

BICOM Briefing

Breaking the Paradigm? The Trump Plan in Historical Perspective

February 2020



INTRODUCTION

The US published its long-delayed plan for Israel and the Palestinians on 28 January 2020. The plan was set out in an 180 page report called ‘Peace to Prosperity: A Vision to Improve the Lives of Israelis and Palestinians’, with President Donald Trump unveiling its key components in a launch event at the White House alongside Israeli Prime Minister Benjamin Netanyahu.

The plan as outlined diverged from prior US efforts and international parameters for the resolution of the conflict, with many analysts concluding that it tilted heavily in Israel’s favour. President Trump stated that it was a ‘vision for peace fundamentally different than past efforts’, while Prime Minister Netanyahu said the so-called ‘Deal of the Century is the opportunity of the century’. It was also the first time that a US administration had put forward a plan that addressed all the core issues in detail.

Under the terms of the Trump plan, Israel would not be required to dismantle any settlements in the West Bank; Jerusalem would remain united under Israeli sovereignty, with outlying Arab neighbourhoods of ‘eastern Jerusalem’ deemed the Palestinian capital; and a Palestinian state would only come into being after specific conditions are met. A State of Palestine would encompass approximately 70 per cent of the West Bank with some land swaps inside the pre-67 armistice lines of Israel although 15 Israeli ‘enclave communities’ (settlements) would remain inside this future state. The option of Palestinian statehood will remain open for four years.

The Palestinian Authority (PA) rejected the plan even before its release, continuing its boycott of the Trump Administration dating back to December 2017 when the US recognised Jerusalem as Israel’s capital and said it would move the US embassy to (West) Jerusalem. Saeb Erekat, Secretary-General of the Palestine Liberation Organisation, called the Trump plan the ‘fraud of the century’, while Palestinian President Mahmoud Abbas said: ‘Jerusalem is not for sale, and all our rights are not for sale.’

THE TRADITIONAL AMERICAN APPROACH TO PEACEMAKING

The current US effort is by its own admission vastly different to previous US proposals published by Bill Clinton, George W Bush and Barack Obama. Presidential advisor Jared Kushner had long argued that ‘doing it the old way hasn’t really worked’ adding: ‘If we are going to fail, we don’t want to fail doing it the same way it’s been done in the past’.

The core issues of conflict between Israel and the Palestine Liberation Organisation (PLO) were defined in the Declaration of Principles on Interim Self-Government Arrangements in September 1993, which subsequently became known as the Oslo Accords. This agreement deferred sensitive ‘final-status’ issues, such as territory/borders/settlements, security, Jerusalem, and refugees, to future (permanent-status) negotiations.

The Clinton, Bush, and Obama administrations led, mediated, or facilitated rounds of Israeli-Palestinian negotiations to reach agreement on these issues. The Clinton Presidency was very active in the peace process. Clinton hosted the signing of the Declaration of Principles on the

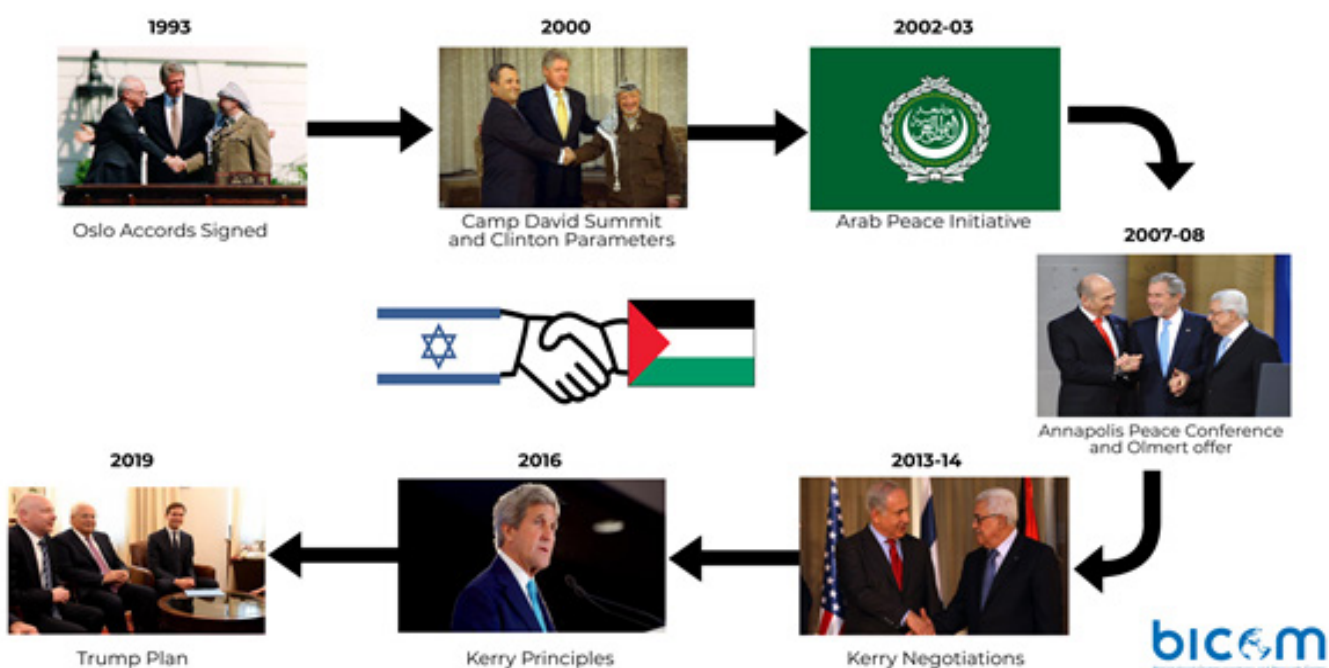
White House lawn, visited Gaza in 1998 when the PLO's Palestine National Council voted to abrogate anti-Israel provisions in its covenant, helped negotiate the 1998 Wye River Memorandum, and was heavily involved in final-status negotiations at the Camp David Summit in July 2000. He subsequently presented the 'Clinton Parameters' in December 2000.

The **Bush administration** was initially guided by 'ABC' (Anything but Clinton) and wished to steer clear of Israeli-Palestinian peace making. When it began to be involved after 9/11, it initially worked on Palestinian reform and subsequently the Roadmap for Peace – which focused first on fighting terrorism and institution building, and in its second stage provided the option (for the two sides) of establishing a Palestinian state in provisional borders prior to negotiation of final status issues. In a June 2002 speech, President Bush said: 'If Palestinians embrace democracy, confront corruption and firmly reject terror, they can count on American support for the creation of a provisional state of Palestine.'

But in its second term, the administration increasingly turned its attention to final status negotiations with the 2007 **Annapolis Conference**. Following the conference, two negotiation tracks were launched – one between Israeli Foreign Minister Tzipi Livni and senior PLO official Abu Ala and another between Israeli Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas. The administration was not actively involved in these negotiations (Bush told the sides 'if you want me to negotiate the deal, I won't do it [but] I will be as engaged as you want me to be'), nor did it present any final status parameters. But it did help Israelis and Palestinians agree on a territorial baseline and subsequently lent support to Olmert's proposal to Mahmoud Abbas in September 2008.

The Obama administration position evolved during negotiations led by Secretary of State John Kerry between July 2013 and April 2014. Kerry produced an evolving document (never published but reported in Israeli newspaper Haaretz) that was circulated in early 2014, soon before Kerry met Abbas in Paris, with a later draft – which was closer to Palestinian positions but re-

The Peace Process: a Timeline



jected by Abbas – circulated in March 2014, just before Obama welcomed Abbas to the White House. In contrast to Bush's Secretary of State Condoleezza Rice, Kerry was highly engaged in Israeli-Palestinian peacemaking. Kerry subsequently set out his own 'parameters' in a speech in late December 2016 – which was welcomed by Arab states such as Egypt, Jordan and Saudi Arabia. The Obama Administration abstained in the vote on UN Security Council Resolution 2334, which condemned as illegal Israeli settlement construction in East Jerusalem and the West Bank.

EXPANDING THE PARADIGM: THE EVOLUTION OF THE REGIONAL ROLE

American administrations have long understood the potential value of including Arab states in Israeli-Palestinian talks. On 28 March 2002, at the height of the Second Intifada, the Arab League met in Beirut and unanimously adopted what became known as the Arab Peace Initiative (API). The API called for full territorial withdrawal, by Israel, from all the territories captured during the 1967 Six-Day War and a just, agreed upon solution to the refugee problem on the basis of UN General Assembly Resolution 194. In return, all Arab League states agreed to sign peace agreements with Israel and normalise their relations as part of a comprehensive regional peace deal.

Many Israelis saw the initiative as a non-negotiable offer requiring Israel to commit to a full withdrawal to the pre-1967 armistice lines, before receiving normalised relations from the Arab world. However, in recent years, there have been significant strategic changes in Israeli-Gulf relations, which have led to amendments to the API.

President Bush understood the benefit of including Arab states in the peace process and suggested that Arab states attend the **Annapolis Conference** in order to strengthen PA Chairman Mahmoud Abbas. Yet it was the Obama administration which sought to leverage Arab support for a breakthrough. Encouraged by Kerry, the Arab League amended the API in 2013 to accept the principle of mutually agreed land swaps, rather than a complete withdrawal to the pre-1967 armistice lines. Arab states have also indicated that normalising steps towards Israel can be taken in parallel to Israeli moves rather than sequentially (whereby Israel has to fully withdraw before any normalisation in relations).

The driving force behind this strategic shift has been a growing convergence of interests between Israel and many Sunni Arab states who are concerned by the threat from Iran and its proxies, the rise of Sunni Jihadism, US disengagement from the region as well as the potential for cooperation in trade, security, technology and diplomacy. Israel and Saudi Arabia have a close intelligence relationship, and between October 2018 and April 2019, Israeli ministers visited Gulf states and Prime Minister Netanyahu visited Oman.

The logic behind bringing Arab states into the process stems from the argument that the potential gains from a two-state solution are insufficient for either side to pay the necessary price. But Israeli concessions may be more palatable when linked to the enormous advantages of a regional peace deal, while for the Palestinians, Arab involvement can provide political and financial cover for concessions.



Former US presidents Barack Obama, George W. Bush and William J. Clinton attend the opening ceremony of the George W. Bush Presidential Center in Dallas, Texas.

THE DETAILED POSITIONS OF RECENT US ADMINISTRATIONS

The Clinton, Bush and Obama administrations worked according to the negotiation paradigm that an Israeli-Palestinian agreement would constitute an ‘end of conflict’ and ‘finality of claims’, and would be based on the concept that ‘nothing is agreed until everything is agreed’.

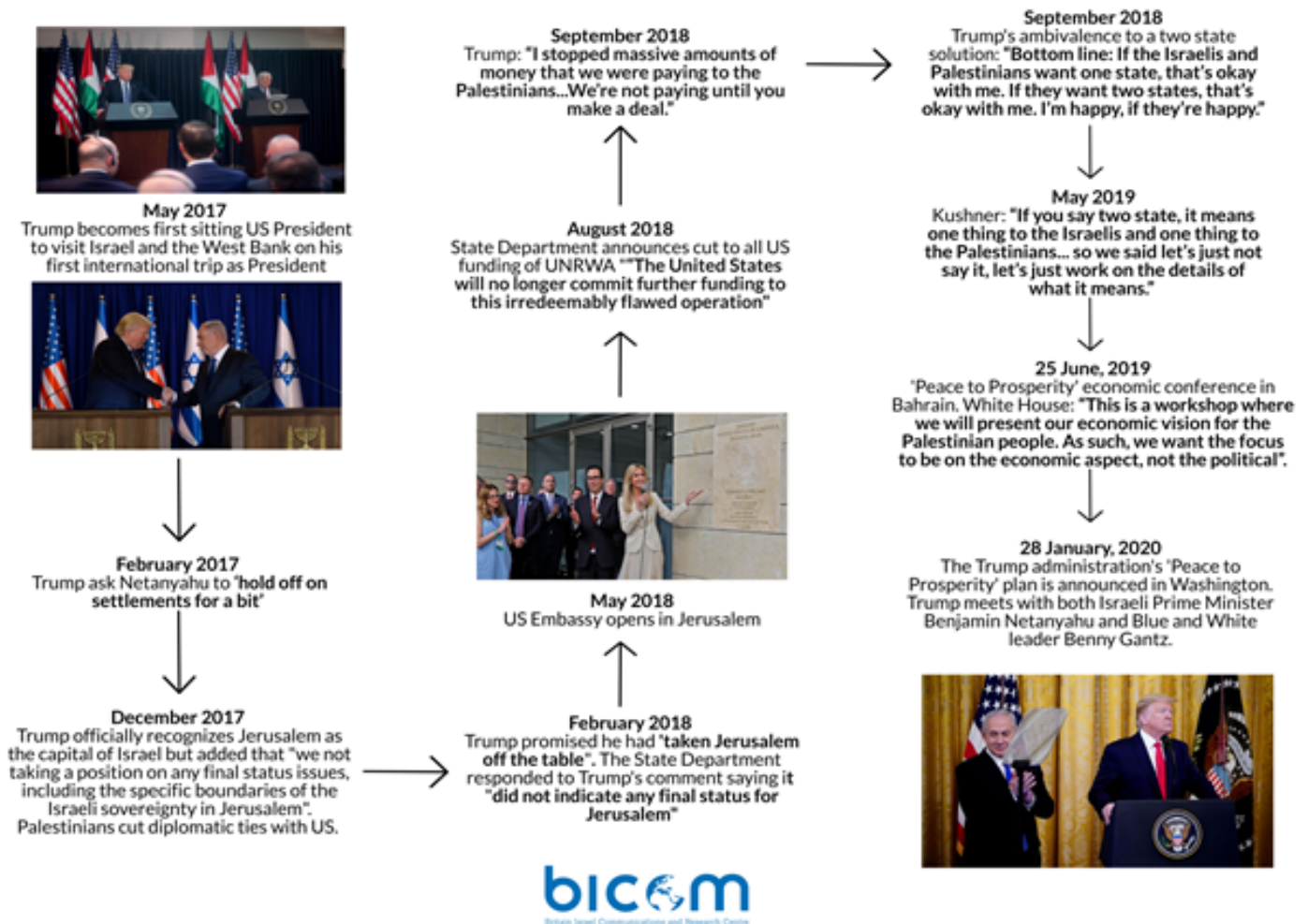
The general parameters of these three American administrations were broadly similar. They all believed that a deal should result in a Palestinian state (the so-called two state solution) in the vast majority (95+ per cent) of the West Bank and Gaza alongside Israel. Bush was the first to talk openly about a Palestinian state. They all preferred that most of the Israeli settlements – outside the so-called settlement blocs (areas where a large number of settlers live, often near the pre-1967 lines) – would be evacuated, with agreed land swaps from inside Israel compensating the Palestinians for the remaining land held by Israel. The Obama administration proposed mutually agreed land swaps on a 1:1 ratio, with other negotiation rounds during this period discussing scenarios whereby certain Israeli settlements in the West Bank would remain in place under Palestinian sovereignty.

All prior US administrations believed that Jerusalem should be the shared capital of Israel and the Palestinian State. They also supported the idea that the Palestinian state should be demilitarised and were sympathetic to Israel’s call for some form of presence in the Jordan Valley, at least for a limited time. The US also accepted Israel’s position that there would be no ‘right of return’ to Israel of Palestinian refugees, but all three administrations discussed practical solutions and symbolic measures through which to resolve the Palestinian refugee issue.

HOW IS THE TRUMP ADMINISTRATION DIFFERENT?

The Trump administration plan supports a two-state solution, with a future State of Palestine envisioned alongside Israel. However, both the process by which this state is meant to be created

Trump's approach to the peace process: a timeline



as well as the end result diverge from past US efforts as well as internationally-recognised parameters.

In terms of process, the US plan sets out a solution to every final status issue and leaves very little for negotiation between the two parties. For example, as regards Jerusalem the US says it is the State of Israel's 'undivided capital'. As President Trump put it, 'I already did that for you'. As regards refugees, the plan says that '*there shall be no right of return by, or absorption of, any Palestinian refugee into the State of Israel*', the first US administration to explicitly negate any return of Palestinian refugees to Israel. The plan added that emigration into the State of Palestine 'shall be limited in accordance with agreed security arrangements' and other considerations agreed to by both parties.

In terms of settlements and borders, the plan states that Israel '*will not have to uproot any settlements, and will incorporate the vast majority of Israeli settlements into contiguous Israeli territory*', with the '*Israeli enclaves located inside contiguous Palestinian territory...becom[ing] part of the State of Israel*' and the Jordan Valley falling 'under Israeli sovereignty'. A joint Israel-US committee will delineate the exact boundaries of these settlements ahead of the application of Israeli sovereignty, according to US ambassador to Israel David Friedman 'at the outset of the process'. In contrast, Palestinian statehood will, per the plan, be delayed until various condi-



U.S. President Donald Trump and Israeli Prime Minister Benjamin Netanyahu photographed holding a copy of the U.S. 'Peace to Prosperity' document on the White House lawn, January 28, 2020.





tions are met within a four-year timeframe, including the full disarmament of Hamas, the Palestinian Authority taking control of the Gaza Strip and recognition of Israel as a Jewish State.

In terms of the end result, the Trump plan deviates from prior US efforts as it envisages all Israeli settlements remaining in place, thereby reducing the potential size of the future Palestinian state to what experts have estimated will be approximately 70 per cent of the West Bank, significantly less than past US plans and Israeli offers. The plan proposes that Israel retain full sovereignty over Jerusalem's Holy Places while the location of the Palestinian capital would be placed in 'eastern Jerusalem' neighbourhoods beyond Israel's security barrier. The Palestinian State would control no border access points of its own. The plan also floats the idea of a land swap of an area in central Israel (nicknamed 'the triangle', where some 100,000 Arab-Israeli citizens live) and transferring that to the Palestinian state.

Regional Arab support for the Trump plan was thought to be crucial to the US effort, as both an incentive for Israel (full normalisation with the Arab world) and as a pressure tactic to counteract Palestinian rejectionism (the threat of Arab states circumventing the Palestinian issue on the road to normalisation). Ambassadors from Oman, Bahrain and the United Arab Emirates attended the unveiling ceremony at the White House, and individual Arab states like Saudi Arabia and Egypt initially welcomed the US effort and called for direct talks between Israel and the Palestinians. However, subsequent multilateral meetings by the Arab League and Organisation of Islamic Cooperation rejected the Trump plan.

European states, including the United Kingdom, initially declined to criticise the Trump plan and urged Israelis and Palestinians to resume negotiations. However, European Union foreign policy chief Josep Borrell issued a statement supported by most EU states describing the Trump

initiative as ‘depart[ing] from...internationally agreed parameters’ and expressing concern regarding ‘statements on the prospect of annexation’ which he said ‘could not pass unchallenged’. Prime Minister Boris Johnson expressed support for the plan telling President Trump on 28 January in a phone call that the plan could be a positive step forward for the region. Responding to criticism of the US plan in the House of Commons, Foreign Secretary Dominic Raab said: “The reality is that whatever concerns any side has about this set of proposals, they will get resolved and improved only with both sides around the negotiating table. Rejectionism—the current vacuum—is only making matters worse. We would like to see peaceful dialogue and a negotiated solution, and that must be based on the two-state solution and the principles of international law.”

	Clinton Parameters (2000)	Olmert Offer (2008)	Kerry Principles (2014)	Trump Plan (2020)
Borders and Territory 	<ul style="list-style-type: none"> • Palestinian state? Yes. Includes a non-specified "safe passage route" between the West Bank and Gaza. • Percentage of West Bank for Palestinian state: 94-96% (with additional 1-3% from Israel). 	<ul style="list-style-type: none"> • Palestinian state? Yes. A "safe passage" connecting the West Bank to Gaza under Israeli sovereignty but Palestinian control. • Percentage of West Bank for Palestinian state: 93.2% (as well as a land swap of 5.5%). 	<ul style="list-style-type: none"> • Palestinian state? Yes. Includes 40-kilometre tunnel connecting the West Bank to Gaza. • Percentage of West Bank for Palestinian state: No percentage given. Proposes "viable and contiguous Palestine, negotiated on the pre-1967 lines using mutually agreed land swaps on a 1:1 ratio. 	<ul style="list-style-type: none"> • Palestinian state? Yes. 40-kilometre tunnel or overpass (under full Israeli sovereignty) connecting the West Bank to Gaza. • Percentage of West Bank for Palestinian state: Equal to 85% of the West Bank (plus land swaps from Israel). Palestinian state in approximately 70% of West Bank.
Jerusalem 	<ul style="list-style-type: none"> • Divided/undivided? Should be divided according to the principle that Arab areas should be Palestinian and Jewish ones Israeli (also applies to the Old City). • Holy Basin: No specific proposals. 	<ul style="list-style-type: none"> • Divided/undivided? Accepted existing divisions of the Clinton Parameters. • Holy Basin: Sovereignty to be delayed and agreed between both sides in discussion with the US, Egypt, Jordan and Saudi Arabia. 	<ul style="list-style-type: none"> • Divided/undivided? Jerusalem as sovereign capital of both Israel and Palestine ("East Jerusalem"), proposing a shared sovereignty regime. • Holy Basin: Freedom of access to be guaranteed for both Israeli and Palestinian citizens, consistent with the established status quo on the ground. 	<ul style="list-style-type: none"> • Divided/undivided? Jerusalem will remain undivided under Israeli sovereignty. • Holy Basin: Israel ensures the status quo of holy sites remains in place.
Refugees 	<ul style="list-style-type: none"> • Right of Return? Possibly. Palestinians to waive claims to an unlimited "right of return" to Israel. Lists five possible options for Palestinian refugees: Israel, Palestine, resettlement in third country, rehabilitation in host country and land swap areas. 	<ul style="list-style-type: none"> • Right of Return? Limited. Israeli officials willing to accept 1,000 Palestinian refugees per year for five years due to 'humanitarian considerations'. Family reunification would continue. 	<ul style="list-style-type: none"> • Right of Return? Limited. Proposes national homeland for all Palestinians "including the refugees", although adopts options suggested by Clinton Parameters. 	<ul style="list-style-type: none"> • Right of Return? No. Proposes no Palestinian refugees will be admitted to Israel, whilst Israel also able to restrict number of Palestinian refugees permitted to enter future State of Palestine.
Settlements 	<ul style="list-style-type: none"> • Applying Israeli Sovereignty to settlements? Yes, Israel would annex all remaining areas of West Bank not constituent to the Palestinian state. • Status of Israeli settlers: 80% of Israeli settlers remain in their homes through land swaps. 	<ul style="list-style-type: none"> • Applying Israeli Sovereignty to settlements? Yes, Israel annexes settlement blocs consisting of 6.8% of the West Bank, including <u>Ma'ale Adumim</u>, Ariel, <u>Givat Ze'ev</u> and Gush Etzion. • Status of Israeli settlers: Not specified. 	<ul style="list-style-type: none"> • Applying Israeli Sovereignty to settlements? Unclear. Parties to take "subsequent developments" (settlements) into account when negotiating borders. • Status of Israeli settlers: Not specified. 	<ul style="list-style-type: none"> • Applying Israeli Sovereignty to settlements? Yes, Israel can incorporate "the vast majority" of settlements into Israeli territory whilst 15 communities will be enclaved in Palestinian territory. • Status of Israeli settlers: All Jewish settlers will remain in homes under Israeli control.

ANNEX: DETAILS OF PREVIOUS NEGOTIATIONS

Below is a detailed analysis of specific ideas presented by American administrations as well as the negotiating positions of Israelis and Palestinians during the three previous US administrations with regard to the issues of territory/borders/settlements, security, Jerusalem, refugees and mutual recognition.

Territory/Borders/Settlements

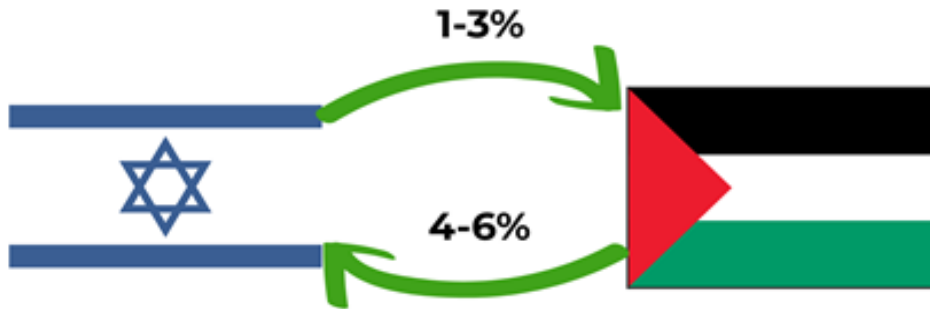
According to outside experts who reviewed the **Trump plan**, the future State of Palestine is estimated to total an area equivalent to approximately 85 per cent of the territory of the West Bank plus land swaps from Israel. Under the terms of the plan, Israel will be allowed to annex 30 per cent of the West Bank (including the Jordan Valley and all settlements in the West Bank, East Jerusalem, and some areas on the periphery of the Gaza Strip) and would potentially swap



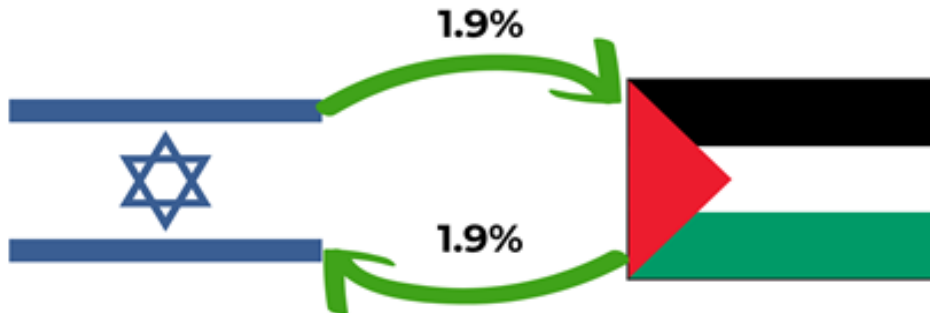
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Land Swaps: A Comparison

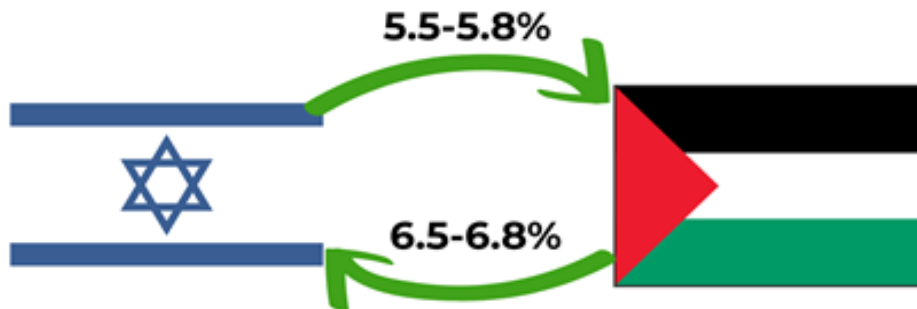
Clinton Parameters (2000)



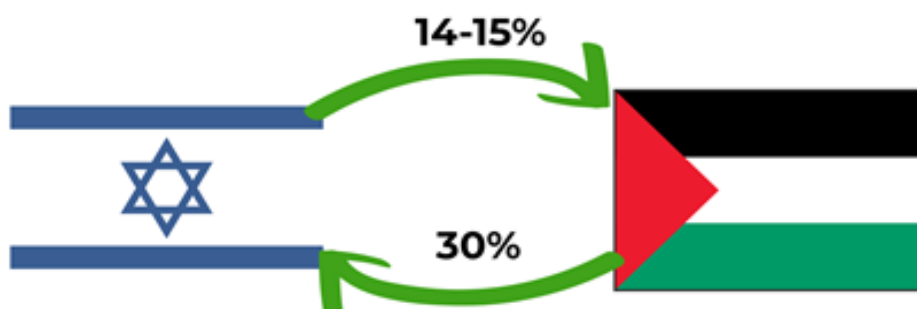
Palestinian Proposal - Annapolis (2007-2008)



Israeli proposal - Annapolis (2007-2008)



The Trump plan (2020)



Territory/Borders/Settlements

According to outside experts who reviewed the **Trump plan**, the future State of Palestine is estimated to total an area equivalent to approximately 85 per cent of the territory of the West in return the equivalent of about 14 to 15 per cent, predominately in the western Negev Desert. The Israeli security barrier will be amended to reflect the new borders between Israel and the State of Palestine. There will be two land corridors from the pre-1967 Green Line to the Jordan Valley via Route 5 and Route 1, whilst the Gaza Strip and the West Bank will be joined by either a tunnel or overpass (under full Israeli sovereignty) to ease passage from one area to the other. All access roads and crossings in and out of the State of Palestine will be subject to Israeli security control and requirements, with the West Bank remaining under 'overriding' Israeli security control.

Settlement Blocs

Settlement blocs are clusters of settlements in the West Bank (excluding east Jerusalem) in which a large number of Israelis live, and are generally located in areas close to the Green Line. There is broad consensus in Israel regarding these areas – although various Israeli governments have defined the area of these blocs differently, to include between 6-12% of the West Bank. The Palestinians have consistently rejected the term, but it has been generally understood by the sides that at least some of these areas will ultimately become part of Israel in a final status agreement.

- Settlement blocs
- Israeli settlements



The Trump plan says that no Jewish settlements in the West Bank will be evacuated and Israel can incorporate *'the vast majority'* of settlements into Israeli territory. However, it remains unclear whether this applies to the settlements' area of jurisdiction or just the constructed areas themselves. Approximately 97 per cent of Israelis and Palestinians in the West Bank will be incorporated into their respective states.

Fifteen Israeli enclave communities — currently isolated settlements deep in the West Bank — located inside contiguous Palestinian territory will become part of the State of Israel and be connected to it through an effective transportation system. However, illegal outposts would be evacuated, affecting roughly 10,000 individuals.

The Trump plan envisages the establishment of a Palestinian state within four years from when negotiations begin, subject to Palestinian fulfilment of conditions, including recognising Israel as a Jewish state with its capital in Jerusalem and dismantling all Palestinian terrorist infrastructure and capabilities. Within those four years, Israel will commit not to build any new settlements or expand existing settlements in areas that are not envisaged to constitute the State of Israel in the conceptual map. Likewise, the PLO will refrain from joining any international bodies without the consent of Israel, end all actions against Israel or its citizens at international tribunals or Interpol, and terminate payments to Palestinian prisoners convicted of terrorist offences or the families of Palestinians killed whilst carrying out terrorist attacks (in addition to making future payments illegal).

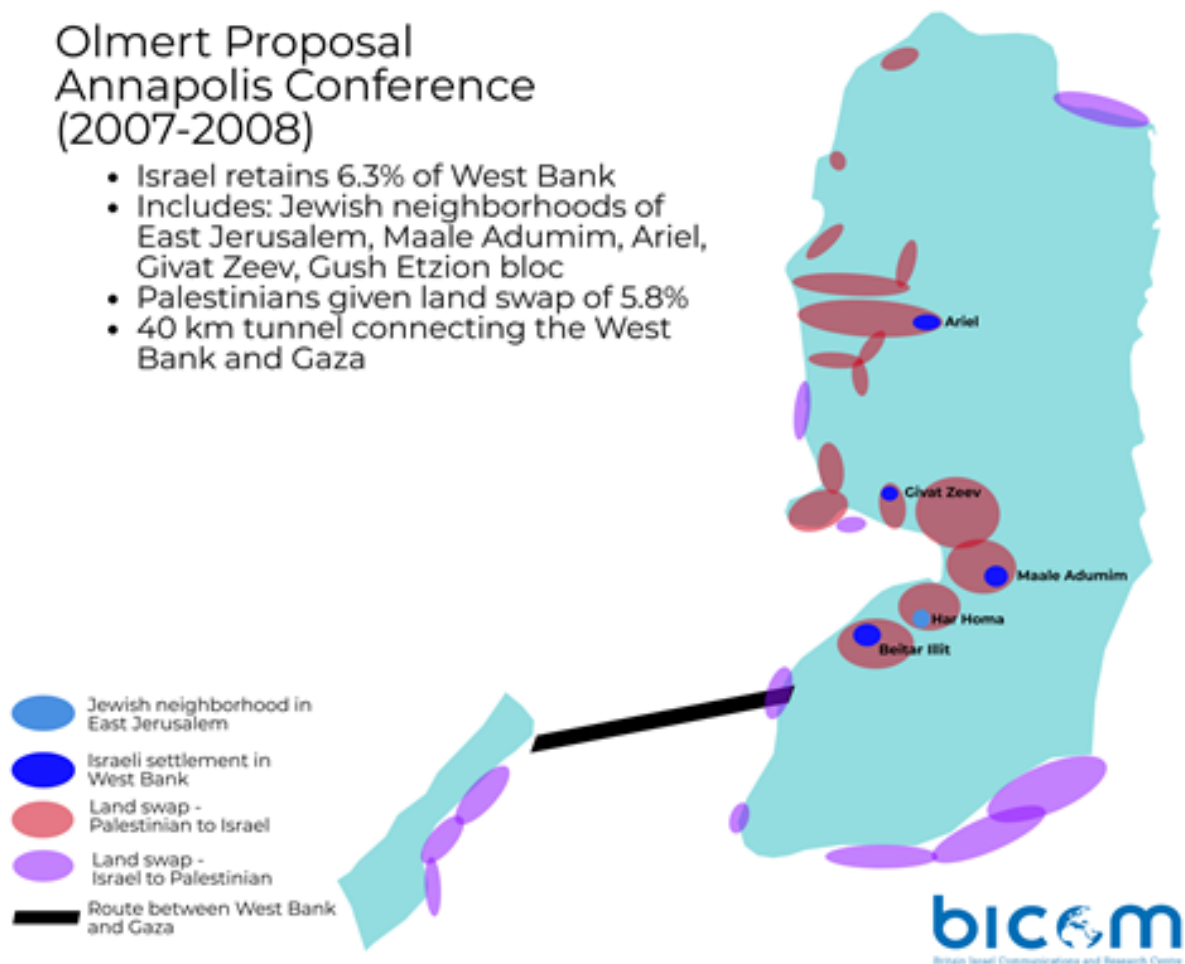
The **Kerry principles** of December 2016 stated that any agreement should: *'Provide for secure and recognised international borders between Israel and a viable and contiguous Palestine, negotiated on the pre-1967 lines with mutually agreed equivalent swaps'*. The **Kerry document** from early 2014 did not detail percentages of territory but referred to the creation of a viable Palestine and secure Israel with the borders based on the pre-1967 lines with mutually agreed swaps – whose size and location were to be negotiated – in order to establish secure and recognised borders for both states. The document added: *'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'*.

Kerry did not explicitly refer to settlements – which Obama in his 2009 Cairo speech had described as *'not legitimate'* – but his initial early 2014 document said that in negotiating borders: *'The parties will need to take into account subsequent developments [which was believed to refer to settlements], Israel's security requirements and the goal of minimising movement of existing populations while avoiding friction. Later drafts of the document in 2014 did not include the words 'subsequent developments.'*

The **Bush administration** believed some settlement blocs should remain part of Israel. A letter from Bush to then Prime Minister Ariel Sharon in April 2004 stated that: *'In light of new realities on the ground, including already existing major Israeli population centres, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949.'*

Olmert Proposal Annapolis Conference (2007-2008)

- Israel retains 6.3% of West Bank
- Includes: Jewish neighborhoods of East Jerusalem, Maale Adumim, Ariel, Givat Zeev, Gush Etzion bloc
- Palestinians given land swap of 5.8%
- 40 km tunnel connecting the West Bank and Gaza



Following the **Annapolis Conference** (2007), the Bush administration encouraged the **Livni-Abu-Ala track** to agree a baseline for calculating the map and territory percentages, concluding that it would include the West Bank, East Jerusalem, Gaza, and also the north-western Dead Sea, and half of the territory within former no man's land around Latrun.

However, the negotiators failed to agree on which, if any, of the four so-called 'settlement blocs' Israel could annex. The Palestinians did at one point recognise the concept of 'settlement blocs' – or at the very least viewed their composition differently than in previous rounds – but maintained that any modification to the pre-1967 line was a Palestinian concession.

The Palestinians were, however, willing to entertain land swaps on a ratio of 1:1 with the same size and value, with an official and opening position of no more than 1.9 per cent of the territory including East Jerusalem (the Palestinians subsequently offered more in later negotiating rounds). The Palestinians demanded that Har Homa, Givat Zeev and Ariel be dismantled. During the negotiations, the US suggested that the Palestinians should allow Israel to keep Ma'ale Adumim and Givat Zeev if it were to evacuate Ariel.

The **map presented by Olmert** (2008) to Abbas proposed a Palestinian state on 93.7 per cent of West Bank territory as well as a land swap of 5.8 per cent and a 40-kilometre tunnel connecting the West Bank to Gaza, whose openings at either end would be under Palestinian control (but Israeli sovereignty). Olmert's proposal entailed Israel annexing settlement blocs consisting of 6.3 per cent of the West Bank, including Ma'ale Adumim, Ariel, Givat Zeev and Gush Etzion, as well as all the Jewish neighbourhoods in East Jerusalem. The Bush Administration was not

Clinton Parameters (2000)

- Palestinian State established on 94-96% of West Bank and 1-3% of land swapped from Israel
- Israel retaining settlement blocs close to border
- 80% of settlers would remain in place through land swaps
- Balance between amount of land annexed by Israel and number of Palestinian affected

- Israeli settlement in West Bank
- Land swap - Palestinian to Israel
- Land swap - Israel to Palestinian
- Route between West Bank and Gaza



involved in the plan but supported it afterwards.

As part of the **Clinton Parameters** (2000), the US President told the sides he believed that a Palestinian state should include a 'safe passage route' between the West Bank and Gaza and should be established on 94-96 per cent of the West Bank with an additional 1-3 per cent of land given from within Israel as part of a land swap (to total 97 per cent of the West Bank). Clinton believed that: *'The borders should be drawn that result in Israel retaining the settlement blocs close to the border whilst ensuring contiguity of a Palestinian state'* adding that: *'The line should strike a balance between minimising the amount of land annexed and the number of Palestinians affected'*. One principle that guided Clinton was that 80 per cent of the settlement population would not have needed to leave their homes.

Security

In the **Trump plan**, Israel would maintain 'overriding' security control over the entire West Bank, including key strategic sites and responsibility for the State of Palestine's borders, territorial waters, airspace, and electromagnetic sphere. The Palestinian state will be de-militarised, whilst the Israeli Defence Forces (IDF) will retain 'freedom of operations' inside the State of Palestine if the Palestinian security forces are not fulfilling their responsibility. Israel will also maintain and run at least one early-warning station inside the future Palestinian state.

According to the plan: *"A demilitarised State of Palestine will be prohibited from possessing capabilities that can threaten the State of Israel including: weapons systems such as combat aircraft (manned and unmanned); heavy armoured vehicles; mines; missiles; rockets; heavy machine guns; laser/radiating weapons; anti-air; anti-armour; anti-ship; military intelligence; offensive cyber and*

electronic warfare capabilities; production facilities and procurement mechanisms for weapons systems; military infrastructure and training facilities; or any weapons of mass destruction.”


The State of Palestine will have security forces capable of maintaining internal security and preventing terrorist attacks within the State of Palestine and against the State of Israel, the Hashemite Kingdom of Jordan and the Arab Republic of Egypt.

As a complementary measure to bilateral security coordination, a security review committee will be established consisting of security representatives appointed by Israel, the State of Palestine and the US. Should the State of Palestine fail to meet all or any of the security criteria set out in the plan at any time, Israel will have the right to reverse the political process outlined in the plan.

The Jordan Valley, which Israel has argued it must control to protect itself against any eastern threat, has been critical to previous negotiations. The Trump plan is the first to grant Israel perpetual sovereignty over the Jordan Valley. During the **Obama administration**, Kerry and General John Allen presented initial ideas to Israel in early December 2013. The US agreed in principle that there should be an Israeli military presence in the Jordan Valley for a significant period, but the two sides disagreed on the length of time. Abbas offered five years as the period after which foreign forces might be deployed indefinitely in the area but Benjamin Netanyahu – concerned about ongoing regional challenges – was thinking in terms of decades and rejected the invitation of US forces. The US and Israeli sides agreed that the time frame should be based on specific criteria, although the debate over which criteria and who would judge them was never fully resolved.

The 2016 **Kerry principles** stated that the US agreed on the principle of an Israeli military presence in the West Bank for a significant period of time, to be phased out gradually. Kerry

Jordan Valley



The map shows the West Bank in light blue and the Jordan Valley in a darker red/pink oval. The labels 'West Bank' and 'Jordan Valley' are placed on their respective areas.

	Israeli security presence	Early warning stations
Clinton Parameters (2000)	36 Months under international force	3 stations, jointly manned by Israelis and Palestinians. Reviewed every 10 years
Olmert offer (2008)	Part of an international force	Early warning stations and emergency deployment sites
Kerry Negotiations (2013-2014)	Significant period, phased out gradually	Israel would preserve the ability to defend itself by itself in any case of emergency or 'emerging threat'
Trump plan (2020)	Will remain under Israeli sovereignty indefinitely	

also stated that Israel will preserve its ability to defend itself in case of emergency 'or an emerging threat', and that Palestine will be a demilitarised state but with an effective internal security force. One of Kerry's principles which related to security stated that any solution should: 'Satisfy Israel's security needs and bring a full end, ultimately, to the occupation, while ensuring that Israel can defend itself effectively and that Palestine can provide security for its people in a sovereign and non-militarised state.'

Under the **Bush administration**, the US zoomed in on the question of security arrangements in a two-state solution, conducting its own professional staff work. In January 2008, Defence Minister Ehud Barak presented his own 'eight-point principles' to Bush which summarised Israel's core security arrangements. Former commander of United States European Command and later national security advisor, General Jim Jones, was tasked with formulating the US position, in a bid to reconcile both parties' needs (a role subsequently filled by General John Allen during the Kerry negotiations).

The **Livni-Abu Ala** track (2008) agreed that a Palestinian state would have limited arms (the equivalent of a non-militarised state), early warning stations, and emergency deployment sites. But the sides failed to agree on the nature and timings of the transition period. Israel demanded a lengthier period with Israeli supervision, and a transition conditioned on Palestinian performance. The Palestinians demanded a relatively short period, with international supervision, ending Israeli control and an Israeli withdrawal, with no prerequisites to moving on to the permanent-status stage. **Olmert's offer to Abbas** in 2008 included an international (rather than Israeli) presence in the Jordan Valley, West Bank early warning stations, and emergency deployment sites.

The **Clinton Parameters** (2000) declared that Israel should maintain a security presence in the Jordan Valley under the authority of an international force for 36 months, and that three early warning stations, jointly manned by Israelis and Palestinians, should be established in the West Bank which would be subject to review every 10 years. It also stated that the Palestinian state should be a 'non-militarised state', but have a strong internal police force and an international force for border security.

Jerusalem

In the past, negotiations over Jerusalem have traditionally focused on three different features of the city. The future of the Arab and Jewish neighbourhoods in the eastern part of the city; sovereignty and administration over the so-called 'Holy Basin' (which consist of 2.2 sqm / 2500 dunam and includes the old city, Mount Zion, the City of David, Kidron stream, Mount of Olives and Mount of Vexation); and the Temple Mount (Haram al-Sharif) and Western Wall within the Old City itself.

In the **Trump plan**, Jerusalem will remain undivided under Israeli sovereignty. The capital of Palestine will include all areas east and north of the security barrier, including Kafr Aqab, the eastern part of Shuafat and Abu Dis, with the barrier acting as the border between the two capitals. Israeli Jerusalem will maintain a symbolic Palestinian presence and all Palestinians will



Prospective sites for the capital of a future State of Palestine as outlined in the 'Peace to Prosperity' document, including the security barriers constituting the border between the Israeli and Palestinian capitals.
 Source: JusticeNow.De

have access to the Holy Sites. Jordanian custodianship over the Muslim Holy Sites will remain unchanged.

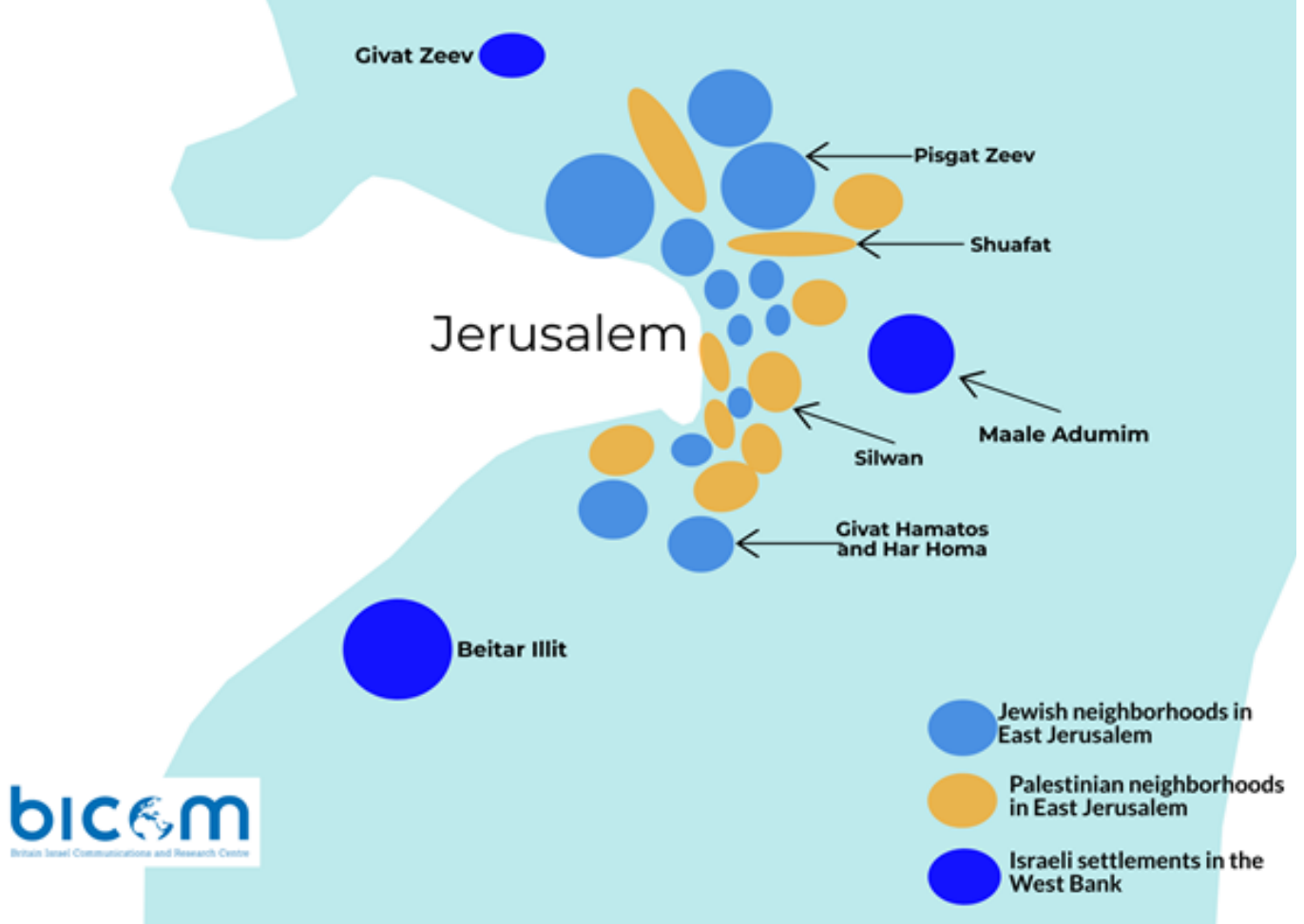
The Trump plan allows the Palestinian residents who reside beyond the 1949 armistice lines, but inside the existing security barrier (East Jerusalem), to choose one of three options: become citizens of the State of Israel, become citizens of the State of Palestine or retain their status as permanent residents in Israel.

The **Kerry document** from early 2014 fell short of the Palestinian demand that Israel explicitly recognise that there would be a Palestinian capital in East Jerusalem. Instead, the document said: *'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 re-divided and that there cannot be a permanent status agreement without resolving the issue of Jerusalem.'*

The document also suggested two options that could be added to the framework agreement. Option 1: 'Israel seeks to have the city of Jerusalem internationally recognised as its capital and the Palestinians seek to have East Jerusalem as the capital of their state'. Option 2: 'Palestinians seek to have the internationally recognised capital of their state in East Jerusalem and Israelis seek to have Jerusalem internationally recognised as their capital'. Later drafts of the **Kerry document** (2014) stated clearly that any agreement will have to provide for both Israel and Palestine to have their internationally recognised capitals in Jerusalem. The **Kerry principles** (2016) stated that a solution should: 'Provide an agreed resolution for Jerusalem as the internationally recognised capital of the two states and protect and assure freedom of access to the holy sites consistent with the established status quo'.

The **Livni-Abu Ala track** (2008) did not discuss Jerusalem. But **Olmert** accepted existing proposals to divide Jerusalem, with a new road connecting Ramallah and Bethlehem to bypass East Jerusalem. Olmert proposed placing the Holy Basin under the 'trust' of five countries – Saudi Arabia, Jordan, Palestine, Israel, and the US, with sovereignty over the area to be delayed to a later stage, but with Israel maintaining security control over the Old City to ensure free access to all. Olmert claimed that Abbas agreed to the formula of two separate

Jewish and Palestinian neighborhoods in East Jerusalem



capitals with an ‘umbrella municipality’ but Abbas refused Olmert’s proposed boundaries of the Holy Basin, as they would have left several thousand Palestinians outside the Palestinian state.

The **Clinton Parameters** (2000) suggested that Jerusalem should be divided according to the principle that Arab areas should be Palestinian and Jewish ones should be Israeli which would also apply to the Old City. Clinton suggested either Palestinian sovereignty over the Haram al-Sharif and Israeli sovereignty over the Western Wall and the space sacred to Judaism; or Israeli sovereignty over the Western Wall and shared functional sovereignty over the issue of excavation under the Haram al-Sharif and behind the Western Wall. Ehud Barak government accepted the Parameters but stated that he had reservations with respect to certain issues. PLO Chairman Yasser Arafat introduced reservations to each one of the proposals in a way that was viewed as unworkable and, overall, a rejection of the Parameters.

Refugees

Every previous American administration since 1993 has emphasised the principle of ‘two states for two peoples’ rather than simply ‘two states’, meaning that there will be no mass return of Palestinian refugees to Israel.

The **Trump plan** does not recognise a Palestinian ‘Right to Return’ to Israeli territory and rules out any return of Palestinian refugees to Israel. Instead, three options are laid out for Palestinian refugees seeking a permanent place of residence: (1) Absorption into the future State of Palestine, at a rate agreed to by the parties and regulated ‘by various factors, including economic forces and incentive structures, such that the rate of entry does not outpace or overwhelm the development of infrastructure and the economy of the State of Palestine, or increase security risks to the State of Israel’; (2) Local integration in current host countries, subject to the host countries’ consent; and (3) Acceptance of 5000 refugees per year, for ten years, in individual Organisation of Islamic Conference countries who agree to take part in the refugee resettlement program.

The Trump plan calls for the establishment of a Palestinian Refugee Trust, to be administered jointly by an American and Palestinian ‘Trustee’. According to the plan, the Trustees will ‘work in good faith to adopt a distribution methodology to fairly compensate refugees in accordance with the priorities established by the Trustees and within the total amount of the funds collected’ for the trust. Furthermore, the Trump plan also highlights the large-scale Jewish exodus from Arab and Muslim states and calls for the compensation of lost assets to these Jewish refugees as well as to the State of Israel for absorbing a great majority of them in past decades. The plan states that: ‘A just, fair and realistic solution for the issues relating to Jewish refugees must be implemented through an appropriate international mechanism separate from the Israel-Palestinian Peace Agreement’.

The 2014 **Kerry document** also sought to put an end to the Palestinian claim for a ‘Right to Return’ by stating that the establishment of a 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. The documents included practical solutions for refugees along similar lines to the **Clinton Parameters**. The US also reacted positively to the Israeli request that the regional context of a future deal include the recognition of the plight of Jewish refugees who were forced to leave Arab countries as a result of the conflict, and the establishment of an appropriate mechanism for compensation.

The subsequent **Kerry principles** (2016) stated that a solution should: ‘Provide for a just, agreed, fair, and realistic solution to the Palestinian refugee issue, with international assistance, that includes compensation, options and assistance in finding permanent homes, acknowledgment of suffering, and other measures necessary for a comprehensive resolution consistent with two states for two peoples’.

The plan presented by Olmert to Abbas (2008) said that Israel would acknowledge the suffering of – but not take responsibility for – the Palestinian refugee issue and would accept 1,000 refugees into Israel per year for a period of five years as a humanitarian gesture. In return, Olmert demanded that the final agreement include a reciprocal article recognising the suffering of Jewish refugees from Arab countries, even if only symbolically, and address that in the compensation mechanism, which Israel would also contribute toward.

In 2004, a **letter from President Bush to Ariel Sharon** stated that: “*It seems clear that an agreed, just, fair and realistic framework for a solution to the Palestinian refugee issue as part of any final-status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than Israel.*”

But negotiators in the **Livni-Abu Ala track** (2008) failed to reach any agreement on the issue. The Palestinians suggested various figures ranging from an informal minimum of 80,000 to an official demand that 150,000 refugees return to Israel over ten years. Other sticking points included Israel refusing to accept moral and legal responsibility for the refugee issue; the Palestinian demand for compensation, resettlement, and integration of the refugees as residents [in their host countries], while retaining the three options for return (to Israel, to the Palestinian state, or integration into another country); the Palestinian demand for return of property and compensation for both material and immaterial loss, including compensation of host countries; and the demand that the international mechanism for handling the refugee problem include Israel, Palestine, and the host countries.

The **Clinton Parameters** (2000) said that: ‘*The solution will have to be consistent with the two-state approach - the state of Palestine as the homeland of the Palestinian people and the state of Israel as the homeland of the Jewish people*’. It subsequently listed five possible options for Palestinian refugees: readmission into the State of Palestine; readmission into areas in Israel being transferred to Palestine in the land swap; rehabilitation in the host country; resettlement in a third country; and admission to Israel.



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