



**Is the United Nation's Nomination of Francesca Albanese as the Special Rapporteur on
Palestine a Violation of International Duties?**

By: Chandler Wilson

On February 24, 2022, Federico Villegas, Argentina's ambassador in Geneva and the current head of the forty-seven-nation Human Rights Council, announced the United Nations'

decision to nominate Francesca Albanese as the Special Rapporteur on Palestine for a six-year term.¹ Albanese is a lawyer, former UNRWA official, and self-proclaimed ‘Israel apartheid’ activist.² Historically, the Special Rapporteur on Palestine has been filled by people with bias and hostility against Israel; this nomination has received similar backlash.³ Critics say Albanese fails every one of the position’s requirements, seriously undermining the UN and its international duties.⁴

The Special Rapporteur is supposed to be “an independent expert appointed by the United Nations Human Rights Council to follow and report on the human rights situation in the Occupied Palestinian Territory.”⁵ The basic requirements for the role include “knowledge of international human rights and humanitarian law, experience in the field of human rights, and credibility in advancing human rights and peace.”⁶ Further, this position is to be filled by someone who “exhibit[s] personal integrity, expertise, independence, impartiality, and objectivity.”⁷ Though these requirements reflect standard UN principles,⁸ this position differs

¹ *UN Nominates ‘Israel Apartheid’ Activist to be Palestine Rapporteur*, UN WATCH (Feb. 24, 2022), <https://unwatch.org/un-nominates-israel-apartheid-activist-to-be-palestine-rapporteur/> [<https://perma.cc/33S3-25FT>] [hereinafter UN WATCH]. The Special Rapporteur is formally called the Special Rapporteur on the situation of human rights in Palestinian territory occupied since 1967.

² *Id.*

³ See, e.g., *The Mandate of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied since 1967*, OHCHR, <https://www.ohchr.org/en/hrbodies/sp/countriesmandates/ps/pages/srpalestine.aspx> [<https://perma.cc/LX3J-MBQ3>] (last updated 2021) [hereinafter *The Mandate*] (contrasting position requirements with the reality that “[f]ormer Rapporteurs John Dugard and Richard Falk, and outgoing Rapporteur Michael Lynk, are responsible for promoting the apartheid slander and [the Boycott, Divestment and Sanction Movement], downplaying or erasing Palestinian terrorism, and mislabeling terror-linked NGO officials as ‘human rights defenders.’”).

⁴ UN WATCH, *supra* note 1.

⁵ *The Mandate*, *supra* note 3.

⁶ *Candidates for the UN Special Rapporteur for the Palestinians, Biased Candidates for a Biased Mandate*, NGO MONITOR (Jan 24, 2022), <https://www.ngo-monitor.org/reports/candidates-un-special-rapporteur-palestinians/> [<https://perma.cc/T625-QDRA>] [hereinafter *Biased Candidates for a Biased Mandate*].

⁷ *Id.*

⁸ See generally *Putting Ethics to Work: A Guide for UN Staff*, UN ETHICS OFFICE (Oct. 2017), https://www.un.org/en/ethics/assets/pdfs/Attachment_2_EN_Putting%20Ethics%20to%20Work.pdf [<https://perma.cc/Z3UK-64VG>].

from other rapporteur positions because it is the only country-specific mandate that does not have to be renewed by the UN Human Rights Council on an annual basis.⁹ Additionally, it is the only indefinite mandate, unchanged since its creation in February 1993, with a duration lasting “until the end of the Israeli occupation.”¹⁰ Finally, it is the only mandate that is self-evidently partial and subjective; its purpose is to examine Israel’s human rights violations while any similar violations by Palestine are expressly excluded.¹¹

In the years and months preceding her nomination, Albanese held and spoke at numerous events related to Israel apartheid, has been very active on social media regarding the same, and has published various articles in multiple anti-Israel blogs.¹² Since 2015, Albanese has been an affiliate scholar at Georgetown University, teaching on numerous subjects, including “humanitarian, legal and political responses to the Palestinian forced displacement.”¹³ While Albanese is very experienced and knowledgeable about the ongoing issues in the region, critics cite her clearly expressed animosity toward Israel as the problem with her nomination. One NGO said the “decision to nominate a radical activist that is so prejudiced against and politically opposed to Israel constitutes a gross violation of the council’s own rules”¹⁴ He further said that Albanese has “devoted her life to militant advocacy against Israel She’s the very opposite of impartial.”¹⁵

⁹ *Id.*

¹⁰ *See id. See also The Mandate, supra* note 3.

¹¹ *Biased Candidates for a Biased Mandate, supra* note 6.

¹² *See* UN WATCH, *supra* note 1. *See also Biased Candidates for a Biased Mandate, supra* note 6.

¹³ *Biased Candidates for a Biased Mandate, supra* note 6.

¹⁴ UN WATCH, *supra* note 1. This statement was made by Hillel Neuer, the executive director of UN Watch, which is a Swiss-based NGO that monitors the world body.

¹⁵ *Id.* Neuer then equated appointing Albanese as an impartial and objective investigator of Israel to appointing Vladimir Putin to be an impartial and objective investigator of Ukraine.

The United States, Canadian, Australian, British, French, and German governments, as well as other international state parties, have been called on to condemn the “gross violation of UN rules” and “travesty of justice” that have occurred because of Albanese’s nomination.¹⁶ In doing so, international opponents hope that the minority of democracies on the council refuse to approve the nomination and instead demand its cancellation.¹⁷ Ultimately, it is the responsibility of the UN to nominate and appoint individuals who fulfill the requirements they themselves create, whoever that may be.

¹⁶ *Id.*

¹⁷ *Id.*