

Obama's Legacy on Israel/ Palestine



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This retrospective assessment argues that despite the arrival in office in 2009 of a president who articulated the case for Palestinian rights more strongly and eloquently than any of his predecessors, U.S. official policy in the Obama years skewed heavily in favor of Israel. While a negotiated two-state resolution of the conflict between Israel and the Palestinians continued to be the formal goal of the United States, Israel's defiant refusal to stop settlement expansion, the administration's determined actions to perpetuate Israeli impunity in international fora, as well as the U.S. taxpayer's hefty subsidy of the Israeli military machine all ensured that no progress could be made on that score. The author predicts that with all hopes of a negotiated two-state solution now shattered, Obama's successor will have to contend with an entirely new paradigm, thanks in no small part to the gathering momentum of the Boycott, Divestment and Sanctions (BDS) movement.

NO PRESIDENT entered the White House with a more nuanced understanding of the Israeli-Palestinian issue or such boundless confidence in his ability to resolve the conflict than did Barack Obama in 2009.

Before his meteoric rise to the presidency, Obama had developed an intimacy with the Palestinian-American community, and an empathy with its narrative, that few politicians achieve. As an Illinois state senator with many Palestinian-American constituents, he often attended community events at which he "was forthright in his criticism of U.S. policy and his call for an evenhanded approach to the Palestinian-Israeli conflict," according to Electronic Intifada founder Ali Abunimah's firsthand account.¹

And the close political bonds he developed with a coterie of liberal Jewish-American advisors in Chicago exposed him to that community's non-monolithic views toward Israel. These advisors, who included people such as David Axelrod, Obama's chief campaign strategist and later senior advisor, held to a "bitter estrangement from the see-no-evil Zionism of the American Jewish establishment," wrote Peter Beinart. Obama was "repeatedly reminded, in a way most American politicians are not, that when it comes to Israel, many American Jews disagree with their communal leaders."²

Although Obama gave plenty of indications on the campaign trail that he was willing to sublimate his critiques of Israeli policy and his empathy for Palestinian suffering in order to gain

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the presidency—including a fawning and pandering speech at the American Israel Public Affairs Committee (AIPAC) in 2008, in which he called for Jerusalem to be the undivided capital of Israel and condemned as “bigoted” the nonviolent Palestinian civil society movement for Boycott, Divestment and Sanctions (BDS)³—as president, he immediately signaled that his administration would take a more concerted and balanced approach to Israeli-Palestinian peacemaking than his predecessors.

On only his second full day in office, Obama vowed to “actively and aggressively seek a lasting peace between Israel and the Palestinians,” and appointed former Senate Majority Leader George Mitchell as his special envoy for Middle East peace.⁴ Obama’s selection of Mitchell—an Arab-American who had authored a report during the George W. Bush administration calling on Israel to freeze its illegal settlements—inspired hope among Palestinians that the pro-Israel bent of the so-called peace process teams under Clinton and Bush would change under Obama.

This perception was reinforced for the Palestinian negotiating team during Obama’s first meeting with Palestinian Authority (PA) president Mahmoud Abbas in May 2009. Obama promised that “the establishment of a Palestinian state is a must for me personally,” according to meeting minutes leaked to Al Jazeera. “In an expeditious manner, we will get to the two-state solution.” Lead negotiator Saeb Erekat marveled at the transformed atmosphere. “The Washington I went to last week isn’t the Washington I knew before,” he told his staff.⁵

But if Palestinian hopes for a fair shake from the Obama administration were buoyed by this pledge and its initial forceful insistence on Israel freezing settlement construction, they were quickly deflated. Soon, the incoming administration reverted to the more familiar tropes of pro-Israel orthodoxies, maintaining and solidifying the United States in its role as “Israel’s attorney,” in the words of former U.S. peace negotiations official Aaron David Miller.⁶

Ironically, as the president most rhetorically supportive of Palestinian rights and most energetic in his pursuit of Palestinian statehood prepares to leave office, his legacy on the Israeli-Palestinian issue will not be as peacemaker. Instead, the prospects for a negotiated two-state resolution—the formal U.S. policy goal since the waning days of the Clinton administration—appear dim, if not irretrievably extinguished. For this, the ever-rightward drifting Israeli government, headed by Prime Minister Benjamin Netanyahu, who has vetoed the possibility of a Palestinian state, bears primary responsibility. But it was the willful policy choices of the Obama administration that abetted and facilitated this Israeli rejectionism. That, unfortunately, is Obama’s tarnished legacy.

Lofty Rhetoric and Good Intentions Don’t Change Policy

It is “undeniable that the Palestinian people—Muslims and Christians—have suffered in pursuit of a homeland,” Obama told a rapt audience at Cairo University in a landmark June 2009 speech designed to reset U.S. relations with the Muslim world after the Bush administration. “For more than sixty years they’ve endured the pain of dislocation. Many wait in refugee camps in the West Bank, Gaza, and neighboring lands for a life of peace and security that they have never been able to lead.” This, Obama declared, was an “intolerable” situation for the Palestinians and he vowed, “America will not turn our backs on the legitimate Palestinian aspiration for dignity, opportunity,

and a state of their own.”⁷ His remarks were and remain today the most sympathetic by a sitting U.S. president on Israel's dispossession of Palestinians.

And when he visited Israel and the West Bank almost four years later, Obama did not shrink from telling an Israeli Jewish audience in Jerusalem some unpleasant truths about their government's treatment of Palestinians. “The Palestinian people's right to self-determination, their right to justice, must also be recognized,” the president insisted. “It's not right to prevent Palestinians from farming their lands; or [restrict] a student's ability to move around the West Bank; or displace Palestinian families from their homes.”⁸

Obama deserves plaudits for articulating Palestinian rights more forcefully and cogently than any other president. These and other statements undoubtedly reflected changes in discourse, which made it more permissible to criticize Israel, and also contributed to this dynamic. But, at the same time, Obama merits criticism for woefully falling short in devising any coherent strategy for translating such sentiments into policy changes that would effectuate those rights. Obama's inability to move beyond the realm of rhetorical shifts was most evident in his unwillingness to challenge the Israel lobby and in his refusal to consider sanctioning Israel for defying his policy goal of freezing Israeli settlements as a precondition for the resumption of successful Israeli-Palestinian negotiations.

After Secy. of State Hillary Clinton emphatically and unambiguously demanded a halt to Israeli settlements in May 2009—the president “wants to see a stop to settlements—not some settlements, not outposts, not natural growth exceptions”⁹—the Israel lobby struck back in a fury. That same month, AIPAC mobilized Congress, and 76 senators and 328 representatives signed letters politely telling the president to stop airing dirty laundry with Israel in public and back off his demand for a total settlement freeze.

The president received the message clearly and capitulated almost immediately by appointing the quintessential Israel-firster, Dennis Ross, to henceforth “quarterback” all Middle East issues—from his perch at the National Security Council, where Ross undermined and undercut Mitchell's efforts at the State Department to freeze Israeli settlements. Obama shamefacedly apologized in a July 2009 meeting with leaders of Jewish American organizations. Abe Foxman, national director of the Anti-Defamation League, chastised Obama for not being “evenhanded.” Obama responded: “Abe, you are absolutely right and we are going to fix that.”¹⁰

From this embarrassing climbdown onwards, it was clear to Israel and its supporters that no matter how powerfully Obama spoke in support of Palestinian rights, there would be no consequences for Israel's continued violation of those rights. The possibility, or even threat, of sanctions was never on the table. The closest the Obama administration came to publicly threatening sanctions was Mitchell's rather oblique reference in January 2010 to the United States having both “carrots and sticks” at its disposal—although the veteran diplomat immediately cautioned, “you have to be very careful about how and when you use them.”¹¹ However, far from astutely balancing incentives and punishments, the Obama administration perversely inverted the proper relationship: the more Israel openly defied the United States on settlements, the more goodies Obama tried extending to Tel Aviv. After the expiration of Israel's self-declared, faux moratorium on settlement building in September 2010, Obama pleaded with Israel to extend the sham in exchange for twenty F-35 fighter jets and diplomatic protection at the UN. Netanyahu,

who knew that these could be had regardless—that is, without any commitments on his part—contemptuously rejected the request.

Policies, Not Personalities, Matter

On the sidelines of a G20 summit in November 2011, former French president Nicolas Sarkozy was caught in a “hot mic” moment calling Netanyahu a liar in conversation with Obama. “You’re sick of him,” Obama retorted, “but I have to deal with him every day!”¹²

The incident encapsulates the testy and frosty relations between the president and the Israeli prime minister. Obama and Netanyahu’s regular phone calls were often “heated and emotional,” according to a former senior-level administration official quoted in a ten-thousand-word *Huffington Post* feature, which characterized the Obama-Netanyahu relationship as the “worst ever between an American president and an Israeli prime minister.”¹³ From perceived and petty slights, to diplomatic faux pas, to substantive policy disagreements, the mutual grievances and recriminations between the two leaders are too numerous to fully catalog.

Several of the most serious incidents that fractured their personal relationship bear mention. During their first meeting in their respective positions in May 2009, Netanyahu reportedly felt shocked and blindsided by Obama’s demand to completely freeze Israeli settlements. Netanyahu paid the U.S. president back in spades when the Israeli government announced a major settlement expansion in East Jerusalem during a March 2010 official visit by Vice President Joe Biden. After Obama reiterated in May 2011 an anodyne formulation of a two-state solution based on Israel’s pre-1967 armistice lines, Netanyahu audaciously lectured the president as cameras rolled after a bilateral White House meeting. And Netanyahu’s sense of being kept in the dark on the Iran nuclear deal led to his most reckless gambit against Obama in March 2015, when he conspired with former House Speaker John Boehner to address Congress in opposition to the pact, an unprecedented intervention by a foreign leader in a U.S. foreign policy debate.

Republicans have tried to capitalize on these and other very visible rifts between the two leaders to argue, in the words of 2012 Republican presidential candidate Mitt Romney, that Obama “threw Israel under the bus.”¹⁴ When asked on the campaign trail how he would conduct policy on Israel and the Palestinians, Romney summed up his approach this way: “You could just look at the things the president (Barack Obama) has done and do the opposite.”¹⁵ The head of the Democratic National Committee at the time, Rep. Debbie Wasserman Schultz (D-FL), sarcastically retorted that doing the opposite of Obama “means a Romney administration would slash security assistance funding, abandon Israel at the UN, de-fund the Iron Dome system protecting Israelis from terrorist rockets, and dismantle the hardest hitting sanctions Iran ever faced.”¹⁶

Wasserman Schultz has been correct. Notwithstanding the dysfunctional personal relations between the two leaders, the Obama administration solidified the United States’ role as a biased mediator in Israeli-Palestinian negotiations, served as Israel’s protector at the UN, supported Israel’s ongoing illegal blockade of the Gaza Strip and its periodic merciless attacks upon the coastal enclave, and boosted military aid and cooperation with Israel to unprecedented levels.

Biased Peace Broker Role Foils Obama's Negotiations

"Should the U.S. desire in the future to put forward proposals of its own," President Gerald Ford wrote to Israeli prime minister Yitzhak Rabin in 1975, "it will make every effort to coordinate with Israel its proposals with a view to refraining from putting forth proposals that Israel would consider unsatisfactory."¹⁷ This pledge epitomizes the enduring bias of the United States in its role as a broker of Israeli-Palestinian peace. It also accounts for the failure of all such attempts. By trying to shoehorn Palestinian aspirations into a structure of Israeli security diktats throughout its decades-long domination of the so-called peace process, the United States has woefully failed to put forward proposals that would achieve even the most minimal Palestinian rights to sovereignty and self-determination.

From fragmentary documentary evidence leaked to Al Jazeera and other media accounts, it appears that the Obama administration maintained this practice. During the two major efforts it made to broker an accord, the administration put forward proposals that had been pre-coordinated with Israel at the expense of the Palestinians.

The exuberance that Erekat, the lead Palestinian negotiator, felt after his initial meeting with the Obama administration quickly faded once the United States began pressuring the Palestinians to resume negotiations with Israel and ignore the fact that the United States had not secured a full Israeli settlement construction freeze. During a vexatious meeting in September 2009, during which Mitchell and his deputy, David Hale, tried to persuade the Palestinians that such a freeze was a "flexible concept," Erekat excoriated the Obama administration for negotiating a deal on settlements with Israel behind his back. "You spent eight months with the Israelis—no time with me." In vain, Erekat pleaded: "I hope we will not be put in this position: accept, or else—like previous U.S. administrations. It's not that we don't want to—we can't."¹⁸

When the Obama administration presented its ideas for a negotiations framework to the Palestinian negotiating team in a December 2009 "non-paper," it became clear that the fundamental pro-Israel orientation of the U.S. approach had not changed. The United States defined the goal of negotiations as "an outcome that ends the conflict and reconciles the Palestinian goal of an independent and viable state based on the 1967 lines, with agreed swaps, and the Israeli goal of a Jewish state with secure and recognized borders."¹⁹ The Palestinian negotiating team was aggrieved by the equivalency implied in the U.S. formulation, protesting the depiction of "two equal sides to a dispute, rather than a powerful state imposing an occupation and colonization policy over the other side." In addition, the Palestinian goal of the talks was "grossly misrepresented. What is stated is . . . a compromise formula that falls short of minimum Palestinian requirements," including sovereignty, East Jerusalem as the capital of Palestine, and the implementation of Palestinian refugees' right of return.²⁰ The starting point for U.S.-brokered talks was so full of predetermined outcomes on final status issues inimical to Palestinian rights that Erekat described the U.S. proposal as giving Israel "the biggest *Yerushalaim* [Jerusalem] in Jewish history, symbolic number of refugees return, demilitarized state. . . . What more can I give?"²¹

Despite the Obama administration's knowledge of the Palestinians' deep misgivings over reconvening negotiations under such flawed premises, Mitchell pushed ahead anyway and

presided over a short-lived round of negotiations in September 2010 that seemed almost preordained to fail. Talks opened just weeks before Israel's onetime sham settlement moratorium was set to expire, casting a pall over the negotiations from the outset. And, to make matters worse, Mitchell sank any slim prospect for success by publicly jettisoning UN resolutions and international law as the bases for negotiations, claiming instead that "only the parties can determine terms of reference." Rather, Mitchell insisted, the negotiations should be "without preconditions."²² The negotiations barely progressed past a ceremonial dinner at the White House before they collapsed.

If the appointment of Mitchell as special envoy for Middle East peace was a profession of objectivity in his first term, Obama dispensed with any pretense of evenhandedness in his second term by naming Martin Indyk his special envoy for Israeli-Palestinian negotiations. A former researcher at AIPAC, founder of its spin-off think tank, the Washington Institute for Near East Policy, Clinton administration peace process veteran, and former U.S. ambassador to Israel, Indyk embodied the revolving door between the Israel lobby and U.S. policy-making on Israeli-Palestinian issues that vitiates U.S. claims to be an honest broker.

Although from July 2013 to April 2014 newly appointed Secy. of State John Kerry presided over the most intensive U.S.-mediated Israeli-Palestinian negotiations since the Clinton administration, the quality of his exertions fell substantially short of their quantity. In fact, much of the outline of the Kerry proposal appeared to be warmed-over ideas from the failed negotiations at Camp David under President Clinton: between 75 and 80 percent of Israel's settler population would be annexed to Israel in settlements blocs,²³ thereby chopping up the Palestinian state into enclaves easily isolated from one another by the Israeli military; Palestinians would enjoy no sovereignty in Jerusalem—instead, U.S. proposals spoke to future "Palestinian aspirations" in the city,²⁴ even though the agreement would presumably resolve all outstanding issues forever; the Palestinian state would have no control over its border with Jordan, which would be patrolled by a "long-term, technology-enabled, joint [U.S.-Israeli] force presence";²⁵ the future of the besieged Gaza Strip was not even on the agenda of the negotiations;²⁶ and to top off this Israeli wish list, Kerry, at Netanyahu's behest, introduced a new demand: that Palestinians recognize Israel as the "nation-state of the Jewish people,"²⁷ a deal-breaker demand he later conceded was a "mistake."²⁸

Indyk irascibly lashed out at the Palestinians for not accepting this latest iteration of the so-called generous American offer. In assessing the breakdown of the negotiations, Indyk blamed the Palestinians for refusing the proffered crumbs from the U.S.-Israeli table and snidely scolded them for advocating an alternative strategy to "sign conventions and appeal to international bodies in their supposed pursuit of 'justice' and their 'rights.'"²⁹ Indyk's malicious remark underscored just how far the Obama administration had drifted from its initial goal of establishing a Palestinian state in an "expeditious manner."

Guaranteeing Israel's Interests and Impunity at the UN

While the biased mediating of Israeli-Palestinian negotiations by the Obama administration guaranteed their failure, the protection that the United States afforded Israel at the UN ensured

impunity for its ongoing violations of UN resolutions and international law, and stymied Palestinian efforts to reinternationalize the issue.

The length to which the Obama administration went to prevent any critical action against Israel in the international arena reached its pinnacle of absurdity in February 2011 when it exercised its first and only UN veto to prevent a Security Council condemnation of Israeli settlement expansion. The mildly worded resolution jibed almost exactly with the Obama administration's stance on the issue over the previous two years. This forced U.S. ambassador to the UN Susan Rice into verbal contortions to justify the U.S. veto of a resolution with which it nevertheless agreed. "Our opposition to the resolution before this Council today should therefore not be misunderstood to mean we support settlement activity," she argued unconvincingly. "On the contrary, we reject in the strongest terms the legitimacy of continued Israeli settlement activity." But the United States nevertheless had to veto the resolution, Rice reasoned, because all action at the UN "must be measured against one overriding standard: will it move the parties closer to negotiations and an agreement?" She argued that condemning Israeli settlements in the Security Council did not meet this standard and that, instead, it "risks hardening the positions of both sides."³⁰ Never mind that the possibility of resuming negotiations at the time was nil and that the Obama administration readily acknowledged that continued Israeli settlement expansion made an agreement more unlikely. The message was clear: the Obama administration would tepidly criticize its ally, but not allow the UN to do so.

The Security Council veto of the resolution on Israeli settlements was only one prominent action—taken both overtly and covertly by the Obama administration—to shield Israel's interests in international forums. From leaked State Department cables obtained by WikiLeaks, a sordid picture emerges of the Obama administration counseling Israel on how best to mitigate the ramifications of the UN Fact Finding Mission on the Gaza Conflict (known informally as the Goldstone Report) and acting in concert with Tel Aviv to defeat any international efforts to hold Israel accountable for the war crimes documented in the 575-page report on Operation Cast Lead, in which Israel killed more than fourteen hundred Palestinians in a three-week period that ended days before Obama's inauguration.

Less than a week before the Goldstone Report was released in September 2009, U.S. ambassador to Israel James Cunningham met with Israeli deputy foreign minister Danny Ayalon to warn him "of the difficulties the Goldstone report could pose, of the possible linkage between it and action in the ICC [International Criminal Court]." Cunningham suggested that Israel engage in "credible investigations" itself to "help turn aside efforts to engage the ICC."³¹ The following week, Rice met with Ayalon on the sidelines of the UN General Assembly to further scheme on the "best means to deflect and contain the Goldstone report." Rather than engage in credible investigations into the report's war crimes claims, Rice instead urged Ayalon to deliver "demonstrable and early progress on the peace process." The Goldstone Report "will not go away," Rice warned, "but it can be more easily managed if there is positive progress on the peace process."³² Later that month, the Obama administration expanded its efforts to defeat the Goldstone Report, with Secy. of State Hillary Clinton sending an urgent memo to all U.S. diplomatic posts urging ambassadors to deliver talking points "to host governments at the highest possible appropriate level" and communicating U.S. objectives regarding the report, which explicitly included "prevent[ing]

efforts to refer the matter to the International Criminal Court.”³³ As the Goldstone Report wound its way through various UN bodies, it was evident that any initiative by the Security Council to refer Israel to the ICC would be met with an implacable U.S. veto. Thus did the Obama administration use its considerable diplomatic weight to enable Israel to elude accountability for war crimes in Gaza.

It seemed that, for the Obama administration, any initiative to promote Palestinian rights in international forums, even a largely symbolic effort, was treated as a potentially catastrophic setback for Israel worthy of top-level U.S. intervention to thwart it. Take, for example, the Obama administration's mobilization of U.S. resources to quash the Palestine Liberation Organization's bid for statehood recognition and full membership in the UN. As the initiative gathered steam, Obama deviated from the themes of his May 2011 speech on the Arab Spring, extolling the impulse for freedom and democracy underlying protests sweeping the region, to castigate Palestinians for seeking to “delegitimize” Israel by pursuing statehood recognition and UN membership.³⁴ Addressing an AIPAC conference three days later, Obama thundered: “No vote at the United Nations will ever create an independent Palestinian state.”³⁵ The Obama administration then made sure that Palestine would not become a full member of the UN by instructing the State Department to go into overdrive to defeat the Palestinian initiative. Wendy Sherman, the Obama administration's nominee for undersecretary of state for political affairs, testified before Congress at her confirmation hearing that “there has been a very broad and very vigorous demarche,” against Palestinian membership in the UN, “of virtually every capital in the world [and] that this is high on the agenda for every meeting the secretary has with every world leader.”³⁶ The degree to which the Obama administration led the charge against Palestinian UN membership caused one State Department official to quip, after having had to contact 150 diplomats to oppose the initiative: “sometimes I feel like I work for the Israeli government.”³⁷ President Abbas nonetheless submitted Palestine's application for UN membership in September 2011; the United States then mothballed it in a Security Council committee where it still officially languishes. As a consolation, the General Assembly voted 138–9 with 41 abstentions to grant Palestine permanent “non-member observer status” in November 2012.

Gaza: Blockaded and Attacked

Assuming office in the immediate aftermath of Operation Cast Lead, Obama recognized the “substantial suffering and humanitarian needs in Gaza. Our hearts go out to Palestinian civilians who are in need of immediate food, clean water, and basic medical care, and who've faced suffocating poverty for far too long.” In addition to fulfilling exigent humanitarian needs, Obama also acknowledged the imperative of ending Israel's blockade, stating that “as part of a lasting cease-fire, Gaza's border crossings should be open to allow the flow of aid and commerce.”³⁸ Although the Obama administration made good on its promise of addressing the humanitarian crisis by convening an international donor conference in Cairo in March 2009, it did precious little to relieve Israel's hermetic siege on the Gaza Strip even after the United States realized that Israel was still prohibiting the importation of even household goods to Palestinians there. A leaked February 2009 cable from the U.S. Consulate in Jerusalem noted that Israel “continues to

reject many everyday items with limited, if any, dual use, e.g., toothpaste, shampoo, children's toys, and clothing."³⁹ But the Obama administration was so reticent to publicly or privately pressure Israel into actually ending its blockade of Gaza that its pronouncements on the subject were ludicrous. For example, after Israel blocked a Mercy Corps delivery of macaroni to the Gaza Strip that same month, a State Department spokesperson refused to answer a question as to whether "pasta should fall into a specific category . . . of humanitarian assistance or not."⁴⁰

While the United States was unwilling to pressure Israel to break its siege of the Gaza Strip, activists from around the world were prepared to attempt to deliver badly needed humanitarian assistance to Palestinians there themselves. In May 2010, the international Gaza Freedom Flotilla set sail for the territory only to be attacked in international waters by Israeli naval commandos. Israel's assault on the lead Turkish ship, the *Mavi Marmara*, resulted in the deaths of ten activists, including U.S. citizen Furkan Doğan. Just as the Obama administration scuttled international efforts to hold Israel accountable for its 2008–9 attack on the Gaza Strip, so too did it act to shield Israel from consequences for its assault on the Gaza Freedom Flotilla after the UN Human Rights Council formed a fact-finding mission. In a State Department cable obtained by the Center for Constitutional Rights (CCR) under the Freedom of Information Act, the U.S. Mission to the UN in Geneva reported back to Foggy Bottom that it had "explored ways to 'turn off' the flotilla fact-finding mission." However, unable to veto the establishment of the mission, the United States resorted to a plan to "mitigate" its impact, by leading in the creation of a separate panel under the auspices of the UN secretary-general, whose mission would not be to seek justice and redress for the victims of the flotilla attack but to promote Israeli-Turkish reconciliation instead.⁴¹

The Obama administration could not even be troubled to seek justice for the killing of Doğan and barely pressed Israel to investigate his death. Based on additional documents obtained from the State Department, CCR concluded that "the Israeli government at every step of the way declined to provide the U.S. government information regarding the investigation" into Doğan's killing. After several desultory attempts to extract information from Israel, the State Department downgraded the importance of investigating his killing and instructed diplomats to raise the issue in bilateral meetings with Israeli officials only "if time permitted."⁴²

Sensing its impunity regarding its actions toward Gaza, Israel felt emboldened to launch a massive eight-day attack on the blockaded territory in November 2012, following several days of cross-border exchanges of fire with Hamas. The attack, dubbed Operation Pillar of Defense, killed an estimated 168 Palestinians, 101 of whom were civilians according to the UN. Six Israelis were killed, 4 of whom were civilians.⁴³ Rather than press for a Security Council resolution to halt the violence, the Obama administration explicitly backed Israel. At the UN, Rice "strongly condemned the barrage of rocket fire from Gaza," characterizing Israel's overwhelming and disproportionate use of force as "self-defense."⁴⁴

This devastating but short-lived attack on the Gaza Strip was a prelude to an even more ferocious fifty-one-day Israeli assault in July–August 2014. Codenamed Operation Protective Edge, this most fearsome of Israeli offensives against Gaza since the 1967 military occupation of the territory systematically and deliberately ravaged the civilian population and infrastructure there, resulting in the killing of at least 2,251 Palestinians, including at least 1,462 civilians and 551 children.

A total of 73 Israelis were killed, all but 6 of whom were soldiers. In addition to this massive loss of life, Israel injured more than 11,000 Palestinians, an estimated 10 percent of whom suffer a permanent disability. Israel's deliberate attacks on Palestinian civilian infrastructure included the destruction in whole or in part of 18,000 homes, the damaging of 73 medical facilities, and the incapacitation of much of Gaza's electrical, water, and sewage infrastructure.⁴⁵

U.S. weapons provided to Israel were heavily implicated in potential war crimes enumerated by the UN, which documented fifteen aerial attacks in which the Israeli air force dropped and fired U.S.-manufactured and funded bombs and Hellfire missiles. These attacks killed a total of 216 Palestinians, including 115 children.⁴⁶ Israel also made extensive use of Caterpillar D9 bulldozers to raze entire Palestinian neighborhoods. "I don't know how they pulled it off, the D9 operators didn't rest for a second," an Israeli infantry sergeant testified to the Israeli human rights organization, Breaking the Silence. "Nonstop, as if they were playing in a sandbox. Driving back and forth, back and forth, razing another house, another street. And at some point there was no trace left of that street."⁴⁷ Although the Obama administration reportedly held up the transfer of Hellfire missiles in protest at Israel's misuse of them, the delay in delivering the materiel was short-lived.⁴⁸ Rather than demand that Israel cease using U.S. weapons to commit potential war crimes, the Obama administration actually replenished Israel's arsenal of weapons during the carnage, allowing it to draw down stocks of U.S. grenades and tank shells prepositioned in Israel,⁴⁹ for an attack which Kerry characterized as Israel's "appropriate and legitimate efforts to defend itself."⁵⁰

Unprecedented Military Aid to Israel

Israel's scandalous abuse of U.S. weapons in Gaza to drop bombs and fire missiles on Palestinian civilians in residential buildings and to wantonly destroy entire neighborhoods underscores the degree to which the United States remains complicit in Israel's human rights abuses of Palestinians. Under the Obama administration, annual military aid earmarked for Israel increased from \$2.55 billion to \$3.1 billion. While this increase is due to levels of aid negotiated in a memorandum of understanding between the United States and Israel during the George W. Bush administration, the Obama administration has nevertheless eagerly taken the credit for boosting military aid to Israel to unprecedented levels, often using these increases in weapons supplies as a counterpoint to unfounded charges that it has been insufficiently supportive of Israel. In July 2010, Assistant Secy. of State for Political-Military Affairs Andrew Shapiro laid out a convincing case for why the Obama administration should be considered the most lavish to Israel in its history. At a forum at the pro-Israel Saban Center for Middle East Peace at the Brookings Institution, Shapiro proudly stated that because of Obama's "enduring commitment to Israel's security," the bilateral security relationship was "broader, deeper, and more intense than ever before." He asserted that "one of my primary responsibilities is to preserve Israel's Qualitative Military Edge," a term enacted into law during the George W. Bush administration that requires the United States to assess any potential weapons sale to the Middle East with a view to ensuring that no country or combination of countries possesses the firepower to battle Israel evenly. Shapiro noted that the "U.S.-Israel security relationship is too important to be anything less than

a top priority. As surely as the bond between the United States and Israel is unbreakable, our commitment to Israel's qualitative military edge has never been greater."⁵¹

As Obama prepares to leave the White House, his administration is working determinedly to ensure his legacy as the U.S. president most munificent to Israel. In September 2016, the United States and Israel signed a new ten-year memorandum of understanding to replace the expiring agreement reached during the Bush administration. Under this new deal, the United States will boost military aid to Israel even further to \$3.8 billion per year, a sum which includes \$500 million annually for missile defense programs.⁵² One of the major sticking points in the lengthy negotiations was the Obama administration's insistence that the United States phase out a provision from previous deals allowing Israel to spend 26.3 percent of its U.S. military aid allocation on its own weapons industry. This unique exemption for Israel—all other countries receiving U.S. military aid must spend the appropriation exclusively on U.S. weapons manufacturers—currently amounts to a massive U.S. taxpayer subsidy of more than \$800 million per year to Israeli arms makers. Eliminating this subsidy will undoubtedly impinge upon the ability of Israeli weapons makers to continue researching and developing cutting-edge technologies that are field-tested on Palestinians under military occupation and then exported globally, a small silver lining in an otherwise dismal horizon where U.S. complicity in Israel's human rights abuses of Palestinians will go on for yet another decade.

A New Paradigm for the Next President

"I believe the window for a two-state solution is shutting," Obama's then-new secretary of state testified to Congress in April 2013. "I think we have some period of time—a year to [a] year-and-a-half to two years, or it's over," Kerry told Congress.⁵³ Kerry's assessment about the impending demise of the two-state solution, due to the accelerated pace of Israel's colonization of Palestinian land in the West Bank, brought a sense of last-ditch urgency to the negotiations that he presided over which began later that year. After they collapsed in April 2014, Kerry seemed to recognize that the prospects for a Palestinian state emerging were negligible. He warned that in the absence of a two-state solution, "a unitary state winds up either being an apartheid state with second-class citizens—or it ends up being a state that destroys the capacity of Israel to be a Jewish state."⁵⁴

Rather than reckon with this policy implication, the Obama administration preferred, in its last two years, to keep the Israeli-Palestinian issue on the back burner to the greatest extent possible and to content itself with handing the conundrum to its successor. The next president is likely to face a very different and more challenging political landscape on the Israeli-Palestinian issue. With Israel's military occupation of the West Bank and Gaza Strip now in its fiftieth year, and with Israel's dispossession of Palestinians set to enter its seventieth year as the next president assumes office, Israel's separate-and-unequal apartheid rule over all of historic Palestine is paradoxically both more firmly ensconced and more vulnerable than ever. As the Israeli government drifts ever rightward, the possibility of establishing even an attenuated Palestinian state (much less a sovereign one) seems highly improbable. But, as the naked brutality of Israeli rule becomes apparent to more people, support for the Palestinian civil society-led BDS movement is snowballing from churches, to campuses, to boardrooms, to labor unions. Just as the global anti-apartheid movement forced

the isolation of South Africa's apartheid regime and played a formidable role in bringing a transition to democracy, the Palestinian BDS movement appears poised in the coming years to replicate this success. Obama will likely go down in history as the president who had the last shot at brokering a two-state resolution of the conflict; his successor will likely be forced to grapple with a new paradigm.

About the Author

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ENDNOTES

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