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ס' 8120/42

מדינת ישראל

משרד המשלה

מ/פ'ת המ'ל'א ומ'ן

תיק מס' 8/42

משרד

העדות ופיקוח לעיון הנשיא קלינטון.

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מחלקה

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 ישראל לרעיונות הנשיא קלינטון

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REMARKS AND QUESTIONS REGARDING
THE UNITED STATES PROPOSAL

January 3rd 2001

Palestinian and Israeli negotiators met last week in Washington, D.C. as part of our continuing effort to achieve a comprehensive peace agreement. At the conclusion of the week, President Clinton offered a number of proposals intended to define the parameters for an immediate settlement. We remain grateful for the United States' considerable contributions to peace efforts and welcome its continuing involvement in future negotiations.

We are particularly indebted to President Clinton for the tremendous effort he has expended in promoting a just and lasting peace between Palestinians and Israelis. It is to his credit that both sides have come so far over the last seven years. As President Clinton has stated on so many occasions, however, the only successful and permanent peace will be one that takes into account the concerns of all parties and that is acceptable to Palestinians, Arabs, and Muslims, as well as to Israel, within the agreed upon bases for the Palestinian-Israeli negotiations, namely UN Security Council Resolutions 242 and 338.

We wish to explain why the latest United States proposals, taken together and as presented without clarification, fail to satisfy the conditions required for a permanent peace. As it stands now, the United States proposal would: ① divide a Palestinian state into three separate cantons connected and divided by Jewish-only and Arab-only roads and jeopardize the a Palestinian state's viability; 2) divide Palestinian Jerusalem into a number of unconnected islands separate from each other and from the rest of Palestine; ③ force Palestinians to surrender the right of return of Palestinian refugees. It also fails to provide workable security arrangements between Palestine and Israel, and to address a number of other issues of importance to the Palestinian people. The United States proposal seems to respond to Israeli demands while neglecting the basic Palestinian need: a viable state.

The United States proposals were couched in general terms that in some instances lack clarity and detail. A permanent status agreement, in our view, is not merely a document that declares general political principles. It is, rather, a comprehensive instrument that spells out the details, modalities, and timetables of ending the Palestinian-Israeli conflict. For such an agreement to be effective, it must be backed by clear, effective international implementation guarantees. We believe that a general, vague agreement at this advanced stage of the peace process will be counter-productive. This conviction has resulted from our past experiences with vague agreements and from Israel's history of non-compliance with signed agreements. The permanent status agreement must be a truly final agreement rather than an agreement to negotiate.

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The United States side presented proposals regarding four primary issues: territory, Jerusalem, refugees, and security.

Territory of the Palestinian State

On the issue of territory, the United States proposed that Israel annex 4 to 6 percent of the West Bank; that the annexation be compensated through a "land swap" of 1 to 3 percent; and that the Parties also consider a swap of leased land. The United States recommended that the final map be drawn in a manner that would place 80 percent of Israeli settlers in annexed settlement blocs, but that would nevertheless promote territorial contiguity, minimize annexed areas and minimize the number of Palestinians affected.

This proposal poses a number of serious problems. As the proposal is not accompanied by a map, and because the total area from which the percentages are calculated is not defined, it is difficult to imagine how the percentages presented can be reconciled with the goal of Palestinian contiguity. This is especially worrisome in light of the fact that the Israeli side continues to insist, and the United States has never questioned, that Jerusalem, as defined by Israel, the "no-man's land", and the Dead Sea are not part of the total area from which the percentages are calculated. Moreover, the United States proposal calls for the "swap of leased land". It is not entirely clear if Palestinian interests are served by such a swap since the Palestinian side has no territorial needs in Israel, except for a corridor linking the West Bank and the Gaza Strip, which will be covered in a land swap. This proposal, taken together with the map presented by the Israeli side in the most recent round of negotiations in Washington (see attached map), provides Israel with control over large swaths of land, rendering the Palestinian state unviable and lacking direct access to international borders.

SWAP -> מ"מ רחב }
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100% נד'*

Without a map clarifying the above ambiguities, the United States proposal does nothing to foreclose a return by Israel to its proposals at Camp David which leaves 10% of the West Bank under Israeli sovereignty and an additional 10% under Israeli control pursuant to ill-defined security arrangements. It is important to bear in mind that all of the settlements in the West Bank currently occupy approximately 2 percent of the West Bank.

In this context, the Palestinian side rejects the use of "settlement blocs" as a guiding principle as recommended by the United States proposal. The use of this criterion subordinates Palestinian interests in the contiguity of their state and control over their natural resources to Israeli interests regarding the contiguity of settlements, recognized as illegal by the international community. It also contradicts the United States proposal's criteria concerning minimizing annexed areas and the number of Palestinians affected. In addition, the Palestinian side needs to know exactly which settlements Israel intends to annex.

Ultimately, it is impossible to agree to a proposal that punishes Palestinians while rewarding Israel's illegal settlement policies. A proposal involving annexation of 4 to

6 percent (not to mention 10 percent) of the land would inevitably damage vital Palestinian interests. Under such a proposal, a number of Palestinian villages will be annexed to Israel, adding to the already great number of displaced Palestinians. Moreover, as the attached map demonstrates, a large quantity of unsettled land in key development areas such as Jerusalem and Bethlehem will also be annexed by Israel, destroying the territorial contiguity of the State of Palestine. In addition to compromising Palestinians' freedom of movement within their own state, this would also have serious ramifications for the state's development potential. In addition, any such large-scale annexation will inevitably prejudice Palestinian water rights.

← 210

As for the "land swap", the United States proposal does not identify which areas within Israel are to compensate for the annexed land. The Palestinian side continues to insist that any annexed land must be compensated with land of equal size and value. No argument has been presented as to why this should not be the case. However, the United States proposal explicitly rejects the principle that compensation of land must be of equal size and remains silent on the issue of the location and quality of the compensated land. All previous Israeli and United States proposals concerning compensated land have referred to land near the Gaza Strip in exchange for valuable real estate in the West Bank. In addition to being desert areas, the lands being offered near the Gaza Strip are currently being used by Israel to dump toxic waste. Obviously, we cannot accept trading prime agricultural and development land for toxic waste dumps.

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Jerusalem

On the issue of Jerusalem, President Clinton articulated a general principle that "Arab areas are Palestinian and Jewish areas are Israeli," but urged the two sides to work on maps to create maximum contiguity for both. Two alternative formulations were presented addressing each State's sovereignty over and rights to the Haram al-Sharif ("Haram") and the "Western Wall" ("Wall"). Both formulations provide for Palestinian sovereignty over the Haram and Israeli sovereignty over the Wall, restricting the Parties from excavating beneath the Haram or behind the Wall.

The United States formulations on the Haram are problematic. First, the proposal appears to recognize Israeli sovereignty under the Haram by implying that it has a right, which it voluntarily relinquishes, to excavate behind the Western Wall (i.e., the area under the Haram.) Moreover, the "Western Wall" extends to areas beyond the Wailing Wall, including the tunnel opened in 1996 by Israel's former Prime Minister Benjamin Netanyahu which caused widespread confrontations.

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The territorial aspects of the United States proposals concerning Jerusalem also raise very serious concerns and call for further clarification. As the attached map shows, as a result of Israel's internationally-condemned settlement policy in occupied East Jerusalem, the United States formulation "that Arab areas are Palestinian and Jewish ones are Israeli" will be impossible to reconcile with the concept of "maximum contiguity for both", presented in the proposal. Rather, the formulation will inevitably result in Palestinian islands within the city separated from one another. Israel,

הכרה ב... (handwritten note)

however, will be able to maintain contiguity. Therefore, the proposal is actually calling for "maximum contiguity for both" translates in practice into "maximum contiguity for Israel".

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Israel's continued demand for sovereignty over a number of geographically undefined "religious sites" in Jerusalem, and its refusal to present maps clearly showing its territorial demands in Jerusalem only compounds the Palestinian concerns. Any formulation that will be acceptable by the Palestinian side must guarantee the contiguity of Palestinian areas within the city as well as the contiguity of Jerusalem with the rest of Palestine.

A key element of the Palestinian position on Jerusalem is its status as an Open City with free access for all. This status is imperative not only to ensure access to and worship in all holy sites for all those who hold the city sacred, but also to guarantee free movement through the State of Palestine. Unfortunately, the United States proposal makes no reference to this essential concept.

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free access (handwritten note)

Palestinian Refugees

On the issue of Palestinian refugees, driven from their homes as a result of the establishment of the state of Israel, the United States proposed that both sides recognize the right of Palestinian refugees to return either to "historic Palestine" or to "their homeland," but added that the agreement should make clear that there is no specific right of return to what is now Israel. Instead, it proposed five possible final homes for the refugees: (1) the State of Palestine; (2) areas in Israel transferred to Palestine in the "land swap"; (3) rehabilitation in the host countries; (4) resettlement in third countries; and (5) admission to Israel. All refugees would have the right to "return" to the State of Palestine; however, rehabilitation in host countries, resettlement in third countries, and admission to Israel all would depend on the policies of those individual countries.

The United States proposal reflects a wholesale adoption of the Israeli position that the implementation of the right of return be subject entirely to Israel's discretion. It is important to recall that Resolution 194, long regarded as the basis for a just settlement of the refugee problem, calls for the return of Palestinian refugees to "their homes," ← wherever located – not to their "homeland" or to "historic Palestine."

The essence of the right of return is choice: Palestinians should be given the option to choose where they wish to settle, including return to the homes from which they were driven. There is no historical precedent for a people abandoning their fundamental right to return to their homes whether they were forced to leave or fled in fear. We will not be the first people to do so. Recognition of the right of return and the provision of choice to refugees is a pre-requisite for the closure of the conflict.

The Palestinians are prepared to think flexibly and creatively about the mechanisms for implementing the right of return. In many discussions with Israel, mechanisms for

implementing this right in such a way so as to end the refugee status and refugee problem, as well as to otherwise accommodate Israeli concerns, have been identified and elaborated in some detail. The United States proposal fails to make reference to any of these advances and refers back to earlier Israeli negotiating positions.

In addition, the United States proposal fails to provide any assurance that refugee' rights to restitution and compensation will be fulfilled.

Security

On the issue of security, the United States proposed that there be an international presence to guarantee the implementation of the agreement. The United States proposal suggests that the Israeli withdrawal should be carried out over a 3 year period, with international forces phased in on a gradual basis. Then, at the end of this period, an Israeli military presence would be allowed to remain in the Jordan Valley for another three years under the authority of the international force.

The United States also proposed that Israel be permitted to maintain three early warning stations for at least ten years and that it be given the right to deploy its forces in Palestinian territory during "a national state of emergency." In addition, the United States has suggested that Palestine be defined as a "non-militarized State," and, while acknowledging Palestinian sovereignty over its own airspace, it has proposed that the two sides develop special arrangements for Israeli training and operational needs.

Although the United States proposals place less burdens on Palestinian sovereignty than earlier Israeli proposals, they nevertheless raise a number of concerns. There is no reason why Israel would require three years to withdraw from the West Bank and Gaza Strip. In view of the fact that Israel resettled more than one million immigrants from the former Soviet Union in a few years, one year is more than enough time to resettle less than 60,000 Israeli settlers. It is moreover unclear from the United States proposal that the withdrawal period relates to both soldiers and settlers, both of whom are considered part of the occupation forces in the Palestinian Territories. A protracted withdrawal process could jeopardize the peaceful implementation of the agreement and would create a continued source of friction.

There are other Palestinian concerns. Israel has yet to make a persuasive case regarding why it would require either a standing force in the Jordan Valley or emergency deployment rights – much less both. This is especially the case given that international forces will be present in these areas. Furthermore, Israel requires no more than one early warning station in the West Bank to satisfy its strategic needs. The maintenance of stations at current locations near Ramallah and Nablus and in East Jerusalem will seriously inhibit Palestinian development. Moreover, the United States proposal would give Israel sole discretion for determining how long these stations will be operational.

The United States proposal's suggestion that special arrangements be made for Israeli training and operational needs in Palestinian airspace is also extremely problematic. Without specific clarification, this might be used to defend a right for Israel to use Palestinian airspace for military training exercises with all the accompanying dangers to the Palestinian civilian population and the environment while sparing Israeli citizens from any similar infringement. Palestinians remain committed to working out regional agreements concerning aviation in line with commonly accepted international regulations. Any arrangement to the contrary would infringe on Palestinian sovereignty and harm relations with neighboring countries.

Other Issues

The United States proposal remains silent on a number of issues that are essential for the establishment of a lasting and comprehensive peace. By focusing solely on the four issues above, the United States proposal not only neglects matters relating to ending the conflict, but also disregards ways to ensure that the future relations between the two peoples will be mutually beneficial. Specifically, the proposal does not address water, compensation for damages resulting from over thirty years of occupation, the environment, future economic relations, and other state-to-state issues.

End of Conflict

While we are totally committed to ending the Palestinian-Israeli conflict, we believe that this can only be achieved once the issues that have caused and perpetrated the conflict are resolved in full. This in turn can only be achieved by a comprehensive agreement that provides detailed modalities for the resolution of the issues at the core of the conflict. It must be remembered that in reaching a settlement between Israel and, respectively, Egypt and Jordan, the end of conflict came only after the final, detailed peace treaty.

Even putting aside the requirements of international law and justice, the United States proposals - unless clarified to take into account the above concerns - do not even allow for a pragmatic resolution of the conflict. If no such solutions are reached in practice, we believe that any formalistic pronouncement of the end of conflict would be meaningless.

Conclusion

We would like, once again, to emphasize that we remain committed to a peaceful resolution of the Palestinian-Israeli conflict in accordance with UN Security Council Resolutions 242 and 338 and international law. In view of the tremendous human cost caused by each delay in negotiations, we recognize the need to resolve this conflict as soon as possible. We cannot, however, accept a proposal that secures neither the establishment of a viable Palestinian state nor the right of Palestinian refugees to return to their homes.

Issued by Palestinian Negotiating Team



The State of Israel

January __, 2001

16616
Mr. Samuel Berger
National Security Advisor
The White House

Re: Response of the Government of Israel to the ideas raised by President Clinton regarding the outline of a Framework Agreement on Permanent Status

Dear Sandy,

Further to your conversation with the Prime Minister, during which he informed you of the decision of the Government's Ministerial Committee on National Security of December 28, 2000, I wish to convey to you the text of the decision in full, as follows:

"President Clinton's ideas contribute to the renewal of intensive negotiations towards a permanent settlement between Israel and the Palestinians.

We consider these ideas to be a basis for discussion, provided that they remain, as they are, a basis for discussion acceptable to the Palestinians. Israel will request a number of clarifications concerning matters of vital interest to Israel.

Israel expresses its gratitude to President Clinton for his crucial contribution, now and throughout his entire tenure, to advancing the peace process in the Middle East toward a better future for the peoples of the region."

President Clinton's ideas are a courageous attempt to offer the parties principles and guidelines for a Framework Agreement on Permanent Status. Their acceptance would entail historic concessions by Israel, as well as by the Palestinians. Under any agreement, which may be concluded on the basis of the President's ideas, Israel would encounter grave risks to its security and be forced to confront a tremendously difficult rupture, or ruptures, among its citizens. The Palestinian side would have to face its own challenging social and political cleavages.

The decision of the Government of Israel clearly states that Israel considers these ideas to be a basis for discussion, provided that they will remain, as they are, a basis for discussion acceptable to the Palestinians. However, on behalf of the Prime Minister, I



The State of Israel

wish to note that many of the elements outlined by the President differ from the Israeli positions as presented in the final stages of the negotiations, and on other issues, the President's ideas run contrary to ours. I refer, among others, to the following:

- Israel's objective, recognized by the President, is to incorporate 80% of the settlers within Settlement Blocks under Israeli sovereignty. To accomplish this end, the permanent territorial arrangements would have to include annexation that exceeds the numerical territorial scope indicated by the President, or to combine the suggested scope of annexation with long-term lease arrangements of additional territories (OR: However, the numerical territorial values indicated by the President are insufficient in themselves to achieve this goal.)
- The President's ideas regarding the Old City and Har Habayit are different from Israel's position, which stresses the concept of the Special Regime for the entire Holy Basin. In addition, the suggested sovereign and functional arrangements in and around Har Habayit require certain further modifications to take adequate account of the respective ties of Judaism and Islam to the site.
- In the field of security, the Presidential ideas differ from the Israeli ones with regard to the Palestinian police and security force, the mandate of the international force and the monitoring of the non-militarization of Palestine, the aerial arrangements, the suggested timeline and arrangements in other areas of security and military significance;
- Finally, on the issue of refugees, the formulas concerning the Right of Return of the refugees embody certain ambiguity, which Israel wishes to avoid.

[This response will confine itself solely to presenting the points that, in our best judgment, require further clarification in the course of future negotiations. As you will note, the attached points do not call into question the internal logic of the President's ideas, nor do they include the additional topics which will need to be addressed.]

Looking forward to the resumption of the negotiations in the very near future with the aim of concluding an agreement.

On behalf of the Prime Minister and myself, I wish you a happy, and peaceful, New Year.

Sincerely yours,

Gilead Sher, Adv.

Chief of Prime Minister's Bureau



The State of Israel

Points of Clarification

1. General Issues

- Israel understands that the Finality of Claims would be established upon the conclusion of the FAPS.
- Israel understands that the FAPS shall serve as the only agreed basis for the implementation of UNSCRs 242 and 338, as well as for the resolution of all other outstanding issues emanating from the conflict.
- Israel understands that the right of the Palestinian people to self-determination will have been exercised upon the establishment of a Palestinian State within its agreed international borders.
- Israel understands that issues that were agreed upon in the course of the negotiations remain on the table, even if they were not mentioned in the President's ideas.

2. Territory and Borders

- Israel understands that there will be Palestinians within the Settlement Blocks that will be annexed to Israel. These Palestinians shall not be subject to special regimes.
- It is our understanding that the Safe Passage would be under Israeli sovereignty.
- Israel understands that special arrangements for the benefit of Palestine within, through or over Israeli sovereign territory would be taken into account in the context of the concept of swap.
- Israel takes it as a starting point that the core logic underlying the President's ideas consists of respect for the beliefs of members of all faiths and establishment of effective arrangements which guarantee freedom of access and worship. This core logic will apply to the Tomb of the Patriarchs, Rachel's Tomb, Joseph's Tomb and other agreed holy sites.



The State of Israel

3. Jerusalem

- Israel understands that, in maintaining contiguity, the principle of "Arab to Palestine and Jewish to Israel" shall be applied to neighborhoods and not to individual assets.
- Israel understands that the fundamental principle underlying the President's ideas concerning the compound of the Haram is that what is holy to Islam shall be under Palestinian sovereignty and what is holy to Judaism shall be under Israeli sovereignty.

Accordingly, the "...Western Wall and the (a) space sacred to Jews of which it is a part; or (b) holy of holiest of which it is a part..." should be understood to incorporate the Kotel Tunnel, the Mahkame building, the Kotel itself and the remaining part of the Wall towards the South Wall, as well as the Ofel Garden, the City of David, Mt. Olives, and the Tombs of the Kings and Prophets.

4. Security

- Israel understands that the powers and functions of the Palestinian police and security force shall remain solely as was agreed in the past: maintaining law and order, fighting against terrorism, and preserving internal security.
- Israel assumes that the concept of a "non-militarized state" mandates, inter alia, that
 - (a) the Palestinian State would not be allowed to maintain any other armed force except its official PPSF;
 - (b) no other armed forces, with the exception of the agreed upon Israeli and multinational force, could be stationed or deployed in, or pass through or over Palestinian territories.
- Israel understands that the specified military locations for the deployment of its forces shall be under exclusive Israeli jurisdiction with no subordination to the multinational force.
- Israel understands that the role of the multinational force in monitoring and verifying the implementation of the agreement shall focus on:
 - (a) Guaranteeing the non-militarization of Palestine through deployment along its aerial, land, and maritime perimeter including at all entry points;
 - (b) Securing the designated locations for emergency deployment of Israeli forces.
- Israel understands that the arrangements providing for its operational needs in the Palestinian airspace shall be based on Israeli control thereof. Israel further understands that similar arrangements shall apply to the electromagnetic spectrum of Palestine.



The State of Israel

- Israel expects that just as favorable regional developments that diminish the threat to Israel could reduce the period of Israeli deployment in the Military Locations, unfavorable developments that increase the threat to Israel could prolong this period.

5. Refugees

- Israel understands that any entry of refugees to Israel shall be a matter of sole sovereign Israeli discretion on the basis of Israeli considerations such as humanitarian needs.
- Israeli assumes that the resolution of the issue of Jewish refugees could be addressed in the next phase of the negotiations.
- Israel understands that the Presidential ideas imply the acceptance of the concept of a Lump-Sum Agreement with an agreed finite Israeli contribution hereto.

27 בדצמבר, 2000

הנדון: הערות ישראל לרעיונות הנשיא¹

מסמך זה מפרט את הערות ישראל להצעת הנשיא בהנחה שישראל מקבלת את החבילה, קרי, ללא ערעור עקרונותיה.

נקודות שבהן עמדת הנשיא שונה מעמדת ישראל / הערות מרכזיות

- טריטוריה² – סיפוח 4-6% בגושים במקום 8%; swap 1-3% במקום 1%; הסדרי החכירה הם זו-צדדיים; הנשיא לא חזר על העיקרון שה-swap יהיה באזור עזה; לא ניתן פתרון לחברון, קבר רחל ומקומות קדושים.
- ירושלים – ריבונות פלסטינית בחראם; העיקרון של "ערבי לפלסטין" פוגע ברציפות הישראלית / יהודית; יש להחיל עיקרון זה על "שכונות" ולא על "בתים" ולחלק את השטחים הפתוחים בהתאם; הנשיא לא חזר על העיקרון של משטר מיוחד באגן הקדוש; לא הוכרע גורל הרובע הארמני, הר הזיתים, מנהרת הכותל, המחאמה, ה"זופל", נקבת השילוח ועיר דוד.
- ביטחון – הכוח הבינלאומי יהיה פרוס, לכאורה, גם במערב המדינה הפלסטינית; הכוחות הישראלים באתרים כפופים לסמכותו של הכוח הבינ"ל; נסיגה מלאה תוך 6 שנים (במקום 12); לא הוסדר נושא השליטה במרחב האווירי והספקטרום האלקטרומגנטי, סידורי הביטחון בעזה, בים ובמעברים הבינלאומיים.
- פליטים – לא הוגדר עיקרון ה-Lump Sum שמכסה את ס"כ הצרכים הפיננסיים; לא מוסמרה סופיות המחויבויות הישראלית;

בשום מקרה אסור לנשיא לרדת מעמדות המינימום של ישראל לסגירה (יובהרו לאחר העברת תשובה חיובית מערפאת).

¹ המסמך מגלם את הערות צוות המו"מ, מנהלת המו"מ, צוות גבולות, וצוות מיס. טרם התקבלו הערות צה"ל באופן מסודר.
² ~~להערכת צוות גבולות~~ – ב- 5% מהשטח נכנסים 64% מהמתנחלים; ב- 6% מהשטח – 72% וב- 8%, 80% מהמתנחלים כולל יישוב מחדש.

פירוט ההערות

הערות	הערות		נושא
	מחוץ לחבילה	לחבילה	
ייתכן ש"סוף יישום = ס"ת" הוא טעות וכוונתם היא FAPS = ס"ת.		FAPS = ס"ת	סופיות סכסוך / תביעות
האמירות בחבילה אינן חד משמעיות	FAPS = הבסיס היחיד		338 & 242
טרם גובשה מדיניות ישראל.			אסירים
	מים - חיוני סעיף בהסכם. תחולת ההסדרים הנוכחיים עד להסכם חדש.		נושאים גנריים
אשרור, הקמת המדינה, הסכם S2S, גבולות הקבע, ההסדרים הביטחוניים, בירושלים, והפליטים.	נדרש ציר זמן מוסכם		ציר הזמן
	איסור בריתות והסכמים עוינים / קונפדרציות אש"פ - שינוי מבני	פלסטיין, מולדת העם הפלסטיני = מימוש זכותו להגדרה עצמית.	מדינה
קווי ה- 4/6 לא יהוו בסיס לניסוח ההסכם. אזכור קווי ה- 4/6 רק תוך ציון היעדר גבול בינלאומי ותוך התייחסות למצב המשפטי ב- 6/67.		קווי 4/6 - בסיס לניהול המו"מ בלבד.	עקרונות טריטוריה

הערות	הערות		נושא
	מחוץ לחבילה	לחבילה	
הנשיא לא חזר על העיקרון של הרחבת הרצועה במסגרת ה-swap ; ישראל תשקול swap מצומצם באזור דרום הר חברון.	יידרשו שינויים נוספים לאורך הקו הירוק ובעזה.	לישראל נדרש 8% בסה"כ כולל חכירה ללא חילופין. ה-SWAP באזור עזה לא יכול לעלות על 2%. בגושי ההתנחלויות יהיו פלסטינים (מינימום = יותר מ-0). תקופת ההיערכות 3-5 שנים.	קווים
מעבר בטוח והסדרים טריטוריאליים נוספים ~ 2% מה-swap.	חברון, , קבר רחל, קבר יוסף ומקומות קדושים אחרים. הסדרים טריטוריאליים נוספים.	המעבר הבטוח בריבונות ישראל (משתמע מן ההצעה). חישוב ההסדרים ב-swap.	הסדרים
חסר סיכוי.		דחיית יישום הריבונות הפלסטינית בבקעה עד לתום ההיערכות הסופית.	בקעת הירדן
		העיקרון של ערבי לפלסטין יוצר בעיות רציפות קשות. יידרשו הסדרים מיוחדים.	שכונות חיצוניות
שביע ציין במפורש שישראל ויתרה על דרישה זו.	תחת העיקרון של ערבי לפלסטין - ריבונות פלסטינית מוגבלת בשכונות הפנימיות		שכונות פנימיות
			ירושלים

הערות	הערות		נושא
	מחוץ לחבילה	לחבילה	
הארמנים אינם ערבים. העיקרון: משער יפו: ישר ושמאלה - פלסטין, ימינה - ישראל. הנשיא לא חזר על העיקרון של משטר מיוחד לעיר העתיקה.	הרובע הארמני	ערבי - פלסטין; יהודי - ישראל. משטר מיוחד - ללא התייחסות לחלוקת ריבונות בעיר העתיקה.	עיר עתיקה
חלוקת ריבונות דה-פקטו בהר.	לא הוזכרו במפורש המנהרה, המחכמה, עיר דוד, אופל, נקבת השילוח, והר הזיתים. לא התקבלה ההכרה הפלסטינית בנרטיב היהודי ביחס להר הבית.	חלופה a1 - הריבונות הישראלית בקיר המערבי ובמה שהוא חלק ממנו כוללת את המכלול הקדוש ליהדות (כותל, המנהרה, המחכמה, עיר דוד והר הזיתים)	הר הבית / אגן קדוש
חלק גדול מהנושאים שלא צוינו מוסכמים על הפלסטינים.	מטרות הכוח הפלסטיני: לוטי"ר, חוק וסדר, ביטחון פנים בלבד. איסור על כוחות פלסטינים נוספים. איסור על כל כניסה של צבא זר אחר לפלסטין למעט הכוח הבינייל.		פירוז / הכוח הפלסטיני.
	Jurisdiction ישראלי באתרים. אין כפיפות פיקודית של ישראל לכוח הבינייל.	תחנות התראה - יציאה רק בהסכמה.	אתרים צבאיים

הערות	הערות		נושא
	מחוץ לחבילה	לחבילה	
לכאורה, הכוח הבינייל פרוס גם במערב המדינה הפלסטינית.	משטר פיקוח ובקרה בנקודות הכניסה לפלסטין	פריסת הכוח הבינייל - בבקעת הירדן ובגבול עזה-מצרים בלבד.	כוח בינייל
	מרחב אווירי - שליטה אווירית ישראלית. ספקטרום אלקטרומגנטי.	ההסדרים - לא יפגעו בצרכים המבצעיים של חה"א.	מרחב אווירי
	כניסה לישראל - מספר מוגבל ומוגדר של פליטים שייכנסו לישראל.	הכניסה לישראל על בסיס הומניטרי.	ROR
	יהודים - סבל מורלי ורכושי נגרם גם ליהודים.	הכרה ב- Humane suffering ולא ב- moral suffering	אחריות
נושאים אילו הועלו ונראה שהוסכמו בקמפ-דיוויד.	אין אזכור של Lump Sum שהוא גם לשיקום וגם לטיפול בתביעות. סופיות התרומה הישראלית. תביעות יהודים.		היבטים מעשיים

December 23, 2000

President Clinton

Territory

- Based on what the President heard, the President believes that a fair solution would be in the mid-90s i.e. 94-96% of West Bank territory to the Palestinian State.
- The land annexed by Israel should be compensated by a land swap of 1-3%, in addition to the arrangements e.g. Permanent Safe Passage. The Parties also should consider the swap of leased land to meet their respective needs. There are creative ways of doing this that could address Israeli or Palestinian issues or concerns.
- The President thought that the parties should develop a map consistent with the criteria: 80% of settlers in Blocks of Settlements, contiguity, minimum annexation of territory to Israel, Minimum number of Palestinians to be effected by the annexation.

Security

- The President believes that the key lies in international presence, that would only be withdrawn by mutual consent. This presence would also monitor the implementation of the agreement by both sides.
- It is the President's best judgement that the Israeli withdrawal should be phased over 36 months, while the international force is gradually introduced into the area.
- At the end of this period a small Israeli presence would remain in specified military locations in the Jordan Valley under the authority of the international force for another 36 months. This period could be reduced in the event of favorable regional developments that would diminish the threat to Israel.
- Early Warning Stations - Israel should maintain three facilities in the West Bank with Palestinian liaison presence. The stations should be subject to review after 10 years, with any change in status to be mutually agreed.
- Emergency Deployment areas - The President understood that the Parties still have to develop maps of relevant areas and routes.

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(extended?)

maps / etc

status ←

100% - 100% 000 =

- Emergency means the immanent and demonstrable threat to Israel's national security of a military nature that requires the activation of a national state of emergency. The international force would need to be notified of any such determination.
- Airspace - the State of Palestine would have sovereignty over the airspace but the two states should work out special arrangements for Israeli training and operational needs.
- The President understood that the Israeli position is that Palestine should be defined as "demilitarized" while the Palestinian side proposed a "State of Limited Arms". As compromise the President suggests "Non-militarized State". This would be consistent with the fact that in addition to a strong Palestinian security force, Palestine will have an international force for border security and deterrence purposes.

Jerusalem and Refugees - General

- The President's sense was that remaining gaps would have more to do with formulation than with practical reality.

Jerusalem

- What is Arab should be Palestinian and what is Jewish should be Israeli. This would apply to the Old City as well.
- The President urges the Parties to work on maps that would ensure maximum contiguity for both sides.
- Harem - Temple Mount - The gap is not related to practical administration but to the symbolic issues of sovereignty and to finding a way to accord respect to the religious beliefs of both sides.
- The President knows that the Parties discussed different formulations. He wanted to suggest two additional ones to formalize the Palestinian de-facto control over the Harem, while respecting the convictions of the Jewish people. With regard to either one, international monitoring to provide for mutual confidence:
 - (1) Palestinian sovereignty over the Harem and Israeli sovereignty over the Western Wall (a) and the space sacred to Jews of which it is a part; or (b) and the holy of holiest of which it is a part.

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- (2) Palestinian sovereignty over the Harem and Israeli sovereignty over the Western Wall + shared functional sovereignty over the issue of excavation under the Harem or behind the wall. That way mutual consent would be required before any excavation took place.

Refugees

- The President believes that the differences are with formulating the solutions rather than with what would happen on the practical level.
- Israel is prepared to acknowledge the moral and material suffering caused to the Palestinian people as a result of the 1948 War and the need to assist in the international community's effort in addressing the problem.
- International commission to implement all aspects that flow from the agreement: compensation, resettlement, rehabilitation, etc. The US is prepared to lead an international effort to help the refugees.
- The fundamental gap: how to handle the Right of Return (ROR). The President knows the history of the issue and how hard it is for the Palestinian leadership to appear to be abandoning this principle. At the same time, the Israeli side could not accept any reference to the ROR that would imply a right to immigrate to Israel in defiance of Israel's sovereign policy on admission or that would threaten the Jewish character of the state.
- Any solution must address both needs and be consistent with the two-state approach that both sides have accepted as a way to end the Israeli-Palestinian conflict: The State of Palestine as the homeland for the Palestinian people and the State of Israel as the homeland for the Jewish people.
- In a two-state solution, the State of Palestine will be the focal point for Palestinians who choose to return to the area, without ruling out that Israel would accept some of these refugees.
- The President believes that the Parties need to adopt a formulation on the ROR that will make clear that there is no specific ROR to Israel itself, but that does not negate the aspirations of the Palestinian people to return to the area.
- In light of that, the President suggests the following two alternatives:

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- (1) Both sides recognize the right of Palestinian refugees to return to historic Palestine;
- (2) Both sides recognize the right of Palestinian refugees to return to their homeland;

Palestine is the homeland of Palestinians.

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- The agreement would define the implementation of this general right in a way that is consistent with the two-state solution. It will list the 5 possible final homes for the refugees: the State of Palestine, areas of Israel being transferred to Palestine in the land swap, rehabilitation in the host countries, resettlement in third countries and admission to Israel.
- In listing these options the agreement would make clear that return to the West Bank and Gaza or the areas acquired through the land swap would be a right for all Palestinian refugees while rehabilitation in host countries, resettlement in 3rd countries or absorption into Israel would depend upon the policies of these countries.
- Israel could indicate in the agreement that it intended to establish a policy so that some of the refugees would be absorbed into Israel consistent with Israel's sovereign decision.
- The President believes that priority should be given to the refugees in Lebanon.
- The Parties would agree that this implements UNGAR 194.

End of Conflict and Finality of Claims

- The President proposed that the agreement clearly marked the End of the Conflict and its implementation put an end to all claims. This could be manifested through a UNSCR that notes that UNSCRs 242 and 338 have been implemented and through the release of Palestinian prisoners.
- The President believes that this is the outline of a fair and lasting agreement. It gives the Palestinian people the ability to determine their future in their own land, a sovereign and viable state recognized by the international community; El-Quds as its capital, sovereignty over the Harem and new lives to the refugees.
- It gives people of Israel a genuine End of Conflict, real security, the preservation of sacred religious ties, the incorporation of 80% of the

no! *no!* *no!*

settlers into Israel and the largest Jerusalem in history recognized by
all as your capital.

Final comments

- This is the best that the President can do. Brief the leaders and let the President know if they are prepared to come to discussion based on these ideas. If not, the President has taken it as far as he can. These are the ideas of the President. If they are not accepted, they are not just off the table; they go with the President as he leaves office.

Taken by Gidi Grinstein.