

Seeking the Hypocrisy of Biden Administration's Human Rights Discourse from its Policy toward the Palestinian-Israeli Issue

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Abstract

Review Article

After taking office, the Biden administration raised human rights and other values to a much higher position in foreign policy than during the Trump administration, claiming that it would regard the protection of human rights in countries around the world as an important goal of its foreign policy. However, from the perspective of its policy practice on the Palestinian-Israeli issue, its relevant human rights discourse cannot stand the test of facts at all. Although Israel has seriously violated Palestinian human rights for a long time, the Biden administration has paid little attention to the Palestinian-Israeli issue and basically inherited the Trump administration's policy on key issues of the Palestinian-Israeli conflict, which is tantamount to supporting Israel's human rights violations. During the Gaza war that broke out in May 2021, the Biden administration refused to condemn Israel's bombing of Gaza, repeatedly stressed that Israel's actions were in self-defense, and not only continuously obstructed the Security Council's adoption of statements condemning Israel and calling for a ceasefire between the two sides, it also approved arms sales to Israel. The above actions of the Biden administration fully reflect the hypocrisy of its human rights discourse.

Keywords: the human rights discourse of the Biden administration; the Israeli-Palestinian issue; Israel; the United States.

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I. INTRODUCTION

After taking office, the Biden administration held high the banner of liberalism in foreign policy, emphasizing the resumption of active global participation, strengthening close cooperation with allies, advocating multilateralism, adhering to democratic values and protecting human rights¹. In diplomacy, these main aspects are interrelated and complementary, and there is a particularly close relationship between upholding democratic values and protecting human rights, because the United States and other Western countries share a common myth: Western democratic system is the best and most effective protection of human rights, and the maintenance and promotion of democratic system and democratic values is therefore an inevitable requirement for the protection of human rights. On the basis of this commonness, the relevant foreign policy speeches of President Biden and

his senior government officials show their special human rights discourse.

On February 4, 2021, President Biden delivered a speech at the State Department on the status of the United States in the world, in which he spoke in high profile about American values such as democracy and human rights, and was determined to defend them around the world. "It has to be that we must start with diplomacy rooted in America's most cherished democratic values, defending freedom, defending opportunity, upholding universal rights, respecting the rule of law, and treating everyone with dignity," he said, "As I said earlier this week, we will work with our partners to support the restoration of democracy and the rule of law and to hold accountable those responsible... We are also strengthening diplomacy to end the war in Yemen, which has caused humanitarian and strategic disasters. I have asked my Middle East team to ensure that we support the United Nations-led initiative to impose a ceasefire, open humanitarian channels and resume long-dormant peace negotiations... To underscore our commitment, we will

¹ Rahul Saigaoanker, "Biden Administration's Foreign Policy for the World," <https://blog.studyiq.com/biden-administrations-foreign-policy-world-free-pdf/>.

stop US support for all offensive actions in the Yemeni war, including related arms sales...We illuminate the oppressed people with the lamp of freedom. We provide safe havens for those who flee violence or persecution.”

² Biden also stressed the importance of addressing racial equality. According to White House Press Secretary Jen Psaki, President Biden will “restore America’s role in the world” and restore values to the center of US foreign policy³. Human Rights Watch Executive Director Kenneth Roth said, “Human rights are at the core of his vision when he announced that ‘America is back’.”⁴

Antony Blinken, US secretary of state, submitted the first human rights report of the US State Department on April 1, 2021, in a sharp but still implicit attack on the Trump administration’s approach. “Some people believe that it is not worthwhile for the United States to speak up for human rights, or that we should emphasize human rights violations only in selected countries, and it should only be done in a way that is directly in our national interest,” Brinklin told reporters when explicitly referring to Trump’s actions. “But these people are missing the point. It is in the interests of the United States to safeguard human rights everywhere. The Biden-Biden-Harris government will oppose human rights violations wherever they take place, regardless of whether the perpetrators are opponents or partners,” he added⁵.

So, is the Biden administration’s human rights discourse hypocritical? In order to answer this question, this paper specially selects the Biden government’s policy on the Palestinian Israeli issue as a case, and focuses on its macro policy on the Palestinian Israeli issue and its micro strategy in the Gaza war in May 2021 in the third and fourth parts of this paper respectively. The conclusion is that the Biden administration’s human rights discourse is completely hypocritical and deceptive. However, as a basis for case

² “Remarks by President Biden on America’s Place in the World,” February 4, 2021, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/04/remarks-by-president-biden-on-americas-place-in-the-world/>.

³ Ben Gittleson and Conor Finnegan, “Biden to Rally US Diplomats with 1st Major Foreign Policy Speech,” February 4, 2021, <https://abcnews.go.com/Politics/biden-rally-us-diplomats-1st-major-foreign-policy/story?id=75617083>.

⁴ Just Security, “Diplomats, Top Experts’ Reactions to Biden Foreign Policy Speech,” February 5, 2021, <https://www.justsecurity.org/74547/diplomats-top-experts-reactions-to-biden-foreign-policy-speech/>.

⁵ “Turning Page on Donald Trump: US Vows to Defend Rights Everywhere,” April 1, 2021, <https://www.thenews.com.pk/print/812937-turning-page-on-donald-trump-us-vows-to-defend-rights-everywhere>.

studies, it is first necessary to briefly discuss Israeli violations of Palestinian human rights.

II. Israeli Violations of Palestinian Human Rights

Israel was founded in accordance with the United Nations plan for the partition of Israel and Palestine. However, the first Middle East war broke out at the beginning of Israel’s founding in 1948. Israel violated the UN partition plan during the war, occupying 15% more land, including West Jerusalem. During the six-day war that lasted for six days in 1967, Israel occupied East Jerusalem, Gaza, the Golan Heights, the Sinai Peninsula and the entire West Bank, and established Jewish settlements in these areas to help consolidate regional control. As a result, a large number of Palestinians have been driven out of their homes and become homeless refugees. According to international law, it is illegal to acquire land by force.

In the occupied Palestinian territory, Israel has not only continued to build de facto settlements, but has even built a separation wall, taking over most of the occupied territory and its natural resources for its own use and the realization of its economic interests, it greatly sacrifices the interests of the indigenous population and seriously violates their human rights.

Israel has deprived the Palestine refugees of their right to return. The right of Palestine refugees to return to their lost homes has been fully recognized in international law. The first source of support for Palestine refugees’ claim for the right to return was paragraph 11 of United Nations General Assembly resolution 194 (III) of December 1948. Since 1949, this resolution and UN Security Council resolutions 242 and 338 have been frequently reaffirmed by the UN General Assembly. The rights outlined in the resolution are firmly based on international humanitarian human rights and refugee law⁶. However, Palestinian refugees who wish to return to their homes in Israel and the occupied territories are prohibited from returning to their homes, which means that Israel deprives them of their “right to return”. The Israeli Government enacted laws and used the army to prevent some 750000 Palestinian Arab civilians from returning to their homes after the end of the 1948 and 1967 wars. Under the fourth Geneva Convention, article 49, paragraph 6 (1949), it is illegal to colonize or transfer non-indigenous peoples to the occupied land⁷. Israel’s decision to prevent Palestinians from returning to their homeland was made not out of fear of violence by returning refugees, but because the Israeli Government

⁶ “Palestinian Refugees and the Right of Return,” <https://www.afsc.org/resource/palestinian-refugees-and-right-return>.

⁷ “List of International Law Violations by the State of Israel,” http://www.itisapartheid.org/Documents_pdf_etc/Israel_ViolationsInternationalLaw.pdf.

recognized that allowing Palestinian refugees to return would make Israel a two-nation State in which Jews belong to ethnic minorities.

Israel implements a policy of apartheid against Palestinians. Israel's system of discrimination and apartheid against the Palestinian people in its territory, as well as the system of exploitation, oppression and segregation in the occupied territories, is fully in line with the official legal definition of apartheid by the United Nations. Apartheid is considered to be a crime against humanity. Israel has established a dual legal system in the occupied territories—a democratic system linked to Israel for Israeli settlements and a system of oppression and exploitation of Palestinian communities managed by the Israeli military Commission and Israeli-controlled civilian administration⁸. Israel adopts a policy of discrimination against Arab citizens within its own country. They cannot enjoy equal rights with Jews: Citizenship Inequality, Marriage Inequality, Nationality Inequality, Legal Inequality⁹. Two former Israeli ambassadors to South Africa, Ilan Baruch and Alon Liel, both accused Israel of apartheid against the Palestinian people in the disputed territory of the West Bank. In a commentary published by the South African News Agency, the two ambassadors compared the Palestinian territories to “the Bantustan of South Africa under the apartheid regime”. They wrote, “For more than half a century, Israel has ruled the occupied Palestinian territory with a two-tier legal system. On the same piece of land in the West Bank, Israeli settlers live under Israeli civil law. Palestinians live under military law¹⁰”. Finally, the author calls on the world to take “decisive diplomatic action” similar to the campaign to end apartheid in South Africa.

Israel suppresses the right of Palestinians to pursue national independence. In 1987, Palestinians controlled by Israel began to protest against their marginalized status and promote national independence. During the first intifada, which lasted for six years from 1987 to 1993, Israeli forces killed between 1162 and 1204 Palestinians, including 241 children, and arrested more than 120000. In this intifada, some 60706 Palestinians were injured by shooting, beatings or tear gas in the Gaza Strip alone¹¹. In the 1990s, the first

⁸ See “Five Ways Israeli Law Discriminates against Palestinians,” 19 Jul 2018, <https://www.aljazeera.com/news/2018/7/19/five-ways-israeli-law-discriminates-against-palestinians>.

⁹ See Jonathan Cook, “Apartheid Israel,” *The Link*, Volume 51, Issue 2, April-May 2018, pp.4-14.

¹⁰ “Two Former Israeli Envoys to South Africa Accuse Jewish State of ‘Apartheid’,” June 8, 2021, https://www.ynetnews.com/article/rysuI4ac00?utm_source=Taboola_internal&utm_medium=organic.

¹¹ History Hit, “16 Key Moments in the Israel-Palestine Conflict,” May 14, 2021,

public face-to-face peace talks between Israelis and Palestinians were held, followed by the Oslo Accords. The agreement establishes a limited provisional institution of self-government for the Palestinians and sets a timetable for negotiations to resolve the permanent status issue. Despite these developments, Human Rights Watch, together with other monitoring bodies, reported on Israel's continued use of improperly lethal force against Palestinian demonstrators, systematic torture of suspects, widespread and prolonged detention without charges, punitive home demolitions and other ill-treatment¹².

Israel often resorts to “collective punishment” against resistance movements launched by parts of the Arab population and organizations, that is, large-scale actions against entire Palestinian communities, such as the destruction of entire residential areas, or the confiscation of public farmland, the demolition of houses, the blockade of certain areas or the prohibition of civilians from leaving their homes for a long period of time. Israel's long-standing blockade of Gaza is a typical example of this “collective punishment”. Since 2005, Palestinians in Gaza have been illegally blockaded by the Israeli authorities.

The United Nations, the International Committee of the Red Cross and many human rights organizations have condemned the blockade, which severely restricts the movement of people and goods to and from Gaza, as collective punishment for the population, which is mainly composed of refugees. The resulting humanitarian crisis has caused unprecedented difficulties for 2 million residents, half of whom are children. The punitive blockade affected all social, economic and political aspects of the lives of the residents of Gaza and caused a huge and sustained loss of life. Israel's offensive rather than defensive military strikes against Gaza and the Palestinian people have repeatedly exacerbated the illegal blockade. Thousands of unarmed civilians, including children, were killed, injured and permanently maimed in these attacks, which also destroyed many important infrastructures in the area.

2020 was a miserable year for Palestinian human rights as Israel tightened its control over the occupied Palestinian territory, intensified its attacks on Palestinians and their property and introduced new laws to further restrict the rights of Palestinians, all of which occurred during the COVID-19 epidemic¹³. “Prominent

<https://www.historyhit.com/key-moments-in-the-israel-palestine-conflict/>.

¹² Eric Goldstein, “Say Israel is Committing Apartheid? It's not a Decision we Reached Lightly,” April 27, 2021, <https://forward.com/opinion/468482/israel-apartheid-palestinians-human-rights-watch/>.

¹³ Yumna Patel, “Right Group: Israel Human Rights Violations Escalated in 2020,” March 5, 2021,

human rights advocates and scholars believe that the killing of Palestinians, their forcible eviction from Palestinian trust areas in 1948 and the Israeli occupation of the West Bank, East Jerusalem and the Gaza Strip, the Israeli Government's violence and discrimination against Palestinians violates some of the human rights protection provisions contained in international human rights law¹⁴.

III. Biden Administration's Macro Policy on the Palestinian-Israeli

Issue: Conniving at Israeli Violations of Human Rights

It is well known that the Trump administration's Palestinian-Israeli policy, and even its entire Middle East policy, is characterized by extreme pro-Israel, conniving at and supporting Israeli violations of Palestinian human rights. Therefore, in order to well analyze the characteristics of the Biden administration's Palestinian-Israeli policy, it is necessary to examine the extent to which it has inherited the Trump administration's Palestinian-Israeli policy.

Trump has reversed long-standing U.S. policy to make it better for Israel on several key securities, diplomatic and political issues, including the Iran nuclear deal, the Israeli-Palestinian conflict, Israel's situation at the United Nations and the status of Jerusalem and the Golan Heights.

Trump's pro-Israel policy is obvious in his Palestinian-Israeli policy, which is embodied in the following aspects. First, on December 6, 2017, Trump decided to recognize Jerusalem as the capital of Israel and relocate the U.S. embassy in Israel from Tel Aviv to Jerusalem¹⁵. Second, direct economic and political crackdown on Palestine. Unlike Obama, Trump blamed Palestine for the impasse in the Israeli-Palestinian peace talks and halted \$500 million in annual US aid to the Palestinian Authority. Trump also closed the PLO office in Washington, claiming that there was no need to send such a Palestinian mission after the establishment of the Palestinian Authority in 1995, actually because the Palestinians refused to restart negotiations with Israel as requested by the Trump administration. In addition, Mr Trump cut annual US contributions (\$250 million-\$400m) to the United

Nations Relief and Works Agency (UNRWA), saying the agency was corrupt, perpetuating the problem of Palestine refugees and building schools hostile to Israel and Jews.

Third, denying that Israeli settlement construction violates international law. UN Security Council Resolution 2334, adopted in December 2016, stated that Israeli settlement activities were a "flagrant violation" of international law and had "no legal effect". But on November 18, 2019, U.S. Secretary of State Pompeo declared that "the establishment of Israeli civilian settlements in the West Bank does not in itself violate international law." In November 2020, the United States State Department announced new guidelines requiring Israeli goods produced in illegal settlements in the West Bank to be labeled "Israeli products" or "made in Israel" when shipped to the United States¹⁶. This is clearly intended to demonstrate Israel's "legitimate" sovereignty over the occupied Palestinian territory.

Fourth, putting forward a peace plan that seriously harms the interests of the Palestinians. The plan includes both economic and political parts. Because of Israel's frequent elections, the economic component was first proposed at a seminar held in Bahrain in June 2019, mainly for businessmen. The political section was proposed at the White House in January 2020. The plan calls for the establishment of an independent Palestinian state in more than 70 per cent of Gaza and the West Bank, plus Israel's own territorial compensation, as well as a capital on the outskirts of East Jerusalem. The Palestinians will waive the right of refugees to return to Israel. Israel will annex large Jewish settlements in the West Bank and will receive important security arrangements and political guarantees.

Fifth, withdrawing from international organizations that are "biased" against Israel. Trump not only quit the Human Rights Council (HRC) in June 2018, citing prejudice against Israel, but also sided with Israel against the International Criminal Court (ICC) plan to investigate alleged war crimes committed by Israel in Gaza and the West Bank, threatening tough sanctions against ICC prosecutors, judges and employees¹⁷. The United States withdrew from the

<https://mondoweiss.net/2021/03/rights-group-israeli-human-rights-violations-escalated-in-2020/>.

¹⁴ Centre for Constitutional Rights, "The Genocide of the Palestinian People: An International Law and Human Rights Perspective," August 25, 2016, <https://ccrjustice.org/genocide-palestinian-people-international-law-and-human-rights-perspective>.

¹⁵

刘晨、朱东阳：“特朗普宣布美国承认耶路撒冷为以色列首都”，2017年12月7日，新华网，http://www.xinhuanet.com/world/2017-12/07/c_1122069873.htm。

¹⁶ "Marking of Country of Origin," U.S. Department of State press statement, November 19, 2020, <https://2017-2021.state.gov/markings-of-country-of-origin/index.html>.

¹⁷ Trump specifically issued Executive order 13928, which declared that any investigation by the International Criminal Court of US personnel or their allies (designated by US officials as Israel) constitutes a "state of national emergency". This so-called "state of national emergency" provides the basis for the United States Government to impose sanctions on non-United

United Nations Educational, Scientific and Cultural Organization (UNESCO) in January 2019 after the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted a resolution declaring the Temple Mount in Jerusalem and the Cave of the Jewish Patriarchs in Hebron as holy sites for Palestinians. Sixth, promoting the establishment of diplomatic relations between a number of Arab countries and Israel, so that the cause of the Palestinians will face greater challenges. In the way of exchange of interests and in defiance of international law, the Trump administration has successively brokered the establishment of diplomatic relations with Israel by Arab countries such as the United Arab Emirates, Bahrain, Sudan, and Morocco, seriously harming the interests of the Palestinians.

Shortly after taking the oath of office on January 20, 2021, Biden reversed a series of policies proposed by his predecessor Donald Trump during his four years in office. In many ways, the Democratic president is expected to do the same on issues involving Israel and Palestine, especially after his Republican predecessor openly supported Israel and made moves that annoyed the Palestinians and their sympathizers. Although Mr Biden never promised to completely reverse Mr Trump's one-sided approach to Israel and Palestine, he attacked many of the previous administration's decisions in volatile regions of the Middle East as "destructive" and "short-sighted". But since taking office, the Biden administration has failed to reverse many of Trump's extreme pro-Israel policies, paying little attention to the Israeli-Palestinian issue and trying to freeze the "new status quo" created by the Trump administration. The specific performance is as follows.

First, the Biden administration does not pay enough attention to the Palestinian-Israeli issue. Unlike President Obama and President Trump, Biden did not appoint a special envoy to focus on the Israeli-Palestinian issue. Unlike Clinton, Biden did not propose any form of peace conference plan, or even a plan to promote the peace process in the short term. Perhaps the most similar to Biden on the Israeli-Palestinian issue is President Bush, who initially refused to participate in solving the problem, but eventually found that he could not ignore it. Biden has announced the dispatch of special envoys for Yemen, Iran, Libya and even the Horn of Africa. The highest-ranking official who deals with Israeli-Palestinian affairs every day is Deputy Assistant Secretary of State Hady Amr. The government-nominated Assistant Secretary of State for

States citizens participating in these investigations, to impose severe civil and criminal penalties on anyone (including United States citizens) who provides "services" or other forms of support to designated persons and to impose visa restrictions on International Criminal Court staff and their families.

near East Affairs, Barbara Leaf, has not yet scheduled a confirmation hearing¹⁸. At a time when the human rights of the Palestinians have been seriously undermined by Israel, as the most influential country to Israel, the Biden administration of the United States does not pay enough attention to the Palestinian-Israeli issue, which means that it does not pay enough attention to the human rights of Palestine.

Second, although the Biden administration has made some promises to reverse Trump's policy on the Palestinian-Israeli issue, it may lack substantive action or have other political purposes that have nothing to do with safeguarding Palestinian human rights. As early as May 2020, Mr. Biden said, "The top priority for the cause of Israeli-Palestinian peace should be to resume our dialogue with the Palestinians and urge Israel to refrain from actions that make the two-State solution impossible." He added, "I will reopen the U.S. consulate in East Jerusalem"¹⁹, try to reopen the PLO diplomatic mission in Washington, and restore decades-long economic and security assistance to the Palestinians that the Trump administration has stopped²⁰. Just a week after taking office, the Biden government publicly announced that it was restoring relations with the Palestinians and decided to extend assistance to Palestinian refugees²¹. This is a small reversal of the Trump administration's practice of severing relations with Palestine and suggesting that the United States will renew its support for a two-state solution to the decades-long conflict between Palestine and Israel. But the Biden administration has so far taken no concrete action to deliver on its promises [22].

Some promises to reverse Trump's policies have been fulfilled, but they are not really out of concern for Palestinian human rights. In early February

¹⁸ "Israeli-Palestinian Conflict Forces Biden to Put Mideast on Agenda," May 21, 2021, <https://www.al-monitor.com/originals/2021/05/israeli-palestinian-conflict-forces-biden-put-mideast-agenda>.

¹⁹ The U. S. Consulate General in Jerusalem was the main channel of communication between Washington and the Palestinians. President Trump merged the consulate and embassy into a single diplomatic mission in early 2019.

²⁰ Khaleda Rahman, "What Joe Biden has Said about Israel-Palestine Conflict," May 11, 2021, <https://www.msn.com/en-us/news/world/what-joe-biden-has-said-about-israel-palestine-conflict/ar-BB1gC5yk>.

²¹ Edith M. Lederer, "US Announces Restoration of Relations with Palestinians," January 27, 2021, <https://apnews.com/article/joe-biden-world-news-israel-united-nations-a5f546bf188f808ba29f381d76d44729>.

²² See Yoni Ben Menachem, "The Palestinian Authority: President Biden's Promises Are a Mirage," November 4, 2021, <https://jcpa.org/the-palestinian-authority-president-bidens-promises-are-a-mirage/>.

2021, President Biden instructed the State Department to re-engage with the United Nations Human Rights Council, overturning the Trump administration's decision to withdraw from the council nearly three years ago. But the Biden administration's decision to return to the United Nations Human Rights Council was not based on its recognition of the organization's repeated criticism and condemnation of Israel's human rights violations. In explaining the decision, U.S. Secretary of State Anthony Blinken said President Trump's withdrawal from the United Nations Human Rights Council in June 2018 "does not encourage meaningful change, but creates a vacuum in American leadership. Countries with authoritarian agendas take advantage of this vacuum." "If it works well, the Human Rights Council will put the spotlight on countries with the worst human rights records and can become an important forum for those who fight injustice and tyranny," Blinken said in a statement²³.

Some of the actions taken to reverse the Trump administration's policies have not been carried out to the end. The Biden administration decided on April 2, 2021 to rescind the "inappropriate" executive order 13928 issued by Trump and end sanctions and visa restrictions on staff of the International Criminal Court²⁴. Nevertheless, the Biden administration's response to the relevant decisions of the International Criminal Court was inconsistent with its move to revoke the executive order, as it demonstrated the United States' disrespect for the independence of the judiciary, prosecutors and the International Court of Justice. On February 5, 2021, after a year-long review of more than 40 briefs from prosecutors, referees, victims and from States, legal experts, civil society and former United States government officials, the pre-trial Chamber of the International Criminal Court issued a reasonable ruling that the international criminal court could rely on Palestine to be a party to the Rome treaty, exercise jurisdiction over the Palestinian territories (Gaza and the West Bank, including East Jerusalem)²⁵. In

²³ John Hudson, "U.S. Rejoins U.N. Human Rights Council, Reversing Trump-era Policy," February 8, 2021, <https://www.msn.com/en-us/news/world/u-s-rejoins-u-n-human-rights-council-reversing-trump-era-policy/ar-BB1dv55M>.

²⁴ U.S. State Department, "Ending Sanctions and Visa Restrictions against Personnel of the International Criminal Court," Press Statement, Antony J. Blinken, Secretary of State, Apr. 2, 2021, <https://www.state.gov/ending-sanctions-and-visa-restrictions-against-personnel-of-the-international-criminal-court/>.

²⁵ "Situation in the State of Palestine: Decision on the 'Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court's Territorial Jurisdiction in Palestine,'" ICC-01/18, Feb. 5, 2021, https://www.icc-cpi.int/CourtRecords/CR2021_01165.PDF.

response, the US State Department expressed "serious concern" about the "attempt" of the International Criminal Court to exercise jurisdiction over Palestine²⁶. US Secretary of state Blinken announced that a formal investigation will be launched. He said the United States "resolutely opposes" the decision and wrongly stated that "the International Criminal Court has no jurisdiction over this matter"²⁷. Ignoring the substantial evidence of war crimes and crimes against humanity committed by Israeli actors in the Palestinian territories since 13 June 2014 (which was the basis for the Prosecutor's decision to conduct an investigation), Secretary of State Blinken dismissed efforts to hold Israeli actors accountable, calling it nothing more than an "attempt to unfairly target Israel". In fact, in announcing the revocation of Executive order 13928, the United States Secretary of State reiterated that the United States continues to "strongly oppose" the actions of the International Criminal Court. This is clearly a contradictory attitude. Just a day earlier, a spokesman for the United States State Department issued a statement praising the International Criminal Court's decision on the conviction of a former commander of the Ugandan Lord's Resistance Army (LRA), which is further proof of the double standards and discrimination that the United States has against Palestinian victims in their efforts to seek justice. In dealing with the Palestinians, the Biden administration has not fundamentally changed the Trump administration's approach. It regards "peace" and "justice" as incompatible, and the Palestinians have no choice but to choose between them.

Third, the Biden administration has retained key elements of the Trump administration's Palestinian-Israeli policy. It acquiesces to the Trump administration's policy that runs counter to the traditional US position on issues such as the status of East Jerusalem and the expansion of Israeli settlements²⁸. The Biden administration has not announced its

²⁶ U.S. State Department, "Opposing International Criminal Court Attempts to Affirm Territorial Jurisdiction over the Palestinian Situation," Press Statement, Ned Price, Department Spokesperson, Feb. 5, 2021, <https://www.state.gov/opposing-international-criminal-court-attempts-to-affirm-territorial-jurisdiction-over-the-palestinian-situation/>.

²⁷ U.S. State Department, "The United States Opposes the ICC Investigation into the Palestinian Situation," Press Statement, Antony J. Blinken, Secretary of State, Mar. 3, 2021, <https://www.state.gov/the-united-states-opposes-the-icc-investigation-into-the-palestinian-situation/>.

²⁸ Matthew Lee, "Analysis: Violence Upends Biden's Israel-Palestinian Outlook," May 12, 2021, <https://news.yahoo.com/analysis-violence-upends-bidens-israel-040625249.html>.

intention to move the US embassy back to Tel Aviv²⁹. So far, the Biden administration has not issued a clear and unambiguous policy statement on the illegality of Israeli settlements, and has not declared the fallacy of the trump administration's statement in November 2018, thus failing to bring the US position into line with the resolutions of the United Nations Security Council, including resolution 2334 (2016), which recognizes all Israeli settlements in the West Bank, the settlements, including East Jerusalem, are illegal. The Biden administration responded to Israel's announcement of 3000 new settlement units in the West Bank on October 27, 2021, saying that it was "strongly" opposed to new settlements and that these settlements were "unacceptable", but that was it³⁰.

Although, as analyzed above, the living conditions that Palestinians in Gaza are forced to accept are not only inhumane and unjust, but also illegal under international law, the Biden administration did not call on Israel to end its illegal blockade of Gaza. If the Biden administration demands that Israel lift the blockade, and then if Israel does not comply with this request, the Biden administration has leverage, for example, it can withhold financial and technical assistance to Israel before Israel lifts the blockade on Gaza.

Fourth, the Biden administration's claim to support the "two-state solution" is just a political show. The current Israeli-Palestinian conflict is mainly a conflict between the occupier and the occupied, which cannot be resolved through the one-State solution, because if the one-State solution is adopted, given the large population and high birth rate of Palestine, then Israel will not be able to maintain its democratic and Jewish character at the same time. Since the maintenance of Israel's Jewish identity is supported by a clear majority of the country, in such a "one country", only democracy is abolished and Palestinians become

second-class citizens, which in turn will lead to Palestinians' struggle for equal rights. President Biden openly advocated a solution to the Israeli-Palestinian issue through a "two-state solution." "I have made it clear that, as president, I will oppose territorial annexation," Biden said at a fundraiser in September 2020. The two-State solution is the only way to ensure Israel's long-term security while maintaining its Jewish and democratic identity. I don't know what they would do without a two-state solution. It is also the only way to ensure that the Palestinians have their own national rights³¹. In an interview, U.S. Secretary of State Blinken stressed that President Biden believed that the two-State solution was "the only way to secure Israel's future as a Jewish democracy and the only way to give the Palestinians a State to which they are entitled", although he noted the need for the parties to negotiate the final status issue directly and recognized that the final solution was not a short-term prospect³².

Although the Biden administration publicly supports the "two-state solution" to solve the Palestinian-Israeli problem, which more or less reflects the importance it attaches to improving the human rights situation in Palestine, it has not really tried to change the fact that the Trump administration has created serious violations of Palestinian human rights. For example, it has neither denounced Israeli settlement construction as illegal, nor called on Israel to lift the blockade on Gaza. It also did not take any reverse action on the issue of the embassy. Traditionally, the State of Palestine in the two-State solution is based on the borders before the third Middle East War in 1967, with East Jerusalem as its capital. In the absence of key steps taken by the Biden administration to fundamentally reverse the Trump administration's Palestinian-Israeli policy, its claim to support the "two-state solution" is clearly hypocritical and does not really show respect for the right of Palestinian national independence.

IV. The Biden Administration's Tactics during the Gaza War Violating Human Rights

The tactics of the Biden administration in the Gaza War in May 2021 seriously violated human rights and demonstrated the hypocrisy of its human rights words. On 7 May 2021, a fierce conflict broke out between Palestine and Israel, which, on the whole, was caused by Israeli violations of the basic human rights of

²⁹ In fact, Trump's decision to relocate continues a 1995 U. S. law that recognizes Jerusalem as the capital of Israel. Biden, then a senator, voted yes. However, successive presidents have failed to implement this law and have complied with the view of the international community that the status of Al-Quds should be part of a broader peace agreement negotiated between Israel and Palestine, the agreement will guarantee the establishment of a Palestinian State. During his presidential campaign, Biden said he would keep the U.S. Embassy in Jerusalem. See Shubham Ghosh, "Israel-Palestine Conflict: Joe Biden is yet to Reverse Donald Trump's Pro-Israel Policies, May 17, 2021, <https://meaww.com/israel-palestine-conflict-2021-joe-biden-yet-to-reverse-many-of-donald-trumps-pro-israel-policies>.

³⁰ Philip Weiss, "State Dep't Says Another 3000 Israeli Settlement Units are 'Unacceptable'," October 27, 2021, <https://mondoweiss.net/2021/10/state-dept-says-another-3000-israeli-settlement-units-are-unacceptable/>.

³¹ Khaleda Rahman, "What Joe Biden has Said about Israel-Palestine Conflict," May 11, 2021, <https://www.msn.com/en-us/news/world/what-joe-biden-has-said-about-israel-palestine-conflict/ar-BB1gC5yk>.

³² Ambassador Hesham Youssef, "Why Biden should Prioritize Preserving the Two-State Solution," February 24, 2021, <https://www.usip.org/publications/2021/02/why-biden-should-prioritize-preserving-two-state-solution>.

Palestinians, which mainly included several intertwined and interacting factors.

Earlier in 2021, an Israeli court ruled in favour of Jewish settlers who tried to expel Palestinian families from their homes in the community of Sheikh Jarrah, north of the Old City of Jerusalem. Although the region is informally integrated into Israel it is still part of the Palestinian territory occupied and administered by Israel by means of war under international law. The court said Jewish families had proved decades of ownership of the land, infuriating Palestinians and sparking months of protests in the Sheikh Jarrah region³³.

Protests in the area began to escalate in early May. The intensification of the protests is related to the following factors. First, the Israeli Supreme Court is expected to rule on 10 May³⁴ on whether to support the eviction of six Palestinian families from the Sheikh Jarrah neighbourhood³⁵. Secondly, after the start of the Palestinian holy month of Ramadan on 13 April, Israeli restrictions on the religious activities of Palestinians led to continuing tensions and conflicts³⁶. Third, Jewish far-right groups plan to hold a Jerusalem Day parade in the Old City of East Jerusalem on 9 May, which further irritates the Palestinians³⁷ because the parade

³³ See Robert Barron, "What Sparked the Latest Israeli-Palestinian Confrontations?" May 12, 2021, <https://www.usip.org/publications/2021/05/what-sparked-latest-israeli-palestinian-confrontations>.

³⁴ On 9 May 2021, with the intervention of Israeli Justice Minister Avichai Mandelblit, the Israeli Supreme Court postponed the expected expulsion decision by 30 days. See Aaron Boxerman, "Supreme Court Delays Session on Sheikh Jarrah Evictions amid Jerusalem Violence," May 9, 2021, <https://www.timesofisrael.com/supreme-court-delays-session-on-sheikh-jarrah-evictions-amid-jerusalem-tensions/>.

³⁵ See "'Silence is not an Option' in East Jerusalem for Palestinians," May 9, 2021, <https://www.france24.com/en/live-news/20210509-silence-is-not-an-option-in-east-jerusalem-for-palestinians>.

³⁶ At the start of Ramadan, Israeli police blocked the Damascus Gate, the main passage for Palestinians in East Jerusalem to pray at the Al-Aqsa Mosque in the old city during Ramadan. Israeli President Ruven Rivlin spoke on the west wall of Israel's Memorial Day, and Israeli officials feared that the prayer call from the minaret of the Al-Aqsa mosque would drown out his voice. A team of Israeli police raided the mosque and cut the cable to the loudspeaker that prayed to believers. See Kingsley, Patrick, "After Years of Quiet, Israeli-Palestinian Conflict Exploded. Why Now?" *The New York Times*, May 15, 2021.

³⁷ Jeffrey Heller, "Violence Erupts at al-Aqsa Mosque as Israel Marks Jerusalem Day," May 10, 2021,

commemorates Israel's control of the Old City and East Jerusalem during the 1967 war.

On 7 May, when 70,000 Muslim worshippers attended prayers on the last Friday of Ramadan at the Al-Aqsa Mosque, Israeli police were deployed to the Temple Mount to maintain order and ensure that no worshippers spent the night (as is the practice of Muslim worshippers). After the evening prayers on 7 May, fierce clashes broke out between Palestinian worshippers and Israeli police, and more clashes broke out the next day. Israeli riot police have cracked down on Palestinian protesters, injuring at least 80 people. On 10 May, a group of Jewish extremists set fire to a tree near the Al-Aqsa Mosque and uttered words of hatred³⁸. Therefore, the conflict quickly spread to other Israeli-Arab areas and the West Bank.

At the same time, Hamas issued an ultimatum to Israel calling on the Israeli Government to withdraw all troops and police from the Temple Mount and Sheikh Jarrah by 6 p.m. on 10 May. The Israeli Government ignored this ultimatum, so Hamas fired more than 150 rockets into Israel³⁹. Israel retaliated with Operation Guardian of the Walls, which began with air strikes against Hamas and other Palestinian extremist groups in the Gaza Strip. On May 11, the 13-story Hanadi Tower building collapsed after an Israeli air strike, and videos of the collapse of residential buildings went viral on social media. Israel claims that there are offices used by Hamas in the building. Hamas retaliated by firing 137 rockets at Tel Aviv within five minutes.

Over the next few days, Palestinian militants fired several rockets at Israeli civilian targets. The Israeli Air Force continued to bomb Gaza, in the process of which more than 38,000 Palestinians were displaced. On 15 May, the Israel Defense Forces fired four missiles at the al-Jalaa Hotel in Gaza, which houses journalists from Al Jazeera and the Associated Press, as well as other offices and apartments. The building was destroyed an hour after Israel warned its owners and advised all occupants to evacuate. Israel claims that the building houses the "Hamas military intelligence agency". On 20 May, Israel and Hamas agreed to a ceasefire in the Gaza Strip, which entered into force on 21 May. The war has caused a huge loss

<https://www.nasdaq.com/articles/violence-erupts-at-al-aqsa-mosque-as-israel-marks-jerusalem-day-2021-05-10-0>.

³⁸ Robert Mackey, "This is not Fine: Why Video of an Ultranationalist Frenzy in Jerusalem is so Unsettling," May 11, 2021, <https://theintercept.com/2021/05/11/not-fine-video-ultranationalist-frenzy-jerusalem-unsettling/>.

³⁹ Michael Bachner and Toi Staff, "IDF Says it Hit 130 Targets in Gaza Overnight after 200 Rockets Fired at Israel," May 10, 2021, <https://www.timesofisrael.com/liveblog-may-10-2021/>.

of life and property in Gaza. 253 Palestinians were killed by Israeli “smart” bombs, including 66 children, 39 women and 17 elderly people, while another 1948 were injured. A total of 16,800 houses were destroyed, 1800 were uninhabitable and 1000 were completely destroyed⁴⁰.

A series of Israeli actions have been strongly criticized by international human rights experts. For example, Amnesty International’s Deputy Director for Middle East and North Africa, Saleh Saleh Higazi, condemned Israel’s actions. “The recent violence highlights Israel’s continued action to expand illegal settlements and wantonly forcibly expel Palestinian residents, such as those of Sheikh Jarrah, to make way for Israeli settlers,” he said. “These forced evictions, which are part of the continuing model of Sheikh Jarrah, are blatant violations of international law and will constitute war crimes⁴¹”. With regard to the conflict between Palestine and Israel, the Biden government’s position and countermeasures further demonstrate the hypocrisy of its human rights discourse, which is embodied in the following aspects.

First, the Biden administration refused to condemn Israel’s bombing of Gaza and repeatedly stressed that Israel’s actions were in self-defense⁴². According to a White House statement, Biden reaffirmed his decades-long and largely unconditional support for one of America’s closest allies, saying he “unswervingly supports” Israel’s “right to self-defense” and condemns rocket attacks by Palestinian militants in Gaza. The U.S. State Department said Secretary of State Blinken also spoke with Netanyahu on May 12 to “express his concern about the rocket attacks on Israel and express his condolences for the resulting loss of life” and the strong support of the United States for Israel’s right to self-defense.⁴³ However, in fact, Israel’s actions can hardly be called “self-defense”.

⁴⁰ Don Gall, “The Israeli-Palestinian Conflict,” Summer, 2021, https://www.fcceugene.org/wp-content/uploads/2021/07/The_Promised_Land-3.pdf.

⁴¹ Andrea Germanos, “Human Rights Experts Denounce Israeli Attacks and Confiscation of Homes in East Jerusalem,” May 11, 2021, <https://www.alternet.org/2021/05/israel-human-rights/>.

⁴² Aspen Pflughoeft, “Israel-Palestine Conflict: Biden, U.S. Response Begins to Shift amidst Criticism,” May 20, 2021, <https://www.deseret.com/u-s-world/2021/5/20/22445950/israel-palestine-conflict-ceasefire-us-biden>.

⁴³ Brett Wilkins, “As Biden Blasted for ‘Green Light’ to Israel’s Gaza Slaughter, House Dems Praised for Urging US Peace Push,” May 12, 2021, <https://www.commondreams.org/news/2021/05/12/biden-blasted-green-light-israels-gaza-slaughter-house-dems-praised-urging-us-peace>.

As a reason for war, “self-defence” is based on Article 51 of the Charter of the United Nations, which states that “when any member of the United Nations is attacked by force, until the Security Council takes the necessary measures to maintain international peace and security, this Charter shall not consider the exercise of the natural right to individual or collective self-defence prohibited. The measures taken by Member States in exercising this right of self-defence shall be reported immediately to the Security Council, and such measures shall in no way affect the authority and responsibility of the Council to take such actions as it deems necessary at any time in accordance with the present Charter in order to maintain or restore international peace and security. “

The subject of “armed attack” here generally refers to the state or non-state actors controlled by the state. However, Hamas is not a state, but only a non-state political organization, and the organization is recognized as a terrorist organization by the United States, Israel and other countries. More importantly, the main location of the organization, Gaza and even the West Bank, is essentially controlled and occupied by Israel, depriving Palestine of human rights, including the right to self-determination. Therefore, Israel cannot claim that self-defence is the legitimate reason for the current use of force. In fact Israel’s actions are clearly part of a State-led occupation project for which Israel should bear criminal responsibility.

To say the least, if, as advocated by the United States, the attack launched by Hamas, a so-called terrorist organization, can constitute a “armed attack” that triggers the right to self-defense, but the Israeli air strikes also violated the important principle of “self-defense.” First of all, it violated the principle of necessity. Israel was determined to strike by force when it was easy to achieve peace. Secondly, it violated the principle of distinction. Many of the targets of Israeli military operations were not military targets, and many innocent civilians were injured. Thirdly, it violated the principle of proportionality. Israel’s military action, manifested in the excessive use of force, caused far more harm than Hamas had done to it.

Since Israel is a quasi-occupier, it does not have the right to defend itself against Hamas under its control, and its military action against Hamas was a military crackdown and a manifestation of war crimes. The Biden administration tried to legitimize Israel’s serious violations of human rights with “self-defense”, which once again demonstrated the hypocrisy of its “guardians of human rights.”

Secondly, it has not only continuously obstructed the Security Council’s adoption of statements condemning Israel and calling for a ceasefire between the two sides, but also approved arms sales to Israel in the course of the conflict. On May 10, the United Nations Security Council held an emergency

meeting in response to the escalation of violent clashes between Palestine and Israel. During the meeting the Norwegian delegation submitted a joint statement condemning all acts of violence in Al-Quds and urging both parties to take action to restore calm. Subsequently, the draft statement was amended several times, including a reference to the firing of rockets and incendiary devices by Palestinians in Gaza into Israel. Although 14 of the 15 member states supported the latest draft statement, the statement failed to move forward after the United States asked for more time to consider the matter⁴⁴.

On 12 May, the United Nations Security Council held its second emergency meeting within a week and launched a proposed joint statement, which “expresses its deep concern about the latest situation in Gaza and calls for an immediate cessation of hostilities”. And to further “express concern about the tension and violence in East Jerusalem, particularly in and around the Holy Land”. Fourteen of the 15 members of the United Nations Security Council endorsed the statement, but the United States blocked the adoption of the Security Council joint statement for the second time. United States officials seem to be concerned that the proposed statement on the situation does not adequately address Israel’s concerns and does not help to defuse the situation⁴⁵. On May 17, the United States again blocked a United Nations Security Council statement calling for an end to violence and the protection of civilians, especially children. This is the third time in a week that the United States has blocked such action. The statement was drafted by China, Tunisia and Norway⁴⁶. The Biden administration’s obstruction of the cease-fire statement was to ensure that Israel achieved its own political goals and to give the green light to its military indiscriminate killing and sabotage.

At the same time, the Biden administration also approved the sale of \$735 million worth of precision-guided weapons to Israel. And despite Israel’s indiscriminate bombardment of Gaza, there was no sign

that the Biden administration would reduce or limit the \$3.8 billion in annual U.S. military aid to Israel⁴⁷. In an agreement reached between the United States and Israel in 2016, the United States pledged \$38 billion in military assistance to Israel from 2019 to 2028⁴⁸. This is actually an encouragement to Israeli military atrocities. It shows that for political needs, the Biden government can adopt multiple scales on human rights issues, and can even not cherish Palestinian lives and pay no attention to Palestinian human rights.

CONCLUSION

As analysed in part II above Israel has long brutally trampled on Palestinian human rights. As an occupier, Israel deprived the Palestinian refugees of their right to return, imposed a policy of apartheid on both Palestinians in Israel and in the occupied territories, forcefully suppressed Palestinian activities in pursuit of national independence, and imposed a long-term blockade of Gaza to impose “collective punishment” on reasonable and legitimate resistance launched by some people or organizations. As the government of the only superpower in the world and the country with the greatest influence on Israel, the Biden government should pay most attention to and protect the human rights of Palestine.

Paying attention to and protecting Palestinian human rights inevitably requires reining in Israel and forcing it to comply with international law, but the Biden administration did not do so, instead of doing so, it shielded and encouraged Israel’s violations of international law. But the Biden administration did not do so. Instead of doing so, it protected and encouraged Israel’s violations of international law. Although the Biden administration claims that it “upholds universal rights, respects the rule of law and treats everyone with dignity,” it has not reversed the Trump administration’s relocation of the embassy, nor has it publicly withdrawn the Trump administration’s statement that Israeli settlement construction in the West Bank does not violate international law. While it claims to “support the restoration of democracy and the rule of law and to hold those responsible accountable”, it remains firmly obstructing the exercise of the jurisdiction of the International Criminal Court over Palestine to investigate crimes committed by Israeli actors in the area. Although it ostensibly attempts to promote the protection of human rights by restoring peace, claiming

⁴⁴ Jacob Magid, “UN Security Council Statement on Jerusalem Heldup by US Reluctance to Back it,” May 10, 2021, https://www.timesofisrael.com/liveblog_entry/un-security-council-statement-on-jerusalem-held-up-by-us-reluctance-to-back-it/.

⁴⁵ Dave DeCamp, “US again Blocks UN Security Council Statement on Gaza, Jerusalem Violence,” May 12, 2021, <https://news.antiwar.com/2021/05/12/us-again-blocks-un-security-council-statement-on-gaza-jerusalem-violence/>.

⁴⁶ Jacob Magid, “For 3rd time, US Blocking Joint Security Council Statementurging Ceasefire,” May 17, 2021, <https://www.timesofisrael.com/for-3rd-time-us-blocking-joint-security-council-statement-urging-ceasefire/>.

⁴⁷ Ellen Mitchell, “Biden Approves \$735M Weapons Sale to Israel,” May 17, 2021, <https://www.msn.com/en-us/news/politics/biden-approves-dollar735m-weapons-sale-to-israel-report/ar-BB1gPEqM>.

⁴⁸ Kylie Atwood, “Biden Administration Notified Congress of \$735 Million Weapons Sale to Israel Earlier this Month, before Violence Began,” May 18, 2021, <https://edition.cnn.com/2021/05/17/politics/us-israel-weapons-sale/index.html>.

to “put an end to the war in Yemen, which caused a humanitarian and strategic disaster”, it obstructed the Security Council’s adoption of a declaration calling for an Israeli ceasefire on three occasions in May this year, and called the indiscriminate Israeli shelling of Gaza an act of self-defence. Although it claimed to “stop US support for all offensive actions in the Yemeni war, including related arms sales,” it approved the sale of large quantities of precision-guided weapons to Israel at

the height of the Israeli-Palestinian conflict. Although it declared in a high profile that it “will oppose human rights violations wherever they take place, regardless of whether the perpetrators are opponents or partners”, it justifies serious human rights violations by Israel. In short, judging from the Biden administration’s policy on the Palestinian-Israeli issue, its human rights discourse is completely hypocritical and deceiving others.