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The Israeli Institute For  
Regional Foreign Policies

## **The UN Security Council Resolution on Israeli Settlements**

***Commentaries by Mitvim Institute Experts***

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**UN Security Council Resolution 2334, adopted on December 23<sup>rd</sup> 2016, is not the first international decision against the Israeli settlements. It is aligned with previous criticisms voiced against the settlement enterprise – including in the Quartet report published in July 2016 – and with international efforts to maintain and promote the two-state solution. Nevertheless, the harsh Israeli response against the resolution, and the meaning attributed to the resolution by major international actors, indicate its potential importance. This document includes short commentaries by Mitvim Institute experts – Dr. Nimrod Goren, Dr. Ehud Eiran, Rebecca Bornstein, and Dr. Ido Zelkowitz – on various aspects relating to the resolution and its possible ramifications.**

### **The Palestinian issue is central to Israel's foreign relations; The US and the international community can still do more**

**Dr. Nimrod Goren**

**Head of the Mitvim Institute and Lecturer for Middle Eastern Studies  
at the Hebrew University of Jerusalem**

The UN Security Council resolution emphasizes to the Israeli public and decision-makers just how much the international community – including Israel's allies – views settlements as a real obstacle for the two-state solution. The resolution also proves that the Israeli-Palestinian issue is central to Israel's foreign relations, despite recent claims by Israeli governmental officials that this is no longer the case.

Improving Israel's global standing and regional relations depends on progress in the Israeli-Palestinian peace process. Boycotting and insulting foreign leaders, countries and institutions – as has been done in response to the UNSC resolution and to other forms of international criticism – will not contribute to that. Such actions will only isolate Israel and distance it even further from the place it deserves among the community of nations.

As for the US and the international community, the resolution can be followed by additional steps, taken before President Obama leaves office in January, which can contribute to future efforts for Israeli-Palestinian conflict resolution. For example, the US President (or his Secretary of State) can deliver a speech updating the 2000 Clinton Parameters and providing more clarity regarding the essence of the two-state solution.

The international conference planned to be convened in Paris in January 2017 is also an opportunity for additional steps to promote peace, even if they are limited. First and foremost, it can be an opportunity to advance the idea – announced in summer 2016 – of a global set of incentives for Israeli-Palestinian peace. A coordinated international incentive package can bring together the Arab Peace Initiative, the EU's offer to significantly upgrade ties, and US security guarantees, in a way that will genuinely show Israelis the transformation that will take place in Israel's regional and global standing once peace is achieved.

## **The resolution also addresses Israel's needs; its importance is not only diplomatic, but also political**

**Dr. Ehud Eiran**

**Board Member at the Mitvim Institute and  
Lecturer for International Relations at Haifa University**

The resolution clarifies that the international community views Israeli settlements as illegal. However, it also includes clauses that advance Israel's goals. The resolution emphasizes Israel's right (as well as that of the future Palestinian state) to live peacefully in secure and recognized borders; it denounces terror and calls for continued cooperation to prevent terror; and it clarifies that the final border between Israel and the Palestinians will only be determined through bilateral negotiations, and will not be imposed.

The Israeli rejection of the resolution does not empty it of meaning. Resolution 242, for example, was flatly rejected by Arab countries in 1967, but this did not prevent it from later becoming the organizing framework of Israel's peace agreements with Egypt, Jordan, and the PLO. Furthermore, Resolution 2334 includes concrete follow-up steps that will maintain its relevance. From now on, the UN Secretary General is obliged to report to the Security Council every three months about steps taken to implement the resolution.

The resolution is also important for domestic Israeli politics. It gives encouragement to those who support the two-state solution – the solution that will keep Israel as a Jewish and democratic state – after a long period of frustration. It reminds them that they have potential allies in the international community, if only the Israeli Left will effectively confront the claim that relying on foreign support to promote its positions is illegitimate.

The resolution is a heavy blow to the narrative that settlements are legal according to international law, and may weaken Prime Minister Netanyahu, whose actions jeopardize the two-state solution. Netanyahu has benefited politically from his image as an effective actor in the international arena. However, his failure to block the Iran deal, and now this UN resolution, weakens him in the very same arena through which he was previously empowered.

## **The resolution indicates continuity, not change, in US policy; the Trump administration should not forget that**

**Rebecca Bornstein**

**Researcher at the Mitvim Institute and Editor of Mitvim's publication series on US policies towards Israel and the Middle East**

The highly politicized reaction to UNSCR 2334 does not match the history of bipartisan American policy towards Israel. For five decades, the US has coupled strong support for Israel and its security requirements with opposition to settlement growth.

By abstaining on this resolution, the US reaffirmed several longstanding beliefs: (1) settlement growth is not necessary for Israel's security (as already stated by President Ronald Reagan); (2) settlement growth is incompatible with the two-state solution, which is in Israel's interests; and (3) outside parties cannot impose a solution, but a commitment to Israel requires the US to act to protect the two-state solution when it is imperiled. These beliefs are even more relevant in light of Israel's legalization bill and other efforts to entrench the settlement enterprise.

Criticism that failing to veto the resolution "will not help the peace process" rings hollow in the absence of a peace process. The resolution will not impose an agreement on Israel, but it will serve as a benchmark on the international consensus on settlements.

The incoming Trump administration should remember that many American administrations, including those of Reagan and George W. Bush, have abstained or supported UN resolutions that Israel opposed. Trump would do well to remember President Reagan's approach, quoted by Samantha Power at the UN. Both in 1982 and in 2016, "the immediate adoption of a settlement freeze by Israel, more than any other action, could create the confidence needed" for successful peace talks.

## **The resolution is a big win for Mahmoud Abbas; even his opposition welcomes it**

**Dr. Ido Zelkowitz**

**Policy Fellow at the Mitvim Institute and  
Head of Middle Eastern Studies at Yezreel Valley College**

Since his early days as PLO Chairman, Mahmoud Abbas has chosen diplomatic struggle as his strategy vis-à-vis Israel. The American decision not to veto UNSCR 2334 is a landmark in the history of the Israeli-Palestinian conflict, and may serve as a major component of Abbas' legacy.

Abbas' confidants view the resolution as a major win for the diplomatic approach of the Palestinian President. It is the first instance since the establishment of the Palestinian Authority that a Palestinian resolution has won the support of the UN Security Council. This provides further diplomatic legitimacy for the Palestinian demand for sovereignty along the 1967 borders. This achievement will no doubt be highlighted when the Fatah movement

marks 52 years since its establishment in early January. There is now hope among the Palestinian public that the Security Council will impose sanctions on Israel, should it continue expanding settlements.

The UN decision to criticize settlements was warmly welcomed not only by the PLO, but also by members of Hamas and Islamic Jihad, despite the fact that the resolution clearly supports the idea of two-states for two people, and despite concern among those opposed to the two-state solution over the resolution's call to maintain Israeli-Palestinian security coordination, and over the lack of clarity on whether the international community will actually apply pressure on Israel.

The breach in the diplomatic protection that the US has provided to Israel might broaden and lead to increased international efforts by the Palestinians. Labelling the settlements as illegal will also encourage radical actors that support a boycott of Israel, without acknowledgment of the Green Line and without differentiation between the state of Israel and the settlements.