THE SHARM AL-SHAYKH MEMORANDUM (WYE II) AND RELATED DOCUMENTS


The memorandum, negotiated by teams led by Gilead Sher for Israel and Saeb Erakat for the PLO, was signed by Prime Minister Ehud Barak and Chairman Yasir Arafat in a ceremony at Sharm al-Shaykh attended by U.S. Secretary of State Madeleine Albright, Egyptian president Husni Mubarak, and King Abdullah of Jordan (who witnessed the signatures) and by representatives of Russia, the European Union, Norway, and Japan.

The full text of the memorandum, also known as Wye II to denote the fact that it is essentially a revision of the October 1998 Wye River Memorandum (see Special Document File in JPS 110), was published in Mideast Mirror on 6 September 1999.

The Government of the State of Israel and the Palestine Liberation Organization commit themselves to full and mutual implementation of the Interim Agreement and all other agreements concluded between them since September 1993 (hereinafter “the prior agreements”), and all outstanding commitments emanating from the prior agreements.

Without derogating from the other requirements of the prior agreements, the two Sides have agreed as follows:

1. PERMANENT STATUS NEGOTIATIONS
   a. In the context of the implementation of the prior agreements, the two Sides will resume the Permanent Status negotiations in an accelerated manner and will make a determined effort to achieve their mutual goal of reaching a Permanent Status Agreement based on the agreed agenda, i.e., the specific issues reserved for Permanent Status negotiations and other issues of common interest;
   b. The two Sides reaffirm their understanding that the negotiations on the Permanent Status will lead to the implementation of [United Nations] Security Council Resolutions 242 and 338;
   c. The two Sides will make a determined effort to conclude a Framework Agreement on all Permanent Status issues within five months from the resumption of the Permanent Status negotiations;
   d. The two Sides will conclude a comprehensive agreement on all Permanent Status issues within one year from the resumption of the Permanent Status negotiations;
   e. Permanent Status negotiations will resume after the implementation of the first stage of release of prisoners and the second stage of the First and Second Further Redeployments and not later than September 13, 1999;

In the Wye River Memorandum, the United States has expressed its willingness to facilitate these negotiations.

2. PHASE ONE AND PHASE TWO OF THE FURTHER REDEPLOYMENTS
   The Israeli Side undertakes the following with regard to Phase One and Phase Two of the Further Redeployments:
   a. On September 5, 1999, to transfer 7 percent from Area C to Area B;
   b. On November 15, 1999, to transfer 2 percent from Area B to Area A and 3 percent from Area C to Area B;
   c. On January 20, 2000, to transfer 1 percent from Area C to Area A, and 5.1 percent from Area B to Area A.

3. RELEASE OF PRISONERS
   a. The two Sides shall establish a joint committee that shall follow up on matters related to the release of Palestinian prisoners;
   b. The Government of Israel shall release Palestinian and other prisoners who committed their offenses prior to September 13, 1993, and were arrested prior to May 4, 1994. The Joint Committee shall agree on the names of those who will be released in the first two stages. Those lists shall be recommended to the relevant Authorities through the Monitoring and Steering Committee;
   c. The first stage of release of prisoners shall be carried out on September 5, 1999 and shall consist of 200 prisoners. The second stage of release of prisoners shall be carried out on October 8, 1999 and shall consist of 150 prisoners;

d. The Joint Committee shall recommend further lists of names to be released to the relevant Authorities through the Monitoring and Steering Committee;

e. The Israeli side will aim to release Palestinian prisoners before next Ramadan.

4. Committees

a. The Third Further Redeployment Committee shall commence its activities not later than September 13, 1999;

b. The Monitoring and Steering Committee, all Interim Committees (i.e., CAC [Civil Affairs Committee], JEC [Joint Economic Committee], JSC [Joint Security Committee], legal committee, people to people), as well as Wye River Memorandum committees shall resume and/or continue their activity, as the case may be, not later than September 13, 1999. The Monitoring and Steering Committee will have on its agenda, inter alia, the Year 2000, Donor/PA projects in Area C, and the issue of industrial estates;

c. The Continuing Committee on displaced persons shall resume its activity on October 1, 1999 (Article XXVII, Interim Agreement);

d. Not later than October 30, 1999, the two Sides will implement the recommendations of the Ad Hoc Economic Committee (Article III-6, WRM).*

5. Safe Passage

a. The operation of the Southern Route of the Safe Passage for the movement of persons, vehicles, and goods will start on October 1, 1999 (Annex I, Article X, Interim Agreement) in accordance with the details of operation, which will be provided for in the Safe Passage Protocol that will be concluded by the two Sides not later than September 30, 1999;

b. The two Sides will agree on the specific location of the crossing point of the Northern Route of the Safe Passage as specified in Annex 1, Article X, provision c-4, in the Interim Agreement not later than October 5, 1999;

c. The Safe Passage Protocol applied to the Southern Route of the Safe Passage shall apply to the Northern Route of the Safe Passage with relevant agreed modifications;

d. Upon the agreement on the location of the crossing point of the Northern Route of the Safe Passage, construction of the needed facilities and related procedures shall commence and shall be ongoing. At the same time, temporary facilities will be established for the operation of the Northern Route not later than four months from the agreement on the specific location of the crossing point;

e. In between the operation of the Southern crossing point of the Safe Passage and the Northern crossing point of the Safe Passage, Israel will facilitate arrangements for movement between the West Bank and the Gaza Strip, using non-Safe Passage routes other than the Southern Route of the Safe Passage;

f. The location of the crossing points shall be without prejudice to the Permanent Status negotiations (Annex I, Article X, provision c, Interim Agreement).

6. Gaza Seaport

The two Sides have agreed on the following principles to facilitate and enable the construction works of the Gaza Seaport.

The principles shall not prejudice or preempt the outcome of negotiations on the Permanent Status:

a. The Israeli Side agrees that the Palestinian Side shall commence construction works in and related to the Gaza Seaport on October 1, 1999;

b. The two Sides agree that the Gaza Seaport will not be operated in any way before reaching a joint Seaport protocol on all aspects of operation the Port, including security;

c. The Gaza Seaport is a special case, like the Gaza Airport, being situated in an area under the responsibility of the Palestinian Side and serving as an international passage. Therefore, until the construction of a joint Seaport Protocol, all activities and arrangements relating to the construction of the Port shall be in accordance with the provisions of the Interim Agreement, especially those relating to International passages, as adapted in the Gaza Airport Protocol;

d. The construction shall ensure adequate provision for effective security and customs inspection of people and goods, as well as the establishment of a designated checking area in the Port;

e. In this context, the Israeli Side will facilitate on an ongoing basis the works related to the construction of the Gaza Seaport, including the movement in and out of the Port of vessels, equipment, resources, and

* The recommendations of the Ad Hoc Economic Committee involved expanding the list of Palestinian imports, Israel's returning purchase taxes to the PA, Israel's repayment of debts to Palestinian institutions, and cooperation in halting car thefts from Israel to PA areas.—Ed.
material required for the construction of the Port;

f. The two Sides will coordinate such works, including the designs and movement, through a joint mechanism.

7. Hebron Issues

a. The Shuhada Road in Hebron shall be opened for the movement of Palestinian vehicles in two phases. The first phase has been carried out, and the second phase shall be carried out not later than October 30, 1999;

b. The wholesale market, Hashabe, will be opened not later than November 1, 1999, in accordance with the arrangements which will be agreed upon by the two Sides;

c. A high-level Joint Liaison Committee will convene not later than September 13, 1999, to review the situation in the Tomb of the Patriarchs/al-Haram al-Ibrahimi (Annex 1, Article VII, Interim Agreement and as per the January 15, 1998, U.S. Minute Discussion).

8. Security

a. The two Sides will, in accordance with the prior agreements, act to ensure the immediate, efficient and effective handling of any incident involving a threat or act of terrorism, violence or incitement, whether committed by Palestinians or Israelis. To this end, they will cooperate in the exchange of information and coordinate policies and activities. Each side shall immediately and effectively respond to the occurrence or anticipated occurrence of an act of terrorism, violence or incitement and shall take all necessary measures to prevent such an occurrence;

b. Pursuant to the prior agreements, the Palestinian side undertakes to implement its responsibilities for security, security cooperation, ongoing obligations and other issues emanating from the prior agreements, including, in particular, the following obligations emanating from the Wye River Memorandum:

1. continuation of the program for the collection of the illegal weapons, including reports;
2. apprehension of suspects, including reports;
3. forwarding of the list of Palestinian policemen to the Israeli Side not later than September 13, 1999;
4. beginning of the review of the list by the Monitoring and Steering Committee not later than October 15, 1999.

9. The two Sides call upon the international donor community to enhance its commit-ment and financial support to the Palestinian economic development and the Israeli-Palestinian peace process.

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

11. Obligations pertaining to dates, which occur on holidays or Saturdays, shall be carried out on the first subsequent working day.

This memorandum will enter into force one week from the date of its signature.*

B. SHARM AL-SHAYKH TIMETABLE

The following timetable was culled from the Sharm al-Shaykh memorandum by Mideast Mirror and published on 6 September 1999.

The following is the timetable set out in the Sharm al-Shaykh agreement signed on Saturday night:

10 September 1999
The agreement takes effect.

10-13 September 1999
The first stage of withdrawal, in which 7 percent of Area C, under Israeli control, becomes Area B, under joint control; first 200 Palestinian prisoners are freed; joint committee convenes on prayers at the Tomb of the Patriarchs.

13 September 1999
Anniversary of the White House signing of the Oslo accords. Final status talks begin; all joint committees as determined by Oslo convene; the committee on the third withdrawal meets; Palestinian list of police is presented to Israel.

1 October 1999
Opening of the southern safe-passage route (contingent on achieving the detailed protocol); Gaza port construction begins; renewal of Israel-Palestinian-Jordanian-Egyptian talks on 1967 refugees.

5 October 1999
Deadline for deciding on location of northern safe-passage point entering West Bank.

* It is understood that, for technical reasons, implementation of Article 2-a and the first stage mentioned in Article 3-c will be carried out within a week from the signing of this Memorandum.
8 October 1999
Palestinian Prisoner Day. A second group of 150 prisoners is released.

15 October 1999
Palestinians report on weapons collection; Palestinians report on arrested terror suspects; review of Palestinian police lists.

30 October 1999
Economic committee completes its deliberations; second stage of Shuhada Street opens to one-way traffic.

1 November 1999
Partial opening of Hebron wholesale market as a retail market.

15 November 1999
The second stage of withdrawal, in which 2 percent of Area B becomes Area A (full Palestinian control) and another 3 percent of Area C becomes Area B.

Early December
Israel frees more prisoners, as has been the tradition for years on the eve of the Moslem fasting month of Ramadan.

20 January 2000
Third and final stage of interim withdrawal, in which 1 percent of Area C and another 5.1 percent of Area B become Area A, under full Palestinian control.

5 February 2000
Northern safe-passage route between Gaza and West Bank is opened, contingent on an agreed protocol.

13 February 2000
Target date for a framework for a final status agreement.

13 September 2000
Target date for a comprehensive agreement on all final status issues.

C. U.S. Secretary of State Madeleine Albright, Letter of Assurance to Yasar Arafat, Washington, 8 September 1999.

The most significant aspect of Albright's letter is that it puts in writing for the Palestinian side for the first time a guarantee that the Israeli government has made to the United States regarding treaty implementation, in this case promising that Israel will carry out further redeployments even if progress on final status is lacking. The letter was carried on the American Israel Public Affairs Committee Web site at http://www.aipac.org.

Dear Mr. Chairman:
I want to take this opportunity to express my appreciation for your efforts to conclude the Sharm el-Sheikh Memorandum of Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations (the Memorandum). You can be assured that we will continue to maintain the positions and policies communicated to you in connection with the conclusion of the Wye River Memorandum, as well as those stated in President Clinton's letter of April 26, 1999.* In regard to the Memorandum, I wanted to convey the following:

First, it is our understanding that the implementation of the outstanding commitments emanating from the Memorandum will proceed as agreed upon and scheduled regardless of developments in the negotiations related to permanent status issues. In this regard, we have also been informed by Prime Minister Barak that Israel will implement the further redeployment called for in Article 2(c) of the Memorandum, even if the parties have not concluded the framework agreement called for in Article 1(c) by that time.

Second, Prime Minister Barak has assured us he will spare no effort to achieve a permanent status agreement within one year. We understand that you too will spare no effort to reach an agreement. It is also our intention to do whatever we can to facilitate the achievement of the permanent status agreement within the time frame specified in the Memorandum (i.e., by September 13, 2000).

Third, we understand that the language of Article 10 of the agreement is taken directly from the Wye River Memorandum section entitled Unilateral Actions. In this regard, we note that Israelis and Palestinians have committed themselves to using negotiations to resolve all outstanding issues and to reaching a comprehensive permanent status agreement within one year. In order for these negotiations to succeed on such an accelerated basis it is essential to create the right environment. In this regard, as good faith negotiations proceed neither side should take unilateral actions that undermine the environment.

* See the Special Document File in JPS 110 for the U.S. communications regarding the Wye River Memorandum and Doc. C4 in JPS 112 for Clinton's April 1999 letter, which contains the statement on settlement activity as destructive to peace.
Fourth, we are conscious of your concerns about settlement activity. As President Clinton has written to you in the past, the United States knows how destructive settlement activity has been to the pursuit of Palestinian-Israeli peace.

Finally, as President Clinton wrote you on April 26, 1999, we believe that negotiations are the only realistic way to fulfill the aspirations of your people. In this context, and in President Clinton’s words, we support the aspiration of the Palestinian people to determine their own future on their own land. With the resumption of the permanent status negotiations under this Memorandum, you will have an opportunity to achieve your aspirations.

D. European Union, Letter of Assurance to Yasir Arafat, 8 September 1999.

The letter, signed on behalf of the European Union by Foreign Minister Tarja Halonen of Finland, the current president of the union, was carried on the American Israel Public Affairs Committee Web site at http://www.aipac.org.

Your Excellency,

The European Union welcomes the Sharm el-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations, and congratulates the Palestinian Authority and the Israeli government for its conclusion, which represents a new relevant step forward for a final lasting and comprehensive peace. Once again, you, Mr. President, have proved your remarkable political vision and huge capacity to understand the historic challenges and to advance through political means to reach the legitimate aspirations of the Palestinian people.

Concerning this Memorandum, the European Union would like to convey to you its understanding about certain relevant items:

The European Union hereby expresses its conviction that the outstanding commitments emanating from the Memorandum will proceed as agreed upon and scheduled, regardless of developments in negotiations related to permanent status issues.

The European Union also recalls the European Council Declaration of Berlin, of 24 March,* in which it reaffirmed the continuing and unqualified Palestinian right to self-determination, including the option of a state, and appealed to the parties to strive in good faith for a negotiated solution on the basis of the existing agreements. The Union believes that it should be possible to conclude the final status negotiations within the target period of one year.

The European Union reiterates its call on both (to) refrain from activities which pre-judge the outcome of the final status negotiations and from any activity contrary to international law, including all settlement activity, and to fight incitement and violence.

The European Union reassures you about its full political commitment to facilitate the implementation of the Sharm el-Sheikh Memorandum along the lines expressed in this letter. Let me reaffirm once again the total support of the Union to the peace process.

E. PLO Chairman Yasir Arafat, Remarks on the Sharm Al-Shaykh Memorandum to the Arab Foreign Ministers Council, Cairo, 12 September 1999 (excerpts).

Arafat's speech presenting the Sharm al-Shaykh memorandum to the Arab League members is noteworthy for its strong stand on refugee rights at a time of widespread skepticism concerning PA intentions for final status negotiations on the issue. The text of the address was carried by the Middle East News Agency, Cairo, on 12 September and was translated in World News Connection on 14 September.

After three years of total stagnation in the peace process, life and soul returned to the peace process with the signing of the Sharm al-Shaykh Memorandum under the patronage of blessed President Husni Mubarak. . . . We regard the signing of this memorandum as an important and necessary step in the right direction for the sake of implementing all the provisions of the interim agreement to which Israel committed itself, in an honest and accurate way and in accordance with the agreed on deadlines, which were held up by the former Israeli government. We expect with great hope and confidence the continuation of the peace talks on the Palestinian track and the resumption of negotiations on the Syrian and Lebanese tracks as well as a lasting, just, and comprehensive peace that restores the territory to its rightful owners and provides security and stability to the region's countries and nations. This peace must guarantee the end of the Israeli occu-

* See Doc. A2 in JPS 112.
pation of our Palestinian, Syrian, and Lebanese territory; the restoration of our holy shrines; Palestinian self-determination; and the establishment of an independent Palestinian state with Jerusalem as its capital.

We cling to the need to implement, faithfully and accurately, UN Security Council Resolutions 242, 338, and 425 on all fronts because the Arab nation will never abandon its lands and rights as spelled out by the UN resolutions nor will it ever accept less than what is provided for in the text of the binding UN resolutions.

Let me emphasize here in front of you, dear brothers, that we are determined to cling obstinately to the provisions of the UN resolutions and the necessity to implement them, and to the withdrawal of the Israeli forces from Palestinian, Syrian, and Lebanese territories to the 4 June 1967 borders. I call on the venerable Arab League Council to reaffirm this united Arab stance, as it did in the past, to put things in the proper perspective before all the parties concerned with the peace process.

Mr. Chairman, ladies and gentlemen, the essence of the Palestinian cause is the issue of a usurped land and the Palestinian refugees, who were unrightfully driven from their land by the unjust Israeli aggression, which occurred and continues to occur on our land and against our people. As a result, millions of Palestinians were left without land, homes, and country. In our struggle to regain the land, we have never forgotten and will never forget our kinfolk and sons who are dispersed in various parts of the world without a homeland, future, or identity.

Sinful and vicious attempts are now being made to cast despair and frustration in the hearts of the Palestinian refugees, to undermine their splendid patriotic steadfastness, which has protected the Palestinian cause from being wasted and forgotten. This is the outcome of a tremendous colonialist conspiracy against our people. Some tendentious voices are speaking about resettlement in one Arab country or another, or the dispersing of the Palestinians in far-flung lands.

In the name of the Palestinian people and on behalf of the PLO and the Palestinian Authority, let me declare it loud and clear: There can be no homeland for the Palestinian people except their homeland, Palestine, the homeland of their fathers and grandfathers, and of their children and grandchildren. It is the homeland of the past, the present, and the future, no matter how much time is needed to achieve this and regardless of the magnitude of the conspiracies against these people and the Arab nation.

Our belief in the refugees' right to return to their homeland is unshakable. Our resolve in this matter is relentless. As much as faith, the clinging to the land, and steadfastness have served this cause, the UN resolutions have also preserved the Palestinian right and the right of the Palestinian refugees to return to their homeland.

UN Resolution 194, which spells out the full rights of the refugees, is the one to which we cling to protect the rights of the Palestinian refugees. There can be no solution to the problem of the Palestinian refugees other than the implementation of Resolution 194. For this reason, I call on our nation, its countries and people, to cling to this resolution and defend it at international conferences and forums as well as in the current negotiations.

Our people, who made many, many sacrifices in the homeland and the camps to regain their land and establish a state, will not accept resettlement and dispersion, but will continue their just and legitimate struggle until the sons of the Palestinian homeland return to the country, Palestine.

Mr. Chairman, ladies and gentlemen, holy Jerusalem, the capital of the coming state of Palestine, is being subjected to a conspiracy to Judaize it completely, obliterate its history, and erase its historical heritage and its international, religious, and pan-Arab character. . . . The settlement onslaught also intruded into the heart of the Old City of Jerusalem; its houses were stolen and confiscated, and its Arab character was obliterated by force and coercion.

I place the issue of Jerusalem before my brothers, the Arab leaders and officials, affirming to them that we cling to all our rights in holy Jerusalem, on the basis of implementing the pertinent UN resolutions, particularly Security Council Resolution 242, which applies to holy Jerusalem as much as it applies to the other occupied Palestinian and Arab territories. We have rejected and continue to reject the Israeli government's decision to annex holy Jerusalem. We reject the city's Judaization, and, with the cooperation of our people and masses, we are working day and night to preserve our firm rights in holy Jerusalem.

From this podium, I call on our nation and our Arab countries to attach to Jerusalem the importance it deserves and to formulate
policies capable of protecting our holy Jerusalem from Judaization and settlement. I declare it openly: There can be no peace without a free holy Jerusalem as the capital of the Palestinian state. Real peace is the peace that restores Jerusalem to its people and nation and to its global humanitarian and religious role.

I wish to remind everyone that we went to the Madrid peace conference on the basis of the land-for-peace principle in line with Resolutions 242, 338, and 425.

Mr. Chairman, ladies and gentlemen, we continue to adhere to the agreements we signed with the Israeli government. We are making every possible effort to ensure that the Israelis remain committed to the implementation of these agreements in letter and spirit and in accordance with the agreed upon timetable. The signing of the Sharm al-Shaykh Memorandum a few days ago reaffirmed the importance of safeguarding and reviving the peace process and saving it from the total stagnation under which it labored for the past three years. The signing also underlined the need to implement swiftly, faithfully, and honestly all the outstanding agreements and to press ahead with the search for the desired peace.

We have implemented the provisions required of us to promote the peace process. We will continue this firm policy, which proceeds from our wish to safeguard the inalienable Palestinian rights for the sake of a just and lasting peace in the Middle East that would ensure security for all sides and guarantee our national rights in our independent Palestinian state with Jerusalem as its capital.

Ladies and gentlemen, achieving swift progress in the final status negotiations, which will begin tomorrow, Monday, requires that the Israeli government should complete the implementation of its obligations in line with the Wye River agreement and stop completely confiscating Palestinian lands and building settlements on them, especially as these actions contradict the spirit of the peace we wish to attain and are a flagrant violation of UN resolutions, including UN Security Council Resolutions 242 and 338. Restoring confidence in the peace process and in its objectives is a very important thing, because it creates a favorable atmosphere to make quick progress in the final status negotiations and find just and lasting solutions to the core issues, particularly those that pertain to the future of holy Jerusalem, the settlements, the refugees, the borders, and the water resources. The future of the entire peace process hinges on resolving these issues.

F. Israeli Prime Minister Ehud Barak, Knesset Address on the Sharm al-Shaykh Memorandum and the Peace Process, Jerusalem, 4 October 1999 (Excerpts).

The excerpts of Barak's address, which reiterates his "red lines" on the Palestinian front (no return to the 1967 borders, a "united Jerusalem" under Israeli sovereignty, most settlers remaining under Israeli sovereignty, refugees not allowed to return to Israel's sovereign borders) and outlines his position on the Syrian front, were published on the American Israel Public Affairs Committee Website at http://www.aipac.org.

Mr. Speaker, Members of the House: In the political sphere the most important action taken by the government to date has been to change the regional and international climate with regard to the peace process and the breakthrough achieved in the Sharm al-Shaykh agreement.

We restored to normalcy the relationship between the United States of America and Israel, which is based on a strategic alliance, trust, true friendship and common values, and on a coordinated effort for the advancement of peace in our region. We stopped the dangerous erosion in the U.S. administration's position, and we dispelled the hard feelings of tension, alienation, and distrust that tarnished those relations. America and Israel once again see eye-to-eye on the political process, its objectives and the desirable and feasible time frame for action and progress on its various tracks.

The resumption of the political process has improved Israel's status, brought back respect toward it and faith in the sincerity of its intentions, and restored understanding and support for its positions in the international arena. Of particular importance in the political sphere is the positive change toward Israel in the Middle East.

After a grave and dangerous retreat in the last three years, which, to our regret, brought back such terms as "hostility" and "boycott" to regional relations, the beginning of a turning point is now being discerned in content and style. The personal talks I held with the leaders of the region, including Egyptian president Husni Mubarak, Jordanian king Abdullah Hussein, and Palestinian Authority
chairman Yasir Arafat have created a more accommodating regional infrastructure for the advancement of the peace process. The seriousness shown by the government in its effort to advance the political process found positive reverberations not just in Cairo and in Amman, but even in North Africa, the Persian Gulf and to some extent in Damascus as well.

Mr. Speaker, Members of the House: The government endorsed the Sharm al-Shaykh agreement and is implementing it in practice. Within a few days the last details will be ironed out and the southern route of the safe passage will be opened. Basically, I regard the safe passage in its current format as a temporary arrangement for an interim period that will in the future be replaced by an elevated bridge. Along with other arrangements, this will enable a physical separation between us and the Palestinians and will uphold security.

Mr. Speaker, distinguished Knesset: Our determination to bring a peace of the brave to this region and security and peace to our country stems from a feeling of physical and moral strength that is based on the might of the IDF [Israel Defense Forces], the eternal values of our people, and the vision of Israel's prophets. We are proud of the establishment of the State of Israel as a Jewish, Zionist, and democratic state that is strong and sure of itself. In the spirit of Jewish values, we are sorry about the serious suffering that the Middle East conflict inflicted not only on us but also on all the Arab nations that fought against us, including the Palestinian people.

All along the way as we established Israel's sovereignty in this country, we wanted to live in peace. Against our will, we were called upon time and again to defend our liberty and existence. When peace comes, Israel will be prepared to take part in the effort to heal the wounds of war out of good will, friendship, and good neighborly relations, but under no circumstances out of a feeling of guilt or responsibility for the creation of the conflict and its consequences, a conflict we didn't want and we went to great lengths to prevent.

Mr. Speaker, Members of the House: The Israeli government under my leadership is not going to the peace process under coercion. It is not moving forward against its will, haunted by anxieties and fears. On the other hand, it is not rushing to an arrangement at all costs, out of weakness and indecisiveness. We don't owe the effort for peace to any foreign element. We owe it to ourselves, and to ourselves only. We are sober enough to know that the Middle East is not a garden of roses and that peace will not be attained in it as a result of love and divestment of power, but only on the basis of strength, self-confidence, and deterrence.

Therefore, our peace formula is devoid of illusions. It will be anchored in meticulous security arrangements and will rely on the IDF's might and Israel's overall strength. On the other hand, this is a formula which does not view the Israeli interest alone as the be-all and end-all. It respects the other side and takes its positions into consideration to the extent that this is possible.

I am convinced that there is a broad consensus and decisive critical mass in Israel that supports peace in order to reap its fruit and is prepared to pay the cost, as long as the foundations of security are upheld and the country's vital interests that are essential to its existence are assured. The principles that will guide this government in a permanent arrangement with our Palestinian neighbors are known: Israel's security above all; no ruling over a foreign nation; physical separation; no return to the 1967 borders; a united Jerusalem under our sovereignty; most settlers in Judea and Samaria [West Bank] in settlement blocs under Israel's sovereignty; demilitarization of the area west of the Jordan River; and refugees will not be allowed to return to Israel's sovereign borders.

Ahead of us lies the challenge of the Syrian-Lebanese track. From this Knesset, where all Israeli citizens are represented, I call today on you, President Hafiz al-Asad: The window of opportunity in the Middle East is open today. One can never know for how long. Years have passed of talks and meetings, with Shamir and Rabin, with Peres and Netanyahu. The time for decisions has come. Let us march together through the door of opportunities and make the necessary decisions, even if they are painful, for the sake of the children of both our nations, for the sake of a peace of courage and honor.

A peace of the brave with Syria will be based on correspondence between the depth of the withdrawal and the depth of the peace and quality of the security arrangements, amid insistence on a thorough solution to the problems of Lebanon, the water problems, and a total eradication of terrorism. An Arabic adage says: Ask who the
neighbors are before you buy the house. However, a people does not choose its neighbors. I suppose the Palestinians and the Syrians maybe would have liked a different neighbor; perhaps we also would. However, this neighborliness is a fact of life, and it should be in the interest of all of us to make it possible—the English saying that good fences make good neighbors is well known. . . .

Furthermore, in any arrangement we must consider the strategic threats in the outer circles of the conflict. The neutralization of the detonators at the heart of the conflict will definitely lessen the potential of the peripheral threat, but will not eliminate it altogether. Therefore, even when peace comes, Israel will continue to maintain a strategic deterrent capability vis-à-vis all required ranges of geography or time. . . .

Mr. Speaker, Members of the House: This Knesset—and perhaps even this Knesset session—may be called upon to make important decisions regarding the peace process. Our aspiration is to reach within four months a framework agreement for a permanent arrangement with the Palestinians. At the same time, we want to enter serious negotiations with the Syrians about a peace agreement and to bring about soon an orderly departure of the IDF from Lebanon backed by an agreement, as we safeguard the security of our settlements along the northern border and uphold our commitments to our allies in south Lebanon. It is the IDF soldiers guarding the northern border from the security zone who give this government the political elbowroom to examine all the options and reach the best results for Israel. For that they deserve the appreciation and gratitude of this entire house. They deserve this appreciation and gratitude due to their devotion, persistence, and the extraordinary performance they display in the prolonged war on the northern border.

I once again pledge to put an end to the tragedy in Lebanon which has been going on for more than seventeen years, pull out our soldiers from there by July 2000, and deploy the IDF to defend the northern settlements from the international border. I will bring to the government or the Knesset no hasty agreement that does not contain meticulous and full insistence on Israel's security and vital needs. In any event, as I promised, if and when we reach peace agreements that will determine the country's borders, we will submit them to a decision by all Israel's citizens in a referendum. . . .

G. ISRAEL AND THE PLO, SAFE-PASSAGE PROTOCOL, JERUSALEM, 5 October 1999.

The Oslo agreement's provision that "The two sides view the West Bank and Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period" (Article IV) was reduced in subsequent agreements to a "safe passage" between the two areas. Travel between them was virtually nonexistent almost from the time the agreement was signed.

The safe passage reaffirmed in Wye II will be via two routes: a southern route, for which the safe-passage protocol was to have been concluded by 30 September and which was to have opened the following day; and a northern route, whose crossing points were to be decided by 5 October and which was to open by 5 February 2000.

The safe-passage protocol was concluded on 5 October 1999, five days behind the Wye II schedule (the delay having been caused by disagreement over the manner in which permits were to be distributed). While the protocol concerns specifically the southern route, the procedures outlined will be the same as will apply to the northern route when it opens. The southern route opened on 25 October, after a further delay caused by differences over the location of an administrative office.

The northern and southern safe passages will apparently constitute only a temporary solution. In his address to the Knesset on 4 October, Prime Minister Barak reiterated his longstanding intention to build an elevated highway between the Palestinian territories to increase security and reduce contact between Israelis and Palestinians (see Special Document F).

The text of the protocol was published in Midest Mirror on 5 October 1999.

In accordance with the Interim Agreement, the Wye River Memorandum, and the Sharm al-Sheikh Memorandum, Palestinian residents of Gaza, Judea and Samaria [the West Bank], as well as foreign visitors to these areas, will be allowed to travel between the said areas [Gaza, Judea and Samaria] within the framework of the safe passage.

The traffic of individuals along the southern axis of the safe passage will be permitted via the following route: Erez Crossing, Ashkelon Junction, Plugot Junction, Beit Guvrin
Junction, Tarqumiyya. Residents will be allowed to travel in private vehicles or Palestinian public transportation.

The passage of goods will be enabled via the following route: Qarni Crossing, Saad Junction, Ganim Junction, Yad Mordechai Junction, Ashkelon Junction, Plugot Junction, Beit Guvrin Junction, Tarqumiyya.

The passage will operate between 07:00-17:00, with the intention that the passage be closed during the hours that laborers leave for work in Israel. Ninety minutes prior to the closure of the passage, private vehicles, taxis, and buses will not be permitted to use the route.

The passage will not operate on Memorial Day, Independence Day, and Yom Kippur.

The two sides will jointly determine special procedures for the operation of the passage on other days of special significance—i.e., reduced activity on Israeli holidays, and expanded activity on Muslim holidays.

The process preceding travel via the safe passage will be as follows:

1. Residents wishing to travel via the safe passage will apply to the Palestinian Authority.
2. Once the applications are examined by the Palestinian Authority, a list of applicants will be transferred to Israel. A list of approved applicants will be returned to the Palestinian Authority within two working days.
3. Residents wishing to use their private vehicles on the safe-passage route will attach their drivers license, vehicle registration, and insurance policy to their applications. Approved applications will be examined by Israel and returned to the Palestinian Authority within five working days together with vehicular passage documents valid for a period of three months, subject to the terms of the vehicles registration.
4. Once their applications are approved, residents will enter the safe passage equipped with magnetic cards.

Procedures for travel via the safe passage will be as follows:

1. The Palestinian Authority will regulate the traffic of residents to the Israeli crossing in conjunction with Israel, with the intention of preventing traffic problems along the safe passage.
2. Upon entering the passage terminal, residents will identify themselves by way of their identification cards, magnetic cards, and other accompanying documentation.
3. Vehicles will be directed to examination lanes.
4. After examination, residents will be given personal permits for travel along the safe passage, as well as vehicular permits to be affixed to the front windshield of the vehicle.
5. Those prevented from entering Israel will approach the passage from the Palestinian regulating station, where they will undergo a security check and depart for the safe passage on a bus escorted by police. At their destination, these passengers will be rechecked.

Procedures governing the course of travel via the safe passage:

1. The allotted time for the passage of private vehicles between checkpoints is 90 minutes.
2. The allotted time for the passage of buses between checkpoints is two hours.
3. Those whose travel times exceed the allotted time will be detained for an investigation of the circumstances that caused the delay and, when necessary, the Israel police will be authorized to take measures against those in question. Israel will notify the Palestinian Authority in each such instance.
4. In accordance with the Interim Agreement, all those using the safe-passage route will be subject to the laws of the State of Israel, and law enforcement will remain the responsibility of the Israel police.

H. Israeli Chief Negotiator Oded Eran, Address to the Opening Session of Substantive Final Status Talks, Ramallah, 8 November 1999.

In fulfillment of the requirements of Wye II, which called for the immediate resumption of permanent status negotiations, Israel and the PA held a symbolic ceremony reopening the talks at Erez crossing on 13 September, the sixth anniversary of the Oslo Accord. (Similar ceremonies had been held on 5 May 1996, without follow-up, and 18 November 1998, with only procedural meetings afterward.) While Arafat quickly appointed his negotiating team on 16 September, Barak delayed until 27 October, just before he and Arafat were to meet with Clinton in Oslo on 1 November.

In the first substantive session of the talks on 8 November, the Israeli and Pales-
Mr. 'Abid Rabbuh, and the members of the Palestinian delegation: In the life of nations there comes a time when crucial decisions have to be made and there is nothing to be gained from avoiding these decisions.

At these junctures in history, heavy burdens are imposed on the leaders involved and nations are plunged into debate and internal conflict. Prime Minister Ehud Barak and Chairman Yasser Arafat have taken the decision to renew the process to end more than 100 years of conflict between the people of Israel and the Palestinian people.

This should not be simply an end to a conflict but a fair and just solution for both sides. It has to be a realistic and comprehensive solution, putting an end to dreams and aspirations which question the very existence of the parties to the conflict. This has to be an agreement which will create a stable, durable, and just foundation to our own lives, as well as to the generations to come in this part of the world.

We recognize the enormity of the problems, we are aware of the differences in our position which will reveal themselves in the days of negotiation ahead of us, but we commit ourselves—with no reservations—to holding these negotiations as partners, to maintaining a dialogue based on mutual respect.

After years of strife and conflict, we need to listen to each other and to respect each other's points of view even when we disagree. We have come here to negotiate and to reach a solution. No one else can decide for us. Only Palestinians and Israelis can, negotiating between ourselves, reach the solutions to all the issues on which we differ, and I repeat—it is our wish to reach a permanent and comprehensive peace with you as our neighbors.

This peace should be based on security—long-term and immediate. The act of terror yesterday serves to refresh our memory and awareness of this requirement.

The peace should be based on economic security as well, ensuring a stable environment for economic growth and prosperity.

And last but not least, it should be based on mutual respect and partnership.

We have set ourselves an ambitious timetable for resolving the outstanding issues between us and for reaching a Comprehensive Agreement on Permanent Status by the agreed target date of September 2000. In reaching this goal, the next 100 days will be crucial.

In this time, both sides have undertaken to conclude a Framework Agreement on Permanent Status. This Framework Agreement should serve as a road map for the comprehensive Permanent Status Agreement. It should comprise the essential elements of the agreed solution to all remaining issues to be negotiated between us, as stipulated in all our previous agreements. It should address these issues—the most important and complex ones we face—in a definitive way, while leaving the detailed formulation of arrangements for implementation to the Comprehensive Agreement, which should bring about the full and final resolution of the Israeli-Palestinian dispute, in all its aspects.

While recognizing that this is a new phase in our relations, we must first acknowledge that we are marching on a road, parts of which were paved earlier. Both Palestinians and Israelis participated in the Madrid conference of October 1991. Both concluded the historical document which really ushered us into the new era in our relations—the Declaration of Principles of September 1993. We continued with the agreements of May 1994, September 1995, the Hebron Protocol of January 1997, the Wye River Memorandum of October 1998, and last but not least the Sharm al-Shaykh Memorandum of September 1999.

These agreements and memoranda are based on the mutual commitment of the two sides to Security Council Resolutions 242 and 338. They guide us toward the Framework and will lead us to the comprehensive agreement which should bring about the absolute end of our conflict.

The Declaration of Principles of September 1993 and the subsequent documents have created the agenda for our negotiations beginning today. Clearly each side may raise other issues to be included in the agenda. We will together decide how we want to tackle them, but with your permission, Mr. ‘Abid Rabbuh, I would like to state that just
as you represent the overwhelming Palestinian consensus on the major issues—so do I for Israel.

To all Israelis, regardless of their political views, Jerusalem is our capital and it should continue to be so. Under its sovereignty Israel has proven its sensitivity to all religions and to the sanctity of freedom of worship. We therefore maintain that it should remain united, open and under Israel's sovereignty.

Ours is a region of uncertainty, of a volatile nature and of violence. As a nation which was subjected to forceful attempts to bring an end to its existence as a political entity, one can understand our deep concern for long-term, meaningful, nonvirtual security, based on borders that are secure and on demilitarization. The pre-1967 lines clearly do not provide for this.

Establishing secure borders should equally leave most of the Israelis residing today in the West Bank and Gaza under Israeli sovereignty. We aim not to dominate our neighbors but to live in good neighborly relations and harmony next to each other, with borders which separate us but do not detach us in the various spheres of life. Let me make it clear that in this respect Israel will do its utmost to assist the Palestinians' long-term economic stability.

We are not indifferent to the plight of the Palestinian refugees throughout the last fifty-one years. We believe, however, that in order to bring about a permanent and stable solution which does not perpetuate the conflict, this cannot be found within the borders of Israel. Any solution to the refugee problem must create a strong, economic foundation to their well being, collectively and individually, wherever they reside.

Stating our key positions as we enter the negotiations is by no means contrary to the need for both delegations to use every bit of ingenuity and creativity to make it possible to reach a Framework Agreement on Permanent Status. We must promise to conduct our negotiations with an open mind, a sense of partnership, and respect for each other's views and beliefs.

We shall need to remind ourselves during the weeks ahead that failure to reach a just and agreed framework may entail the paying of a heavy price by both peoples for many years to come.

Since I believe that the path of continued conflict cannot serve the course and interests of either people, it is certain that if we fail this time we may return to the negotiation table—but only after having suffered further pain and agony.

The eyes of the world are focused on us today and will continue to be so for the next few months. Clearly the Israeli-Palestinian conflict is but one of many which draw the attention of leaders of the leading nations to other areas of tension. We should therefore thank the United States, the European Union and the European countries, Russia, Canada, and Japan for their special and continuing efforts to help us attain a reasonable, stable and durable peace.

We welcome the constructive advice of Egypt and Jordan.

Last but not least, the Israeli delegation is grateful for the warm and friendly hospitality here in Ramallah.

Dear colleague, I was born only five kilometers from where you were born. This symbolizes the roots of the conflict and, yet we are starting out together today on the same road toward a better future. You have my government's commitment—as well as my personal commitment and that of my colleagues—to make every possible effort to reach this goal.

It will be an honor to disagree with you—but it will be a fulfillment of a life's dream to shake hands with you at the end of the process and to say "Brother and comrade, we did it."

I. PALESTINIAN CHIEF NEGOTIATOR YASIR 'ABID RABBUH, ADDRESS TO THE OPENING SESSION OF SUBSTANTIVE FINAL STATUS TALKS, RAMALLAH, 8 NOVEMBER 1999.

The text of 'Abid Rabbuh's address was published in Mideast Mirror on 9 November.

I will open with a general assertion, one that, while often repeated, remains as true today as it was when first uttered: "Peace is more than the absence of war." The latter is achieved through a state of nonbelligerency; the former can only be attained through justice. Only a just peace can be lasting, peace that has deep foundations in international legality and law, in the respect of the human rights and dignity of all, and in the recognition of responsibility for past wrongs. Only if these conditions are met can we indeed talk about a permanent settlement.

We come here with a vision for the future. A sincere vision that foresees the real termination of a conflict that has been going
on since the beginning of the century. In this vision, there are two states living in peace within recognized, secure, and open boundaries. The relationship between these two states is that of equal sovereigns, engaged in cooperation and in neighborly relations. The people of both states will be able to enjoy the benefits of economy, culture, art, and all that is entailed in open societies. Then, and only then, will there be a comprehensive peace in the Middle East.

In this future, both states will enjoy security. Security that is not founded on fear, oppression, and occupation. Security that is not achieved for one at the price of trampling the human and national rights of the other. Rather, security that is mutual, security that is premised on the inviolability of sovereignty, one that is guaranteed by prosperity of the people and by respect for their rights.

The permanent status negotiations have three starting points, the observance of which constitutes the test of our success. If these are not fulfilled, agreement can never be reached.

The first starting point, one which the parties have constantly reiterated in past agreements, is the implementation of UN Security Council Resolutions 242 and 338. Paramount in these resolutions is the emphasis on the rule of international law against acquisition of territory by war. This norm, enshrined in the UN Charter and reaffirmed repeatedly in countless global, regional, and bilateral instruments, is so entrenched in and basic to international law that it is nonderogable. Withdrawal to the June 4, 1967, borders is an absolute requirement for peace. Without return by Israel of all land acquired by war in 1967, including Jerusalem, our efforts will amount to no more than the deferral of crises. The only formula that is acceptable is land for peace.

The second starting point underlying the whole Middle East peace process, of which the current negotiations are an integral part, is the realization of the legitimate rights of the Palestinian people. First and foremost among these is the right to self-determination. As the second millennium draws to an end, it is inconceivable that the Palestinian people remain under occupation. Like the first aim, this one, inherent in the status of the Palestinian people as a people, is so firmly established in international law that it cannot be denied or forfeited. Our aim is thus to ensure that self-determination, as enshrined in the UN Charter, and in the human rights instruments by which we all abide, is realized to the full.

The third starting point pertains to the rights of Palestinian refugees. The Palestinian-Israeli conflict did not start in 1967. Without justly solving one of the most lasting consequences of the 1948 Nakba, the other issues cannot be agreed upon. The right of Palestinian refugees to return and to receive compensation and restitution has already been affirmed in the Universal Declaration of Human Rights, international humanitarian law, UN General Assembly Resolution 194 and its subsequent affirmation, and in countless other international instruments. Peace and dispossession are mutually exclusive. We in Palestine are committed to the former. I sincerely hope that our Israeli partners share this commitment.

The agenda for the negotiations is full, and many matters remain to be agreed upon in the course of the coming weeks and months. Before moving to these issues, though, I will recall our terms of reference:

The Middle East peace process has had international dimensions from the outset, and rightly so in view of the historic responsibility of the international community toward the Palestinian people, both within Palestine and in exile. We trust that the international community, and in particular the sponsors of the peace process, will continue to discharge their responsibility in accordance with the Letter of Invitation to the Madrid peace conference of October 30, 1991.

The current negotiations also come within the context of the bilateral Palestinian-Israeli negotiations. Thus, I reiterate our commitment to the Declaration of Principles of September 1993, the letters exchanged between the late prime minister [Yitzhak] Rabin and President Arafat, the Cairo Agreement of May 1994, the Interim Agreement of September 1995, the Hebron Protocol of January 1997, the Wye River Memorandum of October 1998, and the Sharm al-Shaykh Memorandum of September 1999, and other relevant instruments.

Finally, Palestine and Israel are members of the family of nations, and as such we must reaffirm our firm commitment to international law and legality as our overriding reference. It is our position that, in working out the details of our agreement, we remain bound by the principles of international law and by the resolutions of the United Nations. We expect our partners in Israel to share this position.
Please allow me to affirm myself of this opportunity to reaffirm the PLO's unwavering commitment, in word and deed, to undertake all measures needed to ensure the continuation of a negotiation environment conducive to the realization of a just and lasting peace. We believe that good faith should govern our whole process so that we may attain our common goal.

In this vein, I urge our Israeli partners to refrain from illegal acts which will prejudice the outcome of the negotiations. In particular, I am referring to settlement activities. Disregarding the scores of UN resolutions, international law, the consensus of the international community, and the parties' commitment not to "take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the final status negotiations" and to "[preserve] the integrity and status of the [West Bank and Gaza Strip as a single territorial unit] during the interim period," negates the very foundations of the peace process. The credibility of the peace process has been badly damaged by over three years of stagnation. I urge you to restore this credibility by ensuring that nothing is done further to undermine the national and human rights of the Palestinian people.

In our meeting in Oslo last week, we conveyed a very clear message: settlement activities, whether expanding existing settlements or building new ones, must be stopped immediately, and all plans and policies regarding the issue must be revoked. Present in our minds then was the man we were remembering in that gathering, the late prime minister Rabin, who made a commitment that no new settlements would be built, no settlements would be expanded, no government subsidies would be given to settlements, and that fences would be erected within fifty meters of built up settlement areas. Yet we learned yesterday of the decision to expand the Itamar settlement tenfold as a reward to the settlers for recently evacuating ten so-called settlement outposts.

I cannot help but wonder how this serves to create the positive environment we agreed on. And I cannot help but wonder how this can be consistent with President Clinton's statements during the Oslo summit that "the two sides agree to refrain from . . . actions that could create difficulties for the other side while they are trying to share an agreement."

For the sake of ensuring the success of the negotiations, I urge you to honor what you have signed and to immediately revoke all settlement decisions, plans, and policies. We find it inconceivable, and quite contrary to the logic of negotiation, to continue changing facts on the ground while we make arrangements for the implementation of UN Security Council Resolutions 242 and 338 on this very same occupied ground!

The negotiations will be conducted with certain parameters:

- Israeli withdrawal to the June 4, 1967, borders is the result of implementing Resolutions 242 and 338.
- The predicament of Palestinian refugees can only be resolved in accordance with UN General Assembly Resolution 194.
- Jerusalem is at the heart of the Middle East conflict. East Jerusalem is territory occupied in 1967, to be treated in accordance with the relevant UN Security Council resolutions. However, the access to the holy sites is a right for all.
- Settlement activity is illegal under the Geneva Convention and under numerous UN Security Council resolutions. It can never be a pretext for the acquisition of territory.
- The strategic resource of water is a fundamental issue which we must reach agreement on. The principles in the matter are simple enough: the right of every people to control their natural resources, the sharing of cross-boundary water courses in accordance with international law, and compensation for damages arising from actions prohibited under international law.
- Finally, there is the matter of security arrangements. The right of all people of the region to live in security is not in question. Indeed, it constitutes one of the aims of the negotiations as it is a basis for UN Security Council Resolution 242. However, we regard security not as the domain of one party alone. Nor can it ever constitute a pretext for the encroachment on the sovereignty and territorial integrity of any of the parties.

If we accept these starting points, the remainder can be solved with relative ease.

The choice between success and failure is ours. The opportunity is there. Let us not waste it.