Donald Trump Must Not Join the Jackals

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In his biting article in Commentary on February 1, 1981, Daniel P. Moynihan, former U.S. ambassador to the United Nations, 1975-76, was critical of his successor, Donald F. McHenry, for not voting against a U.N. Security Council resolution strongly critical of Israel.  The United States had "joined the jackals."  Moynihan remarked that for the U.S. to abstain on a UNSC resolution concerning Israel was the equivalent of acquiescing in it.

Thirty-five years later, with the abstention of the U.S. in allowing UNSC Resolution 2334 to pass, the question must be posed: has the Obama administration in its final days joined the jackals?

One of the more difficult questions to answer correctly today is which of the organization of the United Nations is the most damaging and perverse.  The U.N. General Assembly in 2016 adopted 19 resolutions critical of Israel and only nine others critical of the rest of the world.  The Human Rights Council (UNHRC) adopted 12 specific resolutions pertaining to Israel.  The 2017 membership of UNHRC, which "upholds the highest standards in the promotion and protection of human rights," includes Saudi Arabia, Venezuela, Cuba, Iraq, and Qatar.

On December 23, 2016, the Security Council adopted by 14-0 and one abstention (the United States) Resolution 2334, which strongly condemned Israeli settlement construction.

Throughout his presidency, Obama has always wanted to "put daylight" between the United States and Israel, a policy approximating that of the lack of empathy of the international left and its continuing animosity toward the Jewish state and the Israeli government, headed by Prime Minister Benjamin Netanyahu.

Obama's decision was not only a denial of U.S. policy.  It was also intellectually inexplicable why the U.S. president allowed such a biting, one-sided resolution to pass.  Obama's action may be attributed to personal pique and animus against both his adversary, Netanyahu, for his opposition to the Iran nuclear deal and to the state of Israel.  The Wall Street Journal regarded it as an anti-Israeli tantrum.  Senator Chuck Schumer said it was like the infamous 1975 resolution that "Zionism is a form of racism and racial discrimination" all over again.  Or did U.S. career diplomats influence the president?  If so, one of the many tasks of President Trump is to drain the swamp of the U.S. State Department.

Even Samantha Power, the U.S. ambassador to the U.N., confessed she did not agree with every word in the resolution.  As a prelude to her partly disingenuous speech explaining the U.S. abstention, she spoke about the double standard, the different treatment of Israel from all other nations at the U.N.  The truth is that resolutions critical of the ongoing savage bombardment of civilians and hospitals by countries other than Israel are in line to be passed but never are.  Nevertheless, Power defended the U.S. abstention because the resolution, she said, reflected facts on the ground.  She argued that Israeli settlements that are not legal are "accelerating" and must stop.

A somewhat more midway position was taken by British P.M. Theresa May, who voted in favor of the resolution because the construction of settlements in the Occupied Palestinian Territories is illegal.  At the same time, she commented on, and was critical of, the speech on December 28, 2016 of U.S. secretary of state John Kerry for singling out the issue of Israeli settlements.  May urged that the way to make peace is not to focus on only one issue, the construction of settlements, in a complex situation.  Nor was it appropriate to attack the composition of the democratically elected government of an ally, Israel.  The people of Israel deserve to live free from the threat of terrorism with which they have had to cope for too long.

The line for support of 2334 stretched around the world.  It was introduced by New Zealand and was approved by members including Britain, France, China, Russia, and Japan, while the U.S. abstained.

Israel is familiar with U.N. condemnations, but rarely with U.S. abstentions on critical resolutions against it, such as President Jimmy Carter's action in March 1980 regarding Resolution 465.  The U.S. has rejected Israel's claim to the Golan Heights and has allowed resolutions that condemn occupation of that area as a violation of international law.  But there is a crucial difference between Resolutions 465 and 2334.  In 1980, there was no tacit U.S.-Israeli agreement, as there has been, that the U.S. would automatically veto anti-Israeli resolutions relating to issues that will be on the agenda for a peace arrangement.  Resolution 2334 in 2016 imposed a solution.

Indeed, 2334 goes farther.  It states that the establishment of settlements in the Palestinian territory occupied since 1967 has no legal validity and constitutes a flagrant violation under international law and is a major obstacle to achievement of a two-state solution.  It demands that Israel cease, immediately and completely, all settlement activities in that territory.  The UNSC does not recognize any changes to the June 4, 1967 lines, including Jerusalem, other than those agreed to by the parties through negotiations.

Logically, since the Jewish Quarter and the Western Wall in Jerusalem were captured from the Jordanian occupiers in 1967, the UNSC considers them illegal.  Therefore, 2334 does not distinguish between the territory of the state of Israel and other territory.  Moreover, 2334 neglects the vital fact that Israel is the only existing legal inheritor of the British Mandate.  It was the Palestinian and Arab countries who rejected the partition resolution U.N. General Assembly 181.  It was Jordan that held the disputed areas until 1967, and its proclaimed annexation of the territories was recognized only by the U.K. and Pakistan.

Resolution 2334 was passed under chapter 6, not chapter 7 of the U.N. Charter and thus cannot be forced on Israel.  It does not make law, but is a recommendation.  But it is an obstacle to the required objective – peaceful negotiations of final status arrangements – because it bypasses the necessary negotiating process.  It is unhelpful because it is eager to make policy, such as holding that the status quo about Israel-Palestine is not sustainable.  The resolution implies that Israel has no claim to any of the territories occupied since 1967.  However, it ignores international agreements.  The Oslo Accords make no reference to "1967 lines," and so Resolution 2334 prejudges the outcome of any negotiations.

Donald Trump has called for moving of the U.S. Embassy from Tel Aviv to Jerusalem and has indicated some support for settlements.  He is aware that Netanyahu has been making friendly relations around the world, most recently with Azerbaijan and Kazakhstan.  Acting as a result of the resolution, Netanyahu cut off $8 million in contributions to five U.N. agencies.  He ordered Israeli ambassadors in New Zealand and Senegal to return home, cut off all aid programs to Senegal, and canceled the visit of the prime minister of Ukraine.

Trump has asserted that things at the U.N. will be different after January 20, 2016.  He must ensure that the United States never again join the jackals regarding Israel as on all other matters.