

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SR 574

INTRODUCER: Senator Rader

SUBJECT: United Nations Security Council Resolution 2334

DATE: February 9, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SR 574 proclaims the Senate’s opposition to United Nations Security Council Resolution 2334, adopted December 23, 2016. Resolution 2334 claims in contravention of longstanding U.S. policy that “the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace.”

The United States, as a member of the Security Council, abstained from voting on Resolution 2334.

Among the bases for opposing the Resolution of the Security Council, the Senate resolution states that:

- The passage of Resolution 2334 undermines the long-standing position of the U.S. to oppose and veto Security Council resolutions that attempt to impose solutions that are one-sided and anti-Israel;
- The passage of Resolution 2334 undermines the prospect of Israelis and Palestinians to resume productive, direct, bilateral negotiations;
- Future measures to impose an agreement or parameters for an agreement will set back the peace process and harm the security of Israel.

The Senate resolution further directs the Secretary of State to dispatch copies of this memorial to the President of the United States, the President and Secretary of the U.S. Senate, the Speaker and Clerk for the U.S. House of Representatives, and the Israeli Embassy in Washington, D.C.

Legislative resolutions have no force of law. Rather, a legislative resolution is a request, or a formal petition to the U.S. Congress to act on a particular subject.

II. Present Situation:

United Nations Security Council

The United Nations Security Council, established in the United Nations Charter, is permanently headquartered at the United Nations Headquarters in New York City.¹ The Security Council is composed of 15 members, five of which are permanent and 10 non-permanent. The General Assembly of the UN elects the 10 non-permanent members to serve on a -year term.

The five permanent members are:

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

The 10 non-permanent members are:

- Bolivia
- Egypt
- Ethiopia
- Italy
- Japan
- Kazakhstan
- Senegal
- Sweden
- Ukraine
- Uruguay²

Only members of the Security Council may vote on resolutions.³ A permanent member may cast a negative vote or a veto.⁴

Functions and powers of the Security Council are:

- To maintain international peace and security in accordance with the principles and purposes of the UN;
- To investigate any dispute or situation which might lead to international friction;
- To recommend methods of adjusting disputes or terms of settlement;
- To formulate plans for establishing a system to regulate armaments;
- To determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;

¹ United Nations Security Council, What is the Security Council, <http://www.un.org/en/sc/about/> (last visited Mar. 10, 2017).

² United Nations Security Council, Current Members, <http://www.un.org/en/sc/members/index.shtml> (last visited Mar. 10, 2017).

³ *Id.*

⁴ United Nations Security Council, About the Repertoire, <http://www.un.org/en/sc/about/faq.shtml> (last visited Mar. 10, 2017).

- To call on members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- To take military action against an aggressor;
- To recommend the admission of new members;
- To exercise trusteeship functions of the UN in strategic areas; and
- To recommend to the general assembly the appointment of the Secretary-General; and together with the assembly, to elect the judges of the International Court of Justice.⁵

All members of the UN are expected to accept and carry out the decisions of the Security Council, in accordance with the present Charter.⁶

United Nations Security Council Resolution 2334

On December 23, 2016, the United Nations Security Council adopted UN Security Council Resolution 2334. The Resolution claims that areas Israel began to occupy in 1967 are Palestinian territory and that Israeli settlements in those areas, including East Jerusalem, have no legal validity.

Resolution 2334, provides, in part:

The Security Council,

Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions,

Reaffirms that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace,

Reiterates its demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem, and that it fully respect all of its legal obligations in this regard,

Underlines that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations,

Stresses that the cessation of all Israeli settlement activities is essential for salvaging the two-State solution, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the two-State solution,

⁵ United Nations Security Council, Functions and Powers, <http://www.un.org/en/sc/about/functions.shtml> (last visited Mar. 10, 2017).

⁶ *Id.*

Urges in this regard the intensification and acceleration of international and regional diplomatic efforts and support aimed at achieving, without delay a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadmap and an end to the Israeli occupation that began in 1967; and *underscores* in this regard the importance of the ongoing efforts to advance the Arab Peace Initiative, the initiative of France for the convening of an international peace conference, the recent efforts of the Quartet, as well as the efforts of Egypt and the Russian Federation⁷

Fourteen countries voted to adopt the resolution, with the United States abstaining. The representative of the United States stated that abstaining from the vote followed the long-standing position of the U.S. that the Israeli settlements undermined Israel's security and eroded prospects for peace and stability.⁸

III. Effect of Proposed Changes:

SR 574 proclaims the Senate's opposition to the United Nations Security Council Resolution 2334, adopted December 23, 2016.

The key provisions of the Senate resolution state:

- The passage of Resolution 2334 undermines the long-standing position of the U.S. to oppose and veto Security Council resolutions that attempt to impose solutions that are one-sided and anti-Israel.
- The passage of Resolution 2334 undermines the prospect of Israelis and Palestinians resuming productive, direct, bilateral negotiations.
- Future measures to impose an agreement or parameters for an agreement will set back the peace process and harm the security of Israel.
- The U.S. should oppose and veto future one-sided, anti-Israel Security Council resolutions that seek to impose solutions to final-status issues.

The bill further directs the Secretary of State to dispatch copies of this memorial to the President of the United States, the President and Secretary of the U.S. Senate, the Speaker and Clerk for the U.S. House of Representatives, and the Israeli Embassy in Washington, D.C.

Resolutions are aspirational, in that they have no force of law. A resolution is a request, or a formal petition to the U.S. Congress to act on a particular subject. Legislative resolutions are not subject to the Governor's veto power and are not presented to the Governor for review.

⁷ United Nations Security Council Resolution 2334 (2016), <http://www.un.org/webcast/pdfs/SRES2334-2016.pdf>.

⁸ United Nations, *Israel's Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms: 14 Delegations in Favour of Resolution 2334 (2016) as United States Abstains* (Dec. 23 2016), <https://www.un.org/press/en/2016/sc12657.doc.htm>.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

As resolutions are aspirational in nature, and a request of Congress, they do not create a mandate on a municipality or a county.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
