

[Obama's Veto on Israeli Settlements Demonstrates Contempt for International Humanitarian Law](#)

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The US veto of a mildly worded United Nations Security Council [resolution](#) supporting the Israeli-Palestinian peace process and reiterating the illegality of Israeli settlements in occupied territories leaves little doubt that, in certain critical respects, President [Barack Obama](#) shares his predecessor's contempt for international law. All fourteen of the other members of the Security Council voted for the resolution -- which was cosponsored by a nearly unprecedented majority of UN members -- not only situating the United States as an extreme outlier in the international community, but placing President Obama to the right of the conservative governments of Great Britain and France.

The draft resolution Obama found so objectionable called on both Israelis and Palestinians to act on the basis of international law, other obligations and previous agreements; to help advance the peace process through confidence-building measures and continued negotiations on final status issues; and for regional actors and the international community to support the peace process. The resolution specifically reaffirmed previous UN Security Council resolutions acknowledging that Israeli settlements on Palestinian lands occupied since the June 1967 war are illegal and constitute a major obstacle to peace. Unlike these previous resolutions, however, which called on Israel to withdraw from already existing settlements, this resolution simply insisted that Israel cease additional settlement activity in Palestinian areas.

Even this was still too much for President Obama, however, who had UN ambassador Susan Rice [cast the first veto](#) of his administration.

Article 49 of the [Fourth Geneva Convention](#) -- to which both Israel and the United States are signatories -- prohibits any occupying power from transferring "parts of its civilian population into the territory it occupies." The United Nations has repeatedly recognized that Israel is in violation of this critical international treaty, including UN Security Council resolutions 446, 452, 465 and 471, which were passed without US objections.

In addition, a landmark 2004 decision by the [International Court of Justice](#) also confirmed the illegality of the settlements, noting the illegitimacy of "any measures taken by an occupying Power in order to organize or encourage transfers of parts of its own population into the occupied territory." Given that the World Court decision also enjoined the United States and other signatories to "ensure compliance by Israel with international humanitarian law," the US veto of a UN Security Council resolution attempting to encourage compliance indicates President Obama is willing for the United States to violate the decision by the World Court as well.

The administration acknowledged that its problem with the resolution was that it reiterated the illegality of the settlements. However, the official State Department [position](#), in effect for nearly 33 years and never formally repealed, states categorically that, "While Israel may undertake, in the occupied territories, actions necessary to meet its military needs and to provide for orderly government during the occupation, for the reasons indicated above the establishment of the civilian settlements in those territories is inconsistent with international law." Obama, in vetoing this resolution, is thereby undermining the official position of his own State Department.

Refusal to recognize the illegality of Israeli settlements at the United Nations was not always the US position. When Israel's colonization drive began in the 1970's, the Nixon, Ford and Carter administrations were quite willing to do so. However, despite his distinguished legal background, Obama has demonstrated -- on this issue, at least -- he has even less respect for the law than Richard Nixon.

Dubious Rationalizations

Rice, in justifying the administration's veto of the resolution, [insisted](#) that it is "unwise for this Council to attempt to resolve the core issues that divide Israelis and Palestinians." However, the resolution did not "attempt to resolve" anything. Instead, it explicitly called for the resumption of negotiations. What Obama objected to, however, was the resolution's insistence that such a resolution be based on international law, which is a very appropriate role for the United Nations Security Council.

In expressing the Obama administration's opposition to the resolution, [Secretary of State Hillary Clinton](#) -- who, as a senator, was an [outspoken defender](#) of Israel's colonization efforts and a critic of the United Nations -- insisted that the Obama administration supported the idea of a settlement freeze, but, "We have consistently over many years said that the United Nations Security Council -- and resolutions that would come before the Security Council -- is not the right vehicle to advance the goal."

Rice [argued](#) that "the only way to reach that common goal is through direct negotiations between the parties." Deputy Secretary of State James Steinberg [reiterated](#), "We have made very clear that we do not think the Security Council is the right place to engage on these issues. We have had some success, at least for the moment, in not having that arise there, and we will continue to employ the tools that we have to make sure that continues to not happen."

It's unclear what "success" Steinberg is referring to. The right-wing Netanyahu government has rejected the Obama administration's repeated calls for a freeze on settlement construction. The Palestinians have been demanding for nearly eighteen years through the US-led "peace process" that Israel stop expanding its settlements on their land. In that time, the number of settlements has more than doubled, dividing up the West Bank in such a way that creating a viable contiguous Palestinian state is now increasingly difficult. In insisting that the only way to deal with the settlements is through talks, which have clearly been incapable of stopping Israel's colonization drive, a growing number of Palestinians and their supporters are reluctantly coming to the conclusion that -- rhetoric to the contrary -- the Obama administration actually wants to see Israel expand its settlements further and prevent the establishment of a Palestinian state.

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There are certainly plenty of rights and wrongs on both sides, and both Israelis and Palestinians equally deserve the right to live in peace and security. However, when it comes to the settlements, there is no question that the Palestinian position is consistent with international law and the broad international consensus of what is necessary for a just and lasting peace, and the Israeli position is not. In addition, without pressure from the United States or the United Nations, Israel - the occupying power and by far the region's most powerful state - clearly has the upper hand in negotiations with a weak and divided interim governing body of an occupied population. The Obama administration's position that Israel's blatant violation of international law should not be addressed at the United Nations and instead should be subjected to bilateral negotiations between an occupying power and those under foreign military occupation is demonstrative as to just how far removed from reality Obama has become.

Obama's veto raises serious questions as to whether his public criticism of Netanyahu's construction of additional illegal settlements was sincere. It may be that the president's public protestations against the right-wing Israeli prime minister's settlement drive - which Israel had agreed to freeze as part of the US-sponsored roadmap for peace - was largely an effort to try to gain credibility from interested Arab parties and his liberal pro-peace and pro-human rights base in the United States. For when it comes down to actually trying to enforce Israel's previous commitments and international legal principles that would end the expansion of settlements, he tries to stop it. As Sarah Leah Whitson, Middle East director for Human Rights Watch [observed](#), "President Obama wants to tell the Arab world in his speeches that he opposes settlements, but he won't let the Security Council tell Israel to stop them in a legally binding way."

Obama's Political Alignment

In vetoing the resolution, Obama has placed himself to the right of scores of traditionally pro-Israel and decidedly mainstream leaders of the political establishment - including scholars, journalists, and former officials - who signed a [letter](#) to the president encouraging him to support the resolution. The letter, sent to him in January, stated, "The time has come for a clear signal from the United States to the parties and to the broader international community that the United States can and will approach the conflict with the objectivity, consistency and respect for international law required if it is to play a constructive role in the conflict's resolution." Noting how the resolution "would in no way deviate from our strong commitment to Israel's security," they warned that "deploying a veto would severely undermine US credibility and interests, placing us firmly outside of the international consensus, and further diminishing our ability to mediate this conflict."

The signatories included US Trade Representative and Council on Foreign Relations Chair Carla Hills, journalist and former New Republic editor Peter Beinart, former Under Secretary of State for Political Affairs Thomas Pickering, former Assistant Secretary of State James Dobbins, former Assistant Secretary of State Robert Pastor, former New Republic editor and Atlantic Senior Editor and Daily Dish publisher Andrew Sullivan, former US Secretary of Defense Frank Carlucci and former US Ambassador to Israel Ned Walker, among others. Obama, however, decided to place himself to the right of these decidedly centrist and moderately conservative figures.

Obama also placed himself to the right of the liberal and mainstream Jewish community, the majority of whom -- according to public opinion polls -- believe the United States should take a harder line against illegal settlements. Moderate pro-Israel groups like J Street and Americans for Peace Now had encouraged President Obama not to veto the resolution, but the president rejected their pleas, instead allying himself with such right-wing groups as the American Israel Public Affairs Committee (AIPAC). In short, this is not simply a matter of Obama catering to the "Jewish vote" or to "pro-Israel groups," which were clearly divided on this issue. Instead, he was allying with the right-wing of the Jewish and pro-Israel community and with the right-wing overall, effectively endorsing the Bush administration's view that international humanitarian law, the United Nations and basic international legal principles are not considered applicable if the violator is the United States or an ally.

Instead, Obama decided to ally with the neoconservatives and other right-wing opponents of international humanitarian law, such as [House Foreign Relations Committee Chair Ileana Ros-Lehtinen](#) (R-Florida), who claimed that accepting any criticism in the United Nations of Israeli policies in the occupied territories would be "a concession to enemies of the Jewish State and other free democracies."

Also taking the position that criticizing a right-wing government's violations of international humanitarian law is the same as attacking the nation itself was House Majority leader Eric Cantor (R-Virginia) -- joined by the hawkish assistant House minority leader Steny Hoyer (D-Maryland) in declaring the resolution "anti-Israel."

Their joint statement [insisted](#), "We strongly urge the Administration to veto this resolution and to uphold our longstanding commitment to Israel's security."

Even the Conservative British Foreign Minister William Hague -- traditionally a strong supporter of Israel -- recognized the absurdity of such arguments regarding the resolution, which his government strongly supported, [noting](#), "We believe that Israel's security and the realization of the Palestinians' right to statehood are not opposing goals. On the contrary, they are intimately intertwined objectives."

Impact

The first impact of Obama's veto is being felt in the occupied West Bank itself. Having gotten a green light from the Obama administration, the [rate of illegal settlement construction](#) in the two weeks since the veto has grown by 60 percent. Now that the Obama administration has made clear its unwillingness to stop Israel's colonization drive on the West Bank, it is only a matter of time until the colonization of the West Bank will be so extensive to make the establishment of a viable Palestinian state alongside Israel impossible. The end of a "two-state solution" and the permanent relegation of Palestinians into tiny, Bantustan-type enclaves will almost certainly lead to large-scale violence and bloodshed.

Supporters of international law and Middle East peace the world over denounced Obama's decision; Human Rights Watch noted how it "undermines enforcement of international law." Israeli journalist Ami Kaufman, [writing in the *Jerusalem Post*](#), contends that, "The US has lost any ounce of credibility it had left with this latest move." [Writing in *Haaretz*](#), Gideon Levy wrote that Obama's first veto "was a veto against the chance and promise of change, a veto against hope. This is a veto that is not friendly to Israel; it supports the settlers and the Israeli right, and them alone." He added, "America, which Israel depends on more than ever, said yes to settlements. That is the one and only meaning of its decision, and in so doing, it supported the enterprise most damaging to Israel."

A final casualty of Obama's veto is what trust and goodwill remain among those of us who support human rights and international law. Due to Obama's apparent contempt for these principles, many of us who enthusiastically supported his candidacy in 2008 will now likely sit out the next election. As a result of his Bush-like contempt for international law and the United Nations, we can no longer give him the benefit of the doubt. Obama's veto shows that he is not a man of the left or the center, but a captive of the right-wing.