

Obama, Palestine, and the United Nations

Tikkun March 2, 2012, By Stephen Zunes

For the Palestinian Authority to win UN recognition of Palestinian statehood, it would have to overcome major hurdles presented by the Obama administration. Back in 1948, Israel achieved its independence through a U.S.-backed UN General Assembly resolution. Credit: Ramzy Taweel (Cartoon Movement).

For those of us who hoped that President Barack Obama would usher in a new era supporting international law, the United Nations, and Israeli-Palestinian peace, 2011 proved to be a profoundly disappointing year. The Obama administration blocked Palestinian membership in the UN, refused to pressure Israel to make the necessary compromises for peace, and vetoed a mildly worded UN Security Council resolution that supported the Israeli-Palestinian peace process and reiterated the illegality of Israeli settlements in occupied territories.

Though international conflicts—including those between Israel and its neighbors—have historically been addressed in the UN, the Obama administration insists that this should no longer be the case. While President Obama has been eager to use the UN to go after governments he doesn't like—such as Iran, Syria, and Gaddafi's Libya—he takes a very different view regarding U.S. allies like the rightist government of Israeli Prime Minister Benjamin Netanyahu. Despite the Israeli government's ongoing violations of a series of UN Security Council resolutions, a landmark advisory opinion of the International Court of Justice, and basic international humanitarian law, Obama vowed last May that “we will stand against attempts to single [Israel] out for criticism in international forums.”

Back in 1988 the Palestinians declared an independent state, which has since been recognized by more than 130 of the world's nations. When the Palestinian Authority sought membership into the UN this fall, however, the Obama administration insisted that it was still too early; it arrogantly dismissed the Palestinians' effort to exercise their moral and legal rights to seek recognition by the international community as simply “symbolic actions to isolate Israel at the United Nations.”

Women Marching

Activists in Washington, D.C., urge Obama to push for a ceasefire amid Israel's Operation Cast Lead in January 2009. Many at the time were hopeful that the president-elect would respond to the urgency of Palestinian suffering. Creative Commons/Code Pink Women for Peace.

In October, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) voted to accept Palestine as a member. In response, the Obama administration cut all funding, which constituted a full 22 percent of the agency's budget, thereby crippling the UN body, whose mission is “to contribute to the building of peace, the eradication of poverty, sustainable development and intercultural dialogue through education, the sciences, culture, communication and information,” with a particular emphasis in recent years on promoting gender equality. A series of measures passed by Congress in the 1990s—which the Obama administration has made no attempt to repeal—would similarly require the United States to eliminate its funding for the World Health Organization (forcing massive cutbacks in AIDS prevention, vaccination, and oral rehydration programs for millions of Africans and others) if that agency admits Palestine as a member. The United States would also cut funding for the International Atomic Energy Agency (the nuclear watchdog group), the International Civil Aviation Organization, and a dozen other UN agencies should they admit Palestine as well.

Opposing Recognition of Palestinian Statehood

The Obama administration's opposition to UN recognition of Palestinian statehood is based on its insistence that Palestinian statehood can be recognized only following an agreement resulting from negotiations between

the Israeli occupiers and the Palestinians under occupation that is facilitated by the United States—the primary military, economic, and diplomatic supporter of the occupying power.

Unfortunately, while the moderate leadership of the Palestinian Authority under President Mahmoud Abbas and Prime Minister Salam Fayyad has made a series of unprecedented compromises, the current Israeli government is the most hard-line in that country's history and has retreated from proposals made by previous Israeli governments.

For example, Netanyahu insists that Arab East Jerusalem—the largest Palestinian city and the historic heart of Palestinian cultural, economic, religious, and academic life—should be permanently annexed to Israel, as should the Jordan Valley on the eastern border of Palestine. Furthermore, his government has declared that large swaths of territory in between should also be annexed to Israel to incorporate its illegal settlements.

The only land left for the Palestinians to have for their “state” would be a series of tiny, noncontiguous cantons surrounded by Israel. Still, Obama insists that Palestinian statehood must not be recognized except under conditions agreed to by the current rightist Israeli government.

Back in 1948, the United States did not demand that the Jews in the British Mandate of Palestine refrain from going to the UN or that they reach a negotiated agreement with the Palestinians on their boundaries and related issues in order to have their state recognized. Israel achieved its independence through a U.S.-backed UN General Assembly resolution and was accepted, with U.S. support, as a member state the following year. Indeed, the United States was the very first country to recognize Israel.

More recently, the United States recognized Kosovo's unilaterally declared independence and has supported its application for UN membership without demanding a negotiated agreement with the Serbs, despite the fact that Kosovo is legally a part of Serbia.

Israel certainly has legitimate security concerns, which is why UN Security Council Resolution 242—long seen as the basis of Israeli-Palestinian peace—calls for security guarantees from Israel's neighbors as a prerequisite for Israel's withdrawal from occupied Arab territories. However, the Palestinian Authority, under the leadership of Abbas and Fayyad, has already accepted such security guarantees as part of a final agreement; this includes demilitarization of their new state, the disarming of militias, and the opening of their country to Israeli and international monitors. Meanwhile, there has been a marked decrease in attacks against civilians inside Israel from areas controlled by the Palestinian Authority since Abbas became president in 2005.

The Palestinian Authority has also made clear in its application for UN membership that it is not demanding any Israeli territory inside the pre-1967 borders. The state Palestinians wish to have recognized, therefore, would constitute only 22 percent of historic Palestine. Unfortunately, the Obama administration apparently believes this is too much. The promise of the Obama administration to veto this historic diplomatic initiative in which the Palestinian leadership is permanently renouncing its claims to 78 percent of Palestinians' historic homeland will only embolden Hamas. Palestinian extremists can now argue that compromise and diplomacy do not work and that armed struggle for all of Palestine is the only means for achieving statehood.

In many respects, U.S. policy toward Palestinians in the West Bank is comparable to Western attitudes toward colonized peoples in Africa and Asia prior to the mid-twentieth century: independence could occur only under conditions granted by the occupying powers, with the time at which these nations could be free, their specific boundaries, and the conditions of their independence reached only through negotiations between the colonial occupiers and representatives (approved by the colonial powers) of the conquered peoples. Like the Obama administration, the colonialists insisted that it was not within the purview of the UN or any other international legal authority to adjudicate such matters, since the rights of those in the colonies were limited to what was willingly agreed to by the colonizers.

What the Obama administration fails to recognize is that, as a territory under foreign belligerent occupation, the Palestinians of the West Bank (including East Jerusalem) and the Gaza Strip have a legal right to self-determination under international law, and neither Israel, the United States, nor any other government can deny that to them. Yet the administration appears to be blinded by a pre-Wilsonian belief in the right of conquest, whereby political freedom can be allowed only to the extent that it is voluntarily granted by the conqueror (which both Republicans and Democrats have repeatedly referred to as potential “painful concessions” by Israel).

Obama, in a speech before the UN in October, argued, “Ultimately, it is the Israelis and the Palestinians—not us—who must reach agreement on the issues that divide them: on borders and on security, on refugees and Jerusalem.” What this ignores, however, is that the UN Charter and international law have always put the impetus on the occupying power, not the country under occupation, in reaching an agreement on issues that divide them. UN Security Council Resolution 242 reiterates the illegality of any nation expanding its territory by force, yet Obama now insists that the two sides must “reach agreement” on that question.

Similarly, UN Security Council resolutions 252, 267, 271, 298, 476, and 478—passed without U.S. objection during both Democratic and Republican administrations—specifically call on Israel to rescind its annexation of Jerusalem and other efforts to alter the city’s legal status. In a nationally televised address in May, Obama even argued that the borders of the new Palestinian state should be agreed upon prior to negotiations over the status of East Jerusalem, which is the nominal Palestinian capital and the base of leading Palestinian universities, businesses, and cultural and religious landmarks. Any idea that the Palestinians will accept an independent mini-state without East Jerusalem as its capital is naïve.

Obama also disingenuously claimed that “America has invested so much time and so much effort in the building of a Palestinian state, and the negotiations that can deliver a Palestinian state,” when in reality the United States has long opposed the establishment of a Palestinian state, formally endorsing the idea barely eight years ago. As far back as 1976, the United States vetoed a UN Security Council resolution calling for the establishment of a Palestinian state in the West Bank and Gaza Strip under strict security guarantees for Israel.

Supporting Settlements

Instead of allowing Palestine’s membership in the UN, Obama insists that the UN should instead simply “encourage the parties to sit down” and “listen to each other.” Unfortunately, in the more than twenty years since Palestinians and Israelis first sat down and started listening to each other, Israel has more than doubled the number of colonists in the occupied Palestinian territories, in violation of the Fourth Geneva Convention, a series of UN Security Council resolutions, and a landmark 2004 advisory opinion of the International Court of Justice, all of which call on Israel to unconditionally withdraw from these settlements. The United States has pledged to veto any sanctions or other proposed actions by the UN to force Israel to live up to its international legal obligations.

Indeed, in February of last year, Obama vetoed a UN Security Council resolution that simply reiterated the illegality of these settlements and called for a freeze on further construction. 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. This not only situated the United States as an extreme outlier in the international community, it also placed Obama to the right of the conservative governments of the United Kingdom and France.

Refusal to recognize the illegality of Israeli settlements at the UN was not always the U.S. position. When Israel’s colonization drive began in the 1970s, the Nixon, Ford, and Carter administrations were quite willing to do so, with the United States supporting (or abstaining from) four UN Security Council resolutions (446, 452, 465, and 471) calling on Israel to dismantle the settlements. However, despite his distinguished legal background, Obama has demonstrated—on this issue, at least—that he has even less respect for the law than did Richard Nixon.

Ma'ale Adumim settlement, West Bank

Following Palestinians' successful bid to join UNESCO in October 2011, construction of new homes in the settlement of Ma'ale Adumim was expedited. Human rights groups have denounced the Obama administration's February 2011 decision to veto a UN Security Council resolution reiterating the illegality of these settlements. Credit: activestills.org/Oren Ziv.

U.S. ambassador to the UN Susan Rice, in justifying the administration's veto of the anti-settlement 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 was the resolution's insistence that negotiations be based on international law, which is actually a very appropriate role for the UN Security Council.

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 anti-settlement 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 community and with the right wing overall, effectively endorsing the Bush administration's view that international humanitarian law, the UN, and basic international legal principles are not considered applicable if the violator is a U.S. ally.

Supporters of international law and Middle East peace the world over denounced Obama's veto; Human Rights Watch noted how it "undermines enforcement of international law." Israeli journalist Ami Kaufman, writing in the *Jerusalem Post*, noted that "the U.S. 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."

Is Support for a Two-State Solution Real?

Despite his apparent alliance with the right, Obama has at times appeared somewhat open to a more moderate position on Israel and Palestine. Last May, for example, Obama gave a speech in which he stressed that the Israeli Occupation should end and an independent Palestinian state should be established, with its boundaries based on the internationally recognized pre-June 1967 borders. He specified that Palestinian borders must be with "Israel, Jordan, and Egypt," which appeared to challenge both Netanyahu's desire to prevent the Gaza Strip from joining with the West Bank and his desire to annex Palestine's Jordan Valley (thereby having Israel completely surround a proposed Palestinian mini-state and closing off Palestinian access to its eastern neighbor Jordan). Though Obama's call was consistent with what has been the international consensus for years, right-wing Republicans and other allies of Israel's rightist government have called Obama's position "anti-Israel."

However, Obama did not call for a complete withdrawal of Israeli troops and settlers from occupied Palestinian territory. The unspecified variations from the pre-1967 borders, Obama insisted, should be made through "mutually agreed-upon" land swaps. Unfortunately, despite Abbas agreeing to such reciprocal territorial swaps, Netanyahu has refused to consider trading any land within Israel while simultaneously insisting on annexing large swaths of occupied Palestinian territory. It is hard to imagine how such mutually agreed-upon swaps will take place without the United States exerting enormous leverage such as withholding some of the annual \$3 billion in unconditional aid, which Obama has already ruled out.

In many respects, Obama is like the moderates described in Martin Luther King Jr.'s "Letter From Birmingham Jail" who similarly professed to support the goals but not the methods of the freedom movement. Like those challenged by the late civil rights leader, Obama insists that the oppressed simply trust in negotiations with oppressors who refuse to compromise. He thereby, in King's words, "believes he can set the timetable for someone else's freedom."

Obama's anti-Palestinian position is seriously damaging the standing of the United States in the Arab world just when we can least afford to alienate the new generation of pro-democracy activists who are nonviolently trying to reshape the region.

It is unlikely that Obama will gain much domestically from his hard-line stance either, given that most people who support the Israeli Occupation will presumably vote Republican anyway. Indeed, Republicans will continue to call him "anti-Israel" despite his anti-Palestinian position, just as they call him "socialist" no matter how much he kowtows to Wall Street. Instead, Obama has simply further eroded the support of his liberal base that believes Palestinians, no more or less than Israelis, have the right to national self-determination and that international law, not power politics, should be the basis of negotiations. Obama's denial of the Palestinian right to self-determination and undermining of efforts by Israeli moderates and progressives will cause many of us who enthusiastically supported his candidacy in 2008 to sit out this year's election.

From most accounts of those who knew Barack Obama personally prior to his entering national politics, he understood both the Palestinian and Israeli narratives and was committed to holding his ground on clear moral issues like settlements. However, his earlier challenges to Netanyahu were rebuffed by the Israeli prime minister and were criticized not just by Republicans but by prominent Democratic leaders, as well, and he refused to follow through.

Obama, then, does not need to be educated. In order for his policies to change, he needs to be pressured.

Obama has said so himself. At a small campaign fundraiser in New Jersey in early 2008, he was asked if he would be willing to pressure Israel to make the necessary concessions for peace. He responded by telling the story of when A. Philip Randolph, head of the Brotherhood of Sleeping Car Porters, came to President Roosevelt in 1933 to ask his support for federal legislation supporting union rights in interstate transit. After explaining the need for such changes in the law, the president replied: "OK, you convinced me. Now make me do it." Randolph proceeded to mobilize a diverse constituency and, within a year, the amendment to the Railway Relations Act was signed into law.

Surely Obama already recognizes what needs to be done for there to be Israeli-Palestinian peace. Let's make him do it.

The web versions of our print articles are now hosted by Duke University Press, Tikkun's publisher. [Click here](#) to read the HTML version online, [click here](#) to read a PDF version of the article.