



The State of Israel

January 2, 2001

16000
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



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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



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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.



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3. Jerusalem

- Israeli 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.



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- 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.
- Israel 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.