גבולות והתנחלויות

גבולות החלולות

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Minding the Gaps
Territorial Issues in Israeli-Palestinian Peacemaking

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UPON LAUNCHING a recent unilateral bid for statehood at the United Nations, Palestinian president Mahmoud Abbas made two key references to borders. In his September 23 General Assembly speech, delivered in Arabic, he stated that his application for full UN membership called for a Palestinian state “on the 4 June 1967 borders.” And the official application itself, written in English and submitted previously to the secretary-general, described a Palestinian state “on the basis of the 4 June 1967 borders.” These references embody the innate, crucial connection that Palestinians make between statehood and territory. They also symbolize the sensitivity of territorial issues, to the point of triggering slightly different wording nuanced for domestic and foreign audiences. “Truth is found in nuances,” said nineteenth-century French philosopher Ernest Renan, and his words resonate strongly in the Israeli-Palestinian territorial context.

The Palestinian initiative at the UN marks a sharp departure from nearly two decades of bilateral negotiations, and it is unclear when and under what circumstances the parties will resume negotiations on a permanent-status agreement. When they do, however, the territorial dimension will be one of the first and most important issues they have to tackle.

According to Palestinian leaders, one of the main reasons they despaired of negotiations and turned to the UN was Israel’s rejection of their demand that the 1967 lines be recognized by Israel as the baseline for territorial talks. In a comprehensive Middle East policy speech on May 19, 2011, President Obama endorsed this demand by stipulating that “the borders between Israel and Palestine should be based on the 1967 lines with mutually agreed swaps,” that is, territorial exchanges. Since then, the Palestinians have conditioned their return to the negotiating table on Israel following the U.S. lead and publicly, rather than diplomatically, endorsing this formula.

The past two-and-a-half years have witnessed relentless failed efforts to launch substantive bilateral negotiations and, more recently, heated controversy surrounding President Obama’s formula. This sad story reflects, among other things, the deep divide between Israelis and Palestinians on territory and borders. A close look at this division defies the perception that the territorial issue is relatively easy to resolve. Although the parties may not be far apart on defining the baseline for territorial negotiations, on the solution itself the chasm is wide.

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This paper analyzes the parties' differing positions on territory and borders, particularly as expressed in bilateral negotiations over the years.³ The author is careful not to suggest that these differences are unbridgeable or that a territorial deal is impossible; the gaps, however, will be very difficult to bridge, requiring strong resolve and leadership on both sides.

**Major Bones of Contention**

It is no coincidence that, unlike Abbas, President Obama referred to 1967 “lines,” not to “borders.” As discussed below, the boundaries in question were never recognized as borders. In essence, the 1967 lines essentially match the armistice lines reached with Jordan at the end of Israel’s War of Independence and demarcated from 1949 to 1951.⁴ The Armistice Agreement stipulated that the territorial delineation was to be made “without prejudice to future territorial settlements or boundary lines.” But history is tricky, unfolding in a way that has made these politically elusive lines the epicenter of Palestinian claims regarding their future state’s border. Current Israeli and Palestinian contentions about territory and borders epitomize these conflicting perspectives on historic rights, legal claims, security, Jerusalem, and other sensitive issues.

**Baseline for negotiation.** The first order of debate, while largely symbolic, is nevertheless crucial. Namely, should the baseline for territorial negotiations be premised on the full area encompassed by the 1967 lines, as Palestinians demand—a formula that would obligate Israel to provide territorial compensation for any deviations? Or should it be predicated on adjustments to these lines based on Israel’s security needs and related post-1967 demographic developments—namely, the formation of Israeli settlement blocs? On the surface, this debate may appear purely semantical. In any “mutually agreed” territorial exchanges, the parties would have to reconcile their conflicting claims through bilateral negotiations in which each wields veto power. Once they do so, debate over the baseline formula becomes redundant. Nevertheless, one should not underestimate the huge symbolic and domestic significance that the baseline territorial formula carries for both parties.

In a May 22, 2011, speech to American Israel Public Affairs Committee, President Obama clarified his baseline formula by stating that “the parties themselves… will negotiate a border that is different than the one that existed on June 4, 1967…to account for the demographic realities on the ground and the needs of both sides.”⁵ Compared to his May 19 speech, this clarification could imply a significant territorial exchange. And this was not the first instance in which Washington slightly shifted emphasis on the ambiguous territorial formula. In his April 14, 2004, letter to Israeli prime

³ During his tenure as a senior Israeli official, the author participated in most of these talks. Unless other sources are indicated, the assertions made in this paper regarding various negotiating points are based on his experience in that capacity, or on conversations with other officials.

⁴ The differences between the 1949 armistice lines and the June 4, 1967, lines are marginal and amount to some twenty-six square kilometers of “No Man’s Land” divided between the parties after the 1949 Armistice Agreement.

minister Ariel Sharon, which was approved by both houses of Congress, President George W. Bush essentially embraced the Israeli position: “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,” he wrote. Yet on later occasions, Bush swung somewhat back toward the Palestinian interpretation: in 2005, he stated that “changes to the 1949 Armistice Lines must be agreed to,” and in 2008, he defined the “point of departure for permanent negotiations” as “an end to the occupation that began in 1967.”

Entitlement. At the root of the historical debate lies the deeper question of territorial entitlement. Palestinians contend that the entirety of the West Bank is occupied Palestinian land. From that perspective, their right to the land overrides any Israeli claim, especially since they were already forced to give up some 78% of historical Palestine upon formation of the state of Israel. (ignoring their responsibility for that outcome by rejecting the 1947 UN partition plan and launching a war). Most Israeli Jews trace their heritage to the biblical lands of Judea and Samaria, that is, the West Bank. Accordingly, they believe that their historical claim to these territories—whether one calls them occupied or disputed—carries no less weight than that of the Palestinians. Nevertheless, for strategic, demographic, and political reasons, the majority of Israelis are willing to cede the bulk of these lands to a Palestinian state in the context of a peace agreement that ends the conflict and satisfies Israel’s essential security needs.

Legal argument. From a legal perspective, the official Israeli position has always been that the territory in question is disputed rather than occupied, since no internationally recognized sovereign state existed there when Israeli forces seized it in self-defense in June 1967. It should be noted that while most of the international community recognizes the validity of Israeli security concerns it rejects this legal argument and considers the territories occupied. As for borders, Israel claims that the armistice lines set by the arbitrary deployment of rival armies at the end of the 1948–1949 war have no legal significance. That is, because they were never formally established as borders, they cannot be legally considered as such. Moreover, UN Security Council Resolution 242 of November 1967—a document adopted only after much deliberation and that became the accepted guiding reference for all subsequent Arab-Israeli peacemaking—recognized Israeli security concerns by calling for “withdrawal from territories” (not “all” or “the” territories) to “secure, recognized boundaries free from threats or acts of force.”


7 Remarks made during a May 26, 2005, press conference with Abbas and a January 10, 2008, press conference in Jerusalem, respectively.

For their part, the Palestinians claim they are the legal heirs—from Jordan, which occupied the West Bank between 1949 and 1967—to the territories occupied by Israel in June 1967. And although they never liked Resolution 242 and did not formally accept it until the late 1980s, they claim that its withdrawal clause is legally subject to the principle of “inadmissibility of the acquisition of territory by war,” as stated in the document’s (nonbinding) preamble. They also cite as precedents Israel’s full withdrawal from Egyptian and Jordanian territories occupied in 1967 in return for bilateral peace agreements with those countries, as well as its apparent willingness to do the same with Syria and Lebanon.

Yet every Israeli government has differentiated between these cases and the Palestinian situation, not only because of the historic affiliation to the West Bank and its lack of sovereign status when it was captured, but also because of Israel’s strategic vulnerability from that territory. They have therefore interpreted Resolution 242’s reference to “withdrawal from territories” as applying to the West Bank.

East Jerusalem. The fate of east Jerusalem is much entangled in the historical and legal debates. Palestinians (and most of the world) regard it as part of the territories occupied in 1967 and therefore as an integral part of the baseline for negotiations. Yet Israel has always maintained its entitlement to Jewish holy sites and historic quarters in east Jerusalem and thus basically rejects the idea that it owes territorial compensation to the Palestinians for retention of these sites. In practice, all Israeli governments have made a distinction between east Jerusalem and the West Bank. Israel annexed a wider east Jerusalem—some sixty-seven square kilometers—after the 1967 war, a measure that most of the world does not recognize. In addition, all Israeli governments have refrained from designating the Jews in that part of the city as “settlers” or, with the exception of Prime Minister Ehud Olmert’s peace proposals in 2008, from counting east Jerusalem in its West Bank territorial calculations.

Israel’s Essential Security Needs

Although no consensus exists among Israelis regarding the terms of reference for territorial negotiations, there is wide agreement that the country cannot return to the June 4, 1967, lines due to critical security considerations. In addition to being the product of a temporary armistice agreement, these lines deny Israel vital strategic depth in the face of potential military threats and are thus unsatisfactory as a permanent, defensible border.

Specifically, such lines would leave Israel with a dangerously narrow waist along its coastal plain—about nine miles at the thinnest point and overlooked by the West Bank’s commanding hills. This strip includes Israel’s largest cities, some 70% of its population, its only international airport, and vital infrastructure and industries that represent some 80% of its gross domestic product. Therefore, Israel could be seriously threatened and perhaps paralyzed if a military conflict were to erupt along

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9 The Jordanian deal involved land swaps and excluded the West Bank, which was left for an Israeli-Palestinian deal.
these lines. For Israelis, this represents an existential vulnerability, one that could tempt enemies to aim for the country’s narrow “jugular” in order to inflict a fatal blow. Even Israel’s strong military would have difficulty defending against such a threat without paying a very heavy, perhaps intolerable, price.

In the three sets of permanent-status negotiations conducted over the past decade (2000, 2007–2008, and 2010), Israel presented a consistent concept of its required essential security arrangements. Although some of the emphasis and details varied from one government to another, they all based their security requirements on three main pillars:

- Significant territorial adjustments to the 1967 lines so as to establish secure, defensible boundaries.

- “Conditional strategic depth,” a term that Israeli military planners use to describe partial compensation for Israel’s lack of physical strategic depth through various security requirements, including demilitarization of any Palestinian state, the creation of mechanisms for monitoring that status, and a series of additional security requirements. The idea is to ensure that a future Palestinian state could not seriously threaten Israel unilaterally or through a military alliance with a third party.

- A special security regime in the Jordan Valley, along the eastern perimeter of the Palestinian state. This regime would include an effective international and Israeli military deployment capable of verifying the state’s demilitarization, blocking terrorist threats, and serving as a tripwire for potential military threats from the east. The mass smuggling of rockets through Egypt to the Gaza Strip and from Syria to Hezbollah in Lebanon—weapons that have been used extensively against Israel over the past decade—accentuates in Israeli eyes the need for a long-term effective Israeli military component along the Jordan River, possibly side by side with an international component, notwithstanding Palestinian sovereignty and security forces in that area. And even without the proliferation of rockets, Israel’s security concept has always held that the defensive frontline against military and terrorist threats from the east cannot begin at the Israel-Palestine border. Appropriate international and regional roles in such a security regime would be welcomed; Jordan, for example, has given its tacit consent to such a regime along both sides of the Jordan River. Yet Israelis regard such roles as supplementary to their own because history has taught them that outside forces are impermanent and often unreliable (e.g., witness the ineffectiveness of international troops in halting Hezbollah’s rearmament in southern Lebanon).

Israeli military planners believe that these requirements complement one another, especially in light of the country’s strategic vulnerability, historical experience, and surrounding hostility. To them, even significant border adjustments that allowed Israel to incorporate major settlement blocs would still leave the country with insufficient strategic depth.

10 Such as control of the airspace for military purposes or several strategic sites inside the Palestinian state for purposes of air control and early warning.
This mindset merits a closer look. Israel adopted the term “defensible borders” as an improved version of Resolution 242’s “secure boundaries,” and various U.S. administrations have endorsed it. Although precisely defining “defensible” can be thorny, the Israeli defense establishment has always incorporated the territorial and non-territorial concerns described above in its interpretation of the term. Fundamental to this view is the reasoning that in a region rife with instability and uncertainty, and where so many are inherently hostile to the idea of a nation-state for the Jewish people, dangerous scenarios that might seem unrealistic today could become quite real tomorrow even if a formal peace agreement were reached in the meantime. For example, what would happen if Hamas took over the West Bank following Israel’s withdrawal, as it did in Gaza? As indicated above, the Israeli mindset toward existential threats prohibits experimentation with vital matters of national security. Israelis do not believe their neighborhood will afford them a second opportunity.

Palestinians have acknowledged certain Israeli security needs, but only reluctantly and after years of opposition. And they continue to reject the concessions on territory or sovereignty required by Israel to satisfy these needs. In past bilateral security negotiations, for example, Palestinians were amenable to the concept of demilitarization, but only if the other two Israeli pillars were not applied; they would accept only minor adjustments to the 1967 lines and rejected any Israeli military deployment on their soil, with the possible exception of a few early-warning sites. Indeed, Palestinians tend to adhere strictly to the formula of “land for peace” established in Resolution 242, maintaining that a peace agreement would provide security. Yet Israelis have always believed in “land for security and peace” because, however desirable peace may be, it cannot by itself guarantee security and must be fortified by solid security arrangements.

**Settlement Blocs**

Notwithstanding fierce public debate in Israel regarding settlements, there is relatively wide consensus that the major blocs adjacent to the 1967 lines would significantly contribute to Israel’s security requirements and should therefore be annexed in any two-state agreement. Indeed, during his 1992 election campaign for premiership the late Prime Minister Yitzhak Rabin referred to these blocs as “security settlements,” distinguishing them from “political” or “ideological” settlements. And Prime Minister Binyamin Netanyahu recently spoke in the Knesset of the “widespread agreement that the settlement blocs must remain within the State of Israel,” implying, for the first time in his tenure, that the remainder of the West Bank would be available for a territorial settlement. Moreover, in Israel’s view, President Bush’s statement that “existing major Israeli

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13 This speech was delivered on May 16, 2011, three days ahead of President Obama’s speech referring to the “1967 lines with mutually agreed swaps.” Controversy over Obama’s remarks overshadowed Netanyahu’s speech.
population centers” would guide expectations for a future territorial settlement signified U.S. recognition of that position. Obama’s May 22 statement created similar Israeli expectations.

Israelis regard three major blocs and about five smaller settlement areas, stretching from the 1967 lines into the West Bank, as important for beefing up the previously discussed “narrow waist,” fortifying the security of Jerusalem, and allowing military deployment in times of emergency (see map, p. 14). These areas include several relatively large ultraorthodox cities with high population growth, such as Modiin Illit (45,000 inhabitants) and Beitar Illit (38,000). The three major blocs are Gush Etzion (located southwest of Jerusalem and, together with the adjacent Beitar Illit, holding well over 50,000 inhabitants), Maale Adumim (based on a city of close to 40,000 inhabitants located east of Jerusalem, considered important for that city’s defense from the east), and Ariel (based on a city in the mid-northern part of the West Bank holding close to 20,000 people). Unlike the other settlements scattered individually throughout the West Bank, Israel planned, built, and regards these clusters of settlements, including the cities therein, as blocs, cohesive from a security standpoint and, in some cases, administratively. When Israel decided in 2002 to begin constructing a physical barrier in order to prevent suicide bomber penetration from the West Bank, it included all of these blocs and areas near the West Bank within the planned perimeter. In all past negotiations Israel included in its territorial proposals and maps all three major blocs and most (but not always all) of the smaller areas.

Indeed, the growth of these blocs in both size and population would make them difficult to dismantle in any agreement. About three-quarters of all Israeli settlers reside in these blocs and ultraorthodox cities near the 1967 lines. This reality may ultimately make a territorial solution easier if Israel is permitted to annex the blocs through land swaps. Beyond their security value, absorbing the blocs could facilitate the conclusion and implementation of a peace agreement because it would allow more than 200,000 settlers to remain in their homes and absolve the Israeli government of the need to force them out.15 Israel regards the forced evacuation of hundreds of thousands of settlers as both morally unjust and politically unrealistic; such a move would be tremendously painful for Israeli society, given its deep division over the future of the West Bank. Although the 2005 unilateral evacuation of some 8,000 settlers from Gaza was a unilateral step that lacked the context of a peace agreement, its domestic impact provides a striking example of how a full West Bank evacuation would tear into the soft tissue of Israeli society. In addition, annexing the blocs could help Israel more easily absorb some of the settlers that would have to be evacuated from the rest of the West Bank, allowing them to resettle in an environment similar to their old one.

14 In his April 14, 2004, letter to Sharon, Bush wrote: “In light of new realities on the ground, including already existing major Israeli population centers, 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.” For those who claim that “major Israeli population centers” refers only to Jewish neighborhoods of east Jerusalem, the original intention behind this text—coordinated in advance between the two governments—was to also include settlement blocs without predetermining which blocs or with what delineation. In practice, during the Bush tenure the two governments developed oral understandings allowing for some flexibility regarding Israeli construction within the settlement blocs.

15 Israeli Prime Minister Ehud Olmert’s far-reaching proposal to President Abbas, presented in September 2008, would have necessitated the removal of around 63,000 of the more than 300,000 Israeli settlers in the West Bank (not including Jerusalem).
In terms of size and composition, there is more than one way to delineate the major blocs in a permanent peace agreement. Beyond security and other considerations not within the scope of the paper (e.g., underground water aquifers and the electromagnetic spectrum), one must also consider the desire to ensure that as many Palestinian villages as possible remain on the Palestinian side of a future border in order to maximize demographic homogeneity on both sides. That is why the Olmert government decided in 2006 to split the Ariel bloc into two separate strips, leaving thousands of Palestinians outside the Israeli perimeter. Indeed, the balance between geography and demography is very tricky and not easily resolved; if inhabited points on either side are not moved, then leaving West Bank Palestinians out of Israel would necessitate a border line highly problematic from a tactical security point of view.

In territorial terms, the above-mentioned security barrier—parts of which are still under construction—demarcates blocs comprising somewhere between 8% and 8.5% of the West Bank territory. In comparison, Prime Minister Olmert’s September 2008 proposal to Abbas called for Israeli annexation of approximately 6.5% of the territory. Thus there is some room for negotiation over the size of the blocs. Yet it is difficult to imagine any Israeli government drawing a map of the three major blocs that is significantly smaller than Olmert’s.

In principle, the Palestinians view the settlement blocs as no different from the rest of the West Bank—Israeli possession of these lands is regarded as equally illegal. Given developments on the ground and the realization that no Israeli government is likely to conclude a deal without the blocs, however, the Palestinians have resigned themselves to a territorial agreement allocating some blocs to Israel, to be offset through land swaps. Nevertheless, they have consistently demanded that the exchanges be minimal.

Specifically, the handful of maps that Palestinians have presented in bilateral negotiations through the years would allow Israel to annex, at most, some-where between 2% and 3% of the West Bank. The Palestinians have always objected to Israel absorbing Ariel, a bloc that extends about fourteen miles into the West Bank. They have also expressed significant difficulty regarding Maale Adumim, which stretches to the east of their desired capital city in Jerusalem and is perceived as potentially disruptive to the Palestinian state’s north-south contiguity. Moreover, the small “blocs” they portrayed in past maps were connected to Israel only by a road—a notion that many Israeli negotiators privately called “a balloon tied with a shoelace.”

16 During the talks that followed the 2007 Annapolis conference, the Israeli negotiating team took its Palestinian counterpart on a tour of Ariel. Afterward, Palestinians told then secretary of state Condoleezza Rice that they strongly objected to the Ariel bloc based on their impressions on the ground. Rice conveyed those impressions to Israeli leaders.

17 The Palestinians involved in the unofficial “Geneva Initiative” of 2003 agreed that Israel should receive some of Maale Adumim bloc, but only a relatively small portion. It is worth mentioning that Israel has not completed the full separation barrier around the Ariel and Maale Adumim blocs due to strong U.S. reservations (beginning with the Bush administration) regarding their size and the political implications of fully enclosing them.
Conceptual Gaps and Differing Territorial Calculations

The territorial percentage gap between the parties should not be underestimated; although it may appear narrow numerically, it is deep conceptually and remains difficult to bridge. (For the chronology and territorial details of each negotiation, see the appendix.) When territorial negotiations were launched in 2000, Israel demanded 17% of the West Bank so as to accommodate its security needs and include settlement blocs near the 1967 lines. As mentioned above, however, Olmert had reduced the demand to 6.5% by 2008, while still including Ariel and Maale Adumim. Yet the Palestinians went the opposite direction, initially agreeing to 4% as part of a territorial exchange but later decreasing their offer to the longstanding benchmark of 1.9%, arguing for a different balance between their “rights” and Israel’s “needs.” Based on the experience of more than a decade of territorial negotiations coupled with analysis of political sensitivities and realities on the ground, it is difficult to envision the Palestinians agreeing to more than 5%, which would still leave them short of the current Israeli minimum.

Conceptual gaps also express themselves in disagreement between the parties on how to define “West Bank territory” for the purposes of territorial calculations. Palestinian calculations typically include east Jerusalem, the northern quadrant of the Dead Sea, and all of the “No Man’s Land” and demilitarized zones established by the 1949 Armistice Agreement. Yet Israel has largely excluded these areas, counting only territory originally designated by the Israeli government as the “Military Administration of the West Bank” to which Israeli law was not applied. The result is that while Palestinians calculate every 1% of West Bank territory as equaling approximately 58 sq. km, Israelis have mostly calculated it at around 55 sq. km. This is a significant difference. During the Annapolis process and especially in his September 2008 offer, Olmert became the first Israeli prime minister to accept the addition to the West Bank territorial denominator of some of these disputed areas, including those in east Jerusalem.

On various occasions, the parties have played with numbers and terminology in an attempt to break the stalemate over percentages. The same square of land will appear as a smaller percentage of the West Bank when additional quantities of land are counted in the denominator for calculating the general territory negotiated. For example, although Gaza is not in any real dispute between the parties, its approximately 360 sq. km have at times been added to the West Bank denominator in order to make proposed Israeli annexations appear as a smaller percentage of the whole. On various occasions, negotiators have suggested discussing territory in terms of the overall

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18 In a June 25, 2009, interview with the Jordanian daily A-Dustour (http://www.memri.org/report/en/0/0/0/0/0/0/3413.htm), Palestinian chief negotiator Saeb Eraqat said the following regarding the erosion in Israeli territorial positions over the years: "At Camp David they offered 90%, and [recently] they offered 100%. So why should we hurry?" The initial Palestinian offer—allocating 4% of the West Bank to Israel with equivalent land received in exchange—was made during the May 2000 talks in Eilat, about two months before the Camp David summit, in the presence of the American team. The author was present.

19 The Palestinians claim to have arrived at this figure by calculating the size of the built-up areas in the settlement blocs adjacent to the 1967 lines using satellite photography provided by the United States.

20 The Palestinian calculation for total West Bank territory is 5,860 sq. km (together with Gaza’s 360 sq. km, they demand 6220 sq km for the Palestinian state), compared to Israel’s baseline of approximately 5,500 sq. km.

21 This addition had previously been reflected in minutes produced by Secretary Rice at the end of a July 2008 trilateral meeting, which listed areas to be part of negotiations, though not referring to territorial calculations.
amount exchanged, despite the symbolic significance of percentages for both parties. According to Israeli press reports, President Shimon Peres suggested a baseline formula for negotiations stipulating “territory similar to that seized by Israel in 1967,” to be measured in square kilometers. Looking ahead, framing the territorial discussion in terms of square kilometers rather than percentages seems like a more productive approach.

### Land Swaps

Israel first implemented the principle of territorial exchanges in its October 1994 peace treaty with Jordan. In the Palestinian context, the idea first surfaced in the unofficial October 1995 draft agreement between Israeli left-wing leader Yossi Beilin and Mahmoud Abbas, both of them senior officials at the time. This “Beilin–Abu Mazen Agreement” included a map with similar land swaps involving around 250 sq. km (or approximately 4.5%) of the West Bank. Neither side’s leadership adopted this agreement, however.

The main premise behind land swaps has been to reconcile the Palestinian insistence on a state encompassing the entirety of the West Bank with Israel’s insistence on accommodating security needs and allowing the majority of settlers to remain in their homes.

Israeli officials did not readily endorse the concept at first because they did not accept the basic Palestinian premise of entitlement to 100% of the West Bank. In their view, such a premise implicitly denied any Israeli claim to land seized in 1967. Even as late as 2000, Prime Minister Ehud Barak rejected the concept of swaps at the outset of the Camp David talks, accepting it only toward the summit’s end upon President Clinton’s insistence. Barak then proposed a land swap based on a 9:1 ratio in Israel’s favor: that is, for 9% of the West Bank to be annexed to Israel, the Palestinian state would receive Israeli territory equivalent to 1% of the West Bank.

Subsequent Israeli offers have come considerably closer to Palestinian demands, yet no Israeli government to date has accepted the Palestinian stipulation that land swaps be fully equal in size and “quality.” From the Israeli perspective, equal swaps would deviate from the letter and spirit of UN Security Council Resolution 242, which calls for withdrawal “from territories” (not “the” or “all” territories) to “secure, recognized boundaries.” Nevertheless, Ehud Olmert did approach a 1:1 ratio in his September 2008 proposal to Abbas, offering to exchange 5.8% of Israeli territory for 6.5% of the West Bank. He also suggested covering the 0.7% gap by giving the Palestinians control (though not sovereignty) over a land connection between the West Bank and Gaza (which never existed in 1967 or before). With such “compensation,” he reasoned, his proposal would be tantamount to a 1:1 swap and, therefore, the equivalent of 100% of the West Bank. Olmert’s plan was the most far-

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22 Ehud Barak attempted this approach at the 2000 Camp David summit, arguing for Israeli annexation of 650 sq. km of the West Bank.

23 See, for example, Ben Caspit’s report in Ma’ariv, April 30, 2011, [http://www.nrg.co.il/online/1/ART2/236/200.html](http://www.nrg.co.il/online/1/ART2/236/200.html).

24 The two countries swapped some 40 sq. km in the Arava Valley—the southern part of their border—so as to enable continued cultivation of land by Israeli villages and kibbutzim in the area.

25 It should be noted that Israel has objected to the Palestinian demand of “equal land quality,” arguing that this factor is impossible to measure with any precision.
reaching Israeli proposal ever, yet he did not receive a Palestinian response. In any case, the Palestinians measure “100%” in terms of sovereignty, so Olmert’s offer of a non-sovereign West Bank–Gaza connector would presumably have been deemed insufficient.

Olmert’s proposal followed in the footsteps of the Clinton Parameters, the first official reference to Israeli-Palestinian swaps to include non-sovereign territorial compensation. These parameters, presented to the parties in December 2000 following the failed Camp David summit, formally endorsed the concept of swaps but refrained from calling for an equal exchange. Specifically, Clinton proposed Israeli annexation of 4% to 6% of the West Bank and swaps based on a 3:1 ratio in Israel’s favor. To offset the difference, he also proposed measures such as exchanging leased land and establishing a permanent territorial safe passage between the West Bank and Gaza.

The Obama formula, which leaves questions of equality and percentages to the parties, differs from the European-supported Palestinian stipulation that the territorial exchange be “minor and equal.” Here one can see the extent to which ambiguous formulas leave room for differing interpretations—while Netanyahu disliked Obama’s baseline, fearing that it implied or could be interpreted as endorsing “minor and equal” swaps and the 1967 lines as default lines, the Palestinians were disappointed that it did not explicitly offer that very formulation.

In addition to the above challenges, determining which Israeli lands are actually eligible to be swapped is a complicated affair, requiring a thorough, on-the-ground examination of existing population centers, development plans, civilian/military infrastructure, ownership status, security issues, and other national interests. Considering these factors, and assuming that no government would likely agree to evacuate populated areas inside Israel proper, perhaps with rare exceptions, the scope of Israeli land available for swaps is somewhat limited. The swaps proposed by Olmert in 2008 broke new ground by including certain uninhabited agricultural lands belonging to Israeli villages. Yet how much territory can Israel realistically exchange?

This question is highly controversial among Israeli experts. One school of thought views Olmert’s proposal as unrealistic, arguing that it ignored the logic of geography and domestic sensitivities; this school concludes that Israel cannot realistically offer more than 3%. Other experts who were involved in preparing maps for negotiations disagree. Meanwhile, former prime minister Sharon seemingly moved toward closing the door on some options by fostering the establishment of new Israeli villages and communal centers in potential swap areas such as Chalutzah (adjacent to the Egyptian border) and Lakhish (southwest of the West Bank). Ultimately, the true-to-life answer to the question of swap viability will be clearer once the parties are actually close to a deal.

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26 Some Israeli political circles have proposed swapping land inhabited by Arab Israelis, but these ideas raise ethical and legal questions and appear unrealistic; both the Palestinian Authority and Arab Israelis strongly reject them.


'Borders First' and Terms of Reference?

Early on in its abortive bid to relaunch Israeli-Palestinian talks, the Obama administration opted to prioritize “borders first.” It then adjusted this approach to “borders and security first”—a strategy reiterated in Obama’s May 19, 2011, speech and adopted by the Quartet (i.e., the UN secretary-general, the EU, the United States, and Russia) in its September 23 statement following the Palestinian membership bid at the UN. Behind this approach lies a set of assumptions: First, it is assumed that the parties are currently incapable of resolving all core issues simultaneously—Palestinian territorial demands and Israeli security needs may balance each other and are easier to reconcile, and they should therefore be discussed before the thorny issues of Jerusalem and refugees, which touch on the deepest nerves and sense of identity of both parties.

According to this view, neither side’s leaders have prepared their publics for the painful compromises required on the latter issues. This line of thinking concludes that tackling territorial and security matters first would also facilitate the resolution of issues related to West Bank settlements; Israel would be able to continue construction in areas that the Palestinians agreed to relinquish without inflaming sensitivities about such activity. The idea behind Washington’s approach was not to dictate the format of talks, but rather to work around each party’s difficulties; if Israelis and Palestinians agreed on a different approach, the United States would support it.

Palestinians much prefer the “borders first” approach because they regard acknowledgement of their claim to all West Bank territory as a primary prerequisite for a deal, seeking to condition discussion of all core issues on this acknowledgment. They agreed to discuss security with borders but, again, predicated any security arrangements on Israel meeting their territorial requisites. Specifically, in efforts to relaunch negotiations during the past two-and-a-half years, the Palestinians insisted that they would not come to the table until Israel accepted terms of reference stipulating the baseline for territorial negotiations as “the 1967 lines with swaps,” alongside a freeze on settlement activity.

Therefore, President Obama’s May 19 endorsement of that formula—which came after long U.S. equivocation on the subject—met an essential Palestinian condition. Previously, Washington had subscribed to Secretary of State Hillary Clinton’s November 2009 formula: “We believe that through good-faith negotiations the parties can mutually agree on an outcome which ends the conflict and reconciles the Palestinian goal of an independent and viable state based on the 1967 lines, with agreed swaps, and the Israeli goal of a Jewish state with secure and recognized borders that reflect subsequent developments and meet Israeli security requirements.” In other words, the United States expressed belief that the parties could reconcile their respective goals but did not subscribe to any of them. In his May 19 and May 22 speeches, however, President Obama subscribed to all of them.

For its part, Israel objected to “borders first,” both as a term of reference for resuming talks and as an approach to the negotiations themselves. The Israeli government’s concern was that setting the
baseline as “1967 with swaps” would predetermine the outcome of territorial negotiations. More important, Israel was worried that discussing borders first would pressure it into exposing substantive flexibilities on its main tangible bargaining chip before gaining Palestinian concessions on key Israeli concerns: security, the settlement of Palestinian refugees outside Israel, and the recognition of Israel as the nation-state of the Jewish people. Although the guiding principle for negotiations has always been that “nothing is agreed until everything is agreed,” Israel feared that Palestinians would merely pocket the territorial concessions and make them the starting point for future negotiations, as has happened in the past. Israel also argued that examining borders in the Jerusalem area—an extremely complicated issue—would necessarily entail a discussion of the city’s eventual fate.

In deciding which core issue it wanted to balance against territory, the Netanyahu government vacillated at first. At one point it demanded equal weight for security and even considered pushing for “security first.” Later it argued that accepting Israel as the nation-state of the Jewish people as an endgame (after all core issues are resolved) should be part of the terms of reference for negotiations. And after initially rejecting the White House’s “1967 with swaps” formula, Netanyahu seemed willing to implicitly accept that baseline based on Obama’s May 22 clarification, which called for a return not to the 1967 lines, but rather to a border that addressed both demographic realities on the ground and Israel’s security needs. In his September 23 speech to the UN General Assembly responding to the unilateral Palestinian statehood bid, Netanyahu stated, “But [even] with all my reservations, I was willing to move forward on these American ideas.”

Although his public rebuff of Obama’s May 19 speech had focused on rejecting withdrawal to pre-1967 lines, he had also privately shied away from supporting the concept of swaps. Yet by signaling acceptance of Obama’s May 22 formula, albeit with reservations, Netanyahu also implicitly endorsed swaps.

The ongoing debate surrounding these issues calls for rethinking the sequence and pairing of core issues in any future negotiations. Bearing in mind that many of Israel’s security requirements do not carry a territorial dimension, borders and security a better pair than borders and refugees? Should borders, security, and refugees be discussed all at once? Or would simultaneous consideration of all core issues afford better tradeoffs and therefore flexibilities? Before resuming negotiations, the parties should thoroughly discuss whether to tackle all of these issues concurrently, establish a sequential approach, or even put some of them aside for now in favor of pursuing incremental, interim measures within the framework of agreed endgame parameters.

30 The full speech is available at

31 For example, control of airspace against military threats.

32 In phase II of the Quartet’s April 2003 “Roadmap,” the parties were offered an option of a Palestinian state with provisional borders. The Palestinians rejected it for fear of being “trapped” in an interim phase and turning the conflict into a border dispute. It remains to be seen, especially after the UN statehood bid, whether they can agree to an incremental approach if the territorial endgame parameters are agreed in advance and guaranteed by the international community.
Conclusion

In his 1979 book White House Years, Henry Kissinger recalled that when he first encountered UN Resolution 242 and its conflicting interpretations, he did not appreciate the extent to which it obscured rather than illuminated the parties’ fundamentally clashing positions. The same can be said of the current U.S. baseline for territorial negotiations—it masks a deep divide. At the same time, however, its final interpretation is in the eye of the beholder. To borrow another Kissinger phrase, time will tell whether “the 1967 lines with mutually agreed swaps” proves to be constructive rather than destructive ambiguity.

As far as substance is concerned, the parties have come to agree on several important points throughout years of negotiations. Since 2000, Israel has essentially agreed to regard the 1967 lines as a reference point—even if not a "baseline"—for territorial deliberations without prejudice to its call for significant adjustments to these lines. The Palestinians have come to accept Israeli retention of some settlement blocs. And both sides have agreed to bridge gaps through territorial exchange. But the basic narratives guiding their territorial viewpoints are still deeply at odds, as are the practical implications of these views.

Clearly, bridging the gap between Israel’s minimal territorial requirements and the Palestinians’ maximal flexibility will be difficult. And it remains to be seen whether Israel can practically offer the Palestinians a land swap that meets their requirements. To find a meeting point, the parties must make difficult decisions and revisit some of their very basic traditional assumptions and positions on issues such as the ratio of land swaps, additional territorial and non-territorial measures to offset the gap, the delineation and fate of certain settlement blocs, the criteria for determining which lands may be exchanged, and whether inhabited points on either side be moved. Following the failure of three rounds of permanent status talks, reaching mutually satisfactory decisions on any of these issues has become increasingly difficult for the parties, requiring leaders who can bear the burden of responsibility for controversial choices, in both decision and implementation.

Indeed, territory and borders are make-or-break issues. A breakthrough in territorial negotiations could open the door to other core issues and catalyze progress, yet reaching such a breakthrough may require trade-offs on those very issues. And a deadlock in territorial talks would certainly block negotiations writ large.

Thus, adequately preparing the ground for such negotiations is crucial. Efforts to relaunch direct talks over the past two-and-a-half years have focused almost exclusively on how to get the parties to the table, sidestepping the question of how to proceed if and when they get there. Instead, talks should be preceded by serious preparatory work on territories and borders. In general, several key issues require much preliminary thought and discussion, including:

- the nature, architecture, sequencing, and guiding principles of negotiations;
- efficacy-based trade-offs between the core issues;
- the convergence of the top-down negotiations process with bottom-up state-building efforts on the ground;
- incremental confidence-building measures;
alternatives to deadlock;

and the creation of a public atmosphere conducive to the historic compromises required from both parties.

As the unilateral statehood effort at the UN continues, it is unclear when and how the parties will resume talks. The Palestinians must realize that permanent borders can be set only through negotiations and compromises, not by international decisions. Ultimately, a territorial agreement requires an appropriate political landscape in which the parties genuinely seek agreement and are capable of implementing it rather than engaging in a blame game. Until such time, lessons from past failures must not be forgotten, and the parties must ensure—with the support and encouragement of the international community—that their diplomatic and on-the-ground activities do not close the door on future negotiations and peace options.
Appendix: Chronology of Israeli-Palestinian Territorial Negotiations

TO DATE, Israelis and Palestinians have held three rounds of official negotiations on core permanent-status issues, including territory and borders. The first of these took place in 2000, culminating in July with the Camp David summit. November 2007 saw the beginning of the Annapolis process, culminating in a Jerusalem summit between Prime Minister Olmert and President Abbas on September 16, 2008. And in September 2010, Prime Minister Netanyahu and Abbas launched short-lived direct talks under American auspices. All three rounds failed to produce an agreement on any of the core issues.

Some unofficial attempts at drawing a common border have also taken place throughout the years. Most noteworthy are the efforts carried out by former Israeli minister and left-wing leader Yossi Beilin. On October 30, 1995, Beilin drafted an unofficial permanent-status agreement with Mahmoud Abbas (then a senior Palestinian official). The territorial component of the “Beilin–Abu Mazen Agreement” introduced the concept of land swaps that would allow Israel to keep the major settlement blocs comprising around three-quarters of West Bank settlers. Its map incorporated approximately 4.5% (close to 250 sq. km) of the West Bank into Israel in exchange for a similar amount of Israeli territory, mainly parts of the Chalutzah area near the Egyptian border and a corridor to Gaza. This draft agreement never received official approval; several days after its conclusion, Prime Minister Rabin was assassinated and the whole enterprise was shelved.

Years later, Beilin inspired a similar unofficial initiative to draw an agreed map. The resulting “Geneva Initiative” map of 2003 envisioned an equal land swap of some 2.2%.

On the official front, Israel has presented numerous territorial proposals and maps with a large degree of detail over the years, but the Palestinians have been reluctant to reciprocate. In their view, the Palestinian baseline—namely, all of the West Bank—was self-evident, and it was Israel’s responsibility to propose deviations from it. As such, they have submitted maps on only five occasions, offering a single proposal each time: Camp David (July 2000), Taba (January 2001), the Tzipi Livni–Abu Ala negotiations during the Annapolis process (2008) and during talks with an American interlocutor in 2010 and to the Quartet in November 2011.

A detailed chronology of the significant official territorial proposals and counterproposals made since 2000 follows.

CAMP DAVID (2000–2001)

Eilat, May 2000

- Israel’s first official schematic map (presented by the author) showed 66% of the West Bank as Palestinian territory (PT); 17% as Israeli territory (IT), and 17% as special status, i.e., lands that would remain under Israeli control for a period of time due to security reasons (mostly in the Jordan Valley) but ultimately become Palestinian territory.
- Palestinian counteroffer: 96% PT, 4% IT, equal land swaps.
Stockholm, late May 2000 (secret talks)

- Israeli map: 76.6% PT, 13.3% IT, and 10.1% special status, no land swaps.
- Palestinian offer: 96% PT, 4% IT, equal land swaps.

Camp David, July 2000

- Initial Israeli map: approximately 88.5% PT and special status, 11.5% IT, no land swaps.
- Final Israeli oral offer (Barak to Clinton): 91% PT, 9% IT, Israel swaps land equivalent to 1% of the West Bank.
- Palestinian leadership let Clinton understand that, in a nonbinding manner, they might accept an offer by him of: 92% PT, 8% IT, land swaps in a ratio favorable to Israel.
- Palestinian map: 97%–98% PT, 2%–3% IT, equal land swaps.

Clinton Parameters, December 23, 2000

- President Clinton’s proposal: 94%–96% PT, 4–6% IT, 1%–3% land swaps, territorial safe passage between the West Bank and Gaza, swaps of leased land to be considered. Guidelines for developing final maps: preserving territorial contiguity for each state, minimizing Israeli annexations and the number of Palestinians affected, and allowing Israel to incorporate territory containing 80% of bloc settlers.
- Israeli response: acceptance with reservations, including doubts that 4%–6% of the West Bank could meet the threshold of incorporating 80% of settlers.
- Palestinian response: informal rejection of essential components.
- President Clinton’s response: withdrew parameters from the table upon leaving office.

Taba, January 2001 (bilateral)

- Israeli map: 92% PT, 8% IT.
- Palestinian map 97–98% PT, 2–3% IT.
- Unauthorized Israeli maps presented privately by some members of the delegation and pocketed by Palestinians: 94% PT, 6% IT.

ANNAPOlis (2008)

Livni–Abu Ala negotiations, spring–summer 2008

- Israeli map: 92.7% PT, 7.3% IT, no land swaps. Livni argued that discussion of swaps should be reserved for a later stage.
- Palestinian map: 98.1% PT, 1.9% IT, equal land swaps.
Olmert–Abbas negotiations, culminating September 16, 2008

- Israeli proposal: 93.5% PT, 6.5% IT, 5.8% land swaps, and 0.7% “compensation,” Olmert’s term for a potential West Bank-Gaza corridor under non-sovereign Palestinian control.
- Palestinians: no response.

NETANYAHU–ABBAS (2009–present)

Netanyahu–Abbas discussions, 2009–present

- No agreement on terms of reference for territorial negotiations.
- Palestinian baseline: 1967 lines with land swaps. During indirect, U.S.-facilitated “proximity talks” in late 2010, they presented a document and a map offering 98.1% PT, 1.9% IT equal land swaps.
- Israeli response: rejection on the basis that Israel will not engage in detailed territorial negotiations or present its map without assurances on core security requirements.

White House baseline formula, May 2011

- On May 19, President Obama stipulated a baseline of “the 1967 lines with mutually agreed swaps.”
- Israel initially objected, but Netanyahu appeared willing to reconsider if the baseline was clarified with excerpts from Obama’s May 22 speech: namely, that the parties will negotiate a final border differing from the 1967 lines, taking into account demographic realities on the ground and both sides’ security needs. Additionally, Netanyahu demanded a preliminary commitment that any agreement reached would include recognition of Israel as the nation-state of the Jewish people.

Quartet-led efforts, September 2011–present

- November 2011: Palestinians presented essentially the same document and map of 2010 offering 98.1% PT, 1.9% IT equal land swaps.
- Israeli response: Will present territorial positions only after Palestinians revert to direct negotiations without preconditions.
Getting to the Territorial Endgame of an Israeli–Palestinian Peace Settlement

A Special Report by the Israeli–Palestinian Workshop of the Baker Institute’s Conflict Resolution Forum

chaired by Edward P. Djerejian, Founding Director
Foreword

For the past year and a half, the James A. Baker III Institute for Public Policy at Rice University under the aegis of its Conflict Resolution Forum hosted an Israeli-Palestinian workshop to explore the possible contours of a final status agreement between the Israelis and the Palestinians on the territorial components of peace. The Baker Institute convened two teams of experts, each representing Israeli and Palestinian points of view.

The focus of this workshop is to provide policymakers in Washington, Jerusalem and Ramallah with the results of a Track II bottom-up approach highlighting the differences and areas of possible agreement between the Israeli and Palestinian positions on key issues, including Israeli settlements, borders, land swaps, territorial contiguity, safe passage and other relevant issues. A primary assumption of all of the parties is that the territorial component of peace cannot be negotiated and addressed in isolation from the other final status issues, including Jerusalem, Palestinian refugees and security, as well as significant issues such as the normalization of relations and the economic components of peace. Nevertheless, the purpose of this exercise is to concentrate on the territorial component with the assumption that if progress could be made on this critical issue, it could facilitate forward movement in Track I negotiations on the other final status issues. The Israeli and Palestinian teams were able to establish some common criteria and guidelines for assessing the territorial issues and the Israeli settlements.

Accordingly, the two teams provided narratives and submitted different maps containing territorial swap scenarios. An initial Israeli map suggested a territorial swap of 7.03% each, accepting the 1:1 provision laid down in the Arab Peace Initiative. The teams also referred to reported positions put forward by then-Israeli Prime Minister Ehud Olmert. An initial Palestinian map suggested a territorial swap, on the basis of a 1:1 exchange, of 1.9%, reflecting reported positions put forward by Palestinian Authority President Mahmoud Abbas. Under the aegis of the Baker Institute, three territorial options in between these positions of the parties were discussed. The conceptual maps with these three territorial options were reviewed in the course of our discussions and are included at the end of
Getting to the Territorial Endgame of an Israeli-Palestinian Peace Settlement

this report. The Palestinian and the Israeli teams discussed, also, the important need to differentiate between “space and time” — namely, exploring the concept of phasing the dismantlement and relocation of settlements over various periods of time.

Drawing on the deliberations of the Israeli and Palestinian participants in this workshop and the proposed options for a final territorial agreement, the report finds that a United States bridging proposal on the territorial component of peace could be introduced at the right time and, depending on actual political circumstances, serve as a guide to enable gradual progress, step by step. The contours of a territorial bridging proposal are outlined in this report, as well as the need to prepare the necessary planning tools to achieve a successful outcome.

It is evident that the Israeli settlements are one of the most contentious issues in any final Israeli-Palestinian peace agreement. The sensitivities of the Israeli and Palestinian teams during the course of the discussions in the Baker Institute’s workshop underscored this reality and the hard challenges that official negotiators will face. Serious differences between the parties remain, and they are reflected in the report and the appendices outlining Palestinian and Israeli considerations and concerns. Therefore, this report does not represent a consensus reached by the Israeli and Palestinian teams. Nevertheless, specific points of convergence were reached during the deliberations and some differences were narrowed.

In actual negotiations, strong political will on the part of the leadership of all the parties and a viable and sustained negotiating process will be necessary to help bring the parties to a final agreement. Indeed, no real progress will be made without the direct and sustained involvement of President Barack Obama, Secretary of State Hillary Clinton and Special Envoy for Middle East Peace George J. Mitchell.

In their capacities as members of the working group, the Israeli and Palestinian participants, who are well connected to their respective leaderships, did not represent officially their governments. They are former officials both civilian and military, academics, experts from various organizations, and individuals from the private sector. Due to the present status of prospective negotiations, the participants are constrained in their ability to publicly identify themselves. In this respect, the proposed territorial options involving a possible United States bridging proposal are put forward by the Baker Institute and do not necessarily commit the Israeli and Palestinian teams and individual participants to specific outcomes.

Edward P. Djerejian
Founding Director
James A. Baker III Institute for Public Policy
Rice University
February 2010
Executive Summary

The Project’s Goals

Under the aegis of the James A. Baker III Institute for Public Policy’s Conflict Resolution Forum, a United States–Israeli–Palestinian working group engaged in a Track II exercise to prepare guidelines to get to the territorial endgame, and thus hopefully make it possible to reach an agreement on the envisaged final borders between Israel and the emerging State of Palestine. In order to do so, the following issues have been addressed:

- Evaluation of the possible territorial endgame with a specific focus on Israeli settlements and possible territorial swaps;
- Anticipation of difficulties of the concerned parties to reach the envisaged territorial endgame;
- Description of some of the specifics needed — “the toolbox” — to achieve progress; and
- Definition of a proposed United States strategy aimed at reaching the goal of a territorial agreement in two complementary ways. First, specific steps that achieve steady, visible progress on the way to a two-state solution. And, second, an overall strategy for pursuing negotiations to reach a final agreement.

Terms of Reference

The very size of the Occupied Territories is a disputed issue between Israel and the Palestinians. According to the official Palestinian calculation, the total area of the Occupied Territories is 6,207 square kilometers (sq km), which includes the Gaza Strip (367 sq km), the whole of the West Bank, including East Jerusalem and the No Man’s Lands (5,652 sq km), and the Dead Sea territorial waters (188 sq km). The Gaza Strip is 360 sq km according to the CIA Factbook. Concerning the West Bank and Jerusalem there are different assessments ranging from 5,809.4 sq km (Israeli Ministry of Defense) to 5,906.6 sq km (Center for Middle East Peace & Economic Cooperation [United States]). The CIA Factbook puts the area at 5,860 sq km.
Agreed Criteria and Guidelines for a Territorial Agreement

In the first chapter of this report, “The United States’ Role in Negotiating the Israeli-Palestinian Territorial Issue,” the Israeli and Palestinian teams participating in the Baker Institute workshop agreed among themselves on certain criteria and guidelines in assessing the territorial issues and the Israeli settlements.

- When considering the annexation of settlement areas to Israel, the distance of the area from the cease-fire line of June 4, 1967, should be as minimal as possible.
- The contiguity of Palestinian territory should be secured; likewise, an effort should be made to provide contiguity of territory between Israel and settlements that will be incorporated into sovereign Israeli territory.
- In assessing individual settlements, security, demographic, economic, agricultural, infrastructure, water, environmental, religious and cultural factors, inter alia, should be taken into consideration.
- Palestinian natural resources as well as environmental needs should be fully taken into account, and the territorial separation should enable the State of Palestine to plan for future development.
- Finally, the number of settlers included in settlements to be part of territorial swaps should be as large as possible, to reduce the need to evacuate too high a number of settlers, whereas on the other hand, the area for swaps should remain as minimal as possible in order not to prejudice Palestinian territorial requirements.

In addition, both sides stated the need for right of safe and secure passage through each other’s sovereign territory, particularly for Palestinians to move back and forth from the West Bank through Israeli territory to Gaza. The Israelis specified the need for Israelis’ right of passage for Route 90 (north/south) and for Route 443 (west/east).

Regarding Jerusalem, the teams remained divided and maintained their different approaches. The difference of approach relates less to the Jerusalem area itself, but rather how to deal with Jerusalem as an issue standing on its own, or as an integral part of the territorial question. A major specific difference concerns the counting of the number of settlers.

The Israeli team limited its participation in the project to the territorial issues, without reflecting upon possible final status solutions for the Jerusalem question. As in Track I negotiations, “Jewish neighborhoods within the boundaries of the Jerusalem municipality, beyond the June 4, 1967, line, would become part of Israel, and Palestinian neighborhoods would become part of Palestine.” The Israeli population in this area would be left out of the counting of settlers, and the settler community would be about 280,000.

According to the Palestinian team, the territorial area of Jerusalem had to be dealt with in the same way as the entire West Bank and, therefore, the Israeli population in the Jerusalem municipal area living beyond the June 4, 1967, line should be counted together with the other settlers, reaching a settler number of approximately 485,000.
Both teams agreed to reflect upon the areas within Jerusalem beyond the June 4, 1967, line. It was acknowledged by both teams individually that metropolitan Jerusalem represents the socioeconomic center of both Israeli and Palestinian life, comprising an important part of the national economy of both nations. Therefore, both sides will each require not only a physical presence in its own capital city, but adequate space for residential, governmental and commercial development, employment creation and social services, as well as the necessary transportation links to each of its outlying suburban areas and its hinterland.

The Israelis suggested that to address essential Israeli and Palestinian interests in Jerusalem, a general master plan for the development of the Palestinian side of the Metropolitan Jerusalem area is needed. Such a plan should, where possible, align with the Israeli master plan. Where this is impossible, Israeli plans in the area would most likely have to be curtailed.

Regarding the No Man’s Land in the Latrun Salient (46.4 sq km), which both sides view as their own, the Israelis and Palestinians held fast to their different positions.

**Territorial Options**

In carrying out this project, five different maps were prepared. An initial Israeli map suggested a territorial swap of 7.03% each (see Appendix III), accepting the 1:1 provision laid down in the Arab Peace Initiative (unlike the Clinton parameters, which had offered Israel a better ratio). A Palestinian map suggested a territorial swap, on the basis of a 1:1 exchange, of 1.9% (see Appendix III). These maps represented, respectively, the reported official positions put forward by then-Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas. The Palestinian and Israeli teams then submitted different working maps during the course of the meetings. In working together, although without specific agreement of either the Israeli or the Palestinian team, the Baker Institute workshop developed three territorial options in between these two positions by the parties, and working maps with these options were reviewed.

**Option One** proposes an exchange of land of 4.0% (251 sq km) of the West Bank territory (see map in Appendix V). This would necessitate the evacuation of 115,142 Israeli settlers from their present residences.

**Option Two** proposes an exchange of land of 3.4% (212 sq km) of the West Bank territory (see map in Appendix V). Altogether, this would necessitate the evacuation of 120,182 Israeli settlers from their present residences.

**Option Three** proposes an exchange of land of 4.4% (274 sq km) of the West Bank territory based on the following conceptual guideline (see map in Appendix V). On December 23, 2000, United States President Bill Clinton defined the basic parameters for a territorial agreement that would accommodate 80% of the settler community in settlement areas to be incorporated in a 1:3 land swap to Israel, while making it necessary to evacuate 20% of the
settler community. The number of settlers has since risen from 200,000 to approximately 280,000.\(^1\) This option takes into consideration the new facts on the ground, making it necessary for Israel to evacuate 100,780 Israeli settlers. In order to be in line with the Arab Peace Initiative, this proposal also suggests (differently than the Clinton parameters) a 1:1 swap.

The three options are presented in the attached maps in Appendix V. The 3.4% map relates and respects the immediate needs of the settlements that will remain in place, but the Israeli concern is that it leaves no space for the relocation of some of the settlements into settlement areas, whereas other settlements will be relocated into Israel proper. The 4.0% as well as the 4.4% options take this into consideration, and permit some of the settlers that are expected to be evacuated to relocate in settlement areas that will be incorporated into Israel. A serious Palestinian concern is that such relocation will necessitate the enlargement of settlement areas at the expense of Palestinian land.

During the course of the deliberations between the two teams, and in discussing and debating the three middle options, the Palestinians advocated a compromise territorial solution of between 3.4% and 1.9%, and the Israelis did the same for a compromise territorial solution ranging from 4.4% to 7.03%. The Palestinians focused their arguments on the critical issue of the territorial contiguity of the Palestinian state, whereas the Israelis put forward their case concerning the serious political and security issues involving the relocation and dismantlement of large numbers of settlements.

The Palestinian and the Israeli teams discussed, importantly, the need to differentiate between “space and time” — namely, exploring the concept of phasing the relocation and dismantlement of settlements over a period of time. Such “phasing” could help alleviate political and security considerations, especially for the Israelis. The Palestinians contended that in respect to certain Israeli settlements, especially those that were considered to be the most contentious, phased relocation and dismantlement could be considered over different periods of time. This compromise, they said, would give the Israelis time to build relocation sites for settlements that were to be dismantled. During the discussions, periods ranging from five to 15 years were mentioned.

Anticipating the Difficulties of the Concerned Parties to Reach the Endgame

The Israeli settlements are one of the most contentious issues in any Israeli–Palestinian final peace agreement. The sensitivities of the Israeli and Palestinian teams during the course of the deliberations of the Baker Institute’s Israeli–Palestinian working group underscored

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\(^1\) Haaretz’s new settlements correspondent, Chaim Levinson, claims that, for the first time, the number of settlers living in the West Bank has crossed the 300,000 mark. Quoting a report issued by the Civil Administration, Haaretz says that the Jewish population of the West Bank at the end of June 2009 was 304,569 as compared to the population at the end of 2008 of 297,745. According to the report, the settler population grew by 2.29% during the period, three times greater than the rate in the rest of Israel. In addition, the population living in outposts grew by 4.4% during the period.
this reality and the hard challenges that official negotiators will face. Serious differences between the parties remain, and these differences are reflected in this report. Nevertheless, specific points of convergence were reached during the deliberations and some differences were narrowed. The major considerations and concerns of both the Israeli and Palestinian teams are contained in separate Israeli and Palestinian narratives in the appendices at the end of this report.

Contested Areas
The Baker Institute project teams identified 11 specific contested areas that pose serious problems to a territorial settlement. The size of the area, the number of Israeli settlers and the main topics to deal with were considered. These contested areas were discussed extensively during the workshop’s meetings. They revealed serious differences involving the strategic implications that certain settlements have on sovereignty and security interests that would affect any territorial agreement.

During the deliberations, the most heated exchanges and differences involved a number of key Israeli settlements: those around Jerusalem, including Ma’ale Adumim and the E-1 corridor, Giva’at Ze’ev and Har Homa; Qarne Shamron (19 km inside the West Bank); Ariel; Gush Etziyon and Efrat and their impact on Bethlehem; the Green Line and the Latrun Salient. The Palestinian team identified five out of the 11 contested areas to be the most difficult: Ma’ale Adumim/E-1, Har Homa, Efrat, Giva’at Ze’ev and the Latrun Salient.

Issues of Concern
As stated above, territorial Option One would require Israel to evacuate 115,142 settlers; under Option Two, 120,182 settlers; and under Option Three, 100,780 settlers from their present places of residence. This would put to an end to 41 years of settlement drive, based on Israeli ideological and security motives. Such a move necessitates a major political, organizational and financial effort on behalf of Israel. There is also the real possibility that Israeli settler resistance to the evacuations and relocations could go beyond political opposition to physical and violent actions. The Israeli government will have to make a clear and determined effort to maintain law and order.

The security situation could be substantially worsened by the spoiler effect created by radical militant Islamic forces, including Hamas, Palestinian Islamic Jihad and some undefined radical splinter groups that could exploit the situation for their own political ends. There is no reason to assume that these militant provocations and acts will come to an end during the implementation of, or even after, the conclusion of a bilateral Israeli-Palestinian agreement. The Palestinian Authority will have to exert strong political will to assure security, and will need, in addition to Israel carrying out its obligations, substantial international and regional support from Arab states and the international community to guarantee a secure and stable environment. This could facilitate Israel moving forward to carry out a policy of settlement containment, evacuation and relocation.
Proposed Guidelines for a United States Strategy to Reach the Endgame
This report also contains a section on “Guidelines for a United States Strategy to Get to an Israeli-Palestinian Territorial Agreement.” It includes the wider strategic objective and the territorial component within the context of United States President Barack Obama’s June 4, 2009, speech in Cairo, what considerations should be kept in mind in pursuing a final territorial agreement, the anticipated difficulty of getting to an agreement, building on progress made, the necessary components of any agreement on territorial issues, and three target points or milestones that should be considered in any United States policy and action plan.

During the deliberations of the workshop, it was suggested the parties should work with the Clinton parameters and the Arab Peace Initiative, make the text of the Clinton parameters less ambiguous, and propose agreement for a 1:1 swap, in line with the provisions of the Arab Peace Initiative.

Toward a United States Bridging Proposal
Drawing on either one or all three of the proposed options for a final agreement, this report suggests that a United States bridging proposal could be introduced at the right time as a guide to enable gradual progress.

Given the important gaps between the parties and the range of territorial compromises between 1.9% and 7.03% discussed in the Baker Institute Israeli-Palestinian workshop, as well as the reported discussions of officials on both sides over the last several years, this report suggests a bridging proposal for a territorial compromise within the range of 3.4% to 4.4% may be politically feasible in a negotiated settlement with active United States participation. It is to be anticipated that in any negotiations, the Israelis would advocate a range from 4.4% upwards, while the Palestinians would advocate a range of territorial options from 3.4% downwards, as occurred in the Baker Institute workshop. The concept of “space and time” would play an important part in any compromise solutions.

The three specific territorial options that were considered are represented in the attached maps in Appendix V.

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<tr>
<th>Option</th>
<th>Percentage</th>
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<tr>
<td>Option One</td>
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<tr>
<td>Option Two</td>
<td>3.4%</td>
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<tr>
<td>Option Three</td>
<td>4.4%</td>
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</tbody>
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Further, three United States policy actions were suggested:
- A close oversight and monitoring function;
- Assistance to the parties to reach progress on a bottom-up approach; and
- Preparation of the parties for the final bridging proposal.

Developing Planning Tools
The United States will have to assist in regional planning in order to be able to oversee and assess Israeli relocation proposals and parallel Palestinian actions.
Three different regional planning concepts should be prepared: 1) A plan for relocating and compensating those Israeli settlers residing in settlements that will not be annexed by the State of Israel; 2) A master plan for the metropolitan area of Jerusalem; and 3) A plan for regional economic development of the emerging State of Palestine, providing for its integration in the area, and good neighborly relations with Israel. The parties contended that without resolution of these key areas, there will be no solution. It should be noted that the Israeli team offered to explore the idea of evacuating the Ariel settlement and relocating it closer to the 1967 border.

In addition, the government of Israel will have to be asked to prepare a plan for settlement evacuation and relocation. The Palestinian Authority will have to prepare a plan for the reintegration of areas to be evacuated by Israeli settlements into the fabric of Palestinian urban and rural planning.

The importance of these plans and their relevance for the negotiating effort is self-explanatory. They will make it possible to define realistic time frames and to identify several (not all) upcoming problems proactively. Additionally, the efforts should make it possible for the United States to mobilize international and regional support and, most important of all, to achieve step-by-step progress toward a two-state solution.

Developing Policy Tools
Guidelines will be needed for introducing a United States oversight function for Israeli settlement activities. The purpose will be to assess gradual progress, including planning the sequence of settlement evacuation/relocation and providing ways and means to assist the parties concerning agreements and disagreements.

Concluding Observation
This Baker Institute report is a Track II effort aimed at providing official negotiators another insight into the issues, obstacles and possibilities for agreement between the Israelis and the Palestinians on the territorial component of a final status settlement. The territorial component of an Israeli-Palestinian settlement is a critical final status issue, along with Jerusalem and the Palestinian refugees. All these issues will need to be addressed for any tangible progress to be made and for any final peace agreement to be viable and sustainable.

It is the assessment of this report that, despite all the considerable difficulties, a territorial settlement is possible. What is required in no uncertain terms is strong political will and commitment on the part of United States, Israeli and Palestinian leadership, as well as strong regional and international support.
The United States’ Role in Negotiating the Israeli–Palestinian Territorial Issue

There are four challenges posed by territorial compromise:

- Defining “terms of reference” for the United States and the concerned parties;
- Defining, together with the parties, mutually accepted guidelines for the envisaged territorial border between Israel and the future State of Palestine;
- Preparing a detailed territorial bridging proposal; and
- Preparing the necessary policy planning tools to achieve a successful outcome.

“Terms of Reference”

The “terms of reference” relate to four documents and initiatives, as well as to what has been achieved in bilateral negotiations since the initiation of the Annapolis process.

United Nations Security Council (UNSC) Resolution 242, of November 22, 1967, which relates to the “inadmissibility of the acquisition of territory by war,” requires “the withdrawal of Israeli armed forces from territories occupied in the [recent conflict]” (i.e. the Six Day War of June 1967), while it at the same time demands:

“termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace, within secure and recognized boundaries, free from threats or acts of force.”

And United Nations Security Council Resolution 338 of October 22, 1973, which called on the parties “to start immediately after the cease-fire the implementation of Security Council Resolution 242 (1967) in all of its parts.”

The Clinton parameters (presented to the parties on December 23, 2000, by United States President Bill Clinton in an effort to conclude permanent status negotiations), the text of which reads as follows regarding territory:
“Territory: Based on what I heard, I believe that the solution should be in the mid 90’s, between 94-96% of the West Bank territory of the Palestinian State.

The land annexed by Israel should be compensated by a land swap of 1-3% in addition to territorial arrangement such as permanent safe passage.

The parties should also consider the swap of leased land to meet their respective needs. There are creative ways for doing this that should address Palestinian and Israeli needs and concerns.

The parties should develop a map consistent with the following criteria:

- Eighty percent of the settlers in blocks;
- Contiguity;
- Minimize annexed areas;
- Minimize the number of Palestinians affected”

The Arab Peace Initiative, presented at the Arab League Summit in Beirut in 2002, calls on Israel to make a “complete withdrawal from the occupied Arab territories, including the Syrian Golan Heights, to the 4 June 1967 line and the territories still occupied in southern Lebanon; attaining a just solution to the problem of Palestinian refugees to be agreed upon in accordance with the U.N. General Assembly Resolution No. 194; and accepting the establishment of an independent and sovereign Palestinian state on the Palestinian territories occupied since 4 June 1967 in the West Bank and Gaza Strip with East Jerusalem as its capital. In return the Arab states will do the following: Consider the Arab–Israeli conflict over, sign a peace agreement with Israel, and achieve peace for all states in the region; and establish normal relations with Israel within the framework of this comprehensive peace.”

The Road Map to Peace, a United States–backed proposal formally introduced by United States President George W. Bush in June 2003, speaks about “clear phases, timelines, target dates, and benchmarks aiming at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian and institution-building fields, under the auspices of the Quartet (the United States, European Union, United Nations and Russia)” toward a two-state solution. The basic premises of the proposal have been accepted by the Palestinians and Israelis. The Annapolis Conference of November 27, 2007, was initiated as an integral part of the Road Map to Peace.

Not listed as a “term of reference” is President Bush’s letter to Prime Minister Sharon on April 14, 2004. It is not included as a “term of reference” because the Obama administration has not adopted it as such. United States Secretary of State Hillary Clinton stated on June 17, 2009, at a press conference at the State Department with Israeli Foreign Minister Avigdor Lieberman that “in looking at the history of the Bush administration, there were no informal or oral enforceable agreements. That has been verified by the official record of the administration and by the personnel in the positions of responsibility.” Bush’s letter
refers to realities on the ground as follows: “As part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with UNSC Resolutions 242 and 338. In light of new realities on the ground, including already existing major Israeli populations centers, 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, and all previous efforts to negotiate a two-state solution have reached the same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.”

Israeli proposals reportedly have included a territorial deal annexing 7.03% of West Bank territory, in return for an over 5% swap, a safe passage between the West Bank and Gaza, and Palestinian participation and rights in the water desalination plant in Hedera. The Palestinians proposed a 1:1 swap of 1.9% territory of the West Bank. The Palestinian position consistently has been that they are entitled to all of the territory occupied by Israel since 1967, including East Jerusalem. However, the Palestinians have proposed a 1:1 swap of 1.9% of the Occupied Territories.

In September 2008, Prime Minister Ehud Olmert reportedly offered President Mahmoud Abbas 93.5% to 93.7% of the Palestinian territories, or 6.5% to 6.3% of the Palestinian territories to be annexed, along with compensating territorial swaps and proposals on other final status issues (Newsweek, June 13, 2009).

Accordingly, the range of a territorial deal could be somewhere in between 1.9% to 7.03%, with territorial swaps to compensate for annexed areas. Three territorial “middle options” were considered between these maximal positions in this Israeli-Palestinian workshop.

Both sides have pursued the logic of the road map, speaking about benchmarked phasing to be adopted in dealing with the territorial component of the conflict. The Palestinians specified that this does not include the option of “a state with provisional borders.”

In accepting common interpretations of the documents referring to the territorial solution, both sides will contend that they had to make serious concessions. Israel will most likely claim that it can evacuate no more than 20% of the settlers and will be only capable of carrying this out in agreed upon benchmarked stages, according to the logic of the Road Map. Likewise, the Palestinians will assert that they will only be able to agree to any territorial deal in line with the Arab Peace Initiative, withdrawal from all territories occupied in June 1967, and agreed territorial swaps in order to take into consideration realities on the ground, with any swaps only to be considered to the extent that they are seen to be in Palestinian interests. They will also cite the illegality of the Israeli settlements according to the Fourth Geneva Convention, Status and treatment of protected persons, Section III: Occupied territories; Article 47:

“Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention
by any change introduced, as the result of the occupation of a territory, into
the institutions or government of the said territory, nor by any agreement
concluded between the authorities of the occupied territories and the Occupying
Power, nor by any annexation by the latter of the whole or part of the occupied
territory.”

Guidelines for a Territorial Settlement

The Israeli and Palestinian teams succeeded in defining principles on how to draw guidelines
for the envisaged territorial settlement:

- When considering the annexation of settlements to Israel, the distance between
  them and the Green Line (the cease-fire line of June 4, 1967) should be as
  minimal as possible;
- The contiguity of Palestinian territory on the West Bank should be guaranteed
  by more than just bridges and tunnels; a similar effort shall be made to provide
  contiguity of territory between Israel and settlements that will be incorporated
  into sovereign Israeli territory, not merely by tunnels and bridges. The
  Palestinian team commented that contiguity of Palestinian territory should
  include East Jerusalem and that Palestinian interests in contiguity for the
  creation of a Palestinian state should supersede Israeli interests in contiguity of
  settlements;
- The territorial agreement shall enable the State of Palestine to control under
  its sovereignty its natural resources for economic, as well as for environmental
  purposes;
- The territorial settlement shall enable the State of Palestine to plan for future
  development; and
- The territorial agreement needs to accommodate the right of safe passage
  through the sovereign territory of the other.

Contested Areas

The Baker Institute project teams identified 11 specific contested areas that pose serious
problems to a territorial settlement. The size of the area, the number of Israeli settlers
and the main topics to deal with were considered. These contested areas were discussed
extensively during the workshop’s meetings within the context of the three territorial
options in the report. They revealed serious differences involving the strategic implications
that certain settlements have on sovereignty and security interests that would affect
any territorial settlement. Specific comments and critiques by the Palestinian team are
contained in Appendix I. The Palestinian team identified five of the contested areas to be
the most difficult: Ma’ale Adumim/E-1, Har Homa, Efrat, Giva’at Ze’ev and the Latrun
Salient. Commentary by the Israeli team is contained in Appendix II. These papers provide
insights into the political sensitivities, content and tenor of the discussions during the
workshop and underscore some of the contentious issues and differences in substance and
methodology between the parties that negotiators will have to deal with.
The areas identified are presented in their geographic order from north to south, as well as the swap areas and safe passages. It should be noted that under all three territorial options discussed for the purposes of this report, the settlement of Tsofim would be evacuated (see map in Appendix IV on page 77).

**The Shaked-Khinanit Reihan Settlement**
(See map in Appendix IV on page 75.)

*Option 4.0% and Option 4.4%*
The size of the area to be annexed is 19.2 square kilometers (sq km), representing 0.31% of the Palestinian territory. Presently, 1,494 Israeli settlers reside there.

*Option 3.4%*
The area will not be annexed by Israel.

**Main Topics**
A consensus to evacuate these Israeli settlers might be achieved. Israeli residents are not ideologically driven. A plan to relocate the settlements within Israel proper might well be accepted and prepared by the government of Israel. As an alternative concept, the area might be developed as a joint Israeli-Palestinian industrial park, and a long-term lease arranged for with specific provisions for joint economic activities. Regarding the phasing of Israeli settlement evacuation, the entire area of the northern West Bank could be dealt with in the early phases and would have to include the evacuation of Mevo Dotan and Hermesh, which are situated east of the Shaked-Khinanit Reihan area.

**Issues for Consideration**
- The Israelis suggest that if the idea of turning this area into a joint industrial area is rejected, the settlements Mevo Dotan and Hermesh could also be relocated in Israel proper.
- According to the Israelis, north of the Shaked-Khinanit Reihan area, beyond the Green Line, is an illegally built-up area that is functionally part of the Israeli Arab town Um el-Fahm. Measures to deal with these illegal activities will have to be considered. The Palestinians did not consider this relevant.
- The West Bank Barrier at the southern end of the Shaked-Khinanit Reihan area could be shortened, according to the Israelis, and would create additional agricultural land for Palestinian farming. The Palestinians pointed out that the West Bank Barrier is not a criterion they recognize.

**The Alfei Menashe Settlement**
(See map in Appendix IV on page 79.)

*Option 4.0% and Option 4.4%*
The size of the area to be annexed is 10.4 sq km, representing 0.17% of the Palestinian territory. Presently, 6,600 Israeli settlers reside there.
**Option 3.4%**
The size of the area annexed is 9.9 sq km, representing 0.16% of the Palestinian territory.

**Main Topics**
The exercise participants agreed that this area might be incorporated into Israel as part of a territorial agreement but differed in how they envisioned doing so. The gap in the positions is reflected in the area map in Appendix IV on page 79.

**Issues for Consideration**
- The Israeli team argued that space must be provided for relocation of other settlements into this area, and stressed their desire to create relatively easy access from Israel proper to the area. The Palestinians stated their position concerning this principle that it is simply unacceptable and that settlers do not have an acquired right to live in settlements on Palestinian land.
- According to the Israeli team, the existing location of the barrier allows for a controlled expansion of Alfei Menashe.
- The Israeli team claims that contiguity of Palestinian territory and the flow of traffic are taken care of by the construction of a Palestinian overpass road.
- The Palestinian team is concerned about the impact of such roads on the contiguity of Palestinian territory and, inter alia, about giving up land reserves.
- The present road connection to Alfei Menashe passes unnecessarily through Palestinian areas; the construction of a road from Nirit is needed.
- According to the Israelis, the development of the Alfei Menashe area will have to be integrated in a wider planning effort in planning for the evacuation of the Karnei Shomron area; and the sides will have to decide on the amount of land reserves that might accompany any annexation of Alfei Menashe.

**The Karnei Shomron Settlement**
(See map in Appendix IV on page 81.)

**Option 4.4%**
The size of the area to be annexed is 37.5 sq km, representing 0.61% of the Palestinian territory. Presently 14,362 Israeli settlers reside there.

**Option 3.4% and Option 4.0%**
According to these options, the area will not be annexed by Israel.

**Main Topics**
The Palestinians noted that under the 4.4% territorial option, the settlement of Karnei Shomron would be annexed and that this would be untenable, especially since the distance of the settlement from the Green Line is approximately 18 km, and communication lines would be cut off.
The Barkan industrial park could offer an important opportunity for Israeli-Palestinian cooperation.

This proposal offers Israelis, as well as the Palestinians, a contiguous connection to Barkan.

From the Israeli point of view, a decision to relocate this area will be only possible if a successful conflict-ending Israeli-Palestinian peace agreement is accompanied by similar accords with most of the other Arab states. The Palestinians do not consider this Israeli position to be logical.

Issues for Consideration

• There is a need to construct Palestinian roads, as well as pursue an integrated economic development plan.
• Both the Israeli and Palestinian sides will need to agree upon detailed security arrangements to prevent future friction.

The Elkana–Oranit Settlement
(See map in Appendix IV on page 83.)

Option 4.0% and Option 4.4%
The size of the area to be annexed is 13.0 sq km, representing 0.21% of the Palestinian territory. Presently 14,204 Israeli settlers reside there.

Option 3.4%
The size of the area annexed is 12.6 sq km, representing 0.2% of the Palestinian territory. At present, 14,204 Israeli residents live in this area.

Main Topics
Some agreement exists between the Israeli and Palestinian teams that this settlement area could be part of an agreed territorial understanding.

The differences relate to a small area east of Oranit, the width of the corridor to Elkana, the area south of Elkana and the Etz Efraim area in the east.

Regarding Etz Efraim, and according to the Israeli team, the settlement was built on Israeli-owned private land and it is located inside the barrier. The traffic connection between Saniriya and Masha’a has been taken care of.

According to the Israelis, the width of the corridor creates a more secure connection between the cluster and Israel.

Most important in the Israeli view, the cluster offers space necessary for resettlement. The area would be ideal for the relocation of parts of the Karnei Shomron area.
**Issues for Consideration**

- The preparation of a plan for the entire area will be required to permit the parties to determine how to move ahead.
- On the basis of such a plan, it should be possible to evaluate the time needed to rebuild the Karnei Shomron area in this cluster. In such a scenario, rules of engagement during the time of planning at and after the moment of decision making, the support structure, construction of roads and other infrastructure, etc., would need to be developed. The Palestinians do not accept the premise of annexing undeveloped Palestinian land for the purpose of relocating settlers from other evacuated settlements.
- Beyond the Elkana cluster, the Barkan industrial park could be opened to Palestinian participation immediately, and the possibility of a long-term lease of the area considered as part of a final status agreement.
- For Azun and Atmeh, feasible traffic arrangements must be developed.
- The real issue, it was argued, is not the cluster itself, but what will happen to its east.

**The Green Line and Ben Gurion International Airport**

(See map in Appendix IV on page 85.)

The size of the area is 28 sq km. Under all three options, it accounts for 0.45% of the Palestinian territory. The area is uninhabited and uncultivated.

**Main Topics**

According to the Israeli team, this area offers a suggested site to rebuild the city of Ariel. Other settlements, such as Beit Arie and Ofarim, will have to be relocated in this area. Again, a regional planning concept will be important. The Palestinian team suggested creating another development plan to relocate Ben Gurion Airport which, they argue, could save Palestinian land and satisfy Israeli security concerns. Accordingly, Ariel could be rebuilt on the current airport land.

The Israelis argue that this area is of essential security importance to Israel, as it will serve as a buffer in the protection of civilian air traffic to the Ben Gurion International Airport. Moreover, the Israeli team asserted that this is an essential area due to Israel’s narrow width of less than 10 miles from where 80% of the country’s population lives and where much of its commercial and business activities are located.

The Palestinians contend that the annexation of large amounts of uninhabited land, particularly the 28 sq km along the 1967 border in Salfit/Ramallah districts is highly damaging to Palestinian interests. Moreover, the Palestinian team stated that in light of the fact it contains no Israeli settlements or settlers and has no essential security value, there is no reasonable justification for its annexation by Israel.
Issues for Consideration

- To provide for the relocation of Beit Arie and Ofarim, an effort should be made to prevent the barrier from including Beit Arie, as otherwise its relocation will become highly improbable. The Palestinians here again object to the premise of annexing undeveloped Palestinian land for the purpose of relocating settlers from other evacuated settlements.
- According to the Israeli team, security arrangements for this area will have to be particularly effective. Provisions will have to be agreed upon to permit civilian aircraft flying in and out of Ben Gurion Airport to use the airspace beyond the future border.

The Modi'in Ilit Settlement
(See map in Appendix IV on page 87.)

Option 4.0% and Option 4.4%
The size of the area to be annexed is 25.2 sq km, representing 0.41% of the Palestinian territory. Presently 47,900 Israeli settlers reside there.

Option 3.4%
The size of the area annexed is 26.9 sq km, representing 0.43% of the Palestinian territory.

Main Topics
The gap between both parties appears to be minimal in this area. Also here, settlements to be evacuated may be relocated. Again, the Palestinians object to the premise of annexing undeveloped Palestinian land for the purpose of relocating settlers from other evacuated settlements. Security issues will have to be addressed carefully since the proximity between the Palestinian and the Israeli built-up areas is very close.

The Latrun Salient
(See map in Appendix IV on page 89.)

In all three options, the size of the area to be annexed is 38.2 sq km, representing 0.62% of the Palestinian territory. Presently 1,200 Israeli settlers reside there.

Main Topics
This area controls a main traffic axis between Tel Aviv and Jerusalem, including Road 1 for car traffic, and the train line, presently under construction. The Palestinians suggest creating another development plan to relocate the highway and train in Israel proper.

The proximity to the Green Line creates a relatively wide degree of potential agreement between the Israeli and Palestinian positions. However, two difficulties have to be taken into account. Before the Six Day War, part of the area was a no man’s land. Accordingly, the Israelis relate to the area as an integral part of Israel, and do not relate to it as part of the...
West Bank. The Palestinians do not accept this point of view at all, and consider this area to be an occupied Palestinian area like the rest of the Occupied Territories. The Palestinians argue that the Israeli position constitutes the gratuitous annexation of a large amount of uninhabited Palestinian land, which contains no settlements and settlers. Second, before the Six Day War, three Palestinian villages were situated in the area. The villagers were put on buses and driven to Jordan and the villages were destroyed. For the Palestinian side, the reconstruction of these three villages is of great importance.

In Israel, a consensus prevails that this area will have to be fully under Israeli sovereignty. If a compromise can be reached that the no man’s land should be divided on a basis of 50:50 between the parties, the Israelis contend that the 50% belonging to the Palestinian side should be calculated in defining the swap area, whereas otherwise, Israeli concerns will have to be fully taken care of. The Palestinians contend that within the option of dividing the Latrun Salient on a 50:50 basis, 50% must be added as part of the calculation that Israel is asking to annex from Palestine.

**Issues for Consideration**

- The maintenance and further construction of road and railway lines in the area are of major concern to the Israeli side, and the Israelis say that it is important to plan the Palestinian road and railway network in a complementary manner, as to avoid unnecessary friction.
- According to the Palestinians, the Latrun Salient represents one of the most valuable water producing zones in the West Bank which, they claim, is essential to the viability of a future Palestinian State. Therefore, the more land Israel is allowed to annex in this area, the more adverse the effect on Palestinian water security. The Israelis stated that water resources will have to be dealt with within a separate comprehensive agreement dealing solely with this issue.
- Israel would like to further construct and retain continued travel rights over the major road and planned railway in this area. Palestinians might envision development of infrastructure in this area in a totally different fashion. If Israeli and Palestinian negotiators were to agree to continued Israeli use or development of the roads and rail lines in this area, efforts could be made to ensure they equally serve Israeli and Palestinian needs.

**The Giva’at Ze’ev Settlement**

(See map in Appendix IV on page 91.)

**Option 4.0% and Option 4.4%**

The size of the area to be annexed is 15.6 sq km, representing 0.25% of the Palestinian territory. Presently 13,200 Israeli settlers reside there.

**Option 3.4%**

The size of the area annexed is 12.8 sq km, representing 0.42% of the Palestinian territory.
Main Topics
In this area, the gap between the Israeli and Palestinian position is substantial. The Palestinians propose a line, which would necessitate the evacuation of Giva’at Ze’ev, Giv’on and Har Shmuel. The Palestinians contend that the proposed annexation of Giva’at Ze’ev, along with its four satellite settlements (Bet Horon, Giv’on, Giv’on HaHadasha and Har Shmuel — pop. 12,900 settlers) would consolidate East Jerusalem’s isolation from the north. Also, the Palestinians expressed serious concern that the proposed annexation of Giva’at Ze’ev would cut off Ramallah from many of the localities it serves in this area, affecting approximately 50,000 Palestinians, as well as from its natural socioeconomic ties to East Jerusalem itself.

From the Israelis’ point of view, the Palestinian position is a non-starter for several reasons. A large number of residents live in this area, while occupying a relatively very small area. Settlers from areas more to the north and east will have to be relocated into this area, which makes the width of the area and its connection to Jerusalem a necessity. All three territorial options ensure contiguity for the Palestinians in respect to links to East Jerusalem and the villages of the northwestern Jerusalem district and Ramallah. The Giva’at Ze’ev area protects part of Road 443, which connects Tel Aviv to Jerusalem. According to the Israelis, within Israel there is a consensus position regarding this area. According to the Palestinians, the Israeli justification that Giva’at Ze’ev “protects parts of 443 Road” is untenable, as it suggests continued Israeli control over a road that falls entirely within Palestinian territory.

Issues for Consideration
• The Israeli team suggested that ways and means to cut off the northwestern edge of the Giva’at Ze’ev area — particularly the Beit Horon region — and permit the extension of Giva’at Ze’ev only toward Emek Hayalot could be considered.
• Also, the Israelis suggested that, in order to link the Palestinian east–west connection between the al–Jib and Bir Naballah area in the east and Beit Ijza in the west, a trench road cutting the Giva’at Ze’ev area already exists. To ease Palestinian traffic, the road might be widened.
• According to the Palestinians, the proposed annexation of large amounts of uninhabited (or sparsely populated) Palestinian land in this area, has no reasonable justification.

The Ma’ale Adumim Settlement and E-1
(See map in Appendix IV on page 93.)

Option 4.0% and Option 4.4%
The size of the area to be annexed is 25 sq km, representing 0.4% of the Palestinian territory. Presently 33,800 Israeli settlers reside there.

Option 3.4%
The size of the area annexed is 26.9 sq km, representing 0.43% of the Palestinian territory.
Main Topics
Among the contested issues with respect to Ma’ale Adumim are the size of the settlement and the contiguity of traffic connections to Jerusalem in order to guarantee the viability of the area. According to the Israeli team, Ma’ale Adumim is by all standards an Israeli town and, they argue, the Palestinian side may well accept the fact that no Israeli government would be capable of relocating its residents.

However, the Palestinian team stated categorically that the proposed annexation of Giva’at Ze’ev, Ma’ale Adumim and Har Homa would completely isolate the urban center of Palestinian East Jerusalem and severely restrict its social and economic development. The annexation of these settlements, in the Palestinian view, would simultaneously fragment and disable the entire metropolitan system of Jerusalem. Also, strategically, an important consideration for the Palestinians is the halting of any settlement expansion eastward toward the Dead Sea.

The Palestinian proposal would — in the Israeli view — create a highly vulnerable situation, and would de facto permit the Palestinian side, at any moment of crisis, to cut off Ma’ale Adumim from Jerusalem. The Israelis suggested that the eastern part of the area could become part of the State of Palestine. They stated that the Mishor Adumim industrial park could provide important employment opportunities. The Israeli team recommended that the industrial park become a jointly managed Israeli-Palestinian industrial area that might be given on a long-term lease to Israel. The Palestinians questioned why the industrial areas are always on the Palestinian side of the border, and suggested using Talpiyot as a joint Israeli–Palestinian industrial area.

Issues for Consideration
- According to the Palestinians, the inclusion of Ma’ale Adumim, and even a portion of the E-1 area, is particularly alarming, as it would severely disable prospects for economic rehabilitation and development, as well as restrict growth of the future Palestinian capital. In addition to taking half of the land earmarked for East Jerusalem’s future growth and development, the Israeli proposal for Ma’ale Adumim/E-1 deprives Palestinians of vital road links (Roads 1 and 60) and extends some 11 km into the West Bank, nearly half the distance to the Jordanian border, thus effectively severing the West Bank in two, and potentially disrupting the Palestinian connection to Jordan and the broader Arab world via the east.
- The Israeli team suggests supporting the construction of several alternative road connections both to the west and to the east of Ma’ale Adumim. In essence, this means planning for two or three ring roads east of Jerusalem.
- A critical issue of concern is the E-1 master plan within the northwestern area. Israeli construction in the E-1 area could well be a potential deal breaker.
- The Israeli team said that the inclusion of E-1 in the Ma’ale Adumim area would make a bridging proposal more viable without causing serious damage to the Palestinian side.
However, in the Israeli view, for any such proposal to address essential Israeli and Palestinian interests, a general master plan for the development of the Palestinian side of the metropolitan Jerusalem area is needed. Such a plan should, where possible, align with the Israeli master plan. Where this is impossible, Israeli plans in the area would most likely have to be curtailed.

The Beit Safafa Village and Har Homa Settlement
(See map in Appendix IV on page 95.)

Option 4.0% and Option 4.4%
The size of the area to be annexed is 13.1 sq km, representing 0.21% of the Palestinian territory. Presently 7,800 East Jerusalem residents live there (including Sharafat).

Option 3.4%
The size of the area annexed is 7.1 sq km, representing 0.11% of the Palestinian territory.

Main Topics
This area is seen by the Israeli side as an integral part of the Jerusalem municipal area and should, therefore, be dealt with along the parameters laid out by President Clinton in regard to Jerusalem that “Arab areas are Palestinian, and Jewish ones Israeli.” This creates complex dilemmas regarding Beit Safafa, which is largely populated by Arab inhabitants, although many of them are Israeli Arabs, who have moved there from northern Israel. Beit Safafa was split from 1948 to 1967, and the Green Line runs through it. In that area, special arrangements are needed. The majority of Israeli Arabs mentioned rent in Beit Safafa. According to the Palestinians, the settlement of Har Homa would have an impact on East Jerusalem from the south, primarily by severing Jerusalem from its historic, religious and socioeconomic connection to Bethlehem. Furthermore, the proposed annexation of Har Homa would severely restrict Bethlehem’s natural development/expansion to the north and, in combination with Gilo, would enclose the villages of Beit Safafa and Sharafat in a virtual enclave. The Palestinians further contend that Beit Safafa and Har Homa are unacceptable for swaps. The Israelis argue that Bethlehem’s expansion to the east, west and south is not harmed in any way in the territorial options.

Har Homa poses another problem. The Israeli residential area was planned and constructed after the Oslo II agreement was signed (September 1995). Moreover, Jerusalem municipality plans provide for further construction north (Giva’at Hamatos), west and east of Har Homa. Thus, any compromise proposal will have a direct impact upon ongoing Israeli attempts to change the reality on the ground, as long as no agreement has been concluded.

Issues for Consideration
• Here again, the Israeli team suggested any bridging proposal would have to rely largely on coordinating Jerusalem metropolitan development plans between Israel and the Palestinians and clearly defining the acceptable rules of engagement.
In this context, it will also be necessary to define the necessary trade-offs that take into account each side’s fears and ambitions regarding Jerusalem.

The Gush Etziyon Settlement
(See map in Appendix IV on page 97.)

Options 3.4%, 4.0% and 4.4%
The area proposed under all three territorial options is 42 sq km or 0.68 % of the Palestinian territory. Within the area proposed there are presently 51,863 residents.

Main Topics
The main issue, in the Israeli view, is the viability of the area, as well as sufficient space to allow for the relocation of settlements from the entire area of the southern West Bank. Moreover, the inclusion of Efrat, with more than 8,000 residents, is an issue of contention. Here, Palestinian demands confront a united Israeli consensus, according to the Israeli team. According to the Palestinians, the proposed area to be annexed, which would extend nearly nine kilometers into the West Bank, would severely hamper prospects for short-term economic rehabilitation, as well as long-term economic development in both Bethlehem and metropolitan Jerusalem as a whole. Moreover, they contend the inclusion of Efrat settlement is especially problematic and ultimately unworkable. According to the Palestinians, the harm posed to Palestinian interests by the settlement of Efrat, and its smaller companion settlement of Migdal ‘Oz, is grossly out of proportion to their size, and is hence far too severe to allow their annexation. Doing so, they argue, would rob Palestinians of crucial road links, most notably Road 60, which connects Bethlehem to Jerusalem and to Hebron (and ultimately Gaza), thus further restricting access to jobs, markets, essential public services, and increasing travel distances/times and transaction costs.

The Israelis acknowledge that the inclusion of Efrat in this area (under present conditions) impedes south-north traffic on the main road for Palestinians, along Route 60, from Hebron to Jerusalem. The Israeli proposal makes it necessary to find proper solutions for traffic contiguity for Nakhlin village, Wadi Fuqin and Jaba. The Israelis claim that all three territorial options provide for Bethlehem’s expansion to the north, south and east.

Issues for Consideration
- Any bridging proposal would have to contain clear solutions for solving the flow of traffic for both sides and, hence, include suggestions for further road construction.
- It will be also necessary to prevent the expansion of Efrat. On the other hand, early plans could be supported for the expansion of Beitar Illit, as part of a plan for settlement relocation. The Palestinians reject the implication of this.
- Bethlehem’s urban growth (along with that of its sister towns of Beit Jala and Beit Sahour) would be severely restricted from the north and south, the two primary areas allocated for its expansion and development. In addition, the annexation of large amounts of inhabited land would deprive Bethlehem of a substantial portion of its cultivated lands, according to the Palestinians.
Suggested Swap Areas

The suggested swap areas are indicated on the following maps in Appendices III, IV and V:
- On page 63, Israeli Proposal – 7.03%
- On page 65, Palestinian Proposal – 1.9%
- On page 67, Palestinian Map with Swap Areas
- On page 73, Territorial Scenarios
- On page 101, Territorial Option 1 - 4.0%
- On page 103, Territorial Option 2 - 3.4%
- On page 105, Territorial Option 3 - 4.4%

Main Topics

The swap areas are largely barren or uncultivated and uninhabited, which may be seen as a disadvantage, but could allow for the planning of industrial complexes and/or new cities. On the Israeli side, discussing the issue of swap areas is seen to be a politically explosive issue. Any premature discussion will tend to encourage the Israeli Local Councils affected, as well as other interest groups, to take immediate action to prevent suggesting these areas for a territorial swap. The issue of swaps is also politically costly and explosive for Palestinians.

Some Israeli politicians will tend to propose that Israeli Arab areas adjacent to the West Bank should become part of a territorial exchange. The Palestinian leadership rejects this concept, whereas some Israeli leaders are aware of the negative effects such a move would create.

The value of the swap areas in the public Palestinian perception could increase substantially if those areas are included in a wider regional development plan and are made economically viable. The suggested swap areas are situated on the geographical axis connecting the Gulf area, via the Saudi Arabian peninsula with Southern Jordan (the Qaraq area), and the southern West Bank, via Israeli sovereign territory to the Gaza Strip and from there to Egypt and North Africa. It was suggested that the United States negotiating team could prepare guidelines for a regional economic development plan that would benefit all concerned parties and could attract greater involvement of the Gulf Cooperation Council states in Jordanian and Palestinian economic development, including the development of the underdeveloped areas that Palestinians will receive from Israel as part of the swap.

Safe Passages

Palestinians seek to ensure secure and “safe passage” between Gaza and the West Bank. Israel’s main interests for transit rights inside Palestine are mainly for free movement on road 443 to Jerusalem; interest for other transit rights are at best secondary or tertiary. Evidently, the importance of the land connection between the West Bank and Gaza is not matched by transit rights merely on 443, and other transit areas will have to be agreed. A territorial bridging proposal that may be acceptable to both parties will have to include
rights of passage via the sovereign territory of the other party for both sides with built-in assurances to each side.

The Palestinian’s team position is that:

- Israel recognizes a right to free and unimpeded transit and communication between the West Bank and Gaza and agrees to facilitate and preserve this right in perpetuity;
- The parties shall establish a permanent land corridor linking Gaza to the West Bank, along the Beit Hanoun–Tarkumiya route, with both terminals located on the border;
- Palestine shall have full sovereignty over this land corridor, which shall permanently be under Palestinian jurisdiction, permanently open, and shall be of sufficient width to allow for multiple lanes, a rail connection, and pipelines, electrical and communications cables, and associated installations, equipment and infrastructure, below or above ground (including for water, telecom, gas and oil);
- In addition to the permanent land corridor, Palestine and Israel shall establish other permanent and secure land and air routes and additional safe passage arrangements for free and unimpeded passages of persons, vehicles, goods and/or infrastructure facilities linking the West Bank and the Gaza Strip (infrastructural facilities shall be understood to include, inter alia, pipelines, electrical and communications cables, and associated installations, equipment and infrastructure).

The Israeli team’s position is that:

- It would prefer an agreement that fully respects the sovereignty of each side on its territory and mutual arrangements for transit via the territory of the other side, as will be agreed upon.
- A second option would be to agree that the corridor between the West Bank and Gaza will remain under full Israeli sovereignty, but is managed by the Palestinian side, according to an agreement regarding a special judicial status. Evidently, such an arrangement will have to be mirrored by parallel understandings regarding a special judicial status for Israeli transit rights through Palestinian sovereign territory.
- If neither the first nor the second option is chosen, the Palestinian side might suggest to obtain Palestinian sovereignty with all of the infrastructure facilities needed; under such an option the corridor would equal a 3% land swap.

**A Suggested Bridging Proposal**

The United States negotiating team may have to prepare a territorial bridging proposal, independent of the decision when and under what circumstances to submit such a proposal to the parties. Having a clear picture where the territorial agreement might be and taking the concerns of both parties into consideration will serve multiple purposes:
• It will assist with in-depth planning for possible solutions to the problems that will come up for both parties;
• It will help to plan possible trade-offs;
• It will provide necessary guidelines for United States policymakers to relate to ongoing developments on the ground and influence them in a manner constructive to a future agreement; and
• It will demonstrate the seriousness of the United States’ commitment to pursuing a two-state solution.

Drawing on either one or all three of the territorial options for a final agreement set forth in this Baker Institute report, a specific United States bridging proposal could be introduced along the following lines.

Given the important gaps between the parties and the range of territorial compromises between 1.9% and 7.03% discussed in the Baker Institute Israeli-Palestinian workshop, as well as the reported discussions of officials on both sides over the last several years, a bridging proposal for a territorial compromise within the range of 3.4% to 4.4% may be politically feasible in a negotiated settlement with active United States participation. It is to be anticipated that in any negotiations the Israelis would advocate a range from 4.4% upward, while the Palestinians would advocate a range of territorial options from 3.4% downward, as occurred in the Baker Institute workshop.

The three specific territorial options that were considered are represented in the attached maps in Appendix V.

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option One</td>
<td>4.0%</td>
</tr>
<tr>
<td>Option Two</td>
<td>3.4%</td>
</tr>
<tr>
<td>Option Three</td>
<td>4.4%</td>
</tr>
</tbody>
</table>

[NOTE: In the workshop’s deliberations, the Ariel settlement is assumed to be evacuated in all three of these territorial options. The Israeli side stated that it would consider relocating Ariel (consisting of approximately 16,800 settlers1) to areas that are close to the 1967 cease-fire line on its eastern side.]

Further, three United States policy actions were suggested:

• A close oversight and monitoring function;
• Assistance to the parties to reach progress on a bottom-up approach; and
• Preparation of the parties for the final bridging proposal.

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Getting to the Territorial Endgame of an Israeli-Palestinian Peace Settlement

Developing Additional Tools

A Cautionary Note
No doubt, in Track I negotiations, a carefully conceptualized United States territorial bridging proposal will be a major asset. However, United States policy planners must be aware that untimely leaking of the emerging concept can cause major damage, as policy stakeholders in Israel and the Palestinian Authority would undoubtedly mobilize against the plan.

The best way to deal with possible spoiler activities by the parties is to state openly that the United States has consulted with the parties and other Middle Eastern stakeholders regarding the territorial outcome, is considering a range of territorial possibilities and that United States’ ideas are designed to facilitate discussion and negotiations. Nevertheless, the United States will rely fully upon the parties themselves to negotiate bilaterally and reach an agreement between them. In addition, an effort should be made to keep related policy-planning activities as confidential as possible.

Developing Planning Tools
As shown above, a territorial agreement between Israel and the Palestinian Authority will not only necessitate substantial concessions and sacrifices on behalf of the concerned parties, but will similarly have to prepare for the relocation, depending on the specific proposals and compromises, of a large number of Israeli settlers from their present residences, enable them to build new homes and provide the necessary physical, institutional and financial infrastructure. On the Palestinian side, the physical, governmental and economic infrastructure for the emerging State of Palestine – in areas under their control and beyond – will have to be created.

In order to be able to discuss how to get from here to there, and how to manage rational and irrational fears, a detailed planning effort is required to deal successfully with a broad range of impending problems.

Regarding physical planning, there is a need to commission three regional development plans focusing on each of the following:

- A plan for relocating and compensating those Israeli settlers residing in settlements that will not be annexed by the State of Israel, including the eventual relocation of Ariel and the Karnei Shomron area in settlement areas close to the Green Line. The Palestinian team rejected this, stating that this should be part of Israel’s plan for settlement evacuation and relocation;
- A master plan for the Palestinian metropolitan Jerusalem area (in coordination with the Israeli metropolitan plan for the Israeli side of the same area); and
- A regional economic development plan for enabling the international community, including the Arab Gulf states, to develop in full cooperation with Jordan, and the Palestinian Authority, the development of the Palestinian economy and its integration with the wider region of the Arab Middle East and beyond.
In addition, the government of Israel will have to be asked to prepare a plan for settlement evacuation and relocation; whereas the Palestinian Authority will have to be asked to prepare a plan for the reintegration of areas to be evacuated by Israeli settlements into the fabric of Palestinian urban and rural planning.

The importance of these plans, and their relevance for the negotiating effort, is self-explanatory. It will make it possible to define realistic time frames and to identify several (not all) upcoming problems ahead of time. These efforts also should make it possible for the United States to mobilize international and regional support, and — most important of all — to achieve step-by-step progress toward a two-state solution.

**Developing Policy Tools**

Having gained an in-depth understanding of where the territorial endgame could be, United States policy planners will be in a better position to formulate the next steps with the help of the following policy tools:

**Guidelines for Monitoring and Oversight Functions**

In pursuing the two-state solution, United States monitoring and oversight functions regarding Israeli settlement activities would be an absolute necessity. The Palestinians would add enforcement functions. An understanding of where the territorial endgame is, will permit the United States to adapt a differentiated approach regarding settlement activities; take strong action against any physical, financial or other support for settlement activities in areas that are designed to become part of the State of Palestine; and take a less severe approach in areas that will eventually be incorporated into the State of Israel. The Palestinians rejected this and commented that until a peace agreement including an agreement on a final border is implemented, Israeli construction within the 1967 border constitutes settlement activity and is thus illegal.

**Guidelines for Planning for Gradual Progress**

Part of the bottom-up approach toward achieving a two-state solution could permit for Israeli-initiated relocation of settlements. The United States may decide to ask the government of Israel to prepare, on its own behalf, a strategic proposal for settlement relocation. The United States’ awareness of the endgame will be of great importance in this context. On the one hand, it may become possible for the United States to accept the anticipated demand of the Israeli government and the settlers to prepare and construct an alternative residence, before asking the settlers to leave their present habitation. On the other hand, it could provide the United States with the necessary knowledge to reject relocation proposals that might undermine a possible agreement on the territorial issue.

**Guidelines for Planning the Sequence of Settlement Evacuation/Relocation**

The basic phases of settlement relocation could be planned along the following sequence:

1. Legislation of law on evacuation and compensation;
2. Israeli statutory planning for relocation;
3. Agreement or basic coordination of a relocation plan with the United States and the Palestinian Authority;
4. Relocation starts from areas where settlers have alternative residences. The Palestinians stated that evacuation must also occur in accordance with Palestinian interests, e.g., evacuating violent settlers first, evacuating settlements that most harm Palestinian interests first, etc.;

5. Construction of alternative residences for further settlement evacuation will have to be in agreed stages and refer to different areas;

6. Israel Defense Forces maintain security control over areas before, during and after evacuation, as negotiated between the parties;

7. Toward the end of evacuation and with the consent of the parties, international coordination functions should be introduced to prepare for maintenance of real estate and orderly transition and the controlled phasing in of Palestinian security forces in coordination with Israeli security authorities;

8. Orderly withdrawal of Israeli forces, with agreed upon international monitoring, oversight, liaison and crisis management mechanisms in place to vouch for stability and good neighborly relations, which rely mainly on the responsibility of Israel and Palestine.

Assist the Parties to Define Areas of Agreement and Disagreement

A more top-down approach of possible negotiations between the parties could aim at a joint effort to define areas of agreement and disagreement regarding territorial issues. This could be done either in official negotiations (which appears unlikely) or, more practically, the United States could help the parties achieve a quiet understanding in this context. Basically, what this means is consolidating what has been agreed and, in informal discussions, seeking to define common ground to arrive at agreements on remaining contested issues.
Background

United States President Barack Obama outlined a strategy for United States engagement in the broader Middle East in his landmark speech at Cairo University on June 4, 2009. He addressed United States relations with the Muslim world and called for a new beginning, citing key issues including extremism, nuclear weapons, democracy, religious freedom, women’s rights and economic development and opportunity. In terms of key regional challenges, the president addressed the Arab-Israeli issue, Iraq, Iran, Afghanistan and Pakistan.

A central component of this strategy is resolution of the Arab-Israeli conflict and forward movement on comprehensive peace between Israel and all its Arab neighbors. On the central issue of Israeli-Palestinian negotiations, President Obama made clear his view that “the only resolution is for the aspirations of both sides to be met through two states, where Israelis and Palestinians each live in peace and security. That is in Israel’s interest, Palestine’s interest, America’s interest and the world’s interest. That is why I intend to personally pursue this outcome with all the patience that the task requires. The obligations that the parties have agreed to under the road map are clear. For peace to come, it is time for them — and all of us — to live up to our responsibilities. Palestinians must abandon violence. Resistance through violence and killing is wrong and does not succeed ... Now is the time for Palestinians to focus on what they can build. The Palestinian Authority must develop its capacity to govern, with institutions that serve the needs of its people. Hamas does have support among some Palestinians, but they also have responsibilities. To play a role in fulfilling Palestinian aspirations, and to unify the Palestinian people, Hamas must put an end to violence, recognize past agreements and recognize Israel’s right to exist.”

Concerning Israel, the president stated, “At the same time, Israelis must acknowledge that, just as Israel’s right to exist cannot be denied, neither can Palestine’s. The United States does not accept the legitimacy of continued Israeli settlements. This construction
violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop. Israel must also live up to its obligations to ensure that Palestinians can live, and work and develop their society. And just as it devastates Palestinian families, the continuing humanitarian crisis in Gaza does not serve Israel's security; neither does the continuing lack of opportunity in the West Bank. Progress in the daily lives of the Palestinian people must be part of a road to peace, and Israel must take concrete steps to enable such progress.

“Finally, the Arab States must recognize that the Arab Peace Initiative was an important beginning, but not the end of their responsibilities. The Arab–Israeli conflict should no longer be used to distract the people of Arab nations from other problems. Instead, it must be a cause for action to help the Palestinian people develop the institutions that will sustain their state; to recognize Israel's legitimacy; and to choose progress over a self-defeating focus on the past.

“America will align our policies with those who pursue peace, and say in public what we say in private to Israelis and Palestinians and Arabs. We cannot impose peace. But privately, many Muslims recognize that Israel will not go away. Likewise, many Israelis recognize the need for a Palestinian state. It is time for us to act on what everyone knows to be true,” the president concluded.

Recommendations

In order to achieve this critical goal, the United States will have to maintain and build a close and supportive alliance with Israel, on one hand, and Arab states in the region, on the other hand. Making headway toward a two-state solution will be a key element in reaching this strategic objective.

The most central element in pursuing a two-state solution between Israel and the Palestinians is the achievement of an agreement on the territorial components of a negotiated peace between Israel and the future State of Palestine — the subject of this report. Supportive enabling conditions will have to be defined in an ongoing dialogue with the concerned parties.

United States policymakers and negotiators will have to prepare themselves to develop two complementary approaches. First, they must work with the concerned parties to create progress on the ground toward a two-state solution. This would involve the Palestinian Authority obtaining more control of West Bank territories, commensurate with decreasing Israeli presence and activities there. Second, the United States should prepare a bridging proposal regarding the final territorial agreement between Israel and the future State of Palestine, defining the envisaged border between them.

The way in which these two approaches complement each other is as follows. Only headway on the ground providing for sustainable, secure and stable conditions will permit the
Israeli public to develop sufficient confidence that a two-state solution is feasible, while permitting the Palestinian Authority to make short-term gains. Only the knowledge that this incremental progress will lead to the establishment of a sovereign State of Palestine and solve other outstanding issues of conflict will permit the Palestinian public to offer the necessary legitimacy and support.

Considerations to be Kept in Mind in Pursuing a Final Territorial Agreement

In dealing with the territorial issue, and deciding whether or not to submit a United States bridging proposal to the parties, as suggested in this report, basic awareness of the following is necessary:

• Every Israeli and every Palestinian cares about every square kilometer of the envisaged deal.
• For both sides, the ideological attachment to the land poses major difficulties for any compromise. The Palestinians perceive that, by agreeing to the 1967 cease-border lines as a future border, they have given up 78% of their homeland and got only 22% for themselves. The Israelis perceive that by agreeing to a territorial compromise solution over Judea and Samaria, which they view historically was until 135 A.D. the heart of the Jewish presence in Eretz Israel, they are making a substantial sacrifice for peace. For Israelis, the recognition of their historical right is viewed as a centerpiece of the legitimacy of the right of the Jewish people to its homeland.
• For Palestinians, the territorial component of peace must allow for a contiguous Palestinian state with free access between the West Bank and Gaza. For Israelis, giving up control over the West Bank poses a major potential security threat. Israel’s experience gained after the unilateral withdrawals from Lebanon in 2000 and from the Gaza Strip in 2005 has increased fears and suspicions in this context.
• Both leaderships — in case they shall agree to accept a United States bridging proposal, or relate to it, at least, as acceptable terms of reference — will face major political opposition and will be very much aware that such a step could threaten their political positions. In order to create a greater degree of legitimacy, they most likely will have to commit to hold a referendum on whether to accept or reject the envisaged territorial agreement. Even in case the leaderships on both sides obtain majority support within their governments and legislative institutions in support of a territorial agreement and/or a United States bridging proposal, both sides will have to be prepared for outbreaks of violent opposition from Israelis and Arabs opposed to a settlement.

The Difficulty of Getting to an Agreement

In developing a negotiating strategy to achieve a territorial agreement between the parties, basic awareness of the following five issues is a precondition to success.
The Interconnection Between the Territorial Issue and Other Permanent Status Issues, Jerusalem, Refugees and Security

Both parties may accept the rule that “nothing is agreed upon, until everything is agreed upon.” An important consideration for this approach is the assumption that potential trade-offs can be obtained by looking at all the major permanent status issues, at the same time. This has a major impact on United States policy planning, at large, as well as on the timing of submitting a possible bridging proposal. An alternative approach that was raised in informal discussions in the Baker Institute’s meetings was the possibility of implementing some measures during the negotiations themselves where agreements have been reached, thereby, demonstrating to various constituencies on both sides that progress is being made on the ground. This could be a confidence building measure. An example that was floated informally was the return of a number of Palestinian refugees into the Palestinian territories (not into Israel). The idea here is to begin normalizing some final status issues before a final status agreement is reached.

The Security Component

In getting to an agreement, the security component will be of overriding importance for Israel. This creates an important asymmetry United States policy planners have to be aware of. Whereas, Israel can offer security to the future State of Palestine, the Palestinians initially and alone cannot offer security to Israel. For this purpose, regional security arrangements, backed by the international community, are necessary. Without obtaining sufficiently satisfactory solutions, no Israeli government can be expected to finalize the necessary territorial concessions. The initial work of retired United States General James Jones was in this direction and should be advanced further, as well as the work of Lieutenant General Keith Dayton, the United States security coordinator for the Israel–Palestinian Authority.

The Settlement Component

In getting to an agreement, the Israeli settlements will be of overriding importance for the Palestinians. Also here, a certain asymmetry will have to be dealt with. Whereas the Palestinians will insist on the illegality of all settlements, for the government of Israel to “turn the tide” and start curtailing settlement activities and preparing for settlement evacuation, it will have to differentiate between settlements and settlement activities in areas close to the former cease-fire line and those in areas farther away.

The Israeli Fear of a Palestinian Ploy

Resulting from a series of failed negotiations with the Palestinians, Israeli decision makers and negotiators will tend to fear a Palestinian tactic of demanding Israeli concessions and then, whenever agreement appears to be close, raising Palestinian demands. In more vernacular language, the Israelis fear that the Palestinians will “move the goal posts during the game.” This fear is exacerbated, if one accepts that peace negotiations should pick up from the point they were left off. Whereas Israel was willing during the Annapolis negotiations to go marginally beyond the Clinton parameters on the territorial issue, the Israelis criticize the Palestinians for demanding far more extensive concessions.
The Palestinian Fear of an Incremental Approach

Palestinians fear that any incremental headway toward a two-state solution will become permanent, and, therefore, will actually prevent a resolution of all outstanding issues — effectively denying them the attainment of a viable and contiguous Palestinian state. Similar to the Israeli fear of a Palestinian ploy, this Palestinian fear is based on past experience.

Build on Progress Made

In preparing for United States involvement in Israeli–Palestinian negotiations it is important to anticipate the areas of possible agreement and plan how to get there. The pursuance of this approach entails creating a positive ambiance between the parties in order to preempt the danger of a renewed crisis and the flare up of violence that might impede progress toward a two-state solution.

To underpin these two aims, United States policy has to foster the continuation of progress made on four important tracks: the continuation of the negotiations on all permanent status issues; bottom-up progress toward increased Palestinian governance in West Bank areas; increasing United States oversight functions of Israeli settlement policies and activities; and the pursuance of the United States–Israeli strategic dialogue.

Continuing Permanent Status Negotiations

Over the course of the latest negotiations, progress has been achieved. The parties together accepted the rule that “nothing is agreed upon until everything is agreed upon.” The logic of this concept is to maintain the possibility of viable trade-offs in regard to territory, Jerusalem, refugees and security. This approach does not exclude, as noted above, the possibility of implementing measures on certain issues by mutual consent where agreements have been reached as a confidence building measure.

The Bottom-Up Strategy

Lieutenant General Keith Dayton’s mission successfully trained Palestinian security forces in Jordan, worked together with the Palestinian Ministry of Interior Affairs to create a united Palestinian security force and oversaw the deployment of Palestinian forces in Jenin, Hebron and Nablus in full coordination with the Israeli security authorities. USAID and the Blair mission offered additional support in order to promote an increased sense of law and order with employment creation, increased private investment and the pursuance of economic growth at large. This bottom-up approach should be continued, while adding these other components:

- Prepare for an Israeli agreement to transfer a certain amount of “area C” territory (West Bank areas under full Israeli security and administrative control) to “area B” (areas under Israeli security and Palestinian administrative control);
- Encourage the government of Israel to stop settlement activities and to start planning to evacuate settlements; and
- Remove most of the internal West Bank movement restrictions.
Increase United States Oversight Functions Regarding Israel’s Settlement Policy

Based on the follow-up to United States President George W. Bush’s April 14, 2004, letter to Israel’s Prime Minister Ariel Sharon, as well as the Dov Weissglass letter to United States Secretary of State Condoleezza Rice, and the requirement of both concerned parties to implement road map obligations, the United States began to establish oversight functions regarding Israel’s settlement policy. These oversight functions relate to Israeli government-supported, as well as illegal, settlement activities and toward government funding for settlers and settlement purposes. It is of great importance to carry out fully such oversight functions, while developing an agreed strategy with the government of Israel, on how “to turn the tide” and prepare for settlement evacuation, while, at the same time, the Palestinian Authority implements its road map obligations.

United States Secretary of State Hillary Clinton stated in reference to President Obama’s May 18, 2009, meeting with Israeli Prime Minister Benjamin Netanyahu that, “The president was very clear when Prime Minister Netanyahu was here. He wants to see a stop to settlements — not some settlements, not outposts, not natural growth exceptions. We think it is in the best interests of the effort that we are engaged in that settlement expansion cease. That is our position, that is what we have communicated very clearly not only to the Israelis but to the Palestinians and others, and we intend to press that point.”

Pursuing the United States–Israeli Strategic Dialogue

In 2008, General Jones, heading a team of combined United States security agencies, led a dialogue with a parallel Israeli team to define Israel’s security needs and upgrade United States–Israeli security cooperation and coordination, while pursuing a parallel dialogue with Jordan and Egypt, aimed at defining parameters for a sustainable regional security structure, necessary to underpin a two-state solution.

This dialogue laid the foundations for preparing with all concerned parties the basic components of the necessary security equation that will make a final territorial agreement between Israel and the Palestinian Authority possible.

Necessary Components of Any Agreement on Territorial Issues

Any bridging proposal the United States will prepare to achieve agreed progress toward a final territorial agreement will have to take under consideration the following components:

- The proposed substance of the territorial agreement;
- The proposed trade-offs regarding Jerusalem, refugees and security;
- Benchmarked implementation phases;
- Supportive security arrangements;
- United States and other international monitoring and oversight functions, as well as assistance for implementation for either side; and a
- Necessary arbitration mechanism.
Target Points/Milestones

In preparing a United States policy and action plan, roughly three milestones should be kept in mind. The first milestone would be immediate action aiming to conclude basic understandings with the present government of Israel and the Palestinian Authority to sustain achievements made. The second milestone would be short-term action to establish the basic foundations for achieving a breakthrough toward a two-state solution and creating enough confidence in the process by all concerned parties to prepare for the third milestone. Namely, when the strategic equation for a grand bargain will have been sufficiently prepared, the United States could submit a bridging proposal for the final territorial agreement between the State of Israel and the State of Palestine.

Milestone No. 1: Immediate Action to Sustain Achievements Made

- Achieve a commitment from the parties to continue bilateral negotiations following up on the Annapolis framework.
- Prepare a comprehensive strategy in a dialogue with the government of Israel. This will have to include a coordinated policy on how to involve key Arab and Muslim states in promoting the peace talks and how to deal with regional issues, including Iran.
- Prepare a comprehensive strategy in a dialogue with the Palestinian Authority. This will also have to include a coordinated policy on how to involve key Arab and Muslim states in promoting the peace talks and dealing with regional issues. The policy must also deal with Hamas and build a wide regional front, in support of a reconciliation process that will aim to strengthen President Mahmoud Abbas.
- Start a dialogue with Syria on its own merits and in order to provide for a constructive contribution by Syria to a comprehensive peace settlement.
- Work with the Palestinian Authority and supportive Arab nations in close coordination with Egypt and Israel on stabilizing the Gaza Strip cease-fire, and develop an agreed international monitoring, oversight and liaison mechanism to sustain the cease-fire. This will necessitate further progress in pursuing the internal Palestinian reconciliation process.
- In order to achieve a sense of progress in negotiations and encourage the bottom-up approach, suggest that Israel and the Palestinian Authority sign a “letter of intent” regarding understandings already obtained in negotiations on the issues of economy, development and water. Establish with the parties a plan on how to move from the present state of affairs toward implementing the concepts agreed upon.
- Continue and expand the process overseen by Lt. General Dayton of further deployment of Palestinian security forces and an enhanced build up of other Palestinian government capacities on the ground in different areas of the West Bank, while decreasing the Israeli security presence there.
- Develop a bilateral United States-Israeli dialogue to identify an acceptable strategy for settlement evacuation and increased United States monitoring and oversight functions regarding settlement activities.
• Ask the government of Israel to legislate a law on evacuation and compensation and start statutory planning for the relocation of settlements.
• Oversee and monitor Israeli government activities to achieve law and order among the Israeli population in the West Bank.

Milestone No. 2: A Strategic Buy-In
This process is aimed at creating substantial progress toward a two-state solution. Four target points are suggested:
• Promote an intimate dialogue with Israel and the Palestinian Authority regarding territory, Jerusalem, refugees and security by identifying common ground and possibilities to bridge existing gaps.
• Develop with Israel and Arab allies a coordinated strategy on how to relate to the Arab Peace Initiative as agreed terms of reference to pursue a phased process of achieving a comprehensive Israeli–Arab peace.
• Bring about an agreement on stabilizing the cease-fire in Gaza, establishing an international monitoring and liaison mechanism to diffuse possible obstruction and promote the internal Palestinian reconciliation process.
• Aim at achieving an understanding between Israel and Syria, in coordination with a parallel Israeli–Palestinian understanding, as how to sequence peace negotiations and the comprehensive peace negotiation process.

In order to create a visible momentum toward a two-state solution, two other important goals should be reached:
• The beginning of a process of settlement evacuation/relocation and
• The definition of agreement and non-agreement on the final demarcation of the border between Israel and the State of Palestine, with an understanding on how to move ahead in implementing what has been agreed upon, while managing the area of non-understanding, under agreed conditions.

In order to start an agreed process of settlement evacuation/relocation, the following policy could be pursued. Based on United States tactics developed in preparing the Madrid Conference of October 1991 and the Wye River negotiations of October 1998, as well as the techniques of earlier shuttle diplomacy, the contours of a first agreement regarding Israeli settlement evacuation could be hammered out by the United States. Having received during Milestone No. 1 an Israeli strategic concept for settlement evacuation/relocation, the United States would ask the Israeli government to define its optimal concessions and necessary enabling conditions. With this understanding, the United States would discuss with the Palestinian leadership — and possibly other Arab interlocutors — under what conditions they would come on board. Having laid out the prevailing common ground, a negotiating round would be called for to close the deal. The Palestinian side would require Israeli commitment to a substantial settlement evacuation and territorial contiguity, as well as free passage between the West Bank and Gaza. The Israeli side would require acceptance of the relocation area, a sustainable secure environment, consolidation of settlement areas and partial headway in regional cooperation.
In order to assure further progress toward a comprehensive permanent status agreement, as well as an understanding on how to handle, in the meantime, prevailing disagreement on the final contours of the territorial deal, acceptable rules of engagement would have to be negotiated.

Rule No. 1 would entail continuing a comprehensive bottom-up approach, and including in this strategy the evacuation/relocation of a first number of settlements, as agreed.

Rule No. 2 would define the conditions for an Israeli, Palestinian and Arab buy-in to create a secure and stable regional environment in a phased approach of moving ahead along the road map and the Arab Peace Initiative. This could include a multiannual plan for Israel to evacuate/relocate settlements from West Bank territory, as well as a commitment to prepare with the United States a bridging proposal on the final contours of the territorial agreement.

Rule No. 3 would define the conditions upon which the United States would submit the territorial bridging proposal, and steps would be taken to define internationally the final borders of the State of Israel and the State of Palestine.

**Milestone No. 3: Getting the Policy Package in Place**

Under Milestone No. 2, four target points have been described. Once these four target points are attained, the United States negotiating team would be in a position to move toward the “deal-making moment.” This should make it possible to encourage the parties to either conclude an agreement, or to submit a United States bridging proposal that would relate to all the components of a permanent status agreement.
Appendix I: Palestinian Narrative

The territorial proposals consist of three different scenarios, claiming to represent land swaps of 4.0% (Option 1), 3.4% (Option 2) and 4.4% (Option 3) of the total area of the occupied Palestinian territory (OPT). Below is the Palestinian team’s assessment of the Israeli team’s interpretation of these proposals, with a particular focus on Option 2 (3.4%).

I. General Observations

A. Problems in Methodology
In addition to some discrepancies and/or inconsistencies in the calculation of land areas/percentages1 and settler populations, the data contained in the proposals suggest a more fundamental problem in methodology. In particular, the calculations used in the Israeli proposals, certainly with respect to the settler population and possibly the settlement areas, appear not to be based on the 1967 border as the baseline, which is fundamentally inconsistent with both international law and the universally accepted terms of reference for the peace process.

For example, whereas the total Israeli settler population in the occupied Palestinian territory (OPT) currently stands at about 485,000, the Israeli proposals are based on a total of about 290,000 settlers, which excludes the approximately 188,000 settlers in Israel’s unilaterally (and illegally) expanded municipality of Jerusalem, as well as another 6,700 Israeli settlers in the Latrun No-Mans-Land (NML) and other unrecognized settlements. This assumes both East Jerusalem and the Latrun NML to be part of Israel, which of course they are not, and that more than 40% of the settler population is simply not on the negotiating table.

It is not clear whether the Israeli team applies this faulty baseline to its land calculations as well, since we do not know the exact area used to calculate percentages of Palestinian land

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1 For example, in all three options presented, the total land areas provided for each of the 11 land swap areas in the West Bank do not match the stated totals.
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to be annexed to Israel (i.e., the denominator). Although the percentages provided in the proposals appear to be based on a total area of about 6,200 km², which is close to the official Palestinian calculation of 6,207 km², it is not clear whether this figure includes either East Jerusalem or the Latrun NML (or, for that matter, the Dead Sea).² From the maps provided, which show the areas proposed to be annexed in a different color, it seems that the 1967 line, including East Jerusalem and the Latrun NML, is treated as the baseline. On the other hand, given that in all three scenarios the stated totals do not match the calculated totals, as well as numerous other inconsistencies, it is impossible to know for certain.

Also problematic from the Palestinian point of view is that illegitimate criteria are used to rationalize the annexation of Palestinian territory. For example, the Israelis cite the need to annex undeveloped Palestinian land in order to absorb settlers evacuated from other settlements. This is a wholly unacceptable justification to annex more Palestinian territory, not to mention illogical since it would be less costly to absorb the evacuated settlers into existing communities in Israel. In any event, Palestinians will not accept to simply swap one settlement for a new one. An equally unacceptable criterion for annexation is the presence of the Wall. Since the Wall is both illegal and extremely damaging to Palestinian interests, the route of the Wall cannot serve as a basis for determining land swaps or border modifications.

B. Substantive Problems

All three scenarios are highly problematic from the point of view of Palestinian interests and the goal of establishing a viable and contiguous Palestinian state. Indeed, all of them include roughly the same settlements and are relatively similar in the amount and location of Palestinian land that is to be annexed to Israel, albeit with some notable exceptions.

For example, all three scenarios include four of the five most problematic settlements/‘blocs’ — Ma’ale Adumim, Giv’at Zeev, Har Homa and Efrat — each of which poses serious and direct threats to Palestinian territorial contiguity and overall viability. In particular, the annexation of Giv’at Zeev, Ma’ale Adumim and Har Homa would completely isolate Palestinian East Jerusalem (the future Palestinian capital) from the north, east and south. Although the fifth problematic settlement, Ariel, is not included in any of the proposals per se, Option 3 includes the equally untenable settlement ‘bloc’ of Qarne Shomron, which extends some 19 km into the West Bank, in addition to the other four.

Apart from the addition of Qarne Shomron to Option 3, there are two other notable differences among the proposals: the settlement of Beit Horon (~1,000 settlers) in Ramallah district and the settlement ‘bloc’ of Rehan–Hinanit–Shaqed (~1,500 settlers) in Jenin district, both of which are included in Options 1 and 3 but not Option 2. All other differences appear largely to be the result of minor modifications within a given area (mostly of

² According to the official Palestinian calculation, the total area of the OPT is 6,207 km², which includes the Gaza Strip (367 km²), the whole of the West Bank, including East Jerusalem and the NMLs (5,652 km²), and the Dead Sea territorial waters (188 km²).
undeveloped land), or of “trade offs” between the various scenarios, which is another problematic aspect of the Israeli proposals.

Thus, while Option 2 proposes to annex less West Bank land overall than either Option 1 or Option 3, these reductions are offset somewhat by arbitrarily increasing the size of particular settlement ‘blocs.’ For instance, whereas Ma’ale Adumim is included in all three scenarios, its size in Option 2 (26.9 km²) is larger than in Options 1 and 3 (25 km²). Moreover, while Options 1 and 3 incorporate all of the “E-1 Plan” area, which effectively severs East Jerusalem from the rest of the West Bank, Option 2 incorporates “only” about half of the E-1 area (though largely with the same effect). The same is true of Modi’in Illit, which is expanded from 25.2 km² under Options 1 and 3 to 26.9 km² under Option 2, primarily in order to include a large tract of undeveloped Palestinian land west of Ni’lin village that is inexplicably added to the ‘bloc.’

Thus rather than merely seeking to satisfy Israeli interests in a straightforward and objective manner, the proposals appear also to be engaged in a rather cynical exercise of pitting Palestinian interests against one another.

II. Option 2 (3.4%)

While Option 2 may be the least harmful of the three scenarios, there are nevertheless a number of significant problems with this scenario as well. As noted previously, Option 2 includes four of the five most problematic settlements/‘blocs’: Ma’ale Adumim, Giv’at Zeev, Har Homa and Efrat. Each of these poses serious, and in some cases insurmountable, threats to Palestinian contiguity and viability, particularly in relation to East Jerusalem, the future capital of a Palestinian state.

There are five main problem areas in the 3.4% scenario, each of which is addressed in greater detail below:

- Metropolitan Jerusalem;
- Western Bethlehem region (“Gush Etzion”);
- Qalqiliya region (“Alfei Menashe” and “Elkana–Oranit”);
- Salfit/Ramallah region (“Green Line’); and
- Latrun area (“Modi’in Illit”).

A. Metropolitan Jerusalem
The Jerusalem area represents the single most problematic aspect of the Israeli interpretation of the proposal overall. For Palestinians, Jerusalem is not only a cultural and religious symbol of Palestinian nationhood; it is also the economic, social and political center of Palestinian life. When speaking of the need to preserve Jerusalem as a Palestinian capital, we are referring to it not just as an urban center, but as a cohesive, integrated metropolitan unit.
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Metropolitan Jerusalem, which includes Ramallah and Bethlehem, represents the socioeconomic center of Palestinian life, comprising roughly one-third of its national economy. As with any other state, Palestine will require not only a physical presence in its capital city, but adequate space for residential, governmental and commercial development, employment creation and social services, as well as the necessary territorial contiguity and transportation links to its outlying suburban areas and rural hinterland.

The proposed annexation of Giv’at Zeev, Ma’ale Adumim and Har Homa would severely restrict the urban, social and economic development of East Jerusalem, completely isolate its urban center from the rest of Palestine, and fragment the entire metropolitan system of Jerusalem both territorially and demographically.

1. “Historic Basin”
Based solely on the information provided in the report’s maps, it is not entirely clear what exactly is being proposed in the so-called “Historic Basin,” which includes the whole of the Old City, as well as the Mt. of Olives, Silwan and Sheikh Jarrah neighborhoods of Jerusalem. However, anything short of full Palestinian sovereignty over these areas (with the possible exception of the Jewish Quarter, which could potentially be part of a future land swap), would be unacceptable to Palestinians. These areas are occupied Palestinian areas located at the heart of Palestinian East Jerusalem and will house Palestinian governmental institutions. Moreover, they are densely populated with an overwhelming Palestinian majority and include many Christian and Muslim holy sites, pivotal to Palestinian religious and cultural heritage as well as to future Palestinian economic development (in particular in the tourism sector).

2. Ma’ale Adumim/E-1
Taking half of the land earmarked for East Jerusalem’s future growth and development, the annexation of Ma’ale Adumim, and even a portion of the E-1 area would severely restrict growth of the future Palestinian capital and disable prospects for economic rehabilitation and development. In fact, the annexation of Ma’ale Adumim alone (outer limit area = 11 km²) would still result in the elimination of precious reserves for East Jerusalem’s own expansion and development.

For Metropolitan Jerusalem to be viable there must be contiguity between East Jerusalem and its primary suburban areas, namely Eizariya, Az-Za’ayim, Issawiya, Anata, Hizma and Ar-Ram, which would not be possible if Ma’ale Adumim is annexed and connected to Israel, with or without E-1. Even if Ma’ale Adumim is annexed without the E-1 area, it would still need to be connected to Israel by a road, in which case, the parts of Issawiya, At-Tur and Eizariya villages that lie within E-1, and which comprise the ideal location for East Jerusalem’s future expansion and development, would still be physically cut off from the city by the connecting road. This would be exacerbated by the numerous and multi-layered “security” restrictions that Israel would likely seek to impose along such a road.
Moreover, given its location in the geographic center of the West Bank and along the Jerusalem-Jordan Valley corridor — extending some 11 km into the West Bank, nearly half the distance to the Jordanian border — and its relative size, any scenario that calls for Ma’ale Adumim’s annexation, with or without E-1, would result in the isolation of East Jerusalem from the east, and effectively cut the West Bank in two.

Similarly, the Israeli proposal for Ma’ale Adumim/E-1 deprives Palestinians of vital road links (Roads # 1 and #60), and potentially disrupts the Palestinian connection to Jordan and the broader Arab world via the east.

Thus, it should be clear from the analysis that while E-1 (or parts thereof) exacerbates the problems created by Ma’ale Adumim, it is the settlement of Ma’ale Adumim itself that poses the greatest threats to the viability of East Jerusalem, and hence to a Palestinian state.

3. Har Homa

The settlement of Har Homa would have a similar impact on East Jerusalem from the south, primarily by severing Jerusalem from its historic, religious and socioeconomic connection to Bethlehem, which date back more than 2,000 years. This is more than merely symbolic since both Bethlehem and Jerusalem, and the link between them, rely heavily on tourism (particularly religious tourism) and associated economic activities for their economic survival.

Furthermore, the proposed annexation of Har Homa would severely restrict Bethlehem’s natural development/expansion to the north and, in combination with Gilo, would enclose the villages of Beit Safafa and Sharafat in a virtual enclave.

Over and above the many practical problems associated with the annexation of Har Homa, the settlement also poses important political and moral problems as well. Har Homa, was established in 1998 at the height of the Oslo peace process. Moreover, whereas it was not populated at the time of the Camp David/Taba negotiations in 2000-01, it has since undergone massive and targeted growth (with an average annual growth rate of 85%), in an apparent attempt to exploit the “Clinton parameters” in Jerusalem. As such, it is a classic example of Israeli bad faith, and Palestinians would be loath to include it in any land swap proposal on that basis alone.

4. Giva’at Ze’ev

The proposed annexation of Giv’at Zeev, along with three of its satellite settlements (Giv’on, Giv’on HaHadasha and Har Shmuel — pop. 12,900 settlers), jutting up to 9 km into the West Bank, would consolidate East Jerusalem’s isolation from the north. Hence, like both Ma’ale Adumim and Har Homa, it cannot be included in any future land swap.

In particular, the proposed annexation completely disrupts the historic connections between East Jerusalem and the Palestinian villages of northwestern Jerusalem district (At-Tirah, Al Qubeiba, Beit ‘Anan, Beit Duqqu, Beit Ijza, Beit Iksa, Beit Surik, Biddu and

Appendix I: Palestinian Narrative
Qatannah — pop. 30,000) and, coupled with the proposed annexation of Pisgat Ze’ev settlement, of north Jerusalem district (Al Jib, Beit Hanina al Balad and Bir Nabala — pop.10,000), thereby cutting East Jerusalem off from its main agricultural hinterland and isolating these villages in two semi-enclaves from their main socioeconomic hub in East Jerusalem.

Similarly, the city of Ramallah would be cut off from many of the localities it serves in this area, affecting approximately 30,000 Palestinians, as well as from its natural socioeconomic ties to East Jerusalem itself. The proposed “trench road” between Biddu and Al-Jib to serve as the main link connecting Ramallah and the northern suburbs of Jerusalem with the western villages simply cannot meet the needs of the very large Palestinian population in this area (which is several times larger than the Israeli settler population). Furthermore, it does nothing to remedy the severing of the link to East Jerusalem. In any event, to the extent that any “special” or “alternate” roads are to be built, they should be for settlements included in the swap (i.e., only after such a swap is agreed).

The proposed annexation of settlements in this area includes large tracts of undeveloped land and would severely limit the expansion of Ramallah to the south and of many of the Palestinian villages in the area, depriving them of both prospective residential development areas and agricultural lands, on which they rely for their livelihoods, with no reasonable justification. The inclusion of the area around Nabi Samwil village north of Ramot Allon settlement is especially problematic, particularly since no explanation is offered regarding the fate of the approximately 300 Palestinians now living there. Nor is there any justification for the inclusion of Emeq Ha-Ayalot, a settlement “neighborhood” that is currently under construction and hence uninhabited.

Lastly, the Israeli justification that Giv’at Zeev “protects parts of 443 road” is also untenable, as it suggests continued Israeli control over a road that, even under the report’s scenario, falls entirely within Palestinian territory.

B. Western Bethlehem (“Gush Etzion”)

Although Bethlehem is an integral part of Palestinian Metropolitan Jerusalem, for purposes of clarity, it is considered separately in this analysis. The proposal in western Bethlehem district (“Gush Etzion”) poses similar problems as in Jerusalem. In addition to extending nearly 9 km deep into the West Bank, the proposed area to be annexed would severely hamper prospects for economic development in both Bethlehem and Metropolitan Jerusalem as a whole. The inclusion of Efrat settlement is especially problematic and ultimately unworkable.

The Israeli proposal would severely restrict Bethlehem’s urban growth (along with that of its sister cities, Beit Jala and Beit Sahour) from the north and south, the two primary areas allocated for its expansion and development. Although some expansion can take place to the east, the available space is limited by valuable agricultural land and nature reserves, and is too small to sustain the kind of expansion that Bethlehem would require. Meanwhile,
Bethlehem’s urban, residential and commercial development cannot take place to the west as this would encroach on its valuable agricultural hinterland.

In addition, the annexation of large amounts of undeveloped land would deprive Bethlehem of a substantial proportion of its cultivated lands (i.e., valuable cash-crops), as well as badly needed space for urban and economic development (particularly cultural/religious and landscape tourism). This is particularly true of the large tract of undeveloped land between Wadi Fukin, Nahhalin, Jaba’ villages that is inexplicably and unnecessarily incorporated into the area to be annexed by Israel.

The Case of Efrat
The harm posed to Palestinian interests by Efrat and its smaller companion settlement of Migdal ‘Oz is grossly out of proportion to their size, and is hence far too severe to allow their annexation. Doing so would rob Palestinians of crucial road links, most notably Road # 60, which connects Bethlehem to Jerusalem and to Hebron (and ultimately Gaza), thus further restricting access to jobs, markets, essential public services and increasing travel distances/times and transaction costs.

In addition, the annexation of Efrat/Migdal ‘Oz would nearly double the amount of active Palestinian cultivation that is lost, which is essential to the regional economy, as well as restrict Bethlehem’s development/expansion to the south.

C. Qalqiliya Area (“Alfe Menashe” and “Elkana-Oranit”)
The proposed annexation of Alfe Menashe settlement would limit Qalqiliya city’s urban and rural development to the south and the east, as well as that of a number of villages surrounding the settlement (Ras at Tira, ‘Izbat Jal’ud, ‘Izbat Salman, ‘Isla and An Nabi Elyas), taking up significant tracts of undeveloped land. It would also disrupt the connection between Qalqiliya city and the Palestinian villages in southern Qalqiliya district (‘Izbat Jal’ud, Ras at Tira, Ad Dab’a, ‘Izbat Salman, Al Mudawwar, ‘Izbat al Ashqar, Kafir Thulth, Beit Amin, ‘Azzun ‘Atma and Sanniriya — pop. 13,000), separating the city from its agricultural hinterland and the villages from their main socioeconomic hub. The proposed “overpass road” between Izbat Salman and Ras ‘Atiya to serve as the link connecting Qalqiliya city and the southern villages and beyond simply cannot meet the needs of the large Palestinian population in this area. Furthermore, as mentioned earlier, to the extent that any “special” or “alternate” roads are to be built, they should be for settlements included in the swap (i.e., only after such a swap is agreed).

The proposed annexation of Oranit, Sha’arei Tikva, Elkana and Etz Efrayim settlements would include large tracts of undeveloped land, which cannot be justified by any legitimate Israeli interest, disabling the residential and agricultural expansion of at least eight Palestinian villages in the area (‘Azzun ‘Atma, Beit Amin, Sanniriya, Masha, Az Zawiya, ‘Izbat Salman, Al Mudawwar and ‘Izbat al Ashqar — pop. 14,000). Furthermore, it would disrupt the contiguity between these villages. Azun Atma (pop. 1,800) would be particularly hard hit, being located in an enclave totally isolated from its lands and neighboring towns and villages.
Perhaps most importantly, this entire region is a prime water productive zone. Hence, the proposed annexation would severely undermine Palestine’s water security.

**D. Ramallah/Salfit Area (“Green Line”)**
The annexation of large amounts of uninhabited land, particularly the 28 km² along the 1967 border in Salfit/Ramallah districts is damaging to Palestinian interests. Moreover, in light of the fact it contains no Israeli settlements or settlers, there is no reasonable justification for its annexation by Israel.

**E. Latrun Area (“Modi’in ‘Illit”)**
The main problems with the Israeli proposals in the Latrun area are threefold: (1) the existence of crucial and cheaply extractable water resources in the area; (2) the annexation of the sites of three Palestinian villages destroyed and depopulated by Israel in 1967 (Imwas, Yalu and Beit Nuba); and (3) the gratuitous annexation of a large amount of undeveloped Palestinian land, which contains no settlements/settlers.

The Latrun area represents one of the most valuable water productive zones in the West Bank, which is essential to the viability of a future Palestinian state. Therefore, the proposed annexation would adversely affect Palestinian water security and its overall viability.

Secondly, with regard to the depopulated villages of Imwas, Yalu and Beit Nuba, the return of these villages to Palestinian sovereignty is of paramount importance to Palestinians, particularly if they are to feel that their painful compromise of accepting to exercise their right to self-determination on only 22% of their historic homeland was not in vain.

Lastly, as noted previously, since the annexation of uninhabited land does not meet any legitimate Israeli interests, either with regard to settlements or security, it is therefore gratuitous, and hence untenable.
Appendix II: Israeli Narrative

I. Project Substance and Purpose

As the Baker Institute report contains three maps, the Israeli team wants to emphasize that the proposals went far beyond the concessions offered on the Track I level, with respect to both the Clinton parameters and former Israeli Prime Minister Ehud Olmert’s proposal to President Mahmoud Abbas.

The basic rule of engagement in a Track II exercise purports that both teams are obliged to make an effort in bridging the prevailing gap. In this case, since the gap in positions that emerged on the Track I negotiations is a result of substantial concerns of both sides (rather than of negotiating tactics), the need for a mutual outreach appeared essential. Whereas the original project proposal acknowledged swaps of up to 12%, the Israeli team understood that the final agreed swaps will range between 5%–7%.

II. The Size of the West Bank

The CIA World Factbook places the value of the West Bank, East Jerusalem and the No Man’s Lands at 5,640 sq km. However, the size of the West Bank is a disputed issue between both parties. During the 1999–2001 negotiations and to a lesser extent during the recent Annapolis negotiations as well, the parties were divided on the question of “the territorial 100 percent and the demographical 100 percent.” Several geographical elements could be figured, or not, into the calculations of border demarcation. These include the Israeli jurisdiction line of “Judea and Samaria,”1 East Jerusalem, the Latrun No Man’s Land, and the No Man’s Lands in Jerusalem, the northwestern quarter of the Dead Sea and the Gaza Strip.

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1 Israel annexed East Jerusalem in 1967 and asserts that while Israeli sovereignty is not applied in the Latrun No Man’s Land (as articulated by a recent State reply to a local court), it is not by default part of any Palestinian entity — Israeli maps thus acknowledge only the “Judea and Samaria Jurisdiction Line” that surrounds the expanded municipal boundary of Jerusalem.
In the past, Israel asserted that territorial calculations of percentages should consider only the land mass of Judea and Samaria without East Jerusalem, the No Man’s Lands, the Gaza Strip or the Dead Sea. Accordingly, the term “settlers” refers only to those Israelis living beyond Israel’s self-declared sovereign line — in effect those residing in Judea and Samaria without the population of Jewish neighborhoods in East Jerusalem or those in towns established in the Latrun Salient.²

Palestinians assert that they are entitled to all the lands occupied by Israel following the Six Day War in 1967, including all of the items above, totaling 6,207 sq km (in their calculations). Respectively, all Jews that reside in these areas are considered settlers, including those living in East Jerusalem and the No Man’s Lands.

Whatever the decision is, transparency and constancy as to calculations should be maintained throughout the process. For the purpose of presenting maps demonstrating border options, the Baker Institute report contains the following formula: the total land out of which calculations are figured is 6,180.5 sq km. This figure is based on the 6,205.2 sq km (representing the sum of all the territorial elements outlined above), minus 24.75 sq km (representing half of the No Man’s Lands involved — meaning, the No Man’s Lands are split in half for sake of the calculations).³

III. The Three Baker Institute Options:

Option 1 proposes an exchange of land of 4.0% (251 sq km) of the West Bank territory. This option, as suggested by the Baker Institute, does not constitute an optimal Israeli position — and is hereby explicitly denied and unequivocally rejected — taken in reference to Palestinian needs. This would necessitate the evacuation of 115,142 Israeli settlers from their present residences.

Option 2 proposes an exchange of land of 3.4% (212 sq km) of the West Bank territory. This option, as suggested by the Baker Institute, constitutes (a deniable) optimal Palestinian position, taken in reference to Israeli needs. Altogether this would necessitate the evacuation of 120,182 Israeli settlers from their present residences. As above, this alleged Israeli understanding is explicitly denied and unequivocally rejected.

Option 3 proposes an exchange of land of 4.4% (274 sq km) of the West Bank territory seemingly (but erroneously) based on the Clinton parameters. On December 23, 2000, United States President Clinton defined the basic parameters for a territorial agreement, and related to the need to accommodate 80% of the settler community in settlement blocs to be incorporated in a 1:3 land swap to Israel, while making it necessary to evacuate 20%.

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² Israel asserted during the 1999–2001 negotiations that its political interests required it to “maintain 80 percent of the settlers in settlement blocks.” Indeed, such a criteria, without a clear definition, appeared in the 2000 Clinton parameters.

³ In real terms, Israel will likely annex most, if not all, of the No Man’s Land, but the land swap will take into consideration the “Palestinian” half of the No Man’s Lands.
Appendix II: Israeli Narrative

Had this been accepted in December 2000, this would have made the evacuation of 59,717 settlers necessary. As since then the number of settlers has risen from 200,000 to 282,000, this option proposes to penalize both sides for not accepting the United States proposal at the time, by dividing the 82,000 by half, making it necessary for Israel to evacuate approximately 100,780 Israeli settlers (59,717 plus 41,000). In order to be in line with the Arab Peace Initiative, this proposal also suggests (differently than the Clinton parameters) a 1:1 swap. In the exact words of President Clinton: “… the solution should be in the mid-90’s, between 94-96% of the West Bank territory of the Palestinian State. The land annexed by Israel should be compensated by a land swap of 1-3% in addition to territorial arrangements such as a permanent safe passage.”

In reference to the various options of the Baker Institute report, the Palestinian team submitted an assessment of the three proposals, focusing mainly on methodology, substantive problems and the 3.4% option. The Israeli team rejects this and finds it inconsistent with the project’s guidelines as well as with the Israeli positions as reflected throughout the exercise. The following will address in detail each comment put forward by the Palestinian team.

IV. Methodology Problems:

Two major problems were raised with respect to the methodology used in the Baker Institute report (questions regarding the territory calculations and disagreements as to the number of settlers presented):

a) Different sources attach different attributions to each of the above areas. For example, the CIA World Factbook places the value of the West Bank, East Jerusalem and the No Man’s Lands at 5,640 sq km, while an internal Israeli document figures the same area to be 5,611 sq km. The Baker Institute calculation’s term of reference was the Abu Mazen figure (6,205 sq km), which includes the Gaza Strip, the Dead Sea, the West Bank and No Man’s Land. From this number, we subtracted half of the disputed No Man’s Land (49.5/2=24.75 sq km), which both sides view as their own, reaching a total of 6,180.25 sq km (6,205–24.75=6.180.25).

b) As for the disagreements to the number of settlers, all three of the Israeli team proposals apply to the number of settlers residing in areas that are referred to. Since this paper did not deal with the municipality of Jerusalem, the settlers residing there were not counted. It is of great importance to note that the logic of negotiations is that the Jerusalem municipality is treated with a different principle: Israeli neighborhoods to Israel while Palestinian neighborhoods to Palestine.

5 The original document can be found in Annex 3.
V. Substantive Problems:

a) A comprehensive peace with 22 Arab states is the only formula in which the Israeli public would consent to far reaching concessions that would amount to a territorial swap of between 4.5%-5.5%.

b) The work of both teams (Israeli and Palestinian) was based on a mutual understanding and acceptance of four principles:
   i) To make sure swap areas are as close as possible to the Green Line (particularly settlement blocs).
   ii) To maximize territorial contiguity for both Israel and Palestine in any swap scenario.
   iii) Natural resources as well as environmental needs should be fully taken into account.
   iv) Further development needs should be respected.

c) It should be noted that the Baker Institute report suggests two substantial concessions in favor of Palestinian demands and interests:
   i) President Clinton’s guidelines for a territorial compromise agreement (December 23, 2000) were as follows: “Based on what I heard, I believe that the solution should be in the mid-90’s, between 94-96% of the West Bank territory of the Palestinian State. The land annexed by Israel should be compensated by a land swap of 1-3% in addition to territorial arrangements such as a permanent safe passage.” President Clinton further emphasized the core of the territorial arrangement in his subsequent January 8, 2001, speech at the New York Israel Policy Forum, as follows:

   “... there can be no genuine resolution to the conflict without a sovereign, viable, Palestinian state that accommodates Israeli’s security requirements and the demographic realities. That suggests Palestinian sovereignty over Gaza, the vast majority of the West Bank, the incorporation into Israel of settlement blocks, with the goal of maximizing the number of settlers in Israel while minimizing the land annex; for Palestine to be viable must be a geographically contiguous state.

   “Now, the land annexed into Israel into settlement blocks should include as few Palestinians as possible, consistent with the logic of two separate homelands. And to make the agreement durable, I think there will have to be some territorial swaps and other arrangements...”

In order to align with the provisions of the Arab Peace Initiative, the Baker Institute report accepted the Palestinian demand for a 1:1 territorial swap.

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formula, in contrast to the conditions put forward by President Clinton. The Baker Institute team decided to override the Clinton parameters in favor of the Palestinian position, assuming that any final territorial agreement between Israel and the Palestinians would only be possible within a wider regional context. As such, Israel will be concluding peace with the 22 Arab states. This would be under the condition of Israel concluding parallel peace agreements with Syria and Lebanon.7

ii) The Baker Institute report rejects any potential Israeli demand to swap areas that are inhabited by Israeli Arab citizens adjacent to the West Bank.

d) Accepting these positions of the Baker Institute report, Israeli experts stipulated that the following understandings should be respected:
   i) Settlement blocs that will be incorporated into Israel (as part of an agreed territorial swap) will have to grant undisturbed contiguity and provide the necessary space for natural expansion.
   ii) In order to apply the principle of fairness and evenhandedness, the Israeli team offered to explore the idea of evacuating the Ariel settlement and relocating it closer to the 1967 border.

e) Parallel to the Baker Institute report’s demands from the Israeli experts, we stipulate that the final territorial borders will have to embrace two core principles:
   i) As an act of good faith, the Israeli side will consider relocating Ariel (consisting of approximately 16,800 settlers8) to areas that are close to the 1967 cease-fire line on its Eastern side. Other settlements will also be partly relocated into agreed upon settlement blocs.
   ii) In evacuating settlements from Palestinian territory, some of which are to be relocated east of the 1967 cease-fire line, uninhabited areas adjacent to the former cease fire line will have to be swapped and included as part of the recognized Israeli territories.

VI. Specific Areas

As for the areas specified, the following considerations should be taken into account:

“Historic Basin”
As raised in previous discussions of the two working teams, due to the sacredness of this area to all three religions (Muslims, Christians and Jews) a special regime is in need. Such a regime will have to ensure the freedom of worship and access to all three religions and the

development of joint tourism. Indeed, our main objective is to ensure the freedom of access in this area with no need for visas.

**Maale Adumim/E-1**
Maale Adumim is the largest Jewish city in the area of the West Bank (33,800 settlers);\(^9\) therefore it is only appropriate that it will be contiguous to the Israeli part of Jerusalem. The importance of access in this area to the Palestinian population, specifically between East Jerusalem and its primary suburban areas was acknowledged. Moreover, it was suggested to plan for the construction of several alternative road connections to both the west and the east of Maale Adumim, as well as roads from the north to the south.

As for the inclusion of the E-1 area, we mentioned the danger arising from the Palestinian proposal which creates a highly vulnerable situation in which the Palestinians can cut off Maale Adumim from Jerusalem at any moment of crisis.

**Har Homa**
Har Homa is seen by Israelis as an integral part of the Jerusalem municipal area. Thus it should be dealt with along the parameters laid out by President Clinton in regards to Jerusalem, that “The general principle is that Arab areas are Palestinian and Jewish ones are Israeli.”\(^10\) The Baker Institute applied these parameters in this case since they were given two years after the establishment of this settlement.

With regards to Bethlehem’s expansion and access, the potential to expand to the east, south and west is not harmed in any way by the Baker Institute report’s propositions. Thus, the claim brought on later of hampering short-term economic prospects has no basis. Access from Bethlehem to East Jerusalem is possible through Road 60, a tunnel/bridge that can be constructed in the Har Homa corridor, or through Beit Tzahor, Herbat Mazmoria and Sur Baher. Finally, regarding agricultural land, the area in dispute is mostly an urban area; therefore the claim of encroaching to valuable agricultural hinterland is not relevant.

**Giva’at Ze’ev**
Various issues were raised regarding the proposals of Giva’at Ze’ev:

A major emphasis was dedicated to the notion that this annexation severs the link between East Jerusalem and the villages of the northwestern Jerusalem district and Ramallah. Yet, all three of the Baker Institute report’s proposals ensure contiguity for the Palestinian population in the following manner:

a) An access road already exists between Ramallah and Bir Nabalah.

b) Access from Biddu and Al Jib to Ramallah and East Jerusalem is already possible through existing roads:

\(^9\) Ibid.

Latrun
The central rationale of annexing this territory is its key traffic arteries to Jerusalem. This includes Road 1, Road 3 (connecting Modi’in) and the fast train line that crosses the Ayalon Valley. As for the three depopulated Palestinian villages, these will be rebuilt in territories that will be given in return to the annexation of Latrun. Furthermore, Israel will acknowledge these villages through a memorial monument residing on Israeli territory.

Lastly, regarding the issue of water raised by the Palestinian team, the various issues dealing with water resources will have to be dealt within a separate comprehensive agreement dealing solely with this issue.

VII. Conclusion

Though we find substantive remaining gaps between the parties, we believe that by taking the above notes into account and reflecting them adequately in the final report, the Baker Institute’s work along with a brave leadership of both sides will make it possible to bridge these gaps, and reach an acceptable final agreement.
Appendix V: Maps – Territorial Options


Option 1 — 4.0%

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<td>175,321</td>
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</tbody>
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| Evacuation  | Israelis | 115,142 |

Legend

- Option 1 — 4.0%
- Jewish Localities
- Palestinian Localities
- Historic Basin
- Swap Areas
- Green Line
- Jerusalem Municipality Boundary Line
Option 2 — 3.4%

<table>
<thead>
<tr>
<th>Annexation</th>
<th>212.0 km²</th>
<th>3.4%</th>
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</thead>
<tbody>
<tr>
<td>Israelis</td>
<td>168,321</td>
<td></td>
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<table>
<thead>
<tr>
<th>Evacuation</th>
<th>Israelis</th>
<th>120,182</th>
</tr>
</thead>
</table>

Legend
- Option 2 — 3.4%
- Jewish Localities
- Palestinian Localities
- Historic Basin
- Swap Areas
- Green Line
- Jerusalem Municipality Boundary Line
Option 3 — 4.4%

Annexation
Area 274.0 km² 4.4%
Israelis 187,723

Evacuation
Israelis 100,780
Imagining the Border

Options for Resolving the Israeli-Palestinian Territorial Issue

David Makovsky
with Sheli Chabon and Jennifer Logan
About the Authors

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The opinions expressed in this Strategic Report are those of the authors and not necessarily those of the Washington Institute for Near East Policy, its Board of Trustees, or its Board of Advisors.
Settlements and Swaps:
Envisioning an Israeli-Palestinian Border

As Israel and the Palestinian Authority (PA) resume negotiations over the coming months, most observers believe the talks will focus on security and territory before addressing other issues. Whether the parties negotiate directly or through U.S. mediators, the gaps between them on these two issues would appear to be more bridgeable and less deeply emotive than their differences on the future of Jerusalem and the fate of Palestinian refugees.

This belief, however, derives from flawed conventional wisdom regarding the impact of Israeli settlements on potential territorial compromise. Settlements have definitely complicated efforts to reach such a compromise, and one can understand why so many observers, not just Palestinians, oppose them. Yet it is incorrect to assert—as many do—that settlements are evenly distributed throughout the West Bank or take up such a large amount of land that they preclude a two-state solution. In fact, most settlers live near Israel’s pre-1967 boundary, and the vast majority of them reside in areas that constitute a small percentage of the West Bank. Accordingly, a border agreement may be more plausible than it is generally believed to be.

In past (and ultimately abortive) negotiations, both sides reportedly proposed territorial exchanges—commonly referred to as “land swaps”—as a means of addressing Israel’s desire to retain certain lands east of the pre-1967 boundary. Through such exchanges, Israel would be able to extend its recognized border to include certain settlement blocs near the old boundary. In exchange, the PA would extend its control to certain areas inside pre-1967 Israel; these areas would in turn become part of a new Palestinian state.

This report—through analysis, detailed maps, and key demographic data—outlines potential options in the event that negotiators once again broach the idea of land swaps during new rounds of talks. Whether or not the parties can resolve the powerful issues of Jerusalem and refugees prior to conditioning the societal landscape for such discussions, they may be able to bridge the territorial differences sooner.1

To be sure, Henry Kissinger’s “constructive ambiguity” sometimes has advantages. But ambiguity can also be destructive, and in the case of territorial negotiations, it is important to demystify the issue. Doing so requires an understanding of where demography meets geography in the West Bank—without reliable, up-to-date information regarding the West Bank’s geographic contours and the location and size of Israeli and Palestinian population centers, imagining the shape of a future border is impossible.

This report takes as its starting point the preferences that the two sides appear to have brought to the table. Outside parties cannot determine which principles should guide resolution of the border issue; that decision is in the hands of Israel and the PA. The role of this study is to illuminate the possibilities for satisfying territorial criteria that the parties themselves have already articulated. The range of scenarios and maps presented here is designed to give policymakers concrete options; neither the author nor the Washington Institute for Near East Policy necessarily endorses any of these proposals.

Background

Given that the land swap idea was addressed as early as the 2000 Camp David talks and persisted through the 2008 negotiations between former Israeli prime minister Ehud Olmert and PA president Mahmoud Abbas, the issue may well reemerge in some form during new talks. In July 2000, swaps were discussed at length at Camp David, and in December of that year, they were formally mentioned in the bridging proposals put forward by President Clinton, known as the Clinton Parameters. Specifically, those proposals described potential land swaps involving Israeli annexation of less than 3% of the Occupied Territories and allowing for a near 1:1 territorial exchange between the parties. (The term land swap does not by definition mean an exchange of equal amounts of land.) On
Binyamin Netanyahu declared, “We recognize that another people share this land with us. And I came here to find an historic compromise that will enable both peoples to live in peace, security and dignity.” Similarly, according to the Associated Press, a February 2009 cable sent by a U.S. diplomat indicated that Netanyahu had “expressed support for the concept of land swaps, and emphasized that he did not want to govern the West Bank and Gaza but rather to stop attacks from being launched from there.”

Abbas has also frequently called for swaps based on the pre-1967 boundary as a baseline for territorial adjustments. In a July 2010 interview with Jordanian journalists, for example, he noted, “We have said that borders need to be on a 1967 basis, with agreement on land swaps equal in value and size.” Such statements illustrate his recognition that the Palestinians will not gain the exact pre-1967 lands, but rather territory in compensation.

This report outlines three potential land swap options should Israel and the PA decide to trade settlement blocs for offsetting land within Israel’s pre-1967 boundary. Each of the three scenarios would involve 1:1 swaps falling between Abbas’s 1.9% threshold and Olmert’s 6.3% target; in no instance would Israel annex more than 4.73% of the Occupied Territories. The accompanying maps show that such exchanges would go far toward achieving objectives supported by large majorities of Israelis and Palestinians—for the former, retention inside Israel of territory on which a sizable majority of Israeli settlers live; for the latter, gaining control over territory from within pre-1967 Israel that is equal in size to the land Israel gains in the West Bank.

The alternative—continued ambiguity—allows opponents of peace to frame the issue in their terms. More specifically, it enables Palestinian critics to allege that Israeli territorial offers constitute “Bantustans” or noncontiguous enclaves, and that Israel is therefore not serious about a two-state solution. And it allows Israeli critics to argue that the Palestinians want to uproot all 300,000 settlers living in the West Bank, causing something approaching a civil war in Israel. Both of these critiques have been so powerful that they have made the idea of compromise highly unlikely.

December 27, 2000, the Barak government’s security cabinet approved the Clinton Parameters as a whole, including the land swap idea. Although the cabinet had reservations, these were centered on technical issues, not on the principles underlying the proposals.

During the 2008 Olmert-Abbas negotiations, the two leaders agreed that for any land annexed by Israel as part of a territorial deal, the Palestinians would receive equal amounts of land from within the 1967 boundary. Olmert proposed a swap that would have met this 1:1 requirement, but the parties disagreed on the total amount of land to be exchanged. Olmert wanted to swap 6.3% of the territories acquired in 1967, while Abbas would only agree to 1.9%. Soon thereafter, the peace talks collapsed with the December 2008 outbreak of hostilities in the Gaza Strip; as a result, Olmert did not have an opportunity to bring his entire proposal before the cabinet.

In a speech to an Israeli peace group on September 19, 2010, Olmert stated, “I will repeat the things I believe in and I think there is no other way. First, we must reach quickly an agreement [stating] that the territorial solution will be based on the borders of ’67. When we deal with [the size of the] land exchange, I don’t want to discuss now if it is this percentage or that percentage. I don’t want to interfere, as this is certainly not my intention to impact moves the government is making. So there are some among you who think we should do a land exchange of this percentage and those of a different percentage. I have a specific percentage in mind that can wrap up the discussion. And the difference of what I think and what I know the Palestinians are thinking is even smaller than what I thought when I made my proposal to them. We are very close on this point, at least as I know the views today of the Palestinian leadership and the views that I presented to them.”

The current Israeli government has not taken an official stance on land swaps, much less on whether it would accept a 1:1 exchange. But it has not ruled out such swaps, and various signs indicate that Israeli and Palestinian negotiators may well discuss the issue as new talks unfold. Indeed, at the White House ceremony relaunching the peace process, Prime Minister Binyamin Netanyahu declared, “We recognize that another people share this land with us. And I came here to find an historic compromise that will enable both peoples to live in peace, security and dignity.”
Accordingly, engaging these critiques directly is vital to demystifying the issues at stake. And illustrating what land swaps would actually look like is essential to countering those who would wrongly invoke straw-man accusations. In short, a Palestinian state resulting from the scenarios discussed in this report would be contiguous, not broken up into cantons (see the “Methodology” section of this chapter for a discussion of contiguity between Gaza and the West Bank).

And the fact that most Israeli settlers are concentrated near the 1967 boundary means that even a minimal land swap would allow the great majority of them to remain in their homes while becoming part of Israel proper, without interrupting West Bank contiguity. The exact number of settlers to remain in their current homes would depend on which map the parties chose.

**CORE TERRITORIAL PRINCIPLES**

As stated previously, neither the author nor The Washington Institute takes any position on which principles should govern a land swap if Israel and the PA decide to pursue that option. Instead, this study is based on principles that the parties themselves have apparently discussed with each other, namely:

1. A land-swap ratio of 1:1
2. Israeli annexation of areas that are home to approximately 70%–80% of settlers
3. Israeli annexation of a minimal amount of land acquired in 1967
4. No Palestinian dislocation
5. Measures that satisfy Israeli security concerns
6. A contiguous Palestinian state in the West Bank.

These principles are the basis for the first three scenarios (corresponding to maps 1–3) discussed in the next chapter.

Regarding the 1:1 principle, full Israeli withdrawal from occupied territory was the basis for the Egypt-Israel peace treaty of 1979, the Jordan-Israel peace treaty of 1994, and Israeli negotiations with Syria, so it is not surprising that the Palestinians want the same formula applied to them. After the 1967 war, however, the drafters of the operational part of UN Security Council Resolution 242 removed a word suggesting that the parties return to the status quo ante as part of a peace agreement. Therefore, Israel feels no legal obligation to cede territories equal to the amount of land that came under its control during that war, a stance hardened by the fact that there was no Palestinian state at the time (the West Bank and east Jerusalem were controlled by Jordan). Yet for political reasons that go beyond legal requirements, Israel may decide that meeting Palestinian territorial demands may be the only way to achieve final resolution of the conflict. In that scenario, territorial exchange options based on a 1:1 ratio may help satisfy each party’s political needs and allow them to reach a permanent peace deal.

The Palestinians’ objective is less achievable if they stick to their position of past decades, namely, that Israel must relinquish the exact same territory it gained in 1967. At the 2000 Camp David summit, Yasser Arafat accepted the idea of land swaps as a way to reconcile ostensibly contradictory ideas: a return to the pre-1967 lines and the retention of most Israeli settlements under Israeli sovereignty. Abbas has publicly and repeatedly endorsed this position, with various caveats (e.g., the swaps should be minimal, and the land Israel provides should be of reasonable quality).

A major issue for Israel is minimizing the political pain and societal dislocation that would result from displacing settlers. No matter how one draws the map, a West Bank land swap would involve dislocation several times greater than that of the 2005 Gaza withdrawal, which was traumatic for many Israelis. Hence the second principle listed above: each of the first three map scenarios in this report proposes a swap that, while consistent with the 1:1 principle, would maximize the number of settlers in the land annexed to Israel. Indeed, tens of thousands of settlers could be spared dislocation even as the Palestinians establish a state equal in size to one drawn according to the pre-1967 lines. Specifically, the three maps show how Israel could annex lands holding a minimum of nearly 70% of the settlers or a maximum of 80%.
The third principle—minimizing the amount of land swapped—aims to ensure that the proposed exchanges are acceptable to both sides, and that swapped land is of reasonable quality.

The fourth principle is illustrated by the maps as well: that is, no Palestinian villages would be annexed to the Israeli side of the border under any of the scenarios proposed herein.

Needless to say, no territorial deal can be reached without agreement on security principles, since the two issues are closely intertwined. Israel must be certain that its territorial concessions will lead to security, not increased vulnerability. Accordingly, the fifth principle focuses on key factors affecting security, such as protecting Ben Gurion Airport by maintaining an Israeli buffer zone on the western edge of the 1967 boundary, and ensuring that the land proposed for Palestinian annexation in Chalutzah does not fall too close to the Israeli military base in Zeelim. Similarly, maps 1 and 2 show Israel retaining the road between Maale Adumim and Kfar Adumim, which some consider a potential security benefit because it would afford Israel better protection in the event of an attack from the east.

Although this report takes security arrangements into consideration, all parties should understand that the Israeli government could theoretically decide to compromise the other principles laid out here—most notably, maximizing the number of settlers in annexed land—for security concerns that are beyond the scope of this paper. Moreover, not all security considerations necessarily bear on the area near the pre-1967 lines, which would be most affected by swaps. For instance, one major Israeli concern centers on the Jordan Valley area that forms the eastern frontier of a potential Palestinian state (along with a few “listening posts,” or military early-warning stations). Netanyahu has been careful to emphasize that his interest in this area lies in averting Gaza-like smuggling via the eastern border. In a March 2010 speech delivered in Washington, he stated, “Experience has shown that only an Israeli presence on the ground can prevent weapons smuggling. This is why a peace agreement with the Palestinians must include an Israeli presence on the eastern border of a future Palestinian state. As peace with the Palestinians proves its durability over time, we can review security arrangements.”

This declaration essentially concedes eventual sovereign Palestinian control over the entire Jordan Valley, given that Netanyahu is insisting only that the parties negotiate the terms of Israel’s long-term presence along the eastern border. Such a concession—which would have been unthinkable under previous Likud governments—means that the territorial differences between the parties are now fundamentally resolvable.

The sixth principle addressed in this study involves maintaining the contiguity and flow of traffic in both Israel and the future Palestinian state. A preface note is in order here: many previous works have already outlined options for resolving the core issue of Jerusalem’s future, which is beyond the scope of this paper. Yet as the Methodology section later in this chapter will elaborate, certain aspects of the Jerusalem issue would necessarily affect any West Bank territorial proposals.

Indeed, the contiguity issue is particularly complicated in the areas surrounding Jerusalem because settlements annexed to Israel will need to maintain a direct route to the city without precluding the contiguity of Palestinian north-south transportation or access to east Jerusalem. These traffic flows can be maintained with existing overpasses and tunnels, the construction of a few new roads, and a degree of creativity.

For example, maps 1–3 show potential Israeli annexation of Route 60 from Gush Etzion to Jerusalem so as not to obstruct the most direct driving route between the two areas. When crossing the Palestinian town of Beit Jala, Route 60 becomes a 900 meter tunnel. If Palestinians were to gain sovereignty over the land above the tunnel—with Israel retaining sovereignty over the tunnel itself—traffic from Gush Etzion to Jerusalem would not be affected, and Palestinians living on the east side of the road would still have access to towns on the west side (e.g., Husan) via an above-ground route. Likewise, Israeli annexation of Maale Adumim and Route 1 would require a Palestinian overpass to avoid disrupting south-north traffic from Bethlehem to Ramallah.
Again, discussing traffic flows in Jerusalem proper requires its own study, and many good ideas have already been published. In any scenario, several new roads would have to be built; the parties should discuss this fact clearly in any bridging proposal.

**COMPREHENSIVE PEACE WITHIN A YEAR?**

In the event that the parties resolve their differences over security and borders, they will be left with two courses of action. The first is to hope that the political traction gained via progress on those fronts would build momentum toward resolving the conflict’s thornier narrative issues: Jerusalem and refugees. Because these issues cut to Israeli and Palestinian religious, historical, and emotional self-definition, resolving them will require extensive public conditioning before negotiations. Ideally, resolving the easier issues first would produce enough such conditioning to build public support for the necessary concessions on the tougher issues. Alternatively, the parties could decide to reach agreement on borders and security while deferring other core issues to a future date.

The current approach adopted by the parties seems to favor the former, more comprehensive approach. In their September 2010 White House meeting, Abbas and Netanyahu stated their commitment to reaching a framework agreement on all major issues within a year, believing that it would not take long to determine whether the conceptual differences were bridgeable. If negotiators are in fact able to close the gaps within that timeframe, the parties could then tackle the detailed, intensive task of writing a treaty. This commitment to the comprehensive approach offers more room for diplomatic tradeoffs to counterbalance painful concessions—that is, by expanding the number of issues on the table, the parties would have greater space to maneuver, making concessions on some issues in exchange for achievements on others. Even if they fail to reach a grand deal, the parties could fall back to a modest strategy, focusing on a more feasible security and borders deal instead. Their intentions in this regard will become apparent in the coming months.

**LAND SWAP IMPLEMENTATION ISSUES**

Whichever peacemaking route the parties take, they will face many practical barriers if they decide to negotiate land swaps. The most obvious issue is Israel’s clear unwillingness to cede additional territory to a Hamas-run Gaza as long as the group remains committed to Israel’s destruction. More likely, lands adjacent to Gaza would be swapped only if Gaza reverted to PA control, or if Hamas accepted international criteria for becoming a legitimate negotiating partner—neither of which is likely as of this writing.

If Israel does not give Palestinians control over areas near Gaza, the PA may have trouble agreeing to recognize Israeli annexation of an equivalent amount of West Bank land. This issue is not paramount to the Israelis—in their view, short-term legal designations are less important than acknowledgments that a given area is slated to become part of Israel and is not under dispute. Abbas and President Barack Obama have both made clear publicly that once a border is demarcated, they would not object to Israeli construction in settlements that will fall within Israel. Therefore, even if land swaps are agreed to but not immediately completed, there should no longer be cause for controversy regarding Israeli construction in West Bank areas that are to remain in Israeli hands.

**METHODOLOGY**

Some notes on the data are required before turning to the study’s detailed swap scenarios and conclusions. The baseline used for land calculations is approximately 6,195 sq km, or 2,392 sq mi—this is the amount of territory Israel occupied in the 1967 war, including the West Bank, Gaza, the northwest quarter of the Dead Sea, and all of the formerly Jordan-held part of Jerusalem (commonly, if inaccurately, referred to as east Jerusalem) except Mount Scopus. This figure excludes the Golan Heights, the Sinai Desert, and half of the 26 sq km “No Man’s Land” where the 1949 armistice was applied. Although the CIA World Factbook includes all of No Man’s Land in calculating the territory occupied by Israel in 1967, this area was never under Israeli or Palestinian sovereignty; accordingly, this paper includes only half of No Man’s Land in the baseline figure. And
Finally, in calculating potential swaps, this study is guided by three elements articulated by one or both of the parties. First, although negotiators understand the importance of ensuring territorial contiguity for a future Palestinian state—a key principle in determining the swaps suggested herein—this does not currently include contiguity between Gaza and the West Bank. Accordingly, this study’s calculations do not factor in a possible sunken-road or elevated highway corridor between the territories (sometimes referred to as “safe passage,” a term used in the original Oslo Accords) because it is difficult to envision Israel yielding sovereignty over such a route due to security concerns. That is, if terrorists launched attacks from said corridor, Israel would likely close it down. These sovereignty concerns could also be heightened by perceptions that the corridor would, at least symbolically, cut Israel in two. Yet the parties have discussed a variety of options for such a corridor, including sunken roads and tunnels. Any of these options would involve a relatively small amount of land, constituting only a fraction of 1% in any overall territorial calculations (e.g., a corridor from northern Gaza to the point on the 1967 line intersecting the West Bank town of Tarqumiya would be only 36 km long).

Second, the Palestinians have insisted that the land Israel cedes to them be equal in quality to the land Israel gains. It is not precisely clear what that formulation means to them; for the purposes of this study, “quality land” is assumed to mean land that is arable as well as useful for industrial purposes. Accordingly, none of the maps presented in this study envisions Israel ceding territory in the area southeast of the West Bank, an approach that has been suggested in other studies. Although geographically convenient, this land is composed of hard rock and is not arable.

Third, Gaza’s greater population density compared to the West Bank should be factored into any swap. Specifically, in the scenarios outlined in this study, more of the land that might be ceded to the Palestinians is adjacent to Gaza than to the West Bank.
The Washington Institute for Near East Policy

ANY RESOLUTION TO the territorial component of the Israeli-Palestinian conflict should be based on both the Palestinians’ desire for a contiguous state and Israel’s desire to annex settlement blocs largely adjacent to the 1967 boundary. The 1:1 land swap scenarios outlined in this chapter would create a contiguous Palestinian area in the West Bank, limit the exchanges to a small amount of territory, maximize the number of settlers absorbed into Israel without dislocation, appear to satisfy Israeli security concerns, and guarantee that no Palestinians will be displaced. The aim of these scenarios is to provide reference points for policymakers grappling with the tradeoffs between demography and geography in the West Bank.

During the 2000 Camp David negotiations, Israeli prime minister Ehud Barak called for Israeli annexations incorporating 80% of the settlers. As in 2000, the large majority of settlers continue to live in a minority of the settlements, and these blocs take up a small fraction of West Bank territory that is largely—but not exclusively—near the pre-1967 boundary. Many settlers moved to these blocs because they believed that they would still be in Israeli-controlled territory even in the event of partition. In other words, many of the settlers recognize in practice that partition may occur, even if most tend to hold hawkish views regarding such a development. A peace settlement would guarantee that they are living in Israel and not on land whose status is questioned internationally; without a territorial deal, their status will remain in limbo.

From the Israeli government’s perspective, a massive withdrawal from the West Bank would be gut wrenching. No Israeli administration could evict a large majority of settlers—the prospects for social unrest would be too high, as presaged by the problems accompanying the much more modest Gaza disengagement in 2005 (see the “Comparison to Geneva” section that follows for more on that issue). But a territorial deal that allowed Israel to annex the most heavily populated settlements would make the political costs more bearable.

In addition, if 80% of the settlers were brought into the tent and accepted a land swap deal that allowed them to remain in their homes, the remaining settlers would be more likely to soften their opposition. That is, they could come to realize that resisting the most commonly proposed solutions (e.g., receiving compensation for their lost land) without the support of the full settler community would be politically difficult and could isolate them from the bulk of the Israeli population. Understanding that the settlers are not monolithic in their outlook or circumstances is central to finding a viable solution.

SCENARIO 1
The scenario presented in map 1 would allow Israel to annex lands holding 80.01% of the settlers. These “bloc settlers” are distributed among forty-three settlements; the remaining settlers live in seventy-seven communities defined herein as nonbloc settlements. Map 1 includes four areas that are likely to be the most contentious in any territorial negotiation: Ariel, the zone north of Ariel, the area north of Jerusalem (referred to here as Expanded Ofra/Bet El), and Kfar Adumim. Other areas included in this map are settlements that the Palestinians do not greatly contest, either because they are obviously adjacent to the 1967 lines or because they would meet clear Israeli security needs. This scenario involves Israel annexing all of the most-contested areas, so implementing it would require Israel to cede more land to Palestinians than other scenarios.

The city of Ariel is contentious because of its location: 17 km from the 1967 lines, which is significantly farther than blocs such as Maale Adumim (immediately east of Jerusalem) and the more populated parts of Gush Etzion (just south of Jerusalem). Yet Israelis will bargain hard for Ariel because of the more than 19,000 settlers residing there. Additionally, more than 11,000 settlers live in the bloc north of Ariel.

Like Ariel, Kfar Adumim is contentious because of how far it extends into the West Bank. Yet some—but
not all—Israeli security officials believe that annexing it is necessary for defending against potential attacks from the east.

The area north of Jerusalem includes two contentious settlements: Bet El and Ofra. Bet El holds biblical resonance and, along with Ofra, is home to the national settler movement leadership. This has led many to speculate that annexing these two large communities is pivotal to reaching an overall agreement on the settlements.

To achieve its 80% demographic objective, Israel would have to annex only 4.73% of the overall territory under consideration. This is a rather surprising finding, contradicting the popular assumption that Israel would have to incorporate far more territory in order to keep such a large percentage of settlers in their homes. In fact, this percentage of land is well within the range suggested in the Clinton Parameters of December 2000. It is also worth noting that if one raises this figure above 5%, identifying areas Israel could cede that are of equal quality to the lands it would gain becomes much more difficult.

In terms of population, this scenario would allow Israel to annex lands containing 239,246 settlers, or 80.01% of the total settlement population. The remaining 19.99% of the settlers (59,782 people) are scattered throughout the remaining 95.27% of the relevant territory. Of course, the number of residents in annexed lands jumps to 428,457 if one includes the Jewish population of east Jerusalem. In that case, the portion of Jewish residents living outside the 1967 boundary who would be permitted to retain their homes and become part of Israel proper would increase to 87.76%.

Regarding the territory Israel would cede under this scenario, map 1 shows six potential land swap areas totaling 293.1 sq km: one northeast of the West Bank, one northwest of the West Bank, two on the southwestern edge of the West Bank, and two more adjacent to Gaza. This distribution is in line with the principle that more of the ceded land should be adjacent to Gaza than to the West Bank, as discussed previously. Moreover, all of the areas are potentially arable—indeed, one of this study’s novel findings is that the parties could further reduce the number of dislocated settlers by considering viable land swap areas beyond those discussed to date. Two such areas are the excellent farmlands northeast of the West Bank and the unpopulated zone southeast of Gaza, referred to herein as northern Chalutzah. The area adjacent to Chalutzah is already irrigated, and there is no reason why Chalutzah itself could not be irrigated as well. The area could also serve as an industrial site rather than farmland. After all, more Gazans are currently employed by industry than agriculture; according to a 2006 census, 18% of the territory’s 267,000 residents work in industry, compared to 12% in agriculture.

SCENARIO 2
In this scenario, Israel would not annex Ofra or Bet El, or even some of the smaller settlements in that area. As a result, the number of settlers in annexed lands would be around 73.31% of the total settlement population, including those in and north of Ariel. As shown in map 2, Israel would annex thirty-eight settlements, leaving eighty-two outside its jurisdiction.

Compared to scenario 1, the number of settlers permitted to remain in their homes while becoming part of Israel proper would decrease from 239,246 to 219,223. These settlers currently live on 4.31% of the total land under consideration; accordingly, the amount of territory Israel would be required to cede in return would drop to 267.0 sq km. Meanwhile, the number of settlers whose lands would be left outside Israel would increase to 79,805.

These figures change sharply if one includes the Jewish population of east Jerusalem in the calculations. In that case, the number of people in the lands that would be annexed jumps to 408,434, or 83.65% of Israeli residents currently living outside the 1967 lines.

Regarding the territory Israel would cede under this scenario, map 1 shows six potential land swap areas totaling 293.1 sq km: one northeast of the West Bank, one northwest of the West Bank, two on the southwestern edge of the West Bank, and two more adjacent to Gaza. This distribution is in line with the principle that more of the ceded land should be adjacent to Gaza than to the West Bank, as discussed previously. Moreover, all of the areas are potentially arable—indeed, one of this study’s novel findings is that the parties could further reduce the number of dislocated settlers by considering viable land swap areas beyond those discussed to date. Two such areas are the excellent farmlands northeast of the West Bank and the unpopulated zone southeast of Gaza, referred to herein as northern Chalutzah. The area adjacent to Chalutzah is already irrigated, and there is no reason why Chalutzah itself could not be irrigated as well. The area could also serve as an industrial site rather than farmland. After all, more Gazans are currently employed by industry than agriculture; according to a 2006 census, 18% of the territory’s 267,000 residents work in industry, compared to 12% in agriculture.

SCENARIO 3
In this scenario, Israel would not annex the settlements in Expanded Ofra/Bet El, the bloc north of Ariel, or the contentious Kfar Adumim, which collectively hold 34,444 people. As a result, the proportion of settlers in annexed lands would be around 68.49%, including Ariel. Israel would annex thirty-two settlements in all, leaving eighty-eight outside its jurisdiction (see map 3).
Compared to scenario 2, the number of settlers permitted to remain in their homes while becoming part of Israel proper would decrease from 219,223 to 204,802. These settlers currently live on 3.72% of the total land under consideration; accordingly, the amount of territory Israel would be required to cede in return would drop to 230.2 sq km. Meanwhile, the number of settlers whose lands would be left outside Israel would increase to 94,226.

If Jewish residents of east Jerusalem are included, the number of people on the lands that would be annexed jumps to 394,013, or 80.70% of Israelis currently living outside the 1967 lines.

A FOURTH SCENARIO?
The three scenarios outlined above seem to have the best chance of being accepted by both parties. Yet other scenarios could be put forward as well. For example, one could propose an iteration of the maximalist scenario with the addition of Kiryat Arba, located on the outskirts of Hebron. (Religious access to Hebron’s Tomb of the Patriarchs, which both Judaism and Islam consider the burial place of biblical Abraham and other patriarchs and matriarchs, may be one of the thorniest nonterritorial issues.) According to the Israeli Central Bureau of Statistics, this community is home to 7,100 settlers, making it by far the largest nonbloc settlement not included in map 1. A fourth scenario could allow access to Kiryat Arba via an Israeli-annexed route that would begin southeast of the West Bank and avoid Israeli annexation of any Palestinian villages.

COMPARISON TO GENEVA
Each of the first three maps would entail a much larger land swap than envisioned in the 2003 Geneva discussions conducted by private Israeli and Palestinian citizens—individuals who had served in previous administrations but whose views often varied from those of the two governments (see map 4). The Geneva Initiative’s smaller swap proposal would have allowed only 166,429 settlers—barely more than half of the total settlement population—to remain in their current homes and be annexed into Israel. This would have required uprooting 132,599 settlers—a full 38,373 more than the number called for in map 3, and 72,817 more than in map 1.

To put these numbers in context, the entire 2005 Gaza disengagement required Israel to move only 8,000 settlers, a process that convulsed the country for months. Even now, several years later, many of the settlers are still living in temporary housing and have not received all of the promised government compensation. Proposals modeled on the Geneva approach of uprooting much larger numbers of settlers could prompt serious social unrest in Israel, in addition to giving far fewer settlers a stake in supporting a peace agreement. In short, compared to the dislocation suggested by other plans, any of the scenarios outlined in this study could drastically decrease Israel’s societal turmoil while maintaining the same 1:1 land swap ratio that characterized the Geneva exercise.

VOTING PATTERNS
As discussed previously, the scenarios outlined in maps 1–3 are aimed in part at minimizing the pain for Israeli decisionmakers, thereby making a solution more likely. Interestingly, recent voting behavior indicates that the bloc settlers who would be annexed under these scenarios may be amenable to such land swaps. In fact, the correlation between where the settlers live and how they vote is remarkably strong. In the 2009 Knesset election, for example, bloc settlers felt comfortable voting for the Likud Party and its presumptive prime minister, Binyamin Netanyahu, largely shunning the more radical National Union (NU) settlement party, which opposes any form of territorial partition with the Palestinians. In contrast, nonbloc settlers clearly did not believe that Netanyahu would represent their interests.

According to published electoral figures, approximately 26,451 of the 94,477 bloc settlers who voted in 2009 chose Likud. The second-most popular choice was NU, which received less than half as many votes in the forty-three bloc settlements (12,972). This contrasts sharply with voting patterns in the seventy-seven nonbloc settlements, where NU received approximately twice the number of votes as the second-place Likud (a margin of 10,886 to 5,016). In other words, the Israeli electoral map in the West Bank essentially
presages the West Bank territorial map. That the bloc settlers voted for Netanyahu while the nonbloc settlers voted for NU reflects the latter’s resistance to territorial swaps. One could debate the bloc settlers’ intentions in choosing Netanyahu, of course. Perhaps they believed that voting for him would achieve the same result as voting for NU (i.e., continued opposition to partition), but with more finesse. Or perhaps they wanted to ensure that any partition would protect their interests. In either case, most of the nonbloc settlers apparently did not wish to gamble on Netanyahu’s intentions.

In addition, the total number of nonbloc voters raises a noteworthy demographic point. Just 24,794 of the nonbloc settlements’ 59,782 residents voted. Since settlers are generally believed to vote in high numbers, this tally indicates that the number of adults in those settlements might be low. In other words, if most of the adult population voted, then more than half of the nonbloc settlers could be children—an assumption strongly supported by anecdotal evidence.

FATE OF NONBLOC SETTLERS
Theoretically, the parties could pursue an alternative scenario in which nonbloc settlers are not displaced at all, but rather remain where they are under Palestinian sovereignty. On paper, this approach has surface appeal because it would eliminate the need for coercive dislocation. Perhaps the two sides will agree on such an approach, but there are several reasons to be skeptical of such an eventuality.

First, virtually all of the 300,000 settlers in the West Bank moved there not to live under Palestinian sovereignty, but rather to live under Israeli control. More likely than not, only a small fraction of them would choose to remain in lands ceded to the Palestinians, resulting in major dislocation regardless of whether it was imposed by the state.

Second, for the small number who chose to remain in a Palestinian-run West Bank, it is unclear whether they could live there harmoniously. For example, they would likely lose all of their social services (e.g., free schools, health care). Moreover, the Palestinians view settlers as the people who stole their land. Assuming the Palestinian Authority permitted settlers to remain in their homes, it is far from certain that they would be able to keep their land, let alone own it.

Third, once Israel withdraws its military forces from nonannexed portions of the West Bank, Hamas elements and other extremists could decide to take advantage of the situation and settle longstanding scores with remaining settlers. The settlers would in turn seek to defend themselves, resulting in potentially grave escalation and perhaps forcing Israel to return to the areas from which it had withdrawn. Some have even speculated that the most hardline settlers could initiate a confrontation that forces the Israeli military to return and demonstrates that the PA is unwilling or unable to provide proper protection against extremists.

For these and other reasons, allowing nonbloc settlers to remain in the West Bank might complicate the implementation of any peace agreement. Accordingly, the parties must consider the fate of these settlers very carefully.

In planning a smooth relocation of nonbloc settlers, creative thinking would be necessary to avoid the problems that followed the 2005 Gaza disengagement, many of which stemmed from a lack of sufficient Israeli governmental planning. A U.S.-Israel panel devoted to this key issue would be extremely helpful in determining how to avoid potential problems. One idea that has gained broad support inside Israel is offering increased compensation to nonbloc settlers who agree to relocate voluntarily, thus reducing the scope of forced evacuations.

LAND SWAPS IN THE GALILEE?
Israeli foreign minister Avigdor Lieberman has proposed another, more controversial type of land swap. According to his Yisrael Beiteenu (Israel Our Home) Party, any swaps should involve people, not just land; that is, Israel should give the Palestinians both the land and the people who inhabit it. During a September 28, 2010, UN General Assembly speech, he argued that “the guiding principle for a final status agreement must not be land-for-peace but rather, exchange of populated territory. Let me be very clear:
I am not speaking about moving populations, but rather about moving borders to better reflect demographic realities.21

Lieberman’s plan centers on the Triangle (see maps 5 and 5a). The idea has led to charges of racism against him because it would change the borders in a manner that pushes Israeli Arab citizens out of Israel. The mayor of Umm Al-Fahm, the largest Israeli Arab city, has declared that he would petition the Israeli Supreme Court to avoid any such denaturalizing, which he considers highly immoral.

Even if one sets aside moral issues, there is considerable debate as to whether Lieberman’s plan would have its intended effect of significantly altering the ratio of Jews to Arabs inside Israel. According to an August 2010 Central Bureau of Statistics report, Israel is currently home to 1,555,700 Arabs.22 This figure includes 263,500 Arabs living in east Jerusalem, most of whom are not Israeli citizens.23 A Triangle land swap—which would encompass only Arab towns in the area, not Israeli towns—would affect approximately 218,865 Arabs,24 or 14.07% of the Israeli Arab population and 2.87% of Israel’s total population. Viewed another way, the Arab percentage of Israel’s total population would decrease from 20.40% to 18.04%. And Israel’s Jewish-to-Arab ratio would change from 3.7:1 to 4.3:1.

If east Jerusalem Arabs were included in such a swap, Lieberman’s plan would affect 482,365 people, and the Arab percentage of Israel’s total population would decrease from 20.40% to 15.02%, with two-thirds of Israel’s Arab population intact. Some would view this as a major decrease, while others would argue that it is not an appreciable change to the demographic landscape.25

**SUMMARY**

The purpose of this study is to demystify the territorial dimension of Israeli settlements in order to facilitate peacemaking. As discussed previously, analyzing the intersection of demography and geography shows that the parties could feasibly implement a land swap that meets six key goals:

1. A 1:1 land swap ratio
2. Israeli annexation of areas that are home to approximately 70%–80% of settlers
3. Israeli annexation of a minimal amount of land acquired in 1967
4. No Palestinian dislocation
5. Measures that satisfy Israeli security concerns
6. A contiguous Palestinian state in the West Bank.

Even the smallest swap proposed in this study—scenario 3, which calls for the exchange of roughly 3.72% of the total land under consideration—would allow Israel to annex territory containing nearly 70% of the settlers. Such territorial options have been facilitated in no small part by Netanyahu’s concession regarding the future of the Jordan Valley.

Of course, Israelis and Palestinians must decide whether they are interested in land swaps and, if so, what principles will guide their negotiations toward that end. Outside parties cannot shoulder the responsibility of proposing such principles. They can, however, illuminate the ground on which the two parties stand. Specifically, the Palestinians could gain the equivalent of 100% of the land Israel acquired in 1967, while Israel could annex the relatively small portions of the West Bank that contain a large majority of the settlers. Careful analysis of the realities on the ground and the maps in this study shows that these two objectives are reconcilable if the parties choose to make them so.
Appendix: Profile of Settlement Blocs and East Jerusalem Jewish Neighborhoods

1. North of Ariel

<table>
<thead>
<tr>
<th>SETTLEMENT</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immanuel</td>
<td>2,900</td>
</tr>
<tr>
<td>Karne Shomron</td>
<td>6,600</td>
</tr>
<tr>
<td>Maale Shomron</td>
<td>582</td>
</tr>
<tr>
<td>Nofim</td>
<td>410</td>
</tr>
<tr>
<td>Yakir</td>
<td>1,129</td>
</tr>
<tr>
<td>TOTAL</td>
<td>11,621</td>
</tr>
</tbody>
</table>

NUMBER OF SETTLEMENTS: 5
TOTAL POPULATION: 11,621

2009 Knesset Election: National Union, 29.6% (1,603 votes); Likud, 28.2% (1,529 votes).

Barrier Status: Sections of the completed separation barrier run to the east of Immanuel settlement and to the north and west of Karne Shomron and Maale Shomron settlements.

Characteristics: Most of the towns in this bloc were founded from the mid-1970s to early 1980s. Although most of the inhabitants are tied to Gush Emunim, a messianic political movement dedicated to establishing a robust Jewish presence in the West Bank, some settlements have a different composition: Immanuel, for example, is composed of ultra-orthodox Jews (or Haredim), while Karne Shomron prides itself on attracting North American olim (immigrants).

2. Ariel

<table>
<thead>
<tr>
<th>SETTLEMENT</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ariel</td>
<td>16,800</td>
</tr>
<tr>
<td>Barkan</td>
<td>1,317</td>
</tr>
<tr>
<td>Kiryat Netafim</td>
<td>545</td>
</tr>
<tr>
<td>Revava</td>
<td>1,075</td>
</tr>
<tr>
<td>TOTAL</td>
<td>19,737</td>
</tr>
</tbody>
</table>

NUMBER OF SETTLEMENTS: 5
TOTAL POPULATION: 19,737

2009 Knesset Election: Likud, 44.0% (4,309 votes); Yisrael Beitenu, 28.5% (2,794 votes).

Barrier Status: Most of the bloc lies outside the separation barrier, except for the city of Ariel, which is mostly encompassed by the barrier except on its western side. Israel initially planned to extend the barrier around the Ariel bloc, but the proposal drew international condemnation and was abandoned following an Israeli Supreme Court ruling.

Characteristics: The city of Ariel, by far the bloc’s largest settlement and the fourth-largest in the West Bank, was founded in 1978 by a Likud parliamentarian. Today it is home to the Ariel University Center of Samaria, which enrolls around 9,500 Jewish and Arab students from throughout Israel, making it one of the country’s largest institutions of higher education. In 2010, Prime Minister Netanyahu and his governing coalition declared Ariel the “capital of Samaria” and...
reaffirmed its integral nature to Israel, echoing a similar vow by Ehud Olmert. Demographically, the city is mixed between religious Zionists, other observant factions, and more secular Jews, many from the former Soviet Union (e.g., more than 9,000 mostly secular Russian Jews have moved to Ariel since 1990). Much of the bloc’s recent infrastructure funding has come from evangelical Christian groups in the United States and other nations.

### 3. Western Edge/Modiin Illit

<table>
<thead>
<tr>
<th>SETTLEMENT</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfe Menashe</td>
<td>6,900</td>
</tr>
<tr>
<td>Bet Arye–Ofraim</td>
<td>3,900</td>
</tr>
<tr>
<td>Elkana</td>
<td>3,200</td>
</tr>
<tr>
<td>Etz Efrayim</td>
<td>716</td>
</tr>
<tr>
<td>Hashmonaim</td>
<td>2,700</td>
</tr>
<tr>
<td>Kfar Haoranim</td>
<td>2,200</td>
</tr>
<tr>
<td>Matityahu</td>
<td>1,382</td>
</tr>
<tr>
<td>Mevo Horon</td>
<td>1,327</td>
</tr>
<tr>
<td>Modiin Illit</td>
<td>44,900</td>
</tr>
<tr>
<td>Naale</td>
<td>749</td>
</tr>
<tr>
<td>Nili</td>
<td>913</td>
</tr>
<tr>
<td>Oranit</td>
<td>6,600</td>
</tr>
<tr>
<td>Shaare Tikva</td>
<td>4,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>79,687</strong></td>
</tr>
</tbody>
</table>

**NUMBER OF SETTLEMENTS:** 13  
**TOTAL POPULATION:** 79,687

**2009 Knesset Election:** United Torah Judaism, 33.8%; (10,127 votes); Likud, 20.2% (6,050 votes).

**Barrier Status:** Four towns lie completely within the barrier (Etz Efrayim, Elkana, Shaare Tikva, and Oranit), seven are almost completely encompassed (Alfe Menashe, Bet Arye, Modiin Illit, Hashmonaim, Kfar Haoranim, Matityahu, and Mevo Horon), and two lie outside it (Nili and Naale).

**CHARACTERISTICS:** Established in 1970 by the Ezra Youth Movement, Mevo Horon is one of the earliest Israeli settlements in the West Bank. Other settlements in the bloc were founded in the 1980s, including the religious kibbutz Etz Efrayim, the mixed religious and secular community of Shaare Tikva, the Oranit kibbutz, Bet Arye, Hashmonaim, Nili, Naale, Matityahu, and Kfar Haoranim (though legal issues prevented residents from actually moving into this last settlement until 1997).

Approximately half of Hashmonaim’s residents are new immigrants from North America, and almost all are religious Zionists. Matityahu is another religious moshav (agricultural cooperative) founded by a group of U.S. settlers.

Established in 1983, Alfe Menashe is close to both the 1967 lines and the Palestinian town of Qalqiliya. This has made its inclusion on the Israeli side of the security barrier controversial, creating a loop that isolates various Arab villages from the rest of the West Bank. In 2005, the Israeli Supreme Court ruled that the barrier must be rerouted. Construction on a new route began in 2009, with the aim of excluding various Arab villages from the Israeli side.

Modiin Illit was established in 1996 and is by far the largest Israeli settlement in the West Bank. Almost completely Haredi, it has the highest fertility rate among all Israeli communities, with an annual growth rate of 9.5%. The city’s rapid growth can also be attributed to its central location halfway between Jerusalem and Tel Aviv.

### 4. Expanded Ofra/Bet El

<table>
<thead>
<tr>
<th>SETTLEMENT</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bet El</td>
<td>5,600</td>
</tr>
<tr>
<td>Geva Binyamin</td>
<td>3,900</td>
</tr>
<tr>
<td>Kochav Yaakov</td>
<td>6,100</td>
</tr>
<tr>
<td>Ofra</td>
<td>2,800</td>
</tr>
<tr>
<td>Psagot</td>
<td>1,623</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>20,023</strong></td>
</tr>
</tbody>
</table>
NUMBER OF SETTLEMENTS: 5
TOTAL POPULATION: 20,023

2009 KNESSET ELECTION: National Union, 42.5% (3,325 votes); Likud, 18.9% (1,481 votes).

CHARACTERISTICS: Har Adar, one of the bloc's larger towns, enjoys relative affluence compared to most Israeli communities.37

6. East Jerusalem

<table>
<thead>
<tr>
<th>JEWISH NEIGHBORHOOD</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Talpiyot</td>
<td>12,186</td>
</tr>
<tr>
<td>French Hill (Givat Shapira)</td>
<td>7,099</td>
</tr>
<tr>
<td>Gilo</td>
<td>26,929</td>
</tr>
<tr>
<td>Givat Ha-Matos</td>
<td>284</td>
</tr>
<tr>
<td>Givat Ha-Mivtar</td>
<td>2,831</td>
</tr>
<tr>
<td>Har Homa</td>
<td>9,331</td>
</tr>
<tr>
<td>Jewish Quarter</td>
<td>2,485</td>
</tr>
<tr>
<td>Maalot Dafna</td>
<td>3,732</td>
</tr>
<tr>
<td>Mount Scopus</td>
<td>1,079</td>
</tr>
<tr>
<td>Neve Yaakov</td>
<td>20,383</td>
</tr>
<tr>
<td>Pisgat Zeev</td>
<td>42,115</td>
</tr>
<tr>
<td>Ramat Eshkol</td>
<td>3,388</td>
</tr>
<tr>
<td>Ramat Shlomo</td>
<td>15,123</td>
</tr>
<tr>
<td>Ramot Alon</td>
<td>42,246</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>189,211</strong></td>
</tr>
</tbody>
</table>

NUMBER OF JEWISH NEIGHBORHOODS: 14
TOTAL POPULATION: 189,21139

5. North of Jerusalem

<table>
<thead>
<tr>
<th>SETTLEMENT</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Givat Zeev</td>
<td>11,300</td>
</tr>
<tr>
<td>Givon Hachadasha</td>
<td>1,166</td>
</tr>
<tr>
<td>Har Adar</td>
<td>3,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>15,866</strong></td>
</tr>
</tbody>
</table>

NUMBER OF SETTLEMENTS: 3
TOTAL POPULATION: 15,866

2009 KNESSET ELECTION: Likud, 41.4% (3,096 votes); Kadima, 19.0% (1,421 votes).

BARRIER STATUS: All settlements in this bloc lie entirely within the barrier.
2009 Knesset Election: No data available on total east Jerusalem vote tally.

Barrier Status: All areas of east Jerusalem lie on the Israeli side of the separation barrier.

Characteristics: The 1967 war resulted in Israel’s capture and annexation of east Jerusalem, an area previously ruled by Jordan and populated by a Palestinian majority. The international community considers housing built on this land illegal, but Israel disputes this claim, viewing the bloc’s communities as neighborhoods of greater Jerusalem. Such neighborhoods tend to be well integrated into the city’s infrastructure, and successive Israeli governments have asserted that east Jerusalem is an inseparable part of Israel. The United States left the issue ambiguous, referring to east Jerusalem construction as “housing.” The housing includes the following communities:

East Talpiyot. Located in southeastern Jerusalem, this neighborhood was established in 1973 during the period of rapid settlement development that followed the 1967 war. It is a mostly secular neighborhood, although it does contain fifteen synagogues. In December 2007, Israel announced plans to build 400 new units in East Talpiyot. The construction, which began in 2009, establishes Israeli housing only footsteps from the Palestinian neighborhoods of Sur Bahar and Jabal Mukabar, making any future separation more difficult.

French Hill (Givat Shapira). In 1969, construction began on French Hill to create a land link between west Jerusalem and the Hebrew University on Mount Scopus. The current population is mostly Jewish, including a large number of immigrants from South America and the former Soviet Union. In recent years, an increasing number of Arabs have been buying apartments there due to its proximity to the Hebrew University and Hadassah Hospital, making it one of the most ethnically diverse neighborhoods in Jerusalem.

Gilo. Established in 1973, Gilo is a large residential neighborhood on the southwestern outskirts of Jerusalem. Its growth over the years has created a wedge between Jerusalem and Bethlehem. Although traditionally a mixed community of secular and religious Jews, it has recently been absorbing mostly Haredi families. It also has a large Russian population, absorbing 15% of the post-Soviet immigrants who have settled in Jerusalem since they began to arrive en masse in the 1990s. In 2009, the Jerusalem Planning Committee approved the construction of 900 new housing units in Gilo.

Givat Ha-Matos. Givat Ha-Matos is an Ethiopian caravan village in southern Jerusalem, built in 1991 to house the large influx of Ethiopian Jews airlifted to Israel. Currently, four plans have been proposed to build 3,500 additional housing units there.

Givat Ha-Mivtar. Givat Ha-Mivtar is a northern neighborhood established in 1970. It was originally planned as part of a sequence of Jewish communities called the bariah (hinge) neighborhoods, meant to connect west Jerusalem to Mount Scopus. In 1967, Prime Minister Levi Eshkol ordered government clerks to bypass the ordinary procedures and allow Givat Ha-Mivtar and the other hinge neighborhoods to be built as quickly as possible; the government even subsidized land to expedite the process.

Har Homa. Plans for Jewish housing on Har Homa, a neighborhood in southeast Jerusalem, were drawn up in the 1980s but were stalled for a number of years by both environmental groups and Palestinians using the Israeli court system. Construction finally began in March 1997 under the first Netanyahu administration, which viewed the process as a legitimate expansion of Jerusalem. Most current residents are young families who moved to Har Homa in search of affordable housing. On November 8, 2010, to the displeasure of many in the international community, the Jerusalem municipality approved the construction of 1,345 new housing units in east Jerusalem for Jewish Israelis, primarily in Har Homa.

Jewish Quarter. The Jewish Quarter, populated mostly by Haredi Jews, is home to the revered Western Wall and numerous synagogues and yeshivas. As such,
it is a major pilgrimage site for the Jewish people and a top tourist attraction.

Maalot Dafna. Maalot Dafna was built in 1972 as another “hinge” neighborhood connecting west Jerusalem to Mount Scopus. Many of its secular and modern orthodox Jewish residents moved out in the 1990s; the majority of current residents are Haredi.

Mount Scopus. Located in northeast Jerusalem, Mount Scopus is the site of both the Hebrew University (founded in 1925) and Hadassah Hospital (founded in 1934). Between 1948 and 1967, it was an Israeli enclave within Jordan’s borders. It has long held strategic importance for defending Jerusalem.

Neve Yaakov. Located in northeast Jerusalem, the original village of Neve Yaakov was established in 1924. A new neighborhood was built on the site of the original following the 1967 war and populated by Jewish immigrants from Bukhara, the Soviet republic of Georgia, Latin America, North Africa, France, and Iran. A large number of Russian and Ethiopian Jews settled there in the 1990s.

Pisgat Zeev. The largest Jewish neighborhood in east Jerusalem, Pisgat Zeev was established in 1984 to create a contiguous link with Neve Yaakov, which had been isolated from other Jewish areas. It had a large homogeneous Jewish population until spring 2004, when a large number of Palestinians with Jerusalem residency moved to the neighborhood in order to remain on the Israeli side of the separation barrier.

Ramat Eshkol. Located in north Jerusalem, Ramat Eshkol was the first neighborhood built in the city after the 1967 war. Construction began in 1968, advancing the government policy of creating a contiguous link from Shmuel Hanavi to French Hill and the Hebrew University on Mount Scopus.

Ramat Shlomo. Established in 1995, Ramat Shlomo is a large, mostly Haredi housing development in north Jerusalem. On March 10, 2010, the Jerusalem municipality approved the construction of an additional 1,600 apartments there. The announcement came during Vice President Joe Biden’s visit to Israel, drawing strong condemnation from Washington and exacerbating U.S.-Israel tensions.

Ramot Alon. Situated in the northwestern part of Jerusalem, Ramot Alon (often called simply Ramot) is one of the city’s largest housing developments. It was established in 1974, and construction continues today. The population is ethnically and religiously diverse, with a growing number of young orthodox and Haredi families and a large English-speaking community.

### 7. Maale Adumim/Kfar Adumim

<table>
<thead>
<tr>
<th>SETTLEMENT</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maale Adumim</td>
<td>34,600</td>
</tr>
<tr>
<td>Kfar Adumim</td>
<td>2,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>37,400</strong></td>
</tr>
</tbody>
</table>

**NUMBER OF SETTLEMENTS:** 2  
**TOTAL POPULATION:** 37,400

**2009 KNESSET ELECTION:**  
Likud, 44.1% (7,106 votes).

**BARRIER STATUS:** The entire bloc lies outside the completed barrier (though new barrier sections are under construction on part of Maale Adumim’s western border).

**CHARACTERISTICS:** Maale Adumim was settled in 1976 and established as the first Israeli city in the West Bank in 1991. It is currently the third-largest Israeli settlement in the territory. Due to its growing population and proximity to Jerusalem, many Israelis have come
to view it as a suburb of that city rather than a traditional settlement. For example, it is connected to Jerusalem by various bus routes, and a 1.8-mi road was constructed in 2003 to directly link the two cities. Maale Adumim’s diverse population includes native Israelis, immigrants, and religious and secular Jews.47

Kfar Adumim was founded by ten families in 1979 as a community for both secular and religious Israelis. It remains socially, economically, and religiously diverse.48

8. Betar Illit/Gush Etzion

<table>
<thead>
<tr>
<th>SETTLEMENT</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alon Shvut</td>
<td>3,400</td>
</tr>
<tr>
<td>Bat Ayin</td>
<td>950</td>
</tr>
<tr>
<td>Betar Illit</td>
<td>36,400</td>
</tr>
<tr>
<td>Efrat</td>
<td>8,300</td>
</tr>
<tr>
<td>Elazar</td>
<td>1,706</td>
</tr>
<tr>
<td>Kfar Etziyon</td>
<td>476</td>
</tr>
<tr>
<td>Migdal Oz</td>
<td>347</td>
</tr>
<tr>
<td>Neve Daniyel</td>
<td>1,883</td>
</tr>
<tr>
<td>Rosh Tzurim</td>
<td>550</td>
</tr>
<tr>
<td>TOTAL</td>
<td>54,012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SETTLEMENT</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metzadot Yehuda</td>
<td>469</td>
</tr>
<tr>
<td>Shani</td>
<td>431</td>
</tr>
<tr>
<td>TOTAL</td>
<td>900</td>
</tr>
</tbody>
</table>

NUMBER OF SETTLEMENTS: 9
TOTAL POPULATION: 54,012

2009 KNESSSET ELECTION: United Torah Judaism, 27.4% (4,808 votes); Shas, 23.9% (4,195 votes).

9. Southern Edge

<table>
<thead>
<tr>
<th>SETTLEMENT</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metzadot Yehuda</td>
<td>469</td>
</tr>
<tr>
<td>Shani</td>
<td>431</td>
</tr>
<tr>
<td>TOTAL</td>
<td>900</td>
</tr>
</tbody>
</table>

NUMBER OF SETTLEMENTS: 2
TOTAL POPULATION: 900

2009 KNESSSET ELECTION: National Union, 28.6% (108 votes); Likud, 21.7% (82 votes).

BARRIER STATUS: Most of the bloc lies outside the barrier. The eastern area near Efrat is bordered by a section of the barrier.

CHARACTERISTICS: All of the Gush Etzion settlements were founded in the decades following the 1967 war. The majority are inhabited by adherents of the Gush Emunim movement; several, such as Migdal Oz, Rosh Tzurim, and Elazar, are communal agricultural communities known as kibbutzim.49 The towns of Efrat and Betar Illit operate independently from the rest of the bloc, though they are located in the same geographical area. The latter is an ultraorthodox enclave inhabited exclusively by Haredim. It is also the second-largest town in the West Bank; its high growth rate (6.5% as of September 2009) is due to the Haredim’s above-average birthrate.50

9. Southern Edge

Both towns (Metzadot Yehuda and Shani) are almost completely within the barrier.

CHARACTERISTICS: Metzadot Yehuda, also known as Bet Yatir, is a moshav inhabited primarily by religious Zionist Jews.51 Part of Shani lies outside the 1967 line, and part within.
Some might argue that settlers could remain in Palestinian-run territories. According to then foreign minister Shlomo Ben-Ami, who was present at the meeting. See Ari Shavit, "End of a Journey," Haaretz, September 14, 2001.

According to Olmert (during a phone conversation with the author on December 8, 2010), there was a slight difference between the 6.3% swap that he requested and the amount of land over which Israel seemed willing to give the Palestinians sovereign control, equivalent to approximately 5.8% of the Occupied Territories. This difference is explained by the proposed land link between Gaza and the West Bank; in Olmert’s view, this strip would have added 0.5% to Israel’s 5.8% concession, pushing its total to 6.3% and effectively making the deal a 1:1 exchange. In a sign of further potential compromise, he also reported telling Abbas that he was willing to count the land link as 0.3% rather than the 0.5% he believed it was worth, while still maintaining a 1:1 swap. In other words, Israel would have given the same amount of total land (6.3%) but counted it as 0.2% less (6.1%). This would have allowed the Palestinians to give less land (6.1%) in return, both nominally and in reality.

It should be noted that there are different views on whether or not the Gaza hostilities played a decisive role in the collapse of the talks. Whatever the case, the collapse prevented further discussion of swaps at the time.


The current Israeli administration does not like the term “swap,” believing that such wording implies a 1:1 ratio, which it has not officially endorsed. Instead, it prefers the term “mutually agreed border rectifications.”


Some might argue that settlers could remain in Palestinian-run territory after territorial partition, forgoing any need for problematic dislocations. For an assessment of this argument, see the “Fate of Nonblock Settlers” section in the next chapter.

Map 4 is a recreation of the 2003 “Geneva Initiative” land swap proposal and therefore adheres to principles laid out during those discussions (see the “Comparison to Geneva” section of the next chapter for more on those discussions). Maps 5 and 5a are based on Israeli foreign minister Avigdor Lieberman’s “Triangle” land swap scenario (also discussed in the next chapter). Although the land proposed for Israeli annexation in that scenario matches that of map 1, the land suggested for a Palestinian state would cause the dislocation of more than 200,000 Israeli Arabs. Map 6 portrays the demographic layout of east Jerusalem neighborhoods as they stand today. As indicated previously, a separate study is needed for Jerusalem land swaps, perhaps with a different set of principles.


According to sources close to the Abbas-Olmert negotiations, Secretary of State Condoleezza Rice summarized the status of the talks in July 2008 by stating, without prejudice to where the border was being drawn, that negotiations covered all areas taken in 1967, including the West Bank, east Jerusalem, the northwest quarter of the Dead Sea, and Gaza. The parties also debated the status of No Man’s Land.


The figure used for east Jerusalem Jewish residents accounts only for the total number of residents in the Jewish neighborhoods highlighted in this study, using 2008 data from the Jerusalem Institute for Israel Studies (JIS). A listing of these neighborhoods can be found in the appendix. The number used for the Palestinian population of east Jerusalem (relevant to calculations in maps 5 and 5a) is a JIS figure based on 2008 data.

Even aside from crucial factors such as Israel’s demographical desire to annex the largest settlements, outlining potential scenarios that incorporate Ariel is important from a negotiating perspective. That is, the more territorial options decisionmakers have to choose from during the coming rounds of peace talks, the more flexibility they will have in crafting a territorial agreement. Previous proposals, including those proffered by the Geneva Initiative, exclude Ariel from all land swap scenarios, so including it in this study’s maps helps expand the menu of options available to negotiators.

These and other population figures were derived from Israeli Central Bureau of Statistics data (mostly from 2009, though for some smaller settlements, only 2007 or 2008 data was available; see the “Methodology” section of the previous chapter for more information).

Of course, such a route would pose a host of traffic contiguity issues.

Note that although the Geneva Initiative’s published list of settlements to be annexed by Israel includes the town of Shani, official maps provided by the group do not. Map 4 is consistent with those official Geneva Initiative maps.

All voting data was derived from totals reported by the Israeli Central Elections Committee in 2009. See the appendix of this study for voting breakdowns in individual settlement blocs.


The number of Arabs affected could be substantially lower if one does not include Arab towns in the Galilee north of Route 65, a key Israeli military artery. Of course, roads have been rerouted in the past, but this hurdle could nevertheless complicate Lieberman’s idea. Another practical limitation is the presence of an Israeli Jewish town—Kat الز Charish, with a population of a few thousand—in the middle of the Triangle. Lieberman has not addressed these and other questions regarding the Triangle or Kat الز Charish.

Another ongoing demographical debate is worth noting here: scholars Bennett Zimmerman and Yoram Ettinger have disputed the West Bank population figures published by the Palestinian Central Bureau of Statistics, claiming that the actual population is significantly lower.

All population figures for West Bank settlements were derived from Israeli Central Bureau of Statistics data (mostly from 2009, though for
some smaller settlements, only 2007 or 2008 data was available; see the “Methodology” section of the first chapter for more information).

27. All voting data was taken from the Israeli Knesset elections website (in Hebrew; http://www.knesset.gov.il/elections18/heb/results/main_Results.aspx).

28. All information on the ever-evolving layout and status of Israel’s West Bank separation barrier was provided by Dan Rothem, senior research consultant for the S. Daniel Abraham Center for Middle East Peace. An overview of his cartographic work is available at http://www.centerpeace.org/maps.htm.


38. All population figures for east Jerusalem neighborhoods are based on 2008 data from the Jerusalem Institute for Israel Studies.

39. This figure includes only the sum of the residents of the Jewish neighborhoods relevant to this study. See the “Methodology” section of the first chapter for more information.


49. Gorenberg, Accidental Empire, pp. 266–299.


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האם יש היחנות למובלעות יהודיות במינתה הפלסטינית, מבעד להישאר?

גדון ביגר וגֶלעד שֶר

...)ודענו, שהרב מנחם פרומן לפני כחודש נגע לדִיבים של רבים המשתייכים לציבור שונים ואף מקוטבים וללא פחד. מבחינה אידיאולוגית, הרב תקוע היה סמל לחתירה יצירתית ומעמיקה לשלום, ללא הסתייגות.

תנועת "ארץ שלום" עיכדה את הצעירים שבמאמיניו מציעה כי בהסדר שלום, אלה מהמתנחלים שירצו בכך יותרו על אזרחותם הישראלית ויקבלו על עצמם אזרחות פלסטינית, ובלבד שיישארו במקומותיהם. בראייתם, מיעוט יהודי יבטיח את הדמוקרטיה במדינה הפלסטינית.

בסבבים הקודמים של המשא-ומתן המדני על הסדר הקבע, עלה האפשרות הזו מצ"דם של הנושאים-쫙נים הפוליטיים והמ洗净ים-社会科学יים, "אוחלן וסהלן" אמרו לבני-חיים הישראליים, והلزمוה את כל מי שירצה بذلك להפוך לאזרח פלסטיני.

מכאן, שם הקבוצה הקטנה עד כמאה אלף איש, פינוי מסיבי של התנחלויות הנמצאות מחוץ לגושי ההתיישבות הגדולים, שבהן מתגוררים עד כufs, יידרש אם ממשלות ישראל בעתיד תבקשנה (או תידרשו) ליישם בפועל את המשתמע מהעיקרון של "שני עמים לשני מדינות". בכל תרחיש של הפורד짓ן י埙א את החזקה של השטח וידרשוayı יישובים בני המניין bande פלסטיניים, יישובים במנהל אדם שאין להם חיבור יבשתי עם המדינה הפלסטינית.\\n\\nהמחברים מכירים בכך שהמודל המוצע נראה בלתי-מעשי בעליל, בראש ובראשונה מן ההיבט הביטחוני, מחוץ לו. עם זאת, מאמר זה ואזרחיה בתחום המדינה וומאחריותה של המדינה לביטחון של כל תושביה יキャンペי ניתוח ראשוני את האפשרות הזו, מבלי להביע דעה לגבי היתכנותה הפוליטית או המדינית.

הרעיון אינו ייחודי: המפה המדינית העולמית מציגה כשלוש מאות מובלעות mundialיות ברחבי הגלובוס, כמאונים מהן附近 בים הים-ה QUERY ใน פלסטינה בין הודו בבנגלדש. כעשרים מובלעות בין הולנד לבלגיה, והשאר באזורי שונים במזרח אירופה ובאסיה.

מובלעת טריטוריאלית היא שטח ריבוני של מדינה שאין לו חיבור יבשתי את ערי שטח המדינה, והוא מוקף כולו בשטח יבשתי של מדינה אחרת. יש מובלעות טריטוריאליות המשתרעות על פני שטחים גדולים של אלפי קילומטר רבועים, אך רוב המובלעות קטנות - קילומטרים רבועים ספורים ואף פחות מכך. במרבית המקרים אין בעיה לעבור מן המובלעת למדינת האם, אך לעיתים המעבר נעשה תוך כדי מנהל מורכב.\\n\\nמה鮪ליאית, ניתן כעת נבחן תיאורטית את ישימות המודל הקיים על פני התנחלויות שמחוץ לגושי ההתיישבות הגדולים.\\n\\nלדבר על שלוש קטגוריות: מובלעות ישראליות בתוך השטח הפלסטיני; יישובים ישראליים אוטונומיים תחת ריבונות פלסטינית; ויישובים של יהודים בשטחי המדינה הפלסטינית ללא מעמד מיוחד.

ההתנחלויות הגדולות ביותר – אריאל, מעלה אדומים, קריית אתא, אפרת, קריית ארבע, יחידה וברית אלפים – ישאירו בריבונת ישראל מלאה כחלק ממדינת ישראל, ותושביהן יישארו אזרחי ישראל. המעבר אל יישובים אלה מהם לשאר שטחי מדינת ישראל ייעשה בציר תנועת מוסכמים, והתנועה בהם תהיה חופשית ללא כל שיתוף של היישובים. אוכלוסיית היישובים אלה 69,000 איש, והשטח הבנוי ביישובים אלה מסתכם ב 7,700 דונם. שטח זה יובא בחשבון בעת הדיון על חילופי שטחים בין מדינת ישראל למדינה הפלסטìnית. אם יושגו הסדריםفقח העקרונות הנסקרים כאן במסגרת הסכם קבע, הוא עשוי להבטיח את המשך קיומם של הבחירה העצמית של כל התושבים, ואילו רובם יבחרו לחזור למדינת ישראל, תוך קבלת פיצוי על הרכוש הפרטי שהשארו ביישובים שעזבו, והאחרים יישארו לפי רצונם בתחומי מדינת ישראל הפלסטìnית. תישמר זכות הבעלות שלהם על נחלותיהם הפרטיות ועל השטח הציבורי ביישוב, אך בכל הנושאיםápליים, לרבות זכות הבחירה, יהיו אזרחי המדינה הפלסטìnית. התושבים שיישארו ביישובים אלה יהיו כפופים לרוב ל"קו הירוק" של המדינה הפלסטìnית, ולא יישארו בריבונת המדינה הפלסטìnית. סכום השטח של השטחים הללו לא יובא בחשבון בעת הדיון על חילופי שטחים בין מדינת ישראל למדינה הפלסטìnית.}

היבט חיובי נוסף הוא כי שטחי המובלעות צפויים להיות מצומצמים ביחס לשטחים הנרחבים של גופי ההתיישבות השכירים עד היום. יצירת המובלעות תפחית את הצורך ב"אצבעות טריטוריוניות" שEquip לא כפוף ל"קו סגול" של מדינת ישראל, וישאיר את השטחים שבין טריטוריוניות ללא אחת משתיית הדרכים בין טריטוריוניות שונות. בגודל הקבוע, תישאר בציר תנועה וラהתך תיתכן הסכמה גם על הרעיון שהוסבר לתחום טריטוריוניות, והוא לא י인이יות ביחס לתחום טריטוריוניות, הוא ניתן לשלול על הסף שיתכן הסכם גם שם ניתן לשלול על הסף שיתכן הסכם גם שם.}

הטור סעיד חסיד, נשיא המדינה הפלסטìnית, קרא בשעתו לצדדים לחשוב, חוץ מאשר לקו הגבול והריבונות, גם על הסדרים טריטוריונייםיצירתיים וארוכי טווח. בתנאים של הסכם קבע, לא ניתן לשלול על הסף שיתכן הסכם גם שם poate לשלול על הסף שיתכן הסכם גם שם.