

Clinton Proposal on Israeli-Palestinian Peace
Meeting with President Clinton White House, December 23, 2000

Attendance

United States: President Clinton, Secretary Albright, John Podesta, Samuel Berger, Steve Richetti, Bruce Reidel, Dennis Ross, Aaron Miller, Robert Malley, Gamal Hilal

Palestine: Sa'eb Erakat, Mohammad Dahlan, Samih Abed, Ghaith Al-Omari

Israel: Shlomo Ben-Ami, Gilead Sher, Penny Medan, Shlomo Yanai, Gidi Grinstein

Minutes

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 the 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 should also consider the swap 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:
 1. 80% of settlers in Blocks of Settlements;
 2. Contiguity;
 3. Minimum annexation of territory to Israel;
 4. Minimum number of Palestinian to be effected by the annexation.

Security

- The President believes that the key lies in international presence that would only be withdrawn by minimal consent. This presence would also monitor the implementation of the agreement by both sides.
- It is the President's best judgment 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.
- Emergency means the immanent and demonstrable threat to Israel's national security of a military nature that requires the activation of a national state 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 sides should work out special arrangements for Israeli training and operational needs.
- The President understood that the Israeli position 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 to for both sides.
- The President knows that the Parties discussed different formulations. He wanted to suggest two additional ones to formulize 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 is a part of; or (b) the holy of holiest of which is a part.
 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 formulation 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 of 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 is it for the Palestinian leadership to appear to be abandoning this principle. At the same time, the Israeli side could not accept and 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 should have accepted as a way to end the Israel-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 to alternatives:
 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.
- 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:
 1. The State of Palestine;
 2. Areas of Israel being transferred to Palestine in the land swap;
 3. Rehabilitation in the host countries;
 4. Resettlement in third countries and
 5. 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 to 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 to be absorbed into Israel consistent with Israel's sovereign decision.
- The President believes priority should be given to the refugees in Lebanon.
- The Parties would agree that it 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 for 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 to the People of Israel a genuine End of Conflict, real security, the preservation of sacred religious ties, the incorporation of 80% of the settler 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.

January 5, 2001

Mr. Samuel Berger

National Security Advisor

The White House