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**A Framework for Demarcating a Border
Between Israel and a Palestinian State:
Parameters and Principles**

Working Paper

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This paper reflects the opinions of its authors only

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Introduction

Following the unilateral Israeli disengagement from the Gaza Strip in August 2005, the next stages of an Israel-Palestine conflict resolution have been raised. Central to these discussions is the issue of a border demarcation acceptable to both sides. The State of Israel has never formally stated the preferred course of its boundaries. In all previous negotiations between Israel and her neighbours, the other side always presented a clearly defined boundary option, to which Israel had to respond during the negotiations. The aim of this document is to present the parameters which will enable the Israeli government to determine a clear negotiating position on its future boundary with a Palestinian State. Although numerous border proposals have been presented during the past decade by both academics and politicians, these have focused more on the drawing of possible lines and less on key parameters and principles to be taken into consideration by the negotiators, if and when official negotiations are resumed with the aim of reaching a resolution of the conflict.

Motivated by the purpose of examining such professional criteria for the demarcation of a future boundary, a working group of Israeli geographers held a series of discussions, and field trips, during November-December 2005. All of the participants have been involved, at one stage or another, in both the professional and public discourse, and have conducted research projects, relating to boundary demarcation, land zoning and/or regional planning within Israel / Palestine. The objective of the working group was to identify the key problems involved in boundary demarcation and to suggest alternative ways and methods of dealing with these problems, by putting to use the professional and geographical expertise of the group members. As an exercise in professional planning, the working group would identify and confront key issues which are not necessarily taken into account by negotiators and diplomats during negotiations

It should be emphasized that the objective of the working group was NOT to come up with a single optimal line of separation, not least because there is no such single line which will be agreed upon by all the workshop participants, nor would it necessarily reflect the diverse political positions held by members of the workshop. A main purpose of the exercise was to offer a framework for resolving specific problems

related to the boundary demarcation process, if and when negotiations are resumed, suggesting alternative courses for the boundary in those areas where the course of the Green Line is no longer deemed appropriate.

Three main demarcation scenarios were identified as the basis for discussion:

1. The course of the Green Line with minor territorial changes, reflecting the course of the line following 1949.
2. The course of the Green Line with major territorial changes, to allow for the inclusion of some Israeli settlement blocs inside Israel, in exchange for unsettled areas of territory to be transferred to the Palestinian State
3. The demarcation of a completely new line which would reflect the existing geographic and demographic realities of the region.

At this stage (January 2006), the working group has not yet dealt with issues of boundary demarcation relating to the Jerusalem metropolitan region. This will be examined at a later stage in the project. Boundary demarcation between Israeli and Palestinian territory in the Jerusalem metropolitan region is a prerequisite to any resolution of the conflict.

General Principles and Assumptions

The working group discussions were based on the following key assumptions:

1. Resolution of the conflict will be achieved by a situation of two states, Israel and Palestine, living in a state of coexistence, and mutually recognizing the rights of territorial sovereignty and non-belligerence.
2. The two-state solution requires the demarcation of a physical boundary. Other political solutions to the conflict (such as a single bi-national state or the continuation of occupation) though they constitute part of the current political discourse, do not constitute part of the agenda of the Boundary Demarcation project working group.
3. The specific course of an existing boundary (the Green Line), particularly an armistice line which was only demarcated less than sixty years ago, is not sacrosanct. The course of boundaries can be redrawn according to contemporary demographic, geographic and political realities.

4. Assuming a bilateral negotiation process, any line which is agreed upon by both sides to the conflict will have international recognition, regardless of the extent to which such a line may or may not deviate from the existing Green Line.
5. The future functional nature of the boundary will be dependent on the willingness of the respective leaders to engage in cross-boundary cooperation, regardless of where the boundary is located. Nevertheless, a future boundary must be demarcated in such a way that boundary management is workable and efficient in enabling the movement of people, goods and economic products to the extent that the two sides are prepared.

Rules for boundary demarcation

1. Demarcation of boundaries should be carried out in a way that will ensure a compact and contiguous territory for both Israel and for a Palestinian State, avoiding, as far as possible, the establishment of exclaves, enclaves or bypass transit routes (excepting the route(s) which will link the West Bank with the Gaza Strip).
2. In the first instance, the Green Line separating Israel from the West Bank and Gaza Strip constitutes the default border from which boundary demarcations and changes take as their reference point. The Green Line was demarcated, and implemented on the ground in 1949-50, based on existing military considerations, with only minimal attention paid to geographical considerations. It was not originally perceived as constituting an international boundary. Notwithstanding, the significance of the presence of the Green Line is noted, including its general recognition by the international community, despite the fact that for long periods of time following 1967, successive Israeli governments argued that the Green Line had been erased and was not included on official maps
3. The Security Fence / Separation Barrier - does not constitute a political boundary and, as such, is not taken as a de facto border. Notwithstanding, the Security Fence constitutes a geographical reality in the landscape and, unlike all other border proposals of the past decade; it has been implemented on the ground. Its unilateral imposition and deviation from the course of the

Green Line makes certain sections of the Fence (which, at the time of writing, had been implemented along 40 percent of its planned course) unacceptable as the basis for boundary negotiations which have to be reached on a bi-lateral basis.

4. Any annexation of territory to Israel must be met with a fair exchange of territory, such that the Palestinian State will encompass approximately the same extent of area as exists within the existing boundaries of the West Bank and Gaza Strip. The optimal territorial exchange along the Green Line should be undertaken at a ratio of 1:1, although this principle is negotiable with respect to both Israeli and Palestinian territory. The relative value and significance of different types of land must also be taken into consideration as part of a process of territorial exchange / compensation.
5. Areas exchanged between Israelis and the Palestinians should follow the rule of contiguity. West Bank areas assigned to Israel should be contiguous with Israeli territory. Israeli areas assigned to the future Palestinian state should be contiguous with its future territory.
6. In special cases, the establishment of ethno-territorial enclaves can be considered, but this is not to be encouraged.
7. The demarcation of boundaries should minimize, wherever possible, the inclusion of Palestinian population resident in the West Bank, in areas assigned to Israel under the accepted boundary demarcation.
8. Any proposal to redraw boundaries in such a way that localities of Arab citizens of Israel will be included within the territory of a future Palestinian State, even if it is agreed by the representatives of the Israeli Government and the Palestinian Authority, is problematic.*¹
9. Israeli settlements on the Palestinian side of the boundary will have to be evacuated.

*** Regarding the issue of border demarcation which would result in the incorporation of Arab citizens of Israel as part of the Palestinian State, there were major differences of opinion amongst the group participants. Three main opinions were prevalent:**

- **Avoiding discussion of this alternative altogether because of the legal and moral implications.**
- **Including this alternative but making it conditional on the agreement of the population involved**
- **Including this alternative by virtue of the agreement between the formal representatives of both sides only.**

10. Boundary demarcation must, as far as possible, take account of existing infrastructural realities, not least the location of major transportation arteries, water sources, agricultural land etc; in such a way as to cause as little human and economic dislocation as possible. This includes consideration of Route 6 (the Trans-Israel highway) which runs parallel to much of the Green Line, as well as the five major boundary transit points which are currently in the process of construction.
11. Security considerations of both sides are to be taken into account in the process of boundary demarcation. What constitutes the respective security considerations require professional input from experts in this area.
12. The international status of the existing Green Line must be determined in accordance with the principles of International Law and its application to what was, in effect, an Armistice Line, but which has been increasingly recognized by the International Community as a default boundary.
13. A suitable territorial arrangement to the passage between the West Bank and Gaza Strip must be finalized in such a way that it does not infringe upon Palestinian rights and ease of access on the one hand, or on Israeli sovereignty on the other.
14. Both sides are encouraged to enable free and safe passage through their respective territories, by means of open borders, enabling ease of access and shortening of traveling time to places of employment, holy sites and other destinations.
15. The Working Group proposes the establishment of a formal Boundary Commission, including representatives of the Israeli Government, the Palestinian Authority and international boundary experts, to demarcate a future boundary, taking into account as many of the above considerations as possible, which will be equally acceptable to both sides of the conflict.

Alternatives for the Demarcation of a Future Boundary between Israel and the Palestinian Authority

The attempt to implement these principles focused on three alternative lines of demarcation:

Alternative I: Demarcating the Border along the “Green Line” with Minor Modifications

In choosing this option, it is necessary to take into account the fact that in the original demarcation of the Green Line, the decision makers closely followed the Armistice Line without consideration of numerous geographical features such as, the value of different types of land, the location of wells and water sources, the route of transportation arteries, etc; Even though some changes were made in the course of the Line as part of the “Officers Agreement” in 1949-1950, it is necessary to make change in some places because of environmental conditions and in order to make it more “user friendly” for the local inhabitants. We are aware of the fact that the precise location of the Green Line is unclear, not least because it was never properly delimited on the ground by the two sides following the Rhodes Agreement, and was only ever drawn on the maps.

Alternative II: Demarcating the Border along the Green Line as a Default but with Major Modifications

This alternative proposes territorial exchange between Israel and the Palestinian State, in particular the retention of major Jewish settlement blocs in exchange for the transfer of unsettled areas inside Israel to the Palestinian Authority

Alternative III: Demarcating a New Boundary which will divide the Territory between the Jordan River and the Mediterranean Sea into Two States

This proposal is based largely, although not exclusively, on the patterns of population dispersal, both Israeli-Jewish and Palestinian-Arab, in Israel-Palestine. This proposal, which would result in changes in the citizenship status for part of the Arab residents of Israel, was a point of major dispute amongst the Workshop participants, some of whom view such an action as being immoral and contrary to the principles of international law and human rights. It was also seen as raising the suspicions of the

remaining Arab citizens of Israel concerning their future status and rights as equal citizens within the State.

Analyzing these three options in greater detail enabled the group to determine those parts of the Green Line which did not present any “problems” (geographical, demographic, environmental etc;) and which could be maintained in situ, while allowing decision makers and negotiators to focus their attention on resolving issues of boundary demarcation in the remaining areas.

A more detailed analysis of the course of the border by the Working Group was based on splitting the Green Line into the following twelve sub-sections:

A. Section of the border in the south Judean desert and Hebron mountains, between En Gedi to the east and the community of Sansanna to the west

Two possible routes for the border were proposed for this section. The first posits that the Green Line, with slight adjustments to accommodate the topography and potential for cultivated areas, can be adopted as the border, and this despite the fact that to its north there are Jewish settlements established after 1967: Karmel, Ma'on, Sussia, Mezadot Yehuda, Eshtemoa, Otni'el, Tene, Sansanna and Eshkolot. The geographical demarcation did not create a spatial problem in this area, it does not cross geographical areas, it is based partially on the contours of the natural landscape, nor does it create any ethno-demographic problem. The Jewish communities on the northern side of the proposed border should not prevent the demarcation of this proposed border according to this option. A second proposal suggests moving the border north to include the communities of Sansanna, Eshkolot, Tene, Eshtemoa, Mezadot Yehuda, and Sussia that are adjacent to the Green Line, within Israeli territory. The implications of this proposal are the annexation of 50 sq.km. or 50, 000 dunam by Israel, in exchange for the transfer of Israeli territory to the Palestinian state by moving the border south along the eastern section of the line, east of Mezadot Yehuda.

B. Section of the border in the western Judean hills between Sansana and Avi'ezer (Highway # 367) in the north

There appears to be no need to change the route of the Green Line in this section. The present border clearly follows the eastern slopes of the Hebron hills. There is a distinct settlement demarcation, with Jewish communities only on one side of the line, and Palestinian communities to the east of the line. In this section of the border there are relatively large stretches of unsettled land, used principally on the Israeli side for pasture and cultivated crops. . In this section, it would therefore be possible to divert the border westwards to compensate for moving the border east in other areas.

C. Section of the border in the southern Jerusalem corridor in a north-east direction – from route # 367 (adjacent to Avi'ezer) as far as Battir

This area includes the broader Ezyon bloc (including the town of Efrata) as well as the town of Betar Illit. On the other hand, the Arab villages of Surif, Battir, Wadi Fuqin, Nahhalin and Jab'a are all located in this area, immediately to the east of the Green Line, but to the west of the Ezyon bloc. Contrary to the aim of creating a border without any "panhandles" or gerrymandered borders i, due to the general consensus among the Israeli public, and even some agreement amongst Palestinian politicians, it is proposed that the course of the border should be redrawn to include the Ezyon bloc within Israeli territory. This includes Efrata, Elazar, Newe Daniel, Alon Shevut, Rosh Zurim, Bat Ayin and Kefar Ezyon. The proposed border will continue from the junction with Highway # 367 as far as Mt. San Sun, then taking a south - east route as far as Highway # 60, skirting the Jewish communities of the Etyon bloc. From there it will continue east, to include Migdal Oz and follow a northerly route to include the southern, built-up part of Efrata. It will then take a north-east route to include Elazar and Rosh Zurim, passing south of Nahhalin (which will remain in the Palestinian state), crossing the valley between Nahhalin and Betar Illit as far as Highway # 375, and from there along this road west as far as the Green Line. Due to the importance of this section of the border and the fact that both the Jewish and Palestinian communities lie in close proximity to one

another, the precise course of the border must be reviewed with extreme care, making an effort to include the small Jewish communities located on the fringes of the Ezyon bloc, as well as preventing the Arab villages from being severed from the rest of the Palestinian state. This will form a panhandle covering an area of some 35 sq.km., or 35,000 dunam, of the West Bank. Compensation for this area is available to the south of Highway # 375. We do not discount the possibility of including the village of Wadi Fuqin within the territory of the State of Israel, although this is to be avoided if possible

D. Section of the border from Highway # 375 to the south-west outskirts of Jerusalem (east of Battir)

The route of the border can follow the Green Line.

E. Jerusalem envelope, from Battir as far as Mevasseret Zion

We have not plotted the line and it will only be drawn after the discussion on the borders of Jerusalem.

F. Section of the border in the northern Jerusalem corridor along the east – west line from Mevasseret Zion as far as Latrun

The proposed border will leave the community of Har Adar within Israel, it will continue west along the Green Line, with a small adjustment placing the entire village of Katana in Palestinian territory rather than straddling the original Green Line. The border will continue as far as Mevo Horon and from there will continue north along Highway 3 as far as Highway 443. This will annex some 17 sq.km. (17,000 dunam) to the State of Israel, as well as the area of no-man's land at Latrun.

The second option proposed is more far reaching and seeks to leave the entire area as far as Highway 443, including the road, within Israeli territory in an effort to enhance the transport link between Jerusalem and the coastal plain.

This proposal would result in the inclusion of a large number of Palestinians into the State of Israel, including those in the villages of Bet Liqia, Bet Inan, Bidu, Kobeiba, Beit Iksa, Beit Ijza and Beit Zureik, as well as Hirbet el Misbakh, in addition to a 60 sq.km. area (excluding the Jerusalem envelope). As a solution to this problem, the possibility of free passage for Israelis along Highway # 443 was proposed, with the road remaining within the area of the Palestinian State.

G. Northern Shfelah and Modi'in area

The proposed line in this area will continue north from Highway # 443 along Highway # 445 as far as east Modi'in Illit and from there west along the line between Modi'in Illit to the south and Ni'lin to the north, in a south-east direction. This line will not include the Palestinian community of Midiyah and the Israeli communities of Na'aleh and Nili within the State of Israel. In contrast, the border will include Modi'in Illit and greater Modi'in within the borders of the State of Israel. This will add 10 sq.km (10,000 dunam) to the State of Israel.

H. Section from the western slopes of the Binyamin hills, Budrus, as far as Highway # 5

In this section the border can follow the Green Line. It may deviate slightly west as far as the outskirts of Shoham. This frequently raises the issue of the security of Ben Gurion International Airport with regard to potential terror attacks. Since we assume a situation of conflict resolution, we have not taken this point into account. The flight path for aircraft landing from the east may have to be adjusted, but this does not seem to pose a problem. This will allow 25 sq.km. to be transferred to the Palestinian State in exchange for areas to be transferred to Israel in other locations.

I. Southern Sharon section, from Highway # 5 as far as Kalkilya

This section is the most problematic due to the location of Jewish communities adjacent to, and east of, the Green Line, which are in close proximity to Palestinian communities. In our view, the route of the security fence from Elkana northwards can be used (including a section of Highway # 5 from Kfar Kassem as far as Elkana), so that the communities of Elqana, Sha'arei Tikva, Eitz Ephraim and Oranit remain within the State of Israel. Residents of the Jewish communities to the east of this section, principally the town of Ariel and the communities of Qedumim, Emmanuel and Barqan, will be evacuated.

The area to be transferred to Israel contains Palestinian populations in Azoun Athma which would be located inside the State of Israel or relocation of the small number of residents of this community to the Palestinian State. The area to be annexed by Israel in this manner is 30 sq.km (30,000 dunam).

An alternative option was raised – to review the possibility of creating an Israeli enclave around Ariel in the heart of the Palestinian state, which will function along the lines of West Berlin when Germany was divided.

From Oranit to Qalqilya the border should follow the Green Line. The most problematic Jewish community in this area is Alfei Menashe, situated east of Qalqilya and the large Arab village of Hableh. The route of the security fence, despite its winding location, seems to be preferable to evacuating the entire community of Alfei Menashe. Here too the possibility of creating a Jewish enclave in Palestinian territory may be considered, thus avoiding the need to create a tortuous border in this area.

J. Qalqilya to Tulkarm

In this section the border could hug the Green Line, although for a variety of reasons, many of which remain unclear, the security fence was moved further east. The Jewish community of Sal'it lies east of the line although it seems illogical to adjust the border on account of this community. On the other hand, the Arab-Israeli town of Taiyiba is located in this area. Those who support the

concept of an exchange of territory and population believe that the border should be moved west here, so that it is adjacent to Highway # 6, leaving Taiyiba in the Palestinian state. The Green Line could be moved west along this section, so that the area to the east of Taiyiba is transferred to the Palestinian state without actually moving the town itself.

K. Slopes of the Samarian hills, from Tulkarm as far as the Jezreel Valley (Highway # 66)

This section is also highly problematic, and three possibilities have been put forward in this regard. One option plots the course of the line so that all the communities inhabited by Arab citizens of Israel in this area (including the Iron Valley communities, Ibtin-Zemer, the town of Baq'a el Arabia-G'att, and both parts of Barta'a) remain in the Palestinian state. Israelis who live in Me Ami (the only Israeli settlement in Wadi Ar'a) and possibly in Qazir as well, will have to evacuate their communities. Another possibility is to transfer only the eastern section of the Iron Valley to the Palestinian State (this includes Umm el Fahm and its satellite villages Salma and Zalpa). A third possibility seeks to leave the Green Line as the border in this section. We cannot accept the position of the security fence in this area which leaves the Jewish communities of Shaked, Hinnait and Reichan west of the fence. We propose that this area should remain part of the Palestinian state and, as stated in our introduction, the course of the Security fence has no political significance in this area.

L. Section of the border in the valley area and Mt. Gilboa as far as the Jordan valley

The Green Line should remain as the border between Israel and the Palestinian state in this section, beginning at Highway # 66 from Megido to Jenin. This would also correspond with demographic separation - Palestinian communities on one side and Jewish communities on the other (excluding the Arab communities of Sandala and Muqeibila, adjacent to the Green Line in Israeli territory on Highway # 60). This line also follows the geographical – physical terrain. The route of the security fence in this section mostly follows the Green

Line, although there were a few deviations of the Fence / Barrier into the area beyond the Green Line which, we believe, should not be accepted.

An alternative proposal seeks to move the line so that the communities of Sandala and Muqeibila remain in Palestinian territory, relocating Magen Shaul slightly to the north. Another possibility for deviating from the Green Line in this area is to move the line north, west of Highway # 90 in the area of Nahal Bezeq, thus transferring several hundred dunam to the Palestinian state to compensate for the transfer of land in other locations.

Conclusion

This document has attempted to refocus the discussion of future Israeli-Palestinian boundaries on the technical and professional considerations which have to be taken into account. We have attempted to identify those parts of the Green Line which can be retained in situ and do not present any political demarcation problems while, at the same time, suggesting alternative demarcations for the remaining sections. The alternatives chosen by policy makers and negotiators will have to reflect their respective prioritizations of the key criteria noted in the first section of this document. We strongly recommend the appointment of a professional Boundary Commission, including international boundary experts, to help resolve these issues if, and when, Track I negotiations aimed at reaching a Final Status solution to the conflict, recommence.