

Blind to Burundi

Jean Ziegler's Neglect of the
World's Food Emergencies



OCTOBER 2004

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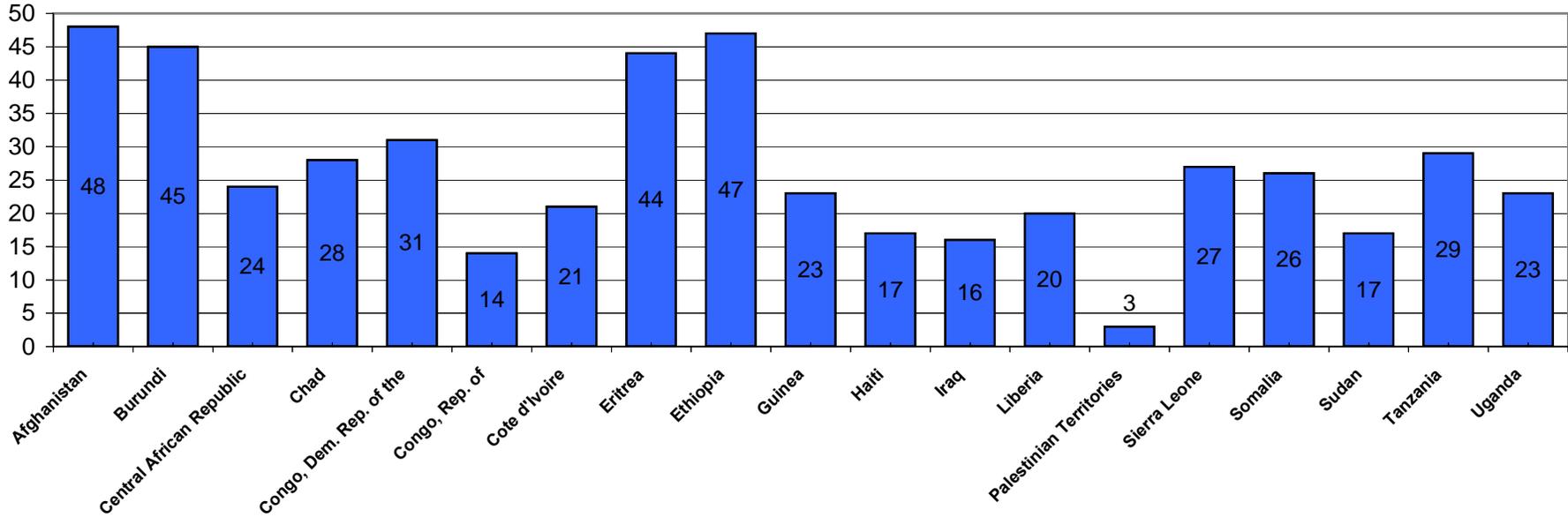
A Study of the Record of the UN Special Rapporteur on the Right to Food

Key Findings:

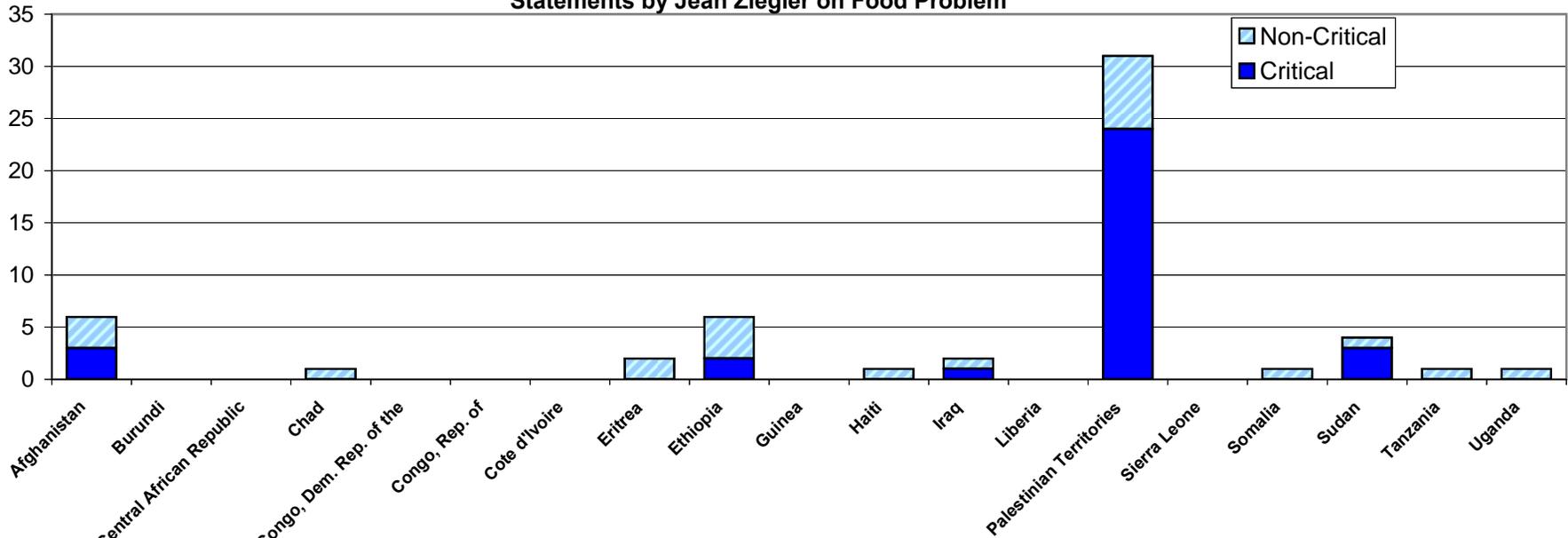
- **Jean Ziegler has been blind to Burundi.** A Food Emergency country for many years, Burundi's percentage of severely malnourished people rose last year from 49% to the even more staggering figure of 70% -- yet in the four years since he was appointed to speak for the world's hungry, Mr. Ziegler, busy promoting an extremist political agenda, has failed to say a word for the hungry of Burundi.
- **Jean Ziegler has never published a single UN press release for the hungry of more than half of the Food Emergency countries examined — yet issued 7 press releases (including a 25-page report) condemning Israel for alleged food problems in the Palestinian territories.** (Food Emergencies ignored: Burundi; Central African Republic; Democratic Republic of Congo; Republic of Congo; Cote d'Ivoire; Guinea; Haiti; Liberia; Russian Federation (Chechnya); Sierra Leone; Somalia; Tanzania; Uganda)
- **Jean Ziegler has never spoken out for the hungry of any Food Emergency country more than 3 times, and made no statement at all concerning 9 of the 19 Food Emergency countries examined — yet issued 21 public statements about Israel and alleged Palestinian food problems (*e.g.*, accusing Israel of “state terrorism”, of turning Gaza into a “concentration camp”, and of giving Palestinians “some form of brain damage”).** (Food Emergencies ignored: Burundi; Central African Republic; Democratic Republic of Congo; Republic of Congo; Cote d'Ivoire; Guinea; Liberia; Sierra Leone; Somalia)
- **Jean Ziegler almost never criticizes any party other than the U.S., Israel, or corporations.** When he does, he suddenly dons the gloves of ginger UN diplomacy. Hence Darfur is merely a cause for “concern”; the role of the Khartoum regime in atrocities only “alleged”; and “all parties” are urged to respect the right to food. Ziegler's denunciations of Israel for “state terror” and “war crimes” have never been used by him against the Sudan government.
- **Jean Ziegler has never issued a single *critical* press release against 78% of the Food Emergency countries examined (15 of the 19) — yet issued 7 *critical* press releases against Israel.** (Food Emergencies ignored: Burundi; Central African Republic; Chad; Democratic Republic of Congo; Republic of Congo; Cote d'Ivoire; Eritrea; Guinea; Haiti; Liberia; Russian Federation (Chechnya); Sierra Leone; Somalia; Tanzania; Uganda)

Figure 1

Comparison of Malnutrition Rates
(Percentage of children under-weight for age)



Statements by Jean Ziegler on Food Problem



“Mr. Ziegler, actions have consequences, and your actions can cause people to die.”

—Ambassador Sichan Siv, U.S. Representative to ECOSOC, November 11, 2002.

Introduction

This study, based on exhaustive research, demonstrates conclusively that Jean Ziegler’s mandate as UN Special Rapporteur on the right to food has been marked by neglect of the world’s food emergencies for the benefit of an extremist political agenda. Chronic food emergency countries such as



Burundi, a Central African state that has seen 300,000 deaths since 1993, have been entirely ignored by Mr. Ziegler. The percentage of Burundians who are severely malnourished, according to the UN Food and Agriculture Organisation (FAO), rose last year from 49% to the even more staggering figure of 70%.¹ Burundi was classified by the FAO as a Food Emergency in August 2000 — one month prior to the beginning of Mr. Ziegler’s term — and Burundi has remained a Food Emergency ever since.² According to the UN’s World Food Programme (WFP), warring parties have blocked food assistance to thousands of displaced people in dire need.

Yet in the four years since the UN appointed him to speak out

for the world’s hungry, Mr. Ziegler has failed to speak out for the hungry of Burundi. Mr. Ziegler has failed to criticize any of the individuals or groups who bear responsibility for the food emergency. In fact, during the entire four years of his mandate, Jean Ziegler has never so much as *mentioned* the hungry of Burundi — not once. Jean Ziegler has been blind to Burundi.

In September 2003, the World Food Programme sounded the alarm at the rising hunger in Burundi due to fighting in the Bujumbura area. At that time, at least 750,000 people were in need of food aid, including displaced people from Mubimbi and Mpanda. A few days later, the UN Office for the Coordination of Humanitarian Affairs reported that more than 71 per cent of the people living in camps inside Burundi had no access to the minimum daily requirement of drinking water. The UN Human Development Index for Burundi had dropped to the third lowest ranked country in the world (171/173).³ However, during this period (September/October 2003), Mr. Ziegler was busy condemning Israel at the UN, appearing in no less than 55 news articles on this subject — and made not a single statement for the hungry of Burundi. Jean Ziegler was blind to Burundi.

Tragically, Mr. Ziegler has been equally blind to many other of the world’s food emergencies, where millions are dying from

starvation. Sadly, the time, energy and resources that Mr. Ziegler could be applying toward the world’s food emergencies are being diverted elsewhere — toward his extremist political agenda, which has three principal elements: extreme hostility toward capitalism, extreme hostility toward the United States, and, most of all, extreme hostility toward Israel.

More than anything, Mr. Ziegler’s mandate has been consumed by his astonishingly disproportionate attacks against Israel, which issue forth in an endless series of reports, lectures, press releases, media interviews, UN conferences and boycott campaigns. Mr. Ziegler’s obsession with Israel comes at the expense of the millions suffering from food emergencies, and lacks any rational basis. Mr. Ziegler’s premise is that Israel’s administration of the West Bank and Gaza is starving Palestinians. Yet according to every authoritative source, there simply is no starvation there, and the Palestinian territories have never once been placed on the FAO’s list of food emergencies. In fact, according to the most authoritative measure for comparing country malnutrition rates (percentage of underweight children, as documented in *UN Human Development Report for 2003*), the West Bank and Gaza have the lowest rate compared with any state in the Arab Middle East, East Asia, the Pacific, South

Asia, Sub-Saharan Africa, and Latin America (except Chile).

The Study

Over the past year, UN Special Rapporteur Jean Ziegler has been accused of neglecting the most dire food emergencies in order to focus on his favorite political targets: corporations, the U.S.A., and, especially, Israel. The charge is serious, first, because the world's hungry are entitled to the benefit of the mechanism created for them by the UN Commission on Human Rights in the year 2000. Second, because it severely implicates the integrity of the UN special procedures, the independent experts appointed by the UN for country-specific or thematic rights issues. Third, because under international law Mr. Ziegler has three primary obligations: to act with (a) impartiality; (b) objectivity; and (c) non-selectivity. A corollary to these obligations is the UN Charter's guarantee of equal treatment to member states.

To determine whether or not Mr. Ziegler has met these obligations, UN Watch conducted a study of Mr. Ziegler's statements dating from September 2000, when he took office, until August 2004, the date of the study. The study looks separately at three different sources:

(1) The UN press release archives, as found on the UN's electronically-searchable website. These contain every UN press release issued by Jean Ziegler, as well as official summaries of Jean Ziegler statements and reports from diverse UN events and conferences;

(2) Documents placed by Mr. Ziegler on his own website (www.righttofood.org); and

(3) Statements made by Mr. Ziegler to the media as found on a search of the comprehensive Nexis™ international news database.

Our research was careful and precise. For example, an initial search on Nexis™ of "Jean Ziegler" and "Burundi" generated 15 articles. Our researchers examined each of these articles and discovered that not a single one contained a mention by Jean Ziegler of the food problem in Burundi. A Nexis™ search of "Jean Ziegler" and "Palestine/Palestinian" generates 229 articles. Of these, we counted 21 documents that qualified, 15 of which were critical (usually condemnatory) of the Israeli government.

World's Food Emergencies

Because Mr. Ziegler's mandate on the right to food is to speak out against hunger in the world, our study decided to compare Mr. Ziegler's treatment of the Palestinian situation with his treatment of countries listed on the most recent edition of the [Food Emergencies list](#).⁴ This list, updated every few months, is published by the UN's Food and Agriculture Organization. There are 35 countries on the latest list of Food Emergencies. Of these 35, we selected a sample of 19 for our study. (See below for our selection process.)

Assumptions and Methodology

The assumption of this study was that Mr. Ziegler could be deemed to have acted rationally and objectively if his statements

on the Palestinian territories, which have *never* ranked as a Food Emergency, would prove quantitatively and qualitatively proportionate to his statements on countries that *were* considered Food Emergencies. The results of the study, however, reveal that, as shown below, Mr. Ziegler's statements about the Palestinian territories were *not* less than -- or even equal to -- his statements about Food Emergency countries. Astonishingly, the record shows that Mr. Ziegler has virtually ignored Food Emergencies such as Burundi, instead focusing his attention on condemning Israel for alleged problems in the West Bank and Gaza.

The UN Watch study counted instances where Mr. Ziegler made mention of a food problem in a given country. Moreover, within those instances, the study further counted how many times Mr. Ziegler's statements were *critical* of a given government or other party. For each of the 19 Food Emergency countries selected for our study, the FAO attributed the Food Emergency to some human action (*e.g.*, war) — in other words, where criticism of one or another party was possible. We excluded those countries that were listed as a result of a food emergency caused by natural disaster. Consequently, we were able to compare Mr. Ziegler's criticism of Israel versus countries on the Food Emergency list against whom criticism was possible.

Epilogue

Jean Ziegler announced at a UN conference on October 14, 2004, that he had written to Romano Prodi, President of the European Commission, to demand suspension of its trade

accord with Israel. “Grave violations of the [Palestinians’] right to food have been recorded, they are clear, this accord must be suspended.” Ziegler further declared that he will be writing again to the next President, Jose Manuel Durao Barroso (who takes over next month), to repeat his boycott demand.

As this study demonstrates, Jean Ziegler has been waging a public relations war against Israel ever since his appointment four years ago, and now he has escalated his efforts to a trade war. His demand that Europe boycott Israel follows a similar demand sent in May to a U.S. corporation. UN Watch has been at the forefront of exposing [Ziegler’s astonishing bias](#), and continues to fight for an end to his cynical abuse of a noble position.

When he should be speaking out for the hungry of Burundi, Chad, or Liberia — places that actually do rank as Food Emergencies — Ziegler is instead preoccupied with vilifying Israel for, as he puts it, starving the Palestinians. His accusations will resonate with certain audiences. Yet it carries one minor flaw: whatever genuine problems do exist in the West Bank and Gaza, starvation is simply not one of them. In fact, by any comparative measure, Palestinians are eating far better than neighboring populations. If one looks at the percentage of underweight children — the most meaningful cross-country comparable indicator — the UN’s 2003 Human Development Report reports that the West Bank and Gaza has *the lowest rate* (3%) compared with any state in the Arab Middle East, East Asia, the

Pacific, South Asia, Sub-Saharan Africa, and Latin America (except Chile). Yet a country like North Korea (60%) has never been targeted by a single Ziegler boycott letter.

The truth about Ziegler, as a simple Google search will reveal, is that his “right to food” activities are in fact initiated as part of orchestrated political campaigns. Not coincidentally, Ziegler, who resides in Switzerland, sent his [May 2004 boycott letter](#) to Caterpillar three days after a political “action” notice was issued against this corporation by “Collectif Urgence Palestine” — a Swiss group, dedicated to boycotting Israel, with which Mr. Ziegler has been active. Mr. Ziegler’s letter was then promptly posted on the website of this group’s [boycott campaign](#). How many other boycott letters Ziegler has sent is a mystery. Their target is not.

It was telling that when, on the day after Ziegler’s latest boycott demand, reporters in Brussels asked the European Commission to respond, they innocently described him as “the Special Rapporteur *on Palestine*” — not realizing this position is properly held by another individual. Then again, Ziegler doesn’t seem to realize that either.

In July, UN Watch filed [a brief](#) with the Chairman of the Commission on Human Rights requesting Ziegler be removed for blatantly violating his obligations to act with impartiality, non-selectivity and objectivity. The Commission has yet to reply. Meantime, a UN Watch delegation led by its Chairman, Amb. Alfred H. Moses, met two weeks ago with Louise Arbour, the new High

Commissioner of Human Rights, to urge that she do her part against Ziegler’s wrongdoing.

But if the UN rights experts are independent, and accountable only to the Commission’s 53 member states, why should High Commissioner Arbour, who presides over a department of professional staff, be required to play any role here?

Two reasons. First, to ensure that her staff no longer provides support related to Ziegler’s unauthorized activities. That means her human rights officers must be instructed to refuse to help Ziegler with his unauthorized boycott campaign. Second, to clarify that while Ziegler sends his boycott letters under the letterhead of “United Nations High Commissioner for Human Rights,” he in fact speaks for himself only.

True, these are only two small steps. But they would prevent the dangerous inference that the High Commissioner supports Ziegler’s unlawful activities. More, they would send the right message that the world’s human rights victims are owed nothing less than the integrity of the UN mechanisms created for their benefit.

ENDNOTES

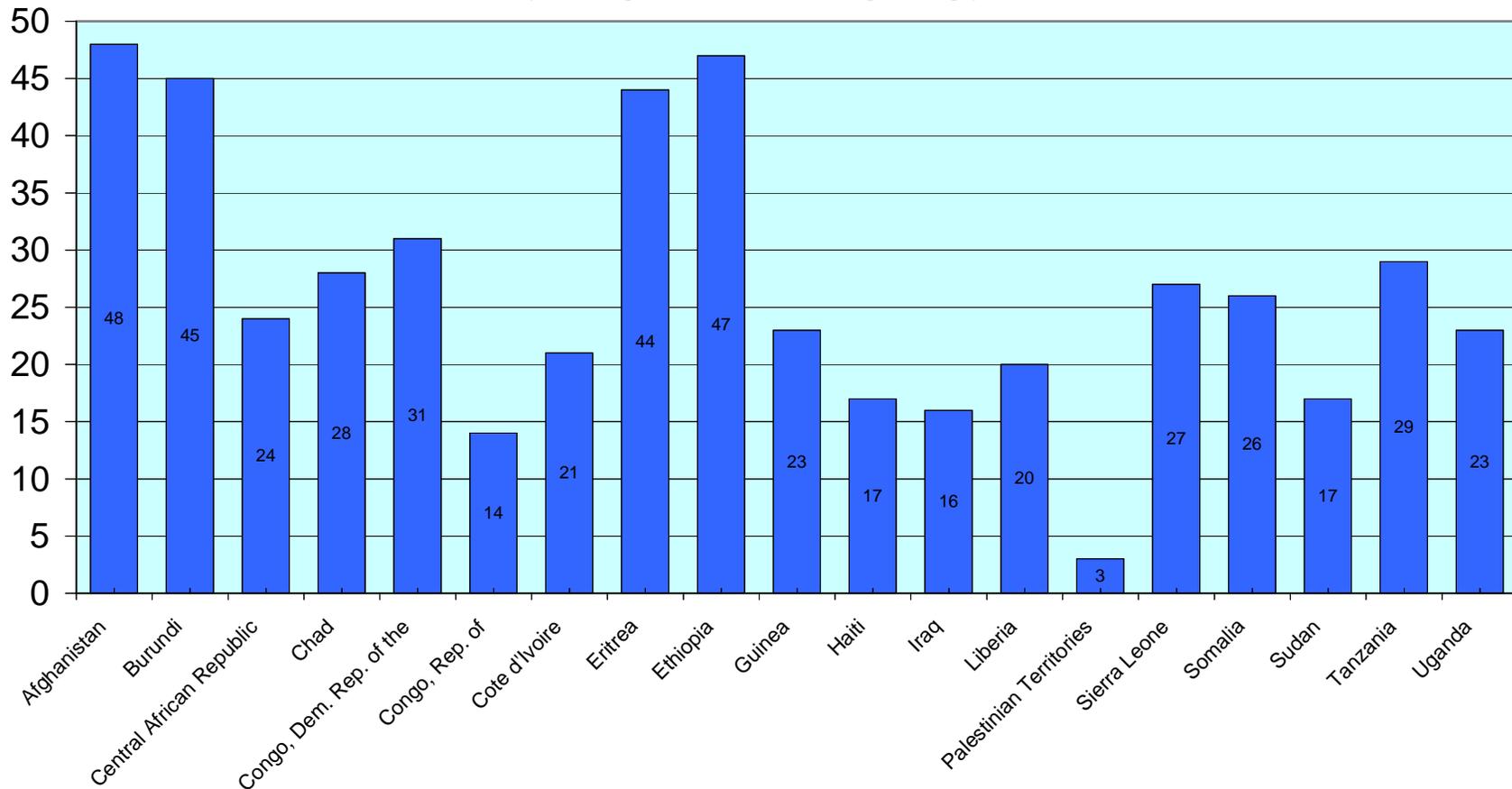
¹ *Africa News*, December 22, 2003.

² http://www.fao.org/documents/show_cdr.asp?url_file=/docrep/006/J2254e/J2254e00.htm

³ <http://www.reliefweb.int/w/rwb.nsf/0/a5d34c415d6a614385256db300775d39?OpenDocument>

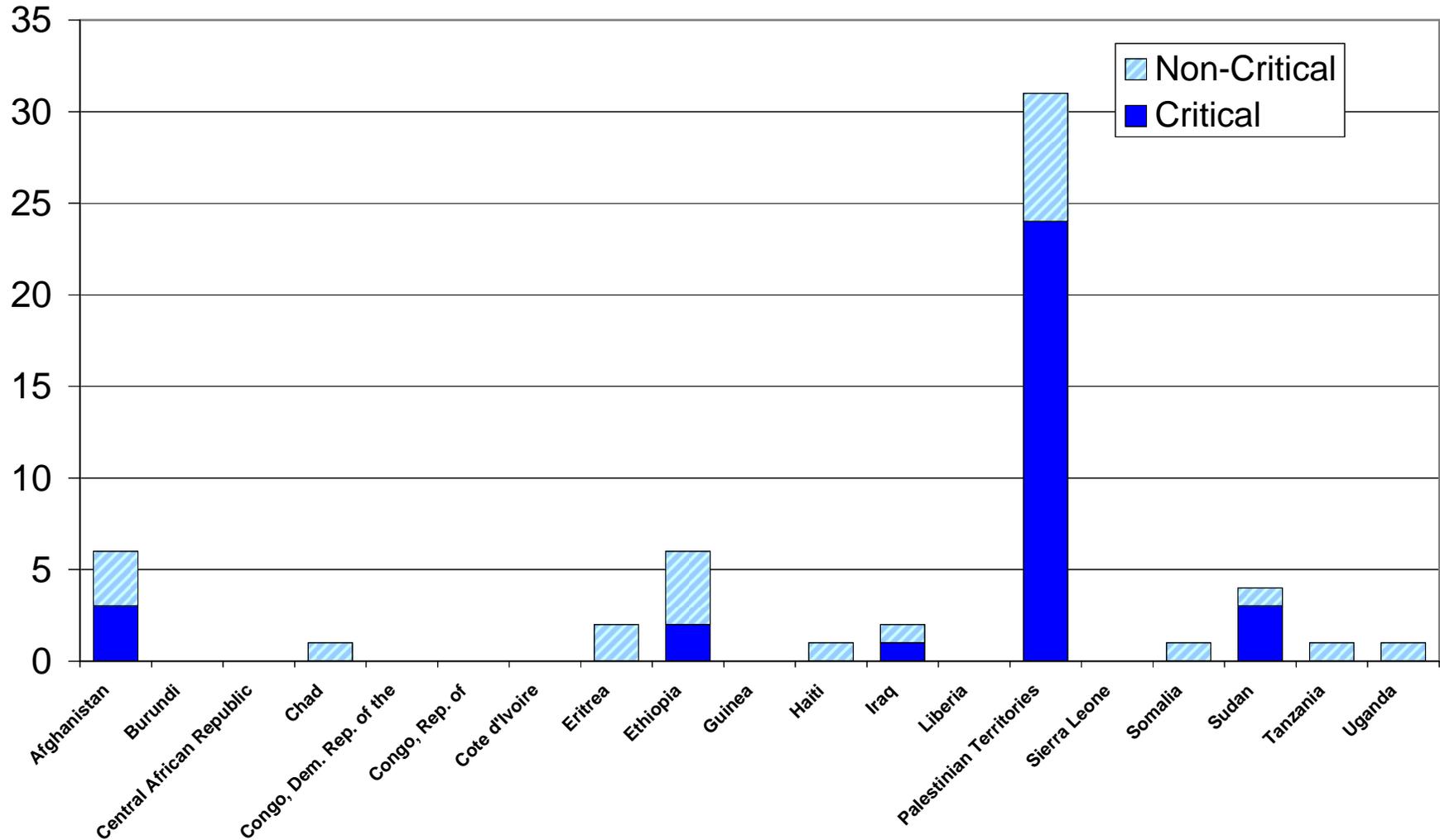
⁴ <http://www.fao.org/docrep/006/J2254e/J2254e02.htm>

Figure 2. Comparison of Malnutrition Rates
(Percentage of children under-weight for age)



● The Palestinian Territories have the lowest percentage of children under-weight for age (3%) compared with any state in the Arab Middle East, East Asia, the Pacific, South Asia, Sub-Saharan Africa, and Latin America (except Chile). Nevertheless, Jean Ziegler has focused on this area more than any other.

Figure 3. Statements by Jean Ziegler on Food Problem



Sources: UN Press Release website (www.un.org/news); Jean Ziegler's website (www.righttofood.org); English and non-English news articles on Nexis. Covers period from beginning of Jean Ziegler's mandate in September 2000 through August 2004.

Statements by Jean Ziegler on Israel

Swiss Info (swissinfo.org), July 8, 2003 (“Mr. Bush – the White House Pinochet – [...] covers for Sharon’s crimes in Palestine [by referring] to the so called war on terror”).

UN Information Service, May 28, 2004 (Ziegler issuing joint press release with Special Rapporteur on adequate housing to “urgently” condemn Israel for its “massive military operation” against Palestinian weapons-smuggling tunnels in Rafah, and to “welcome the outpouring of condemnations”).

(*Swiss*) *SDA – Basisdienst Deutsch*, May 21, 2004 (citing *Swiss Blick*) (“the Gaza Strip resembles a huge concentration camp”; the Israeli army tortures and kills civilians; Prime Minister Ariel Sharon commits “state terror” supported by the U.S. for strategic reasons; the E.U. must temporarily suspend its free trade agreements with Israel to “impress Sharon”).

(*Swiss*) *SDA -Basisdienst Deutsch*, April 15, 2004 (Ziegler coming to UN Palestinian Committee Conference to inveigh against Israel’s barrier, accuse Israel of “Apartheid” and boast of his letter to E.U. that demanded it break trade agreements with Israel).

M2 Presswire, November 12, 2003 (Ziegler testifying before UN Third Committee that “the most important [2003] country mission was the one conducted to the occupied Palestinian territories,” and denying that Palestinian terrorism plays any role in region’s difficulties).

United Press International, November 12, 2003 (Israel is responsible for inflicting upon Palestinian children “some form of brain damage”).

Al Siyassa-Al Dawliya (Egyptian quarterly on international politics) January, 2003 (“[t]he policies of colonial repression followed by Ariel Sharon and other Israeli generals are criminal and classifiable as crimes against humanity”; and “the most pressing task” is for the international community to send armed forces “to protect the people of Palestine against the massacres of the occupying forces”).

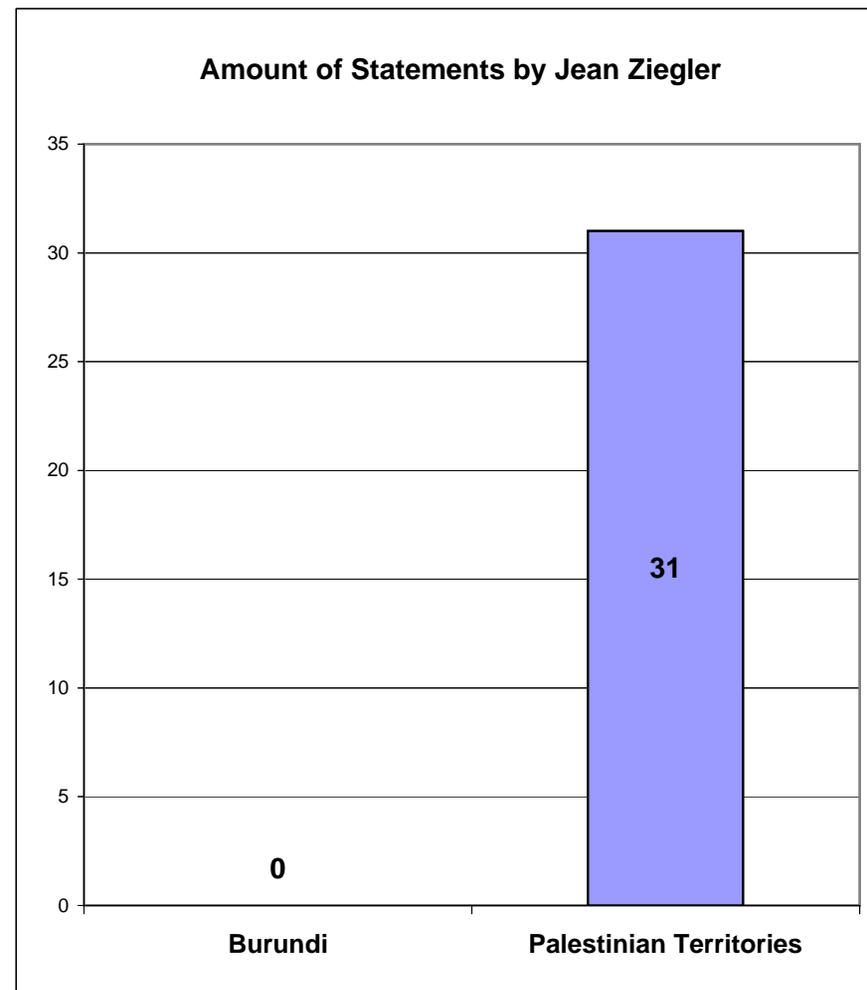
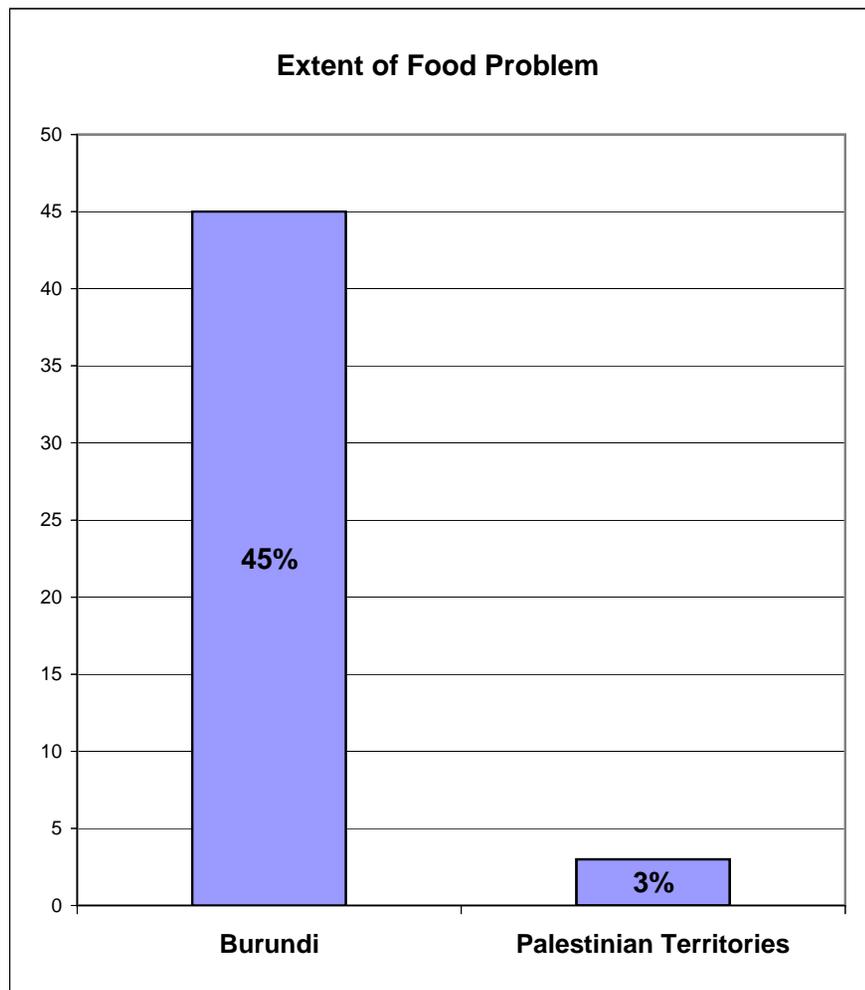
Report on Mission to the Occupied Territories, October 21, 2003 (25-page report excoriating Israel for numerous alleged crimes and exculpating Palestinian terrorist groups from any responsibility).

Preliminary Report on the Right to Food to 56th Session of the General Assembly, July 23, 2001 (devoting singular scrutiny to Israel and accusing it of policies that “created hunger and threaten starvation of the most destitute”; announcing his intent to embark on special country mission to the region).

Statements by Jean Ziegler on Burundi

0 statements.

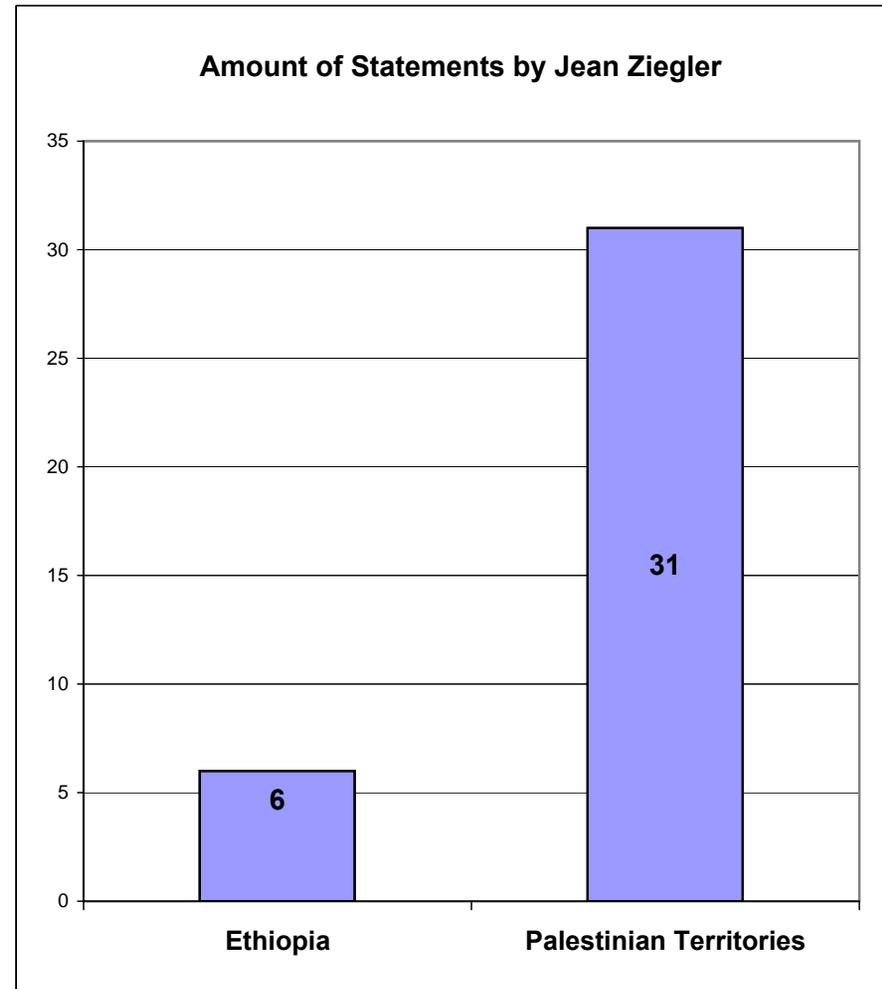
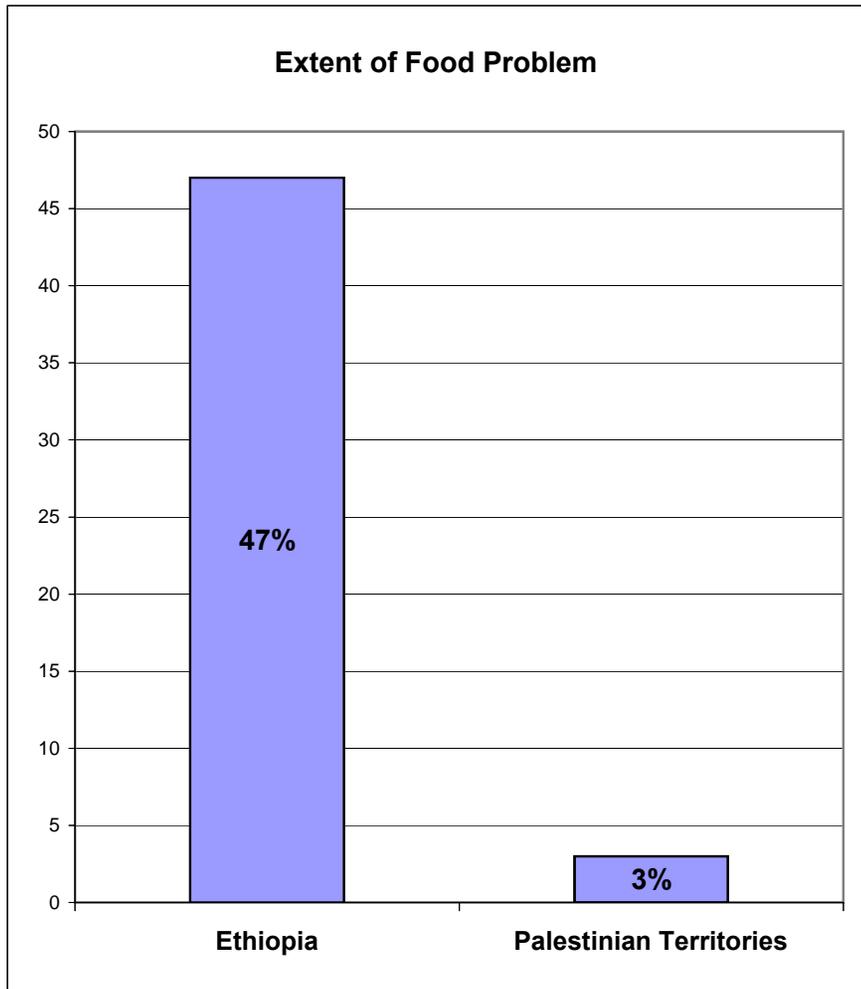
Figure 4. Burundi and the Palestinian Territories
Comparing Extent of Food Problem with Amount of Statements by Jean Ziegler



Source: UNDP Human Development Report 2003, at 198-202.

Sources: UN Press Release website (www.un.org/news); Jean Ziegler's website (www.righttofood.org); English and non-English news articles on Nexis.

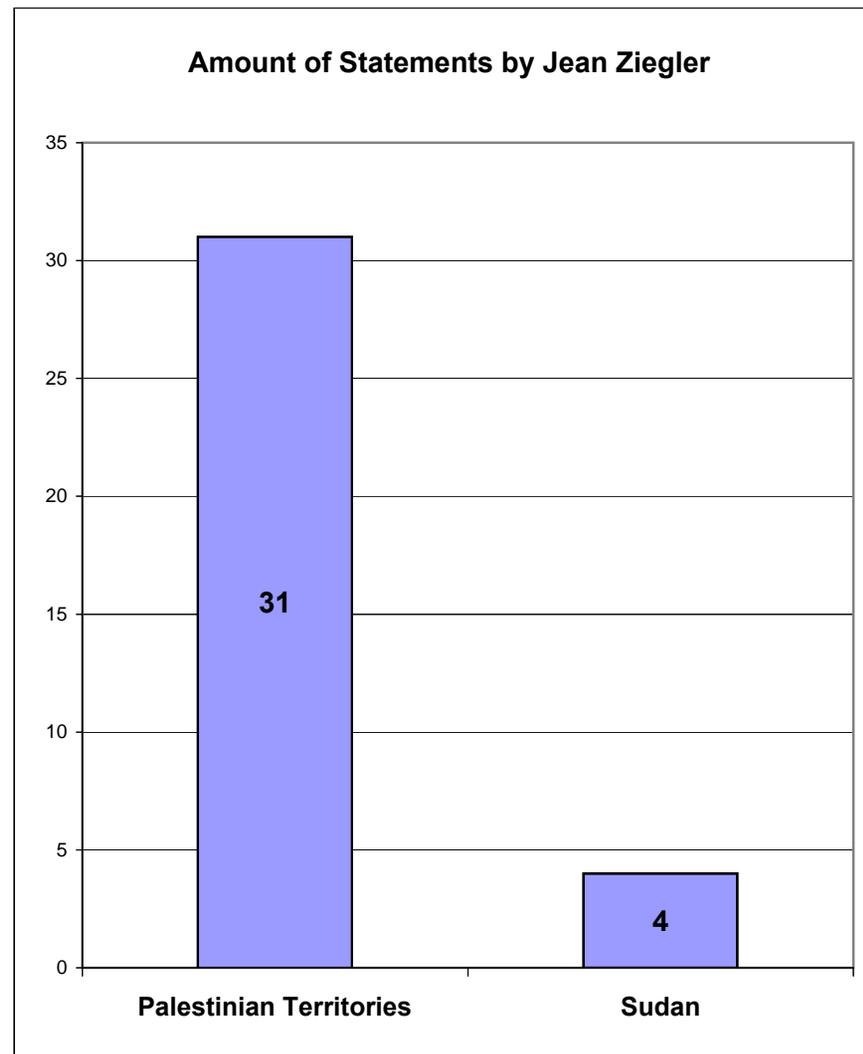
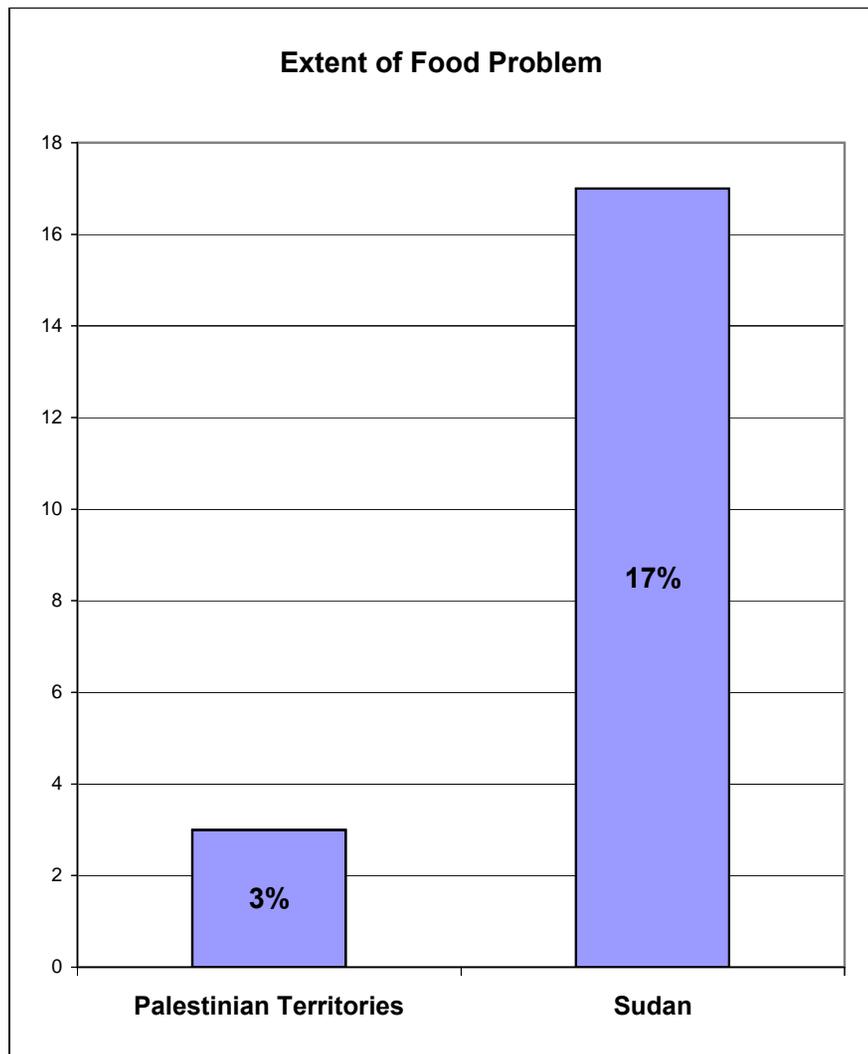
Figure 5. Ethiopia and the Palestinian Territories
Comparing Extent of Food Problem with Amount of Statements by Jean Ziegler



Source: UNDP Human Development Report 2003, at 198-202.

Sources: UN Press Release website (www.un.org/news); Jean Ziegler's website (www.righttofood.org); English and non-English news articles on Nexis.

Figure 6. Sudan and the Palestinian Territories
Comparing Extent of Food Problem with Amount of Statements by Jean Ziegler



Source: UNDP Human Development Report 2003, at 198-202.

Sources: UN Press Release website (www.un.org/news); Jean Ziegler's website (www.righttofood.org); English and non-English news articles on Nexis.

Table 2. Results from Search of UN Press Release Website (www.un.org/news)

A Comparison of Jean Ziegler's Treatment of Palestinian Territories and Food Emergency Countries

Country	Malnutrition Rates (Percentage of children under-weight for age)	Instances where Jean Ziegler mentioned Food Problem (search of UN Press Release Website)	Instances where Jean Ziegler criticized Government or other party (search of UN Press Release website)
*Afghanistan	48	2	1 [†]
*Burundi	45	0	0
*Central African Republic	24	0	0
*Chad	28	1	0
*Congo, Democratic Republic of the	31	0	0
*Congo, Republic of	14	0	0
*Côte d'Ivoire	21	0	0
*Eritrea	44	1	0
*Ethiopia	47	3	1
*Guinea	23	0	0
*Haiti	17	0	0
*Iraq	16	1	1
*Liberia	20	0	0
Palestinian Territories	3	7	7
Russian Federation (*Chechnya)	N/A	0	0
*Sierra Leone	27	0	0
*Somalia	26	0	0
*Sudan	17	2	2
*Tanzania	29	0	0
*Uganda	23	0	0

* Country or territory on the Food Emergencies list of the UN Food and Agriculture Organization

[†] Mr. Ziegler's critical statement on Afghanistan was, in fact, critical of the United States

(Period covered: September 2000 - August 2004)

Table 3. Results from Search of Jean Ziegler's Website (www.righttofood.org)

**A Comparison of Jean Ziegler's Treatment of
Palestinian Territories and Food Emergency Countries**

Country	Malnutrition Rates (Percentage of children under-weight for age)	Instances where Jean Ziegler mentioned Food Problem (search of his own website)	Instances where Jean Ziegler criticized Government or other party (search of his own website)
*Afghanistan	48	2	1
*Burundi	45	0	0
*Central African Republic	24	0	0
*Chad	28	0	0
*Congo, Democratic Republic of the	31	0	0
*Congo, Republic of	14	0	0
*Côte d'Ivoire	21	0	0
*Eritrea	44	1	0
*Ethiopia	47	2	1
*Guinea	23	0	0
*Haiti	17	1	0
*Iraq	16	0	0
*Liberia	20	0	0
Palestinian Territories	3	3	2
Russian Federation (*Chechnya)	N/A	1	0
*Sierra Leone	27	0	0
*Somalia	26	0	0
*Sudan	17	0	0
*Tanzania	29	0	0
*Uganda	23	0	0

* Country or territory on the Food Emergencies list of the UN Food and Agriculture Organization

(Period covered: September 2000 - August 2004)

Table 4. Results from Search of News Articles on Nexis

**A Comparison of Jean Ziegler's Treatment of
Palestinian Territories and Food Emergency Countries**

Country	Malnutrition Rates (Percentage of children under-weight for age)	Instances where Jean Ziegler mentioned Food Problem (search of Nexis)	Instances where Jean Ziegler criticized Government or other party (search of Nexis)
*Afghanistan	48	2	1
*Burundi	45	0	0
*Central African Republic	24	0	0
*Chad	28	0	0
*Congo, Democratic Republic	31	0	0
*Congo, Republic of	14	0	0
*Côte d'Ivoire	21	0	0
*Eritrea	44	0	0
*Ethiopia	47	1	0
*Guinea	23	0	0
*Haiti	17	0	0
*Iraq	16	1	0
*Liberia	20	0	0
Palestinian Territories	3	21	15
Russian Federation (*Chechnya)	N/A	0	0
*Sierra Leone	27	0	0
*Somalia	26	1	0
*Sudan	17	2	1
*Tanzania	29	1	0
*Uganda	23	1	0

* Country or territory on the Food Emergencies list of the UN Food and Agriculture Organization

(Period covered: September 2000 - August 2004)

CONCLUSIONS AND RECOMMENDATIONS

To Amb. Michael Smith, Chairman of the UN Commission on Human Rights:

The Chairperson of the UN Commission on Human Rights should remove Jean Ziegler for abuse of mandate. Although this discretionary power may not have been exercised before, Jean Ziegler's unprecedented actions pose a novel and arguably unique threat to the institution of UN experts, and require his removal. Since the Chairperson has the power to appoint a Special Rapporteur, he should equally possess the power to remove him.

To the 53 State Members of the UN Commission on Human Rights:

If the Chairperson does not do so, the 53 member states of the UN Commission on Human Rights should introduce a resolution at the 2005 session of the Commission that will terminate Mr. Ziegler's term for abuse of mandate. Those members of the Commission who wrongly voted to renew Mr. Ziegler's mandate on April 22, 2003 — after his abuses were already known — bear a particular responsibility. These include Argentina, Brazil, Canada, Costa Rica, France, Germany, Ireland, Japan, Mexico and the United Kingdom. Other current Commission members who bear the same responsibility are Armenia, Burkina Faso, China, Cuba, Gabon, Guatemala, India, Kenya, Malaysia, Pakistan, Paraguay, Peru, Republic of Korea, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, and Zimbabwe.

To Louise Arbour, UN High Commissioner for Human Rights:

The UN High Commissioner for Human Rights should instruct the relevant personnel of her Office to cease any support whatsoever, including the provision of any human and financial resources, for Mr. Ziegler's activities that fall outside his mandate, such as his unlawful boycott campaign against Israel. (See Appendix, UN Watch Letter to High Commissioner, 20 October 2004.) Moreover, there is a concern that Mr. Ziegler's anti-Israel boycott campaign is being perceived as emanating from Madam Arbour's Office. Because Mr. Ziegler writes his letters demanding the boycott of Israel — in January 2004, to the European Commission, and in May 2004 to a U.S. corporation — under the letterhead of "United Nations High Commissioner for Human Rights," there is every reason to fear that recipients and the general public are misled. Indeed, the BBC, reporting on a May 28 boycott letter, described Mr. Ziegler as working for the High Commissioner. Worse, the official website of the Palestinian Authority, reporting on the same boycott letter, describes Mr. Ziegler, in addition to his actual position, as "the United Nations High Commissioner on Human Rights." Accordingly, the High Commissioner should issue a public clarification to the effect that Mr. Ziegler's boycott letters in no way speak on behalf of her or her Office.

About UN Watch

United Nations Watch is a non-governmental organization based in Geneva whose mandate is to monitor the performance of the United Nations by the yardstick of its own Charter. UN Watch was established in 1993 under the Chairmanship of the late Ambassador Morris B. Abram, following his tenure as U.S. Permanent Representative to the United Nations in Geneva. UN Watch participates actively as an accredited NGO in Special Consultative Status with the UN Economic and Social Council, and has been a leading voice at the UN for international action in Darfur, religious freedom in China, and women's rights in Iran and Sudan.

UN Watch believes in the United Nations' mission on behalf of the international community to "save succeeding generations from the scourge of war" and provide for a more just world. We believe that even with its shortcomings, the UN remains an indispensable tool in bringing together diverse nations and cultures. UN Watch is keenly aware that member states often ask the UN to fulfill mandates and tasks that are neither feasible nor within the means provided. While it would be unrealistic to ignore the UN's weaknesses, we advocate finding ways to build on its strengths and use its limited resources effectively.

UN Watch is foremost concerned with the just application of UN Charter principles. Areas of interest include: UN management reform, the UN and civil society, equality within the UN, and the equal treatment of member states. UN Watch has been at the forefront of the call to end the disproportionate attention and unfair treatment applied by the UN toward Israel, which offers an object lesson (though not the only one) in how due process, equal treatment, and other fundamental principles of the UN Charter are often ignored or selectively upheld.

UN Watch is governed by an international board whose members have included the Hon. Per Ahlmark (Co-Chairman), former Deputy Prime Minister of Sweden; the Hon. Irwin Cotler, international human rights advocate and current Canadian Minister of Justice; David A. Harris (Co-Chairman), Executive Director of the American Jewish Committee; Ambassador Max Jakobson, former Permanent Representative of Finland to the UN in New York; Ambassador Jeane Kirkpatrick, former US Permanent Representative to the UN in New York; Ambassador Alfred H. Moses (Chairman), former US Ambassador to Romania and President's Special Emissary for Cyprus; the late Father Stanislaw Musial of Poland; and Ruth Wedgwood, professor of international law and diplomacy at Johns Hopkins University and member of the UN Human Rights Committee. Hillel C. Neuer is the Executive Director.

UN Secretary-General Kofi Annan has recognized the important role of UN Watch: "I deeply appreciate the valuable work performed by UN Watch. I believe that informed and independent evaluation of the United Nations' activities will prove a vital source as we seek to adapt the Organization to the needs of a changing world. I can promise you that I will pay close attention to your observations and views in the years ahead." *Letter from Kofi Annan, UN Secretary General, to Amb. Morris B. Abram, UN Watch (Jan. 30, 1997).*

Acknowledgments

Jardena Lande was the senior researcher for this study. Natasha Sarraf provided research assistance. Leon Saltiel contributed on several levels, including with research, graphic design and layout. Michael Inlander managed publicity and offered many thoughtful comments on the draft report.

APPENDIX



The Honourable Louise Arbour
UN High Commissioner for
Human Rights
Palais Wilson
1201 Geneva
Switzerland

Via Hand Delivery and Fax

20 October 2004

Re: Jean Ziegler's Boycott Campaign and the OHCHR

Dear Madam High Commissioner,

It was a privilege to meet you last week. Thank you for taking time from your busy schedule to allow us to introduce ourselves and the work of our NGO. We appreciated the opportunity to discuss issues of mutual concern, ranging from the dire situation in Sudan to proposals for improving the UN Commission on Human Rights, including the functioning of its special procedures.

It is in regard to the latter issue that, regrettably, we are today compelled to seek your involvement. As you know, this past Thursday, October 14th, Jean Ziegler, the Special Rapporteur on the right to food, announced that he had written to Romano Prodi, President of the European Commission, to demand the suspension of the European Union's trade accord with Israel. Mr. Ziegler further declared that he will be writing again to the next President, Jose Manuel Durao Barroso (who takes over next month), to repeat his boycott demand. Mr. Ziegler's actions give cause for grave concern, and, for the reasons described below, require your intervention.

UN Watch is and always has been a strong supporter of the institution of the special procedures. We were a leading voice, to give but one example, behind the establishment this year of a Special Rapporteur on trafficking in women. To protect the good name of the UN's many independent rights experts we must guard against any abuses. And to protect the world's hungry, we must ensure they have a voice that is truly speaking out for them — and not for a personal, political agenda bearing no connection to food.

./..

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Jean Ziegler has been waging a public relations war against Israel ever since his appointment in 2000, and now he has escalated his efforts into a trade war. His latest demand that Europe boycott trade with Israel follows a May 28 letter sent by Mr. Ziegler to a major corporation (attached here as Ex. 1) that, similarly, demanded a boycott of Israel. Not coincidentally, Mr. Ziegler, who resides in Switzerland, sent his boycott letter three days after a political “action” notice was issued against this corporation by “Collectif Urgence Palestine” — a Swiss group, dedicated to boycotting Israel, with which Mr. Ziegler has been active. Mr. Ziegler’s letter was then promptly posted on the website of this group’s boycott campaign. How many other boycott letters Mr. Ziegler has sent is a mystery, though their target is not.

In July, as you know, we filed a brief with the Chairman of the UN Commission on Human Rights (attached here as Ex. 2) requesting Mr. Ziegler’s removal for abuse of mandate, and for blatantly violating his obligations to act with impartiality, non-selectivity and objectivity. (As it bears directly on the issue, we urge you to read this brief, particularly note 2 on page 2, and section 3 on page 5.)

As outlined in the brief, Mr. Ziegler’s mandate concerning the right to food flows from Commission Resolution 2000/10, as expanded by Resolution 2001/25 (to include drinking water), and then renewed by Resolution 2003/25. Nowhere in these provisions is Mr. Ziegler granted any authority to demand of a corporation, country or international organization the boycott of a UN member state. Mr. Ziegler’s boycott campaign is doubly outrageous because it targets one state only. Mr. Ziegler has never launched a boycott campaign against North Korea, Somalia, or even Sudan — all of which, unlike the Palestinian territories, are on the UN’s official Food Emergencies list — nor against any other country.

While the Special Rapporteurs are independent, and accountable only to the Commission, we believe that this matter directly involves your Office on two levels, each meriting a separate remedy.

First, we would like to confirm that your Office is not providing any support for Mr. Ziegler’s *ultra vires* and improper activities, in particular, his anti-Israel boycott campaign. As you know, the relevant resolutions authorize your Office to provide “all necessary human and financial resources *for the effective fulfillment of the mandate* of the Special Rapporteur.” Mr. Ziegler’s campaign to establish an international trade boycott of Israel clearly falls outside this category.

Consequently, we note with concern that Mr. Ziegler’s May 28 boycott letter was issued from the Office of the High Commissioner. It was written under the letterhead of “United Nations High Commissioner for Human Rights.” The May boycott letter also bears the reference “RRDB/RH,” which refers to your Office’s Research and Right to Development Branch (RRDB), and then to the initials of the Human Rights Officer assigned by your Office to support Mr. Ziegler’s mandate. Though Mr. Ziegler has repeatedly refused to release a copy of his boycott letter to Mr. Prodi — claiming “confidentiality” even as Mr. Ziegler willingly elaborates on its contents at UN and international press conferences — we have every reason to assume this letter was prepared under similar circumstances.

Accordingly, we urge you to instruct the relevant personnel of your Office to cease any support whatsoever, including the provision of any human and financial resources, for Mr. Ziegler's activities that fall outside his mandate, such as his boycott campaign. Certainly we do not attribute improper intent to anyone in your Office, but we seek to ensure that this problem will be rectified going forward.

Second, we are concerned that Mr. Ziegler's anti-Israel boycott campaign will be perceived as emanating from your Office. Because his boycott letters are written under the letterhead of "United Nations High Commissioner for Human Rights," there is every reason to fear that recipients and the general public will be misled. Indeed, the BBC, reporting on the May 28 boycott letter, described Mr. Ziegler as working for the High Commissioner. Worse, the official website of the Palestinian Authority, reporting on the same boycott letter, describes Mr. Ziegler, in addition to his actual position, as "the United Nations High Commissioner on Human Rights." (Both reports attached here as Ex. 3) Accordingly, we further request that you issue a public clarification to the effect that Mr. Ziegler's boycott letters in no way speak on behalf of you or your Office.

We understand that this is not the first time that your Office has been challenged by Mr. Ziegler's improper actions. It is known among senior officials here in Geneva that your predecessor refused Mr. Ziegler's request that he co-sign the May boycott letter, and also obtained a UN legal opinion to support refusing to issue one of Mr. Ziegler's press releases. We trust that you will show equal determination in countering these latest abuses.

The world's human rights victims are fortunate to have you as their new champion, and we trust that you will safeguard the integrity of the UN mechanisms created for their benefit.

With great respect, we remain,

Sincerely yours,



Alfred H. Moses
Chairman



Hillel C. Neuer
Executive Director

Attachments

cc: Kofi Annan, UN Secretary-General
Amb. Michael Smith, Chairman of UN Commission on Human Rights
Jean Ziegler, UN Special Rapporteur on the right to food

3

EXHIBIT 1



Ambassador Michael Smith
Chairperson
60th Session, UN Commission on
Human Rights
Palais des Nations
CH-1211 Geneva 10

14 July 2004

Re: Mr. Jean Ziegler's Abuse of Mandate

Dear Mr. Chairperson,

United Nations Watch is gravely concerned by the latest in a series of actions taken by Jean Ziegler, the UN Special Rapporteur on the right to food, that, as detailed below, single out Israel for differential and discriminatory treatment and constitute (a) a flagrant abuse of the mandate given him by the United Nations Commission on Human Rights ("Commission"); (b) a blatant violation of the principles of impartiality, non-selectivity and objectivity that govern the work of Special Rapporteurs; and (c) an overt breach of the equality principles of the Charter of the United Nations.

Mr. Ziegler's actions are not only a violation of applicable international law but they also undermine the credibility of the institution of the Special Rapporteur on the right to food, and of the two bodies under which it operates: the Commission and the Office of the High Commissioner for Human Rights. Finally, Mr. Ziegler's pattern and practice of discrimination against the Jewish state directly contravenes UN Secretary General Kofi Annan's 21 June 2004 action plan against anti-Semitism which rejects the demonization of Zionism, stipulates that "Jews everywhere must feel that the United Nations is their home too" and urges particular action from Special Rapporteurs.

We write this letter in fulfillment of our duties as a non-governmental organization in special consultative status with ECOSOC, pursuant to Article 71 of the UN Charter and ECOSOC resolution 1996/31.

J..

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1. *Rapporteur's Boycott Letter Not About Food and Therefore Ultra Vires His Mandate*

It is an elementary principle of international law that “[the appointment of] a special Rapporteur [...] or the fact that he has been entrusted with a mission by the United Nations does not of itself allow him to operate outside his mandate.”¹ The position of the Special Rapporteur on the right to food was created by the Commission, and its mandate defined, in Commission Resolution 2000/10. This mandate includes seeking and responding to information on the “urgent necessity of eradicating hunger.” The mandate was expanded by Resolution 2001/25 to include specific attention to issues such as drinking water, and renewed by Resolution 2003/25. Mr. Ziegler was appointed to fill the new post in September 2000 by the Commission Chairman, Shambhu Ram Simkhada of Nepal.

Regrettably, Mr. Ziegler has repeatedly abused this mandate. The most recent overreach by Mr. Ziegler, first reported last month (*Associated Press Worldstream*, 16 June 2004), came in a letter that he sent to Caterpillar, Inc. (“Caterpillar”), dated 28 May 2004, cautioning that company against doing business with Israel on the basis of alleged human rights concerns (“the Boycott Letter”). Notwithstanding nominal invocations of the right to food, *the pith and substance of the Boycott Letter is plainly not food*, but rather Mr. Ziegler’s well-known radical political opposition to Israel, whom he has publicly accused of “state terror”, “war crimes” and of acting like Nazi Germany.²

¹ *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights (Advisory Opinion)* [1999] ICJ 3 (29 April 1999) (Koroma, J., dissenting on other grounds).

² Neglecting many of the world’s recognized food emergencies, Jean Ziegler has instead zealously pursued the demonization of Israel in every available medium and forum. See, e.g., *Swiss Info (swissinfo.org)*, July 8, 2004 (“Mr. Bush – the White House Pinochet – [...] covers for Sharon’s crimes in Palestine [by referring] to the so-called war on terror”); *UN Information Service*, May 28, 2004 (Ziegler issuing joint press release with Special Rapporteur on adequate housing to “urgently” condemn Israel for its “massive military operation” against Palestinian weapons-smuggling tunnels in Rafah, and to “welcome the outpouring of condemnations”); (*Swiss SDA – Basisdienst Deutsch*, May 21, 2004 (citing *Swiss Blick*) (“the Gaza Strip resembles a huge concentration camp”; the Israeli army tortures and kills civilians; Prime Minister Ariel Sharon commits “state terror” supported by the U.S. for strategic reasons; the E.U. must temporarily suspend its free trade agreements with Israel to “impress Sharon”); (*Swiss SDA -Basisdienst Deutsch*, April 15, 2004 (Ziegler coming to UN Palestinian Committee Conference to inveigh against Israel’s barrier, accuse Israel of “Apartheid” and boast of his letter to E.U. that demanded it break trade agreements with Israel); *M2 Presswire*, November 12, 2003 (Ziegler testifying before UN Third Committee that “the most important [2003] country mission was the one conducted to the occupied Palestinian territories,” and denying that Palestinian terrorism plays any role in region’s difficulties); *United Press International*, November 12, 2003 (Israel is responsible for inflicting upon Palestinian children “some form of brain damage”); *Al Siyassa-Al Dawliya* (Egyptian quarterly on international politics) January, 2003 (“[t]he policies of colonial repression followed by Ariel Sharon and other Israeli generals are criminal and classifiable as crimes against humanity”; and “the most pressing task” is for the international community to send armed forces “to protect the people of Palestine against the massacres of the occupying forces”); *Report on Mission to the Occupied Territories*, October 21, 2003 (25-page report excoriating Israel for numerous alleged crimes and exculpating Palestinian terrorist groups from any responsibility); *Voice of America*, July 18, 2003 (announcing that situation in territories is “appalling”); *United Nations Seminar on Assistance to Palestinian People*, July 16, 2003 (condemning Israel’s “violation of the right to food”); *Preliminary Report on the Right to Food to 56th Session of the General Assembly*, July 23, 2001 (devoting singular scrutiny to Israel and accusing it of policies that “created hunger and threaten starvation of the most destitute”; announcing his intent to embark on special country mission to the region). Other examples of Mr. Ziegler’s irrational obsession with Israel abound.

The Boycott Letter purports to treat Israeli actions that, Mr. Ziegler alleges, “destroy [...] homes and sometimes human lives”, and that concern “homelessness” and “loss of livelihood.” Grave as these allegations are, they are simply *not about food*. That is, not unless one is prepared to argue that the Special Rapporteur’s mandate should be interpreted as extending to, say, the market fluctuation of the Thai Bhat, on grounds that its effects could ripple across the globe and impact consumers in Boston or Burundi. Yet if the Commission’s thematic rights mandates are to have any meaning whatsoever – or any credibility – their interpretation *ad absurdum*, as exemplified by Mr. Ziegler’s actions, cannot be tolerated.

Mr. Ziegler’s actions violate express rules of international law as emphasized in recent jurisprudence. Special Rapporteurs, in the words of Vice President Weeramantry of the International Court of Justice, have a “duty and responsibility [...] to ensure that whatever actions they take or statements they make are always within the limits of the performance of their duties [...] This obligation applies especially in regard to public statements [...]”³

Yet not only does the *substance* of Mr. Ziegler’s Boycott Letter testify to its concern with non-food issues, rendering his action outside “the limits and performance of [his] duties,” so too does its *context*. Over the past two years there has been a political campaign orchestrated against Caterpillar demanding that it impose a boycott against Israel. Proponents of this boycott have invoked several grounds – but never the right to food. Mr. Ziegler evidently wishes to enlist in this campaign. Yet he has no legal basis to do so with the full imprint and authority of his specialized UN mandate merely by uttering three magic words, “right to food.”

Mr. Ziegler’s exercise of his right-to-food powers for the purpose of joining a political boycott campaign not concerning a food matter constitutes an *abuse of the power conferred on him by the Commission*, and is illegal under international and generally-recognized principles of administrative law. A recent case by the Inter-American Commission on Human Rights makes this clear: “An administrative act may have been performed by the competent official with all the appearances of legality and yet this discretionary act, which the qualified official had the strict right to perform, may be rendered illegal if its author has used his powers for a purpose other than that for which they were conferred on him [...]”⁴ Moreover, as Judge Koroma of the International Court of Justice recently opined, “[h]aving contact with the media cannot be regarded as a licence for a special rapporteur to operate outside his mandate.”⁵

Mr. Ziegler’s demand that Caterpillar boycott Israel in turn precipitated an identical demand to the corporation from the Arab League Boycott Office based in

³ *Advisory Opinion, supra*, note 1 (Weeramantry, V.P., separate opinion).

⁴ *Rodolfo Robles Espinoza and Sons v. Peru*, Case 11.317, Report No. 20/99, Inter-Am. C.H.R., OEA/Ser.L/V/II.95 Doc. 7 rev. at 787, par. 109 (1998), citing Alibert, “Le contrôle juridictionnel de l’Administration,” Paris 1926, at 236.

⁵ *Advisory Opinion, supra*, note 1 (Koroma, J., dissenting on other grounds).

Damascus, Syria.⁶ By encouraging the Arab League's boycott of companies that trade with Israel, Mr. Ziegler could be liable not only for encouraging a breach of international law principles prohibiting economic coercion (flowing from Article 2(4) of the UN Charter), but also for inciting the commission of a felony under the law of the United States, specifically, the Export Administration Act's anti-boycott provisions. It is important to note that by acting outside his mandate Mr. Ziegler does not benefit from the immunity granted by the Convention on the Privileges and Immunities of the United Nations.⁷

2. Mr. Ziegler's Latest Action Follows Pattern of Abuse of Mandate

This is hardly the first time that Mr. Ziegler has illegally abused the proper procedure, mandate and powers of his office to push his personal anti-Israel and anti-U.S. political agenda. Indeed his transgressions caused the U.S. government to request that Mr. Ziegler be reprimanded for his "irresponsible and unfounded statements and for abusing his mandate to generate misleading polemics on issues beyond his competence and expertise."⁸

In the fall of 2001, for example, Mr. Ziegler committed the same type of abuse of mandate as he did in his recent Boycott Letter, by taking a personal, pre-existing political position of his not concerning food, and then appending a food-related pretext to justify employing the prestige of his UN office. Less than two weeks after Al Qaeda's September 11 terrorist attacks against the United States, Mr. Ziegler announced his political opposition to any potential U.S. military response against the Taliban regime that hosted Al Qaeda, saying it would have "apocalyptic" consequences and cause "the end for the Afghan nation."⁹ Within weeks Mr. Ziegler's political opposition to the war metamorphosed into a "food" objection, with his claim that food drops by the Allies were prohibited – first on the grounds that they compromised "the key principles of humanitarian organizations and international law" (a fallacious proposition), and then on grounds that they might end up feeding the Taliban. All along, of course, the Special Rapporteur was transparently acting out of his political opposition to the war itself – a matter *entirely outside his competence*.

Similarly, in September 2003, Mr. Ziegler acted in bad faith and breached applicable procedure when he allowed the report from his special mission to Israel and the territories, dated 31 October 2003 (the "Report"), to be leaked to the press before the country concerned could duly exercise its right to review it and provide comments. This violation generated complaints officially, of which you are aware, and among civil society. Nevertheless, the Commission regrettably kept silent, thus giving tacit approval and encouragement to further breaches, which predictably ensued.

The words of Judge Koroma of the International Court of Justice are again apt: "It is one thing to have contact with the media to enable a Special Rapporteur to carry out his mandate, but [...] special rapporteurs, like all agents of the United Nations, must take care not to exceed the scope of their functions, and must express themselves with requisite

⁶ *Associated Press Worldstream*, June 24, 2004.

⁷ *Advisory Opinion*, *supra*, note 1.

⁸ *U.S. Explanation of Vote on Commission Resolution on the Right to Food*, 16 April 2004.

⁹ *Swiss Radio International's Swissinfo website*, 22 September 2001, cited by *BBC Monitoring Europe*, 23 September 2001.

prudence so as to remain within their mandate.”¹⁰ Mr. Ziegler has persistently violated this obligation of international law.

3. Mr. Ziegler's Singling Out of Israel for Differential Treatment Radically Distorts Food Situation in the Territories and Violates the UN Charter's Equality Principle

As a UN Special Rapporteur, Mr. Ziegler is obliged to act according to principles of “impartiality, non-selectivity and objectivity.”¹¹ He has failed to do so. On the contrary, Mr. Ziegler has systematically singled out a handful of democracies for demonization, particularly Israel and the United States. In what can only be described as an irrational obsession, Mr. Ziegler's term has been marked by his zealous pursuit of ever larger audiences for his persecution of Israel through an onslaught of targeted special reports, press releases, media interviews, together with a barrage of appearances at anti-Israel international conferences, symposia and briefings.¹²

A Special Rapporteur for food is mandated to work toward eradicating the scourge of hunger. Because food problems are not limited to one locale, the Special Rapporteur is obliged to allocate his limited time and resources according to some logical criteria. *Yet Mr. Ziegler has failed to respect any objective criteria whatsoever.* For example, at the time that he decided to demand Caterpillar's boycott of Israel, there were 35 regions or countries judged by the United Nations Food and Agriculture Organization (FAO) to be facing food emergencies. (“Countries Requiring External Food Assistance”, *Foodcrops and Shortages*, May 2004, FAO). These include Angola, Burundi, Chad, Chechnya, Haiti, Lesotho, North Korea and Sudan. *The West Bank and Gaza was never placed on the FAO's list of regions facing food emergencies.*¹³ Absent a credible nexus between Israel's actions and Palestinian hunger, Mr. Ziegler lacks jurisdiction under his mandate to concern himself with Israel's actions in Rafah or elsewhere in the West Bank and Gaza.

There was no reasonable basis whatsoever for Mr. Ziegler's decision on May 28 to select Israel out of 191 states as the target of an unprecedented boycott letter. In the Central African Republic, Chechnya or Liberia, for example, where the FAO attributes the food emergency to civil strife, Mr. Ziegler could have written an identical boycott letter to any of the hundreds of corporations that trade directly or indirectly with those regions. He did not. Rather, scanning the globe, the Special Rapporteur on the right to food chose to look away from any of the regions officially facing food emergencies – Congo, North Korea, Sudan, etc. – and from every other place in the world, save one: where no food emergency exists. That constitutes discrimination on its face. *Mr. Ziegler's blatant discrimination*

¹⁰ *Advisory Opinion, supra*, note 1.

¹¹ General Assembly Resolution 48/141 of 20 December 1993.

¹² *See, supra*, note 2.

¹³ Though the West Bank and Gaza is not an independent state, the FAO confirmed to UN Watch that the territories do fall under its purview, and that the region is not on the Food Emergency list because the FAO did not deem the situation as qualifying. Likewise, East Timor was under the purview of the FAO even prior to its independence in May 2002, and, in fact, the FAO placed pre-state East Timor on its Food Emergency list. *See, e.g.*, “Countries Facing Exceptional Food Emergencies”, *Foodcrops and Shortages No. 1*, Feb. 2000 (listing East Timor).

against Israel constitutes an express violation of the UN Charter's equality principle, as provided under the Preamble, Article 1(2) and Article 2(1).

Both Mr. Ziegler's Boycott Letter and his Report radically distort the situation of Palestinians concerning food. There is no disputing the fact that Palestinians face significant humanitarian difficulties. With the advent of the terror campaign launched in September 2000 by Palestinian groups such as Hamas, Islamic Jihad and Fatah's Al-Aqsa Martyrs Brigade, followed by the response of Israel's security measures, Palestinians in the West Bank and Gaza face numerous restrictions on their daily lives. Even Israel acknowledges the necessary role of international organizations in assuring a steady food supply. Nevertheless, the situation does not come even remotely close to the "catastrophe" depicted by Mr. Ziegler, and certainly does not rank, as demonstrated above, as one of the world's food emergencies. Jean Ziegler's gross misrepresentation of the problem only serves to undermine the Palestinian cause.

Mr. Ziegler's premise is that "most of the violations of the right to food stem from the occupation," and it is on that basis that he has launched multiple condemnatory attacks against Israel. However, both the Report and the Boycott Letter deliberately ignore the fact that *even Palestinian statistics themselves bely the canard that Israel's occupation in the West and Gaza is the cause of food problems*. According to "The Nutritional Status in Palestine", a report published by the Applied Research Institute, a Palestinian think-tank, "during the first 20 years of the Israeli occupation, it is probably safe to assume that *the nutritional status of Palestinians in terms of caloric intake per capita, improved during that period*." [Emphasis added] The Palestinian authors of the report cite the following facts: "In 1969, caloric intake was 2344 kcals/capita, by 1980 it was above 2800 Kcals/capita and by 1986 it was above 2900 Kcals/capita. There was also an upward trend in consumption of animal proteins (from 17.1 g/capita/day to 21 g/capita/day) and fats (from 61.4 g/capita/day to 73.4 g/capita/day) during the same period." In other words, *under Israeli administration since 1967, the situation got better, not worse*. While the past four years have certainly seen new problems, this Palestinian report unequivocally refutes Mr. Ziegler's premise that "Israeli occupation" is the root cause of food problems – on the contrary, the food situation markedly improved under Israel's administration.

Just as Mr. Ziegler had no objective basis to select Israel as the target of his Boycott Letter, he equally lacked any objective basis to choose the West Bank and Gaza as one of the handful of places in the world to highlight with a personal mission. Indeed, according to Mr. Ziegler's report to the 60th Commission dated 9 February 2004 and his website, he undertook only one country mission in 2003: to the Occupied Palestinian Territory.¹⁴ During, before and after the period he selected the West Bank and Gaza for this visit, the area has never once been placed on the FAO's official food emergency list. (See, e.g., *Foodcrops and Shortages*, June 2003; August 2003; and October 2003.) Accordingly, at a briefing given by Mr. Ziegler during the 60th Session of the Commission, a UN Watch representative asked him to elaborate on his criteria for determining which countries merit a special mission and report. He responded that his decision was the product of a lengthy process of his consultation with civil society, "such as the Red Cross." According to a Red

¹⁴ See E/CN.4/2004/10; <http://www.righttofood.org/public.htm>.

Cross lawyer who spoke with UN Watch, however, Mr. Ziegler never made any such consultation.

It is not easy to compare country situations. Nevertheless, according to Professor John Mason, a leading expert on nutrition who advises the UN, the prevalence of underweight children is considered the most meaningful cross-country comparable indicator. It is remarkable, then, that Mr. Ziegler deliberately fails to mention in the Report, the Boycott Letter, or any other of his many statements, that according to the Human Development Report 2003 of the United Nations Development Programme (UNDP), *the percentage of children underweight for their age in the Occupied Palestinian Territories is lower than any other country in the Middle East* (tied with Lebanon at 3%). By comparison, Yemen's rate of 46% is more than 15 times higher. India and Ethiopia were both at 47%, while North Korea was at 60%. Of the hundred or so countries listed, the Occupied Palestinian Territories enjoyed the lowest rate compared to any of the Arab states, East Asia and the Pacific, South Asia, Sub-Saharan Africa, and Latin America and the Caribbean (except Chile).¹⁵ By deliberately omitting these and other material facts in the Report, Boycott Letter and other relevant statements, the Special Rapporteur has failed in his duty to be impartial. The goal of the Food and Agriculture Organization is *Fiat Panis* (Let There Be Bread). The goal of Mr. Ziegler's mandate seems to be *Fiat Palestinis*.

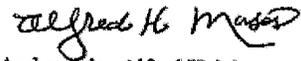
Conclusion: Commission Must Remedy Mr. Ziegler's Abuse of Mandate

The facts and applicable international law, as demonstrated above, mandate the conclusion that Mr. Ziegler's actions constitute a flagrant abuse of his Commission mandate; a blatant violation of the principles of impartiality, non-selectivity and objectivity; and an overt breach of the equality principles of the Charter of the United Nations. Further, they undermine the credibility of the institution of the Special Rapporteur on the right to food, and subvert the two bodies under which it operates, the Commission and the Office of the High Commissioner for Human Rights. Finally, Mr. Ziegler's pattern and practice of discrimination against the Jewish state directly contravenes Secretary General Kofi Annan's 21 June 2004 action plan against anti-Semitism which rejects the demonization of Zionism, stipulates that "Jews everywhere must feel that the United Nations is their home too" and urges particular action from Special Rapporteurs.

The Commission is obliged to remedy these grave violations. A mere reprimand will not suffice. The degree, dimension and danger of the wrongdoing require that the Commission terminate Mr. Ziegler's mandate. Failing that, the Chairperson should select a new Rapporteur who is prepared to fulfill her or his mandate in good faith. Finally, in the interim, pursuant to Article 11 of Resolution 2003/25, the Commission should request of the High Commissioner to freeze the provision of human and financial resources to Mr. Ziegler that are being used for purposes outside the effective fulfillment of his mandate.

¹⁵ See UNDP *Human Development Report 2003* at 198-202.

Sincerely,



Ambassador Alfred H. Moses
Chairman



Hillel C. Neuer
Executive Director

cc: Kofi Annan, United Nations Secretary General
Louise Arbour, United Nations High Commissioner for Human Rights
Jean Ziegler, United Nations Special Rapporteur on the Right to Food

EXHIBIT 2

United Nations  Nations Unies

HIGH COMMISSIONER FOR HUMAN RIGHTS • HAUT COMMISSARIAT AUX DROITS DE L'HOMME

PALAIS DES NATIONS, CH-1211 GENEVA SWITZERLAND

TEL.: + 41 22 917 9123 • FAX: + 41 22 917.9008



REFERENCE: RRDB/RH

28 May 2004

Dear Mr. Owens,

In my mandate as the Special Rapporteur on the right to food entrusted upon me by the United Nations Commission on Human Rights resolution 2000/10, I have been requested to seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger. In its most recent resolution 2004/19 adopted in April 2004, the Commission on Human Rights requested all States and private actors, to take fully into account the need to promote the effective realization of the right to food and to cooperate fully in the fulfilment of my mandate.

From my observations during my mission I undertook to the Occupied Palestinian Territories in July 2003 as well as the subsequent information I have received, I am deeply concerned about the actions of the Israeli occupying forces in Rafah and in other locations in Gaza and the West Bank, using armoured bulldozers supplied by your company to destroy agricultural farms, greenhouses, ancient olive groves and agricultural fields planted with crops, as well as numerous Palestinian homes and sometimes human lives, including that of the American peace activist, Rachel Corrie.

I am also concerned that these actions, and the consequent increase in the homelessness and the loss of livelihood among the Palestinian populations, would further aggravate the already precarious living conditions of the Palestinian people, including their access to food. Already, over 50 per cent of Palestinians are largely dependent on food aid. According to the estimates by the Food and Agriculture Organization of the United Nations from July 2003, food insecurity is a reality for 40 per cent of the population and a near constant worry for an

Mr. James Owens
CEO
Caterpillar Inc.
100 N.E. Adams St.
Peoria, Illinois 61629
United States of America

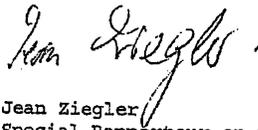
additional 30 per cent who are under threat of becoming food insecure should current conditions persist.

The right to adequate food, contained in article 11 of the International Covenant on Economic, Social and Cultural Rights among other international human rights instruments, is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The actions of the occupying forces to destroy houses, water and agricultural resources which would further limit the sustainable means for the Palestinian people to enjoy physical and economic access to food, would therefore constitute the violation of the right to food.

While only States are parties to the Covenant and are thus ultimately accountable for compliance with it, all members of society - individuals, families, local communities, non-governmental organizations, civil society organizations, as well as the private business sector - have responsibilities in the realization of the right to adequate food. In this context, there is also a concern that allowing the delivery of your D-9 and D-10 Caterpillar bulldozers to the Israeli army through the Government of the United States in the certain knowledge that they are being used for such actions, might involve complicity or acceptance on the part of your company to actual and potential violations of human rights, including the right to food.

Recognizing your company's commitment to a policy of social responsibility, I would be very grateful if you would inform me what urgent measures you would consider taking, in order to address these concerns in the Occupied Palestinian Territory.

Please accept the assurances of my highest consideration,



Jean Ziegler
Special Rapporteur on the
right to food

EXHIBIT 3

Palestinian National Authority



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17/06/2004

UN Official Warns 'Caterpillar' of Involving in Human Rights Violations in oPt



Jean Ziegler, the United Nations High Commissioner on Human Rights and Special Rapporteur on the right to food, warned that the US giant manufacturer of bulldozers and heavy machinery, Caterpillar, of being complicit with the Israeli occupying forces (IOF) in violating the human rights of the Palestinian people.

In a letter to the company, Ziegler expressed 'deep concern' over the company's sales of bulldozers and armored bulldozers to the Israeli forces, which have been used in demolishing homes and other civilian structures. Caterpillar's actions in supplying the D-9 and D-10 bulldozers mean they may be complicit in violating the right to food, Ziegler said.

The D-9 and D-10 bulldozers, other than destroying homes, have razed thousands of dunums of arable lands and greenhouses, which were the source of livelihood for over 50% of the population in the occupied Palestinian territories (oPt).

Human lives had also been lost during the demolitions, Ziegler wrote, including that of American peace activist Rachel Corrie.

In a statement on its website, Caterpillar said it "shares the world's concern over unrest in the Middle East and certainly have compassion for all those affected by political strife."

Nevertheless, it has "neither the legal right nor the means to police individual use of its equipment," the statement says.

However, peace organizations have organized a website against the selling of Caterpillar bulldozers, and have claimed that the selling of these machines to Israel was a direct contravention of the company's own corporate responsibility policy.

The policy states, "Caterpillar is committed to enabling positive and responsible growth around the world, and we believe in the value of social and environmental responsibility." [...]

Source: MOFA + AGENCIES

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US bulldozer firm in Mid-East row

A leading UN official has warned US manufacturer Caterpillar that it may be complicit in human rights violations in the West Bank and Gaza.



Thousands of Palestinians have had homes and livelihoods demolished

The company supplies armoured bulldozers to the Israeli army that are used to demolish Palestinian homes.

Human rights official Jean Ziegler expressed "deep concern" over the sales, in a letter to Caterpillar.

The company says it shares world concern over the Middle East but it cannot police the use of its equipment.

Human rights groups estimate that around 3,000 Palestinian homes have been demolished since 2000.

Israel says the demolitions are necessary on security grounds.

'Rights Violations'

Mr Ziegler is the UN High Commissioner on Human Rights' Special Rapporteur on the right to food.

In his letter, he described destruction by the bulldozers of "agricultural farms, greenhouses and ancient olive groves". [...]



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