

Documents and Source Material

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. Along with PDFs of recommended reports, they are available in full at www.palestine-studies.org.

INTERNATIONAL

A1. UN, ISRAEL, AND THE PALESTINIAN AUTHORITY, GAZA RECONSTRUCTION MECHANISM AGREEMENT, 13 JANUARY 2016 (LEAKED)

Following the 26 August 2014 cease-fire that ended Operation Protective Edge, Israel's 50-day war on the Gaza Strip, then-UN special coordinator Robert Serry brokered a Gaza reconstruction agreement between Israel and the Palestinian Authority (PA). Dubbed the Gaza Reconstruction Mechanism, the agreement established a structure dividing oversight and implementation responsibilities between the UN, Israel, and the PA. While some of the details were leaked to the press in the fall of 2014, the full text of the agreement was unavailable until the Electronic Intifada obtained a copy in January 2016.

The text of the leaked document shows that the agreement essentially transfers maintenance of the Israeli blockade to the UN, which is tasked with collecting personal details on Palestinians seeking reconstruction aid and keeping the information in a database accessible to Israel. Commentators and legal experts (see Doc. A2) have warned that this information sharing raises

substantial safety concerns because Israeli authorities could use the data to identify future targets in Gaza. In addition, the agreement legitimizes the Israeli blockade, and reinforces the vast power imbalance at play, providing Israel with veto power to prevent Palestinians from receiving or selling reconstruction materials based on undefined "security grounds."

The PA, meanwhile, bears "overarching responsibility" for the agreement's execution, with no mention made of how this is to be achieved other than that the PA's reconstruction plans are subject to Israeli approval. The agreement also does nothing to address reviving Gaza's trade economy, and it does not require Israel to fund any of the reconstruction, relying on international donors for the billions of dollars in associated costs. Given the range of obstacles, it is no wonder that by November 2015 only one of the 9,117 destroyed Palestinian homes had been rebuilt under the Gaza Reconstruction Mechanism.

Presented below is the complete text of the Gaza Reconstruction Mechanism Agreement, which is also available at www.electronicintifada.net. Bracketed comments and endnotes both appear in the original.

The Government of Israel (GoI), the Palestinian Authority (PA) and the United Nations (UN) hereby agree:

The following mechanism shall apply only between the GoI, PA and UN in their mutual relations within the framework of the reconstruction of the Gaza Strip.

Implementation of the following mechanism is subject to the current security situation.

The mechanism enables the parties to:

- a. Provide security assurances to the GoI,
- b. Work at the scale required in the Gaza Strip.
- c. Enable the PA to play the lead role in the reconstruction effort of the Gaza Strip, including the prioritization of projects.
- d. Assure donors that any investments will be implementable without delay.

Mechanism Parameters:

There are five over-arching parameters for this reconstruction mechanism:

1. Satisfy Israeli security concerns related to the use of construction and dual use material, particularly as related to the monitoring and tracking of material for large scale works;
2. The PA leads the reconstruction of the Gaza Strip, and bears overarching responsibility for its execution, with the UN performing a key role in the monitoring function.
3. Formal and public communication in order to allow all donors to avail themselves of it;
4. The GoI will approve the proposed UN Program of Works upon receipt of basic composition (e.g. schools, housing projects, etc.) and their general locations.
5. The parties would take measures to ensure sufficient crossing capacity.

The following section provides greater detail on two specific streams through which this mechanism would work. The mechanisms

outlined below could be made available to other parties wishing to conduct work in the Gaza strip, including using independent UN monitoring and verification processes in support of those works.

A high level steering team (HLST), comprised of representatives of GoI, PA and the UN, would be established to ensure all processes move forward smoothly and to address an[y] challenges that arise.

Construction

1. For PA Led Construction

Purpose:

- This approach would enable access to Aggregates, Reinforcing Bars, Cement and other dual use items (hereinafter: ABC) for both large scale construction (e.g. factories, housing projects, schools) as well as small-scale construction (e.g. housing reconstruction/rehabilitation).
- Process is predicated on the establishment of a central IT database that registers import and transfer of ABC, and their resale within the Gaza Strip, and grants online access to the PA, GoI and UN. The database would be set up and hosted by a reputable entity (e.g. a major auditing company or possibly a UN entity).
- The PA vets all vendors, contractors, concrete batching and brick producing factories utilized under this arrangement. GoI reserves the right to object to any of the above on security grounds.
- Further conditions regarding the entry of specialized dual use items may be placed upon approval.

Assessment of civilian needs survey:

An initial and general assessment of the civilian needs is conducted by the PA or the

UN prior to the following which would provide a tentative:

- Preliminary indication of the volume of works (i.e. 2000 shelters) per area (region/locality)
- Preliminary indication of the amount of ABC required per area (region/locality)
- A comprehensive survey of the civilian needs would be presented by the PA to the HLST, as a basis for an ABC request.

A—Private Shelter and Other

Rehabilitation Works (Small-Scale)¹

Process:

- PA (e.g. Ministry of Housing or Civil Affairs) vets a number of Palestinian vendors who are registered with the respective Chamber of Commerce to import ABC for resale to individuals seeking to carry out self-rehabilitation.
- PA would be responsible for the materials supplied to the private sector, while ensuring that the materials are delivered to PA selected and vetted vendors in Gaza only. PA-vetted vendors are allowed to import at a preset amount/quota of ABC on a periodic basis (quota increase subject to performance of mechanism).
- Import quotas of vendors could be adjusted according to market requirements and compliance.
- Security precautions at storage facilities used by vendors will be taken in accordance with the provisions set in Annex B, and will be linked to and adjusted in accordance with volume of stock held.
- PA or the UN deploys surveyors to carry out assessments to civilian structures subject to rehabilitation:
 - Register eligible recipients into the central IT based database, e.g. name, ID number, address/locality, family status and a brief description of the works and additional images.
 - Determine the amounts of ABC needed for the rehabilitation work. This would generate the maximum amount that individuals could procure. The calculation uses a pre-agreed guide. Should additional amounts be needed, a surveyor could modify the relevant report upon an additional assessment for further processing.
 - The processing duration between registering potential recipients by surveyors and their ability to purchase ABC shall be limited to two working days.
 - Eligible recipients would be granted a document that will allow the purchase from specific vendors.
- Sale of ABC by vendors to individuals is limited to individuals registered as eligible in the central database. Transfer of commodities would follow the successful logging of the transaction into the central database. Database system design would prevent repeat purchase or purchase beyond assigned quantity.
- No transfer of ABC between end-users would be allowed. Unused materials would be returned to vendors and registered in the central database.
- Vendors would only be able to log sales but not view other details.
- Process also enables limited rehabilitation of private sector facilities, e.g. factories, based on PA surveyor assessment, using a pre-agreed guide, and subject to the same monitoring arrangement.

1. The definition of the upper limit of small scale works will be determined.

Monitoring:

- The PA monitors due-diligence measures and obligations by vendors in terms of registration. In case of irregularity the PA will suspend a vendor's license and in case of violations will delist the vendor.
- The UN inspection team would be tasked to carry out the following:
 - Random cross checks of surveyors' assessments [percentage rate to be determined],
 - Spot checks of end-users rehabilitation works [percentage rate to be determined],
 - Spot checks of vendors to confirm compliance with the mechanism.
 - Given the three checks above, no additional end use monitoring would be undertaken for this type of works as the scale of the work required would not make this possible.
- Import of new quantities [replenishment of stock] would be against satisfactory reconciliation with sold/utilized quantities only via the central IT database.
- All parties could guide the focus of inspections towards specific areas or users in case of suspected irregularity.
- Spot checks would have to be repeated where majority of procured material was not yet utilized and note where material procured cannot be accounted for.
- Violations and irregularities shall be promptly logged into the central IT database.
- Violations of terms by vendors would lead to delisting and loss of import license. Irregularities discovered would

lead to suspension of import license pending completion of inquiry into them.

- End-users found using ABC for purposes other than those declared will be barred from further purchases.

B—Formal and Commercial Level Works (Large-Scale)²

Process:

This process would be followed both for PA works as well as for works carried out by the private sector submitted via the PA.

- The GoI will approve a PA Program of Works [prospectively presented at a Donors conference], upon receipt of basic composition [e.g. schools, housing projects, etc.] and their general locations.
- The PA submits designs and BoQs to the GoI [on behalf of a Palestinian commercial entity where applicable].
- The project submission will be registered into the central IT database reflecting a completed submission and processing duration.
- The GoI will process the project submissions and BoQs within a predetermined time-frame which will be based on the category of the project [prospectively ANNEX C]³.
- PA would be responsible for the material supplied to the private sector and ensure that the material is delivered to PA-vetted companies.
- PA, [e.g. Ministry of Housing or Civil Affairs], vet a number of Palestinian contractors who are registered with the respective Association of Contractors and vendors to import ABC for use in construction project. The GoI reserves

2. Works under this category are all those works not captured under small scale works.

3. ANNEX C: [To this end, the sides will establish a list of categories/types which will be addressed by the GoI regarding the reasonable duration for the completion of the process, which will not exceed one year].

- the right to refuse to delivery to contractors/vendors on security grounds.
- PA-vetted contractors and vendors are allowed to import at a preset amount/ quota of ABC on a periodic basis.
 - Sale of ABC to contractors by vendors would be for approved projects/BoQs only as appearing in the central IT database.
 - Import quotas for contractors/vendors could be adjusted according to market requirements and compliance.
 - Vendors/contractors violating above terms will be delisted and lose import license.

Monitoring:

The PA will monitor due-diligence measures/obligations by contractors.

- Inspection would also be undertaken by a UN team using the inspection procedures of UN led projects (see; Annex A), in conjunction with PA ministry led inspections.
- Import of new quantities (replenishment of stock) would be against reconciliation with sold/utilized quantities via the central IT database.
- Security precautions at storage facilities used by contractors and vendors will be taken in accordance with the provisions set in Annex B, and will be linked to and adjusted in accordance with volume of stock held.

2. For UN Projects

Purpose:

- This approach is based on the December 2013 adopted procedure with some amendments to ensure a more efficient process to help meet the increased scale of works.
- The approach would also allow for the expanded role of the Palestinian private sector in the implementation of UN construction works.

Process:

- The GoI approves Program of Works upon receipt of basic composition (e.g. schools, housing projects, etc.) and their general locations.
- The UN will submit the BoQs to the GoI which will immediately authorize the entry of a present percentage of the required quantities of the BoQs while the BoQs continue to be processed by the GoI along the time lines determined in the aforementioned categories list.
- As vendor/contractor capacity in the Gaza Strip grows sufficiently, the UN may procure from Palestinian vendors who would use UN endorsed BoQs with authorized vendors.

Monitoring:

- The UN will monitor contract compliance and report via the central IT database, as outlined in annex A.
- Security precautions at storage facilities used by contractors and vendors will be taken in accordance with the provisions set in Annex B, and will be linked to and adjusted in accordance with volume of stock held.

The parties consider this to be a temporary access mechanism that can be adjusted to changed circumstances through the HLST and with agreement of all three parties.

ANNEX A

Monitoring of Compliance

1. The PA and/or the UN assures the GoI that it will undertake the following steps regarding each specific project:
 - a. Fulfillment of the UN vetting process in relation to contractors and

- inclusion of the UN anti-terrorism contract clause;
 - b. The remains of mixed concrete will be used specifically for other approved projects subject to the prompt update of CLA Gaza via the central IT database;
 - c. Details of implementing contractors and suppliers will be updated in the central IT database;
 - d. Ensures that material which departs the crossing and arrives onsite/warehouse matches the description of the manifest;
 - e. The PA/UN undertakes to report theft incidents to the CLA Gaza, and update the central IT database immediately upon discovery, should they occur and the measures taken in this regard.
2. Concrete mixing and brick factories:
- a. Security measures will be taken in accordance with GoI specifications;
 - b. All receipt of cement, production and dispatch of concrete shall be regularly logged in the central IT database;
 - c. Constant presence of the UN and daily inspections by a UN international staff member in the concrete mixing factory during the mixing for projects;
 - d. When cement is stored at the factory the provisions of annex B shall apply.
3. The PA and/or the UN will ensure sufficient resources to monitor the projects.
4. The PA and/or the UN shall provide tracking mid and end reports to the CLA Gaza, and the HLST when desired. Supplementary reports to be provided where duration between reports exceeds three months. Reports shall include:
- a. Percentage of the project's overall progress;

- b. Pictures of the project's progress;
- c. Additional requirements to complete project.
- d. Additional comments.

ANNEX B

Warehouse and Storage Facilities Security Measures

1. The UN and/or PA assures the GoI that it will undertake the following steps regarding each specific storage facility:
 - a. Report the location of all warehouses/ storage facilities;
 - b. Warehouse and storage facility security arrangements, including, for example, placing surveillance cameras and/or guards on site;
 - c. Any transfer of commodities shall be promptly logged into the central IT database.
 - d. Spot inspection by a UN international staff member in the warehouses/storage facility to insure compliance.
 - e. The GoI reserves the right to refuse authorization based on security grounds.
2. **Heavy machinery (trucks, bulldozers etc.) supervision:** extra measures of control shall be undertaken, specifically for off-duty hours (e.g. GPS monitoring, central supervision, any movement in and out of the off-duty parking site shall be promptly logged into the central IT database), in addition to the security measures mentioned above.
3. Security precautions at warehouses and storage facilities will be linked to the volume of stock held.

ANNEX C

To Be Determined

A2. NIGEL WHITE, "EXPERT OPINION ON THE LEGALITY OF THE GAZA RECONSTRUCTION MECHANISM," 26 JANUARY 2015 (EXCERPTS)

A few months after the September 2014 signature of the Gaza Reconstruction Mechanism (GRM) by the UN, Israel, and the PA, UN legal expert Nigel White analyzed the legality of the agreement. In it he warned that the GRM created an "unbalanced exchange of 'rights' and 'duties,'" making the UN an active participant in Israel's blockade of Gaza and humanitarian violations against its residents. Furthermore, White argues that the UN's creation of an identification database violates the "right to life" since Israel could potentially use the information to target Palestinians.

White, a professor of international law at the University of Nottingham, was commissioned to assess the GRM by the Diakonia International Humanitarian Law Resource Centre (an arm of the Swedish development organization Diakonia), which receives funding from the UN and EU. White's expert opinion was then circulated to diplomats and international agencies, but unlike other expert opinions commissioned by Diakonia, his analysis was not publicly released. It was leaked to the Electronic Intifada a year after it was written and analysts speculated that the document was not released earlier for fear of an international backlash.

Presented below are excerpts from White's assessment. The full document, including footnotes, was published by www.electronicintifada.net on 13 January 2016.

Outline of the GRM

According to the "Fact Sheet" of the UN's Office of the Special Coordinator (UNSCO) for the Middle East Peace Process the Gaza Reconstruction Mechanism (GRM) of September 2014 is a "temporary agreement between the Government of Palestine . . . and the Government of Israel . . . brokered by the United Nations." However, the text of the GRM itself shows that this is an agreement between three "parties": the Government of Israel (GoI), the Palestinian Authority (PA) and the United Nations (UN), the latter being represented by UNSCO. Apart from the use of the term "parties," the bulk of terminology used in the GRM to describe the various roles and responsibilities of the parties points to it being constructed so as not to constitute a binding treaty or agreement, but it will be shown that it should be construed as an agreement between three entities with international legal personality and, therefore, subject to international law. The GRM contains agreed processes for approval, purchasing, supply and monitoring of all building materials entering Gaza for the purpose of reconstruction of buildings destroyed during the conflict between Israel and Hamas in July and August 2014. The GRM aims to give the GoI security guarantees that would allow for reconstruction materials to enter into Gaza without them being used for military purposes by Hamas, for example for rebuilding infiltration tunnels or bunkers.

Although the GRM studiously avoids using legal language of "rights" and "duties," it will be shown that it does indeed constitute a binding agreement comprising an exchange of rights and duties and, furthermore, is one that is subject to international law. As a treaty or, indeed, as an international agreement subject to

international law, the GRM is an unbalanced exchange of “rights” and “duties,” with the PA and the UN having a number of duties, while the GoI has a number of very wide rights and very few obligations. Nor does the GRM give the PA any beneficial rights or responsibilities that might improve conditions in Gaza in the longer term, for example, by empowering it to control the crossing points into Gaza at least as regards building materials.

The rights and duties, of the GoI and the UN in particular, will be subject to examination in the course of this opinion in terms of their compatibility with the UN Charter, treaty law, international humanitarian and human rights law. In terms of contents, a close reading of the GRM shows that, despite the absence of terms such as “rights” and “duties,” the detailed provisions on what each party is required or empowered to do in respect of building materials can only be understood in such terms, namely that:

- GoI has the right to approve the proposed UN Program of Works for large scale works;
- GoI has the right to have its security concerns satisfied with regard to dual use material (defined as aggregates, reinforcing bars, cement and other dual use items (ABC));
- GoI has the right, related to the control rights of an occupying power, (along with UN and PA) to access the central IT database that registers import and transfers of ABC;
- GoI reserves the right to object on security grounds to any PA vetted vendors, contractors and factories;
- For large scale-works the GoI has the duty to process project submissions and Bills of Quantities (BoQs) within a predetermined

time-frame and, in any event, is dependent upon details being agreed in Annex C;

- For large-scale works, the GoI has the right to refuse delivery to contractors/vendors on security grounds; [. . .]

There are further onerous monitoring duties placed upon the UN/PA in Annex A (including the “constant presence” of the UN at concrete mixing and brick factories). The GRM creates a high level steering team (HLST), comprised of representatives from the GoI, PA and UN, but it only appears to be a forum for diplomacy rather than a dispute resolution mechanism for there is nothing provided to challenge Israel’s invocation of its GRM-based rights to object to projects, contractors and vendors on security grounds. HLST seems to be a limited forum for diplomacy and can be stymied by a “veto” by the GoI as it does not provide for majority decision-making. [. . .]

The Legal Responsibilities of the UN Arising from the GRM

As an agreement that places obligations on the UN, the GRM is also a potential source of liability for the organization if that agreement or those obligations are themselves wrongful acts under international law, or if they facilitate the commission of wrongful acts by the GoI. Indeed, if the GRM does not qualify as a binding agreement under international law, it still amounts to a wrongful act in itself, by being a manifestation of the illegal blockade of Gaza by Israel, as well as facilitating the commission of wrongful acts by the GoI, giving rise to responsibility on behalf of both the GoI and UN. The following are the principal issues of UN responsibility under the secondary rules of international law, embodied in the ILC’s Articles on Responsibility of International Organizations

(ARIO 2011). It will be shown that the UN is either directly responsible for internationally wrongful acts, or is indirectly responsible for breach of its due diligence obligations to prevent violations of international law.

The GRM obliges the UN to play a central role in enforcing aspects of the illegal blockade imposed by Israel on Gaza in violation of a number of specific human rights and humanitarian law obligations outlined above. Evidence regarding implementation of the GRM shows that extremely limited reconstruction is occurring in Gaza, but also that this is totally inadequate given the scale of devastation caused by Israel and the limitation the GoI has placed on humanitarian relief schemes including through the GRM. This raises problems of the UN's direct and indirect responsibility (for the commission of wrongful acts and for the failure to stop them), requiring analysis of the GRM and the UN's part in enforcing it in terms of its legal responsibilities.

By becoming a party to the GRM the UN, in effect, has involved itself in an aspect of the on-going Israeli blockade of Gaza, conduct which the ICRC has clearly indicated violates international humanitarian law. The GRM itself, by being a part of the continuing blockade, is an internationally wrongful act that violates the UN's own obligations under international humanitarian law, and remains so even if UNSCO acted *ultra vires* in agreeing to the GRM. In addition to the GRM being an internationally wrongful act itself, the UN is aiding and assisting the GoI in the commission of internationally wrongful acts in the form of violations of human rights and international humanitarian law that are caused by the dearth of reconstruction materials arising from the application of the GRM. In terms of aiding and assisting the GoI, the UN is internationally responsible if two conditions

are met. First, that the organization aids or assists Israel "with knowledge of the circumstances of the internationally wrongful act"; and second, that the "act would be internationally wrongful if committed by that organization." The latter condition is met given that the provisions of customary international human rights and humanitarian law are applicable to the UN as an international legal person with rights and duties under international law. [. . .]

There is also the question of whether the consent of the PA to the GRM is a "circumstance precluding wrongfulness" under ARIO; but such consent cannot preclude the wrongfulness of an act that violates a peremptory rule. It is also the case that the PA is equally able to commit or facilitate violations of international law by becoming a party to the GRM, and that it has no standing to waive the individual or collective rights of the people of Gaza, or the Palestinians as a whole, particularly bearing in mind the international recognition of the "Palestinian" right to self-determination. It is the Palestinian people who are recognised as the right holder in the case of self-determination, and individuals as rights holders in respect of other human rights. [. . .]

Conclusions and Recommendations

This opinion has demonstrated that the GRM is in itself, and by its very nature, an agreement that is in violation of international law as a binding agreement, and as conduct, that facilitates the continuation of the illegal blockade against Gaza in the respect of materials essential for the reconstruction of properties, businesses and infrastructure destroyed by Israel's assault on Gaza in July and August 2014. The GRM has also been revealed to be as a binding agreement, and as conduct, the consequences of which violate

the GoI's and the UN's obligations under international humanitarian law and human rights law. The UN, by becoming a party to this agreement, has adopted a wrongful act (the blockade) as well as aiding and facilitating the GoI in the commission of internationally wrongful acts, both in terms of not providing adequate relief under international humanitarian law, and by breaching the fundamental human rights of the inhabitants of Gaza—to life, shelter, health, education, an adequate standard of living, self-determination and freedom from inhuman treatment.

If the UN persists in aiding and assisting in the implementation of the GRM it will be jointly (with the GoI) responsible for the injuries and losses caused to the people of Gaza and will be under a clear duty to provide remedies to those suffering loss. An alternative to individual remedies would be for the UN to help significantly in ensuring the reconstruction of Gaza. It is recommended that the UN urgently seek to amend the GRM to include guarantees, in accordance with its due diligence obligations, that levels of relief in the form of construction materials, essential to meet basic human rights and humanitarian law obligations, are delivered to Gaza over specified periods of time; and that those levels can be increased if, in the expert opinion of the UNHCHR, the rights of the people of Gaza are not being progressively realised. If such guarantees are not agreed by the parties to the GRM then the UN should withdraw from the mechanism. Only by amending the GRM to make it compatible with international law or, if that proves impossible, withdrawing from the GRM, can the UN ensure that it fulfils its responsibilities to perform its international obligations and to desist from internationally wrongful conduct. In terms of justification for

doing this the UN can rightfully claim that its due diligence obligations require it not to be implicated in any wrongful conduct and, indeed, to do all in its power to prevent wrongful conduct by the GoI by reason of the continued enforcement of the blockade. Furthermore, the UN can point to the fact that the GRM is void as it was procured by coercion, by threat of further force, and that it is in conflict with peremptory norms of international law.

If it decides to withdraw from the GRM, or has no choice but to withdraw, it is recommended that the UN should then seek to establish an alternative mechanism for delivery of building materials (and humanitarian relief more broadly) by asserting its role as a neutral and impartial organization—one that is empowered to deliver humanitarian assistance free from Israeli security controls, by reason of its status and by means of its immunities. This has been shown to be within the existing competence of UNSCO as delegated to it by the UNSG and as mandated by the UNGA. By taking charge of the delivery of construction materials, and by asserting its impartiality between the PA and the GoI, the UN will be able to offer guarantees that building materials will not be used for purposes that threaten Israel's security as well as ensuring that the supplies meet the needs of the people of Gaza in accordance with basic principles of international humanitarian and human rights law.

ARAB

B1. VISUALIZING PALESTINE, "THE PALESTINIAN AUTHORITY GUIDE TO KEEPING YOURSELF OCCUPIED," JANUARY 2016

Using data from various UN agencies and nongovernmental organizations (NGOs), the

B2. "SUPPORT STATEMENT OF PALESTINIAN FEMINISTS IN PALESTINE AND THE DIASPORA," 22 FEBRUARY 2016 (EXCERPTS)

In response to the November 2015 U.S. National Women's Studies Association's endorsement of a Boycott, Divestment and Sanctions (BDS) resolution (see Doc. D3), a group of more than 100 Palestinian feminist and human rights activists released a letter of "support and deep appreciation." In a statement published on 22 February 2016, the signatories express support for international solidarity groups that work to oppose the Israeli occupation and colonization of Palestinian land, and emphasize that movements based on the "liberal ideals" of "co-existence" ignore Israel's systematic oppression of the Palestinians. The signatories comprise a range of female Palestinian political figures, academics, and activists, including Hanan Ashrawi, Haneen Zoabi, Rabab Abulhadi, and Diana Buttu, to name a few.

Presented below is the text of the letter. Along with the list of signatories, the letter is available in English and Arabic at www.aswatgroup.org.

We, the undersigned, Palestinian feminists, human rights activists and representatives of women organizations, hereby declare our full support and deep appreciation for the decision taken by the National Women's Studies Association (NWSA) to stand with the struggle of the indigenous/native Palestinians against the colonial apparatuses used by the Israeli occupation regime. We declare our support for all nonviolent forms of struggle for achieving human rights and for upholding international law and basic human rights.

We are fully aware of the organic relationship between women's rights and the full set of human rights, and therefore we see

the intersection of the national struggle for self-determination with the struggle for social justice, freedom and human dignity.

As Palestinian feminists living under Israel's system of colonial and racist oppression against our people everywhere, we certainly do not subscribe to the idea of forming alliances "to defend the state of Israel," as some Israeli feminists have asked us, against international criticism of its violations of international law. Nor is it our duty, clearly, to contribute in any form to undermining effective global solidarity with the struggle of our people for freedom, justice and equality. On the contrary, our duty is to engage in this struggle, in accordance with our respective circumstances, and to encourage international solidarity movements, the most effective of which is the Boycott, Divestment and Sanctions (BDS) movement.

We are fully aware of the empowering and inspiring role that international solidarity can play in supporting our struggle for our rights, as it did in the struggle of our South African sisters for their rights.

We deplore the colonial attitude inherent in some Israeli feminists' request of us to sign a statement in favor of liberal ideals, "dialogue" and "co-existence," and against the effective solidarity with the struggle for rights. The main problem here lies in the assumption that Palestinian and Israeli women stand on an equal footing and can coexist despite the ongoing regime of occupation, colonization and apartheid.

We wholeheartedly believe in and welcome principled alliances with progressive Jewish forces—including Jewish-Israeli groups—that are based on the recognition of the rights of our people under international law and on the common struggle to end the system of

oppression, excluded from this alliance all the Israeli normalization organizations and movements which aim to normalize the relations between the perpetrator and the victim.

We emphasize that popular resistance movements, including the boycott movement, are feminist issues as well. These movements emphasize the intersectionality of the struggle of Palestinian feminists as marginalized women who are deprived of equal rights and as part of an indigenous people suffering under a regime of occupation and apartheid.

We cannot accept the backseat reserved for an obedient minority that must be filled in conferences or statements issued by Israeli groups. We are struggling for our rights, all of our rights, national, social and otherwise, and against all oppression. We shall not accept anything less than our freedom and our dignity. [. . .]

ISRAEL

C. ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL, "ANTI-NGO LEGISLATION IN THE ISRAELI KNESSET," TEL AVIV, DECEMBER 2015

In recent years, right-wing Knesset members (MKs) have been proposing legislation to undermine free speech and political organizing in Israel. Since Prime Minister Benjamin Netanyahu formed his right-wing ruling coalition in May 2015, the government leadership has wasted no time drafting bills targeting the Israeli left, Palestinian citizens of Israel, and Arab MKs.

A few pieces of high-profile legislation came to the fore this quarter, amid the escalating tension and violence in Israel and the occupied

territories. One of the most controversial has been Justice Minister Ayelet Shaked's anti-NGO law, which would require nonprofits that receive the majority of their funding from foreign governments to disclose this fact in all published materials. The original text of the bill also classified these NGOs as "lobbyists of foreign entities," thereby requiring representatives of these organizations to wear a special ID tag when present in the Knesset. However, an amendment to the legislation in January 2016 removed this stipulation.

In response to the bill, the Association for Civil Rights in Israel (ACRI) created a summary of the anti-NGO legislation, outlining the civil rights principles that the bill violates. The text of the document is presented below and is available at www.acri.org.il/en.

Background

Recent years have seen a growing trend of legislative attempts to erode the strength of democratic institutions in Israel. One of the central elements in this wave of anti-democratic activity have been bills that seek to undermine and delegitimize civil society organizations whose positions or agenda do not match that of the ideological majority. Non-governmental organizations that focus on human rights, civil liberties, rights of migrants and asylum seekers and organizations that advocate for peace or Palestinian rights have found themselves subjected to attacks that aim to damage, misrepresent or eliminate their activities.

Though no legislation has yet been passed by the Knesset, the fact that politicians and public leaders use this issue to arouse populist sentiment against these groups contributes to a growing delegitimization that serves to undermine the inviolability of free expression and freedom of association.

Past Examples of Legislation

December 2013: Anti NGO Bill (MK Ayelet Shaked—Currently Minister of Justice)

- This bill sought to impose harsh taxes on all donations from foreign state entities to Israeli NGOs that implicitly or explicitly support certain actions such as calling for boycotts, divestment or sanctions against Israel, calling for the prosecution of Israeli soldiers at international tribunals, etc.
- Attorney General Yehuda Weinstein expressed that this bill would violate a series of constitutional rights and that the “tax penalty” is “a kind of punitive measure, which aims to create a ‘chilling effect’ and prevent donations to organizations, thus harming free discourse in Israel.”

March 2014: Anti NGO Bill (MK Miri Regev—Currently Minister for Sport and Culture)

- This bill was an amendment to the existing Non-Profit Organizations Law according to which the state will be able to prevent an organization’s registration if any of its objectives contradict the definition of “Israel as a Jewish and democratic state.”
- This bill sought to disqualify organizations on the basis of a vague ideological term whose interpretation depends on the political, social and religious worldview of the interpreter.

Current Status of Anti-NGO Legislation in the 20th Knesset

During the 2015 elections, recently appointed Ministers Ayelet Shaked and Yariv Levin announced that they would advance a new Anti-NGO Bill that would inhibit certain (i.e. left-wing) NGOs from obtaining funding from foreign sources. The draft bill they presented would require that NGOs obtain approval from government officials for all foreign donations

and declare on all public communications that they are funded by “foreign agents.” Failure to abide by these strict standards could lead to the dissolution of the NGO.

In the Coalition agreement signed between Bayit Hayehudi (the Jewish Home Party) and Likud, it was formally agreed that such a Bill would be advanced during this Knesset, and in the event that is suspended in the Ministerial Committee for Legislative Affairs that it would be brought before the full government. While the other coalition parties are not bound by this agreement, it is unlikely that they will oppose these initiatives as there is little political advantage in defending human rights organizations.

In November 2015 the government released a proposed bill—drafted by the Ministry of Justice and led by Minister Ayelet Shaked. The proposed bill seeks to impose a series of requirements on non-profit organizations whose majority of funding (apparently 51% or more, but this is not defined in the proposal) is from “foreign government entities,” as defined by the Non-Profit Organizations Law (meaning foreign countries, the European Union, the UN, etc.).

The non-profits to which the law applies shall be obligated:

- a) To disclose that the majority of their funding is from foreign government entities, including the names of the entities in all publications intended for the public or available to the public, in any visual media that can have written text added, in any written appeal to a public employee or public representative and in any report written and distributed to the public.
- b) To note in the minutes, for any meeting that has minutes, that the majority of its funding is from foreign government

entities, including the names of the countries, in any public meeting with public representatives.

- c) Representatives of organizations to which the law applies shall be considered lobbyists of the foreign entities. Section 68(a) of the Knesset Law shall apply to them, and they will be required to wear a special identification tag noting that they are representatives of organizations that are funded primarily from foreign government entities.

Any organization that violates their responsibilities to stipulate their funding from foreign governments in writing as mentioned above, or whose representative does not wear the tag, shall be fined NIS 29,200 for each violation.

In addition to the government initiatives, a number of Knesset members are advancing private bills to attack left-wing NGOs.

1. A bill by MK Bezalel Smutrich would require all organizations that are funded by foreign sources to identify itself [*sic*] as being “funded by foreign agents” on all publications and during all meetings.
2. A bill by MK Yinon Magal would designate all organizations that receive more than \$50,000 from foreign countries as a “foreign agent” (except for health and education organizations), and require them to display this designation on all publications. Representatives of these organizations would be forbidden from meeting with any government official or security official. In addition, all grants from foreign countries would be taxed at the elevated rate of 38%, apart from those organizations that receive support from the Israeli government.
3. Israel Beitenu Members of Knesset announced that they are also drafting a similar bill.

On 27 December 2015 the Ministerial Committee approved the government’s proposed bill and two private bills advanced by Smutrich and Magal.

ACRI’s Position

The government’s bill seeks to impose a series of obligations on organizations whose main funding comes from “foreign government entities” (foreign countries, the European Union, the United Nations, government funds, etc.). These organizations will be obligated to declare this in all publications and their representatives will be required to wear a special tag.

ACRI believes the bill is inappropriate, anti-democratic and harmful to basic human rights. The purpose of the bill is not to increase transparency, but to persecute and mark out specific nonprofit organizations. The bill is similar to other bills that were proposed in recent years, to harm organizations that have a different agenda to the government. Previous proposals were ultimately not advanced due to the harm that they would have caused to democracy.

The existing law already ensures NGOs’ transparency. NGOs have to report the identity of donors who give donations in excess of 20,000 NIS and they are required to report four times a year on donations coming from foreign countries. Therefore, the purpose of the bill is to undermine the legitimacy and activities of organizations that are associated with the political left and human rights organizations. In contrast, there has been no attempt to increase the transparency among organizations promoting right-wing agendas, that receive donations from individuals overseas, which in many cases remain confidential.

The bill suggests that organizations that receive donations from foreign countries supposedly serve them, however in reality the

opposite is true. Each organization sets its priorities and decides what actions they want to take. Only then do they turn to various entities, including foreign countries to finance them. The implication that these organizations work for foreign countries is misleading and constitutes further defamation against civil society organizations.

The freedom to criticize the government and to monitor and assist those who are harmed by government activities are essential practices of democracy. Unfortunately, senior officials in the Knesset and government are leading attempts to harm these freedoms and are trying to silence criticism of their policies. By doing so, they are acting against international conventions that Israel has signed, that ensure the protection of human rights and those who are working to maintain them. Ironically, the Israeli government boasted in reports to the UN about the freedom of human rights organizations and the government's cooperation with them, whilst at the same time they are trying to curb their activities.

UNITED STATES

D1. U.S. SECY. OF STATE JOHN KERRY, SABAN FORUM KEYNOTE ADDRESS REGARDING A ONE-STATE SOLUTION, WASHINGTON, 5 DECEMBER 2015 (EXCERPTS)

On 4–6 December 2015, the Center for Middle East Policy at the Brookings Institution hosted its 12th annual Saban Forum. The forum—sponsored by Israeli-American billionaire Haim Saban—gathers U.S. and Israeli policymakers, government officials, and business leaders for discussions on U.S.-Israeli relations. This year's forum, "Israel and the United States: Yesterday, Today, and

Tomorrow," featured remarks by various politicians, including Israeli prime minister Benjamin Netanyahu, U.S. Democratic presidential candidate Hillary Clinton, and Israeli defense minister Moshe Ya'alon.

In his keynote address, U.S. secy. of state John Kerry discussed the failed Israeli-Palestinian peace talks and the current state of relations between the United States and Israel. The speech garnered much attention due to his words of warning concerning the inevitability of a one-state reality if current trends continued. He addressed the possible collapse of the Palestinian Authority (PA) in detail, highlighting Israel's reliance on the PA to maintain security control over the West Bank and stressing that the PA's existence is indispensable to Israel's security. Presented below are excerpts from his speech. A full transcript is available at www.brookings.edu.

[. . .] This forum focuses on U.S.-Israel relations, but I want to highlight for you nevertheless some of the key questions now facing the Palestinians. How would ceasing security coordination and cooperation and dissolving the Palestinian Authority, which some over there have suggested, how would that bring them closer to peace? Isn't it the Palestinian people who would then suffer most if their leadership took those steps? Do they really believe that boycotts and efforts to de-legitimize Israel or pass biased resolutions in international bodies are going to help them achieve a Palestinian state? President Abbas has long been committed to nonviolence. Don't forget that. But are Palestinian officials really doing everything possible to prevent all forms of incitement? Don't these terrorist attacks against innocent civilians deserve public condemnation? And how can Israelis be assured that the Palestinians are truly

prepared to end the conflict and allow them to live in peace as part of a two-state solution? How do they address Israel's concerns about not creating another situation like Gaza in the West Bank?

Israel also faces important questions and difficult choices. And by the way, there are answers to the issues of Gaza [and] the West Bank. Believe me, there are all kinds of security and other kinds of steps that could be taken, and buffers and guarantees and oversight and cooperation. Countless answers if you want to find them.

Israelis are appropriately debating some of these issues. Some officials in Israel have reportedly argued that it's not in Israel's interest to even have a Palestinian Authority. Prime Minister Netanyahu made clear he does not wish for the collapse of the PA because despite serious differences with Abu Mazen he recognizes that the alternative could be worse. Nobody can tell you what the alternative is in a world buzzing with Daesh and Jihad and Hamas. Some have dismissed this possibility. But circumstances I believe force us to consider it seriously because there are valid questions as to how long the PA will survive if the current situation continues. Mark my words.

Remember there are some 30,000 Palestinian Authority security forces in the West Bank, and Israel's security officials acknowledge their key role in preventing the situation from spiraling out of control, including by the way during the turmoil of three wars with Gaza. It didn't blow up in the West Bank. Without the PA security forces, the IDF could be forced to deploy tens of thousands of soldiers to the West Bank indefinitely to fill the void. Are Israelis prepared for the consequences this would have for their children and grandchildren

who serve in the IDF when the inevitable friction leads to confrontation and violence?

What are the financial and strategic costs when Israel is now already facing new threats in the region? Are Israelis ready to accept the heightened risk that chaos, lawlessness, and desperation can allow terrorists and extremists to take hold of and fill the vacuum and take advantage of? Without the PA Israel would also shoulder the responsibility for providing basic services in the West Bank, including for maintaining schools, hospitals, and law and order. Are Israelis ready to make up for over a billion dollars a year in assistance that the PA would no longer see provided by the international community because it's no longer there? What about the additional billion dollars in development related assistance, most of it for the West Bank? What would happen if the Palestinian economy and private sector collapsed under the pressure and there was widespread unemployment and poverty?

This brings us to a broader question. If there is a risk that the PA could collapse, and it is in Israel's interest for it to in fact survive, as the prime minister suggested, should more therefore not be done to help sustain it? This really goes to the heart of a bigger debate, because the truth is that many of those arguing against the PA simply don't believe in two states. The prime minister has been clear that he does not want a bi-national state and that he remains committed to the vision of two states for two peoples. But at the same time, many current Israeli ministers have been equally clear that they oppose a Palestinian state—not just now but ever.

So my friends, we've got to be clear-eyed about this. We can't come to a forum like this, we can't have meetings, we can't go back and forth and maintain the norms of diplomacy and pretend.

We have to be honest about what a one-state solution actually looks like. First, nobody should be lulled into a forced complacency that the PA would still be there under those circumstances. In fact, the chances that it would collapse increase over time every day now, let alone what would happen if that were the direction you're moving in. And it would collapse sooner rather than later under those circumstances along with all of the risks and worst outcomes.

Let's focus on a few other critical questions that that approach raises. I'm just asking questions. How does Israel possibly maintain its character as a Jewish and democratic state when from the river to the sea there would not even be a Jewish majority? Then next question: Would millions of Palestinians be given the basic rights of Israeli citizens including the right to vote, or would they be relegated to a permanent underclass? Would the Israelis and Palestinians living in such close quarters have segregated roads and transportation systems with different laws applying in the Palestinian enclaves? Would anyone really believe they were being treated equally? What would the international response be to that, my friends, or to a decision by Israel to unilaterally annex large portions of the West Bank? How could Israel ever have true peace with its neighbors, as the Arab Peace Initiative promises and as every Arab leader I have met with in the last year reinforces to me as recently as in the last month that they are prepared to do?

But how will they do that if there is no chance for a two-state solution? How will the Arab street in today's world let that go by? And wouldn't Israel risk being in perpetual conflict with millions of Palestinians living in the middle of a state? I think the answers ought to make it clear to all the one-state solution is no solution at all for a secure Jewish

democratic Israel living in peace. It is simply not a viable option. And no less a statesman and one of the men I admire the most in the world, one of the most eloquent people that I've ever heard talk and one of the great warriors for peace as Shimon Peres put it himself: anyone who rejects the two-state solution won't bring a one-state solution; they will instead bring one war, not one state.

So my friends, that again brings us to a broader question. If the two-state solution is the only real option, what more can actually be done to advance it? These are important questions for all of us who care deeply about Israel, and I do care deeply. I had a 100 percent voting record over 28-plus years and I remember fondly every visit I've ever made over there and I have great friends, great friends.

But I ask people to answer this question as honestly as possible. And this is not an abstract issue that you can put off for some distant day. The status quo is simply not sustainable. And the fact is that current trends including violence, settlement activity, demolitions, are imperiling the viability of a two-state solution. And that trend has to be reversed in order to prevent this untenable one-state reality from taking hold. I can't stress this enough. The terrorist attacks are devastating the hopes of Israelis who want to believe that peace is possible, and the violence must stop. Yes.

But Palestinian hopes are also being dashed by what they see happening every day. They're focused on a reality that few others see, that the transition to greater Palestinian civil authority contemplated by the Oslo process has in many ways been reversed. In fact, nearly all of Area C which comprises 60 percent of the West Bank is effectively restricted for any Palestinian development, much of it claimed for Israeli state land or for settlement councils. We understand there was only one Palestinian

building permit granted for all of Area C all of last year. And settler outposts are regularly being legalized while demolition of the Palestinian structures is increasing. You get it? At the same time the settler population in the West Bank has increased by tens of thousands over just the past five years including many in remote areas.

Settlements are absolutely no excuse for violence. No, they're not. And we are clear about that. But the continued settlement growth raises honest questions about Israel's long-term intentions and will only make separating from the Palestinians much more difficult. There are no easy answers, but we can't stop trying to find solutions that move us closer to peace. And that is why President Obama has called on both sides to demonstrate with actions and policies a genuine commitment to a two-state solution. The Quartet has suggested steps on the ground that would reverse current trends and resume the Oslo transition in ways that do not affect Israel's security at all. And I want to stress that point. Increasing Palestinian civil authority does not happen at the expense of Israeli security. In fact, strengthening the Palestinian economy will enhance security for Israelis and Palestinians alike. And the Palestinians must also meet their commitments including combatting violence and incitement, improving governance, and building their institutions.

These steps, my friends, can be a very important beginning, and they won't ever take the place, however, of a real, credible political horizon for two states that meets the legitimate aspirations of both peoples. But these steps could help begin to reduce tensions, build some trust, restore a measure of hope, open up new possibilities, and hopefully create some political space for people to be able to make bigger, more critical

decisions. Again, I repeat, I know these are difficult decisions. I understand why Israelis feel besieged. I understand why Palestinians feel there's no hope. And there will always be a reason not to act, but you have to keep those questions I put to you in front of you every moment of that time.

Now is the time to see beyond the politics and the pressures of the moment and to look to the future. Both sides need to act in the long-term best interests of their people, not as a kind of concession. It is not a concession to be doing things that make you safer and broaden the political space to make choices and to begin to give justice and sense of rectitude to agreements which have been signed. And if everybody keeps waiting for the other person to move first, the risk is the situation spirals downwards and it makes it harder to ever be that first person to move.

And we obviously hope that both sides will choose a path that leads towards peace. We want both to show that they are serious, and we will be there every step of the way in every way possible to support them in that effort. We're ready to bring Jordan, Egypt, the rest of the Gulf states, others to the table for a regional security arrangement that includes Israel that will make the entire region safer.

And I know that many in the region are absolutely committed to recognizing Israel in the way that Israel wants to be recognized and to move forward to send embassies, to open relations, to begin to make the region a financial hub and an agricultural and technology hub for the world. And they are waiting to help realize the Arab Peace Initiative's vision of a true peace between Israel and the Arab world and greater security for all. And we all know from years of discussion and effort this is not—this is not—an impossible dream. It's achievable, but it demands that we never lose hope and we all

draw strength from those who have sacrificed so much for peace. [. . .]

D2. AMERICAN ANTHROPOLOGICAL ASSOCIATION (AAA), ACADEMIC BOYCOTT RESOLUTION, DENVER, 20 NOVEMBER 2015

In October 2014, a group of anthropologists from U.S. universities launched Anthropologists for the Boycott of Israeli Academic Institutions. After over a year spent collecting signatures of endorsement, the group presented an academic boycott resolution at the AAA’s business meeting on 20 November 2015 in Denver, Colorado. Meeting attendees endorsed the resolution by a vote of 1,040–136, and the resolution was then forwarded to all 10,000 AAA members for a final electronic vote in April 2016.

The November 2015 endorsement made AAA the largest scholarly organization in the U.S. to support such a resolution. A measure to block the boycott vote was defeated, 196–1,173. The resolution calls on AAA very specifically not to collaborate with Israeli academic institutions and it does not affect collaborations with individual international or Israeli scholars. Presented below is the text of the resolution, with the additional endnotes and appendix available at anthroboycott.wordpress.com.

Whereas for decades, despite condemnation by the United Nations and other international bodies, the Israeli state has denied Palestinians—including scholars and students—their fundamental rights of freedom, equality, and self-determination through ethnic cleansing, colonization, discrimination, and military occupation; and

Whereas the United States plays a decisive role in enabling Israel’s systematic violations of Palestinians’ basic rights under international law, and U.S. academic institutions facilitate

Israeli academic institutions’ complicity by continuing to maintain close, extensive and privileged ties with them; and *whereas* the AAA is a leading U.S.-based academic association; and

Whereas anthropological frameworks and methods, ethnographic and archaeological, are actively used by the Israeli state to further occupation and colonization; and *whereas* the AAA has committed in its [Statement of Purpose](#) to “Take action on behalf of the entire profession” and “Promote the . . . constant improvement of professional standards in anthropology;” and

Whereas the AAA’s 1999 [Declaration on Anthropology and Human Rights](#) states, “Anthropology as a profession is committed to the promotion and protection of the right of people and peoples everywhere to the full realization of their humanity” and “the AAA has an ethical responsibility to protest and oppose . . . deprivation”; and *whereas* the AAA has historically upheld those rights, including the right to education and academic freedom, for peoples around the world; and

Whereas Israel has obstructed Palestinians’ right to education by destroying Palestinian universities and schools in military strikes; periodically raiding and forcing those institutions to close; preventing Palestinian anthropologists from freely studying their own society; preventing Palestinian archaeologists from accessing, studying, stewarding, or protecting their own cultural heritage; and restricting Palestinians’ movement which limits their ability to attend and work at universities, travel to conferences, and study abroad; and

Whereas the Israeli state and universities systematically deny Palestinian students in Israeli educational institutions rights and resources equal to their Jewish Israeli counterparts; and

Whereas Israeli scholars and students who criticize Israeli state policies and who support the academic boycott of Israeli institutions do so under threat of sanction; and

Whereas Israel routinely harasses and imposes severe restrictions on foreign academics seeking to attend conferences or conduct research in the occupied Palestinian territories, as well as on scholars of Palestinian origin who wish to travel to Israel and the occupied Palestinian territories; and

Whereas Israeli academic institutions have been directly and indirectly complicit in the Israeli state's systematic maintenance of the occupation and denial of basic rights to Palestinians, by providing planning, policy, and technological expertise for furthering Palestinian dispossession; and

Whereas the vast majority of Palestinian civil society organizations, including the Palestinian Federation of Unions of University Professors, have called for an international boycott of Israeli academic institutions as part of the broader boycott, divestment, and sanctions (BDS) movement; now therefore

Be it resolved that the AAA as an Association endorses and will honor this call from Palestinian civil society to boycott Israeli academic institutions until such time as these institutions end their complicity in violating Palestinian rights as stipulated in international law; and

Be it further resolved that the AAA leadership, in accord with the governance procedures of the Association's bylaws, is charged with implementing this boycott and determining how to do so with reference to both (a) the Association's own mission, and (b) the attached appendix; and

Be it further resolved that this boycott pertains to Israeli academic institutions only and not to individual scholars, and also that

individual anthropologists are free to determine whether and how they will apply the boycott in their own professional practice; and

Be it further resolved that in implementing this boycott, the AAA will support the rights of students and scholars everywhere to engage in research and public speaking about Israel/Palestine and in support of the boycott, divestment and sanctions (BDS) movement.

D3. NATIONAL WOMEN'S STUDIES ASSOCIATION, BOYCOTT, DIVESTMENT, AND SANCTIONS (BDS) ENDORSEMENT RESOLUTION, 27 NOVEMBER 2015

In addition to the American Anthropological Association's November endorsement of an academic boycott resolution (see Doc. D2), the National Women's Studies Association (NWSA) endorsed the international Boycott, Divestment and Sanctions (BDS) movement that same month with a vote of 653–86. The resolution was born of NWSA's 2014 conference, where many attendees voiced support for BDS as a tactic and an ad hoc group called Feminists for Justice in/for Palestine (FJP) was formed. FJP then spent the following year drafting the endorsement resolution. In response to NWSA's endorsement, a group of Palestinian feminists penned a solidarity letter to NWSA members (see Doc. B2).

The text of the NWSA endorsement is presented below and is available at www.nwsa.org.

As feminist scholars, activists, teachers, and public intellectuals we recognize the interconnectedness of systemic forms of oppression. In the spirit of this intersectional perspective, we cannot overlook the injustice and violence, including sexual and gender-based violence, perpetrated against Palestinians and other Arabs in the West

Bank, Gaza Strip, within Israel and in the Golan Heights, as well as the colonial displacement of hundreds of thousands of Palestinians during the 1948 Nakba. The discriminatory treatment, exclusion, military siege and apartheid imposed by Israel on its own Palestinian citizens as well as those residing in the occupied territories constitute flagrant breaches of international law, UN resolutions, and fundamental human rights.

In the present moment, our counterparts in Palestine face daily violations of their human rights, including their academic rights to free speech, assembly, association, and movement. At the same time, Israeli institutions of higher learning have not challenged, but instead legitimized, Israel's oppressive policies and violations. These violations, which severely impact the daily lives and working conditions of Palestinian scholars, students, and the society at large, are also enabled by U.S. tax dollars and the tacit support of Western powers, thus making any taxpayer in the West complicit in perpetuating these injustices.

As members of NWSA who are committed to justice, dignity, equality and peace, we affirm our opposition to the historical and current injustices in Palestine that we view as part and parcel of the multiple oppressions we study and teach about. We also affirm the commitment of NWSA to principles of human rights, justice and freedom for all, including academic freedom. At our 2014 national conference in San Juan, Puerto Rico, nearly 800 participants signed a petition calling upon the organization to declare its support for the international movement for Boycott, Divestment, and Sanctions (BDS) against Israel. About 2,500 members of the audience at the plenary on Palestine stood in unison in support of freedom and justice for/in Palestine.

Therefore, in keeping with these principles and the strong consensus of the majority of our 2014 conference participants, let it be resolved that the National Women's Studies Association (NWSA) endorses the 2005 call by Palestinian civil society for Boycott, Divestment, and Sanctions (BDS) of economic, military and cultural entities and projects sponsored by the state of Israel. In doing so, we join the growing grassroots international consensus and add our voices to other professional U.S. academic associations that adopted similar resolutions in recent years. These associations include the African Literature Association, American Studies Association, Association for Asian American Studies, Association for Humanist Sociology, Critical Ethnic Studies Association, National Association of Chicana and Chicano Studies, Native American and Indigenous Studies Association, Peace and Justice Studies Association, University of Hawaii at Manoa-Ethnic Studies Department, United Auto Workers Local 2865, The University of California Student Workers Union, and over 1,000 members of the American Anthropological Association.

RECOMMENDED REPORTS

R1. HUMAN RIGHTS WATCH, *OCCUPATION, INC.: HOW SETTLEMENT BUSINESSES CONTRIBUTE TO ISRAEL'S VIOLATIONS OF PALESTINIAN RIGHTS*, NEW YORK, 19 JANUARY 2016

In this 162-page report, Human Rights Watch (HRW) documents how Israeli and international businesses contribute to the growth and operations of settlements, including the perpetration of human rights abuses. HRW calls on businesses to stop operating in, financing, servicing, or trading with Israeli settlements to comply with human rights

obligations. Released two months after the European Union issued guidelines on labeling settlement products, the report highlights the increasingly frequent international condemnation of Israeli settlements. The report is available at www.hrw.org.

R2. YESH DIN, LAW ENFORCEMENT ON IDF SOLDIERS SUSPECTED OF HARMING PALESTINIANS: FIGURES FOR 2014, TEL AVIV, 2 DECEMBER 2015

In this 11-page report, Yesh Din analyzes data on investigations of IDF soldiers suspected of harming Palestinians and their property in 2014. The data is based on information provided to Yesh Din annually by the IDF spokesperson, and it shows that the Military Police Criminal Investigations Division opened 229 investigations of suspected offenses, with only 8 cases leading to an indictment, a drop from the 2013 figure of 9 indictments per 199 investigations. The only indictment in connection with the killing of a Palestinian resulted in the soldier's acquittal. Yesh Din concludes that a lack of coordination and oversight by the Military Advocate General's Corps and prolonged law enforcement processes critically impact the number of investigations and legal proceedings. The report is available at www.yesh-din.org.

R3. YESH DIN, FROM OCCUPATION TO ANNEXATION: THE SILENT ADOPTION OF THE LEVY REPORT ON RETROACTIVE AUTHORIZATION OF ILLEGAL CONSTRUCTION IN THE WEST BANK, TEL AVIV, 2 FEBRUARY 2016

In 2012, the Israeli cabinet appointed the three-member Levy Committee to investigate the legality of unauthorized Jewish settlements in the West Bank. Chaired by former Israeli Supreme Court justice Edmund Levy, the

committee concluded that the West Bank was not occupied territory and therefore settlement construction was not illegal. Although this opinion was never officially implemented by Israel, in this 34-page report Yesh Din argues that the government has unofficially adopted the Levy Report by retroactively approving illegal construction and building new settlements in strategic areas, thus annexing West Bank land. The report is available at www.yesh-din.org.

R4. B'TSELEM AND HAMOKED, BACKED BY THE SYSTEM: ABUSE AND TORTURE AT THE SHIKMA INTERROGATION FACILITY, JERUSALEM, DECEMBER 2015

This 68-page report documents Shin Bet interrogation methods and human rights abuses of Palestinian detainees at Shikma Prison in Ashkelon, southern Israel. The study was carried out between August 2013 and March 2014, finding that almost all of the 116 interviewed detainees had been exposed to some method of cruel and unusual punishment. Around one-third of the sample had been beaten or abused by soldiers or police officers, and at least 14 prisoners were interrogated under torture by the Palestinian Authority before being handed over to Israeli security forces. The report is available at www.btselem.org.

R5. BADIL, FORCED POPULATION TRANSFER: THE CASE OF PALESTINE, INSTALLMENT OF PERMIT REGIME, BETHLEHEM, DECEMBER 2015

As part of BADIL's working paper series on forced population transfer, this 87-page report focuses on how the Israeli permit regime permeates Palestinian lives. It disperses the over 100 permit types into four categories: civil and political rights, economic rights, cultural

rights, and social rights. The report explores the history of the permit regime and the different ways in which permits contribute to forced population transfer. It is available at www.badil.org.

R6. HRM, ACRI, & PHRI, *THE LABYRINTH: MIGRATION, STATUS AND HUMAN RIGHTS*, TEL AVIV, 5 JANUARY 2016

This 80-page joint report published by the Hotline for Refugees and Migrants (HRM), the Association for Human Rights in Israel (ACRI), and Physicians for Human Rights-Israel (PHRI) explores the systematic human rights violations on the part of the Israeli Population, Immigration and Border Authority (PIBA), and documents discriminatory PIBA policies that have been enshrined in legislation over the years, including “binding agreements” of migrant workers to their employers, the establishment of immigration courts, and imprisonment of “infiltrators.” The report focuses on violations against workers, non-citizens, non-Jewish permanent residents, and victims of trafficking. It is available online at www.acri.org.

R7. CARNEGIE ENDOWMENT, *PALESTINE IN FLUX: FROM SEARCH FOR STATE TO SEARCH FOR TACTICS*, WASHINGTON, 19 JANUARY 2016

In this 32-page report, the authors explore growing frustration among Palestinians with the Palestinian Authority and other government institutions. The report argues

that a new generation of activists are shifting their focus from the goal of statehood to the pursuit of rights-based resistance tactics, concluding that young activists must either transform and revive existing Palestinian institutions or build new ones. To support these activists, the authors recommend that international actors must first acknowledge the realities of the political situation in Palestine, and then aid Palestinians in the institution-building process. The report is available at www.carnegieendowment.org.

R8. CONGRESSIONAL RESEARCH SERVICE, *ISRAEL AND THE BOYCOTT, DIVESTMENT, AND SANCTIONS (BDS) MOVEMENT*, WASHINGTON, 24 NOVEMBER 2015

This 15-page report provides members of the U.S. Congress with background and analysis of the Boycott, Divestment and Sanctions (BDS) movement, as well as information on economic measures that differentiate between products made in Israel (i.e., inside the Green Line) and in its illegal settlements. The authors outline efforts to date that counter BDS as well as differentiation initiatives. While the report concludes that participation in the BDS movement “would not appear to place a U.S. organization in violation of existing federal anti-boycott legislation,” it recommends that legislators inclined to propose anti-BDS legislation should pursue legal frameworks that have been used in the past to designate “actors of concern” under trade or national security measures. The report is available at www.fas.org.