UN Human Rights Council: When it comes to Israel, still driving on biased retreads

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That “history repeats itself” is not only a shopworn axiom, it is, like other clichés, oftentimes true.

The appointment last week of Navi Pillay, the former U.N. High Commissioner for Human Rights to head up an investigation of the “root causes” and “systemic abuses” emanating from the 11-day conflict between Israel and Hamas in May comes as no surprise.

The mandate of the investigation is to look at “all underlying root causes or recurrent tensions, instability and protraction of conflict, including systemic discrimination and repression based on national, ethnic, racial or religious identity.”

In other words, using kangaroo-court vernacular for singling out Israel for defending itself in the face of daily barrages of indiscriminate fire emanating from Hamas rocket-launchers in Gaza. Furthermore, this newly named commission has no specified shelf life and can continue to investigate Israel indefinitely.

We’ve seen this call to criticize before, especially on Pillay’s watch at the U.N. Human Rights Council (UNHRC). During her six-year tenure at the UNHRC in Geneva, she more than once held her thumb on the scale when opining on the Israeli-Palestinian conflict.

In 2010, Pillay oversaw the work of the special commission headed by South African jurist Richard Goldstone, tasked by the UNHRC with investigating the fighting between Israel and Hamas in 2008 and 2009. That report, which was biased against Israel and distorted the facts surrounding that three-week war, concluded that Israel may have been guilty of war crimes.

In 2014, Pillay convened another investigation into fighting between Israel and Hamas, again showing her biased hand in evaluating the causes and the outcome of that war. “There seems to be a strong possibility that international law has been violated,” she said, “in a manner that could amount to war crimes.”

She criticized Israel for use of disproportionate force and for its disregard for civilian lives. The UNHRC, in what has become the usual feverish diplomatic hysteria that surrounds fighting between Israel and Hamas, created “an independent commission of inquiry” that would look into “all violations of human rights law and international humanitarian law in the occupied Palestinian territory, including East Jerusalem, particularly in the occupied Gaza Strip.”

Once again, the Human Rights Council demonstrated its bias and callous disregard for the facts. It should be recalled that Israel had actually withdrawn from Gaza in 2005, nine years before the 2014 resolution, citing “the occupied Gaza Strip,” was adopted. More important to note, though, is the broad band of responsibility that the resolution arrogated to the investigative committee: indeed, what did “East Jerusalem” have to do with Israel defending itself against Hamas rockets?

In both 2010 and again in 2014, Pillay did mention Hamas rocket fire into Israel. But given the heavy-handed focus on Israeli military actions, the reports’ references to Hamas had the look and feel of throwaways, as an afterthought placed in the texts of these resolutions to cover the UNHRC’s tracks.

Indeed, in 2014, Pillay accused Hamas of not practicing “the principle of distinction and precaution.” In other words, “disproportionate response” was being tossed around liberally by her and others with regard to Israel, while Hamas’s indiscriminate firing of rockets into Israeli population centers was lightly let off the hook with diplomatic language that required three readings to understand exactly what was “distinction and precaution.”

And if there is still any doubt as to where Pillay stands on the issue, consider this: In 2014, she pointedly criticized the United States for not sharing Iron Dome technology (that has allowed Israel to shoot down most incoming rockets targeting its populated areas) with Hamas. At the time, Pillay said, “No such protection has been provided to the Gazans against the shelling.” In other words, why isn’t the United States arming terrorists?

In May, U.N. High Commissioner for Human Rights Michelle Bachelet, the former president of Chile and an incessant critic of Israel in her own right, said that Israeli attacks on Gaza might constitute war crimes. That led to the appointment of one of her predecessors, Pillay, to begin the process of publicly flaying Israel for the third time in 15 years. Even though the naming of Pillay to the post was done in the name of the current UNHRC president, there is little doubt that Bachelet’s influence was in play.

The United Nations is now in its 76th year, but it has been apparent for decades that many of its agencies and committees, like the Human Rights Council, stocked as they are with countries that participate in bloc voting and who engage in oftentimes mindless herd mentality, can be counted on to pounce on Israel whenever the opportunity presents itself.

Investigations into Israel’s justified responses to rocket attacks from Hamas, or its earlier and current responses to innumerable terrorist attacks, only serve to politicize and marginalize the organization. The United Nations, whose original mission was to promote peace in the international community, now often appears as a mouthpiece for the Palestinian narrative—predictable and yet dangerous because such activity only serves to reward terrorism, and raises expectations of both Hamas and the Palestinian Authority that they have the international community at their backs.

We should not be surprised by the outcome of the upcoming UNHRC “investigation” into the recent fighting in Gaza. Indeed, this commission of inquiry will no doubt pull from the shelf reports filed by the Goldstone Commission and that which the UNHRC inquiry produced in 2014. Which is to say: The Pillay Commission’s findings are likely already written.

The good news, I suppose, is that the Abraham Accords, which brought four Arab countries into the peace fold with Israel, will soon observe its first anniversary. The spirit of those agreements represents the future; they are a promising pathway to cooperation and co-existence.

Rather than convene yet another commission to castigate Israel, the UNHRC would have done far better to establish a commission to investigate why the Palestinians—now approaching 28 years after the Oslo Accords—refuse to engage in serious negotiations with Israel. Or, perhaps, a report focusing on Hamas’s obsession with bringing about Israel’s demise.

Now that would be a real contribution to advancing human rights.