UN panel has no authority to declare Israel apartheid state, US says

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By Lahav Harkov

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The US questioned the legitimacy of a UN committee on racism’s plan to probe a Palestinian claim that Israel is an apartheid state.

The remarks came two weeks after the Committee on the Elimination of Racial Discrimination (CERD) accepted an inter-state communication from the “State of Palestine” against Israel. While the text of the Palestinian complaint has not been released, an Israeli diplomatic source said it calls Israel an apartheid state and claims its treatment of the Palestinians is a form of racism.

In 2014, when the Palestinians became party to the international convention establishing CERD, Israel told the committee that it does not recognize Palestine as a state, and as such “does not consider ‘Palestine’ a party to the convention and regards the Palestinian request for accession as being without legal validity and without effect upon Israel’s treaty relations under the convention.”

Following the Palestinian petition against Israel last year, CERD asked the UN Office of Legal Affairs whether it has jurisdiction on the matter, and was told that it does not under international treaty law.

However, in late December, CERD decided that treaty law does not apply here, because its convention is for “the common good.”

Andrew Bremberg, US Ambassador to International Organizations in Geneva, expressed his country’s “profound disappointment” in the decision.

“The Committee’s disregard for treaty law raises serious questions about the legitimacy of this process,” Bremberg stated. “The US will continue to advocate for fair treatment for Israel in this and other international fora.”

The Foreign Ministry pointed out the irony that “the same committee entrusted with preventing discrimination has chosen so blatantly to discriminate against Israel with its ruling.

“This is yet another example of the ill and biased treatment Israel has continually received from UN bodies located in Geneva,” the ministry’s spokesperson added, pointing out that the committee’s decision to probe Israel goes against past precedent and the UN’s legal position.

“While Israel is and will always be committed to the elimination of racial discrimination, it no longer has any reason to believe that it can receive fair, equitable and non-discriminatory treatment from this Committee,” the Foreign Ministry stated.