

# The Bush-Sharon Correspondence (Part II): Did the Bush Administration Prejudge Final Status?

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Brief Analysis

**M**edia reportage on yesterday's meeting between President George W. Bush and Israeli prime minister Ariel Sharon has focused on Bush's letter to Sharon as a political windfall for the latter. Some analysts suggest that in his letter Bush prejudged the outcome of an eventual final-status deal between Israel and the Palestinians. But a close examination of the text shows that, while the policy implications it contains are indeed significant, the letter actually builds on statements of past administrations and should not be portrayed as predetermining the terms of an eventual negotiated settlement between the parties.

## Territory

Some media reports have described Bush as sharply departing from past U.S. policy, specifically in his sanctioning of the notion that there will be adjustments to the pre-1967 boundary. This is simply not true. As far back as 1969, when William Rogers was secretary of state, Washington allowed for some adjustments to the 1967 line. This position was made far more explicit in 2000, when the United States recognized the necessity of Israel incorporating some settlement blocs in the context of such a border adjustment. Then, on January 7, 2001, in his last Middle East policy speech as president, President Bill Clinton stated:

"I think there can be no genuine resolution to the conflict without a sovereign, viable, Palestinian state that accommodates Israel's security requirements and the demographic realities. That suggests Palestinian sovereignty over Gaza [and] the vast majority of the West Bank, [and] the incorporation into Israel of settlement blocs with the goal of maximizing the number of settlers in Israel while minimizing the land annex[ed]. . . . For Palestine to be viable, [it] must be a geographically contiguous state. Now the land annexed into Israel into settlement blocs should include as few Palestinians as possible, consistent with the logic of two separate homelands. And to make the agreement durable, I think there will have to be some territorial swaps and other arrangements."

In his letter, Bush kept the same equilibrium that Clinton did when referring to territorial adjustments. He mentioned "new realities on the ground, including already-existing major Israeli population centers," and that "it is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed [emphasis added] changes that reflect these realities." These statements clearly imply that Israel's desire to retain settlement

blocs will be linked to the need to provide land swaps for the Palestinians. Unlike Clinton, Bush is not explicit on how much territory is to be ceded—and he has studiously avoided endorsing the Clinton parameters for a final-status agreement—but it is difficult to escape speculation that the views of the two presidents on an ultimate territorial outcome do not radically differ. In fact, U.S.-Israel diplomacy over the past six months has focused—not unlike Clinton's territorial approach—on how the route of Israel's West Bank security fence will encompass the settlement blocs, which represent only a fraction of West Bank land.

### Refugees

Some say that Bush has also prejudged final status between the two parties by effectively taking away the Palestinian "right of return." Yet the notion of a two-state solution predicated on the return of refugees to the new Palestinian state, rather than to Israel, is hardly new. For example, this has been the guiding principle of Palestinian intellectual Sari Nusseibeh, who has long maintained that Israelis would never agree to the right of return. Clinton built upon this idea, and Bush has taken it further. However, neither have precluded the prospect of creative formulations on refugees, such as implementing a quota. In explaining why Israel need not agree to an unlimited right of return for the Palestinians, Clinton said, "We cannot expect Israel to make a decision that would threaten the very foundations of the state . . . and would undermine the whole logic of peace. And it shouldn't be done." Bush's letter was more direct, even though he seemed to couch his language more as an observation than as an articulation of American policy: "It seems clear [emphasis added] that an agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel."

### Conclusion

The Bush letter must be viewed in context, although its importance should not be minimized. Indeed, Sharon has reason to be pleased. He has placed the diplomatic ball squarely in the Palestinian court regarding the future of the peace process; he has achieved U.S. support for the West Bank security fence as a temporary barrier; and he has encouraged a stronger U.S. position on Palestinian refugees.

Washington saw that Sharon was determined to yield Gaza, in itself an extraordinary circumstance: Until now, no Israeli leader was prepared to evacuate settlements before Israel had been promised comprehensive peace as part of a final-status agreement. Yet here was Sharon, promising to evacuate them in the context of a Palestinian partnership shattered by the past three-and-a-half years of violence. The United States recognizes that the architect of the settlement movement is uniquely positioned to initiate the evacuation of settlements. Accordingly, the Bush administration believes that such a move will serve as a political precedent facilitating future withdrawals from West Bank territories, and that Sharon—like Nixon going to China—will be creating a pathway to be widened by his successors.

Bush is not pressing Sharon for major withdrawals from the West Bank, in order to reinforce the notion that the Palestinians cannot expect Israel to limitlessly perform on the settlement issue in the absence of Palestinian performance on security. This also serves as a way for Washington to demonstrate to the Palestinian leadership that legitimization of suicide bombing carries consequences.

Historically, presidential letters, although sometimes significant, have not always constituted holy writ. For example, Gerald Ford's letter to Israel in 1975 after the Sinai II disengagement agreement did not stand in the way of subsequent diplomatic developments. Contrary to Ford's promise not to surprise Israel with new initiatives, Jimmy Carter and Ronald Reagan did just that (through the 1977 U.S.-Soviet joint communique and the 1982 Reagan Plan, respectively). Moreover, while Ford's letter also called for Israeli retention of at least part of the Golan Heights, it did not preclude U.S.-led talks over full withdrawal that occurred between Syria and Israel in the mid-1990s and 2000.

In short, the Bush letter indicates a certain direction for U.S. policy, and attempts to condition public attitudes on both sides with regard to the need for compromise. It has built on the work of previous administrations and has not slammed a door on future negotiations. Once Sharon gets past the Likud referendum, Israelis and Palestinians will have to coordinate on a range of issues, including Israel's evacuation of settlements. Coordination is inevitable in the short term, even though it will fall far short of the partnership envisioned by Oslo. Bush's letter acknowledges the absence of Israeli-Palestinian partnership today, but it does not ignore the need for these same parties to eventually come together to discuss final-status issues.

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