

The Wye River Memorandum on Unilateral Actions, Security, and other Matters between the Palestinian Authority and Israel (23 October 1998)

"The Wye River Memorandum." *Israel's Foreign Relations: Selected Documents, 1995-1996*. Editor Meron Medzini. Jerusalem: Ministry of Foreign Affairs, 1997. 202-9. Print.



Yasser Arafat (far left) signing the Wye River Memorandum with (left to right) King Hussein of Jordan, U.S. President Bill Clinton, and Israeli Prime Minister Benjamin Netanyahu, 1998.

Signed by President Clinton, President Arafat, and Prime Minister Netanyahu as a result of nine days of negotiation at the Wye River Plantation in eastern Maryland, the memorandum affirmed Israeli and Palestinian readiness to recommit to the Oslo II Agreement of September 1995. Adding the summit's stature, Jordan's King Hussein joined the talks in progress.

Since September 1995 and especially since the election of Benjamin Netanyahu as Israel's ninth prime minister in May 1996, implementation of the Oslo agreements' main concept, sharing of power and land of the West Bank in return for Palestinian compliance in security enforcement had severely lapsed. In that period of time, Palestinian violence against Israelis, unilateral acts by both sides, and an intensification of the verbal war between them caused mutual anxiety and built up layers of mistrust. In January 1997, the Hebron Protocol was signed between Israel and the PA. It was significant because it was the first agreement signed between a Likud-led Israeli government and the PA, and Israel accepted sharing of a West Bank city. For Israel it was additionally relevant because U.S. Secretary of State Christopher confirmed in letters to Prime Minister Netanyahu that Israel alone would determine the timing and depth of future redeployments of Israeli personnel.

Convened by President Clinton, the Wye River summit sought to rejuvenate the hapless negotiating process; Washington policy-makers reasoned that without rigorous adherence to previous understandings, no edifice could be built for resolution of the lurking and daunting final status issues of Jerusalem, settlements, borders, refugees, water, rights of settlers, the nature of the Palestinian entity, and its eventual relationship with Jordan.

The memorandum reflected the interest of both Palestinian and Israeli leaders to have Washington play a more active role in assuring implementation of the Oslo process, namely opening of a Palestinian seaport and airport, safe Arab passage between Gaza and the West Bank, amending the PLO Charter, and a greater security effort and implementation by Arafat's Palestinian Authority.

However, there were consequences of deeper American governmental involvement in the negotiating process, especially that of the CIA.

According to the agreement, CIA officials and representatives of Palestinian and Israeli security services were to hold meetings once every two weeks to discuss security issues and review the Palestinians' efforts to crack down on 'terrorist' cells within the. The agreement also stipulated that a CIA official would chair the tripartite (Israeli-Palestinian-American) security committee. The committee's discussions would review information about possible terrorist plans and solve differences between the Palestinians and the Israelis on security concerns. The CIA involvement did occur as outlined.

By agreeing to share a portion of the West Bank, the Likud Party adopted the concept of territorial compromise, the long-held view of the Israeli Labor Party. In essence, the Likud Party moved from the ideologically rigid commitment of Prime Ministers Begin and Shamir to a pragmatic view that in order to resolve differences with the Palestinians, certain territory within the lands of Israel would have to be placed under non-Israeli control. Later Likud Prime Ministers Sharon and Olmert went further in their asserted willingness to not only share portions of the West Bank with the Palestinians, but to create a demilitarized Palestinian state alongside Israel, as a Jewish state.

Upon returning to Israel, Netanyahu faced a firestorm of criticism from core political supporters. They called him a traitor for compromising the land of Israel. Within two months of the Wye Memorandum's signing, Israel made an initial redeployment from Palestinian territories as promised, it released prisoners, though not the political prisoners the PA wanted released and subsequently, the PLO publicly revised its Charter with President Clinton witnessing the act. The Netanyahu government faced political dissolution, due in part to staunch coalition partner opposition to his signature of the agreement. As a result, Netanyahu ultimately lost his bid for re-election in 1999. Attached to the memorandum was a specific time schedule, which was only partially followed by both Palestinian and Israeli authorities.

Ken Stein, June 2013- RRS

The following are steps to facilitate implementation of the Interim Agreement on the West Bank and Gaza Strip of 28 September 1995 (the "Interim Agreement") and other related agreements including the Note for the Record of 17 January 1997 (hereinafter referred to as "the prior agreements") so that the Israeli and Palestinian sides can more effectively carry out their reciprocal responsibilities, including those relating to further redeployments and security respectively.

These steps are to be carried out in a parallel phased approach in accordance with this Memorandum and the attached time line. They are subject to the relevant terms and conditions of the prior agreements and do not supersede their other requirements.

I. Further Redeployments

A. Phase one and two further deployments

1. Pursuant to the Interim Agreement and subsequent agreements, the Israeli side's implementation of the first and second F.R.D. will consist of the transfer to the

Palestinian side of 13 percent from Area C as follows:

- a. 1 percent to Area (A);
- b. 12 percent to Area (B).

The Palestinian side has informed that it will allocate an area/areas amounting to 3 percent from the above Area (B) to be designated as Green Areas and/or Nature Reserves. The Palestinian side has further informed that they will act according to the established scientific standards, and that therefore there will be no changes in the status of these areas, without prejudice to the rights of the existing inhabitants in these areas including Bedouins; while these standards do not allow new construction in these areas, existing roads and buildings may be maintained.

The Israeli side will retain in these Green Areas/Nature Reserves the overriding security responsibility for the purpose of protecting Israelis and confronting the threat of terrorism. Activities and movements of the Palestinian Police forces may be carried out after coordination and confirmation; the Israeli side will respond to such requests expeditiously.

2. As part of the foregoing implementation of the first and second F.R.D., 14.2 percent from Area (B) will become Area (A).

B. Third phase of further redeployments

With regard to the terms of the Interim Agreement and of Secretary [of State Warren] Christopher's letters to the two sides of 17 January 1997 relating to the further redeployment process, there will be a committee to address this question. The United States will be briefed regularly.

II.

Security

In the provisions on security arrangements of the Interim Agreement, the Palestinian side agreed to take all measures necessary in order to prevent acts of terrorism, crime, and hostilities directed against the Israeli side, against individuals falling under the Israeli side's authority and against their property, just as the Israeli side agreed to take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against the Palestinian side, against individuals falling under the Palestinian side's authority, and against their property. The two sides also agreed to take legal measures against offenders within their jurisdiction and to prevent incitement against each other by any organizations, groups, or individuals within their jurisdiction.

Both sides recognize that it is in their vital interests to combat terrorism and fight violence in accordance with Annex I of the Interim Agreement and the Note for the Record. They also recognize that the struggle against terror and violence must be comprehensive in that it deals with terrorists, the terror support structure, and the environment conducive to the support of terror. It must be continuous and constant over a long-term, in that there can be no pauses in the work against terrorists and their structure. It must be cooperative in that no effort can be fully effective without Israeli-Palestinian cooperation and the continuous exchange of information, concepts, and actions.

Pursuant to the prior agreements, the Palestinian side's implementation of its responsibilities for security, security cooperation, and other issues will be as detailed below during the time periods specified in the attached time line.

A. Security Actions

1. Outlawing and Combating Terrorist Organizations:
 - a. The Palestinian side will make known its policy of zero tolerance for terror and violence against both sides;
 - b. A work plan developed by the Palestinian side will be shared with the U.S. and thereafter implementation will begin immediately to ensure the systematic and effective combat of terrorist organizations and their infrastructure;
 - c. In addition to the bilateral Israeli-Palestinian security cooperation, a U.S.-Palestinian committee will meet biweekly to review the steps being taken to eliminate terrorists calls and the support structure that plans, finances, supplies, and abets terror. In these meetings, the Palestinian side will inform the U.S. fully of the actions it has taken to outlaw all organizations (or wings of organizations, as appropriate) of a military, terrorist, or violent character and their support structure and to prevent them from operating in area under its jurisdiction;
 - d. The Palestinian side will apprehend the specific individuals suspected of perpetrating acts of violence and terror for the purpose of further investigation, and prosecution and punishment of all persons involved in acts of violence and terror;
 - e. U.S.-Palestinian committee will meet to review and evaluate information pertinent to the decisions on prosecution, punishment or other legal measures which affect the status of individuals suspected of abetting or perpetrating acts of violence and terror.
2. Prohibiting Illegal Weapons:
 - a. The Palestinian side will ensure an effective legal framework is in place to criminalize, in conformity with the prior agreements, any importation, manufacturing or unlicensed sale, acquisition or possession of firearms, ammunition or weapons in areas under Palestinian jurisdiction;
 - b. In addition, the Palestinian side will establish and vigorously and continuously implement a systematic program for the collection and appropriate handling of all such illegal items in accordance with the prior agreements. The U.S. has agreed to assist in carrying out this program;
 - c. A U.S.-Palestinian-Israeli committee will be established to assist and enhance cooperation in preventing the smuggling or other unauthorized introduction of weapons or explosive materials into areas under Palestinian jurisdiction.
3. Prevention Incitement:
 - a. Drawing on relevant international practice and pursuant to Article XXII (1) of the Interim Agreement and the Note for the Record, the Palestinian side will issue a decree prohibiting all forms of incitement to violence or terror, and establishing mechanisms for acting systematically against all expressions or threats of violence or terror. This decree will be comparable to the existing Israeli legislation which deals with the same subject;
 - b. A U.S.-Palestinian-Israeli committee will meet on a regular basis to monitor cases of possible incitement to violence or terror and to make recommendations and reports on how to prevent such incitement. The Israeli, Palestinian, and U.S. sides will each appoint a media, specialist, a law enforcement representative, an educational specialist, and a current or former elected official to the committee.

B. Security Cooperation

The two sides agree that their security cooperation will be based on a spirit of partnership

and will include, among other things, the following steps:

1. **Bilateral Cooperation:** There will be full bilateral security cooperation between the two sides which will be continuous, intensive, and comprehensive.
2. **Forensic Cooperation:** There will be an exchange of forensic expertise, training, and other assistance.
3. **Trilateral Committee:** In addition to the bilateral Israeli-Palestinian security cooperation, a high-ranking U.S.-Palestinian-Israeli committee will meet as required and not less than biweekly to assess current threats, deal with any impediments to effective security cooperation, and coordination and address the steps being taken to combat terror and terrorist organizations. The committee will also serve as a forum to address the issue of external support for terror. In these meetings, the Palestinian side will fully inform the members of the committee of the results of its investigations concerning terrorist suspects already in custody and the participants will exchange additional relevant information. The committee will report regularly to the leaders of the two sides on the status of cooperation, the results of the meetings, and its recommendations.

C. Other Issues

1. Palestinian Police Force:

- b. The Palestinian side will provide a list of its policemen to the Israeli side in conformity with the prior agreements; Should the Palestinian side request technical assistance, the U.S. has indicated its willingness to help meet those needs in cooperation with other donors;
- c. The Monitoring and Steering Committee will, as part of its functions, monitor the implementation of this provision and brief the U.S.

2. PLO Charter:

The Executive Committee of the Palestine Liberation Organization and the Palestinian Central Council will reaffirm the letter of 22 January 1998 from PLO Chairman Yasir Arafat to President Clinton concerning the nullification of the Palestinian National Charter provisions that are inconsistent with the letters exchanged between the PLO and the Government of Israel on 9-10 September 1993. PLO Chairman Arafat, the Speaker of the Palestine National Council, and the Speaker of the Palestinian Council will invite the members of the PNC, as well as the members of the Central Council, the Council, and the Palestinian Heads of Ministries to a meeting to be addressed by President Clinton to reaffirm their support for the peace process and the aforementioned decisions of the Executive Committee and the Central Council.

3. Legal Assistance in Criminal Matters:

Among other forms of legal assistance in criminal matters, the requests for arrest and transfer of suspects and defendants pursuant to Article II (7) of Annex IV of the Interim Agreement will be submitted (or resubmitted) through the mechanism of the Joint Israeli-Palestinian Legal Committee and will be responded to in conformity with Article II (7) (f) of Annex IV of the Interim Agreement within the 12 week period. Requests submitted after the eighth week will be responded to in conformity with Article II (7) (f) within four weeks of their submission. The United States has been requested by the sides to report on a regular basis on the steps being taken to respond to the above requests.

4. Human Rights and the Rule of Law:

Pursuant to Article XI (1) of Annex I of the Interim Agreement, and without derogating from the above, the Palestinian Police will exercise powers and responsibilities to implement this Memorandum with due regard to internationally accepted norms of

human rights and the rule of law, and will be guided by the need to protect the public, respect human dignity, and avoid harassment.

III. Interim Committee and Economic Issues

1. The Israeli and Palestinian sides reaffirm their commitment to enhancing their relationship and agree on the need to actively promote economic development in the West Bank and Gaza. In this regard, the parties agree to continue or to reactivate all standing committees established by the Interim Agreement, including the Monitoring and Steering Committee, the Joint Economic Committee (JEC), the Civil Affairs Committee (CAC), the Legal Committee, and the Standing Cooperation Committee.
2. The Israeli and Palestinian sides have agreed on arrangements which will permit the timely opening of the Gaza Industrial Estate. They also have concluded a "Protocol Regarding the Establishment and Operation of the International Airport in the Gaza Strip During the Interim Period."
 3. Both sides will renew negotiations on Safe Passage immediately. As regards the southern route, the sides will make best efforts to conclude the agreement within a week of the entry into force of this Memorandum. Operation of the southern route will start as soon as possible thereafter. As regards the northern route, negotiations will continue with the goal of reaching agreement as soon as possible. Implementation will take place expeditiously thereafter.
4. The Israeli and Palestinian sides acknowledge the great importance of the Port of Gaza for the development of the Palestinian economy and the expansion of Palestinian trade. They commit themselves to proceeding without delay to conclude an agreement to allow the construction and operation of the port in accordance with the prior agreements. The Israeli-Palestinian Committee will reactivate its work immediately with a goal of concluding the protocol within 60 days, which will allow commencement of the construction of the port.
5. The two sides recognize that unresolved legal issues adversely affect the relationship between the two peoples. They therefore will accelerate efforts through the Legal Committee to address outstanding legal issues and to implement solutions to these issues in the shortest possible period. The Palestinian side will provide to the Israeli side copies of all of its laws in effect.
6. The Israeli and Palestinian sides also will launch a strategic economic dialogue to enhance their economic relationship. They will establish within the framework of the JEC an Ad Hoc Committee for this purpose. The committee will review the following four issues:
 - a. Israeli purchase taxes;
 - b. Cooperation in combating vehicle theft;
 - c. Dealing with unpaid Palestinian debts; and
 - d. The impact of Israeli standards as barriers to trade and the expansion of the A1 and A2 lists. The committee will submit an interim report within three weeks of the entry into force of this Memorandum, and within six weeks will submit its conclusions and recommendations to be implemented.
7. The two sides agree on the importance of continued international donor assistance to facilitate implementation by both sides of agreements reached. They also recognize the need for enhanced donor support for economic development in the West Bank and Gaza.

They agree to jointly approach the donor community to organize a Ministerial Conference before the end of 1998 to seek pledges for enhanced levels of assistance.

IV. Permanent Status Negotiations

The two sides will immediately resume permanent status negotiations on an accelerated basis and will make a determined effort to achieve the mutual goal of reaching an agreement by 4 May 1999. The negotiations will be continuous and without interruption. The United States has expressed its willingness to facilitate these negotiations.

V. Unilateral Actions

Recognizing the necessity to create a positive environment for the negotiations, neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip in accordance with the Interim Agreement.

Attachment: Timeline

This Memorandum will enter into force ten days from the date of signature.

Done at Washington, DC, this 23rd day of October 1998.

For the Government of the State of Israel
(Signed Prime Minister Netanyahu)

For the PLO
(Signed Chairman Arafat)

Witnessed by: The United States of America
(Signed President Clinton)

Timeline Note

Parenthetical references below are to paragraphs in "The Wye River Memorandum" to which this time line is an integral attachment. Topics not included in the time line follow the schedule provided for in the text of the memorandum.

1. Upon Entry into Force of the Memorandum:
 - a. Third further redeployment committee starts (I (B));
 - b. Palestinian security work plan shared with the U.S. (II (A)(1)(b));
 - c. Full bilateral security cooperation (II (B)(1));
 - d. Trilateral security cooperation committee starts (II (B)(3));
 - e. Interim committees resume and continue; Ad Hoc Economic Committee starts (III);
 - f. Accelerated permanent status negotiations start (IV).
2. Entry into Force -- Week 2:
 - a. Security work plan implementation begins (II (A)(1)(b)); (II (A)(1)(C)) committee starts;
 - b. Illegal weapons framework in place (II (A)(2)(a)); Palestinian implementation report

- (II (A)(2)(b));
 - c. Anti-incitement committee starts (II (A)(3)(b)); decree issued (II (A)(3)(a));
 - d. PLO Executive Committee reaffirms Charter letter (II (C)(2));
 - e. Stage 1 of F.R.D. implementation: 2 percent C to B, 7.1 percent B to A. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I(A)).
3. Week 2-6:
- a. Palestinian Central Council reaffirms Charter letter (weeks two to four) (II (C)(2));
 - b. PNC and other PLO organizations reaffirm Charter letter (weeks four to six) (II (C)(2));
 - c. Establishment of weapons collection program (II (A)(2)(b)) and collection stage (II (A)(2)(C)); committee starts and reports an activities;

- d. Anti-incitement committee report (II (A)(3)(b));
 - e. Ad Hoc Economic Committee: interim report at week three; final report at week six (III);
 - f. Policemen list (II (C)(1)(a)), Monitoring and Steering Committee review starts (II (C)(1)(c));
 - g. Stage 2 of F.R.D. implementation: 5 percent C to B. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I (A)).
4. Week 6-12:
- a. Weapons collection stage (II (A)(2)(b)); (II (A)(2)(c)) committee report on its activities;
 - b. Anti-Incitement committees report (II (A)(3)(b));
 - c. Monitoring and Steering Committee briefs U.S. on policemen list (II (C)(1)(c));
 - d. Stage 3 of F.R.D. implementation: 5 percent C to B, 1 percent C to A, 7.1 percent B to A;
 - e. Israeli officials acquaint Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I (A)).
5. After Week 12: Activities described in the Memorandum continue as appropriate and if necessary, including;
- a. Trilateral security cooperation committee (II (B)(3));
 - b. (II (A)(1)(c)) committee;
 - c. (II (A)(1)(e)) committee;
 - d. Anti-incitement committee (II (A)(3)(b));
 - e. Third Phase F.R.D. Committee (I (B)) -- Interim Committees (III);
 - f. Accelerated permanent status negotiations (IV).