Defund the UN’s Commission of Inquiry into the Israeli-Palestinian conflict

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The United Nations Human Rights Council (UNHRC) opens its next session in Geneva on Sept. 12. Among other things, this is an opportunity to dissolve the council’s Commission of Inquiry (COI) into the Israeli-Palestinian conflict.

The COI was the UNHRC’s response to the May 2021 Israel-Hamas war. It claims to be dedicated to investigating “all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021,” but given the UNHRC’s long history of anti-Israel bias and defamation, its conclusions are clearly preordained.

Arsen Ostrovsky, CEO of the International Legal Forum (ILF), called the COI “a singularly unprecedented assault upon the Jewish state at the United Nations. In many ways, this is like the U.N.’s infamous ‘Zionism is racism’ resolution, but on steroids.”

Many members of Congress appear to agree. In March, 68 senators wrote to Secretary of State Antony Blinken, urging the Biden administration “to prioritize” ending the COI. In June, Sens. Jacky Rosen (D-Nev.) and Tim Scott (R-S.C.) introduced the Commission of Inquiry Elimination Act that “would withhold funding in order to eliminate the COI.” That same month, the House Appropriations Committee passed an amendment forbidding the use of taxpayer money to fund the COI. Similar legislation is pending in the Senate Foreign Relations Committee (SFRC).

SFRC Chairman Bob Menendez (D-N.J.) did not respond to requests for comment. However, SFRC ranking member Sen. James Risch (R-Ind.) “support[s] withholding U.S. taxpayer funds to UNHRC as a way to signal our disapproval of the COI’s mandate with no end date in sight.”

Reducing U.S. funding would have an impact. According to the Foundation for Defense of Democracies (FDD), “The United States contributes 22% of the OHCHR [Office of the High Commissioner for Human Rights]’s regular budget, far more than any other U.N. member. The U.S. contribution accounts for approximately $29 million of the office’s $134 million regular budget for 2022.” The U.S. also voluntarily earmarked another $26.7 million for the OHCHR last year. Put simply, the U.S. has financial leverage.

Anne Herzberg, a legal advisor at the watchdog group NGO Monitor, agrees with the campaign to “defund and disband” the COI. “The UNHRC is incapable under its current organization to conduct an impartial inquiry of Israel,” she said.

Ostrovsky stated, however, that “there is very little likelihood under current circumstances that the Commission will be significantly revised or cancelled.”

So, what might the U.S. and its allies do? First, demand transparency. Herzberg observed, “The COI is … refusing to publish any lists of who they have met with. Based on my own investigation, I believe they have only met with anti-Zionist Israeli Jews.”

Joshua Kern of 9BR Chambers, a legal expert on international criminal law, and Herzberg “have written at least five times to the COI seeking a meeting to discuss our research and provide a mainstream Israeli viewpoint and perspective.” That meeting has not occurred.

If U.S. President Joe Biden insists that the U.S. remain on the UNHRC, then the administration should work with Volker Türk, the newly announced UN High Commissioner of Human Rights. Orde Kittrie, a senior fellow at FDD, says Türk could “reorient” the UNHRC. Beyond public statements, he could appoint only those with “a proven record of independence and impartiality” and “refer for an audit—by either the U.N. Office of Internal Oversight Services or by the U.N. Board of Auditors—the blatant bias of the COI commissioners and of the special rapporteur, both prior to their appointment and in their subsequent performance.”

Ostrovsky, who doubts participation by the U.S. or any nation can reform the UNHRC, said, “Congress should urgently pass the COI Elimination Act and ensure that no U.S. funding goes towards this sham of a commission. The commission members should also be denied visa entry into the United States, where they propose to lobby Congress for support, to advance their racist objectives.”

As with so many follies at the United Nations, the American response matters. Congress should start by cutting funding to the COI.