



Memo: President Biden's Upcoming Visit to Israel and the Palestinian Territory

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President Joe Biden is scheduled to make his first official trip to Israel as president next month. The trip provides an important opportunity for the President to reaffirm the strong bilateral ties between the countries as well as to reiterate US support for moves toward normalization between Israel and some Arab-majority countries and American opposition to Iran ever acquiring a nuclear weapon.

Looming over the trip, however, are deepening concerns that tensions between Israelis and Palestinians could spiral into another round of violence. Palestinian terror attacks against Israelis, provocative Israeli violations of international law and Palestinian rights in East Jerusalem and throughout the West Bank, and the lack of a political horizon for ending the ever-deepening occupation have shredded the simplistic notion that normalization accords that ignore the conflict could still materially impact it in positive way.

President Biden should not only acknowledge the growing threats to his stated goal of a two-state solution on his visit, he should use the trip to take at least a few actual steps toward reversing the current trajectory of the conflict toward permanent occupation by meaningfully pushing back on *de facto* annexation and violence.

This memorandum lays out steps the President could take if he decides to use his trip as an opportunity to do so.

1) Reaffirm US security aid to Israel and make clear its scope and limits

President Biden should rightly reaffirm the strong commitment of the United States to Israel's security. He should, and no doubt will, restate his and this country's full support for the unparalleled assistance the United States provides Israel in a number of ways, not least of which is the security assistance pledged in the 2016 Memorandum of Understanding concluded when he was Vice President under Barack Obama.

The President should also, however, be clear with Israelis about the sacrifice this entails for American taxpayers. \$3.8 billion per year -- plus an additional \$1 billion in extraordinary funding for Iron Dome replenishment -- is a substantial sum as the United States stretches to meet the critical needs of its own citizens in trying times.

President Biden should make clear that all American aid, as required by US law, is for Israel's legitimate defense purposes only. He should be firm and explicit that no US-origin arms or military equipment, whether bought with aid or not, may be used in connection with de facto annexation activities such as expanding settlements or settler-only infrastructure, demolishing Palestinian homes or community structures, or evicting and forcibly relocating Palestinians from their homes in the West Bank or East Jerusalem in violation of international law and Palestinian human rights. The President should be clear that the United States regards such acts as inconsistent with the US-Israel bilateral relationship, international law and Palestinian rights whether they are carried out using US-supplied materiel or not.

The urgency for such a warning is especially clear in light of recent significant acts of de facto annexation, like the Israeli High Court's greenlighting of the eviction of around 1,000 Palestinians in the Masafer Yatta area of the South Hebron Hills and the decision to advance the construction of nearly 4,500 new settlement units in the West Bank -- moves which the President should address directly on the trip.

The President should be frank that while he stands fully by US aid commitments to Israel, such assistance is facing increasing skepticism from a growing number of voters and lawmakers. Questions are being raised both about the use of equipment bought with American taxpayer money in connection with violations of Palestinian rights, and Israel's actual *economic* need for such aid when Israel's government is spending large sums on building illegal settlements rather than on defensive systems it deems necessary for its security.

2) Encourage Israel to take the steps necessary to enter the Visa Waiver Program

President Biden should reiterate his hope that Israel will soon qualify to join the Visa Waiver Program. He must also be clear about the steps Israel must take to meet the requirements to do so. He should be frank about the US Government's [assessment](#) that Israel has yet to satisfy all of the program's criteria, including the key benchmark of reciprocity, which requires Israel to allow all Americans to enter Israel on equal terms.

The President should be clear in particular about Israel's need to end the practices noted by the Department of State in its [international travel information for Israel, the West Bank and Gaza](#) under which Israel subjects US citizens of Arab or Muslim heritage, particularly

Palestinian-Americans, to disparate and discriminatory treatment. Concerns in this regard with [new rules for West Bank entry](#), promulgated by Israel as the occupying power, should be firmly treated as a step backwards from -- not toward -- Israeli entry to the Visa Waiver Program.

3) Insist on Israeli cooperation in reopening a separate consulate in Jerusalem

Nearly a year and a half into his administration, President Biden has [yet to fulfill](#) his promise to reopen a physically and hierarchically separate consulate in Jerusalem. This consulate would once again serve as a key conduit for the Palestinian people and is essential to effectively conducting US-Palestinian bilateral affairs. The Israeli government has thus far refused to grant the United States permission to do so, even as it allows a number of other countries to maintain consulates-general in Jerusalem.

The President should emphasize what Israel's own top security experts have said about the benefits of having an independent US consulate in Jerusalem. The Chair of Commanders for Israel's Security Maj. Gen. (ret.) Matan Vilnai wrote, "few political/diplomatic measures – with no security downside – can make a greater contribution to strengthening the stature of the PA among Palestinians, stabilize its governance capacity and hence secure the continuity of security coordination, more than reopening of the American consulate."

4) Hasten the end of the Palestinian Authority prisoners payment program by incentivizing reform

When meeting with Palestinian President Mahmoud Abbas, President Biden should commend Palestinian leaders' ongoing security coordination with Israel and their continued support for the two-state solution. He should also be forthright about US concerns with instances of officially-sanctioned incitement as well as with the ongoing prisoners payments program. Palestinian leaders are considering proposals for reforming the program to meet the requirements of the US Taylor Force Act, which suspended US direct budgetary support to the Palestinian Authority while the program as currently constituted is in effect.

To further incentivize reform of the program, President Biden should publicly and expressly pledge that, once the program is reformed to comply with the Taylor Force Act, he will use existing statutory authority to terminate an outdated [1987 law](#) that legislatively designates the Palestinian Liberation Organization as a terrorist organization. Ending the designation would be a meaningful achievement for Palestinian leaders who recognize Israel's right to exist and renounce violence, facilitating deeper diplomatic and collaborative relationships between the Palestinian government and the outside world.

5) Insist on bringing Palestinians into the normalization agreement process

It has been reported that President Biden may attend a multilateral convening involving leaders of Arab countries that have recently concluded normalization agreements with Israel. The President should use any such opportunity to not merely reaffirm US support for efforts to normalize relations between Israel and its neighbors, but as a chance to make clear that the Palestinians must be an integral part of a process that was touted by too many of its proponents as an end-run around them and addressing their conflict with Israel.

Specifically, President Biden should encourage the parties to the existing Accords to find ways to engage Palestinian leaders in regional cooperation emerging as a result of the agreements. He should also make clear that future agreements should commit the parties to meaningful positive steps to improve conditions for Palestinians in the occupied territories.

Further, we strongly recommend that the President expressly acknowledge the importance of the Arab Peace Initiative as a reference point for a comprehensive, regional normalization with Israel. He could do this as part of a reaffirmation that the December 2016 Obama-Kerry principles on the resolution of the Israeli-Palestinian conflict constitute official US policy. The President should make clear that, as important as it is for Israel to normalize relations with Arab states, its future as both a democracy and as the national home for the Jewish people depends on reaching a negotiated agreement culminating in a viable Palestinian state.