



## Frequently Asked Questions about Israeli-Palestinian Issues and US Policy

*The issue of Palestine/Israel is one of freedom, justice, and equality. Since the establishment of the State of Israel in 1948 and its subsequent displacement of more than 750,000 Palestinians, the Israeli state has maintained a separate-and-unequal regime, with one system for Israeli Jews and a matrix of control and domination for Palestinians. This separate-and-unequal regime is characterized by the violent theft of Palestinian land and resources, racial profiling, targeting of civilians, mass incarceration, the denial of return for Palestinian refugees, military occupation for Palestinians in the West Bank, including East Jerusalem, and Gaza Strip, and relegating Palestinian citizens of Israel to a second-class status. The following FAQs aim to clarify common misconceptions about the currently reality in Palestine/Israel, as well as relevant US policy issues.*

### 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.*

For a country to be a democracy, it must do more than hold free and regular elections; it must treat everyone over whom it rules equally. Israel has a separate-and-unequal, discriminatory set of laws for Israeli Jews and Palestinians.

Israel has maintained a military occupation of the Palestinian West Bank, including East Jerusalem, and the Gaza Strip since 1967. In the West Bank, Israelis who live on expropriated Palestinian land in illegal colonies, often referred to as settlements, are governed by Israeli civil law. Palestinians, however, are governed by a harsh regime of military law in which they are denied basic human rights, such as the right to freedom of speech, assembly, and movement.

Jewish people from anywhere in the world are permitted to immigrate freely to Israel and automatically receive citizenship under the Law of Return. However, Palestinian refugees, whom Israel exiled during its establishment in 1948, are denied their right of return to their homes, a right afforded to them under the Universal Declaration of Human Rights and UN resolutions, most notably UN General Assembly Resolution 194.

Within Israel, there is systemic and well-documented discrimination against the 20 percent of the population that are Palestinian and non-Jewish citizens. Most recently, the newly-minted Jewish

Nation-State Basic Law explicitly rejects the possibility that Israel be a state for all its citizens. Instead, it 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. Even though they can vote and run for office, Israel has [dozens](#) of laws that privilege Jewish citizens and discriminate against Palestinian citizens, including, for example, laws which prevent Palestinian citizens from leasing the majority of public land.

For more information, please see our fact sheets [Commemorating a Century of Palestinian Dispossession](#) and [50 Years of Israeli Military Occupation--FAQ's](#).

## **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.*

Only Palestinians and Israelis can determine the contours of their political arrangement; the United States should not dictate this outcome. The United States can and should insist, however, that any political arrangement be anchored in respect for human rights and international law, and self-determination for the Palestinian people. The United States must also ensure that its current policies hold Israel accountable, as required under US law, to human rights standards. Currently, US policy makes us complicit in Israel's oppression of the Palestinian people. Ending US support for Israeli human rights abuses of the Palestinian people should be an immediate policy goal, regardless of the eventual political arrangement reached between Palestinians and Israelis.

The establishment of a truly sovereign Palestinian state may have been part of resolving the Israeli-Palestinian issue decades ago, as long as Israel also allowed Palestinian refugees to exercise their rights and Palestinian citizens of Israel enjoyed full equality under the law.

**However, after 25 years of fruitless negotiations, increasing Israeli colonization of Palestinian land, and bold statements by Israeli prime ministers promising that no Palestinian state will be established, it is clear that Israel has never and will never offer Palestinians a sovereign state.**

Israel insists that the Palestinian state must not have an army or independent foreign policy, must cede control of its borders, airspace, and territorial waters to Israel, must not have territorial contiguity, must accept the long-term presence of the Israeli military within this state, and must not have its capital in any portion of Jerusalem. In short, the maximum that Israel has and will offer is a truncated, semi-autonomous Palestinian entity under Israel's continued domination.

In addition, Israel has used the cover of negotiations to nearly triple its population of citizens living in illegal West Bank colonies since 1993. Many analysts have concluded that the rapid growth of these Israeli colonies has precluded the possibility of establishing a territorially viable Palestinian state even if Israel changed its policies and offered this. In light of these facts on the

ground, it is highly unlikely that negotiations will achieve a successful outcome of a truly sovereign Palestinian state.

Instead of channeling efforts into a lost cause, the international community must consider alternatives frameworks, such as one-state resolution in which Palestinians and Israelis would have equal rights in a democracy, to ensure Palestinian self-determination and human rights, and end Israel's separate-and-unequal regime.

For more information, please see "[The Two State Solution Is Dead. Supporting It Is Supporting Occupation](#)," by US CPR Executive Director Yousef Munayyer.

### **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.*

Under international law, countries exist when they are recognized by other countries as exercising sovereignty over a particular territory. The United States and most countries of the world maintain diplomatic relations with Israel. In this sense, Israel exists under international law.

**The question is not whether Israel has a right to exist (there is no such inherent right under international law), but whether Israel has the right to perpetuate a separate-and-unequal regime that privileges Israeli Jews and discriminates against Palestinians. It does not.**

Under international law, this type of separate-and-unequal discriminatory regime is considered apartheid, which is defined as a crime against humanity.

### **4. Didn't Israel end its military occupation of the Gaza Strip and isn't Hamas responsible for the suffering of its Palestinian 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 underlying causes of the humanitarian crisis there.*

Israel did remove its illegal colonies and military bases inside the Gaza Strip in 2005; however, its domination of Gaza by land, sea, and air shows that it continues to exercise "effective control," making it the Occupying Power under international law and the party responsible for the welfare of its residents.

Moreover, shortly after Hamas won the majority of seats in the 2006 Palestinian legislative election, Israel imposed a brutal blockade—an illegal act of collective punishment—on the Gaza Strip. Israel's blockade of Gaza denies nearly two million Palestinians freedom of movement for business, educational, medical, religious, and other purposes, except in very limited circumstances, and denies Palestinians adequate levels of food and medicine.

On three subsequent occasions, Israel has also engaged in massive attacks on Palestinians in the Gaza Strip (2008-2009, 2012, and 2014), killing thousands of Palestinian civilians, including hundreds of Palestinian children. Israel's attacks also deliberately destroyed Gaza's civilian infrastructure, including tens of thousands of homes and businesses, along with its electricity generating station. Israel's attacks on Gaza's infrastructure have created a humanitarian catastrophe: a lack of electricity has disabled Gaza's water pumping system, contaminating groundwater and forcing raw sewage into the Mediterranean Sea.

As a result of Israel's blockade and attacks on Gaza, the United Nations had predicted in 2012 that the territory will become uninhabitable by 2020. In 2017, the [UN stated](#) that the threshold for unlivability had "passed quite a long time ago." Palestinians in the Gaza Strip are currently protesting this blockade and for their right of return (70 percent of Palestinians in Gaza are refugees) in the Great Return March, which has been ongoing since March 30, 2018. Israeli snipers have killed more than 150 Palestinians in the Gaza Strip and wounded thousands since these nonviolent protests began.

## **5. Didn't Trump simply recognize the reality that Jerusalem is Israel's capital when he moved the US embassy there?**

*Palestinians view Jerusalem as their capital and Trump's decision to move the US 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.*

When the United Nations recommended in 1947—against the wishes of the majority native Palestinian population—that Palestine be divided into two states, it called for Jerusalem to be an international city under the UN's administration. From that time up until President Trump relocated the US embassy from Tel Aviv to Jerusalem in May 2018, bipartisan US policy for 70 years was consistent and clear: the United States would not recognize any country's claims to sovereignty over any portion of the city until the city's status was determined in negotiations by all parties with a claim to it.

By Trump's own [admission](#), his act of moving the US embassy to Jerusalem took the issue "off the table," in effect prejudging in Israel's favor its claims to the city. This action is problematic in several respects: 1) it legitimizes Israel's ethnic cleansing of Palestinians from the western portion of the city in 1948 and Israel's ongoing denial of Palestinian refugee rights in Jerusalem; 2) it legitimizes Israel's separate-and-unequal regime toward Palestinian residents of East Jerusalem who are discriminated against in the provision of municipal services such as education, housing, and infrastructure; and 3) it legitimizes Israel's ongoing illegal colonization and demolition of Palestinian homes in East Jerusalem, which was also annexed by Israel in violation of international law.

Palestinians have always considered Jerusalem to be their capital and the city has for millennia been a spiritual and religious focal point for people of Jewish, Christian, and Muslim faiths. Trump's relocation of the US embassy to Jerusalem is an endorsement for Israel's exclusivist control over the whole city to the detriment of Palestinians regardless of their faith.

For more information, please see our policy paper [Moving the US Embassy to Jerusalem](#).

## **6. Don't US weapons to Israel advance its security?**

*Israel receives more military aid from the United States than all other countries combined. Israel often uses these weapons to injure and kill Palestinian civilians and to demolish their homes and infrastructure. The United States should hold Israel, just like any other country, accountable for violating US laws such as the Arms Export Control Act and Foreign Assistance Act that are meant to prevent US weapons from being misused to commit human rights abuses.*

Israel receives more US military aid than all other countries in the world combined. Since its establishment in 1948, the United States has provided Israel with more than \$100 billion in military and economic aid. From 2009-2018 alone, \$30 billion in US taxpayer-funded weapons went to Israel through the Foreign Military Financing (FMF) program. In 2016, President Obama signed a memorandum of understanding with Israel to provide an additional \$38 billion in weapons over the next ten years.

According to the Israeli human rights organization [B'Tselem](#), Israel has killed approximately 4,600 Palestinians who did not take part in hostilities since September 2000. Often Israel kills Palestinians with US weapons—fighter jets, helicopter gunships, missiles, tanks, mortars, ammunition, etc.—provided by US taxpayers. In addition, every aspect of Israeli colonization and military occupation of Palestinian land is abetted and facilitated by US weapons, from Israel's use of Caterpillar bulldozers to demolish Palestinian homes and build illegal colonies to its use of Jeeps to transport Palestinian children to military detention in which Israel often subjects them to violence, in some cases amounting to torture.

The United States has numerous laws on the books which are supposed to prevent foreign countries from using US assistance to commit human rights abuses:

- The Leahy Law prohibits US weapons to be delivered to military units that have engaged in gross human rights violations.
- The Arms Export Control Act prohibits US weapons from being used against civilians.
- The Foreign Assistance Act bans any form of US assistance to any country that engages in a consistent pattern of gross human rights violations.

The United States should ensure that Israel, like every other country in the world, is held accountable for its violations of these laws. For more information, please see our policy paper [US Military Aid to Israel](#).

## **7. Why are people boycotting for Palestinian rights and should the United States 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 nonviolent campaigns to advance social justice similar to those which helped end apartheid in South Africa. In the United States, these campaigns are protected by the First Amendment and politicians should not punish those who boycott for Palestinian rights.*

In 2005, a coalition of more than 170 Palestinian civil society groups issued a [call](#) for people of conscience to engage in campaigns of boycott, divestment, and sanctions (BDS) for Palestinian freedom, justice, and equality.

This call to put economic pressure on Israel until it ends its denial of Palestinian rights is modeled on the anti-apartheid movement in South Africa, and has been embraced by religious institutions, trade unions, academic associations, student governments, and prominent cultural figures across the globe, including by Jewish individuals and groups both in Israel and other countries.

The increasing effectiveness of BDS campaigns has led some US politicians to try to suppress them, oftentimes at the behest of the Israeli government and its supporters. Approximately 25 states have passed laws or executive orders to punish individuals who boycott for Palestinian rights by denying them the opportunity to contract for business with the state. The American Civil Liberties Union has sued Kansas and Arizona over these types of laws, resulting in a federal district judge reaffirming that Americans have a First Amendment right to boycott for Palestinian rights and that efforts to punish people for exercising that right are unconstitutional.

Some Members of Congress have taken this unconstitutional step much further. The Israel Anti-Boycott Act (S.720/H.R.1697) proposes criminal and civil penalties—including 20 years in prison and \$1 million in fines—against individuals who comply with, further, or support an international organization’s call for a boycott of Israel or only of products from its illegal West Bank colonies. Despite the draconian nature of the bill and its blatant unconstitutionality, it currently has the support of more than half the Senate and two-thirds of the House.

The Supreme Court has [ruled](#) that boycott campaigns are an expression on public issues, which “has always rested on the highest rung of the hierarchy of First Amendment values.” Congress must not impinge upon, much less criminalize, Americans’ right to boycott for Palestinian rights.

For more information, please see our talking points on the latest version of the [Israel Anti-Boycott Act](#).

## **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 United States should ensure that no aid to Israel is used to harm Palestinian children.*

Last year, Rep. Betty McCollum (D-MN) introduced H.R.4391, the first-ever bill in Congress explicitly advocating for Palestinian human rights. The bill prohibits US military aid to Israel from being used to detain, interrogate, abuse, and jail Palestinian children. It would also require the Secretary of State to report to Congress on the amounts and types of military aid Israel utilizes to subject Palestinian children to military detention. To date, 30 Members of Congress have sponsored this historic legislation.

This bill is necessary due to one particularly egregious aspect of Israel’s more than half-century military occupation of the Palestinian West Bank, including East Jerusalem, and the Gaza Strip:

Israel is the only country in the world to systematically detain and prosecute children through a military judicial system lacking in fundamental due process guarantees.

According to [affidavits](#) collected by Defense for Children International—Palestine, three-fourths of Palestinian children detained by Israeli forces are subjected to physical violence, sometimes amounting to torture. Nearly all children are interrogated by soldiers without the presence of an attorney and are often coerced into confessing alleged crimes in a language that many do not understand.

The United States should ensure that our taxpayer dollars are in no way complicit in Israel's military detention system targeting Palestinian youth.

For more information, please see our talking points on the [Promoting Human Rights by Ending Israeli Military Detention of Palestinian Children Act](#).