

Israel's Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms

14 Delegations in Favour of Resolution 2334 (2016) as United States Abstains

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The Security Council reaffirmed this afternoon that Israel's establishment of settlements in Palestinian territory occupied since 1967, including East Jerusalem, had no legal validity, constituting a flagrant violation under international law and a major obstacle to the vision of two States living side-by-side in peace and security, within internationally recognized borders.

Adopting resolution 2334 (2016) by 14 votes, with the United States abstaining, the Council reiterated its demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem. It underlined that it would not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the two sides through negotiations.

The Council called for immediate steps to prevent all acts of violence against civilians, including acts of terror, as well as all acts of provocation and destruction. It further called for the strengthening of ongoing efforts to combat terrorism, including through existing security coordination, and to clearly condemn all acts of terrorism. The Council called on both sides to observe calm and restraint, and to refrain from provocative actions, incitement and inflammatory rhetoric in order to de-escalate the situation on the ground and rebuild trust and confidence.

Also by the text, the Council called on all parties to continue 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 Middle East Quartet (European Union, Russian Federation, United Nations, United States) in its statement of 21 September 2010. It called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967.

Explaining her delegation's abstention, the representative of the United States said it had been a long-standing position of her country that settlements undermined Israel's security and eroded prospects for peace and stability. She emphasized, however, that her vote today had not been straightforward. Explaining that Israel had been treated differently from other States for as long as it had been a member of the United Nations, she noted that during the course of 2016, 18 resolutions adopted in the General Assembly and others in the Human Rights Council had all condemned Israel. It was because of that bias that the United States had not voted in favour of the resolution, she said, emphasizing that her delegation would not have let the resolution pass had it not addressed terrorism and incitement to violence.

Malaysia's representative said effective Council action must be taken without further delay to reverse dangerous trends on the ground that were threatening any possibility of a two-State solution. Settlement activity constituted the single biggest threat to peace, and had led to settler violence, home demolitions and denial of development. Decades of human rights violations had frustrated those with nothing to lose, leading to acts of

violence, she said, adding that the resolution could give hope to the people of Palestine and Israel, the majority of whom still wanted peace and a two-State solution.

Israel's representative said those who had voted "yes" to the resolution had voted "no" to negotiations, to progress and to a chance for better lives for both Israelis and Palestinians, and to the possibility of peace. The resolution would continue to provide excuses for the Palestinians to avoid recognizing Israel's right to exist, he said, adding that the Council had voted to condemn the State of Israel and the Jewish people for building homes in the land of Israel, and to deny "our eternal rights" in Jerusalem. "We will continue to be a democratic State based on the rule of law and full civil and human rights for all our citizens," he declared. "And we will continue to be a Jewish State proudly reclaiming the land of our forefathers."

The Permanent Observer of the State of Palestine said the Council's action, while long-overdue, was timely, necessary and important. The resolution required vigilant follow-up if it was to be meaningful and salvage a two-State solution from relegation to history's archives. Israel's illegal settlements and its wall had undermined the contiguity of Palestinian land and isolated East Jerusalem. To claims of bias, he said the only bias was against law, reason and the vision of two States as the most viable solution.

Egypt's representative said the text expressed the painful reality of illegitimate settlements and confiscation of Palestinian land. Noting that his delegation had been compelled to withdraw its own draft resolution, he emphasized that it was unacceptable for some Council members to have warned Egypt, recalling that his country had been the first to make peace with Israel.

Also this afternoon, Council President Román Oyarzun Marchesi (Spain) expressed appreciation for the contributions of Council members whose term would expire at the end of 2016 — Angola, Malaysia, New Zealand, Spain and Venezuela.

Also speaking today were representatives of New Zealand, Venezuela, France, China, United Kingdom, Uruguay, Russian Federation, Japan, Angola and Senegal.

The meeting began at 2:07 p.m. and ended at 3:50 p.m.

Action on Draft Resolution

RAMLAN BIN IBRAHIM (Malaysia), noting that he was a sponsor of the draft, recalled numerous calls over the years for urgent Council action to end illegal settlement construction, and said that a recent attempt to legalize settlements on Palestinian-owned land added to the urgency. Effective Council action must be taken without further delay to reverse dangerous trends on the ground that threatened any possibility of a two-State solution. While Malaysia would have preferred a more transparent and normal process of submitting the text to the Council, the present situation was unique, he emphasized, appealing to fellow Council members not to lose the opportunity to advance the peace. The time to show that a two-State solution was not an empty slogan was now, he added.

GERARD VAN BOHEMEN (New Zealand) also noted his delegation's sponsorship of the draft, expressed frustration that no draft on the Middle East had been adopted in the past eight years. He surveyed the draft's drafting and negotiation history, saying what was needed was a text that moved the peace process forward by building on the broad consensus that settlements were a major obstacle and that all violence must end.

RAFAEL DARÍO RAMÍREZ CARREÑO (Venezuela), a third sponsor, said today's action could be historic. The decision to table the draft was important due to the ongoing

expansion of settlements and in order to safeguard the Palestinian people and salvage the peace process. The draft resolution reaffirmed the right of both Israelis and Palestinians to live within secure borders, on the basis of the 1967 lines. At the same time, it addressed the settlement problem and condemned violence. There was wide consensus among Member States, the Secretary-General, other members of the Middle East Quartet and other stakeholders, he noted, urging adoption of the text.

The Council then adopted the draft resolution by 14 votes in favour with 1 abstention (United States).

Statements

AMR ABDELLATIF ABOULATTA (Egypt) said the text adopted today expressed the painful reality of illegitimate settlements and confiscation of Palestinian land. The settlement question was one component of the final-status issues — that of borders. Noting that his country, had been compelled to withdraw its own draft, he stressed that it was unacceptable for some Council members to have warned Egypt. Recalling that Egypt had been the first Arab country to make peace with Israel, he said it believed in peace based on a two-State solution and the land-for-peace initiative.

SAMANTHA POWER (United States) said the immediate adoption of a freeze on settlements could create confidence, adding that further settlement activities were not necessary for Israel's security. President Ronald Reagan had said that in 1982, she recalled, noting that his words underscored her country's commitment to a lasting peace between Israelis and Palestinians and highlighted its position that settlements undermined Israel's security and eroded prospects for peace and stability.

She said that while her vote today was in line with her country's bipartisan tradition, the vote itself had not been straightforward. Explaining that Israel had been treated differently from other States for as long as it had been a member of the United Nations, she pointed out that in the course of 2016, 18 resolutions had been adopted in the General Assembly and others in the Human Rights Council, all condemning Israel. Because of that bias, and some factors not included in the resolution, the United States had not voted in favour of the resolution, she said, explaining that her delegation would not have let it pass had it not addressed acts of terrorism and incitement to violence.

The issue of settlements was now putting a two-State solution at risk too, she continued. The number of settlers had increased dramatically, and legislation now before the Knesset would legalize most of their outposts. Emphasizing that one must make a choice between settlements and separation, she said her delegation had not supported the resolution because it was focused too narrowly on settlements.

She went on to stress that Palestinian leaders must recognize that incitement for violence eroded prospects for peace. There had been hundreds of attacks, but rather than being condemned, the attackers were upheld as heroes. Israel faced threats in a difficult neighbourhood, and the United States would not waver in its commitment to its security, she said, underlining that a two-State solution was the only path to peace for the people of Israel and Palestine. It was up to them to choose that path.

FRANÇOIS DELATTRE (France) described the resolution's adoption as an important and historic event, noting that it marked the first time that the Council had clearly stated the obvious: settlement activities undermined a two-State solution. Israel's settlement building had accelerated, fuelling tension on the ground, and it was now part of a deliberate policy aiming to create facts on the ground in the West Bank and east Jerusalem. Acts of violence, incitement and terrorism also undermined the chances for a

two-State solution, he said, pointing out that the resolution strongly reiterated its condemnation of all acts of terrorism and called on the Palestinian Authority to discourage them. The resolution was also meant to create the conditions for a resumption of negotiations. Emphasizing that peace could only be based on a two-State solution, he said France would organize an international conference in Paris to re-launch the negotiation process. Today's resolution and the Paris conference were both aimed at reiterating support for a two-State solution, he added.

RAFAEL DARIO RAMÍREZ CARREÑO (Venezuela), welcoming the resolution's adoption, said it allowed the Council to emerge from inaction and work for the resumption of negotiations towards a two-State solution. Of course that was just one step towards that goal, but it was necessary because it seriously affected both the Palestinian people and the prospects for peace, he said. Israel must now end all illegal practices of the occupation, including its blockade on the Gaza Strip and all settlement activity. Reiterating condemnation of all terrorism as well as all violations of the human rights of Palestinians, he said he was pleased that, as his country ended its term, the Council had finally acted on the settlement issue.

WU HAITAO (China), welcoming the adoption, said the resolution reflected the common aspiration of the international community. He urged Israel to implement the resolution and called upon both sides to re-establish mutual trust so that a just and lasting solution could be reached in the form of two secure States coexisting peacefully. China would continue to support efforts to achieve that goal, he pledged.

MATTHEW RYCROFT (United Kingdom) said the adoption reaffirmed the belief that a two-State solution was the only way to a just and lasting peace. In that context, it was critical to end all terrorism and incitement, he emphasized, adding that it was also necessary to end the expansion of settlements. The United Kingdom rejected all efforts to de-legitimize Israel, and it was as a friend of that country that it supported the resolution text, since it was in the best interests of both sides and renewed efforts for a peaceful two-State solution. He stressed, however, that he did not anticipate an easy road to that goal.

LUIS BERMÚDEZ (Uruguay) said the resolution represented a critical effort to address negative trends in the conflict between Israel and the Palestinians. Hopefully it would be a call for action towards the resumption of negotiations on a peaceful, negotiated two-State solution. Uruguay would continue to support that goal, he pledged, noting that both Israelis and Palestinians deserved it, exhausted as they were by many decades of conflict.

VITALY I. CHURKIN (Russian Federation), explaining that he had been puzzled by the process around the resolution and by the haste with which it had been "pushed" to the vote, agreed with other speakers that settlement activities undermined the chances for a two-State solution, as did acts of terror and incitement to violence. Emphasizing that his country had been involved in the peace process for a long time, he said the work of the Middle East Quartet (European Union, Russian Federation, United Nations, United States) remained important and effective. Its July report was still relevant, and implementation of its recommendations would help to return the process to the political track, he added.

KORO BESSHO (Japan) said he was deeply concerned about the current stagnation in the peace process. Noting that settlement activities were in violation of international law and had been eroding the viability of a two-State solution, he emphasized the importance of the parties committing themselves to the resolution. Peace in the Middle East could only be realized through negotiations, he said, stressing that Japan would not recognize any unilateral change by either party that might pre-judge the final resolution of the conflict.

RAMLAN BIN IBRAHIM (Malaysia) said that after decades of paralysis the Council had finally taken effective action to reverse the negative trends threatening peace and a two-State solution. Thanking Council members who had voted in favour of the resolution, he said he was encouraged by the restraint demonstrated by some permanent members. Settlement activity constituted the single biggest threat to peace and a two-State solution, and had led to settler violence, home demolitions, as well as the denial of development. Decades of violations of human rights violations had frustrated those with nothing to lose, which had led to acts of violence, he said. The resolution could give hope to the people of Palestine and Israel, the majority of whom still wanted peace under a two-State solution. The adoption was also a victory for people in Israel who still believed in living side by side in peace with the Palestinians and other Arab people. While emphasizing the need to reflect on the collective failures of the past 50 years, he also cautioned that today's resolution only addressed the symptoms and not the root causes of the conflict.

ISMAEL ABRAÃO GASPAR MARTINS (Angola), welcomed the resolution's adoption, saying that the problem of settlements had continued for far too long. It was disappointing that Israel disputed its illegality. Urging both sides to refrain from unilateral actions that could hinder a two-State solution, he said that such a solution would require unity on the Council, among Palestinians and among Israelis. Angola hoped today's action was a first step in the right direction.

GERARD VAN BOHEMEN (New Zealand) said he was very pleased that during the last meeting of 2016, the Council had been able to take a positive step to save a two-State solution. Settlements were a threat to that goal, but so were violence and terrorism, he said, adding that they also created false expectations on the part of Israelis and resentments on the part of Palestinians. Today's resolution confirmed principles that had long been accepted in the United Nations, he said, adding that, while more could have been done, the text was achievable "right now".

GORGUI CISS (Senegal), welcoming the adoption, affirmed that the settlements were illegal under international law. They encouraged violence against both Israelis and Palestinians, and harmed the aspirations of both to a peaceful future. Renewing condemnations of all acts of terrorism and violence while expressing support for initiatives that could move the peace process forward, he called for the coordination of all such initiatives.

ROMÁN OYARZUN MARCHESI (Spain), Council President for December, said he had voted in favour of the resolution because it would help to save the prospects for a two-State solution, which must be negotiated between the two sides. However, the Council must fulfil its responsibilities and act on the basis of consensus and a balanced text that could move the process forward. Spain had always affirmed the illegality of the settlements and condemned incitement to violence, he recalled, noting that today's resolution was consistent with both positions. Welcoming the Council's breaking of its silence on the issue, he pledged that his country would continue to make whatever contribution possible to advance peace in the Middle East.

DANNY DANON (Israel) described today as a bad day for his country and the peak of hypocrisy. The Council had wasted time to condemn Israel for building homes in the Jewish people's historic homeland. Those who had voted yes had voted no to negotiations, to progress and to a chance for better lives for both Israelis and Palestinians, he said, adding that they had voted no to the possibility of peace. The resolution would continue to provide excuses for the Palestinians to avoid recognizing Israel's right to exist, he said. There had been a disproportionate number of resolutions condemning Israel and today's text would be added to that shameful list.

He went on to call upon the Council to turn a new page and end the bias against Israel. Today it had voted to condemn the State of Israel and to condemn the Jewish people for building homes in the Land of Israel. Asking every voting member who had given them the right to issue such a decree, denying "our eternal rights in Jerusalem", he expressed full confidence in the justice of Israel's cause and the righteousness of its path. "We will continue to be a democratic State based on the rule of law and full civil and human rights for all our citizens," he emphasized. "And we will continue to be a Jewish State proudly reclaiming the land of our forefathers."

RIYAD MANSOUR, Permanent Observer for the State of Palestine, said that the Council's action, while long overdue, was timely, necessary and important. Over the years, the delegation of the State of Palestine had made countless appeals for the Council to uphold its Charter duties, insisting on the need to confront Israel's oppression of Palestinians and its relentless colonization of their land under a half-century of foreign occupation. Those appeals had been calls for the Council to contribute to the cause of peace — for Palestine, Israel, the Middle East and the world, he said.

The resolution would require vigilant follow-up if it was to be meaningful and if it would salvage the two-State solution from relegation to history's archives, he said. Urgent efforts would be needed to reverse the dangerous, negative trends on the ground and to advance collective efforts to end the occupation that had begun in 1967. For five decades, the occupation had persisted with full force, its illegal settlements and wall having undermined the contiguity of Palestinian lands and isolated East Jerusalem. In response to claims of bias, he said the only bias taking place was bias against law, reason and the vision of two States as the most viable solution.

Urging the Security Council to stand firm by its decision, he expressed hope that the global call for an end to Israel's settlement activities and violations would compel its compliance with the law, de-escalate tensions and bring an end to violence. That would be vital for salvaging the prospects for peace and should be led by responsible Council action, including follow-up to the reports requested of the Secretary-General in relation to implementation of today's resolution. Recognizing the efforts of Arab States in the context of the Arab Peace Initiative, as well as those of France, the Quartet, Egypt and the Russian Federation, he called for intensified international and regional efforts to end Israel's occupation and build a just and lasting peace in an independent, sovereign and contiguous State of Palestine, side by side with Israel and within secure and recognized borders.

Resolution

The full text of resolution 2334 (2016) reads as follows:

"The Security Council,

"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."

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