

# POLICY BRIEF **07.13.21**

## A Framework Agreement for an Israeli–Palestinian Permanent Peace

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### ABSTRACT

*By downgrading the importance of the Middle East in U.S. foreign policy, the Biden administration underestimates the threat of instability in the region to American security. Despite the frozen status of Israeli–Palestinian negotiations and the considerable obstacles to restart them, a U.S.–led effort could help to gradually forge a “Framework Agreement for an Israeli–Palestinian Permanent Peace.” This policy brief outlines the principles that such a framework might embody, with the essential objective of two states for two peoples.*

### INTRODUCTION

In his foreign policy speech at the U.S. Department of State in early February, President Biden stated: “We will repair our alliances and engage with the world once again, not to meet yesterday’s challenges, but today’s and tomorrow’s. America cannot afford to be absent any longer on the world stage.”<sup>1</sup> However, there was one “elephant” conspicuously absent from the room during his speech: the Israeli–Palestinian conflict.

Except for Iran, conflict in the Middle East is nowhere near the top of the Biden administration’s priority list of critical foreign policy issues. Global concerns, such as climate change and managing relationships with China, Russia,

and Europe, have priority. Implicitly downgraded is the United States’ diplomatic presence in a region whose chronic instability seriously threatens American security. Hoping to avoid the conflagration in the Middle East is not a policy.

The focal point of U.S. Middle East diplomacy has been preventing perpetual conflicts between Israel and the Palestinians in Gaza, Jerusalem, and the West Bank. Despite past failures and immense obstacles, the U.S. should once again take the lead in forging a path toward the two–states–for–two–peoples solution, which remains the only way to secure the future of Israel as a democratic national home for the Jewish people within secure boundaries, alongside a viable demilitarized Palestinian state.

The moment is not promising. The core issues of the dispute, intended to be resolved at final status talks, have remained unchanged over the last three decades. In some cases, the gaps between Israel and the Palestinians have grown wider—in line with developments on the ground, evolving narratives, and geopolitical realities. Over the years, U.S. administrations under Republican and Democratic presidents have served as the main (and sometimes the only) broker between Israel and the Palestinians, and this role has suggested a few main frameworks.



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**A renewed peace process should neither expect nor seek a dramatic breakthrough. Negotiations should move gradually and patiently toward a “Framework Agreement for an Israeli–Palestinian Permanent Peace.”**

Nearly all past agreements were based on reaching final status talks that would be based on the principle of two states for two peoples and land for peace, in the spirit of U.N. Security Council Resolutions 242 (1967) and 338 (1973). Even former President Trump continued the policies of his predecessors, albeit with considerable deviations and disregard for long-standing internal balances. Thus, a direct line links the 1978 autonomy plan of the Carter administration (which was included in the framework of the peace treaty between Israel and Egypt, through Oslo and its derivatives) to the Trump plan.

In Israel, the 36th government, inaugurated on June 13, 2021, comprises two right-wing parties—Naftali Bennett’s *Yamina* and Gideon Sa’ar’s *Tikva Hadasha*—neither of which embraces the two-states-for-two-peoples solution. Moreover, Prime Minister Bennett served as director general of the Yesha Council, the representative body of the Jewish settlers in the West Bank (and, until 2005, in the Gaza Strip). A slim, volatile majority of the coalition in Israel’s unicameral legislature—the *Knesset*—is bound to fail in major decisions for disputed issues, let alone for the most divisive ones, such as the future of the Palestinian territories, the Israeli settlements in the West Bank and elsewhere, Israel’s borders, and the two-state solution. Finally, although the right wing has only seven ministers in the government, their vote equals the combined votes of all 20 others under a parity (on par) agreement, which increases the probability of deadlock for contentious issues.

In addition, throughout the years, like a mirror image of Palestinian society, Israeli society has shifted rightward. A radicalization of positions has led to the rejection of moderate opinions aligned with the political left. Notwithstanding difficulties, spoilers, rejectionism, cynicism, inherent resentment, and political constraints in D.C., Jerusalem, and Ramallah, this brief ventures to explore the practicality of resuming U.S.-led regional and bilateral talks.

## **A FRAMEWORK AGREEMENT FOR AN ISRAELI–PALESTINIAN PERMANENT PEACE**

A renewed peace process should neither expect nor seek a dramatic breakthrough. Negotiations should move gradually and patiently toward a “Framework Agreement for an Israeli–Palestinian Permanent Peace.” Based on myriad talks with all relevant stakeholders and years of track-two negotiations, research, accumulated polling and assessment, the following could present a skeleton of such an agreement.<sup>2</sup>

Firstly, the parties would recognize that reaching an agreed-upon, long-term framework agreement requires a gradual process based on regional and international efforts in accordance with the framework of the Arab Peace Initiative (API) and regional security arrangements.<sup>3</sup> The API surfaced in Beirut in 2002 and was reaffirmed at subsequent Arab summits. However, the API currently includes political and security risks to Israel in regards to resolving the Israeli–Palestinian conflict. These should not be taken lightly, and therefore any reference to the API must be measured, balanced, and controlled. Israel cannot accept the terms of the initiative in their entirety. It should demand revisions, modifications, and amendments, and make it an updated basis or framework for negotiations. As has recently been demonstrated, Islamists do not shy away from diplomacy and are no strangers to realpolitik.

Secondly, relying on U.N. Security Council Resolutions 242 and 338, the parties should affirm their determination to put an end to decades of confrontation between the two national movements and to live in peaceful coexistence, mutual dignity, and security, while recognizing their mutual and legitimate political rights.

Thirdly, the most important principle is two nation states for two peoples, meaning that a sovereign, independent state of Palestine will be established alongside the state of Israel. It will be governed by one authority and have one Palestinian unified security command. At the end of an agreed-upon process of implementation,

and subject to Israel's national security being satisfactorily guaranteed, Palestine will not have an Israeli military presence.

Palestine will be a democracy based on the rule of law, offering equality and freedom to all its citizens in accordance with international norms. Israel will maintain its Jewish and democratic character as stipulated in its Declaration of Independence and in accordance with international norms.

Pursuant to the Arab Peace Initiative, at the end of an agreed-upon process, the Arab League will end any state of conflict with Israel, and member states will establish full diplomatic and commercial relations with Israel.

Israel and Palestine will enjoy free trade with each other and will strive to have unimpeded movement of labor and goods across their borders, while facilitating commercial and employment ties.

## RESOLUTION OF CORE ISSUES

To resolve contentious core issues—including establishing borders, implementing security arrangements, instituting rules for Palestinian refugees and Jewish immigrants, addressing the issue of Jerusalem and granting access to holy sites in the Old City—the framework agreement could adopt the final status parameters below.

### On Territory and Borders

Permanent borders will be based on the lines established on June 4, 1967, with an equitable and agreed upon territorial exchange (1:1) in accordance with the vital needs of both parties, including territorial contiguity and demographic considerations. Gaza and the West Bank will be connected by a ground or underground passage to form a single territorial unit. The terms and conditions for such a passage will be decided by the parties, without, however, infringing upon Israel's sovereignty.

### On Security Arrangements

The parties will recognize that the establishment of a stable and mutually beneficial relationship will require understanding and cooperation in security and security-related matters. They will take it upon themselves to base their security relations on mutual trust, advancement of joint interests, and cooperation.

Palestine will be non-militarized, and the international community will guarantee its security and independence.

Special security arrangements will be agreed upon between the parties.

### On Palestinian Refugees

In exercising their right to return to their homeland, Palestinian refugees will either return to Palestine, be rehabilitated in their current states of residence, or be allowed to immigrate to third countries.

A mutually agreed upon, limited number of refugees will be allowed to return to Israel. The terms applied to the Palestinian refugees who are allowed to return to Israel will be decided by the parties.

The international community will raise a peace fund to which Israel will also contribute. The peace fund will be used for the compensation of Palestinian refugees. To allow them to begin a new life and integrate into the new state, Palestine will grant refugees residing in refugee camps priority for housing and land. The peace fund will compensate all refugees and will ensure their full integration, thus ending the plight and status of the refugees.

### On Jewish Immigrants and Israeli Settlers

Jewish immigrants who left homes and property in Arab countries when they immigrated to the state of Israel after 1948 will be compensated.

Settlers who reside in places that will come under Palestinian sovereignty will relocate within Israel. A mutually agreed upon number of settlers will be allowed to remain under Palestinian sovereignty in Palestine. The terms applied to the settlers who are allowed to remain within the borders of Palestine will be decided by the parties.

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### On Jerusalem and the Holy Sites

Both parties will acknowledge each other's deep religious and historic links to numerous holy places in the land, most notably Jerusalem. Freedom of worship and full access to holy sites will be guaranteed to all.

Arab-majority neighborhoods in Jerusalem will come under Palestinian sovereignty; Jewish-majority neighborhoods in Jerusalem will come under Israeli sovereignty.

The Jerusalem area will include two capitals for the two states.

The Old City of Jerusalem will be under the jurisdiction of a special regime, possibly run by a council made up of representatives of the three dominant religions in the Middle East and key regional players—including Israel, Palestine, Saudi Arabia, Egypt, Jordan, and Morocco.

Israel will have control over the sites holy to Jews; Palestine will have control over the sites holy to Muslims and Christians, respecting the Christian Status Quo.

No excavation will take place in or underneath the holy sites without mutual consent.

Once there is a consensus on the principles above, the parties should be encouraged to describe a shared vision for the future, symbolically and substantively. During the negotiation process—and, more importantly, afterwards—both parties will strive to end the incitement of violence, prevent extremism among their people, and work to create an environment of peace, tolerance, and mutual respect.

All Palestinian prisoners held by Israel will receive amnesty and freedom, and any Israelis captured by Palestinians will be released.

Israel will issue an official apology for the suffering it has caused the Palestinian people. Palestine will also apologize for the suffering it has caused Israeli citizens.

Both parties will call upon the international community to enhance its commitment and financial support for the implementation of the framework agreement, the development of Palestine's economy, and the Israeli-Palestinian peace process in general.

Israel will take a significant part in an international effort to assist the economic development of Palestine, so that it can swiftly build a thriving and prosperous economy.

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### CONCLUSION

The two-states-for-two-peoples reality is indispensable. It is attainable through a series of transitional phases, interim agreements, and independent steps, all compliant with a continuous negotiation process. The process should be based on a pre-agreement of the final framework agreement presented in this policy brief. Despite the many challenges inherent in the Israeli-Palestinian peace process, only a two-state reality will work for the benefit of a Jewish-democratic Israel, consistent with the Zionist vision and with political self-determination for the Palestinian people.

Israeli leadership must be committed to peace and plan accordingly, as it does for military engagements. The vast majority of Israelis and Palestinians—altogether 14 million people living in the area between the Jordan River and the Mediterranean Sea—want a normal, peaceful life. The extremists on both sides nurture hatred, delegitimization, and demonization of one another and promote the one-state paradigm, which will be disastrous for both Palestinians and Israelis.

To withstand setbacks, spoilers, and difficulties in the process, it is essential to cultivate collective mindsets, on both sides, in order for efforts at peace to be successful. Trust-building initiatives—such as improving the quality of life for Palestinians in the West Bank, promoting increased contact and economic ties between Israelis and Palestinians, and cooperating on issues of pressing concern, like water sharing and the Gaza dispute—could help to shift mindsets toward peace.

Given the crucial nature of U.S. mediation in the past, international support and pressure for peace are essential for advancing a peace process and establishing a framework agreement based on the outline presented above. International and

regional coalitions to support the effort for peace provide crucial traction for progress.

Finally, and most importantly, guaranteeing security throughout the peace process, and making it a requirement for any final agreement, will mark the cornerstone of any progress toward peace. Without guarantees of security from terrorism or threats to Israel’s right to exist, peace will not be possible.

By combining pragmatism, tenacity, and political courage, the United States can advance a framework for the resolution of the Israeli–Palestinian conflict and regain its role as a global leader for peace and security.

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## ENDNOTES

1. “Transcript: President Joe Biden delivers foreign policy speech,” *Nikkei Asia*, February 5, 2021, <https://asia.nikkei.com/Politics/Transcript-President-Joe-Biden-delivers-foreign-policy-speech>.

2. A significant portion of the parameters were agreed upon between Israeli and Palestinian civil society track–two negotiators, namely within a joint project of talks led in 2017–2018 on the Israeli side by the NGO Blue White Future (co–founded by Ami Ayalon, Orni Petruschka and Gilead Sher).

3. Gilead Sher and Ilai Alon, “The Arab Peace Initiative: Worth Reexamination,” INSS Insight No. 371, October 4, 2012, <https://www.inss.org.il/publication/the-arab-peace-initiative-worth-reexamination/>.

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Cite as:

**Sher, Gilead. 2021. *A Framework Agreement for an Israeli–Palestinian Permanent Peace*. Policy brief no. 07.13.21. Rice University’s Baker Institute for Public Policy, Houston, Texas.**

<https://doi.org/10.25613/51N8–5V66>