

Trump's Recognition of Israeli Settlements Is Rooted in Bipartisan Support

By [Prof. Stephen Zunes](#)

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Three previous U.S. administrations all ignored the gross power asymmetry between the Palestinians under occupation and the Israeli occupiers—an imbalance compounded by the fact that as the chief mediator in negotiations, the U.S. is also the primary military, economic, and diplomatic supporter of the occupying power.

Secretary of State Mike Pompeo's [announcement](#) this week that the United States will no longer accept the international consensus on the illegality of Israeli settlements in the occupied West Bank should come as no surprise. Indeed, both Republicans and Democrats have been pushing for such a move for decades.

In fact, the illegality of the settlements couldn't be clearer. Article 49 of the Fourth Geneva Convention—to which both Israel and the United States are signatories—prohibits any occupying power from transferring “parts of its own civilian population into the territory it occupies.” United Nations Security Council resolutions [446](#), [452](#), [465](#), [471](#), and [2234](#) have explicitly recognized the application of the Fourth Geneva Convention to Israeli-occupied territories, as does a [landmark 2004 decision](#) by the International Court of Justice.

The Nixon, Ford, and Carter administrations also all recognized the illegality of these settlements when Israel's colonization drive began in the 1970s. The Reagan Administration was the first to stop referring to the settlements as illegal, but still opposed their expansion.

In 1991, President George H.W. Bush insisted on a settlement freeze as a condition to granting a controversial \$10 billion loan guarantee to Israel. In response, leading members of Congress—including most candidates for the 1992 Democratic presidential nomination—attacked Bush from the right by calling on the President to grant the loan guarantee unconditionally. He eventually capitulated, though insisting that the United States cut the amount of the loan guarantee granted in two-billion-dollar increments over the subsequent five years by the equivalent amount Israel paid for settlement construction.

It was under the Clinton Administration that U.S. support for Israeli settlements became apparent, increasing aid to Israel by the same amount deducted from the loan guarantee, thereby [using taxpayer dollars](#) to subsidize the settlements' expansion, and undermining efforts by Israeli peace activists and the international community to freeze settlement expansion.

When the Oslo Accords were signed in September 1993 and the Palestinians pressed to address the settlements issue immediately, Clinton [insisted](#) that it be delayed as a “final

status issue” thereby enabling Israel to create “facts on the ground”—or footholds—by building more and more settlements, even as the peace process slowly moved forward.

To the shock of much of the international community, the Clinton Administration also insisted that the Fourth Geneva Convention and the four U.N. Security Council resolutions addressing the settlements issue were suddenly no longer relevant, vetoing two otherwise unanimous new resolutions calling on Israel to cease its settlement activities. In 1998, the Clinton Administration and Congress approved additional aid to Israel to build “bypass roads” and security enhancements for Israeli settlers in the occupied territories.

Clinton and Israeli Prime Minister Ehud Barak’s proposed boundaries of a future Palestinian state unveiled at the July 2000 Camp David summit excluded most of the new and expanded settlement blocs developed during the previous years by incorporating them into an enlarged Israel. They divided the Palestinian West Bank into four noncontiguous regions, but the Palestinians recognized that such a fractured mini-state would be unviable and therefore rejected the proposal. This failure by the United States to demand Israel live up to its international legal obligations and cease its settlements expansion was therefore largely responsible for the collapse of the peace process and the rise of extremist Palestinian groups like Hamas.

During George W. Bush’s administration, despite explicit calls in the Mitchell Plan, the Zinni Plan, and the much vaunted “Roadmap for Peace” for Israel to freeze settlement expansion, both the Bush Administration and the Democratic-controlled Congress failed to press Israel to comply. They instead blamed the Palestinians exclusively for the failure of the peace process as increasingly large swaths of West Bank territory was being seized for still further settlements expansion.

In 2004, [President Bush](#) and an overwhelming [bipartisan majority of Congress](#) endorsed rightwing Israeli prime minister Ariel Sharon’s convergence plan in which Israel would annex virtually all of the settlements into Israel, leaving the Palestinians with only a series of small non-contiguous cantons in the West Bank along with the impoverished Gaza Strip.

That same year, the International Court of Justice reiterated the illegality of the settlements in a ruling that would have been unanimous save for the U.S. judge. The decision was roundly condemned by the Bush Administration, Democratic presidential nominee John Kerry, and an overwhelming bipartisan majority of Congress. (The ruling enjoined the United States and other signatories to “ensure compliance by Israel with international humanitarian law,” thereby making the U.S. rejection of the ruling itself a violation.)

The Obama administration was more critical of the settlements, but was reluctant to explicitly call them illegal. In 2011, in its only U.N. Security Council veto, blocked a resolution reiterating the illegality of the settlements and calling for a construction freeze. Secretary of State Hillary Clinton noted, “We have consistently over many years said that the United Nations Security Council—and resolutions that would come before the Security Council—is not the right vehicle to advance the goal.”

The Clinton, Bush, and Obama Administrations have all held that the question of Israeli settlements is not a legal question as determined by the World Court, the United Nations, or established legal conventions, but by whatever the Israelis and Palestinians agree upon themselves.

This ignores the gross asymmetry in power between the Palestinians under occupation and the Israeli occupiers. The imbalance is compounded by the fact that the United States—the chief mediator in the negotiations—also serves as the primary military, economic, and diplomatic supporter of the occupying power.

As the 2016 Democratic nominee, Hillary Clinton argued that the Obama Administration pushed too hard in the early years of the administration to get Israel to suspend settlement construction. As a Senator, she had visited a major Israeli settlement in the occupied West Bank in a show of support. The [2016 Democratic Party platform](#) refused to condemn or even mention the Israeli occupation and settlements, instead praising what it referred to as Israel's values of "democracy, equality, tolerance, and pluralism."

That must have come as quite a surprise to Palestinians living in the West Bank, who live under an apartheid-like situation where Israeli settlers live in modern Jewish-only towns connected by Jewish-only highways on confiscated Palestinian land. To make way for settlement expansion and their related infrastructure, the Israelis have destroyed thousands of Palestinian homes, uprooted orchards, own most of the aquifer, and control Palestinians' movement within the territory.

Also in 2016, a bipartisan majority in Congress passed a [trade bill](#) that formally defined "Israel" as including Arab territories recognized by the international community as under foreign belligerent occupation. This was done to dissuade potential U.S. trading partners from boycotting products made in illegal settlements or discourage their companies from supporting the Israeli occupation. Congress also passed a bipartisan [customs bill](#) with similar language in support of those doing business with individuals or entities operating from the illegal settlements.

Lara Friedman of the liberal Zionist group Americans for Peace Now [argued](#) that such efforts are "not about defending Israel at all" but rather about "shielding Israeli settlements from pressure" and "seeking to codify in U.S. law the view that there is no distinction between Israel and Israeli settlements in the occupied territories."

In addition, several states have [passed laws](#) designed to punish companies and individual contractors who refuse to purchase products from illegal Israeli settlements.

In December 2016, the United States was the only member of the Security Council that refused to support a resolution reiterating the illegality of Israeli settlements and calling for a freeze in their expansion. Unlike five years earlier, however, President Obama refused to veto the resolution however, prompting intense criticism from President-elect Trump.

In response, as the first foreign policy vote of the new Congress in January, a majority of House Democrats joined Republicans in passing [a resolution](#) siding with Trump against Obama in condemning the refusal to veto the resolution and calling opposition to Israel's illegal settlements "anti-Israel."

As a result, the Trump Administration's decision this past week is not a dramatic shift in U.S. policy, but simply the culmination of decades of bipartisan support for Israeli settlement expansion and the Israeli occupation.

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Stephen Zunes is a professor of politics and international studies at the University of San Francisco. A regular contributor to *The Progressive*, he serves as an Editorial Fellow at the Tikkun Institute.

Featured image: Marines run to cover during a military training exercise at the National Training Center in Israel, 2018.

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