

*INSS Insight* No. 1255, February 2, 2020

Comparing the “Deal of the Century” with Previous Plans

**Gilead Sher**

**"If the Israelis and the Palestinians want one state, that's okay with me. If they want two states, that's okay with me. I'm the broker," said United States President Donald Trump in September 2018. And indeed, the indecision is over: the Trump administration has officially endorsed the two-state solution, to be achieved through "the deal of the century." The President thus continues the policy of all his predecessors in the White House over the last five decades, based principally on UN Security Council Resolutions 242 (1967) and 338 (1973), albeit with considerable deviations and disregard of longstanding internal balances. An important change in the Trump plan is the elimination of the distinction, accepted by all previous US administrations, between on the one hand the large settlement blocs around Jerusalem and close to the June 4, 1967 lines, which were intended to be annexed within the new boundaries of the State of Israel, and on the other hand, the settlements deep in the Palestinian territories. Trump has avowed that no settlement will be evacuated. This leads to a reduction in the size of a Palestinian state to about 70 percent of the West Bank area. Regarding some of the other core issues, Trump has also presented different models from those of his predecessors, nearly all of them in Israel's favor. This article does not deal with the preparation of the plan or its announcement, the political and international feasibility of its implementation, or its inherent risks and opportunities. Rather, it offers a brief comparison with the main points of previous plans, with reference to the proposed solutions of each of the core issues in the conflict.**

With its announcement of the “deal of the century,” the Trump administration has officially endorsed the two-state solution. The President thus continues the policy of all his predecessors in the White House over the last five decades, based principally on UN Security Council Resolutions 242 (1967) and 338 (1973), albeit with considerable deviations and disregard of longstanding internal balances. Regarding several core issues, the plan presents different models from those of previous plans, nearly all of them in Israel's favor. This article does not deal with the preparation of the Trump plan or its announcement, the political and international feasibility of its implementation, or its inherent risks and opportunities. Rather, it offers a brief comparison with the main points of previous plans, with reference to the proposed solutions of each of the core issues in the conflict.

### One State / Two States

As did his predecessors in the White House, the Trump administration has endorsed a solution based on two states for two peoples. The “deal of the century” allows the establishment of a Palestinian state alongside Israel, albeit smaller, irregular in shape, and weaker than what is envisioned in other plans. Until now the recognition of Israel as a Jewish state as a condition for the Palestinian state was absent from all the frameworks proposed by the United States, and it is a new component in the official American plan, supporting Israel’s demand of recent years. The plan also includes Trump’s economic plan, which offers considerable funding to promote the economy of the new Palestinian state in a range of areas, including employment, infrastructures, health systems, and education.

### The Territories and Settlements

The Trump plan supports the annexation to Israel of up to 40 percent of Area C, together with territorial compensation for the Palestinians, including in the western Negev. That is, the Palestinian state will cover some 70 percent of the West Bank (excluding land swaps). In addition, under the plan, only illegal outposts will be evacuated (some 80 in number at present); in other words, settlements will not be evacuated and the isolated settlements will remain as enclaves under Israeli sovereignty. Israel will freeze construction in the West Bank for a period of four years, during which talks will take place on the establishment of a Palestinian state. The “deal of the century” recognizes Israeli sovereignty over settlements in the West Bank and throughout the Jordan Valley area. It includes the possibility of exchanges of populated areas in the “triangle” within Israel proper, including Kafr Qara, Ar’ara, Baqa al-Gharbiyye, Umm al-Fahm, Qalansawe, Tayibe, Tira, Kafr Bara, and Jaljulya. In these areas, where populations define themselves as Palestinians, land swaps will enable these towns to become part of the Palestinian state. In addition, there will be territorial contiguity between the Gaza Strip and the West Bank, by means of transport links including a tunnel and two fast access roads, plus the possibility of a modern railway that will enable Palestinians to cross the Jordan Valley.

The Clinton Parameters (2000) base the border between Israel and the Palestinian state on the June 4, 1967 lines, or on the ceasefire line of the War of Independence. They proposed the establishment of a Palestinian state on 94-96 percent of the West Bank plus up to 2 percent in special arrangements that do not amount to sovereignty. Israel would annex the large settlement blocs in the West Bank, and in return would give the Palestinians land near the Gaza Strip, to extend it by a ratio of 1:3. Eighty percent of the settlements in the West Bank would remain under Israeli sovereignty in the areas annexed by Israel. It was also proposed that Israel would renounce its sovereignty in the

Jordan Valley, but this would involve gradual withdrawal, allowing an Israeli military presence in the Valley for another six years: three years while the permanent agreement would be implemented, and another three years under Palestinian sovereignty.

The Roadmap (2003): In the second stage of the political plan of President George W. Bush and the Middle East Quartet, efforts would focus on the possibility of setting up an independent Palestinian state within temporary borders, as an interim measure on the way to a permanent agreement. The third stage would be the official launch of a continuous and practical negotiations process leading to a permanent agreement regarding borders. In addition, there would be a construction freeze in the settlements; outposts built after March 2001 would be dismantled; and Israel would withdraw from territories taken after the start of the second intifada (2000).

Annapolis (2007-8): In talks between Israeli Prime Minister Ehud Olmert and Palestinian Authority Chairman Abu Mazen, mediated by US Secretary of State Condoleezza Rice, it was proposed that Israel withdraw to the 1967 borders, with land swaps that would include the annexation of settlement blocs amounting to 6.5 percent to Israel (including the three large settlement blocs), and in return the Palestinians would be compensated with 5.8 percent of Israel’s territory. The gap remaining to reach a 1:1 ratio would be filled by 0.7 percent of the passage between the Gaza Strip and the West Bank. No Israeli presence in the Jordan Valley would be permitted.

John Kerry talks (2013-2014): Negotiations were planned on secure and recognized borders between Israel and a future Palestinian state, based on the 1967 lines with agreed land swaps, in line with Security Council Resolution 242. Any agreement between the parties leading to a change in the proposed borders would receive international recognition. Israeli military presence in the Jordan Valley would be maintained; the capabilities of the Palestinian security mechanisms would determine the continuation of the Israeli presence there.

#### Jerusalem and the Holy Places

The “deal of the century” supports Israeli control of Jewish Jerusalem, including the Old City, alongside a limited Palestinian presence. The Abu Dis neighborhood and another neighborhood in East Jerusalem will be declared the Palestinian capital, and the Palestinians will have freedom of worship and access to the Holy places. The Israeli border of Jerusalem will end at the separation fence, while neighborhoods beyond it will be recognized as Palestinian. With regard to the Temple Mount and al-Aqsa Mosque, the status quo will be maintained, in cooperation with Jordan.

Clinton Parameters: Regarding the urban partition of Jerusalem, areas where Jews live would be part of Israeli Jerusalem, and areas where Arabs live would be part of the Palestinian al-Quds. In the Old City, the Christian Quarter and the Muslim Quarter would be under Palestinian sovereignty, while the Jewish Quarter would be under Israeli sovereignty. The Armenian Quarter would be split in two, to allow Israeli sovereignty to extend through a corridor from the Jaffa Gate to the Western Wall, while the rest of the Quarter would be under Palestinian sovereignty. In addition, Palestinian sovereignty would apply to the Temple Mount, alongside Israeli sovereignty over the Western Wall. Clinton supported a “vertical” partition of the Temple Mount: the al-Aqsa and Dome of the Rock Mosques and the space between them would be under Palestinian sovereignty; the subterranean space under the Mosques, where the remains of the Temple may lie, will be recognized as having special status. In this plan, two options were proposed. In one, Israeli sovereignty would apply to the space under the Western Wall; in the second, the proposal was to set up an international supervision mechanism to restrict Palestinian sovereignty in the underground space.

Roadmap: according to the political plan, the issue of Jerusalem should be discussed by the Second International Conference, depending on the success of the various stages.

Annapolis: At the Olmert-Abu Mazen talks, it was proposed to partition Jerusalem on an ethnic basis, where the Arab neighborhoods would be under Palestinian sovereignty while the Jewish neighborhoods would be under Israeli sovereignty. In addition, the Palestinian section of Jerusalem would be declared the Palestinian capital. At the talks, it was proposed that Israel would renounce its sovereignty over the Old City, which would have international status based on the partition plan. The Holy Basin would be defined as territory held in trust by five countries: Israel, the Palestinian state, Jordan, Saudi Arabia, and the United States. All worshippers would have free access to the area, and the five countries would determine arrangements. The agreement did not discuss the issue of sovereignty over the Holy Basin, and it was determined that administrative powers would be passed to the international Trust regime.

Kerry talks: The framework supports free and unrestricted access to the holy places. Jerusalem would be internationally recognized as the capital of two states, with the assurance of free movement to the holy places according to the status quo. Although there was no explicit reference to the issue of Jerusalem, Kerry stipulated that Jerusalem must not be divided as it was in 1967.

### The Refugee Issue

According to the “deal of the century,” Palestinian refugees will not have the right of return to Israel, and the solution must be implemented outside Israel’s borders. There will

be a system for compensating the refugees, and there could also be symbolic, controlled return. Most Palestinian refugees in Jordan, Lebanon, and Syria will remain where they are and receive financial support.

**Clinton Parameters:** The plan proposed an integrated solution to the refugee problem, linking return, rehabilitation, resettlement, and compensation. There would be no specific return to Israel, but the agreement would include a number of options for the refugees. The list of options included settlement in the Palestinian state or in Israeli territories that would be transferred as part of the land swaps, rehabilitation in host countries, resettlement in third countries, or entry to Israel. The framework clarifies that the Palestinian refugees would have the right to return to the West Bank, the Gaza Strip, and areas defined under the land swaps. Rehabilitation in other countries, resettlement, or acceptance into Israel would depend on the policies of those countries. In addition, Clinton declared that there should be an international committee to deal with compensation, resettlement, and rehabilitation. The United States declared that it was prepared to lead the international efforts to assist the refugees.

**Roadmap:** The aim was to reach an agreed, just, fair, and realistic solution to the refugee issue, to be determined at the Second International Conference during the second stage of the plan.

**Annapolis:** The proposal included acceptance of approximately 5,000 Palestinian refugees within the Green Line over a period of about five years (according to Condoleezza Rice). This was Olmert’s opening proposal, while various reports hinted that Olmert and his team had agreed to accepting 100,000 refugees over a period of 15 years (according to former MK Haim Ramon).

**Kerry talks:** A just and agreed solution with international assistance regarding the Palestinian refugees was essential for an overall solution, but it must correspond to the two-state solution and the fundamentals of Israel’s identity, that is, return to Israel would not be possible. However, there could be limited return of refugees as a humanitarian gesture, based solely on Israeli consent.

### The Security Issue

The “deal of the century” supports Israeli security control of all border crossings as well as a demand for the Palestinian state to be completely demilitarized, with Israel permitted to continue the war against terror and incitement. In addition, the disarmament of Hamas and the demilitarization of the Gaza Strip are conditions for the establishment of the Palestinian state. The Jordan Valley is declared critical for Israel’s security and will therefore remain under Israeli sovereignty. Israel will keep control of the airspace and the

electromagnetic spectrum from the Jordan line westwards. The Israeli Navy will take action to prevent the entry of weapons into the Palestinian state (including the Gaza Strip). Moreover, the Palestinian state will be banned from creating any security, military, or intelligence alliance that could affect Israeli security.

The Clinton Parameters proposed that the future Palestinian state should be a non-militarized state, and determined that Israel would have a significant military presence in the Jordan Valley for three years, and a symbolic presence at defined sites for an additional three years. It was proposed that the Palestinian state would have sovereignty over its airspace, but both sides would have to make a special arrangement to meet Israel’s security needs.

Annapolis: There was agreement that the Palestinian state would have a strong police force but no army. In addition, at the Conference of Donor Countries held in Paris pursuant to the Annapolis Conference, financial aid was promised to rehabilitate the Palestinian security forces.

Kerry talks: Israel would continue to control the border crossings to Jordan, with recognition of Israel’s right to defend itself. The Palestinian state would have limited security forces as a demilitarized state. In addition, an international body would be set up for the purpose of deterrence and border security.

### Conclusion

The core issues of the dispute, intended to be resolved at final status talks, have remained unchanged over the last two decades, and in some cases the gaps between the sides have grown wider in line with developments on the ground and the geopolitical reality. Over the years, the US administration, under both Republican and Democratic Presidents, as the main (and sometimes the only) broker between Israel and the Palestinians, has suggested a few main frameworks. Nearly all were based on reaching final status talks that would be based on the principle of two states for two peoples, land for peace, in the spirit of Security Council Resolutions 242 and 338.

A direct line links the 1978 autonomy plan of the Carter administration, which was included in the framework of the peace agreement between Israel and Egypt, through Oslo and its derivatives, to the Trump plan. However, President Trump has changed some of the internal balances and slanted the American proposal heavily and clearly toward the Israeli position, under close consultation with Israel, at the expense of the Palestinians. Will this policy be adopted by a future occupant of the White House? That is an open question.