

The Clinton Parameters

December 23rd, 2000

(Note: After the failure of the Camp David Summit in July, 2000 to achieve a peace agreement between Israeli and Palestinian delegations led, respectively, by Prime Minister Ehud Barak and Palestinian President Yasser Arafat, negotiations continued between the two sides and gaps between the parties on various issues were narrowed, but there was no comprehensive agreement.

In a last ditch effort, U.S. President Bill Clinton offered the following "Parameters" on December 23 to Israeli and Palestinian negotiators at a meeting in the White House. President Clinton's "Parameters" were not the terms of a final deal, but guidelines for final accelerated negotiations he hoped could be concluded in the coming weeks. He said his terms would not be binding on his successor when he would leave office in January 2001.

Arafat, after a delay, accepted the Clinton parameters, but with questions and reservations. Barak accepted the parameters, but Israel's position was also equivocal. The parameters laid the foundation for the final negotiations that took place in January 2001 at Taba before the election of Ariel Sharon in February 2001 that effectively ended the peace process. [See "Taba Agreement" below. The text of the Clinton Parameters follows. PCWilcox, 7/7/03])

Territory

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

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

The parties should also consider the swap of leased land to meet their respective needs. There are creative ways for doing this that should address Palestinian and Israeli needs and concerns.

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

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

Security

The key to security lies in an international presence that can only be withdrawn by mutual consent.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 withdrawal should be carried out over 36 months while international force is gradually introduced in the area. At the end of this period, a small 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 threats to Israel.

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

Regarding emergency developments, I understand that you still have to develop a map of relevant areas and routes. But in defining what is an emergency, I propose the following definition:

Imminent and demonstrable threat to Israel's national security of a military nature requires the activation of a national state of 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 deterrence purposes.

Jerusalem and Refugees

I have a sense that the remaining gaps have more to do with formulations than practical realities.

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 the 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, and you can agree on any of these. I add to these two additional formulations guaranteeing Palestinian effective control over Haram while respecting the conviction of the Jewish people. Regarding either one of these two formulations will be international monitoring to provide mutual confidence.

1. Palestinian sovereignty over the Haram and Israeli sovereignty over [the Western Wall and the space sacred to Judaism of which it is a part][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 shared 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 as 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.

An international commission should be established to implement all the aspects that flow from your agreement: compensation, resettlement, rehabilitation, etc.

The U.S. is prepared to lead an international effort to help the refugees.

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 this principle.

The Israeli side could simply not accept any reference to right of return that would imply a right to immigrate to Israel in defiance of Israel's sovereign policies on 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 that both sides have accepted as the to end the Palestinian-Israeli conflict: 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 will be the focal point for 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 to Israel itself but that does not negate the aspiration of the Palestinian people to return to the area.

In light of the above, 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 the 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 five possible final homes for the refugees:

1. The state of Palestine
2. Areas in Israel being transferred to Palestine in the land swap
3. Rehabilitation in a host country
4. Resettlement in a 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 the areas acquired in the land swap would be a right to all Palestinian refugees.

While rehabilitation in host countries, resettlement in third world 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 of the refugees would be absorbed into Israel consistent with Israel's sovereign decision.

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

The parties would agree that this implements Resolution 194.

I propose that the agreement clearly mark the end of the conflict and its implementation put an end to all its claims. This could be implemented through a UN Security Council Resolution that notes that Resolutions 242 and 338 have been implemented through the release of Palestinian prisoners.

I believe that this is an outline of a fair and lasting agreement.

It gives the Palestinian people the ability to determine the future on their own land, a sovereign and viable state recognized by the international community, Al-Qods as its capital, sovereignty over the Haram, and new lives for the refugees.

It gives the people of Israel a genuine end to the conflict, real security, the preservation of sacred religious ties, the incorporation of 80% of the settlers into Israel, and the largest Jewish Jerusalem in history recognized by all as its capital.

This is the best I can do. Brief your leaders and tell me if they are prepared to come for discussions based on these ideas. If so, I would meet the next week separately. If not, I have taken this as far as I can.

These are my ideas. If they are not accepted, they are not just off the table, they also go with me when I leave the office.

Tentative Taba Agreement, January 2001

1.TERRITORY

The two sides agreed that in accordance with the UN Security Council Resolution 242, the June 4, 1967 lines would be the basis for the borders between Israel and the State of Palestine. Any modifications will be calculated from this baseline.

1.1.The West Bank

For the first time both sides presented their own maps of the West Bank. The maps served as a basis for the discussion on territory and settlements...The Clinton parameters served as a loose base for the discussion, but differences of interpretations regarding the scope and meaning of the parameters emerged. The Palestinian side stated that it had accepted the Clinton proposal, but with reservations.

The Israeli side stated that the Clinton proposals provided for annexation of settlement blocs. The Palestinian side did not agree that the parameters included blocs, and did not accept proposals to annex blocs. The Palestinian side stated that blocs would cause significant harm to Palestinian needs and rights, particularly for the Palestinians residing in areas Israel seeks to annex...The Palestinian side maintained that since Israel has needs in Palestinian territory, it is responsible for proposing the necessary border modifications. The Palestinian side reiterated that such proposals must not adversely affect the Palestinians' needs and rights.

The Israeli side stated that it did not need to maintain settlements in the Jordan Valley for security purposes, and its proposed maps reflected this position.

The Israeli maps were principally based on a demographic concept of settlement blocs incorporating 80% of the settlers. The Israeli side sketched a map presenting a 6% annexation of the West Bank, the outer limit of the Clinton proposal. The Palestinian illustrative map presented 3.1% of the West Bank in the context of a land swap.

Both sides accepted the principle of land swap but the proportionality of the swap remained under discussion...

The Israeli side requested an additional 2% of land under a lease agreement to which the Palestinians responded that the subject of lease could only be discussed after the establishment of a Palestinian state and the transfer of land to Palestinian sovereignty.

1.2. Gaza Strip

...It was implied that the Gaza Strip would be under total Palestinian sovereignty...all settlements will be evacuated. The Palestinians claimed it could be arranged in 6 months, a timetable not agreed by the Israeli side...

2. JERUSALEM

2.1. Sovereignty

Both sides accepted in principle the Clinton suggestion of having Palestinian sovereignty over Arab neighborhoods and Israeli sovereignty over Jewish neighborhoods. The Palestinian side, within the context of a land swap, affirmed that it was ready to discuss Israeli requests regarding settlements in East Jerusalem that were constructed after 1967, but not Jebel Abu Ghneim and Ras al-Amud. The Palestinian side rejected Israeli sovereignty over settlements outside the municipal borders of Jerusalem, such as Ma'ale Adumim and Givat Ze'ev.

The Palestinian side understood that Israel was ready to accept Palestinian sovereignty over Arab neighborhoods of East Jerusalem, including the entire Muslim, Christian and Armenian quarters of the old city of Jerusalem. The Israeli side understood that the Palestinians were willing to accept Israeli sovereignty over the Jewish Quarter of the Old City and part of the Armenian quarter.

2.2. Open City

Both sides favored the idea of an Open City...

2.3. Capital for Two States

Both sides accepted that the City of Jerusalem would be the capital of the two states: Yerushalayim, capital of Israel and Al-Qods, capital of the State of Palestine.

2.4. Holy/Historical Basin and the Old City

...The Israeli side expressed its interest and raised its concern regarding the area conceptualized as the Holy Basin (which includes the Jewish Cemetery on the Mount of Olives, the City of David, Kidron Valley). The Palestinian side confirmed that it was willing to take into account Israeli interests and concerns provided that these places remain under Palestinian sovereignty. Another option for the Holy Basin, suggested informally by the Israeli side, was to create a special regime or to suggest some form of internationalization for the entire area or a joint regime with special cooperation and coordination. The Palestinian side did not agree to adopt any of these ideas, although the discussion could continue.

2.5. Holy Sites/Western Wall and the Wailing Wall

Both parties have accepted the principle of respective control over each side's respective holy sites by the two parties (religious control and management). According to this principle, Israeli control over the Western Wall would be recognized although there remained a dispute regarding the area covered by the Wall and especially the link to what is referred to in Clinton's ideas as "the space sacred to Judaism of which it is a part."

The Palestinian side acknowledged that Israel has requested to establish an affiliation to the holy parts of the Western Wall, but given its own reservations regarding the delineation of the Western/Wailing Wall, this issue has not been fully resolved.

2.6. Haram al-Sharif/Temple Mount

Both sides agreed that the question of Haram al-Sharif/Temple Mount has not been resolved...An informal suggestion was raised that for an agreed period such as three years, Haram al-Sharif/Temple Mount would be under international sovereignty of the P5 [the five permanent members of the Security Council] plus Morocco (or another Islamic presence), whereby the Palestinians would be the "Guardian/Custodians" during this period. At the end of this period, either the parties would agree on a new solution or agree to extend the existing arrangement. In the absence of an agreement, the parties would return to implement the Clinton formulation. Neither accepted or rejected the suggestion.

3. REFUGEES

Non-papers were exchanged, which were regarded as a good basis for talks...

Both sides suggested, as a basis, that the parties should agree that a just settlement of the refugee problem in accordance with the UN Security Council Resolution 242 must lead to the implementation of the UN General Assembly Resolution 194. Both sides maintained their respective narratives regarding the essence of UNGAR 194, namely the right of return versus the wish to return.

3.1. Narrative

The Israeli side put forward a suggested joint narrative for the tragedy of the Palestinian refugees. The Palestinian side discussed the proposed narrative and there was much progress, although no agreement concluded.

3.2. Return, Repatriation, and Relocation and Rehabilitation

Both sides engaged in a discussion of the practicalities of resolving the refugee problem. The Palestinian side reiterated that the Palestinian refugees shall have the right of return to their homes in accordance with UNGAR 194. The Israeli side expressed its understanding that the wish to return as per wording of UNGAR 194 shall be implemented within the framework of one of the following programs:

A. Return and Repatriation

1. To Israel
2. To Israel swapped territories [Israeli territory transferred to the Palestinians in a land-swap agreement], which will be over and above territories discussed in the territorial negotiations
3. To the Palestinian state

B. Rehabilitation and Relocation

1. Rehabilitation in a host country
2. Relocation to a 3rd country

Preference in all of these options shall be accorded to the Palestinian refugee population in Lebanon.

The Palestinian side stressed that the above shall be subject to the individual free choice of the refugees...

The Israeli side, informally, suggested a three-track 15-year absorption program. The first track referred to the absorption to Israel. No numbers were agreed upon, but with a non-paper referring to 25,000 in the first 3 years of the program (40,000 in the first 5 years this program did not appear in the non-paper but was raised verbally). The second track referred to the absorption of Palestinian refugees into the Israeli territory that shall be transferred to Palestinian sovereignty, and the third track referring to the absorption of refugees in the context of the family reunification theme.

4. SECURITY

4.1. Early Warning Signs

The Israeli side requested to have 3 early warning stations on Palestinian territory. The Palestinian side was prepared to accept the continued operations of the early warning stations but subject to certain conditioned. The exact mechanism has therefore to be detailed in further negotiations.

4.2. Military Capacity of the State of Palestine

The Israeli side maintained that the State of Palestine will be non-militarized as per the Clinton proposals,

The Palestinian side was prepared to accept...[that Palestine] be defined as a state with limited arms...both sides agree that this issue has not been concluded...

4.4. Timetable for Withdrawal from the West Bank and Jordan Valley

Based on the Clinton proposal, the Israeli side agreed to a withdrawal from the West Bank over a 36-month period with an additional 36 months for the Jordan Valley in conjunction with an international force.

The Palestinian side rejected the 36-month withdrawal process expressing concern that a lengthy process would exacerbate Israeli-Palestinian tensions. The Palestinian side proposed an 18-month withdrawal under the supervision of international forces. As to the Jordan Valley the Palestinian side was prepared to consider the withdrawal of Israeli armed forces for an additional 10-month period. Although the Palestinian side was ready to consider the presence of international forces in the West Bank for a longer period, it refused to accept the ongoing presence of Israeli forces...