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Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Association Ma'onah for Human Rights and Immigration, Indian Movement "Tupaj Amaru", International-Lawyers.Org, Union of Arab Jurists, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 February 2020]

* Issued as received, in the language(s) of submission only.



The “Peace to Prosperity” plan and International Law

Introduction

Under the pretence of a detailed economic vision for the future of Palestine, the Trump administration proposed a “solution” for the ongoing conflict between the state of Israel and the state of Palestine. The plan, called *Peace to Prosperity* released on January 28th, 2020, claims having peace and a better future for Palestine and its citizens at its center, yet it violates existing international law, and restricts the human rights of the Palestinian people.¹

The so-called solution rather resembles a political favour meant to support the Israeli Prime Minister Netanyahu in the upcoming election, than a serious and well-intended proposal for peace and development.

The fact that Palestinian leaders were not consulted in the drafting process of the proposal reveals the true intentions behind the plan. The proposal depicts a dystopian future for the Palestinian people, and a way to further restrict the development of Palestinian economy and statehood. It aims at strengthening the position of Israel in the region.

The plan proposes a future in which Palestine acts as a sovereign state with a functioning economy, but the measures the plan recommends could not be any further from that. If the plan in its current state would be implemented, Palestine would not gain any form of state sovereignty but be economically and politically depended, or in other words, suppressed, by the United States of America (US) and Israeli government.

A one-sided deal

The Proposal is very alarming in its formulation as well as the restrictions it places on Palestine. While it does not impose any conditions on Israel, there are several conditions enforced on Palestine that would take away fundamental rights and go against everything the international community worked for during the past decades.

The Proposal demands Palestine authorities to refrain from any form of criminal prosecution against Israel or the United States of America. The development of an international legal system that advocates for and defends human rights is one of the major achievements of the past century. This proposal takes away the opportunity of Palestine to demand justice for all atrocities that were and are still being committed by Israel and the United States of America.

Next to taking all measures from Palestine to hold perpetrators, of crimes committed against them, accountable, the plan also demands the state to be fully demilitarized, which would deny Palestine every possibility of self-defence, thus further weakening its position while being under full control of the United States of America and Israel. General Assembly Resolution 3236 reaffirmed Palestine’s rights of self-determination without external interference as well as national independence and sovereignty.² Those basic principles of statehood are undermined by the Proposal and instead of sovereignty and self-determination, Palestine would be under great levels of external interference.

International legal framework

As previously mentioned, the Proposal severely violates established international law. The Question of Jerusalem and claims of ownership are a topic that divided religions and people over centuries. Jerusalem presents a place where Judaism, Christianity and Islam get together, a place that should teach community rather than conflict. Yet, the proposal plans to move the capital of Palestine to the outskirts of East Jerusalem, behind the city walls, and thus restricting access of the Palestinian people to sacred places. The Proposal brought forward by the Trump administration is similar in character to the “Basic Law: Israel – The Nation State of the Jewish People”, established in 2018, which states that the right of self-

¹ The White House *Peace to Prosperity* (28 Jan 2020)

² General Assembly, Question of Palestine, Res. 3236 (22 Nov 1974)

determination in Israel is unique to Jewish people.³ Both documents follow a similar agenda, the suppression of the Palestinian nation. This notion becomes especially problematic considering the demand of the proposal, that Palestinian authorities need to officially recognize Israel as the state of the Jewish people. Out of 8.5 million people living in Israel an estimate of 1.8 million are Palestinian, thus a recognition of Israel as the state of the Jewish people would be like accepting and legitimizing the discrimination of 1.8 million Palestinians living in Israel.

The status of Jerusalem was defined in the United Nations (UN) Partition Plan for Palestine in 1947. The Plan makes clear that Jerusalem is not supposed to be the capital of any state but rather a place of no discrimination. Furthermore, it states that, “each state shall control residence within its borders”.⁴ In 1967, the UN General Assembly adopted Resolution 2253 that considers measures taken by Israel to change the status of Jerusalem as invalid and calls upon Israel to desist from changing the status of Jerusalem in the future.⁵ The plan of moving the Palestinian capital outside of Jerusalem’s city walls, and granting Israel sovereignty over Jerusalem, not only restricts the possibility of Palestinians to practice religion but also violates several resolutions adopted by the UN.

The occupation of Palestine territories by Israel has been deemed illegal by the UN in various resolutions and violates the Fourth Geneva Convention, according to which an occupying power is not allowed to deport or transfer parts of its own civilian population in territories it occupies.⁶ Yet, the plan of the Trump administration not only legitimizes the Israeli settlement projects, that constitute obvious breaches of international law, but also rewards the state of Israel for its various human rights violations over the past decades.

The ongoing conflict between Palestine and Israel resulted in millions of Palestinian refugees; refugees that are protected under international law and have a right to return to their home. General Assembly resolution 194 clearly states that each refugee wishing to return to their home, has the right to do so.⁷ This right is denied by the proposed plan of the Trump administration and its accompanying border restructuring. Furthermore, the resolution states that refugees are entitled to compensations to facilitate repatriation, resettlement, and economic and social rehabilitation. **Error! Bookmark not defined.** Instead of following established international law and allow Palestinian refugees to return home and compensate them for their hardships, the proposal further punishes them by legitimizing the occupation of Palestinian territories by the Israeli government over the past decades.

Conclusion

The Plan for Peace and Prosperity put forward by the Trump administration cannot be considered a serious proposal for the future of the region. It is an affront to all the process, concerning human rights, made since the establishment of the UN as well as every legal document put forward by the international community. *Peace to Prosperity* displays the seemingly disinterest of the United States of America to find a solution acceptable to both parties.

In its current state, the proposal restricts any form of national sovereignty and economic development for the Palestinian state. Furthermore, it denies the Palestinians any form of justice that they should receive for atrocities committed by the Israeli government during the last decades. The plan not only constitutes a denial of justice but also rewards Israel for countless breaches of international law. Having pointed out how the plan violates existing international law; it is important to not forget, that the economic plans brought forward by the proposal are only targeted at supporting the Israeli and US economy, by establishing a

³ Basic Law: Israel – The Nation State of the Jewish People (19 July 2018)

⁴ General Assembly, Future Government of Palestine, Res. 181 (II) (29 Nov 1947)

⁵ General Assembly, Measures taken by Israel to change the status of the city Jerusalem, Res. 2253 (ES-V) (4 July 1967)

⁶ International Committee of the Red Cross, Protection of Civilian Persons in Time of War (12 Aug 1949)

⁷ General Assembly, Palestine—Progress Report of the United Nations Mediator, Res. 194 (III) (11 Dec 1948)

tight grip on Palestine, and are not intended to result in improved living conditions for the Palestine people.

To summarize this report, the plan proposed by the United States of America violates existing international law, denies economic development and prosperity for Palestine and restricts Palestine's state sovereignty and right of self-determination.

Recommendations

We highly urge the international community to clarify its position on the matter by acknowledging this plan for what it is, a political favour and not a serious proposal for peace and development.

We highly recommend the United Nations to take the following steps in order to create lasting peace in the region:

- Pressure Israel to end all forms of violence carried out by the Israeli government against the civilian population of Palestine
- Dismantle all Israeli settlement projects that are carried out on Palestinian land
- Stop all forms of discrimination carried out by the Israeli government against the people of Palestine
- Reiterate that Jerusalem is not recognized as the capital of Israel and that all announcements in this regard are illegal.
- Take all necessary measures to finally bring an end to the prolonged occupation of Palestine and fulfill Palestinians' right to national self-determination
- Ensure the voluntary return and property restitution of Palestinian refugees and internally displaced persons. Furthermore, ensure compensation for suffered losses, such as the destruction of or damage to land, homes and property

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.