, Unity Dow and Asma Jahangir - to the fact-finding mission on settlements, two of whom have a record of distorted statements and reports regarding Israel.

### **Positive Developments at the UN**

In recent years, there have been a number of positive developments for Israel at the UN. Some examples include:

- In June 2005, Israeli UN Ambassador Dan Gillerman was appointed to be one of the 21 vice presidents of the General Assembly, marking the first time an Israeli had been chosen for this position since Abba Eban in 1953.
- In July 2005, Israel was elected to the deputy chairmanship of the United Nations Disarmament Commission (UNDC), a subsidiary body of the GA.
- In June 2007, for the first time in United Nations history, an Israeli official was selected to head up one of its committees. Rony Adam, director of the Israeli Foreign Ministry's UN department, was chosen to head up the UN Committee for Program and Coordination. Adam was unanimously elected to the post after serving as the committee deputy director. The committee is comprised of 33 countries, some of which have no diplomatic relations with Israel, such as Iran, Cuba and Indonesia.
- On December 11, 2007, the first Israel-initiated resolution was adopted by the UN when the Second Committee (Economic and Financial) adopted a resolution dealing with agricultural technology for development. UN member states supported the resolution in a vote of 118 countries in favor, with 29 abstentions and no objections.

- In August 2008, Israel was elected to the Universal Postal Union Operations Council. While Israel had been a member of the Universal Postal Union (UPU) since December 1949, the Jewish State had never been elected to the professional decision-making body which determines the financial and operational activities of the UPU.
- Following the devastating earthquake in Haiti in 2010, Secretary General Ban Ki-moon submitted a request to Israel Public Security Service asking that Israeli police join a multi-national delegation to Haiti to assist in rebuilding the country.

### **Holocaust Education and Anti-Semitism**

Another area that has seen positive developments is UN activity on Holocaust education and combating anti-Semitism. On June 21, 2004, the United Nations Department of Public Information held the first UN conference on anti-Semitism in New York. Secretary-General Kofi Annan opened the conference, titled "Confronting anti-Semitism: Education for Tolerance and Understanding," and described what he called an alarming resurgence of this phenomenon. The Secretary General acknowledged that the UN record on anti-Semitism had at times fallen short, and made specific reference to the 1975 Zionism equals racism resolution. In concluding his speech, the Secretary General called on the UN to take up the fight against anti-Semitism, proclaiming that Jews everywhere must feel that the UN is their home.

On November 23, 2004, the United Nations Third Committee passed a resolution on the "Elimination of all forms of religious intolerance," which included anti-Semitism. The resolution expressed deep concern with the overall rise in instances of intolerance and violence directed against members of various religious communities across the world, including cases motivated by hatred of Muslims, Jews and Christians.

In January 2005, the General Assembly held a special session marking the 60th anniversary of the liberation of Nazi concentration camps. During the session, a Holocaust exhibit was on display in the lobby of UN headquarters in New York.

In March 2005, Annan visited the Yad Vashem Holocaust museum in Jerusalem.

On November 1, 2005, the General Assembly passed a resolution establishing January 27 as International Holocaust Memorial Day. The resolution was sponsored by the United States, Australia, Canada, Russia, and Israel, and fully supported by Annan. On January 26, 2007, the General Assembly adopted a resolution which "rejects efforts to deny the Holocaust." The resolution, introduced by the United States and co-sponsored by more than 100 countries, was adopted by consensus.