

Will the Palestinians Seek a New UN Resolution on Settlements?

by [Ghaith al-Omari \(/experts/ghaith-al-omari\)](/experts/ghaith-al-omari)

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ABOUT THE AUTHORS



[Ghaith al-Omari \(/experts/ghaith-al-omari\)](/experts/ghaith-al-omari)

Ghaith al-Omari is a senior fellow in The Washington Institute's Irwin Levy Family Program on the U.S.-Israel Strategic Relationship.



Brief Analysis

Although the nascent Palestinian initiative may fizzle out on its own, U.S. inaction could draw the Obama administration into an unwanted diplomatic fracas or preempt its own potential initiative.

This year's UN General Assembly did not bring much new regarding the Palestinian-Israeli conflict. Israeli prime minister Binyamin Netanyahu's speech, while generally more upbeat than his previous appearances, did not stray far from his normal positions and tone on the issue, and remarks by Palestinian Authority president Mahmoud Abbas did not hold many surprises either. Once again, both were trying to balance a tough image that appeals to their respective publics while simultaneously confessing a desire for peace and blaming the other side for failure to reach it. But one aspect of Abbas's speech, though not new, is being touted by Palestinian officials as the start of a diplomatic initiative -- namely his assertion that he will "continue to exert all efforts for a Security Council resolution on the settlements and the terror of the settlers."

EVOLUTION OF PALESTINIAN DIPLOMATIC OPTIONS

The idea of the Palestinians advancing a UN Security Council (UNSC) resolution on settlements has been floated before. Most recently, they pushed a draft resolution on the matter in 2011, prompting a veto from the United States. Since then, the idea has taken a backseat to other diplomatic efforts, from seeking bilateral and multilateral recognition of Palestinian statehood to pursuing a UNSC resolution that deals explicitly with the substance, process, and mechanisms of a final-status peace agreement.

These approaches have stalled, however. The initial momentum behind the push for recognition dissipated in part because Palestinian leaders ran out of low-hanging fruit, and also because the public's interest waned as the novelty of this approach wore out and they realized that symbolic achievements would make no impact on their lives or the

prospects of ending the occupation. For now, then, the leadership is not particularly interested in robust efforts to seek further international recognition.

The quest for a resolution spelling out final-status contours has also proved difficult. A late 2014 effort along those lines quickly demonstrated to Palestinian leaders that any viable resolution would inevitably contain compromises on issues such as refugees, security arrangements, and Israel's Jewish character. Accepting such compromises in a UNSC resolution would leave them exposed to domestic backlash that they are unable to withstand at the moment given their weakened political position. The so-called "French Initiative," which some Palestinian officials see as a good alternative to the UNSC route, has also evolved away from establishing final-status contours -- if it was ever designed with that goal in the first place -- and is now focused on creating incentives to facilitate the resumption of negotiations.

Going forward, then, the Palestinians will likely keep any new recognition campaigns at a slow, low-key pace, and they are not expected to pursue a final-status-related resolution -- in fact, some Palestinian officials have privately expressed concern that the Obama administration will present its own set of parameters at the UNSC or in a presidential speech. At the same time, however, they are apparently gearing up to pursue a settlements resolution.

RENEWED FOCUS ON SETTLEMENTS

The shift back to settlements is not surprising. The international community has overwhelmingly rejected the legitimacy of Israel's West Bank settlements, and given the absence of negotiations, the issue has generated growing frustration and attention in recent months. Last year, for example, the European Union instituted new commercial labeling procedures to distinguish products made in the settlements from products made in Israel, since EU policy does not recognize settlements as part of Israel. Similarly, the White House and U.S. State Department have become more vocal and harsh in their public condemnation of settlement activities.

Given this heightened international interest and the absence of any peace process that might be disrupted by controversial diplomatic initiatives, Palestinian leaders are poised to take action. They have seemingly concluded that settlements are the one issue on which they can get a UNSC resolution that gives them a high-profile diplomatic victory without requiring compromises. While such a measure might not add much to the long list of UN resolutions on the conflict, it could bolster the PA leadership's political standing without exposing them to backlash at home or heavy criticism abroad. And in their view, drafting a resolution that reflects international, particularly American, language gives the measure a realistic chance of avoiding a U.S. veto.

But this might not be as simple as it seems. As international frustration with settlements has been mounting, so has frustration with certain Palestinian practices. On July 1, the United States, Russia, the EU, and the UN -- collectively known as the Quartet -- issued a report identifying both Israeli settlements and Palestinian "violence and incitement" as obstacles to peace. This approach is becoming the new standard -- in his September 20 UN speech, President Obama noted that the parties would "be better off if Palestinians reject incitement and recognize the legitimacy of Israel, but Israel recognizes that it cannot permanently occupy and settle Palestinian land."

PALESTINIAN OPTIONS

This leaves Palestinian diplomats with a dilemma: either advance a resolution that addresses settlements and criticizes certain Palestinian actions, or insist on submitting a resolution that focuses solely on settlements, even if it is likely to fail. The first option would be a departure from their recent behavior. The Palestinian reaction to the 2014 UNSC effort and this year's Quartet Report is indicative. In both cases, despite the potential for advancing some of their diplomatic goals, Palestinian officials felt that they did not have enough political credit to withstand their domestic opponents, who were bound to focus on any compromises they made. Instead, they opted for a maximalist draft resolution in the former case and vociferously rejected international recommendations in the latter.

The settlements-only option comes with its own sets of complications. Palestinians must submit any draft resolution via a UNSC member. Typically this is done through the lone Arab member, currently Egypt. Although Arab states tend to defer to the Palestinians on peace issues, they -- like any other member state -- are loath to sponsor failed resolutions during their time on the council. Indeed, the PA's insistence on the failed 2014 resolution created tension with then-member Jordan.

Thus while Arab states support the Palestinian decision to seek a settlements resolution in principle, they will not rush to sponsor it if they do not see a reasonable chance of success. An October 3 meeting held at the Arab League headquarters in Cairo and chaired by Egypt's foreign minister concluded with a communique calling for Arab states to "begin consultations" and report back regarding "the [UNSC] members' positions about and the content of" a resolution. Notably, the meeting's participants were unwilling to commit to anything more. The Palestinians could force Egypt's hand by publicly insisting on going ahead with a resolution, but this is bound to exacerbate Abbas's already tense relations with key Arab countries.

CONCLUSION

President Abbas might see a UNSC settlements resolution as a chance to achieve a badly needed diplomatic victory and bolster his weak domestic standing. But once the process of drafting the resolution and garnering international support begins in earnest, he will likely find out that he cannot pay the political price needed to adopt a resolution that can pass. In all likelihood, the initiative will fizzle out.

That said, surprises are still possible. Abbas may conclude that he stands to gain by playing the defiance card and submitting a draft resolution even if it is doomed to fail. Alternatively, his recent decision to attend the funeral of the late Israeli president Shimon Peres indicates that he is still capable of making politically unpopular gestures of conciliation.

Whether President Obama wishes to avoid reengaging the peace process during his final months in office or put forward his own initiative, the administration would be wise to keep a close eye on this dynamic. In particular, if Washington wants to sidestep multilateral dynamics that may spiral out of U.S. control, it will need to engage the Palestinians and, perhaps more important, its Arab allies to take charge of the diplomatic process before it reaches the UNSC. Otherwise, the administration might find itself either pulled into an unwanted diplomatic fracas or left holding a U.S. peace initiative that has been preempted by Palestinian moves.

Ghaith al-Omari, a senior fellow at The Washington Institute, previously served in various advisory positions with the Palestinian Authority. ❖

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