



December 29, 2016

How UN Security Council Resolution 2334 Relates to Palestinian Terrorism



The UN Security Council vote on Resolution 2334 (UN website, December 23, 2016).

Overview

On December 23, 2016, the UN Security Council passed Resolution 2334, with 14 countries voting in favor. The United States abstained allowing the resolution to pass. Resolution 2334 deals mostly with the Israeli settlements in Judea, Samaria and east Jerusalem, over which there is broad international consensus. **The issue of terrorism is included in the resolution but its weight is slight (as opposed to extensive dealing with the settlements, which are represented as the main obstacle to peace).** Moreover, for the most part the terminology used in dealing with terrorism is general and vague. The resolution **does not explicitly refer to Palestinian terrorism, the Palestinian terrorist organizations (especially Hamas) and popular terrorism and violence** (the so-called "popular resistance"). (For the paragraphs of the resolution dealing with terrorism and violence see **Appendix A.**)

1. **By not explicitly mentioning Palestinian terrorism and the Palestinian terrorist organizations, the resolution can be expected to lead the Palestinians to interpret the operative paragraphs dealing with terrorism and violence as relating to Israel and not Palestinian terrorism** (Paragraphs 6 and 7; see Appendix A). That was

manifested at the recent 7th Fatah Movement conference when Mahmoud Abbas rejected terrorism "regardless of motive and source," including the terrorism of a country [i.e., Israel] and the settlers. He claimed that "we [Palestinians] adhere to culture and tolerance."

2. By focusing on the settlements, and **not making explicit reference to Palestinian terrorism**, the resolution strengthens the Palestinian claim (insinuated into the public discourse of the international community) that **the settlements and not Palestinian terrorism are the main obstacles to peace and the two-state solution**. Thus the conclusion is that the settlements and not Palestinian terrorism should be the main priority of political negotiations. **That ignores the overwhelming role of Palestinian terrorism in undermining the Oslo Accords and other agreements, and in disrupting attempts to launch an Israeli-Palestinian dialogue** (achieving one of the goals of the terrorist attacks of Hamas and the other terrorist organizations). Moreover, the wording of the paragraphs dealing with terrorism **may encourage Palestinian terrorism, and popular terrorism in particular, which is considered legitimate by the PA and Fatah.**¹

3. **Thus it is no wonder that Resolution 2334 won unexpectedly broad support in the internal Palestinian arena, from the PA to Hamas and the Palestinian Islamic Jihad (PIJ)**. That is because the Palestinians regard it as a tool for advancing their fight against the settlements and their efforts to isolate Israel internationally. At the same time, as far as they are concerned, **the resolution does not commit them to abandoning violence and terrorism** (when the resolution was passed, popular terrorism attacks in Judea and Samaria continued alongside Hamas efforts to promote military-type attacks, including mass-casualty attacks, in population centers in Israel). Publicly, Hamas spokesmen stressed that while they supported Resolution 2334, the "worthy solution" for the conflict with Israel was **the path of "resistance" [i.e., terrorism] even if it included "convoys of shaheeds"** (al-Aqsa, December 25, 2016).

4. In a speech given on December 28, 2016, John Kerry, the American secretary of state, represented the resolution as balanced. He said it "condemns violence and incitement" and expressed the broad international consensus against the settlements. However, a careful reading of the resolution indicates **it is not balanced**. It expresses the **fundamental Palestinian position** focusing on the settlements, while making no

¹ For further information, see the December 12, 2016 bulletin, "The 7th Fatah Movement Conference Again Legitimizes Popular Terrorism (The So-Called 'Peaceful Popular Resistance')," at <http://www.terrorism-info.org.il/en/article/21107>.

clear reference to fighting Palestinian terrorism, both military and "popular." Palestinian terrorism, however, is **the main obstacle to any attempt for a dialogue between Israel and the Palestinians.**

Appendix A

The Paragraphs of the Resolution Relevant to the Issue of Terrorism and ITIC Comments²

No.	Paragraph ³	ITIC Remarks
1	<p>“Recalling also the obligation under the Quartet roadmap for the Palestinian Authority Security Forces to maintain effective operations aimed at confronting all those engaged in terror and dismantling terrorist capabilities, including the confiscation of illegal weapons.” [Preamble]</p>	<p>✓ This is the clearest paragraph referring to the obligation of the PA to institute an effective fight against terrorism. However, it appears in the preamble and not in the operative paragraphs, and it does not specifically define terrorism (Hamas and the other terrorist organizations which the PA is supposed to confront are not mentioned by name).</p> <p>✓ Most of the terrorism of recent years in Judea, Samaria and Jerusalem is not the "military-type" terrorism referred to, but rather popular terrorism (the "popular resistance"), which also spread to Israel during the past year.</p> <p>✓ The PA does not confront popular terrorism, but rather supports it by falsely representing it as "peaceful popular resistance," despite its lethal terrorism and violence. The PA can be expected to claim that the quoted paragraph of the preamble does not refer to the "popular resistance" but rather to "military-type" terrorism, and thus it will continue to legitimize</p>

² ITIC emphasis throughout.

³ <http://www.un.org/apps/news/story.asp?NewsID=55874#.WF92StQrLGg>

		violence and terrorism.
2	<p>“Condemning all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction,” [Preamble]</p>	<p>✓ That does not unequivocally condemn Palestinian terrorism and violence. It is liable to be interpreted by the Palestinians as directed against Israel, accusing it as the party carrying out "acts of terror, as well as all acts of provocation, incitement and destruction acts of violence against civilians."</p> <p>✓ "Destruction" most likely refers to the razing of the houses of terrorist operatives, and can be expected to reinforce the Palestinian interpretation that the resolution condemns Israel and not Palestinian terrorism and violence.</p>
3	<p>“Calls for immediate steps to prevent all acts of violence against civilians, including acts of terror, as well as all acts of provocation and destruction, calls for accountability in this regard, and calls for compliance with obligations under international law for the strengthening of ongoing efforts to combat terrorism, including through existing security coordination, and to clearly condemn all acts of terrorism;” (Paragraph 6)</p>	<p>✓ Given the lack of a specific reference to Palestinian terrorism, the PA can also be expected to interpret Paragraph 6 as Israeli terrorism and violence against Palestinian civilians.</p> <p>✓ There is no call for an end to violence against soldiers, which in all probability was not an oversight. Nowhere in the entire resolution is there a mention of ending attacks on the Israeli security forces (i.e., those fighting Palestinian terrorism).</p> <p>✓ Paragraph 6 legitimizes the PA's security coordination with Israel but can be expected to be interpreted by the PA as directed against "military terrorism" and not the "the popular resistance" (i.e., popular terrorism) supported by the PA.</p>

4	<p>"Calls upon both parties to act on the basis of international law, including international humanitarian law, and their previous agreements and obligations, to observe calm and restraint, and to refrain from provocative actions, incitement and inflammatory rhetoric, with the aim, inter alia, of de-escalating the situation on the ground, rebuilding trust and confidence, demonstrating through policies and actions a genuine commitment to the two-State solution, and creating the conditions necessary for promoting peace" (Paragraph 7)</p>	<p>According to the Palestinians, the "popular resistance" is legitimate, non-violent and consistent with international law. Without specific reference to Palestinian terrorism, the call to "refrain from provocative actions, incitement and inflammatory rhetoric" can also be expected to be interpreted as directed against Israel.</p>
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Appendix B

The Full Text of UN Security Council Resolution 2334⁴

“The Security Council,

“Reaffirming its relevant resolutions, including resolutions [242 \(1967\)](#), [338 \(1973\)](#), [446 \(1979\)](#), [452 \(1979\)](#), [465 \(1980\)](#), [476 \(1980\)](#), [478 \(1980\)](#), [1397 \(2002\)](#), [1515 \(2003\)](#), and [1850 \(2008\)](#),

“Guided by the purposes and principles of the Charter of the United Nations, and reaffirming, *inter alia*, the inadmissibility of the acquisition of territory by force,

“Reaffirming the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and *recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice,

“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,

“Expressing grave concern that continuing Israeli settlement activities are dangerously imperilling the viability of the two-State solution based on the 1967 lines,

“Recalling the obligation under the Quartet Roadmap, endorsed by its resolution [1515 \(2003\)](#), for a freeze by Israel of all settlement activity, including “natural growth”, and the dismantlement of all settlement outposts erected since March 2001,

“Recalling also the obligation under the Quartet roadmap for the Palestinian Authority Security Forces to maintain effective operations aimed at confronting all those engaged in terror and dismantling terrorist capabilities, including the confiscation of illegal weapons,

“Condemning all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction,

⁴ <http://www.un.org/apps/news/story.asp?NewsID=55874#.WF92StQrLGg>

“Reiterating its vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders,

“Stressing that the status quo is not sustainable and that significant steps, consistent with the transition contemplated by prior agreements, are urgently needed in order to (i) stabilize the situation and to reverse negative trends on the ground, which are steadily eroding the two-State solution and entrenching a one-State reality, and (ii) to create the conditions for successful final status negotiations and for advancing the two-State solution through those negotiations and on the ground,

“1. *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;

“2. *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;

“3. *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;

“4. *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. *Calls* upon all States, bearing in mind paragraph 1 of this resolution, to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

“6. *Calls* for immediate steps to prevent all acts of violence against civilians, including acts of terror, as well as all acts of provocation and destruction, calls for accountability in this regard, and calls for compliance with obligations under international law for the strengthening of ongoing efforts to combat terrorism, including through existing security coordination, and to clearly condemn all acts of terrorism;

“7. *Calls upon* both parties to act on the basis of international law, including international humanitarian law, and their previous agreements and obligations, to observe calm and restraint, and to refrain from provocative actions, incitement and

inflammatory rhetoric, with the aim, *inter alia*, of de-escalating the situation on the ground, rebuilding trust and confidence, demonstrating through policies and actions a genuine commitment to the two-State solution, and creating the conditions necessary for promoting peace;

“8. *Calls upon* all parties to continue, in the interest of the promotion of peace and security, to exert collective efforts to launch credible negotiations on all final status issues in the Middle East peace process and within the time frame specified by the Quartet in its statement of 21 September 2010;

“9. *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 Federation;

“10. *Confirms its determination* to support the parties throughout the negotiations and in the implementation of an agreement;

“11. *Reaffirms* its determination to examine practical ways and means to secure the full implementation of its relevant resolutions;

“12. *Requests* the Secretary-General to report to the Council every three months on the implementation of the provisions of the present resolution;

“13. *Decides* to remain seized of the matter.”

For information media. Not an official record.