

Clinton Parameters for Negotiating Peace (23 December 2000)

Israel Ministry of Foreign Affairs website:

<http://www.mfa.gov.il/MFA/Foreign+Relations/Israels+Foreign+Relations+since+1947/1999-2001/226++The+Clinton+Peace+Plan-+23+December+2000.htm?DisplayMode=print>

In a last ditch effort to revive the peace process, the United States invited Israeli and PA negotiators back to Washington, D.C. for separate talks with the American peace teams. They came on 18 December and met for two days separately with the American officials. On 20 December, Foreign Minister Ben-Ami and PA negotiator Saeb Erekat met in the White House with President Clinton and Secretary Albright. These talks had not yielded much progress, and at one time the PA walked out. On 23 December, Clinton presented the sides with his parameters for a final status agreement. He asked that the sides respond to him by 27 December if these parameters were acceptable as a basis for further negotiations.

-Ken Stein, May 2011

Territory:

Based on what I heard, I believe that the solution should be in the mid-90 percents, between 94-96 percent of the West Bank territory of the Palestinian State.

The land annexed by Israel should be compensated by a land swap of 1-3 percent in addition to territorial arrangements such as a permanent safe passage.

The parties also should consider the swap of leased land to meet their respective needs...

The Parties should develop a map consistent with the following criteria:

- 80% of settlers in blocks
- contiguity
- Minimize the annexed areas
- Minimize the number of Palestinians affected

Security:

The key lies in an international presence that can only be withdrawn by mutual consent. This presence will also monitor the implementation of the agreement between both sides.

My best judgment is that the Israeli presence would remain in fixed 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 diminish the threat to Israel.

On early warning stations, Israel should maintain three facilities in the West Bank with a Palestinian liaison presence. The stations will be subject to review every 10 years with any

changes in the status to be mutually agreed. (According to the Israeli version of the minutes, Clinton said the stations would be subject to review after 10 years).

Regarding emergency developments, I understand that you will still have to develop a map of the relevant areas and routes. I propose the following definition: imminent and demonstrable threat to Israel's national security of a military nature that requires the activation of a national state emergency. Of course, the international forces will need to be notified of any such determination

On airspace, I suggest that the state of Palestine will have sovereignty over its airspace but that the two sides should work out special arrangements for Israeli training and operational needs.

I understand that the Israeli position is that Palestine should be defined as a "demilitarized state" while the Palestinian side proposes "a state with limited arms." As a compromise, I suggest calling it a "non-militarized state."

This will be consistent with the fact that in addition to a strong Palestinian security force, Palestine will have an international force for border security and deterrent purposes.

Jerusalem:

The general principle is that Arab areas are Palestinian and Jewish ones are Israeli. This would apply to the Old City as well. I urge the two sides to work on maps to create maximum contiguity for both sides.

Regarding the *Haram*\Temple Mount, I believe that the gaps are not related to practical administration but to symbolic issues of sovereignty and to finding a way to accord respect to the religious beliefs of both sides.

I know you have been discussing a number of formulations.... I add to these two additional formulations guaranteeing Palestinian effective control over the *Haram* while respecting the conviction of the Jewish People. Regarding either one of those two formulations will be international monitoring to provide mutual confidence.

1. Palestinian sovereignty over the *Haram* and Israeli sovereignty over a) the Western Wall and the space sacred to Judaism of which it is a part or b) the Western Wall and the Holy of Holies of which it is a part.

There will be a firm commitment by both not to excavate beneath the *Haram* or behind the Wall.

2. Palestinian sovereignty over the *Haram* and Israeli sovereignty over the Western Wall and shared functional sovereignty over the issue of excavation under the *Haram* and behind the Wall such that mutual consent would be requested before any excavation can take place.

Refugees:

I sense that the differences are more relating to formulations and less to what will happen on a practical level.

I believe that 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 the international community in addressing the problem.

The fundamental gap is on how to handle the concept of the right of return. I know the history of the issue and how hard it will be for the Palestinian leadership to appear to be abandoning the principle.

The Israeli side could not accept any reference to a right of return that would imply a right to immigrate to Israel in defiance of Israel's sovereign policies and admission or that would threaten the Jewish character of the state.

Any solution must address both needs.

The solution will have to be consistent with the two-state approach - the state of Palestine as the homeland of the Palestinian people and the state of Israel as the homeland of the Jewish people.

Under the two-state solution, the guiding principle should be that the Palestinian state should be the focal point for the Palestinians who choose to return to the area without ruling out that Israel will accept some of these refugees.

I believe that we need to adopt a formulation on the right of return that will make clear that there is no specific right of return to Israel itself but that does not negate the aspiration of the Palestinian people to return to the area.

I propose two alternatives:

1. Both sides recognize the right of Palestinian refugees to return to 'historic Palestine' or
2. Both sides recognize the right of Palestinian refugees to return to their homeland.

The agreement will define the implementation of this general right in a way that is consistent with the two-state solution. It would list the five possible homes for the refugees:

1. The State of Palestine
2. Areas in Israel being transferred to Palestine in the land swap
3. Rehabilitation in host country
4. Resettlement in third country

5. Admission to Israel

In listing these options, the agreement will make clear that the return to the West Bank, Gaza Strip and area acquired in the land swap would be right to all Palestinian refugees, while rehabilitation in host countries, resettlement in third countries and absorption into Israel will depend upon the policies of those countries.

Israel could indicate in the agreement that it intends to establish a policy so that some the refugees would be absorbed into Israel consistent with Israeli sovereign decision.

I believe that priority should be given to the refugee population in Lebanon.

The parties would agree that this implements Resolution 194.

The End of Conflict:

From Bill Clinton's memoirs. On Barak ready not Arafat. "I propose that the agreement clearly mark the end of the conflict and its implementation put an end to all claims. This could be implemented through a UN Security Council Resolution that notes that resolutions 242 and 338 have been implemented and through the release of Palestinian prisoners.

On the twenty-seventh, Barak's cabinet endorsed the parameters with reservations, but all their reservations were within the parameters, and therefore subject to negotiations anyway. It was historic: an Israeli government had said that to get peace, there would be a Palestinian state in roughly 97% of the West Bank, counting the swap, and all of Gaza where Israel also had settlements. The ball was in Arafat's court.

I was calling other Arab leaders daily to urge them to pressure Arafat to say yes. They were all impressed with Israel's acceptance and told me they believed Arafat should take the deal. I have no way of knowing what they told him, though the Saudi ambassador, Prince Bandar, later told me he and Crown Prince Abdullah had the distinct impression Arafat was going to accept the parameters.

On the twenty-ninth, Dennis Ross met with Abu Ala, whom we all respected, to make sure Arafat understood the consequences of rejection. I would be gone. Ross would be gone. Barak would lose the upcoming election to Sharon. Bush wouldn't want to jump in after I had invested so much and failed

When he left, I still had no idea what Arafat was going to do. His body language said no, but the deal was so good I couldn't believe anyone would be foolish enough to let it go. Barak wanted me to come to the region, but I wanted Arafat to say yes to the Israelis on the big issues embodied in my parameters first. In December the parties had met at Bolling Air Force Base for talks that didn't succeed because Arafat wouldn't accept the parameters that were hard for him.

Finally, Arafat agreed to see Shimon Peres on the thirteenth after Peres had first met with Saeb Erekat. Nothing came of it. As a backstop, the Israelis tried to produce a letter with as much agreement on the parameter as possible, on the assumption that Barak would lose the election and at least both sides would be bound to a course that could lead to an agreement. Arafat wouldn't even do that, because he didn't want to be seen conceding anything. The parties continued their talks in Taba, Egypt. They got close, but did not succeed. Arafat never said no; he just couldn't bring himself to say yes. Pride goeth before the fall.

Right before I left office, Arafat, in one of our last conversations, thanked me for all my efforts and told me what a great man I was. "Mr. Chairman," I replied, "I am not a great man. I am a failure, and you have made me one." I warned Arafat that he was single-handedly electing Sharon and that he would reap the whirlwind.

In February 2001, Ariel Sharon would be elected prime minister in a landslide. The Israelis had decided that if Arafat wouldn't take my offer he wouldn't take anything, and that if they had no partner for peace, it was better to be led by the most aggressive, intransigent leader available. Sharon would take a hard line toward Arafat and would be supported in doing so by Ehud Barak and the United States. Nearly a year after I left office, Arafat said he was ready to negotiate on the basis of the parameters I had presented. Apparently, Arafat had thought the time to decide, five minutes to midnight, had finally come. His watch had been broken a long time.

Arafat's rejection of my proposal after Barak accepted it was an error of historic proportions. However, many Palestinians and Israelis are still committed to peace. Someday peace will come, and when it does, the final agreement will look a lot like the proposals that came out of Camp David and the six long months that followed. "