

The Audacity to Change: Reframing American Policy on the Israeli-Palestinian Conflict

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INTRODUCTION

If the Obama administration is to succeed in steering Israelis and Palestinians toward a sustainable and just peace, it must rise to the challenge of reframing American policy on the conflict.

Having chanted the mantra of change that helped sweep him into the White House, Barack Obama now has the opportunity to channel that mantra into reframing American policy on the Israeli-Palestinian conflict. He should seize that chance – because it will take a new way of seeing to fix a broken policy that has, for all its fanfare, failed to help Israelis and Palestinians arrive at a just and sustainable peace.

The Israeli-Palestinian conflict is more than sixty years old – and far from being merely a mediator and self-described “honest broker,” the United States has had both a vested strategic interest and an active hand in it for more than forty of those years. American policy has achieved some successes, notably brokering the Egyptian-Israeli and Israeli-Jordanian peace treaties and, in sporadic fits and starts, facilitating direct Israeli-Palestinian negotiations.

However, after so many years of direct American involvement, the conflict persists not only despite American policy but also in part because of it.

For decades, American policy has framed the overarching Israeli-Arab conflict in terms of twentieth-century national interests: containing Soviet encroachment in the oil-rich region and maintaining American hegemony there. At the beginning of the twenty-first century and the dawn of the Obama era, however, the United States – as the sole superpower – still pursues a largely unchanged policy on the conflict that has begun to double back on American interests, while at the same time engaging in everything from hearts-and-minds public diplomacy to nation building to a “war on terror” throughout the region.

The policy does not only need to be rejuvenated with the fresh energy and good intentions of a new administration. More than that, the very premises on which American policy is based need to be reconsidered, reframed, and reformed – leading to a new perspective and approach as to how the United States will continue to engage in the Israeli-Palestinian conflict. Rather than focus on specific formulas for on-the-ground disengagement and negotiation, this paper considers the broad parameters of how American policy should be reframed around paradigm shifts on three key issues:

- **The Historical Relationship:** Reassessing how American policy has influenced the conflict's trajectory and, in turn, has affected the United States' standing in the Muslim world.
- **International Law and Consensus:** Reconciling how the policy relates to international law and consensus on two of the conflict's key issues, namely, the Palestinian refugee question and Israeli settlement and annexation policies in the Occupied Territories.
- **The Security Equation:** Reconceptualizing the relationship between Israel's security requirements and the Palestinians' needs for security, both collective and individual.

Effecting change in the ethos of American policy will better enable Israel and the Palestinians to undertake the specific modalities and challenges of making, and finally achieving, peace.

HISTORICAL ASPECTS OF AMERICAN MIDEAST POLICY

EFFECTS ON THE CONFLICT AND BROADER REGIONAL INTERESTS

“ Israel has been the United States’ most important strategic Middle Eastern ally for the last four decades. Therefore, its security has been and will continue to be a paramount objective of American policy. ”

Israel has been the United States’ most important strategic Middle Eastern ally for the last four decades. Therefore, its security has been and will continue to be a paramount objective of American policy not only on the Israeli-Palestinian front but also in the region as a whole. Whether or not Israel is still the United States’ single most important regional ally is debatable. That Israel’s security will cease to be an axiom, a sine qua non, of American policy is not debatable, however, for reasons that extend beyond strategic considerations.

But the issue of balance or, more precisely, the historic and current lack of balance in American Mideast policy should not only be a legitimate matter of concern for the Obama administration; it must also be a necessary one. That is, if indeed the true policy objective is a two-state solution that will result in Palestinian self-determination, Israeli security, and regional stability – all of which serve American interests.

The quantifiable parameters of American policy on the Israeli-Palestinian conflict and the ensuing implications are clear. The conundrum, however, is that the policy’s striking and overwhelming tilt toward Israel has advanced some American interests while setting others back.

PARAMETERS OF AMERICAN AID AND DIPLOMATIC SUPPORT

For sixty years, from 1949 through September 2009, the United States will have granted economic and military aid to Israel totaling approximately \$106.2 billion,¹ plus an additional \$24.3 billion in loan guarantees.² By 2004 American aid to Israel, adjusted for inflation, was nearly double American funding of the Marshall Plan for the rebuilding of Western European economies after World War II.³ Israel has received more than 99% of American aid since 1967, with annual allocations having averaged between \$3 billion

and \$4 billion. Israel's current population is at a peak of 7.3 million, slightly smaller than that of Virginia.

Military aid has totaled approximately \$58.5 billion (55% of the total aid),⁴ including some of the most advanced American fighter jets and other weapons technology. More than 84% of this aid has been in the form of outright grants.⁵ Moreover, military aid is on the rise and will increase incrementally over ten years, from \$2.4 billion in 2008 to \$3.1 billion in 2018, to balance American weapons sales to Arab Gulf states in the face of regional tensions with Iran.⁶ Economic aid to Israel, which had totaled approximately \$31 billion,⁷ was phased out in 2008 due to the Jewish state's relatively high level of per capita income.

On the diplomatic front, since 1970 to date the United States has cast exactly half of its total vetoes in the UN Security Council – 41 out of 82 – to shield Israel from international censure over its settlement and annexation policies in the Occupied Territories as well as its military incursions into neighboring Arab countries, primarily Lebanon.⁸

In contrast, from 1975 through fiscal year 2009, the United States will have granted approximately \$2.6 billion in aid to the Palestinians in the West Bank and Gaza Strip, whose combined population today totals 4 million.⁹ Approximately 20% of this aid since 2006 has been allocated for training Palestinian security forces.¹⁰ Since 1950, the United States has also contributed approximately \$3.44 billion to UNRWA, the UN agency that supports the basic needs of Palestinian refugees living in the West Bank, Gaza, Lebanon, Jordan, and Syria, and who today number approximately 4.6 million.¹¹

UNINTENDED CONSEQUENCES: PEACE-PROCESS DEFICITS AND DIMINISHED AMERICAN STANDING

American policy has thus enabled Israel to become - and to remain - by far the strongest regional player in economic, conventional military, and nuclear terms. At the same time, the policy has failed, because it has yielded two unintended and counterproductive consequences.

First, providing Israel with weaponry and diplomatic support, despite the international censure of its settlement and annexation policies in the Occupied Territories, has made peace more difficult, not easier, to achieve. One by-product has been a regional proxy war of sorts between the United States and Iran that has had ripple effects in Lebanon and Syria.

In the summer of 2006, Israel's right to defend itself after Hezbollah kidnapped two of its soldiers had wide international support. However, Israel's disproportionate and prolonged military response in Lebanon, which the United States unabashedly encouraged in word and deed during the course of the thirty-four-day war, exacted heavy human and political costs.

The twenty-three-day war between Israel and Hamas in Gaza in December 2008 and January 2009 had the same effect: inflicting enormous human costs while dealing further blows to an already sagging peace process. Israel's military response to rockets launched by Hamas from Gaza into southern Israel resulted in

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approximately 1,284 Palestinian deaths, more than half of them civilian, as compared with 13 Israeli deaths (10 military, with four or five soldiers killed by “friendly fire”; and 3 civilian).¹² This lopsided ratio of nearly 100:1 was enabled not only by Israel’s use of American-supplied airborne weaponry but also by Washington’s view that the degree of Israel’s response was justified by its legitimate right of self-defense.

Ten days into the war, after more than 300 Palestinian civilians had been killed and 3,100 wounded, the United States abstained as the UN Security Council’s fourteen other members called for an immediate ceasefire¹³ while hundreds of thousands of protestors in Cairo, Istanbul, Sana’, Jakarta, Islamabad, Baghdad, and Tehran - as well as in London, Paris, and Berlin - were demanding an end to the Gaza campaign.

The Palestinian Center for Human Rights, which is affiliated with the Geneva-based International Commission of Jurists, reported that 70% of Palestinians killed were civilians, including 280 children and minors (under the age of 17) and 111 women; another 4,336 Palestinians were wounded. Israeli Defense Minister Ehud Barak said that “many more than 700” of the Palestinian dead were Hamas fighters. However, using detailed reporting and accounting methods, the PCHR put the combatant figure at 223, with another 167 Hamas civil police killed.¹⁴ According to media reports, Gaza lost an estimated \$1.9 billion in material assets (with damage to infrastructure amounting to about \$200 million), including 4,100 homes, 1,500 factories and workshops, 20 mosques, 31 security compounds, and 10 water and sewage lines.¹⁵

The scenes of carnage and destruction in the Lebanon and Gaza wars, which were broadcast unsanitized and non-stop by Arab satellite television and carried throughout the Muslim world, have likely exacerbated the second unintended consequence of American policy: the already-existing twin phenomena of it having a decidedly negative impact on how many in the Arab and Muslim worlds perceive the United States, and of emboldening and empowering the Muslim extremist minority who pursue violent means to express their enmity.

In April 2008, the annual Arab public opinion poll taken by the University of Maryland and Zogby International (a survey of 4,000 Arab citizens in six Middle Eastern countries whose regimes are seen as moderate or even friendly toward the United States) reported that 83% of respondents had an unfavorable view of the United States; 70% expressed “no confidence” in the United States; and 80% said their attitudes were based on American policy in the Middle East. The survey reported “an increase in the expressed importance of the Palestinian issue, with 86 percent of the public identifying it as being at least among the top three issues to them.” Respondents said that the most important measure the United States could take to improve its image in their eyes would be “to broker a comprehensive Middle East peace with Israeli withdrawal to the 1967 borders and establishing a Palestinian state with Jerusalem as its capital.”¹⁶

The 2007 Pew Global Attitudes Survey found that “throughout the Muslim countries of the Middle East, overwhelming majorities believe U.S. policy in the region favors Israel too much,” including respondents polled in Jordan (91%), Lebanon (89%), Kuwait (86%), Egypt (86%), and Morocco (81%) as well as the non-Arab, Muslim-majority countries of Indonesia (69%), Bangladesh (55%), and Malaysia (55%).¹⁷

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Moreover, American policy on the Israeli-Palestinian conflict is a low-hanging fruit within easy grasp of extremists and their potential followers. With Israel besieging Gaza in response to rocket fire by Hamas and other militants in March 2008, Osama bin Laden speechified that “the nearest field of jihad today to support our people in Palestine is the Iraqi field. We tell our brothers in Palestine who could not join the jihad in the land of Al-Quds [Jerusalem] ... to take their positions among the ranks of the mujahideen in Iraq.” In another statement in May, coinciding with President Bush’s visit to Israel to commemorate its sixtieth anniversary, Bin Laden identified “the core reason of the war” between the West and the Muslim world as “the Palestinian cause.”¹⁸

POLICY IMPERATIVE

The time has come for a sober reassessment of American policy, leading to three conclusions: the existing policy, which contributes to the difficulty of achieving Mideast peace and regional stability, has become contradictory if not self-defeating; it has harmed American relations with the Arab and Muslim worlds; and, therefore, it should be reframed and reformulated to achieve balance in its dealings with Israel and the Palestinians.

AMERICAN POLICY VS. INTERNATIONAL LAW AND CONSENSUS

The single biggest flaw, if not error, of American policy on the Israeli-Palestinian conflict has been to put American political imperatives before the internationally recognized legal bases for resolving the conflict. International law and consensus have addressed the issues of Palestinian refugee rights and Israeli settlements time and again – and these, arguably, are the conflict’s most crucial and difficult issues because they embody its demography and geography.

THE PALESTINIAN REFUGEES’ RIGHT OF RETURN

The Palestinian refugee question is perhaps not only the most emotional and potentially explosive issue of the conflict; it is also the root cause. Since the mid-1980s, revisionist historians – primarily Israeli scholars working with primary-source material from the Israeli state archives – have produced a revised narrative of 1948 that has exposed Israel’s culpability in the refugee issue and has negated the claim, advanced by Israel for decades, that Palestinians left their country in 1948 on the orders of the leaders of surrounding Arab countries.

On the contrary, this scholarship has shown that in order to ensure a demographic Jewish majority in the part of Palestine that was to have become the Jewish state under the UN partition plan of 1947, pre-state Zionist military forces and then the Israeli army carried out a deliberate and systematic campaign of ethnic cleansing, directly expelling and prompting the exodus of approximately 700,000 of Palestine’s 1.3 million Arabs.¹⁹

In September 1948, the United Nations special mediator on Palestine, Count Folke Bernadotte, issued a report acknowledging the refugees’ right of return; he was assassinated in Jerusalem the next day. In December 1948, the UN General Assembly adopted the Universal Declaration of Human Rights, which recognizes the right of *all* refugees to return to their homes; the next day the assembly affirmed Resolution 194, specifically recognizing the Palestinian refugees’ right of return. But the imperative of maintaining a Jewish majority in the new state of Israel compelled Israeli leaders to reject the repatriation of 250,000 refugees (slightly more than one-third of the total) – despite being urged by the United States to do so at the time – as a condition

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for peace treaties with the surrounding Arab countries in 1949.²⁰

Over the last sixty years, the Palestinian refugees' right of return has been reaffirmed in many other iterations of international law and consensus; however, with no political solution found to accommodate them, the refugees now span at least three generations, and their original number has increased by nearly sevenfold.

Israel's position on the refugee issue, which speaks to the existential core of its identity as the Jewish state, is that it cannot allow more than a fraction of the refugees back to what is today Israel and maintain a Jewish majority. For Palestinians, however, the right of return is the existential touchstone of their identity. In September 2008, a letter signed by seventy-eight Palestinian NGOs in the Occupied Territories, Jordan, Syria, Lebanon, North America, and Europe put Palestinian President Mahmoud Abbas on notice that "the right of return is an individual right held by every Palestinian refugee and internally displaced person ... and not affected by any bilateral, multilateral or international treaty or agreement. Any such agreement must respect the fundamental precepts and principles of international law."²¹

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POLICY IMPERATIVE

These two positions are not necessarily mutually exclusive. The Obama administration can bridge them by encouraging Israel to officially acknowledge its role in the creation of the refugee problem in 1948 and to recognize, in principle, the Palestinians' right of return – even if, as the result of a negotiated agreement, not all refugees could or would choose to actually exercise the right and instead would resettle or remain elsewhere and receive compensation.

Such a reframed approach would go a long way toward amending the misguided ethos of American policy, which, since the early days of the Oslo process, has supplanted international law and consensus with the two sides' ability to negotiate directly for the best deal each one could get, despite the great imbalance of power between them. From 1949 to 1992, the United States voted “yes” each year on UN General Assembly resolutions recognizing Palestinian refugee rights. Since 1993, however, the United States has voted “no,” most recently in November 2008, when it was joined by Australia, Israel, the Marshall Islands, Micronesia, Nauru, and Palau.²²

By contrast, from 1949 through fiscal year 2009, the United States will have granted approximately \$1.6 billion to Israel to help absorb approximately 3.13 million Jewish immigrants.²³ This aid is channeled from the State Department's Migration and Refugee Assistance Fund to a private Jewish charity in the United States, which forwards the funds to Israel's quasi-governmental Jewish Agency. In fiscal year 2008, Israel received \$40 million from the United States to help absorb approximately 11,500 immigrants (about \$3,500 per newcomer), including transportation to Israel, Hebrew-language instruction, transitional housing, education, and job training.²⁴

ISRAELI SETTLEMENT AND ANNEXATION OF OCCUPIED TERRITORY

The epitome of the illogic and contradiction in American policy has been its complicity, through decades of Democratic and Republican administrations alike, with Israel's policies of settlement in and annexation of Occupied Territories. Even while acknowledging the goal of Palestinian self-determination and continuing to advocate a two-state solution, which is ultimately linked to territorial sovereignty, American policy has continued to tilt precariously toward Israel on this aspect of the conflict, contrary to repeated iterations of international law and consensus.

Israel maintains that the West Bank and Gaza are not "occupied" but rather "disputed" territories. However, three UN Security Council resolutions have affirmed not only that the Fourth Geneva Convention, which prohibits an occupying power from settling its civilians on occupied territory, applies to "the Arab territories occupied by Israel in 1967, including Jerusalem" – but also that the settlements built on those lands "have no legal validity." The United States abstained from UN Security Council Resolutions 446 and 452 in 1979 and voted "yes" on Resolution 465 in 1980. When the UN General Assembly most recently reaffirmed these principles in two resolutions in November and December 2008, the United States voted "no," as it has since 1993, and was joined in the latter vote by Israel, the Marshall Islands, Micronesia, Nauru, and Palau.²⁵

In the West Bank today, some 282,000 Israelis live in rural settlements among a Palestinian population of approximately 2.5 million. To accommodate this 12% minority, Israeli infrastructure has rendered nearly 40% of the West Bank inaccessible to the 88% Palestinian majority, according to the UN Office for the Coordination of Humanitarian Affairs.²⁶ With another 200,000 Israelis living in urban settlements in and around East Jerusalem (which Israel annexed in 1967), and upwards of 20,000 Israelis settled in the Golan Heights (annexed by Israel in 1981), fully 9% of Israel's Jewish population lives in occupied territory.

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The arithmetic of American aid to Israel suggests that the United States has been both subsidizing and providing diplomatic support for the occupation. In 2003, the Israeli newspaper *Haaretz* reported that since 1967, Israel had spent an estimated \$10.1 billion to build and defend its settlements in the West Bank and Gaza. (Israel unilaterally withdrew its settlers from Gaza in the summer of 2005.) While not part of the newspaper's analysis, this figure represents approximately 11% of American aid granted to Israel over the same twenty-six-year period.²⁷ American law prohibits Israel from using American aid directly in the Occupied Territories – but the money is, in effect, fungible. Every dollar of the aid frees up an equivalent amount of Israeli shekels, billions of which have gone to colonizing the Occupied Territories.

There is little doubt that Israeli settlements present the gravest obstacle to the territorial and economic viability of a future Palestinian state, but American policy on this point has been feckless. Despite occasional pronouncements by American officials that the West Bank settlements are

“obstacles to peace,” Israel continues, with great transparency, to enlarge them to accommodate what it claims is only “natural growth.” However, settlers evacuated from Gaza in 2005 have been resettled in the West Bank, and in 2006 the Israeli government announced that a new settlement, Maskiot, was being built to house some of them – in direct contravention of Israel’s obligation to freeze settlement growth under the American-sponsored “road map” peace plan.²⁸ In addition, dozens of much smaller “outpost” settlements have been established by renegade settlers without government approval in recent years.

POLICY IMPERATIVES

As a matter of urgency, Obama must give teeth to American policy vis-à-vis the settlement and refugee issues. First, he can move that a precisely defined and significant amount of aid will be withheld in response to continued settlement expansion.

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Second, Obama can uphold international law and consensus as the basis for negotiating both issues (with modifications and concessions to be made by mutual agreement of both parties). This is consistent not only with his stated intentions to replace Bush-era unilateralism with a return to diplomacy and to rejoin the community of nations as a collaborative partner. It is also consistent with the Saudi-led peace initiative put forward in 2002 by the Arab League, whose twenty-one member states have agreed to recognize Israel and normalize relations with it in the event of a negotiated Israeli-Palestinian peace based on the principles of international law and consensus.²⁹

Third, Obama can insist that these two issues be negotiated up front rather than being relegated to “final-status” issues left to the end of the negotiating timetable, while the numbers of refugees and settlers increase.

AMERICAN POLICY AND THE SECURITY EQUATION

Israeli security is undeniably important. Several factors contribute to it being the touchstone of American policy discourse on the conflict: the strategic factor, given that Israel is a vital regional ally; the moral factor, given that Israel's security is thought to represent a dimension of security for the Jewish people as a whole; and the domestic political factor, given the impact that pro-Israel groups and individuals have on American electoral politics.

The concept of security is linked to violence, which, in turn, is linked to self-defense. The history of the Israeli-Palestinian conflict is rife with violence perpetrated by both sides, each acting at various times as the aggressor and each at other times in self-defense. For Israel, self-defense is equated with the exercise of the military means of a sovereign state, and this is a right that American policy has acknowledged time and again. For the Palestinians, who live under military occupation and have no regular army or military bases, self-defense takes the form of popular resistance, often in the form of guerrilla warfare – which Washington routinely condemns as “terrorism.” However, from the war of 1948 to the second intifada to the Gaza war just ended, both Israel and the Palestinians have inflicted grievous harm on each other's civilian population.

It is an empirical fact that even during periods of “relative calm” – meaning the absence of outright war – Israel's forty-one-year occupation of Palestinian territory has bred and continues to breed violence. The most immediate and direct casualty of that violence is Palestinian security. The UN, as well as Israeli and international human-rights organizations, have documented the conditions of Palestinian life under Israeli occupation: violence perpetrated by the Israeli military and extremist Israeli settlers against Palestinian non-combatant civilians, house demolitions, land confiscations, the incarceration of thousands of political prisoners without due process, and humiliating treatment at military checkpoints.³⁰

In blunt language that rarely, if ever, occurs in American policy or media discourse on the conflict, a UN General Assembly resolution in November 2008 noted

the negative developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the large number of deaths and injuries,

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mostly among Palestinian civilians, the acts of violence and brutality committed against Palestinian civilians by Israeli settlers in the West Bank, the widespread destruction of public and private Palestinian property and infrastructure, the internal displacement of civilians and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people.³¹

Palestinian resistance to occupation is often violent, targeting Israeli civilians as well as soldiers. This leads to spirals of violence that escalate to the levels of death and destruction witnessed in the second intifada and the Gaza war.

The question, therefore, is: How can American policy juxtapose Israel's security requirements and right to self-defense with the Palestinians' need for security and right to self-determination, which can come about only with an end to the occupation?

On his second day as president, President Obama named George Mitchell, the former senator who mediated the Northern Ireland peace process, as his special Middle East envoy. In a speech that day at the State Department, Obama said: "Let me be clear. America is committed to Israel's security. And we will always

support Israel's right to defend itself against legitimate threats."³² While mentioning "the terror of rocket fire aimed at innocent Israelis," Obama made no mention of threats to Palestinian security from Israel's occupation of the West Bank, its settlement expansion there, or its recently ended military campaign in Gaza, in which hundreds of Palestinian civilians were killed.

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On his sixth day in office, Obama sat for an interview in Washington with the Arab satellite news network Al-Arabiya. His primary message to the Arab and Muslim worlds was that "we are ready to initiate a new partnership based on mutual respect and mutual interest." Obama then immediately reverted to language about the conflict that stressed the primacy of Israeli security, but he did not acknowledge the Palestinians by name or mention their interests. "Now, Israel is a strong ally of the United States," Obama said. "They will not stop being a strong ally of the United States. And I will continue to believe that Israel's security is paramount. But I also believe that there are Israelis who recognize that it is important to achieve peace. They will be willing to make sacrifices if the time is appropriate and if there is serious partnership on the other side."³³

The Gaza war epitomizes the Gordian knot of occupation, resistance, self-defense, death, and destruction. During the twenty-three-day war, Israeli television news outlets repeatedly cued the sound bite of candidate Obama on a July 2008 visit to Sderot, the Israeli town about 2 miles from the Gaza Strip where thousands

of unguided rockets launched by Hamas and other militants in Gaza had landed since the beginning of the second Palestinian uprising in 2000. The experience of Israelis living under the threat of that rocket fire – which killed eight Israelis in eight years, wounded hundreds and caused great psychological trauma, evacuations from the town and property damage³⁴ – prompted Obama to say: "I bring to Sderot an unshakable commitment to Israel's security. The state of Israel faces determined enemies who seek its destruction. But it also has a friend and ally in the United States that will always stand by the people of Israel." Further, Obama

averred: “If somebody was sending rockets into my house where my two daughters sleep at night, I’m going to do everything in my power to stop that. And I would expect Israelis to do the same thing.”³⁵

Obama, however, did not make a stop in nearby Gaza in order to understand how Palestinians had withstood two months of Israeli military raids earlier in the year that had killed more than 230 – including “scores of unarmed civilians,” according to Amnesty International³⁶ – or the effects of shortages of foodstuffs and medical supplies caused by Israel’s year-long lockdown of Gaza’s border crossings. A month after Obama’s Mideast tour, a report by the UN special rapporteur on conditions in the Occupied Territories described the situation in Gaza as “an impending humanitarian catastrophe,” with Israel having “subjected the entire civilian population of the territory to siege conditions ever since Hamas convincingly won the general legislative elections in January 2006 and [Israel having] tightened the siege after Hamas took over administrative control in mid-June 2007.”³⁷

Rather, in July 2008 Obama chose to visit Ramallah, where he met the leaders of the American-backed Palestinian Authority, President Mahmoud Abbas and Prime Minister Salam Fayyad. Their truncated West Bank constituency does not include the 1.5 million Palestinians in Gaza, who account for about 40% of the Palestinian population in the Occupied Territories. In his State Department remarks in January, Obama encouraged Arab governments to support the Abbas-Fayyad government but did not acknowledge that Abbas had unilaterally extended his own term of office for a year even though it had expired two weeks earlier on Jan. 9. Neither did Obama mention that Fayyad had not been elected prime minister but had been appointed by Abbas to replace the democratically elected Ismail Haniya of Hamas.

American policy has served to nullify the results of the Palestinians’ democratic parliamentary election in 2006. After Hamas won the election and subsequently took control of the Gaza Strip, in 2007 the United States backed the rival Fatah faction in a military coup attempt aimed at ousting Hamas.³⁸ When that failed, Washington gave exclusive political backing to the breakaway Fatah faction of the Palestinian Authority based in the West Bank and led by Abbas and Fayyad. American policy continues to consider them as “moderates,” even though they lack democratic mandates from their own people.

This course of action, a direct contradiction of the democratic principles that the United States has promoted throughout the region for the better part of the last decade, is directly linked to Israeli security.

In 2007, the Bush administration “reprogrammed” \$86.3 million in American aid to the Palestinians, which had been allocated the year before, and redirected it for the training of a seven-battalion Palestinian National Security Force loyal to Abbas.³⁹ The process has been overseen by special envoy Lt. Gen. Keith Dayton, who said in a December 2008 interview with *The Jerusalem Post* that Palestinian security recruits, who are trained in Jordan, receive instruction that “You are not here to learn how to fight against the Israeli occupation.” Instead, they are trained to focus their efforts “totally on the lawless elements within Palestinian society,” Dayton said.⁴⁰ Given the United States’ history of backing undemocratic leaders in Latin America and Africa by training military forces loyal to them, it is entirely plausible that the “lawless elements” to whom Dayton referred include not only common criminals but also Abbas’ political opponents.

Since becoming Palestinian president in 2005 following the death of Yasser Arafat, Abbas has not made any significant political progress with Israel

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regarding settlement expansion in the West Bank, the system of more than 600 Israeli military checkpoints, roadblocks, and other barriers that inhibit the movement of Palestinians and their goods throughout the West Bank, or the approximately 9,000 Palestinians held in Israeli prisons. Coupled with the fact that the American-funded security forces under his command do not have mandates to protect Palestinians against the Israeli army and violent Israeli settlers, it is not unlikely that many Palestinians regard Abbas as a collaborator and the Palestinian Authority as a sub-contractor for the Israeli security apparatus.

American policy on the security aspect of the conflict, then, amounts to a Catch-22: It requires the Palestinians to accept a leadership that will quash their resistance to the occupation in order to be considered an acceptable negotiating partner in a process whose ultimate goal is to end the occupation. At the same time, the notion of “Palestinian security” does not have a place in the lexicon of American policy discourse.

POLICY IMPERATIVE

Obama and his Mideast peace team must expand their thinking so that Palestinian security has a place alongside consistent American pledges to uphold Israeli security. In order to do so, American policy discourse must acknowledge that Israel’s need for self-defense and security vis-à-vis the Palestinians is linked directly to the occupation, and that the occupation must end. The cart cannot be put before the horse with the expectation that the horse will be able to pull it.

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Further, an American policy adjustment on the issue of recognizing Hamas as a legitimate democratically elected representative of the Palestinians – given that it occupies a place on the official American list of “terrorist organizations” – will be difficult. However the conditions set by the United States and Israel for Hamas to participate in peace negotiations are also problematic. While it is nominally reasonable to expect that Hamas should recognize Israel, renounce violence and accept previously negotiated agreements in order to be considered fit to negotiate with Israel, it is also apparent that Israel has not as yet recognized the rights of the Palestinian people, renounced violence or fulfilled the terms of previously negotiated agreements, particularly regarding settlement expansion.

If American policy fails to reconceptualize the security issue, however, there is little reason to believe that there will not be more intifadas and Gaza wars, the result of failed Israeli-Palestinian peace initiatives that began more than fifteen years ago with Oslo, brokered by the United States and sealed with an infamous handshake on the White House lawn.

AMERICAN POLICY: THE AUDACITY TO CHANGE?

Peace will ultimately be made by Israel and the Palestinians; their agency will determine the outcome of the conflict. Even so, there is perhaps more truth than truism to the idea that the United States, with all its hard and soft power, is indispensable to the peace process – perhaps even more so now that it has in Barack Obama a president elected with a ringing mandate for change.

Obama deserves credit for taking immediate action to engage in constructive diplomacy on the Israeli-Palestinian conflict and for making clear his intention to interact with the Muslim world on the basis of dialogue rather than dictates.

Whether Obama can be a change agent for Israeli-Palestinian peace, however, will depend on whether he has the audacity to take signal ideas from the extraordinary rhetoric he invoked to win the White House, exemplified by his assertion in his Election Day victory speech that “Change has come to America. ... For that is the true genius of America - that America can change.”

Changing the modalities of a decades-old policy is no simple task. Not only will it require the three paradigm shifts of a reassessment of American policy’s impact on the conflict, a reconciliation of that policy with international law and consensus, and a reconceptualization of how Israel’s security requirements are related to Palestinian security needs. The mind-set of the process must also change, based on three *principles of engagement* that should serve as a summary checklist for reviving the peace process:

- The security of the State of Israel and its citizens, as well as the right of the Palestinian people to self-determination and collective and individual security, are of equal value. Neither will be paramount in the outcome of the negotiated settlement, regardless of the different nature of the strategic relationships that Israel and the Palestinians have with the United States.
- Negotiations will be conducted according to democratic principles, chief among them each party’s right to choose its own representative leadership and pursue its own objectives free of coercion by other parties. Specifically, Israel and the United States will not have the right to determine or influence who represents the Palestinians at the negotiating table, nor will they be able to set limits in advance on negotiating the parameters of specific issues.
- Negotiations will not be halted due to inter-communal violence, which is to be condemned from whatever quarter – Israeli or Palestinian – it emanates. The history of the Israeli-Palestinian conflict is one in which both parties have engaged in aggression and violence. The negotiating process will not be compromised by the fallacy of suspending efforts at ending a violent conflict because violence persists before a settlement has been reached.

Such a perceptible shift in American policy will undoubtedly be decried by those who would see it as the United States' abandonment of Israel. Obama must himself believe, and then use his bully pulpit to persuade his critics, that such a reframed and balanced policy is just as much in the long-term interest of Israel as it is in the immediate interest of the Palestinians. Further, he must advocate that reframing American policy will also give a much-needed boost to how many in the Arab and Muslim worlds perceive the United States and receive its policies, which could translate into increased safety for Americans.

This is indeed a tough challenge for a president who is facing a full complement of tough challenges both at home and abroad. But it does not have to be the stuff of dreams. Barack Obama can help the Israelis and the Palestinians turn a new page by presiding over a changed American policy that gives balanced consideration to the legitimate needs and aspirations of both parties and is based squarely on international law and consensus as well as democratic principles.

Then, perhaps, the peace train can cease to meander on its endless, circular journey and finally arrive at its destination.

ENDNOTES

1 The estimate of \$106.2 billion in American aid to Israel from 1949 through fiscal year 2009 is derived from several sources: FY2009 (ending in September 2009), \$2.58 billion (\$2.55 billion in military aid and \$30 million in aid to assist Jewish immigration; Carol Migdalovitz, “Israel: Background and Relations with the United States,” Congressional Research Service, Sept. 8, 2008, p. 29). FY2008, \$2.44 billion (\$2.4 billion in military aid and \$40 million in aid to assist Jewish immigration; Jeremy Sharp, “U.S. Foreign Aid to Israel,” Congressional Research Service, Jan. 2, 2008, pp. 2, 10-11). FY2007, \$2.5 billion (Carol Migdalovitz, “Israel: Background and Relations with the United States,” Congressional Research Service, July 6, 2007, p. 22). 1949-FY2006, \$98.7 billion (Jeremy Sharp, “U.S. Foreign Aid to Israel,” Congressional Research Service, April 25, 2007, p. 17).

2 In addition to regular military and economic aid and special appropriations, the United States has extended \$24.3 billion in loan guarantees to Israel since the 1970s. For these guarantees, the United States has not transferred funds to Israel but instead has underwritten loans from commercial institutions. These loan guarantees have comprised \$600 million for housing for immigrants from the Soviet Union (1972–90); \$5.5 billion in military-debt reduction; \$9.2 billion for resettlement of immigrants from the former Soviet Union (1993–97); and \$9 billion (allocated in the Iraq supplemental funding bill of FY2003) for economic recovery following the second Palestinian uprising from 2000 to 2003 (Clyde Mark, “Israel: U.S. Foreign Assistance,” Congressional Research Service, April 26, 2005, pp. 4, 10, 12). As of September 2006, \$4.5 billion of the FY03 \$9 billion in guarantees were unexpended, and in January 2007 the period for which those guarantees are provided was extended for a second time, until September 2011 (Migdalovitz, “Israel: Background and Relations with the United States,” 2008, p. 29).

3 Bernhard May, “The Marshall Plan: Historical Lessons and Current Challenges in the Balkans,” 2004 (updated version of a paper presented at a conference organized by the Institute for EastWest Studies [New York] and the Foreign Economic Relations Board [DEIK; Istanbul], May 1999). May’s study noted that adjusted for inflation, the \$13.3 billion in American funding for the Marshall Plan, which from 1948 to 1952 rebuilt Western European economies shattered by World War II, equaled approximately \$90 billion in 2004 dollars. Comparatively, adjusted for inflation by using the Consumer Price Index calculator of the U.S. Federal Reserve (<http://minneapolisfed.org/Research/data/us/calc/index.cfm>), American aid to Israel between 1949 and 2004 equaled approximately \$170.7 billion in 2004 purchasing dollars. See also Tom Hundley, “Marshall Plan Still at Work in Germany,” Chicago Tribune, Oct. 12, 2004.

4 American military aid to Israel from 1949 through FY2007 totaled approximately \$53.6 billion (Migdalovitz, 2007 and Sharp, 2007). For FY2008, it totaled \$2.4 billion (Sharp, 2008) and for FY2009 \$2.55 billion (Migdalovitz, 2008). The resulting \$58.55 billion in American military aid to Israel from 1949 through FY2009 is 55% of the estimated \$106.2 billion in total U.S. aid to Israel for this sixty-year period.

5 U.S. Embassy in Israel (U.S. State Department), “U.S. Assistance to Israel: 1949–2004 Total,” Economics Section, 2004, pp. 1, 12–14.

6 Steven Erlanger, “Israel to Get \$30 Billion in Military Aid from U.S.,” New York Times, Aug. 17, 2007; see also Sharp, “U.S. Foreign Aid to Israel,” 2008, p. 2.

7 Sharp, “U.S. Foreign Aid to Israel,” 2007, p. 17; Migdalovitz, “Israel: Background and Relations with the United States,” 2007, p. 22.

8 Saliba Sarsar, “The Question of Palestine and United States Behavior at the United Nations,” International Journal

of Politics, Culture and Society 17, no. 3 (spring 2004): 466; “Changing Patterns in the Use of the Veto in the Security Council,” *Global Policy Forum*, www.globalpolicy.org/security/data/vetotab.htm.

9 The estimate of \$2.6 billion in American aid to Palestinians living in the West Bank and Gaza from 1975 through fiscal year 2009 is derived from several sources: FY2009 (ending in September 2009), \$300 million (Jim Zanotti, “U.S. Foreign Aid to the Palestinians,” Congressional Research Service, Oct. 8, 2008, p. 6). FY2005-FY2008, \$867.6 million (*Ibid.*). FY1994 -FY2004, \$1.27 billion (U.S. Embassy in Israel, “U.S. Assistance to Israel: 1949–2004 Total,” 2004, p. 19). 1975-FY2003, \$173.5 million (Sara Roy, “U.S. Economic Aid to the West Bank and Gaza Strip: The Politics of Peace,” *Middle East Policy* 4, no. 4 [October 1996]: 58).

This \$2.6 billion has been disbursed mainly to Palestinian NGOs on a project basis through USAID, because laws governing foreign-operations appropriations prohibit congressionally approved funds for the West Bank and Gaza Strip from being channeled directly to the Palestinian Authority unless the president submits a waiver to Congress stating that doing so is in the interest of national security (Zanotti, “U.S. Foreign Aid to the Palestinians,” 2008, p. 2). Moreover, the \$2.6 billion does not include American assistance to Palestinian refugees living in the West Bank and Gaza Strip channeled through UNRWA (see note 11).

10 Zanotti, “U.S. Foreign Aid to the Palestinians,” 2008, pp. 3, 6.

11 American contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) assist refugees in Lebanon, Syria, and Jordan as well as in the West Bank and Gaza Strip. Of the total 4.6 million refugees, 1.8 million (39%) live in the West Bank and Gaza Strip (www.un.org/unrwa/publications/index.html).

The estimated \$3.44 billion in American aid to UNRWA from 1950 through early fiscal year 2009 is derived from several sources: FY2009, \$98.5 million (Crystal Kaplan, “U.S. Government Contributes \$85 million to UNRWA,” *Consulate General of the United States of America, Jerusalem*, Dec. 30, 2008; “United States Humanitarian Support to Palestinians,” U.S. Department of State, Jan. 30, 2009 [\$13.5 million in emergency funds “to address critical post-conflict humanitarian needs in Gaza”]). FY2008: \$185 million (Zanotti, “U.S. Foreign Aid to the Palestinians,” 2008, p. 4). FY2005-FY2007: \$375 million (Paul Morro, “The Palestinian Territories: Background and U.S. Relations,” Congressional Research Service, July 5, 2007, p. 13). 1950-2004: \$2.785 billion (Clyde Mark, “Palestinians and Middle East Peace: Issues for the United States,” Congressional Research Service, April 26, 2005, p. 15). For refugee population figures, see <http://un.org/unrwa/refugees/whois.html>.

12 Karin Laub, “First war tally: 1,284 Gazans dead, 4,336 wounded,” Associated Press, Jan. 22, 2009. The number of Israeli soldiers killed by “friendly fire” was reported variously as four or five: Matti Friedman, “Despite claims, Hamas resistance was light,” Associated Press, Jan. 19, 2009; “Hamas says 48 fighters slain in Israel-Gaza war,” Associated Press, Jan. 19, 2009.

13 “Security Council overwhelmingly calls for immediate Gaza ceasefire,” UN News Service, Jan. 8, 2009.

14 Laub, “First war tally,” Jan. 22, 2009.

15 Karin Laub, “As cease-fire holds, Gazans take stock of losses,” Associated Press, Jan. 20, 2009.

16 Shibley Telhami, “2008 Annual Arab Public Opinion Poll,” Survey of the Anwar Sadat Chair for Peace and Development at the University of Maryland (with Zogby International), April 2008, pp. 62, 65, 71, 2, 77.

17 “47-Nation Pew Global Attitudes Survey,” The Pew Global Attitudes Project, June 27, 2007, p. 23.

18 Maamoun Youssef, “In second message by bin Laden in 2 days, al-Qaida leader calls for holy war for Palestine,” Associated Press, March 21, 2008; Maggie Michael, “Bin Laden says Palestinian cause at heart of jihad,” Associated Press, May 16, 2008.

19 See Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge: Cambridge University Press, 2004); Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: Oneworld Publications Limited, 2006); Avi Shlaim, *The Iron Wall: Israel and the Arab World* (New York: W.W. Norton & Company, 2000).

20 Morris, *The Birth of the Palestinian Refugee Problem Revisited*, pp. 553-61.

21 “Open Letter to President Mahmoud Abbas: The Rights of Palestinian Refugees and the Final Status Negotiations,”

BADIL Resource Center for Palestinian Residency and Refugee Rights (No. E/034/08), Bethlehem, West Bank, Sept. 25, 2008.

22 UN General Assembly Resolution 63/29, “Peaceful settlement of the question of Palestine,” Nov. 26, 2008.

23 The approximate total of \$1.6 billion in American aid to Israel for the absorption of Jewish immigrants from 1949 through fiscal year 2009 is derived from several sources: FY2009, \$30 million (Migdalovitz, “Israel: Background and Relations with the United States,” 2008, p. 29). FY2007- FY2008, \$80 million (\$40 million per year; Sharp, “U.S. Foreign Aid to Israel,” 2008, p. 10). 1949-FY2006, \$1.48 billion (Mark, “Israel: U.S. Foreign Assistance,” 2005, pp. 11–12).

The total of 3.13 million immigrants is derived from two sources: Israel’s quasi-governmental Jewish Agency, which reports 3.1 million immigrants from 1948 to 2006 (www.jewishagency.org/JewishAgency/English/Home/About/Press+Room/Aliyah+Statistics/jun17.htm), and the Israel Ministry of Immigrant Absorption, which reports 19,856 immigrants in 2007 (www.moia.gov.il/NR/rdonlyres/876CB251-0B03-4064-9D47-43F52113291F/0/OLIM1.HTM; Hebrew) and 15,875 immigrants in 2008 (www.moia.gov.il/NR/rdonlyres/3B383789-5F0E-4895-ABD6-C7EB214A67BA/0/OLIM1.HTM; Hebrew).

24 Sharp, “U.S. Foreign Aid to Israel,” 2008, pp. 10-11.

25 UN General Assembly Resolution 63/97, “Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan,” Dec. 18, 2008; UNGA Resolution 63/29, “Peaceful settlement of the question of Palestine,” Nov. 26, 2008.

26 “The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank,” United Nations/Office for the Coordination of Humanitarian Affairs (OCHA), July 2007, p. 9.

27 “The Price of the Settlements,” Haaretz (English), Sept. 26, 2003; Marda Dunsky, *Pens and Swords: How the American Mainstream Media Report the Israeli-Palestinian Conflict* (New York: Columbia University Press, 2008), p. 133.

28 Ravi Nessman, “Israel Settlement Breaks Promise to U.S.,” Associated Press, Dec. 27, 2006; “Israel approves West Bank trailers for Gaza evacuees,” Associated Press, March 26, 2008.

29 Full text: “The Arab Peace Initiative, 2002,” (Official translation of the full text of a Saudi-inspired peace plan adopted by the Arab summit in Beirut, 2002), see, inter alia, http://news.bbc.co.uk/2/hi/middle_east/1844214.stm; Susan Severeid, “Arab leaders approve first pan-Arab call to include ‘normal relations’ with Israel,” Associated Press, March 28, 2002.

30 These aspects of Palestinian life under Israeli occupation, as well as Palestinian non-violent and violent responses to them, have been documented by various arms of the United Nations, Amnesty International, Human Rights Watch, and the Israeli human-rights organizations B’Tselem and Rabbis for Human Rights.

31 UN General Assembly Resolution 63/29, “Peaceful settlement of the question of Palestine,” Nov. 26, 2008.

32 Transcript: “President Obama Delivers Remarks to State Department Employees,” Washington Post/washingtonpost.com, Jan. 22, 2009.

33 “Transcript of Obama’s Al-Arabiya Interview (Text as provided by the White House),” MSNBC.com, Jan. 27, 2009.

34 Aron Heller, “School resumes in Israel despite rocket threat,” Associated Press, Jan. 11, 2009.

35 Transcript: “Obama’s Speech in Sderot, Israel,” New York Times/nytimes.com, July 23, 2008.

36 “Children and civilian bystanders in Gaza death toll,” Amnesty International, March 3, 2008, www.amnesty.org/en/news-and-updates/news/children-and-civilian-bystanders-gaza-death-toll-20080303. The Amnesty report also stated that “During the same period, Palestinian armed groups have continued to fire Qassam and other rockets indiscriminately at Israel from the Gaza Strip, mostly towards the town of Sderot but also, last week, the more distant town of Ashkelon.”

37 Richard Falk, "Situation of human rights in the Palestinian territories occupied since 1967," United Nations General Assembly, Aug. 25, 2008, pp. 6, 28.

38 Scott Wilson, "Fatah Troops Enter Gaza with Israeli Assent: Hundreds Were Trained in Egypt Under U.S.-Backed Program to Counter Hamas," Washington Post, May 18, 2007.

39 Zanotti, "U.S. Foreign Aid to the Palestinians," 2008, p. 3.

40 David Horowitz, "This time, it will be different," Jerusalem Post, Dec. 11, 2008.

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