

**SSG** SECURITY STUDIES GROUP

# RESOLVING THE ISRAELI- PALESTINIAN CONFLICT

MATTHEW RJ BRODSKY

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## About the author

**Matthew RJ Brodsky** is a Senior Fellow at the Security Studies Group. He has served as the Director of Policy for the Washington, DC-based think tanks, the Jewish Policy Center (JPC) and as the Editor of the its journal, *inFOCUS Quarterly*, and also as a Legacy Heritage Fellow at the American Foreign Policy Council. He is a frequent contributor to the *National Review*, *Weekly Standard*, *Jerusalem Post*, *National Interest*, the *Federalist*, and the *Hill*. He also has been interviewed as a Middle East subject expert in newspapers internationally, on television news outlets, and nationally syndicated radio shows. A specialist in Middle East affairs, Arab politics, and political Islam, he graduated with magna cum laude honors with a Master of Arts degree in Middle East History from Tel Aviv University. His website is [MatthewRJBrodsky.com](http://MatthewRJBrodsky.com).

## Introduction

Since the start of the [Oslo process](#) in 1993, there have been three serious, U.S.-led negotiating attempts that culminated in offers to end the Palestinian-Israeli conflict with a two-state solution: (1) [the Clinton Parameters](#) of 2000; (2) the Annapolis process, including Israeli Prime Minister Ehud Olmert's [offer](#) in [2008](#); and (3) Secretary of State John Kerry's [effort](#) in 2014. In each case, Palestinian leaders either answered 'no' or offered no response as events overtook negotiation efforts. That is to say, Palestinian leadership decided the cost of saying 'yes'—or offering a counterproposal that still necessitated Palestinian concessions—was too high, as one veteran Middle East envoy for multiple U.S. presidents [explained](#) in 2015.

The core issues of the conflict have essentially remained constant since 1993: territory; security arrangements; the status of Jerusalem; and the future of refugees. An "end of conflict" section was included in 2000 and "mutual recognition" was included in 2014.

In general, negotiations have been held under a format where, "[nothing is agreed until everything is agreed](#)." It opened the possibility that concessions in one area could be compensated for in another. That format was also chosen to prevent either party from pocketing concessions that would, inevitably, be presented as an opening position in the future.

What follows is a summary of the core issues and the proposals made in 2000, 2008, and 2014, according to multiple sources on each of the core subjects. It is by no means comprehensive (for a more detailed examination of various aspects of past proposals, *see Appendix I*). Because the negotiation processes failed to produce a final status agreement between the Palestinians and Israelis, the sides are not bound by past offers in future discussions. It is nevertheless possible to construct a useful framework with narrowed parameters to guide future negotiations towards the goal of a final peace agreement based on the concept of a two-state solution, even if there are alternative solutions that have not yet been fully explored.

The Security Studies Group lists its own suggested framework for a final status agreement based on the two-state model below.

## The Palestinian Refugee Issue

In the midst of the first Arab-Israeli war, on December 11, 1948, the United Nations General Assembly (UNGA) passed [Resolution 194](#). The war, which Israelis call their War of Independence and Palestinians refer to as *al-Nakba* (the Catastrophe), resulted in the displacement of [536,000 – 566,800](#) Palestinian refugees (other estimates put the number at [700,000 Palestinians](#)) from the Mediterranean Sea to the Jordan River and some [900,000 Jews](#) from Arab lands in the Middle East. The UN resolution contains the Palestinian frame of reference for refugees' so-called "right of return" to Israel by calling for a return of those refugees who wish to live in peace and for compensation to be paid by the governments and authorities responsible.

The two sides interpreted the [resolution](#) differently. Israel reads the phrase, "should be made good by the Governments or authorities responsible" as meaning the Arab states and Palestinians who rejected the 1947 United Nations partition plan ([UNGAR 181](#)) and launched the war. Palestinians, on the other hand hold

Israel itself responsible; merely expressing a desire “to return to their homes and live at peace” should facilitate the implementation of the resolution, in their view.

The fate of the Palestinian refugees remains a key sticking point in resolving the Palestinian-Israeli conflict. The Palestinian Authority (PA) created during the Oslo process may speak for Palestinians in the West Bank and Gaza, but as head of the Palestinian Liberation Organization (PLO), its president Mahmoud Abbas also makes a claim to represent all of the Palestinian refugees, regardless what country they inhabit. Known as the “right of return,” the unrealistic dream of a return to homes prior to 1948 is at the heart of the Palestinian national narrative and has been [nurtured](#) over the course of decades. It can be seen in the preservation of house keys as a symbol of a desire to return to homes that, in most cases, no longer exist. The demand has also long been a part of the PA’s official school curriculum.

As a result of the 1994 Gaza-Jericho Agreement with Israel, the then-new Palestinian Authority was granted some level of autonomy over territory in the West Bank and Gaza. For the first time, then, the PA was able to craft its own education system, separate from Jordan or Egypt. Practically, that meant taking charge of both inventing and transmitting ancient and modern history. The PA’s textbooks weave a tapestry infusing national identity with religious, family, Arab, and even territorial identity. A detailed 2017 study found that the contents of [Palestinian schoolbooks](#)’ on the subject of Jews, Israel, and peace is based on delegitimization, demonization, and indoctrination to violent struggle. That is to say, at a grade-school level, the PA presents the fundamental problem of “occupation” as one of Israel’s existence since 1948, rather than simply a post-1948 or -1967 territorial conflict.

Relying on a method that applies only to Palestinians, the United Nations Relief Works Agency (UNRWA) puts the number of Palestinian refugees and their descendants between [5.3 and 5.9 million](#) today. These refugees’ unlimited “right of return” to Israel—a country with just over [8.8 million](#) people (of which three-quarters are Jewish)—would fundamentally alter its Jewish character. For this reason, “right of return” is a non-starter in negotiations from an Israeli perspective, as it asks Israel to abandon its *raison d’être*. Instead, Israelis from across the political spectrum believe any return should be to a newly-created Palestinian state at the conclusion of a peace deal, if not resettlement within their current countries of residence.

### ***The Refugee Issue in Negotiations***

As a part of the 2000 [Clinton Parameters](#), Israel would “acknowledge the moral and material suffering caused to the Palestinian people as a result of the 1948 War and the need to assist the international community in addressing the problem.” There would be no Israeli reference to a “right of return” and a solution would take into account Israel’s territorial sovereignty. “It will also have to be consistent with the two-state approach that both sides have accepted... A new State of Palestine is about to be created as the homeland of the Palestinian people, just as Israel was established as the homeland of the Jewish people.”

The 2000 parameters offered five possible destinations for refugees: (1) the new Palestinian state; (2) areas in Israel transferred to the new Palestinian state in a land swap; (3) rehabilitation in a host country; (4) resettlement in a third country; or (5) admission to Israel. Options involving Israel or other outside states



“would depend upon the policies of those countries.” This fulfillment would mark the implementation of UNSCR 194.

The Palestinians rejected this formula and, in [their response](#), they increased their demands again. A month later in Taba, Egypt, the Palestinian delegation insisted on Israel’s compensation for (1) the refugees and their losses; (2) the newly created Palestinian state; and (3) the refugees’ host countries “for the significant costs they bore in hosting the refugees.”

The Annapolis process in 2008 utilized a lot of the same language as 2000. This time, however, Israeli prime minister Ehud Olmert [proposed](#) allowing the relocation of a symbolic number of Palestinian refugees within Israeli borders. According to sources quoted in [The New Republic](#), Abbas signaled to Secretary of State Condoleezza Rice that he might accept a number between 40,000 and 60,000. The number of living Palestinian refugees from the 1948 War was 30-50,000 refugees according to UNRWA. “Our reading was that there was a deal to be done on [the refugee issue],” Stephen Hadley, U.S. president George W. Bush’s national security adviser, was [quoted](#) as saying.

The refugee formulation in 2014 was similar to the previous proposals, in that Israel would not accept responsibility for the Palestinian refugee problem, but they left open the possibility that these refugees could be resettled in a Palestinian state, a third country, or their current country of residence. Rather than a specific number, admission to Israel would only occur in special humanitarian cases, which “will be decided upon by Israel, without obligation, at its sole discretion.”

Despite what appears as no dramatic overall shift on the refugee issue in the proposals and parameters of 2000, 2008, and 2014, there is reason to believe the sides are further apart as the positions cemented by the Palestinians over the years have been in accordance with their national narrative. At the heart of this debate is a clash of historical narratives that political negotiations cannot likely solve.

#### Jerusalem

The crux of [the Jerusalem issue](#) as it relates to any form of Palestinian–Israeli final status agreement is who will control the Holy City, or Old City of Jerusalem. That space accounts for 0.38 square miles of land, including where the Jewish temples once stood, and where the Temple Mount, or *Haram al-Sharif*, today houses the Dome of the Rock and the *Al-Aqsa Mosque*. It is also where the Western Wall is located, along with the Church of the Holy Sepulchre. The issue of Jerusalem is about access and control of the holy sites; The issue of having one’s capital in Jerusalem is about where in the Holy City’s outer environs can be considered a capital. The municipal borders of Jerusalem have shifted throughout the years, which lends itself to creative solutions for finding a capital.

In 1947, the United Nations endorsed a partition plan for two states, one Jewish and the other Arab. The Jerusalem-Bethlehem region was to be an enclave under [international administration](#). While the Jews accepted the plan, the Arabs rejected it and launched a war to prevent the establishment of the Jewish state. It didn’t work. Israel declared its modern establishment and independence on May 14, 1948.

By the war's end in 1949, Jordan controlled the West Bank, including the Old City of Jerusalem, which it annexed in 1950, along with the 2.3-square-mile surrounding environs, which it referred to as East Jerusalem. The Jordanians destroyed much of the Jewish Quarter, expelled most of its residents, and forbade Jews from entering the Holy City or East Jerusalem.

Israel, for its part, held onto a 15-square-mile portion of what it called West Jerusalem, on land Jews had long inhabited. That's where the Israelis set up their government institutions, including the parliament (the Knesset) and supreme court. Meanwhile, no party to the conflict endorsed the view that Jerusalem should be an internationally administered enclave. As a result, U.S. policy shifted.

In 1949, the Truman administration officially recognized Israel with its expanded territory, beyond what was proposed in the [1947 U.N. partition plan](#), but did not recognize any portion of Israeli-held Jerusalem, instead stating that the city's status should be resolved through negotiations. To that end, the U.S. embassy was established in Tel Aviv.

In the June 1967 war, Israel captured the West Bank and the Jordanian-held portion of Jerusalem and expanded the city's municipal boundaries. Still, the U.S. kept its embassy in Tel Aviv, preferring a stance of neutrality. Nevertheless, American presidents who traveled to Israel—beginning with Richard Nixon in 1974—have all visited Jerusalem to meet with politicians and heads of state, and three have even spoken before the Knesset. Likewise, when Egyptian president Anwar Sadat decided he wanted to make peace, he didn't go to Tel Aviv but to Jerusalem to address the Knesset in 1977.

The peace negotiations for which the U.S. shifted its Jerusalem policy in 1949 would have to wait nearly half a century, until the signing of the 1993 Oslo Accords in Washington. At that time, Israel expanded the city's municipal boundaries to incorporate 48 square miles of land — certainly more than the 15 square miles of West Jerusalem that Israel held from 1949 until 1967 or the 0.38 square miles that remains the area considered to be the Holy City.

### ***Jerusalem in Negotiations***

The Clinton Parameters of 2000 proposed the general principle that Arab areas are Palestinian and Jewish areas are Israeli. The same concept would apply to the Old City as well. He urged the two sides to work on maps that would ensure maximum contiguity for both sides. Palestinians would have some form of sovereignty and effective control over the Temple Mount with an international monitoring system to provide mutual confidence. Israel would have sovereignty over “the Western Wall and the space sacred to Judaism of which it is a part” or “the Western Wall and the Holy of Holies of which it is a part.”

The difference in Holy City formulations was in excavation possibilities. One option was a commitment by both sides not to excavate beneath the Temple Mount or behind the Wall, the other was shared functional sovereignty over the issue of excavation under the Temple Mount and behind the Wall, which meant mutual consent would be requested before any excavation could take place.

In 2008, the general principle of what was Jewish would be Israeli and what was Arab would be Palestinian remained, however the proposals were much more specific (*see Appendix I* for particular

Jerusalem neighborhood proposals). The “Holy Basin” (area of Jerusalem including the Old City, the Mount of Olives, and the City of David, just beyond the Old City walls) would be [overseen by a five-member](#), non-sovereign international trusteeship, comprising Israel, the PA, Jordan, the U.S. and Saudi Arabia. [No nation would have complete sovereignty](#) at the Temple Mount or over the entire Old City. Resolving the issue of Har Homa, an Israeli town that began under Netanyahu’s first government in the 1990s after the start of the Oslo Process remained a sticking point.

In 2014, Netanyahu [rejected the previous formulations](#) for Jerusalem that were accepted by Olmert and Barak where Jewish neighborhoods would be Israeli and Arab neighborhoods would be Palestinian. He preferred vague wording on “Palestinian aspirations” when it came to Jerusalem as a Palestinian capital. While Abbas agreed not to re-divide Jerusalem, he could not accept either of the two Jerusalem options Kerry presented in the February 2014 proposal. The [first option](#) read the following: “Israel seeks to have the city of Jerusalem internationally recognized as its capital and the Palestinians seek to have East Jerusalem as the capital of their state.” The [second option](#) called for international recognitions of East Jerusalem as the Palestinian capital and Jerusalem recognized as Israel’s capital.

Kerry’s March 2014 proposal leaned closer to the Palestinian position by providing for internationally recognized capitals for both in Jerusalem (without specifying East Jerusalem for Palestinians). It also removed the issue of the Old City, religious sites, and Jewish neighborhoods to be addressed separately in final status negotiations.

In general, Palestinians have demanded that Jerusalem serve as two capital cities. They also demand control of the sites holy to Islam and Christianity – most especially the Temple Mount. For its part, Israel has difficulty recognizing two capitals in Jerusalem. Nevertheless, Palestinians rejected Olmert’s far-leaning proposals in 2008, indicating there is little room for maneuver on the issue.

### ***Subsequent Developments***

The peace process collapsed in 2014, however, as a parting shot at Israel in the remaining days of Obama’s term in office, the administration orchestrated the adoption of [UNSCR 2334](#) in late 2016. It broke with decades of U.S. policy by creating a UN Security Council resolution designed to supersede UNSCR 242 and the Oslo Accords, and it created a new basis for negotiations in which the bulk of Palestinian demands would already be met at the outset.

In practice, [the resolution meant](#) that Jews living in the Jewish Quarter of the Old City would be considered illegal outlaws and building and restoring their homes or synagogues that were destroyed under Jordan’s 1948-1967 occupation is forbidden. It denies the rights of Jews to live and pray legally at the holiest sites in Jerusalem, including the Western Wall, despite more than 2,000 years of continuous Jewish presence in the Holy Land. And there is no distinction between the Jewish presence in Jerusalem or an isolated hilltop near the Jordan River. President Trump’s 2017 decision to move the U.S. embassy from Tel Aviv to Jerusalem in May 2018 undid much of the Obama administration’s damage as it pertained to the city of Jerusalem.

With the dawn of the Oslo process the U.S. kept its embassy in Tel Aviv and finally maintained a [consulate general in Jerusalem](#). But that consulate remained tasked solely with representing American

interests to the Palestinian Authority — not Israel. In effect, while America’s goal was neutrality on the Jerusalem issue, it was favoring Palestinian claims to the city by only representing itself in East Jerusalem to the Palestinians. This was a major impetus for Congress to pass by wide bipartisan margins the 1995 [Jerusalem Embassy Relocation Act](#), which was designed not only to correct this imbalance but to comport with reality.

In June 2017, the Senate [passed a resolution](#) by a 90–0 vote that commemorated the 50th anniversary of the reunification of Jerusalem, stating that “Jerusalem should remain the undivided capital of Israel in which the rights of every ethnic and religious group are protected,” adding that “there has been a continuous Jewish presence in Jerusalem for 3 millennia.”

President Trump’s move of the U.S. embassy from Tel Aviv to Jerusalem didn’t even go as far as the text of the resolution for which Congress voted. Moreover, [the president made clear](#), “We are not taking a position of any final status issues, including the specific boundaries of the Israeli sovereignty in Jerusalem, or the resolution of contested borders. Those questions are up to the parties involved.”

Palestinian anger towards the embassy move may demonstrate the volatility of the Jerusalem issue, but more specifically, it demonstrates that many fundamentally do not accept any Jewish claim to any part of Jerusalem—west, east, in the Holy City, or in the Holy Basin. Declaring that no part of Jerusalem is Israeli, including the 15 square miles of West Jerusalem that Jews held since Israel’s modern establishment as a state in 1948 and before, reinforces a reality that the crux of the Palestinian–Israeli conflict is not about territory, borders, and the “occupation” that came as a result of the 1967 war, but rather is about 1948 issues—Israel’s existence. [The Jerusalem fiction](#) prevents Palestinians from grappling with reality and revisiting their red lines that could end the conflict and lead to their statehood.

#### Territory and Borders

### ***UNSCR 242***

United Nations Security Council Resolution [\(UNSCR\) 242](#), adopted on November 22, 1967 in the wake of the six-day June war has been the basis of peace negotiations between Israelis on one hand, and the Egyptians and Jordanians on the other. It later became the basis with the Palestinians as well. The carefully worded resolution calls for the “Withdrawal of Israel armed forces from territories occupied in the recent conflict”. It also calls for, “Termination of all claims or states of belligerency and respect for and acknowledgment 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 force.”

The correct reading of the resolution is according to the English language in which it was adopted. It means that in exchange for peace, Israel must withdraw from *some* territories, and not *all* territories. However, Palestinians and the Arab states interpret the resolution as meaning Israel should withdraw from



*all of the territories* once the state of belligerency is terminated.\* At the time of its adoption in 1967, if Israel enforced the resolution, the portions of land Israel withdrew from in the West Bank would be returned to Jordan while Gaza would be returned to Egypt, and the Golan Heights to Syria.

The Israeli and American reading of the resolution provides legitimacy to the claim that the depth of the Israeli withdrawal would be negotiated to match the depth of the peace it is offered. That is to say, UNSCR 242 does not provide for an Israeli withdrawal to the pre-June 1967 lines as the starting point of negotiations.

Nevertheless, Israel already set the precedent for a complete withdrawal when they signed the 1978 Camp David Accords with Egypt, providing for the return of 100% of Egypt's territory in the Sinai. Israel again demonstrated this precedent during their withdrawal from Lebanon on May 24, 2000, and during the failed attempt at a Syrian-Israeli peace process that was prejudiced toward the June 4, 1967 borders rather than the 1923 international border.

The Palestinian viewpoint on borders and territory stems from their belief that they were entitled to all of British Mandatory Palestine held from 1922 until 1948 – from the Mediterranean Sea to the Jordan River. They claim to have given up their demand for a return to the 1947 UN partition lines (which they rejected at the time in favor of launching a war), which means 100% of the West Bank and Gaza is only 22% of Mandatory Palestine. From this viewpoint, they believe they have already made their [historic compromise on territory](#), which was an argument Arafat often made in 2000 during negotiations at Camp David. When they demand a peace based on the implementation of UNSCR 242, they mean based on 100% of the West Bank and Gaza.

### ***The 2004 Bush-Sharon Commitments and Obama's Approach***

In 2004, the U.S. made a key presidential commitment to Israel that paved the way for Israel's unilateral disengagement from Gaza a year later. It came in the form of an exchange of [letters](#) between President George W. Bush and Israel's Prime Minister Ariel Sharon. It took geographic reality into account and recognized that the "the outcome of final status negotiations" will not be "a full and complete return to the armistice lines of 1949" and "any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities."

According to that presidential understanding, Israel could build [within existing settlements](#) confined to the existing lines marked for construction, but they could not create new settlements, which would require expropriating land. Therefore, it wouldn't affect the [over 90 percent of West Bank land](#) available for a

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\* Over the years, Arab diplomats argued about the difference between the English and French text of the withdrawal clause, the latter of which read, "retrait des forces arrives Isreliennes des territoires occupés lores due recent conflit." The English text intentionally left out the definite article "the" before the word "territories," leaving indefinite the amount of territory from which Israel could be expected to withdraw. The French text is actually an improper translation as "des territoires" has a definite meaning. A better translation would have been "de territories". Either way, the procedure in 1967 for disputed text due to language differences was to stick with the original resolution submitted, which was by the British and in English. See: [http://icpa.org/security\\_council\\_resolution\\_242](http://icpa.org/security_council_resolution_242)

Palestinian state. While the letters of assurance did not represent President Bush's overall endorsement of Israeli settlement policy, it removed the issue of [settlements](#) as a bone of contention within the U.S.-Israeli relationship.

Whereas President Bush disconnected the [settlement issue](#) from the bilateral relationship, President [Obama made it the centerpiece](#) of his approach to the peace process and disregarded the letters from the outset of his administration. That is to say that the very presidential commitment that paved the path for Israel's unilateral withdrawal from Gaza was tossed aside. Moreover, Obama officially adopted as a U.S. position the view of the 1967 lines as the basis for negotiations in his [May 19, 2011 speech](#). His final contribution to the peace process was [orchestrating](#) the adoption of [UNSCR 2334](#) days before leaving office. It broke with decades of U.S. policy and created a new basis for negotiations. With 1967 lines as the starting point, Palestinians could determine the extent of West Bank land it would trade with Israel. If they said no, then land swaps would not be "mutually agreed," effectively giving them 100% of the West Bank and East Jerusalem in exchange for nothing, all at Israel's expense.

### ***Annexation and Land Swaps***

With an eye toward solving the Israeli settlement and territory issue after the 2008 Annapolis peace process failed to produce a final status agreement, David Makovsky, Senior Fellow at the Washington Institute for Near East Policy (and future member of John Kerry's 2013-14 negotiations team) conducted a detailed study, "[Imagining the Border](#): Options for Resolving the Israeli-Palestinian Territorial Issue." It included [maps](#) with [three scenarios](#) for territorial land swaps and Israeli annexation that demonstrated how Israel could keep 68 – 80% of their population living in the West Bank in 3.72 – 4.73% percent of the land. That means depending on the scenario, Israel could offer Palestinians between 95.3 – 96.3% of the West Bank. If adding to that a land swap based on a 1:1 ratio, each of the three scenarios fall well within Olmert's 6.3% target in 2008 and Abbas's 1.9% threshold.

### ***Territory and Borders in the Negotiations***

In 2000, Yasser Arafat rejected 100% of Gaza and 97% of the West Bank (including land swaps of 1-3%). In 2008, Ehud Olmert offered a total of 99.5% of the West Bank, 100% of Gaza. The two would be linked by an [underground tunnel](#). As a part of the agreement, Israel would annex 6.3% of the West Bank to encompass its key settlement blocs and compensate the Palestinians with a corresponding 5.8% of territory from within Israel. Resolving the Israeli settlement issues involving Ma'ale Adumim and Ariel remained a major sticking point.

After the peace talks collapsed in the spring of 2014, Netanyahu reportedly told President Obama later that year, to consider a plan in which Israel would [annex large parts](#) of the West Bank and Palestinians would in return receive land from Egypt in the northern Sinai. According to a former Israeli official, Netanyahu reportedly "used the term 'settlement blocs' but didn't provide a map that actually defines those blocs." The idea was that the majority of the West Bank would still eventually become a Palestinian state. The "compensation" to the Palestinians for the land annexed by Israel would come from Egyptian territory adjacent to Gaza. Little indicates Palestinians or Egyptians would accept this plan.

Throughout years of negotiations, the Palestinian position has been constant in that land swaps must be equal in size and quality and not exceed 1.9% of the West Bank.

#### Security Arrangements

The negotiations in 2000, 2008, and 2014 did not occur in a vacuum; they took place on a timeline alongside other major regional developments in which the context dramatically changed Israel's perception of its security needs. In between the Camp David Summit in 2000 and the release of Clinton's ideas on December 23 of that year, the Palestinians launched what they called the al-Aqsa Intifada and others referred to as the Second Intifada. Those titles, however, are a misnomer. It was not a spontaneous and grassroots reaction as the Arabic word, *intifada*, implies but a strategic decision by Palestinian leadership to abandon the peace process and use Ariel Sharon's visit to the Temple Mount [as a pretext to turn to terrorism](#) in order to accomplish through violence what it could not at the negotiating table.

This war of attrition only fizzled out around the time of Yasser Arafat's death in November 2004 and officially came to an end on February 8, 2005 when the new PA president, Mahmoud Abbas and Israeli Prime Minister Ariel Sharon announced a [ceasefire agreement](#). The death toll from that costly episode, including both military and civilian, was estimated to be [around 3,000 Palestinians](#) and [1,100 Israelis](#), in addition to 64 foreigners.

The Palestinian turn to terrorism prompted the Israeli government to begin construction of a security barrier between the pre-1967 Israeli lines and the West Bank in 2002. Progress in its construction, the vast majority of which is a fence, directly correlated to a steep drop off in Palestinian terrorist attacks across the Green Line. With the war of attrition – not peace – serving as the crowning achievement of the Oslo process, Israel announced its disengagement plan in June 2004, which it completed in August 2005. The idea was that separation would provide a better path forward in which trust could be rebuilt while still preserving the two-state option as a future solution. It was hoped that Gaza could then serve as an effective model in terms of governance for a future Palestinian state that would include the West Bank.

Realizing that vision quickly proved elusive. In January 2006, the Palestinian Legislative Council held elections in which Hamas defeated Fatah. Hamas's local leader in Gaza, Ismail Haniyeh formed a new government the following month. The PLO, however, remained the sole representative of Palestinians and able to engage in external political negotiations such as the peace process. Equally important, it was to remain the security force at the Gaza border crossing with Egypt along the 8.7-mile Philadelphi Route that ran from the Mediterranean Sea to the three-way Kerem Shalom crossing between the two and Israel. With Israel already out of Gaza and in the wake of the elections, Hamas staged a violent coup in Gaza and removed the remaining Fatah officials in June 2006, effectively splitting Gaza from the West Bank politically.

Meanwhile, Hamas was building up its domestic rocket capability as Olmert and Abbas participated in the Annapolis peace process in 2008. Shortly after its failure, rocket attacks from Gaza dramatically increased, leading to Israel's [Operation Cast Lead](#) from December 27, 2008 – January 18, 2009. As the regional security context began to deteriorate during the years of Arab upheaval from 2011 onward, Hamas thought to take advantage of the Muslim Brotherhood's victory in the Egyptian elections in June 2012. A few months later in

November, Hamas launched over 100 rockets at Israel in a 24-hour period, prompting Israel's Operation Pillar of Defense from November 14 – 21, 2012.

A few months after the failure of John Kerry's peace efforts, Hamas kidnapped and killed three Israeli teenagers followed by a sharp uptick in persistent rocket fire from Gaza. Israel launched Operation Protective Edge in Gaza from July 8 – August 26, 2014. During that time, the presence of Hamas-made terror tunnels that ran from Gaza into Israel for the purpose of kidnapping Israelis became a widespread public feature associated with its diversion of international funds. Concrete meant for Gaza's reconstruction was diverted to build tunnels for terrorism.

There were other costly lessons that reinforced for Israelis that the land-for-peace formula upon which peace talks were based, failed in every instance to bring something other than terrorism, rockets, and war. Leaving Gaza in 2005 produced what even [Reuters called](#), "an unmitigated catastrophe" with Hamas running a terrorist state that has launched more than [15,000 rockets](#) at Israel. Vacating their security zone in Southern Lebanon in 2000 paved the way for the 2006 war between [Hezbollah and Israel](#). The Syrian civil war serves as yet another reminder of what the application of the land-for-peace formula could have produced if Hafez al-Assad and Ehud Barak made peace in 2000 based on Israel's return of the Golan Heights to Syria up to the Sea of Galilee. For its part, Iran has been on a steady march westward into the heart of the Middle East with its declared intention to wipe Israel off the map. In short, Israel's security calculations have not been immune to these troubling developments and have been represented in its security demands accordingly during the peace negotiations.

### ***The Security Issue in the Negotiations***

According to the 2000 proposal, Israeli forces would remain in fixed locations in the Jordan Valley for 36 months and maintain three early warning stations with a Palestinian liaison presence. The Palestinian state would be a "non-militarized state" – a compromise between the Palestinian position, "a state with limited arms," and Israel's position, "a demilitarized state." It was still consistent with a strong Palestinian security force. An international force would serve for border security.

As in other areas, Olmert's proposal leaned further than the others. According to his 2008 offer, Israel would [forgo a presence in the Jordan Valley](#) and in return, Olmert expected full security cooperation with Jordan. The security proposals were far more in-depth (see below) and were [largely accepted](#) by PA President Mahmoud Abbas. The details were worked out with Gen. James Jones who later became Obama's National Security Adviser. "The file on security was closed," Abbas said. "We do not claim it was an agreement, but the file was finalized." Abbas also reportedly offered Olmert his choice of international forces to patrol the border and [agreed to a NATO force](#) as long as it was under U.S. command.

According to interviews conducted by Bernard Avishai published in February 2011 in *New York Times Magazine*, [Olmert's security principles](#) included a strong Palestinian police force, not an army or air force; a guarantee that no foreign army would be able to enter the Palestinian state; and its government would not be permitted to enter into any military agreement with a country that does not recognize Israel.

The border with Jordan would be patrolled by international forces, preferably NATO, and Israel would retain the right to defend itself beyond the Palestinian state in the case of a foreign army massing troops along the Jordanian border. Israel would also be allowed to pursue terrorists across their new borders. Israel would have access to Palestinian airspace and the IDF would have rights to the telecommunications spectrum with commercial rights equalized under international law. Jordan and Egypt conditioned their approval on the presence of [international forces only on the Palestinian side](#) of the border and no Jordanian or Egyptian participation in the force.

The regional context had changed dramatically since 2008 and as the peace talks proceeded, the U.S. was separately engaged in nuclear negotiations with Iran. Both had tremendous security implications for Israel, which were manifest with its enhanced security requirements vis-à-vis the Palestinians. It meant that sticking points related to security issues were more pronounced than in previous years. Generally, the Palestinian view was that security arrangements could be worked out after a solution to the other issues was agreed to while Netanyahu believed the opposite, namely that the border issue could be finalized according to “Israel’s security requirements” as contained in February 2014 document.

The February 2014 Kerry proposal suggested a [“full and final” Israeli withdrawal](#) from all parts of the Palestinian state and that the withdrawal would be phased and gradual. There was no timeline, only mentioning that it would be negotiated between the two sides. The document sets no timeline for this, and says only that it will be negotiated between the two sides. Israel would also maintain the ability to defend itself, by itself, in the case of an emergency “or an emerging threat.” The Palestinian state would be demilitarized but with an effective internal security force.”

The revised [Israeli principle](#) was that the Jordan River had to remain their eastern border, including an Israeli military presence that could guard against infiltration, weapons smuggling, and serve as the first line of defense against external threats emerging from the east. It viewed third-party forces such as UNIFIL, UNDOF, UNTSO, and even NATO as inadequate, if not counterproductive, and not suitable to replace Israeli forces. Israel also wanted no defined time limit for deployment that didn’t account for existing regional realities.

The [Palestinian principle](#) was that the removal of all forms of Israel’s military presence was necessary for their state’s independence and sovereignty. They could accept a transition period with some Israeli military presence. In an early February 2014 interview with Thomas Friedman of the *New York Times*, [Abbas suggested](#) that after agreeing on the contours Palestinian statehood, Israeli troops could remain in the West Bank for a five-year transitional period after which they would be replaced indefinitely by an American-led NATO force, including troops at every crossing, along with Palestinian police and security units. Abbas was prepared to allow NATO forces to remain, “for a long time, and wherever they want, not only on the eastern borders but also on the western borders, everywhere...”

The Palestinians continued to see [control of the airspace](#) as a sovereignty issue while Israel views a unified airspace with Israeli security control as essential.



### Suggested Framework for a Final Status Agreement

A settlement negotiated between the two parties will result in a Palestinian state for Palestinians, alongside the State of Israel as the nation-state of the Jewish people with secure and recognized borders.

#### ***Territory and Borders***

- Palestinians receive 100% of Gaza and a total of 96% of the West Bank linked either over land, through a tunnel, or through the air. The territory of the West Bank will be comprised of the following:
- Israel would annex 10% of the West Bank to encompass its key settlement blocs (over 80% of its Jewish population) and security corridors to and along the Jordan Valley. It could include Israel's retention of the following blocs: Ma'ale Adumim; Kfar Adumim; Ariel; North Ariel; Modiin Illit and the western edge; Betar Illit / Gush Etzion; and Metzadot Yehuda.
  - Israel could compensate the Palestinians with 6% of territory drawn from Israeli land next to the West Bank and Gaza. That territory could be near Afula and Beit She'an (above the northeastern area of the West Bank); an area north of Jerusalem and in the Judean Desert; in the Lachish region; and adjacent to Gaza.

#### ***Refugee Issue***

- A workable solution could be based on a combination of the previous parameters.
- The establishment of an independent Palestinian state will provide a national homeland for all Palestinians, including the refugees, and thereby bring an end to the historic Palestinian refugee issue and the assertion of any claims against Israel arising from it. They may be settled in any of the following:
  - Resettling them in the Palestinian state.
  - Permanent settling in their current host states.
  - Resettlement in third countries around the world that would agree to accept them.
  - Admission to Israel only in special humanitarian cases, which will be decided upon by Israel, without obligation, at its sole discretion.
- If an international fund is to pay for Palestinian resettlement, there should also be a reference to "an international effort to deal with the property claims" of Jews who were expelled from Arab countries as a result of the decades-long conflict with Israel," as contained in Secretary of State John Kerry's February 2014 proposal.
- The end result should be a Palestinian state for all Palestinians alongside Israel, recognized as the nation-state for the Jews. It would be up to Israel to decide if it will allow any Palestinian refugees into Israel if it must uproot Jews living in the West Bank and move them within the pre-1967 lines.
- It would constitute the fulfillment of UNGA 194 and end all claims arising from this issue.

### ***Jerusalem***

- Jerusalem will continue to be the undivided capital of Israel.
- The Temple Mount will continue to be administered by the Jordanian Waqf, as it has since 1967.
- The Holy Basin (excluding the Old City) will be overseen by a five-member trusteeship comprised of Israel, the PA, Jordan, Saudi Arabia, and the United States.
- In the wider municipality of Jerusalem, the Arab areas will be administered by Palestinians and the Jewish areas by Israel, including Har Homa, Gilo, Neve Yaakov, and Pisgat Zeev.
- The eastern municipal boundary of Jerusalem will be expanded to include Abu Dis and Al-Eizariya and will be considered part of East Jerusalem.
- East Jerusalem in that area will be the Palestinian capital; Jerusalem will be the capital of Israel and maintain its government buildings in the western portion of the city.

### ***Security Arrangements***

In general, the Israeli view has been that security is vital to establishing peaceful relations, while Palestinians see peace as the primary component of security. The pre-1967 lines are indefensible for Israel for a host of reasons, not the least of which is because at its narrowest point, Israel is only nine miles wide between the Mediterranean Sea and the hills of the West Bank.

- The Jordan River should remain Israel's eastern border and will include an Israeli presence and guard against infiltration, weapons smuggling, and serve as the first line of defense against external threats emerging from the east. A U.S.-led NATO force may also participate alongside Israel in this security zone. Israel, Palestinian police and security units will be present the NATO force at every border crossing. An Israeli withdrawal from these security zones will be based on conditions and negotiated separately.
- Israel will be able to pursue terrorists from its territory and respond in case of an emergency or emerging threat from the east.

## Appendix I – The Previous Proposals and Parameters

### **2000: The Clinton Parameters**

Contrary to widely held mythology surrounding the peace process, the [Oslo Accords](#) of the 1990s were not designed to culminate in an independent Palestinian state. Rather it was to involve degrees of Palestinian autonomy and Israeli military redeployments. Permanent status discussions were to commence further down the road. Only by 1998—five years after the famous White House signing ceremony—did President Clinton begin playing with the idea that the permanent status agreement could provide for an independent Palestinian state, if a host of conditions were worked out in negotiations.

#### TERRITORY & BORDERS

- 94 – 96% of the West Bank; 100% of Gaza and a land link between the two.
- A land swap of 1 – 3%, which would allow 80% of Israeli settlers to remain in blocs transferred to Israel for a total 97% of the West Bank.
- Contiguity of territory.

#### SECURITY ARRANGEMENTS

- Israel would remain in fixed locations in the Jordan Valley under the authority of an international force for 36 months.
- Israel would maintain three early warning stations in the West Bank with a Palestinian liaison presence. They are subject to review every 10 years. Changes are to be mutually agreed.
- “Regarding [emergency developments](#), I understand that you will still have to develop a map of the relevant areas and routes. I propose the following definition: imminent and demonstrable threat to Israel's national security of a military nature that requires the activation of a national state emergency. Of course, the international forces will need to be notified of any such determination.”
- Palestinian sovereignty over its airspace. Both sides work out special arrangements for Israeli training and operational needs.
- The Palestinian state should be a “non-militarized state” – a compromise between the Palestinian position: “a state with limited arms” and Israel’s position: a “demilitarized state.” It is consistent with a strong Palestinian security force.
- Palestinians will have an international force for border security and “deterrent purposes.”

#### JERUSALEM

- The general principle that Arab areas are Palestinian and Jewish areas are Israeli.
- The same concept would apply to the Old City as well. “I urge the two sides to work on maps to create maximum contiguity for both sides.”
- Some form of Palestinian sovereignty over the Temple Mount. Based on President Clinton’s belief that “the gaps are not related to practical administration but to symbolic issues of sovereignty and to finding a way to accord respect to the religious beliefs of both sides.” A formulation guaranteeing

Palestinian effective control over the Temple Mount with international monitoring according to one of the following two models:

- Palestinian sovereignty over the Temple Mount and Israeli sovereignty over the Western Wall and the space sacred to Judaism, including the Western Wall and the Holy of Holies. A commitment by both sides not to excavate beneath the Temple Mount or behind the Wall.
- Palestinian sovereignty over the Temple Mount and Israeli sovereignty over the Western Wall and shared functional sovereignty over the issue of excavation under the Temple Mount and behind the Wall such that mutual consent would be requested before any excavation can take place.

#### REFUGEES

- Based on President Clinton's belief that "the differences are more relating to formulations and less to what will happen on a practical level."
- Israel will acknowledge "the moral and material suffering caused to the Palestinian people as a result of the 1948 war and the need to assist the international community in addressing the problem."
- No Israeli reference to "a right of return" that implies immigration to Israel.
- "It will also have to be consistent with the two-state approach that both sides have accepted... A new State of Palestine is about to be created as the homeland of the Jewish people, just as Israel was established as the homeland of the Jewish people."
- A right for Palestinian refugees to settle in a future Palestinian state or in land Israel transfers to a Palestinian state in a land swap. Resettlement, rehabilitation, or absorption in a third country, host country, or Israel "would depend upon the policies of those countries."
- An international fund of \$30 billion USD for either compensation or to cover repatriation, resettlement, and rehabilitation costs.
- "Taken together the parties would agree that these steps implement Resolution 194."

#### END OF CLAIMS AGREEMENT

- "I propose that the agreement clearly mark the end of the conflict and its implementation put an end to all claims. This could be implemented through a UN Security Council Resolution (UNSCR) that notes that resolutions 242 and 338 have been implemented and through the release of Palestinian prisoners."

### ***2008: Israeli Prime Minister Ehud Olmert's Offer and the Annapolis Process***

#### TERRITORY & BORDERS

- A [total](#) of 99.5% of the West Bank and 100% of Gaza with a land link between the two via an [underground tunnel](#).

- **Land Swap:** Israel would annex 6.3% of the West Bank to encompass its key settlements and compensate the Palestinians with a corresponding 5.8% of territory from within Israel, plus a corridor linking Gaza to the West Bank. A total of 99.5% of the West Bank.
- Palestinians reportedly countered with a land swap based on Israel annexing 1.9% of the West Bank.
  - **Israeli to Palestinian:** The territory [Israel would transfer](#) to Palestinians would be near Afula and Beit She'an (above the northeastern area of the West Bank); an area north of Jerusalem and in the Judean Desert; in the Lachish region; and adjacent to Gaza.
  - Olmert's offer [Israel would evacuate](#) around 70,000 settlers.
  - [Palestinian proposal](#) would remove some 160,000 settlers. [More than 60%](#) of Israeli settlers could remain.
  - Abbas considered Israel keeping its "[built-up settlements](#)," meaning the Gush Etzion Bloc and Alfei Menashe, which were towns adjacent to the 1967 Green Line. The issue over which settlements would be considered Israeli remained a sticking point.
  - According to "The Palestine Papers," Palestinian negotiator Saeb Erekat was [willing to concede](#) the following areas: French Hill; Ramat Alon; Ramat Shlomo; Gilo; Talpiot; and the Jewish Quarter in Jerusalem's Old City. Those areas contain some 120,000 Jewish settlers. He didn't mention the other areas of eastern Jerusalem, such as Pisgat Ze'ev and Neve Ya'akov. Ahmed Qurei's language indicated they would also remain Israeli but he [could not accept](#) Israeli annexation of Ma'ale Adumim; Ariel; Giv'at Ze'ev; Ephrat; and Har Homa.
  - Resolving Ma'ale Adumim and Ariel remained a major sticking point, as did Har Homa which began under Netanyahu's first government in the 1990s after the start of the Oslo Process.

#### SECURITY ARRANGEMENTS

- Olmert confirmed he would [forgo an Israeli presence in the Jordan Valley](#), an area Netanyahu defines as vital to Israel's security interests. In return, Olmert expected full security cooperation with Jordan.
- Olmert and Abbas agreed to the term "[non-militarized](#)". (*Same language as 2000*)
- According to interviews conducted by Bernard Avishai published in February 2011 in *New York Times Magazine*, [Olmert's security principles](#) included the following:
  - There would be a strong Palestinian police force, not an army or air force.
  - The border with Jordan would be patrolled by international forces, preferably NATO.
  - A guarantee that no foreign army would be able to enter the Palestinian state, and its government would not be permitted to enter into any military agreement with a country that does not recognize Israel.
  - Israeli right to defend itself beyond the Palestinian state in the case of a foreign army massing troops along the Jordanian border.
  - An Israeli right to pursue terrorists across their new borders.



- Israeli access to Palestinian airspace.
- IDF rights to the telecommunications spectrum with commercial rights equalized under international law.
- According to the Avishai article, the [security arrangements were largely accepted](#) by Abbas and details were worked out with Gen. James Jones who later became Obama's National Security Adviser. "The file on security was closed," Abbas said. "We do not claim it was an agreement, but the file was finalized."
- Abbas reportedly offered Olmert his choice of international forces to patrol the border and [agreed to a NATO force](#) as long as it was under U.S. command.
- Jordan and Egypt conditioned their approval on the presence of [international forces only on the Palestinian side](#) of the border and no Jordanian or Egyptian participation in the force.

#### JERUSALEM

- The [general principle](#) that Arab areas are Palestinian and Jewish areas are Israeli. (*Same language as 2000*)
- The same concept would apply to the Old City as well. (*Same language as 2000*) The "Holy Basin" (area of Jerusalem including the Old City, the Mount of Olives, and the City of David, just beyond the Old City walls) would be [overseen by a five-member](#), non-sovereign international trusteeship, comprising Israel, the PA, Jordan, the U.S. and Saudi Arabia. [No nation would have complete sovereignty](#) at the Temple Mount or over the entire Old City.

#### REFUGEES

- Israel will acknowledge "the moral and material suffering caused to the Palestinian people as a result of the 1948 war and the need to assist the international community in addressing the problem." (*Same language as 2000*)
- No Israeli reference to "a right of return" that implies immigration to Israel. (*Same language as 2000*)
- A right for Palestinian refugees to settle in a future Palestinian state. (*Same language as 2000*)
- Olmert [proposed](#) allowing the relocation of a symbolic number of Palestinian refugees (5,000 over the course of five years) within Israeli borders, while offering compensation and resettlement for the rest.
- According to "highly knowledgeable sources," quoted in [The New Republic](#), Abbas signaled to then-Secretary of State Condoleezza Rice that he might accept a number between 40,000 and 60,000.
- "Our reading was that there was a deal to be done on [the refugee issue]," Stephen Hadley, then-U.S. president George W. Bush's national security adviser, was [quoted](#) as saying.

#### WHAT WAS SIGNIFICANT

The security arrangements were more or less finalized. Resolving Ma'ale Adumim and Ariel remained a major sticking point, as did Har Homa, a bloc that began under Netanyahu's first government in the 1990s

after the start of the Oslo Process. A NATO force would be involved in security arrangements and there would be no sovereignty for anyone on the “Holy Basin.” The refugee issue shrunk to around the same number of those living refugees from 1947-49 (30-50,000 refugees according to UNRWA; 40-60,000 may be admitted to Israel). It turned out that those who said Ehud Barak offered more in 2000-01 than any Israeli leader ever would in the future were wrong.

### ***2014: John Kerry’s Effort***

There were two internal drafts written by John Kerry in 2014 geared toward creating a framework agreement. One from mid-February called, “Working Draft Framework for Negotiations,” based on talks held through a back channel between Isaac Molho for Netanyahu and Prof. Hussein Agha, a close advisor to Abbas. The proposal was put together based on a verbal American-Israeli understanding of the parameters and presented to Abbas on February 19, 2014. Abbas was furious with the proposal in general and specifically with what he considered to be the weak wording for how the Jerusalem issue was addressed. As a result, the U.S. team decided to change some parts of the agreement, in order to gain Palestinian approval. That effort resulted in a second U.S. document from March 15, 2014, without consultations with the Israelis. Together, they demonstrated what the U.S. thought it would take to bridge the gaps between the two positions. The differences between the two are notated below where applicable:

#### **TERRITORY & BORDERS**

- The **February 2014 Document** suggested “the new secure and recognized international borders between Israel and Palestine will be negotiated [based on the 1967 lines](#) with mutually-agreed swaps whose size and location will be negotiated, so that Palestine will have viable territory corresponding in size to the territory controlled by Egypt and Jordan before June 4, 1967, with territorial contiguity in the West Bank. In negotiating the borders, the parties will need to take into account subsequent developments, Israel’s security requirements and the goal of minimizing movement of existing populations while avoiding friction.” Netanyahu’s reservation to avoid the direct usage of the words “territorial contiguity” was not accepted by the U.S.
- The **March 2014 Document** [removed the words](#) “subsequent developments” that essentially refers to changes made in Israel’s major settlement blocs.

#### **SECURITY ARRANGEMENTS**

- The **February 2014 Document** suggested there will be a [“full and final” Israeli withdrawal](#) from all parts of the Palestinian state and that the withdrawal would be phased and gradual. There was no timeline, only mentioning that it would be negotiated between the two sides. The document sets no timeline for this, and says only that it will be negotiated between the two sides. Israel would also maintain the ability to defend itself, by itself, in the case of an emergency “or an emerging threat.” The Palestinian state would be demilitarized but with an effective internal security force.” The terms remained the same in the March 2014 document.

- The [Israeli principle](#) was that the Jordan River had to remain their eastern border, including an Israeli military presence that could guard against infiltration, weapons smuggling, and serve as the first line of defense against external threats emerging from the east. It viewed third-party forces such as UNIFIL, UNDOF, UNTSO, and even NATO as inadequate, if not counterproductive, and not suitable to replace Israeli forces. Israel also wanted no defined time limit for deployment that didn't account for existing regional realities.
- The [Palestinian principle](#) was that the removal of all forms of Israel's military presence was necessary for their state's independence and sovereignty. They could accept a transition period with some Israeli military presence. In an early February 2014 interview with Thomas Friedman of the *New York Times*, [Abbas suggested](#) that after agreeing on the contours of Palestinian statehood, Israeli troops could remain in the West Bank for a five-year transitional period after which they would be replaced indefinitely by an American-led NATO force, including troops at every crossing, along with Palestinian police and security units. Abbas was prepared to allow NATO forces to remain, "for a long time, and wherever they want, not only on the eastern borders but also on the western borders, everywhere..."
- The Palestinians continued to see [control of the airspace](#) as a sovereignty issue while Israel views a unified airspace with Israeli security control as essential.

#### JERUSALEM

- The **February 2014 Document** only contained [a short paragraph on Jerusalem](#), despite the issues complexity: "Jerusalem is perhaps the most complicated and sensitive of all the issues to be resolved in the agreement. Any solution to these issues must correspond to the deep historic, religious, cultural and emotional ties of both peoples to the city's holy sites, which must be protected. The parties agree that the city should not be redivided and that there cannot be a permanent status agreement without resolving the issue of Jerusalem." Netanyahu was then supposed to decide between one of the following two options that were added as notes:
  - [First Option](#): "Israel seeks to have the city of Jerusalem internationally recognized as its capital and the Palestinians seek to have East Jerusalem as the capital of their state."
  - [Second Option](#): "Palestinians seek to have the internationally recognized capital of their state in East Jerusalem and Israelis seek to have Jerusalem internationally recognized as their capital."
- The **March 2014 Document** was [more specific](#), stating that "in order to meet the needs of both sides, the permanent status agreement will have to provide for both Israel and Palestine to have their internationally recognized capitals in Jerusalem, with East Jerusalem serving as the Palestinian capital." The document also stated, "the Old City, religious sites and Jewish neighborhoods [will be] addressed separately as part of the final status negotiations."
- Netanyahu [rejected the previous formulations](#) accepted by Olmert and Barak where Jewish neighborhoods would be Israeli and Arab neighborhoods would be Palestinian. He preferred vague wording on "Palestinian aspirations" when it came to Jerusalem as their capital. While Abbas agreed

not to re-divide Jerusalem, he could not accept either of the two Jerusalem options Kerry presented in the February 2014 proposal.

- When [Obama presented](#) the March 2014 document to Abbas in the White House, which categorically stated there would be a Palestinian capital in Jerusalem, Obama said: “Don’t quibble with this detail or that detail. The occupation will end. You will get a Palestinian state. You will never have an administration as committed to that as this one.”

#### REFUGEES

- The [February 2014 Document stated](#): “The establishment of an independent Palestinian state will provide a national homeland for all Palestinians, including the refugees, and thereby bring an end to the historic Palestinian refugee issue and the assertion of any claims against Israel arising from it.” It provided for four different options for settling the refugees issue:
  - Resettling them in the Palestinian state.
  - Permanent settling in their current host states.
  - Resettlement “in third countries” around the world that would agree to accept them.
  - Admission to Israel only in special humanitarian cases, which “will be decided upon by Israel, without obligation, at its sole discretion.”
- The **February 2014 Document** also included a reference to “an international effort to deal with [the property claims of Jews](#) who were expelled from Arab countries as a result of the decades-long conflict with Israel.”

#### MUTUAL RECOGNITION

- The **February 2014 Document** stated that the peace agreement “will need to be based on a shared commitment to fulfilling the vision of [two states for two peoples](#), with full equal rights and no discrimination against any member of any ethnic or religious community. Achieving this outcome of two states for two peoples – Palestine, the nation-state of the Palestinian people, living in peace with Israel, the nation-state of the Jewish people – will enable the establishment of full diplomatic relations between the two states.”
- Obama read the following section to Abbas in the White House from the **March 2014 Document**: “Once the needs of both sides are met on all the foregoing issues, the two-state solution will have to be expressed in the Agreement through [mutual recognition](#) and establishment of a state of peace between Palestine, the nation-state of the Palestinian people, and Israel, the nation-state of the Jewish people. This is without prejudice to the historical narratives of both sides, and with full equal rights for all and no discrimination against any of their citizens.”
- [Abbas objected](#) to the phrase, “the nation-state of the Jewish people” even with the U.S. clarification that such recognition wouldn’t abridge the rights of Israel’s Arab citizens. He also pointed out that Palestinians already recognized the State of Israel in 1998 and in the 1993 Oslo Accords and that neither Egypt nor Jordan was required to recognize Israel as a “Jewish state.” Moreover, to accept it as a Jewish state would [compromise the claims](#) of Palestinian refugees.

### WHAT WAS SIGNIFICANT

The regional context had changed dramatically since 2008 and as the peace talks proceeded, the U.S. was separately engaged in nuclear negotiations with Iran. Both had tremendous security implications for Israel, which were manifest with its enhanced security requirements vis-à-vis the Palestinians. It meant that sticking points related to security issues were more pronounced than in previous years. Generally, the Palestinian view was that security arrangements could be worked out after a solution to the other issues was agreed to while Netanyahu believed the opposite, namely that the border issue could be finalized according to “Israel’s security requirements” as contained in February 2014 document.

The Palestinian refusal to recognize Israel as a Jewish state, even at the end of the process in which all other matters were settled, points to their desire to pursue additional claims against Israel. After all, such recognition would only come after solving the refugee issue, which meant a compromise over the “rights” of Palestinian refugees’ was necessary before mutual recognition because the refugee formulas meant there would be no “right of return” to Israel.

The March 2014 proposal that weighed more favorably toward Palestinian positions, did so from the start of the document with the first section titled, “The Goal of Negotiations.” [One of the goals](#) was “to end the occupation that began in 1967”, which was not included in the February document and would likely be language unacceptable to Israel.

Given President Obama’s elevation of the Israeli settlement issue in the West Bank, the February 2014 proposal, a section was included that stated, “during the negotiations, the parties will seek to promote an atmosphere conducive to negotiations and do their utmost to prevent deterioration in this atmosphere.” As Amir Tibon, the Israeli journalist who reported on the two proposals [suggested](#), “This phrasing would have most likely led to a partial freeze on building in the settlements during the course of the final-status negotiations. There are no Israeli objections attached to it – at least, not in the version obtained by Haaretz.”

In essence, the American side presented two proposals and Netanyahu accepted the first with reservations. The Palestinians rejected the first and didn’t respond to the second, which obviated the need for an Israeli response. At the same time, Olmert’s more forward-leaning proposals in 2008 made it difficult for Abbas to accept anything less in 2014.