



## Nicola Perugini

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# The UN and its productive contradictions

The recent UN Human Rights Council report on Israel was both toothless and contradictory.

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The UN Human Rights Council report recognises the Israeli government as responsible in the establishment of settlements in the West Bank, yet limits the criticism of violence only to 'a minority of settlers' [EPA] At the end of January, the 22nd session of the UN Human Rights Council (UNHRC) focused on the "Human rights situation in Palestine and other Arab territories". The session welcomed a report produced by an international fact-finding mission on the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem.

The session was a new chapter in the protracted chain of condemnations issued by international bodies against Israel's violations of human rights and international law. The harshness of the [report](#) [PDF] - that defines Israel's occupation as a "system of segregation" - includes a moderate admonition for private companies that invest in the West Bank and East Jerusalem settlements, and thus profit from the occupation. These enterprises are asked to "assess the human rights impact of their activities and take all necessary steps - including by terminating their business interests in the settlements - to ensure they are not adversely impacting the human rights of the Palestinian people in conformity with international law".

Some commentators and activists welcomed the report and interpreted it as a further step in the process of international isolation of Israel - which preemptively isolated itself by boycotting this UNHRC session and then defined it as a "counterproductive session". Of course, the session was not good publicity for Israel. However, reading through the lines of the report sheds light on some fundamental and unresolved contradictions of the relationship between the UN, human rights, and Israel-Palestine. For instance, the independent mission recognises the full involvement of the Israeli government in the establishment of the settlements, but then, in a chapter on "violence and intimidation" limits its criticism to "a minority of settlers who are engaged in violence and intimidation with the aim of forcing

**UN inquiry says Israel must end settlements**

Palestinians off their land".

Logically speaking, the report is grounded on a short-circuit: it tells us that dispossession is sponsored by the state, but then the only punishable perpetrators of violence are identified as a gang of "bad guys". Killings, demolitions, routine violence carried out by the state and the army, land confiscations, violence against Palestinian political activists, arbitrary detentions, and other well known and documented facts that constitute the environment in which settlers operate comfortably, do not seem to deserve a "state violence" chapter. We know that in Israel settlers shape the state and the state shapes settlers - after all, we are talking about a settler state - but in spite of this consolidated historical evidence, the report asks the main sponsor of violence (the nation-state blueprinting the constant expansion of settlements) to make the "violent settlers" accountable. Will Lieberman and the settlers in the Knesset "withdraw themselves" from their colonies in the West Bank, or "arrest themselves" for promoting and instigating hate and violence?

Formally the report is surely a verbal act of condemnation. But as in many other circumstances in which the UN intervened to criticise and reprimand, the key political form practicing dispossession and violence - the nation-state - in full coordination with the "bad guys" is reinforced and consecrated in its sovereign role, and asked to intervene to stop the segregation and dispossession it is so attached to. Thus, the fact that Israel boycotted this 22nd session should not surprise us. Tactics are also a weapon of the state, not merely a weapon of the weak. And tactics are a way to reject the Council's conditions, which are, in any case, ultimately centred on the sacredness of the nation-state and risk producing the umpteenth flash in the pan. In this sense, the boycotts Israel undertakes are a win-win situation.

Another chapter of the report that deserves attention is the one asking for Israel's disengagement from the occupied territory of the West Bank and East Jerusalem. Beyond the fact that the disengagement does not seem to be on the agenda - even in the long term - for the "mysterious" incoming government, there is another fundamental problem: the disengagement from Gaza was far from being a real decolonisation. Indeed since the 2005 disengagement, Gaza has been under another regime of colonial control that does not need settlers or settlements, but only the ability to play with international humanitarian law, advanced military and surveillance technologies, and drones. Again, the risk is to leave unquestioned and uninterrogated how the state functions structurally as an apparatus of dispossession and violence.

Finally, this 22nd session of the UN Human Rights Council has been interpreted by some commentators and activists as a potential rubicon paving the way for implementation of the third letter in the BDS acronym: Sanctions. But here again, the report does not really seem to be less problematic in this sense: after all, the companies making money out of the occupation infrastructures and their spaces of production are demanded to "assess" what they are doing in the colonies. And Member States of the UN are demanded "to take appropriate measures to ensure that business enterprises domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them that conduct activities in or related to the settlements respect human rights throughout their operations". But if the regime under which these companies expanded their business activities is per se a contemporary model of segregation and colonisation, why suggest the creation of endless bureaucratic mechanisms managed by nation-states (those very nation-states which are often complicit and often create preferential business channels with Israel) for the evaluation of the human rights impact of these companies' activities? Why continue refining the regime's actions through the productive contradictions of international law and bureaucratic hypertrophy?

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