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Senate Progressives Seek to Hold Israel Accountable



Image by Janne Leimola.

Two Bills with Limited Support

For those who are dismayed and disturbed by Israel's disproportionate response to the Hamas atrocities on Oct. 7 last year, Oregon's Senator Jeff Merkley and other progressive Senate Democrats are fighting their battle. They have been pushing for Senate action that would tie further US military aid to Israel on Israel's adherence to international and US humanitarian law.

Israel's abuses of the law have been commonplace in recent months. US 2000-pound bombs and other weapons have pulverized cities, hospitals, and villages in Gaza, bringing the civilian death toll of Palestinians to more than 27,000, two-thirds of whom are said to be women and children.

Two specific actions in the Senate are relevant here, both supported by Merkley.

One is a resolution put forward by Sen. Bernie Sanders that would have required the State Department to report within 30 days on any Israeli violations of human rights. The resolution received only 11 votes, indicating that even most Democrats would not go along with monitoring Israel's behavior.

The other is an amendment to a supplemental military assistance bill authored by Senator Chris Van Hollen of Maryland that would require the President and the State Department to investigate and report to Congress on any country's abuse of non-defensive US military aid, such as those bombs sent to Israel, in violation of international and US humanitarian law. The amendment has yet to be voted on.

Interviewed by *The New Yorker*, Senator Merkley, who has visited Gaza during the fighting, said of his motivation for supporting these kinds of inquiries: "I have been deeply disturbed by the enormous number of deaths, the enormous number of injuries, the hugely inadequate supply of humanitarian aid, and the massive dislocation of the Gaza and Palestinian population."

Yet very few Democratic Senators, let alone Republicans, seem eager to support either bill, even though both are rather mild. The Sanders bill is exclusively focused on Israel, which is problematic for some Democrats. Yet all the bill does is require reporting.

The Van Hollen amendment applies to all countries, not just Israel, but it too gives to the administration rather than to Congress the initiative on reporting on Israel's actions with US weapons. Neither bill actually conditions present or future US military aid on Israel's compliance with humanitarian law and human rights by making clear the link between violations and aid. Still, the Van Hollen amendment is very unlikely to survive a Senate vote.

The Underlying Issues

Merkley understands that underlying the resistance to taking strong action to limit Israel's wartime behavior is the longstanding taboo against it. So is the counterpart to criticizing Israel: rejecting an independent Palestinian state. As Merkley says:

"It is time to pivot, to recognize that we need to work with Israel, and the international community, in a much more forceful way toward the vision of two states for two peoples. So some of my colleagues are still coming from the vision of, Never suggest that anything is wrong, and, Never suggest a criticism. But, for many of us, that plan has failed, and it's time for a more assertive, determined collaboration between the United States, Israel, and the Arab League toward producing two states for two peoples."

When Senators Merkley and Van Hollen traveled to Israel, they visited the Rafah crossing in the south. Merkley came back with very critical observations about the pitiful flow of aid into Gaza, often held up for days or rejected outright by Israeli inspectors. “Before October 7th,” he said,

“more than five hundred trucks would regularly pass each day into Gaza. Why, given the human calamity, can’t there be a lot more trucks passing now? Even just two weeks ago, it averaged, I believe, around a hundred and fifty trucks per day. Wholly insufficient.”

The process should only take one day. Merkley concludes:

“Certainly my impression is that Israel, knowing that they were able to inspect and deliver 500 trucks into Gaza before October 7th, could certainly inspect and deliver 500 trucks by tomorrow, if they were determined to do so.”

Conditioning US Aid

Merkley, Van Hollen, and 20 other Democrats wrote a letter to Biden February 1 with seven concrete suggestions for improving and increasing the flow of humanitarian assistance. The group is almost double the size of the original Van Hollen Amendment co-sponsors with important new signers, some of whom are especially close to President Biden.

As an inducement to Israel’s implementation of these measures, the Senate group should support conditioning the transfer of US non-defensive weapons, as authorized in the Supplemental Appropriation, on Israeli compliance with the proposed actions.

The Senators’ observations have even more relevance now, since Israel has indicated that Rafah, where roughly half the Gaza population has been pushed, is going to be the next center of the Israeli offensive. We can expect that many Gazans will be unable to flee yet again, ensuring that the already unconscionable death toll will be higher still.

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