

A Framework for Peace

Preamble

Nature and objectives of the Framework Proposal

This document is a draft bridging proposal outlining a negotiation framework (the “Framework Proposal”) offering a potential win-win approach toward facilitating effective engagement by the Israeli and Palestinian parties (the “Parties”) in the recently renewed negotiations set to continue over nine months.

The Framework Proposal is aimed at re-energizing the peace process and aiding the Parties in achieving a just, secure, and sustainable outcome to the conflict, which also addresses ordinary Israelis’ and Palestinians’ emotional concerns. The Framework Proposal offers all stakeholders the chance of a long-term, hopeful alternative.

The author believes that, at this stage in negotiations, serious consideration of the Framework Proposal is essential.

The Framework Proposal lays out a series of fundamentals offering the negotiation space and sense of direction needed by the Parties in order to reach a final status agreement (“Final Status Agreement”). It is a work-in-progress document which will continue to be updated in response to developments in the peace process and the region.

The Framework Proposal breaks new ground in its approach to resolving the conflict while staying faithful to a two-state solution based on June 4, 1967 lines (“1967 Borders”).

The author’s proposal offers an integrated procedural means of reaching Final Status Agreement.

Linked to this procedural solution is a new paradigm for approaching the substantive issues behind the conflict, consisting of (a) a framework mechanism to equitably resolve the conflict and (b) an equitable framework outcome which offers the possibility of mutual recognition of symmetrical definitions of the nature and national characters of the two states. The new paradigm envisages the achievement of democratic equilibrium within the two states of Israel of Palestine.

The Framework Proposal offers an accommodative approach to dealing with the tough questions posed by the settlement presence and the refugee problem head-on and in unison. The Framework Proposal focuses on the core issues of borders, settlements, refugees, Jerusalem, and security as an indivisible whole. In so doing, it offers the Parties increased trade-off opportunities, thus improving the Parties’ chances of avoiding deadlock and reaching Final Status Agreement. Indeed, the Framework Proposal recognizes that there can be no meaningful give-and-take, and thus no effective re-engagement in negotiations, unless it is clear that all final status issues will be resolved in negotiations.

The Framework Proposal recognizes that an end to the conflict is within the Parties’ sights. Accordingly, the Framework Proposal is a starter mechanism offering the Parties a “destination map”, bringing the “endgame” to the fore. It does so mindful of the fact that, failure by the Parties, as aided by brokers in the international community (the “Brokers” and the “International

Community”, respectively), to engage in all final status issues from the start of negotiations, will result in the left-over final status issues remaining impediments to the peace process.

The principal aim of the Framework Proposal is to aid the Parties in reaching a comprehensive and sustainable solution. Responding to realities and concerns on the ground, including urban planning constraints, the Framework Proposal offers a lower-risk alternative pathway to peace as well as the vision of a sustainable *modus vivendi* both within and between the two states which would minimize the risk of recurrence of conflict post-Final Status Agreement. As such, the author believes that the formula set out in the Framework Proposal offers the Parties the best chance of reaching their mutually desired end of conflict and end of claims goal on the basis that nothing is agreed until everything is agreed.

The integrated procedural solution offered by the Framework Proposal could open the way to overcoming the need for pre-conditions as a means of effectively engaging in substantive negotiations. Though the Framework Proposal seeks to look beyond pre-conditions, it would not preclude the raising or acceptance of suggestions aimed at building trust between the Parties.

The Framework Proposal is a tool designed to aid the Parties in effectively setting their sights beyond interim “solutions”. The author believes in a restricted use of interim arrangements; rather than providing “solutions” *per se*, interim arrangements will only be useful to the extent that they may build trust between the Parties and accelerate the peace process toward a just, secure, and sustainable Final Status Agreement. As such, interim arrangements must be firmly linked to the implementation by the Parties of international law obligations. Meanwhile, as is made clear by the use within the Framework Proposal of a transition period, the adoption of endgame solutions does not mean that a Final Status Agreement cannot be implemented in stages.

The author considers the unintended risks which would be involved if the current negotiations lead to partial agreement, as opposed to Final Status Agreement, namely perpetuation of conflict and insecurity as well as dashing of hopes of both Israelis and Palestinians, as being too high. Meanwhile, the Framework Proposal offers the Parties assurance that, in spite of the inherent complexities, a just, secure, and sustainable Final Status Agreement is possible. It foresees political separation but economic and social mutual accommodation.

The Framework Proposal is designed to aid the Parties in engaging creatively in the tough compromises they will need to agree on in order to reach a just, secure, and sustainable outcome to the conflict. This is in the knowledge that, failure to do so, even in the context of otherwise constructive negotiations, would risk the prospect of an unsustainable resolution or no resolution.

The Framework Proposal recognizes the particular importance to the region of the viability of the three states of Israel, Palestine, and Jordan. As such, the Framework Proposal envisages early arrangements with Jordan on borders, security, and access, as well as potential eventual arrangements on commerce. The recent pledge by the Palestinians to keep Jordan informed of all developments in negotiations, as well as the March 31, 2013 agreement on co-operation between the Palestinians and Jordan in respect of the protection of East Jerusalem and the Islamic and Christian Holy Sites, form a small but integral part of such a vision anticipated by the Framework Proposal.

Lastly, but key, the Framework Proposal is intended to provide fresh impetus for the pursuit of broader regional agreement within the spirit of the Arab Peace Initiative.

Foundations of the Framework Proposal

The Framework Proposal is anchored in the progress, however limited, which has been achieved thus far in the peace process. In particular, it incorporates relevant principles which have been articulated but (in most cases) have not yet been implemented. Notably, these include the following: the return to 1967 Borders and withdrawal of Israeli forces as envisaged by UN Security Council Resolutions 242 (1967) and 338 (1973); the principle of “land for peace” evoked at the Madrid Conference in 1991; cessation of all acts of violence and affirmation of the need for a two-state solution to the conflict as expressed in UN Security Council Resolution 1397 (2002); the right of return of Palestinian refugees as expressed, where relevant, at Article 11 of UN General Assembly Resolution 194 (1948), in UN General Assembly Resolution 3236 (1974), and at Article 13 of the Universal Declaration of Human Rights;¹ and the special international status of Jerusalem as set out at Article 8 of UN General Assembly Resolution 194 (1948).

The Framework Proposal also incorporates the spirit and terms of the viable provisions of various instruments that have come before.² Such instruments include Oslo I (1993), Oslo II (1995), the Mitchell Report (2001), the Tenet Plan (2001), the Quartet’s Roadmap for Peace (2002), and UN Security Council Resolution 1515 (2003). The accumulated wisdom of such instruments lays valuable foundations to the Framework Proposal, particularly in respect of: the need for effective timetables incorporating performance-based mechanisms; the treatment of settlement-building; methods of dealing with security risks; methods of implementing economic, social, and political change in the Palestinian state; and efforts to facilitate peace between the State of Israel and Lebanon and Syria respectively, with a view to execution of permanent peace treaties and reconciliation.

The Framework Proposal draws inspiration from recent efforts in the International Community to promote the cause of a two-state solution, particularly as reflected in the Joint Understanding presented at the Annapolis Conference (2007) and subsequent efforts, UN Security Council Resolution 1850 (2008), and recent Conclusions of the EU on the Middle East Peace Process such as those of December 10, 2012.

As concerns the EU Guidelines regarding the eligibility of Israeli entities with connections to the settlements for EU grants and prizes, published on July 18, 2013 (the “Guidelines”), awareness is drawn to the fact that, in spite of significant EU investment, both financial and diplomatic, little progress has been made in the peace process since 2010, while difficulties in reaching agreement on preconditions have only grown. In such a context, and given the wording of the December 10, 2012 Conclusions, it is seen as inevitable that EU concerns have emerged in the form of such Guidelines.

The Framework Proposal, further, welcomes the World Bank’s October 2, 2013 report on Area C and the future of the Palestinian economy, and looks forward to the realization of the full potential of a freely-functioning Palestinian state as assisted through the Quartet’s plans to jump-start the Palestinian economy.

¹ As seen in Article 4 (Refugees) below, consistent with the practical need for modified rights of return, the Framework Proposal incorporates the principle, but not necessarily the letter, of these instruments.

² This bears in mind that many elements of such instruments have inevitably been rendered obsolete by effluxion of time, institutional change or other change of context (including successful implementation).

The Framework Proposal is squarely grounded in the spirit of the Arab Peace Initiative (2002), as subsequently and repeatedly reaffirmed, including most recently in 2013, by the Arab League, and as supported by the 57 member state Organization for Islamic Co-operation.³ The Framework Proposal views the Arab Peace Initiative as an important contribution and hitherto missed opportunity, and draws particular inspiration from the sense of common purpose engagement across the broader International Community which it is an emblem of.

The Framework Proposal recognizes the importance of the promise by both Israeli and Palestinian leaders to put any Final Status Agreement to referendums, respectively, before the Israeli and Palestinian people. The Framework Proposal considers referendum both a means of tackling any problems of democratic deficit and of safeguarding the true representation of the wishes of ordinary Israelis and Palestinians.

Origins of the Framework Proposal

The Framework Proposal was conceived in October 2006. Following initial development of ideas, it has been intensively explored over the past three years in informal, private, high level discussions with both Israelis and Palestinians, locally and in the Jewish and Palestinian diasporas, as well as with various parties in Europe and the U.S. with expressed interest in contributing to an equitable and lasting resolution of the Israeli-Palestinian conflict. This process of dialog and refinement of ideas continues. Information about the author of the Framework Proposal can be found at the end of the document.

Nature of the commitment to negotiations

The Framework Proposal recognizes the need for deep-seated, good faith commitment to negotiations by the Parties and Brokers. Accordingly, any performance-based mechanisms must be tied exclusively to what is in the control of the Parties, based on standards of reasonableness and best endeavors.

Adoption and implementation of the Framework Proposal

The author recognizes that no proposal can succeed unless it is implementable. Thus, for the sake of completeness, and, in the full knowledge that there could be many ways of implementing the Framework Proposal, the author suggests one such means at Annex A.

³ For the avoidance of doubt, on the matter of the importance of negotiations, see the comments in the penultimate paragraph of this Preamble.

Framework Articles

1. Key Definitions

1.1. Save for the following key definitions, definitions are dealt with on an *ad hoc* basis throughout the Framework Proposal:

1.1.1. “Effective Date” means the date upon which the Final Status Agreement comes into force and the independent and sovereign Palestinian state is created;

1.1.2. “Period of Choice” means the two-year period following the Effective Date, after which a decision must be taken by individual Israelis in the Palestinian state as to whether or not to exercise their Right to Remain; and

1.1.3. “Transition Period” means the five- to seven-year period⁴ following the Effective Date, after which Israeli forces would leave the Palestinian state and the first Palestinian citizens would be able to exercise the Right of Return to Israel. This would also be the period within which the current separation barrier would be dismantled, and new secure borders established.

2. Borders

2.1. On the Effective Date, the Palestinian state must be based on 1967 Borders and the territorial space that this would entail (“1967 Space”). This would likely be subject to the eventual need for some minimal modifications. In view of the need for compromise, such modifications would be permitted under the Framework Proposal. Accordingly, a Final Status Agreement would need to consist of substantially 1967 Borders and 1967 Space (“Substantially 1967 Borders and Space”).

2.2. By way of illustration, Substantially 1967 Borders and Space would, for the most part, necessitate 1967 Borders *not* being re-drawn to accommodate into the State of Israel settlement “blocs” that currently exist beyond 1967 Borders. As is the case elsewhere in the Framework Proposal, this would involve a compromise rendered easier to make by virtue of the trade-off opportunities set out in these Articles. Consistent with the principle of indivisibility, such trade-offs and compromises must always be considered in the context of all other issues covered in the Framework Proposal.

2.3. For the avoidance of doubt, Substantially 1967 Borders and Space would comprise a Palestinian state of fully contiguous⁵ space inclusive of its capital East Jerusalem, which secures and preserves, among other issues, natural resources, air rights, and electromagnetic space.

2.4. As should also be the case in regard to issues dealt with elsewhere in the Framework Proposal, where relevant, all efforts should be made by the Parties and the Brokers to draw upon useful understandings that have been gained on these issues in the past.

⁴ Such duration to be determined by the Parties.

⁵ Where, save for the linkage of Gaza to the West Bank, contiguity means contiguity of territory as opposed to solely contiguity of accessibility by means of transportation.

- 2.5. Further for the avoidance of doubt, use of territorial swaps would prejudice neither the nature of 1967 Borders nor 1967 Space (the starting point of negotiations). Equally, territorial swaps would not prejudice the nature of Substantially 1967 Borders and Space (the end point of negotiations). All modifications to 1967 Borders or Space, including any territorial swaps, must occur on a 1:1 basis, relate to territories of equivalent or similar value (with value to be determined by reference to criteria such as location)⁶, ensure the equitable allocation of water resources, and protect the civil rights of people living in the affected territories, including their rights of choice.
- 2.6. In the spirit of mutual accommodation, the Right to Remain would provide a mechanism that ensures minimal deviation from 1967 Borders and 1967 Space.

3. Settlers

- 3.1. On the Effective Date, Israelis living within the boundaries of the Palestinian state, including East Jerusalem, would be offered by the Palestinian state, on an individual basis, not as settlers, and by mutual agreement, the right to remain, first as residents, and eventually as co-citizens⁷ of the Palestinian state with full civil rights and responsibilities (the “Right to Remain”). This would be without prejudice to the national character of the Palestinian state.
- 3.2. Mutual agreement of the Right to Remain would involve high priority being given to individuals – together with their families – with skills which could contribute to the development of the Palestinian state. Israelis living in the Palestinian state would decide on whether or not to exercise a Right to Remain within the Period of Choice. For the avoidance of doubt, implementation of the Right to Remain would not be approached from the collective perspective of anticipating entire settlements staying behind. Rather, individual applications by Israelis would be decided on a case-by-case basis with a view to achieving their optimal integration into the Palestinian state as Palestinian citizens.
- 3.3. All settlement structures remaining within the new Palestinian state would be converted into civilian communities under Palestinian sovereignty. Where settlements have been built upon privately-owned land, ownership would be returned to the original owners. In all other instances, land would be owned by the Palestinian state, with lease arrangements granting Israelis that qualify to remain 30-year⁸ leases of the land. All physical and economic infrastructure would be preserved, inclusive of settlement industries, industrial zones, and agricultural establishments.
- 3.4. Rather than destroy settlement structures, and, with them, the economic and social value they offer, co-operative private-public sector support on both sides of the final border would aim to harness the settlement economy for the mutual benefit of both Palestinians and Israelis.
- 3.5. The Parties would agree on an appropriate sum to be paid by the Israelis to the Palestinians by way of “retrospective rent” for their use of Palestinian land through settlements since the 1967 Six-Day War.

⁶ The criteria of what constitutes value as well as the assessment of value in any given case would be independently determined.

⁷ Rules governing, for instance, the question of dual citizenship are to be defined by the Parties.

⁸ Such duration to be determined by the Parties.

- 3.6. Cognizant of the need for mutual accommodation and trust as foundations of successful negotiations, the Framework Proposal recognizes that the halt by the Israelis of settlement-building could valuably contribute to effective negotiations, while continued settlement expansion during negotiations could be detrimental to effective negotiations. The Israelis would therefore make reasonable attempts to halt settlement-building. As concerns “natural growth”, the Framework Proposal recognizes that, because of the realities of life, families will grow. Emphasis is, however, placed on the Israelis refraining from settlement growth based on the arrival of new settlers, the building of new settlements, or extension of existing settlements beyond the realms of natural family-related growth.
- 3.7. The presence of Israeli and international forces during the Transition Period, as well as international forces following the Transition Period, would guarantee the immediate term security needs of Israelis deciding to exercise their Right to Remain.
- 3.8. In the spirit of the Framework Proposal, the Right to Remain would promote the achievement of Substantially 1967 Borders and Space by minimizing the need for population displacement, in itself sparing the Israelis huge costs. Meanwhile, the preservation of settlement structures associated with the Right to Remain would provide a mechanism that could accelerate the economic development of the Palestinian state. This could, in turn, provide extra capacity for the Palestinian state to constructively absorb Palestinian refugees. These are all factors which would contribute to an integrated security solution for the two states.
- 3.9. In this same spirit of mutual accommodation, there would be a link between the Right to Remain and the nature of the Comprehensive Refugee Compensation Package. Meanwhile, all population movements⁹ would be framed by, and subject to, population ratios guaranteeing the respective national characters of the two states. This flexible mechanism (the “Law of Exchange”), together with mutually recognized symmetrical definitions of the nature and national characters of the two respective states, could break new ground in the peace process by offering different modalities of co-existence between Israelis and Palestinians in the two states in a way which is sensitive to both Parties’ interests and national characters.

4. Refugees

- 4.1. On the Effective Date, all Palestinian refugees living outside of historic Palestine would be able to immediately¹⁰ exercise a right of return to the Palestinian state (the “Right of Return to Palestine”). They would become full citizens, be offered housing and employment by the Palestinian state, and undergo rehabilitation underwritten by the International Community. This would be without prejudice to the right of all Palestinians in the diaspora to exercise their Right of Return to Palestine immediately.
- 4.2. All refugees would be granted a comprehensive compensation package (the “Comprehensive Refugee Compensation Package”), such package to include monetary

⁹ For these purposes, exercise of the Right to Remain would be regarded as a “population movement”.

¹⁰ The exercise of such in principle immediate right of Palestinian refugees and other Palestinians in the diaspora to be, where appropriate, staggered.

compensation, the possibility of gaining a right to work in Israel, and the possibility of a right of return to the State of Israel (the “Palestinian Right of Return to Israel”).¹¹

- 4.3. As part of the Comprehensive Refugee Compensation Package, all Palestinian refugees would be monetarily compensated uniformly by the State of Israel, as assisted, where relevant, by the International Community.¹²
- 4.4. All Palestinian citizens that have resided continuously in the Palestinian state for a period of five to seven years could, by mutual agreement, be granted by the State of Israel the right to apply for residence, and eventually citizenship, in the State of Israel. This would be without prejudice to the national character of the State of Israel.¹³
- 4.5. There would be a cap on the number of Palestinian citizens able to exercise the Right of Return to Israel. In the spirit of mutual accommodation, this would be determined by the number of Israelis exercising the Right to Remain in the Palestinian state. This in turn would be adjusted by a coefficient which factors in the respective territorial sizes of the two states. As neither Right to Remain nor Palestinian Right of Return to Israel would prejudice the respective national characters of the State of Israel and the Palestinian state, all population movements would be subject to population ratios which guarantee the national characters of the two states.
- 4.6. Consistent with the nature of the Framework Proposal as a starting point in negotiations offering an integrated procedural solution, deadlock in the negotiation of ratios concerning population movement may be avoided through trade-offs within the Comprehensive Refugee Compensation Package and elsewhere in the Framework Proposal.
- 4.7. Appropriate socio-economic conditions could be placed upon the exercise of the Palestinian Right of Return to Israel in order to incentivize the gaining of skills among the Palestinian population and to optimize chances for smooth demographic transition. To this end also, emphasis could be placed upon refugees being absorbed into existing Arab communities within the State of Israel.
- 4.8. The Law of Exchange, which would include the ratio governing the number of Israelis exercising the Right to Remain and the number of Palestinians exercising the Right of Return to Israel, along with any conditions placed upon their exercise, would be enshrined in an agreement on population movements annexed to the Final Status Agreement.
- 4.9. The Law of Exchange would help define a realistic final status relationship between the Parties; the Israeli Right to Remain would create a wider range of opportunities to manage the question of the Palestinian Right of Return to Israel. It would contribute to the process of mutual accommodation and reconciliation and, at the same time, promote mutually healthy economic and social development.

¹¹ Or, where the context permits it, the “Right of Return to Israel”.

¹² For the avoidance of doubt, monetary compensation would be granted to all refugees, notwithstanding whether or not they elect to exercise their Right to Return to Palestine.

¹³ Exercise of the Right of Return to Israel would be appropriately staggered so that returnees to the Palestinian state would not unnecessarily lose out on the opportunity to exercise a Right of Return to Israel.

- 4.10. Consistent with the long-term perspective taken in the Framework Proposal and the emphasis on sustainability, Palestinian refugees living in camps and in the region would be aided in the process of moving from deprivation and dependence to economic and social renewal and growth.
- 4.11. Further, the acceptance of some Palestinians within pre-1948 boundaries, in recognition of the governing principle in Article 11 of UN General Assembly Resolution 194 (1948), would constitute a genuine act of good faith and commitment to a lasting peace by the Israelis. Such a commitment would consolidate Palestinian readiness to commit to a democratic Palestinian state in which Israelis may exercise a Right to Remain.
- 4.12. As such, at the heart of the Framework Proposal is a sensitive and realistic treatment, in the mutual interests of the Parties, of the important questions of settlements, refugees, and the respective national characters of the two states. Further, the enhanced number of trade-off opportunities offered by the Framework Proposal would ensure the Parties have the means necessary to engage constructively and sensitively on these issues.

5. Mutual Recognition

The path to fully-fledged mutual recognition

- 5.1. The Framework Proposal is rooted in the need for mutual accommodation between the Parties economically, socially, and in the context of trade-offs in negotiations. Consistent with the need for Final Status Agreement to be founded upon the values necessary for the creation of sustainable and vibrant peace, it aims at mutual recognition between the Parties in the broadest possible sense. Equally, however, the Framework Proposal recognizes the political difficulties inherent in achieving fully-fledged mutual recognition.
- 5.2. Cognizant that the desired inter-state interdependence can only function meaningfully if done so upon the foundations of enjoyment of full independence by both Parties, the Framework Proposal emphasizes first and foremost self-definition by each state of its respective national character. However, the Framework Proposal also looks ahead to, and opens up the possibility for, fully-fledged mutual recognition between the Parties.
- 5.3. The Framework Proposal thus leaves definition of the national characters of the two states to the Parties themselves under the proviso that both states are inclusively characterized as states of their people, thus acknowledging the non-homogenous nature of the people that live within their respective states' boundaries. Further, the Framework Proposal conditions fully-fledged mutual recognition upon the faithful implementation through negotiations of the equitable framework procedural system of trade-offs on offer.

Nature of fully-fledged mutual recognition

- 5.4. The Framework Proposal therefore recognizes that within an equitable procedural system of trade-offs, it is possible for the Parties to achieve fully-fledged mutual recognition.

- 5.5. This would include the mutual recognition of the following permanent symmetrical definitions of the nature and national characters of the two respective independent and sovereign states:
- 5.5.1. The State of Israel would be defined as an independent and pluralist democracy and the national home of the Jewish people with a permanent Arab minority enjoying full citizenship rights; and
- 5.5.2. The State of Palestine would be defined as an independent and pluralist democracy and the national home of the Palestinian people with a permanent Jewish minority enjoying full citizenship rights.
- 5.6. Such mutual recognition could be considered an extension of the historic exchange of letters of mutual recognition between Yitzhak Rabin and Yasser Arafat on September 10, 1993. The mutual historic compromise which this would represent could equally be considered an extension of the Palestinians' historic compromise contained within the Palestinian National Council Declaration of Independence of November 14, 1988.
- 5.7. Such mutual recognition would go to the heart of the need for a two-state solution to the conflict: without the full satisfaction of the collective identities of Jews and Palestinians between the river and the sea through statehood, neither individual Jewish and Palestinian freedoms nor the end of the conflict will be achieved.
- 5.8. The Framework Proposal recognizes the political difficulties inherent in each of the steps which need to be taken by the Parties in order to reach Final Status Agreement. By linking mutual recognition to 1967 Borders and all other final status issues through the trade-off opportunities on offer, however, the Framework Proposal ensures it is possible to overcome such difficulties.
- 5.9. The mutual recognition by the Parties of the above symmetrical definitions would be intended to protect the rights of respective existing and future minorities in the two states. For the avoidance of doubt, such protection would extend to the application of the two-way mechanism enshrined in the Law of Exchange guaranteeing Israeli settler Right to Remain in the Palestinian state and, reciprocally, modified Palestinian Right of Return to Israel. Further for the avoidance of doubt, this protection would entail the extension of full rights and responsibilities to Israeli Arabs currently residing in the State of Israel. This would provide an opportunity for the establishment of new and dynamic Arab communities, and offer equal opportunities in all sectors of the Israeli economy, both public and private.
- 5.10. The Framework Proposal recognizes the importance of overlapping Israeli-Palestinian, Arab-Jewish interests in creating the necessary incentives for lasting peace and reconciliation. By ensuring the fates of the two states' respective minorities are inextricably linked, the Framework Proposal offers a blueprint for solidarity rather than conflict between the two peoples.
- 5.11. Cognizant that the Israeli-Palestinian conflict did not start in 1967 and that, rather, the roots of the conflict go far deeper, mutual recognition under the Framework Proposal would be extended to the Parties' respective core identities and narratives.

- 5.12. The Framework Proposal recognizes that, though reconciliation is not a prerequisite to the achievement of Final Status Agreement, it will determine the success of the implementation of a Final Status Agreement. As such, the Framework Proposal underscores the need for reconciliation initiatives to straddle the pre- and post-Final Status Agreement periods. Further, the Framework Proposal understands that reconciliation will only be achieved if the means of achieving reconciliation play an integral role in the make-up of the Final Status Agreement. The Framework Proposal's emphasis on mutual accommodation in the economic and social spheres, in addition to successful political separation between the two sides, is thus designed to provide the Parties with the surest path toward reconciliation.
- 5.13. With a view to strengthening the status of the respective minorities, and to promoting reconciliation among Israelis and Palestinians, the Parties could take the extra symbolic step of mutually recognizing their respective minorities' historic connections to the land of the state in which they reside. As such, the Palestinians would recognize the historic connection of the Jewish people to the land of the new Palestinian state, without prejudice to the Palestinian state's full sovereignty over all Palestinian land within its defined boundaries. Meanwhile, the State of Israel would recognize the historic connection of the Palestinians to the land of the State of Israel, without prejudice to the State of Israel's full sovereignty over all Israeli land within its defined boundaries.
- 5.14. As such, and in the spirit of mutual accommodation, democracy, and self-determination, the Framework Proposal would envisage the State of Israel and the Palestinian state as two parallel pluralist democratic structures which are the national homes of the Jewish and Palestinian peoples respectively. Israeli citizens of the Palestinian state and Palestinian citizens of the State of Israel would, respectively, have full civil rights and responsibilities in the states in which they reside.
- 5.15. In order to guarantee the respective national characters of the two states – as provided for in an agreement annexed to the Final Status Agreement – all population movements effected by virtue of the Law of Exchange would be subject to mutually agreed population ratios for the two states. The relative population ratios would be adjusted by a coefficient which factors in the respective territorial sizes of the two states.
- 5.16. The symmetrical definitions of the nature and national characters of the two states would represent a commitment by both Parties to the future harmonious coexistence of the two states: a *modus vivendi* both within and between the two states.
- 5.17. Both states would aim to ensure appropriate freedom of movement of labor between the two states, including, where relevant, as provided for in the implementation of the Comprehensive Refugee Compensation Package. In this respect, and indeed throughout this Framework Proposal, the onus would be on the Parties, as aided by the Brokers, to take all possible steps to create mechanisms which would sustain the Final Status Agreement when it is implemented, ensuring that a livable, workable solution is forged. Consistent with this spirit, the current separation barrier would be removed.
- 5.18. Mutual recognition would extend to entrenched mutual and continuous obligations for the Parties to proactively co-ordinate the protection of the presence within the two states of the three monotheistic faiths, together with their communities, as well as the promotion of religious tolerance and mutual respect.

6. Jerusalem

Interplay between Jerusalem and a two-state solution

- 6.1. The Framework Proposal recognizes the importance of Jerusalem being integrated procedurally within the full system of negotiated trade-offs. Failure to do so will not only lead to a lower number of trade-off opportunities, key to avoiding deadlock, but also risk a final status treatment of Jerusalem which is ill-adapted to the rest of the Parties' chosen two-state solution.
- 6.2. It is critical that Jerusalem functions as an economic and cultural hub for both states. As such, where minor territorial swaps are needed, the Framework Proposal underscores the importance of the needs of Jerusalem for both states being used as a benchmark to determine which potential territorial swaps will be more appropriate than others.

Shared capital

- 6.3. On the Effective Date, Jerusalem would become the shared capital of the two states, with co-operative municipalities: West Jerusalem becoming the capital of the State of Israel and East Jerusalem becoming the capital of the Palestinian state.
- 6.4. The Right to Remain would preserve the feasibility of East Jerusalem – and not just the remaining Arab areas of East Jerusalem – becoming the capital of the Palestinian state.

Holy Sites

- 6.5. The Holy Sites, including those in the Jerusalem area outside of East Jerusalem, would be accorded special international status.
- 6.6. The Framework Proposal underscores the need for mutual accommodation and tolerance in negotiations on all matters of concern to the Holy Sites, including issues of sovereignty and access to the Holy Sites by people of all faiths.

Dual citizenship and mutual accommodation in Jerusalem

- 6.7. The Framework Proposal opens up possibilities for the creative and effective use of dual citizenship as a means of the Parties reaching Final Status Agreement. Its facilitation of the implementation of the Law of Exchange would be of direct relevance to East Jerusalem as it is with other parts of the Palestinian state.
- 6.8. Dual citizenship could also be considered as a potential tool for promoting the sustainable economic and social development of Jerusalem as a cohesive whole with a view to achieving a sense of “symmetry” which implies a striving by the Parties for a sense of equality, continuity, and seamless functioning across sovereign lines within a single city.
- 6.9. Meanwhile, the principle of mutual accommodation would preserve the separate identities of the two states and their respective capitals, in a manner which is sensitive to the complex and overlapping Arab-Jewish presence in the dual capital.

6.10. The Framework Proposal offers a more accommodative political, economic, and social geometry at the heart of a two-state solution, easing the approach to an otherwise nearly impossible challenge of separating the two communities, Israeli and Palestinian, while ensuring distinct and independent sovereignties.

6.11. The Parties would establish the municipal structures necessary to effect this symmetry, cohesion, and sustainable economic and social transformation and development of the dual capital. This would include and involve, for instance, a higher council comprised of representatives of West and East Jerusalem which would co-ordinate decision-making; a special status for Jerusalemites and a striving for uniform rights and privileges to be enjoyed by all Jerusalemites; appropriate municipal tax systems which are duly co-ordinated among themselves and with the respective national tax systems; and joint development of various sectors of the economy such as tourism.

7. Security

Interplay between security and a two-state solution

7.1. The Framework Proposal recognizes the central role that the satisfaction of the Parties' independent and shared legitimate security concerns will have to play in the implementation of a two-state solution. It also recognizes that a two-state solution cannot be implemented if the Palestinians cannot exercise full sovereignty over their own territory through full self-determination in their own affairs.

7.2. The Framework Proposal recognizes the practical need for political separation but economic and social mutual accommodation and interdependence between Israelis and Palestinians. However, it also recognizes that any such mutual accommodation and interdependence can only take place upon the foundation of two genuinely independent states.

7.3. The Framework Proposal underscores the sanctity of the central purpose of the current negotiations: the creation of two states for two peoples coexisting in peace and security. Accordingly, the Framework Proposal recognizes that the objectives of a fully independent Palestinian state and a secure State of Israel are not mutually exclusive. Rather, in President Obama's words, the State of Israel's security as a Jewish and democratic state depends upon the realization of a Palestinian state. It is with this understanding of the mutually desired end point in mind that the Parties must advance toward Final Status Agreement.

7.4. The Framework Proposal also recognizes the importance of Final Status Agreement, as opposed to merely partial agreement, to security. Only through a just and viable Final Status Agreement can the Parties reach a new chapter in their respective narratives and have the confidence to satisfy their independent and shared legitimate security concerns with mutual respect.

Negotiations and beyond

7.5. Cognizant of the need for mutual accommodation and trust, and, in the interests of enhancing the chances for successful negotiations and implementation of the Final Status Agreement, both Parties would employ best endeavors and take all steps within their control to prevent all violence, including provocative acts.

During the Transition Period

- 7.6. During the Transition Period, the responsibility for the security of citizens and residents in the Palestinian state would be the shared and co-ordinated commitment of the Israeli forces, Palestinian civil police, and international military forces.¹⁴
- 7.7. The current separation barrier would be dismantled, and new secure borders established in the mutually agreed locations.

Following the Transition Period

- 7.8. Following the Transition Period, no Israeli military presence would remain in the Palestinian state. Subject to pre-agreement by the Parties, the Palestinian state would host an international military presence along its borders and, where necessary, elsewhere within its territory.

Integrated Security

- 7.9. Subject to the pre-agreed presence of Israeli and international forces during the Transition Period, and international forces following the Transition Period, the Palestinian state would be demilitarized.
- 7.10. The International Community would be called upon to underwrite the security of both states and accelerate its support and underwriting of the development of an independent and transformed Palestinian civil police force. The presence of international forces within the Palestinian state would represent the International Community's long-term commitment toward the establishment of an economically, socially, and politically viable and independent Palestinian state coexisting harmoniously alongside the State of Israel.
- 7.11. The Parties would work together and with the International Community with a view to embracing and implementing an integrated conception of security. Integrated security would work in the mutual Israeli and Palestinian interest and prioritize not only the immediate physical safety of all people within their borders, but also longer term needs such as economic, energy, and water security, as well as efforts by both Parties to reach maximum acceptance and integration within the International Community. Consistent with the principle of mutual accommodation, the State of Israel would recognize the benefits of having a strong Palestinian neighbor. Further, and consistent with the spirit of the Arab Peace Initiative and the need for the Parties to embrace an outward-looking posture, the Parties would recognize that part of security comes with acceptance by the Arab and Muslim world of Israel, together with normalized political and economic relations between them.
- 7.12. In this vein, the Parties, together with the International Community, would engage energetically in ensuring mutual security through implementation and sustenance of the Final Status Agreement: Israeli-Palestinian and Arab-Jewish, inter- and intra-state reconciliation and co-operation within the two parallel independent and pluralist democratic states.

¹⁴ Such international military forces to be mutually accepted by the Parties.

7.13. Further, appropriate early modified security arrangements would need to be discussed between the Parties and Jordan with a view to assuring the security of all three states. In the spirit of adapting and extending the existing peace arrangements between Israel and Jordan for the benefit of all three states, and in response to an overarching aim of the Framework Proposal, the Parties, together with Jordan, would come to an agreement which might best be described as a mutual obligation to protect.

7.14. The Parties would derive encouragement from the fact that the implementation of the Framework Proposal would involve minimal additional disruption to people's everyday lives, and thus offers the lowest risk alternative pathway to peace.

7.15. The Parties would further derive encouragement from the fact that their mutual recognition of the *permanence* of the symmetrical definitions of their two states' respective nature and national characters would enshrine a long-term assurance of their mutual security interests.

8. Other Issues

8.1. The Framework Proposal has aimed to cover the issues of critical concern to the conflict. However, there is clearly a need for reaching early and accommodative agreement on other matters which have not been dealt with in this document. Such issues would include, among others, prisoners, rights in the Eastern Mediterranean, water rights, air rights, and electromagnetic space.

8.2. The author suggests that, by way of example, were the suggested implementation of this proposal, as set out at Annex A below, to be adopted, relevant prisoner exchanges or other forms of prisoner release could be realized by the end of the first phase of the Implementation process, namely agreement of the MAN Framework.

8.3. The Framework Proposal opens the way to creative and mutually accommodative thinking in respect of issues of mutual concern to the Parties which have not been covered in this document. One logical extension of the Framework Proposal, for instance, could, subject to mutual agreement, be the provision of a right for Jews in the diaspora to exercise a further right of *aliyah* to the Palestinian state in return for a reciprocal further Palestinian right of return to the State of Israel. Such exchange would accordingly be adjusted by a negotiated coefficient which factors in the respective territorial sizes of the two states.

Conclusions

The Framework Proposal shows that it is possible to embrace a vision of two states which is not only more workable than the alternatives, but also more sustainable and respectful of international resolutions. Further, by responding to both Israelis' and Palestinians' concerns, the Framework Proposal offers a real possibility of closure to conflict: not only a technical peace but also an emotional peace; and not only a political peace but also an economically and socially viable peace.

Given the probability of any Final Status Agreement being put to both the Israelis and Palestinians through separate referendums, an integrated framework which takes into account the practical and emotional realities and concerns on the ground is more likely to deliver a positive response from the public than one which does not. If the aim of the leaders is to succeed, then making the right choices on which path to follow will generate success at the ballot box.

The author believes that failure by the Parties to agree on a framework around which to engage in negotiations will result in, at best, ineffectual attempts at resolving the deep-seated impasse. Meanwhile, though the final status destination of a mutually just, secure, and sustainable outcome to the conflict is not yet fully ascertainable, it is within sight.

The Framework Proposal embodies this vision. The author underscores that it is needed not only in the later stages of negotiations, but also as an incentive for the Parties to participate in the renewed negotiations in the correct vein. Further, the much-needed starting point that the Framework Proposal offers comes with due level of detail.

As further assurance, the Framework Proposal presents the Parties with an insight into the vast number of trade-off opportunities available to them if they engage in the final status issues in the spirit of mutual accommodation. The list goes a long way beyond just land for peace. The Framework Proposal does not present all of the trade-offs nor tell the Parties how to exercise them. Rather, grounded in the Law of Exchange, it offers a number of concessions which, to varying degrees, and in different circumstances, either must, or may be, made in order to preserve the possibility of a just, secure, and sustainable outcome to the conflict being put into effect. The sole condition of the exercise of these concessions is their being based in an honorable *quid pro quo*.

The author's intention is for the Framework Proposal to facilitate, rather than impose, a solution. The Framework Proposal is designed to not only give the Parties a sense of purpose and direction in negotiations, but also a sense of freedom which comes with a full appreciation of the trade-off opportunities at their disposal.

Mutual accommodation in the context of negotiations implies moving away from a zero sum mentality toward taking, instead, a long view which appreciates the ultimately win-win nature of concessions.

The author warns of the risk of an unjust resolution being reached: one in which Substantially 1967 Borders and Space are not achieved. In the context of the settlement "blocs", a natural trajectory of negotiations could involve starting with 1967 Borders but ending with "2013 borders". The Law of Exchange offers a new paradigm which circumvents this risk and envisages the Parties arriving at a just, secure, and sustainable outcome which is in their mutual interests. Through the Law of Exchange, the Framework Proposal offers the prospect of a

people-focused resolution which articulates not only the desire for institutional change but also the genuine hopes of the majorities on the ground.

The specter of no resolution evidently also looms large, and with it the possibility of a third *intifada*. Failure to reach a resolution to the conflict could be the result of a breakdown in negotiations which comes as a result of the failure of the Parties and the Brokers to deal with the final status issues in an integrated manner as well as deal with all practical and root emotional issues which form the foundations of the conflict. Alternatively, as has previously been the case, failure could be the result of the Parties and Brokers only reaching partial agreement. Alternatively still, failure could be the result of the Parties and Brokers reaching a Final Status Agreement which only serves to end one conflict and create a new one.

Failure to achieve effective re-engagement, particularly in this period of economic challenges, and of simultaneous eruptions in the Middle East, will continue to place an extremely heavy economic, political, and security burden on the International Community.

Thus, while the Framework Proposal cannot be imposed on the Parties, it could be made clear to the Parties that, upon failure to effectively engage in negotiations, it may no longer be possible for the conflict to be endlessly underwritten by the International Community.

Though failure to resolve the conflict has relevance to, first and foremost, the Parties themselves, beyond that, persistent failure will continue to contribute toward geopolitical destabilization.

Annex A – Implementation

Suggestive nature of implementation Annex

1. Should the Framework Proposal prove acceptable to the Parties and the International Community, and, while there could be many alternative means of implementing it, for the sake of completeness, the author would like to propose one such possible means of its adoption and implementation.

Outline

2. Building on the recent successes of Secretary of State John Kerry's diplomacy, together with the extensive preparatory stages in the formulation of the Framework Proposal as described in the Preamble, and, in the spirit of achieving a breakthrough in the peace process, the author envisages time-sensitive implementation of the objectives of the Framework Proposal.
3. The author envisages implementation of the steps set out in this Annex to run in parallel with early arrangements with Jordan on matters of borders, security, and access, as well as, where possible, re-engagement with the other tracks of the peace process with a view to the State of Israel reaching peace treaties with Lebanon and Syria respectively, and ultimately normalized relations with the Arab and Muslim world.
4. The author also emphasizes the need for the International Community to underwrite, to varying degrees, many or most of the different aspects of the implementation of the objectives of the Framework Proposal.
5. In this Annex, the author refers to the Quartet as the representative of the International Community in the implementation of the objectives of the Framework Proposal. For the avoidance of doubt, this is not intended to be to the exclusion of the possibility of the exploration of the use of alternative structures in the International Community, as deemed appropriate by the International Community.
6. Meanwhile, though the author has not, in this Annex, specifically referred to the role to be played by the Arab states, it is hereby assumed that, particularly in the context of the Arab Peace Initiative, the Arab states – most notably Jordan – would have a central role to play. Further for the avoidance of doubt, the author envisages clear U.S. and EU leadership within the International Community.
7. The author suggests provision for an approximate two-year period from adoption of the Framework Proposal by the International Community until Final Status Agreement between the Parties, and suggests its launch in the following three phases.

Phase I: Adoption of Framework Proposal leading to MAN Framework Agreement

8. The author suggests a preliminary phase before negotiations which could involve:
 - 8.1. Acceptance by the Quartet of the Framework Proposal as a useful and effective mechanism to aid re-engagement of the Parties on terms consistent with the achievement of a just and viable Final Status Agreement;

- 8.2. Exploration of the Framework Proposal by the Quartet with the Parties, independently and jointly, with a view to observations and, where necessary, modifications, being made, which maintain the spirit and terms of the Framework Proposal, resulting in a revised framework document (the “Framework”). Where substantive deviations from the Framework Proposal must be made, it is suggested that any such deviations must be made according to principles of equitable trade-off. Thus, considering the Framework Proposal to be an equitable starting point as concerns negotiation parameters, substantive revisions to the Framework Proposal must not benefit one party at the expense of the other. During this process of exploration, the Parties would not be expected to jointly or independently publicly propose or react to the Framework Proposal or the Framework; and
 - 8.3. Acceptance by the Parties of the Framework, allowing for further minor modifications, provided they do not violate the spirit of the Framework, resulting in a mutually agreed negotiation framework (the “MAN Framework”). Mutuality in the context of the MAN Framework would extend to the Brokers. Acceptance of the Framework could be an alternative to the need for pre-conditions in order for the Parties to engage effectively in substantive negotiations.
9. A period of no longer than six months could allow the Parties, together with the Quartet, to reach MAN Framework agreement. Consistent with the role of the International Community, as represented by the Brokers, in negotiations, upon agreement, the MAN Framework could be submitted to the UN Security Council for approval in the form of a resolution.
 10. Failure to reach MAN Framework agreement could result in the Parties being given a further two months in order to attempt to do so. Continued failure following these two months could result in the Quartet submitting the Framework to the UN for approval in the form of a resolution by either the Security Council or General Assembly. Such a step by the UN could reflect the concerted desire of the International Community for an end to the conflict and its will to help ensure the emergence of two secure and independent democracies. It could also comprise a commitment by the International Community to contribute materially to the implementation of the Framework with a view to the Parties reaching Final Status Agreement and, from there, ensuring the success and sustainability of the Final Status Agreement.

Phase 2: Negotiations leading to Final Status Agreement

11. Following MAN Framework agreement, negotiations leading up to Final Status Agreement could involve:
 - 11.1. The Parties using the MAN Framework as a base document in negotiations with a view to, respectively, adding further substance to it until, through a process of trade-offs and compromises, their respective positions come closer together, ultimately resulting in Final Status Agreement;
 - 11.2. Systematic review by the Brokers of the Parties’ efforts to engage constructively on the final status issues, including calling and guiding the Parties to reach agreement consistent with the MAN Framework; and
 - 11.3. Agreement and implementation, throughout the negotiation process, by the Parties of confidence-building measures aimed at sustaining the momentum of negotiations toward Final Status Agreement.

12. A period of no longer than six months could allow the Parties to reach a first draft of a Final Status Agreement. A further period of no longer than six months could allow the Parties to reach a final draft of the Final Status Agreement and execute it in the form of a treaty.
13. Failure by the Parties to reach Final Status Agreement within the timeframes could once again involve the Quartet reaching out to the UN. Similarly to when, in 1947, the parties were asked to adopt UN General Assembly Resolution 181, here, the Quartet could work with the UN Security Council to prepare and vote on what are, in the UN Security Council's view, just and viable terms of a Final Status Agreement (“TOFSA”), which could then be presented by the Quartet to the Parties with a view to their adoption by the Parties in the form of a Final Status Agreement.

Phase 3: Referendums

14. Any Final Status Agreement would be ratified through separate referendums before both the Israeli and the Palestinian people.

Phase 4: Sustaining the Final Status Agreement

15. Following Final Status Agreement, as ratified through Israeli and Palestinian referendums, the Parties and the International Community would together embark on preserving the spirit and letter of the Final Status Agreement. This would involve strenuous and creative efforts aimed at sustaining the peace through promotion of mutual accommodation, reconciliation, social integration, and fast economic development of the Palestinian state.
16. Within the International Community, this could involve targeted development aid along the lines of a “Marshall Plan” for the Palestinian state. It could also involve the designation of a special relationship for both Parties with the EU which extends beyond the European Neighborhood Policy and comprises export of the legal and other values contained in the *acquis communautaire*.

About the author

George E. Assousa, Ph.D. is a physicist with an earlier career in scientific research in the U.S. at the Carnegie Institution of Washington, and later appointments in industry and international economic development in the U.K. Since 1991, Dr. Assousa has actively participated in the process of the economic development of Eastern Europe, serving for 22 years as Chairman of Multi-Technologies Group, a London-based boutique corporate advisory company with particular focus on power and transport infrastructure projects in the region.

Born in Jerusalem to a Greek Orthodox family during the British Mandate, Dr. Assousa holds both U.S. and British citizenships. With historic awareness and insights into the roots of the Arab-Israeli conflict, Dr. Assousa has throughout his career been committed to exploring ideas and initiatives toward resolving the conflict. Beginning in 1974, he co-founded and co-chaired the Washington D.C.-based and 501(c)(3) *Foundation for Arab Israeli Reconciliation (FAIR)*. The same year, Dr. Assousa published an Occasional Paper sponsored by the Stanley Foundation entitled *Peace in the Near East: The Palestinian Imperative*. This paper served as the basis for Dr. Assousa's testimony before both U.S. House of Representatives and Senate Foreign Relations Committees in July and October 1975. In the intervening years, and in parallel with his professional career, Dr. Assousa has continued to pioneer privately-led, low profile reconciliation initiatives to the conflict on both sides of the Atlantic. Dr. Assousa is a member of the Council on Foreign Relations (New York), and of Chatham House, and the Institute of Directors (London).

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