

Inside Clinton's Peace Proposals:

A Textual Analysis

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Brief Analysis

While the White House has made no comment on the substance of President Bill Clinton's proposal for Israeli-Palestinian peace, the Israeli newspaper Haaretz and the Palestinian Jerusalem Media and Communication Center (JMCC) have published what they say are respectively the Israeli and Palestinian minutes of the president's December 23 oral presentation. What is striking is that the two accounts agree on every substantive point. These accounts provide a sound basis for knowing what in fact Clinton proposed.

A Modest Proposal? In theory, the Clinton initiative is modest – to provide the parties with agreed parameters upon which they can resume negotiations. But the initiative is actually bold for several reasons. It is the first time that a U.S. president has specified what percent of the West Bank Israel should relinquish, who should have sovereignty where in Jerusalem, and what the resolution of the Palestinian refugee problem should be. Furthermore, the initiative is bold in its claim to be available for a limited time. The president told the parties on December 23, "These are my ideas. If they are not accepted, they are not just off the table; they also go with me as I leave office." This seems unusual – why should Arab-Israeli diplomacy, among the most bipartisan of foreign policies, expire at the end of an administration when other foreign policies do not? Can a new president, for example, disavow Clinton's view that the Haram al-Sharif/Temple Mount should be under Palestinian sovereignty or that Israeli forces should have the right to deploy in the Jordan Valley during emergencies?

Yasir Arafat, as well as Israeli critics, are correct when they say that the president's proposals are exceptionally vague, as explained in [PeaceWatch no. 301 \(templateC05.php?CID=1992\)](#) ("From Bilateralism to Internationalization: Security Implications of the U.S. Bridging Proposals," January 2, 2001). It is not appropriate to view Clinton's proposal as simply addressing the points left in suspense after the Camp David summit. The tentative understandings that were reached at Camp David have to be reviewed in light of the last four months of violence.

Although Clinton's proposals are unclear on many points, they include some noteworthy elements, such as his comments about international forces. Both sides report him saying, "The president believes that the key lies in international presence" and that a solution for the Temple Mount/Haram al-Sharif will include "international monitoring to provide mutual confidence." Over the course of the Oslo process, the key to an agreement has been

thought to be cooperation between Israelis and Palestinians. The president's assertion that international forces are the key to a solution suggests that security cooperation can never be what the Oslo founders thought it would be. Indeed, it is an admission that an "end of conflict" agreement will not produce an "end of conflict." Furthermore, if the international force is led by Americans, then there are concerns regarding the mission of this force, its deployment, and the fact that it is likely to find itself between two states that are, at best, adversaries.

A Fundamental Trade-off? Much of the media has reported without citation that the proposals provide a fundamental trade-off: Palestinian sovereignty on the Haram al-Sharif/Temple Mount in exchange for giving up the right of refugees to return to Israel. Half of that equation is true: the president offered two variations on the Haram issue and both clearly allotted sovereignty to the Palestinian state. On the right of return, however, the trade-off is much murkier.

The right of return has a tortured history. To some it has its basis in a certain reading of the 1948 UN General Assembly Resolution 194, in which the assembly "resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property." Note that Resolution 194 does not speak of rights, only of what should happen.

But that is not the relevant history of the right of return in Palestinian political development. The Palestinian National Covenant speaks of "return" to Palestine only in Article Nine: "The Palestinian Arab people assert their absolute determination and firm resolution to continue their armed struggle and to work for an armed popular revolution for the liberation of their country and their return to it." In other words, "return" is part of a policy of liquidation of Israel. The Palestinian Authority (PA) recognized this when Arafat wrote a letter to Clinton clarifying which elements in the covenant were annulled as a result of the 1996 Palestinian National Congress meeting — a decision subsequently reconfirmed by a December 1998 Palestinian Central Committee meeting in Gaza that Clinton attended. In the letter identifying the articles that had been annulled, Arafat listed many as having been annulled in part, but Article Nine was listed as having been annulled in its entirety — that is, not only its reference to armed popular revolution but also the reference to return. In face of this history, Clinton's acknowledgement of the legitimacy of the right of return in any form is a portentous step for U.S. diplomacy.

The president said that the appropriate formulation should make clear that there is no specific right of return to Israel itself, but should not negate the aspiration of the Palestinian people to return to the area. He offered two options for the general principles: the refugees right to return to their "homeland" or to "historic Palestine" — universally recognized to mean the entire area between the Jordan River and the Mediterranean. He went on to say that in executing the policy of return, refugees would have automatic entry to the Palestinian state but that to all other countries (he explicitly cited Israel, the current host countries, and third countries of resettlement), they would be subject to the immigration policies of those countries. Effectively, he proposed that refugees have the right to claim entry into Israel and that Israel has the right to refuse them entry. This is not a renunciation of the right to return to Israel. Indeed, it is a formula that would guarantee the maintenance of conflict. In the event of an agreement, two million Palestinians would probably apply to enter Israel as a point of principle; 1.9 million would be rejected, and the conflict would continue.

What Next? If Clinton does not succeed at brokering an agreement and Ariel Sharon is elected next month, the problems for the Bush team will be difficult enough. It will have to decide whether and how to disengage from Clinton's proposals in such a way that the new Israeli government will not be forced to create facts on the ground that make the proposals no longer relevant. If Clinton does somehow succeed, the immediate problem for the Bush team will be how to handle the period between the signing of an agreement and the Israeli election. Should the new administration invest considerable resources in a short period of time to make the deal so attractive and the

alternative so scary that the Israeli electorate is inclined to vote for Ehud Barak? (This strategy runs the risk of causing a breach in U.S.–Israeli relations that would result from intervening in Israeli politics precisely at the moment when Barak appears to be headed for an historic defeat.)

Or does the new administration sit back, let the Israeli voters make their choice, and then — should Sharon win — try to manage the unenviable task of putting together a diplomacy when one side, your ally, has rejected an agreement that the other side has accepted? Even the "best-case scenario" — Clinton succeeds, Barak wins — is not very attractive for the Bush foreign policy team. It would have to put Arab-Israeli diplomacy much higher on their priority list than it reportedly wants to, investing lots of high-level energy over the next year in negotiations translating a framework accord into a real peace treaty. It would also have to find the money to make the agreement work, and take on precisely the kind of international peacekeeping mission — vaguely defined, open-ended, and directly in harm's way — that the new team is not known to relish.

The odds are that the Bush team will not inherit a signed Israeli–Palestinian framework agreement on January 20. The game now is for neither side to say no and neither to say yes, but for each to run out the clock. Barak wants the clock to run out with improved security and an atmosphere where peace is possible; Arafat wants to run out the clock with the elements of the Clinton proposal still intact as U.S. policy, because they are about as good as they are going to get, from a Palestinian perspective. But sixteen days is still a very long time to go.

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