

CHAOS RECONSIDERED

*The Liberal Order and the Future
of International Politics*

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Columbia University Press
New York



Columbia University Press
Publishers Since 1893
New York Chichester, West Sussex
cup.columbia.edu

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Chapter 17 was first published in different form as Angela Stent, “Trump’s Russia Legacy and Biden’s Response,” *Survival: Global Politics and Strategy* 63, no. 4 (2001): 55–80. It appears here with the kind permission of the editors of *Survival*.
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Library of Congress Cataloging-in-Publication Data

Names: Jervis, Robert, 1940–2021, editor. | Goddard, Stacie E., 1974– editor. | Labrosse, Diane N., editor. | Rovner, Joshua, 1976– editor. | Fujii, George, contributor.

Title: Chaos reconsidered : the liberal order and the future of international politics / edited by Robert Jervis, Diane N. Labrosse, Stacie E. Goddard, and Joshua Rovner ; with George Fujii.

Description: New York : Columbia University Press, [2023] |

Includes bibliographical references and index.

Identifiers: LCCN 2022058419 (print) | LCCN 2022058420 (ebook) | ISBN 9780231205986 (hardback) | ISBN 9780231205993 (trade paperback) | ISBN 9780231556262 (ebook)

Subjects: LCSH: United States—Foreign relations—2017–2021. | United States—Politics and government—2017–2021. | Trump, Donald, 1946– | Liberalism. | International organization. | World politics—21st century.

Classification: LCC E912 .C532 2023 (print) | LCC E912 (ebook) | DDC 327.73009/051—dc23/eng/20230104

LC record available at <https://lcn.loc.gov/2022058419>

LC ebook record available at <https://lcn.loc.gov/2022058420>

Printed in the United States of America

Cover design: Noah Arlow

Cover image: Shutterstock

CHAPTER 30

THE TRUMP PRESIDENCY, THE QUESTION OF PALESTINE, AND BIDEN'S BUSINESS AS USUAL

A. DIRK MOSES AND VICTOR KATTAN

Israelis and Palestinians have both suffered greatly from their long-standing and seemingly interminable conflict,” begins *Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People*, the Trump administration’s 181-page policy document on the subject, informally called “The Deal of the Century.”¹ To resolve the conflict, it identified and proposed to solve two problems: the conflict between Israelis and Palestinians and that between Israel and the Muslim world. The latter solution manifested itself in the so-called Abraham Accords: bilateral economic, cultural, and trade agreements establishing diplomatic relations between Israel and the United Arab Emirates (UAE), Bahrain, and Morocco, which were signed in 2020.² As Charles S. Maier aptly puts it in chapter 42, the agreement represents “a latter-day Holy Alliance sanctimoniously named for the spiritual ancestor of the three monotheistic faiths.”

The “Deal of the Century” offered what it called a “realistic two-state solution,” meaning that Palestinian self-government was limited by “Israeli security responsibility and Israeli control of the airspace west of the Jordan River.” Although referring to a “Palestinian state,” the document acknowledged that the state would lack “certain sovereign powers.” In the place of actual sovereignty, it proposed a three-pronged “Trump Economic Plan.”

The Biden administration’s posture to President Donald Trump’s innovations reveals the deeper continuities of U.S. policies. At the time of writing, September 6, 2022, the Biden administration has accepted and indeed seeks to expand the Abraham Accords by courting Indonesia. By contrast, for all the

criticism that President Joe Biden received in seeming to indulge Israeli aims in its bombing of Gaza between May 10 and 19, 2021, and between August 5 and 7, 2022, it is easy to imagine a Trump administration actively encouraging them.

However, this continuity is hardly a return to an “honest broker” position that some in Washington like to imagine for the United States. Despite the death toll, the Biden administration refrained from criticism of Israel’s bombing of Gaza, its institutionalized system of racial discrimination, and increasing settler-colonial violence, notwithstanding expressions of concern about “violence in Jerusalem.”³ If, like any president, Biden’s room for maneuver is limited by domestic and international considerations, they are largely the same ones faced by Trump. Did Trump’s style conceal continuities of substance, as Nivi Manchanda and Audie Klotz argue in their chapters?

Because any peculiarities of the Trump administration’s policy on Palestine and Israel can only be discerned in light of U.S. policy since he left office in January 2021, it is necessary to attend briefly here to the Biden presidency. Dramatic events that have unfolded under Biden’s watch allow some perspective on both presidencies. In particular, the asymmetric exchange of missiles between Hamas in Gaza and Israel in May 2021 and August 2022 has its roots in the expansionist Israeli policies in Jerusalem and the West Bank that were greenlit by the Trump administration and that the Biden administration has not rolled back. In not doing so, it is adhering to long-set patterns of U.S. foreign policy.

The Foreign Policy of the Trump Presidency Toward Palestine

From the time of Ronald Reagan’s administration, successive Republican presidents, buoyed by Evangelical Christian support from the Bible Belt and the appointment of prominent neoconservatives to government positions, took overtly and unabashed pro-Israel points of view in matters of foreign policy toward the Israel-Palestine dispute. That said, no other Republican president aligned himself with the Israeli right wing to the same extent that Trump did. To placate his Evangelical electoral base and his financial backers (which included the late casino billionaire Sheldon Adelson), Trump promised to move the U.S. embassy to Jerusalem.⁴

These partisans of “Greater Israel” both sought U.S. backing for Israeli politicians who fostered settlements in, and annexation of, Palestinian territory while making Jerusalem the “eternal capital” of Israel. As Christian Zionists, many Evangelicals believe that God gave the land to “the Jews” as an irrevocable gift that cannot be vitiated by Palestinians, despite the fact that they have long lived there and formed a majority of 90 percent of the population over a century ago.⁵ Moreover, they believe that biblical prophecy will be realized when

Jews converge in the Holy Land and rebuild the Second Temple (thus destroying the Dome of the Rock mosque), thereby inaugurating Christ's "Second Coming," the mass conversion of Jews (and the destruction of those who do not convert), and his thousand-year reign.⁶ In doing so, Evangelicals ignore the centuries-long presence of Palestinian Christians who naturally do not subscribe to their doomsday eschatology.

When in power, Trump broke precedent and moved the U.S. embassy to Jerusalem, despite warnings from King Abdullah II of Jordan and other Arab leaders not to do so. As Trump boasted: "We moved the capital of Israel to Jerusalem," before adding, "that's for the evangelicals."⁷ Again breaking precedent, the evangelical secretary of state, Michael Pompeo, visited the Israeli settlement of Psagot in November 2020, marking the first visit by a senior U.S. diplomatic official to one of the settlements, which are illegal under international law.⁸ A year earlier, he had claimed that the settlements did not violate international law after all, reversing decades of settled State Department policy on the subject.⁹

Consistent with this posture, the "Deal of the Century" endorsed the annexation of the Jordan Valley and other parts of Area C, which amount to 61 percent of the West Bank, cantonizing Palestinian zones into disconnected parts. It mooted the idea of stripping Israeli citizenship from the Arab citizens of Israel who resided in the so-called Triangle, and it was unclear as to whether Israeli citizenship would be offered to Palestinians who inhabit the areas that would be annexed to Israel.¹⁰ In short, the plan endorsed the establishment of what looked to many observers like an apartheid Bantustan.¹¹ The apartheid issue confronted the Biden administration, as we will discuss in what follows.

This was not all. Consistent with Israeli policy, in November 2020 the Trump administration resolved to support the controversial "working definition of antisemitism" of the International Holocaust Remembrance Alliance (IHRA) in moving to ban the funding of organizations that support the Palestinian global boycott, divestment, and sanctions (BDS) movement.

Under the Trump administration, diplomatic relations with the Palestinians came to a complete standstill. It withdrew funding for the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA)¹² and closed the Palestine Liberation Organization's (PLO) mission in Washington.¹³ The "Deal of the Century" was a far cry from what any Palestinian leader could have accepted and was far removed from previous proposals to resolve the conflict endorsed in United Nations' resolutions. Since their establishment in the late 1980s, U.S.-Palestinian relations had never been worse.¹⁴

What the Biden Administration Has (Not) Said and Done So Far

Does the Biden administration differ from Trump's both in style and substance? Certainly, the tone has changed. Secretary of State Antony Blinken soon

confirmed that the Biden administration would restore ties with the Palestinian Authority, which were hardly cordial under the Trump administration; resume aid; and reject unilateral actions, such as construction of Israeli settlements on occupied territory.¹⁵ However, during the clash between Israel and Hamas, the Biden administration sounded eerily similar to previous Republican and Democratic administrations in mouthing platitudes about Israel's inherent right of self-defense from rocket fire from Gaza while ignoring its enabling context: Israel's more-than-half-century annexation of Jerusalem and attempts to reduce its Palestinian population by various measures, the occupation of the West Bank and the occupation and blockade of Gaza, and increasing settler violence against Palestinians both in the West Bank and in the so-called mixed cities.

To date, Biden has indicated that he will not be returning the U.S. embassy to Tel Aviv, even though very few American allies have moved their embassies to Jerusalem, out of respect for the special regime enshrined in UN General Assembly resolution 181 of 1947, which Israel had itself acknowledged for seventy years by recognizing the status accorded to the consulates that form the Consular Corp of the *Corpus Separatum*.¹⁶ The Biden administration has also condemned the investigation by the prosecutor of the International Criminal Court (ICC) into crimes committed in the West Bank and Gaza.¹⁷ To be sure, Biden's opposition to the ICC investigation is a continuation of longstanding U.S. opposition to that court by previous Democratic and Republican administrations.

The recognition of Israel's annexation of the Golan Heights by the Trump administration was another attempt to legitimize a situation that was brought about by a violation of international law. When questioned on CNN as to whether the Biden administration would reverse Trump's blessing of the annexation, Blinken stopped short of endorsing the move, given legal considerations.¹⁸ But he did not say that he would reverse it.

Intriguingly, the Biden administration has welcomed the Abraham Accords, but it is unclear how the accords will lead to a resumption of talks between Israel and the Palestinians, given their association with the much discredited "Deal of the Century." Morocco's recognition of Israel came in exchange for the Trump administration's recognition of Morocco's annexation of Western Sahara.¹⁹ This *quid pro quo* was explicitly mentioned in Morocco's acceptance of the Abraham Accords.²⁰ This was yet another attempt by the Trump administration to legitimize an illegal act in international law, and again, it remains unclear whether the Biden administration will reverse this decision.

Beyond domestic Israeli and Palestinian politics, the Biden administration's policies toward Palestine could also be shaped by the officials it appoints to government positions. These include Hady Amr, deputy assistant secretary for Israeli-Palestinian Affairs; Robert Malley, the U.S. envoy to Iran; Maher Bitar, senior director for intelligence programs at the National Security Council;

Reema Dodin, deputy director of the White House Office of Legislative Affairs; and Dana Shubat, senior legislative affairs adviser at the White House.²¹ It is clear that the new administration will seek to work with the Palestinian Authority, which is a welcome development after the hostility displayed toward Palestinian national aspirations by the Trump administration. Taken as a whole, however, the Biden administration's Palestine policy indicates a "business as usual" approach of familiar, patterned responses.

Back to Business as Usual

For all these differences between the Trump presidency and those of Obama and Biden, then, questions of substance and form remain because of significant areas of ideological and policy convergence. The nonpartisanship on Israel that obtained before Obama's election has returned in the joint opposition of the Republican and Democratic parties to the ICC investigation.²² What is more, Democratic politicians have also been active in clamping down on First Amendment protections of Americans who support BDS by supporting laws that penalize businesses that decline to trade with Israeli businesses in the illegally occupied West Bank.²³ Major donors to the Democratic Party formed "The Democratic Majority for Israel" in January 2019 to resist rare leftist efforts to pressure Israel on settlements, so far to great effect.²⁴ Blinken is well known for having organized the congressional underwriting of arms deliveries to Israel in the last Gaza conflagration in 2014.²⁵ In the middle of the latest Israeli bombing of Gaza, the Biden administration announced its approval of \$735 million of precision-guided weapons to Israel, which were also supported by Democratic and Republican leaders of the congressional foreign affairs committees that review such sales.²⁶

Blinken was also quick to condemn BDS: "Will we stand up forcefully against it and try to prevent it, defuse it and defeat it? Absolutely," he told listeners in March 2020.²⁷ A year later, responding to the American Zionist Movement (AZM), he wrote, "As the stepson of a Holocaust survivor," he would oppose "bigotry, intolerance and those who seek to undermine democracy."²⁸ Accordingly, Blinken signaled his support for the IHRA's working definition of antisemitism despite the opposition of liberal Jewish organizations like J Street, Americans for Peace Now, and the New Israel Fund, thereby aligning the Biden presidency with the establishment Israeli advocacy organizations and the policies of the Trump administration.²⁹

On April 27, 2021, Human Rights Watch (HRW) released an explosive 213-page report, "A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution." So far, the Department of State has not issued a considered response. In the interim, the White House signaled its disagreement with

the report's findings, although in relatively mild language.³⁰ The report finds that "Israeli authorities have deprived millions of people of their basic rights by virtue of their identity as Palestinians." HRW claims that in the Occupied Palestinian Territories, "movement restrictions, land expropriation, forcible transfer, denial of residency and nationality, and the mass suspension of civil rights constitute 'inhuman[e] acts' set out under the Apartheid Convention and the Rome Statute."³¹ The report also includes an analysis of the status and treatment of Israel's Palestinian citizens, in part because the Basic Law: Israel—The Nation-State of the Jewish People ("Nation-State Law"), passed in 2018, dispenses with the idea of equality between citizens.

Pro-Israel advocates are confident that Israel and its supporters can see off the report and hope the apartheid claim goes away.³² After all, it is not new, and such controversies have come and gone in the past. Yet given the treatment of the HRW report in the *New York Times* and *Washington Post*, the publication of a similar report by Amnesty International in February 2022,³³ and the support of progressive Jewish organizations, it might not fade.³⁴ The Israeli human rights nongovernmental organizations Yesh Din and B'Tselem had previously accused Israel of implementing apartheid policies, and even the former CIA director John Brennan signaled his displeasure with U.S. policy in an editorial in the *New York Times*.³⁵

The 2021 Israeli bombing campaign in Gaza similarly split Jewish organizations and led progressive Democrats to protest the Biden administration's tepid response to the gross disparity in civilian casualties—more than twenty times more Palestinians have been killed in Gaza, more than half of whom are civilians, including sixty-six children.³⁶ In the UN Security Council, the administration repeatedly scuppered moves for a ceasefire statement, causing dismay among American liberals who had hoped that the administration's declaration about its values-led (that is, human rights-based) foreign policy would extend to the "Question of Palestine." Pressure mounted from within. On May 14, 2021, Democratic senator Edward J. Markey of the Senate Foreign Relations Committee called for a ceasefire. While condemning Hamas, he observed the causal connections: "There is no question that actions in Israel over the last few weeks, including attempts to forcibly remove Palestinians living in Sheikh Jarrah, as well as a violent raid by Israeli authorities on al-Aqsa Mosque during Ramadan, were wrong and have led to this current crisis."³⁷

Increasingly, sections of the U.S. media are registering the structural inequality and lived reality endured by Palestinians, meaning that returning to the status quo is increasingly viewed as untenable. As Sarah Leah Whitson from the Democracy in the Middle East Now (DAWN) research organization has observed, words like "apartheid," "land theft," and "ethnic cleansing" have entered the mainstream conversation.³⁸ Following the brutal police killing of George Floyd, Biden publicly aligned himself with Black Lives Matter. In so

doing, he will have difficulty disassociating Israeli police brutality against Palestinian citizens of Israel and Palestinian ID holders in Jerusalem from the mistreatment leveled by American officers against Black Americans, which increasing numbers of Democratic congressmen are linking. As Representative Jamaal Bowman, a freshman Democrat from New York who unseated long-time Democratic representative Eliot L. Engel, a staunch Israel defender, put it: “As a Black man in America, I understand on a personal level what it means to live in a society designed to perpetuate violence against people who look like me. . . . My experience of systemic injustice, including being beaten by police at 11 years old, informs my view of what’s happening right now in Israel and Palestine.”³⁹

Responding to internal party disquiet, Biden announced on May 17, 2021, that he would be supporting a ceasefire after all, making apparently ever-firmer calls to Netanyahu. Biden is a proponent of “quiet diplomacy,” eschewing the application of public pressure for the “reassuring arm” around his Israeli counterpart.⁴⁰ For others, it appeared that Biden was appearing virtually as a supplicant rather than the leader of a superpower who was addressing a client state that benefits from \$3.8 billion of U.S. aid annually. This intimacy was on full display in the U.S. support of the preemptive—meaning unprovoked—Israeli bombing of Gaza between August 5 and 7, 2022, which killed seventeen Palestinian children. Israeli forces falsely attributed the killing of five of these children in a single instance to misdirected Islamic Jihad rockets but later admitted responsibility.⁴¹ In response, Biden issued this statement that made plain U.S. policy:

My support for Israel’s security is long-standing and unwavering—including its right to defend itself against attacks. Over these recent days, Israel has defended its people from indiscriminate rocket attacks launched by the terrorist group Palestinian Islamic Jihad, and the United States is proud of our support for Israel’s Iron-Dome, which intercepted hundreds of rockets and saved countless lives. I commend Prime Minister Yair Lapid and his government’s steady leadership throughout the crisis.

The reports of civilian casualties in Gaza are a tragedy, whether by Israeli strikes against Islamic Jihad positions or the dozens of Islamic Jihad rockets that reportedly fell inside Gaza. My Administration supports a timely and thorough investigation into all of these reports, and we also call on all parties to fully implement the ceasefire, and to ensure fuel and humanitarian supplies are flowing into Gaza as the fighting subsides.⁴²

The signs are, then, that things are moving back to business as usual: consider the U.S. “ironclad commitment to Israel’s security,” as Blinken put it a day after Biden’s declaration, coupled with the occasional disapproval of Israeli policies

that are only voiced when they affect American citizens or are difficult to justify to Western publics.⁴³

Consequently, the United States merely demanded an explanation when on October 19, 2021, Israel's defense minister Benny Gantz designated six leading Palestinian human rights and civil society groups as "terrorist organizations" under Israel's domestic Counter-Terrorism (Anti-Terror) Law (2016). Although Linda Thomas-Greenfield, the U.S. ambassador to the United Nations, signaled her support for the human rights organizations in a tweet, this hardly constituted a deterring rebuke in view of the designation's gravity.⁴⁴ The condemned groups include al-Haq, a leading Palestinian human rights organization, and the Palestine section of Defence for Children International, a prominent international NGO that has been promoting and protecting children's rights for thirty-five years. (In accusing Israel of the crime of apartheid, the HRW Report cited accounts by al-Haq and Defence for Children International.)

Nine European states and the United States ultimately rejected the Israeli claims and continued working with the NGOs. When Israeli authorities again shut down these organizations (and another, for seven in total) as "terrorist" in a series of raids in August 2022, European states issued a statement saying they were "not acceptable." By contrast, American authorities in the State Department said that they were "concerned" and requested more information, which they ultimately regarded as insufficient.⁴⁵ No one apart from partisans for the current Israeli government takes seriously its claims about the "terror designation" accorded these Palestinian NGOs.

As in other instances, some Democrats called for greater U.S. action and, with progressive Jewish organizations, also demanded the Biden administration do more to press the Israelis on the murder of the Palestinian-American journalist Shireen Abu Akleh. After sustained international publicity and, apparently, behind-the-scenes U.S. pressure, Israeli authorities eventually admitted it was "highly probable" that an IDF soldier shot her in a case of mistaken identity.⁴⁶ As one Israeli commentator observed when the Israeli report was released on September 5, 2022, "It is likely that if Abu Akleh had not been American then this chain of events including the admission that Israel was likely responsible would not have occurred."⁴⁷ The United States immediately greeted the report, which followed its own public determination in early July that Israeli forces were probably responsible for the shooting, thereby foreshadowing the Israelis in arguing that the killing was unintentional. "We welcome Israel's review of this tragic incident," declared the State Department official on the same day, "and again underscore the importance of accountability in this case, such as policies and procedures to prevent similar incidents from occurring in the future."⁴⁸

In fact, there had been little accountability: no charges were laid, although it is highly improbable that the shooting of a clearly marked journalist

wearing a protective vest and helmet was anything other than a precision headshot. U.S. senator Chris van Hollen challenged the Israeli report on Twitter, saying “The crux of the ‘defense’ in this IDF report is that a soldier was ‘returning fire’ from militants. But investigations @NYTimes @AP @CNN @washingtonpost & @UN found no such firing at the time. This underscores need for independent U.S. inquiry into this American journalist’s death.”⁴⁹ Now that the Israeli investigation has concluded, the American authorities could claim that no further pressure was necessary and put the incident behind them. Abu Akleh’s family called the American statement “totally unacceptable” and “an affront to justice that enabled Israel to avoid accountability for Shireen’s murder.”⁵⁰

On a few occasions, the Biden administration signaled displeasure with the short-lived Israeli Bennett-led and then Yair Lapid-led government. While there are well-known differences on Iran policy and empty warnings about settlement expansion, the U.S. State Department included extensive detail on settler violence against Palestinians in the West Bank in its annual terrorism report and sanctioned Israeli Pegasus spyware companies, while reportedly considering reestablishing its consulate in Jerusalem.⁵¹ However, these actions would not amount to a realignment of basic U.S.-Israel policy settings. As noted at the beginning of this chapter, the infrastructure of those settings includes intense Christian Zionist activism. If anything, those efforts are being redoubled as others on the left succeed in raising doubts about the future of human rights in Israel.⁵² As the *Jewish Telegraphic Agency* reported: “Officials of the Biden and Bennett governments are endeavoring to keep any bickering behind closed doors, wishing to avoid the open confrontations that marked the 12 years that Benjamin Netanyahu was prime minister.”⁵³ More recently, in early September 2022, the United States disapproved of Israeli plans to more heavily regulate foreign visitors to the West Bank, including those who had informal “love” relationships with Palestinians, because it would affect U.S. citizens, leading to some Israeli concessions.⁵⁴ Over all, U.S. support for Palestinians is limited to the humanitarian but not the political sphere.⁵⁵ Plus ça change.

Conclusion

We began by speculating that Trump would have actively and enthusiastically encouraged Israel’s bombing of Gaza and the crackdown on Palestinians in Israel and the West Bank, with the implication of further civilian death and infrastructure destruction. In doing so, however, it is important to recall that the conflict with Hamas in Gaza, in 2014, which lasted about five times longer and caused tenfold Palestinian deaths, occurred during the Obama presidency. The signs are that, notwithstanding a minor revolt by some progressive

Democrats, the Biden administration's answer to the "Question of Palestine" will be much the same as those of previous U.S. administrations. With its attention trained on Russia and China and with lukewarm support for the Palestinians in the Arab world, U.S. leaders are not prepared to rock the boat with Tel Aviv even if it disapproves of much Israeli policy.⁵⁶

Yet, cleaving to the two-state idea as envisaged in the 1993 Declaration of Principles, when the Israeli government plainly disregards it and when many others have long noted its practical impossibility, enables settlement expansion and de facto annexation.⁵⁷ At the same time, the violence against Palestinians in all territories controlled by Israel makes a shared future vision in a single state difficult to imagine.⁵⁸ Following a long-set pattern, the Biden administration has done nothing to compel Israel to withdraw from the territories that it occupied in the June 1967 war, still less repeal the Nation-State Law, although in contrast to the Trump administration, Biden has condemned Israel's settlement activity, to be sure in mild language and without material consequences.⁵⁹ But if the two-state solution remains the preferred solution for the "international community," then the Biden administration's refusal to rein in Israeli expansionism that goes beyond issuing empty words will surely signal its official demise.

Notes

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5. When the British Empire issued its Balfour Declaration on November 2, 1917, the Jewish population of Palestine, mostly non-Zionist and Arabic speaking, formed 93 percent of the population. See Justin McCarthy, *The Population of Palestine: Population History and Statistics of the Late Ottoman Period and the Mandate* (New York: Columbia University Press 1990), table 2.2, 26.
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 9. The Trump administration did not publish the legal justification for Israel's settlement policy. The consistent view of the State Department from 1967, when Israel occupied the West Bank, until November 2019, when Mike Pompeo said that settlements were "not per se inconsistent with international law," was that the establishment of settlements violated article 49, paragraph 5, of the Fourth Geneva Convention (1949). See Victor Kattan, "Israeli Settlements, US Foreign Policy, and International Law," *Insight Turkey* 22, no. 1 (2020): 47–57, <https://www.insightturkey.com/commentary/israeli-settlements-us-foreign-policy-and-international-law>.
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 14. Unofficial U.S. contacts with the PLO predate the 1980s, but it only became official after the Palestinians indicated their willingness in 1988 to recognize Israel, abandon armed struggle, and accept UN Security Council resolutions 242 (1967) and 338 (1973) as a basis for negotiating a lasting peace. For early U.S. contacts with the PLO, which date to the 1970s when the PLO provided security to help 263 American citizens flee Lebanon's civil war, see Kai Bird, *The Good Spy: The Life and Death of Robert Ames* (New York: Broadway Books, 2014), 176–77. According to Bird, Kissinger's first overture to the PLO was in 1973, when the CIA established contact.

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