



PERSPECTIVES

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Obama and Israel: The Final Year

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EXECUTIVE SUMMARY: Israel needs a more active and aggressive diplomatic strategy to thwart what seems to be an escalating campaign of pressure from the international community on the Palestinian issue; a campaign that President Obama can be expected to lead in his final months in office.

President Barack Obama will vacate the White House on January 20, 2017, but he is unlikely to do so in the traditional manner. In their eighth and final year of service, American presidents generally behave like “lame ducks.” They don’t initiate new policies or programs, particularly those that might stir controversy or have an adverse effect on the chances of their party’s subsequent candidates for office. In the eighth year, US presidents tend to be preoccupied primarily with their legacies.

President Obama's approach to securing a legacy appears to be significantly more aggressive than that typically demonstrated by lame duck presidents, and this could have serious ramifications for Israel.

From the beginning of his tenure at the White House, Obama’s relations with Israel have been marred by frequent disagreements and confrontations, primarily on the Iranian nuclear weapons program and negotiations with the Palestinians. In November 2015, after the Iran nuclear deal was finalized, Obama met at the White House with Israeli Prime Minister Benjamin Netanyahu. The meeting was described as positive, encouraging many in Israel to hope for a more cooperative, less confrontational final chapter between the two leaders. Since that meeting, however, many signs indicate a rough journey ahead for Israel during Obama’s last year.

A recent pattern of one-sided statements and actions, primarily by the US and the EU, reveal a new, focused, collaborative attack on Israel, particularly with regard to the settlements and West Bank policy. In November 2015, The EU required labeling of goods produced in the settlements, and later excluded the settlements from its agreements with Israel. These actions, which were unprecedented in their hostility to Israel, could not have been undertaken without some degree of US approval.

The US took two steps that demonstrate that approval: It defended the EU's labeling action by characterizing it as "only a technical measure"; and in January 2016, US Customs issued a reminder on a twenty-year-old requirement to label products from the West Bank and Gaza. The US and the EU also criticized a proposed Israeli law that would require Israeli NGOs that receive substantial funds from foreign countries and organizations to reveal those resources. According to the Americans and the Europeans, the law would undermine democracy in Israel.

In a January speech at a security conference in Tel Aviv, US Ambassador to Israel Dan Shapiro severely criticized Israel's settlement policy. "Too many attacks on Palestinians lack a vigorous investigation or response by Israeli authorities," he said. "Too much vigilantism goes unchecked, and at times there seem to be two standards of adherence to the rule of law: one for Israelis and another for Palestinians." Shapiro, who has had the difficult task of navigating the personal animosity between Obama and Netanyahu, has been an outstanding ambassador and a fine advocate for mutual American-Israeli interests. The harsh tone of his speech was not his style, suggesting either that it was dictated to him by the White House or the State Department, or that he thought that this was what they wanted him to say.

These statements and actions in combination reveal a wide-scale, coordinated attack on the settlements and Israeli policy. This attack is hypocritical, discriminatory and counterproductive. The EU-US labeling of goods from the West Bank has not been applied to any other country holding or occupying disputed territories, such as Morocco in Western Sahara, Turkey in Northern Cyprus, China in Tibet, or Russia in the Crimean Peninsula. The lack of a similar EU action in the Northern Cyprus case is particularly noteworthy, because Cyprus is a member state of the EU. Singling Israel out for special treatment in this (or any) way borders on anti-Semitism.

Washington ought to be reminded that often it seems as if the US maintains two de facto legal systems: one for whites and one for blacks (as has been highlighted by a spate of investigations into murders of blacks by white police officers). Yet no one calls the US an apartheid state, an accusation that is persistently hurled at Israel.

Nor is any other country in the world subjected to relentless criticism of its policies by numerous NGOs funded by foreign countries. These NGOs claim solely to be protecting human rights in the West Bank and Israel, but are in fact seeking a

complete Israeli withdrawal to the pre-1967 borders and the establishment of a Palestinian state. Several of them deny the right of Israel to exist at all, and they demonize and delegitimize Israel abroad. The EU and several European countries pour tens of millions of euros annually into these hostile NGOs. Israel is considering a law that would require those NGOs to reveal the funding they receive from foreign countries; legislation that has been met with severe criticism in both the EU and the US.

It is the EU and the US which, by funding hostile NGOs in Israel, are committing a gross intervention in Israeli democracy, not the proposed law that is intended to defend it.

The White House and the State Department might take a closer look at their own Foreign Agents Registration Act (FARA), which – considering the negative connotations with which the term “foreign agent” is associated – is more libelous than the proposed Israeli law. The Act’s language is very similar to that of the Israeli proposal, as is the rationale behind it.

FARA requires that agents representing the interests of foreign powers in a "political or quasi-political capacity" disclose their relationship with the foreign government and information about related activities and finances. FARA explains that its purpose is to facilitate “evaluation by the government and the American people of the statements and activities of such persons.” This law has never been used to question American democracy, but when Israel attempts to take a similar position, a different standard is applied.

This double standard is also readily apparent in the approach the EU – and, recently, the US – takes to the Israeli-Palestinian dispute. Instead of negotiating a peace agreement with Israel, the Palestinian Authority is conducting a worldwide delegitimization and demonization campaign against Israel, and plans to advance a resolution at the UN Security Council outlawing settlements and demanding a timetable for Israeli withdrawal to the pre-1967 lines. France has agreed to support this plan, and might even submit a similar resolution. France has proposed a regional conference on the Palestinian-Israeli issue, and threatened to recognize Palestine if the conference does not gel.

In the past, such moves would have been strongly opposed by the US, which has always advocated a settlement reached via direct negotiations. Until recently, the US could be depended upon to veto any UN resolution calling for an imposed solution. However, in view of its recent statements and actions, it is no longer clear that the US will continue to adhere to this policy. US support for an imposed solution would add another layer of hostility to the existing bad relations between Obama and Netanyahu.

The above statements and actions – all of which occurred, it should be noted, during a long wave of Palestinian terrorism against Israeli citizens – are particularly disturbing because they appear to represent a coordinated EU-US campaign. They may well serve to harden Palestinian rejection of negotiations and agreement, because the Palestinians might reasonably conclude that international pressure will be brought to bear against Israel to force her to accept their demands without reciprocal concessions.

President Obama's policy toward Israel during the last year of his presidency could be driven by several considerations. During his tenure, Israeli-Palestinian negotiations have been the shortest and the least productive in years. In view of that abysmal record, Obama might want to demonstrate that he did all in his power to achieve Israeli-Palestinian peace. He might believe that only aggressive pressure by the US and the EU on Israel will bring the Palestinians to the negotiating table. He might want to tie the hands of the next president by leaving a legacy of fundamentally changed US-Israeli relations, or he might simply wish to punish Netanyahu for the battle over the Iran nuclear deal and the failed negotiations with the Palestinians.

It is also entirely possible that Obama will be a new variety of ex-president. Rather than take on the role of the traditional "former president" who occupies himself with planning his presidential library and advocating for causes, he might seek a new important position, such as Secretary General of the UN or head of a global organization. His policies and politics during his final year in office might be intended to improve his chances of winning a prestigious global position.

The signs of a brewing new confrontation with Obama are clearly visible, and the Israeli government has to find creative and more effective ways of coping with it. An Israeli initiative could both undermine Obama's designs and foil the Palestinian strategy of currying international pressure on Israel. However, all Israel's options are problematic, and several are unlikely to be adopted by the present Israeli coalition government. Also, the Palestinian wave of terrorism against Israel is still continuing, and Israel cannot be seen to be succumbing to terror.

Whatever Obama's motivations and intentions may be, it would be a mistake to assume that he will spend his last year in the White House behaving like a typical lame duck president, restrained by the presidential elections. So what should Israel do? It can hunker down, wait for Obama's term to expire, and ride-out the onslaught, but that is a poor option. The remaining alternatives include a temporary and limited freezing of settlements, unilateral steps in the West Bank, participation in a regional peace conference, and the forming of a national unity government. Whatever strategy is adopted, it should be accompanied by an urgently needed public diplomacy campaign.

The settlements are the target of the present EU-US campaign – but they are not the main obstacle to peace; Palestinian rejectionism is. Limited and temporary freezing of building in the settlements has not produced any movement on the Palestinian side in the past, and the present coalition government is unlikely to take that step. The unilateral disengagement from Gaza failed, but certain conditional unilateral steps in the West Bank could be contemplated, such as transfer of certain lands in Area C to control of the Palestinian Authority.

The Palestinians have rejected every peace proposal offered to them by Israel and the US: The Ehud Barak and Bill Clinton proposals in 2000; the Ehud Olmert proposal in 2008; and the John Kerry proposal in 2014. The US, the EU and the UN nevertheless place most of the blame on Israel for the stalemate. The solution is an aggressive public diplomacy campaign designed to illustrate the primacy of Palestinian rejectionism as the main obstacle to peace. Participation in a regional conference is risky, but rather than flatly rejecting it, Israel could agree to take part under certain conditions.

The most effective response by Israel to EU-US pressure would probably be the establishment of a national unity government.

On January 22, during a meeting in Paris with French President Francois Hollande and Laurent Fabius, opposition leader Isaac Herzog criticized their promotion of international moves against Israel. “Decisions of this nature serve as a reward for terrorism and for BDS. They paralyze the chances of regional moves,” Herzog said, adding that “the attempt to try and reach a Palestinian state now is unrealistic.” These views are not far from those of Netanyahu. Herzog would like to join the coalition, and Netanyahu has an interest in expanding his razor-thin majority in the Knesset.

Critical challenges require an unusual response, and the present limited containment policy must be replaced with a more active and aggressive Israeli diplomatic strategy.

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