

To: n.mahuta@ministers.govt.nz

24 June 2022

Tēnā koe Hon Minister Mahuta,

RE: New Zealand's complicity

I am writing to express my deep disappointment that, in spite of the arguments laid out in my email of 10 January 2021 - to which I did not receive a response - New Zealand has gone along with the United Nations Human Rights Council Commission of Inquiry (COI) on Israel.

New Zealand is out of step with other democracies and complicity with the COI undermines the supposed "balanced" position your office claims to take.

It is a mark of shame that New Zealand voted in favour of the COI budget¹. Traditional allies like Australia, Canada, and the United Kingdom abstained; the United States voted against and said the probe "perpetuates a practice of unfairly singling out Israel in the UN and, like prior US administrations, we strongly oppose such treatment of Israel,"².

Australia said that it was not a member of the UNHRC and could not vote against the resolution when it was approved in May. A representative explained that the mandate for this particular probe "is excessively broad" and "over-resourced," adding that Australia affirms "Israel's right to self-defense in accordance with international law."³

The Canadian representative also commented that the probe was a particularly "unacceptable outlier" and that the resources needed were "significantly larger than" those allocated for "all of the investigations we approved resources for today."⁴

We cannot understand how a government that continually claims to be "principled and balanced", like Aotearoa New Zealand, could continue to support the singling out of the only Jewish nation at the United Nations.

The COI is unprecedented in scope⁵, budget⁶, and is steeped in anti-Israel bias⁷. Its parameters pre-suppose Israel's guilt and it is being undertaken by commissioners with well documented anti-Israeli biases. For example, the COI is being led by South Africa's Navi Pillay, who has displayed a consistent, well-documented animus toward Israel⁸.

As predicted, the first report of the COI, delivered to the HRC on 13 June 2022 was replete with one-sided conclusions. Israel is mentioned 157 times in the report, Iranian-backed Hamas three times and Iran is not even cited.

¹ <https://www.ipost.com/israel-news/article-689705>. See the letter dated 10 Jan for more references and information.

² *ibid*

³ *ibid*

⁴ *ibid*

⁵ <https://www.timesofisrael.com/un-moves-forward-with-unprecedented-open-ended-probe-against-israel/>

⁶ <https://www.jns.org/un-inquiry-comes-with-new-independent-facade-same-anti-israel-bias/>

⁷ <https://www.wsj.com/articles/the-u-n-s-israel-libel-machine-expands-11640648491>

⁸ For example, https://www.un.org/en/durbanreview2009/stmt20-04-09_pillay.shtml. See the letter dated 10 Jan for more examples, and for information on the other commissioners' open animus toward Israel.

The U.S. State Department condemned the HRC's bias against Israel⁹ and Israel's foreign ministry called the report, "a biased and one-sided report tainted with hatred for the State of Israel."¹⁰

Civil society and NGO groups have also condemned the biased and flawed report. For example NGO Monitor said the report erases key historical context, makes multiple false claims regarding discrimination in order to build a case of racism and uses "discredited sources"¹¹. The Simon Wiesenthal Center denounced it as "dishonest and deceptive."¹² The Hague Initiative for International Cooperation report points out, 'its conclusions (are) based on factual and legal inaccuracies, reflecting the biased mandate'¹³. International Legal Forum CEO Arsen Ostrovsky said that the COI is in contravention of the UN's own rules, which state that the members of such commissions "should, in all cases, have a proven record of independence and impartiality."¹⁴

On 13 June 2022, A cross-regional group of 22 countries¹⁵, including the United States, issued a statement expressing that they,

"...are deeply concerned about the open-ended Commission of Inquiry established following the escalation of violence in May 2021.

Resolution S-30/1 established a COI of open-ended mandate with no sunset clause, end date, or clear limitations connected to the escalation in May 2021. For this reason, many of the Council's members at the time expressed fundamental concerns when resolution S-30/1 came up for adoption.

To be clear, no one is above scrutiny and it is this Council's responsibility to promote and protect human rights the world over. We must work to counter impunity and promote accountability on a basis of consistent and universally applied standards.

We believe the nature of the COI established last May is further demonstration of long-standing, disproportionate attention given to Israel in the Council and must stop.

We continue to believe that this long-standing disproportionate scrutiny should end, and that the Council should address all human rights concerns, regardless of country, in an even-handed manner. Regrettably, we are concerned that the Commission of Inquiry will further contribute to the polarization of a situation about which so many of us are concerned".

Amanda Gorely, Australia's Ambassador to the United Nations in Geneva also issued a statement¹⁶, "Australia agrees that the Human Rights Council brings a disproportionate scrutiny to Israel. We do not support the proposition that Israel is the only country that is a permanent item on the HRC agenda, which is why Australia does not and will not engage in Item 7 of the council's debate, and why we retain our fundamental concerns about the nature of the commission of inquiry. Australia's guiding principle will be advancing the cause for peace. viewing any conflict from one perspective will not achieve this goal."

Once again New Zealand has been silent. While NZ appears to be seeking a closer relationship with NATO¹⁷, it appears our government is unwilling to join traditional allies when it comes to Israel. This

⁹ <https://www.state.gov/the-un-human-rights-councils-commission-of-inquiry-on-the-situation-in-israel-the-west-bank-and-gaza/>

¹⁰ <https://www.jpost.com/breaking-news/article-708770>

¹¹ <https://www.ngo-monitor.org/reports/initial-report-uns-permanent-coi-targeting-israel/>

¹² <https://www.wiesenthal.com/about/news/swc-denounces-dishonest-and.html>

¹³ <https://www.thinc.info/un-human-rights-councils-one-sided-historical-and-legal-narrative/>

¹⁴ <https://www.jpost.com/breaking-news/article-708770>

¹⁵ <https://geneva.usmission.gov/2022/06/13/id-with-the-coi-on-the-occupied-palestinian-territory-hrc50/>

¹⁶ <https://www.australianjewishnews.com/stance-lauded/>

¹⁷

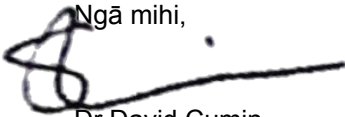
<https://democracyproject.nz/2022/06/20/geoffrey-miller-tale-of-two-summits-why-jacinda-ardern-said-no-to-the-commonwealth-but-yes-to-nato/>

would hardly seem to be in our best interests, for after all, Israel is still the only democracy in the Middle East where human rights of all peoples are protected; Israel is at the leading edge of startups and is at the forefront of scientific and technological advancements.

As a nation we have much to gain by cultivating a more friendly relationship with Israel. More importantly, for the sake of justice and fairness we should stop supporting the bullies at the UN and stand against the racist attitudes toward the world's only Jewish state.

Furthermore, your office's rhetoric of being "balanced" should be backed up with actual balanced action, lest you be seen as untrustworthy.

Ngā mihi,



Dr David Cumin
Co-Director
IINZ