



Actions by the United Nations Undermine Israel's Right to Self-Defense

Morgan Viña
Vice President for Government Affairs

Yoni Tobin
Policy Analyst

Israel's military response to Hamas's October 7 terrorist attack has drawn a swift response from the United Nations. Since October 16, there have been 16 UN Security Council sessions and 10 resolutions [drafted](#) by member states on the conflict. However, instead of condemning Hamas for its horrific acts of terror, UN officials and member states have repeatedly condemned Israel.

The latest UN Security Council (UNSC) [resolution](#), introduced by the United Arab Emirates and passed on December 22, called for "all parties" to follow international law and strongly implied that Israel is engaging in war crimes. The United States abstaining from voting on, rather than vetoing, this resolution is a dangerous divergence from its positive actions in support of Israel, including essential weapons sales and defending Israel against spurious accusations.

The Biden administration should adopt a diplomatic strategy at the United Nations that combines offense against Israel's political opponents with defense against any UN action that would undermine Israel's security.

What Happened?

- On December 22, after the United States abstained from voting, the UNSC [passed](#) UN Security Council Resolution (UNSCR) 2720, introduced by the United Arab Emirates. The resolution did not recognize Hamas's role in the conflict, and it implied that Israel is targeting "UN facilities and their surroundings" by reaffirming that such places are protected under international humanitarian law.
 - » The resolution called on "all parties" to avoid striking "hospitals, medical facilities, schools, [and] places of worship" without condemning Hamas's blatant violation of international law by [operating](#) from such facilities.
 - » It also suggested that Israel is responsible for "forced displacement" of the population in Gaza, as it called for "all parties" to follow their "obligations under international law, including international humanitarian law, notably with regard to the protection of civilians," implying a moral equivalency between Israel and Hamas.
 - » It further called for the United Nations to appoint a coordinator with responsibility for "facilitating, coordinating, monitoring, and verifying" aid flows into Gaza, an obvious security risk given Hamas's efforts to smuggle weapons into Gaza and Israel's need to have responsibility for monitoring and verification of inbound shipments into Gaza as a result.

Anti-Israel Resolutions at the UN Security Council Since October 7

<u>Date</u>	<u>Description</u>	<u>U.S. Action</u>	<u>Outcome</u>
October 16	Russia-introduced UNSC resolution called for an immediate ceasefire and did not mention Hamas.	Veto	Failed
October 18	Brazil-introduced UNSC resolution “expressed grave concern at the escalation of violence and the deterioration of the situation ... in particular the resulting heavy civilian casualties” and only mentioned Hamas once.	Veto	Failed
October 18	Russia-introduced amendment to Brazil’s resolution implicitly condemned Israel for causing “heavy civilian casualties” in the Gaza Strip.	Veto	Failed
October 25	Russia, Sudan, and Venezuela-introduced resolution blamed Israel for a “heinous strike” on a hospital that was actually an explosion caused by a misfired Palestinian Islamic Jihad rocket.	Veto	Failed
November 15	Malta-introduced resolution implicitly condemned Israel for “forced displacement of the civilian population” and only mentioned Hamas once.	Abstain	Passed
December 8	UAE-introduced resolution suggested incorrectly that Israel is committing war crimes and failed to mention Hamas once.	Veto	Failed
December 22	UAE-introduced resolution implied a moral equivalence between Israel and Hamas, suggested incorrectly that Israel is committing war crimes, and failed to mention Hamas once.	Abstain	Passed
December 22	Russia-introduced resolution called for an “urgent suspension of hostilities.”	Veto	Failed

Why Is It Important?

- Each conflict Israel fights against its terrorist adversaries inevitably brings both attempts to impose a premature ceasefire and spurious accusations that Israel's military operations violate the law of armed conflict. Israel's response to Hamas's attack on October 7 has been no different. The United States has a key diplomatic role to play in defending Israel against biased actors that malign Israel and undermine its right to self-defense, and the United States strongly backed Israel at the UNSC in the early stages of the war. However, the United States chose not to veto UNSCR 2720, which implicitly accused Israel of war crimes and suggested a moral equivalence between Israel and Hamas. Abstaining from voting on such resolutions will only encourage more delegitimization of Israel's right to self-defense and set a dangerous precedent of the United States yielding to diplomatic pressure.
- By refusing to condemn the horrors committed by Hamas on Israeli civilians on October 7, and by failing to respect Israel's sovereign right to defend its land and people, the United Nations continues to demonstrate an extreme bias against Israel.
- On two separate occasions in the weeks following the worst terrorist attack in Israeli history, UN Secretary-General António Guterres implied that Hamas's patently genocidal intent—on full display in the events of October 7—was the [result](#) of Israel's "suffocating occupation."
 - » Two days after October 7, Guterres [insinuated](#) that Israel bore partial responsibility for the attack, saying that "this most recent violence [referring to 10/7] does not come in a vacuum. The reality is that it grows out of a long-standing conflict, with a 56-year-long occupation and no political end in sight. It's time to end this vicious circle of bloodshed, hatred and polarization."
 - » Less than three weeks after the attack, Guterres doubled down, [saying](#), "it is important to also recognize the attacks by Hamas did not happen in a vacuum. The Palestinian people have been subjected to 56 years of suffocating occupation. They have seen their land steadily devoured by settlements and plagued by violence; their economy stifled; their people displaced and their homes demolished. Their hopes for a political solution to their plight have been vanishing."
 - In response, then-Israeli Foreign Minister Eli Cohen [announced](#) that he refused to meet with the Secretary-General. Israel's Permanent Representative to the United Nations, Gilad Erdan, [called on](#) Guterres to resign.
 - Guterres's comments also drew condemnation from Congress. Senator Lindsey Graham (R-SC) sent a letter to Guterres the next day [demanding](#) that he correct his statement "before lasting damage is done to the United Nations." Additionally, more than a dozen members of Congress [wrote](#) to U.S. Permanent Representative to the United Nations Linda Thomas-Greenfield urging her to condemn Guterres's remarks.
- Further demonstrating the UN's unique hostility towards Israel, on December 6—for the first time in his tenure as Secretary-General and among the only times in UN history—Guterres, in a letter to the UNSC, explicitly [invoked](#) Article 99 of the UN Charter. Article 99 authorizes the Secretary-General to raise matters to the attention of the Security Council on any issue which is deemed to threaten the maintenance of international peace and security.
 - » In the letter, Guterres reiterated his previous demand for a ceasefire and called on the international community (i.e., the Security Council) to "use all its influence to prevent further escalation and end this crisis."
 - » Article 99 has been explicitly invoked fewer than a half a dozen times in the UN's 78-year history, and was [not invoked](#) during the Rwandan, Cambodian, or Darfur genocides, during the Balkan Wars of the 1990s, or at any point after the 9/11 attacks.

- » Article 99 is a largely symbolic tool, and the Security Council can use its discretion to choose whether to act on an Article 99 invocation or not. However, two days after Guterres’s letter was published, at a session convened in response to the Article 99 invocation, the United Arab Emirates [introduced](#) a resolution that did not mention Hamas’s role in the suffering of Gaza’s civilian population.
 - The resolution also implied a moral equivalence between Israel and Hamas while also incorrectly implying that Israel is committing war crimes by targeting civilian facilities. Standing firm with Israel, the United States vetoed the resolution.
- The UN’s calls for actions such as a premature ceasefire would make Israel less safe and allow Hamas to persevere. Should a ceasefire take effect without Hamas being neutralized as a military threat, Israel’s leaders will have left their people more vulnerable than before October 7.
 - » Russia [introduced](#) a Security Council resolution on October 16 calling for a ceasefire, undermining Israel’s sovereign right to defend its territory and eliminate the terrorist threat Hamas poses to its land and people. The resolution was rightly vetoed by the United States, the United Kingdom, and France.
 - » Brazil [introduced](#) a Security Council resolution on October 18 that condemned “all violence and hostilities against civilians” and called on all parties to “exercise maximum restraint.” Nine days later, Jordan [called](#) an emergency session of the UN General Assembly to vote on a resolution that called for an immediate truce, which passed.
 - While Israel has undertaken an inordinate and virtually unprecedented number of precautions to [protect](#) civilians in the conflict, for Israel to not retaliate against Hamas would be tantamount to Israel accepting another October 7-style attack in the future.
 - Hamas has repeatedly declared its intention to continue staging large-scale attacks on Israel like the October 7 attack. In the [words](#) of senior official Ghazi Hamad, the October 7 attack was “just the first time, and there will be a second, a third, a fourth ... on October 7, October 10, October 1,000,000 ... we will do this again and again.”
- The Biden administration has mostly been resolute in its support for Israel at the United Nations, and has also supported Israel’s war effort in other key ways, like sending Israel crucial armaments and defending it against spurious charges of genocide.
 - » The United States encouragingly [introduced](#) a resolution on October 25 that condemned Hamas, but which was vetoed by China and Russia. The United States has blocked all resolutions criticizing Israel except for a resolution on November 15 it abstained from voting on, and most recently, one on December 22, which it abstained from voting on, [reportedly](#) because it did not condemn Hamas.
 - » The Biden administration [inked](#) an emergency arms sale with Israel on December 29 in which the United States agreed to provide approximately \$147.5 million in equipment such as fuses, chargers and primers.
 - The equipment was a complement to another arms sale earlier in December, in which the U.S. government sold Israel roughly 14,000 rounds of 155 mm shells.
 - » In response to a reporter’s question on November 20 about allegations that Israel is committing genocide, White House National Security Council Coordinator for Strategic Communications John Kirby [said](#), “this word ‘genocide’ is getting thrown around in a pretty inappropriate way ... Israel is not trying to wipe the Palestinian people off the map. Israel is not trying to wipe Gaza off the map. Israel is trying to defend itself against a genocidal terrorist threat.”

- Kirby added that genocide is “what Hamas wants” and noted that Hamas seeks to “wipe Israel off the map. They’ve said so publicly on more than one occasion.”
- However, when the United States abstained, as opposed to voting no, from voting on UNSCR 2720, it implicitly conveyed that the United States prizes UNSC consensus over providing steadfast support for Israel. One senior U.S. diplomat [explained](#) to *CNN*, “we would love to see a condemnation of Hamas ... we don’t understand why the council can’t just explain exactly how we got to where we are. But at the end of the day, that’s what diplomacy is all about.”
- If the United States yields to international pressure at the UNSC on the Israel-Hamas war and signals a reluctance to use its veto power, political opponents of the United States at the UN—chiefly Russia and China—will inevitably exploit the opportunity to push dangerous agendas on issues including, but not limited to, the Israel-Hamas war.

What Should the United States Do Next?

- The Biden administration should maintain its strong support of Israel at the United Nations. In the face of growing pressure on Israel for a ceasefire and accusations of war crimes, the United States should adopt a diplomatic strategy at the United Nations that utilizes both an offensive approach, including a public condemnation of Guterres’s comments, and a defensive approach that robustly defends Israel from biased resolutions at the UN.
 - » As part of the offensive strategy, the administration should publicly reenforce its support for Israel and make clear in private conversations with the Secretary-General that his bias against Israel and repeated calls for a ceasefire have implications for U.S. support for the United Nations and could impact the flow of humanitarian assistance to Gaza. This is especially important given that UN agencies such as the UN Relief Works Agency (UNRWA), as [previously noted](#) by JINSA, have been used by Hamas to prosecute terror against Israel.
 - » The defensive approach should include voting down any UN action that would coerce Israel into undermining its security and ensuring that any text included in Security Council resolutions aligns with Israel’s goals and objectives for prosecuting its war against Hamas. It also requires engaging in tough conversations with like-minded member states that voted in favor of, or abstained from voting on, Security Council or General Assembly resolutions criticizing Israel.
- Congress should hold Secretary-General Guterres accountable for his biases. This includes refusing to meet with UN officials until previous statements have been corrected as well as heightening scrutiny of any future U.S. funding that will go to UN relief efforts in Gaza and the West Bank.
- Additionally, Congress should clearly communicate to international partners, including while they are on official travel or through embassies in Washington, that the United States will view future relations through the lens of how the partner country responds to Israel’s war against Hamas.