



10 February 2020

Trump's Plan

Understanding the various ramifications

On February 2nd, ECF convened another of its regular periodic brainstorming, this time focusing on the Trump Plan, and aimed at understanding its main ramifications. The discussion included an analysis of the territorial, security, economic, Jerusalem-related, refugee-related aspects of the plan as well as broader policy ramifications and internal Palestinian dynamics.

Former Israeli senior security officials, legal experts, Israeli policy analysts, and senior ECF's advisers participated and contributed to the discussion. This memo summarizes the main findings of that meeting.

The risk of annexation

- The plan spells good, bad, but particularly dangerous ramifications:
 - the bad is discussed in some detail below.
 - The only positive element is the fact that the leader of the Israeli Right, PM Netanyahu, declared support for a two-state solution and for a Palestinian state over 70% of the WB and additional 14% of Israel's sovereign territory, all before negotiations. This undermines the extreme Right's (full annexation, no voting rights) and extreme Left's (equal rights, no Zionist identity) vision of one state.
 - The most dangerous aspect is the green light for annexation that does not wait Plan's implementation. According to the plan, at any time during the four years earmarked for negotiations, Israel can annex the areas designated for its sovereignty, totalling some 30% of the West Bank, with no schedule attached. Since the presentation of the plan, possibly thanks to some Arab pushback, the administration has clarified that annexation should not take place prior to Israel's March 2nd elections, and thence, be determined in a joint IL-US committee, to which Israel will present its claim.
- Given our grave concern with the fallout from any unilateral annexation, arguing over the merits and faults of the plan carries the risk of diverting attention from the primary objective of pre-empting annexation. This is true about Israelis as it is about the international community.

Other Broader policy ramifications

- The plan validates three basic principles of I - P negotiations, namely that the vision for resolving the conflict is of a two-state solution; two capitals in Jerusalem; and land swaps. Yet the Plan's reference to these basic principles is disingenuous at best, and most dangerous at worst, as it plays Orwellian Newspeak: injects into acceptable principles totally distorted meanings. This must be challenged by peace-oriented Israelis and the international community, lest the distortions are enshrined in diplomatic discourse.
- There is a need for an effort to ensure that international reactions refer explicitly to existing/traditional parameters of the two state solution, with as much detail as possible. In this regard, EU statements have been disappointing as they only recall the main principles without articulating their contents, creating a potential precedent for changing the definition of these principles.
- In the long term, the plan will not serve as a basis for future negotiations. Once Israelis and Palestinians both have leaderships willing and able to strike a deal, the terms are likely to approximate traditional ones.
- We should decry the Plan as fraudulent, leading towards one state rather than two.

The Territorial Dimension

Please note a digitization of the Plan's conceptual map, done in order to expose otherwise concealed elements, attached at the end of this memo. The map was prepared by Dan Rothem.

- It is the first time that a map is presented by the Americans. It is a conceptual map in which many key parts were hidden under a bridge/tunnel markers;
- The aim of the drafters was to keep as much settlements as possible hence 15 Israeli enclaves are included in territory designated for Pal sovereignty;
- There are gaps between the text of the plan and its map. For example, the text mentions a Palestinian "capital" in "Eastern Jerusalem", over the two areas of Kafr 'Aqeb and Shuafat RC - located east of the barrier, yet the map does not mark these areas as part of the Palestinian state, but as part of Israel. Similarly, there is a gap between the map – showing communities home to some 130,000 residents whereas the text lists Arab villages with some 260,000 residents as earmarked for the swap;
- The original map did not show the 1967 lines; it seems that the drafters did not recognize its significance. Superimposing the 1967 lines shows the parts and size of West Bank/Gaza areas that are to be annexed to Israel and what areas from Israel-proper are to be swapped in return;
- The map includes unequal land swaps, including a swap of the "triangle area" of Israel (Israeli-Arab towns slated to be swapped into Palestine). Overall: According to the map Israel will annex 30% of the Palestinian territories (West Bank (WB), East Jerusalem, and the Gaza Strip) and will swap in return the equivalent of about 14%. All in all, the Palestinian State will be comprised of the equivalent of 84% of pre-1967 areas. For Palestinians, who insist on the integrity of the 1967 lines (comprising 22% of mandated Palestine/Land of Israel) this is a non-starter. They've been willing to entertain swaps

(allowing Israel to annex the largest settlements), provided they are small and equal in size and quality.

- The envisioned Palestinian state is encircled by Israeli territory (except the 12 km strip that separates Gaza and Egypt, but even there Israel will control the international crossing). It is territorially non-contiguous; contiguity is limited to transportation links (similar to the late Ariel Sharon's "Everything Flows" plan). Lengthy 'fingers' of Israeli annexation expand deep into the WB from all sides, practically dividing the Palestinian state into 6 large cantons (3 WB, 1 Gaza, 2 Negev/Egyptian border). These 'fingers' create an impossibly-long border for Israel of about 1370 km. For reference, the original 1967 lines length is 317 km and the security barrier (built and planned) is 740 km. The proposed 1,400 border path in mountainous areas ignores tactical security considerations and is not economically viable. Patrols will inevitably travel along inferior routes, subjected to many threats. All in the sake of retaining isolated, small settlements. Also, the plan says "The security barrier will be realigned to match the new borders". We are talking about many billions of \$\$\$.
- As there is no will to evacuate settlements, the plan sets a principle according to which no Israeli or Palestinian will be relocated. Accordingly, 15 settlements, housing 14,270 settlers (2018 numbers) will remain as enclaves in Palestine (mainly in the area of Nablus), and Hebron's H2 will be annexed to Israel. 54 Palestinian towns in area B, housing 128,000 Palestinians (2016 numbers, today probably around 140,000) will remain as enclaves inside WB areas that Israel will annex;
- In addition, there are 200,000-250,000 Palestinians in East Jerusalem who will remain within Israeli territory (not including 140,000 Palestinians with blue Israeli ID);
- Regarding Gaza, there is a gap between the green line and the line in Trump's map that includes an area inside Gaza that Israel will retain. Did they draw the Gaza area too small by mistake? Given the accuracy of all the other lines and the fact that it perfectly coincides with the 300-1000m "security perimeter" Israel has created, it is probably not an oversight.

To sum up, the map depicts a Palestinian state that is territorially non-contiguous, with no access to the outside world, surrounded by Israel and serious doubts regarding its viability.

*to clarify, the period of freeze of four years during negotiations applies only to areas that are designated to be Palestinian and not to areas that will be Israeli.

Jerusalem

- Stating that Jerusalem shall not be divided, yet the plan does divide the city;
- The security barrier excludes two geographic areas -- Kafr 'Aqeb and Shuafat -- which are within the municipal boundary of Jerusalem. These areas are designed for the Palestinian capital, and the security barrier will be the border between the two capitals. It is estimated that about 120,000 Palestinians reside in Kafr 'Aqeb and Shuafat. [There were past attempts to remove these areas from the J-m municipal boundary and jurisdiction]. This component of the plan will have immediate and far reaching consequences as the residency issue is highly sensitive. The residents are afraid to lose their rights hence residents can be expected move from these areas, from Ras Hamis and neighbouring villages into Jerusalem;

- There is no mention of the word “Palestinians” in the plan (with the sole exception of the right of East Jerusalem residents to hold Palestinian citizenship while under Israeli Rule). They do not have rights or needs, only obligations and aspirations. We see a neutralization of the Palestinian status in Jerusalem; Nothing “Palestinian” in Jerusalem is ever called “Jerusalem”.
- Three alternatives are presented to the Arab residents of Jerusalem residing inside the security barrier:
 - Retain their status as permanent residents in Israel;
 - Become citizens of the State of Israel. It is not entirely clear what is meant by this. Will they be entitled to citizenship (which is not the case today) or whether they can apply, and Israel may refuse, as matters stand now;
 - Become citizens of the State of Palestine. Worth noting that this is the only place in the document that the word “Palestine” is used, in reference to east Jerusalem residents.
- The removal from Israel of hundreds of thousands of Palestinian citizens of Israel who reside in the “triangle” residents from Israel; may very well be designed to offset the naturalization of about 250,000-350,000 Palestinians in East Jerusalem
- The religious aspect of the Jerusalem chapter in the plan is marked by words such as pluralism, free access, free city etc. and includes a rather accurate theological depiction of the meaning of Jerusalem in Islam, Judaism and Christianity;
- The details of the plan in many ways contradict this tolerant and pluralistic rhetoric
 - It states that the Temple Mount/Haram al-Sharif status quo will not be changed yet declaring that it should be open for prayer of believers of all faiths is a drastic change in the status quo [Every Israeli government since 1967 has forbidden Jewish prayer there].
 - Note that they have since backed down from the issue of Jewish prayer and took care to bring to our attention the Special [Briefing](#) on the subject by Ambassador Friedman, Berkowitz and Hook;
 - There is no reference to Jordan's special role regarding Haram El Sharif/Temple Mount;
 - The plan presents a non binding nor comprehensive list of 31 holy sites. Of the 31 sites, 17 are Christian sites, 14 are Jewish sites, and one, Haram al Sharif is the only Muslim site explicitly named, and even then is portrayed as a joint Jewish-Muslim site. In addition, the Proposal cites undefined, unspecified Muslim Holy Shrines. In the Glossary of the Proposal, it states “MUSLIM HOLY SHRINES: Shall refer to the “Muslim Holy shrines” contemplated by the Israel-Jordan Peace Treaty”. There is no definition of the Muslim Holy Shrines in the Treaty, nor any other indication of what is contemplated in this regard.
 - Half of the Jewish “holy” sites are not holy, but rather historical sites, all but two of are directly or indirectly controlled, operated or located in “the domain” of the Elad settler organization of Silwan/the City of David
 - The absence of those Christian holy sites of special significance to Evangelical (like the Garden Tomb)suggest that Evangelicals were not consulted;
- The "list" of Muslim sites includes no mosques, holy sites or historical in Jerusalem. The message is: in Jerusalem, real or purported historical sites associated with the settlers are sacred: Arab and Muslim sites don't exist. To the extent that the Trump

plan reflects the official policy of the United States, it is evident that US policy and the ideology of the extreme Temple Mount movement and the settlers of East Jerusalem are virtually indistinguishable, with the latter having a direct impact on the provisions of the plan.

- The Palestinians, are, on the other hand, denationalized - individuals rather than a national collective on a par with Israelis. Deferring to the hegemony of a biblically driven settler narrative, the Muslim and Palestinian equities are all but ignored, and there is virtually nothing Palestinian about Palestinian East Jerusalem, a cross between non-entities and extras in the exclusively Israeli pageant that is Jerusalem. The provisions of the proposal are so oblivious, even hostile, to Palestinian concerns in Jerusalem, that there is no possibility of their relating positively to them. This is so blatantly the case that one suspects eliciting a Palestinian rejection of the Jerusalem provisions was precisely the intent of the drafters of the proposal.

For a comprehensive analysis of the ramifications of the Trump's plan in regard to Jerusalem, see Daniel Seidemann's full report [here](#).

Security

General

- The document is nothing but coherent. It is a sloppy job. A document that took two years to prepare underwent no proper editing and/or organisation. Consequently, key security elements are included in unrelated sections and must be 'collected' if one is to understand what is intended;
- It contains all the usual talking points used by Israelis when guiding visiting foreign dignitaries on site tours;
- There was no attempt to adapt the plan to local and regional reality. For example, the fact that there are peace agreements with Egypt and Jordan has had no effect in appreciation of the security landscape, such as in the reiteration of the long forgotten "eastern front". This ignores the fact that for early warning, deterrence and interdiction of hostile acts, Israel's eastern security border has long been Jordan's border with Iraq, way to the east of the Jordan Valley.
- Israel continues to have overriding security responsibility all over the Palestinian territory, but it is asked politely to try and keep a low signature in the Palestinian territory.
- While the stated objective is to meet all Israel's security needs, the flip side of it is no consideration at all given to the security of the Palestinians and a strong erosion of Palestinian sovereignty coupled with hypocrite proposition that the plan actually does them a favour by sparing them the need to spend on security. They are supposed to have none. This reflects the general asymmetric approach to the Palestinians: no attempt to use even a language of reciprocity and equality for the sake of saving face. One wonders if this is not another indication to the fact that there was never an intention to create something that the Palestinians could seriously consider;
- Third party forces presence is completely dismissed again with the ridiculous argument that it will save a lot of money to the international community.

- The borders that are suggested create a security nightmare for Israel. A long border that is impossible to monitor and prevent infiltrations and smuggling, isolated settlements with no connection or connection by a narrow strip of land to Israel that are extremely difficult to protect unless Israeli security forces continue to operate the same way they do at the present. All that means continuation of the occupation.

Specific issues

- The plan provides Israel the overriding security responsibility over the state of Palestine;
- Palestine is to be demilitarized [another odd resort to a term long abandoned by Israelis and previous US negotiators given Palestinian preference for “unarmed state”]. This represents the approach of all Israeli governments and accepted by Palestinians, whereby they are to effectively deal with internal security – law and order as well as counter-terrorism, whereas Israel is to be responsible for dealing with external security challenges;
- The need for close security cooperation/coordination is reiterated over and over, and is certainly warranted and long accepted (and exercised) by the Palestinians. Yet the general approach in substance and terminology all work against generating the spirit of close cooperation. The plan relates to good ideas, raised and accepted in previous negotiations between the sides, but injects into them distorted meanings;
- According to the plan, Israel is expected to work diligently to minimize its security footprint in the Palestinian state. Yet, Israel’s overriding right to determine what does or does not violate this principle leaves it empty of any meaning. Moreover, it also includes Security Criteria for Palestinian security performance, which once met; Israeli presence is to gradually be phased out. Properly, the criteria are to be agreed upon between Israel and the Palestinians. Astonishingly, these criteria are “non-binding”. Worse yet, there is no dispute relation mechanism on any of it. Israel is the ultimate arbiter. Sounds like the continuation of occupation by other means.
- A pilot program will be initiated in a certain area of the WB, designated by the State of Israel, to determine if the State of Palestine meets the Security Criteria. If the Palestinians pass the test, the pilot program will be expanded to other areas within the State of Palestine. If they do not, the situation will remain unchanged. As noted above, it is Israel that will grade the Palestinian performance. [One may wish to review a far more constructive approach to this and other intricate matters in the 2016 CNAS, CIS and IPF study of Security System for a Two-State Reality, available to the Administration and all other interested audiences on the CNAS and IPF websites];
- Israel will maintain at least one early-warning stations in the State of Palestine (beyond the stations in areas to be annexed to Israel);
- Another internal contradiction is in the principle that each party will be responsible for its zoning and planning, but yet Israel will have a right of veto over Palestinian construction in areas adjacent to the border between Israel and Palestine, including in Jerusalem.
- Crossings: on the one hand, the Palestinians will operate the crossings with Israeli monitoring and minimal Israeli visibility, on the other hand, somewhere in a miscellaneous section it is written that Israel will have full security responsibility over

the crossings. Moreover, Israel is to enjoy a right of veto over all persons and goods going in and out of Palestine, including in the Rafah crossing with Egypt, where the agreement is between Israel and Egypt and the Palestinians are not a side to. The passage of people should be based on agreed criteria that are again “non-binding” hence irrelevant;

- Open Israeli supply lines to the Jordan valley via the state of Palestine should be defined (probably Roads 1 and 5) implying that security perimeter will be defined for each thus further affecting Palestinian sovereignty;
- Israel will control the entire airspace west of the Jordan river as well as the electromagnetic space and will retain sovereignty over all territorial waters;

Implications

- For the IDF, the plan implies the continuation of the current situation yet under less favourable conditions. A 1400 km long, twisting border that is located at inferior terrain, and at conditions that increase – rather than reduce -- friction with the population, this has implications in terms of the investment of IDF forces required and Shin Bet resources in general, and in securing the 140,000 settlers in the 15 isolated settlements.
- The new border route renders the existing security barrier useless. It requires enormous investment in a new – twice as long – one. Most important, it will require a sizeable force for securing its entire length along with dozens of crossing points, which will stretch IDF and Shin Bet resources to the limit, at the expense of preparing for and dealing with all other security challenges, from Iran, through Syria and Lebanon to Gaza;
- The plan risks undermining the security relationship between Israel and the Palestinians.
- The plan uses concepts that the Palestinians agreed to for the interim period but aims to turn them permanent.

The Economic Plan

- The economic side of the plan does not reflect appreciation of economic realities, imperatives, or feasibility;
- A 1,400 km long, twisted border, with Israel on all sides as well as – due to enclaves – inside, implies that the only possible trade regime is that of a customs union. Options that were raised in previous negotiations such as Free Trade Zones (that will require dozens of customs stations) are not feasible; the case bears some resemblance to the 1947 partition map that was also characterized by a long border for a small territory and at the time the solution was indeed of a customs union;
- The difference between the customs union created by the Paris Protocol and the Trump Plan is that the Paris Protocol was between a state and an autonomy and here we are looking at an agreement between two states. The distribution of customs between states is different, it will not have deductions, sanctions or delaying of transactions and funds, as is customary today between the sides, and as is likely to remain in coming years because Israel will keep on providing services such as water and electricity to the Palestinians and will demand the possibility of deducting and delaying;

- The document presents a big vision of growth yet is not practical. Daily life does not occur in a vision and the immediate years following the agreement will determine its viability. The plan does not address the practicality and details of situations that the two government will enter and it does not even recommend the establishment of a joint committee to handle and resolve these sort of problems (like the Joint Economic Committee, JEC, in the Paris protocol). It is a complicated agreement, with no clear suggestion for the economic structure besides rosy promises of prosperity. Agreement viability will face serious tests that might jeopardise the entire exercise.
- Noting that of the \$50 billion, the Palestinians get \$28 billion and the rest goes to Egypt, Jordan and more. It is still an important sum for a ten-year period. However, is the 'new money' substantially more than the 'old money' coming from the donor countries?
- As new funds are to come not only from Arab donors but from the private sector, it is hard to see private investors finding Palestine an attractive market for their investment under the terms of the proposed plan.
- There is a lack of clarity regarding many issues that are included in the plan, particularly the practical aspects of processes:
 - the over ambitious and unclear target of creating a million jobs in ten years which will require a lot more money than is projected in the Plan;
 - stated objectives are no substitute for planning. This applies to rosy plans in the field of infrastructures (water, electricity, communication, desalination, natural gas, etc.);
 - the dock at the port of Aqaba that is mentioned, along with the unclear suggestions re Ashdod/Haifa ports: is the intention is of renting services rather than constructing dedicated/semi-sovereign docks?
 - UNRWA seems to be cancelled as its \$2.8 budget is allocated to something else. If 'new' money is to replace UNRWA's funding for education etc, this is the equivalent of all the 'new' funds earmarked for Palestine;
 - The economic aspects of the proposed arrangements in Jerusalem – calculation and management -- are lacking (e.g. social security rights);
 - The cost of the construction of the security barrier according to the new path is lacking. According to our calculation it approximates \$20 billion, with additional \$4 billion annually for maintenance/security;
 - Given all the goals the plan sets to achieve, and the lack of clarity, it is difficult to identify the net increase in the Palestinian support budget, as opposed to reallocation of existing funds to other goals (such as the case with UNRWA)
 - the financial terms are incomplete
- To sum up, the financial, micro-financial and business terms of the plan are incomplete and far from finalised, and the practical component of the plan fall short of the proposed vision.

Refugees

- There is no right of return of any Palestinian refugee into Israel.
- Upon the signing of the Agreement, Palestinian refugee status will cease to exist, and UNWRA will be terminated.

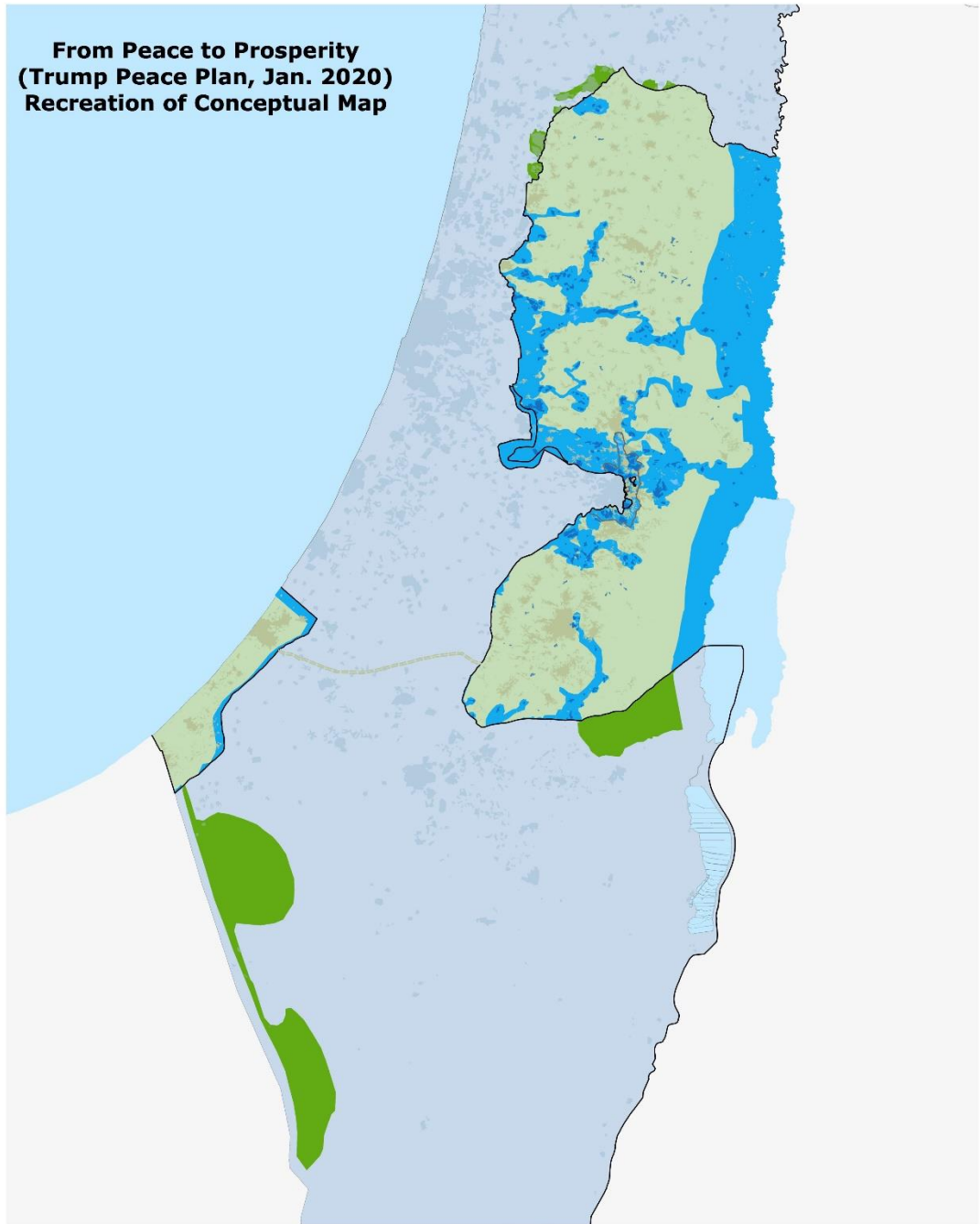
- The plan pointed at the Arab states as been largely responsible for having contributed to the creation of the refugee problem, for the miserable conditions in which the refugees currently live and therefore should be responsible for solving the refugee problem by improving the living conditions of the refugee and opening the doors of their countries for resettlement.
- Three options are proposed for refugees seeking a permanent place of residence. Those options are available only to those refugees who haven't resettled in a permanent location (as to be further defined in the Israeli-Palestinian Peace Agreement). Hence, refugees that were naturalised in other places will not be entitled to resettlement. The three options are:
 - in Palestine - Similarly to the approach of the security plan, Israel enjoys the right to decide over practically everything regarding the issue of refugees, astonishingly including who gets to return to Palestine. Hence, entrance of refugees to the State of Palestine is NOT at the discretion of the Palestinian State, it is not a right, but is subject to limitations and security arrangements. The choice of words ("immigrate" rather than return) shows that there is no attempt to satisfy, even seemingly, Palestinian claims. The limitations that are imposed on the entry of Palestinian refugees to Palestine both relate to the States in which these refugees currently reside and to the numbers of refugees that the State of Palestine will be allowed to absorbed. Most particularly, the plan suggests (implicitly rather than explicitly) that Israel will have legitimate ground to limit the rights of refugees coming from countries considered as hostile (the text refers particularly to Syria and Lebanon) to enter the State of Palestine, although those refugees are the ones currently living in the most precarious conditions (as acknowledged in the plan itself). The plan suggests that a joint Israeli-Palestinian committee will determine which refugees will be entitled to enter the State of Palestine without explaining how disagreement will be solved.
 - integration in current host countries.
 - resettlement in other Muslim countries (who agree to participate in Palestinian refugee resettlement). Re-settlement in third countries is oddly limited to Muslim States. Somehow, past offers of other third countries (i.e. Canada, Australia, New Zealand) have been overlooked.
- The definition of refugees in the plan refers to individuals that are Registered Refugee status by UNRWA - for the purpose of compensation only (not for recognition or resettlement purposes).
- A compensation framework will be formed, including the creation of a Palestinian refugee trust, the details of which are fairly elaborated yet odd. Although it is not at all clear whether the United States will contribute financially to the trust, it will be, together with the Palestinian State, the authority who will administrate the trust, analyse refugee claims, determine the principles on the basis of which the trust will determine compensation "priorities", and allocate funds. Here again, the plan does not determine a dispute settlement mechanism in case the US and the State of Palestine do not see eye to eye in the management of the trust.

Reactions in the Arab World and implications

- There has been no reference to the plan's details. The only place where more detailed references were made is in the large communication channels of the Gulf;
- In addition to Bahrain, UAE, and Oman who were present at the ceremony, it is important to note that Qatar gave her blessing to the plan while stressing the importance of the 1967 lines.
- It seems that the three Gulf countries that attended the ceremony did so on the basis of information that the plan included a Palestinian state, a capital in Jerusalem, and no change to the status quo on Haram a Sharif. This is one of the explanation of the gap between the positions expressed immediately after the release of the plan and the ones voiced in the Arab League and the OIC, who both unanimously rejected the plan [another explanation been that the Arab League and the OIC are less exposed politically to the repercussions that a rejection of the plan could provoke than their member states].
- Some statements by EU members about the release of the plan that defined it as an opportunity to renew negotiations greatly concern the Palestinians;
- Russia's statement against the plan was the heaviest and clearest opposition to the plan;
- Abbas has done everything that he could without cancelling existing agreements with Israel. If Israel will annex, the next step will be to break the rules;
- Since the presentation of the plan, no serious Hamas prisoner has been released by the PA;
- IDF/Shin Bet note signs of PA security forces' fatigue.
- The plan accentuates Abbas irrelevance, which is echoed in widespread criticism of him in the street and in Fatah;
- We should prepare for a situation in which Hamas reacts militarily from Gaza in reaction to political issues in the WB [ECF received after the briefing a contradictory assessment that Hamas will focus on the WB in its reaction in order to limit the possibility of an escalation in Gaza];
- The chances of attaining Palestinian reconciliation are not increased by the plan. An appearance of reconciliation could serve Abbas but Hamas refuses.

End.

**From Peace to Prosperity
(Trump Peace Plan, Jan. 2020)
Recreation of Conceptual Map**



- 1967 Lines
- East Jerusalem Municipal Boundary (Israeli-Defined)
- Israeli Annexation (30% of Pal. Territories)
- Palestinian Annexation (14% of Pal. Territories)
- Residential
- Industrial
- West Bank-Gaza Tunnel