



The United Nations Human Rights Council: 20th Session
Oral Intervention: Agenda Item 7- General Debate
Cairo Institute for Human Rights Studies (CIHRS)
2 July, 2012
Delivered by: Mr. Jeremie Smith

Thank you Madam President,

The Cairo Institute for Human Rights Studies welcomes the present report of the Special Rapporteur on the situation of human rights in the occupied Palestinian territories. We agree with the Special Rapporteur that the continued non-cooperation of Israel with this Council and the mandate of the Special Rapporteur is a direct violation of Israel's obligations as a member state of the United Nations, and represents non-cooperation with the General Assembly, of which this Council is a subsidiary body.

In this regard, particularly in light of Israel's recent unilateral declaration to refuse to cooperate with this Council, CIHRS believes an advisory opinion should be sought from the International Court of Justice or another relevant UN body created under the auspices of the General Assembly concerning the validity of such a declaration in relation to the treaty obligations of UN member states, as well as the legal implications such an act has on the membership privileges of a government within the United Nations system. We believe this recent declaration by Israel sets a highly dangerous precedent. If member state cooperation with UN mechanisms is a "voluntary act" that can be withdrawn at anytime, including from the General Assembly, then the fundamental legal nature of "member state" status would appear to become functionally meaningless; such an approach would appear to greatly undermine the fundamental legal contract into which all states enter when they have agreed to the treaty obligations required to become a UN member state.

CIHRS urges the OHCHR and this Council to proceed with the Fact Finding Mission on Settlements with all due haste. Moreover, the question of the legal implications of prolonged occupation posed in the final report of the former Special Rapporteur on human rights in the OPTs, Mr. John Dugard, has not been sufficiently addressed by the United Nations. In this regard, CIHRS believes any Fact Finding Mission on Settlements should constitute the beginning of a process to explore the legal implications of prolonged occupation on self-determination and the legal nature of the occupation itself, particularly in light of international law and standards regarding apartheid and colonialism.

Thank you Madam President.