



The Gaza War at Six Months: Five Recommendations for Ending the Fighting and Ensuring Human Security in Israel-Palestine

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This week marks six months since the horrific Hamas-led October 7, 2023 attack and atrocities against civilians in southern Israel, followed by the devastating and often indiscriminate Israeli assault on Gaza. At least two-thirds of the more than 30,000 Palestinian dead are civilians, with more than one million people on the brink of a famine that is already starving children to death. In addition to the more than 1,150 Israelis killed in Hamas' initial attack, some 130 Israeli hostages remain in captivity in Gaza.

This memo updates our recommended steps for the Biden Administration to take to stop the fighting, end the nightmare faced by Palestinian civilians and Israeli hostages, and ensure the security, rights and well-being of Israelis and Palestinians in the longer term.

Recommendation #1: Use U.S. leverage to press for a full ceasefire

A bilateral and sustained ceasefire by both Israel and Hamas – even if initially agreed as temporary and then extended – is vitally necessary to prevent further loss of civilian life and suffering on a mass scale given continuing bombardment, deepening famine across Gaza, the ongoing holding of hostages and Israeli Prime Minister Benjamin Netanyahu's repeated threats of a Rafah offensive. Prolonged fighting in Gaza also fuels and increases the risk of escalation in fighting between Israel and Hezbollah in southern Lebanon and between the US and Houthis in Yemen – as well as with the Iranian regime which is playing an aggravating role in those conflicts.

While the Biden administration's multilateral diplomatic efforts behind the scenes to secure an extended, second ceasefire have been commendable, the administration has unfortunately muddied its own efforts with its unconditional supply of weapons to Israel even as Netanyahu publicly disparages U.S. pleas for restraint, as well as its inaccurate and counterproductive characterization of the recent United Nations Security Council call for a ceasefire – long delayed by U.S. vetoes of previous resolutions and finally allowed to pass in late March with a U.S. abstention – as "non-binding." President Biden needs to affirmatively support UN action and not merely warn Netanyahu that he will withhold arms in response to further stalling, but demonstrate it.

Recommendation #2: Fully enforce U.S. law and arms policy to ensure accountability and adequate humanitarian aid delivery

Pressured by Democratic lawmakers' efforts to legislate against Israel's misuse of U.S. arms and its impeding of humanitarian aid delivery in Gaza, President Biden on February 8, 2024 issued National Security Memorandum 20 (NSM-20), requiring Israel and other recipients of U.S. military assistance to affirm that they would use American-origin arms in accordance with international humanitarian law and were complying with longstanding U.S. law, Section 620I of the Foreign Assistance Act (FAA), prohibiting countries from restricting the delivery of U.S. humanitarian aid. Contrary to the assessments of numerous international aid agencies and many of the interested lawmakers, on March 25, the administration indicated that it accepted Israel's initial assurance that it is and would remain in compliance with these requirements as "credible and reliable".

Treating the assurances received from the Israeli government as credible and reliable in the face of deepening famine, disproportionate civilian casualties and repeated threats of an offensive in Rafah immediately undercut NSM-20 and damaged the administration's credibility while functionally greenlighting the continued use of American weapons in ways that clearly violate U.S. laws, interests and values. Failure to take action under NSM-20 or Section 620I of the FAA also compounded the longstanding failure to adequately enforce the Leahy Law, which prohibits U.S. assistance to foreign security units engaged in a consistent pattern of gross violations of human rights. The administration should immediately correct course and fully enforce U.S. law by suspending delivery to Israel of the arms it is using in Gaza, while pressing for and helping coordinate a massive emergency increase in humanitarian aid and services to the territory, including by land through Israel.

Recommendation #3: Focus diplomacy toward a just resolution of the Israeli-Palestinian conflict on multilateral rather than bilateral normalization efforts

There is broad consensus in Israel, Palestine and globally that returning to the status quo that existed before October 7 is impossible. While the Biden administration has rightly acknowledged this reality in rhetoric emphasizing the need for a resolution to the underlying Israeli-Palestinian conflict, it has nonetheless reverted to prioritizing the Trump/Netanyahu vision of piecemeal bilateral normalization agreements between Israel and Arab- and Muslim-majority autocracies incentivized by massive US advanced arms sales. Rather than increase stability and advance a just end to the conflict, these accords have given cover to metastasizing permanent Israeli control of the occupied Palestinian Territories and the inherently discriminatory denial of fundamental Palestinian national, political and human rights in violation of international law.

A meaningful and viable effort to resolve the underlying conflict requires prioritizing Palestinian self-determination and championing the inherent benefits of Israel's full acceptance and integration in the Middle East, while moving away from an "arms for peace" model where recognition of Israel is bought with U.S. weapons and defense guarantees that tie the United States to autocrats and increase militarization and instability in the region. It also means avoiding the failed model of a peace process based on direct, bilateral negotiations between parties with a massive imbalance of military and diplomatic power.

Instead, the United States should seek to construct a truly multilateral framework involving key regional players with universal normalization and recognition of the national rights of both Israelis and Palestinians – alongside ensuring the security and well-being of both peoples – as its North Star. Different models, such as the Arab Peace Initiative or recent joint proposals from Holy Land Confederation and Land For Peace could be proposed by participants as terms of reference. Absent such an effort, the lack of a political horizon will only continue to feed despair, distrust, and extremism among both peoples.

Recommendation #4: Take meaningful anti-occupation, anti-annexation steps

Permanent Israeli occupation and ongoing de facto annexation of Palestinian territory are incompatible with international law and shared human values. Failure to impose consequences for Israel's ongoing effort to consolidate permanent, undemocratic control in the territories would doom any diplomatic conflict resolution effort and continue to feed the current cycle of violence.

The Biden administration has rightly begun to move away from the demonstrably inadequate practice of limiting itself to mild criticism of deepening occupation. Explicitly reinstating State Department legal guidance that settlements are inconsistent with international law and the issuance of an Executive Order to combat settler violence and other destabilizing activity in the West Bank are welcome, if overdue, first steps.

Yet the administration's testimony attempting to exculpate Israeli actions in an International Court of Justice case against the occupation and efforts to ease the impact of its own sanctions on the relatively small number of violent settlers penalized under its Executive Order again undermines the credibility it was just beginning to build in this area. The administration should instead press forward using its anti-occupation tools, including consistently applying its Executive Order to designate Israeli officials responsible for evictions, demolitions and forced relocations in West Bank Palestinian communities, while making clear that use of U.S. arms in connection with such settlement and annexation activity also violates NSM-20.

Recommendation #5: Substantially expand support for the Palestinian people and Palestinian leaders who seek peace with Israel

The Biden Administration should strengthen the legitimacy of Palestinians seeking a peaceful path to conflict resolution by upgrading the United States' own bilateral relations with the Palestine Liberation Organization (PLO), including by finally following through on its promise to reopen a consulate in Jerusalem serving Palestinians, exercising existing executive authority to terminate the decades-old legislative designation of the PLO as a terrorist organization, and working with regional and other international partners toward a major economic support program benefitting the Palestinian people.

This is especially necessary in the wake of the shameful statutory cut-off of all U.S. funding of the United Nations Relief and Works Agency (UNRWA) for one year in a hasty, politically-driven response to the alleged participation of a small number of its 13,000 Gaza-based staff in the October 7 attack. Not only should the Biden administration do its utmost to ensure that the international community is able to make up the shortfall to UNRWA caused by this shortsighted collective punishment of the top relief agency in Gaza and the millions of refugees it serves throughout the region, but it must work now to ensure that adequate funds and service-provider infrastructure are in place as soon as possible to meet the substantial ongoing needs of Palestinian people in Gaza and elsewhere.

The Biden administration must also recognize and meaningfully act on the fact that paying mere lip service to Palestinian self-determination while blocking lawful, nonviolent initiatives toward Palestinian statehood only delays the day when such intensive international support is no longer needed. The United States must stop discouraging international organizations and other countries from recognizing Palestinian statehood.

While a comprehensive final resolution to their conflict can only be agreed between Israelis and Palestinians themselves, Palestinians are well within their rights as a nation to seek recognition of their state from international organizations and governments around the world. Binding themselves to the obligations of statehood and acceding to treaties that require responsible conduct is a non-violent, international law-affirming effort that should be applauded, not discouraged or penalized. The United States should therefore cease its practice of delegitimizing these efforts, and instead welcome them as bolstering the prospects for a peaceful and just resolution to the Israeli-Palestinian conflict.