Palestinians Try to Sway Obama Not to Veto UN Resolution on Israeli Settlements

December 10, 2016

By Barak Ravid and Jack Khoury

Haaretz

<http://www.haaretz.com/israel-news/.premium-1.758139?v=05F9DC94DFE675CFBC899B642572CBAF>

The Palestinian Authority is interested in coming to an understanding with the outgoing administration of U.S. President Barack Obama that would avoid an American veto of a United Nations Security Council resolution that the Palestinians intend to introduce in January, Palestinian officials and Western diplomats told Haaretz. The resolution would be critical of Israeli settlement activity in the West Bank and in East Jerusalem.

A high-level Palestinian delegation is scheduled to arrive in Washington in the coming week, led by senior Palestinian negotiator Saeb Erekat and the head of the Palestinian general intelligence service, Majid Faraj. The delegation also includes the future Palestinian ambassador in Washington, Husam Zumlut, President Mahmoud Abbas' senior adviser, as well as a number of high-level officials from Abbas' Fatah party and from the Palestine Liberation Organization.

The delegation will be coming to the U.S. capital to participate in a strategic American-Palestinian dialogue session, the first of its kind ever to be held. The more important meeting, however, will be that of Erekat, Faraj and other members of the delegation with U.S. Secretary of State John Kerry. The main item on the agenda is expected to be the resolution, which the Palestinians are currently discussing with members of the UN Security Council. The Palestinian visitors will also be meeting with representatives of the Republican Party and with advisers of President-elect Donald Trump.

The last time that the Security Council adopted a resolution critical of Israel's settlement policy was in 1980, when Jimmy Carter was president. Senior Palestinian officials have said that the Palestinian Authority intends to introduce its Security Council resolution in early January, before Trump takes office on January 20. For the month of January, the rotating presidency of the Security Council will be filled by Sweden, which is the most recent major country to recognize the State of Palestine, and which is also interested in advancing a Security Council resolution on the Israeli-Palestinian conflict in the course of the month.

The Palestinians have already shared a non-final draft of their resolution on settlements with several UN Security Council members in New York. Western diplomats who have read it said its major provisions are as follows:

A. The draft states that the settlements in the West Bank and East Jerusalem are illegal under international law and an obstacle to peace. A separate cluse says the settlements endanger the prospects of a two-state solution to the conflict based on the 1967 borders.

B. The draft demands that Israel put a total halt to settlement construction and any other activity related to the settlements.

C. Section 5 of the draft states that members of the United Nations must avoid providing Israel any assistance that can be used directly for activity related to the settlements. An identical provision was approved by the Security Council in the 1980 resolution.

D. The new draft resolution calls for a halt to any acts of violence against civilians, including terrorism, as well as provocative acts and incitement, and calls for those responsible for such acts to be put on trial.

E. Section 8 calls upon all countries to act to revive direct negotiations between Israel and the Palestinians based on clear terms of reference, to last for a year.

A senior official in President Abbas' office told Haaretz that the Palestinian Authority senses that the Obama administration will not accept the existing draft resolution, portions of which will have to be amended in an effort to avoid an American veto in the Security Council.

"We don't have a lot of expectations," the Palestinian official said. "The key question will be the position of the outgoing [U.S.] administration. We are hoping that Obama will take one real decision on behalf of the Palestinians before he leaves the White House."

A senior Western diplomat who is involved in contacts on the Security Council resolution noted that talks between the Palestinians and Kerry in the coming week could have a significant impact on the capacity to get the resolution passed in the time remaining before Obama leaves office.

The most problematic clause, the Western diplomat said, is section 5, which calls on sanctions against Israel by implication. It provides a timetable for negotiations and mentions the 1967 borders without mentioning any readiness for land swaps between Israel and a future Palestinian state. If the Palestinians are prepared, in contrast to the past, to be pragmatic and to soften some sections of the draft, there is a more than small prospect that Obama will refrain from casting a veto of the resolution, the diplomat said. "If the Palestinians act wisely and rationally they have a chance," he said.

White House officials are maintaining ambiguity on everything related to the prospect that Obama would push for a UN Security Council resolution on the Israeli-Palestinian conflict. High-ranking administration officials said Kerry had made it clear in his address to the U.S.-Israeli Saban Forum in Washington last week that no decision had been taken on the matter and that all options remain on the table.

"We will carefully consider our future engagement if and when we reach that point, and determine how to most effectively advance the objective we all share in achieving a negotiated two-state solution," a senior administration official said.

Kerry is interested in advancing a UN Security Council resolution that would include the recommendations that appeared in the July 1 report of the Middle East Quartet, the grouping that includes the United States, the United Nations, the European Union and Russia. The recommendations relate to negative steps on Israel's part, such as settlement construction, the legalization of illegal West Bank settlement outposts and the demolition of Palestinian homes, but also deal with negative steps on the Palestinians' part, such as incitement and violence. Kerry has expressed the belief that such a resolution would be balanced and would also constitute a clear work plan for the international community and for the incoming Trump administration.

Nevertheless, it is not clear if in the time remaining until January 20 it would be possible to develop such a resolution or whether Obama would be interested in devoting a large part of his remaining time in office to the subject. One of the alternate ideas that is being considered at the White House is refraining from casting a veto on a resolution on West Bank settlements as long as it is not extremely biased against Israel and reflects the administration's policy on the settlements.