



AMERICAN MUSLIMS FOR PALESTINE

EMPOWERMENT through
EDUCATION and **ACTION**

QUICK FACTS

**Official US policy on issues
related to Palestine/Israel**

Quick Facts – Official US policy on issues related to Palestine/Israel

The American Muslims for Palestine is a national education organization, whose mission is to bring the Palestinian narrative into mainstream American discourse. AMP is an independent American organization, working in America for Americans. As such, we do not take a stance on the final outcome for Palestine and Israel. We support the Palestinians' right to choose for themselves how they wish to be governed. We also do not take a position on internal Palestinian politics.

We are providing this brief pamphlet for your edification. US policy has been very clear in some areas and in others, while the policy has stayed in place, official language may have shifted. We believe these subtle shifts, especially those that occur in legislation because of pressure from certain lobby organizations, are not in the best interest of the United States and that it hurts our standing in the world, particularly in the Middle East. It undermines the U.S.' role as an honest broker. We would like to provide you with a quick resource to consult as you are asked to make decisions regarding policies in Palestine and Israel.

The Two-State Solution

The following information represents U.S. policy under both Republican and Democratic administrations. According to State Department publications, presidential speeches, and diplomatic agreements, the United States supports a two-state solution based on 1967 borders. International law and U.N. resolutions that the U.S. supports stipulate the West Bank, the Gaza Strip, and East Jerusalem are occupied Palestinian territories. Israel has continually refused to fulfill its obligations under international law and resolutions and has worked to undermine US policy in the region. The following is a brief historical timeline on this issue.

- Passed unanimously by the UN Security Council in 1967, during the Johnson administration, Resolution 242 requires Israel to withdraw from the territories it conquered in 1967. Those territories include the West Bank, East Jerusalem, and the Gaza strip.¹
- Israel rejected a 1969 U.S. proposal put forward by Secretary of State William Rogers for Israel to withdraw to the 1949 armistice lines. The "Rogers Plan" was suggested by President Nixon.²
- On Oct. 22, 1973, the UN Security Council passed Resolution 338, calling for a ceasefire to end the October War. The resolution was co-sponsored by the U.S. and the former U.S.S.R. under the Nixon administration. But, with tacit approval from Secretary of State Henry Kissinger, Israel did not comply with the ceasefire until U.N. Resolution 340 was passed three days later.³
- The 1979 Camp David Accords, convened by President Carter, called for "full autonomy" for Palestinians living in the West Bank and Gaza Strip.⁴ But under Israeli Prime Minister Menachem Begin's interpretation of the agreement and the Unilateral Declaration of Israel

issued right after Camp David, Israel would never allow the creation of Palestinian state, an idea that has influenced Israeli and American policy to this day.⁵

- A confidential National Intelligence Council memo created for the CIA about Camp David said Begin held that the Palestinians [Self Governing Authority] should be solely administrative and that Israel would continue to control the territory and all key issues.⁶
- The Reagan Plan, promulgated by the president in 1982, rejected “Israeli control” over West Bank, and Gaza Strip, and called for Palestinian “self-government.”⁷
- In 1991, during George H.W. Bush’s tenure, the Madrid Conference was initiated by the U.S. and the former U.S.S.R. and reaffirmed the “land for peace” concept developed under the Johnson administration. Bush called for a settlement freeze and threatened to withhold aid to Israel.⁸
- The Oslo Accords, overseen by President Clinton in 1993, provided for a Palestinian state in the West Bank, East Jerusalem, and Gaza after a five-year transitional period as well as a settlement freeze.⁹
- Although the Bush administration didn’t give much attention to the Israeli-Palestinian peace talks until nearly the end of its second term when it convened the Annapolis Conference in November 2007, President Bush boasted that he was the “the first American President to call for a Palestinian state, and building support for the two-state solution has been one of the highest priorities of my presidency.” However the Annapolis Conference failed to achieve anything because of Israel’s intransigent positions.^{10, 11}
- The Obama administration pushed hard for a two-state solution, but its efforts were thwarted by Israel’s stubbornness and refusal to fulfill its obligations under international law, U.N. resolutions and the commitments it made in peace talks. Obama implied that Israel is engaged in “a permanent occupation of the West Bank.”¹² Secretary of State John Kerry called on Israel to allow Palestinians “to fulfill their legitimate national aspirations in a homeland of their own,” stressing that “a realistic one-state solution simply does not exist for either side.”¹³

Settlements

It is illegal under international law for an occupying power to transfer its citizens into the territory it occupies. Therefore, under international law, Israeli settlements in the occupied Palestinian territory, including East Jerusalem, are illegal. The illegality of Israeli settlements has been recognized by the international community including through resolutions of the United Nations Security Council and General Assembly, the High Contracting Parties to the Fourth Geneva Convention and the International Court of Justice.¹⁴ Israel has often failed to recognize these resolutions or international laws or simply

refuses to abide by them. The United States has long held that settlements are illegal, although official language has shifted in more recent administrations, sometimes in ways that are detrimental to the U.S.’ assertion as being impartial and an honest broker. Here is a timeline of positions relative to Israeli settlements.

- From the Lyndon Johnson administration (1963-’69) through the Jimmy Carter administration (1977-’81), Israeli settlements were officially considered illegal, in accordance with UN resolutions and the Fourth Geneva Conventions.¹⁵
- On April 21, 1978, State Department legal advisor Herbert Hansell gave the official statement that settlements were “inconsistent with international law.”¹⁶
- During the Ronald Reagan administration, official language shifted from illegal to settlements being “obstacles to peace”¹⁷
- The Obama administration has clearly said it views settlements as “illegitimate and counterproductive to the cause of peace.” During a press briefing on Jan. 19, 2016, State Department spokesman John Kirby said, “We remain deeply concerned about Israel’s current policy on settlements, including construction, planning, and retroactive legalizations. The U.S. Government has never defended or supported Israeli settlements, because administrations from both parties have long recognized that settlement activity beyond the 1967 lines and efforts to change the facts on the ground undermine prospects for a two-state solution. We are no different.”¹⁸
- Former Special Envoy to the Middle East Martin Indyk laid blame for the failure of the peace process on settlements, telling Jeffrey Goldberg of “The Atlantic” that when Israel announced new settlement construction at the same time it was releasing Palestinian prisoners in a swap in 2014, months of preparations to resume negotiations fell apart. “‘The Israeli attitude is that’s just planning,’ Indyk noted. ‘But for the Palestinians, everything that gets planned gets built.’”¹⁹
- At the UN General Assembly and in his Cairo speech in 2009, Obama outlined US disapproval of settlements, “The United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace.”²⁰
- The US vetoed a UN resolution to condemn the settlements, highlighting a contradiction in US policy. Official US statements reiterate support for a two-state solution and call for an end to settlement construction, but the US has blocked any effort by the UN Security Council to censure Israel for settlement building.²¹

- In February 2016, President Obama signed HR 644, also known as the Customs Bill, into law. It contained numerous trade provisions, including troubling language that equated “Israeli-controlled territories” with Israeli proper. While this provision was ostensibly to thwart the boycott, divestment and sanctions movement, in reality it is an attempt to shift long-standing US policy on the illegality of the occupation and settlements without transparency or public debate. There are similar efforts found currently in several state-level anti-BDS bills.²²
- President Obama, however, issued a signing statement immediately after signing HR 644, categorically rejecting the language in the Customs Bill. “Certain provisions of this Act, by conflating Israel and ‘Israeli-controlled territories,’ are contrary to longstanding bipartisan United States policy, including with regard to the treatment of settlements,” he wrote on Feb. 24, 2016.²³

Settler Attacks

The existence of settlements, ‘security barriers’ and Israeli-only bypass roads consume 42 percent of the Israeli-occupied West Bank.²⁴ This creates tension between Jewish settlers and the indigenous Palestinian population. Settler attacks on Palestinian farmers, children, crops and livestock have increased steadily over the past several years, according to the United Nations and NGOs.

- Between 2008 and 2012, settler attacks against Palestinians increased 150 percent each year, said Matthais Benke of the UN Office for the Coordination of Humanitarian Affairs.²⁵
- The 2014 US State Department’s Human Rights Report states, “Violence by settlers against the Palestinian population continued to be a problem, as did inconsistent punishment of these acts by Israeli authorities.”²⁶
- On July 31st, 2015, settlers fire-bombed a Palestinian home in the West Bank village of Duma. Eighteen-month-old Ali was burned alive in his crib. His parents died of their burns. The sole remaining survivor was 4-year-old Ahmed, who is still recovering from his injuries.²⁷

In the summer of 2014, Israeli settlers kidnapped Palestinian teenager Mohammed Abu Khdeir, beat him and then burned him alive in an apparent revenge killing.²⁸

- Israeli settler attacks included damaging a water reservoir in the Palestinian village of Urif; threw stones at Palestinians in Hebron while Israeli soldiers stood idly by; burned mosques in “price tag” attacks; shot and killed Palestinians; and set fire to crops. Ninety percent of Palestinian complaints against settler violence were closed without investigation, according to the State Department.²⁹
- According to the State Department, Israeli settlers routinely deface churches, monasteries,

and graveyards with graffiti in “price tag attacks,” which are responses to Israeli policy that settlers view as unfavorable to them. The report states, “On May 9, 2014, ‘Price Tag, David the king of the Jews, Jesus is trash’ was spray painted in Hebrew next to the Romanian Orthodox Church in Jerusalem. Local Christian clergy said they were subjected to frequent abuse by ultra-Orthodox youths in Jerusalem’s Old City, including insults and spitting.”³⁰

Siege of Gaza

Israel, supported by Egypt, has had the Gaza Strip under a total blockade since 2007. The siege was imposed in response to the outcome of the 2006 Palestinian democratic elections, with which it, the European Union and the United States, did not agree. The siege and prohibiting the freedom of movement of Palestinians amounts to collective punishment, in contravention of international law.

- President Obama described the situation in his 2009 Cairo speech as a “humanitarian crisis” but has failed to otherwise condemn the siege.³¹
- A United Nations report warns that Gaza may be “uninhabitable” by 2020 if the siege continues and Palestinians are unable to rebuild and repair basic infrastructure.³²
- Israel has launched three major attacks against Palestinians in Gaza since implementing the siege, resulting in thousands of civilian deaths and injuries, and that also left tens of thousands of people homeless.

Operation Cast Lead – December 2008-January 2009 – Israel’s 22-day air and ground assault killed 1,409 Palestinians and injured more than 5,000. The Goldstone Report, commissioned by the United Nations Human Rights Council, found that Israeli military forces used Palestinians as human shields and may have used white phosphorus. The report that found these along with the disproportionate attacks may have amounted to war crimes and crimes against humanity.³³

Operation Pillar of Defense – Nov. 14-22, 2012 – The Israeli assault killed more than 160 Palestinians, who had nowhere to flee.³⁴

Operation Protective Edge - In 2014, Israel led an air and ground invasion into Gaza in Operation Protective Edge, an attack that ultimately killed 2,131 Palestinians, according to the United Nations. Since then, Israel has not allowed building materials into Gaza to allow Palestinians to rebuild destroyed homes and infrastructure.³⁵

US Aid to Israel

- Israel is the largest recipient of US foreign aid. Since 1949, the United States has given Israel more than \$124 billion, unadjusted for inflation. In fact, aid to Israel makes up 53 percent of the total foreign military financing budget worldwide. US contributions to Israel make up 20 percent of its defense budget.³⁶ The US and Israel currently are in negotiations to extend the current

Memorandum of Understanding, which has allocated \$30 billion to Israel over a 10-year period ending in 2017. Israeli Prime Minister Benjamin Netanyahu is asking for an increase of from \$40 billion to \$50 billion over the next decade. US aid to Israel actually is much higher when other grants, loan guarantees and free or reduced weaponry shipments are taken into account.³⁷ Many often question whether Israel violates the US Arms Export Act for using American weapons or armaments paid for with US taxpayer money against a civilian population.

- Under the Leahy Law, a component of the US Foreign Assistance Act, the US cannot provide aid, weapons or training to any military units if there is information they have committed “gross human rights violations.” Numerous NGOs and the United Nations have documented such human rights violations committed by Israeli forces. Israel is therefore in violation of US law.³⁸
- In February 2016, Sen. Patrick Leahy (D-VT) and 10 House members sent a letter to US Secretary of State John Kerry to ask for an investigation into claims that Israeli military units committed “gross human rights violations.” (The letter also included the Egyptian military). “In light of these reports we request that you act promptly to determine their credibility and whether they trigger the Leahy Law and, if so, take appropriate action called for under the law,” the signatories state in the letter,” according to Politico.³⁹

Trade Policy and BDS

- US policy opposes any boycott of Israel directly. US policy also does not conflate “Israeli controlled territories” i.e., the West Bank, Gaza and the settlements, with Israel and as such does not take a stance on boycotts of settlement products. “I have directed my administration to strongly oppose boycotts, divestment campaigns and sanctions targeting the State of Israel,” Obama said in a signing statement. “As long as I am president, we will continue to do so. Certain provisions of this act, by conflating Israel and ‘Israeli-controlled territories,’ are contrary to longstanding bipartisan United States policy, including with regard to the treatment of settlements.”⁴⁰
- Some analysts say that the anti-BDS bills in Congress are attempting to legislate a change in US policy without debate or public awareness.⁴¹
- Consistent with its support for the two-state solution, the US differentiates between goods made in Israel and goods made in the West Bank, East Jerusalem, and Gaza. According to US Customs and Border Protection, any product made in the occupied territories must be labeled “West Bank,” “Gaza” or “Gaza Strip” and shall not contain the words “Israel,” “Made in Israel,” [or] “Occupied Territories-Israel.”⁴²
- In January 2016, the US Customs and Border Protection reissued its policy that goods produced in the West Bank must be labeled as such, as a way to offset recent efforts by lobby organizations to conflate the occupied territories with Israel.⁴³

- However, a major 2016 trade bill was signed into law that attempted (for the first time) to conflate the Israeli economy with the settlement economy (lumping Israel together with “Israeli-controlled areas”). When President Obama signed the bill into law, he issued a “signing statement” indicating his refusal to recognize that aspect of the bill and thus continuing the US policy of differentiating between Israel and the settlements.⁴⁴

Status of Jerusalem

- The United States considers Tel Aviv to be the capital of Israel.
- In spite of the fact that it contravenes international law and undermines America’s role as an honest broker, Congress has made multiple efforts over the years to support Israel’s claim that Jerusalem is the “eternal capital of Israel.”⁴⁵ A 2015 Supreme Court decision, however, found that Congress does not have the power to override the long-standing constitutional guarantee that the US president makes foreign policy. The attempt to legislate a change in the US position toward Jerusalem backfired.⁴⁶
- Since 1967, Israeli settlers have been looking for ways to take control to the Al Aqsa compound, Islam’s third holiest site. The United States has reaffirmed its position that it supports the “Status Quo” arrangement, whereby the religious site is in an Islamic Trust overseen by Jordan.⁴⁷
- The U.S. State Department cited Israeli violations of freedom of access to both Christian and Muslim holy sites in its International Religious Freedom report of 2014.⁴⁸
- There has been a significant rise in settler provocations on the Al Aqsa mosque compound because of the rise of the Temple Movements, a collection of messianic Jewish extremist groups that are intent of removing the Islamic mosques and constructing the Third Temple. The Temple Mount Faithful call for “Liberating the Temple Mount from Arab (Islamic) occupation... (by) removing these pagan shrines.”⁴⁹
- The Temple Institute is almost a quasi-Israeli agency. It receives funding from the Education and Culture ministries.⁵⁰
- Contrary to Israeli Prime Minister Benjamin Netanyahu’s assurances that Israel recognizes the Status Quo, Israeli closures of the Al Aqsa compound have increased steadily from three days in 2012 to 41 days in 2014.⁵¹
- And, several Israeli Knesset and government officials have called to implement Jewish sovereignty over the Islamic site.⁵²

Discrimination against Christians, too

The US State Department's International Religious Freedom Report often cites incidents against Christians, Druze and other groups and Israel routinely restricts access to Christian holy sites.⁵³ This discrimination also applies to the education system, both the parochial and public school systems, which contravenes American values of equality and the right to quality education.

- According to the advisor to the Catholic Bishops of the Holy Land, Wadie Abu Nassar, Palestinian Christian schools do not receive the same funding from the Israeli state that their Jewish counterparts do, and in some cases have been forced to close down.⁵⁴ And the Israeli Ministry of Education in 2010 reported it pays out \$190 per Palestinian student in non-Jewish public schools and more than \$1,000 per Jewish pupil in the segregated Jewish-only public schools.⁵⁵
- Other forms of un-democratic policies include the demolition of Palestinian homes, more than 50 laws discriminating against Palestinian citizens of Israel, the revocation of Palestinians' residency permits in East Jerusalem and an apartheid legal system, where Palestinians in the West Bank are under the jurisdiction of the Israeli military courts while Jewish settlers are under the jurisdiction of civil courts.

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