



Three Pillars for a New U.S. Approach to Peace in Israel-Palestine

Come January 2021, the Biden administration will face the responsibility of mitigating harm caused by President Trump's destructive policy toward the Israeli-Palestinian conflict. Its challenge will be to undo Trump's legacy without merely rewinding the tape to the situation that existed prior to his presidency.

The Israeli-Palestinian conflict is unlikely to be a priority for the new U.S. administration, but the conflict's trajectory and its implications for U.S. interests should nonetheless concern U.S. policymakers. The new administration should learn the lessons of the past: it should be both ambitious in terms of seeking to change the terms of debate and modest with regard to the possibility of ending the conflict anytime soon.

Over the years, U.S. policies have had the unfortunate – at times unintended – effect of facilitating entrenchment of Israeli control over Palestinians. The unintentional became clearly purposeful under the Trump administration, which has encouraged settlement construction and released a “Peace for Prosperity Plan” that tilted decisively in favour of Israel's continued occupation. U.S. engagement should at a minimum aim to mitigate the fundamental asymmetry of power between Israel and the Palestinians; instead, it too often has done the opposite, and the Trump White House did that to an extreme.

What is needed today is not a Nobel Prize-grabbing reach for a final peace deal but rather patiently putting in place those building blocks that are required to steer future generations of Israelis and Palestinians to a more peaceful and just future. Those building blocks include: an Israeli public that understands the consequences of permanent occupation and that the only way to avoid those consequences is to engage Palestinians both individually as equals and as a collective with aspirations to national self-determination; a coherent Palestinian polity with a leadership that can effectively chart a path forward and challenge the status quo by non-violent means and in ways consistent with international law; and a reversal of on-the-ground, legal and political trends that have savaged the diplomatic landscape and failed to ensure Palestinians their most basic human rights.

Focus on these building blocks would help change the lens through which the conflict has tended to be viewed in Washington, away from an emphasis on pursuit of a process for the sake of a process, and toward establishing conditions for meaningful talks while protecting

those whose rights are being violated in the area stretching between the Jordan River and the Mediterranean Sea. The incoming administration almost certainly will make clear that a two-state solution is its preferred political framework, along the lines of the international consensus reflected in Secretary of State John Kerry's 28 December 2016 speech. In this context, the U.S. should also make clear that in the event Israel continues to obstruct the establishment of a fully sovereign and viable Palestinian state, any alternative will have to respect the right to full equality and enfranchisement of all those in any space controlled by Israel.

Accordingly, the point of departure for a new Israel-Palestine policy should rest on the following three pillars:

1.

Mitigate the damage of the Trump legacy and replace an emphasis on perpetuating the peace process with one centred around protecting the rights and well-being of people on the ground. The Trump administration's multiple decisions – including recognising Jerusalem as Israel's capital; cutting assistance to the Palestinians; shutting down both the U.S. consulate in Jerusalem and the Palestine Liberation Organization mission in Washington; and effectively endorsing the legality of Israeli settlement activity – have seriously damaged prospects for a fair resolution to the Israeli-Palestinian conflict and depleted the reserves of U.S. credibility. Undoing key Trump policies should be a priority, but it ought not to be tantamount to reverting to the status quo ante, when saving the peace process – as opposed to achieving peace or setting conditions for it – too often became a goal in itself. The result was to implicitly give cover to Israeli actions, particularly the construction and consolidation of settlements. Instead, the U.S. should prioritise halting creeping annexation and protecting Palestinians in the West Bank, including East Jerusalem, and Gaza, where the blockade has precipitated a humanitarian emergency and threatens an escalation at any moment. Specifically, the new administration should:

- a. Unequivocally disavow the Trump plan of January 2020, issuing a clear statement that the plan does not represent U.S. policy;
- b. Focus on policies aimed at protecting the rights of Palestinians and Israelis. While the U.S. has historically affirmed and sought to safeguard the rights of Israelis to live in safety and security, it has been far less attentive to those of Palestinians to be free from violence, restrictions on freedom of movement, home demolitions, prolonged administrative detention and forced dispossession;
- c. Reaffirm that Israeli settlements are illegal, and that the U.S. will not recognise Israel's annexation of any part of the Occupied Territories, including East Jerusalem;
- d. Reassert and strengthen differentiation between Israel and the Occupied Territories in all U.S. dealings, including reimposing geographical restrictions on the Israel-U.S. Binational Industrial Research and Development Foundation, U.S.-Israel Binational Science Foundation and U.S.-Israel Agricultural Research and Development Fund, thereby not granting funding to Israeli research and development projects in the Occupied Territories;
- e. Clarify that, in opposing Boycott, Divestment and Sanctions (BDS) campaigns toward Israel, the U.S. does not consider BDS to be, *prima facie*, anti-Semitic and will guarantee free speech rights;
- f. Re-engage with the PLO leadership and allow the PLO to reopen its mission in Washington;

- g. Reestablish the U.S. Consulate in East Jerusalem separate from the U.S. Embassy to Israel, actively support reopening Palestinian institutions in East Jerusalem and affirm the U.S. intention to open an embassy to Palestine in East Jerusalem;
- h. Focus efforts on ending the blockade on Gaza and bringing security to those living in southern Israel and Gaza by advancing durable ceasefire arrangements between armed factions operating in the Gaza Strip and the Israeli government;
- i. Press Israel not to threaten Palestinian communities in Area C with further displacement, land expropriation and restrictions on movement, infrastructure development, construction and access to agricultural lands;
- j. Work to remove Israeli obstacles to Palestinian private sector development; and
- k. Restart funding to the UN Relief and Works Agency, which looks after Palestinian refugees until such time as their rights are fulfilled.

2.

Desist from actions that enable and empower Israeli policies seeking to prevent any peace deal or Palestinian state, including emboldening political actors who are looking to achieve the unacceptable outcome of a single, Jewish undemocratic state between the Jordan and the Mediterranean. The U.S. should have an interest in encouraging conditions most conducive to a shift in Israeli policy toward the pursuit of a viable peace and an end to occupation. Even prior to the Trump administration, U.S. policy too often made it too easy for Israelis to assume that occupation can be permanently cost-free and hard choices can be avoided. In that spirit, the new administration should:

- a. Refrain from using its veto in the UN Security Council when doing so would undermine international law or be at odds with U.S. policy;
- b. Work with the EU, its member states and other third parties, including in international forums, to advance the above objectives. The U.S. should cease to obstruct efforts by multilateral bodies and third parties to differentiate between Israel and the Occupied Territories, including with regard to the updating of the UN Human Rights Council database of business enterprises involved in settlements;
- c. Avoid entering into negotiations with Israel over so-called acceptable settlement expansion;
- d. Ensure greater transparency, end-use monitoring and accountability regarding security assistance to Israel, so that Israel can be held to standard U.S. human rights and other benchmarks for aid recipients.

3.

Help facilitate and encourage the Palestinians to undertake their own political renewal, embrace democratic and accountable politics, advance internal reconciliation and give breathing space to non-violent strategies for achieving their goals. The Palestinian leadership is far from blameless – its security services mistreat their people, its national bodies are neither representative of, nor accountable to their public, and it has failed to pursue a coherent,

effective approach. It has contributed to a situation in which Palestinians are divided and lack a credible strategy. Accordingly, the new U.S. administration should:

- a. Work with international partners to encourage and facilitate Palestinian political renewal, including Palestinian Legislative Council, presidential and Palestinian National Council elections, and in removing Israeli obstacles to the participation of Palestinian East Jerusalem residents in such elections;
- b. Support and promote internal Palestinian political reconciliation, conditioning U.S. engagement with a unity Palestinian government on its commitment to non-violence;
- c. Work with third parties to advance reforms to Palestinian governance, ensuring greater transparency and accountability in its finances. It should also work with the Palestinians to seek reforms in the financial assistance the Palestinian Authority provides to families of Palestinian prisoners held in Israeli jails, so that such assistance is linked to their, or their families', level of financial distress.

There are other elements, of course. President-elect Biden welcomed normalisation deals between Israel and several Arab countries and his administration can be expected to pursue more. But in doing so, it should ensure such deals contribute to, rather than detract from, the well-being of Palestinians and resolution of the conflict, and more broadly advance regional de-escalation and peace. Too, a Biden administration should embrace a multilateral approach to the conflict, coordinating with Europe and actively reintegrating Jordan into its efforts.

The broader point is this: the Biden administration could be tempted to limit its engagement on Israel-Palestine to mitigating the Trump administration's damage and restarting negotiations. That would be understandable but ineffective. The likely outcome of such an approach would be consolidated Israeli control over Palestinian territories, further Palestinian fragmentation, and rising frustration and despair. To steer the parties back to a place where a forceful diplomatic push might be productive, the Biden administration would be better advised to pursue a policy that is faithful to its stated commitment to international norms, respect for human rights, multilateralism and diplomacy.