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# US Draft Resolution to Condemn Hamas Rejected in the UN

Policy Analysis Unit

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### Policy Analysis Unit

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The United States has failed in its attempt to pass draft resolution at the UN in condemnation of “violent activities” carried out by Hamas against Israel. The draft resolution submitted on 6 December 2018 was rejected despite receiving a majority in the General Assembly of the United Nations, an alarming development in itself. A precursory procedural maneuver undertaken by Kuwait and Bolivia meant the resolution required the approval of two thirds of its 193 members, not just a simple majority, to be passed. The United States condemned the General Assembly for allowing the procedure to be passed<sup>(1)</sup> by a narrow margin (75 to 72 votes with 26 abstentions). It was enough to subvert the US draft resolution, despite the great pressure exerted by Washington on Member States. The US draft resolution won the support of 87 countries while 58 opposed, 32 abstained and 16 were absent. The resolution, had it been approved, would have set a UN historical precedent by condemning the internationally recognized right to resist illegal occupation. The resolutions of the General Assembly of the United Nations are not binding, however.

## Contents of the Draft Resolution

The US draft resolution, “Activities of Hamas and Other Militant Groups in Gaza” was intended to reverse the UN General Assembly’s tradition of condemning the occupation and instead condemn the resistance.<sup>(2)</sup> The move comes as part of President Donald Trump’s attempted strategy to rewrite the traditional rules of international relations.

The draft resolution, which echoes the speeches of Israeli Prime Minister Benjamin Netanyahu, condemned Hamas for “repeated firing rockets into Israel.” It also condemned “the use of resources by Hamas in Gaza to construct military infrastructure, including tunnels to infiltrate Israel and equipment to launch rockets into civilian areas”. The draft demanded that “Hamas and other militant actors, including Palestinian Islamic Jihad, cease all provocative actions and violent activity, including by using airborne incendiary devices”. It also “encourages tangible steps towards intra-Palestinian reconciliation” and “concrete steps to reunite the Gaza Strip and the West Bank under the Palestinian Authority and ensure its effective functioning in the Gaza Strip.” At the request of European countries, the United States agreed that its draft resolution should include a provision “reaffirming support for a just, lasting and comprehensive peace between Israelis and Palestinians, in accordance with international law, and bearing in mind relevant United Nations resolutions”.<sup>(3)</sup> However, the document does not explicitly refer to the two-state solution, despite representing the legal basis for all United Nations resolutions adopted in recent years.

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1 Ambassador Nikki Haley, “Remarks on a Procedural Vote at a UN General Assembly Meeting on a U.S. Draft Resolution to Condemn Hamas Terrorism,” U.S. Mission to the United Nations, December 6, 2018, accessed on 16/12/2018, at: <https://usun.state.gov/remarks/8838>

2 “Activities of Hamas and Other Militant Groups in Gaza – GA Draft Resolution (A/73/L42),” The United Nations, November 29, 2018, accessed on 16/12/2018, at: <https://goo.gl/PMUQn5>

3 Ibid.



## Motivations for the US

The American move to condemn Hamas through the General Assembly can be read in three contexts:

1. The resolution aims to strip Hamas of any international legitimacy, legitimize the Israeli siege of the Gaza Strip, and any military measures Israel might choose to take against it.
2. The attempt comes within a context of reports that the White House is on the verge of unveiling its peace plan between Palestinians and Israelis.<sup>(4)</sup>
3. The US envoy to the United Nations coordinated the move closely with the White House, the State Department and the US National Security Council,<sup>(5)</sup> but outgoing US Ambassador to the United Nations, Nikki Haley, was the driving force. Since taking office two years ago, she has prioritized the defense of Israel and blocked any attempts to criticize and condemn it. Haley, who resigned from her position in October 2018 and is set to leave at the end of the year, seems to have wanted to conclude her career at the United Nations with a parting gift to Israel. This is evident in the personal efforts she made to pass the draft resolution by putting pressure on many Member States. She went as far as warning the states voting against the draft resolution that The United States takes the results of this vote “very seriously.” In her address to the General Assembly, Haley did not miss an opportunity to confirm her full bias towards Israel and saying that “the UN is on record for its hostility toward the State of Israel.”<sup>(6)</sup> Haley’s efforts to appease Israel and the Zionist lobby in the United States are not unlikely to be part of a wider political investment if she decides to run for office in the future.

## The Voting Pattern and its Implications

Washington has failed to pass a draft resolution condemning the Palestinian resistance. However, it is noteworthy that the resolution had the support of the majority of member states (87 vs 58), which is unprecedented in the General Assembly’s treatment of the Palestinian question. This cannot be understood outside the context of internal Palestinian fractures and the normalization of Arab relations with Israel. This has weakened the Palestinian and Arab diplomatic fronts when addressing the question of Palestine. If Kuwait and Bolivia had not succeeded in convincing the General Assembly that the draft resolution should be adopted by a two-thirds majority, the draft would have been passed. Yet this does not necessarily mean the support of the legitimate rights of the Palestinian people has diminished in the United Nations. A draft resolution submitted by Ireland directly after the failure of the US draft resolution affirmed the formula of the two-state solution

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4 Carol Morello & Loveday Morris, “Resolution Condemning Hamas Fails at U.N. in Setback for Israel and Trump Administration,” The Washington Post, December 6, 2018, accessed on 16/12/2018, at: <https://goo.gl/osFPnf>

5 Adam Shaw & Ben Evansky, “UN Fails to Adopt US Resolution Condemning Hamas Terrorism,” Fox News, December 6, 2018, accessed on 16/12/2018, at: <https://goo.gl/gheuv6>

6 Ambassador Nikki Haley, “Remarks at a UN General Assembly Meeting on a U.S. Draft Resolution to Condemn Hamas Terrorism,” U.S. Mission to the United Nations, December 6, 2018, accessed on 16/12/2018, at: <https://usun.state.gov/remarks/8840>



and condemned the Israeli settlement policy. It garnered overwhelming support from the General Assembly, with 156 countries in favor, opposed only by Israel, the United States, Australia, Liberia and the Marshall Islands.

Most of the countries that voted in favor of the US draft resolution were in Europe, the Americas and the Pacific Basin. The United States failed to win supporters in the Middle East and failed to win over Muslim majority countries.<sup>(7)</sup> There appears to be a decline in the level of support for the Palestinians among South American countries such as Brazil, which may transfer its embassy to Jerusalem after the success of the right-wing candidate in the recent presidential elections. Also noteworthy is that all European countries voted in favor of the US draft (with conditions), including Ireland, Sweden, Portugal and Spain, which are traditionally more supportive of Palestinian rights. While Arab and African normalization with Israel may have affected European countries in this vote, it has not been translated into direct and explicit positions against the Palestinians so far. For example, the Sultanate of Oman, which Netanyahu visited weeks ago, voted against the resolution. Egypt and Jordan, which have peace treaties with Israel, also voted against the resolution, as did the United Arab Emirates and Saudi Arabia, although the Saudi delegate seemed closer in his speech to the US position, implicitly condemning Hamas. The Arab states, which are rushing to strengthen ties with Israel, seem reluctant to openly appear as a single bloc against the Palestinians.

Most of the African continent voted against the draft resolution or abstained. The resolution was supported by Cape Verde, Uganda, Liberia, South Sudan, Eritrea, Rwanda and Malawi, despite Eritrea having observer status in the Arab League. Muslim majority countries, Albania and Azerbaijan voted in favor of the resolution.

India abstained, despite recent rapprochement with Israel, while China and Russia voted against the US draft resolution.

## Conclusion

The US resolution failed but reveals the extent to which the Trump administration will go in its support for Israel. The White House will continue to show international solidarity with Tel Aviv, even at the expense of human values and international laws and resolutions. The Trump administration continues its efforts to create new facts on the ground in order to redefine Palestinian rights and the criteria and parameters of any future solution. The Trump administration already recognized Jerusalem as the capital of Israel in December 2017 and transferred the US Embassy accordingly in May 2018<sup>(8)</sup>. This was followed by the complete cessation of US funding to UNRWA in an attempt to force the organisation to redefine the Palestinian refugee. The new definition would eliminate

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7 Seth J. Frantzman, "U.N.'s Failure to Condemn Hamas shows U.S., Israel Have work Ahead," The Jerusalem Post, December 7, 2018, accessed on 16/12/2018, at: <https://goo.gl/hmi28z>

8 "Trump: Israel will Pay 'Higher Price' for His Jerusalem Recognition," Ynet, August 22, 2018, accessed on 16/12/2018, at: <https://goo.gl/PWWZeF>



the refugee status of the children of the refugees and their descendants. Trump argues that his approach of creating a new status quo serves the Palestinian-Israeli peace negotiations. But Trump's administration would not have succeeded in passing many of its policies had it not been for the weakness of the Palestinian and Arab positions. All this has been reflected in an overall decline in support from the UN General Assembly, which has historically stood closer to Palestinian rights. Sensing this decline, the United States was encouraged to put the draft resolution before the General Assembly, confident it would pass.