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America and the World—The Effects of the Trump Presidency

The Trump Presidency, the Question of Palestine, and Biden's Business as Usual

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“Israelis and Palestinians have both suffered greatly from their long-standing and seemingly interminable conflict,” begins *Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People*, the Trump administration’s 181-page policy document on the subject, informally called “The Deal of the Century.”¹ To resolve the conflict, it identified and proposed to solve two problems: the conflict between Israelis and Palestinians, and that between Israel and the Muslim world. The latter solution manifested itself in the so-called “Abraham Accords”: bilateral economic, cultural, and trade agreements establishing diplomatic relations between Israel and the United Arab Emirates (UAE), Bahrain, Morocco, and Sudan, that were signed in 2020.² Not by coincidence, Bahrain hosted a “Peace to Prosperity” workshop in June 2019 at which Gulf states and President Donald Trump’s advisor and son-in-law Jared Kushner discussed pooling investment for Palestinian economic development in the West Bank and Gaza, as well as Egypt, Jordan, and Lebanon, the latter two of which host large refugee camps.³ Six months later, in January 2020, *Peace to Prosperity* was published, offering what it called a “realistic two-state solution,” meaning that Palestinian self-government was limited by the “Israeli security responsibility and Israeli control of the airspace west of the Jordan River.” Although referring to a “Palestinian state,” the document acknowledged that it would lack “certain sovereign powers.” In the place of actual sovereignty, it proposed a three-pronged “Trump Economic Plan.”

The economic development-versus-political rights dichotomy is hardly a novel pitch. It featured in Zionist settlement visions a century ago, and again in the Camp David Accords between Israel and the U.S. in 1978, as Seth Anziska has recently demonstrated: not for nothing is his book called *Preventing Palestine*.⁴ This strategic continuity in the Trump Presidency’s Palestine and Israel policy must be weighed against evidence of discontinuity in key domains. Whether in style (the bullying of Palestinians by closing the Palestinian Liberation Organization’s [PLO] diplomatic mission in Washington, D.C., and cutting funding of the United Nations Relief and Works Agency for Palestine Refugees in the Near East [UNWRA]), or in substance (consenting to the annexation of the Golan, moving the U.S. Embassy to Jerusalem, and the greenlighting of Israeli settlements, ‘gifts’ given to the Netanyahu government seemingly without any concessions in return), the diplomatic novelty is impossible to ignore. What is more, for all the criticism that his successor, President Biden, has received in seeming to indulge Israeli aims in its bombing of Gaza between 10 and 19 May 2021, it is easy to imagine a Trump administration actively encouraging them.

The Biden administration’s posture to Trump’s innovations compounds the difficulty in assessing them. At the time of writing, 23 May 2021, it had agreed to accept the Abraham Accords and the embassy move, but what of Trump’s support for outright annexation and the Trumpian (im)balance between diplomatic carrot and stick? Despite the death toll, the Biden administration refrained from criticism of

¹ The White House, *Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People*, January 2020, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/01/Peace-to-Prosperity-0120.pdf>

² U.S. Department of State, “The Abraham Accords Declaration,” <https://www.state.gov/the-abraham-accords/>. The countries are listed in the order they signed.

³ Neither the Israel government, nor the Palestinian authority or Palestinian businessmen attended. “Kushner Unveils Economic Part of ‘Deal of the Century’ Middle East Peace Plan,” *Guardian*, 22 June 2019, <https://www.theguardian.com/us-news/2019/jun/22/jared-kushner-middle-east-peace-white-house>.

⁴ Seth Anziska, *Preventing Palestine: A Political History from Camp David to Oslo* (Princeton: Princeton University Press, 2018).

Israel's bombing of Gaza, its institutionalized system of racial discrimination, and increasing settler-colonial violence, notwithstanding expressions of concern about "violence in Jerusalem."⁵ Does the new form conceal continuities of substance? Certainly, like any president, Joe Biden's room for maneuver is limited by domestic and international considerations—largely the same ones faced by Trump.

In this essay, we reflect on the Trump administration's Palestine policy and its legacy for his successor by surveying the various distinct but connected policy domains in light of these considerations. A closer inspection of them reveals the necessity of recognizing how the conflict between Israel and Palestine has not commanded bipartisan consensus in Washington since the time of the Obama presidency. Nor has the US's Iran policy, with which it intersects.⁶ Concerned about Obama's Middle East initiatives, Republican politicians and Israel advocacy groups colluded with Israeli Prime Minister Benjamin Netanyahu to resist Obama's policies on Iran and Israeli settlements. Thus politicized, different parts of the U.S. political class, with aligned domestic constituencies, identify with different factions of the Israeli political class: for instance, Democrats support centrist anti-Netanyahu forces, while all sides try to co-opt a secular, technocratic Palestinian leadership in Ramallah into their respective visions.

Because any peculiarities of the Trump policy on Palestine and Israel can only be discerned in light of US policy since he left office in January 2021, it is necessary to attend here to the Biden presidency. Dramatic events unfolding under Biden's watch allow some perspective on both presidencies. In particular, the asymmetric exchange of missiles between Hamas in Gaza and Israel in May 2021 has its roots in expansionist Israeli policies in Jerusalem and the West Bank that had been greenlighted by the Trump administration, and which the Biden administration has not rolled back. In not doing so, it is adhering to long-set patterns of US foreign policy.

The Foreign Policy of the Trump Presidency toward Palestine

From the time of the Ronald Reagan administration, previous U.S. presidents, buoyed by Evangelical Christian support from the Bible Belt and the appointment of prominent neoconservatives to government positions, took overtly and unabashed pro-Israel points of view in matters of foreign policy toward the Israel-Palestine dispute. That said, no other president aligned himself with the Israeli right-wing to the same extent as Trump. To be sure, the beginning of his term in office seemed more promising for Palestinians after Trump welcomed President Mahmoud Abbas of the State of Palestine and Palestinian National Authority in the White House and visited Bethlehem in May 2017. But after Trump initially signaled a desire for Israeli restraint regarding settlement expansion in a bid to appear as a non-partisan grand dealmaker, according to former Secretary of State Rex Tillerson, Netanyahu sent Trump a doctored video that portrayed Abbas and the Palestinians in a poor light.⁷ Trump ultimately decided to honor the 2016 campaign promises made to his electoral base and his financial backers: Evangelical Christians and casino billionaire Sheldon Adelson (who passed away in January 2021).⁸

These partisans of "Greater Israel" both sought U.S. backing for Israeli politicians who foster settlements in, and annexation of, Palestinian territory while making Jerusalem the "eternal capital" of Israel. They also directly supported Israeli settlements, as do Christians United for Israel, the International Christian Embassy Jerusalem, and HaYovel.⁹ As Christian Zionists, many Evangelicals

⁵ Department of State, "Violence in Jerusalem," 7 May 2021, <https://www.state.gov/violence-in-jerusalem/>.

⁶ James R. Stocker, "Revisiting Historical Legacies of US Policy in the Middle East: The Trump Administration," H-Diplo | ISSF Policy Series America and the World: The Effects of the Trump Presidency, 25 May 2021, <https://issforum.org/to/ps2021-16>; F. Gregory Gause, III, "The Trump Administration and the Middle East: Not Much Change, Not Much Success," *ibid.*, 4 May 2021, <https://issforum.org/to/ps2021-27>.

⁷ "Netanyahu Used Doctored Video of Abbas to Influence Trump's Policy, Woodward Reveals," *Ha'aretz*, 12 September 2020, <https://www.haaretz.com/us-news/netanyahu-used-doctored-video-of-abbas-to-influence-trump-s-policy-woodward-reveals-1.9149688>

⁸ Jeremy H. Peters, "Sheldon Adelson Sees a Lot to Like in Trump's Washington," *New York Times*, 22 September 2018, <https://www.nytimes.com/2018/09/22/us/politics/adelson-trump-republican-donor.html>; Joshua Mitick, "Dead Men Don't Testify," *Foreign Policy*, 8 February 2021, <https://foreignpolicy.com/2021/02/08/dead-men-dont-testify/>; "Jewish Orgs. Hold Memorial Marking End of Sheldon Adelson's Shiva," *Jerusalem Post*, 24 January 2021, <https://www.jpost.com/diaspora/jewish-orgs-hold-memorial-marking-end-of-sheldon-adelsons-shiva-656489>.

⁹ Walker Robins, "The Biggest Fans of President Trump's Israel Policy? Evangelical Christians," *Washington Post*, 18 December 2017, <https://www.washingtonpost.com/news/made-by-history/wp/2017/12/18/the-biggest-fans-of-president-trumps-israel-policy-evangelical-christians>; Maayan Lubell and Elana Ringler, "Christian Evangelicals Harvest Land in Settlements Israel Hopes to Annex," Reuters, 12 September 2019, <https://www.reuters.com/article/us-israel-election-evangelicals/christian-evangelicals-harvest-land-in-settlements-israel-hopes-to-annex-idUSKCN1VX1DG>

believe that God gave the land to “the Jews” as an irrevocable gift that cannot be vitiated by Palestinians, despite the fact that they have long lived there and formed a majority of 90% of the population until a century ago. Moreover, they believe Biblical prophecy will be realized when Jews converge in the Holy Land, rebuild the Second Temple (thus destroying the Dome of the Rock mosque), thereby inaugurating Christ’s “Second Coming,” the mass conversion of Jews (and the destruction of those who do not convert), and his thousand-year reign.¹⁰ In doing so, Evangelicals ignore the ancient presence of Palestinian Christians who naturally do not subscribe to their doomsday eschatology.

Adelson was a supporter of Netanyahu and his party’s right-wing national-religious coalition. As well as investing in West Bank settlements and Ariel University, Adelson financed the popular *Israel Hayom* newspaper, which supports the Israeli prime minister.¹¹ “It is impossible to overstate the significance that Sheldon Adelson along with his wife Miriam had on shaping US policy with regard to Israel,” said Republican Jewish Committee executive director Matt Brooks.¹² While the Israel government’s policies, and Trump’s support of them, met with the approval of Greater Israel advocacy organizations, they are unpopular with many Jewish Americans (the vast majority of whom did not vote for Trump in either election). As might be expected, the Evangelical-Zionist alliance has been decried by liberal-minded Israelis and Jewish Americans. A recent documentary on the subject, “Til Kingdom Come” described it as an “unholy alliance.”¹³

In a move to please his evangelical supporters and Adelson, Trump broke precedent and moved the U.S. embassy to Tel Aviv, despite warnings from the King Abdullah II of Jordan and other Arab leaders not to do so. Ironically, the Israeli Labor Party had earlier advised President Clinton not to support the passage of the Jerusalem Embassy Act in 1995; but he did so anyway, and then signed the semiannual waiver that obviated its purpose.¹⁴ As Trump boasted: “we moved the capital of Israel to Jerusalem,” before adding, “that’s for the evangelicals.”¹⁵ Again breaking precedent, in November 2020 the evangelical Secretary of State Michael Pompeo visited the Israeli settlement of Psagot in November 2020; this marked the first senior U.S. diplomatic official to visit a settlement, which are illegal under international law.¹⁶ A year earlier, he had claimed that the settlements did not violate international law after all, reversing decades of settled State Department policy on the subject.¹⁷

¹⁰ Mairav Zonszein, “Christian Zionist Philo-Semitism is Driving Trump’s Israel Policy,” *Washington Post*, 28 January 2020, <https://www.washingtonpost.com/outlook/2020/01/28/trump-thinks-supporting-israel-means-letting-it-do-whatever-it-wants/>; Samuel Goldman, *God’s Country: Christian Zionism in America* (Philadelphia: University of Pennsylvania Press, 2018); Spector, *Evangelicals and Israel: The Story of American Christian Zionism* (Oxford: Oxford University Press, 2009); Gershon Gorenberg, *The End of Days: Fundamentalism and the Struggle for the Temple Mount* (Oxford: Oxford University Press, 2002).

¹¹ Tovah Lazaroff, “Trump: We Moved the Capital of Israel to Jerusalem for the Evangelicals,” *Jerusalem Post*, 18 August 2020, <https://www.jpost.com/american-politics/trump-we-moved-the-capital-of-israel-to-jerusalem-for-the-evangelicals-639034>

¹² Jacob Magid, “Backed by Deep Pockets, Adelson Made his Mark with an Unwavering Focus on Israel,” *Times of Israel*, 13 January 2021, <https://www.timesofisrael.com/backed-by-deep-pockets-adelson-made-mark-with-unwavering-focus-on-israel/>

¹³ David M. Halbfinger, “American Evangelicals, Israeli Settlers and a Skeptical Filmmaker,” *New York Times*, 26 February 2021, <https://www.nytimes.com/2021/02/26/movies/american-evangelicals-israeli-settlers-documentary.html>; Amir Tabon, “Liberal U.S. Jews Couldn’t Stand Adelson. Liberal Israelis Wanted to Replicate Him,” *Ha’aretz*, 13 January 2021, <https://www.haaretz.com/israel-news/premium-liberal-u-s-jews-couldn-t-stand-adelson-liberal-israelis-wanted-to-replicate-him-1.9448816>.

¹⁴ “Trump: Adelson ‘Tirelessly Advocated’ for Embassy Move to Jerusalem,” *Times of Israel*, 12 January 2021, https://www.timesofisrael.com/liveblog_entry/trump-adelson-tirelessly-advocated-for-embassy-move-to-jerusalem/; Victor Kattan, “Why US Recognition of Jerusalem Could be Contrary to International Law,” *Journal of Palestine Studies* 47:3 (2018) 72-92, at 85. <https://www.randonline.com/doi/abs/10.1525/jps.2018.47.3.72>

¹⁵ Graig Graziosi, “Why is Jerusalem So Important to American Evangelical Christians?” *Independent*, 18 August 2020, <https://www.independent.co.uk/news/world/americas/us-politics/jerusalem-history-explained-religion-evangelical-christians-donald-trump-a9676756.html>.

¹⁶ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004, 136 at 184, para 120. <https://www.icj-cij.org/public/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>

¹⁷ The Trump administration did not publish the legal justification for Israel’s settlement policy. The consistent view of the State Department from 1967, when Israel occupied the West Bank, until November 2019, when Mike Pompeo said that settlements were “not per se inconsistent with

But this was not all. As mentioned above, the Trump administration also withdrew funding for UNRWA,¹⁸ closed the PLO's mission in Washington D.C.,¹⁹ supported the annexation of large parts of the West Bank (as envisaged in the Abraham Accords) and endorsed the annexation of the occupied Syrian Golan Heights. A new settlement there was called "Trump Heights."²⁰

Consistent with Israeli policy, the Trump administration, in November 2020, resolved to support the controversial "working definition of antisemitism" of the International Holocaust Remembrance Alliance (IHRA) to ban funding of organizations that support the Palestinian global boycott, divestment and sanctions (BDS) movement. The definition effectively delegitimizes the rights of Palestinians in their homeland by equating support for those rights with antisemitism, because Palestinian self-determination challenges Zionist self-determination in the whole of historic Palestine.²¹

While previous U.S. administrations have taken a critical stance toward the work of the International Criminal Court (ICC), especially after the wars in Afghanistan and Iraq, no U.S. president had imposed sanctions against the ICC Prosecutor for proposing to investigate war crimes in a situation that did not directly affect US military personnel, such as the situation in the West Bank and Gaza.²² In March, the ICC's Office of the Prosecutor announced that it would open an investigation into war crimes committed *both by* Palestinian armed groups like Hamas, as well as by the Israeli Defence Force and senior Israeli officials.²³ In other words, the ICC did not single Israel out. The indifference displayed by the Trump administration toward Palestinian human rights, let alone the human rights situation in other parts of the Arab world, contrasted starkly with its criticism of "atheist China"²⁴ for violating human rights in Xinjiang, which Pompeo controversially defined as "genocide" on his last day in office.²⁵

international law" was that the establishment of settlements violated Article 49, paragraph 5, of the Fourth Geneva Convention (1949). See Victor Kattan, "Israeli Settlements, US Foreign Policy, and International Law," *Insight Turkey* 22:1 (2020): 47-57. <https://www.insightturkey.com/commentary/israeli-settlements-us-foreign-policy-and-international-law>

¹⁸ Hady Amr, "In One Move, Trump Eliminated US Funding for UNRWA and the US Role as Mideast Peacemaker," *Brookings Institution*, 7 September 2018, <https://www.brookings.edu/blog/order-from-chaos/2018/09/07/in-one-move-trump-eliminated-us-funding-for-unrwa-and-the-us-role-as-mideast-peacemaker/>

¹⁹ Carol Morello and Ruth Eglash, "PLO Mission in Washington is a Ghost of an Office 2 Weeks Before Closing," *Washington Post*, 21 September 2018, https://www.washingtonpost.com/world/national-security/plo-mission-in-washington-is-a-ghost-of-an-office-2-weeks-before-closing/2018/09/21/dba01b18-bdad-11e8-bc70-52bd11fe18af_story.html

²⁰ "Golan Heights: Trump Signs Order Recognising Occupied Area as Israeli," BBC News, 25 March 2019, <https://www.bbc.com/news/world-middle-east-47697717>; "Golan Heights: Israel Unveils 'Trump Heights' Settlement," BBC News, 16 June 2019, <https://www.bbc.com/news/world-middle-east-48656431>.

²¹ Laura Kelly, "State Department Bans Funds for Groups it Says are anti-Semitic," *The Hill*, 19 November 2020, <https://thehill.com/homenews/administration/526658-state-department-bans-funds-for-groups-it-says-are-anti-semitic>; Ben Sales, "IHRA Definition of Anti-Semitism Divides US Jews Ahead of Biden Presidency," *Times of Israel*, 20 January 2021, <https://www.timesofisrael.com/ihra-definition-of-anti-semitism-divides-us-jews-ahead-of-biden-presidency/>; Areeb Ullah, "UCL Academic Board Urges University to 'Replace' IHRA Antisemitism Definition," *Middle East Eye*, 12 February 2021, <https://www.middleeasteye.net/news/uk-ucl-board-antisemitism-ihra-definition-replace>.

²² The Biden administration decided to lift these sanctions, which could have caused difficulties with its special relationship with the United Kingdom since the new ICC Prosecutor Karim Khan QC, is a British national and highly regarded barrister.

²³ See Statement of ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine, 3 March 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>

²⁴ Nahal Toolsi, "An 'Atheist' Empire? Trump Aides Rally Evangelicals in China Fight," *Politico*, 30 December 2018, <https://www.politico.com/story/2018/12/30/trump-china-evangelicals-trade-fight-1076488>

²⁵ "Before Leaving Office, Mike Pompeo Accused China of Genocide," *The Economist*, 21 January 2021, <https://www.economist.com/china/2021/01/23/before-leaving-office-mike-pompeo-accused-china-of-genocide>. For criticism of this designation, see Weijiang Shan, "Xinjiang: What the West Doesn't Tell You About China's War on Terror," *South China Morning Post*, 14 April 2021, <https://www.scmp.com/comment/opinion/article/3129325/xinjiang-what-west-doesnt-tell-you-about-chinas-war-terror>

The “Deal of the Century” was particularly problematic. The plan (it was not a deal, at least in so far as it was not accepted by the Palestinians), endorsed the annexation of the Jordan Valley and other parts of Areas C, which amount to 61 per cent of the West Bank, cantoning Palestinian zones into disconnected parts. It mooted the idea of stripping Israeli citizenship from the Arab citizens of Israel living in the so-called Triangle and it was unclear as to whether Israeli citizenship would be offered to Palestinians inhabiting the areas that would be annexed to Israel.²⁶ In short, the plan endorsed the establishment of what looked to many like an apartheid regime between the river and the sea.²⁷ The apartheid issue would confront the Biden administration, as we see below.

Under the Trump administration, diplomatic relations with the Palestinians came to a complete standstill. The “Deal of the Century” was a far cry from what any Palestinian leader could accept, and was far removed from previous proposals to resolve the conflict endorsed in UN resolutions. U.S.-Palestinian relations had never been worse since their establishment in the late 1980s.

What the Biden Administration Has (Not) Said and Done So Far

Does the Biden administration differ from Trump’s both in style and substance? Certainly, the tone has changed. U.S. Secretary of State, Anthony Blinken soon confirmed that the Biden administration would restore ties with the Palestinians that were cut by the Trump administration, resume aid, and reject unilateral actions, such as construction of Israeli settlements on occupied territory.²⁸ However, during the clash between Israel and Hamas, the Biden administration sounded eerily similar to previous Republican and Democratic administrations in mouthing platitudes about Israel’s inherent right of self-defence from rocket fire from Gaza while ignoring its enabling context: Israel’s more than half-century annexation of Jerusalem and attempts to reduce its Palestinian population by various measures, the occupation of the West Bank and the occupation and blockade of Gaza, and increasing settler violence against Palestinians both in the West Bank and in the so-called “mixed cities.” The trigger for the Hamas rockets was the Israeli police invasion of the al-Aqsa mosque in Jerusalem and the brutal suppression of Palestinians protesting the serial evictions of Palestinian families from Sheikh Jarrah in East Jerusalem, which is part of a sustained and long-term campaign to reduce the city’s Palestinian population. Thus far, the administration has not discussed this connection, unlike sections of the US and international media.²⁹

To date, President Biden has indicated that he will not be returning the U.S. Embassy to Tel Aviv, even though the legality of the moving of the Embassy is currently before the International Court of Justice.³⁰ It remains unclear whether the Biden administration would modify its position in the event of an adverse judgment. So far, few U.S. allies have moved their embassies to the Holy City, out of respect for the *corpus separatum* enshrined in UN General Assembly resolution 181 of 1947, which Israel had itself acknowledged for 70 years by recognizing the special status accorded to the *Consular Corp of the Corpus Separatum*.³¹ This is a reference to the ten consulate-generals in

²⁶ See Victor Kattan and Andrew Dahdal, “As Israel Moves to Annex West Bank Territory, How Will International Community Respond?” *South China Morning Post*, 30 April 2020, <https://www.scmp.com/week-asia/opinion/article/3082216/israel-moves-annex-west-bank-territory-how-will-international>

²⁷ See the comments by a former Israeli Ambassador to South Africa: Alon Liel, “Trump’s Plan for Palestine Looks a Lot Like Apartheid,” *Foreign Policy*, 27 February 2020, <https://foreignpolicy.com/2020/02/27/trumps-plan-for-palestine-looks-a-lot-like-apartheid/>. See also the comments of veteran Arab diplomat Lakhdar Brahimi in Randa Takieddine, “Palestinians Have to Work and Fight Together,” Middle East’s Elder Statesman Lakhdar Brahimi Tells Arab News,” *Arab News*, 30 January 2020, <https://www.arabnews.com/node/1620146/middle-east>

²⁸ “Blinken Stops Short of Endorsing Trump Recognition of Golan Heights as Israel.”

²⁹ See “UN highlights Rise in Israeli Settler attacks on Palestinians,” *Al Jazeera*, 14 April 2021, <https://www.aljazeera.com/news/2021/4/14/un-experts-highlight-rise-in-israeli-settler-against-palestinians>. See also, “State-backed Settler Violence,” *B’Tselem*, https://www.btselem.org/settler_violence_updates/during-corona-crisis; Sheera Frenkel, “Mob Violence Against Palestinians in Israel Is Fueled by Groups on WhatsApp,” *New York Times*, 19 May 2021, https://www.nytimes.com/2021/05/19/technology/israeli-clashes-pro-violence-groups-whatsapp.html?action=click&module=Top%20Stories&pgtype=Homepage&fbclid=IwAR2Dxa2FQyJHKJocbERICY02hTKuM45VBFGQGRjynkEbi_PiHhy0u4ldEd8.

³⁰ Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America), <https://www.icj-cij.org/en/case/176>.

³¹ Only the U.S. and Guatemala have moved their embassies to Jerusalem. See ‘Why have more countries not moved their embassies to Jerusalem’, *Jerusalem Post*, 28 July 2019, <https://www.jpost.com/israel-news/why-have-more-countries-not-moved-their-embassies-to-jerusalem-report-596969>.

Jerusalem representing the interests of the U.S., the United Kingdom, Belgium, France, Sweden, Italy, Greece, Turkey, Spain, and the Holy See. The presence of these consulate-generals in Jerusalem created an anomalous situation as their consul generals are given no letters of credence to present to Israel (or Palestine) because their governments do not recognize any sovereign authority in the Jerusalem area. Instead, staff are issued with orange Consular cards by Israel's Ministry of Foreign Affairs.³²

In this respect, we must remember that the Trump administration did not just move the U.S. Embassy to Jerusalem, and appoint David Friedman, a pro-settlement lawyer, as the U.S. Ambassador to Israel. It also merged the U.S consulate in Jerusalem, which had long overseen American ties to the Palestinians, with its new Embassy in Jerusalem.³³ The merging of the consulate with the U.S. embassy sent a clear signal to the Palestinians that in the eyes of the U.S. only Israel has sovereignty over Jerusalem, and it also of course made Palestinian officials suspicious of communicating with the State Department since all lines of official communication had to pass through the office of Ambassador Friedman.

It remains unclear whether the Biden Administration will reestablish the United States' Consulate-General in Jerusalem by respecting the *Consular Corp of the Corpus Separatum* and, if so, whether the consulate will become a venue, once more, for diplomacy with the Palestinians.

With regard to the ICC, the other international court in The Hague, the Biden Administration dropped the Trump Administration's sanctions, but continued the U.S. condemnation of the ICC Prosecutor Office's latest announcement that it has opened an investigation into crimes committed by both sides in the West Bank and Gaza since 2014.³⁴ "The United States firmly opposes an [@IntlCrimCourt](#) investigation into the Palestinian Situation. We will continue to uphold our strong commitment to Israel and its security, including by opposing actions that seek to target Israel unfairly," tweeted Blinken hours after the announcement.³⁵

While Israel is not a party to the Rome Statute, it is occupying the territory of a state party, and the Court's jurisdiction was confirmed in a unanimous ruling by a pre-trial chamber.³⁶ The U.S. stance is hypocritical as it has not denounced the ICC's investigations in Myanmar and Georgia or its preliminary examination in Ukraine, all of which involve non-state-parties committing crimes on the territory of states parties.

As noted, the Trump administration's recognition of Israel's annexation of the Golan Heights was also an attempt to legitimise a situation that had been brought about by a violation of international law. When questioned on CNN whether the Biden administration would reverse the Trump administration's blessing of the annexation, Blinken stopped short of endorsing the move due to legal considerations.³⁷ But he did not say that he would reverse it. This position is in stark contrast to the U.S. policy towards Russia's annexation of the Crimea,

³² Victor Kattan, "It's Time to Take Palestine v. United States of America Seriously," *Opinio Juris*, 16 October 2018 <http://opiniojuris.org/2018/10/16/its-time-to-take-palestine-v-united-states-of-america-seriously/>.

³³ Victor Kattan, "Merger of US Consulate in Jerusalem Linked to Looming Court Case," LSE Middle East Centre Blog, 30 October 2018, <https://blogs.lse.ac.uk/mec/2018/10/30/merger-of-us-consulate-in-jerusalem-linked-to-looming-court-case/>.

³⁴ See Statement of ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine, 3 March 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>. For the US reaction: Laura Kelly, "Biden Admin: International Criminal Court 'Unfairly' Targeting Israel," *The Hill*, 3 March 2021, <https://thehill.com/policy/international/541480-biden-state-department-international-criminal-court-unfairly-targeting-israel-probe>.

³⁵ <https://twitter.com/SecBlinken/status/1367287375701938180>.

³⁶ Decision on the 'Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine', ICC-01/18-143, 5 February 2021, Pre-Trial Chamber I, Decision, <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/18-143>

³⁷ "Blinken Stops Short of Endorsing Trump Recognition of Golan Heights as Israel," *Reuters*, 8 February 2021, <https://www.reuters.com/article/us-usa-israel-blinken-idUSKBN2A82N5>

which the U.S. declared as being contrary to international law. It is unclear how the U.S. can distinguish these two annexations since Israel has never had sovereignty over the Golan Heights at any time of its history.³⁸ It belongs to Syria.

Intriguingly, the Biden Administration has welcomed the Abraham Accords, but it is unclear how these Accords will lead to a resumption of talks between Israel and the Palestinians given their association with the much discredited “Deal of the Century.” The Accords had very little to do with Israeli-Palestinian peace. They were part of a wider struggle between Conservative Gulf monarchies and Iran, Turkey, and the Muslim Brotherhood.³⁹ Prime Minister Netanyahu quickly cited the Accords to support his view that peace could be attained without conceding land to the Palestinians.⁴⁰ It also reduced Israel’s dependency on Turkey for flights to Asia through the creation of a new aviation corridor through the Gulf. There is also the issue of weapons, with the sale of F-35s and other sophisticated military hardware pending review by the Biden administration.

Regarding Morocco’s recognition of Israel, this came in exchange for the Trump administration’s recognition of Morocco’s annexation of Western Sahara.⁴¹ This was another attempt to legitimise an illegal act in international law, and again, it remains unclear whether the Biden administration will reverse this decision. Given that the recognition of Western Sahara was tied to the establishment of diplomatic relations between Morocco and Israel, the administration may be less sanguine about reversing it. But the erosion of core rules of international law, such as the non-recognition of territory acquired through the use of force, could embolden other revisionist powers to press their own territorial claims for seizing or retaining control over other “disputed” territories, which may not necessarily serve U.S. interests – for example in Taiwan, the South China Sea, or Ukraine.

Despite a warm Twitter exchange between House Speaker Nancy Pelosi and Benjamin Netanyahu in February 2021, there remain differences between the two on a two-state solution.⁴² It remains to be seen whether Netanyahu will be able to form a government after the 23 March Israeli election. But even if he is unable to do so, it is doubtful there will be sudden change in Israeli policy towards the Palestinians.

Beyond domestic Israeli and Palestinian politics, the Biden administration’s policies towards Palestine could also be shaped by the officials it appoints to government position. These include Robert Malley, the U.S. Envoy to Iran, Maher Bitar, senior director for intelligence programs at the National Security Council, Reema Dodin, deputy director of the White House Office of Legislative Affairs, and Dana Shubat, senior legislative affairs adviser at the White House.⁴³ It is clear that the new administration will seek to work with the Palestinian

³⁸ Victor Kattan, “Donald Trump Has Just Legitimized Israel’s Illegal Conquest of Occupied Territory,” *Haaretz*, 25 March 2019, <https://www.haaretz.com/middle-east-news/.premium-donald-trump-has-just-legitimized-israel-s-illegal-conquest-of-occupied-territory-1.7058983>.

³⁹ See Adam Entous, “Donald Trump’s New World Disorder,” *New Yorker*, 11 June 2018, <https://www.newyorker.com/magazine/2018/06/18/donald-trumps-new-world-order>; Marwan Bishara, “The UAE and Israel: A Dangerous Liaison,” *Al Jazeera*, 31 August 2020, <https://www.aljazeera.com/opinions/2020/8/31/the-uae-and-israel-a-dangerous-liaison>. See also “Prepared Testimony of Special Representative Elliott Abrams Senate Foreign Relations Committee Hearing on Middle East,” 24 September 2020, https://www.foreign.senate.gov/imo/media/doc/092420_Abrams_Testimony.pdf; Olivia Alabaster, “Leaked UAE Emails: Saudi Arabia Came Close to ‘Conquering’ Qatar,” *Middle East Eye*, 17 September 2017, <https://www.middleeasteye.net/fr/news/saudi-arabia-came-close-conquering-qatar-new-leaked-emails-show-1491607860>; Ian Black, “Why Israel is Quietly Cozying up to Gulf Monarchies,” *Guardian*, 19 March 2019, <https://www.theguardian.com/news/2019/mar/19/why-israel-quietly-cosying-up-to-gulf-monarchies-saudi-arabia-uae>.

⁴⁰ “Netanyahu Says UAE Deal Signals End to ‘Land for Peace,’” *Arab News*, 17 August 2020, <https://www.arabnews.com/node/1720501/middle-east>.

⁴¹ Nicholas Niarkos, “How Biden Can Ease Tensions That Trump Stoked in Western Sahara,” *New Yorker*, 10 February 2021, <https://www.newyorker.com/news/daily-comment/how-biden-can-ease-tensions-that-trump-stoked-in-the-western-sahara>

⁴² Nancy Pelosi, tweet, “Today, I spoke w/ @IsraeliPM to reaffirm the unbreakable bond between our nations & Congress’s unwavering support for a safe & secure Israel. We discussed COVID response & our shared hope for regional peace, including a just, stable & enduring 2-state solution,” 24 February 2021, <https://twitter.com/SpeakerPelosi/status/1364670689106677761>.

⁴³ “Biden Appoints Palestinian-American as Senior Intelligence Director,” *Middle East Monitor*, 25 January 2021, <https://www.middleeastmonitor.com/20210125-biden-appoints-palestinian-american-as-senior-intelligence-director/>.

Authority, and this should be welcomed. Taken as a whole, however, the Biden administration's Palestine policy indicates a "business as usual" approach of familiar, patterned responses.

Back to Business as Usual

For all these differences between the Trump presidency and those of Obama and Biden, then, questions of substance and form remain because of significant areas of ideological and policy convergence. The non-partisanship on Israel that obtained before Obama's election has returned in the joint opposition of the Republican and Democratic parties to the impending ICC investigation. Just as both sides of politics condemn the case in the U.S., so they do in Israel.⁴⁴ What is more, Democratic politicians have also been active in clamping down on First Amendment protections of Americans who support BDS by supporting laws that penalize businesses which decline to trade with Israeli businesses in the illegally occupied West Bank.⁴⁵ Major donors to the Democrat Party formed "The Democratic Majority for Israel" in January 2019 to resist rare leftist efforts to pressure Israel on settlements, so far to great effect.⁴⁶ Blinken is well known for having organized the Congressional underwriting of arms deliveries to Israel in the last Gaza conflagration in 2014. In the middle of the latest Israeli bombing of Gaza, the Biden administration announced its approval of \$735 million of precision-guided weapons to Israel, supported by Democratic and Republican leaders of the Congressional foreign affairs committees that review such sales.⁴⁷

Blinken was also quick to condemn BDS: "Will we stand up forcefully against it and try to prevent it, defuse it and defeat it? Absolutely," he told listeners in March 2020.⁴⁸ A year later, responding to the American Zionist Movement (AZM), he wrote "as the stepson of a Holocaust survivor," he would oppose "bigotry, intolerance and those who seek to undermine democracy."⁴⁹ Accordingly, Blinken signaled his support for the IHRA's working definition of antisemitism despite the opposition of liberal Jewish organizations like J Street, Americans for Peace Now and the New Israel Fund, thereby aligning the Biden Presidency with the establishment Israeli advocacy organizations and the policies of the Trump Administration.⁵⁰ This is the consensus position in the Democratic Party establishment. In 2017, Senator Kamala Harris told the American Israel Public Affairs Committee (AIPAC) that she too opposed BDS and declared that she opposed "anti-Israel bias at the United Nations."⁵¹ Because Biden's sentimentality about Israel is also a matter of record, it was easy for the Democratic Majority for Israel political action committee to counter Jewish Republican Coalition claims during the 2020 election

⁴⁴ Yonah Jeremy Bob and Lahav Harkov, "ICC Prosecutor Announces Formal Investigation into Israeli 'War Crimes,'" *Jerusalem Post*, 3 March 2021, <https://www.jpost.com/breaking-news/icc-prosecutor-announces-formal-investigation-into-israeli-war-crimes-660818>.

⁴⁵ Cristina Marcos, "House Passes Bill Opposing BDS, Exposing Divide Among Democrats," *The Hill*, 23 July 2019, <https://thehill.com/homenews/house/454399-house-passes-bill-opposing-bds-exposing-democratic-divides>; "US: States Use Anti-Boycott Laws to Punish Responsible Businesses," Human Rights Watch, 23 April 2019, <https://www.hrw.org/news/2019/04/23/us-states-use-anti-boycott-laws-punish-responsible-businesses>.

⁴⁶ Democratic Majority for Israel, <https://demmajorityforisrael.org/>; Daniel Marans, "Pro-Israel Democrats Coach Presidential Candidates On Handling Left-Leaning Activists," *Huffington Post*, 10 July 2019, https://www.huffpost.com/entry/democratic-majority-for-israel-memo-attacks-if-not-now-left-leaning-jewish-group_n_5d2649c2e4b0cfb596000899.

⁴⁷ Patricia Zengerle, "Biden Administration Approved \$735 Million Arms Sale to Israel," *Reuters*, 17 May 2021, <https://www.reuters.com/business/aerospace-defense/biden-administration-approved-735-million-arms-sale-israel-sources-2021-05-17/>.

⁴⁸ Jacob Kornbluh, "Tony Blinken's Biden Spiel," *Jewish Insider*, 28 October 2020, <https://jewishinsider.com/2020/10/tony-blinkens-biden-spiel>; Ali Harb, "Biden Will Not Condition Aid to Israel 'Period, Full Stop,' Campaign Adviser Says," *Middle East Eye*, 18 May 2020, <https://www.middleeasteye.net/news/us-election-2020-joe-biden-will-not-condition-aid-israel-campaign-adviser-says>.

⁴⁹ Omri Nahmias, "Blinken: US 'Enthusiastically Embraces' IHRA Definition of Antisemitism," *Jerusalem Post*, 3 March 2021, <https://www.jpost.com/diaspora/antisemitism/blinken-us-enthusiastically-embraces-ihra-definition-of-antisemitism-660768>. Blinken's stepfather was Samuel Pisar (1929–2015), a prominent international lawyer who cofounded Yad Vashem-France and was active in Holocaust education: "A Tribute to Dr. Samuel Pisar," Yad Vashem, <https://www.yadvashem.org/friends/recent-events-and-visits/pisar-tribute.html>.

⁵⁰ Melissa Weiss, "Biden Admin 'Enthusiastically Embraces' Full IHRA Definition of Antisemitism," *Jewish Insider*, 1 March 2021, <https://jewishinsider.com/2021/03/tony-blinken-biden-ihra-definition-antisemitism/>.

⁵¹ Omri Nahmias, "What's Kamala Harris's Record on Israel?," *Jerusalem Post*, 12 July 2019, <https://www.jpost.com/american-politics/washington-affairs-opposes-bds-supports-rejoining-the-nuclear-deal-595386>.

that Biden would be “pressuring Israel.” While Biden did state that he opposes settlement expansion, he also rejected conditioning U.S. aid to Israel to prevent it.⁵²

That said, the fact that progressive Democrats like Rep. Betty McCollum, and Jewish organizations like T’ruah and J Street, are sponsoring a bill in the House of Representatives that proposes U.S. aid not be used in Israeli practices of detaining Palestinian children, appropriating and destroying Palestinian property, and forcibly removing Palestinians prior to unilateral annexation, signals that the days of business-as-usual bipartisanship are over within the Democratic Party. At the same time, however, the opposition to the McCollum bill by self-styled “progressive Zionists” indicates that such bills are unlikely to get very far.⁵³ Tensions between different Jewish organizations about U.S. policy towards Israel and Palestine have never run higher.⁵⁴

The signs are that the Biden administration will have its hands full in containing these tensions. On 27 April 2021, the explosive 213-page Human Rights Watch (HRW) report, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” was released. So far, no considered Department of State statement has been issued, perhaps unsurprisingly given the report’s length and import.⁵⁵ In the interim, the White House signaled its disagreement with its findings but in relatively mild language.⁵⁶ (In marked contrast, Blinken stuck with the genocide accusation against China for its treatment of Uyghur citizens in Xinjiang despite a HRW report that speaks of crimes against humanity).⁵⁷

The report finds that “Israeli authorities have deprived millions of people of their basic rights by virtue of their identity as Palestinians.” Echoing a report published by a South African NGO over a decade ago, as well as many produced by Palestinian organizations and intellectuals over the years,⁵⁸ HRW claims that in the Occupied Palestinian Territories, “movement restrictions, land expropriation, forcible transfer, denial of residency and nationality, and the mass suspension of civil rights constitute “inhuman[e] acts” set out under the Apartheid Convention and the Rome Statute.”⁵⁹ The report also includes an analysis of the status and treatment of Israel’s Palestinian citizens, in part because the Basic Law: Israel – The Nation-State of the Jewish People (“Nation-State Law”), passed in 2018, dispenses with the idea of equality between citizens. By defining self-determination “in the State of Israel” as “*exclusive* to the Jewish people,”⁶⁰ the

⁵² Harb, “Biden Will Not Condition Aid to Israel”; Ron Kampeas, “Pro-Israel Groups in Both Parties Launch Ads in Swing States,” *Jewish News of Northern California*, 5 October 2020, <https://www.jweekly.com/2020/10/05/pro-israel-groups-in-both-parties-launch-ads-in-swing-states/>.

⁵³ “Rabbis Support Bill to Bring Transparency to U.S. Aid to Israel,” T’ruah, 20 April 2020, <https://truah.org/press/rabbis-support-bill-to-bring-transparency-to-u-s-aid-to-israel>; Yehuda Kurtzer, “House Bill on Israel is Flawed, but our Jewish Civil War is Worse,” *Jewish Telegraphic Agency*, 21 April 2021, <https://www.jta.org/2021/04/21/opinion/a-house-bill-on-israel-is-flawed-but-not-worth-a-jewish-civil-war>.

⁵⁴ David M. Weinberg, “Can J Street Stoop Any Lower in Backing Anti-Israel Views?,” *Jerusalem Post*, 22 April 2021, <https://www.jpost.com/opinion/can-j-street-stoop-any-lower-in-backing-anti-israel-views-opinion-666073>.

⁵⁵ Human Rights Watch, “A Threshold Crossed Israeli Authorities and the Crimes of Apartheid and Persecution,” 27 April 2021, https://www.hrw.org/sites/default/files/media_2021/04/israel_palestine0421_web_0.pdf.

⁵⁶ “US rejects Human Rights Watch’s Accusation of Israeli ‘Apartheid,’” *Times of Israel*, 29 April 2021, <https://www.timesofisrael.com/us-rejects-human-rights-watches-accusation-of-israeli-apartheid>; Omar Shakir in conversation with Peter Beinart, zoom meeting hosted by *Jewish Currents*, 30 April 2021.

⁵⁷ Human Rights Watch, “‘Break Their Lineage, Break Their Roots’: China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims,” 19 April 2021, <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting#>; Colm Quinn, “Blinken Names and Shames Human Rights Abusers The U.S. State Department Labeled China’s Actions in Xinjiang as Genocide in an Annual Human Rights Report,” *Foreign Policy*, 31 March 2021, <https://foreignpolicy.com/2021/03/31/blinken-uyghur-china-human-rights-report/>.

⁵⁸ See “Occupation, Colonialism, Apartheid? A Re-assessment of Israel’s Practices in the Occupied Palestinian Territories under International Law” (Cape Town: Human Sciences Research Council 2009), http://sro.sussex.ac.uk/id/eprint/43295/1/Occupation_Colonialism_Apartheid-FullStudy_copy.pdf; Azar Dakwar and Raef Zreik, “What’s in the Apartheid Analogy? Palestine/Israel Refracted,” *Theory and Event* 2:3 (2020): 664-705.

⁵⁹ Human Rights Watch, “A Threshold Crossed Israeli Authorities and the Crimes of Apartheid and Persecution,” 27 April 2021, 203.

⁶⁰ Most organizations have relied on an unofficial translation of the Basic law, which speaks of self-determination being “unique” to the Jewish people, even though a more accurate rendering of the Hebrew text in the context in which it is being used is “exclusive” since it is written in the singular.

new law adds to Israel's unwritten constitution the proposition that "the development of Jewish settlement as a national value and shall act to encourage and promote its establishment and strengthening."⁶¹ Adalah, the Legal Centre for Arab Minority Rights in Israel, argues that the law legitimizes state-based discrimination against the large minority of Israeli citizens who are Palestinian – some 20 per cent of the population.⁶²

Pro-Israel advocates are confident that Israel and its supporters can see off the report and hope the apartheid claim goes away.⁶³ After all, it is not new, and such controversies have come and gone in the past. And yet, given the treatment of the HRW report in *The New York Times* and *The Washington Post*, and the support of progressive Jewish organizations, it might not fade.⁶⁴ The Israeli human rights NGOs, Yesh Din and B'Tselem have recently invoked apartheid, and even the former CIA Director, John Brennan, signaled his impatience with U.S. policy in *The New York Times*.⁶⁵

The Israeli bombing campaign in Gaza has similarly split Jewish organizations and led progressive Democrats to protest the Administration's tepid response to the gross disparity in civilian casualties – more than 20 times more Palestinians have been killed in Gaza, more than half civilians, and 66 children.⁶⁶ In the UN Security Council, the administration repeatedly scuppered moves for a ceasefire statement, causing dismay among American liberals who had hoped that the administration's declaration about its values-led (i.e., human rights-based) foreign policy would extend to the Question of Palestine. Pressure mounted from within. On 14 May, Senator Edward J. Markey of the Senate Foreign Relations Committee called for a ceasefire. While condemning Hamas, he observed the causal connections: "There is no question that actions in Israel over the last few weeks, including attempts to forcibly remove Palestinians living in Sheikh Jarrah, as well as a violent raid by Israeli authorities on the al-Aqsa Mosque during Ramadan, were wrong and have led to this current crisis."⁶⁷ Running out of patience with the administration, Democratic representative Alexandria Ocasio-Cortez proposed a resolution to block the \$735m arms sale.⁶⁸

See Victor Kattan, "Move to Give Jews Special Status Sparks Controversy," *Straits Times*, 30 July 2018, <https://mei.nus.edu.sg/wp-content/uploads/2018/07/israel-nation-state-law-straits-times.pdf>.

⁶¹ Human Rights Watch, "A Threshold Crossed Israeli Authorities and the Crimes of Apartheid and Persecution," 45.

⁶² Adalah, "Israel's Jewish Nation-State Law," 20 December 2020, <https://www.adalah.org/en/content/view/9569>.

⁶³ Herb Keinon, "The HRW Apartheid Report: Does it Matter? – Analysis," *Jerusalem Post*, 27 April 2021, <https://www.jpost.com/israel-news/the-hrw-apartheid-report-does-it-matter-analysis-666521>.

⁶⁴ Patrick Kingsley, "Rights Group Hits Israel With Explosive Charge: Apartheid," *New York Times*, 27 April 2021, <https://www.nytimes.com/2021/04/27/world/middleeast/israel-apartheid-palestinians-hrw.html>; Ishan Tharoor, "Israel is Committing the Crime of Apartheid, New Report Says," *The Washington Post*, 27 April 2021, <https://www.washingtonpost.com/world/2021/04/27/israel-report-apartheid/>.

⁶⁵ Yesh Din, "The Occupation of the West Bank and the Crime of Apartheid: Legal Opinion," 9 July 2020, <https://www.yesh-din.org/en/the-occupation-of-the-west-bank-and-the-crime-of-apartheid-legal-opinion/>; B'Tselem, "A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This is Apartheid," 12 January 2021, https://www.btselem.org/publications/fulltext/202101_this_is_apartheid; John Brennan, "Why Biden Must Watch This Palestinian Movie," *New York Times*, 27 April 2021, <https://www.nytimes.com/2021/04/27/opinion/biden-palestine-israel-the-present.html>.

⁶⁶ J Street, "Biden Administration Must Change Course, Take Stronger Action to Secure Immediate Ceasefire and Address Root Causes of Israeli-Palestinian Conflict," J Street, 17 May 2021, <https://jstreet.org/press-releases/biden-administration-must-change-course-take-stronger-action-to-secure-immediate-ceasefire-and-address-root-causes-of-israeli-palestinian-conflict/>; Bernie Sanders, "The U.S. Must Stop Being an Apologist for the Netanyahu Government," *New York Times*, 14 May 2021, <https://www.nytimes.com/2021/05/14/opinion/bernie-sanders-israel-palestine-gaza.html>.

⁶⁷ Senator Edward J. Markey Statement on Escalating Crisis in Israel and the Palestinian Territories," 14 May 2021, <https://www.markey.senate.gov/news/press-releases/senator-markey-statement-on-escalating-crisis-in-israel-and-the-palestinian-territories>.

⁶⁸ Alex Kane, "Breaking News: AOC to Introduce Resolution Blocking Bomb Sale to Israel," *Jewish Currents*, 19 May 2021, https://jewishcurrents.org/aoc-to-introduce-resolution-blocking-bomb-sale-to-israel/?mc_cid=5c1514972b&mc_cid=12d4f28949.

Increasingly, sections of the US media are registering the structural inequality and lived reality endured by Palestinians, meaning that returning to the status quo is increasingly viewed as untenable. As Sarah Leah Whitson from the Democracy in the Middle East Now (DAWN) research organization has observed, words like “apartheid,” “land theft,” and “Ethnic Cleansing” have entered the mainstream conversation.⁶⁹ Following the brutal police killing of George Floyd, Biden publicly aligned himself with Black Lives Matter. In so doing, he will have difficulty disassociating Israeli police brutality against Palestinian citizens of Israel and Palestinian ID holders in Jerusalem from the mistreatment leveled by American officers against Black Americans, which increasing numbers of Democratic congressmen are linking. As Jamaal Bowman, a freshman Democrat from New York who unseated longtime Democratic Rep. Eliot L. Engel, a staunch Israel defender, put it: “As a Black man in America, I understand on a personal level what it means to live in a society designed to perpetuate violence against people who look like me ... My experience of systemic injustice, including being beaten by police at 11 years old, informs my view of what’s happening right now in Israel and Palestine.”⁷⁰

Responding to internal party disquiet, Biden announced on 17 May that he would be supporting a cease fire after all, making apparently ever-firmer calls to Netanyahu. Biden is a proponent of “quiet diplomacy,” eschewing the application of public pressure for the “reassuring arm” around his Israeli counterpart.⁷¹ For others, it appeared that Biden was appearing virtually as a supplicant rather than a superpower addressing a client state that benefits from \$3.8m of U.S. aid. So what comes next?

Conclusion

We began by speculating that Trump would have actively and enthusiastically encouraged the Israeli bombing of Gaza and the crackdown on Palestinians in Israel and the West Bank, with the implication of further civilian death and infrastructure destruction. In doing so, however, it is important to recall that the last conflict with Hamas in Gaza, in 2014, which lasted about five times longer and caused ten-fold Palestinian deaths, occurred during the Obama Presidency. The signs are that the Biden presidency’s answer to the “Question of Palestine” will be much the same as those of previous Democratic administrations notwithstanding a minor revolt by some progressive Democrats. Cleaving to the two-state solution as envisaged in the 1995 Oslo Accords when the Israeli government plainly disregards it, and when many others have long noted its practical impossibility, enables settlement expansion and *de facto* annexation.⁷² At the same time, the violence between Palestinians and Jews inside Israel, let alone in Jerusalem, the West Bank, and Gaza, makes a shared future vision in a single state difficult to imagine. Following a long-set pattern, the Biden administration has done nothing to compel Israel to withdraw from the territories that it occupied in the June 1967 war, still less repeal the Nation-State Law. If the two-state solution remains the preferred solution for the “international community,” then the Biden administration’s refusal to rein in Israeli expansionism will surely signal its official demise.

Doing nothing is a choice, then, one with increasing domestic and diplomatic costs, but so far the signs are that the administration believes they are lower than expending capital on reigning in Israeli expansionism. Biden must recall the hornets’ nest of opposition that Obama stirred when he pushed for a settlement freeze. The question of Palestine is simply not a priority while his administration deals with rebuilding the United States amid the pandemic. The U.S Embassy in Jerusalem signaled as much in its seemingly evenhanded statement about “incidents of violence” in Jerusalem when the main story in the Israeli and international press was the Israeli violence against Palestinians.⁷³

⁶⁹ Sarah Leah Whitson, “The Israel-Palestine Narrative Has Evolved: How Words like ‘Apartheid,’ ‘Land Theft,’ and ‘Ethnic Cleansing’ Have Entered the Mainstream Conversation,” *Prospect*, 18 May 2021, <https://prospect.org/world/israel-palestine-narrative-has-evolved/>.

⁷⁰ Sean Sullivan and Cleve R. Wootson, Jr., “‘From Ferguson to Palestine’: How Black Lives Matter changed the U.S. debate on the Mideast,” *Washington Post*, 22 May 2021, https://www.washingtonpost.com/politics/gaza-violence-blm-democrats/2021/05/22/38a6186e-b980-11eb-a6b1-81296da0339b_story.html.

⁷¹ “Diplomat Discusses Next Steps For Israeli-Palestinian Conflict,” National Public Radio, 22 May 2021, <https://www.npr.org/2021/05/22/999491556/diplomat-discusses-next-steps-for-israeli-palestinian-conflict>.

⁷² A. Dirk Moses, “Empire, Resistance, and Security: International Law and the Transformative Occupation of Palestine,” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 8:2 (2017): 379-409.

⁷³ “A Statement by the U.S. Embassy Jerusalem,” 23 April 2021, <https://twitter.com/usembassyjlm/status/1385526410253635587>; Sami Abou Shahadeh, “‘Death to Arabs’: Palestinians Need International Protection From Israel’s Racist Jewish Thugs,” *Ha’aretz*, 26 April 2021, <https://www.haaretz.com/middle-east-news/.premium-death-to-arabs-palestinians-need-protection-from-israel-s-racist-jewish-thugs-1.9747860>; Stephen

Instead, observers who are awake to this reality are imagining a future in which all people who live in Israeli-controlled territory between the Jordan and Mediterranean enjoy equal rights.⁷⁴ The question is whether such a vision can be attained in one state with a Palestinian majority that would defeat the very purpose of the Zionist project. Or whether a confederation, or a two-state plan similar to that enshrined in General Assembly 181 (II) of 29 November 1947 that provided for the establishment of two states could be reimaged as the basis for new conversations between Israelis and Palestinians today: an economic union with open borders, minority safeguards, and the protection of private property without discrimination.⁷⁵

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Farrell and Rami Ayyub, “Scores Injured in Jerusalem Clashes; Israeli Nationalists Shout ‘Death to Arabs,’” *Reuters*, 23 April 2021, <https://www.reuters.com/world/middle-east/police-arrest-dozens-jerusalem-clashes-israeli-nationalists-chant-death-arabs-2021-04-23/>.

⁷⁴ Bashir Bashir and Azar Dakwar, eds., *Rethinking the Politics of Israel/Palestine: Partition and Its Alternatives* (Vienna: Bruno Kreisky Forum and S&D Group, 2014), https://issuu.com/brunokreiskyforum/docs/rethinking_-_the_politics_of_israel; Peter Beinart, “I No Longer Believe in a Jewish State,” *New York Times*, 8 July 2020, <https://www.nytimes.com/2020/07/08/opinion/israel-annexation-two-state-solution.html>; and most recently Zaha Hasan et al, “Breaking the Israel-Palestine Status Quo,” Carnegie Endowment for International Peace, 19 April 2021, <https://carnegieendowment.org/2021/04/19/breaking-israel-palestine-status-quo-pub-84167>.

⁷⁵ A proposal that urges Palestinian leaders to strive for “soft” over an impossible-to-achieve “hard” sovereignty is suggested by Hussein Agha and Ahmad Samih Khalidi, “A Palestinian Reckoning: Time for a New Beginning,” *Foreign Affairs* (March-April 2021): 129-141. A trenchant critique of their proposal is Helena Cobban, “How We Speak About the Failure of the PLO,” *Boston Review*, 31 March 2021, <http://bostonreview.net/global-justice/helena-cobban-how-we-speak-about-failure-plo>.