International Law Expert: Palestinian Security Council Resolution Condemning Israeli Settlements Political Statement, Not Binding

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A Palestinian Authority-drafted UN Security Council resolution condemning Israeli settlements would not be legally binding, even if it passed, an expert in international law said on Monday.

Alan Baker, a former Israeli ambassador to Canada who heads the Institute for Contemporary Affairs at the Jerusalem Center for Public Affairs (JCPA), was referring to the PA resolution, which has been circulating ahead of President Mahmoud Abbas’ multi-country trip on which he embarked Tuesday. Aside from visiting Turkey, France, Russia and Germany, Abbas will stop in New York, where he aims to try to further his agenda at the UN.

“I presume and hope that the Americans will veto such a resolution, because [it] is purely a political statement — not a legal holding,” said Baker, who participated in the negotiation and drafting of past agreements with the Palestinians. But even if they don’t, he said, “The resolution will have no basic effect.”

Baker made his comments in a [televised in-house interview](https://www.youtube.com/watch?v=9yUPIGb83-I) conducted by JCPA Director of Publications Lenny Ben-David, who asked if such a resolution, if passed, could lead to sanctions against Israel.

“No,” Baker replied. “If the resolution isn’t mandatory according to the seventh chapter of the UN Charter – and no Middle Eastern resolutions have been adopted according to the seventh chapter – it can’t lead to sanctions.”

On the question of whether the resolution would push Israel into negotiations, Baker said, “One of the aims of the draft resolution, as much as we know, is [for the Palestinians to] get back to a negotiating mode… But it’s somewhat strange, because three or four weeks ago in Japan, the Palestinian foreign minister announced formally that the Palestinians have given up the negotiating channel. So perhaps they should decide what they want. Either they’re giving up negotiations or proposing resolutions to get back to negotiations. Everybody’s confused.”