

# Negotiating in "Good Faith"

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## Brief Analysis

In voting for UN Security Council Resolution 681 yesterday, the Bush Administration made its first payoff for passage of Security Resolution 678 authorizing the use of force to oust Saddam Hussein. The Gang of Four -- Cuba, Malaysia, Yemen, and Colombia -- had threatened to hold up Resolution 678 by pressing for prior action on their pending resolution. In exchange for deferring the demand for immediate action, the Bush Administration last month promised to "negotiate in good faith" on an anti-Israel draft resolution. Resolution 681, unanimously passed yesterday with some modifications, condemned Israeli practices, called for a conference of the high contracting parties to the Geneva Convention, and pushed for UN involvement to protect Palestinians.

U.S. willingness to join in condemning Israel was furthered by the flap over Israel's decision to deport four Palestinians suspected of leadership in the current wave of anti-Israel terrorism. The peculiar U.S.-Israel deportation squabble has lasted over a decade. It centers around legal interpretation of the Fourth Geneva Convention. It is not a moral issue -- no one could reasonably argue deportation was a more reprehensible punishment than, for example, life imprisonment or death, both permissible under the Fourth Geneva Convention. Nor is it a matter involving war and peace; settlement of the Arab-Israeli-Palestinian conflict in no way revolves around this petty issue. Still, it is there ready to be exploited when the opportunity arises -- such as in New York this week.

In fact, the deportation provision was only a minor part of Resolution 681. The Gang of Four draft had two main objectives: 1) convening a conference of the "high contracting parties" to the Geneva Convention to propose steps against Israel (there has never been such a conference since the Convention's adoption in 1949, despite the many wars and atrocities since then--i.e., the Khmer Rouge in Cambodia, the Soviets in Afghanistan, and the Iraqis in Kuwait); and 2) creation of a UN ombudsman or similar UN presence to "protect" the Palestinians--i.e., to diminish Israel's claim to be the legitimate power over the Palestinians pending the conclusion of peace negotiations.

The U.S. offered more moderate proposals, including solicitation of member nation comments as to whether a high contracting parties conference would further the goals of the Geneva Convention and encouragement of the Secretary General's efforts to monitor events in the occupied territories. The U.S. also sought to ensure that any resolution: a) not call for an international conference on the Middle East, and b) avoid linkage between the Gulf crisis and Palestinian issues.

Yesterday, the Security Council adopted a compromise negotiated in "good faith." In UN parlance, "good faith" meant a U.S. commitment to support a resolution, thereby in effect abandoning the threat of a veto. Given this opening gambit, numerous concessions followed. This included characterization of Jerusalem as occupied "Palestinian territory"; agreement for steps paving the way for a conference of the high contracting parties to the Geneva Convention; and an enhanced presence and mandate for the Secretary General in the occupied territories.

The Bush administration can be under no illusion that these measures will be helpful to the peace process. To the contrary, it is recognized that they will undermine the prospects for a realistic peace process by injecting the hostile politics of the UN majority into the search for a pragmatic, workable solution. But the administration was willing to

pay this price -- which it saw as necessary to maintain the unity of its coalition in Operation Desert Shield.

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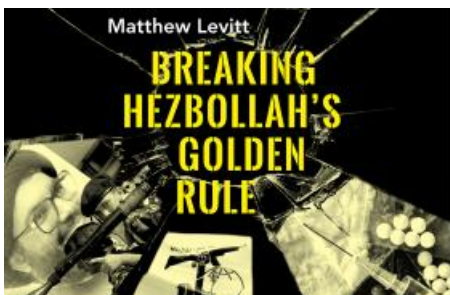
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