

The US at the UN and the Apartheid Report on Palestine

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Background

Earlier this month and for the first time in the history of the United Nations, the Economic and Social Commission for Western Asia (ESCWA)—a UN institution—issued a report arguing that Israeli policies toward the Palestinian people amounted to apartheid. It endorsed economic coercion, or boycotts, divestment, and sanctions of Israel, as a response to these policies. Shortly after the report was issued, a firestorm of criticism followed from many of the usual suspects, particularly the United States and Israel. The executive secretary of ESCWA, Rima Khalaf, was compelled to resign under pressure. The report, authored by academics Richard Falk and Virginia Tilley, was removed from the website of ESCWA after pressure from the United States and Israel, but it remains accessible online.

Most western media coverage of these events focused on the reactions and the Khalaf resignation, but little was on the actual report itself, its content, or arguments. Surely, this was the best possible outcome for which Israel hoped as it sought to quash the report and set a precedent for any future efforts that invoke apartheid through the United Nations. The content of the report, however, is important and the framework used by the authors is valuable.

The report comes at a time when there is a deteriorating situation on the ground and widespread lack of faith in a negotiated outcome along the lines of a two-state solution, which has been the stated policy objective of international players, with a profound distancing from this objective by both the Israeli and American governments. At the same time, the new administration in Washington has made a point of ensuring there is no gap

between Washington and Tel Aviv and the Israelis have warmly welcomed this complete agreement on security and economic interests.

The US and International Organizations under Trump

The Trump Administration differs significantly from its predecessor, the Obama Administration, to say the least. One area in which this contrast is particularly stark is in the administration's approach to the world and specifically how it sees the role of international organizations like the United Nations in advancing its objectives. President Trump had been outspoken on the campaign trail about an "America first" worldview that prioritizes American interests at the expense of long-standing alliances and relations with the outside world. Likewise, after the election, he has shown disdain for diplomacy and international organizations, calling the United Nations "just a club for people to get together, talk and have a good time."

Trump's pick for ambassador to the United Nations, Nikki Haley, said at her confirmation hearing before the US Senate that "Nowhere has the UN's failure been more consistent and more outrageous than in its bias against our close ally Israel," adding "I will not go to New York and abstain when the UN seeks to create an international environment that encourages boycotts of Israel. I will never abstain when the United Nations takes any action that comes in direct conflict with the interests and values of the United States."

Normally, the individual whom the president of the United States chooses for the post of ambassador to the UN is not likely to be in a position to have great impact on policy. Further,

this position, like all ambassadorships, is normally a direct extension of the policy of the president of the United States. But there is little that is normal about how the Trump Administration functions. In fact, on multiple occasions Haley has sounded a different note on US foreign policy from Trump, raising questions about the degree of independence she has in her role and precisely what a Trump Administration seeks to use the UN for, if anything at all.

Two notable differences between the US representative at the UN and the White House became evident regarding the issues of Russia and Israel/Palestine. In the first case, Haley delivered a firm and scathing speech on Russia at the Security Council which was far more in line with long-standing US policy than with the apparent position of President Trump, who has only spoken fondly of Russia. In the second instance, Haley reiterated strong US commitment to the goal of a two-state solution to the Israeli-Palestinian issue a day after the president wavered and signaled openness to other solutions when he received Israeli Prime Minister Benjamin Netanyahu at the White House. For there to be a difference in policy between a US ambassador to the United Nations and the White House, on occasion, is odd, but for it to happen twice on major foreign policy issues, in the first month of an administration, is unheard of and could be interpreted as a sign of dysfunction.

Haley seems to understand her mandate as a protector of Israel, but it is not exactly clear if even she knows what that means. Earlier this year, Haley abruptly and without warning crossed paths with the UN secretary general over the appointment of Salam Fayyad, the former prime minister of the Palestinian Authority, to the post of director of the UN

political mission in Libya. In a statement she said, "For too long the UN has been unfairly biased in favor of the Palestinian Authority to the detriment of our allies in Israel. The United States does not currently recognize a Palestinian state or support the signal this appointment would send within the United Nations." She added, "Going forward the United States will act, not just talk, in support of our allies." Israel's UN ambassador, Danny Danon, welcomed the statement, proclaiming, "This is the beginning of a new era at the U.N. The United States stands firmly and unapologetically beside Israel."

But the appointment of Fayyad was to a post in Libya and had nothing to do with Israel. Fayyad is perhaps one of the most liked Palestinian technocrats by western elites, even if he has little to no support among Palestinians. The decision to go out of her way to stymie this appointment, embarrassing not just Fayyad but the UN secretary general—and herself in the process—did not make any sense unless her goal was to oppose anything remotely Palestinian anywhere at the United Nations. Additionally, Fayyad enjoys strong ties with the United Arab Emirates, a state with which the Trump Administration claims to seek active cooperation on a range of issues. President Trump's son-in-law and czar-of-many-hats, Jared Kushner, has reportedly developed a good relationship with Yousef al-Otaiba, the UAE's ambassador in Washington, whom he has sought out for information on the "shifting forces in the Middle East, Syria, Iran, extremism, relationships." The UAE also has interests in the Libyan civil war and surely would have been pleased to see a trusted affiliate like Fayyad in the post.

Haley's commitment to Israel at the UN has won her strong praise from pro-Israel interest

groups. At this week's gathering of the American Israel Public Affairs Committee (AIPAC), according to tweets from reporters in the room, she seemed to be the single most applauded name. Haley is also a rising young star in the Republican Party who will now add foreign policy experience to a resume that already includes executive experience as the governor of South Carolina. A female who is also from an ethnic-minority background, many political observers believe she is uniquely primed to compete for the White House on a Republican ticket in the future as electoral demographics continue to shift. With such ambition, however, and in a party where there is zero tolerance for even minor deviation from a right-wing perspective on Israel, she is likely to continue to project an Israel-always-right approach to her position.

In addition to a devotion to advocating for Israel at the Security Council, elsewhere there are indications that the United States is also stepping back from engaging the global community on issues of human rights during a Trump Administration. Secretary of State Rex Tillerson, for example, skipped out on the publication of the State Department's annual human rights report, an event his predecessors have often made a point in leading. A recent international letter to China regarding human rights abuses was signed by diplomatic representatives from eleven different major western states and traditional allies of the United States; however, Washington's representative was not among them. Further, in late March, official US representatives did not show up at the meeting of the Inter-American Commission on Human Rights, a human rights agency of the Organization of American States. Likewise, US diplomats boycotted a meeting of the UN Human Rights Council examining human rights violations in Israel, stating they

will "vote against every resolution put forth" under an agenda item focused on the human rights situation in Palestine. Sewn together, all of these statements and actions suggest not just a disdain for international action against Israel for violations of human rights, but a growing disdain for human rights agenda items in international institutions in general. It is in this difficult context that Palestinians will have to determine how to build on the apartheid report recently authored for ESCWA to challenge the status quo.

Options for Palestinians

Upon its issuance, the report drew praise from different sectors of Palestinian society that often do not speak in one voice and have at times been critical of each other. Saeb Erekat, the PLO's secretary general, welcomed the report as did the Palestine-based Boycott National Committee. When Rima Khalaf was forced to resign, PLO Ambassador to the United Nations Riyad Mansour spoke in her defense, decrying the intimidation and protection of Israel from criticism at the United Nations.

In recent years, the PLO has exercised what was referred to as an "alternative strategy" to Washington-mediated peace negotiations; the effort was to seek recognition from international institutions and agencies for a State of Palestine on the 1967 borders. This approach was opposed by the United States and Israel but resulted in a number of successful votes in international forums as well as a wide range of bilateral recognition announcements. While it featured a good bit of pomp and circumstance, with the occasional celebration of recognition, it did little to advance the prospect of accountability. The drive ran out of steam, or political will, before taking actual cases to the International Criminal Court.

One problem this “alternative strategy” faced was that it was more tactical than strategic, and it was not really an alternative to Washington-mediated negotiations at all but an attempt to create some modicum of leverage within them. Another problem was that despite the pomp and circumstance and the big, blue chair in Ramallah’s Manara Square to celebrate the Palestinians’ gains at the UN, this strategy failed to truly garner the support of all Palestinians because it did not speak to many of their concerns and could not demonstrate how it would positively impact their lives.

ESCWA’s apartheid report, however, offers a different option. As the two-state solution becomes formally recognized as a two-state illusion and new frameworks are explored, the effort to bring Israel to account for the crime of apartheid is a path Palestinian leaders should consider seriously. There is little doubt that should they choose this path, they would face

significant opposition from the United States, especially under a Trump Administration, but it would also heighten the stakes and bring a new urgency to the matter by increasing Israel’s international isolation. Further, it could possibly open new doors to Palestinians in terms of legal redress, all while uniting a much broader spectrum of Palestinian stakeholders than any international approach previously could have accomplished.

The two-state solution and the seemingly illusory promise of an independent, viable, contiguous Palestinian state have helped Israel put off making the hard choice it will ultimately have to face. The apartheid report opens a door for Palestinian leaders, but they, too, have to make the choice to walk through it and accept with that decision the inevitable challenges it will create.

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