# The Civil Society Component of National Security in an Era of Civil Power: The Case of Israel in the UN Human Rights Council in 2016

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What role do civil society agents play in diplomatic processes in an era defined by increasing civil power? The current paper analyzes civil society action in the UN Human Rights Council vis-à-vis Israel during 2016, as a case study to assess civil society action conducted by activists who venture into diplomatic processes once reserved solely for professionally trained, official diplomats. The paper's central claims are that official players and civil society actors share the same spheres of activity, and that alongside any military confrontation, states face a battle of ideas in the international arena. The paper begins with a theoretical introduction addressing changes in diplomacy, the rise of global civil society non-state actors, the UN Human Rights Council as a hub for civil society action, and the evolvement of national security discourse. This is followed by an analysis of the Israeli case study, which consists of two parts: the first deals with the importance of Israel's standing in the international arena to Israel's national security, and the second comprises an empirical analysis of statements (n=52) submitted to the Human Rights Council by civil society organizations with UN consultative status vis-à-vis Israel during 2016. The paper ends with a discussion and policy recommendations.

Keywords: UN, civil society, diplomacy

#### Introduction

In the 1970s, leading English School researchers differentiated between two forms in which states are organized in the international arena: an international system and an international society.<sup>1</sup> An international system, whose minimum condition is the presence of sovereign states,<sup>2</sup> is typified by a situation in which two or more states have contact between them and impact each other's decisions, causing them to behave—at least to some extent—as parts of a whole. This is manifested in trade relations between states with minimal (and at times under-the-radar) diplomatic relations. An international society, however, is typified by states that identify with common interests and values and regard themselves bound by certain rules and institutions in their dealings with one another (e.g., being subject to limitations in exercising force against one another). One current example is states belonging to the European Union,<sup>3</sup> and another is states belonging to the OECD (Organization for Economic Cooperation and Development).<sup>4</sup>

This theoretical setting lays the foundation for perceiving the international arena as partly comprised of a "club" of states, currently epitomized by Western-led powers such as the United States and Europe, which possess the ability to either strengthen or weaken claims made by other states of belonging to this desired societal club. States can potentially belong to the Western-led international society should they align their conduct, norms, standards, and expectations with those of states already inside the same society.

Against this backdrop, diplomacy plays an increasingly important role in showcasing states' adherence to international Western-led standards, and in brokering agreements and cooperation treaties between states across the globe. While traditional diplomacy was highly formal, institutional, interpersonal, slow, and usually protected by secrecy, progress in information communication technology (ICT) has encouraged broader public participation in foreign affairs and in diplomatic processes.<sup>5</sup>

More specifically, technological progress facilitated the movement from localized settings that are easily monitored and controlled to the current setting in which human activities owe little or nothing to geographical location or time of day. This technological set-up, which is easily accessed and operated, enables virtual communities to take their cases to the international court of public opinion<sup>6</sup> and integrate new, particularly non-state, actors into the foreign policy-making process. Hence, while in traditional diplomacy states



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reigned unchallenged in the management of international politics, nowadays non-state actors such as civil society groups play an increasing role in the diplomatic arena and reduce the power asymmetry between state and non-state actors. This process poses a challenge to the very ontology upon which official diplomacy has stood for more than three centuries.<sup>7</sup> Thus, the current paper asks, "**What role do civil society agents play in diplomatic processes in an era defined by increasing civil power?**" To assess this, civil society action in the United Nations Human Rights Council vis-à-vis Israel during 2016 is analyzed.

The UN Human Rights Council (HRC) is an example of an official body that has integrated civil society actors into regular working processes, both on the formal and the informal level.<sup>8</sup> This 47 member-state body is the principal intergovernmental body within the UN system responsible for strengthening the promotion and protection of global human rights issues and for acting on human rights violations worldwide.<sup>9</sup> Formally, nongovernment organizations (NGOs) with an official consultative status are entitled to voice their opinions within the framework of the HRC. Informally, civil society agents and NGOs transmit information on special procedures, draw the attention of state representatives to particular situations or issues, and submit proposals in the context of negotiating resolutions. As such, intergovernmental organizations, national human rights institutions, and NGOs participate actively in the Council's sessions.

While the HRC's resolutions are not legally binding, they are instrumental in provoking debates among states, civil society actors, and intergovernmental organizations; establishing new standards of conduct; and reflecting existing normative codes. In most cases, resolutions are a means of gauging the international community's level of political commitment and degree of willingness to discuss a specific question regarding human rights or related fields, having indirect and long-term repercussions. Resolutions of the HRC may also serve as triggers for action by other institutions, such as the Security Council.<sup>10</sup> Importantly to the subject matter of this study, the negotiation process on resolutions is often open to interested NGOs, which may attend informal negotiations, voice an opinion, and submit proposals for wording of resolutions.

Although official diplomats remain vital to the pursuit of national interests, when populations identify more with transnational concerns (like global warming and human rights) than those defined by the state, they "relocate" authority to non-state figures or organizations, which, in turn, amass moral legitimacy and influence the behavior of states from outside.<sup>11</sup> This competition over setting the international agenda undermines state primacy. Thus, the resulting relative decline of states in global governance potentially places civil society actors as new diplomats and in an opportunistic position often dictated by relational power dynamics.<sup>12</sup> It therefore becomes clear that nowadays states face a battle of ideas in the diplomatic, media, and legal fields,<sup>13</sup> among others.

The recognition that some threats (e.g., environmental problems) transcend state-borders—which was incorporated into the international discourse as a result of intensive work carried out by civil society actors—resulted in a call to redefine the elements that comprise national security.<sup>14</sup> This trend came on the heels of a long period—from the end of World War II, through the Cold War era, and until globalization in the 1990s—during which matters relating to military force were considered a security issue, and all other matters were relegated to some form of low politics. Nowadays, however, and due to the involvement of non-state actors in the diplomatic arena, the focus on safeguarding a state from military threats emanating from outside its borders suffices only as an initial starting point for a far more comprehensive discussion.<sup>15</sup> Thus, this paper claims that **in the current era, typified by an increase in civil power, official and non-state actors share the same spheres of activity and that, alongside any military confrontation, states face a battle of ideas in the international arena.** 

To shed light on the role that civil society agents play in diplomatic processes in the current era typified by increasing civil power, the following section delves into the Israeli case study, beginning with a short background about the elements that are said to comprise Israel's national security, followed by an empirical analysis of civil society action in the HRC vis-àvis Israel in 2016.

# The Israeli Case Study

#### The international component of Israel's national security

Israel is a state with multiple challenges; it has been involved in several wars and extensive military operations since its establishment in 1948. Israel's original national security paradigm was coined by the state's first prime minister, David Ben Gurion,<sup>16</sup> in 1953 in what has been recognized as a comprehensive and remarkable document.<sup>17</sup> Since 1953, several official state-led initiatives have been taken to reformulate Israel's national security paradigm, the most recent of which is the "IDF Strategy," published by the IDF's chief of general staff in 2015, and again in an updated version in 2018.

These recent documents present a comprehensive and bold attempt to relate to the different and multifaceted dimensions of Israel's national security. As such, in addition to dealing with elements of Israel's classical military doctrine, the documents address legitimacy issues, recognizing the impact that international legitimacy has on the IDF's ability to fully utilize its military capabilities—in adherence with international law which the document also clarifies.<sup>18</sup> As such, in the 2018 document, the word "legitimacy" appears nine times,<sup>19</sup> and in the 2015 document, one of the sub-sections in the third chapter is entitled "Obtaining and Maintaining Legitimacy."<sup>20</sup> These references demonstrate the IDF's recognition of non-military activity targeting Israel in the international arena with the aim of diminishing its military leeway in responding and operating against Israel's targeted rivals.

In 2017, the Institute for National Security Studies (INSS) issued a special memorandum proposing an updated national security doctrine for Israel.<sup>21</sup> This document too reinforces the importance of multiple factors, in addition to the hard-power military dimension, in fortifying Israel's national security. Thus, current thinking on Israel's national security attributes greater attention than ever before to non-military issues—two of which are central to this paper's area of focus.

The first is the importance related to Israel's strategic relations with a world superpower: In the first years of Israel's existence, France fulfilled

this important role, and since the 1967 War, it has been filled by the United States. This principle is crucial for Israel due to the inferiority of the state's physical size and population in comparison to her neighboring (and more distant regional) rivals. The second issue is the increasing importance related to "soft power," viewed as a state's ability to shape the preferences of other international players through attraction rather than coercion.<sup>22</sup> As such, should Israel's policies and conduct be perceived favorably in the international arena, its legitimacy, moral authority, and ultimately its soft power will increase.<sup>23</sup> Nowadays, when borders are becoming more porous, state and non-state players can use soft power to build coalitions and develop networks to address shared challenges.

The coupling of these two tenets render Israel particularly vulnerable to soft, non-military attacks launched against the state in the international diplomatic arena.<sup>24</sup> In other words, apart from moral and ethical considerations, the importance that Israel relates to being part of the international community of modern, democratic, and liberal states in general and the significance of Israel's strategic relations with the United States specifically demands strict adherence to the highest standards of human rights and international law. This poses a two-pronged predicament for Israel: First, the occupation of the Palestinian territories in general and the policy of expanding West Bank settlements in particular is perceived as contrary to international law and norms.<sup>25</sup> Second, while Israel certainly strives to uphold international law, her rivals do not consider themselves to be bound by the same standards.

Thus, Israel's ongoing occupation of the Palestinian territories, coupled with military operations against Palestinian militias that entrench their soldiers in densely-populated civilian areas, continuously subject Israel to international scrutiny. A crucial link, however, tying Israel's conduct visà-vis the Israeli-Palestinian conflict, which has been raging for decades, and international public opinion, which is increasingly critical of Israel's democratic character,<sup>26</sup> is the activity of a dedicated civil society operating against Israel in international forums. The following section assesses a case in point.

# Empirical Analysis: Civil Society Action vis-à-vis Israel in the HRC in 2016

In 2016, a total of 530 statements were submitted to the HRC by civil society organizations with consultative status to the United Nations. Of these, 52 documents mentioned Israel, i.e., 10 percent of all documents. A total of 45 statements were submitted by a single organization and seven statements were jointly submitted by several different organizations<sup>27</sup>—in some cases as many as eight organizations and from different regions in the world.<sup>28</sup> The total number of civil society organizations that submitted statements to the HRC relating to Israel in 2016 is 29, according to the following breakdown: four located in Israel; thirteen based in the Arab world (including Egypt, Iran, Sudan, and the Palestinian territories) and twelve based internationally (including India, Greece, France, Britain, and Switzerland). See table 1 below for more detail.

<b>Table 1:</b> Breakdown of statements submitted to the HRC during its three regular			
sessions in 2016 by civil society players			
Total number of	530		

Total number of statements submitted	530	
Number of statements mentioning Israel	52 (10%)	45 statements submitted by one organization
		7 statements submitted jointly by two organizations or more
Number of civil society organizations that submitted statements	29	4 organizations based in Israel
		13 organizations based in Arab countries
		12 organizations based internationally

In analyzing the content of the 52 statements, only seven statements sought to defend Israel against claims made by other civil society actors within the framework of the HRC. These were submitted to the Council by either one of two civil society organizations ("Amuta for NGO Responsibility" and "United Nations Watch"). In other words, only 13 percent of statements submitted by civil society organizations dealing with Israel in the HRC during 2016 made the case for Israel. Such statements called out European funding of civil society organizations which "are inconsistent with Europe's declared values and objectives, and are closely linked to anti-peace campaigns of demonization and boycotts";<sup>29</sup> criticized the lack of transparency in

the HRC's Commissions of Inquiry (CoIs) (e.g., "Lack of transparency permeates almost every phase of HRC CoIs, starting with the appointments process, through the writing, publication, and promotion of resulting CoI reports");<sup>30</sup> complained against human rights organizations whose staffers divert international funding to militias; and condemned the appointment of "the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967" due to the fact that this person "played an undisclosed leadership role in three separate pro-Palestinian lobby groups."<sup>31</sup>

Statements aimed at condemning Israel in the HRC were submitted by a total of 27 different organizations, including two Israeli-based organizations.<sup>32</sup> Criticism of civil society players against Israel centered on the Israeli-Palestinian conflict, most notably on Israel's occupation in the West Bank and on Gaza's dire humanitarian situation (e.g., "in the Occupied Gaza Strip: 80% of the population currently receives international aid, while 73% suffer from food insecurity and 95% of the water from the Gaza aquifer is unsafe for human consumption").<sup>33</sup> In criticizing Israel's occupation of the Palestinian territories, issues that received most attention were Israel's policy of demolishing Palestinian structures in Area C and in East Jerusalem (e.g., "Between 1 October 2015 and 21 April 2016, Israel demolished or sealed 37 apartments, displacing 149 people, 65 of whom are children. Fourteen of the homes were not subject to demolition orders but were damaged because of their proximity to others demolished");<sup>34</sup> and the repercussions of the occupation on Palestinian children (e.g., "UNICEF estimated that in the West Bank IDF and Israeli security services annually arrest around 700 youths between 12 and 17 years old, often from their homes at night").35

Other issues that surfaced in statements submitted to the HRC by civil society organizations with respect to Israel in 2016 are Israel's discrimination against Palestinian Israeli citizens and maltreatment of Palestinian prisoners in Israeli jails, specifically on medical issues. Of note is the harsh tone adopted by civil society activists toward the international community for having failed to effectively address the situation (e.g., "Instead of unraveling and de-constructing the logic behind the ruthless force of a de facto Apartheid State, the international community, and the UN are becoming collectively stagnant").<sup>36</sup> In this respect, the United States is particularly criticized for "vetoing any resolution in the name of their [the United States and Israel] over half-century-long alliance."<sup>37</sup>

While a minority of statements make far-fetched claims against Israel, bordering on hateful and inciting language, most statements present information backed by research of UN bodies (such as OCHA and UNRWA)<sup>38</sup> and civil society organizations (Israeli and Palestinian alike) and support claims with statistics and figures (e.g., "The Palestinian Center for Human Rights (PCHR) in Gaza has documented 71 incidents of Israeli attacks on land and at sea during January and February, including 45 shootings, and seven military incursions").<sup>39</sup> Common to most statements is their ending in recommendations calling states to "review their trade with settlements to ensure they are consistent with their duty not to recognize Israeli sovereignty over the occupied Palestinian territories";<sup>40</sup> and to exert pressure on Israel as a means to achieving different ends. These include enabling "the Special Rapporteur on Palestine to visit the Occupied Territories freely";<sup>41</sup> refraining "from all acts of intimidation or reprisal against NGOs";<sup>42</sup> and bringing Israel's "actions in line with its obligations under international humanitarian law and UN resolutions."43

It is worth noting that during the research period, the HRC was not utilized by civil society activists to promote the grassroots global BDS (Boycott, Divestment, Sanctions) campaign against Israel. Although the same call—to exert international pressure against Israel, including in the economic sphere—was stipulated in the concluding "recommendations" section of many statements, these fell short of endorsing the BDS campaign or measures.

## Discussion

In considering the research question relating to the role that civil society agents play in diplomatic processes in an era defined by increasing civil power, the Israeli case study—whereby 29 civil society organizations leveraged their special consultative status to the United Nations to submit a total of 52 statements concerning Israel over the course of one year (2016)—is illustrative of two primary developments. First, that diplomacy in the current era anticipates, caters, and, indeed, builds upon the active involvement of civil society agents; and second, that civil society agents, in turn, are aware of their growing power in the international arena and are able to successfully mobilize across borders so as to penetrate the global

diplomatic sphere. As such, this paper demonstrates the claim that official and non-state actors share the same sphere of activity.

Findings demonstrate the ability of civil society agents to organize across borders and, in some cases, their dedication to protest an issue that is external to them. This is exemplified in statements relating to the Israeli-Palestinian conflict submitted by NGOs who are based in different corners of the world (e.g., in Egypt, India, and Greece), as well as by organizations that deal with a broad issue and choose to focus their work on this particular conflict (e.g., "the World Peace Council," and "the International Organization for the Elimination of All Forms of Racial Discrimination").44 This assertion can be further substantiated by the fact that seven statements submitted to the HRC were collectively endorsed by a number of organizations based in different geographical areas (e.g., Lebanon, Switzerland, Iraq, and India), thus displaying the ability of the civil society agents to support each other's work and cooperate in rallying for a joint cause. Given these transnational collaborations, it is safe to assume that technological progress and ICT play an important role in enhancing the organizational ability of civil society players to work together and that such global cooperation is likely to grow alongside increasing accessibility of technology-based communications.

Most statements submitted to the HRC appear to have been well-researched, relying on a number of public sources and substantiating their claims in statistics and figures, which attests to the professional and skilled nature of the work of these organizations. In other words, even though civil society agents are not appointed by their respective states nor do they officially represent them and are not obligated to undergo state-training, their work in the international diplomatic field appears to mostly uphold professional standards.

It is worth noting that only 10 percent of all documents submitted to the HRC by civil society players in 2016 dealt with Israel; that is, 90 percent of documents submitted were not concerned with the Israeli-Palestinian conflict in any way. On the other hand, a clear majority of the statements submitted to the Council vis-à-vis Israel made claims against the state. Thus, although global attention by no means focuses exclusively on the Israeli-Palestinian conflict, this issue does generate extensive interest that is mostly negative toward Israel. Furthermore, civil society activists making the case for Israel clearly lag in comparison to the action undertaken by

activists advocating against Israel. The involvement of international NGOs and the action taken by non-Israeli and non-Palestinian NGOs vis-à-vis the Israeli-Palestinian conflict is also indicative of the fact that the conflict has become internationalized and no longer remains confined to its local, or even regional, setting.

While Israel has little control of action taken against it in international forums, much can be done to encourage civil society action in order to balance the situation through engagement in these forums. This includes shedding light on institutional biases against Israel and conducting polls and empirical research to produce fact-based knowledge to refute or balance claims made against Israel. In cases where claims against Israel are found to be true, the Israeli establishment should take responsibility, rectify the situation, and provide evidence of progress amending and reforming the conduct and facts in question. In addition to Israel's moral obligation and need to do so, leaving researched-based accusations unanswered creates a vacuum that can be utilized later by additional players (including states and official governments) to make similar claims against Israel in more influential forums. In this respect, combining the findings of this research with those of an earlier study,<sup>45</sup> illustrates that two themes (concern with Gaza and with demolitions of Palestinian structures in Area C) repeatedly surfaced both in the Human Rights Council and in the more powerful UN Security Council.

The finding that civil society organizations refrained from directly supporting BDS measures could signify that the movement is perceived as radical and toxic and is thus not instrumental in furthering the Palestinian cause in this arena. On the other hand, the finding that statements ended in calls for official governments to "review their trade with settlements"<sup>46</sup> provides evidence that international civil society's desire to exact a toll from Israel due to the decades-old Israeli-Palestinian conflict has not waned. This last point is further reinforced by the finding that in their statements, civil society activists harshly criticize the official international establishment in general and the United States in particular, regarding inaction on the Israeli-Palestinian issue. As such—and given this paper's collective findings regarding the official establishment's formal and informal integration of civil society players into diplomatic processes, the activists' ability to successfully mobilize across borders to penetrate the global diplomatic sphere, and the battle of ideas in the current international arena—civil society efforts dedicated to

eroding Israel's relations with leading Western democratic powers should not be underestimated.

Future research should focus on global civil society input to the UN Human Rights Council pertaining to other conflicts, to better assess the proportion of civil attention attributed to the Israeli-Palestinian conflict in comparison to other—and perhaps bloodier—conflicts raging across the globe. Similar research over a larger stretch of time could also lead to interesting findings regarding the trends of civil society engagement in the HRC as well as to the ability of NGOs to organize transnationally. Finally, these findings could also be examined in relation to demonstrated engagement (and potential influence) of civil society activists in other diplomatic processes both inside and outside the United Nations.

## Notes

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- 27 N=29 represents non-government organizations with consultative status to the UN only. In some of the statements, the names of additional NGOs without this status were written on the statement as endorsing it.

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- 28 For example, A/HRC/31/NGO/224; February 25, 2016; Joint written statement submitted by International-Lawyers.Org (Switzerland); the Arab Organization for Human Rights (Egypt); the General Arab Women Federation (Iraq); the Indian Movement "Tupaj Amaru" (India), the International Organization for the Elimination of All Forms of Racial Discrimination (Switzerland), the Union of Arab Jurists (Lebanon), and additional non-governmental organizations in special consultative status.
- 29 A/HRC/31/NGO/153; February 22, 2016; Amuta for NGO Responsibility.
- 30 A/HRC/31/NGO/152, February 22, 2016; Amuta for NGO Responsibility.
- 31 A/HRC/33/NGO/82; September 6, 2016; United Nations Watch.
- 32 Adalah The Legal Center for Arab Minority Rights in Israel, and the Israeli Committee Against House Demolitions (ICAHD).
- 33 A/HRC/32/NGO/43; June 2, 2016; Palestinian Return Center Ltd.
- 34 A/HRC/32/NGO/93; June 7, 2016; Cairo Institute for Human Rights Studies.
- 35 February 2016; the Child Foundation.
- 36 A/HRC/33/NGO/2; September 1, 2016; the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD).
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