



Documents and Source Material

16 NOVEMBER 2016–15 FEBRUARY 2017

This section comprises international, Arab, Israeli, and U.S. documents and source materials, as well as an annotated list of recommended reports. Documents and source materials are reproduced without editing to conform to *JPS* style or spelling.

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INTERNATIONAL

A. UN SECURITY COUNCIL, RES. 2334 REAFFIRMING ILLEGALITY OF ISRAELI SETTLEMENTS, NEW YORK, 23 DECEMBER 2016

In December, the UN Security Council passed Resolution 2334, 14–0 with the U.S. abstaining, reaffirming the illegality of Israeli settlements and calling for a return to peace negotiations. Although the resolution does not mandate that Israel dismantle existing settlements, it does demand that Israel freeze all settlement activity as outlined in the 2003 Quartet road map. Describing Israeli settlements as a “flagrant violation under international law,” the Security Council reiterated that changes to the June 1967 armistice lines would only be accepted through negotiations, including in Jerusalem, where the Israeli government has been increasingly dispossessing Palestinians in order to move more Jewish Israelis into the city.

The much-anticipated resolution came in the last month of U.S. president Barack Obama’s tenure, and it was the only time the Obama administration did not veto a Security Council resolution that Israel deemed hostile. The Palestinian leadership and its allies had been pursuing such a resolution throughout much of 2016, and the White House began seriously debating its position on the matter in November. (See Update in JPS 46 [3] for more on the passage of the resolution.)

While the Palestinian Authority applauded the measure, especially because it could help the chances of a Palestinian case against Israeli settlements at the International Criminal Court, Netanyahu and the Israeli government condemned both the resolution and the Obama administration for not stopping it. President-elect Donald Trump, for his part, denounced the resolution on Twitter: “We cannot continue to let Israel be treated with such total disdain and disrespect. They used to have a great friend in the U.S., but not anymore. The beginning of the end was the horrible Iran deal, and now this (U.N.)! Stay strong Israel, January 20th is fast approaching!”

The resolution is presented below and available at www.un.org.

Reaffirming its relevant resolutions, including resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008),

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming, inter alia, the inadmissibility of the acquisition of territory by force,

Reaffirming the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,

Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions,

Expressing grave concern that continuing Israeli settlement activities are dangerously imperilling the viability of the two-State solution based on the 1967 lines,

Recalling the obligation under the Quartet Roadmap, endorsed by its resolution 1515 (2003), for a freeze by Israel of all settlement activity, including “natural growth,” and the dismantlement of all settlement outposts erected since March 2001,

Recalling also the obligation under the Quartet Roadmap for the Palestinian Authority Security Forces to maintain effective operations aimed at confronting all those engaged in terror and dismantling terrorist capabilities, including the confiscation of illegal weapons,

Condemning all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction,

Reiterating its vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders,

Stressing that the status quo is not sustainable and that significant steps, consistent with the transition contemplated by prior agreements, are urgently needed in order to (i) stabilize the situation and to reverse negative trends on the ground, which are steadily eroding the two-State solution and entrenching a one-State reality, and (ii) to create the conditions for successful final status negotiations and for advancing the two-State solution through those negotiations and on the ground,

1. *Reaffirms* that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace;
2. *Reiterates* its demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem, and that it fully respect all of its legal obligations in this regard;
3. *Underlines* that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;
4. *Stresses* that the cessation of all Israeli settlement activities is essential for salvaging the two-State solution, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the two-State solution;
5. *Calls* upon all States, bearing in mind paragraph 1 of this resolution, to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;
6. *Calls* for immediate steps to prevent all acts of violence against civilians, including acts of terror, as well as all acts of provocation and destruction, calls for accountability in this regard, and calls for compliance with obligations under international law for the strengthening of ongoing efforts to combat terrorism, including through existing security coordination, and to clearly condemn all acts of terrorism;
7. *Calls upon* both parties to act on the basis of international law, including international humanitarian law, and their previous agreements and obligations, to observe calm and restraint, and to refrain from provocative actions, incitement and inflammatory rhetoric, with the aim, *inter alia*, of de-escalating the situation on the ground, rebuilding trust and confidence, demonstrating through policies and actions a genuine commitment to the two-State solution, and creating the conditions necessary for promoting peace;

8. *Calls upon* all parties to continue, in the interest of the promotion of peace and security, to exert collective efforts to launch credible negotiations on all final status issues in the Middle East peace process and within the time frame specified by the Quartet in its statement of 21 September 2010;
9. *Urges in this regard* the intensification and acceleration of international and regional diplomatic efforts and support aimed at achieving, without delay a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadmap and an end to the Israeli occupation that began in 1967; and *underscores* in this regard the importance of the ongoing efforts to advance the Arab Peace Initiative, the initiative of France for the convening of an international peace conference, the recent efforts of the Quartet, as well as the efforts of Egypt and the Russian Federation;
10. *Confirms its determination* to support the parties throughout the negotiations and in the implementation of an agreement;
11. *Reaffirms* its determination to examine practical ways and means to secure the full implementation of its relevant resolutions;
12. *Requests* the Secretary-General to report to the Council every three months on the implementation of the provisions of the present resolution;
13. *Decides* to remain seized of the matter.

ARAB

B. PALESTINIAN HUMAN RIGHTS ORGANIZATIONS COUNCIL, CALL FOR INTERNATIONAL ACTION ON ISRAEL'S "REGULARIZATION" LAW, RAMALLAH, 9 FEBRUARY 2017

On 6 February, the Israeli Knesset passed the Regularization Law, retroactively legalizing 4,000 settlement units built on private Palestinian land in Area C expropriated by Israel for state use (see Doc. C1 below). Three days later, the Palestinian Human Rights Organizations Council (PHROC) released a brief condemning the law and contextualizing it amid growing calls by right-wing politicians for the outright annexation of the land in question; the brief also highlighted a bill introduced by the Jewish Home Party that would annex the Ma'ale Adumim settlement bloc. The PHROC statement also calls on the international community to hold Israel accountable for its illegal land grabs, reminding world leaders of the passage of UNSC Resolution 2334 the previous December demanding that Israel "cease all settlement activities" (see Doc. A1 above).

Presented below is the text of the PHROC statement, which is available with endnotes at www.alhaq.org.

The Palestinian Human Rights Organizations Council (PHROC) strongly condemns the Israeli Knesset's passage of the "Regularization Law," which legalizes 4,000 housing units in 55 colonial outposts, built on private Palestinian land. While Israel's appropriation of Palestinian land has been a cornerstone of government policy since the beginning of the occupation in 1967, the law is another brazen tool for Israel to confiscate privately held and registered Palestinian property for its illegal settlement enterprise.

Members of Israel's governing Likud party, including Miri Regev, Israel's Culture and Sport Minister, stated that the passage of the law was "a historic move" toward annexing the West Bank. She stated, "[t]his is the first step towards complete regulation, namely, applying Israeli sovereignty over Judea and Samaria." Before the bill was passed into law, Naftali Bennett, leader of the Jewish Home (Habayit Hayehudi) party and Israel's Education Minister, considered it as "[a] first step away from the two-state solution towards annexing the West Bank and practicing sovereignty over land but not its inhabitants." The Jewish Home party has also introduced another controversial bill that would annex the illegal colonial bloc of Ma'ale Adumim and the area referred to as E1, which is currently home to over 8,000 Bedouins who are under threat of forced transfer. Such statements and actions reflect Israel's overarching and systematic policies aimed at colonizing and illegally annexing the Occupied Palestinian Territory (OPT), in violation of international law.

This law comes after the United Nations Security Council passed Resolution 2334 (2016), reiterating that the establishment of settlements by Israel in the OPT, including East Jerusalem, "has no legal validity and constitutes a flagrant violation of international law." The Resolution also called upon Israel to "immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem." Rather than comply with the resolution, Israel approved the construction of 6,000 new housing units in the OPT immediately following its passing.

The UN resolution reflects basic principles of international law, which are contravened in the "Regularization" Law. International humanitarian law includes prohibitions against the confiscation or destruction of private property and prohibitions against pillage.

The "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" is a grave breach under the Fourth Geneva Convention and is also considered a war crime under the Rome Statute of the International Criminal Court. Israel's transfer of settlers into the OPT as well as forcible transfer of Palestinians within the OPT are also prohibited under Article 49 of the Fourth Geneva Convention and constitute grave breaches under Article 147 and a war crime and/or crime against humanity under Article 7 and Article 8 of the Rome Statute of the International Criminal Court.

PHROC and others have repeatedly called upon the international community to abide by their international obligations and hold Israel accountable for its continuous violations of international law. We reiterate this call and urge the UN and third states to act immediately by imposing sanctions against Israel and taking all measures within their control to ensure the protection of fundamental Palestinian rights. After 50 years of occupation and as Israel's actions become increasingly brazen, the world should no longer turn a blind eye to Israel's colonization of Palestine and its impact on Palestinian lives.

ISRAEL

C1. KNESSET, REGULARIZATION OF SETTLEMENT IN JUDEA AND SAMARIA LAW (EXCERPTS), JERUSALEM, 13 FEBRUARY 2017

On 6 February, the Israeli Knesset passed the Regularization Law, legalizing 4,000 settlement units built on private Palestinian land in Area C by retroactively approving expropriation, planning, and

zoning laws. The legislation emerged as an attempt to appease Israeli settlers living in the illegal Amona outpost after the Israeli High Court mandated their evacuation by 25 December 2016. Since the government failed in appealing the High Court's decision, right-wing leaders drafted the regularization bill in order to retroactively legalize other settlements in the surrounding area for the Amona settlers' relocation. The law enables the expropriation of Palestinian lands taken for settlement with government involvement, outlining a measure of financial compensation to Palestinian landowners as well as the provision of "alternative land" in return, but no right of appeal. (See the Settlement Monitor and Update in JPS 46 [1–3] for more on the regularization bill and the Amona outpost.)

This measure violates international law, which forbids an occupying power from using occupied lands for its own purposes or from transferring its civilian population to occupied territory. The law also violates the right of Palestinians to own property, since Palestinian-owned land could be expropriated at any time. On 8 February, the Palestinian human rights organization Adalah petitioned the High Court to void the law and other Palestinian and Israeli human rights groups soon followed suit. Even Atty. Gen. Avichai Mandelblit claimed that the law was unconstitutional and was unsure of whether he would defend it.

Excerpts of Adalah's translation of the law are presented below. The full translation, including footnotes, is available at www.adalah.org.

Law for the Regularization of Settlement in Judea and Samaria, 5777-2017*

OBJECTIVE

1. The objective of this law is to regularize settlement in Judea and Samaria, and to enable it to continue to strengthen and develop. [. . .]

REGISTRATION OF LAND REQUIRING REGULARIZATION OR APPROPRIATING RIGHTS TO USE AND HOLD IT

3. If the authorities in the area find that during the period preceding the publication of this law, settlement was constructed in good faith on lands that require regularization or received the state's consent for its construction, the following directives will apply to all of the land on which that settlement was built as of the eve of this law's publication:
 - (1) Land where there is no holder of land rights—the officer in charge will register it as government property, under section 2C of the Order Regarding Government Property;
 - (2) (A) Land where there is a holder of land rights—the authorities of the area will appropriate the rights to use and hold the land, and will transfer them to the officer in charge if the sum invested in building the settlement exceeded, at the time of construction, the value of the land without the settlement at that time;
(B) The appropriation of the rights to use and hold the land as stated in this section will be executed, to the extent possible, in accordance with the directives of the Jordanian Land Law, as long as they do not contradict the directives of this law, and it will remain in effect until there is a political resolution regarding the status of the area and settlement in it.

DATE FOR REGISTERING LAND OR ASSUMING RIGHTS TO USE AND HOLD LAND

4. (A) The officer in charge will register the land as government property in accordance with section 3(1) within 12 months of the date of this law's publication.
- (B) The authorities in the area will appropriate the rights to use and hold the land in accordance with section 3(2) within 6 months of the date of this law's publication.

ALLOCATING LAND RIGHTS

5. Within 60 days of the registration or appropriation of rights as stated in section 4, as applicable, the officer in charge will allocate the rights to use and hold the land that was registered or had its rights appropriated as stated, for the purposes of the settlement that was constructed on that land, via a settlement institution.

COMPLETING PLANNING PROCESSES

6. (A) The state will endeavor to complete the planning processes for the land that was registered or had its rights appropriated under section 3, as swiftly as possible.
- (B) The planning processes for the land as stated in subsection (A) will be executed, as much as possible, attentively toward the need to regularize existing construction.

SUSPENSION AND EXPIRATION OF PROCEEDINGS

7. (A) If the authorities in the area find that the conditions stipulated at the beginning of section 3 are met in the settlement, all existing enforcement proceedings and administrative orders concerning that settlement will be suspended until the completion of the planning processes under section 6, with the exception of proceedings and orders for which judicial orders or rulings have been issued in regard to their implementation.
- (B) If the planning processes are completed according to section 6, all of the enforcement proceedings and administrative orders suspended under subsection (A) will expire.
- (C) The directives of this section will not apply to a structure whose demolition is necessary in order to prevent endangering human life.

COMPENSATION

8. (A) If the authorities in the area appropriate the rights to use and hold land in accordance with the directives of section 3(2), the holder of land rights will be entitled to annual usage fees of 125% of the proper value of the usage fees as determined by the Assessment Committee under section 9(C) (hereinafter: proper value), to capitalized usage fees for a period of 20 years, each time at a rate of 125% of the proper value, or to alternative land to the extent possible in the circumstances of the cases, according to his choice.
- (B) If the holder of land rights does not choose one of the compensation options under subsection (A) by the date of the allocation of land rights under section 5, he will be entitled to annual usage fees at a rate of 125% of the proper value.
- (C) Payment of compensation under this section will be executed within 3 months of the date of determining the proper value of the usage fees under section 9(C)(2).

- (D) If the officer in charge learns there is a holder of rights to land he has registered as government property under section 3(1), the directives of section 3(2) will apply, and the holder of the land rights will be entitled to compensation under the directives of this section.
- (E) The directives of this section and of sections 9 and 10 will not delay the processes under sections 3 to 6.

ASSESSMENT COMMITTEE

- 9. (A) The justice minister, in consultation with the defense minister, will form an Assessment Committee to implement the directives of this law, and these are its members:
 - (1) A representative to be appointed by the justice minister from among his ministry's employees—and he will be the chairperson;
 - (2) A representative to be appointed by the finance minister among his ministry's employees;
 - (3) A representative of the authorities in the area, to be appointed by the defense minister;
- (B) The justice minister will determine the hearing procedures at the Assessment Committee.
- (C) (1) The Assessment Committee will determine the proper value of the usage fees or the alternative land to be offered to the holder of land rights, as applicable, after hearing the arguments of the holder of land rights—if he presented arguments, and after weighing all of the circumstances of the case.
 - (2) The decision of the Assessment Committee under section (1) will be made within 3 months of the day it finishes hearing the arguments of the holder of land rights or from the day the holder of land rights was slated to present his arguments according to the hearing procedures defined under subsection (B).

OBJECTIONS COMMITTEE

- 10. (A) The justice minister, in consultation with the defense minister, will form an Objections Committee for the purpose of implementing the directives of this law, and these are its members:
 - (1) A representative of the authorities in the area who is qualified to be a magistrate's court judge, to be appointed by the justice minister, with the consent of the defense minister—and he will be the chairperson;
 - (2) A representative to be appointed by the chief government appraiser from among the employees of his office;
 - (3) A land appraiser whose name is listed in the registry of certified appraisers under the directives of section 202C of the Planning and Building Law, 5725-1965, to be appointed by the chairperson of the Council of Land Appraisers.
- (B) A holder of land rights who believes he was harmed by the Assessment Committee's decision under section 9(C)(1), is entitled to submit an objection to the Objections Committee about the decision.

- (C) Decisions by the Objections Committee will be made by majority opinion of the committee's members; if there is no single majority opinion, the chairperson's opinion will be the deciding opinion.
- (D) The Objections Committee will not be bound by the legal proceedings and rules of evidence practiced in the courts, and will operate in a way that it deems most helpful in making a just and rapid decision on the objection.
- (E) The Objections Committee is authorized to approve the decision made by the Assessment Committee, in its entirety or in part, to overturn or amend it, to return the matter to the Assessment Committee for re-discussion or to adopt any other decision in its place.

TRANSITION DIRECTIVE FOR COMMUNITIES LISTED IN THE ADDENDUM

- 11. (A) (1) During the period of 12 months from the date of this law's publication, all of the existing enforcement proceedings and administrative orders regarding settlement in the communities listed in the Addendum will be suspended.
- (2) During the period defined in paragraph (1), the authorities in the area will determine whether the conditions stipulated at the beginning of section 3 exist in the communities listed in the Addendum.
- (3) If the authorities in the area determine that the conditions stipulated at the beginning of section 3 exist in the communities listed in the Addendum, the directives of this law will apply to them.
- (4) The directives of this subsection will not apply to—
 - (A) Enforcement proceedings and administrative orders regarding settlement in the communities listed in the Addendum for which judicial orders or rulings have been issued in regard to their implementation.
 - (B) A structure whose demolition is necessary in order to prevent endangering human life.
- (B) The justice minister, with the approval of the Knesset's Constitution, Law and Justice Committee, is entitled to add, through an order, communities to the Addendum.

Addendum (Section 11)

- (1) Ofra
- (2) Netiv Ha'avot
- (3) Eli
- (4) Kochav Hashachar
- (5) Mitzpe Kramim
- (6) Elon Moreh
- (7) Ma'ale Michmas
- (8) Shavei Shomron
- (9) Kedumim
- (10) Psagot
- (11) Beit El

- (12) Yitzhar
- (13) Har Bracha
- (14) Modi'in Illit
- (15) Nokdim
- (16) Kochav Ya'akov [. . .]

C2. ADALAH, HUMAN RIGHTS CONCERNS FOR PALESTINIAN CITIZENS OF ISRAEL, HAIFA, 6 DECEMBER 2016

In this briefing paper, “Five Key Human Rights Concerns 2016/2017: Palestinian Citizens of Israel,” the human rights group Adalah outlines issues that will likely affect Palestinian citizens of Israel in 2017. Among them are forced displacement, discriminatory laws, Israel’s shoot-to-kill policy, education and employment gaps, and the closure of civil society space. Released in December, the brief reviews major human rights issues from 2016 to determine what will likely remain relevant in 2017. Noting that 2017 will mark the 50th anniversary of Israel’s occupation, Adalah highlights crackdowns on protesters and activists as a major concern for the year. The briefing paper is presented below and is available at www.adalah.org.

To mark International Human Rights Day (10 December) and as 2016 comes to a close, Adalah wishes to take the opportunity to draw your attention to some of its major concerns regarding the human rights of Palestinian citizens of Israel as we encountered them during the past year, and as we look [ahead] to 2017. Your attention to these issues is critical at a time when Israeli government officials—including Prime Minister Netanyahu—have been emboldened by political developments in the U.S., in Europe, and locally to take severe, anti-democratic measures against Palestinian citizens of Israel and to incite against them as a “fifth column.”

1. **Forced displacement. The expected return of the “Prawer Plan” and the Supreme Court’s final decision to uphold the state’s plan to demolish and evacuate the Bedouin village of Atir-Umm al-Hiran in the Naqab (Negev).** In November 2016, the state sent bulldozers to raze a number of houses in the village, but the demolition was ultimately thwarted—for the time being—by the presence of human rights activists, Arab Members of Knesset, and international journalists.
 - [Report on the dangerous implications of the Israeli Supreme Court’s decision](#)
 - [Adalah’s press release on the attempted demolition](#)

To follow in 2017: The state is expected to submit a new version of the “Prawer Plan,” with accompanying legislation, now dubbed the “Ariel Plan,” for the dispossession and displacement of the Bedouin living in the unrecognized villages in the Naqab.

2. **Discriminatory and anti-democratic laws. The Knesset continued to enact discriminatory and anti-democratic laws, much of which entrenches further “securitization” over the protection of human rights.** New legislation from 2016 that negatively affects the rights of Palestinian citizens of Israel includes the “Expulsion of MKs” Law, which allows a majority of members of Knesset (MKs) to oust a serving MK, and the draconian new Anti-Terror Law,

which Adalah fears will be used to suppress and criminalize legitimate political protest and humanitarian and cultural activities by Palestinian citizens of Israel.

- [Report on new discriminatory and anti-democratic laws](#)

To follow in 2017: The implementation of the new laws, and a new bill to expand the Defense Minister's authority to order administrative detention of citizens for up to six months, among others.

3. **“Shoot to Kill” policy. Following a decision to relax the Israeli police’s open-fire regulations in late 2015, Israel continued to implement a “shoot to kill” policy against Palestinians**, and failed to provide accountability or redress in suspected cases of extrajudicial executions (EJEs) involving both Palestinian citizens of Israel and Palestinian residents of the OPT. The police were forced to reveal primary sections of the new regulations in June 2016 in response to a court petition filed by Adalah. In November, the District Court ruled that the regulations must be disclosed to the public in full; this decision is pending appeal by the state.

- [Report on Israel’s use of EJEs against Palestinians](#)
- [Adalah’s press release on the partial publication of the regulations](#)

To follow in 2017: The Israeli security forces may continue to commit EJEs of Palestinians with impunity; a final court decision on the full publication of the open-fire regulations.

4. **Gaps in education and employment. Large gaps in education and employment opportunities for Palestinian children and women citizens of Israel compared with their Jewish Israeli counterparts** persisted, due to the lack of effective remedial measures by the state and its continued prioritization of the well-being of Israeli Jewish citizens. Institutionalized discrimination is manifested, e.g., in the fact that just 25% of Bedouin 3–4-year-olds in the Naqab attend preschools, and in the employment rate among Palestinian women in Israel, which also stands at just 25%.

- [Adalah’s pre-sessional NGO report to the UN CEDAW Committee](#)
- [Adalah’s intervention to the OECD on inequalities in education in Israel](#)
- [Adalah’s press release on its petition demanding access to preschools for Bedouin children](#)

To follow in 2017: Israel is scheduled to undergo a full review by the CEDAW Committee in Oct./Nov. 2017, followed by Israel’s 3rd Universal Periodic Review in Jan. 2018 (NGO reports due in June 2017).

5. **Closing civil society space. The space for civil society in Israel continued to close in 2016 with further restrictions on human rights NGOs and HR defenders.** The new NGO Foreign Funding Law aims to limit the operation and financing of HR NGOs, for example. In addition to right-wing organizations, Israeli officials including PM Netanyahu, Defense Minister Lieberman, and then-Defense Minister Ya’alon all launched vicious attacks on HR NGOs in order to further delegitimize them. Culture Minister Regev has also proposed massive cuts in state funding to cultural institutions (e.g., similar to the Nakba Law passed in 2011) unless they prove their loyalty to the state, which imposes a “chilling effect” on expression. Meanwhile, the police’s use of excessive force and harassment against demonstrators and a growing

number of “Facebook arrests,” particularly of Palestinian citizens of Israel and Palestinian residents of East Jerusalem, has also had a chilling effect on political protests on the streets and freedom of expression more broadly.

- Adalah’s letter and press release on the enactment of the NGO Foreign Funding Law
- Adalah’s press release on illegal practices of police regarding Arab citizens’ right to protest
- Adalah’s press release against bill requiring declaration of loyalty by cultural centers

To follow in 2017: Potential security crackdowns on protestors, political activists and human rights defenders commemorating the 50th anniversary of the Israeli occupation.

UNITED STATES

D1. SECY. OF STATE JOHN KERRY, “REMARKS ON MIDDLE EAST PEACE” (EXCERPTS), WASHINGTON, 28 DECEMBER 2016

In one of his final speeches as secretary of state, and just days after the U.S. refrained from vetoing UNSC Resolution 2334 by abstaining from the vote (see Doc. A1 above), John Kerry gave an address on the Israel-Palestine conflict at the Department of State. In his remarks, he laid out six principles for a future final status agreement: secure borders, two states, a just solution to the refugee issue, Jerusalem as the capital of both states, security requirements, and an end to conflict. Additionally, Kerry explained that Resolution 2334 was necessary because Netanyahu’s government was “more committed to settlements than any in Israel’s history.”

Kerry delivered his remarks a month before president-elect Donald Trump’s inauguration, reiterating long-standing U.S. policy on the conflict and outlining a road map for the successor administration, which had already pledged to change the status quo at Jerusalem before taking office. Kerry’s speech was met with criticism on all sides. Netanyahu made a television appearance an hour after the speech and blasted Kerry for dealing “obsessively with settlements” in his final weeks as secretary of state. Meanwhile, others criticized Kerry and the Obama administration for not making this statement much earlier, arguing that both the president and the secretary of state had been too soft on Netanyahu and Israel during their tenure (see Doc. R2 below and Selections from the Press in JPS 46 [3] for more).

Presented below are excerpts from Kerry’s address. The speech is available in full at www.state.gov.

Today, I want to share candid thoughts about an issue which for decades has animated the foreign policy dialogue here and around the world—the Israeli-Palestinian conflict.

Throughout his Administration, President Obama has been deeply committed to Israel and its security, and that commitment has guided his pursuit of peace in the Middle East. This is an issue which, all of you know, I have worked on intensively during my time as Secretary of State for one simple reason: because the two-state solution is the only way to achieve a just and lasting peace between Israelis and Palestinians. It is the only way to ensure Israel’s future as a Jewish and democratic state, living in peace and security with its neighbors. It is the only way to ensure a

future of freedom and dignity for the Palestinian people. And it is an important way of advancing United States interests in the region.

Now, I'd like to explain why that future is now in jeopardy, and provide some context for why we could not, in good conscience, stand in the way of a resolution at the United Nations that makes clear that both sides must act now to preserve the possibility of peace.

I'm also here to share my conviction that there is still a way forward if the responsible parties are willing to act. And I want to share practical suggestions for how to preserve and advance the prospects for the just and lasting peace that both sides deserve.

So it is vital that we have an honest, clear-eyed conversation about the uncomfortable truths and difficult choices, because the alternative that is fast becoming the reality on the ground is in nobody's interest—not the Israelis, not the Palestinians, not the region—and not the United States. [. . .]

Regrettably, some seem to believe that the U.S. friendship means the U.S. must accept any policy, regardless of our own interests, our own positions, our own words, our own principles—even after urging again and again that the policy must change. Friends need to tell each other the hard truths, and friendships require mutual respect.

Israel's permanent representative to the United Nations, who does not support a two-state solution, said after the vote last week, quote, "It was to be expected that Israel's greatest ally would act in accordance with the values that we share," and veto this resolution. I am compelled to respond today that the United States did, in fact, vote in accordance with our values, just as previous U.S. administrations have done at the Security Council before us.

They fail to recognize that this friend, the United States of America, that has done more to support Israel than any other country, this friend that has blocked countless efforts to delegitimize Israel, cannot be true to our own values—or even the stated democratic values of Israel—and we cannot properly defend and protect Israel if we allow a viable two-state solution to be destroyed before our own eyes.

And that's the bottom line: the vote in the United Nations was about preserving the two-state solution. That's what we were standing up for: Israel's future as a Jewish and democratic state, living side by side in peace and security with its neighbors. That's what we are trying to preserve for our sake and for theirs.

In fact, this Administration has been Israel's greatest friend and supporter, with an absolutely unwavering commitment to advancing Israel's security and protecting its legitimacy.

On this point, I want to be very clear: No American administration has done more for Israel's security than Barack Obama's. The Israeli prime minister himself has noted our, quote, "unprecedented" military and intelligence cooperation. Our military exercises are more advanced than ever. Our assistance for Iron Dome has saved countless Israeli lives. We have consistently supported Israel's right to defend itself, by itself, including during actions in Gaza that sparked great controversy.

Time and again we have demonstrated that we have Israel's back. We have strongly opposed boycotts, divestment campaigns, and sanctions targeting Israel in international fora, whenever and wherever its legitimacy was attacked, and we have fought for its inclusion across the UN system. In the midst of our own financial crisis and budget deficits, we repeatedly increased funding to

support Israel. In fact, more than one-half of our entire global Foreign Military Financing goes to Israel. And this fall, we concluded an historic \$38 billion memorandum of understanding that exceeds any military assistance package the United States has provided to any country, at any time, and that will invest in cutting-edge missile defense and sustain Israel's qualitative military edge for years to come. That's the measure of our support. [. . .]

Like previous U.S. administrations, we have committed our influence and our resources to trying to resolve the Arab-Israeli conflict because, yes, it would serve American interests to stabilize a volatile region and fulfill America's commitment to the survival, security and well-being of an Israel at peace with its Arab neighbors.

Despite our best efforts over the years, the two-state solution is now in serious jeopardy. The truth is that trends on the ground—violence, terrorism, incitement, settlement expansion and the seemingly endless occupation—they are combining to destroy hopes for peace on both sides and increasingly cementing an irreversible one-state reality that most people do not actually want.

Today, there are a number—there are a similar number of Jews and Palestinians living between the Jordan River and the Mediterranean Sea. They have a choice. They can choose to live together in one state, or they can separate into two states. But here is a fundamental reality: if the choice is one state, Israel can either be Jewish or democratic—it cannot be both—and it won't ever really be at peace. Moreover, the Palestinians will never fully realize their vast potential in a homeland of their own with a one-state solution.

Now, most on both sides understand this basic choice, and that is why it is important that polls of Israelis and Palestinians show that there is still strong support for the two-state solution—in theory. They just don't believe that it can happen.

After decades of conflict, many no longer see the other side as people, only as threats and enemies. [. . .] Allies of both sides are content to reinforce this with an us or—"you're with us or against us" mentality where too often anyone who questions Palestinian actions is an apologist for the occupation and anyone who disagrees with Israel policy is cast as anti-Israel or even anti-Semitic.

That's one of the most striking realities about the current situation: This critical decision about the future—one state or two states—is effectively being made on the ground every single day, despite the expressed opinion of the majority of the people.

The status quo is leading towards one state and perpetual occupation, but most of the public either ignores it or has given up hope that anything can be done to change it. And with this passive resignation, the problem only gets worse, the risks get greater and the choices are narrowed.

This sense of hopelessness among Israelis is exacerbated by the continuing violence, terrorist attacks against civilians and incitement, which are destroying belief in the possibility of peace. [. . .]

Now, at the same time, we have to be clear about what is happening in the West Bank. The Israeli prime minister publicly supports a two-state solution, but his current coalition is the most right-wing in Israeli history, with an agenda driven by the most extreme elements. The result is that policies of this government, which the prime minister himself just described as "more committed to settlements than any in Israel's history," are leading in the opposite direction. They're leading towards one state. [. . .] What does that say to Palestinians in particular—but also to the United States and the world—about Israel's intentions?

Let me emphasize, this is not to say that the settlements are the whole or even the primary cause of this conflict. Of course they are not. Nor can you say that if the settlements were suddenly removed, you'd have peace. Without a broader agreement, you would not. And we understand that in a final status agreement, certain settlements would become part of Israel to account for the changes that have taken place over the last 49 years—we understand that—including the new democratic demographic realities that exist on the ground. They would have to be factored in. But if more and more settlers are moving into the middle of Palestinian areas, it's going to be just that much harder to separate, that much harder to imagine transferring sovereignty, and that is exactly the outcome that some are purposefully accelerating.

Let's be clear: Settlement expansion has nothing to do with Israel's security. Many settlements actually increase the security burden on the Israeli Defense Forces. And leaders of the settler movement are motivated by ideological imperatives that entirely ignore legitimate Palestinian aspirations.

Among the most troubling illustrations of this point has been the proliferation of settler outposts that are illegal under Israel's own laws. They're often located on private Palestinian land and strategically placed in locations that make two states impossible. There are over 100 of these outposts. And since 2011, nearly one-third of them have been or are being legalized, despite pledges by past Israeli governments to dismantle many of them.

Now leaders of the settler movement have advanced unprecedented new legislation that would legalize most of those outposts. For the first time, it would apply Israeli domestic law to the West Bank rather than military law, which is a major step towards the process of annexation. [. . .] Well, there are over 80 settlements east of the separation barrier, many located in places that would make a continuous—a contiguous Palestinian state impossible. Does anyone seriously think that if they just stay where they are you could still have a viable Palestinian state?

Now, some have asked, "Why can't we build in the blocs which everyone knows will eventually be part of Israel?" Well, the reason building there or anywhere else in the West Bank now results in such pushback is that the decision of what constitutes a bloc is being made unilaterally by the Israeli Government, without consultation, without the consent of the Palestinians, and without granting the Palestinians a reciprocal right to build in what will be, by most accounts, part of Palestine. Bottom line—without agreement or mutuality, the unilateral choices become a major point of contention, and that is part of why we are here where we are. [. . .]

There are currently about 2.75 million Palestinians living under military occupation in the West Bank, most of them in Areas A and B—40 percent of the West Bank—where they have limited autonomy. They are restricted in their daily movements by a web of checkpoints and unable to travel into or out of the West Bank without a permit from the Israelis.

So if there is only one state, you would have millions of Palestinians permanently living in segregated enclaves in the middle of the West Bank, with no real political rights, separate legal, education, and transportation systems, vast income disparities, under a permanent military occupation that deprives them of the most basic freedoms. Separate and unequal is what you would have. And nobody can explain how that works. Would an Israeli accept living that way? Would an American accept living that way? Will the world accept it?

If the occupation becomes permanent, over the time the Palestinian Authority could simply dissolve, turn over all the administrative and security responsibilities to the Israelis. What would happen then? Who would administer the schools and hospitals and on what basis? Does Israel want to pay for the billions of dollars of lost international assistance that the Palestinian Authority now receives? Would the Israel Defense Force police the streets of every single Palestinian city and town?

How would Israel respond to a growing civil rights movement from Palestinians, demanding a right to vote, or widespread protests and unrest across the West Bank? How does Israel reconcile a permanent occupation with its democratic ideals? How does the U.S. continue to defend that and still live up to our own democratic ideals? [. . .]

And that raises one final question: Is ours the generation that gives up on the dream of a Jewish democratic state of Israel living in peace and security with its neighbors? Because that is really what is at stake.

Now, that is what informed our vote at the Security Council last week—the need to preserve the two-state solution—and both sides in this conflict must take responsibility to do that. [. . .]

That is why we decided not to block the UN resolution that makes clear both sides have to take steps to save the two-state solution while there is still time. And we did not take this decision lightly. The Obama Administration has always defended Israel against any effort at the UN and any international fora or biased and one-sided resolutions that seek to undermine its legitimacy or security, and that has not changed. It didn't change with this vote.

But remember it's important to note that every United States administration, Republican and Democratic, has opposed settlements as contrary to the prospects for peace, and action at the UN Security Council is far from unprecedented. [. . .]

And we all understand that Israel faces very serious threats in a very tough neighborhood. Israelis are rightfully concerned about making sure that there is not a new terrorist haven right next door to them, often referencing what's happened with Gaza, and we understand that and we believe there are ways to meet those needs of security. And Israelis are fully justified in decrying attempts to legitimize their state and question the right of a Jewish state to exist. But this vote was not about that. It was about actions that Israelis and Palestinians are taking that are increasingly rendering a two-state solution impossible. It was not about making peace with the Palestinians now—it was about making sure that peace with the Palestinians will be possible in the future.

Now, we all understand that Israel faces extraordinary, serious threats in a very tough neighborhood. And Israelis are very correct in making sure that there's not a terrorist haven right on their border.

But this vote—I can't emphasize enough—is not about the possibility of arriving at an agreement that's going to resolve that overnight or in one year or two years. This is about a longer process. This is about how we make peace with the Palestinians in the future but preserve the capacity to do so. So how do we get there? How do we get there, to that peace?

Since the parties have not yet been able to resume talks, the U.S. and the Middle East Quartet have repeatedly called on both sides to independently demonstrate a genuine commitment to the two-state solution—not just with words, but with real actions and policies—to create the conditions for meaningful negotiations.

We've called for both sides to take significant steps on the ground to reverse current trends and send a different message—a clear message—that they are prepared to fundamentally change the equation without waiting for the other side to act.

We have pushed them to comply with their basic commitments under their own prior agreements in order to advance a two-state reality on the ground.

We have called for the Palestinians to do everything in their power to stop violence and incitement, including publicly and consistently condemning acts of terrorism and stopping the glorification of violence. And we have called on them to continue efforts to strengthen their own institutions and to improve governance, transparency, and accountability. And we have stressed that the Hamas arms buildup and militant activities in Gaza must stop.

Along with our Quartet partners, we have called on Israel to end the policy of settlement construction and expansion, of taking land for exclusive Israeli use and denying Palestinian development.

To reverse the current process, the U.S. and our partners have encouraged Israel to resume the transfer of greater civil authority to the Palestinians in Area C, consistent with the transition that was called for by Oslo. And we have made clear that significant progress across a range of sectors, including housing, agriculture, and natural resources, can be made without negatively impacting Israel's legitimate security needs. And we've called for significantly easing the movement and access restrictions to and from Gaza, with due consideration for Israel's need to protect its citizens from terrorist attacks.

So let me stress here again: None of the steps that I just talked about would negatively impact Israel's security.

Let me also emphasize this is not about offering limited economic measures that perpetuate the status quo. We're talking about significant steps that would signal real progress towards creating two states.

That's the bottom line: If we're serious about the two-state solution, it's time to start implementing it now. Advancing the process of separation now, in a serious way, could make a significant difference in saving the two-state solution and in building confidence in the citizens of both sides that peace is, indeed, possible. And much progress can be made in advance of negotiations that can lay the foundation for negotiations, as contemplated by the Oslo process. In fact, these steps will help create the conditions for successful talks.

Now, in the end, we all understand that a final status agreement can only be achieved through direct negotiations between the parties. We've said that again and again. We cannot impose the peace.

There are other countries in the UN who believe it is our job to dictate the terms of a solution in the Security Council. Others want us to simply recognize a Palestinian state, absent an agreement. But I want to make clear today, these are not the choices that we will make.

We choose instead to draw on the experiences of the last eight years, to provide a way forward when the parties are ready for serious negotiations. In a place where the narratives from the past powerfully inform and mold the present, it's important to understand the history. We mark this year and next a series of milestones that I believe both illustrate the two sides of the conflict and form the basis for its resolution. It's worth touching on them briefly.

A hundred and twenty years ago, the First Zionist Congress was convened in Basel by a group of Jewish visionaries, who decided that the only effective response to the waves of anti-Semitic horrors sweeping across Europe was to create a state in the historic home of the Jewish people, where their ties to the land went back centuries—a state that could defend its borders, protect its people, and live in peace with its neighbors. That was the vision. That was the modern beginning, and it remains the dream of Israel today.

Nearly 70 years ago, United Nations General Assembly Resolution 181 finally paved the way to making the State of Israel a reality. The concept was simple: to create two states for two peoples—one Jewish, one Arab—to realize the national aspirations of both Jews and Palestinians. And both Israel and the PLO referenced Resolution 181 in their respective declarations of independence.

The United States recognized Israel seven minutes after its creation. But the Palestinians and the Arab world did not, and from its birth, Israel had to fight for its life. Palestinians also suffered terribly in the 1948 war, including many who had lived for generations in a land that had long been their home too. And when Israel celebrates its 70th anniversary in 2018, the Palestinians will mark a very different anniversary: 70 years since what they call the Nakba, or catastrophe.

Next year will also mark 50 years since the end of the Six-Day War, when Israel again fought for its survival. And Palestinians will again mark just the opposite: 50 years of military occupation. Both sides have accepted UN Security Council Resolution 242, which called for the withdrawal of Israel from territory that it occupied in 1967 in return for peace and secure borders, as the basis for ending the conflict.

It has been more than 20 years since Israel and the PLO signed their first agreement—the Oslo Accords—and the PLO formally recognized Israel. Both sides committed to a plan to transition much of the West Bank and Gaza to Palestinian control during permanent status negotiations that would put an end to their conflict. Unfortunately, neither the transition nor the final agreement came about, and both sides bear responsibility for that.

Finally, some 15 years ago, King Abdullah of Saudi Arabia came out with the historic Arab Peace Initiative, which offered fully normalized relations with Israel when it made peace—an enormous opportunity then and now, which has never been fully embraced.

That history was critical to our approach to trying to find a way to resolve the conflict. And based on my experience with both sides over the last four years, including the nine months of formal negotiations, the core issues can be resolved if there is leadership on both sides committed to finding a solution. [. . .]

It is in that spirit that we offer the following principles—not to prejudge or impose an outcome, but to provide a possible basis for serious negotiations when the parties are ready. Now, individual countries may have more detailed policies on these issues—as we do, by the way—but I believe there is a broad consensus that a final status agreement that could meet the needs of both sides would do the following.

Principle number one: Provide for secure and recognized international borders between Israel and a viable and contiguous Palestine, negotiated based on the 1967 lines with mutually agreed equivalent swaps.

Resolution 242, which has been enshrined in international law for 50 years, provides for the withdrawal of Israel from territory it occupied in 1967 in return for peace with its neighbors and secure and recognized borders. It has long been accepted by both sides, and it remains the basis for an agreement today.

As Secretary, one of the first issues that I worked out with the Arab League was their agreement that the reference in the Arab Peace Initiative to the 1967 lines would from now on include the concept of land swaps, which the Palestinians have acknowledged. And this is necessary to reflect practical realities on the ground, and mutually agreed equivalent swaps that will ensure that the agreement is fair to both sides.

There is also broad recognition of Israel's need to ensure that the borders are secure and defensible, and that the territory of Palestine is viable and contiguous. Virtually everyone that I have spoken to has been clear on this principle as well: No changes by Israel to the 1967 lines will be recognized by the international community unless agreed to by both sides.

Principle two: Fulfill the vision of the UN General Assembly Resolution 181 of two states for two peoples, one Jewish and one Arab, with mutual recognition and full equal rights for all their respective citizens.

This has been the fundamental—the foundational principle of the two-state solution from the beginning: creating a state for the Jewish people and a state for the Palestinian people, where each can achieve their national aspirations. And Resolution 181 is incorporated into the foundational documents of both the Israelis and Palestinians. Recognition of Israel as a Jewish state has been the U.S. position for years, and based on my conversations in these last months, I am absolutely convinced that many others are now prepared to accept it as well—provided the need for a Palestinian state is also addressed.

We also know that there are some 1.7 million Arab citizens who call Israel their home and must now and always be able to live as equal citizens, which makes this a difficult issue for Palestinians and others in the Arab world. That's why it is so important that in recognizing each other's homeland—Israel for the Jewish people and Palestine for the Palestinian people—both sides reaffirm their commitment to upholding full equal rights for all of their respective citizens.

Principle number three: Provide for a just, agreed, fair, and realistic solution to the Palestinian refugee issue, with international assistance, that includes compensation, options and assistance in finding permanent homes, acknowledgment of suffering, and other measures necessary for a comprehensive resolution consistent with two states for two peoples.

The plight of many Palestinian refugees is heartbreaking, and all agree that their needs have to be addressed. As part of a comprehensive resolution, they must be provided with compensation, their suffering must be acknowledged, and there will be a need to have options and assistance in finding permanent homes. The international community can provide significant support and assistance. I know we are prepared to do that, including in raising money to help ensure the compensation and other needs of the refugees are met, and many have expressed a willingness to contribute to that effort, particularly if it brings peace. But there is a general recognition that the solution must be consistent with two states for two peoples, and cannot affect the fundamental character of Israel.

Principle four: Provide an agreed resolution for Jerusalem as the internationally recognized capital of the two states, and protect and assure freedom of access to the holy sites consistent with the established status quo.

Now, Jerusalem is the most sensitive issue for both sides, and the solution will have to meet the needs not only of the parties, but of all three monotheistic faiths. That is why the holy sites that are sacred to billions of people around the world must be protected and remain accessible and the established status quo maintained. Most acknowledge that Jerusalem should not be divided again like it was in 1967, and we believe that. At the same time, there is broad recognition that there will be no peace agreement without reconciling the basic aspirations of both sides to have capitals there.

Principle five: Satisfy Israel's security needs and bring a full end, ultimately, to the occupation, while ensuring that Israel can defend itself effectively and that Palestine can provide security for its people in a sovereign and non-militarized state.

Security is the fundamental issue for Israel together with a couple of others I've mentioned, but security is critical. Everyone understands that no Israeli Government can ever accept an agreement that does not satisfy its security needs or that risk creating an enduring security threat like Gaza transferred to the West Bank. And Israel must be able to defend itself effectively, including against terrorism and other regional threats. In fact, there is a real willingness by Egypt, Jordan, and others to work together with Israel on meeting key security challenges. And I believe that those collective efforts, including close coordination on border security, intelligence-sharing, joint cooperations—joint operation, can all play a critical role in securing the peace.

At the same time, fully ending the occupation is the fundamental issue for the Palestinians. They need to know that the military occupation itself will really end after an agreed transitional process. They need to know they can live in freedom and dignity in a sovereign state while providing security for their population even without a military of their own. This is widely accepted as well. And it is important to understand there are many different ways without occupation for Israel and Palestine and Jordan and Egypt and the United States and others to cooperate in providing that security.

Now, balancing those requirements was among the most important challenges that we faced in the negotiations, but it was one where the United States has the ability to provide the most assistance. And that is why a team that was led by General John Allen, who is here, for whom I am very grateful for his many hours of effort, along with—he is one of our foremost military minds, and dozens of experts from the Department of Defense and other agencies, all of them engaged extensively with the Israeli Defense Force on trying to find solutions that could help Israel address its legitimate security needs.

They developed innovative approaches to creating unprecedented, multi-layered border security; enhancing Palestinian capacity; enabling Israel to retain the ability to address threats by itself even when the occupation had ended. General Allen and his team were not suggesting one particular outcome or one particular timeline, nor were they suggesting that technology alone would resolve these problems. They were simply working on ways to support whatever the negotiators agreed to. And they did some very impressive work that gives me total confidence that Israel's security requirements can be met.

Principle six: End the conflict and all outstanding claims, enabling normalized relations and enhanced regional security for all as envisaged by the Arab Peace Initiative. It is essential for both sides that the final status agreement resolves all the outstanding issues and finally brings closure to this conflict, so that everyone can move ahead to a new era of peaceful coexistence and cooperation. For Israel, this must also bring broader peace with all of its Arab neighbors. That is the fundamental promise of the Arab Peace Initiative, which key Arab leaders have affirmed in these most recent days.

The Arab Peace Initiative also envisions enhanced security for all of the region. It envisages Israel being a partner in those efforts when peace is made. This is the area where Israel and the Arab world are looking at perhaps the greatest moment of potential transformation in the Middle East since Israel's creation in 1948. The Arab world faces its own set of security challenges. With Israeli-Palestinian peace, Israel, the United States, Jordan, Egypt—together with the GCC countries—would be ready and willing to define a new security partnership for the region that would be absolutely groundbreaking.

So ladies and gentlemen, that's why it is vital that we all work to keep open the possibility of peace, that we not lose hope in the two-state solution, no matter how difficult it may seem—because there really is no viable alternative.

Now, we all know that a speech alone won't produce peace. But based on over 30 years of experience and the lessons from the past 4 years, I have suggested, I believe, and President Obama has signed on to and believes in a path that the parties could take: realistic steps on the ground now, consistent with the parties' own prior commitments, that will begin the process of separating into two states; a political horizon to work towards to create the conditions for a successful final status talk; and a basis for negotiations that the parties could accept to demonstrate that they are serious about making peace.

We can only encourage them to take this path; we cannot walk down it for them. But if they take these steps, peace would bring extraordinary benefits in enhancing the security and the stability and the prosperity of Israelis, Palestinians, all of the nations of the region. The Palestinian economy has amazing potential in the context of independence, with major private sector investment possibilities and a talented, hungry, eager-to-work young workforce. Israel's economy could enjoy unprecedented growth as it becomes a regional economic powerhouse, taking advantage of the unparalleled culture of innovation and trading opportunities with new Arab partners. Meanwhile, security challenges could be addressed by an entirely new security arrangement, in which Israel cooperates openly with key Arab states. That is the future that everybody should be working for. [. . .]

D2. U.S. PRES. TRUMP AND ISRAELI PM NETANYAHU, JOINT PRESS CONFERENCE ON ISRAEL/PALESTINE (EXCERPTS), WASHINGTON, 15 FEBRUARY 2017

Less than a month after his inauguration, Pres. Donald Trump met with PM Benjamin Netanyahu in Washington. The two discussed military cooperation, security aid, and negotiations between Israel and the Palestinians. In a joint press conference, Trump stressed that he and Netanyahu would make a “bigger and better [peace] deal” than anyone could expect, and appeared willing to defer to Netanyahu on the parameters of such a deal. When asked by a reporter if he intended to “give up on the notion of [the] two-state solution” and entertain “different ideas” from Netanyahu, Trump

casually responded, “So I’m looking at two-state and one-state, and I like the one that both parties like.”

Trump’s references to the Palestinians were almost exclusively about hate and violence. He singled out one of the biggest impediments to peace as being the “tremendous hate” that Palestinians are “taught from a very young age.” He did not call on Israel to adjust any of its actions other than to state that the Israelis needed to “show some flexibility.”

Presented below are excerpts from the press conference and Q&A. The transcript is available in full at www.whitehouse.gov. For more on Trump’s Israel-Palestine policy, see Seth Anziska’s “Neither Two States nor One: The Palestine Question in the Age of Trump,” JPS 46 (3).

PRESIDENT TRUMP: Thank you very much. Thank you. Today I have the honor of welcoming my friend, Prime Minister Benjamin Netanyahu, to the White House. With this visit, the United States again reaffirms our unbreakable bond with our cherished ally, Israel. The partnership between our two countries built on our shared values has advanced the cause of human freedom, dignity and peace. These are the building blocks of democracy. [. . .]

The security challenges faced by Israel are enormous, including the threat of Iran’s nuclear ambitions, which I’ve talked a lot about. One of the worst deals I’ve ever seen is the Iran deal. My administration has already imposed new sanctions on Iran, and I will do more to prevent Iran from ever developing—I mean ever—a nuclear weapon.

Our security assistance to Israel is currently at an all-time high, ensuring that Israel has the ability to defend itself from threats of which there are unfortunately many. Both of our countries will continue and grow. We have a long history of cooperation in the fight against terrorism and the fight against those who do not value human life. America and Israel are two nations that cherish the value of all human life.

This is one more reason why I reject unfair and one-sided actions against Israel at the United Nations—[which] just treated Israel, in my opinion, very, very unfairly—or other international forums, as well as boycotts that target Israel. Our administration is committed to working with Israel and our common allies in the region towards greater security and stability. That includes working toward a peace agreement between Israel and the Palestinians. The United States will encourage a peace and, really, a great peace deal. We’ll be working on it very, very diligently. Very important to me also—something we want to do. But it is the parties themselves who must directly negotiate such an agreement. We’ll be beside them; we’ll be working with them. As with any successful negotiation, both sides will have to make compromises. You know that, right?

PRIME MINISTER NETANYAHU: Both sides.

PRESIDENT TRUMP: I want the Israeli people to know that the United States stands with Israel in the struggle against terrorism. As you know, Mr. Prime Minister, our two nations will always condemn terrorist acts. Peace requires nations to uphold the dignity of human life and to be a voice for all of those who are endangered and forgotten.

Those are the ideals to which we all, and will always, aspire and commit. This will be the first of many productive meetings. And I, again, Mr. Prime Minister, thank you very much for being with us today. [. . .]

PRIME MINISTER NETANYAHU: [. . .] To me, to the state of Israel, it was so clearly evident in the words you just spoke—Israel has no better ally than the United States. And I want to assure you, the United States has no better ally than Israel.

Our alliance has been remarkably strong, but under your leadership I'm confident it will get even stronger. I look forward to working with you to dramatically upgrade our alliance in every field—in security, in technology, in cyber and trade, and so many others. And I certainly welcome your forthright call to ensure that Israel is treated fairly in international forums, and that the slander and boycotts of Israel are resisted mightily by the power and moral position of the United States of America.

As you have said, our alliance is based on a deep bond of common values and common interests. And, increasingly, those values and interests are under attack by one malevolent force: radical Islamic terror. [. . .]

Mr. President, in rolling back militant Islam, we can seize an historic opportunity—because, for the first time in my lifetime, and for the first time in the life of my country, Arab countries in the region do not see Israel as an enemy, but, increasingly, as an ally. And I believe that under your leadership, this change in our region creates an unprecedented opportunity to strengthen security and advance peace.

QUESTION AND ANSWER

Q: Thank you, Mr. President, Mr. Prime Minister. [. . .][On] the settlement issue, are you both on the same page? How do you exactly term that as it relates to the settlement issue? Thank you.

PRESIDENT TRUMP: [. . .] As far as settlements, I'd like to see you hold back on settlements for a little bit. We'll work something out. But I would like to see a deal be made. I think a deal will be made. I know that every President would like to. Most of them have not started until late because they never thought it was possible. And it wasn't possible because they didn't do it.

But Bibi and I have known each other a long time—a smart man, great negotiator. And I think we're going to make a deal. It might be a bigger and better deal than people in this room even understand. That's a possibility. So let's see what we do. [. . .]

Q: Thank you very much. Mr. President, in your vision for the new Middle East peace, are you ready to give up the notion of two-state solution that was adopted by previous administrations? And will you be willing to hear different ideas from the Prime Minister, as some of his partners are asking him to do, for example, annexation of parts of the West Bank and unrestricted settlement constructions? And one more question: Are you going to fulfill your promise to move the U.S. embassy in Israel to Jerusalem? And if so, when? And, Mr. Prime Minister, did you come here tonight to tell the President that you're backing off the two-state solution? [. . .]

PRESIDENT TRUMP: So I'm looking at two-state and one-state, and I like the one that both parties like. I'm very happy with the one that both parties like. I can live with either one. I thought for a while the two-state looked like it may be the easier of the two. But honestly, if Bibi and if the Palestinians—if Israel and the Palestinians are happy, I'm happy with the one they like the best.

As far as the embassy moving to Jerusalem, I'd love to see that happen. We're looking at it very, very strongly. We're looking at it with great care—great care, believe me. And we'll see what happens. Okay?

PRIME MINISTER NETANYAHU: Thank you. I read yesterday that an American official said that if you ask five people what two states would look like, you'd get eight different answers. Mr. President, if you ask five Israelis, you'd get 12 different answers.

But rather than deal with labels, I want to deal with substance. It's something I've hoped to do for years in a world that's absolutely fixated on labels and not on substance. So here's the substance: There are two prerequisites for peace that I laid out two years—several years ago, and they haven't changed.

First, the Palestinians must recognize the Jewish state. They have to stop calling for Israel's destruction. They have to stop educating their people for Israel's destruction.

Second, in any peace agreement, Israel must retain the overriding security control over the entire area west of the Jordan River. Because if we don't, we know what will happen—because otherwise we'll get another radical Islamic terrorist state in the Palestinian areas exploding the peace, exploding the Middle East. [. . .]

So this is the source of the conflict—the persistent Palestinian refusal to recognize the Jewish state in any boundary; this persistent rejection. That's the reason we don't have peace. Now, that has to change. I want it to change. Not only have I not abandoned these two prerequisites of peace; they've become even more important because of the rising tide of fanaticism that has swept the Middle East and has also, unfortunately, infected Palestinian society. [. . .]

We have to look for new ways, new ideas on how to reinstate them and how to move peace forward. And I believe that the great opportunity for peace comes from a regional approach from involving our newfound Arab partners in the pursuit of a broader peace and peace with the Palestinians.

And I greatly look forward to discussing this in detail with you, Mr. President, because I think that if we work together, we have a shot.

PRESIDENT TRUMP: And we have been discussing that, and it is something that is very different, hasn't been discussed before. And it's actually a much bigger deal, a much more important deal, in a sense. It would take in many, many countries and it would cover a very large territory. So I didn't know you were going to be mentioning that, but that's—now that you did, I think it's a terrific thing and I think we have some pretty good cooperation from people that in the past would never, ever have even thought about doing this. So we'll see how that works out. [. . .]

Q: Thank you, Mr. President. You said in your earlier remarks that both sides will have to make compromises when it comes to a peace deal. You've mentioned a halt on settlements. Can you lay out a few more specific compromises that you have in mind, both for the Israelis and for the Palestinians? [. . .]

PRESIDENT TRUMP: It's actually an interesting question. I think that the Israelis are going to have to show some flexibility, which is hard, it's hard to do. They're going to have to show the fact that

they really want to make a deal. I think our new concept that we've been discussing actually for a while is something that allows them to show more flexibility than they have in the past because you have a lot bigger canvas to play with. And I think they'll do that.

I think they very much would like to make a deal or I wouldn't be happy and I wouldn't be here and I wouldn't be as optimistic as I am. I really think they—I can tell you from the standpoint of Bibi and from the standpoint of Israel, I really believe they want to make a deal and they'd like to see the big deal.

I think the Palestinians have to get rid of some of that hate that they're taught from a very young age. They're taught tremendous hate. I've seen what they're taught. And you can talk about flexibility there too, but it starts at a very young age and it starts in the school room. And they have to acknowledge Israel—they're going to have to do that. There's no way a deal can be made if they're not ready to acknowledge a very, very great and important country. And I think they're going to be willing to do that also. [. . .]

RECOMMENDED REPORTS

R1. B'TSELEM, *EXPEL AND EXPLOIT: THE ISRAELI PRACTICE OF TAKING OVER RURAL PALESTINIAN LAND*, JERUSALEM, DECEMBER 2016

This 37-page report examines three Palestinian villages in the Nablus district—'Azmut, Dayr al-Hatab, and Salem—outlining the devastating impact, both economically and socially, that the Elon Moreh settlement has had on the villages since it was erected in 1980. Palestinian residents of the three villages have been unable to access their lands ever since, which has destroyed their livelihoods in farming and shepherding. B'Tselem uses the case of these villages to illustrate Israel's broader processes of displacement and expropriation in the West Bank. The report is available at www.btselem.org.

R2. INTERNATIONAL CRISIS GROUP, *ISRAEL/PALESTINE: PARAMETERS FOR A TWO-STATE SETTLEMENT*, BRUSSELS, 28 NOVEMBER 2016

At the end of Pres. Barack Obama's second term, International Crisis Group (ICG) released a 22-page report calling on his administration to outline parameters for resolving the Israel-Palestine conflict in the form of a UNSC resolution rather than the more traditional but ineffective executive address. While ICG acknowledges that such parameters will not lead to immediate negotiations, they argue that they could hold the incoming Trump administration to a basic framework and serve as a strong starting point once the climate is right for peace talks. For its part, the Obama administration outlined parameters for peace in a speech by then Secy. of State John Kerry in December (see Doc. D1 above for the speech). The ICG report is available at www.crisisgroup.org.

R3. ADDAMEER, *THE ECONOMIC EXPLOITATION OF PALESTINIAN POLITICAL PRISONERS*, RAMALLAH, 8 FEBRUARY 2017

In this 66-page report, Palestinian prisoners' support group Addameer examines the economic dimension of the imprisonment of over 800,000 Palestinians since the occupation began in 1967. The report focuses on the privatization of Israeli prisons, the forced labor of Palestinian prisoners,

and the privatization of prison canteens, tracing the effects of such economic exploitation on Palestinian families. The report is available at www.addameer.org.

R4. PALESTINIAN HUMAN RIGHTS ORGANIZATIONS, THE ILLEGAL CLOSURE OF THE GAZA STRIP: PERSECUTION AND OTHER INHUMANE ACTS PERPETRATED AGAINST THE CIVILIAN POPULATION AS CRIMES AGAINST HUMANITY, RAMALLAH, NOVEMBER 2016

In November, four Palestinian human rights groups—al-Haq, al-Mezan, the Palestinian Centre for Human Rights, and Addameer—submitted a report to the Office of the Prosecutor of the International Criminal Court (ICC) on the closure of the Gaza Strip. In January 2015, the ICC opened a preliminary examination into possible Israeli war crimes in Palestine. Since then, the Palestinian Authority and various human rights groups have been submitting evidence to the court. This 145-page report is the first the cohort has submitted to focus on the Gaza blockade in an attempt to establish a basis for finding Israel guilty of crimes against humanity in Gaza. The report is available at www.alhaq.org.

R5. GISHA, MADE IN GAZA: TWO YEARS LATER, TEL AVIV, 14 FEBRUARY 2017

In 2014, shortly after Operation Protective Edge, members of the Israeli human rights organization Gisha traveled to Gaza to interview representatives from five different industries to measure the effects of access-policy changes on their businesses. In this 11-page report, Gisha features follow-up interviews with the same industry representatives, concluding that severe movement and import-export restrictions continue to hinder economic growth. The report is available at www.gisha.org.

R6. GISHA, HAND ON THE SWITCH: WHO'S RESPONSIBLE FOR GAZA'S INFRASTRUCTURE CRISIS?, TEL AVIV, JANUARY 2017

In this 30-page report, Gisha provides a detailed examination of the dire state of Gaza's infrastructure, exploring the effects of Israel's assaults on the Strip and outlining the various Israeli, Palestinian, and international actors who are responsible for repairing and rebuilding it. The report is available at www.gisha.org.