
HUMAN RIGHTS COUNCIL RENEWS MANDATES ON RIGHT TO FOOD AND ON ELABORATION OF OPTIONAL PROTOCOL TO CHILDREN'S RIGHTS CONVENTION

Adopts Four Resolutions on the Situation in the Occupied Arab Territories, As Well As Resolutions on the Arbitrary Deprivation of Nationality and the Staffing of OHCHR

24 March 2010

The Human Rights Council this afternoon began its programme of voting on resolutions, adopting eight texts, notably renewing the mandate of the Special Rapporteur on the right to food and prolonging the mandate of the Working Group on the on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure until the Council's seventeenth session. It also adopted four resolutions, following a vote, relating to the human rights situation in Palestine and other occupied Arab territories, as well as resolutions on human rights and arbitrary deprivation of nationality and on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

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... In a text on the right of the Palestinian people to self-determination, the Council 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.

Under the same agenda item, in a text on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, the Council condemned the new Israeli announcement on the construction of 120 new housing units in the Bitar Elite settlement, and 1,600 new housing units for new settlers in the East Jerusalem neighbourhood of Ramat Shlomo; and urged the parties to give renewed impetus to the peace process. In another text, on the grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem, the Council demanded 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; demanded that Israel, stop the targeting of civilians and the systematic destruction of the cultural heritage of the Palestinian people; called for the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory; and demanded that Israel immediately lift the siege imposed on the occupied Gaza Strip.

Speaking this afternoon in introductions of resolutions were Cuba, the Russian Federation, Thailand, and Pakistan on behalf of the Organization of the Islamic Conference and the Arab Group. Chile and Argentina made general comments on draft resolutions; speaking in explanations of vote before the vote were France on behalf of the European Union, the United States and Argentina; and Syria and Palestine spoke as concerned countries or parties.

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The next meeting of the Council will be at 10 a.m. on Thursday 25 March, when it will continue to take action on draft resolutions.

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

In a resolution (A/HRC/13/L.27) on the [right of the Palestinian people to self-determination](#), adopted with forty-five in favour, one 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; and 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.

The result of the vote was as follows:

In favour (45): Angola, Argentina, Bahrain, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Ghana, Hungary, India, Indonesia, Italy, Japan, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia.

Against (1): United States of America.

Abstentions (0):

ZAMIR AKRAM ([Pakistan](#)), on behalf of the [Organization of the Islamic Conference](#) and the [Arab Group](#), introducing draft resolution L.27, said that realization of the right to self-determination was an essential precondition to ensure the enjoyment, protection and promotion of human rights. The draft resolution focused on the right to self-determination of the Palestinian people, granted to them by the United Nations Charter, international law, and other international texts. It further recalled the relevant United Nations General Assembly, Security Council, and Human Rights Council resolutions that confirmed and defined the inalienable rights of the Palestinian people, particularly their right to self-determination, and reaffirmed that right. In the operative part, the draft resolution reaffirmed the unqualifiable right to self-determination, including the right to live in freedom, justice and sovereignty; stressed the need for respect and preservation of the territorial integrity of all Palestinian territory; and urged all Member States of the United Nations system to support and assist the Palestinian people in the early realization of their right. The draft resolution contained facts recognized, acknowledged and cherished by the international community. Due to the wide applicability of the right of self-determination to numerous situations around the world, it was hoped the draft resolution would be adopted by consensus.

IBRAHIM KHRAISHI ([Palestine](#)), speaking as a concerned party, thanked all those who had sponsored the draft resolution. It was hoped that in such a session next year another resolution on Palestine would be seen to allow Palestine exercise its right to self-determination. The great idea presented by President Wilson after the First World War had become an integral part of international law and all instruments. Palestine was in dire need of those concepts in order to exercise its right to freedom and self-determination. The draft resolution should be implemented in the next session. Palestine believed that objecting to the right to self-determination ran counter to all declarations made, namely that Palestinians had the right to live side by side with Israel. That legally meant the right to self-determination.

EILEEN CHAMBERLAIN DONAHOE ([United States](#)), in an explanation of vote before the vote, said it was deeply concerned over the ongoing suffering of both the Palestinian and the Israeli people. The only resolution would be for the aspiration of both sides to be achieved with two separate States. All countries should be working to advance the cause of peace, not to hinder it. To achieve a real, lasting peace, both sides had to take meaningful steps. The United States continued to urge Israel to increase the scope and quantity of goods entering and leaving Gaza to improve the humanitarian situation there. It did not accept continued Israeli settlement. It had a clear position on that matter. In light of its overarching goals, the United States was concerned to be presented with a one-sided resolution. The Council was too often exploited as a platform from which to single out Israel. The human rights record of all States should be assessed under a more robust, common rubric. The United States continued to provide diplomatic and financial support to the Palestinian Authority. It also supported programmes designed to support democracy and human rights. Peace was the region's interest and in the world's interest. The United State's commitment to achieving a two-State deal was unwavering. For that reason it called on other Members to vote No.

In a resolution (A/HRC/13/L.28) on [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#), adopted with forty-six in favour, one against, and no abstentions, the Council condemns the new Israeli announcement on the construction of 120 new

housing units in the Bitar Elite settlement, and 1,600 new housing units for new settlers in the East Jerusalem neighbourhood of Ramat Shlomo, and calls upon the Government of Israel to immediately reverse its decision which would further undermine and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with international legitimacy, including the relevant United Nations resolutions; urges the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of Rafah and Karni crossings, which is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory; calls upon Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem; 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; and urges the parties to give renewed impetus to the peace process.

The result of the vote was as follows:

In favour (46): Angola, Argentina, Bahrain, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Ghana, Hungary, India, Indonesia, Italy, Japan, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia .

Against (1): United States of America.

Abstentions (0):

ZAMIR AKRAM (Pakistan), on behalf of the Organization of the Islamic Conference and the Arab Group introducing draft resolution L.28, said in violation of international humanitarian and human rights law, Israel continued its construction of illegal settlements in the Occupied Territories, including the Syrian Golan, and the draft resolution intended to answer the humanitarian situation that had created in the Occupied Territories. There was a legal framework to the resolution based on a wide range of international texts. It expressed concerns that continued Israeli settlement activity, including the Separation Wall, undermined the construction of a two-State solution and was contrary to international law. Those actions also threatened the peace. The text condemned and deplored the Israeli announcement of the construction of new settlements in and around East Jerusalem, and called upon the Government of Israel to reverse that decision. The text also expressed concerns on other Israeli measures, such as a tramway connecting illegal settlements, and restrictions within the Occupied Palestinian Territory on movement of people and goods, the construction of a wall around the Occupied Palestinian Territory, and other displacements of thousands of Palestinian residents. The draft resolution urged Israel to reverse the settlement policy, and to prevent acts of violence by Israeli settlers. In dealing with this illegal situation, widely condemned by the international community, the Human Rights Council should keep its humanitarian aspects in view, and adopt the resolution by consensus.

IBRAHIM KHRAISHI (Palestine), speaking as a concerned party, said the draft resolution before the Council was one that had been supported in substance and in form by the Council as a whole. Palestine recalled the campaign waged over the last few days by Israel, which had stated that settlement activities would continue. There would no longer be a territory for a Palestinian State, there would only be settlements, which would kill any chance for the establishment of a Palestinian State.

FAYSAL KHABBAZ HAMOUI (Syria), speaking as a concerned country, thanked Pakistan for having introduced draft resolution L.28. Israelis had been given plots of land in the Occupied Golan Heights in Syria as well as financial rewards for settling there. The goal of all of that was to prevent any peace from being established in the region. That was a violation of international human rights law. Israel was defying peace efforts. That in itself required that those who supported Israel revised their position. Israel's refusal to put an end to occupation was trampling on international law, and by it, Israel rejected peace in the region. Syria hoped that the draft resolution would be adopted by consensus because those who blocked peace deserved no support whatsoever.

EILEEN CHAMBERLAIN DONAHOE (United States), speaking in an explanation of vote before the vote, said the United States had explained its position in this regard in the discussion on draft resolution L.27, and called for a vote, also calling on delegations to vote against the draft resolution.

JEAN-BAPTISTE MATTEI (France), speaking on behalf of the European Union, in an explanation of vote before the vote, recalled that the establishment, expansion and maintenance of settlements were illegal activities that ran counter to international law. They were an obstacle for the process that aimed at establishing a viable Palestine entity and a threat to peace. The road map was clear: Israel had to freeze all settlement activities, including those related to the natural growth of existing settlements. The European Union would vote in favour of draft resolution L.28.

In a resolution (A/HRC/13/L.29) on the grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem, adopted with thirty-one in favour, nine against, and seven 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; strongly condemns the Israeli military attacks and operations in the Occupied Palestinian Territory; demands that the occupying Power, Israel, stop the targeting of civilians and the systematic destruction of the cultural heritage of the Palestinian people; condemns the disrespect for religious and cultural rights provided for in core human rights instruments and humanitarian law by Israel, in the Occupied Palestinian Territories; demands that Israel immediately cease all diggings and excavation works beneath and around Al-Aqsa mosque compound and other religious sites in the old city of Jerusalem; calls for the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory; demands that the occupying Power, Israel, immediately stop its illegal decision to demolish a large number of Palestinian houses in East Jerusalem; demands that Israel, release Palestinian prisoners and detainees including women, children and members of the Palestinian Legislative Council; calls upon Israel to lift checkpoints and open all crossing points and borders according to relevant international agreements; and demands that Israel immediately lift the siege imposed on the occupied Gaza Strip.

The result of the vote was as follows:

In favour (31): Angola, Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay and Zambia.

Against (9): Belgium, France, Hungary, Italy, Netherlands, Norway, Slovakia, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Abstentions (7): Bosnia and Herzegovina, Burkina Faso, Cameroon, Japan, Republic of Korea, Slovenia, and Ukraine.

ZAMIR AKRAM (Pakistan), introducing draft resolution L.29 on behalf of the Arab Group and the Organization of Islamic Conference, said the right to life – the highest of all rights – had been violated, and expressed concern over the lack of implementation of recommendations that had been made. In the operative part, the draft resolution demanded that Israel stop occupying a number of territories, and that it agree to East Jerusalem being the capital of the Palestinian people. It also condemned the disrespect of religious and cultural rights provided for in international instruments and humanitarian law, also demanding that Israel immediately stopped house demolitions. The text also urged Israel to refrain from violence against civilian populations and demanded that it immediately lift the siege on Gaza. The Arab Group and the Organization of the Islamic Conference hoped that Members would adopt the draft resolution by consensus.

IBRAHIM KHRAISHI (Palestine), speaking as a concerned party, said Palestine had consulted with all different sides, and was prepared to accept all opinions. However, it had turned out that it was impossible to not reflect the daily acts of aggression and violation of international human rights instruments and international humanitarian law by Israel in the draft. The greatest violation was the Occupation itself. Legal language knew no moderation inasmuch as international law applied to all human beings, no matter where they were. It was impossible to be moderate when four civilians were killed, the oldest among whom was not even 19 years old. One could not be moderate when Israel declared it was going to build 1,600 additional housing units. All were well aware of the very large number of barriers that existed. No reference was made to more than 8,500 Palestinian political

prisoners, who were political prisoners who had not used weapons of any kind. No mention was made of 300 corpses that Israel had kept. On 3 March in Hebron a group of teenagers had demonstrated when they had been denied access to their homes, and some of them, including a child of seven, had been imprisoned. The Council should allow the family of that child to visit him, and bring him toys so that he could have them in his prison cell to play with. The families of more than 8,000 Palestinian political prisoners had been totally ignored. The situation had to be examined and delved into. Human rights had to be upheld, as should be the exercise of the law, and the targeting of civilians, whether Palestinian or Israeli, should be stopped. The rule of law should be upheld. There was no path towards peace – peace was the path; there was no path before respect for human rights – human rights were the path.

EILEEN CHAMBERLAIN DONAHOE (United States) called for a vote on draft resolution L.29 and encouraged Members of the Council to join the United States in voting no.

JEAN-BAPTISTE MATTEI (France), speaking on behalf of the European Union, speaking in an explanation of vote before the vote, said the European Union had largely approved of the text. The European Union was concerned over the humanitarian situation in several Occupied Territories. It was disappointed, however, at the absence of references to the launch of missiles, which was still continuing, in the text. The European Union regretted that its efforts to improve the text had not been taken into consideration.

HECTOR RAUL PELAEZ (Argentina), speaking in an explanation of vote before the vote, said it would be voting in favour of the draft resolution before the Council. Without prejudice to the above, it would have been desirable for the text to be more balanced, in keeping with the resolution adopted last year, and Argentina would have liked the text to have included a condemnation of the launching of missiles and rockets against the civilian population of Israel.

ZAMIR AKRAM (Pakistan), on behalf of the Organization of the Islamic Conference, the Non-Aligned Movement and the Arab Group, introducing draft resolution L.30 on follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, said the international community had expressed its dismay and strong condemnation of the aggression launched by the occupying Power Israel last year in Gaza. Draft resolution L.30 recalled the relevant parts of international law that were applicable to the Occupied Palestinian Territories; stressed the need to ensure accountability for all violations of international human right and humanitarian law; welcomed the report of the Secretary-General and the High Commissioner on the implementation of the relevant Council resolutions; called upon all parties to conduct independent and credible investigations that were in conformity with international law; and requested the Secretary-General to present a comprehensive report on follow-up to the mission's report, among others.

When the Council reconvenes tomorrow it will take action on draft resolution A/HRC/13/L.30.

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