



Memorandum on Israeli-Palestinian Issues

Key Legislative Issues in the 116th Congress (2019-2020)

1. Support bills that will protect Palestinian human rights by ensuring military aid to Israel cannot be used to commit human rights abuses. According to a [memorandum of understanding](#) signed between the U.S. and Israel in 2016, the U.S. is scheduled to provide Israel with \$38 billion of weapons between FY2019 and FY2028. Israel is the largest cumulative recipient of U.S. funding in the post-World War II era and today receives more foreign military funding (FMF) than all other countries in the world combined. As such, the U.S. is profoundly complicit in Israel's misuse of U.S. weapons in violation of U.S. laws such as the Arms Export Control Act and Foreign Assistance Act to commit human rights abuses against Palestinian civilians living under military occupation in the West Bank, including East Jerusalem, and the Gaza Strip.

In the 115th Congress, Rep. Betty McCollum (D-MN), introduced [landmark legislation](#)—H.R. 4391, the Promoting Human Rights by Ending Israeli Military Detention of Palestinian Children Act—designed to implement accountability measures in the form of reporting requirements so that no U.S. funding may be used by Israel to detain, interrogate, abuse, or prosecute Palestinian children in its separate-and-unequal military court system. Israel is the only country in the world to systematically prosecute children in military courts lacking fundamental due process guarantees. 30 additional Democrats [cosponsored](#) this first-ever legislation promoting Palestinian human rights.

ASK: USCPR urges representatives to cosponsor a reintroduced version of this bill in the 116th Congress.

2. Support legislation to uphold the principle of equality for all and oppose Israel's discriminatory Nation-State Law. Since 1948, Israel has passed [more than 60 laws](#) discriminating against Palestinian citizens who comprise 20 percent of its population. In July 2018, Israel's parliament elevated this decades-long discrimination to constitutional status by passing a "basic law" that denies Palestinian citizens the right to self-determination and demotes the status of Arabic to a non-official language. Adalah: The Legal Center for Arab Minority Rights in Israel, [stated](#) that the law "guarantees the ethnic-religious character of Israel as exclusively Jewish and entrenches the privileges enjoyed by Jewish citizens, while simultaneously anchoring discrimination against Palestinian citizens and legitimizing exclusion, racism, and systemic inequality."

ASK: USCPR urges representatives to support "Dear Colleague" letters, resolutions, and bills that oppose Israel's Nation-State Law and support equality.

3. Support the constitutionally-protected right to boycott by opposing legislation that would criminalize boycotts in support of Palestinian rights. Boycotts have played an invaluable role in advancing social justice throughout the history of this country, from independence to the civil rights movement to today. The [Supreme Court](#) has ruled that boycotts to “bring about political, social, and economic change” are “entitled to the protection of the First Amendment.” However, Congressional legislation in recent years has often targeted people who leverage their economic power by boycotting companies complicit in Israeli abuses.

In the 115th Congress, Rep. Peter Roskam (R-IL) introduced the [Israel Anti-Boycott Act](#), a draconian bill which would imprison people for 20 years for advancing an international organization’s call to boycott Israel or products from its illegal settlements. Rep. Patrick McHenry (R-NC) introduced the [Combating BDS Act](#), a bill which encourages states to enact laws to punish contractors who support boycotting for Palestinian rights. In cases litigated by the [American Civil Liberties Union](#) (ACLU), federal judges have ruled these types of laws to be unconstitutional. The ACLU also staunchly opposed both bills, as well as all amended versions, on civil liberties grounds.

Ask: USCPR urges representatives to oppose all bills seeking to punish those who boycott in support of Palestinian rights.

Important 2019-20 Dates for Israeli-Palestinian Policy Issues

USAID Shutdown (early 2019)

The U.S. Agency for International Development (USAID) [closed its offices](#) in the Israeli-occupied West Bank and Gaza Strip as a result of the Trump administration's decision to end bilateral aid to the Palestinian people in an attempt to pressure the Palestinian government to submit to Israeli demands. Although USCPR has profound concerns about USAID funds entrenching, rather than ending, Israeli military occupation, this move is part of a string of Trump administration policies designed to harm the Palestinian people and will undoubtedly exacerbate the existing humanitarian crisis.

Trump Peace Plan (early 2019)

The Trump administration is expected to [release its long-delayed plan](#) to achieve Israeli-Palestinian peace. From details of the plan that have leaked to the media, it is clearly a non-starter with no chance of acceptance by the Palestinian side. It focuses on Palestinian economic development in lieu of Palestinian rights, deny Palestinians their right to a capital in Jerusalem, and deny Palestinian refugees their right of return.

USCPR urges representatives to oppose any plan for peace that denies the Palestinian people freedom, justice, and equality.

AIPAC annual policy conference (March 24-26, 2019)

The American Israel Public Affairs Committee (AIPAC) holds its annual policy conference in Washington, DC. AIPAC is an organization that has historically opposed Palestinian rights and supports Israel's separate-and-unequal policies. Its legislative priorities include legislation to deepen U.S. complicity in Israel's human rights abuses of the Palestinian people and deny our First Amendment-protected right to boycott in support of Palestinian rights.

USCPR urges representatives to publicly or privately refuse to attend the conference and exercise great caution when reviewing AIPAC's legislative asks.

Israeli elections (April 2019)

Early Israeli parliamentary elections will be held on April 4 as Prime Minister Benjamin Netanyahu's conservative ruling coalition is weak and facing a formidable challenge from parties further to its right. Netanyahu has also been indicted on corruption charges, which could prompt a collapse of his government. If he is unable to form a government, parties to the right of his, which openly support Israel's annexation of the West Bank, are likely to produce the next prime minister.

AIPAC CoDel to Israel (August 2019)

AIPAC traditionally invites all first-term members of Congress on a CoDel to Israel during the August recess. These [CoDels are biased](#), deliberately neglecting to provide members of Congress with a semblance of the reality faced by Palestinians living under Israeli military occupation and as second-class citizens in Israel. In addition, AIPAC has [skirted ethics rules](#) designed to prevent lobbying organizations from running CoDels.

USCPR urges representatives to publicly or privately skip this trip and instead join Rep. Rashida Tlaib's planned alternative CoDel.

FAQs About Israel-Palestine Issues and U.S. Policy

1. *Isn't Israel the only democracy in the Middle East?* **Israel maintains a separate-and-unequal regime that discriminates against Palestinians**, whether they are living under brutal Israeli military occupation in the West Bank, including East Jerusalem, and the Gaza Strip, refugees not permitted to return to their homes, or second-class citizens of the Israeli state.
2. *Will a two-state resolution—the establishment of a Palestinian state—resolve the Israeli-Palestinian issue?* **Only Palestinians and Israelis can determine their political arrangement; however, Israel's ongoing illegal colonization of Palestinian land has essentially foreclosed the possibility of a Palestinian state**, a reality that numerous Israeli politicians, including current Israeli PM Benjamin Netanyahu, have boasted about. Given the facts on the ground, other models such as one democratic state with equality for all must be considered.
3. *Doesn't Israel have a right to exist and wouldn't a one-state resolution deny this right?* States exist under international law when they are recognized by other states. **No state, however, has the right to maintain a separate-and-unequal regime.**
4. *Didn't Israel end its military occupation of the Gaza Strip and isn't Hamas responsible for the suffering of its residents?* **Israel's more than decade-long blockade of the Gaza Strip shows that it is still clearly the Occupying Power under international law.** More than any other factor, Israel's blockade and deliberate destruction of Palestinian infrastructure in the Gaza Strip are the causes of the humanitarian crisis there.
5. *Didn't Trump simply recognize the reality that Jerusalem is Israel's capital when he moved the U.S. Embassy there?* Palestinians view Jerusalem as their capital and **Trump's decision to move the U.S. embassy to Jerusalem backs Israel's exclusivist claims to the city while denying Palestinians their rights.** By moving the embassy to Jerusalem, Trump has prejudged an issue that can only be resolved by the Palestinian and Israeli parties to the conflict.
6. *Don't U.S. weapons to Israel advance its security?* Israel receives more military aid from the U.S. than all other countries combined. **Israel often uses these weapons to injure and kill Palestinian civilians and to demolish their homes and infrastructure.** The U.S. should hold Israel, just like any other country, accountable for violating U.S. laws such as the Arms Export Control Act and Foreign Assistance Act that are meant to prevent U.S. weapons from being misused to commit human rights abuses.
7. *Why are people boycotting for Palestinian rights and should the U.S. try to stop it?* **Civil society groups such as churches, trade unions, and academic associations are boycotting to promote Palestinian freedom, justice, and equality.** These are campaigns to advance social justice similar to those which helped end apartheid in South Africa. In the U.S., these campaigns are protected by the First Amendment and politicians should not punish those who boycott for Palestinian rights.
8. *Why is legislation needed to deal with Israel's treatment of Palestinian children in military detention?* Israel is the only country in the world to systematically prosecute children through a military court system lacking in fundamental due process guarantees. Israel often inflicts physical violence, including torture, on Palestinian children who are detained. **The U.S. should ensure that no aid to Israel is used to harm Palestinian children.**

For more complete answers and documentation to these FAQ's, please [click here](#).

History of the Israeli-Palestinian Issue

The Zionist movement was established in the 1880s to create a Jewish national home in Palestine. Its motto of "a land without a people for a people without a land" tried to erase the millennia-old existence of the native Palestinian population, which included Muslims, Christians, and Jews. In its first decades, the Zionist movement established colonies—often dispossessing Palestinians in the process—but was largely a small-scale enterprise. Zionism received a prominent boost when Great Britain issued the Balfour Declaration in 1917, aligning British policy with the goals of the Zionist movement. This declaration took on added significance in the aftermath of World War I: Britain was awarded a mandate by the League of Nations to administer Palestine in place of the defeated Ottoman Empire which had ruled over Palestine for the several previous centuries.

Under the tutelage of the British Mandate, the Zionist movement made significant advancements in colonizing Palestine. The Palestinian national movement viewed this increasing colonization with trepidation and as a threat to its self-determination. Toward the end of the British Mandate in 1947, the Zionist movement had colonized just 7 percent of the land and the Jewish population was one-third of the total. In spite of this and in violation of the principle of self-determination, the UN General Assembly recommended that Palestine be partitioned into two states, with the Jewish State receiving 55 percent, the Arab State receiving 45 percent, and Jerusalem being administered by the UN.

Between the adoption of the UN partition plan in November 1947 and the establishment of the State of Israel in May 1948, Zionist leaders were emboldened to create a state by force including through the ethnic cleansing of Palestine. In order to create the State of Israel with a Jewish majority on 78 percent of Palestine, Zionist forces depopulated and destroyed 500 Palestinian villages and then denied 750,000 Palestinian refugees the right to return to their homes after the war ended. Palestinians refer to this as the *Nakba*, or "catastrophe."

In defiance of international law and UN resolutions, Israel refused to allow Palestinian refugees to exercise their right of return. As a result, Palestinians are today the largest, long-term refugee population in the world. Those Palestinians who resisted Israel's ethnic cleansing and remained eventually became citizens of the state (today they comprise 20 percent of Israel's population) but were under strict military rule until 1966 and still face more than 60 discriminatory laws which make them second-class citizens.

In 1967, Israel took control of the Palestinian West Bank, including East Jerusalem, and Gaza Strip (the 22 percent of Palestine not conquered by Israel in 1948) and placed these Palestinian lands under military occupation (Israel also conquered the Syrian Golan Heights in 1967 and later illegally annexed the area). For the past 50+ years, Palestinians in these areas have been subject to brutal military rule in which Israel denies them fundamental human rights, such as freedom of speech, freedom of movement, and freedom of association. Israel has killed and injured tens of thousands of Palestinian civilians to enforce this occupation, has deliberately and systematically destroyed civilian infrastructure, homes, and agriculture, all the while illegally expropriating Palestinian land for exclusive colonization by Israeli Jews.

Many people believed that the series of agreements entered into between Israel and the Palestine Liberation Organization beginning in 1993 would resolve the Israeli-Palestinian issue by creating a Palestinian state in parts of the West Bank and Gaza. However, as Israel's colonization intensified (it has tripled its settler population in the 25 years since) and as Israel explicitly renounced the idea of establishing a Palestinian state, it has become evident that this "peace process" is a means to consolidate and entrench Israel's military occupation, rather than to end it.