

## JVP Policy Briefing: Re-Examining Military Aid to Israel

*January, 2015*

### **Issue Summary**

U.S. policy has consistently opposed ongoing settlement expansion in the West Bank, however, Israeli settlements are still being built. At the same time, Israel continues to receive ever expanding military aid from the United States. Jewish Voice for Peace recommends a comprehensive review of U.S. military aid to Israel, to ensure that this aid is used in compliance with U.S. law and is not used to violate the fundamental human rights of Palestinians under Israeli control. We further recommend an amendment to The U.S. Israel Strategic Partnership Act, H.R. 938/S. 462, to reflect this commitment.

### **Background**

Israel is the largest recipient of cumulative U.S. foreign assistance since World War II. The United States has provided Israel with more than \$121 billion total, including a multi-year deal

entered in 2007, which provides Israel with \$30 billion over the course of ten years. Most of this aid has been military aid, in order to help Israel maintain a Qualitative Military Edge (“QME”) over surrounding nations, which are said to have more resources and manpower. U.S. foreign aid to Israel includes stipulations not available to other allies, including earmarks for military research and development and the right to use U.S. aid money to purchase weapons from Israeli manufacturers.

In spite of this considerable support, the U.S. Department of State Country Report for 2013 mentions Israel’s ongoing violations of Palestinian human rights. As a result of these violations, which include torture, incarceration without trial, and displacement in violation of international law, U.S. citizens are increasingly concerned about the use of U.S. financial assistance in facilitating actions that both violate human rights and contravene U.S. foreign policy.

An open letter from fifteen prominent Christian leaders (<http://bit.ly/R6JJnG>) called for a comprehensive review of U.S. military aid to Israel to ensure it is in compliance with American law. Their view, supported by Jewish Voice for Peace and many other Americans, Jewish and otherwise, is that Israel and the Palestinians must both be held to account for

their actions. While Palestinians are often penalized for not living up to their agreements, only positive inducements have been offered to Israel.

The Foreign Assistance Act of 1961, 22 U.S.C. § 2151 et seq., states: "The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world... Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries...no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights."

The Arms Export Control Act of 1979 22 U.S.C. § 39 further stipulates that U.S. military aid is "...solely for internal security, for legitimate self-defense, for preventing or hindering the proliferation of weapons of mass destruction and of the means of delivering such weapons..." and "...that no credits, guarantees, sales, or deliveries of weapons can be extended to a foreign country if it is in substantial violation of the narrowly

limited uses of weapons cited above."

There is a precedent for withholding certain economic aid measures, specifically loan guarantees. President George H. W. Bush threatened to withhold loan guarantees over Israel's policy of expanding settlements in the West Bank. He leveraged this threat to convince Israel to attend the 1991 Madrid peace conference, which eventually led to the Oslo Accords and establishment of the Palestinian Authority in 1993. More recently, George W. Bush threatened to withhold a small portion of loan guarantees due to concerns over the route of Israel's "security barrier" in the West Bank. Though the guarantees were never withheld, the threat altered Israel's behavior. The route of the barrier changed shortly thereafter. Thus there is evidence to suggest that U.S. aid to Israel is a potentially powerful tool to bring Israeli policies in line with U.S. interests and international human rights standards.

One concern consistently voiced by Israel and its supporters is the threat of international isolation because of increasing international awareness and sympathy for the Palestinians. Settlement expansion in the absence of peace talks shepherded by the United States and the use of U.S. military aid to violate the rights of Palestinians will further isolate both Israel and the U.S. from the international community.

## Policy Options

- 1. Request a comprehensive, one-time review of Israel's compliance with U.S. laws regarding foreign military aid from the Department of State.**
- 2. Institute a periodic comprehensive review of military aid to all countries, to review compliance with U.S. law and compatibility with U.S. policy goals.**

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### References:

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