

its activities in applicable standards of international law.

(3) Preventing the institutionalization of a dual and discriminatory justice system as a consequence of continuing Israeli military occupation.

The development of democratic norms of governance within Palestinian areas is also impaired by stark inequalities between Israelis and Palestinians in many areas, including the standard of justice available to members of each community. The Cairo Agreement of May 4, 1994, establishing partial Palestinian self-rule within the Gaza Strip and Jericho, provides for the continuation, in many circumstances, of the Israeli military justice system for offenses against Israelis or Israeli security, committed by Palestinians. Palestinian courts have been given no similar jurisdiction over Israelis who may commit offenses against Palestinians. Israelis who commit offenses in the territories are tried in Israeli civilian courts with a high level of regard for due process protection. In contrast, Palestinians are subject to the summary proceedings of the Israeli military courts.

This inequality before the law is deleterious to the cooperation between the Palestinian Authority and the Israeli government in law and order and security matters specifically called for in the agreements. Events such as the abduction of Israeli soldier Nachshon Waxman, and the bomb attack in central Tel Aviv, underline the absolute need for such cooperation. However, cooperation cannot flourish on a basis of institutionalized discrimination.

The U.S. government should urge the Israeli government and the PNA to eradicate disparities between the rights of Palestinian and Israeli criminal suspects from the territories. Members of Congress could contribute positively to this end by supporting Administration efforts to encourage the parties to ensure that administration of justice for all people in the territories guarantees equal protection, due process and other basic legal safeguards.

(4) Calling for an end to illegal Israeli settlement activity.

The building of Israeli settlements in the occupied territories is a violation of international law, and greatly exacerbates Palestinians' fears that they will be left with

little land over which to exercise political autonomy. Previous U.S. presidents have stated that the settlements are illegal and constitute an obstacle to peace. Nevertheless, even as the negotiations between the Palestinian Authority and the Israeli government continue, Israeli settlement activity has not abated. For example, the Israeli government is currently considering adding another 700 housing units to the Alfei Menashe settlement near the West Bank city of Qalqilya.

Expansion of settlements undermines Palestinian confidence in Israeli intentions. It also violates the spirit of interim agreements and creates facts on the ground that may prejudice final status negotiations.

The Congress and the U.S. Administration can avoid inadvertently signaling support for these actions by reiterating the importance of halting further Israeli settlement activity and continuing to require that U.S. aid to Israel not be used for settlements as stipulated by U.S. Public Law 102-391, Title VI. By ensuring that no U.S. foreign assistance is used by Israel to support settlement activities, they will contribute to building Palestinian confidence in the agreements.