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## MEMORANDUM

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### **“PEACE TO PROSPERITY”: INTERNATIONAL LAW VIOLATIONS**

The Trump Administration’s “Peace to Prosperity” plan is rife with international law violations, including international human rights law, international humanitarian law, international criminal law, customary international law and nearly every United Nations resolution passed regarding the Palestine question. It mirrors Israel’s constant disregard for and violation of international law. As Special Rapporteur on the Occupied Palestinian Territories, Michael Lynk, stated in his October 2019 report:

*“In the face of the volumes of resolutions in which United Nations bodies have insisted that Israel unwind its occupation, end its settlement enterprise, undo its annexation of East Jerusalem, respect all of its human rights obligations, investigate purported war crimes, facilitate the return of Palestinian refugees and remove its obstruction to the full realization of Palestinian self-determination, Israel has remained profoundly resistant to international direction.”*

The Plan explicitly seeks to legitimize and legalize Israel’s violations of international law by clearly undermining the role of the United Nations, United Nations resolutions, and clearly applicable international law standards and rules. The Plan specifically states the following:

*“Since 1946, there have been close to 700 United General Assembly resolutions and over 100 United Nations Security Council resolutions in connection with this conflict. United Nations resolutions are sometimes inconsistent and sometimes time-bound. These resolutions have not brought about peace. Furthermore, different parties have offered conflicting interpretations of some of the most significant United Nations resolutions, including United Nations Security Council Resolution 242. Indeed, legal scholars who have worked directly on critical United Nations resolutions have differed on their meaning and legal effect.*

*“While we are respectful of the historic role of the United Nations in the peace process, this Vision is not a recitation of General Assembly, Security Council and other international resolutions on this topic because such resolutions have not and will not resolve the*

*conflict. For too long these resolutions have enabled political leaders to avoid addressing the complexities of this conflict rather than enabling a realistic path to peace.*

This disregard for international law and United Nations resolutions is reflected on every single page of the plan. Below is a detailed overview of the plan and the main violations of international law. There are 110 points of the plan specifically outlined below, each of which includes multiple breaches of international law, amounting to over 300 violations in total.

<b>CATEGORY</b>	<b>“PEACE TO PROSPERITY”</b>	<b>MAIN VIOLATIONS OF INTERNATIONAL LAW</b>
<b>Denial of Occupation</b>	“Israelis and Palestinians have suffered greatly from long-standing and seemingly intractable conflict” p. 2	No recognition of Israel’s occupation of Palestinian territory, and its failure to withdraw from the territories it occupied in 1967, in line with UNSC 242 (1967) “Affirms that the fulfilment of the Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of the following principles: (i) Withdrawal of Israel from territories occupied in the recent conflict; (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of forces.”

		<p>UNSC 2334 “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 <i>relevant United Nations resolutions</i>, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadman and an end to the Israeli occupation that began in 1967...”</p>
<p><b>Undermining UN resolutions and international law</b></p>	<p>“This Vision is not a recitation of General Assembly, Security Council and other international resolutions on this topic because such resolutions have not and will not resolve the conflict.” P. 5</p>	<p>Undermines the United Nations and international law as the basis for a peaceful resolution. Violates both US and Israel’s commitment to the UN Charter.</p> <p>UNSC 242 specifies that “agreement and [assist] efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution.”</p> <p>(Per the Declaration of Principles, Israel and the PLO entered a period of negotiations to “achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process,” “based on Security Council Resolutions 242 and 338.”</p> <p>UNSC 2334 “Urges in this regard the intensification and acceleration of international and regional diplomatic efforts and support aimed at achieving,</p>

		<p>without delay a comprehensive, just and lasting peace in the Middle East on the basis of <i>relevant United Nations resolutions</i>, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadman and an end to the Israeli occupation that began in 1967...”</p> <p>UNSC 2334 “calls upon both parties to act on the basis of international law, including international humanitarian law, and their previous agreements and obligations...”</p>
<p><b>Limits on Sovereignty</b></p>	<p>“Sovereignty is an amorphous concept that has evolved over time.”</p> <p>“A realistic solution would give the Palestinians all the power to govern themselves but not the powers to threaten Israel. This necessarily entails the limitations of certain sovereign powers in Palestinian areas.” P. 3</p>	<p>Encroachments on Palestinian sovereignty; UNSC 242; right to self-determination.</p> <p>UNSC 242 (1967) “Affirms that the fulfilment of the Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of the following principles: (i) Withdrawal of Israel from territories occupied in the recent conflict; (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of forces.”</p>

	<p>“This Vision is intended to maximize self-determination, while taking all relevant factors into account.”</p> <p>“State of Israel will maintain overriding security responsibility for the State of Palestine.” P. 21</p> <p>“The State of Palestine shall be fully demilitarized and remain so....” P.22</p> <p>“The State of Israel’s security footprint in all or parts of the State of Palestine will then increase as a result of the State of Israel’s determination of its expanded security needs and the time needed to address them.” P. 23</p> <p>“The State of Israel will maintain at least one early-warning stations in the</p>	<p>UNGA 3236 (1974) reaffirmed the inalienable rights of the Palestinian people, including: “(a) The right to self-determination without external interference; [and] (b) The right to national independence and sovereignty.”</p> <p>Illegally impose limits on self-determination/conditions. The right of self-determination is a cornerstone peremptory norm of international law, from which no exception or derogation can be lawfully justified.</p> <p>Common Article 1 ICCPR and ICESCR : “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”</p> <p>Breaches of the customary principle of non-intervention recognized by the ICJ in the case between <i>Nicaragua v. United States</i> codified in Article 2(7) of the UN Charter “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.” And later was affirmed in</p>
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	<p>State of Palestine as designated on the Conceptual Map, which will be run by Israeli security forces.” P. 23</p> <p>“Uninterrupted Israeli security access to and from any early-warning station will be ensured.” P. 23</p> <p>“The State of Israel will rely on blimps, drones, and similar aerial equipment for security purposes...within the State of Palestine.” P. 23</p> <p>“...in the areas adjacent to the border between the State of Israel and the State of Palestine, including without limitation, the border between Jerusalem and Al Quds, will be subject to the State of Israel’s overriding security responsibility.” P. 24</p>	<p>UNGA Resolution 2131 (XX) “Declaration on the inadmissibility of Intervention in the Domestic Affairs of States and Protection of their Independence and sovereignty.”</p> <p>UNGA Resolution 1893 “Permanent sovereignty over natural resources”</p> <p>UNGA Resolution 3175 “Permanent sovereignty over national resources in the occupied Arab territories’</p> <p>Hague Regulations Article 55 “The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.”</p> <p>Hague Regulations 1907 Article 47 “Pillage is formally forbidden.”</p> <p>Fourth Geneva Convention Article 33 “Pillage is prohibited.”</p> <p>Impedes ICCPR and ICESER rights.</p>
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	<p>“All persons and goods will cross borders into the State of Palestine through regulated border crossings, which will be monitored by the State of Israel” p. 24</p> <p>“Israeli border crossing officials, using state of the art scanning and imaging technology, shall have the right to confirm that no weapons, dual-use or other security-risk related items will be allowed to enter into the State of Palestine.” P. 24</p> <p>“...if a raw material or subcomponent of an end item is deemed dangerous and its import into the State of Palestine needs to be controlled.” p. 25</p> <p>“Gaza is fully demilitarized.” P. 26</p>	
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	<p>“The United States expects that the State of Palestine’s government will not include any members of Hamas, PIJ, or surrogates thereof, unless all of the foregoing shall have occurred...” p. 26</p> <p>“The role of the State of Israel at these earmarked port facilities will be limited to security functions that will ensure that all goods transported into and out of these earmarked port facilities do not pose a threat to the State of Israel.” p. 27</p> <p>“Potential Gaza Port and potential Airport for Gaza” p. 29</p> <p>“The State of Israel will allow the State of Palestine to develop a resort area in the North of the Dead Sea without prejudice to the</p>	
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	<p>State of Israel's sovereignty at such location, including without limitation, Israel's sovereignty to the shoreline." P. 29</p> <p>"However, the State of Palestine may not join any international organization if such membership would contradict commitments of the State of Palestine to demilitarization and cessation of political and judicial warfare against the State of Israel." p. 35</p> <p>"The following criteria are a predicate to the formation of a Palestinian State and must be determined to have occurred by the State of Israel and the United States, jointly, acting in good faith, after consultation with the Palestinian Authority."</p>	
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<p><b>Borders</b></p>	<p>“Delivers significant territorial expansion to the Palestinians.” P.11</p> <p>“Takes into account the State of Israel’s valid legal and historical claims.” P. 11</p> <p>“The State of Israel and the United States does not believe that the State of Israel is legally bound to provide the Palestinians with 100% of pre-1967 territory (a belief that is consistent with United Nations Security Council Resolution 242). P. 11-12</p> <p>“Israeli security responsibility and Israeli control of the airspace west of the Jordan river.” P. 3</p> <p>“The State of Israel will rely on blimps, drones, and similar aerial equipment for security purposes...within</p>	<p>Violation of UNSC 242. Occupied Palestinian Territory is clearly defined through numerous UN resolutions.</p> <p>Occupying power does not gain sovereign rights over a territory: Art. 43 of The Hague Regulations: “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.”</p> <p>UNSC 242 (1967) “Affirms that the fulfilment of the Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of the following principles: (i) Withdrawal of Israel from territories occupied in the recent conflict; (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of forces.”</p> <p>UNSC (2334) 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</p>
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	<p>the State of Palestine.” P. 23</p> <p>“The State of Israel will retain sovereignty over territorial waters...” p.13</p>	<p>Art. 1 of the Convention on International Civil Aviation (ICAO): “The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.”</p> <p>Art. 3 of the UN Convention on the Law of the Sea (UNCLOS): “Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.”</p> <p>Art. 56(1)(a) of UNCLOS: “In the exclusive economic zone, the coastal State has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds[.]”</p>
<p><b>Settlements/transfer</b></p>	<p>“Peace should not demand the uprooting of people – Arab or Jew – from their homes.” P. 8</p>	<p>Israeli settlement construction and expansion, is a direct violation of international humanitarian law, specifically:</p> <p>Art. 49(1) of the GCIV: “Individual or mass forcible transfers, as well as deportations of protected persons</p>

	<p>“Avoids forced population transfers of either Arabs or Jews” p. 11.</p> <p>“It will not have to uproot any settlement.” P. 12</p>	<p>from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive”</p> <p>Art. 49(6) of the GCIV: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”</p> <p>Art. 8(2)(b)(viii) of the Rome Statute considers these actions a War Crime: The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory[.]”</p> <p>UNSC 465 (1980)</p> <p>“[...] all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof have no legal validity and [] Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious</p>
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		<p>obstruction to achieving a comprehensive, just and lasting peace in the Middle East[.]”</p> <p>UNSC 2334 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;</p> <p>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;</p> <p>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;</p> <p>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;”</p> <p>UNSC Resolutions 242, 446, 452, 465, 471, 476, 2334.</p>
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		UNGA Resolutions ES-1012, ES-1015, ES-1017, 69/92, 70/89, 71/97, 72/86, and numerous others.
<b>Annexation /Acquisition of Territory by Force</b>	<p>“The State of Israel exchanged sizable territories for the sake of peace.” p.2</p> <p>“Any realistic proposal requires the State of Israel to make a significant territorial compromise...”</p> <p>“Withdrawing from territory captured in a defensive war is a historical rarity.”</p> <p>“This Vision provides for the transfer of sizeable territory by the State of Israel – territory which Israel has asserted valid legal and historical claims, and which are part of the ancestral homeland of the Jewish people – which must</p>	<p>Undermines the principle of the illegality of the acquisition of territory by, outlawed by Art. 2(4) of the UN Charter. International law does not recognize territory acquired in a defensive war as legal as all acquisition of territory by force is illegal.</p> <p>UN Security Council Resolutions 242, 465, 2334, and numerous others also outline the “inadmissibility of the acquisition of territory by force.”</p> <p>UNSC 242 clearly calls for withdrawal of territories occupied by Israel in 1967, and highlights that Israel has no legal claim to any land that it occupied in 1967.</p> <p>Occupying power does not gain sovereign rights over a territory: Art. 43 of The Hague Regulations: “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.”</p> <p>Art. 53 of the GCIV: “Any destruction by the Occupying Power of real or personal property...to the</p>

	<p>be considered a concession”</p> <p>“Will incorporate the vast majority of Israeli settlements into contiguous Israeli territory.” P. 12</p> <p>“Approximately 97% of Israelis in the West Bank will be incorporated into contiguous Israeli territory.” P.12</p> <p>“The Palestinian population located in enclaves that remain inside contiguous Israeli territory but that are part of the State of Palestine shall become citizens of the State of Palestine and shall have the option to remain in place unless they choose otherwise.” P. 12</p> <p>“The Israeli population located in enclaves that remain inside contiguous</p>	<p>State, or to other public authorities...is prohibited, except where such destruction is rendered absolutely necessary by military operations.”</p> <p>Violates laws against Apartheid:</p> <p>The Apartheid Convention identifies six “inhuman acts” that amount to apartheid when “committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them”:</p> <ul style="list-style-type: none"> <li>(a) Denial to a member or members of a racial group or groups of the right to life and liberty of person: <ul style="list-style-type: none"> <li>(i) By murder of members of a racial group or groups;</li> <li>(ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;</li> <li>(iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;</li> </ul> </li> <li>(b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;</li> </ul>
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	<p>Palestinian territory but that are part of the State of Israel shall have the option to remain in place unless they choose otherwise, and maintain their existing Israeli citizenship.” P. 12</p> <p>“The Jordan Valley...will be under Israeli sovereignty.” P.13</p> <p>“location and size of the free-trade zone will be agreed upon by the parties so that the free trade zone will not interfere with current land use in the area and necessary security requirements.” P. 26</p> <p>**The plan does not address the occupied Golan Heights, which reinforces Israel’s illegal annexation and US support for such.</p>	<p>(c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;</p> <p>d) Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;</p> <p>(e) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;</p> <p>(f) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.</p>
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		Rome Statute Art. 7(1)(j): “inhumane acts...committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.” <sup>1</sup>
<b>Movement/Ports/Access Roads/Border Crossings</b>	<p>“Transportation corridors included in the Vision create transportation contiguity that greatly reduces the need for checkpoints...”</p> <p>“Beyond its borders, the State of Palestine will have high-speed transportation links (such as the West Bank/Gaza connection), and until such time as the State of Palestine may develop its own port, access to two designed port</p>	<p>Violation of self-determination, right to development and other economic, social and cultural rights. Encroachment on sovereignty.</p> <p>Art. 27 of GCIV: “Art. 27. Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.”</p> <p>Art. 52 of GCIV: “All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to</p>

<sup>1</sup> ICC Statute, Art. 7(1)(j).

	<p>facilities in State of Israel.” p. 13</p> <p>“Two access road will be built for the benefit of the State of Palestine that will be subject to Israeli security requirements.” P. 13</p> <p>“First-rate infrastructure solutions (including tunnels and overpasses) will be built to maximize unimpeded movement...” p. 14</p> <p>“All persons and goods will cross borders into the State of Palestine through regulated border crossings, which will be monitored by the State of Israel” p. 24</p> <p>“The role of the State of Israel at these earmarked port facilities will be limited to security functions that will ensure that all goods transported into and out of these earmarked port</p>	<p>induce them to work for the Occupying Power, are prohibited.”</p> <p>Art. 1(1) of the International Covenant on Economic, Social and Political Rights (ICESPR): “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”</p> <p>Art. 1(2) of the ICESPR: “In no case may a people be deprived of its own means of subsistence.”</p> <p>Art. 12(1) of ICCPR: “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”</p> <p>Art. 13(1) of UDHR: “Everyone has the right to freedom of movement and residence within the borders of each state.”</p> <p>Art. 13(2) of UDHR: “Everyone has the right to leave any country, including his own, and to return to his country.”</p> <p>Art. 12(4) of ICCPR: “No one shall be arbitrarily deprived of the right to enter his own country”</p> <p>Other Violations of International Law:</p>
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	<p>facilities do not pose a threat to the State of Israel.” p. 27</p>	<p>UN Human Rights Council Report of the Secretary General, <i>Human rights situation in the Occupied Palestinian Territory, including East Jerusalem</i>, A/HRC/31/44  UN Human Rights Council Resolution 28/27  UN General Assembly Resolution S-9/1, 60/251</p>
<b>Jerusalem</b>	<p>“Israel has been a good custodian of Jerusalem. During Israel’s stewardship, it has kept Jerusalem open and secure.”</p> <p>“The approach of this Vision is to keep Jerusalem united.” P. 15</p> <p>“After the Six Day War in 1967, when the State of Israel took control over all of Jerusalem...” p. 16</p> <p>“A division of Jerusalem would be inconsistent with the policy statements of the Jerusalem Embassy Act of 1995 of the United States.” P. 16</p>	<p>Under international law, Israel’s sovereignty over Jerusalem has not been recognized. UNGA 181 called for Jerusalem to be treated as <i>corpus separatum</i>, an international city run by the UN, Israel violated this by claiming sovereignty over West Jerusalem after the war in 1948.</p> <p>In 1967, Israel occupied the West Bank including East Jerusalem and annexed East Jerusalem after expanding its boundaries.</p> <p>Israel violated UNSC 242 by failing to withdraw from the occupied territory.</p> <p>Occupying power does not gain sovereign rights over a territory: Art. 43 of The Hague Regulations: “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while</p>

	<p>“President Trump recognized Jerusalem as Israel’s capital.” P. 17</p> <p>“The physical barrier shall remain in place and should serve as the border between the capitals of the two parties.” P. 17</p> <p>“Jerusalem will remain the sovereign capital of the State of Israel and it should remain and undivided city.” p. 17</p> <p>“The sovereign capital of the State of Palestine should in the section of East Jerusalem located in all areas east and north of the existing security barrier, including Kafr Aqab, the eastern part of Shufat and Abu Dis, and could be named Al Quds or another name determined by the State of Palestine.” p. 17</p>	<p>respecting, unless absolutely prevented, the laws in force in the country.”</p> <p>Art. 27 of the GCIV: “Protected persons are entitled, in all circumstances, to respect for their...religious convictions and practices[.]”</p> <p>Art. 49(1) of the GCIV: “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive”</p> <p>Art. 49(6) of the GCIV: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”</p> <p>Art. 45 of the Hague Regulations: “It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.”</p> <p>Art. 46 of the Hague Regulations: “Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.”</p> <p>ICCPR Art. 26: “All persons are equal before the law and are entitled without any discrimination to the</p>
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	<p>“The Vision would allow the Arab residents of Israel’s capital, Jerusalem, beyond the 1949 armistice lines but inside the existing security barrier to choose one of three options: 1) become citizens of the State of Israel; 2) become citizens of the State of Palestine; 3) Retain their status as permanent residents in Israel.” p. 17</p> <p>“The State of Israel should allow for the development by the State of Palestine of a special tourism zone in Atarot.” P. 18</p> <p>“Jerusalem should be internationally recognized as the capital of the State of Israel.” p. 19</p> <p>“Al Quds (or another name selected by the State of Palestine) should be</p>	<p>equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</p> <p>ICCPR Art. 27: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”</p> <p>Art. 7(2)(d) of the Rome Statute: “‘Deportation or forcible transfer of population’ means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law[.]”</p> <p>Art. 8(2)(b)(viii) of the Rome Statute considers these actions a War Crime: The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory[.]”</p>
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	<p>internationally recognized as the capital of the State of Palestine.” P. 19</p> <p>“Neither party shall encourage or support efforts by other countries or persons to deny the legitimacy of the other party’s capital or its sovereignty.” P. 19</p> <p>“The embassy of the United States will remain in Jerusalem.” P. 19</p> <p>“[t]he embassy of the United States to the State of Palestine will be in Al Quds at a location to be chosen by the United States, in agreement with the State of Palestine.” P. 19</p> <p>“The United States will recognize the State of Israel and the State of Palestine in their respective capitals and encourage other nations to</p>	<p><b>UNSC 252:</b> asked Israel to cancel all activities in Jerusalem, and condemned the occupation of any land through armed aggression. It also demanded Israel "desist from taking any further action which tends to change the status" of the city.</p> <p><b>UNSC 271:</b> September 15, 1969, condemned the extensive damage caused by arson to the Holy Al Aqsa Mosque, a building under the military occupation of Israel. It called on Israel to observe the provisions of the Geneva Conventions and "refrain from causing any hindrance to the discharge of the established functions of the Supreme Muslim Council of Jerusalem", including "its plans for the maintenance and repair of the Islamic Holy Places" within the city.</p> <p><b>UNSC 298:</b> September 25, 1971, confirmed in "the clearest possible terms" that all actions taken by Israel to change the status of Jerusalem, such as land confiscation, were illegal.</p> <p><b>UNSC 465:</b> March 1, 1980, demanded Israel to stop the planning and construction of settlements in territories occupied since 1967, including Jerusalem. It also called on Israel to "dismantle the existing settlements".</p> <p><b>UNSC 476:</b> June 30, 1980, reaffirmed the "overriding necessity for ending the prolonged occupation of Arab territories occupied by Israel since 1967" and</p>
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	<p>relocate their embassies to Jerusalem and Al Quds as applicable.” P. 19</p>	<p>reiterated that all measures which had altered the status of Jerusalem were "null and void" and had to be rescinded.</p> <p><b>UNSC 478:</b> August 20, 1980, condemned in "the strongest terms" the enactment of Israeli law proclaiming a change in status of Jerusalem. The resolution called on all states "that have established diplomatic missions" in Jerusalem to withdraw them from the city.</p> <p><b>UNSC 672:</b> October 12, 1990, expressed alarm at the violence which claimed more than twenty Palestinian lives at the al-Aqsa Mosque on October 8, 1990. The resolution condemned the acts of violence committed by Israeli security forces and referred to Israel as an "occupying power".</p> <p><b>UNSC 1073:</b> September 28, 1996, expressed concern about developments in Jerusalem relating to Israel's opening of an entrance to a tunnel near the al-Aqsa Mosque, which resulted in a number of civilian deaths, and called for "the safety and protection of Palestinian civilians to be ensured".</p> <p><b>UNSC 2334:</b> December 23, 2016, condemned Israel's construction of settlements in all territory occupied since 1967, including East Jerusalem. The UNSC emphasized it would not recognize any changes to the pre-1967 conflict lines, and stressed that the "cessation</p>
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		<p>of all Israeli settlement activities is essential for salvaging the two-State solution".</p> <p>UN Security Council Resolutions: 242, 252, 267, 271, 298, 465, 476, 478, 271, 452, 672, 1073, 1322, 2334  UN General Assembly Resolutions: 2253, 36/15, 55/130, 70/89, and 71/96  UNESCO Resolutions: 150, 159, 184, 192, 196, and 20</p>
<b>Religious Sites</b>	<p>“Freedom of access to all religious sites of all faiths in both states should be agreed to and respected by both parties.” P. 14.</p> <p>“After the Six Day War in 1967, when the State of Israel took control over all of Jerusalem, the State of Israel assumed responsibility for protecting all of the city’s holy sites.” 16</p> <p>“Jerusalem’s holy sites should remain open and</p>	<p>Undermines the Status Quo</p> <p>The Status Quo describes the arrangements between different religions and religious groups over shared or contested religious sites. While it enshrines many rights and obligations, one of its most fundamental rights is that any religious community that has a current right must consent to any change, either in procedure or substance. The Status Quo is a unique legal system that applies to whichever authority exercises control over Jerusalem. The rights and obligations enshrined in the Status Quo remain even when the governing authority in Jerusalem changes. As a specific set of legal obligations that have been created over centuries of practice and now are considered binding international law, it supersedes any and all aspects of domestic law.</p>



	<p>available for peaceful worshippers and tourists of all faiths.” P. 16</p> <p>“People of every faith should be permitted to pray on the Temple Mount/Haram al-sharif...taking into account the times of each religion’s prayers and holidays.” P. 16</p>	
<p><b>Refugees</b></p>	<p>“The Israeli-Palestinian Peace Agreement shall provide for a complete end and release of any and all claims relating to refugee or immigration status.” P. 32</p> <p>“There shall be no right to return by, or absorption of, any Palestinian refugee into the State of Israel.” p. 33</p> <p>“Under any circumstances, individuals who have already resettled in permanent location... will</p>	<p>Art. 13(2) of UDHR: “Everyone has the right to leave any country, including his own, and to return to his country.”</p> <p>Art. 12(4) of ICCPR: “No one shall be arbitrarily deprived of the right to enter his own country”</p> <p>Art. 10(1) of the UN Sub-Commission on Human Rights Principles on Housing and Property Restitution for Refugees and Displaced Persons: “All Refugees and displaced persons have the right to voluntarily return to their former homes, lands or places of habitual residence, in safety and dignity”</p> <p>Art. 10(3) of the above: “Refugees and displaced persons should be able to effectively pursue durable solutions to displacement other than return, if they so</p>

	<p>not be eligible for resettlement...” p.23</p> <p>“This plan envisions three options for Palestinian refugees seeking a permanent place of residence:</p> <ol style="list-style-type: none"> <li>1. Absorption into the State of Palestine (subject to the limitations provided below);</li> <li>2. Local integration in current host countries (subject to those countries consent); or</li> <li>3. The acceptance of 5,000 refugees each year, for up to ten years (50,000 total refugees), in individual Organization of Islamic Cooperation member countries who agree to participate in Palestinian refugee resettlement (subject to those individual</li> </ol>	<p>wish, without prejudicing their right to the restitution of their housing, land and property.”</p> <p>Compensation must be made by Israel as the government responsible and must be made based on international standards:</p> <p>UNGA194 (1948) recognized the right of return, and stated that “...<i>the [Palestinian] refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.</i>”</p> <p>UN General Assembly Resolution 194, 212, 302(IV), 393, 394(V), 513, 614, 720, 818, 916, 1091, 1315, 2314</p> <p>UN Security Council Resolutions 237, 3236</p>
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	<p>countries' agreement).” P.32</p> <p>“The rights of Palestinian refugees to immigrate to the State of Palestine shall be limited in accordance with agreed security agreements.” p.33</p> <p>“The rate of movement of refugees from outside Gaza and the West Bank into the State of Palestine shall be regulated...such that the rate of entry does not...increase security risks to the State of Israel.” p. 33</p> <p>“Upon the signing of the Israeli-Palestinian Peace Agreement, Palestinian refugee status will cease to exist...” p.33</p> <p>“Part of the Trump Economic Plan will go toward the replacement of refugee camps in the State</p>	
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	<p>of Palestine with new housing developments in the State of Palestine. Thus the Israeli- Palestinian Peace Agreement will lead to the dismantling of all Palestinian refugee camps and the building of permanent housing.” P.33</p> <p>“While refugee compensations is important...funds will have far greater impact on the State of Palestine’s economic and social viability and on the refugees themselves if used to implement the Trump economic plan.” p.32</p> <p>“We will endeavor to raise a fund to provide some compensation to Palestinian refugees...according to principles to be established by the Trustees and approved by the State of</p>	
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	Palestine and the United States. “ p. 32	
<b>Security</b>	<p>“State of Israel will maintain overriding security responsibility for the State of Palestine.” P. 21</p> <p>“The State of Palestine shall be fully demilitarized and remain so....” P.22</p> <p>“The State of Israel’s security footprint in all or parts of the State of Palestine will then increase as a result of the State of Israel’s determination of its expanded security needs and the time needed to address them.” P. 23</p> <p>“The State of Israel will maintain at least one early-warning stations in the State of Palestine as designated on the Conceptual Map, which will be run by Israeli security forces.” P. 23</p>	<p>Art. 53 of the GCIV: “Any destruction by the Occupying Power of real or personal property...to the State, or to other public authorities...is prohibited, except where such destruction is rendered absolutely necessary by military operations.”</p> <p>Art. 64 of the GCIV: “The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention.”</p> <p>Art. 43 of The Hague Regulations: “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.”</p> <p>Art. 55 of The Hague Regulations: “The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and</p>

	<p>“Uninterrupted Israeli security access to and from any early-warning station will be ensured.” P. 23</p> <p>“The State of Israel will rely on blimps, drones, and similar aerial equipment for security purposes...within the State of Palestine.” P. 23</p> <p>“...in the areas adjacent to the border between the State of Israel and the State of Palestine, including without limitation, the border between Jerusalem and Al Quds, will be subject to the State of Israel’s overriding security responsibility.” P. 24</p>	<p>administer them in accordance with the rules of usufruct.”</p> <p>Art. 62(1) of Additional Protocol I: “Civilian civil defence organizations and their personnel shall be respected and protected, subject to the provisions of this Protocol, particularly the provisions of this Section. They shall be entitled to perform their civil defence tasks except in case of imperative military necessity.”</p> <p>Art. 62(3) of Additional Protocol I: “Buildings and ' matériel ' used for civil defence purposes and shelters provided for the civilian population are covered by Article 52. Objects used for civil defence purposes may not be destroyed or diverted from their proper use except by the Party to which they belong.”</p> <p>Art. 63(1) of Additional Protocol I: “In occupied territories, civilian civil defence organizations shall receive from the authorities the facilities necessary for the performance of their tasks. In no circumstances shall their personnel be compelled to perform activities which would interfere with the proper performance of these tasks. The Occupying Power shall not change the structure or personnel of such organizations in any way which might jeopardize the efficient performance of their mission. These</p>
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		<p>organizations shall not be required to give priority to the nationals or interests of that Power.”</p> <p>Art. 63(2) of Additional Protocol I “The Occupying Power shall not compel, coerce or induce civilian civil defence organizations to perform their tasks in any manner prejudicial to the interests of the civilian population.”</p>
<p><b>Water</b></p>	<p>“The Jordan Valley, which is critical for Israel’s national security, will be under Israeli sovereignty.” P.13</p> <p>“The parties recognize mutual water rights and agree to equitable share existing cross border water sources and cooperate...” p. 29</p>	<p>Available water resources for the State of Palestine constitute: the Jordan River, the Mountain Aquifer, and the Coastal Aquifer. While some water resources are shared with other riparians, some of the water resources are solely located inside Palestinian territory, among others this includes the Eastern Aquifer, which is part of the Mountain Aquifer, where currently Israel practices control over 70 percent of the water resource.</p> <p>The State of Palestine recognizes the right to “equitable and reasonable” access to shared water resources, as provided under international law and customary international law, more specifically the Helsinki Rules on the Uses of the Waters of International Rivers of 1966 and the UN Convention on the Law of the Non-navigational Uses of International Watercourses. Yet, Palestine also has a right to exclusively develop water resources that are totally present inside its territory.</p>

		<p>The proposed plan ignores the Right of the State of Palestine to full access to its allocated share in the Jordan River, through its proposed Israeli annexation of the Jordan Valley, and further implies that water resources present exclusively inside the internationally recognized Palestinian territory are to be shared with Israel.</p> <p>As a result, these proposals violate the following rules.</p> <ul style="list-style-type: none"> <li>- The Palestinian right to sovereignty over their natural resources.</li> <li>- UNGA Resolution 1893 “Permanent sovereignty over natural resources”</li> <li>- UNGA Resolution 3175 “Permanent sovereignty over national resources in the occupied Arab territories’</li> <li>- Hague Regulations 1907 Article 55 “The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.”</li> <li>- Hague Regulations 1907 Article 47 “Pillage is formally forbidden.”</li> </ul>
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		Fourth Geneva Convention Article 33 “Pillage is prohibited.”
<b>Prisoners</b>	<p>“Any additional prisoner release will be based on Israeli consent.” P. 30</p> <p>“The Israeli-Palestinian Peace Agreement will provide for the release of Palestinian prisoners and administrative detainees held in Israeli prisons, except (i) those convicted of murder or attempted murder, (ii) those convicted of conspiracy to commit murder (in each case murder includes murder by terrorism) and (iii) Israeli citizens.”</p> <p>“All prisoners who are released will become citizens of the State of Palestine”</p> <p>“Notwithstanding the foregoing, no amnesty will</p>	<p>A crime against humanity, Rome Statute of the ICC, Article 7(1)(d).</p> <p>International Covenant on Civil and Political Rights, Article 12(1) “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”</p> <p>Fourth Geneva Convention, Article 49 “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.”</p> <p>Universal Declaration of Human Rights (UDHR), Article 9 “No one shall be subject to arbitrary arrest, detention or exile.”</p> <p>UDHR, Article 13 “(1) Everyone has the right to freedom of movement and residence within the border of each State. (2) Everyone has the right to leave any country, including his own, and to return to his country.”</p>

	<p>be given o any Palestinian described in clauses (i), (ii) or (iii) above, and such individuals will not be permitted entry into the State of Palestine.”</p> <p>“Each prisoner who is released will be required to sign a pledge ... Prisoners who refuse to sign this pledge will remain incarcerated.”</p> <p>“No Palestinian prisoner or administrative detainees will be released in accordance with this section if all Israeli captives are remains and remains are not returned to the State of Palestine.”</p>	<p>International Covenant on Civil and Political Rights, Article 12(4) “No one shall be arbitrarily deprived of the right to enter his own country.”</p> <p>UDHR, Article 3 “Everyone has the right to life, liberty and the security of person.” Article10 “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charges against him.”</p> <p>ICCPR, Article 9(1) “Everyone has the right to liberty and security of person. No one shall be subject to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.”</p> <p>Art. 33 of GCIV: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.”</p>
<p><b>Gaza</b></p>	<p>As dangerous as Gaza, run by Hamas, is to the state of Israel” p.7</p> <p>“Gaza has tremendous potential but is currently</p>	<p>Does not recognize Israel’s occupation and illegal blockade of the Gaza Strip. 2018 UN Commission of Inquiry on the Great Return March called for an immediate end to Israel’s illegal closures, which has made Gaza uninhabitable. A/HRC/40/CRP.2</p>

	<p>held hostage by Hamas, Islamic Palestinian Jihad and other terrorist organizations...” p. 10</p> <p>“Israel has tightened security over Gaza...” p. 10</p> <p>“For over a decade, Gaza has been ruled by Hamas, a terror organization...” p. 10</p> <p>Under the leadership of Hamas, the residents of Gaza have suffered extreme poverty and deprivation. P. 25</p>	<p>Art. 33 of GCIV: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.”</p> <p>Impedes ICCPR and ICESCR rights that include, the right to health, the right to an abdicate standard of living, the right to clean water, the right to freedom of movement.</p>
<p><b>Economy</b></p>	<p>“In addition to the requirement that the State of Palestine comply in all respects with the Israeli-Palestinian Peace Agreement, <i>Peace and Prosperity</i>, will be conditioned upon (i) the establishment by the State</p>	<p>Ignore Israel’s occupation as the number one impediment to Palestinian economic growth, including Israel’s use and exploitation of Palestinian natural resources and numerous restrictions on trade and development. Ignores blockade on Gaza.</p> <p>Plan undermines Palestinian sovereignty and right to self-determination and is colonial in nature.</p> <p>Reinforces illegal acquisition of territory by force.</p>

	<p>of Palestine of transparent, independent, and credit-worthy financial institutions capable of engaging in international market transactions in the same manner as financial institutions of western democracies, (ii) the establishment of appropriate governance to ensure the proper use of funds, and (iii) the establishment of a legal system that protects investments and addresses commercial expectations.”</p> <p>“location and size of the free-trade zone will be agreed upon by the parties so that the free trade zone will not interfere with current land use in the area and necessary security requirements.” P. 26</p>	
<p><b>Apartheid Wall</b></p>	<p>“The security barrier will be realigned to match the new borders.” P. 14</p>	<p>Wall illegal under international law; considered annexation; impedes rights under ICCPR and ICESR;</p>

	<p>“While a physical division of the city must be avoided, a security barrier currently exists that does not follow the municipal boundary and that already separates Arab neighborhoods in Jerusalem from the rest of the City.” p.17</p> <p>“The physical barrier shall remain in place and should serve as the border between the capitals of the two parties.” P. 17</p>	<p>appropriation of property illegal under Fourth Geneva Convention.</p>
<p><b>Jewish character of Israel</b></p>	<p>“Palestine leaders must embrace peace by recognizing Israel as the Jewish state.” P. 4</p> <p>“This Vision aims to achieve mutual recognition of the State of Israel as the nation state of the Jewish people.” P.7</p> <p>“The State of Israel has a legitimate desire to be the</p>	<p>Violation of Palestinian right to self-determination; violates prohibition against discrimination on the basis of race, nationality, or ethnicity pursuant to the International Convention on the Elimination of Racial Discrimination (CERD).</p> <p>Article 1 of the CERD Convention defines "racial discrimination" as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in</p>

	<p>nation-state of the Jewish people and for that status to be recognized throughout the world.” P. 7</p>	<p>the political, economic, social, cultural or any other field of public life.” Article 2 of the Apartheid Convention defines the crime of apartheid as policies and practices, the purpose of which are domination and systemic oppression by one group against another, as well as through the creation of systemic exclusion and oppression in the realization of human rights and in the participation in the political, social, economic and cultural life of the country.</p>
<p><b>Limits on enjoyment of rights</b></p>	<p>“This Vision aims to achieve mutual recognition of the State of Israel as the nation state of the Jewish people, and the State of Palestine as the nation-state of the Palestinian people, in each case with equal civil rights for all citizens within each states.” P. 7</p> <p>“The creation of a culture of peace should include an end to incitement, including in government-controlled media, as well as an end to the glorification of violence, terrorism and martyrdom. It should also prohibit hostile propaganda, as well</p>	<p>Violates self-determination for Palestinians (specifically refugees who will not be able to return to the homes they left in Israel. Potential violation of other human rights for non-Jewish citizens of the state of Israel. Says nothing of political, cultural, economic and social rights for Palestinians outlined in the International Covenant for Civil and Political Rights (ICCPR) and the International Covenant for Economic, Social, and Cultural Rights (ICESCR).</p> <p>ICCPR, Preamble “Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural right.”</p>

	<p>as textbooks, curriculum and related materials...”p.35</p>	<p>UDHR, Article 19 “Everyone has the right to freedom of opinion and expression; this includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”</p> <p>ICCPR, Article 19(2) “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”</p>
<b>Land Swaps</b>	<p>“Land swaps will provide the State of Palestine with land reasonably comparable in size to the territory of pre-1967 West Bank and Gaza” p. 12</p> <p>“Land swaps provided by the State of Israel could include both populated and unpopulated areas.” P. 13</p> <p>“Vision contemplates the possibility, subject to agreement of the parties that the borders of Israel</p>	<p>While the exchange of territory may form part of the solution of final status issues, international law raises questions regarding the validity of any land swap while an occupation is ongoing. What is presented in this plan is essentially the legalization of the occupation, and therefore land swaps should not be considered.</p> <p>Art (7)(1) Fourth Geneva Convention strictly prohibits the possibility of concluding agreements that “adversely affect the situation of protected persons,” or “restrict the rights which it confers upon them.”</p> <p>Art 47 Fourth Geneva Convention upholds the inviolability of the rights conferred upon the occupied population. Prevents occupying power from using agreements concluded with the authorities of the</p>

	<p>will be redrawn such that the Triangle Communities become part of the State of Palestine.” P. 13</p>	<p>occupied territory as a means to free itself from obligations and restrictions incumbent upon it under law of occupation; prevents occupying power from forcing the representatives of the occupied population to conclude agreements that are prejudicial to the rights of protected persons; no act or agreement of annexation will have any effect on the rights of protected persons, who should continue to enjoy all rights under occupation law.</p>
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