January 5, 2001

Mr. Samuel Berger
National Security Advisor
The White House

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

Dear Mr. Berger,

Further to the recent conversation between the President and the Prime Minister, and on behalf of the Prime Minister, I wish to convey to you our comments with regard to the President ideas.

The decision of the Ministerial Committee on National Security of Government of Israel of December 28, 2000 is as follows:

> "President Clinton's ides contribute to the renewal of intensive negotiation 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."

I wish to note that some of the elements outlined by the President differ from the Israeli positions as presented in the final stages of the negotiation, and, on other issues, the President 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 Settlement within the Settlement Blocks under Israeli sovereignty. However, the numerical territorial values indicated by the President to become under Israeli sovereignty are insufficient in themselves to achieve this goal, as well as to address the additional "criteria for the development of the map" as mention by the President.

- The President's ideas regarding both the Old City and Har Habayit are different for Israel's, which stress the concept of overriding Special Regime for entire Holy Basin. In addition, the suggested sovereign and functional arrangements in and around Har Habayit require further elaboration to take adequate account of the 3000-years ties of Judaism to the site. Finally, the

creation on sustainable arrangements in all relevant spheres, e.g. civil affairs, security, religion and municipal services, for all the inhabitants of Yerushalaim and El-Quds would require balancing of the various principles outlined by the President.

- The President's ideas of security-related issue differ from the Israeli one with regard to the Palestinian police and security forces, the mandate of the international/ multinational presence/ force and the monitoring of non-militarization of Palestine, the aerial arrangement, the suggest timeline and the related conditions in other areas of security and military significance.

- On the issues of refugees, the formulas concerning the Right of Return of the refugees embody certain ambiguity, which Israel wishes to avoid.

Some of the ideas mentioned by the President require further clarification in the course of future negotiations (see attached annex). Addressing these points, and others, should not call into question the internal logic of the President's ideas.

In addition, other topics of great significance for the Permanent relations between the Parties have thus far not been addressed. These topics should be discussed in the course of future negotiations, as well.

The President's ideas are a courageous attempt to offer the parties the principles and guidelines for a Framework Agreement on Permanent Status. Conclusion of an agreement on this basis would entail historic concessions by Israel, as well as by the Palestinians. Under any such agreement, Israel would be force to confront a tremendously difficult rupture, or ruptures, among its citizens, with the hope to genuinely having ended the conflict with the Palestinian people.

Further to the recent discussion in Washington, a substantial reduction in violence and terror could allow the resumption of the dialogue on the framework of the permanent relations between Israel and the Palestinians.

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

Sincerely yours,

Gilead Sher

Chief of Bureau of the Prime Minister

Annex

Points of Clarification

1. **General Issues**
   - Israel understands that the Finality of Claims would be established upon agreement on the terms of the FAPS.

     Israel understands Finality of Claims means the following:
     (a) The FAPS identifies all the claims of the Parties emanating from the conflict and arising from the events occurring prior to its signature.
     (b) No further such claims may be raised by either Party in the future. Any claim arising from the past relations between the Palestinian People and Israel will be raised only in as much as they are recognized within the FAPS.
     (c) Save as agreed, the settlement of these claims will be achieved through the implementation of the FAPS.

   - Israel understands that the FAPS shall stand serve as the only agreed basis for the implementation of the 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 are not mentioned by the President's ideas.

   - Israel understands that there will be Palestinian within the Settlement Blocks that will be annexed to Israel. These Palestinian shall not be subjected to special regimes.

   - Israel understands 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 territorial "compensation".

   - 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 applied to the Tomb of the Patriarchs, Rachel's Tomb, Joseph's Tomb and other agreed holy sites.

2. **Jerusalem**
   - Israel understands that, in maintaining contiguity, the principle of "Arab to Palestine and Jewish to Israel" shall be applied to neighborhoods.

   - Israel understands that the fundamental principle underlying the President's ideas concerning the compound of Temple Mount is that what is holy to Islam shall be under Palestinian sovereignty and what is holy to Judaism shall be under Israeli sovereignty.

     Accordingly, "…Western Wall and the (a) space sacred to Jews of which is a part; *or* (b) holiest of the holy of which 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 Ofel Garden, the City of David, Mt. of Olives, and the Tombs of the Kings and Prophets.

3. **Security**
   - Israel understands that unless explicitly otherwise expressed by the President, the Camp David summit understandings as summarized by the President in Camp David remain a valid basis for the permanent agreement.

   - Israel understands that the powers and functions of the Palestinian police/ security force shall remain solely as 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" mandated, *inter alia*, that
     (a) Palestine would not be allowed to maintain any other armed force except its official security force;
     (b) No other armed forces, with the exception of the agreed upon Israeli and multinational force, could be stationed or deployed in, or passed through or over Palestinian territories.

   - Israel understands that the Israeli forces in the specified military locations shall be under exclusive Israeli jurisdiction and shall not be under the command of the multinational force.

   - Israel understands that the multinational (international) presence/ force will be US-led. Israel further understands that the roll of the multinational (international) force (the 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 the electromagnetic spectrum of Palestine.

4. **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 issue of Jewish refugees would also be addressed.

   - Israel understands that the President's ideas imply the acceptance of the concept of a Lump-Sum Agreement with an agreed finite Israeli contribution thereof.