



## MEMO: It's Time to Revoke the "Pompeo Doctrine"

Dylan Williams, J Street Senior Vice President for Policy and Strategy  
February 16, 2023

---

As the Biden Administration works to calm tensions threatening the security of Israelis and Palestinians in the wake of recent terror attacks and other violence, the far-right government of Israeli Prime Minister Benjamin Netanyahu announced [provocative new measures](#) to massively expand the size and number of settlements in the occupied West Bank over US objections.

In addition to issuing [statements](#) critical of these moves, the administration should also reinforce the distinction in international law and US policy between the State of Israel and the territory it controls in the West Bank by unambiguously reiterating the long-held, bipartisan position that the United States regards West Bank settlements as inconsistent with international law – and that means publicly and expressly revoking the so-called "Pompeo Doctrine."

### **Bipartisan Pre-Trump Policy:**

Prior to the Trump Administration, presidents of both parties since the settlement enterprise began in 1967 have opposed settlement expansion. As former US Ambassador to Israel Daniel Kurtzer [wrote](#) in 2019, "Through the past 50 years, U.S. administrations have adopted different approaches to the settlements problem, but none until now has challenged the [State Department Legal Advisor's opinion](#) of April 21, 1978, which concluded that: 'While Israel may undertake, in the occupied territories, actions necessary to meet its military needs and to provide for orderly government during the occupation, for reasons indicated above the establishment of the civilian settlements in those territories is inconsistent with international law.'"

Contrary to [claims](#) by the Trump Administration, no president, including Ronald Reagan, reversed the 1978 State Department finding, though they typically referred to settlements as "obstacles to peace" or "illegitimate," instead of using the term "illegal."

### **The "Pompeo Doctrine":**

Then-Secretary of State Mike Pompeo [announced](#) at a November 18, 2019 policy conference in Jerusalem that, "The establishment of Israeli civilian settlements in the West Bank is not per se inconsistent with international law" – expressly reversing prior US policy. Pompeo qualified this change somewhat by stating that, "the United States Government is expressing no view on the legal status of any individual settlement" and that it was "not addressing or prejudging the ultimate status of the West Bank."

Though not labeled as such by the administration at the time, this speech and the position that settlements are not per se inconsistent with international law became colloquially known, and was later referred to by other Trump Administration officials, as the "Pompeo Doctrine."

### **Rejection of the Pompeo Doctrine:**

Condemnation of Pompeo's announcement of the change in US policy was broad and swift among US lawmakers, policy experts and pro-Israel organizations supporting a negotiated resolution to the Israeli-Palestinian conflict. Reflecting the consensus of [presidential candidates](#) and dozens of US lawmakers, former Vice President and presidential candidate [Joe Biden](#) said, "This decision harms the cause of diplomacy, takes us further away from the hope of a two-state solution, and will only further inflame tensions in the region. It's not about peace or security. It is not about being pro-Israel. It is about undercutting Israel's future in service of Trump's personal politics."

Council on Foreign Relations President [Richard Haass](#) commented, "To argue settlements are not inconsistent with international law hastens the day when Israel must choose between being Jewish and being democratic." Veteran Israeli-Palestinian negotiator [Aaron David Miller](#) wrote that the policy change "greenlighted and validated the one behavior on the part of Israel—settlement activity—that has most undermined the chances of a political settlement."

The [Central Conference of American Rabbis](#) denounced the policy change, stating "we fear that this change in policy attenuates the already-limited extent to which the United States may be seen as an appropriate facilitator for a Middle East peace process." The [Union for Reform Judaism](#) — the largest Jewish movement in North America — urged the Trump administration to reverse its decision, saying, "Any unilateral move to this effect would place serious and critical obstacles to a viable two-state solution, damaging the prospect of renewing the negotiations between Israel and the Palestinian Authority and causing a long-term threat to Israel's status as a Jewish and democratic state."

### **Congressional Action:**

Within days of Pompeo's announcement, more than 100 Members of the House of Representatives sent him a [letter](#) stating "strong disagreement with the State Department's decision to reverse decades of bipartisan US policy on Israeli settlements" and warning that it "blatantly disregards Article 49 of the Fourth Geneva Convention" prohibiting settlement activity in occupied territories.

Shortly thereafter, [House Resolution 326](#) opposing unilateral Israeli annexation of territory and asserting longstanding US opposition to settlements passed the House with bipartisan support.

### **Conclusion:**

The overwhelming consensus of pro-Israel policymakers, lawmakers and other experts who support a peaceful, negotiated end to the conflict see the Pompeo Doctrine as a serious policy mistake that hurt US, Israeli and Palestinian interests. Publicly revoking the doctrine would restore a consequential position that reflected bipartisan consensus for decades, and should be one of [several concrete steps](#) taken by the United States in response to the Netanyahu government's massive new settlement plans and similar steps toward unilateral annexation.