

FOREIGN AFFAIRS

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Throughout most of U.S. President Joe Biden's political lifetime, conventional wisdom has held that there is no benefit—and enormous risk—to getting tough on Israel. But it is no longer that simple. After more than five months of devastating war in the Gaza Strip, there is also great risk in not getting tough. Americans overwhelmingly saw Hamas's October 7 terrorist attack as horrific, but many now see Israel's military response as—to use Biden's words—"over the top." In late January, half of Americans thought Israel's military campaign had "gone too far," according to polling from the Associated Press–NORC Center for Public Affairs Research. The president's support for Israel's invasion of Gaza has alienated much of his electoral base, including young people, progressives, Arab Americans, Muslims, and those who care deeply about human rights.

Biden has not yet proved willing to challenge Israel in a meaningful way, but there are signs that he is becoming increasingly frustrated with Israeli Prime Minister Benjamin Netanyahu. In February, the president's close

associates told NBC News that Netanyahu is “giving him hell.” On March 10, Biden said Netanyahu’s military strategy was “hurting Israel more than helping Israel.” Netanyahu has chafed at Biden’s increasingly public calls for restraint, refusing the president’s repeated requests for an open flow of humanitarian aid, and has flatly rejected calls to support even a vague pathway toward an eventual two-state solution.

Biden has both personal and political reasons for continuing to accept these rebuffs. On a personal level, Biden’s strong support for Israel can be traced to the early decades of the country’s statehood and his acquaintance with Israeli leaders going back to Prime Minister Golda Meir. On a political level, Biden has seen U.S. elected officials including Democratic Representatives Donna Edwards and Ilhan Omar suffer painful payback for taking on the Israeli government, inflicted by groups including the American Israel Public Affairs Committee, a lobbying organization. But if the president wants to get tough with Netanyahu, he has an array of options, from withholding military aid to recognizing a Palestinian state. Such moves may not be easy politically, but they could become more feasible as the war’s death toll rises and starvation spreads in Gaza.

NAME AND SHAME

Since February, Biden has been increasingly blunt in his criticism of Netanyahu’s campaign in Gaza, calling for Israel to increase humanitarian assistance, limit the scale of its military operations, and take more steps to reduce civilian casualties. But to give these demands more heft, Biden could call it quits with Netanyahu from the Oval Office in a prime-time televised address. If he does so, he should make it clear that his rebuke is aimed at Israel’s extreme right-wing government, not at its people. This might increase pressure on Netanyahu within Israel to moderate his positions. More important, such a speech would lay a foundation for Americans to understand Biden’s next moves. Getting tough with Israel might be politically toxic, but getting tough with Netanyahu is not.

Another step would be for Biden to dial back U.S. diplomatic support for Israel at the United Nations. The United States has used its diplomatic heft—particularly its veto power on the UN Security Council—to block

nearly any meaningful international criticism of Israel, for any reason. In February, for example, a Security Council resolution demanding a cease-fire in Gaza gained the votes of nearly all members, including U.S. allies such as France, Japan, and South Korea, but it was defeated by the United States' veto. Biden could change this practice without a specific policy commitment. He would just need to apply the same standards to Israel that the United States applies to other partners. Washington does not automatically and unconditionally veto resolutions criticizing any other ally. It need not do so across the board for Israel. To mark such a pivot, Biden could support a Security Council resolution calling for a cease-fire in Gaza and for Israel to allow the free flow of humanitarian aid through the Rafah border crossing. Such a move would prevent thousands more Gazans from falling victim to both bombs and the lack of food, water, and medicine.

Washington could also stop offering incentives to entice a normalization deal between Israel and Saudi Arabia. Biden has sought, both before the October 7 attacks and after, to extend the Abraham Accords to include Saudi Arabia. These accords were a series of bilateral deals signed under the Trump administration that normalized relations between Israel and Bahrain, Morocco, Sudan, and the United Arab Emirates without meaningful concessions to further Palestinian sovereignty. The United States enticed Arab countries into these deals with lavish rewards—Washington sold the UAE state-of-the-art F-35 fighter jets and recognized Moroccan sovereignty over 100,000 square miles of disputed territory in the Western Sahara. But this initiative never made sense. If these countries truly share common interests, they shouldn't need to be bribed into mutual recognition. More important, cutting the Palestinians out of the equation guaranteed disaster: in the past, the prospect of eventual normalization with Arab and Muslim countries had always given Israel a potent incentive to move away from de facto annexation of the Palestinian territories. The Abraham Accords gave that bargaining chip away by allowing Israel to establish normal relations with some Arab governments without changing the reality of the Israeli occupation.

Given the war in Gaza, a similar U.S.-brokered deal between Israel and Saudi Arabia would be a tough sell to the American electorate. According to *The New York Times*, the United States has proposed a mutual defense pact in exchange for Saudi recognition of Israel. Such an arrangement would potentially put U.S. troops at risk to defend one of the world's cruelest autocracies. As Biden's deputy national security adviser admitted, "We will have to do things for Saudi Arabia that will be very unpopular in this country and in our Congress."

CINCHING THE PURSE STRINGS

Biden has the ability, unfettered by any law, to effectively deny supplemental aid to Israel. On February 13, the Senate approved a massive sweetheart deal for Israel: \$14.1 billion in supplemental military aid—in addition to and nearly quadruple the size of the annual sum approved before the October 7 attack. The House of Representatives has not put the measure up for a vote because the Republican Party is deeply divided over the far larger package of Ukraine aid that is tied to the money for Israel. Once the issue of Ukraine funding is resolved, Biden could threaten to veto any further supplemental aid to Israel unless Netanyahu signs on to his administration's full agenda, including, as described by U.S. Secretary of State Antony Blinken in February, "a practical, timebound, irreversible path to a Palestinian state living side-by-side in peace with Israel." In the absence of Israeli support for such a plan, Biden might specifically threaten to veto any funds for postconflict reconstruction and security in Gaza—a project far beyond the means of Israel alone.

The most persistent demand that U.S. critics of the war in Gaza have made of Biden—that he halt military aid already allocated by Congress—is more complicated. The United States has historically supplied far more military aid to Israel than it has to any other country, and Washington is slated to provide \$3.8 billion more each year through 2028. A president can't simply turn off the spigot of congressionally appropriated funds at will. But a president does have considerable leeway to delay, accelerate, or even deny specific military transfers. So far, Biden has used such wiggle room to accommodate Netanyahu's war, but he doesn't have to.

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Indeed, under several laws, a good case could be made that Biden is legally required to stop funding Israel's war. In March, seven U.S. senators urged Biden to apply the provisions of the Humanitarian Aid Corridor Act, which forbids the United States from sending aid to any country that "prohibits or restricts the transport or delivery of U.S. humanitarian assistance." Moreover, the Conventional Arms Transfer Policy precludes the transfer of U.S. arms if the weapons are likely to be used to commit "serious violations of international humanitarian law." And there is the Leahy amendment to the Foreign Assistance Act, which bars the president from sending aid to any military unit that has "committed a gross violation of human rights." More children are estimated to have been killed in Gaza during the first three weeks of combat alone than were killed in any of the previous three years in all other global conflicts combined.

Another tack Biden could take would be to recognize Palestinian statehood. On January 29, David Cameron, the British foreign secretary, suggested that the United Kingdom might unilaterally recognize Palestinian statehood. Two weeks later, French President Emmanuel Macron similarly said, "Recognizing a Palestinian state is not a taboo for France." Biden has the power to recognize a sovereign Palestinian state through executive action. Indeed, U.S. President Harry Truman exercised that power when he unilaterally recognized Israel's own statehood in 1948. Support for a two-state solution has been the official position of the U.S. government, under Democrats and Republicans alike, for decades. Recognizing a Palestinian state would just formalize what has been a bipartisan aspiration.

Each of Biden's options comes with risks. Even the easiest for him to pull off politically—withdrawing offers of a mutual defense pact to Saudi Arabia in exchange for recognition of Israel—would require Biden to give up his hopes of a regional diplomatic breakthrough on a par with Camp David or the Oslo accords. The others would provoke a backlash from

Israel's American supporters. Getting tough with Israel, if it ever were to happen, would be far outside Biden's comfort zone. But aiding Israel in a war that kills so many Palestinian civilians is increasingly unsustainable, too.