



Navigating Pitfalls and Opportunities: Obama's Parting Shot on Israel/Palestine

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President Obama, who gave his first interview to Al-Arabiya in 2009 and spoke again few months later in his Cairo address about Palestinian aspirations, is now months from concluding his second term in the White House, and yet his pursuit of a solution for the Israeli-Palestinian conflict seems as remote as ever. Today, a president who began tackling this issue from the earliest days of his presidency is undoubtedly wondering what, if anything, he can do in his final months to make progress or at least create the conditions for potential diplomatic headway by his successor.

Picking up where George W. Bush left off, President Obama moved forward with efforts to achieve a two-state solution. After the failure of the Roadmap peace initiative and the Annapolis Conference, President Obama came into office and quickly appointed a Special Envoy, George Mitchell, to resurrect the process. Mitchell's efforts, like those of his predecessors, ended in frustration, failure, and many airline miles racked up. In April 2013, Secretary Kerry had taken the lead in US peace efforts and warned "I believe the window for a two-state solution is shutting," adding, "I think we have some period of time – a year to year-and-a-half to two years, or it's over."

Three years later, President Obama, who was on an international trip at the time when the annual AIPAC conference was being held in Washington, DC, said, "There's been talk about a one-state solution or sort of a divided government. It's hard for me to envision that being stable, there's such deep distrust between the two peoples right now," he said. "And the neighborhood is in such a mess that I continue to believe that a two-state solution is the best way." Importantly, he added, "Now, over time that could evolve."

As perplexing as the Israeli-Palestinian conflict may seem from Washington's perspective, one thing is undeniably true; time marches on there too. So now, in his final act on this issue, President Obama is surely weighing his options on the best course of action.

In the words of Vice President Joseph Biden, the administration has experienced "overwhelming frustration" with the Israeli government whose "steady and systematic expansion of settlements, the legalization of outposts, land seizures — [are] moving us and more importantly they're moving Israel in the wrong direction."

President Obama will likely consider his range of options limited by a few factors. First, as an outgoing President, he should make sure that any move he makes now offers the next president an opportunity to build on it instead of complicating or undermining his efforts. Second, because of the impression that the Obama-Netanyahu relationship has been adversarial and the increasing partisan nature of this US-Israel relationship, the President may be wary of doing



anything that can easily be interpreted as political, used as a campaign attack against Democrats in a heated election season, or simply dismissed as a personal parting shot at Netanyahu.

At the same time, the Israeli occupation of the West Bank, Gaza Strip and Jerusalem enters its 50th year on President Obama's watch and the moral imperative for action has never been clearer.

Below are three options the Obama Administration is likely to consider over the next few months and the potential implications of these pathways. All three choices are the purview of the executive branch and would not require congressional action.

I. UN Resolution on Parameters – In the Obama Administration's second term, Secretary of State John Kerry exerted significant efforts to restart the peace process and bring the sides closer together. He attempted, in a series of proximity talks, to develop a framework agreement that could guide the process forward. Ultimately, he was unable to do this and despite many promises about the forthcoming framework, no document or set of principles was ever presented. One option the administration could consider at this time is adopting the Kerry framework as the "Obama Parameters" and inserting them into a UN Security Council Resolution.

This would be a perilous path for several reasons. First, more than 15 years after the Clinton Parameters which failed to move the parties forward, the Obama Parameters, which will undoubtedly be reflective of both the destructive political and physical changes on the ground since then, will only highlight the failures of the US-led diplomatic process. Second, reported elements of the Kerry framework, like the insistence on recognition of Israel as a Jewish state, the denial of Palestinian refugee claims in Israel, and the insistence on land swaps, are all deeply problematic on their own.

While the administration may seek to incorporate these ideas in what they view as a trade-off for Israeli concessions, the reality is that without the pressure necessary to implement those concessions, inserting them into the international consensus will be very damaging to the future prospects for peace. The Israeli right, led by Netanyahu, has worked for years to shift the goalposts in terms of legitimate demands. In the American policy discussion, these shifts seem to have been largely adopted. For Palestinians, it has always been clear that the US is acting not as an even-handed mediator but as Israel's supporter and advocate, backing up its increasingly rightward shifting demands. International law and the consensus of the international community have always served as refuge for Palestinians. By inserting the Obama Parameters, which account for Netanyahu's political objectives, into a UN Security Council resolution, the US would be effectively changing the international consensus on legitimate demands. Since this would undoubtedly come without the pressure necessary to actually create



change in Israeli behavior, it will only embolden Israel to continue its colonialist expansion in the West Bank.

II. UN Resolution on Settlements – Perhaps no other issue in the Israeli-Palestinian conflict enjoys greater international consensus than the problem of Israeli settlements. This has become especially true in the years of the “peace process,” during which the number of Israeli settlers in the occupied territories tripled. This rapid growth rate has also contributed to a shift in Israeli politics that has only made right wing and increasingly brazen government formation possible, reinforcing the support for settlement expansion as a state priority.

The Obama Administration could choose to support, or at a minimum, refrain from vetoing a UN Security Council resolution condemning Israeli settlement expansion as illegal. Historically this would not be anything new. In fact, the United States supported UNSC Resolution 446 in 1979, which stated “that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.” Indeed, this resolution passed without any “no” votes. Since the beginning of the “peace process” the United States has moved away from the discourse of legality when it comes to Israeli settlements, seeking to keep arbitration under American and not international auspices, and opting for terms like “illegitimate” instead. This softening has enabled continued settlement expansion and eventually an American recognition that some settlements would inevitably remain in Israel, further legitimizing them and creating increased interest for Israel to spread its settlements over large swaths of Palestinian land.

A resolution that brings legality back into the discourse on this issue would be an important change of policy. A US abstention or vote in favor of such a resolution would send an important message to Israel that the days of unquestioned US veto-cover for Israeli settlements at the UN have come to an end. This would stand in stark contrast to the resolution on settlements, pieced together based on statements from US officials, which nonetheless was vetoed by the Obama Administration in 2011.

III. A Speech on the Future of US-Israel Relations – A third option likely to be considered by the Obama Administration would be using one of President Obama’s strong oratory skills, to speak about change. The President could choose to give an address focused on the Israeli-Palestinian issue, his efforts to solve it and how he sees things moving forward. This speech would be more powerful if it focused less on specific policy ideas and more on the moral implications of action and inaction and what it means for the US-Israel relationship.

While the speech would surely include all the usual platitudes about US support for Israel’s security, it could also signal a shift in the US-Israel relationship by stressing that the values of military occupation are no longer values the US wants to uphold. Here the President can state clearly that while he has previously said the status quo is unsustainable, it is also time to



recognize that the status quo is *unacceptable*. It is unacceptable that millions of Palestinians are denied basic rights because of Israeli policies even if these policies have proven sustainable for decades. It should be noted as well that the United States, which has played a key role in ensuring the sustainability of these policies, would begin exploring how it can shift its own positions to reflect the principle that the status quo is unacceptable. In other words, President Obama can take the opportunity to send Israel the message that if we are going to talk about a relationship based on “shared values,” those values cannot include denying self-determination and other fundamental rights to millions of people, and failing to act decisively to change course will have increasing implications for the ties between both countries.

Years from now, history will judge this moment and the decision that the Obama Administration makes. If he goes the route of the “Obama Parameters” based on the problematic Kerry framework, he will be remembered as the president who decided to pass on the dead two-state paradigm to his successor. If, however, President Obama chooses to do nothing, history will judge him as a president that tried and failed to secure Israeli-Palestinian peace, which basically puts him on par with all his predecessors. History will also remember him as the president that ushered in the 50th year of Israeli occupation, while giving Israel unprecedented amounts of weapons and diplomatic cover.

Alternatively, President Obama can choose to take this opportunity to chart a new political course by signaling the end of the untenable status quo, finally burying the practice of US acquiescence to destructive Israeli policies never being challenged up by US actions.

Yes, President Obama can. And, yes, he should.