Biden about to throw Israel under the bus with nomination of anti-Israel (and anti-America) lawyer to CERD

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Elder of Ziyon

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The Biden administration has nominated a known anti-Israel, anti-American figure to promote the lie that Israel is an apartheid state and the US is a racist nation.

CERD is the UN Committee on the Elimination of Racial Discrimination. It monitors compliance with the Convention on the Elimination of All Forms of Racial Discrimination, also known as CERD, a treaty which the U.S. and Israel have ratified along with 180 other countries.

There are 18 members of the Committee, who are nominated by countries that are parties to the treaty, but once elected are supposed to be “independent experts” who do not have to adhere to what the nations that nominated them desire.

The "State of Palestine" became a member of CERD in 2014, over the objections of Israel, and it quickly used CERD to make a very rare "state to state" complaint accusing Israel of racial discrimination and apartheid. **This is the only active state-to-state complaint in the United Nations human rights treaty system with nine treaties and ten human rights treaty bodies.** Obviously, the Palestinians didn't join CERD to adhere to its provisions but to use it as a weapon against Israel, which is how they are subverting the entire international human rights system. (We've[**discussed before**](https://elderofziyon.blogspot.com/2020/01/palestinian-prime-minister-admits-they.html) how the Palestinians have shown no interest in adhering to the Convention on the Elimination of All Forms of Discrimination against Women which they signed in 2014.)

When the Palestinian case against Israel came up in 2019, the CERD Committee asked the UN Office of Legal Affairs for an opinion about whether or not it had jurisdiction in this case. The UN’s own Office of Legal Affairs responded in writing by stating that**the CERD Committee did not have jurisdiction to take up the “State of Palestine” complaint** (because of Israel’s formal legal objection to Palestinian ratification and to the attempt to change the bilateral legal relationship unilaterally.) Yet CERD ignored the legal advice it sought and decided it did have jurisdiction.

It was a highly contentious decision. Six of the sixteen Committee members dissented. The Arab nations on the committee voted that the Palestinian complaint against Israel should be allowed -**and so did the US member, Gay McDougall.**

Gay McDougall, a law professor at Fordham,  has a history of being very anti-Israel.

She [**energetically defended**](https://web.archive.org/web/20060210144234/http:/www.cnn.com/TRANSCRIPTS/0109/01/cst.06.html)the antisemitic 2001 Durban Conference, , accusing Democratic Congressman Tom Lantos – a Holocaust survivor – of narrow-minded parochialism in his concern about antisemitism at the global forum.

She wrote a [**paper**](http://www2.ohchr.org/english/bodies/hrcouncil/docs/7session/A-HRC-7-23.doc)for the UN Human Rights Council in 2008 about citizenship rights. She criticized Israel for not allowing Palestinians from becoming citizens but she didn't say a word about every Arab country that **specifically**doesn't allow Palestinians to become citizens of their states.

At CERD, she went against longstanding US policy ([**see here**](https://fas.org/sgp/crs/mideast/RL34074.pdf), appendix E)  in opposing Palestinians joining international forums and committees as the "State of Palestine," instead [**supporting their complaint against Israel**](https://www.cambridge.org/core/journals/international-legal-materials/article/abs/interstate-communication-submitted-by-the-state-of-palestine-against-state-of-israel-un-commn-on-the-elimination-of-racial-discrimination/D0F6775D2355200B8AA75E64A0E3570D)to move forward. Her pushing of the anti-ISrael aenda occurred as she was the Vice-Chair of the committee.

She championed the Palestinian complaint that Israel is guilty of apartheid.

McDougall was originally nominated to CERD by the Clinton Administration in 1997 for her first four year term, and she was re-nominated by the Obama Administration  in 2015. The Trump administration did not re-nominate her when her term ended, and did not name anyone to replace her.

But the Biden administration is [**nominating her again**](https://twitter.com/SecBlinken/status/1367235486071349252), even knowing her viciously anti-Israel record.

This means that as the Palestinian complaint against Israel goes forward, a major UN committee will say that Israel is guilty of apartheid with the guiding hand of the nominee of the United States - and instead of the US defending Israel, the US-nominated member will join in with the Arab states and dictatorships that enthusiastically support that lie.

With this nomination, the Biden Administration is knowingly pushing the agenda in a major human rights committee that Israel is guilty of apartheid.

This is much worse than Human Rights Watch or B'Tselem making that slanderous and false accusation. This is a major UN treaty body.

The Biden administration has said that it will defend Israel, but in this case they are knowingly throwing Israel under the bus with their own nominee to CERD.

It gets worse. Gay McDougall isn't only anti-Israel - she is even anti-America!

McDougall[**led the campaign**](https://lawprofessors.typepad.com/human_rights/2020/06/the-un-makes-unprecedented-response-to-george-floyds-murder.html)to have the notoriously biased UN Human Rights Council single out and condemn the United States for racism after the murder of George Floyd. **The US fought against this resolution, Gay McDougall fought for it. ]**

Gay McDougall [**wrote**](https://prospect.org/special-report/shame-house/)about the United States as far back as 2004: “hypocrisy lurks at the core of our moral identity as a nation, undermining our claims to global leadership.”

Similarly, in 2017, McDougall proudly[**used CERD as a platform**](https://twitter.com/GayMcdougall/status/901086746779242498) to claim the US was not against white supremacy.

Why would the US want to nominate someone for such an important position who actively works against the interests and positions of the United States?

The official date for her election to CERD is June 24th.

This nomination must be fought, if for no other reason than Gay McDougall is anti-Israel and anti-United States. It is unconscionable for the US to nominate someone who actively works against the best interests of the United States as well as Israel in international forums.