Initial Biden Administration Policy Steps to Advance Israeli-Palestinian Peacemaking

Foreign Pall

Recommendations of a Mitvim Institute Task-Team

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This document presents recommendations for initial policy steps that the Biden Administration can take to advance Israeli-Palestinian peacemaking. It describes the current state of play in the Israeli-Palestinian conflict as Biden takes office, identifies nine key goals for the new administration in advancing peacemaking, and outlines concrete policy steps for their implementation.

These are the goals outlined in the document: (1) Highlighting the importance of resolving the Israeli-Palestinian conflict; (2) Renewing ties and building trust with the Palestinian leadership; (3) Emphasizing US commitment to the two-state solution and formulating parameters for a final-status agreement; (4) Preserving the feasibility of the two-state solution and drawing red lines; (5) Leading multilateral steps, such as creating a new international mechanism and an incentives package; (6) Leveraging Israeli-Arab normalization to advance the peace process; (7) Improving the situation in Gaza and ending the internal Palestinian divide; (8) Empowering pro-peace Israeli and Palestinian actors, including in civil society; (9) Setting a constructive tone to relations with the Israeli leadership and public.

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A. The Current State of Play

Joe Biden began his term as President at a time when the Israeli-Palestinian peace process is in a deep and continued stagnation. However, the changes under way in Israel's relations with Arab states could foster opportunities for the new administration to advance peace.

Israel and the Palestinians have not held peace talks since the 2014 breakdown of Secretary of State John Kerry's peace initiative. The Trump Administration's policies on the Israeli-Palestinian conflict only served to create a rift between Washington and Ramallah and deepen the crisis between Israel and the Palestinians, further exacerbated in 2020 by Netanyahu's territorial annexation plans in the West Bank. These events negated the Trump Administration's role as a mediator between Israel and the PLO, which the US held since

the 1993 Oslo Accord. The Trump Administration did not engage with the Palestinians in formulating the so-called "Deal of the Century" and the Abraham Accords, attempting to bypass the Palestinian issue altogether and ignore the demands of the Palestinian Authority (PA) leadership. This resulted not only in a rift between the Palestinians and Washington but also between Ramallah and Jerusalem. This, along with Netanyahu's annexation intentions, led in May 2020 to the PA's decision to suspend security and civilian coordination with Israel. At the same time, despite Trump's attempts to challenge international norms, the international community continued to advocate for the two-state solution.

Biden's election signaled a change of direction. In November 2020, immediately following his victory and against the backdrop of Israel's decision to suspend its annexation intentions (within the framework of the Abraham Accords), the PA announced the resumption of its security and diplomatic coordination with Israel. The Biden Administration is expected to restore the US to its leadership role in the international arena, including on the Israeli-Palestinian issue, and to heal the rifts with US allies around the world.

The Biden Administration is expected to adopt a multilateral approach to diplomacy, based on cooperation and coalition building with international actors on a variety of issues (from the climate crisis to Iran's nuclear program). This could provide an opportunity in the Israeli-Palestinian arena given the failure of many past mediation efforts under exclusive US leadership. Furthermore, the normalization processes launched under the Trump Administration between Israel and the UAE, Bahrain, Morocco and Sudan, while circumventing the Palestinian issue, could be leveraged by a new administration to promote Israeli-Palestinian peace, encourage a change in the Israeli mindset about the conflict, and increase the involvement of Arab states in efforts to resolve the Palestinian issue.

However, the incoming administration faces a host of urgent tasks on the domestic front (the health and economic crisis induced by Covid-19 and a severe partisan divide) as well as in the global arena (such as tensions with China, Russia and Iran). The Israeli-Palestinian issue is not expected to figure prominently on the administration's short-term agenda, although Biden's professional foreign policy and defense appointees are expected to deal with the issue. There are also significant obstacles remaining to diplomatic progress between Israel and the Palestinians, including deep lack of trust between the sides, Israel's settlement policy and the de facto annexation it is advancing in the territories, the crisis in Gaza and the internal Palestinian divide, the disagreement over the conflict's core issues, and domestic problems on both sides.

The start of Biden's term coincides with another election campaign in Israel, the results of which will affect the agenda of the next government and prospects of progress with the Palestinians. On the Palestinian side, discussions are underway about possible elections in the PA in 2021, although there is no certainty they will be held. Dramatic developments in the conflict (such as a change of PA leadership or another round of fighting in Gaza) would draw the US into the arena, albeit reluctantly.

The early days of a new administration are an important period of organizing, learning and preparing. Patterns consolidated during this period impact the administration's future course, and the mechanisms and principles adopted serve as the basis for policy and set the tone for the coming years. Administrations have maximum power and enjoy abundant credit in their early days, and they could take advantage of this period. That is particularly true for the Biden Administration that enjoys a majority in both houses of Congress. Biden replaces a president whose foreign policy deviated from key, long-term principles in US diplomacy

and from basic international norms, and included withdrawals from international agreements to which the US was a signatory. On the Israeli-Palestinian issue, the Trump Administration's moves contradicted traditional US policies regarding the settlements, Jerusalem and the attitude toward the PA, among other things.

The Biden Administration is expected to revert to previous US positions on many foreign policy issues, including the Israeli-Palestinian one, and revoke various policy moves that Trump led. In some cases, these moves can be annulled quickly and easily, but other cases will require more complex processes, including legislation amendments. Biden has rich experience in foreign affairs that most of his predecessors lacked. He is well-versed in the Israeli-Palestinian issue from his long service on the Senate Foreign Relations Committee and his term as Obama's vice president. This could shorten his learning curve and allow him to advance significant moves relatively early in his presidency should he want to do so. The fact that Secretary of State Blinken is a close Biden associate and can speak in his name and act with his full backing, provides an important and powerful advantage.

B. Policy Recommendations

1. Highlighting the importance of resolving the Israeli-Palestinian conflict

The Israeli-Palestinian issue has been sidelined in recent years and removed from the international agenda. The attention of international actors has shifted to domestic issues, to burning regional crises such as the wars in Syria, Libya and Yemen, and the Iranian nuclear question, and more recently to the Covid-19 crisis. Despite the busy domestic and international agendas ahead, it is important for the Biden Administration, in its first months in office, to signal that it attributes importance to resolving the Israeli-Palestinian conflict and to initiate declarations and steps attesting to its intention to restore the issue to the international agenda.

2. Renewing ties and building trust with the Palestinian leadership

The new administration must renew ties with the Palestinians and rebuild trust with the PA so that the US can resume its role as an honest broker (or at least as a trustworthy and efficient one) in the Israeli-Palestinian conflict. That, in turn, requires clear and concrete confidence-building measures, not just declarations. Rehabilitating US' ties with Ramallah is required as part of a broader move to bolster the PA and the moderate Palestinian camp vis-à-vis Hamas and more radical factions. With that in mind, the resumption of formal ties between the administration and the Palestinian leadership should be announced as soon as possible, and a high-level political dialogue should be launched. This could include, inter alia, a phone call between the leaders, an invitation for Palestinian President Abbas to visit the White House, a visit to Ramallah by the Secretary of State or a senior American diplomat, and meetings between Palestinian and American diplomats serving in various countries.

At the same time, channels of communication should be established between Washington and Ramallah on various levels and issues – diplomatic, security, economic and cultural. The administration can also declare the launch of a strategic dialogue with the PA, reflecting its desire for deeper, upgraded ties between the sides. It is important for the administration to forge links with Palestinian society, not just its leadership, and refer in its statements to the need for democratic reforms in the PA, doing so without appearing to intervene in internal Palestinian disputes. In renewing relations with the Palestinians, the Biden Administration must revoke measures adopted by Trump and return to the consistent US policy that preceded his term. The Biden Administration must re-open the PLO offices in Washington and the American consulate in East Jerusalem (which served for years as the American liaison with the Palestinians), restore USAID funding for the Palestinians and financial support of UNRWA. Some of these moves are easily accomplished, but others would require a more complex legal process stemming from such obstacles as the 2018 Taylor-Force Act that conditions US aid to the PA on a halt of payments to Palestinians jailed in Israel and their families. The sides would have to agree on a formula to resolve this dispute. Should legal impediments emerge to the re-opening of the PLO offices in Washington, the PLO's delegation to the UN could double as the official Palestinian mission vis-à-vis the US administration.

The issue of aid to UNRWA is complicated and along with restoring funding to the organization, a long-term plan is required that would eventually enable transferring the agency's authority to the PA. The administration could also promote trust-building measures with the Palestinians, for example fostering economic projects in Area C or providing economic and health aid to deal with the Covid-19 crisis. The American measures should not be conditioned on reciprocal Palestinian ones, but rather presented as gestures of goodwill in the spirit of restoring relations to pre-Trump days. They should be accompanied by a quiet dialogue with Israel to ensure that its government does not publicly attack them.

Along with these and other concrete steps, there is also room for an American declaration upon renewal of relations with the PA, underlining the return of the US to its consistent position of support for the two-state solution and opposition to Israeli settlement policy in the West Bank. In re-opening the US consulate in East Jerusalem, the Biden Administration could clarify that the issue of Jerusalem is still on the negotiating table (contrary to Trump's claim that the issue had been removed from the agenda) and that final resolution of the issue would be determined by Israel and the Palestinians in future talks on a final-status agreement. The administration could also issue a declaration of intent on the future establishment of a Palestinian capital in East Jerusalem that would eventually turn the US consulate there into an embassy.

3. Emphasizing US commitment to the two-state solution and formulating parameters for a final-statues agreement

The new administration should declare its commitment to the two-state solution as its vision for resolving the Israeli-Palestinian conflict, reflecting international consensus. In order to emphasize the consistency of this US stand, the declaration could refer explicitly to the declarations and positions of previous administrations. Such a declaration would also ratify the US commitment to international norms, the principles of international law and UN Security Council resolutions, especially in light of the Trump Administration's rejection of these elements. The declaration should be issued by top US officials at a relatively early stage of the game, with the annual J Street scheduled for the spring of 2021 serving as an appropriate platform. To underscore true US commitment to the two-state solution, unlike the vision laid out in Trump's peace vision, the declaration should make clear that it envisages two states on the basis of the 1967 borders with agreed upon land swaps. Such an American move should also target the domestic Israeli arena, which currently lacks a strong political camp that advocates for the two-state solution, and help renew public discourse on the issue. The administration could argue that the two-state solution is still the option most Israelis and Palestinians prefer, that it is still feasible and practical, and that no other option would preserve Israel's Jewish and democratic identity.

At the same time, the administration should start formulating parameters for a final-status Israeli-Palestinian agreement, to serve as a clear framework for future negotiations and shape the domestic and international discourse. The parameters could be based on the Clinton parameters (2000) and the plan put forward by Kerry (2016), and could serve as the basis for a UN Security Council resolution. Nonetheless, the challenges inherent in such a move should also be examined given that delineating parameters at an early stage could be portrayed as an overly ambitious move and torpedo the process before it begins. The way this tool is deployed and its timing should be considered carefully. As a first stage, the administration could announce the formation of a team tasked with formulating parameters, set a date for completion of its work, and stress that the process would be carried out in dialogue and cooperation with other international actors.

4. Preserving the feasibility of the two-state solution and drawing red lines

The Biden Administration must ensure that the two-state plan is preserved as a feasible and concrete solution, blocking efforts on the ground designed to make it irrelevant. The administration will have to draw clear red lines against creeping annexation measures, expansion of settlements, legalization of outposts and Israeli construction in the E1 Area and Givat Hamatos. The administration will also have to intervene to stop the evacuation of Palestinian residents of East Jerusalem, destruction of homes and structures in Area C and other Israeli measures targeting the Palestinians.

A clear American declaration is needed opposing unilateral Israeli moves and annexation intentions in order to remove them from the agenda. It would also be advisable for the Americans to frame their opposition to construction in the settlement as a continuation of the traditional US position since 1967, based on international norms. In this context, measures undertaken by the Trump Administration to blur the Green Line, including the labeling of products made in the settlements as made in Israel and scientific cooperation with Israeli institutions in the West Bank, should be annulled. Some American criticism of Israeli measures in the territories will have to be conveyed behind closed doors given their potential negative impact on domestic political and election campaign rhetoric.

At the same time, the administration could demand that both Israel and the PA publicly renew their commitment to all the agreements they signed in the past and to continued civilian and security coordination. The administration must demand that the Palestinians mount a determined struggle against terrorism, condemn terrorist attacks and work to stop anti-Israel incitement. To that end, the sides could consider reconvening their joint Anti-Incitement Committee set up following the 1998 Wye River agreement. Palestinian "anti-normalization" activity against joint Israeli-Palestinian civilian projects should also be condemned. In the longer term, the administration will have to advance the transfer of lands from Areas C to B and from Areas B to A, to strengthen the PA and pave the way for the two-state solution.

5. Leading multilateral steps, such as creating a new international mechanism and an incentives package

The administration must act with speed in forming an effective international mechanism to advance Israeli-Palestinian peacemaking. Such a mechanism would blend in well with the multilateral diplomacy that the Biden Administration is expected to lead in order to bolster and rehabilitate the liberal order and underscore US commitment to international norms. Two main models could serve as the basis for an international mechanism. One is the

construct labeled P5+1, which negotiated the Iran nuclear deal and was comprised of the five permanent UN Security Council members (US, Russia, the UK, China and France) plus Germany. This mechanism may resume its activity soon on the Iranian nuclear issue and the administration could harness it for the Israeli-Palestinian issue, too. Additional relevant actors could be added to this mechanism, including Arab states. The second model is the Middle East Quartet, currently composed of the US, EU, UN and Russia, which could be upgraded by adding European and Arab states.

Whatever mechanism is adopted, it must include regional actors such as Egypt, Jordan and Saudi Arabia and possibly a representative of the Gulf Cooperation Council (GCC). A new informal international grouping was formed in the past year, the "Munich Group", comprised of Germany, France, Jordan and Egypt to advance Israeli-Palestinian peace and strengthen the agreed international parameters for resolution of the conflict. The administration could mobilize this group as well as the "Arab Quartet" (comprised of Egypt, Jordan, the UAE and Saudi Arabia) in its efforts to form a new international mechanism. Integrating dialogue and coordination with Qatar and Turkey as important regional states should also be considered.

The new mechanism should, on the one hand, include influential actors relevant to the conflict, but on the other hand avoid being too large and cumbersome to ensure its efficiency and effectiveness. A balance will also have to be found between US leadership and true and significant involvement of the other international actors. The EU is very keen to take part in advancing the peace process alongside the Americans, despite the current limitations on its ability to present a unified stance in light of the internal rifts dividing it. The Russians and Chinese also want a seat at the table, but the Palestinian issue is not at the top of their priorities and they would presumably allow the US to lead. Creating an interface between the international mechanism and pro-peace Palestinian and Israeli actors, and examining ways to consult and integrate them into the official moves is also important.

The administration will have to speedily appoint an influential special envoy to advance Israeli-Palestinians peace (not the US ambassador to Israel), to serve as the US representative to the Quartet and lead the formation of the new mechanism, in dialogue and coordination with the other international partners. The US envoy would play a leading role in defining clear goals for the new mechanism, in determining its makeup, its role and the labor division between it and other groups and states.

The mechanism would have to reaffirm the international commitment to the two-state solution and the UN Security Council resolutions on the conflict. One of the first steps it could undertake is advancing a package of international incentives for Israeli-Palestinian peace. Various players, chief among them the EU, have already expressed support for this idea, but have not taken action to carry it out. Israeli and Palestinian experts recently formulated an unofficial proposal to the international community on the contents of such a package. The US should express willingness to advance this move and assume a leading role, together with others.

An additional role that the mechanism should assume is formulation of international parameters for resolution of the conflict, even if it might take time to complete such an undertaking. This will consolidate an international consensus regarding the fundamental principles for effective future Israeli-Palestinian negotiations. The parameters should focus on the two-state solution based on the 1967 borders with agreed-upon land swaps and two capitals in Jerusalem. The US and the international mechanism's members should discuss

the level of detail of the parameters, whether they will address all the core issues, and whether they should be confirmed as a UN Security Council resolution

The administration could advance additional multilateral moves, for example based on the model of the regional working groups established after the 1991 Madrid Conference, or through current regional organizations of which Israel and the PA are members, such as the Eastern Mediterranean Gas Forum (EMGF) and the Union for the Mediterranean (UfM). The administration could also place projects and initiatives involving both Israel and the PA on the agendas of international organizations. The PA has recently been trying to advance an international conference on the Israeli-Palestinian issue, and the Biden Administration should consider leading such an initiative, with the help of the new mechanism, as a tool for revival of the peace process. Such a move should include in advance a plan for the follow-up stages to the conference (for example, opening negotiating channels or setting up working groups) based on the lessons of past international conferences, such as the Geneva Conference (1973), the Madrid Conference (1991) and the Annapolis Conference (2007).

6. Leveraging Israeli-Arab normalization to advance the peace process

The administration should seek to mobilize the latest regional developments as a tool to promote Israeli-Palestinian peace and harness progress in Israel's ties with the Arab world for progress in the Palestinian track. While the Trump Administration actively advanced normalization between Israel and Arab states excluding and ignoring the Palestinians, the new administration should integrate the Palestinians in this process and make use of the regional framework for efforts to resolve the conflict. Despite the normalization processes, Arab states have not abandoned the Palestinian issue and would support moves to advance a two-state solution. This would bolster domestic legitimization for the normalization measures they undertook and could encourage additional Arab states to move ahead in relations with Israel. The entry of a new administration has also prompted a change in the Palestinian approach and a desire to return to negotiations. Egypt and Jordan should have a significant role in linking the regional and Israel-Palestinian tracks, and Saudi Arabia could also play a key role. Israelis expressed sweeping support for the decision to give up annexation in return for normalization agreements, signaling that normalization measures could serve as an incentive to advance an Israeli-Palestinian agreement.

The administration should continue facilitating the normalization processes that are already under way and strengthen them. As a first step, it could publicly declare that it supports progress in normalization between Israel and Arab states and will continue to work toward that goal, but that instead of advancing efforts that circumvent the Palestinians, it would seek to leverage the normalization processes for the benefit of progress on the Israeli-Palestinian track. In this regard, the administration could initiate steps to integrate the states that have normalized relations with Israel into peacemaking efforts. For example, it could launch economic or diplomatic Israeli-Palestinian-Arab cooperation forums and help trilateral civil society ventures.

Gulf states could also be incorporated into economic and energy projects in the West Bank and Gaza Strip, and they could be encouraged to invest in the PA and join efforts to expand regional cooperation. As previously mentioned, the states that have normalized relations with Israel could be integrated into the international peace process mechanism. In view of the crisis between the Palestinian leadership and Gulf states, Palestinian suspicion of these countries' role in diplomatic processes is likely, and the administration should therefore take parallel action to strengthen the dialogue and ties between the Palestinians and the GCC. When seeking to advance further normalization agreements between Israel and states in the Arab and Muslim world, the administration should condition such moves on a halt to settlements and creeping annexation (similar to the condition placed by the UAE on normalization in return for Israel's freeze of annexation). Attempts to push ahead with normalization between Israel and Saudi Arabia could provide an arena to test such an approach. The Saudis are suspicious of the Biden Administration and including them in such a move could serve as a positive lever in the American-Saudi relationship, too.

The new administration could also seek to update the Arab Peace Initiative (API) launched almost 20 years ago and considered less relevant currently given the changes in the region. This could pave the way for a new initiative, based on the API and recognizing its importance, but updated to adjust to the changed circumstances. The API has a negative reputation in Israel, and the Arab League is too weak as an organizational framework to bring about the collective implementation of the promises the initiative sets out. Therefore, any new initiative should provide a leading role for key Arab states, among them Egypt, Jordan, Morocco and Gulf states led by Saudi Arabia.

7. Improving the situation in Gaza and ending the internal Palestinian divide

The Gaza issue is crucial and complex and its diplomatic, humanitarian, security and economic aspects must be addressed at once. The Gaza Strip is facing a harsh humanitarian crisis, especially under the conditions of the Covid-19 pandemic, and the explosive tensions there could escalate into a violent clash between Israel and Hamas. The divide between the West Bank and Gaza constitutes a major problem and obstacle in any attempt to move toward the two-state solution. The US has tended to distance itself from the issue given its rejection of ties with Hamas, leaving Egypt, the UN envoy and Qatar to deal with indirect Israel-Hamas negotiations. Given the importance of the issue, the US must no longer avoid it and instead help put forward a solution. As a first step, it is important that the US envoy appointed to the Israeli-Palestinian peace process visit Gaza in his/her initial months in office.

The administration should also advance plans and projects with international partners to improve the well-being of Gaza's residents. In this context, priority should be given to the energy sphere, with the administration advancing a gas pipeline from Israel to Gaza, or development of the gas field off the Gaza coast, all under the aegis of the PA. The regional gas forum (EMGF) of which Israel and the PA are members and in which the US is an observer, could help in achieving this goal. The forum could provide a regional framework for the Gaza energy issue. Another direction the administration could pursue is the creation of an artificial island off the Gaza shore. Financial aid and investments on the part of Gulf states could be combined into such moves.

Given the Covid-19 crisis, the administration could also help in providing vaccines and medical equipment to the residents of Gaza, with the assistance of the UN and other international organizations. This so-called "disaster diplomacy" would serve as a confidence-building measure to improve the Palestinian perception of the US. The US could also engage in the border crossings issue and initiate moves providing easy access for Gaza residents to Egypt or the West Bank, for example by pressing Egypt to open the Rafah crossing more frequently. The administration would also do well to increase its involvement in de-escalation efforts between Israel and Hamas in Gaza and help the UN envoy's efforts in this regard, perhaps by conducting informal and indirect contacts with representatives of the Hamas government through a third party, such as Egypt or Qatar.

At the same time, the administration should advance a long-term solution to the Gaza issue. As an initial step, it could issue a statement about the need to end the divide between Gaza and the West Bank, and reunite Gaza with the PA, while underscoring that any internal Palestinian arrangement would be based on a Hamas declaration that it accepts all the agreements between Israel and the PLO. A long-term US plan should encourage Palestinian elections and integration of Gaza into the peace process, while bolstering the PA but also including Hamas in the solution. One possible model could be US acceptance of a Palestinian government comprised of technocrats in return for a declaration of support by Hamas for the API.

8. Empowering pro-peace Israeli and Palestinian actors, including in civil society

The administration must advance dialogue, peace building and cooperation between citizens on both sides of the conflict. Top-down moves for the advancement of peace should be supplemented by bottom-up steps. The Trump Administration cut off funding for joint Israeli-Palestinian projects and the US Embassy in Israel stopped its activities on this front. The Biden Administration will have to shift direction and increase efforts in this arena, through the embassy, as well. It will have to provide political and economic backing for propeace civil society organizations in Israel and the PA, for example by formalizing meetings of US representatives with such organizations, including them and consulting with their representatives on diplomatic measures and on efforts by the international mechanism accompanying the peace process.

A significant step was taken by Congress in December 2020 when Democrats and Republicans alike voted for the Nita M. Lowey Middle East Partnership for Peace Act that allocates 250 million USD over five years to organizations and projects involved in Israeli-Palestinian cooperation and dialogue. The administration must ensure effective implementation of this bill and the best use of the resources it provides. In this regard, in a bid to encourage dialogue and interaction between Israelis and Palestinians, a US statement condemning elements who seek to undermine such projects in the name of their struggle against normalization would be a valuable contribution.

The support for pro-peace organizations could include an emphasis on the part of the administration on the importance of preserving Israel as a liberal democracy with a strong and free civil society. The administration should oppose legislation, in Israel and the PA, curtailing civil society freedoms. At the same time, it should appeal directly to Israeli society to bolster public support for the peace process and the two-state solution. In this regard, the administration could establish a dialogue with various groups in Israel – e.g. religious leaders, mayors, students, and the leadership of the Palestinian citizens of Israel – in order to include them in activities supportive of peace.

9. Setting a constructive tone to relations with the Israeli leadership and public

The administration's steps at the outset of its term will have an impact on its future relationship with the leadership and public in Israel. The administration should examine how it can shape relations in a manner that allows advancement of peace and creates mutual trust, and consider what lessons should be learned from the Obama years regarding the relationship with Israel's government and society. The tone and style of the discourse is important when directing criticism, too. The Biden Administration could initiate public goodwill gestures toward the Israeli public and display public sympathy for Israel in tandem with presenting clear demands of the government and setting red lines.

President Clinton was successful in this regard and Biden's capacity for empathy and sensitivity along with his long years of support for Israel are expected to help him successfully appeal to Israeli public opinion. It is important that Biden's first visit to the Middle East include stops in both Jerusalem and Ramallah, as a lesson from Obama's decision, which caused anger in Israel, to hold his first visit to the region in Cairo without stopping in Israel. At the same time, it is important that the US remind Israelis that continued occupation distances their state from the democratic-liberal club of nations, exacts a high toll on their country in the regional and international arena and makes it hard to ensure Israel's Jewish and democratic nature.