

# Israel/Palestine in the Final Months of the Obama Administration

Jewish Voice for Peace  
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## Summary

Following the U.S. elections on November 8, the Obama Administration has the opportunity to make a choice about its legacy in regards to U.S. policy towards Israel/Palestine. Over the last eight years, the prospects for a just peace have diminished. The Obama Administration has been vocally critical of Israel's continued policy of settlement expansion while simultaneously providing military, financial, and diplomatic support for occupation, discrimination, and displacement. The signing of the new Memorandum of Understanding between Israel and the U.S. in September 2016 marks a pledge of an unprecedented amount of military aid to a country that continuously violates human rights.

The period between the election and the inauguration of the new President presents an opportunity for presidential action and several scenarios are possible. Should the Administration choose to engage on Israel/Palestine, it must take care that whatever step is taken avoids further entrenching inequality and injustice. There is a significant risk that any presidential action that names specific parameters for resolving the conflict would uphold the defunct Oslo peace process, while actually cementing the permanence of the settlement blocs and allowing the status quo of military occupation to continue indefinitely.

Jewish Voice for Peace supports a different approach. The Obama Administration should put pressure on Israel towards a just peace. This would require a fundamental shift in U.S. foreign policy to break through decades of stalemated peace processes to move towards a rights-based framework for U.S. policy that embraces a vision of full equality, freedom and justice for all people in the region. Such a framework must include an end to occupation and siege, full political rights and equality, and a recognition of the right of return for refugees. Regardless of whether a potential presidential action takes the form of a UN resolution or any unilateral action, it should put direct pressure on Israel, and should avoid imposing parameters that undermine Palestinian rights.

## U.S. Policy and the Settlements

Since 1967, following Israel's military occupation of the West Bank, Gaza, East Jerusalem and the Golan Heights, the United States has consistently opposed Israel's settlement enterprise. The settlements are widely recognized as illegal under international law, as the Fourth Geneva Convention prohibits transferring a civilian population into occupied territory. The Obama Administration has consistently expressed criticism of the settlement enterprise, and recently issued a [strong condemnation](#) following an announcement of settlement expansion in October 2016. In a similarly strong-worded [statement](#), the Department of State said building the units "is another step toward cementing a one-state reality of perpetual occupation" and "is fundamentally inconsistent with Israel's future as a Jewish and democratic state." Despite such condemnations, during the Obama Administration's tenure, [settlements have grown](#) by over 100,000 (according to Israel's Central Bureau of Statistics.)

## The Oslo Peace Process

The U.S. brokered peace process that began in 1993, was supposed to set the stage for negotiations to reach so-called 'final status issues.' However, rather than lay the groundwork for an independent Palestinian state, the effect of the Oslo framework has been to entrench Israeli military rule over everyday life for Palestinians. The Oslo Accords divided the land of the West Bank into three areas; Area A is ostensibly under full Palestinian Authority control, Area B has shared security and civil control, and in Area C, which makes up 61% of the territory, Israel retains full security and civil control. These divisions, along with the expansion of settlements and checkpoints, further interrupted the continuity of Palestinian land and imposed severe restrictions on freedom of movement for Palestinians. During the same time, Israel has maintained a strict blockade of the Gaza Strip. Its control of all imports, exports and airspace, in conjunction with the last three large-scale military incursions with high civilian casualties, have created a humanitarian emergency. In this context, by enforcing the myth that there is a viable 'peace process,' the United States allows Israel to continue to pursue policies that displace, harm and disenfranchise Palestinians, creating facts on the ground to permanently control Palestinian land while denying Palestinians their basic rights.

## A Failed U.S. Approach

First, by approaching the conflict primarily through the Israeli government's interests, rather than rights of all stakeholders to full political equality, United States policy has undermined the goal of a just and lasting peace. U.S. policy has focused -- unsuccessfully -- primarily on the expansion of illegal settlements, and thus has failed to address long-standing issues at the root of this conflict, including ongoing discrimination against Palestinian citizens of Israel and the right of refugees to return to the homes they were expelled from.

Second, there has been no concrete pressure on Israel to comply with its obligations under international law. Concrete pressure could take the form of conditioning aid based on Israel's violations of human rights and international law, as recommended by human rights organizations. For example, [Amnesty International](#) has called for ending military aid to Israel and other human rights abusing recipients, while [Human Rights Watch](#) has called for: "offsetting the costs of Israeli government expenditures on settlements by withholding funding given to the Israeli government in an amount equivalent to its expenditures on settlements and related infrastructure in the West Bank."

Instead of such pressure, ongoing negotiations and occasional strongly worded statements about specific actions have served as a façade that allows Israel to continue its policy of settlement expansion while Palestinians are restricted and blocked from pursuing alternative strategies to achieve their rights. Under President Obama, the United States has [repeatedly used its veto](#) to block Palestinians from pursuing accountability through the United Nations and has opposed efforts to join international treaties. In the U.S., legislation at both the state and federal level has targeted the constitutional rights of civil society members to organize economic boycotts of Israel intended to pressure the state to change its policies. Overall, these actions allow Israel to continue policies that violate human rights and international law, while simultaneously denying Palestinians any legal means to advocate for their rights.

## Recommendations

Any approach that the Obama Administration may take in the period following the U.S. elections must lay the groundwork for a future with equality and freedom for both Israelis and Palestinians. The President should clarify for the incoming administration that a "peace process" will only be viable once Israelis and Palestinians can negotiate from positions of equal power. A peace process that further entrenches occupation and discrimination is harmful towards Palestinians in the short term, and undermines a just and lasting peace for both peoples in the long-term.

To that end, Jewish Voice for Peace recommends:

- 1) Do not impose parameters to salvage the two-state solution, through a UNSC resolution or any other format, that would legitimize settlement blocs or undermine Palestinian rights, such as the internationally recognized right of return for refugees. Do not use the UNSC veto to block proposals that would increase pressure to hold Israel accountable for its violations of international law, such as a resolution that reaffirms the illegality of Israeli settlements or the French multilateral initiative.
- 2) Put forward a clear and comprehensive U.S. policy that reaffirms the illegality of all Israeli settlements over the 1967 borders, including the annexation of East Jerusalem. Encourage non-violent forms of protest against current Israeli policies by Palestinian, Israeli, and U.S.-based rights advocates. Oppose domestic legislation that threatens the right to free speech by targeting non-violent and legal means of protest including boycott and divestment that aim to hold Israel accountable to international law.
- 3) Move beyond strong statements to put concrete pressure on Israel. Such measures could include conditioning aid to Israel based on its violations of Palestinian rights, as recommended by human rights organizations.