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HUMAN RIGHTS COUNCIL

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SUMMARY RECORD OF THE 27th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 October 2006, at 10 a.m.

<u>President:</u>	Mr. BURAYZAT (Vice-President)	(Jordan)
later:	Mr. DE ALBA (President)	(Mexico)

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In the absence of Mr. De Alba (Mexico), Mr. Burayzat (Jordan),
Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 2) (continued)

Consideration of reports followed by an interactive dialogue:

Report of the Independent Expert on human rights and international solidarity
(E/CN.4/2006/96)

1. Mr. RIZKI (Independent Expert on human rights and international solidarity), introducing his first report (E/CN.4/2006/96), said that his chosen approach to the issue of human rights and international solidarity was to develop a sound theoretical basis and then to examine a few practical examples. His research for such a theoretical basis would take into account the relevant international instruments, academic writings and other publications as well as the outcomes of major international meetings and the views of Governments, United Nations agencies and other international organizations and civil society. He also intended to draw on recent work on the right to development and on human rights-based approaches.
2. The notion of international solidarity implied a union of interests or purposes among States and other international actors based on their interdependence. The principle of solidarity resonated in such documents as the Millennium Declaration. He preferred to use the term “global solidarity”, which embraced the relationship of solidarity between States and other actors.
3. His report had three main focuses, the first of which was international cooperation: the area was a broad one, and he intended to concentrate on its less developed aspects. One avenue to explore was the implementation of the Millennium Development Goals, in particular Goal 8, which dealt with global partnership for development, as solidarity was closely related to the notion of partnership. The second area of focus was global responses to natural disasters, diseases and agricultural pests, in particular the question of whether such responses contributed to the promotion and protection of human rights. It would be interesting to study the relationship between human rights law and humanitarian law in the light of the principle of solidarity. Lastly, he intended to focus on “third-generation rights”, which were still subject to academic and international debate but could be regarded as collective rights whose promotion required concerted action by the international community.
4. In view of the differences of opinion with regard to his mandate and the concerns about duplication of the work done elsewhere in the United Nations system, he wished to emphasize that his approach to the mandate and his choice of focuses were intended precisely to avoid such duplication. He could not fulfil his mandate effectively without the full cooperation of Member States, other human rights mechanisms and international and non-governmental organizations (NGOs) or without the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

5. Mr. GALA LÓPEZ (Cuba) noted that solidarity was a value mentioned in the Millennium Declaration. His delegation would welcome the Independent Expert's views on how that value could be incorporated in clear rules in a binding international instrument.
6. Mr. CERDA (Argentina) said that the Independent Expert should take a human rights approach based on the International Covenants on Human Rights when establishing the theoretical basis of the topic and that the Council should take the same approach in its deliberations.
7. Ms. FRÖBERG (Finland), speaking on behalf of the European Union, said that international cooperation was crucial to guaranteeing equal access to the benefits of globalization. However, Commission on Human Rights resolution 2005/55, which had established the Independent Expert's mandate, was wrong to imply that the full realization of human rights was contingent on international assistance. The European Union considered that States bore the primary responsibility for the promotion and protection of human rights; it would welcome the Independent Expert's views on the issue.
8. Mr. RIFAI (Indonesia) said that the Independent Expert's three areas of focus offered a critical insight into his very topical mandate. Since there was a close connection between his work and the full realization of the right to development, in particular the implementation of the Millennium Development Goals, he was correct to draw on the work done on the right to development and to opt for a human rights approach. The attention given to third-generation rights as "historically newer rights" highlighted the need to formulate unified approaches to their development. Indonesia agreed that solidarity corresponded to cooperation and that it was one of the greatest values in the construction of human rights. While States had an individual responsibility to promote human rights, it was vital for them to work together to secure the universal exercise of those rights.
9. Mr. LARENAS SERRANO (Ecuador) said that Article 1, paragraph 3, of the Charter of the United Nations confirmed the direct link between international solidarity and international cooperation. Accordingly, the development of the non-industrialized countries was not exclusively in their own hands; on the contrary, it was a function of international cooperation. His delegation endorsed the question put by the representative of Cuba.
10. Mr. SIDOTI (International Service for Human Rights) said that his organization fully supported the interpretation of international solidarity given in paragraph 17 of the report. People had a right to international solidarity when their human rights were violated or withheld; international solidarity was an individual and collective right and not a right of States. The Independent Expert might indicate whether he intended, where third-generation rights were concerned, to address the promotion and protection of the full array of human rights and whether any declaration on the topic would focus directly on the right of individuals, groups and peoples to call on the entire international community for action when their human rights were violated or withheld and for support in securing the full exercise of those rights.
11. Mr. TIAHJONO (Pax Romana) said that the Independent Expert's focus on third-generation rights was welcome and should be pursued in future reports. Pax Romana would also welcome further comments from him on the role of the right to development in connection with international solidarity.

12. Mr. RIZKI (Independent Expert on human rights and international solidarity) said that he was grateful for the constructive inputs he had received, which would be taken fully into account in his future work. In establishing the theoretical basis of the topic he had tried to draw as comprehensively as possible on international instruments, including the outcomes of the major United Nations meetings. He re-emphasized his intention to engage in open dialogue with all States and with civil society, including NGOs.

13. Mr. De Alba (Mexico), President, took the Chair.

Joint report on the mission to Lebanon and Israel of the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Representative of the Secretary-General on the human rights of internally displaced persons and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/2/7; A/HRC/2/G/9)

Report of the Special Rapporteur on the right to food on his mission to Lebanon (A/HRC/2/8 and Corr.1)

14. Mr. ALSTON (Special Rapporteur on extrajudicial, summary or arbitrary executions), introducing the report on the mission to Lebanon and Israel that he had undertaken jointly with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Representative of the Secretary-General on the human rights of internally displaced persons and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/2/7), said that the conflict that had erupted in Lebanon and Israel was seen by many as a test case for the Council in the discharge of its mandate. The report reflected the carefully considered views of the four experts, who had enjoyed the full cooperation of the Governments of Lebanon and Israel and had consulted widely with representatives of civil society and other key actors. They had applied both human rights and international humanitarian norms and considered that economic, social and cultural rights were central to their analysis. Issues relating to internally displaced persons and housing and health rights were of course accorded particular importance.

15. The report's principal focus was the protection of the civilian population in the two States both during and after the conflict. It addressed the role of a non-State military actor, Hezbollah, which also played a key part in the everyday lives of the communities which it represented. There was, however, no implication of equivalence between the two States and the non-State actor. The mission's fact-finding capacity had been limited by the small size and the urgency of the mission. The report was the beginning of a process of ensuring accountability for violations of international legal obligations and respect for human rights in the post-conflict phase. A review of the response to the report's recommendations would therefore be essential.

16. Mere facts could not capture the terrible human consequences of the conflict or the magnitude of the consequent human rights violations, but they were a necessary starting point. In Lebanon, following a Hezbollah incursion that had resulted in the deaths of eight Israeli soldiers and the kidnapping of two others, Israeli's air force had attacked more than 7,000 targets, its navy had conducted 2,500 bombardments and its army had fired tens of thousands of shells and rockets; 1,191 people had been killed and 4,405 wounded. Estimates of

how many of the dead and wounded were Hezbollah fighters varied widely. Tens of thousands of homes and much public infrastructure had been damaged or destroyed, and an estimated 1 million persons had been displaced. Some 200,000 people were still unable to return to their homes.

17. In Israel, Hezbollah had fired up to 4,500 rockets, 900 of which had hit built-up areas, killing 43 civilians, one third of them Arab Israelis, and wounding hundreds more. Israeli figures indicated that 12,000 buildings had been damaged and that 300,000 persons had fled southwards. Hundreds of thousands had sought refuge in bomb shelters.

18. The report noted further that in Lebanon 12 medical facilities had been destroyed and 38 severely damaged, and that ambulances had been attacked and Red Cross workers killed and injured. Persons who had remained in the south had been deprived of the most basic health, water and sanitation facilities. Unsafe housing conditions remained a pressing problem, and pre-existing inequalities in the provision of health care had deepened. In Israel, too, many people had had very limited access to medical services. Four hospitals had been damaged, and patients from a psychiatric hospital had been evacuated. Arab citizens of Israel were reported to have had significantly less access to health services than their Jewish fellow citizens and had suffered discrimination in the compensation arrangements. In both countries the conflict had had a profound impact on mental and psychosocial health, with the health of the poorest suffering most.

19. In Lebanon, the consequences of the estimated 1 million cluster bomblets dropped by Israel remained disastrous: the intolerably large number of unexploded bomblets and Israel's failure to provide information to facilitate their elimination had led to 14 deaths and rendered the return of large numbers of civilians unsafe.

20. The four experts had concluded that serious violations of human rights and humanitarian law had been committed by Israel, which had failed in many instances to distinguish between military and civilian targets, to apply the principle of proportionality and to minimize civilian injuries and damage. Hezbollah had also violated humanitarian law, in some cases by targeting civilians and in others by disregarding the principle of distinction. The consequences of those violations were still causing great suffering. The four mandate-holders were unable to accept the validity of Israel's claims that all its targets had been legitimate military objectives and that the principles of distinction and proportionality had been respected.

21. Chief among their recommendations concerning Israel, which were set out in detail in the report (para. 103), was that Israel should provide full details of its use of cluster bombs in order to facilitate efforts to clear unexploded ordnance and minimize civilian casualties. Israel should also investigate allegations of unequal treatment of Arab Israeli citizens, formalize a policy of not intentionally targeting water and power installations during armed conflicts and ensure the participation of the persons affected in reconstruction efforts. The committee appointed by Israel to investigate the management of the campaign in Lebanon should consider whether any violations of human rights and humanitarian law or any war crimes had been committed.

22. Among the mandate-holders' recommendations concerning Lebanon were that the Lebanese Government should ensure a coordinated approach to the critical housing problem, address serious flaws in Lebanon's health system and provide for the participation of the persons

affected in housing, health and reconstruction activities. A comprehensive strategy to assist internally displaced persons and returnees was also needed: such a strategy should address access to basic services, means of livelihood and protection in the event of domestic violence, as well as access to courts and other conflict-resolution mechanisms for dealing with property disputes.

23. The authors of the report urged Hezbollah publicly to affirm the applicability of international humanitarian law to its activities and to renounce the targeting of civilians in all circumstances. It should train its fighters in international humanitarian law and take measures to ensure their future compliance with it.

24. The Human Rights Council should ensure that a thorough investigation of the attacks carried out by Hezbollah was conducted. The investigation should consider whether Hezbollah's use of rockets loaded with lethal anti-personnel ball bearings fired towards heavily populated civilian areas constituted a war crime or violated rules prohibiting the use of human shields. The Council should also support urgent international action to ban cluster munitions under international law.

25. The Commission of Inquiry established by the Council at its second special session should examine whether Israeli attacks had in all cases been directed against legitimate military objectives and respected the principle of proportionality, and whether reported attacks against fleeing civilians, ambulances and health facilities, large-scale population displacements and the destruction of housing and property constituted war crimes. It should also investigate whether Israel's use of cluster munitions indicated an intention to inhibit and prevent the return of civilians and a reckless disregard for predictable human casualties.

26. The international community should ensure adequate support for Lebanese reconstruction activities, including in the health and housing sectors, significantly increase funding for the destruction of unexploded ordnance and give priority to efforts to address the psychological impacts of the conflict in both countries.

27. The conflict between Israel and Lebanon was a tragedy in which a series of violations of international human rights and humanitarian law had had grave consequences. The Council must act promptly to avoid any repetition of such tragedies, ensure accountability and encourage rehabilitation and reconstruction efforts.

28. Mr. ZIEGLER (Special Rapporteur on the right to food), introducing his report on his mission to Lebanon (A/HRC/2/8 and Corr.1), said that his report focused exclusively on the situation with regard to the right to food in Lebanon, as he had not been granted authorization to visit Israel by the Government of that country. During the war, serious violations of the right to food had been committed by the Israeli Defence Force, particularly through bombings that had led to the interruption of food and water supplies and humanitarian assistance to the population of southern Lebanon. The bombings had also resulted in the destruction of civilian infrastructure and means of livelihood, a highly carcinogenic fuel-oil spill that had polluted 180 kilometres of the Lebanese coastline and fisheries, and the destruction of the year's food crop harvest. The dropping of 1.2 million anti-personnel cluster bombs in the last 72 hours of the war had prevented Lebanese farmers from returning to their fields, and United Nations mine-clearance

operations had been conducted only in towns and villages. The hundreds of thousands of unexploded bombs and mines in rural areas had made the agricultural fields and irrigation systems virtually inaccessible.

29. As both Israel and Lebanon were parties to the Geneva Conventions of 12 August 1949, it was necessary to determine the extent to which the two countries had violated international law and international humanitarian law. It was also necessary to investigate whether the massacres of civilians, the destruction of infrastructure and the use of anti-personnel mines against civilians had constituted war crimes under the Rome Statute of the International Criminal Court.

30. One of the most important recommendations in his report was that the International Humanitarian Fact-Finding Commission, established in accordance with Additional Protocol I to the 1949 Geneva Conventions should investigate violations of the right to food under international humanitarian law and report its findings to the States involved. According to international jurisprudence, governments were liable for civil and economic damage caused to civilian infrastructure by deliberate attacks. That meant that individuals or enterprises in Lebanon that had suffered economic or social loss as a result of bombings by Israel could, under international law, receive individual or collective reparation and compensation.

31. Among the many other recommendations contained in his report was one to the effect that the Government of Lebanon should institute a moratorium on debt for small-scale farmers, who made up nearly 40 per cent of the population, in order to reverse the downward spiral of debt and impoverishment that would otherwise result from the loss of the current year's harvest.

32. According to international law, the Israeli Government should immediately supply the maps showing the locations of the hundreds of thousands of unexploded mines and anti-personnel munitions in order to allow the United Nations to continue its mine-clearance programme, prevent further loss of life and enable farmers to return to their fields.

33. Mr. LEVANON (Observer for Israel) said that for more than four consecutive weeks during the past summer thousands of missiles packed with metal ball bearings had been launched over northern Israel by the Hezbollah terrorist organization. The conflict had originated from an unprovoked attack by Lebanon, whose clear intention had been to inflict death and suffering on as many Israelis as possible. While he welcomed the fact that the four mandate-holders had enjoyed the full cooperation of the Israeli Government in preparing their report, he was troubled that the report made no reference to the responsibility of Lebanon for acts of hostility planned within its territory, and that the report's recommendations regarding Lebanon referred only to matters of reconstruction. Not only did there not appear to be any Lebanese investigation into violations by Hezbollah of the laws of armed conflict, but the Human Rights Council itself had not undertaken any investigation of the perpetrators of terrorist activities or the flow of military supplies to Lebanon from neighbouring countries. Moreover, the Council had not reacted to Lebanon's failure to disband and disarm Hezbollah, in blatant disregard of Security Council resolutions 1559 (2004), 1680 (2006) and 1701 (2006), and it had not reacted to the fact that Hezbollah was a non-State terrorist actor that had targeted civilians.

34. It was the duty of the Human Rights Council and its special procedures to portray the conflict and all parties concerned accurately. Yet the recommendation in the report that Hezbollah should "train its fighters" gave that organization unwarranted legitimacy, despite

Security Council resolutions calling for its disarmament. He called on the Human Rights Council to make an unequivocal call for the immediate release of the abducted Israeli servicemen. Israel had completed its withdrawal of forces from Lebanon, thereby fulfilling its obligations under Security Council resolution 1701 (2006). Full responsibility for the security, safety and tranquillity of the region now fell entirely to Lebanon.

35. He drew attention to statements that had been made in certain Lebanese newspapers by the leader of Hezbollah and by the Special Rapporteur on the right to food, which were in fact examples of unyielding prejudice. One view expressed by the Special Rapporteur in the Lebanese press was that Hezbollah should be viewed as a national resistance movement and not as a terrorist organization. Members of the Council could thus judge for themselves what validity should be accorded to a report written by a man who endorsed the illegal activities of a known terrorist group.

36. Mr. MOUKHEIBER (Observer for Lebanon) said that his Parliament had asked him to convey the disappointment of the democratically elected representatives of the Lebanese people with the report submitted by the four mandate-holders on their mission to Lebanon and Israel (A/HRC/2/7), a report that was incomplete and biased. On the other hand, the Lebanese Parliament considered the report of the Special Rapporteur on the right to food to be well researched and drafted and to contain sound recommendations.

37. The report of the four mandate-holders rightly found Israel guilty of gross violations of the principles of distinction, proportionality and the unacceptability of indiscriminate attacks, yet it failed to address many other gross violations of international law by Israel that amounted to war crimes. Those included: Israel's deliberate attacks against the Lebanese civilian population and civilian objects; the blockade that had caused the humiliation, collective punishment and starvation of civilians; the employment by Israel of weapons other than cluster bombs; the forcible transfer of the population; and the severe damage to the coastline and fisheries caused by the oil spill resulting from the Israeli bombardment of the Jiyeh electricity plant.

38. The report's treatment of the facts and its avoidance of any direct accusations of Israel reflected a bias in favour of Israel. Despite many documented cases of the Israeli Defence Force's direct targeting of civilians and civilian objects, the report said only that Israel appeared not to have respected its legal obligations to apply the principle of proportionality, whereas it did not hesitate to accuse Hezbollah directly of targeting civilians. The report portrayed Hezbollah's conduct of hostilities as lawless, while no such term was applied to Israel, despite the long list of Israeli violations. The report recommended that Israel should ensure better protection for its civilian population in the future, but no such recommendation was made to Lebanon, which had suffered six wars of aggression from Israel. Moreover, the report included a number of inaccurate statements, including the contention that the capture of the two Israeli soldiers had triggered the armed conflict, whereas the abduction had merely been a pretext used by Israel to launch a major war of aggression.

39. A full investigation of the war was being undertaken by the State of Lebanon, and a parliamentary human rights committee was conducting a direct investigation into all the facts on the basis of international human rights and humanitarian law. He wished to reaffirm Lebanon's commitment to defending and upholding the rule of law and the abolishment of impunity;

however, his delegation rejected the report of the four mandate-holders on their visit to Lebanon and Israel, and urged the Council not to take note of it. It also called on the Council to give careful consideration to the report that was expected to be submitted by the high-level Commission of Inquiry and any other reports that might be submitted by special procedures mandate-holders.

40. Mr. SOUFAN (Observer for Lebanon) said that the images contained in the report of the Special Rapporteur on the right to food were every bit as striking as the horrible images seen on television showing the human suffering wreaked on Lebanon by Israel. He commended the Special Rapporteur for his courage in speaking out about the grave and serious violations of international law committed by Israel in Lebanon; the report was forthright, transparent and comprehensive. His delegation was gratified that the report contained useful recommendations for the Lebanese Government as it embarked on the road to reconstruction that were aimed at repairing the Israeli violations of the right to food of the Lebanese people.

41. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that that organization did not fully agree that the mission of the four mandate-holders to Lebanon and Israel was independent of that of the Commission of Inquiry established by the Council. The report before the Council was one-sided and lacked consistency. The mandate-holders traced the cause of the war to Hezbollah, without mentioning the opposite view that had been widely reported in the press during and after the war. Moreover, the report directly accused Hezbollah while using the passive voice when referring to Israel. The report also gave a tolerant description of the Israeli Defence Force's actions against civilian targets, but did not give similar treatment to Lebanon's actions. In addition, it made no attempt to relate the analyses it made to the authors' respective mandates.

42. The mandate-holders' report contained conclusions and recommendations that lacked objectivity: they were deferential to Israel, condescending towards Lebanon and accusatory towards Hezbollah. The Organization of the Islamic Conference had decided to distance itself from the report's conclusions.

43. The report of the Special Rapporteur on the right to food, on the other hand, was firmly anchored in law and in conformity with his mandate. It gave a descriptive account of the war and demonstrated how it had disrupted food and relief supplies, damaged agriculture, irrigation and water supplies, and adversely affected the livelihood of the Lebanese people. The Special Rapporteur's recommendations included recovery and reconstruction measures and sustainable solutions aimed at protecting Lebanese people's right to food. The Special Rapporteur should be given the authorization to visit Israel in order to assess the situation with regard to the right to food of the affected Israeli population.

44. Mr. ABDULLA (Bahrain), speaking on behalf of the Group of Arab States, commended the report submitted by the Special Rapporteur on the right to food. That report, which was objective and balanced, concluded that under international law the Government of Israel bore responsibility for compensating all victims of its acts of destruction during the war. Israel had used millions of bombs and bomblets, and unexploded ordnance could still be found in thousands of places. Such actions were clearly war crimes.

45. At the same time, the Arab States were astonished that the report by the four mandate-holders on their joint mission contained false information, bias and political content. The authors had attempted to pre-empt the findings of the high-level Commission of Inquiry established by the Council. The joint mission had chosen to deal with matters that obviously lay outside the authors' mandates, and the report was neither objective nor independent, and thus unacceptable.

46. Mr. LATIF (Observer for Egypt) said that, regrettably, the joint report was not objective: it attempted to place the parties to the conflict on an equal footing, but that approach ignored the facts and the overwhelming and disproportionate destruction wreaked on Lebanon by the Israeli aggression. The Israeli military's disproportionate use of force had led to thousands of casualties, over 30 per cent of whom had been innocent children. Israel had flagrantly violated international humanitarian law and the most basic human rights, including the rights to food and shelter and the right to life.

47. The targeted destruction of critical infrastructure had been mentioned in the report of the Special Rapporteur on the right to food, who had also drawn attention to the Israeli Government's responsibility to compensate victims and the Lebanese Government for the losses that it had so brutally incurred.

48. Mr. RAHMAN (Bangladesh), speaking on a point of order, said that certain NGOs were distributing documentation in the Council chamber, in violation of the Council's rules and established procedure. He requested the President's intervention to halt such practices.

49. The PRESIDENT requested the secretariat to stop the distribution of documentation in the Council chamber by NGOs.

50. Mr. MEYER (Canada) thanked the four participants of the joint mission for their efforts. Their report explored the breadth of human rights and humanitarian issues that had surfaced during the conflict between the Hezbollah terrorist group and Israel. It should be noted that the report's recommendations were directed at all parties, including the United Nations human rights system.

51. Canada firmly supported Security Council resolutions 1559 (2004), 1680 (2006) and 1701 (2006), particularly their call for the disarmament of all armed groups in Lebanon. The international community was now focusing on assisting in the reconstruction of Lebanon and on addressing the conditions that had given rise to the latest hostilities. Canada had established a \$25 million Lebanon relief fund and had already distributed some \$5.5 million in relief assistance through United Nations partners and the International Committee of the Red Cross (ICRC).

52. Mr. VIGNY (Switzerland) thanked the participants in the joint mission for their balanced report. Noting that paragraph 16 of the report referred to the complementarity between international humanitarian law and human rights law, he asked the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health how that complementarity was evident where the right to health was concerned.

53. Mr. SAJJADPOUR (Observer for the Islamic Republic of Iran) said that the fact that the joint mission had been self-mandated interfered with the mandate of the Commission of Inquiry that the Council had established. The resulting report was biased in its reflection of the facts and of their historical, political, regional and international context. A simple comparison of the number of casualties clearly showed where to lay the blame. In addition, the recommendations were one-sided, selective and in some respects irrelevant to the events that had taken place. Because of its shortcomings, the report of the joint mission must be rejected. On the other hand, the report of the Special Rapporteur on the right to food was to be commended.

54. Mr. ATTAR (Saudi Arabia) noted that Security Council resolution 1701 (2006) called for a ceasefire and an end to Israel's attacks on Lebanon. During the 33-day war Israel had violated practically all human rights instruments and had used internationally prohibited weapons, killing and injuring civilians and damaging critical infrastructure. At its second special session, the Council had adopted resolution S-2/1 which specifically condemned Israel for the massacres it had perpetrated, called upon it to observe the provisions of international humanitarian law and international human rights law and established a commission of inquiry. He was astonished at the content of the report of the joint mission, which placed the aggressor and the aggrieved on an equal footing, and whose recommendations went beyond the scope of the authors' mandates.

55. He commended the report of the Special Rapporteur on the right to food, which stated that the Government of Israel must provide compensation to the victims of its aggression.

56. Mr. RAHMAN (Bangladesh) said that while the Special Rapporteur on the right to food had worked within his mandate and had produced objective and straightforward observations, the team that had conducted the joint mission had exceeded their mandates, particularly in their recommendations, which hardly addressed health, housing or internal displacement issues in Lebanon. He asked why the Special Rapporteur on the right to food had not been included in the joint mission, whether other special rapporteurs would soon visit the area to consider the situation in the light of their own mandates, and whether the joint mission had been financed by OHCHR or by another source. The report of the joint mission passed judgement and was biased; it mentioned damage inflicted in both countries, but unfortunately failed to reflect the disproportion between the extent of the damage on the two sides. The report also provided inconsistent statistics.

57. Ms. BEE (Malaysia) said that the members of the joint mission had stretched their mandates to cover the remit of the Commission of Inquiry; she wished to know why the Special Rapporteur on the right to food had not been included in the joint mission. It was unacceptable that the joint mission had applied a double standard when judging the actions of Hezbollah - a non-State actor - and those of Israel, which had used the full force of its military might to wreak destruction on Lebanon. In formulating their conclusions and recommendations the authors had set out to strike a balance where one was not justified, with misleading and incomplete results.

58. Ms. AL QASSIMI (Observer for the United Arab Emirates) welcomed the report of the Special Rapporteur on the right to food. Israel had carried out aggression against Lebanon for over a month in response to Hezbollah's abduction of two soldiers. The Israeli response had been completely disproportionate, resulting in the deaths of over 1,000 people in Lebanon. In addition, Israeli military had used cluster bombs and other internationally prohibited weapons.

The 33-day bombing campaign in Lebanon had not led to the release of the Israeli soldiers, nor had it improved the situation in southern Lebanon. The Israeli Government bore full responsibility for the targeting of civilians and critical infrastructure during the war, for the blocking of humanitarian convoys and for the extensive environmental damage caused. Accordingly, it must provide compensation for that damage.

59. Mr. TICHENOR (Observer for the United States of America) said that the United States Government was seriously concerned about the aftermath of the human tragedies that had taken place on both sides during the war. The United States President had announced his intention to dispatch a delegation to Lebanon to visit areas affected by the recent conflict and meet with the Lebanese Prime Minister and business leaders to discuss reconstruction. The United States Government had also launched a nationwide effort to encourage private efforts to help in the reconstruction; it had not, however, supported the Council's decision to hold a special session on the conflict, a decision it viewed as unhelpful and counterproductive to the search for peace. The resolution adopted at the special session was one-sided and unfair, and failed to condemn Hezbollah for its egregious actions. The crisis had been precipitated by Hezbollah's violent attack on Israel, which had killed several Israeli soldiers and had resulted in the kidnapping of two others, who were still being held. The Council had also failed to address the question of some 3,000 rockets that Hezbollah had fired into Israel, deliberately targeting civilians.

60. It was disappointing that the mandate-holders had taken it upon themselves to pronounce on complex legal issues of international humanitarian law that were clearly beyond the scope of their assigned tasks. They had no mandate to decide whether the parties had met their obligations under the law of war. The result was unfortunate, as the report applied international human rights law in areas that should be governed by the law of armed conflict, and it offered opinions on the latter that were in some cases of dubious value.

61. Nevertheless, the report of the joint mission addressed the actions of Hezbollah and the Israeli authorities with a more even-handed approach than the Council had done. The special procedures mechanisms and mandate-holders were invaluable tools for the protection of human rights.

62. Mr. BITAR (Observer for the Syrian Arab Republic) said that the latest Israeli aggression against Lebanon had inflicted terrible suffering on the Lebanese people. The Israelis had bombed civilian infrastructure, and had not even spared the United Nations headquarters in southern Lebanon. They had unleashed the most deadly weapons against helpless women, children and the elderly. The images of dead children lying under destroyed homes had been seen by the entire world. Moreover, 27 Syrians had been killed in a deliberate attack perpetrated by the Israeli military on 27 July. Remnants of the war continued to take lives, as thousands of cluster bombs continued to explode throughout the Lebanese countryside. Yet Israel continued to destroy and to kill, heedless of the international community; the time had therefore come for it to be held accountable for its acts. Israel must provide compensation to the victims of its aggression.

63. When considering the situation in Lebanon, it was impossible to place the occupier on the same footing as the victim, who sought to ward off occupation. The allegation in the report of the joint mission that Hezbollah had used missiles of Syrian origin was not true. His delegation

was concerned that such allegations had been included in a report that ought to have concentrated on humanitarian issues, and believed that the choice to do so raised questions about the authors' objectives. He asked the authors what source had provided their information.

64. Mr. LOULICHKI (Morocco) commended the Special Rapporteur on the right to food for the high quality of his report, which reflected the actual situation in the region and presented conclusions that were courageous and relevant. They underscored the need to study the human rights violations committed by Israel further and to ensure that reparations were paid for the damages incurred.

65. He regretted the approach taken in the report of the joint mission as well as some of the report's conclusions; the authors appeared to have taken the Israeli authorities at their word when determining responsibility for violations. The Israeli war machine had plunged the Lebanese people into mourning; it had destroyed their infrastructure and set back their development. Hopefully, the Commission of Inquiry established by the Council would be able to determine responsibility in the context of the Israeli military's violation of international humanitarian law and international human rights law.

66. Mr. AL-BADER (Observer for Kuwait) said that the report of the Special Rapporteur on the right to food accurately reflected the extent of the gross violations of international humanitarian law and human rights violations committed by the Israeli military during its 33-day campaign against Lebanon. The Israeli Government was responsible for violations of the right to food of Lebanese civilians and it must offer appropriate compensation to Lebanese citizens for the damages it had caused and for their loss of livelihood. Unfortunately, the report of the joint mission did not reflect the bitter suffering of the Lebanese people or provide sufficient coverage of Israel's violations of rights in Lebanon.

67. Mr. LA Yifan (China) said that the war had caused over 1,000 casualties, displaced over 100,000 people and had created shortages of water, electricity and fuel. It had also caused enormous economic losses and extensive damage to the marine environment. A large number of cluster bombs still threatened the lives of many civilians.

68. The Chinese Government believed that only negotiations - and not military action - could lead to a solution of the Middle East conflict. It was dedicated to achieving peace and security in the Middle East, and had sent a special envoy during the conflict to encourage all sides to halt the fighting. After the conflict it had pledged an increase of 1,000 troops for peacekeeping operation.

69. Mr. FERNÁNDEZ PALACIOS (Cuba) said that notwithstanding the great respect he had for the four authors of the report on their joint mission, the report did not meet his expectations. The attempt to treat all parties equally was an error of judgement. It was not possible to strike a balance where one simply did not exist. The conflict had pitted an extremely powerful military machine against a people resisting occupation with nothing more than the weapons available to them. The report's description of Hezbollah was reductionist: in fact, Hezbollah represented ordinary people who were resisting foreign invasion and occupation. It would have been appropriate to include the Special Rapporteur on the right to food in the joint mission. The latter's courage, sense of judgement and sensitivity were to be commended, and insinuations about his character were inappropriate for the proceedings of the Council.

70. Ms. SETYAWATI (Indonesia) said that she shared many of the concerns voiced by the representative of Lebanon regarding the recommendations contained in the report of the joint mission. The report did not give a sufficiently balanced or impartial view of the respective situations of the various parties during or after the conflict, or of their respective abilities to deal with the damage they had suffered. Lebanon, unlike Israel, had been flattened and crippled. The report also ran the risk of detracting from any future work produced by the Commission of Inquiry established by the Council at its second special session. That body, which had begun its mission to Lebanon just 10 days earlier, should be given the chance to present its own findings and to report to the Council before any other conclusions were accepted as conclusive. Therefore, it would be problematic to adopt the report currently before the Council.

71. Mr. JAZAÏRY (Algeria) pointed out that the report of the joint mission drew completely different conclusions from those of the Special Rapporteur on the right to food, yet the facts in the field spoke for themselves. That discrepancy raised questions about the criteria used by the various mandate-holders in carrying out their work. It was incumbent on the Council to adopt standard approaches for the work of all special rapporteurs and similar mandate-holders so as to avoid arriving at contradictory positions that could only hinder the Council's efforts to protect and promote human rights. The report of the joint mission lacked objectivity and was unfair, using ambiguity and overgeneralization to play down Israel's responsibility, while making very specific accusations against Hezbollah. It was wrong to equate the responsibility of an invading army and that of the victims who were resisting occupation. Accordingly, he rejected the substance of the report of the joint mission and commended the Special Rapporteur on the right to food for his report.

72. Mr. KIVELÄ (Finland), speaking on behalf of the European Union, welcomed the cooperation of the Israeli and Lebanese Governments with the mandate-holders. He asked for an assessment of the current focus of humanitarian and reconstruction efforts from the standpoint of economic, social and cultural rights and wished to know what actions should be taken to ensure the enjoyment of those rights by the Israeli population affected by the conflict. He also asked what the effects of displacement had been in both Israel and Lebanon on the enjoyment of civil and political rights and of economic, social and cultural rights. It would be useful to learn what measures the international community could take to avoid civilian casualties in such conflicts and to ensure the full enjoyment of the right to food by the Lebanese population affected by the conflict.

73. Mr. MARDALIYEV (Azerbaijan) questioned the objectivity and impartiality of the report on the joint mission to Israel and Lebanon and said he did not support its conclusions. The principles of distinction, proportionality, and the unacceptability of indiscriminate attacks had not been upheld in the recent Israeli attacks on Lebanon. His delegation found it regrettable that the Special Rapporteur on the right to food had not been allowed to visit Israel to examine the situation with regard to the right to food of the affected Israeli population and believed that he should be given an opportunity to do so.

74. Mr. ABUSAA (Observer for the Libyan Arab Jamahiriya) said that the report submitted by the Special Rapporteur on the right to food was objective and in line with his mandate. The recommendations contained in the report contemplated reparation, and since the

Special Rapporteur considered Israel to be responsible for violations of the Lebanese people's right to food, it was logical that Israel should compensate the victims for their losses, including their loss of livelihood.

75. There were important omissions in the report on the joint mission of mandate-holders to Israel and Lebanon, and the recommendations were not in line with the substance of the report. The report was characterized by double standards and exceeded the mandate entrusted to the experts, encroaching upon the tasks of the recently established Commission of Inquiry. Further, there was no suggestion as to how to deal with Israel's refusal to allow the Special Rapporteur on the right to food to visit the country.

76. Mr. ABU-KOASH (Observer for Palestine) said that those who resisted occupation by foreign forces were heroes; it was the occupiers who were terrorists. Those who sought peace in the Middle East should stop mouthing platitudes and take genuine measures to establish peace. If the Government of Israel truly sought peace, it should withdraw its troops from Lebanon and release all Lebanese prisoners. It should do the same in the Golan Heights and central coast of the Syrian Arab Republic.

77. Mr. LABIDI (Tunisia) said that there was a need to establish standard working methods for rapporteurs. Paragraph 4 of General Assembly resolution 60/251 stated that the work of the Council should be guided by the "principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development". The report of the mandate-holders on their mission to Lebanon and Israel was biased, but the report submitted by the Special Rapporteur on the right to food was impartial and objective.

78. Mr. BURAYZAT (Jordan) said that his delegation was faced with a dilemma in the report of the joint mission to Lebanon and Israel. According to the report, the original mandate entrusted to the four experts was to see "how the conduct of hostilities by Israel and Hezbollah had affected the rights and the life, health and housing of the civilian populations in Lebanon and Israel as well as the rights of persons internally displaced by the armed conflict". Little had been mentioned about the consequences of the conflict on civilians, but much detail had been provided on the question of responsibility and accountability, namely whether war crimes had been committed by both parties. He asked the mandate-holders whether deciding the extent of the parties' responsibilities lay within the purview of the Human Rights Council, the Security Council or the International Court of Justice. He particularly wished to know whether the true aim of the report was to rectify an alleged imbalance in resolution S-2/1, which the Council had adopted at its second special session. He also wondered whether the conclusions contained in the report were aimed at pre-empting the conclusions and recommendations of the Commission of Inquiry and whether the report was intended to camouflage a political agenda under the veneer of a humanitarian cause.

79. Mr. AMHED (Observer for the Sudan) said that Israel's objection to a visit by the Special Rapporteur on the right to food was a demonstration of its refusal to cooperate with the Council and should be taken into account in an in-depth investigation aimed at deciding whether that country's acts of aggression should be considered to constitute war crimes falling under the

jurisdiction of the International Court of Justice. The members of the Council represented the conscience of humanity and should therefore refuse to accept that States Members of the United Nations should use cluster bombs against civilians and should not allow States that did to enjoy impunity. The report of the four mandate-holders on their joint mission to Lebanon and Israel had applied the principle of objectivity. Council members should not lose sight of the purpose for which the United Nations had been established, which was to bring an end to all acts of aggression.

80. Mr. CHUMAREV (Russian Federation) said that the four mandate-holders had attempted to compare the incomparable, an effort that reflected a lack of objectivity that detracted from the credibility of their report. However, the report submitted by the Special Rapporteur on the right to food was objective and thorough. It was regrettable that the Government of Israel had refused to cooperate with the special procedures. The human rights and humanitarian situation in the Middle East should be improved through the concerted efforts of all parties concerned, with the support of the international community, to achieve a peaceful settlement.

81. Mr. MARTABIT (Observer for Chile) recalled that Pope John Paul II had said that Lebanon offered a message of faith, tolerance, integration and love of country that had been spread throughout the world by its many citizens. Had that message been heeded, there would have been no aggression committed by a foreign force on its soil. The Chilean Government had repeatedly appealed for a ceasefire in Lebanon and for a swift international response to the conflict in the Middle East; it had also condemned the use of force and loss of life there. The mission to Israel and Lebanon of the four mandate-holders was a demonstration of the relevance of the work of the special procedures in examining situations of human rights violations in the field. He looked forward to receiving the report of the Commission of Inquiry.

82. Mr. ALSTON (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that a careful legal analysis of the complex situation in Lebanon was not the objective of the report of the mandate-holders on their mission to Israel and Lebanon. The role of a special rapporteur was to conduct a careful, systematic evaluation of the situation on the ground, and, in his view, that role had been carried out. Some comments from delegations regarding the report's recommendations were disappointing, and sweeping generalizations had been made. The comparison of the mandate-holders' report on their mission to Israel and Lebanon with that of the Special Rapporteur on the right to food was puzzling at best, although he himself agreed with much of the contents of the latter's report. The report of the four mandate-holders had not been an effort to pre-empt the work of the Commission of Inquiry. He urged the Government of Lebanon to provide a detailed analysis of the facts relating to the military occupation of that country by Israel.

83. Mr. HUNT (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) said that he, too, was puzzled by some delegations' responses to the report on the joint mission to Israel and Lebanon, especially since that report and the report of the Special Rapporteur on the right to food had a great deal in common. He welcomed the observation by the representative of Pakistan that the section of the joint report dealing with health was relatively fair.

84. Responding to the comments made by the first observer for Lebanon, he noted that Israeli attacks on hospitals and medical centres in Lebanon had been covered in paragraph 47 of the report, while the Israeli bombardment of electric power plants in Lebanon was dealt with in paragraph 99. Owing to the strict constraints under which the four experts had operated, it had not been possible to explore those points further. In reply to the representative of Switzerland, he noted that international humanitarian law contained detailed provisions on the protection of ambulances and medical convoys, on which international human rights law was silent. However, international humanitarian law had much to learn from international human rights law about discrimination, equality and issues of vulnerability. Thus the two bodies of law were complementary in many ways. He concluded by thanking OHCHR for the assistance it had provided in the preparation of the report.

85. Mr. KÄLIN (Representative of the Secretary-General on the human rights of internally displaced persons) said that some delegations had quoted portions of early drafts of the report of the mandate-holders on their mission to Israel and Lebanon that were not contained in the final version, which unfortunately had been issued late. In response to the comments made by the representative of Finland and other speakers, he pointed out that the actual recommendation that had been made was that the Government of Israel should be better prepared in the future to provide assistance and protection to internally displaced persons. Recommendations relating to internally displaced persons in Lebanon were contained in paragraph 104 of the report, in particular with respect to the right to adequate housing and the challenge posed by unexploded ordnance.

86. Mr. KOTHARI (Special Rapporteur on adequate housing as a component of the right to an adequate standard of living) expressed disappointment at the failure of most speakers to address concrete issues in the report of the joint mission to Israel and Lebanon. The task before the Council was not simply to analyse what had happened in Lebanon and Israel, but to work collectively to ensure the protection of human rights of thousands of people during the post-conflict and recovery phases. Much remained to be done to improve their living conditions and access to water, electricity and sanitation, and to combat the discrimination suffered by Arab citizens in Israel, for example. It was to be hoped that the Council would address those problems during the current debate. As to what measures could be taken by the international community and the Governments of Lebanon and Israel to remedy the situation, he suggested that, rather than highlighting the report's shortcomings, as some delegations had done, Council members should regard the report as a challenge to their work.

87. Mr. ZIEGLER (Special Rapporteur on the right to food), responding to a query posed by the representative of Finland, said that the most worthwhile measure that could be taken would be to ask the specialized agencies of the United Nations, humanitarian organizations and NGOs, whose departure from Lebanon was imminent, not to leave. Otherwise a future humanitarian disaster in the country could not be averted. In addition, he strongly urged the Lebanese Government to demand reparation for damages inflicted upon the civilian population by Israel. He did not fully understand the comments made by the observer for Israel with respect to a statement he had made that had been quoted in a recent Lebanese newspaper article. It was standard practice and in accordance with OHCHR rules for special rapporteurs to meet the press upon completion of a mission; he had simply answered questions at a press conference organized by the United Nations Information Centre in Beirut on 15 September 2006, but he had not

consented to an interview or provided a written text of any kind. Furthermore, he had not seen the newspaper article in question. As far as his relationship with Hezbollah, he said that in the course of his mandate he had met two government ministers who belonged to Hezbollah, which was the armed branch of a legitimate Lebanese political party. It was up to the Lebanese Government to make its own decisions as to how to deal with Hezbollah.

88. Mr. SOUFAN (Observer for Lebanon), speaking in exercise of the right of reply, said that according to figures provided by the Lebanese Ministry of Defence and the United Nations Mine Action Coordination Centre, South Lebanon, some 2,816,000 bomblets, over 1 million of which were unexploded ordnance, and over 2,000 pounds of bombs had been dropped over Lebanon by the Israeli air force. As of 23 September 2006, some 590 cluster bomb attacks had been carried out. He agreed with the views of one scholar who had written that Israel's attacks on Lebanon were not simply a bombing of Hezbollah's air force, but pure punishment.

89. Mr. MOUKHEIBER (Observer for Lebanon) said that his earlier remarks had focused on war crimes as described in article 8 of the Rome Statute of the International Criminal Court, rather than on the principles of distinction, proportionality and the unacceptability of indiscriminate attacks. He had intended to pinpoint specific areas of violation of international humanitarian law and international human rights law that constituted war crimes.

The meeting rose at 1.10 p.m.