

## THE LAURA FLANDERS SHOW

### JOSH PAUL'S BREAKING POINT: RESIGNS STATE DEPT. OVER ARMS TO ISRAEL

**LAURA FLANDERS:** "We cannot be both against occupation and for it. We cannot be both for freedom and against it. And we cannot be for a better world, while contributing to one that is materially worse." So wrote today's guest in his letter of resignation from the US State Department on October 18th. Josh Paul had served 11 years in the Bureau of Political-Military Affairs, which is the US government entity most responsible for the transfer and provision of arms to partners and allies. He always knew, he wrote, that his job would be morally complex, but he made himself a promise. He said that he would only stay as long as he felt he could do more good than harm, and this month, he reached that point. Quote, "I am leaving today because I believe that in our current course with regard to the continued, indeed expanded and expedited provision of lethal arms to Israel, I have reached the end of that bargain." Josh Paul joins me now as Palestinian deaths from the Israeli bombardment of Gaza top 5,000, and a few of the roughly 200 or so Israelis taken hostage by Hamas, October 7th, have been released. The UN Secretary General, António Guterres, is among many who are demanding immediate Gaza ceasefire, and protests continue around the world. Josh Paul previously worked on security sector reform in both Iraq and the West Bank, with additional roles in the office of the Secretary of Defense, US Army staff, and as a congressional staffer. He grew up between London and New York, and holds master's degrees from the universities of Georgetown and St. Andrews in Scotland. I'm very honored to have Josh Paul on the program. Thank you so much for joining me.

**JOSH PAUL:** No, thank you very much for having me. I really appreciate the opportunity to talk about this important issue.

**LAURA FLANDERS:** Talk for just one minute about why you decided to go into the field that you did, when you talk about that more good than harm, what did you set out... What have you all these years set out to do?

**JOSH PAUL:** So it has been a learning experience, I'll be very honest. I really entered the international security field in the wake of September 11th, as many Americans did, and particularly after the invasion of Iraq, where I was a young worker in D.C, honestly, looking for something different and a bit of excitement, and managed to get a job with the Coalition Provisional Authority in Baghdad, and did not go into that as the ideologue I think that I am now. But it was a deep learning experience through my time working with the Iraqi security forces, and seeing and understanding what American foreign policy can look like on the ground, both the good and the very ugly. And ever since that experience, I have been very focused on integrating human rights into my work both within and outside of the US government.

**LAURA FLANDERS:** What was it about this point? We're looking at the last 11 years of... If we're just going to talk about Israel Palestine, 2009, 2014, 2200 Palestinians dead in three weeks. Was it something qualitatively different about this moment, or just quantitatively or what?

**JOSH PAUL:** Both actually. Quantitatively yes. I think the outbreak of violence we are seeing in Gaza between Israel and Hamas, is fundamentally different than that which we've seen. It is of a scale that we have not seen previously. And to be clear, that is down to Hamas in the first instance, for its initial barbaric attack on Israeli civilians. But the scale of Israel's response as such as well, has also been to date, quantitatively different than we have seen. It is also qualitatively different. I've been involved in a large number of deeply challenging, morally complex, policy making decisions on arms transfers. The difference is that those have always had the chance to be debated, discussed, delayed, mitigated, and even when you knew that there wasn't necessarily an outcome that you supported, there was at least the confidence that you were handing over the case to Congress, because major arm sales require notification to Congress, where there could be further debate and discussion and efforts even to prevent such sales. In this instance, there is no such debate. There is simply an urgency to rush arms into a conflict where civilians are dying en masse. And that is what I don't understand, that is what I could not do anything to stop. And the lack of space in the administration and in Congress to have this discussion is why I thought that the only place to have it would be in the public eye.

**LAURA FLANDERS:** Can you talk about what rules and guidelines and regulations currently govern US arms sales to Israel and other countries like it?

**JOSH PAUL:** Sure, so the fundamental laws are the Arms Export Control Act of 1976, and the Foreign Assistance Act of 1968, and those provide the fundamental basics on how and when arms should be transferred, including a legal caveat that arms may only be provided for certain purposes such as defense and joint operations and legitimate defense, and that they should only be used for the purpose for which they were provided. And as an aside, I think we can all agree that human rights violations and massive civilian casualties are not a reason for which US arms are ever provided. On top of the law, every administration since the Reagan administration has issued a Conventional Arms Transfer Policy. This is the policy that shapes the thinking and the analysis that is supposed to go into, each of these decisions on a case by case basis about arms transfers as they move forward. The Biden administration's conventional arms transfer policy, to its credit, raised the bar to the highest level it has ever been for arms transfers, with something called the 'more likely than not' standard. It says that, "An arms transfer will not be authorized if it is more likely than not, that the arms in question will be used to commit human rights violations of various types." And I think it is more than apparent that arms that we are providing to Israel, particularly precision guided munitions for the conflict in Gaza, will be used, it is more likely than not, in fact, it is a near certainty, that they will be used for human rights violations and result in massive civilian casualties.

**LAURA FLANDERS:** You told PBS recently that this wasn't the first time concerns, and even you have raised concerns about units within the IDF, the Israeli Defense Force.

**JOSH PAUL:** Every other country, if there is US military assistance going to a unit, that unit is vetted before it receives the assistance. In the case of Israel, we provide the assistance and then look out for reports of violations. And if there are reports of violations, those are brought up within a policy process within State Department, there is consultation with Israel on its version of events, and then theoretically, a determination is made on whether a gross violation of human rights has occurred. To date, through this process, which is called the Israel-Leahy vetting process, there has never been a determination that Israel has committed a gross violation of human rights. So I think that is obviously problematic when one looks at... Not necessarily even just Gaza, but the West Bank, where there are frequent reports of extrajudicial killings and of other abuses by Israeli security forces.

**LAURA FLANDERS:** You mentioned a few of them in your letter, and in fact, in your letter you make the fairly brave comparison between settler behavior and the Israeli juvenile detention system, unique in the world, and the actions of Hamas. Are you saying the settlers are terrorists?

**JOSH PAUL:** I think certain settlers who attack civilians with the intent of using violence for political means, I mean, the use of violence for political purposes is the definition of terrorism.

**LAURA FLANDERS:** There is widespread agreement that violations have happened in the past before we even get to this conflict, and you made the point very clearly that the Biden administration specifically has established stronger guidelines on weapons transfers than the governments that preceded it. That being the case, how do you explain what's happening right now?

**JOSH PAUL:** Yeah, I mean I think it comes down to... There is, you know, just an unwillingness to criticize Israel. It's a unique case, a special case. You know, there are many reasons for that, some of them legitimate. But what it means at the end of the day is, I think if you don't have a global standard, you don't have a standard

**LAURA FLANDERS:** Well, you also have Matt Miller, State Department spokesperson saying, "We never violate any laws."

**MATT MILLER:** We comply with all applicable statutory requirements and regulatory requirements in our provision of military systems to Israel, as we do to every other country in the world.

**JOSH PAUL:** So I think Matt Miller might actually be technically correct in some ways. Many of these laws require the department to come to some sort of a determination, before any sanctions or withholding of assistance occurs. If you never come to the determination, you've never broken the law. That said, I believe that the legal standards are rather lax and lacking, and I believe that we should be holding ourselves to a stronger standard. Part of this also comes down to questions of interpretation of law.

**LAURA FLANDERS:** You also said that it is in the hands of higher ups.

**JOSH PAUL:** The main policy decisions on Israel right now are being made from the top down, which again, is atypical. For most arms sales, they sort of bubble their way up from the bottom. You get an application from a partner or from a US company seeking a certain military capability, and that's a debate that, you know, gradually bubbles up to the decision makers. In this instance, the decision was made, and therefore there was no space for that bubbling, for that debate

**LAURA FLANDERS:** At the top is the president, is he ultimately responsible?

**JOSH PAUL:** Of course, these are his authorities.

**LAURA FLANDERS:** Do we have a moment now, with President Biden coming out, right after you resigned actually, urging Congress to approve, I think more than a hundred billion dollars in aid for Israel, Ukraine, and I think Taiwan, is there a moment now especially to stop any of that, or is it going to go no matter what?

**JOSH PAUL:** I think it's an important moment to talk about it, because it highlights it, right? And the debate inevitably will go away. In several months, this won't be something that is on the top of everyone's minds. And while it is, I think this is the opportunity to make an impression. Is it going to change anything in the short term? That I can't say. I think we have seen a slight shift over the last few days in the administration's approach. I think we've seen a change in tone, a greater focus on Palestinian civilian casualties, and the harm that could be done. But in terms of the actions that underlie that, when we look at a supplemental request that has billions of dollars for arms, and a hundred million dollars for humanitarian relief in Gaza, for example, I think I'm skeptical that the short term will make any difference, but I think the long term is much more promising.

**LAURA FLANDERS:** You talked about the harm that could be done, and even as we speak, people are being killed. As we record this, Raji Sourani, the director of the Palestinian Center for Human Rights in Gaza, spoke on Democracy Now! and basically said Palestinian civilians are in the eyes of the storm. They are the targets.

**RAJI SOURANI:** They destroyed Gaza. I mean it's unbelievable, this army targeting only civilians and civilian targets. Towers, houses, hospitals, churches, mosques, schools, shelter places, ambulances, nurses, doctors, journalists. This is the most physical army? This is the most physical army in the world? This is the mighty Israel? It's might and power targeting civilians. They are doing war crimes, crimes against humanity, persecution for 2.4 million people for the last 18 days.

**LAURA FLANDERS:** This is a moment of despair and fury, and I wonder, holding all of the civilian victims in our hearts at the same time, I certainly feel and weep for those whose families have been torn apart by the attacks of Hamas, whose relatives are held hostage still. But with all of that in your heart right now, how do you make sense of your effort, and those of your colleagues, to try to insert human rights kind of rules on war? Because it almost seems inevitable that in the name of right to defense, right to reprisal, governments do whatever the heck they like.

**JOSH PAUL:** So I mean, there are laws of war, they're not always necessarily enforceable, and of course, the US has prevented the Palestinians from seeking restorative justice, or justice of any kind through the International Criminal Court. So I think it's important to note that there are laws that apply, there are rules of conduct. and there are basic standards of human decency that apply. I think at the end of the day, as you said, what we're talking about here, does not boil down and should not boil down to Israel right or wrong. What we're ultimately talking about is the right of civilians whether they be Palestinian or Israeli, to live in peace, to feel secure in their homes, secure from rocket attacks, and secure from F-16 dropped, precision guided munitions. And I hope that this administration can take a look at our own historic policies, both in Israel and drawing from our experience in the region, not all of which is positive by any means, and push Israel and push all the parties towards a solution that is more just and that provides the peace, that people who just want to live their everyday lives and raise their families deserve.

**LAURA FLANDERS:** Like what? What would that solution look like? What would you propose right now if you still had your job inside the State Department?

**JOSH PAUL:** So I think there are two streams there. One is with regards to the transfer of arms to Israel right now, which is of course, what I was most directly involved in, and what I resigned over. And with regards to that, again, I would ask the Biden administration to follow its own laws, its own policies that it has set, and just to simply apply the same standard and the same space for debate to Israel, as it has permitted or encouraged for conflicts and for partners elsewhere in the world. Beyond that, I think we need a radical re-envisioning of what the Middle East peace process looks like. I think it has broken down. I do not think, having served in Ramallah, that the two state solution is viable. One need only look at the entrenched settlements

and network of infrastructure supporting them to understand that there is no way for a Palestinian state, as conceived in Oslo, to exist in that context. So is the answer to take apart, dismantle the settlements? I don't know how politically feasible that is in Israel, particularly if we look at the coalition that's in government now. And if that's not, then what is the answer and what are we pushing for? And what is the lesson of the last few decades? I think the policy approach from the US has been security for peace. That if Israel feels secure, it will feel comfortable making the concessions necessary to allow peace. But what we have seen instead, is the more secure Israel feels, the more it has pushed the envelope, the more settlements have expanded, the more civil rights have been taken away from Palestinians in the West Bank, the more the siege of Gaza has continued. And so I think we need to step away from that way of thinking, and ask if maybe instead of security for peace there's some way of peace for security.

**YONATAN ZEIGEN:** We need to stop the violence now. Vengeance is not a strategy. We need to negotiate and we need to get the captives out. That's what I'm saying. I call on everybody in the Israeli government and Hamas and Canada, everybody, to put pressure on both sides to negotiate and to get the captives out. My community is wiped out. It's incomprehensible, it's just... And it was very viciously done. But that's the point. That's the point. The only way to be safe is to have peace.

**LAURA FLANDERS:** You see, some people anyway, referred to as peace activists in Israel. I've actually heard quite a few of them who have referred to their lost relatives, people being held hostage as peace activists, against more suffering in their name inside Israel. Are there negotiating partners there for the kind of peace you're talking about?

**JOSH PAUL:** I think there are negotiating partners on both sides. I think everyone at the end of the day, even those who are, you know, on the extremes of both sides, ultimately, everyone wants peace right? I think that to get to negotiations requires trust and it requires leadership. And I think both are lacking right now on both sides, frankly.

**LAURA FLANDERS:** What are the implications globally?

**JOSH PAUL:** I think America faces a real challenge. There is a global competition for influence that is playing out from Latin America to the Middle East. I think the United States' edge in this competition and certainly our most valuable tool is our values. That is what sets us apart from authoritarian regimes around the world, including those who we are competing against. If we are seen to apply those values differently for different partners. If we are seen to be hypocritical, whether it is by standing against occupation in Ukraine, but for it in Israel, or if we are seen to be pushing against civilian casualties and decrying the harm that is caused by them in some contexts, but turning a blind eye or even facilitating them in another, I think that does irreparable

harm to the broader US interest which I actually believe is the global interest, that the values that we espouse and I hope, believe in, are the ones that ultimately shape the future of the world.

**LAURA FLANDERS:** You also at the beginning said that your views have evolved since your time in Iraq and your time living in Ramallah. Can you just talk about how?

**JOSH PAUL:** When you are living amongst a community, which was certainly more the case in Ramallah than in Iraq, you hear different perspectives. You are exposed to different cultures and you live the life, and I think, you know, particularly in the West Bank, when you see the life the Palestinians have, the humiliation, the constant humiliation, the checkpoints, the constant, you know, incursions by Israeli military forces. You come to understand different perspectives and that's just a function of living overseas. I think as well, having worked for the US government, the United States has an immense amount of power around the world and an immense amount of influence and presence, and that comes with an immense amount of responsibility, and you feel that. You are challenged working for the US government, I think with questions and problems that you would not be, working for many other governments. Not because we are better or worse, but because we are more involved in so many of these complex questions.

**LAURA FLANDERS:** So what can be done? I'm sure there are people in our audience who, wherever they stand on culpability for this particular round of violence, want to see an end to it and want to see peace. What can they do right now, perhaps to support civil servants, like the ones you're hearing from, who are saying, "We're still deciding to be inside, trying to do good." Are there things civil society outside can do to support people like that?

**JOSH PAUL:** Yeah, there are three things I'll point to. The first is a bit of a cliché, but it really does matter. Contact your member of congress, contact your senator. I worked in a congressional office, and I know how we used to sit down with the member of Congress on a weekly basis, review the call logs, and go through them and say, "Okay, we've had five calls on this side, we've had seven calls on that side," and that really does inform how members of Congress think about their votes. So that really is an important thing to do. The second thing is, I would say reach out to your local media. There are reporters for, what's left anyway, of local media, who cover local communities and how they are reacting to world events. Make sure they're getting your side of the story. And the third thing of course is organize. And there are some good organizations already out there. So for example, there's the Alliance for Peace Building, is one organization who does a lot of good work bringing communities together around both local conflict resolution and global conflict issues. So I think those are the three things I would recommend.

**LAURA FLANDERS:** Do you have a message for people still working in the administration, in the desks that were next to yours before you left?

**JOSH PAUL:** Sure. I mean I think, you know, I think everyone does what they can based on the circumstances they live in. I would say to them that you have a unique opportunity to do good, and as I discovered, it's possible to do more good in one day within certainly the State Department and around the US government, than many people can hope to achieve in a lifetime. Use that opportunity. I think you are in a place of immense responsibility and the opportunity to speak up. You don't have to win every fight, you don't have to fight every fight, but you are in a place where you can really make a difference, and I hope you do.

**LAURA FLANDERS:** This wasn't just any other fight

**JOSH PAUL:** Not for me.

**LAURA FLANDERS:** Thank you very much Josh Paul, I appreciate you joining us.

**JOSH PAUL:** Thank you very much for having me.

**LAURA FLANDERS:** It's a truism to say that 'what we measure we tend to treasure', and we sure can measure US military spending year after year. In 2023, that number stood at almost \$800 billion. And researchers at Brown University calculate we've spent some \$8 trillion on war since 9/11 alone. Has all of that spending made the world a safer, more peaceful place? Or has it simply ratcheted up a global war economy? Unfortunately, as the people of Israel discovered after the horrific terror attacks by Hamas on October 7th, force alone cannot be relied upon to keep a people safe against a enemy with a grievance that has boiled over into war. So how about it? How about we invest as much in war prevention and in conflict resolution, as we invest in our war economy? It is at least worth a try. How about 'Departments of Peace' at every level, national, local, regional? Could we embed our local economies as effectively in making peace and resolving conflict as we have embroiled them in making tools for war? I believe we can. And Josh Paul in our extended conversation says that the lesson from the Northern Irish peace process is that focus is required. You can find my full unedited conversation with Josh Paul through a subscription to our podcast. In the meantime, stay kind, stay curious, and thanks for joining me for "The Laura Flanders Show," I'm Laura, till the next time.

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