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Objecting to United Nations Security Council Resolution 2334 (H. Res. 11)

*Rep. Chris Smith
January 5, 2017*

President Obama's decision to abstain and not veto Security Council Resolution 2334 seriously undermines the peace process, abandons Israel at a critical hour in its life as a nation, and does serious injury to the historical record.

The egregiously flawed UN text says that all Israeli settlements after the 1949 armistice line including East Jerusalem and the West Bank have no legal validity and constitute a flagrant violation under international law.

The pending House resolution repudiates 2334 and makes clear that a durable and sustainable peace agreement between Israel and the Palestinians will only come through direct bilateral negotiations not one-sided Anti-Israel UN resolutions.

With over three thousand years of Jewish history bound up in East Jerusalem and the West Bank, it is preposterous to assert that Israel has no legitimacy in defending its connections to this extraordinary heritage. Sadly, these kinds of prejudiced and revisionist claims are all too common in the United Nations where UNESCO voted just a couple months ago on measures that excise any mention of Judaism and Christianity's ancient ties to East Jerusalem.

Mr. Speaker, the UN Resolution could open Israeli leaders and even average Israeli settlers to criminal prosecution. Israel's enemies are likely to exploit 2334 by seeking prosecutions in venues like the International Criminal Court (ICC) for construction activities, even though the vast majority of this activity takes place legally, pursuant to Israeli law.

By calling on countries to distinguish between the State of Israel and Israeli settlements, 2334 enables the narrative of the anti-Semitic boycott, divestment, and sanctions movement, or BDS movement, that is aimed at delegitimizing Israel.

And in mere days, the error of 2334 could be further compounded.

A few hours ago the European Jewish Press reported that “Leaders of the Conference of Presidents of Major American Jewish Organizations called for France to cancel or, at least, postpone what they called an ‘ill-conceived, poorly timed and damaging’ event—the Paris Mideast conference—scheduled for January 15th

“‘The international community should not plunge forward with the ill-conceived and poorly timed Paris conference,’ CPMAJO Chairman Stephen M. Greenberg and Vice Chairman and CEO Malcolm Hoenlein said in a statement... According to the Conference of Presidents, there are a number of compelling reasons to postpone the Paris event, including the impending transition to the Trump administration, just five days later. ‘It makes no sense that the next administration is precluded from participating in a discussion of an essential component of US foreign policy with which it will be engaged,’ they explained

“‘Israel has long sought direct talks, it is time for the Palestinian leaders to stop evading their responsibility and seeking to use international fora to avoid the only true path to a lasting peace,’ they added. Hoenlein cautioned it was possible the Obama administration could — following the recent passage of the anti-Israeli settlement Security Council resolution — take a ‘further damaging step against the Jewish state before President-elect Donald Trump takes office.’”

Nathan Diament, Executive Director of the Union of Orthodox Jewish Congregations of America, wrote me a letter today and said, “On December 23, 2016, the UN Security Council passed Resolution 2334, a blatantly anti-Israel resolution condemning Israel’s building of settlements in the West Bank and East Jerusalem. It has long been U.S. policy that any progress toward an agreement in the region must be based on direct negotiations between Israeli and Palestinian leaders, not a vote of third-party nations at the UN.

“Unfortunately, the UN has a long and established bias against Israel. In 2016 alone, the UN General Assembly adopted 20 anti-Israel resolutions and just four against other countries: North Korea, Syria, Iran and Russia. The World Health Organization condemned Israel as the world’s only violator of ‘mental, physical and environmental health,’ while the U.N. Women condemned Israel as the world’s only violator of women’s rights. The International Labor Organization condemned Israel as the world’s only violator of labor rights. These same UN committees were silent on the issue of human rights violations in China, Libya, or the Congo.

“Clearly, the UN has an agenda to undermine and delegitimize the state of Israel, and in that regard UN support for Resolution 2334 was not surprising. What was surprising—and deeply concerning—was the silence of the United States on this issue. Rather than exercising its veto power, the United States chose to abstain from voting, and thereby threatened the trust and support Israel has long placed in its most important ally. Over the course of his presidency, Mr. Obama has repeatedly assured American Jews and others concerned about Israel’s security and welfare that his commitment to U.S. support for Israel’s security was ‘unshakeable.’ By allowing the UN Security Council’s resolution to pass in the final weeks of his Administration, President Obama undermined his legacy and threatened the longstanding alliance between the United States and Israel.

“Whether the abstaining vote was a parting statement from the Obama Administration or the influence of anti-Israeli forces at the UN, the incoming Trump Administration and the 115th Congress must make the United States’ support of Israel and our common goals of peace, democracy, and fighting terrorism—a pillar of its foreign policy. Today’s resolution condemning UN Resolution 2334 will send an important message to the world that the United States stands with Israel and will continue to support our common goals.”

Mr. Speaker, before concluding, I would like to note that many of us in Congress have been warning about these kinds of reckless gambits for months. Three-hundred and eighty of us in the House signed a letter in April to President Obama specifically calling on him to veto any one-sided resolution like 2334 if it were raised in the Security Council. In late November, the House voted overwhelmingly for H Con Res 165 further stressing the need for the United States to stand by Israel and veto biased Security Council measures.

I urge my colleagues to support H Con Res 11 to denounce this dangerous Security Council action. I look forward to working with President-elect Trump to align U.S. policy with the overwhelming consensus in Congress: that we are and remain committed to Israel's sovereignty and security.