Will the UN’s Gaza Resolution Be Totally Anti-Israel or Just Mostly So?

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A resolution endorsing a controversial report on last year’s Gaza War will be voted on by the United Nations Human Rights Council later this week, and while its passage is all but a foregone conclusion, the exact wording of the measure is still being hotly debated between the Palestinian delegation and the European Union.

The Palestinians’ first draft, a copy of which was obtained by The Times of Israel, is blatantly one-sided. It contains various harshly-worded condemnations of Israel but doesn’t mention Hamas once or suggest any guilt on the part of the Palestinian terror group, which is seen as the de-facto ruler of the Gaza Strip.

The draft’s anti-Israel slant led the six EU member states currently on the council to reject it out of hand.

“It’s unacceptable to us,” a senior European diplomat said about the draft resolution.

But it’s not yet clear how much the Palestinians will be willing to tone down their rhetoric.

Among the document’s broadsides is a clause expressing regret over the “repeated failure by Israel to carry out genuine investigations in an impartial, independent, prompt and effective way as required by international law” and its “systematic failure to investigate the role of senior officials in alleged violations of international humanitarian law.”

At the same time, the draft stresses that “the strengthening of internal Palestinian mechanisms of accountability [will require] an end to Israel’s policy of separation between the Gaza Strip and the West Bank.”

The resolution thus not only accuses Israel of committing offenses with impunity, it also holds Israel responsible for the fact that the Palestinians don’t investigate Hamas’s war crimes.

After the EU states told the Palestinians that they could not support this text, they were presented with a revised draft, which took out some of the most problematic formulations.

But the Europeans, who are eager to toe the same line, were still not fully satisfied and demanded further changes, which led to a second round of negotiations, according to several diplomats.

At this moment, it is unclear which text the Palestinians are going to submit.

Israeli diplomats are currently working feverishly to convince as many Western states as possible to reject the resolution, regardless of which version will end up on the ballot. A vote for this resolution, they argue, is a vote for terror, and this can come back to haunt you.

“The Human Rights Council would like to tie Israel’s hands behind its back,” said Daniel Meron, the head of the Foreign Ministry’s UN and international organizations division. “For the free world — for any country with similar challenges of terrorism — this decision could impede their ability to combat terrorism in the future.”

Several scenarios are possible for the vote on the MacGowan Davis report, which will likely take place either Thursday or Friday.

If the Palestinians adopt all the changes required by the EU states — Germany, Britain, France, the Netherlands, Portugal and Ireland — they will vote in favor.

Why would Ramallah soften the resolution if its passing is guaranteed even without the Europeans? While the Palestinian cause has an automatic majority in the 47-member council, Ramallah apparently values what Western diplomats call a “quality majority.”

It’s one thing to denounce Israel with the votes of Algeria, Cuba, Pakistan and Saudi Arabia, but it would mean so much more to the Palestinians if Paris, Berlin and London were to join the chorus of condemnation.

But this scenario is exceedingly unlikely. As much as Ramallah would love an EU-wide yes vote, it will probably not make all the changes the Europeans request, but instead aim for the harshest denunciation of Israel that will still secure several Western votes, according to diplomats familiar with the process.

Therefore it appears likely that they will give in to some of the European demands, to make them feel they achieved something by having improved a bad text, and that they now need to reward the Palestinians’ flexibility with support for their resolution.

“It’s difficult to vote against UN resolutions on human rights,” a senior European diplomat told The Times of Israel this week, who, like several other diplomats interviewed for this article, spoke on the condition of anonymity.

Ramallah could also roll the dice and propose their original draft in the hopes the Europeans will still vote yes or at least abstain. Some states, such as Ireland and perhaps Portugal and France, might indeed do that, while Germany and others would likely abstain or oppose.

If the Palestinians submit a revised draft removing some of the more problematic passages, but still presenting a one-sided view, the EU states can reasonably be expected to consent to abstain instead of voting “no.”

“At the end of the day, it’s the Palestinians who are holding the pen,” a European diplomat told The Times of Israel this week. “We can’t realistically expect them to adopt all our demands; we don’t expect their resolution to be a perfect reflection of our position. There is only so much we can do at the Human Rights Council.”

In July 2014, all EU states who were on the council at the time, including the Czech Republic, [abstained on a heavily one-sided resolution](http://www.timesofisrael.com/why-nobody-but-the-us-voted-against-the-uns-anti-israel-resolution/) condemning “in the strongest terms the widespread, systematic and gross violations of international human rights and fundamental freedoms arising from the Israeli military operations” in Gaza.

This resolution, which was only opposed by the US, also created the “commission of inquiry” that last week published its report suggesting that both Israel and Palestinian “armed factions” might have committed war crimes during Operation Protective Edge.

At the time, the EU admitted that the resolution was “unbalanced, inaccurate” and “fails to condemn explicitly the indiscriminate firing of rockets into Israeli civilian areas as well as to recognize Israel’s legitimate right to defend itself.”

But as the union explained in a statement, it was impossible to get a different outcome. We tried to reason with Palestinians officials to change the text, but to no avail, European diplomats said then.

“The UK could not support this resolution,” the then-UK foreign secretary Philip Hammond declared at the time, “but recognizing the strength of feeling about the loss of life and the desire by a large number of members of the Council to express that feeling in a resolution, the UK joined other EU nations in abstaining on the vote.”

It is not outlandish to assume that history might repeat itself later this week when the council votes on the draft.

A European ‘no’ vote is still possible, albeit unlikely, the European diplomat said.

“It’s a trade-off. The resolution will pass anyway. So we can either let them pass a totally imbalanced resolution, or we can engage them and have them agree to something that may not be not be perfect but much more acceptable,” the diplomat said. “The ball is in the Palestinians’ court. They need to accommodate our concerns more than they have done so far, if they want a positive outcome for them.”