

## European Council on Foreign Relations (ECFR)

### Two State Parameters Initiative,

Summer 2016



#### *Two States, Mutual Recognition, Peace*

*The Palestinian Liberation Organisation and the State of Israel (“the parties”) will reach agreement on a just, lasting and comprehensive peace, committing to the mutual recognition of the two states, Israel and Palestine. The agreement will be consistent with the UN Charter, and based on UN Security Council resolutions 242 (1967), 338 (1973), 465 (1980), 1397 (2002), 1515 (2003), 1850 (2008), the 1991 Madrid principles, including land for peace, and agreements previously reached by the parties, starting with the Declaration of Principles of 13 September 1993 and subsequent ‘Oslo’ agreements.*

*With the conclusion of an agreement, the objective of two states for two peoples, as envisaged in UN General Assembly resolution 181 (1947), will be fully implemented: Israel as a nation state of the Jewish people and all of its citizens, and Palestine as a nation state of the Palestinian people and all of its citizens, each state enjoying national self-determination, mutual recognition and peace, and fully respecting equal rights for all their respective citizens.*

*The agreement will be considered as ending the conflict and resolving all outstanding claims of the parties.*

*The agreement will be consistent with the vision put forward in the 2002 Arab Peace Initiative, subsequently endorsed by the League of Arab States, and will pave the way to the establishment of secure and peaceful relations between the Arab States and Israel.*

Background explanation: The intention was to immediately set out the goal of two states and mutual recognition; to ground the text in the legitimacy of previous UNSCRs and previous agreements, and to put forward the end of conflict and claims and wrapping this up in the Arab Peace Initiative. Depending on US receptivity, this was an area where a more robust reference could be made to international law (including reference to the illegality of Israeli settlements). The opening clause would find a way of addressing the so-called Jewish State question by referencing UNGA 181 (1947) and making a clear statement of each state also being a state of all its citizens and fully respecting the equal rights of all citizens. This point is important to make under current circumstances, especially given developments on the Israeli side.

#### *Borders*

*Two states, with permanent Palestinian borders with Israel, Jordan, and Egypt, and permanent Israeli borders with Palestine; based on the 4th June 1967 lines, with mutually agreed and equal [1:1] land swaps so that secure and recognized borders are established for the two states and their respective capitals in Jerusalem. The territorial integrity, contiguity and viability of the Palestinian state will thereby be ensured. A permanent corridor*

*linking the West Bank and Gaza will be established; this will not form part of [1:1] land swaps.*

Background explanation: This built on language used by Barack Obama in May 2011, while making clear that any land swaps would have to be equal [1:1]. A more vague reference to the nature of land swaps would largely render any reference to the 4 June 1967 lines meaningless. The Israeli side could use looser language as a justification for annexation, expansion, and continued unreasonable territorial demands. It was felt that the borders language should link in with Jerusalem.

The issue of settlements is dealt with implicitly in the text in order to maximise the potential for US buy-in. Stronger and more explicit language reaffirming the illegality of Israeli settlements could have been included in the preamble if it was felt that this could garner US support, especially following Binyamin Netanyahu's [statements](#) on settlements.

### *Jerusalem*

*The capital of both Israel and Palestine will be in Jerusalem.*

*The agreement on borders, based on the June 4, 1967 lines, will stipulate the two parties' sovereignty in Jerusalem.*

*With regard to the Old City and the sacred sites, special arrangements or a special regime as agreed by the parties may be established to guarantee the religious, historic and cultural integrity of Jerusalem's holy and historic sites, and to further guarantee freedom of worship and freedom of access to sites held sacred by Jews, Christian and Muslims based on the established status quo.*

*The equities of all stake holders – including the Hashemite Kingdom of Jordan and indigenous and faith communities – will be rigorously protected.*

Background explanation: Applying the same borders formula to Jerusalem is intentional and we deliberately sought to avoid codifying the Clinton parameters language in a proposed UNSC resolution, for instance on Jewish neighbourhoods being Israeli. Doing this would risk legitimising settlements such as Har Homa and Ramat Shlomo, and incentivise further Israeli settlement construction in East Jerusalem. Presenting new formalised “wins” to the Israeli side at the expense of Palestinian starting positions in negotiations will be pocketed by the Israeli government as the “new baseline” and used, wherever possible, as a pretext for more changes on the ground.

We decided against including any reference to the establishment of a special regime for the Old City and Jerusalem's holy sites. There was a desire to not prejudge the outcome of a peace agreement by imposing this arrangement on the parties in advance of negotiations. Anything that can be interpreted as bestowing international legitimacy upon any Israel settlement in advance of a peace agreement will be seized on by the Israeli government to challenge and erode international opposition to settlement expansion and to undermine the policy of “differentiation” between Israel and settlements. A parameters resolution that effectively encourages and gives cover to even more expansive anti two state Israeli policies would be counterproductive in terms of saving the two-state solution.

### *Security*

*Agreed security arrangements must be robust enough to prevent terrorism, stop the infiltration of weapons, and provide effective border security.*

*The Palestinian State will be non-militarised.*

*These security arrangements will respect the sovereignty of Israel and Palestine and be predicated on the full and phased withdrawal of Israeli security forces from all of the territory of the Palestinian state.*

*The full and phased withdrawal of Israeli military forces, according to a reasonable, limited and agreed timeframe, should be coordinated with the assumption of Palestinian security responsibility within the sovereign territory of the Palestinian state.*

*The international community shall assist the parties, including with the option of an international force, to help ensure effective implementation and monitoring of this agreement.*

Background explanation: Barack Obama's May 2011 language was used as a basis. Language should avoid making Israel the arbiter of Palestinian progress and thereby allowing it to maintain its military occupation permanently. This would render the entire two state exercise void. The group did think it was worth referencing a possible international role on this issue.

#### *Refugees*

*The resolution of the Palestinian refugee issue will recognise the suffering and injustice experienced by Palestinian refugees, resolving their plight in an agreed, just, and fair manner consistent with this two state agreement.*

*To this end, a number of options for the future permanent place of residence of refugees will be agreed and implemented.*

*Israel will provide a number and modality for refugee absorption and resettlement within Israel as part of this overall agreement.*

*Palestinian refugees will be entitled to citizenship in the State of Palestine in accordance with the laws and policies of that state.*

*Absorption and rehabilitation in host countries, and resettlement in third countries will be at those countries' sovereign discretion and will be coordinated by the UN within the context of this agreement.*

*An international commission will be established to implement all aspects of the agreement reached by the parties, including a mechanism of compensation and rehabilitation for Palestinian refugees, including where relevant for host countries. Israel will contribute an agreed sum to this mechanism.*

*UNRWA will continue to carry out its responsibilities until those are superseded by the full implementation of all aspects of this agreement.*

*The full implementation of the above constitutes the fulfilment of UN General Assembly Resolution 194 (1948).*

Background explanation: Having set out in the very first clause that the resolution will be consistent with two states, we felt it was important to list the options for residence as follows: (1)

Israel, whereby Israel provides the number of refugees to be absorbed within the context of an overall agreement – so this has to be an agreed number; (2) Palestine, noting that the state of Palestine has sovereignty to set its laws and policies in this respect; and (3) host and third countries, to be coordinated by the UN and parts of the agreement. Any text should absolutely reference compensation (including where relevant to host countries) and an explicit Israeli contribution to compensation.

We considered it worth noting UNRWA's continued role until the agreement is implemented.

We did not consider reference to the plight of Jewish refugees from Arab countries to be appropriate in a parameters text relating to Israeli-Palestinian peace since this is clearly an issue to be exclusively dealt with between Israel and relevant Arab states. Its inclusion within a parameters text would also be expected to complicate efforts to secure Arab backing for a UNSCR.

We thought it made more sense to first set out a solution to the refugee issue, and then suggest that its implementation would constitute the fulfilment of UNGA Resolution 194 (1948) – rather than opening the refugee clause with a reference to UNGAR 194.

### *Implementation*

*The United Nations Security Council calls on the parties to urgently initiate negotiations based on the parameters outlined in this Resolution, with a view to reaching a two state peace agreement.*

*The Secretary-General is requested to report on the implementation of this resolution every three months.*

*Pending the conclusion of an agreement between the parties, nothing in this Resolution can be interpreted as legitimising unilateral actions by the parties, the effect of which contravenes the letter and spirit of this resolution. Any unilateral changes to the June 4, 1967 lines will not be accorded international legitimacy or recognition. No changes to the June 4, 1967 lines will be recognised other than those agreed by the parties.*