



UNIVERSITY OF CALIFORNIA PRESS  
JOURNALS + DIGITAL PUBLISHING



---

The Peace Process

Source: *Journal of Palestine Studies*, Vol. 21, No. 3 (Spring, 1992), pp. 126-146

Published by: [University of California Press](#) on behalf of the [Institute for Palestine Studies](#)

Stable URL: <http://www.jstor.org/stable/2537535>

Accessed: 10-03-2015 19:30 UTC

---

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).



*University of California Press and Institute for Palestine Studies* are collaborating with JSTOR to digitize, preserve and extend access to *Journal of Palestine Studies*.

<http://www.jstor.org>

## THE PEACE PROCESS

### I. The Bilateral Negotiations

- A. Summary of the Washington Rounds
- B. Bilateral Documents
  1. The Camp David Autonomy Plan, 17 September 1978.
  2. Secretary of State James Baker, Invitation to the Bilateral Talks, Washington, D.C., 22 November 1991.
  3. Israel's Informal Draft Agenda for Negotiations with the Jordanian-Palestinian Delegation, 6 December 1991.
  4. Israeli Self-Rule Proposal: "Ideas for Peaceful Coexistence in the Territories during the Interim Period," 20 February 1992.
  5. "Expanded Outline: Palestinian ISGA: Concepts, Preliminary Measures, and Elections Modalities," 3 March 1992.

### II. The Multilateral Conference

- A. Speeches, Moscow, 28 January 1992
  1. Head of Jordanian Delegation, Foreign Minister Kamil Abu Jaber (excerpts).
  2. Head of Saudi Arabian Delegation, Foreign Minister Prince Saud al-Faisal (excerpts).
  3. Head of Israeli Delegation, Foreign Minister David Levy (excerpts).
- B. Press Conference by Secretary of State James Baker, Moscow, 28 January 1992 (excerpts).

## I. THE BILATERAL NEGOTIATIONS

### I.A. Summary of the Washington Rounds

The terms of the bilateral talks were negotiated by Secretary of State Baker and the various parties during the Secretary's successive trips to the Middle East. They were spelled out in the U.S. Letters of Assurances to each of the parties prior to the Madrid Conference (see documents I.A–D of the Madrid Peace Conference File, *JPS* 82) and in the Letter of Invitation to the Bilaterals (see document I.B.2). Under these terms, the Palestinians would negotiate within the framework of a joint Jordanian-Palestinian delegation, which would split into two groups—one primarily Jordanian, the other primarily Palestinian—to negotiate the issues of concern for each. In this “two-track approach,” the subject of negotiation for the Palestinians was to be interim self-government arrangements (ISGA), and for the Jordanians various issues of bilateral interest.

The terms of negotiations were reaffirmed at the one-day bilateral round held in Madrid between the Israeli delegation and the joint Jordanian-Palestinian delegation immediately following the plenary conference. At the end of the session, the head of the Jordanian delegation read out a communiqué agreeing to proceed with the bilaterals on the basis of UNSC 242 and the two-track approach, and the head of the Israeli delegation agreed provided the discussions with the Palestinians were confined to ISGA. The head of the Palestinian delegation added his agreement, with his own “reservations and priorities.”

Three rounds of bilaterals have been held in Washington during the winter of 1991–92.

**Washington Round One**, 10–17 December 1991, was delayed for a week by Israel's protest of venue.

The talks never reached the negotiating room: the three heads—Israeli, Jordanian, and Palestinian—met each day on a couch in the corridor of the State Department, trying to reach agreement on how to proceed while their delegations waited.

The impasse of the first round involved differences over the “two tracks” versus the “Joint Body” Israel wished to set up. As the Israelis envisioned it, the Joint Body, to be composed of 14 Israelis, 7 Jordanians, and 7 Palestinians, would exist on a continuing basis, would meet on request (not mutual consent), be empowered to establish steering committees and working groups, and have a role in substantive as well as procedural mat-

ters. The Jordanians and Palestinians, on the other hand, insisted that the “Joint” be confined to procedural matters, that it meet by common consent only, and that its composition be based on trilateral parity (as had been the case at the bilateral session in Madrid).

The Palestinians and Jordanians objected to the Joint as envisaged by Israel on the grounds that it would make possible the increasing diversion of substantive issues from the two tracks to the Joint itself or to the subcommittees and working groups it was empowered to set up, to Israel's negotiating advantage. They further held that the wide powers of the Joint diluted or downgraded the two tracks (Israel's opening position—revised in a written memo the second day—had made no mention of the two tracks, but called for an initial meeting of the “Joint Body” to be immediately followed by dispersal into multiple “technical subcommittees”). For the Israelis, in contrast, the Jordanian-Palestinian concept of the two tracks amounted to efforts to split the joint delegation into two separate delegations in violation of the agreed-upon ground rules.

Efforts to involve the U.S. sponsor in the dispute were not successful: President Bush publicly called on Arabs and Israelis to resolve their procedural differences and move to the substance of how to achieve peace.

News reports consistently characterized the first round as futile wrangling over procedural matters devoid of substance. Underlying the procedural debate, however, were very real substantive issues, especially pertaining to Palestinian identity. The Palestinian-Jordanian position was that Israel's stress on the Joint at the expense (as they saw it) of the two tracks involved a serious dilution of Palestinian national identity. In contrast, the Israelis sought precisely to avoid what could be construed as two separate delegations, which would allow the Palestinians to claim Israeli recognition of their national identity.

**Washington Round Two**, 13–16 January 1992, was delayed for a week by the Arab delegations' protests of Israel's decision to deport twelve Palestinians from the occupied territories.

The round began with a compromise that enabled the talks to move from the couch to the negotiating room. The compromise involved the composition of the Joint Body, now called a “General Meeting of the Delegates,” which would be composed of 13 Israelis, 11 Jordanians, and 8 Palestinians. The “General Meeting,” though it would deal with procedural as well as non-procedural issues,

would be preceded by a "consultation" of the three heads—Israeli, Jordanian, and Palestinian. The general meeting was to precede and close each round, and could be convened in between upon request. Meanwhile, the joint Jordanian-Palestinian delegation would divide into the two tracks, the Palestinian track to be composed of 9 Palestinians and 2 Jordanians (so as to maintain the appearance of a "joint delegation" insisted upon by Israel) and the Jordanian track to reflect the inverse ratio.

Throughout the round, both the Palestinian and Jordanian teams repeatedly brought up the issues of settlements in the occupied territories, the applicability of UNSC 242 to the territories, and the applicability of the Geneva Convention, which were the main focuses of discussions.

The most important development of the round was Israel's informal presentation of a draft agenda on 13 January (see document I.B.3). Neither the Jordanians nor the Palestinians accepted the agenda on the grounds that its joint nature ran counter to the two-track approach. The following day Israel presented a new version to the Palestinians, identical to the original consolidated agenda except for the deletion of items A.1, B, and H.1, H.2, and H.3, all relating exclusively to Jordanian concerns. Israel's insistence on involving the Jordanians in Palestinian issues, however, can be seen in the retention of the "Note to C(4)" on the document reproduced below, which notes that each of the spheres of operation of the ISGA requires agreement on "Jordanian-related aspects."

The second important development was the presentation by the Palestinian delegation of a model for the interim self-government arrangements on 14 January.

On the Jordanian side, Israel informally presented a draft peace treaty, reportedly covering a wide range of areas of bilateral cooperation from virtually mandatory joint construction projects to the institution (enforced by a "joint committee") of measures to prevent hostile propaganda from either party directed at the other. The treaty made no mention, however, of any UN resolutions, land for peace, Jerusalem, Jordanian property in the occupied territories, refugees, Camp David, and other issues of presumed bilateral importance.

**Washington Round Three**, 24 February-4 March. This round is still in progress as this issue of *JPS* goes to press; the important developments to date have been Israel's presentation of its own "ideas" on the ISGA (see

document I.B.4), and the Palestinian presentation of an expanded version of its 14 January ISGA Model (see document I.B.5).

## I.B. Bilateral Documents

### I.B.1 The Camp David Autonomy Plan, 17 September 1978.

*[The autonomy provisions of the Camp David Accords, signed by Israel and Egypt under the aegis of the United States, have become an object of attention since the revival of the peace process and the focus for Israeli-Palestinian negotiations on interim self-rule. While the Palestinians consistently rejected Camp David, and the self-governing authority stipulated was never implemented, Israel's adherence to the provisions was not contingent on the agreement of those not party to the accords, which are considered binding on the signatories.]*

#### A. West Bank and Gaza

1. Egypt, Israel, Jordan and the representatives of the Palestinian people should participate in negotiations on the resolution of the Palestinian problem in all its aspects. To achieve that objective, negotiations relating to the West Bank and Gaza should proceed in three stages:

(a) Egypt and Israel agree that, in order to ensure a peaceful and orderly transfer of authority, and taking into account the security concerns of all the parties, there should be transitional arrangements for the West Bank and Gaza for a period not exceeding five years. In order to provide full autonomy to the inhabitants, under these arrangements the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of these areas to replace the existing military government. To negotiate the details of a transitional arrangement, the Government of Jordan will be invited to join the negotiations on the basis of this framework. These new arrangements should give due consideration both to the principle of self-government by the inhabitants of these territories and to the legitimate security concerns of the parties involved.

(b) Egypt, Israel, and Jordan will agree on the modalities for establishing the elected self-governing authority in the West Bank and Gaza. The delegations of Egypt and Jordan may include Palestinians from the West Bank and Gaza or other Palestinians as mutually agreed. The parties will negotiate an agree-

ment which will define the powers and responsibilities of the self-governing authority to be exercised in the West Bank and Gaza. A withdrawal of Israeli armed forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations. The agreement will also include arrangements for assuring internal and external security and public order. A strong local police force will be established, which may include Jordanian citizens. In addition, Israeli and Jordanian forces will participate in joint patrols and in the manning of control posts to assure the security of the borders.

(c) When the self-governing authority (administrative council) in the West Bank and Gaza is established and inaugurated, the transitional period of five years will begin. As soon as possible, but not later than the third year after the beginning of the transitional period, negotiations will take place to determine the final status of the West Bank and Gaza and its relationship with its neighbors, and to conclude a peace treaty between Israel and Jordan by the end of the transitional period. These negotiations will be conducted among Egypt, Israel, Jordan, and the elected representatives of the inhabitants of the West Bank and Gaza. Two separate but related committees will be convened, one committee, consisting of representatives of the four parties which will negotiate and agree on the final status of the West Bank and Gaza, and its relationship with its neighbors, and the second committee, consisting of representatives of Israel and representatives of Jordan to be joined by the elected representatives of the inhabitants of the West Bank and Gaza, to negotiate the peace treaty between Israel and Jordan, taking into account the agreement reached on the final status of the West Bank and Gaza. The negotiations shall be based on all the provisions and principles of UN Security Council Resolution 242. The negotiations will resolve, among other matters, the location of the boundaries and the nature of the security arrangements.

The solution from the negotiations must also recognize the legitimate rights of the Palestinian people and their just requirements. In this way, the Palestinians will participate in the determination of their future through:

(1) The negotiations among Egypt, Israel, Jordan and the representatives of the inhabitants of the West Bank and Gaza to agree on the final status of the West Bank and Gaza and other outstanding issues by the end of the transitional period.

(2) Submitting their agreement to a vote by the elected representatives of the inhabitants of the West Bank and Gaza.

(3) Providing for the elected representatives of the inhabitants of the West Bank and Gaza to decide how they shall govern themselves consistent with the provisions of their agreement.

(4) Participating as stated above in the work of the committee negotiating the peace treaty between Israel and Jordan.

2. All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond. To assist in providing such security, a strong local police force will be constituted by the self-governing authority. It will be composed of inhabitants of the West Bank and Gaza. The police will maintain continuing liaison on internal security matters with the designated Israeli, Jordanian and Egyptian officers.

3. During the transitional period, representatives of Egypt, Israel, Jordan, and the self-governing authority will constitute a continuing committee to decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern may also be dealt with by this committee.

4. Egypt and Israel will work with each other and with other interested parties to establish agreed procedures for a prompt, just and permanent implementation of the resolution of the refugee problem.

#### **I.B.2. Secretary of State James Baker, Invitation to the Bilateral Talks, Washington, D.C., 22 November 1991.**

- As you recall in Madrid, I made it clear publicly and privately that I was prepared to see the parties themselves try to sort out the venue and timing of the next round of direct bilateral negotiations.

- Since then, I conveyed to you several ideas from Israel on how to resolve this issue. However, the Israeli suggestions were not approved by any other party.

- The breakthrough that you achieved in Madrid several weeks ago cannot be allowed to dissipate. It is in the interest of all parties to

create momentum to prove that direct bilateral talks can begin to address the issues of most concern to you.

- I understand the complexities involved in sorting out the procedural aspects of this issue. I do not minimize them, but neither do I believe they should become, in and of themselves, reasons to block further discussions between the parties on the substance of the negotiations.
- In this message I want to address three issues: finding an acceptable venue for the next round of negotiations; determining the best date to hold the next round; and beginning to foreshadow the kinds of issues that each of you might decide to take up in order to make the negotiations most productive.

### Venue and Timing

- It is clear that Madrid will not be an acceptable venue for the next round. It is equally clear that there is no agreement yet to hold talks in the region.
- I want to make clear the view of the United States that, over time, there is no reason to exclude holding negotiations in the region. Many successful talks have been held in the region in the past and a regional venue would allow close proximity for the negotiators to consult with their political leadership. But I understand we will not resolve this issue now.
- We have consulted on this matter with the Soviets and we agree that the most important issue now is to resume the direct bilateral negotiations as soon as possible.
- Accordingly, I am pleased to invite each of you to come to Washington to start negotiations on Wednesday, 4 December.
- In order to begin preparations for these negotiations, I will need your affirmative response no later than Monday, 25 November.
- The United States will arrange the sites for the talks and other administrative issues; the talks will take place here in Washington.
- Each delegation will be expected to assume all/all other costs associated with the negotiations such as transportation, lodging, staff support and the like.
- We will not be in a position to meet delegations on arrival but, with advance notification of arrival time, we will alert airport authorities to your planned arrival.
- The delegations to these direct bilateral negotiations need not be the same as those that attended the Madrid conference. In order to ensure, however, that the terms and conditions agreed upon for this process ob-

tain, we need to know in advance the composition of each delegation. Our intention would be to notify the composition of each delegation to all other delegations in advance of negotiations.

- In addition, we envisage no particular credentialing for the delegations. However, since the negotiations are likely to be held in U.S. government buildings, access to those buildings will be available only for those declared as delegates. Other advisers and staff will not be permitted at the sites of the negotiation, but should plan to remain in whatever offices are set up by the delegations themselves.
- Similarly, we plan to provide no press facilities, and any press activity by delegates will have to be arranged by the delegations themselves.

### Substantive Negotiations

- As all of us expected, the first round of talks in Madrid covered little substantive ground, and thus provided no real direction as to where the negotiations might now head.
- It is not the intention of the U.S. or Soviet Union, as cosponsors, to suggest to you what to do in the negotiations. However, we thought you might find it useful for us to share some preliminary thinking on which approaches to negotiations might help get them launched successfully.

### *Israel-Jordanian/Palestinian Talks*

- In the case of the negotiations between Israel and the Jordanian/Palestinian delegation, there are two distinct sets of issues that need to be discussed.
- Jordan has notified us and presumably Israel, that there are a number of border issues unrelated to UN Security Council Resolution 242 which need to be discussed. We see no reason why these issues should not be raised early in the negotiations so that experts can get to work to examine respective claims and historical background.
- At the same time, Israel and Jordan could profitably discuss a number of other bilateral issues, such as the nature of peace, the resolution of maritime problems in the Gulf of Aqaba, joint management of waste water facilities, joint production of potash, tourism, civil aviation and the like, which could form the essential building blocks of a final settlement, once the elements of a final settlement



begin to fall into place, or alternatively as interim arrangements or unilateral measures to serve mutual interests and improve the atmosphere and process of negotiations.

- As we understand it, it is the expectation of both sides that in these negotiations between Israel and Jordan, Palestinians from the joint Jordanian/Palestinian delegation would also attend in order to maintain the integrity of the joint delegation in negotiations with Israel.
- With regard to issues relating to the West Bank and Gaza, it is similarly our understanding that Palestinians would take the lead but would be accompanied by Jordanians as part of the joint Jordanian/Palestinian delegation.
- In these negotiations there is already agreement that the first phase will focus on interim self-government arrangements.
- Having experienced several years of negotiations on these issues in the late 1970s and early 1980s, it is our considered view that both Israel and Palestinians should avoid as much as possible a protracted debate on such principles as the "source of authority," "nature of the interim self-governing authority," and the like.
- Rather, Israel and the Palestinians might agree that each would present in this or the next session a proposed model of interim self-governing authority.
- Such models are likely to be quite different; they will vary widely in terms of the scope of authority and jurisdiction that they anticipate extending to Palestinians. Nonetheless, they will provide both sides with some potentially useful starting points to begin hammering out the powers and responsibilities that will be assumed by Palestinians during the transitional period, as well as the issues that need to be defined and negotiated during the period ahead.

#### *Israel-Lebanon Talks*

- With regard to the negotiations between Israel and Lebanon, there are clear differences as to how to proceed.
- In our view it might be most productive for both sides to start engaging on the most practical issue that they both confront: namely, how to unlock the current stalemate in Jezzín.
- By this, we do not mean in any way a departure from principles of an overall settlement to substitute a Jezzín settlement for a resolution of the underlying issues between the two countries. However, since the Jezzín issue involves the complex of political and security issues that will be required in order to

deal effectively with the problems that extend throughout southern Lebanon and northern Israel, it can represent a useful first step and it can demonstrate to both parties that negotiations can produce practical solutions to problems on the ground.

#### *Israel-Syria Talks*

- With regard to the negotiations between Israel and Syria, the five hours of talks held 3 November indicated that neither side will find it easy to proceed until key issues of principle are recognized by the other side. While not diminishing the significance of these principles to each party, strict adherence to them could lead to early stalemate in the negotiations.
- One way to proceed, in our view, might be to probe the other side's position in certain hypothetical circumstances. For example, Syria might ask, hypothetically, what the Israeli position on withdrawal would be if Syria were prepared, as part of a comprehensive settlement, to sign a peace treaty with Israel, exchange ambassadors, and work out mutually acceptable security arrangements. Alternatively, Syria might ask whether under such circumstances Israel would exclude withdrawal and a return to Syrian sovereignty over Golan.
- Israel, for its part, might ask hypothetically what Syria's position on a peace treaty, full normalization and diplomatic relations would be if Israel were prepared to undertake withdrawal. Alternatively, Israel might ask whether under such circumstances Syria would exclude a treaty of peace, full normalization and diplomatic relations.
- While this kind of dialogue does not adequately overcome differences of principle, it could permit the sides to begin exploring some of the issues raised during these presentations.

#### **I.B.3. Israel's Informal Draft Agenda for Negotiations with the Jordanian-Palestinian Delegation, 6 December 1991.**

*[The agenda, dated 6 December 1991, was informally presented to the heads of the Jordanian and Palestinian delegations on 13 January but rejected by both on the grounds that Jordanian and Palestinian issues were not differentiated and hence the agenda ran counter to the agreed upon two-track approach. The following day a revised version was presented to the Palestinian delegation, which was reportedly identical to the first*

except for the elimination of items A1, B, H1, H2, and H3.

*The following version of the consolidated agenda was published in the Near East Report on 3 February 1992. Knowledgeable sources report the version as accurate, except for item E which should read "legal matters" instead of "local matters."*

- A. Goal of the negotiations
  - 1. Israel-Jordan Treaty of Peace
  - 2. Interim self-government arrangements (ISGA) for the Arab inhabitants of the territories for five years.
- B. Israel-Jordan peace negotiations
  - 1. Peace Treaty: components of peace
    - (1) Termination of the status of war and establishment of peace, including full diplomatic relations.
    - (2) Security.
    - (3) Borders.
    - (4) (a) Normalization, including various spheres (trade, civil aviation, culture, etc.)
    - (b) Areas of cooperation for special attention: water, energy, environment and economy.
  - 2. Possible preliminaries for peace (during the course of negotiations):
    - (1) Liaison arrangements.
    - (2) Openings of borders and mutual visits.
    - (3) Liaison system between the two militaries.
    - (4) Non-political exchanges in spheres of mutual interest, including cooperation in the areas of water, energy and environment, and economy.
- C. Interim self-government arrangements (ISGA)
  - 1. General concept
  - 2. Modalities for establishing the ISGA
  - 3. Structure
  - 4. Spheres of Operation (subject to agreement on concept and structure):
    - (1) Administration of Justice.
    - (2) Administrative personal matters.
    - (3) Agricultural.
    - (4) Education and Culture.
    - (5) Finance, Budget and Taxation.
    - (6) Health.
    - (7) Industry, Commerce and Tourism.
    - (8) Labor and Social Welfare.

- (9) Local Police (including prisons for criminal offenders).
- (10) Local Transportation and Communication.
- (11) Municipal Affairs (to include water supply, housing, sewage and electricity).
- (12) Religious Affairs.

**Note to C(4):**

- a) Each of the above spheres requires agreement on powers to be delegated, coordination and cooperation, and Jordanian-related aspects.
  - b) Spheres not listed remain as residual powers.
- D. Economic matters.
  - E. Local matters.
  - F. Liaison and Coordination Mechanisms.
  - G. Rehabilitation of refugee camps in Jordan and in the territories.
  - H. Possible Subcommittees
    - 1. Israel-Jordan bilateral security arrangements
    - 2. Israel-Jordan civilian relationship-normalization
    - 3. Israel-Jordan cooperation in specific areas (water, energy, environment)
    - 4. Modalities for the establishment of ISGA
    - 5. ISGA structure and spheres of operation
    - 6. Legal matters

**I.B.4. Israeli Self-Rule Proposal: "Ideas for Peaceful Coexistence in the Territories during the Interim Period," 20 February 1992.**

*[The draft proposal, presented as "ideas" rather than as a "model" reportedly to avoid Israeli rightist opposition to any form of "autonomy," was preceded by a two-page memorandum to the head of the Palestinian delegation from the head of the Israeli delegation.*

*The proposal not only differed radically from the Palestinian ISGA model; it differed as well from the provisions for Palestinian self-rule as set down in the Camp David Accords (compare with I.B.1 above). This divergence had been presaged by Prime Minister Shamir at a press conference on 7 February, when he stated that Israel is "not obligated to every word written [in the Camp David Accords]. Time has passed and things have changed. Generally, [however], we are bound by what we say." Press reports commented that the prime minister's statement marked the first time an Israeli leader had questioned Israel's commitment to the agreements. ]*



February 21, 1992.

To: Dr. H. Abdul Shafi  
From: Ambassador E. Rubinstein

*The Agenda in the Negotiations and General Concept Ideas*

A. In order to proceed in our negotiations, we ought to agree first on the agenda, which encompasses issues of substance.

B. Our concept of the interim self-government arrangements, for five years, as expressed in our agenda proposal, is based on the following:

(1) The interim self-government arrangements must provide for a period of healing, rehabilitation and confidence building in our relationship with the Palestinian Arabs in the territories, following a long conflict and against the well-known regional background.

(2) (a) The interim self-government arrangements concept includes the delegation of a wide list of powers encompassing the life of the Palestinian Arab population in the territories to representatives of the population. When the arrangements are agreed and implemented, the Palestinians in the territories will be able to run their own affairs in many spheres—in fact, the majority of their walks of life.

(b) The interim self-government arrangements should be fair to the Arab population but not hamper the rights of Jews. They cannot compromise Israel's security, which—given the well-known circumstances of terrorist attacks, as well as other threats—is faced with a clear and present danger. That is why the security responsibility must remain with Israel; this is a vital strategic must.

(3) The interim self-government arrangements should be achieved without prejudice to the final status of the territories, to be negotiated beginning the third year, as understood. Until the final status is agreed upon, the present source of authority will remain intact.

(4) The arrangements will apply to the Palestinian Arab inhabitants of the territories under Israeli military administration. The arrangements will not have a territorial application, nor will they apply to the Israeli population in the territories. They will not include inhabitants of Jerusalem.

C. We shall share with you our reasons for not accepting your agenda ideas as proposed, as well as your model, which—as indicated in my letter of 16 January 1992—is a far cry from acceptable interim self-government ar-

rangements and which basically represents a Palestinian State in all but name, considered by Israel a mortal security threat. Your agenda and model proposals appear to reflect disengagement on your part from the spirit of the agreed staged framework for negotiations, which is the only hope for progress. Nor can we accept preconditions of any kind, as introduced and announced by you during the former round of negotiations.

D. Israel's basic approach to the arrangements is found in principle [sic] developments since 1978. We regret, however, that during the negotiations you have rejected the Camp David Accords.

E. The interim self-government arrangements should be conducted in an atmosphere free of terrorism and violence. This will consist a major test to the whole process.

F. (1) Naturally, the interim self-government arrangements should include cooperation and/or coordination with Israel in the various spheres of responsibility as necessary.

(2) The interim self-government arrangements should be developed with proper attention to Jordanian-related aspects.

G. The structure of the arrangements will be based on an agreed-upon functional-administrative approach, not to include state-like powers.

H. The modalities for establishing the arrangements in accordance with agreed-upon structures, will be decided upon in the negotiations.

I. The list of spheres to be delegated, subject to the necessary understandings, is suggested by us as part of the agenda.

J. In light of the above, we should work on the agenda in a realistic and swift way, and further continue our deliberations on substance.

K. Attached is a paper containing greater details on some of the above.

L. We may presently be at a historic point which presents us with an opportunity to move towards peace. Let us work in this direction through serious direct negotiations, avoiding unnecessary polemics. God willing, our goal may thus be achieved.

**Ideas for peaceful coexistence in the territories during the interim period.**

*A. General Concept*

1. Interim Arrangements

a. The concept of interim arrangements for the Palestinian Arab inhabitants for five years stems from the basic premises that:

- The wounds inflicted by the long

and bitter Arab-Israeli conflict, need a time for healing, and trust must be built gradually.

- The deeply differing points of view of the parties concerned, cannot be bridged in one comprehensive step. The gap can be bridged only through a process of building coexistence, through interim arrangements followed by an agreement on final status.

b. The interim period must present an opportunity:

- to examine and test the arrangements agreed upon for this period, including the fulfillment of all commitments;
- to accommodate to the reality of living together on the same soil;
- to build mutual confidence.

c. The interim arrangements should create a change in the reality of life of the Palestinian Arabs in the territories; this change must be delineated by certain guidelines:

- it should not prejudice the outcome of the final status negotiations;
- it must deal with people, not with the status of the territories;
- it must be based on a strict adherence to the arrangements as agreed before the implementation; and
- no change in the terms of the arrangements can take place unilaterally.

## 2. Coexistence

a. The interim arrangements are based on the agreed terms of reference that stipulate an agreement on:

- establishment of interim self-government arrangements for the Palestinian Arab inhabitants of the territories;
- keeping the established links between Judea, Samaria, Gaza district and Israel intact;
- arrangements for cooperation and coordination between the ISGA administrative organs and Israel;
- keeping the traditional ties between the Palestinian Arab inhabitants and Jordan.

b. During the interim period:

- The Palestinian Arab inhabitants will be given, in the framework of the

interim self-government arrangements, an opportunity to run their own affairs in most spheres, according to the agreement.

- Residual powers and certain responsibilities will be reserved by Israel.
- Israelis will continue, as of right, to live and settle in the territories.
- The sole responsibility for security in all its aspects—external, internal and public order—will be that of Israel.

## B. *Interim Self-Government Arrangements (ISGA)*

### 1. Modalities

The organs of the ISGA, which will be agreed upon by the parties concerned, will be established in an agreed way.

### 2. Structure and Procedure

a. The organs of the interim self-government arrangements will be of administrative-functional nature.

b. The basic structural and functional configurations of the ISGA will be determined in the course of the negotiations.

### 3. Jurisdiction

The jurisdiction of the ISGA organs will apply to the Palestinian Arab inhabitants of Judea, Samaria, and the Gaza district.

### 4. Powers and Responsibilities

a. In the negotiations Israel will propose to negotiate delegation of powers and responsibilities to the proper organs of ISGA in the following spheres of operation (subject to agreement on the general concept and structure, and to coordination and cooperation arrangements, as well as Jordanian-related aspects):

- (1) *Administration of Justice*—Supervision of the administrative system of local courts in the areas; dealing with matters connected with the prosecution system and with the registration of companies and partnerships.
- (2) *Administrative Personnel Matters*—Appointments and working conditions of employees. (At the present time the civil service of the inhabitants of Judea-Samaria and Gaza, within the framework of the Military Government's Civilian Administration, comprises approximately 20,000 persons.)
- (3) *Agriculture*—Various branches of agriculture, fisheries, etc.
- (4) *Education and Culture*—Operation of the network of schools in the areas, from

nursery to higher education; supervision of cultural, artistic and sporting activities.

- (5) *Budget and Taxation*—Budgeting of the administrative operations and allocations of funds; direct taxation.
- (6) *Health*—Management of hospitals and clinics; operation of sanitary and other services related to public health.
- (7) *Industry, Commerce and Tourism*—development of industry, workshops, commerce and tourist services.
- (8) *Labor and Social Welfare*—Management of welfare services, labor and employment services.
- (9) *Local Police*—Operation of a local police force for criminal affairs, and maintenance of prisons for criminal offenders sentenced by local courts in the areas.
- (10) *Local Transportation and Communications*—Maintenance and coordination of local transport and internal postal services.
- (11) *Municipal Affairs*—Matters concerning Arab municipalities and their effective operation, including municipal water supply, housing, sewage and electricity supply.
- (12) *Religious Affairs*—Provision and maintenance of religious services for all religious communities among the Arab inhabitants of Judea, Samaria and the Gaza district.

Powers and responsibilities in an agreed framework can be gradually delegated to the designated administrative organs, as determined in the negotiations.

b. Cooperation and Coordination

- (1) Agreement will be reached on arrangements to ensure cooperation and coordination between the designated organs and Israel in certain domains, for mutual benefit.
- (2) The ISGA organs will, therefore, operate in its spheres of competence in three ways:

- As appropriate in the domains allocated to its agreed organs.
- In coordination with Israel—in certain spheres; coordination means joint planning.
- In cooperation with Israel—in certain spheres; cooperation means joint operation from the higher level of planning to the lower level of implementation.

5. Residual Powers and Responsibilities

a. Powers and responsibilities which are not delegated to the agreed organs of the ISGA will be reserved by Israel, being the source of authority.

The powers and responsibilities of the organs of the ISGA will not apply to the Israeli Defense Forces or to Israeli civilians in Judea, Samaria and Gaza District, as well as to the Palestinian Arabs who reside in Jerusalem, the capital of Israel, which is not part of the territories.

b. Security

- The sole responsibility for external and internal security as well as public order will be that of Israel.
- In the area of public order there will be cooperation between the Israeli relevant authorities and the local police force.

c. Laws

- The laws and orders in force in Judea, Samaria and Gaza District, and all powers vested by virtue of them shall remain in force.
- The powers to promulgate regulations in the spheres of operation of the organs of the ISGA will be determined in the agreement, subject to coordination and cooperation with Israel as mentioned above.

**I.B.5. "Expanded Outline: Palestinian ISGA: Concepts, Preliminary Measures, and Elections Modalities," 3 March 1992.**

*[The plan, basically a detailed elaboration of the 14 January outline, was approved by the PLO in Tunis. It was preceded by a four-page memorandum, also reproduced below. The Israeli delegation reacted negatively to the proposal because it "amounts to a framework for an independent Palestinian state."]*

From: The Palestinian side in the Jordanian-Palestinian delegation.

To: The Israeli delegation

The Palestinian delegation presented, on 14 January 1992, an outline of the model for Palestinian Interim Self-Governing Authority (P.I.S.G.A.), as part of interim arrangements for self-government. That outline is based on free elections under international supervision, and entails the orderly transfer of the powers and responsibilities at present exercised by the Israeli military and/or other Israeli authorities in the Occupied Palestinian Territory

(OPT), including Jerusalem, to the PISGA.

The establishment of PISGA would create a new authority based on the will of the people, and would provide a framework under which the Palestinians in the OPT, along with the Palestinians in exile, will be able to participate, on an equal footing, in all negotiations leading to the permanent solution of the Palestinian question in all its aspects.

The objective of the negotiations at this stage is to establish a Palestinian Self-Governing Authority as part of the interim arrangements for a transitional period. These proceedings must enable the Palestinian people to gain control over political, economic and other decisions that affect their lives and fate.

The acceptance, by the Palestinian people, of interim self-government arrangements does not in any way prejudice the exercise of their legitimate right to self-determination as embodied in the United Nations Charter and in the UN resolutions affirming the inalienable rights of the Palestinian people. The General Assembly of the UN, by Resolution 181 of 1947, has consecrated the right of the Palestinian people to self-determination and statehood, and has affirmed the legal foundation of the independent Arab State of Palestine.

The Palestinian people is resolved to establish its own independent state. However, and after the conclusion of final status negotiations, the Independent State of Palestine, established alongside the State of Israel, would opt for a confederal relationship with Jordan.

The Letter of Invitation to the present negotiations states that these should take place on the basis of resolutions 242 and 338, which affirm the inadmissibility of acquisition of territory by war and are the basis of the principle of the exchange of "Territory for Peace," and which demands a total Israeli withdrawal from the territories occupied in 1967.

Security Council Resolution 242, also calls, *inter alia*, for achieving a just solution of the refugee problem, on the basis of General Assembly Resolution 194, which recognizes the right of the Palestinian refugees to return to their homeland.

We also call your attention to the fact that the government of Israel and its armed forces are bound by the Fourth Geneva Convention of 1949, as well as by the Hague Regulations of 1907, which are applicable to the OPT. UNSC Resolution 726, reaffirms that the Fourth Geneva Convention is applicable to the totality of the Occupied Palestinian Territory, including Jerusalem. Practices proscribed under the Geneva Conventions, par-

ticularly settlement activities, shall be halted immediately, and the consequences of earlier violations should be reversed.

In accordance with the above, the Palestinian delegation is willing to put forward concrete and workable proposals. At this stage, however, and while Israeli illegal practices impede our engagement in substantive negotiations, we would like to recall the basic assumptions underlying our participation in the process.

## I

Throughout the centuries, Palestine has been the cradle where our people's identity was shaped, the homeland of its collective soul. The attachment of the people of Palestine to the land of Palestine is a permanent feature of their ancient as well as contemporary history.

All the successive wars and occupations that have befallen our people in the course of this century have not been able to erode this attachment. The Palestinian people have struggled, and will continue to struggle for freedom on the soil of their homeland until they achieve their inalienable national rights, in accordance with international legality.

In this context, it is necessary to reaffirm that Jerusalem is an integral part of the OPT, and that all transitional arrangements are applicable to it. Its annexation, as well as the artificial extension of its municipal boundaries, are illegal unilateral acts. As such they are null and void, and therefore should be reversed. Jerusalem is also a universal symbol and a repository of cultural creativity, spiritual enrichment and religious tolerance, in tune with the longstanding traditions of openness and generosity which have characterized our Palestinian people throughout its long history. Jerusalem lies at the heart of our people's aspirations, and we are committed to make it the capital of our future independent state.

The fact that the six million Palestinians, albeit physically torn between occupation and exile, constitute one single people is another basic element of our approach to peace. Their rights as a people must be respected.

Our people, inside and outside the OPT, including Jerusalem, have one sole leadership. Thus our very presence here, in conformity with the Palestinian Peace initiative of November 1988 and other relevant PNC resolutions, derives from the unity of our national decision, and the unity of our representation, which must be recognized in the course of the negotiating process.

## II

The Palestinian delegation is now presenting an expanded outline of the Palestinian Interim Self-Government Arrangements: concepts, outline, preliminary measures and elections modalities, which is based on the following:

1) Interim Self-Government Arrangements are by definition transitional. The transitional period must lead, through a phased negotiated process, to the full exercise of the legitimate rights of the Palestinian people. The success of such a process and the attainment of peace can only materialize if the Palestinian Interim Self-Governing Authority, (PISGA) fully assumes powers and responsibilities throughout the OPT, including Jerusalem.

2) The Palestinians in the OPT, including Jerusalem, have the right and the wish to govern themselves according to democratic principles, through free elections. The PISGA should be an embodiment of the principle of democratic government—“*By the People, of the People, for the People.*”

We have entered and remained in this process of bilateral negotiations with open hearts, open minds and sincere intentions in order to achieve a just and comprehensive settlement.

The Palestinian delegation, expressing the will of the Palestinian people inside and outside the OPT, emphasizes once again that the only way to pursue negotiations and engage them on the path of progress is a commitment, on the part of Israel—the occupying power—to abide by the provisions of international law and to implement, *de jure*, the Fourth Geneva Convention, thus bringing an immediate halt to all forms of settlement activities. The continuation of these activities does not only impede our engagement into the following phases of negotiation on interim agreements. It also threatens to destroy the peace-process as a whole.

The Palestinian delegation hereby presents its full vision of the interim arrangements on the way to peace, including the holding of free elections based on universal suffrage and conducted by secret ballot, under international supervision, to provide the Palestinians in the OPT, including Jerusalem, with the democratic modalities, structures and institutions needed for the free exercise of their political will. It however considers peace as a global process, starting with the cessation of all illegal settlement activities all the way to the implementation of PISGA.

Israel's position vis-à-vis this key issue de-

termines the continuation or the collapse of the very process making peace possible in our area. The choice rests with Israel: either to move on the road to peace, or to continue on the road to settlement.

This proposal constitutes a new and important contribution, by the Palestinian side, to the progress of the negotiations, and we hope that the Israeli side will respond to it in a similarly positive and constructive spirit.

### Part One: Concepts and Expanded Outline of the PISGA

#### List of Topics

- I. Introduction
- II. The Transitional Nature of the Interim Phase
- III. Authority in the Interim Phase
- IV. Powers and Responsibilities of the PISGA

#### I. Introduction

The immediate objective of the Palestinian-Israeli bilateral talks, as laid out in the cosponsors' letter of invitation of 18 October 1991, is to negotiate interim self-government arrangements. These talks are conducted within the context of international legitimacy, which recognizes the right of the Palestinian people to self-determination.

The interim self-government arrangements are also intended to provide the basis for the second stage of negotiations on the permanent status of the West Bank including Jerusalem, the Gaza Strip and al-Himmah.\* According to United Nations Security Council Resolutions 242 and 338, the Fourth Geneva Convention and the Hague Regulations, these areas are occupied territories, and Israel is a belligerent occupant. (These territories are hereafter referred to as the Occupied Palestinian Territory—OPT).

The Palestinian people have accepted to negotiate interim self-government arrangements, in a phased approach that would allow them, in the second and final phase, the free exercise of their legitimate right to self-determination. Moreover, the Palestinians in the OPT and in exile are one people, and the interim self-government arrangements should facilitate the exercise of the legitimate rights of those in exile, who will participate in the second phase of the negotiations to determine the final status of the OPT and achieve a com-

\* Al-Himmah is a small strip of land south of Lake Tiberias that extends into the East Bank and was within the boundaries of Mandate Palestine—*Ed. note.*



prehensive settlement of the Palestine question in all its aspects.

## II. The Transitional Nature of the Interim Phase

According to the cosponsors' letter of invitation, the entire negotiating process we have embarked upon, including the "negotiations along two tracks", are "based on United Nations Security Council Resolutions 242 and 338." These resolutions stipulate that Israel's acquisition of the territories it occupied in the 1967 war is inadmissible, and are the basis of the principle of the exchange of territory for peace. It should be clear that resolutions 242 and 338 must guide all phases of the negotiations. They must be fully implemented by the final stage.

The interim phase, therefore, does not constitute a regime which would be stabilized short of self-determination. It represents, on the contrary, a framework whereby resolutions 242, 338, and international legality shall be implemented.

## III. Authority in the Interim Phase

The term "interim self-government arrangements" can only mean arrangements for an interim self-government: a central, political entity that allows the Palestinian people in the OPT to govern themselves by themselves. The Palestinians in the OPT have the right and have expressed the wish to govern themselves according to democratic principles, i.e., through free elections without external interference.

The success of the transitional process is only possible if the PISGA is vested with all the powers of a true self-governing authority. All the powers presently exercised by the military government and civil administration of the occupier should be transferred to the PISGA upon its election and inauguration.

## IV. Powers and Responsibilities of the PISGA

1. Being the representative of the Palestinian people in the OPT, the PISGA's authority is vested in it by them. Its powers and responsibilities cannot be delegated by a foreign authority. Israel was never entitled to sovereignty over the OPT, but rather has exercised certain powers as a belligerent occupant since the entry of its armed forces into the areas occupied in 1967. With the start of the interim phase, and the abolition of the Israeli military government and civil administration, Israel shall cease to enjoy all these powers, which

shall be assumed by the PISGA.

2. There should be no limitations on the powers and responsibilities of the PISGA, except those which derive from its character as an interim arrangement and from the mutually agreed outcome of the peace process.

3. In order for the PISGA to exercise freely its powers and responsibilities, and be assured a peaceful and orderly transfer of all powers to it, the Israeli armed forces shall complete their withdrawal in phases to mutually-agreed specific redeployment points along the borders of the OPT by the time the PISGA is inaugurated.

4. The jurisdiction of the PISGA should extend to all of the OPT, including its land, natural resources, water, sub-soil, territorial sea, exclusive economic zone and air space. The PISGA shall exercise its jurisdiction throughout the Occupied Palestinian Territory.

5. The PISGA should have legislative powers. The transition from the state of occupation to the final status necessitates the assumption of such powers. No self-governing authority can function without having the power to enact, amend and abrogate laws.

6. The PISGA should wield executive power. It should formulate and implement its policy without any foreign control.

7. The PISGA shall determine the spheres, objectives and means of cooperation with any states, groups of states or international bodies, and shall be empowered to conclude binding cooperation agreements free of any foreign control.

8. The PISGA should administer justice through an independent judiciary, exercising sole and exclusive jurisdiction throughout the OPT.

9. The PISGA should establish a strong police force responsible for security and public order in the OPT.

10. The PISGA can request the assistance of a UN peace-keeping force.

11. A standing committee should be established from representatives of the five permanent members of the UN Security Council, the Secretary General of the United Nations, the PISGA, Jordan, Egypt, Syria and Israel, to supervise the implementation of the self-gov-



ernment arrangements during the interim phase and settle disputes arising therefrom.

**Part Two: Preliminaries for the Interim Phase**

1. The conclusion of the negotiations on the interim phase and the establishment of the PISGA require implementation of a number of necessary preliminary measures and the provision of appropriate conditions for the conduct of elections.

2. The period between the commencement of the peace process on 29 October 1991 and the elections for PISGA and its subsequent inauguration on a date no later than 29 October 1992, during which these preliminary measures are to be implemented, constitutes a *preliminary phase*.

3. The Fourth Geneva Convention and Hague Regulations, and United Nations Security Council Resolutions 242, 338, and 726, provide the basis and principles for the implementation of the above.

4. During its prolonged occupation of the Palestinian Territory, the Israeli military government and the Israeli government have diverged increasingly since 1967 from the principles laid down in the Hague Regulations of 1907, the Fourth Geneva Convention of 1949, United Nations Security Council 242 and 338, and other international conventions and standards.

5. The Israeli authorities have introduced illegally a large number of substantial changes into the body of law applicable in the OPT, which have made possible the establishment and expansion of illegal Israeli settlements. These changes have resulted in the creation of a system approaching apartheid. The consolidation of the system undermines the short- and long-term objectives of the ongoing peace process.

6. Discriminatory and extra-territorial legislation must therefore be rescinded and the issue of new military orders, whether in the guise of primary or secondary legislation, must cease.

7. Dismantling the legal basis of this discriminatory system in the OPT is necessary for the successful transition into the interim phase and for the ultimate success of the peace process as a whole.

8. In order to establish the proper conditions for the conclusion of the interim negotiations, the exercise of the powers and responsibilities of the PISGA, and the conclusion of the second stage of negotiations on the final status of the OPT, the Israeli authorities should immediately implement the following measures with regard to land and natural resources:

a. Cease all settlement activity, including construction of new settlements or expansion of existing ones, road construction and other infrastructural activity.

b. Cease acquisition, by any means, of land, water and other natural resources.

c. Refrain from any and all unilateral actions affecting the legal, demographic or geographic status quo in the OPT.

d. Revoke military order 291 which suspended the land registration process, thus allowing land registration to continue according to law.

e. Return all land and immovable properties seized under military order 58 on the basis of being absentee property.

9. In order to provide the proper atmosphere and conditions for the conduct of the elections and the establishment of the PISGA, the Israeli authorities should:

a. Release all Palestinian political prisoners, including administrative detainees.

b. End the practice of administrative detention.

c. Allow the return of all deportees.

d. Revoke military order no. 224 that revived the 1945 Emergency Regulations.

e. Refrain from closing educational and other public institutions, blocking economic activity, imposing curfews, or otherwise impeding the normal conduct of the daily lives of the Palestinian people in the OPT.

f. Refrain from all forms of collective punishment.

g. Lift all restrictions on Palestinian social, cultural, political and economic activity, and formally revoke all military orders that affect those areas of daily life in the OPT.

h. Provide full protection of, and free access to, religious sites.

i. Approve all pending family reunification applications,

j. Make available all public records regarding all aspects of the resources and inhabitants of the OPT.

**Part Three: Elections Modalities**

1. The elections are intended to produce the legislative assembly of the PISGA, comprising

180 members.

2. Basic principles:

- a. The provisions of the Charter of the United Nations and the Universal Declaration of Human Rights provide the universally accepted basis for the conduct of free elections.
- b. The elections for the establishment of the PISGA constitute a significant step towards realizing the national and political rights of the Palestinian people in the OPT.
- c. The PISGA should be the self-governing authority which represents the Palestinian people in the OPT. It should be freely elected on the basis of the universal democratic principle of "by the people, of the people, for the people."
- d. All guarantees should be provided for free elections. It is necessary that elections be conducted and supervised by an international body. All measures must be taken to guarantee that Israel should not interfere in the elections in any way.

3. Purpose of the elections:

- a. To enable the Palestinian people in the OPT to elect democratically accountable representatives.
- b. To provide a democratic basis for the establishment of the institutions of the PISGA.
- c. To give democratic legitimacy to the assumption of its powers and responsibilities by the PISGA in the OPT during the interim phase.

4. Proper conditions. The preliminary measures mentioned in Part Two of this document, including in particular an immediate halt to all settlement activities, should be implemented before the elections. Further steps must also be undertaken in order to provide the proper conditions for the conduct of the elections, as follows:

- a. Withdrawal of Israeli Army units, Border Police and other military and paramilitary forces outside all populated areas and main communication routes.
- b. Disarming of Israeli settlers, disbanding of their paramilitary formations, and guaranteeing their non-interference in the elections process.
- c. The provision of international supervision (see below).

5. Full participation. In order to ensure full participation by the Palestinian people in the OPT in the elections, the Israeli authorities should guarantee full freedom of:

- a. Political expression, including the end of

military censorship.

- b. Access to, and establishment of, all forms of audio-visual or print media.
- c. Assembly.
- d. Public election campaigning.
- e. Political activity, including the formation of political parties.
- f. Movement throughout the Occupied Palestinian Territory.

6. The various preliminary measures described above should be implemented at least three months before the elections, and by a date not later than 31 July 1992.

7. International supervision. International supervision is to be provided by the United Nations, or any other appropriate and mutually agreed international body. This international body shall provide the following:

- a. Designate a high commissioner to supervise the preparations for, and conduct of, the elections. The commissioner's mandate will continue at least until the inauguration of the Palestinian interim self-governing authority.
- b. Establish an international supervisory committee that, in addition to assisting the high commissioner, will arbitrate disputes arising from implementation and allocate responsibility.
- c. Station UN or other international observers to ensure continued respect of the above-mentioned preliminary measures.
- d. Station UN or other appropriate international or multinational forces to provide for public order during the elections.
- e. There shall be free access throughout the OPT for the international media as well as foreign visitors.

8. The elections:

- a. the elections shall be conducted in accordance with an electoral system endorsed by the international supervisory committee.
- b. The elections shall be based on universal suffrage, and be conducted by secret ballot.
- c. The elections shall take place at least one month prior to the inauguration of the PISGA, which is to take place at a date not later than 29 October 1992.

9. All Palestinians who, on 4 June 1967, were listed in the relevant official population registers in any part of the West Bank including Jerusalem, the Gaza Strip, and al-Himamah, and their descendants, have the right to vote in the elections or stand as candidates.

10. In order that all Palestinians eligible to vote can exercise that right, the Israeli mili-

tary authorities should:

- a. facilitate the return of all persons displaced and/or deported since 5 June 1967 and their descendants.
- b. Submit all relevant population records for the preparation of electoral registers.
- c. Complete the above measures by a date not later than 31 July 1992, under international supervision.

Washington, D.C., 3 March 1992.

## II. THE MULTILATERAL CONFERENCE

The multilateral talks, the third stage in the peace process launched in Madrid, were cosponsored by the United States and Russia and held in Moscow on 28–29 January. Intended to complement the bilaterals through addressing broad issues affecting the region as a whole, they were attended by 24 countries, including a number of states from outside the region (e.g. Japan, China, the EC, Canada) to provide expert assistance. Eleven Arab states (Egypt, Jordan, Saudi Arabia, Kuwait, Qatar, Bahrain, the UAE, Oman, Tunisia, Morocco, and Mauritania) attended. Syria and Lebanon had announced some weeks beforehand their intention to boycott the conference because of lack of progress at the bilateral negotiations and because the issues to be addressed—security and arms control, economic development, water, the environment, and so on—were more appropriate for a normalization period as yet very far off.

The Palestinians, on the other hand, travelled to Moscow but boycotted the meeting once there when members of their delegation were declared ineligible: of their eight-member delegation, three were Palestinians of the diaspora and two were residents of East Jerusalem, including delegation head Faisal Husseini, in violation of the "Madrid rules." The Palestinian position was that the regional issues to be addressed—particularly refugees—were of great concern to all Palestinians and could not be addressed solely by residents of the occupied territories. Although Secretary of State Baker promised to back Palestinian demands to include delegates based outside the territories in future negotiating teams, efforts to reach a compromise failed. In solidarity with the Palestinians, Algeria and Yemen also failed to attend.

The first day of the conference was taken up by speeches by the foreign ministers heading the delegations, while the second day consisted of meetings at the expert level of various issues of concern. Follow-up meet-

ings were planned for April and May: on economic development in Belgium, the environment in Japan, arms control and regional security in Washington, refugees in Canada, and water resources in Turkey.

### II.A.1. Head of Jordanian Delegation, Foreign Minister Kamil Abu Jaber, Moscow, 28 January 1992 (excerpts).

... Ladies and gentlemen, this conference has been convened in conformity with the principles of UN Charter to uphold the provisions of international law and to protect its legitimacy. At the heart of the Arab-Israeli conflict is a cardinal principle of international law, the nonadmissibility of the acquisition of territory by war. Jordan has always maintained that the basis of an equitable and sustainable peace must stem from the United Nations Charter and must uphold the will of the international community embodied in Security Council Resolutions 242 and 338 calling for the exchange of territory for peace while safeguarding the security of all states in the region, including Israel. . . .

We should deeply contemplate the thought that without solving the Palestinian question there will be no true peace in our region. We would like to have seen Palestinians from outside the occupied territories as well as those from East Jerusalem represented here today. After all, this conference deals with regional problems beyond the reach of those living in the occupied territories. Their presence in the bilateral talks is of great relevance, since these deal with measures to establish the interim self-government authority. Such an arrangement, however, cannot be logically and practically expected to address problems such as that of the refugees, most of whom live outside of their homeland. Without the presence of diaspora Palestinians, this conference cannot reach any reasonable solution to the problems of the region—water, disarmament, regional development, and the environment, as well as the Palestinian refugees.

Israel cannot demand recognition while at the same time absolving itself of its historic responsibility toward the Palestinian people. We in Jordan cannot be made to shoulder the responsibility of the diaspora Palestinians. Experience has taught us that a complex peace process requires political will and good faith from all partners to the negotiations. It cannot then make sense for Israel to violate international law by building new settlements in the occupied territories and expanding existing ones while the future status of the land

in question is being negotiated. The status of Jerusalem varies in the minds of different people. Israel, for instance, speaks of a Jerusalem that encompasses one fifth of the West Bank, while the world at large thinks of it simply as a walled holy city, a meeting place of the shrines of the three great monotheistic religions. We in Jordan understand its status in the context of the United Nations Security Council Resolution 242 as an integral part of the occupied territories. The holy city is the symbol and the essence of peace in the region, a city beyond political exigency that could serve as a spiritual and pragmatic model for conflict resolution. But peace can never be ensured unless the supremacy of international law is upheld. Arab sovereignty over Arab East Jerusalem must, therefore, be restored within the context of an inter-faith agreement, guaranteeing free access to the religious shrines of the worshippers of all faiths.

. . . Ladies and gentlemen: Jordan has a special interest in seeking inter-regional and international structures for peace and cooperation. There is a gross imbalance between the political role which Jordan has played in the past and which is now being asked of it to play in the present and in the future and between its financial and economic capabilities. Deprived of natural resources on the one hand and of natural markets and trading partners on the other, Jordan has had to shoulder the integration of successive waves of refugees, returnees, and other migrants. We are proud to have sustained our humanitarian tradition in spite of the overburdened economy in an unstable region. Just to give you an example, the short-term cost of the rehabilitation of the recent 300,000 returnees, estimated at \$4.5 billion, is too high for Jordan to absorb. Jordan's needs are not simply for credits, loans, subsidies, and grants. Our most urgent need is for new arrangements which will take the pressure off our society and our economy. Security, therefore, is not simply a question of arms control or non-nuclear proliferation agreements and so on. Security is founded upon the inner stability of the nation states of the region. This inner stability can only be achieved when there is [a] healthy relationship between the government and the governed, when basic human needs are guaranteed and legally protected, when governments are able to provide the resources necessary to achieve a decent standard of living for all.

It is regrettable in our view that this wider concept of security has not in the past been understood and accepted by many. The di-

version of wealth and capital into non-productive and dangerous activities such as military escalation deprives the whole region of the investment which it needs. With the adoption of this concept of security and a greater cooperation between states, such as the one we seek, we lay the foundations for the future that material disparities that currently undermine the security of many of the states of the region will be eliminated. . . .

#### **II.A.2. Head of Saudi Arabian Delegation, Foreign Minister Prince Saud al-Faisal, Moscow, 28 January 1992 (excerpts).**

Your Excellencies, we now see signs of an emerging new world order, based on the principles of the United Nations and on international legitimacy, an order permeated by equality among states—regardless of whether they are large or small, rich or poor. This order includes peoples' right to sovereignty and independence and their right to live in peace; the safeguarding of the inviolability of internationally recognized borders of each and every state; an order based on peoples' right to self-determination and nations' sovereignty over their wealth and resources; an order that leaves no room for tyranny or domination and gives no chance for blackmail or provocation, that advocates peaceful endeavors as a course to be pursued to resolve conflicts and rejects the use of force or threats of force to achieve expansionist objectives or economic ambitions.

The Middle East cannot be an exception. We are part of this world, which currently is moving away from polarization and tension. We also support this world in its new endeavors to surmount crises, overcome troublesome problems, and build a new world order based on cooperation, understanding, freedom, and peace. It is time for our region to have its fair share of security, peace, and stability; to direct all capabilities to construction; to devote all its resources to building; and to use all its resources for development.

The Middle East, with its ancient civilizations, not to mention its material and human resources, can provide a decent life for all its peoples. It can also serve as a flourishing oasis of stability, culture, and creativity. The Kingdom of Saudi Arabia has supported the peace initiative from the beginning and has voiced its determination to take part in these peace efforts. For this reason it welcomed the convening of this meeting and the establishment of regional foundations for peace under these particular circumstances. I feel that we are duty-bound to state clearly from the outset

that regardless of the ideas and aspirations we may set out and regardless of the immense goodwill we could affirm, it is impossible to conceive of making real progress that is in harmony with these aspirations, hopes, and intentions so long as Arab territories remain under the yoke of occupation and Palestinians are denied their right to self-determination. Consequently, our basic objective is to get the peace process back on track.

This unprecedented meeting is meant to advance the peace process and establish a just, durable, and comprehensive peace in the Middle East. This multilateral meeting serves to complement the peace process begun in Madrid and not to serve as a substitute for this process. It is a meeting whose task is to create a positive climate for the success of the bilateral talks that are based primarily on international legitimacy, on UN Resolutions 242 and 338, and on the principle of land for peace, and the requirements entailed in this principle; namely, viewing holy Jerusalem as an indivisible part of the occupied territories. This requires the Jerusalem issue to assume its proper place in negotiations, just as all other occupied Arab territories.

If the nonparticipation of major parties to the conflict signifies anything, it is to alert the world community and the cosponsors of the conference to the possible collapse of the ongoing peace process due to the conduct of another major party of the conflict which has obstructed the bilateral negotiations. Therefore, we appeal to the cosponsors of this conference and to the world community as a whole to respond properly to this alarm in order to ensure the success of the bilateral negotiations and, consequently, the continuation of the peace process.

What particularly pains us is that the Palestinian delegation that came to Moscow was unable to participate in this meeting. While discussing the foundations of peace in our region, it is impermissible to place impossible conditions on Palestinian participation. They must be considered major partners in the efforts to establish peace, especially as they are the true victims of this conflict.

While expressing support for those who spoke before us demanding that a working team be formed and tasked with the issue of Palestinian refugees, we wonder how this can be accomplished when the diaspora Palestinians are denied the chance to take part in this team's meetings. Hence, the participation of Palestinians from the occupied territories and the diaspora in this conference must be ensured. Consequently, on surmounting the obstacles at the two rounds of the Washington

bilateral negotiations, we look forward to seeing the removal of the conditions that were imposed on Palestinian representation so that the Palestinian delegation can play its role in full and on an equal basis with other delegations. We must also reiterate that the settlements in the occupied Arab territories and the deportation of Palestinians constitute an obstacle to peace. The results that will be reached at this meeting will shape the destiny of future generations inside and outside the Middle East. Furthermore, there is an organic linkage among Middle East problems; for example, it is impossible to separate the problems pertaining to the environment, water, and economy, on the one hand, and political realities, on the other. All of our policies and endeavors aimed at safeguarding the interests of our region and its peoples will be deficient as long as we make efforts to address some of these issues at the expense of others. True security, real stability, and comprehensive peace are unattainable objectives unless people are convinced that their basic needs will be met. We refer here to their needs for justice and fairness, to their aspirations for dignity and pride, and to their yearning for a decent life for themselves and for future generations. . . .

### **II.A.3. Head of Israeli Delegation, Foreign Minister David Levy, Moscow, 28 January 1992 (excerpts).**

. . . Honorable cochairmen, the Gulf crisis taught us many lessons which have accelerated the emergence of changes in world concepts regarding international relations. It underlined the direct link between danger to world peace and stability and the stockpiling of arms by dictatorships. It also demonstrated the determination of countries to confront that danger and its origins.

From Israel's viewpoint, no less important is the lesson learned about the origins and real reasons for the problems of the Middle East. The fact that the Arab states and the State of Israel faced a joint danger from a dictatorial, repressive regime which threatened the entire Arabian peninsula, the fact that that regime itself is an Arab regime, contributed in a very basic and clear way to the world's recognition—including that of most of the Arab countries themselves—of the need to end and the possibility of ending the ongoing bitter and barren conflict between them and Israel.

For two generations there has been a state of war between the Arab peoples and Israel, and three times in each generation wars have broken out, destruction has been sowed, and



nothing has been gained. Some 100,000 people, most at the beginning of their lives, perished in these needless wars. Of them, over 17,000 were Israelis and more than 80,000 were Arabs. There were some 250,000 casualties in these wars, of them some 40,000 Israelis and over 200,000 Arabs. No price can be affixed to the loss of life; however, there is a heavy and measurable price for the cost of the military buildup necessitated by the very existence of the continued state of war.

In the past decade alone, up to 1990, the countries of the region allocated over \$500 billion for the procurement of arms and other defense costs. Arms imports to these countries constituted 35 percent of the world arms trade, which was almost twice as large as the armament expenditures by NATO and the Warsaw Pact together, which amounted to 22 percent of world trade.

We will better appreciate the meaning of these astonishing figures if we recall that the price of a single tank can finance the annual studies of 1,000 students at institutions of higher education and that the price of a single advanced fighter plane equals the outlays for the annual education of 100,000 schoolchildren. Israel's National Water Carrier project, which transports water from the Sea of Galilee in the north of the country to the Negev in the south, cost some \$400 million in today's prices. The huge Aswan Dam in Egypt was built about 30 years ago at a cost of \$5 billion at today's prices. The cost of building the large tunnel under the English Channel linking the European continent and England is estimated at \$10 billion. These examples underline the size of the loss to the region's inhabitants. The peoples of the region have for two generations been enslaving their assets, riches, and human resources to an ongoing arms race, a futile race. . . .

Honorable cochairmen, from the small town in which I live in the Jordan Valley in my land, Israel, I can follow the process of the materialization of the vision of cooperation as a means of fortifying peace. In this valley, the Jordan River forms the border between Israel and its Jordanian neighbor. For years the Israeli side of the valley was green and prosperous due to advanced agricultural produce, while the Jordanian side was arid and deserted. Throughout that period, the shooting and terrorist incidents against Israel from across the Jordan River did not cease. As the years went by, the Jordanians learned from their Israeli neighbors that life could take a different course, and today they are engaged in modern agriculture. They built hothouses and prosperous villages on the

eastern side of the river. Likewise they also learned to use the Dead Sea resources. The Jordan Valley has been peaceful ever since, and the citizens of both countries exchange information instead of fire. Another example is the agricultural farms set up in Egypt in recent years on the basis of Israeli-Egyptian cooperation and with the joint effort of Israeli and Egyptian experts. Egypt can testify to and Israel can take pride in their excellent yields and the quality of their product. The Good Fence policy [on the Lebanese border] in these distressful times, as well as the policy of open bridges across the Jordan River, also bear witness to Israel's desire for cooperation with its neighbors and the contribution of this cooperation to quiet on the borders. From this microcosm, under these difficult conditions, we can learn about the macrocosm under other conditions: conditions of peace.

Israel is offering its neighbors extensive cooperation, which could lead to rehabilitation and prosperity in a broad range of aspects of life. We will create a new Middle East, not in the distant future, but in these very days. Israel is talking about practical plans which can be implemented. The Middle East is mostly arid and thirsty for water. Israel has gained a great deal of experience in economical irrigation methods which produce some of the best agricultural yields in the world. We will also share our know-how in desalinating sea water, in transporting water from locations in our region where it is plentiful, and in enriching underground water. We will put the technologies acquired by Israel in many fields, including solar energy, at the disposal of this cooperation effort. We will work together to overcome disease in flora and fauna, whose sources do not recognize political boundaries. Ecological afflictions do not recognize geographical concepts. Only a year ago, the entire world was shocked by the sight of the dying cormorant in the Gulf waters and was shaken by the columns of black smoke rising from the Kuwaiti oil wells which polluted the air as far as Iran in the east and the African coast in the west.

Israel, Jordan, Saudi Arabia, and Egypt are situated around the Elat-Aqaba Gulf, which is startling in its beauty and which attracts many tourists. These countries have a joint, urgent interest in safeguarding the waters and coastlines from ecological damage.

We will act together to rehabilitate the refugees in the entire region, whose distress is the price of peace rejectionism. We will also cope with the challenge of disease and the low life expectancy which characterize our region. Israel has thousands of doctors and



scientists who are coming here in the immigration wave from the Commonwealth of Independent States. We will share with the peoples of the region the great treasure embodied in the human resources and knowledge from that aliyah. Together we will view them as we would like them to be: a peace corps, a medical corps for the benefit of millions of people in the region. All that and more will constitute the cornerstones and milestones of peace. They will also serve as the foundation for peace, when it comes. Let us all make an effort to replace the means of destruction with tools of creation, a death portion that will be converted into the elixir of life and wrath into the fruits of peace. . . .

## II.B. Press Conference by Secretary of State James Baker, Moscow, 28 January 1992 (excerpts).

SECRETARY BAKER: Let me say a few words and then, perhaps Andrei would like to add to or subtract from what I'm going to say. I think we had a good beginning this morning. The interventions of the various Ministers and Representatives were on the whole, I felt, complete and moderate in their tone, spoke to the real issues for which we are gathered here which is to look at, consider and hopefully act upon some of the regional problems facing the Middle East as a region. Our desire, of course, is to get agreement here with respect to the formation of working groups and to achieve some consensus if we can, later this afternoon and tomorrow respecting when these working groups might meet and where they might meet. Having said that I have to say that I hope I'm speaking as well for my cosponsor that we are disappointed, of course, that the Palestinian delegation chose not to attend. The position of the cosponsors with respect to this matter is that attendance today should have been pursuant to the formula agreed to and carried out in Madrid, and to the formula agreed to and represented in the terms of reference as reflected in the invitation that was extended both for the bilaterals and for this meeting.

Let me say that I personally think there is merit to the argument that we here are dealing with issues that involve the region as a whole and that therefore consideration should be given to expanding the terms of reference in so far as they pertain to the question of Palestinian representation. Over the course of the past several days and particularly last night and again this morning, we told the Palestinians in discussions with their representatives that we together would be support-

ive of representation by diaspora Palestinians in working groups where that representation was appropriate.

And, it is the view of the United States—and again I hope the similar view of Russia—that that representation is appropriate with respect to working groups that were created to discuss, for instance, the question of refugees, that it would be appropriate in connection with working groups that would be considering economic development and that there might perhaps be other working groups where diaspora representation would be appropriate.

That did not suffice to convince the Palestinians to appear today and for that we are regretful. However, we have a good conference and there are many things that we can and will accomplish. We believe that the Palestinians are making a mistake by not taking advantage of this opportunity. It represents a real opportunity not unlike that represented by Madrid where they appeared; they made presentations, they were well received by the international community as a whole. The same opportunity is represented here and we're sorry they are not here. . . .

*Q. Mr. Secretary, I wonder where this flexibility will take you so far as the rules are concerned when you get into direct negotiations? If I understand you, you were ready to bend the rules a bit so when issues come up that deal with what the Palestinians call diaspora, they could be there. What are you going to do when you get to direct negotiations again and maybe Jerusalem comes up or some other subject where Palestinians who don't live on the West Bank say they have an interest? Does that mean that the Madrid rules will be bent again?*

SECRETARY BAKER: Let's make sure we understand the issues that we are talking about here. With respect to the bilateral discussions flowing from Madrid that have taken place in Madrid and in Washington, and that involve the peace process issues, there is no intention to change the terms of reference whatsoever. Those have been agreed to. The negotiations have begun. It's quite clear that the negotiations between Israel and the joint Palestinian/Jordanian delegation on the bilateral negotiations involve the question of self-government authority. And, until you get to the question of permanent status, the question of Palestinian representation in those discussions has been agreed to. It has begun. The parties are not questioning it, as far as I can tell. We now have the question of Palestinian representation in the multilateral phase and it is only that that we are discussing.

*Q. Mr. Secretary, are the Israelis ready to*

*accept the compromise that you and your Russian counterpart have put forward?*

SECRETARY BAKER: This is the position of the cosponsors. The Israelis I would not presume to speak for them; I'll let them speak for themselves.

*Q. Mr. Secretary, to what extent does the absence of Syria, the absence of Lebanon, and the absence of the Palestinians at this phase of the talks jeopardize the opportunity for this phase to succeed on these regional issues?*

SECRETARY BAKER: Well, I think it would have been better if we could have had all of them present. But, of course, let's realize one thing, from the very beginning Syria and Lebanon have made it very clear that they were not going to attend—this going all the way back to the discussions and negotiations we had all last year creating this process. And so we came in here understanding that Syria and Lebanon would not be attending. There was always a question about Palestinian attendance. And, as cosponsors we had hoped until this morning that the Palestinians would choose to be here. I still hope that they will choose to come before this conference

is over, because, let me say one more time, I think it represents a significant opportunity for them, just as Madrid represented a significant opportunity for them. But, Andrei Kozyrev and Jim Baker can't want peace more than the parties. So, if they choose not to come, then that's their choice.

*Q. Mr. Secretary, why did you add refugees back into the list of issues, and was there some disagreement about whether there would be all refugees or just Palestinian refugees? Is that involved somehow in the Palestinian decision not to come?*

SECRETARY BAKER: It was never added back in to the list of issues, because it was never off of the list of issues. Refugees is a very important regional question. Just like water is important regionally, and environment is important regionally. So, it was never a question—it is not a question of adding back in. It was never deleted. And refugees is very important and we are talking when we mention refugees about more than just Palestinian refugees—but Palestinian refugees represent a very large component of the refugees in the Middle East.