HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HR 281 Objecting to United Nations Security Council Resolution 2334
SPONSOR(S): Moskowitz
TIED BILLS: **IDEN./SIM. BILLS:** SR 574

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	13 Y, 1 N	Renner	Miller
2) Government Accountability Committee			

SUMMARY ANALYSIS

After being the first country to recognize Israel as a state in 1948, United States-Israel relations are characterized by support, cultural resonance, and cooperative mutual interests.

In regards to the Israeli-Palestinian conflict, official U.S. policy continues to favor a two-state solution to address core Israeli security demands as well as Palestinian aspirations for national self-determination.

As one of the five permanent members of the United Nations Security Council that can veto resolutions, the United States routinely vetoed resolutions negatively pertaining to Israel, oftentimes being the lone veto.

On December 23, 2016, the Security Council adopted Resolution 2334, which, among other matters, states that Israel's settlement activity constitutes a flagrant violation of international law, has no legal validity, and is a major obstacle to the vision of two states living side-by-side in peace and security.

In explaining the abstention vote, the United States stated that it has been a long-standing position of this nation that settlements undermined Israel's security and eroded prospects for peace and stability.

HR 281 pronounces that the Florida House of Representatives opposes and requests the repeal or fundamental alteration of United Nations Security Council Resolution 2334 so that the resolution:

- Is no longer one sided and anti-Israel.
- Authorizes all final-status issues toward a two-state solution to be resolved through direct, bilateral negotiations between the parties involved.

Resolutions are not subject to action by the Governor and do not have the effect of law. In addition, they are not subject to the constitutional single-subject limitation or title requirements.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

United States-Israel relations

After Israel's founding in 1948, the United States was the first country to recognize the State of Israel.[1] The United States-Israel relations are characterized by support, cultural resonance, and cooperative mutual interests. The shared democratic values and religious affinities of the two countries have contributed to the bilateral ties.[2]

Israel's security concerns influence U.S. policy considerations regarding the Middle East, "and Congress actively provides oversight of executive branch dealings with Israel and other actors in the region."[3] In 2016, a new U.S.-Israel memorandum of understanding will provide Israel with $38 billion ($3.8 billion per year) in military assistance from FY 2019 to FY 2028.[4] This will allow Israel to update its fighter aircraft fleet, increase its missile defense, and acquire other defense capabilities needed to meet its threat environment.

In regards to the Israeli-Palestinian conflict, official U.S. policy continues to favor a two-state solution to "address core Israeli security demands as well as Palestinian aspirations for national self-determination."[5] The U.S., together with the European Union and the United Nations, continues to advocate for Israeli-Palestinian talks in order to broker a peace deal.

United Nations

Founded in 1945, the United Nations is an international organization made up of 193 member states. The organization views it has a mission to take action on issues such as peace and security, climate change, sustainable development, human rights, disarmament, terrorism, humanitarian and health emergencies, gender equality, governance, food production, and other issues.[6] As stated in its Charter, the purposes of the United Nations include maintaining international peace and security, suppressing acts of aggression, developing international relations based on respect for the equal rights and self-determination of all peoples, achieving international co-operation to resolve economic, social, humanitarian problems, and to respect the principle of sovereign equality among its members.[7]

The United Nations Charter was ratified by China, France, the Soviet Union, the United Kingdom, the United States, and a majority of other signatories.[8]

The United Nations consists of six principal organs:[9]

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[1] U.S. Department of State, *U.S. Relations with Israel*, available at https://www.state.gov/r/pa/ei/bgn/3581.htm (last visited January 30, 2017).
[2] Congressional Research Service report, *Israel: Background and U.S. Relations*, October 28, 2016, available at https://webcache.googleusercontent.com/search?q=cache:kCSNhsZzquUJ:https://fas.org/sgp/crs/mideast/RL33476.pdf+&cd=1&hl=en&ct=clnk&gl=us (last visited February 3, 2017).
[3] Id.
[4] The White House Fact Sheet on *Memorandum of Understanding Reached with Israel*, September 14, 2016, available at https://obamawhitehouse.archives.gov/the-press-office/2016/09/14/fact-sheet-memorandum-understanding-reached-israel (last visited February 2, 2017).
[5] *Supra* note 2
[6] United Nations *Overview*, available at http://www.un.org/en/sections/about-un/overview/index.html (last visited January 31, 2017).
[7] Charter of the United Nations, ch. I, art. 1, ss. 1-3, art. 2, s. 1, at http://www.un.org/en/sections/un-charter/chapter-i/index.html (last visited February 14, 2017).
[8] United Nations *History of the United Nations*, available at http://www.un.org/en/sections/history/history-united-nations/index.html (last visited January 31, 2017).

- General Assembly- main deliberative policymaking and representative organ that consists of all 193 member states.
- Security Council – has primary responsibility, under the UN Charter, for the maintenance of international peace and security.
- Economic and Social Council – Principal body for coordination, policy review, policy dialogue and recommendations on economic, social and environmental issues.
- Trusteeship Council – Suspended since 1994.
- International Court of Justice – Primary judicial organ
- Secretariat – Provides studies, information, and facilities needed by the UN.

Security Council

As stated above, the primary responsibility of the Security Council is to maintain international peace and security. The Council has 15 members, five of which are permanent members:

- China
- France
- Russian Federation
- United Kingdom
- United States

The permanent members can veto any substantive Security Council resolution, regardless of the level of international support the resolution has.

United Nations Security Council Resolutions

The United States has long stood in the minority in defending Israel, particularly when it comes to Security Council Resolutions. Oftentimes, the United States has been the one veto, including in the following resolutions:[10]

- **1995**
  - Calling upon Israel to refrain from East Jerusalem settlement activities.
- **1997**
  - Calling upon Israel to refrain from East Jerusalem settlement activities.
  - Demanding Israel's immediate cessation of construction at Jabal Abu Ghneim in East Jerusalem.
- **2001**
  - On the withdrawal of Israeli forces from Palestinian controlled territory and condemning acts of terror against civilians.
  - On establishing a UN observer force to protect Palestinian civilians.
- **2002**
  - On the killing by Israeli forces of several United Nations employees and the destruction of the World Food Programme warehouse.
- **2003**
  - On the security wall built by Israel in the West Bank.
  - On the Israeli decision to "remove" Palestinian Authority leader Yasser Arafat.
- **2004**
  - On the demand to Israel to halt all military operations in northern Gaza and withdraw from the area.
  - On the condemnation of the killing of Ahmed Yassin, the leader of the Islamic Resistance Movement *Hamas*.

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[9] United Nations *Main Organs*, available at http://www.un.org/en/sections/about-un/main-organs/index.html (last visited February 1, 2017).

[10] Global Policy Forum on *Subjects of UN Security Council Vetoes*, available at: https://www.globalpolicy.org/component/content/article/102/40069.html (last visited February 2, 2017).

- **2006**
  - On the Israeli military operations in Gaza, the Palestinian rocket fire into Israel, the call for immediate withdrawal of Israeli forces from the Gaza Strip and a cessation of violence from both parties in the conflict.
  - On the demand for the unconditional release of an Israeli soldier captures earlier as well as Israel's immediate withdrawal from Gaza and the release of dozens of Palestinian officials detained by Israel.
- **2011**
  - Condemning Israeli settlements established since 1967 as illegal.

U.S. House of Representatives Concurrent Resolution 165

Congress routinely passes resolutions supporting Israel's right to defend itself and for a two-state solution. On November 29, 2016, the United States House of Representatives passed Concurrent Resolution 165[11] which expresses the sense of Congress that:[12]

- Sustainable peace agreement between Israel and the Palestinians will come only through direct bilateral negotiations between the parties;
- Any widespread international recognition of a unilateral declaration of Palestinian statehood outside of the context of such a peace agreement would cause severe harm to the peace process and would likely trigger the implementation of penalties under provisions of the Consolidated Appropriations Act, 2016 regarding limitations on assistance to support a Palestinian state and uses of funds for assistance for the West Bank and Gaza;
- Efforts by outside bodies, including the United Nations Security Council, to impose an agreement are likely to set back the cause of peace; and
- The U.S. government should continue to oppose and veto Security Council resolutions that seek to impose solutions to final status issues or that are one-sided and anti-Israel, and should continue to support and facilitate the resumption of negotiations without preconditions toward a sustainable peace agreement.

United Nations Security Council Resolution 2334

On December 23, 2016, the United Nations Security Council adopted Resolution 2334. The resolution passed in a 14-0 vote. Four members with Security Council veto power, China, France, Russia, and the United Kingdom, voted for the resolution. The United States abstained.

The resolution states that Israel's settlement activity constitutes a flagrant violation of international law, has no legal validity, and is a major obstacle to the vision of two states living side-by-side in peace and security. Furthermore, the resolution stated that it would not recognize any changes to the June 4, 1967 lines, including with regard to Jerusalem, other than those agreed by the two sides through negotiations. The resolution also called on all parties "to continue to exert collective efforts to launch credible negotiations on all final-status issues in the Middle East peace process."[13]

In explaining the abstention vote, the United States stated that it has been a long-standing position of the United States that settlements undermined Israel's security and eroded prospects for peace and stability. [14]

Effect of the Resolution

[11] Expressing the sense of Congress and reaffirming longstanding United States policy in support of a direct bilaterally negotiated settlement of the Israeli-Palestinian conflict and opposition to United Nations Security Council resolutions imposing a solution to the conflict, H.Con.Res. 165, 114th Cong. (Nov. 29, 2016).
[12] Congress.gov site on *House Concurrent Resolution 165*, available at: https://www.congress.gov/bill/114th-congress/house-concurrent-resolution/165 (last visited January 31, 2017).
[13] United Nations Security Resolution 2334 press release, December 23, 2016, available at: https://www.un.org/press/en/2016/sc12657.doc.htm (last visited February 3, 2017).
[14] Id.

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B. SECTION DIRECTORY:

Not applicable

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None