

U.N. 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, and it called on Israel to cease additional settlement activity in Palestinian areas.<sup>1</sup>

Groups like J Street and Americans for Peace Now had encouraged President Obama not to veto the resolution, as did prominent Israeli liberals writing in the *Jerusalem Post* and *Haaretz*.<sup>2</sup> The illegality of the settlements is beyond question: Article 49 of the Fourth Geneva Convention — to which both Israel and the United States are signatories — specifically prohibits any occupying power from transferring any part of its civilian population onto lands seized by military force. The convention's application to the West Bank and East Jerusalem is explicitly acknowledged in U.N. Security Council resolutions 446, 452, 465, and 471, and in a 2004 advisory ruling by the International Court of Justice.

Sheffey also defends Obama's effort to quash the report of the panel that investigated possible war crimes by both Hamas and the Israeli government during the December 2008-January 2009 conflict, even though the findings of the investigation — led by eminent pro-Israel South African jurist Richard Goldstone — were critical of both sides and were consistent with those of Amnesty International, Human Rights Watch, and other reputable human rights groups.<sup>3</sup> The illegal attacks on civilian areas by both sides are well-

documented, and little can be accomplished by suppressing this reality.

Sheffey presumably believes the U.N. was correct back in 1949 in accepting Israel as a member state without insisting that it first negotiate an agreement with the Arab states regarding the Palestinian refugees. By contrast, he defends Obama's insistence that Palestine be allowed U.N. membership only after reaching an agreement with Israel, whose current government appears to be willing to grant the Palestinians only a series of non-contiguous cantons surrounded by a Greater Israel.

There is no question that an anti-Israel bias exists in some U.N. agencies and that the Obama administration has been right to vigorously challenge such abuses of the U.N. process. However, just as Israel should not be unfairly held to a higher standard than other countries, Israeli Prime Minister Benjamin Netanyahu's expansionist and militaristic policies should not be defended when they indeed violate international legal norms — particularly given the ways in which they weaken Palestinian moderates, embolden extremists, and make a negotiated peace impossible. But defending the Obama administration's opposition to the enforcement of international legal standards because the violator happens to be a U.S. ally, defending policies of Netanyahu's government that may threaten Israel's legitimate security interests, and defaming those of us who challenge these policies, does neither Israel nor the United States any favor. 



<sup>1</sup> <http://www.un.org/News/Press/docs/2011/sc10178.doc.htm>

<sup>2</sup> See, Ami Kaufman, "America's role in the region is finished," *Jerusalem Post*, Feb. 20, 2011 and Gideon Levy, "With settlement resolution veto, Obama has joined Likud," *Haaretz*, Feb. 20, 2011.

<sup>3</sup> <http://www.amnesty.org/en/news-and-updates/news/un-vote-goldstone-report-defining-step-accountability-20091106>

## Reviewing Obama's U.N. Record

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Steve Sheffey's article, "President Obama and the United Nations," is full of praise for the current administration's approach to the United Nations and, more broadly, Obama's pro-Israel stance. The well-cited quotes Sheffey offers may be part of the written record, but his article employs a selective focus on some facts to the exclusion of others. American diplomatic activity at Turtle Bay is not the correct metric for measuring the extent to which an American administration is pro-Israel. Moreover, apart from presidential rhetoric, what matters more is what is done — rather than what is said. The only metric for gauging success or failure is the results.

President Obama's first move on the checkerboard of peacemaking was to call for a

complete freeze of Israeli settlements, including natural growth. No previous U.S. president had made this demand — nor had the Palestinians ever demanded a complete freeze as a precondition to negotiate — yet Israeli Prime Minister Benjamin Netanyahu agreed to an unprecedented ten-month moratorium on the settlements. Instead of engaging in negotiations, the Palestinians refused to come to the table. Aside from this being poor policy, it was a bad strategy, and it strained U.S. relations with all sides.

Sheffey's comparisons between the Obama presidency and previous administrations are also problematic. While it is true, as Sheffey asserts, that President George W. Bush eschewed the 2006 newly created U.N. Human Rights Council (UNHRC), he did so because it was no

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<sup>1</sup> <http://www.commentarymagazine.com/article/will-obama-use-his-un-veto/>

<sup>2</sup> <http://www.csmonitor.com/2003/1208/p06s02-wome.html>

<sup>3</sup> [http://www.nytimes.com/2011/05/20/world/middleeast/20prexy-text.html?\\_r=2&pagewanted=all](http://www.nytimes.com/2011/05/20/world/middleeast/20prexy-text.html?_r=2&pagewanted=all)

<sup>4</sup> [http://www.nytimes.com/2011/05/17/opinion/17abbas.html?\\_r=2&ref=opinion](http://www.nytimes.com/2011/05/17/opinion/17abbas.html?_r=2&ref=opinion)

better than the previous body, the ideologically slanted and anti-Israel U.N. Human Rights Commission. And President Obama's engagement with the UNHRC gave a U.S. stamp of approval to the committee with negligible results.


Sheffey comments that "the Bush administration neglected to veto a 2004 U.N. Security Council resolution calling on Israel to stop demolishing Palestinian homes," and he describes the Reagan administration's support for a resolution condemning Israel for its 1981 attack on Iraq's nuclear reactor — an attack that no doubt earned Israel plenty of private handshakes. Yet Sheffey fails to mention that President Bush vetoed a total of nine anti-Israel resolutions during his presidency, while President Ronald Reagan vetoed 18 anti-Israel resolutions.<sup>1</sup> In fact, Bush created what is known as "The Negroponte Doctrine," the formula where any Israel-related resolution must also condemn Palestinian terrorism and call for dismantling Hamas et al.<sup>2</sup>

Presidential support for Israel is far from automatic in the Obama administration. The President's fundamental misreading of the Middle East has resulted in missteps region-wide and he still believes that Palestinian-Israeli peace is linked to all other issues in the region despite the so-called "Arab Spring." One result was the Palestinian Authority's (P.A.) decision to form a unity government with Hamas, the purpose of which was to avoid negotiating with Israel and to bring the issue of Palestinian statehood to a vote before the U.N. last month. The U.S. could have adopted a clear position from the start and immediately worked to prevent the vote.

As Sheffey points out, "The Obama administration worked feverishly in September 2011 to prevent or defeat a vote on Palestinian statehood in the U.N. Security Council..." If Obama's belated effort was "feverish" then it was the result of waiting until the final weeks to prevent the Palestinian push at the U.N. Obama was late in

applying pressure; instead, he opted for another strategy. He believed that he could bring the Palestinians to the table if he extracted more Israeli concessions in advance — namely, by changing four decades of American policy on May 19, 2011 in his "Winds of Change" speech.<sup>3</sup> In it, Obama abandoned U.S. policy that was based on U.N. Security Council Resolution 242, which called for Israel to withdraw to "secure and recognized" borders, and instead adopted "the 1967 lines with mutually agreed swaps." With that, President Obama formalized the U.S. view that a territorial resolution to the conflict could be achieved only if Israel agreed to trade away land it held before 1967.


The timing of Obama's speech was stunning. Just three days earlier, Palestinian President Mahmoud Abbas had penned an op-ed piece in *The New York Times*, in which he explained the reason behind the U.N. gambit in September: "Palestine's admission to the United Nations would pave the way for the internationalization of the conflict as a legal matter, not only a political one. It would also pave the way for us to pursue claims against Israel at the United Nations, human rights treaty bodies and the International Court of Justice."<sup>4</sup>

Given the estimated \$600 million a year that the P.A. receives from the United States, it is remarkable how little influence this White House wields over Abbas. American leadership is not defined by how it fares in the U.N., but rather by how it succeeds in affecting the behavior of friends and foes alike. Obama's decision to create daylight between the U.S. and Israel — America's only loyal ally in the region — has led Middle Eastern states to distance themselves from both Israel and the U.S. The vacuum that will be created by America's faltering influence in the region is a recipe for more violence and bloodshed in the future, not the desert-mirage panacea of Palestinian-Israeli peace. 

## Steve Sheffey Responds

Zunes is right: Obama is not a J Street president. The U.N. resolution Obama vetoed focused almost exclusively on settlements and did not condemn Arab intransigence; it was an attempt to bypass negotiations with Israel. It is far from clear that Israeli settlements are illegal, although reasonable minds can differ on the wisdom of certain settlement activity. Justice Richard Goldstone himself repudiated much of his report. Steven Bayme's essay in this issue explains why the U.N.'s recognition of Israel in

1947 is dissimilar to proposed U.N. action today.

Many of the policies Brodsky criticizes are not unique to Obama's administration. It's ironic that many who rightfully protest when Israel is held to a double standard apply a double standard to Obama. The Bush administration also called for a settlement freeze that included natural growth, and effectively called for negotiations based on the 1967 lines with land swaps. My detailed responses to Zunes and Brodsky can be found in the digital edition of *Sh'ma* ([www.shmadigital.com](http://www.shmadigital.com)). 

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