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**The Obama Administration: Toward a Security Council Resolution
on an Israeli-Palestinian Agreement?**

Zaki Shalom

Following the increase in Palestinian terrorism and heavy pressure from groups on the Israeli political right, the Israeli government has accelerated construction in Jewish settlements in Jerusalem and the West Bank. The cabinet approved plans for construction of 560 housing units in Ma'ale Adumim and 240 housing units in the Jerusalem neighborhoods of Ramot, Gilo, and Har Homa. The construction of about 600 housing units for Palestinians in Givat HaMatos in East Jerusalem was also approved. Earlier, the cabinet approved the transfer of NIS 82 million to Jewish settlements in Judea and Samaria, and the unfreezing of construction of 42 housing units in Kiryat Arba.

In response, US State Department spokesman John Kirby published a detailed and unusually sharp response on July 5, 2016, saying, "We're aware of reports that the Government of Israel intends to advance plans for hundreds of housing units in Israeli settlements in the West Bank as well as East Jerusalem. If it's true, this report would be the latest step in what seems to be a systematic process of land seizures, settlement expansions, and legalizations of outposts that is fundamentally undermining the prospects for a two-state solution." Emphasizing that the administration opposed these measures, which ran counter to the peace process, Kirby noted the "deep concern" about the allocation of land on the West Bank for "exclusive Israeli use."

Kirby also mentioned the Quartet's announcement published on July 1, 2016, which noted that the Jewish population over the Green Line had more than doubled since the Oslo Accords, and had even tripled in Area C: at least 570,000 Israelis currently reside in the West Bank and Jerusalem. Furthermore, some 100 outposts have been built in Area C without official approval from the Israeli government, "making them illegal even according to Israeli law." These measures, according to Kirby, "risk entrenching a one-state reality and raise serious questions about Israel's long-term intentions." Kirby said that the administration's approach included engaging in "tough discussions" with Israeli leaders, and considering ways of working with the Quartet and other members of the international community to advance the two-state solution.

Prime Minister Benjamin Netanyahu generally ignores recurring protests by the US administration regarding approval of building permits in the Jewish communities in the territories; such objections have been routine over the years, particularly during President Obama's term in office. This time, however, he responded with defiance: "We know the US position, it is not new, and [it is also] not acceptable to us. Building in Jerusalem and Ma'ale Adumim is not, in all due respect, distancing peace. What is preventing peace is the continuous incitement against the existence of Israel within any borders, and it is time for the nations of the world to recognize that truth."

On July 27, 2016, the State Department published another, even more severe, criticism of Israel's settlement activity. After listing a series of building permit approvals in Judea and Samaria, Kirby stated that the administration was "deeply concerned...We strongly oppose settlement activity, which is corrosive to the cause of peace. These steps by Israeli authorities are the latest examples of what appears to be a steady acceleration of settlement activity that is systematically undermining the prospects for a two-state solution." He also noted "recent increased demolitions of Palestinian structures in the West Bank and East Jerusalem, which reportedly have left dozens of Palestinians homeless, including children." Mentioning the Quartet report, Kirby charged this was "part of an ongoing process of land seizures, settlement expansion, legalizations of outposts, and denial of Palestinian development that risk entrenching a one-state reality of perpetual occupation and conflict." Jerusalem Mayor Nir Barkat, who presumably coordinated his remarks with Netanyahu, rejected the claims that the measure was a provocation, and said that the Jerusalem municipality operated on an objective basis for the benefit of members of all religions in the city and protected the rights of its residents, as does the United States.

On August 10, 2016, Elizabeth Trudeau, director of the Press Office at the State Department, severely criticized the Israeli government's intention of destroying Palestinian buildings in Sussia. She stressed the administration's concern that these measures would cause great harm to Palestinians living in the area. The following day, she protested reports that the Israeli government planned to find a solution for the outpost of Amona by moving it to another location, while expropriating private land owned by Palestinians. According to Trudeau, what was involved was in effect the founding of a new community, after the Israeli government had legalized 32 illegal outposts over the past year, in violation of its commitment to a two-state solution.

These statements are designed to deliver an unequivocal message: the question of Jewish settlements in the territories is an extremely troublesome issue for the administration, and would continue to occupy it until its legal term ended. Secretary of State John Kerry spoke to the same effect following his meeting with Abu Mazen on July 29, 2016.

Furthermore, in practice, the administration's condemnatory announcements put construction in Jerusalem and elsewhere in the West Bank and the question of outposts under one category. This clearly implies that the administration does not recognize Israel's claim concerning "understandings" on the extent and location of construction in the settlements.

Furthermore, the administration's messages on the issue of the settlements seek to make it clear that it opposes not only Israeli government policy but also measures by Israel's judicial branch, which usually enjoys high international regard. Finally, the timing of the administration statements – in the midst of a stormy presidential campaign – has special significance. The administration is certainly aware that Republican candidate Donald Trump might take advantage of these statements to accuse the Obama administration of an unfriendly attitude towards Israel in the hope of attracting voters, mainly among Jews. However, in the current circumstances, given the high priority attached to this issue by the administration; the tradition of many years of support by a majority of Jews for the Democratic Party; and the criticism in the American Jewish community of the Israeli government's policy on Jewish communities in the territories, the administration presumably believes that most votes in the Jewish community will in any case go to Democratic Party candidate Hillary Clinton – who is supported by President Obama.

These statements may signal a trend in the administration to prepare the ground, including with a diplomatic-ideological justification, for an American refusal to veto a UN Security Council resolution establishing new foundations, less comfortable for Israel, on restarting the peace process. The Obama administration nears the end of its tenure frustrated by its failure to advance the peace process, which was a supreme priority during its term. Statements by President Obama and other administration officials clearly indicate that they put the main responsibility for this failure on the Israeli government and Prime Minister Netanyahu, although the Palestinian Authority too is not absolved of responsibility. It appears that the administration is seeking to end its term with the achievement of having laid the groundwork for a new framework regarding the Israeli-Palestinian peace process. Discussions in the administration are focusing on a resolution to be brought to the Security Council sometime between November 2016 and January 2017, after the elections and before the swearing in of a new president – when there is no need to take electoral considerations into account.

The Israeli government must understand the critical significance of these developments and the far-reaching consequences that can result from a new Security Council resolution. It would create a new political-strategic situation that is almost certainly irreversible and very troublesome for Israel.

The Israeli government should therefore make a concerted effort in the existing circumstances to reach understandings with the Obama administration on questions involving the peace process and the settlements. A threat of retaliatory measures, such as annexation of territories in Judea and Samaria, cancellation of the commitment to the Oslo Accords or the Bar Ilan speech, and depiction of the administration's position on these issues as a bone of contention in the presidential election campaign will not serve Israel's interests at this time.

Netanyahu's stable and powerful standing enables him to undertake bold measures to cope with this challenge. He might thus choose to create a different balance of power than the one prevailing now in his cabinet, thereby signaling his serious willingness to take measures that would meet the expectations of the administration. The fact that the Iranian issue is no longer a major concrete cause for disagreement between Israel and the United States; the fact that remaining questions about US military aid to Israel are likely on the verge of resolution; and the fact that in contrast to the past, the Netanyahu government has conveyed a sense of non-intervention in the presidential campaign, would likely assist Netanyahu's efforts to persuade the American administration to block movement toward a UN Security Council resolution on the Israeli-Palestinian political process.

