



מדינת ישראל

משרדי הממשלה

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משרד
רפ"מ ארז

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אל : נציגויות ישראל בחו"ל

הנדון: עמדת ישראל בשיחות האוטונומיה

ר"ב נייר מעודכן על עמדת ישראל בנושא האוטונומיה. הנייר כולל התייחסות להבדלי הגישה בין הצדדים, לנושא ירושלים ולועדת החמשן. מוסלף כי הנציגויות תפצנה נייר זה בקרב מדינאים ואנשי חקשורת רבים ככל האפשר.

כיון שנוסח הנייר קיבל את אישור הנהלת המשרד, מחבקשות הנציגויות לא לשנותו. עם זאת ניתן להעביר את הטבלה המופיעה בעמודים 4,5,6,7 לסוף הסקירה, כנספח וזאת לשקולכם.

כ"כ ציטוטי דברי הנשיא קרטר המופיעים בנספח הם לידיעתכם, ולשמוש בהזדמנות. אך הנכם מחבקשים שלא להפיצם בצרוף לסקירה.

ב ב ר כ ה,

קולט אביסל

AUTONOMY - THE WISDOM OF CAMP DAVID

"This is the first time that the Palestinian Arabs have a chance of securing something, of making some progress in their standing in this country and in the region. For there is little they can gain from the declarations of European statesmen, or from UN resolutions, or from terrorist activities... Experience shows that, by their extremist behaviour, they have been unable to achieve anything in practice. The only concrete proposal that gives them a chance, today, to attain a serious position and to play a role in determining that position in the region is the autonomy plan."

(Israel Foreign Minister, Yitzhak Shamir, in an interview broadcast by Israel Radio, 21 March 1980.)

The current negotiations on granting autonomy to the Palestinian Arab inhabitants of Judea, Samaria and Gaza are the outcome of a negotiated agreement upon which Israel, Egypt - the major state of the Arab world - and the United States came to terms at Camp David. That framework package is the fruit of difficult negotiations which lasted some ten months; it represents a triumph for compromise and illuminates the one secure path through the conflicting concerns and interests which have pitted the Arab world against Israel in five major wars; it rests upon Security Council Resolutions 242 and 338.

As recognized both by the armistice Accords of 1949 - which ended the War of Independence of 1948 - and the Interim Accord of 1975 - which ended the Yom Kippur War of 1973 - peace must, of necessity, be made by the same parties that had participated in the fighting. Thus, in Israel's view, the major priority has always been the establishment of peace with any one of her neighbours so willing. Clearly the corollary of that desire has been that the Arab states should forego their sworn intentions to destroy Israel, and accept her as a sovereign and recognized neighbour. It was on this basis that President Sadat came to Jerusalem in 1977, and that the process which led to the Camp David Accords and the Israel-Egypt peace treaty started.

During his visit to Ismailia in December 1977, the Prime Minister of Israel proposed that, in addition to peace between Israel and Egypt, the problem of the Palestinian Arab inhabitants of Judea, Samaria and Gaza be considered for resolution, and the idea of autonomy was first brought up.

Israel's Proposal

Israel's proposal for a self-governing authority was presented in the absence of any other acceptable formula for the resolution of a problem which had been created by the Arab states.

It was a historic turning point for the Palestinian Arabs, since it offered them a status and advantages which no one had hitherto proposed.

The autonomy agreement was intended as a practical solution to the status of the Palestinian Arabs. This solution would answer the needs of all parties concerned: Israel's need for security and defence in depth on her eastern border; the Egyptian wish to adhere to the Arab cause; and last, but not least, the need of the Palestinian Arabs to govern their own affairs.

The essence of the plan is simple. The Arab inhabitants will be allowed to fully manage all those areas of legitimate internal administration, but matters which could be detrimental to Israel would be excluded. Israel will retain those powers and functions which are essential to her defence and security.

In Mena House, Giza, on January 16, 1980, the Israeli delegation to the autonomy talks presented a carefully prepared, detailed model for the proposed administrative council. The plan offers the inhabitants of Judea-Samaria and Gaza, for the first time in history, full control over all matters affecting their daily lives, as well as a real opportunity to participate in the determination of their future.

The model defines three categories of powers and responsibilities:

1. those to be transferred in full to the administrative council, grouped into ten divisions (see Appendix), and the general power to issue regulations, to determine and administer budgets, to enter into contracts, to sue and be sued and to employ personnel;
2. those to be administered jointly and through cooperation - such as foreign trade, water supply, regional planning, etc.;
3. those reserved powers to remain under Israel's authority - such as defence and security, foreign affairs, stamps and currency, etc.

In contrast, Cairo's own proposals have, in many ways, no basis in the Camp David Accords, but run counter to some of their basic principles. Pending the initial five-year period of autonomy, all options will remain open, and at that time the claims of the parties will be negotiated. These negotiations "shall be based on all the provisions and principles of UN Security Council Resolution 242" and will "determine the final status" of the areas. According to the Camp David Agreements, two separate but related committees will convene, one consisting of Israel, Egypt, Jordan and the elected representatives of the inhabitants of Judea, Samaria and the Gaza district, to agree on the final status of these areas, and the second committee, consisting of the representatives of Israel and Jordan and the inhabitants of the areas, to negotiate the peace treaty between Israel and Jordan.

The Israeli and Egyptian Positions - A Comparison

If adopted, the Egyptian proposals would set in motion an irreversible process which would lead to the establishment of an independent Arab-Palestinian state. Such a process would effectively destroy any option of territorial compromise or functional division of authority and would thus severely jeopardize whatever prospects exist for achieving peace with Jordan. The Camp David Agreements clearly state that the final disposition of the status of the administered areas, following the five-year transitional period, is to be negotiated separately in talks which are to commence three years after the implementation of autonomy.

Positions Compared

While significant agreement has been reached on the election modalities, substantial differences between the Egyptian and Israeli positions remain in the following realms:

- a) The nature of the Autonomy In conformity with the C.D. accords, Israel's position is that autonomy should extend to the inhabitants of Judea, Samaria and the Gaza district. Egypt, on the other hand believes that the autonomy should extend to lands as well.
- b) The nature of the SGA - Israel's position is that there should be an administrative council - as stipulated in the Accords, the term "administrative council" defines but also qualifies the powers of this Authority. Egypt, on the other hand, requests full legislative and executive authority, in addition to the administration of justice. An administrative council, by definition, cannot exercise such powers - these are the prerogatives of an independent state.

c) The powers of the SGA: According to the C.D. agreement these should be negotiated between the parties. Israel therefore believes that these powers should be jointly defined. Egypt, on the other hand, requests that all the powers currently exercised by the Military Government should be handed over to the SGA. This position is unacceptable to Israel, since there are certain powers - such as security, which for obvious reasons cannot be transferred.

d) The source of the Authority: Every autonomy arrangement (and examples are numerous) has had a power above it; in particular one which is to provide for a transitional period of 5 years. It is therefore Israel's view that the source of authority should be the Military Government. To adopt any other position would be to preordain the ultimate result after the 5 year period and would vest the SGA with the attributes of an independent state. The SGA should be a self-generating authority. No outside source should vest it with authority. To adopt that position would mean, again, an independent state, rather than autonomy.

e) Security: The role of the SGA as described in the C.D. accords is: "to assist in providing such security, a strong local police will be constituted and... will maintain continuing liaison on internal security matters with the designated Israel, Jordanian and Egyptian officers." It follows from this that internal (as well as external) security must be in Israel's hands. Israel believes that in order to counter the twin threat of terrorism and armed invasion, the role of the SGA should be defined as "assistance" by its police force.

Egypt's Position

Camp David Agreement

Israel's Position

NATURE OF AUTONOMY

"Authority of the Self-Governing Authority (SGA) extends to the inhabitants as well as the land in the West Bank and Gaza Strip."

"...full autonomy to the inhabitants (of the West Bank and Gaza)..."

Autonomy is specifically intended for the "the inhabitants" of the areas, not for the territory, as such.

NATURE OF THE SGA

"...the powers and responsibilities to be exercised by the SGA (include full legislative and executive

"When the self-governing authority (administrative council) in the West Bank and Gaza is established and inaugurated, the tran-

The term "administrative council" defines and qualifies the powers of the SGA. An administrative council cannot exercise executive

authority (and)...administration of justice."

sitional period of five years will begin."

legislative and judicial functions.

POWERS OF THE SGA

"The transfer of authority (to the SGA) implies the handing over of all powers and responsibilities presently exercised by the Military Government and its Civilian Administration."

"The parties will negotiate an agreement which will define the powers and responsibilities of the self-governing authority..."

The parties must negotiate to "define" which of the Military Government's powers and responsibilities are to be transferred to the SGA and which are to remain in Israel's hands.

PALESTINIAN ARABS

"The purpose (is)... the realization of their (the Palestinian people's legitimate rights, including their right to self-determination."

"...the Palestinians will participate in the determination of their own future..."

To exceed Palestinian "participation" in the determination of their future, at this time, would be to pre-judge the ultimate disposition of the areas.

SOURCE OF AUTHORITY

"It (the SGA) is a self-generating authority. No outside source vests it with its authority."

Every autonomy arrangement ever implemented has had a power above it. The source of authority here is the Israeli Military Government.

JERUSALEM

"The annexation of East Jerusalem is null and void and must be rescinded. Jerusalem is an integral part of the West Bank. The seat of the SGA will be East Jerusalem."

Subject not included in the Camp-David Accords.

Jerusalem, the capital of the State of Israel, is one and indivisible.

Egypt's Position

SETTLEMENT

"Israeli settlements in the West Bank and the Gaza Strip are illegal and, in the course of a final settlement, should be withdrawn. During the transition, there should be a ban on the establishment of new settlements or enlarging the existing ones. After the inauguration of the SGA, all settlers in the West Bank and Gaza will come under the authority of the SGA."

SECURITY

The SGA will assume "responsibility for... public order and internal security... (and) has full power in... internal security... Permission (of the SGA) will be required for any movement of military troops into or through the territory... Responsibility for security and public order

Camp David Agreement

(At the request of President Carter, Israel agreed to a three-month freeze on the establishment of new settlements in the areas following the conclusion of the Camp David Agreements.)

"...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... All necessary measures will be taken and provisions made to assure the security of Israel and its neighbours during the

Israel's Position

Eretz Israel ("Palestine") is the Jewish homeland to which Jews have returned as of right. Just as they are entitled to dwell in Tel Aviv, Haifa and Jerusalem, so do Jews have the right to live in Judea-Samaria and the district of Gaza - as indeed they did for centuries until the Arab invasion of 1948. This right is inseparably linked to the requirements of Israel's vital national security.

Ultimate responsibility for internal as well as external security must remain in Israel's hands, so that it can counter the twin threat of terrorism and armed invasion. The role of the SGA in these matters is clearly defined as "*assistance*" and "*liaison*" by its police force, rather than shared (let alone full)

will be decided jointly by the parties, including the Palestinians..."

transitional period and beyond. To assist in providing such security, a strong local police force will be constituted by the SGA (and)... will maintain continuing liaison on internal security matters with the designated Israeli, Jordanian and Egyptian officers."

responsibility. Also, there is no basis whatsoever for the proposal to require SGA permission for the movement of troops to and from, and among, the specified security locations, and it is inconceivable that Israel would allow anyone veto power over such movements.

The Past: Unaccepted Solutions

Israel's autonomy proposal was put forward following a long history of abortive proposals which had been unacceptable to one or more of the parties.

a) An independent Palestinian state

This solution was put forward following the 1967 war, by the recently founded terrorist organizations. Previous to that time, Judea and Samaria had been annexed by Jordan in 1950 (With the exception of Great Britain and Pakistan, the entire international community, including the countries of the Arab League, refused to recognize this annexation.); the Gaza district had been ruled by Egypt. The inhabitants of Judea and Samaria continued to hold Jordanian citizenship after 1967, and the proposal was promoted in the main by Arab terrorist organizations based in Beirut. In this context it is worth noting that within the historic area of Palestine, two states already exist, and that one of them, Jordan, is composed of an ethnic majority of Palestinians. This proposal suggested, in effect, the creation of a second Palestinian Arab state, that is, a twenty-third Arab state.

Such a solution cannot be acceptable to Israel under any circumstances. The establishment of another Palestinian Arab state would create a political vacuum which would be filled by the terrorist organizations; it would provide a strategic foothold for the Soviet Union or its Cuban surrogates in this area, and would threaten the long-term interests of the West and the very existence of Israel. President Carter has noted, in this respect:

"I am opposed to an independent Palestinian state because in my own judgement and in the judgement of many leaders in the Middle East, including Arab leaders, this would be a destabilizing factor and would not be in the US interest."

(Statement at the White House,
25 February 1980)

~~No Arab leader has, in fact, requested the creation of such a state.~~

b) Territorial Partition

Previous governments of Israel have put forward proposals to partition Judea and Samaria. In essence such proposals called for "secure and recognized boundaries," in place of the insecure lines of 1949, and the "withdrawal of the armed forces from territories occupied in the recent conflict" (but not all the territories). Thus, Israel would retain areas essential to her security, whilst the populated heartlands of Judea and Samaria would be returned to the control of Jordan.

These proposals were consistently rejected by King Hussein of Jordan, as most recently as April 24 1980, who insists on the complete and unconditional evacuation of all the territories by Israel.

One should note, in this context, that the great majority of Israelis reject a return to the vulnerable 1967 borders. No other viable solution has ever been put forward by any other party. The autonomy proposal is therefore the only solution which has been agreed upon by an Arab state. It is a solution which has grown out of a long and difficult process of negotiations, and which represents, in fact, the other part of the Camp David accords, based on these countries' acceptance of Resolution 242. Moreover, it is a solution which is conditional upon the original terms of the same resolution, calling for a peace "in which every state in the area can live in security." It is in this spirit that Israel in the treaty with Egypt has made far-reaching territorial sacrifices, and has opened the way to autonomy in Judea, Samaria and Gaza. Egypt recognized the wisdom of the phased approach to the question of the final status of the areas, and thus the Camp David Accords were agreed upon.

Any change in these basic tenets would prejudge the final status of the areas and would thus undermine the only agreed upon solution. It would also destroy all possibility of sound and constructive negotiations in the future.

Israel's security was a basic tenet of both Resolution 242 and the Camp David accords. To negate that tenet would mean putting Israel's security in jeopardy, and would endanger the whole area.

The Continuing Committee

During the proposed transitional period the Camp David accords also proposed the establishment of a continuing committee. This committee would deal with the admission of displaced persons from the Six-Day War of 1967, matters of public order, and other matters of public concern. The members of the committee would be Israel, Egypt, Jordan and representatives of the self-governing authority in the autonomous regions.

Since the conclusion of the accords Israel has continued to demonstrate flexibility and a willingness to reach practical working arrangements for the work of this committee. She has agreed to the inclusion of US representatives on the committee and to the inclusion on its agenda of matters not considered susceptible to immediate agreement such as the development of common water resources and other economic matters.

Jerusalem

It should be noted that the autonomy plan does not include Jerusalem, and that any questions concerning the future of the city are not included in the terms of reference of the negotiating committees.

Whilst being a topic of discussion at Camp David the subject of Jerusalem was not included in the Camp David accords. Clearly it was considered to be outside the boundaries of the proposed autonomous areas and any agreement pertaining to the future regulation of life and resources in those areas would be applicable only to them.

Jerusalem is, and always has been the capital of the Jewish people. It has maintained, throughout the ages, a Jewish majority. Today, its population, more than 75% of which is Jewish, is reunited in an open, developing and vibrant city whose growth has been in the interest of all and from which all have benefitted. The desecration and neglect of the Jordanian occupation of East Jerusalem have been consigned to history. That small part of Jerusalem which was under Jordanian occupation is now an integral part of the city and the State of Israel and all its inhabitants enjoy and exercise the right of participation in municipal elections. A return to any form of division within the city would be not only artificial and impractical, but would be contrary to all future harmony, co-existence and the spirit of mutual respect and tolerance which has developed since reunification. Israel does not wish to include any part of Jerusalem in the autonomy plan precisely because this would imply a redivision of the city. Such a redivision, in any shape or form, would be totally unacceptable to Israel.

A Mid-Way Point

Israel can look back with a sense of accomplishment on the achievements of the peace-building process thus far. For Israel this has been the realization of a dream - the dream of peace. It is an achievement which Israel does not wish to jeopardize. That peace process can be brought to fruition only in an unfettered process of negotiations free from outside pressure or interference, and based upon what has been achieved thus far. Israel believes, therefore, that within the parameters determined by the necessities of her security, and the continuous threat of Arab aggression from the east, it is possible to achieve full autonomy as agreed upon at Camp David, and extend the benefits of peace to other elements in the Middle East who genuinely desire them, above all to the Palestinian inhabitants of Judea, Samaria and Gaza. When President Sadat visited Jerusalem in November 1977, a peace treaty between Egypt and Israel was envisaged within a year. As matters

turned out, it took 16 months to complete the negotiations; that fact does not render the treaty that was ultimately signed between the two countries less valid - or less of an historic achievement.

Similarly in the case of the autonomy talks, there is no call for a sense of impending doom because the target date of May 26 is approaching and the possibility exists that agreement will not have been reached by that time. With both sides determined - as they have repeatedly stated they are - to bring these negotiations to a successful conclusion as speedily as possible, agreement will surely be reached, before or after May 26.

President Carter's Statements

Against Palestinian State

11/8/79

I am against any creation of a separate Palestinian state. I don't think it would be good for the Palestinians. I don't think it would be good for Israel. I don't think it would be good for the Arab neighbors of such a state...

25/2/80

In an address before the Young Leadership Cabinet of the UJA in Washington:

"...Let me restate a clear policy that has guided me through all of these deliberations and which will guide me in the future. I am opposed to an independent Palestinian state in my own judgment, and in the judgment of many leaders in the Middle East including many Arab leaders, this would be a destabilizing factor in the Middle East, and would not be in the United States interest."

25/3/80

Remarks on the 1st anniversary of the Peace Treaty between Egypt and Israel, in the White House:

"...And we oppose the creation of an independent Palestinian state."

11/3/80

Address to New York Community and Civil Leaders:

"...we do not favor an independent Palestinian state; we have consistently opposed this prospect..."

JERUSALEM and on

3/3/80

Message to Prime Minister Begin, after the US vote in the Security Council:

"...As to Jerusalem, we strongly believe that Jerusalem should be divided with free access to the holy places for all faiths and that its status should be determined in the negotiations for a comprehensive peace settlement."

11/3/80

Address to New York Community and Civil Leaders:

"...Jerusalem to be undivided and with access by all to the holy places

14/3/80

In a press conference in Washington:

"...Also President Sadat, Prime Minister Begin, and I agreed on a paragraph in the Camp David accords concerning Jerusalem, it called, and we still believe, that there should be an undivided Jerusalem but those places in Jerusalem as holy places, should have impeded

מדינת ישראל

משרד החוץ
ירושלים

תאריך: 14.5.1980

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מספר:

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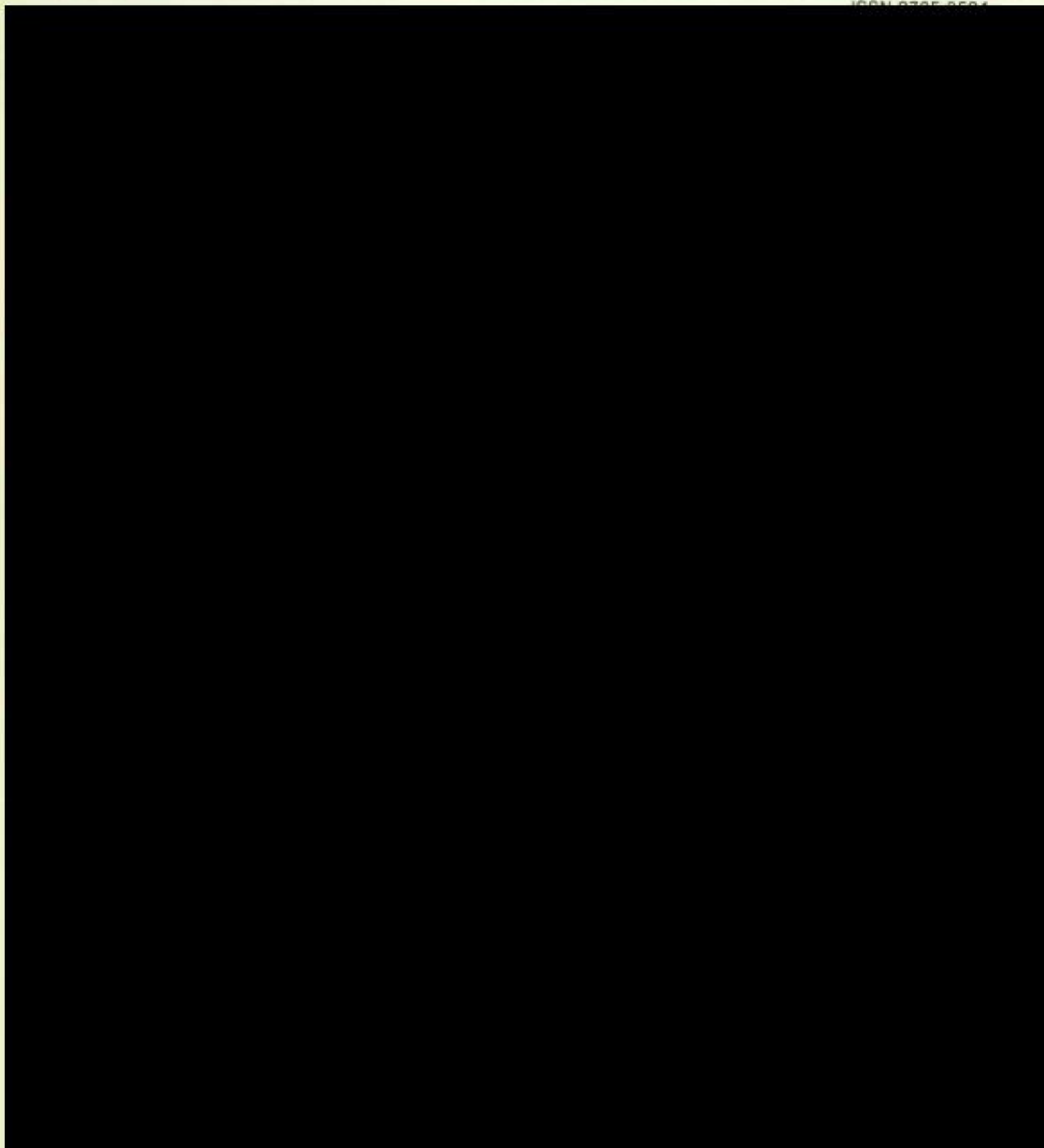
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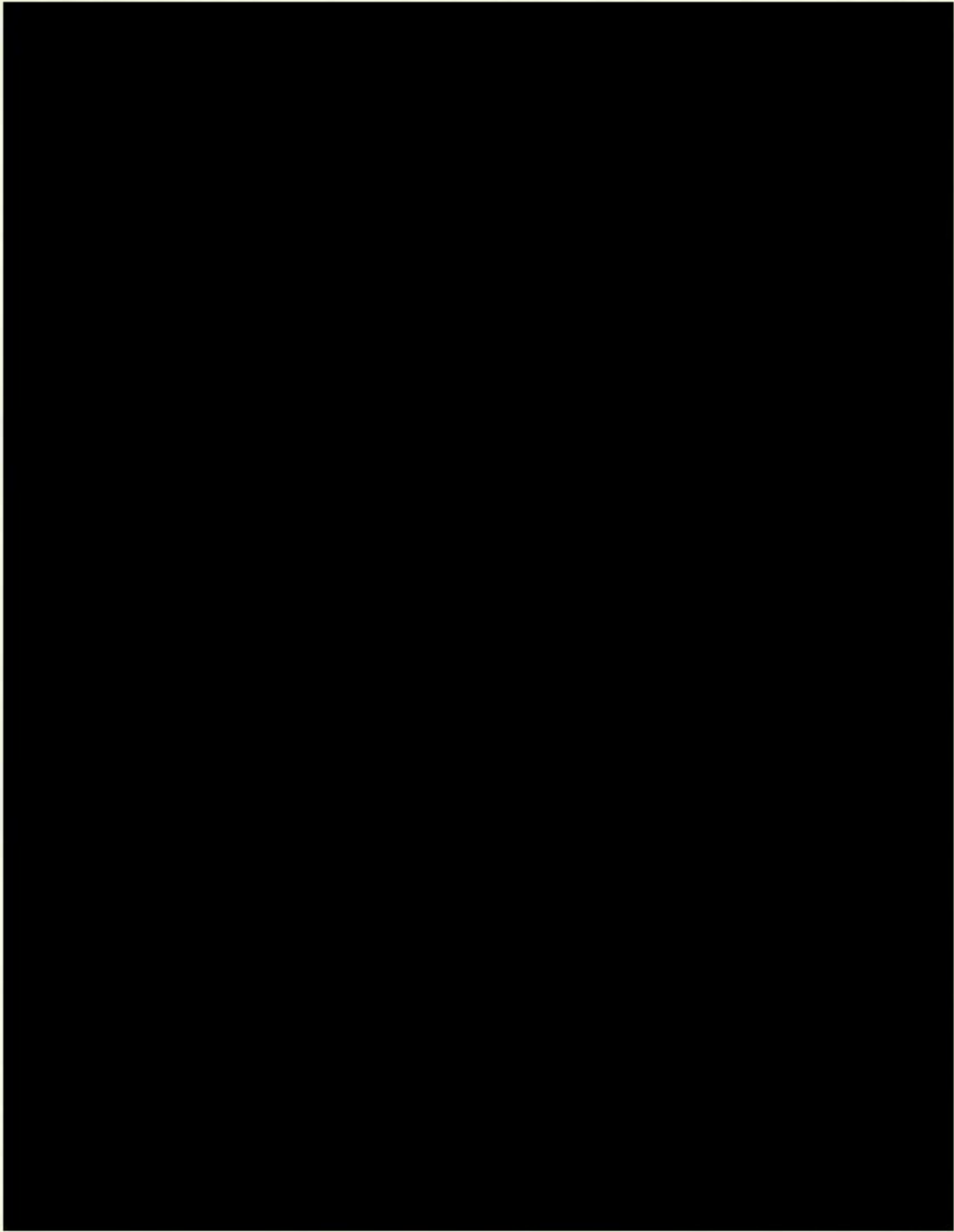
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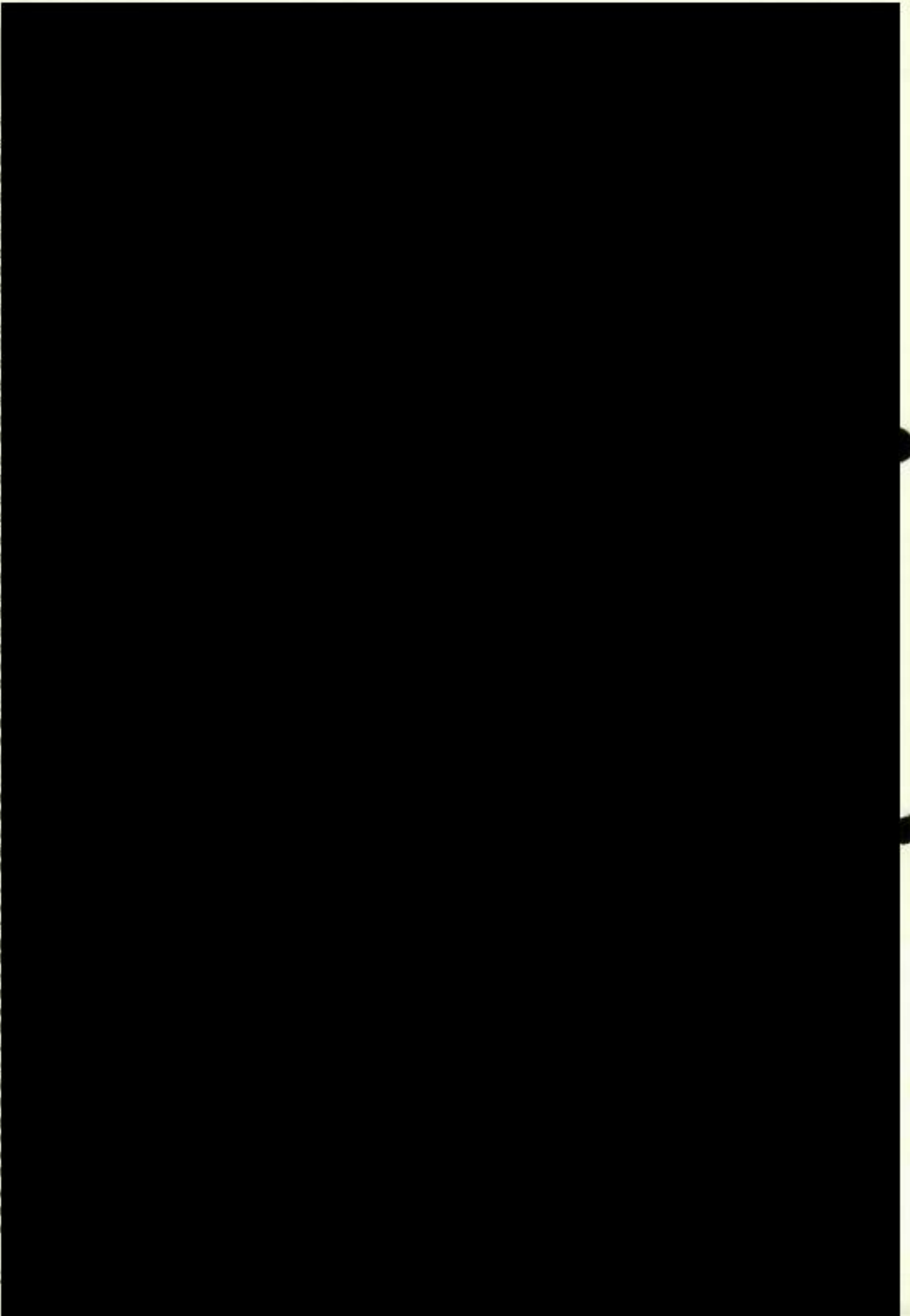
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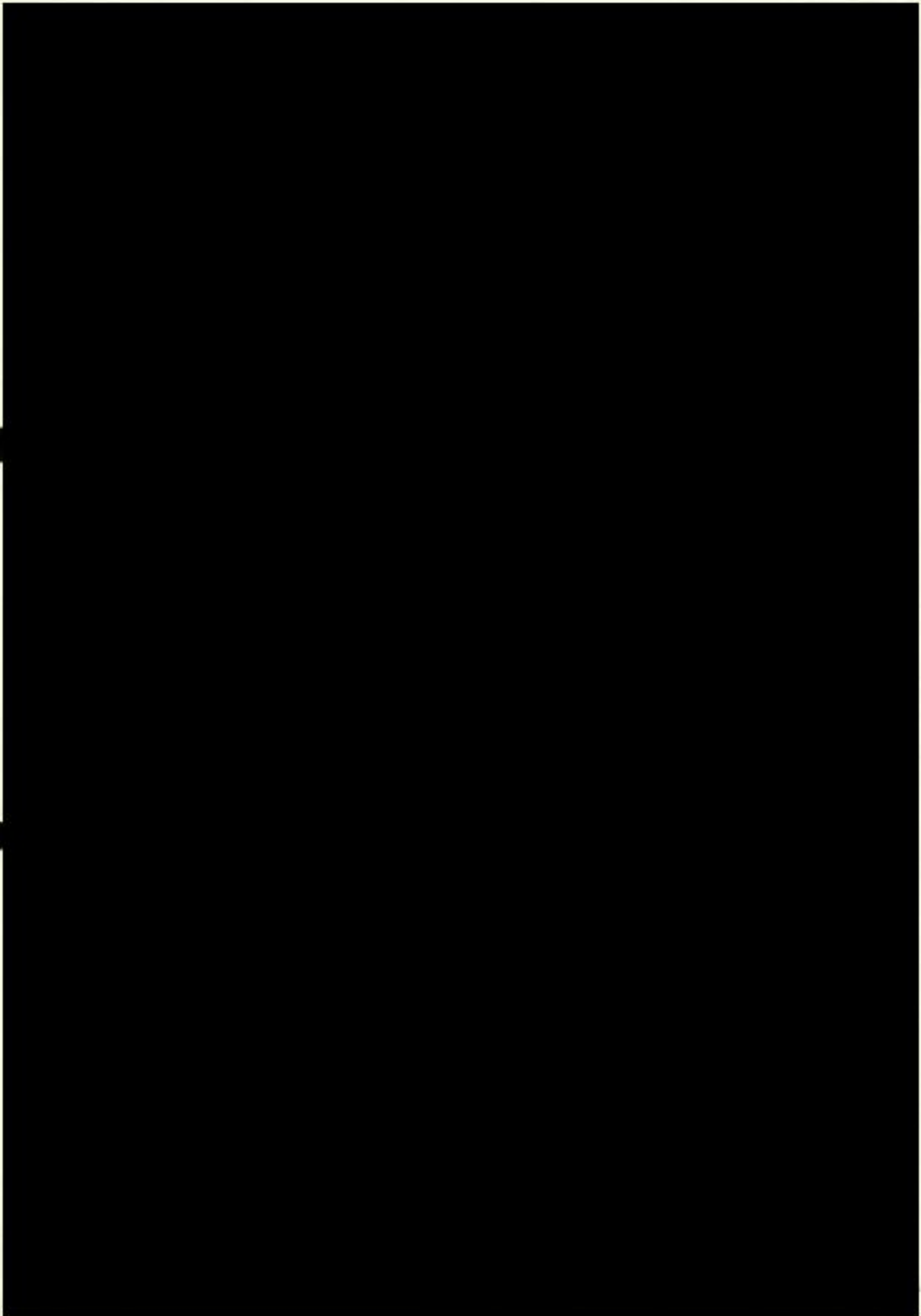
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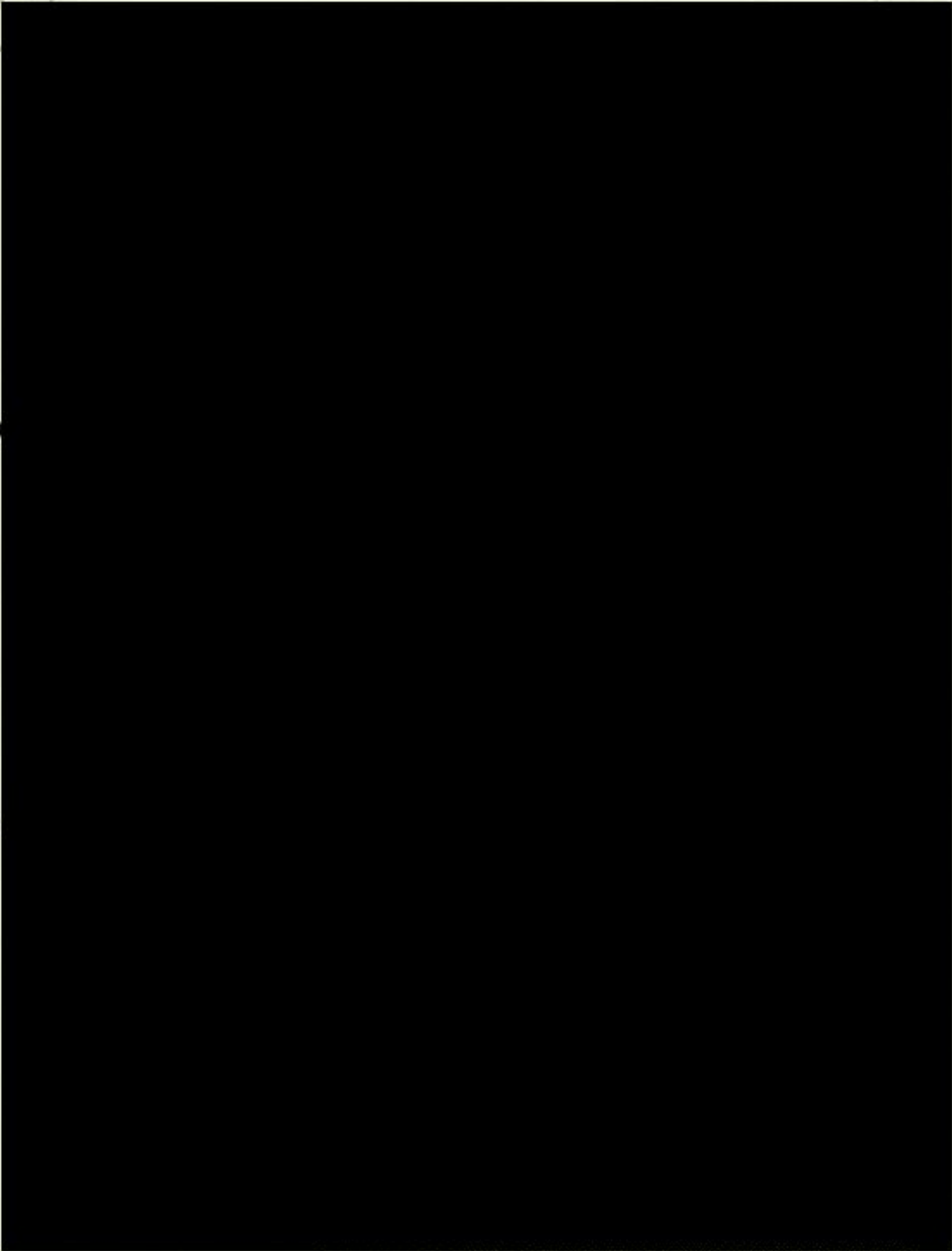


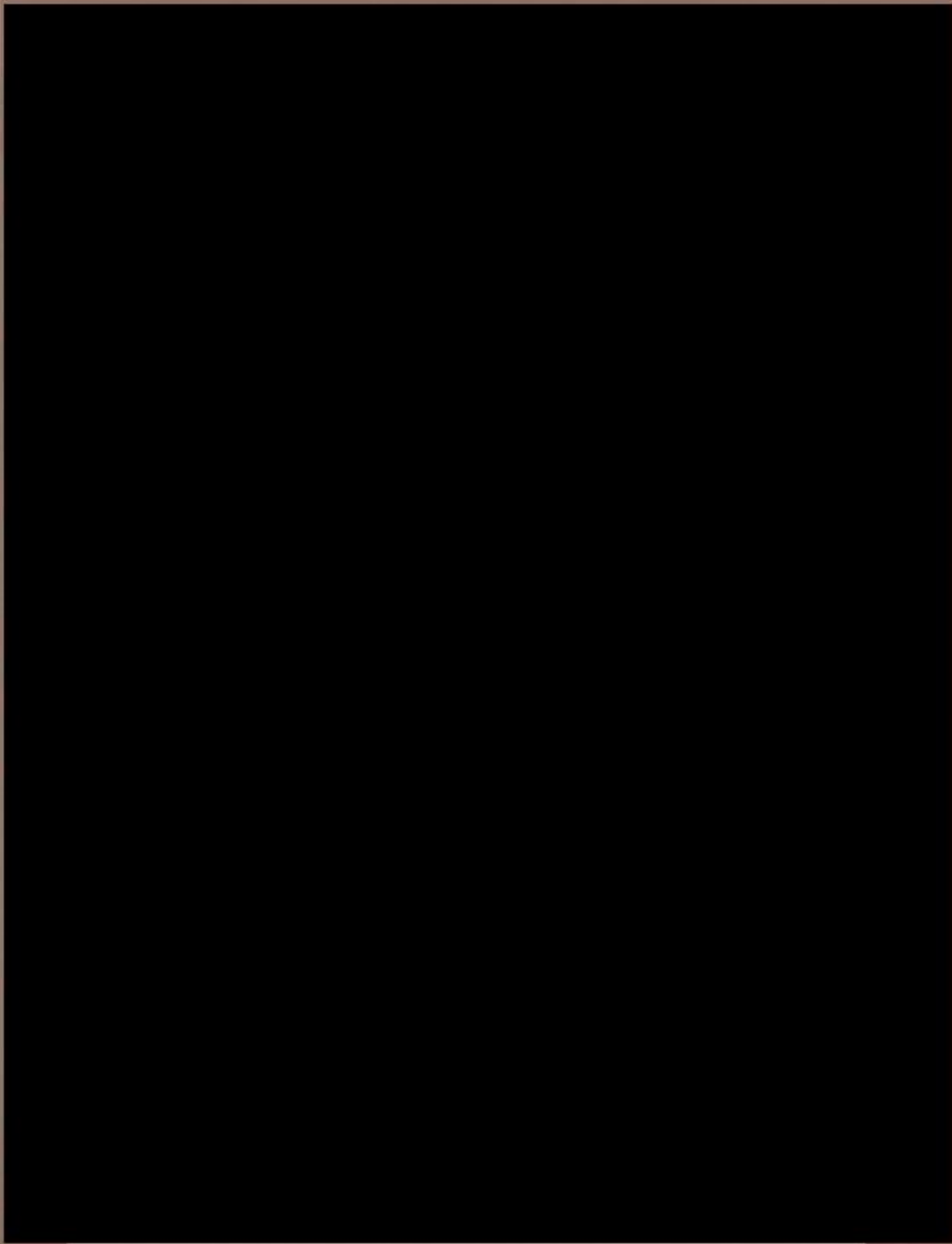




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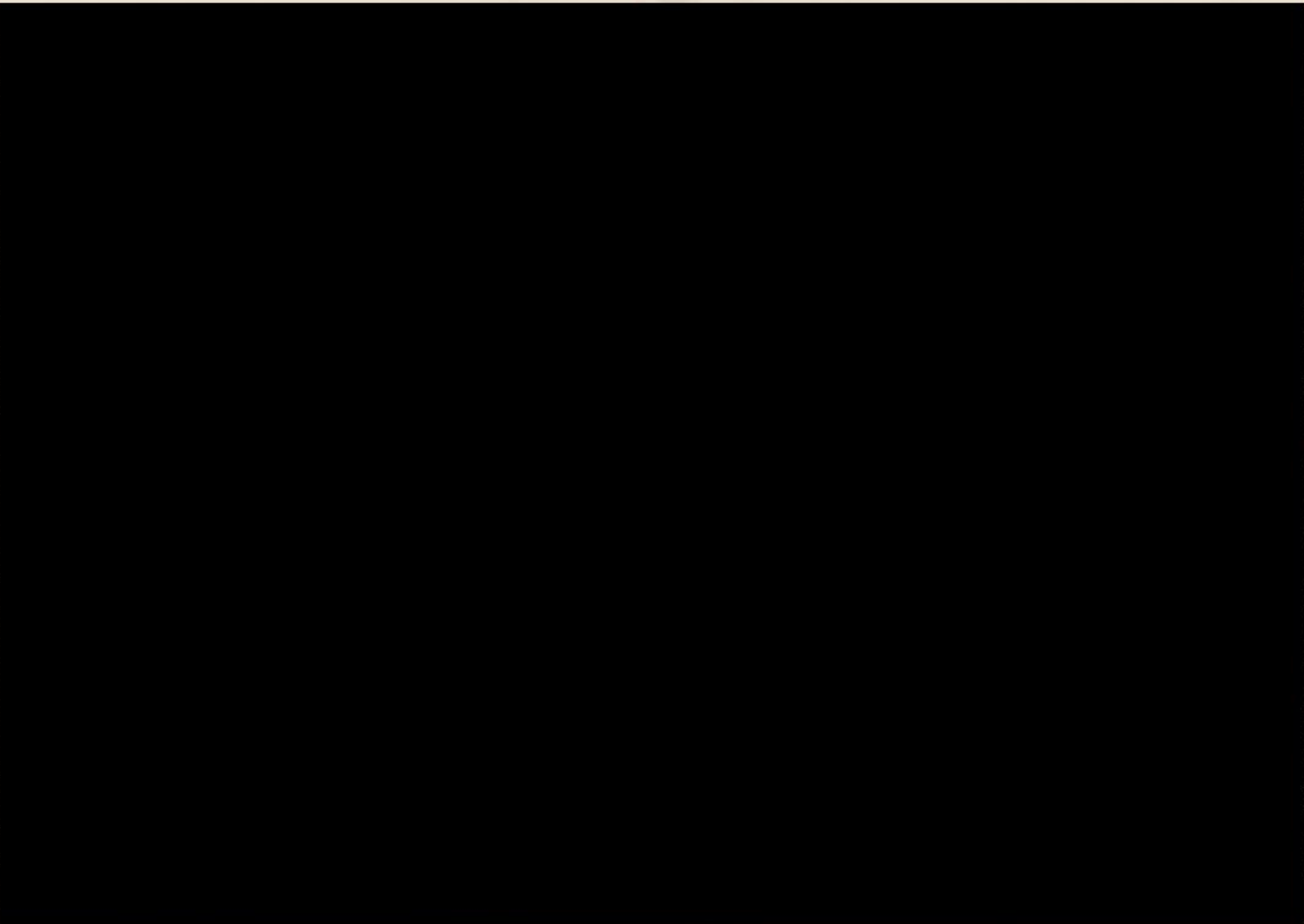
als which cannot be duplicated elsewhere (e.g., following the Stations and the Arabs would have a difficult time reaching agreement. To the

argued. That kind of analysis can lead to misleadingly simple propositions.

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Jerusalem has had a Jewish majority ever since.

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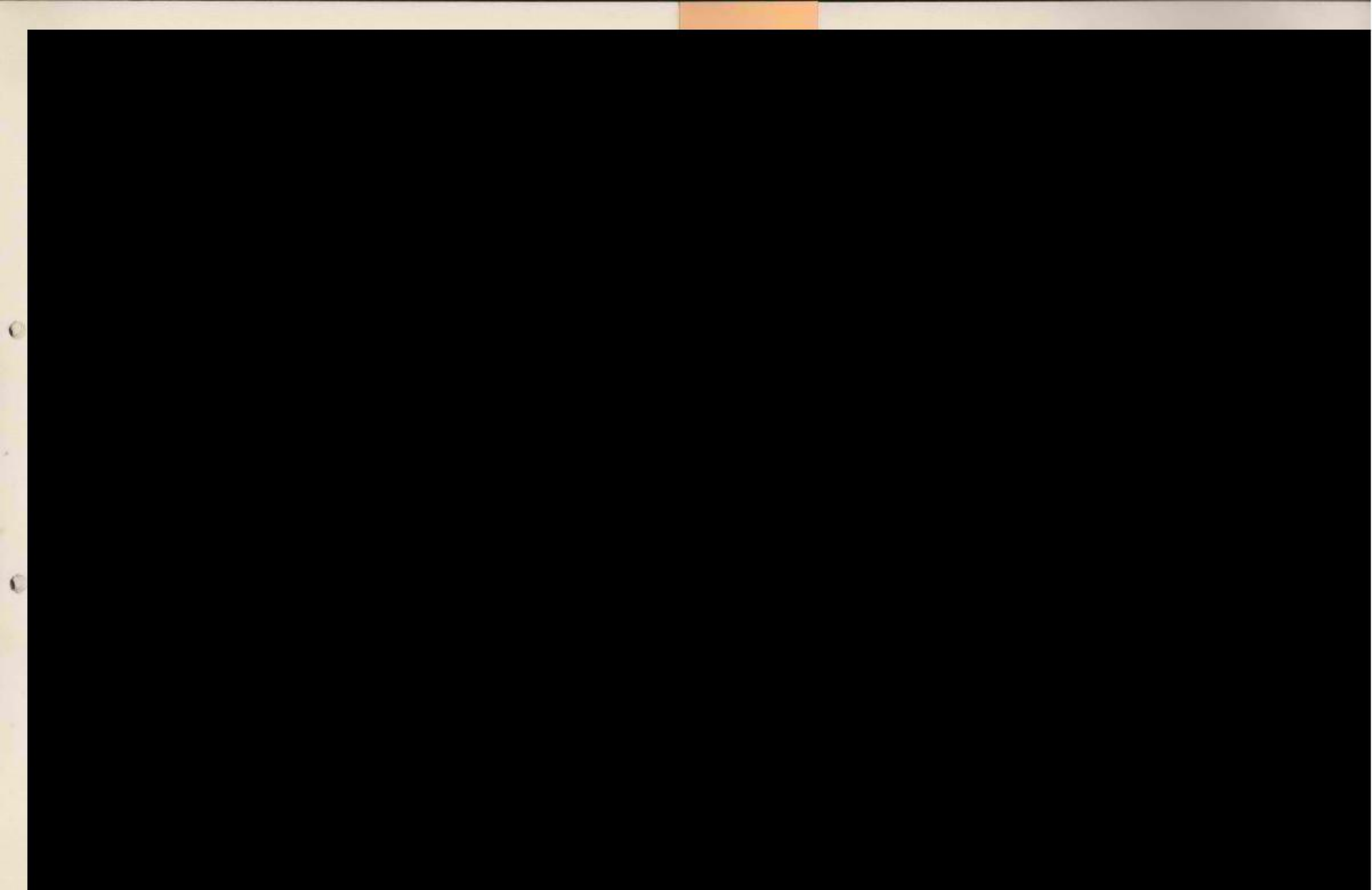


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In future issues watch for :

articles by **Edward Azar**
Michael Hamarneh
Haggai Erlich
Irwin Cotler
Harry Crowe
David Bercuson

review of **special Social Praxis issue on Middle East**

texts of **the two Biltmore programs**
U.S. position on Jerusalem

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AN ECONOMIC FRAMEWORK FOR THE SGA

Introduction

A considerable degree of economic integration is a necessary condition for peace. If we are to contemplate a system which guarantees peace for Israel, Judea, Samaria and the Gaza District, then ipso facto we should consider aspects of economic integration in detail. Within the framework of such a system, there should be no obstacles to the free flow of commodities, services, people and capital investments.

Organically, the resource base and infrastructure (roads, electricity, transportation, telecommunication, ports facilities, etc.) - at present maintained as a unit - should be mutually developed for the common benefit.

The following section outlines a practical approach for the establishment of economic order, consistent with the above stated principles and with the Camp David Framework accords.

a) Socioeconomic autonomy

It is proposed that the SGA (AC) be authorized and responsible for the management of the budget to include:

Revenue

- * Receipts from direct taxes, such as income tax, property tax, inheritance tax;
- * Receipts from indirect taxes and duties, in accordance with the principle indicated below;
- * Fees;
- * Authorized capital transfers, loans and contributions;
- * Receipts from Israeli participation.

Expenditure

- * Financing of the divisions under the responsibility of the SGA (AC) such as: health, social and welfare services, religion, education, administration of justice, local affairs, including police;
- * Payments for the development of economic activities under the responsibility of the SGA (AC), such as agriculture, industry, tourism, infrastructure.

b) Vertical cooperation

Agriculture, industry, tourism and services are autonomous affairs. Nevertheless, in order to take advantage of economies of scale, and to avoid duplication of effort, developmental endeavor should be subject to cooperation.

c) Horizontal integration

Israel, Judea, Samaria and the Gaza District should avoid barriers hampering the flow of commodities, services, labor services and capital investments. Considering the "rest of the world", the entire area should be subject to a unified system of duties, export promotion, export and import regime. Also, indirect taxes will be unified.

Israel, Judea, Samaria and the Gaza District will constitute a monetary unity (including foreign exchange) and have an integrated banking system as well as finance institutions.

9/11

אשר לא יודע

11.5.80
דל

י"ד באייר התש"ם
30 באפריל 1980

ס ו ד י

אל : מר ח. קוברסקי, ומנהל הכללי, משרד הפנים
מאת: א. בן-חורין

הנדון: הסיכוב השני של שיחות הועדה הכלכלית -
28-29.4.80

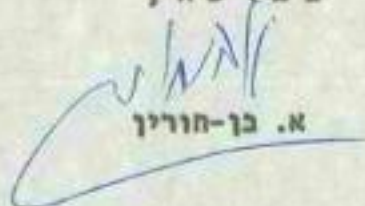
1. קיימנו שלוש ישיבות, ונחדש את השיחות ב-1/5 אח"צ.
2. מטרתנו היתה כפולה:
 - (א) להבהיר עמדת ישראל כי טובת כל הצדדים מחייבת שמירה בסיסית על שילוב המרכיבים העיקריים של כלכלת ישראל וכלכלת האוטונומיה, ולשכנע את המצרים בצידקת הצעתנו לראות בכך נקודה מוצא לדיון.
 - (ב) למשוך את המצרים לדיון בנושאים כלכליים ספציפיים אשר הצגנו להם מצידנו.
3. המצרים הוסיפו להתבצר מאחורי שני טיעונים:
 - (א) צריך להעביר את כל סמכויות הממשל הצבאי לאוטונומיה, ותאוטונומיה כבר תקבע את הסדורים הרצויים לה עם מדינת ישראל.
 - (ב) (טיעון הקשור בראשון). אין מצרים יכולה לקבוע הסדרים בהקשר הפלשטינאים והירדנים.
4. המצרים ביקשו שאמנם אנחנו נפרט את מחשבותינו אך הדגישו שאינם יכולים להתיחס לנושאים המפורטים.
5. הצבענו על כך שבהצעתנו לנסות לקבוע עקרונות כלליים ביותר בלבד, כלומר מבלי לחתור בעצם להסכמה על הנושאים השונים, אין הם עושים שרות טוב לאוטונומיה. דברים אשר יידחו לדיון אחרי הקמת האוטונומיה - ללא קשר לשאלה אם מדינת ישראל תסכים להציע כזאת או לאו - ישאר כלם כמי שהם כיום עד שאי פעם תושג הסכמה. אנחנו סבורים שמהותנו לעשות את מלאכתנו נאמנה מבלי שהיא תוכתב ע"י מי שנעדר משולחן הדיונים, וננתג כמו לגבי כוס אליהו הנביא בסדר פסח.
6. בישיבה השלישית פרטנו בצורה בלתי מחייבת שורה ארוכה של נושאים לדיון והבענו עמדת ישראל על מרכיבם. זאת לשם אינדיקציה של דרך מחשבתנו, ולא כמצע רשמית. אחר סיום אותה ישיבה אמר למצרים הנציג האמריקאי - אשר בדרך-כלל היה בלתי נעים כל אימת שהשתמש ברשות הדיבור - שעכשיו בעצם תורת להגיב.

7. המשלחת, בתחיעצות פנימית הכינה ניר, וקיבלה את עצתן שבישיבת ב-1/5 נגיש אותו, בין אם כניר רשמי, או כאי-ניר, או נקריא את חכנו בלי לתגישו. הניר מצ"ב. חכנו הוא על דעת כל הצוות הישראלי. נציגי משרדי האוצר, התמ"ת והחקלאות אמרו לי ששניהם סמכו ידיהם על חכנו המקצועי.

8. אודה על עיון ועדת חשרים בניר ועל הנחיה לקראת ישיבת אח"צ ב-1/5.

אצביע על נקודה אחת בניר: הניסוי הישיר. אנשי האוצר, הממשל הצבאי, הפצ"ר, וגם אתה, קבעו דעתם התחלטית שאין כל אפשרות לשמור את הטלת מט הכנסה בידי מדינת ישראל, לא עקרונית ולא מעשית. השתכנעתי מן השיעונים ומצטרף אליהם.

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א. בן-חורין

העוקים: שר הפנים, יו"ר ועדת חשרים לעניני האוטונומיה
שר החוץ
שר המשפטים
שר החקלאות
השר מ. ניסים
המנהל הכללי, משרד החוץ
פרופ' ר. לפידות, יועצת משפטית, משרד החוץ
מר א. רובינשטיין, סמנכ"ל, משרד החוץ

מדינת ישראל

לשכת אג"מ

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ת.ש.ל
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משרד הפנים
לשכת תאש"ח
ירושלים

כ"ג באייר תש"ס
תאריך: 8.5.80

מספר:

מכובדי,

אני מתכבד להגיש לך פרטיכול פנייבת
ועדות הקבוצה של זקרת האוכזרנסיה שהתקייסה
בסלון " ל ר ו ס " הל-אביב ביום 28.4.80.

ב ב ר ה,

א. איבזן, ניצב

it cant be unlimited. So Michael Sternberg was kind enough to prepare a non-paper just to show us the direction in which they would like to go.

MR. EL-MASRI: Is this a formal meeting?

MR. GABAY: We thought yesterday, while discussing it with Mr. Latif, that we would have one formal meeting this afternoon. But it's up to you. If you feel that you have started discussion of this item and don't need a formal meeting at this session--

MR. EL-MASRI: No, I am just inquiring as to whether you made arrangements for a formal meeting. As it has been the custom to start with a formal meeting, it's the same to us.

MR. GABAY: I think we will have a brief formal meeting so we can see at this stage what we still have to do at this session and what we can do to facilitate the work of the Plenary in this particular area.

I believe on the whole, the Working Group on Election Modalities has been quite successful, with the assistance of the three delegations, in covering a significant part of our work, and I think this has been acknowledged by the Plenary in previous meetings. Also in our last meeting, we were able to achieve I believe an important agreement on the various aspects of campaigning. And at this stage, I think that if we cover the issues of free elections and free political expression, as indicated in our informal meeting this morning, and possibly have some exchange of views on the issue of the CEC, then we could submit a report to the Plenary indicating where we stand in terms of these items. And of course we still have to call the Plenary's attention to the

paper prepared on the three basic items of the system of elections, constituencies, and number of persons to be elected. That is the paper which we prepared previously which in effect has not been considered by the Plenary.

So I believe in terms of our preparatory work, if by tomorrow noon we can achieve some consensus on the issues of free elections and free political expression, together with the paper agreed upon in our previous meeting, as well as the analysis on some of the key issues confronting us, this could be the report that this committee would submit to the Plenary. Unless you have some other ideas.

MR. EL-MASRI: That is perfectly good for us. But I have a point of clarification. At the meeting we did not finalize the document on the Free Electoral Campaigning, and I understand from Mrs. Huebner that you want to make sure that this has been adopted.

MRS. HUEBNER: No, that was adopted. The question was only about two paragraphs which were not exactly as concluded.

MR. GABAY: The other document was accepted, no question. But we felt that the document did not cover two items--

MR. EL-MASRI: Yes, this is where we differ.

MR. GABAY: I would say that it was very clear, and I think this was already indicated in our minutes, that the paper covered the two issues of campaigning and peaceful assembly. I have indicated, and Ambassador Razek agreed last time - I think also our colleague, Mr. Sternberg - that we still see the issue of political expression as an open issue for both parties in terms of these items that were not

covered by the paper on campaigning. There was a proposal made by Mr. Sternberg at the time that the paper on campaigning would replace all papers on this item. But the understanding at the end of the meeting was that it would replace only the two papers dealing with campaigning and peaceful assembly. And it was clearly left open for the meeting to continue the discussion and consideration of the problems relating to political expression. Mike, would you like to refer to this?

MR. STERNBERG: That's correct. I think the issues that came up this morning, that Yehudith you were referring back to the paper initially on campaigning, and that is what we were talking about. That had taken care of campaigning. I don't think there is any disagreement that the question of political expression is open for discussion. In other words, the two items that originally came up concerning campaigning. And there is common agreement that that is covered by the paper that we submitted last time : Campaigning and Free Assembly.

MR. EL-MASRI: Good. Then we are in agreement.

MR. GABAY: Yes, we should distinguish between the two. But at the same time, looking at it carefully we felt that there were two items that were basically agreed upon in our previous meeting, specifically those relating to funds derived from outside the areas, that were not included in the paper on campaigning.

MR. EL-MASRI: This is the point of misunderstanding that Mrs. Huebner referred to.

MR. GABAY: What is your position then?

MR. EL-MASRI: That this is final, and this replaces all papers concerning campaigning and peaceful assembly. That what we have

to add is only on political expression.

MR. ROSENBLATT: That was our intention on the paper as well.

MR. EL-MASRI: And this supersedes any previous decision taken.

MR. GABAY: The question is to what extent do you have any specific objections to this question of funds from abroad. After all, I am not arguing that this paper on campaigning was not an agreed paper. I think it was a very good paper for all parties, in terms of finding a way out of the impasse. But at the same time, clearly if there is one issue that one of the parties considers important, which for any reason has not been included in the text, I think the party should be free to refer to it and then we can see whether we can agree on it or not. After all, this is a continuing negotiation. We are raising a problem, and if you consider that this issue can be added either to this paper on campaigning or to the additional paper that we still have to consider, we can accept it. If you don't accept it, then we shall see.

MR. EL-MASRI: Of course, we have discussed this many times since Mena House meetings, and we know each other's views on this. And I think we should utilize our time best if we start with this paper presented to us now. And since the other paper on electoral campaigning has been approved in the meeting when Mr. Razek was here and it was explained to us in Cairo that this supersedes all other things, and as a matter of fact, solves all the problems which we have confronted regarding these two issues - campaigning and peaceful assembly - so I am not really in a position to re-open discussion on previous

decisions taken, especially in the presence of Mr. Razek, who is not with us now. So we consider that this decision is final. And let us continue; believe me, we have so many burdens and difficulties, so that if we can do away with some of them, we should not return to them once again.

MR. GABAY: I would suggest that you consider our proposal. After all, this is an item that was to my understanding one of the very few items that were agreed in the previous sessions of the sub-committee. I suggest that we don't take a final decision now on this problem.

MR. EL-MASRI: No, we'd better take a clear-cut decision to present the Plenary with clear-cut things.

MR. GABAY: We still have tomorrow morning. Maybe we will consider your position tonight and decide upon it tomorrow, to what extent it is important or not. So let's leave this issue now and we shall come to it in the morning.

MR. EL-MASRI: If you allow me, there are so many things. For instance, there is a paper saying that the Egyptian position on the political platform is contingent upon agreement on all paragraphs and all points regarding this issue. If after taking a decision, we re-open discussion on previous items, then we have on each side things we would like to re-open again. So I'd like to say that we have adopted this, we confirm our adoption finally of this paper and we start with the other one.

MR. GABAY: I suggest we leave our decision until tomorrow morning. I realize your position and we shall take it into account

seriously. But I have just come here and I must consult with my colleagues. In any case, this was an item that was discussed previously, and I would ask that we have this opportunity of consulting. And we will come first thing in the morning, and maybe there won't be a problem. And I suggest we go on to the item that we all agree is still open.

MR. STERNBERG: May I just make a procedural observation? You know the Plenary will start on Wednesday evening, or Thursday morning, and as I understand it, the working groups will be in continuous session. I am anxious to report to the Plenary as well, but I feel we shouldn't be under a great deal of time pressure in this case. In other words, we should not necessarily seek to have a document tomorrow but perhaps we can take another day or two and try to resolve what we can and then prepare one report to the Plenary, with the understanding that we will continue to discuss the problems before us and prepare perhaps another report to the Plenary during its lengthy session. This is very different in character from the previous plenaries. I am not sure frankly myself how to operate. Except that a report seems to be a sort of end station, but we will be in continuous session. I do agree that we should report to the Plenary so that they will have something to look at and consider on our work. But we should not try to make the report all encompassing. We should not try to meet a deadline tomorrow. If we agree, we can work out some sort of understanding among ourselves how our work will proceed. We will issue a provisional report

perhaps by presenting them with the joint non-paper on Article III issues; if we have agreement on other things, then we can present them. And then also note to the plenary that work is continuing on other outstanding issues and we hope to present a report during the Plenary session on those issues. But to get away from the psychology that we need a kind of final report at a stipulated time, because this will be a continuing thing.

MR. GABAY: I don't quite see it that way. Because our last meeting will be tomorrow morning before the Plenary begins. By now, we have at least two significant documents that are ready for submission: the paper we prepared jointly in the former meeting and the paper on free electoral campaigning. I think it would be useful if in an orderly manner we present to the Plenary at least these two papers with a covering note indicating that since the last Plenary we discussed these documents, although one of them was ready during the last plenary but was not considered. We should call their attention to this paper and the one agreed upon last time and indicate in that covering note that we would continue to deal with other items on a parallel basis during the Plenary. But at least there should be something that would crystallize our work so far.

MR. EL-MASRI: If you allow me, I think there is no difference. I think Michael was saying that we should not expect that we have to report on the first day of the plenary, or that they are going to hold a meeting on the first day of their arrival. I don't think

they are going to work that way. And there is nothing to prevent us from working after the Ministers arrive. So we don't have a deadline for Wednesday.

MR. GABAY: But after our meeting tomorrow morning, I think at least until Thursday there will be no additional meeting of the Modalities group. And even if our time to report orally to the Plenary should come two or three days after the beginning, at least a document must be there for them when they come on Wednesday night or Thursday morning, so that they can know that the group on Modalities has achieved A, B, and C. This should be ready. And maybe you would be ready to prepare just a covering note indicating there were so many sessions and these are the papers prepared by the group.

MR. STERNBERG: I understand what you want to do, and I am in agreement with it. It's just a bit of a technical problem, and one of time, but we will see what we can do and what we can prepare.

MR. GABAY: Then if we are able by noon tomorrow to finalize the item on free elections and free political expression, we can include that in the report. If not we will continue consideration of this item later on.

MR. STERNBERG: Just to sort of get common agreement - if everyone agrees, I will do a cover note explaining how we proceeded with our work and have as annexes the two things: the joint non-paper on Article 3, and the free campaigning.

MR. GABAY: Yes, and if we conclude our work on free elections and political expression, this can be added.

MR. STERNBERG: Additionally, it is my understanding that whether we meet Wednesday or not, we will be meeting throughout this meeting of the Plenary and that we will be dealing with other issues and be reporting to them from time to time. Okay?

MR. GABAY: Yes, this is agreeable to us.

MR. EL-MASRI: Yes, of course.

MR. HAMMAN: I just want to make it clear that this paper we finalized last time was ready for submission to the Plenary as is. And what you propose[?] about including some of the other items to it is an addendum that is absolutely new. So this paper is not awaiting a new agreement. It has been agreed upon. Of course, you have the freedom to suggest other items.

MR. GABAY: Yes, we consider this document as agreed upon and complete as it is. I was just suggesting that our delegation would like to consider these two items, and if we agreed upon these items, they will be added. But as of this moment, we have two documents that are ready for submission. And if we are able to complete any additional work by tomorrow noon, this will also be added.

Now to come back to the document before us (Free Elections and Free Political Expression). I understand this is a draft non-paper. My first point is that it has been our custom so far, in order not to have two versions, to use the term the "areas". (Agreed to replace "West Bank and Gaza" by "the areas.")

Then the next point, we are dealing here with elections for the Self Governing Authority (Administrative Council), so we don't need to say that they are for persons or representatives, or anything.

MR. EL-MASRI: They have a representative character because they are going to sit on the committee that will decide the future. That is even in your favor.

MR. GABAY: The term "representatives" is not used in Camp David.

MR. EL-MASRI: It does say "representatives" in Camp David. That is what was agreed to there.

MR. GABAY: I am not objecting to it but I say that throughout our negotiations we have been using the term "elections for the SGA (AC)".

MR. STERNBERG: That is acceptable. I don't think it changes anything.

MR. GABAY: Do you have any suggestions subject to these two amendments?

MR. EL-MASRI: Only a point of clarification really. In our report to the plenary prepared here in Tel-Aviv, I think, in December in Annex A, where we grouped all the parts of the report in one paper, we have a reference to free elections. And we have an umbrella paragraph. I just want to know whether this is to replace that.

MR. GABAY: In fact, we discussed this. We agreed last time that the two paragraphs agreed upon in our original document will be reiterated in the final document. This was the agreement -- this does not supersede these two paragraphs but adds to them. I mean 2A and 2B.

MR. EL-MASRI: And before that, 1, free elections.

MR. GABAY: Yes, whatever you say refers also to 2B.

MR. STERNBERG: I am trying to understand what you are saying.

MR. GABAY: What we agreed last time was that the documents that we accept now comes as an addition to the previous report. They do not in any manner detract from the previous document. The previous document and our formulations there are still there. This is an additional text. I don't think we have to repeat it here, but maybe we should say in one of the references that this additional document on free electoral campaigning and free elections comes to add to the previous document marked Annex A and submitted to the Plenary. This was agreed last time.

MR. STERNBERG: Could you tell me how the language would then read roughly?

MR. GABAY: The language would be the same as suggested here. But maybe in that covering note that you are preparing we will have one more sentence saying that the papers submitted now are in addition to the document marked Annex A and submitted to the Plenary in the previous report.

MR. STERNBERG: You mean the language in this report, like the language in 2A and 2B, would be retained?

MR. GABAY: Including the language that Mr. Masri suggested be retained.

MR. EL-MASRI: No, I was just asking the question, whether we are going to have a formulation that combines the two languages or

whether this replaces the old language.

MR. STERNBERG: Frankly, I am confused by this. As an example, if we take Free Campaigning, 2B, you mean that language would start with "Freedom of electoral campaigning includes (reading) the right to organize....exhibit posters... as well as the underlying principles of Camp David framework", and then it would go on to say "... hold private meetings..."

MR. GABAY: This was the understanding last time, that we were going to repeat the original text as a heading and then continued with the text agreed upon at this meeting.

MR. EL-MASRI: Then there will be repetition on some points.

MR. GABAY: There might be but this is in more detail.

MR. EL-MASRI: Especially on free elections, where once you say in accordance with Camp David, and another time you say in accordance with Camp David and the joint letter.

MR. STERNBERG: Frankly, I am not aware that we had such an understanding. Therefore I am just a little surprised. I did indeed think that this language here required elaboration and that it was in fact a general statement, and then we would define it and it would be plugged in here, but it would not continue to include the original language here.

MR. GABAY: Of course, we can do it in one of two ways. Either to repeat it in the new document or by reference. But it was clearly agreed last time that the original document language included in Annex A is still in effect.

MR. STERNBERG: Let me make it clear. That means the final

document - and this is what I am interested in - would then have the language in let's say the original plus the language we agree on now.

MR. GABAY: That is one possibility.

MR. EL-MASRI: If this is referred to a legal committee to draft the final document, they'd have to go through all our reports and see the points of agreement that have been adopted and include it in the final paper. It is better that we do that.

MR. HAMMAN: We shouldn't much worry about the language that will accommodate the basic agreement we reach and the additions out of the elaborations we have initiated here, because the most important thing is that we found a need to elaborate on some issues, to make them applicable and practical. And here we do that. Finally to incorporate or amalgamate the two papers, the original and the new elaborations, is not a problem, because we can agree on that.

MR. GABAY: I said before that we have two alternatives. But especially now since you have unfortunately expressed some reservations about remembering what to my mind was a clear understanding, that we should either have a reference of the original language of Annex A, saying that the present language on any of the items before us is an addition to the language agreed upon in Annex A. This is one possibility which Mr. Hamman is suggesting now, in a way. Or to repeat the language of Annex A and have an amalgamated document already now. But in any case it was quite clear that the language of original Annex A was still in effect and not replaced by the new language.

MR. EL-MASRI: So let's postpone this problem until we reach the time to draft the final document.

MR. STERNBERG: I am afraid what it does is to make the exercise I have just gone through unnecessary. I don't understand what I am doing any longer. This was not my understanding. And it may be my fault. I must say looking at the thing, I have a problem. I can be totally candid with you. I see this as a principle. I have no problem with the language as such. I think part of it is first, redundant, and two, politically unwise, and can be handled differently. I did not realize that what I was writing was to be tacked on additionally to this.

MR. GABAY: This was quite clear.

MR. STERNBERG: Not to me.

This means the exercise we went through this morning is absolutely redundant and foolish. The whole problem this morning centered around how we deal with the phrase under political expression "underlying principles of Camp David." We went around and around about that whether it was politically wisest to handle the whole question of principles of the Camp David framework in this way. That is whether expression should be limited by political considerations or by considerations of law and order. My sense was that we had taken an approach which said that as a matter of principle, one doesn't limit expression on political considerations. What this does is to make that whole discussion completely redundant and besides the point.

MR. GABAY: I don't see the problem. As I said, we can either have a reference to the language of Annex A and an amalgamation achieved at a later stage, or repeat the language. And I say

frankly that now that you have raised a question about, I have no doubt that we have to do it.

MR. HAMMAN: Actually I didn't mean that whatever progress we reach regarding a certain point, elaborating on it and devising a better language is going to be dropped because it happens to jeopardize a previous thing we agreed upon. So I meant to drop what has been previously mentioned for the sake of incorporating what has been done in elaboration and in extension. Accordingly what we can agree on here will automatically and logically replace the one or two lines that we have incorporated in a previous document. If we take one item here like free elections and we find that this is an advance in position from the one we have taken before, then this will be the language, as long as we don't foresake anything that we have agreed upon in the previous paper. I don't find any conflict in putting the two papers together because we are going to drop what has been only been put in briefly for the sake of incorporating something in detail that we have agreed upon.

MR. GABAY: That is true but we said last time - and there are many items, any of which are of significance to any of the delegations here - that whatever we do now is an addition, and not in any way a replacement of the previous document. So, as I said, we either have a statement saying all these additional documents are additions to the previous document, or repeat the language. Or we go through the older text, which always comes first, and whatever we do here

is additional interpretation, elaboration, whatever we want to say in that phrase. And the same applies to the first paragraph mentioned by Mr. Masri, as to the paragraphs under Peaceful Assembly and Political Expression and Campaigning. And this was quite clear. And my understanding was that this should be repeated. But if not, at least we should have a sentence saying it by reference.

MR. STERNBERG: I am going to sum up this morning's meeting in a nutshell so that we can get down to the problem. The problem with the repetition of this is the question of limiting expression by including the underlying principles of the Camp David Framework. That is, there is no question of how the elections are held, there is no question of the applicability of the Camp David Framework. There is no question - this is what arose this morning - as to whether we should or for that matter whether we even have the right to tell a candidate - to put it in bold terms - whether he can get up and say: I tell you what I want, I am for a Palestinian state. I pointed out to you, Yehudith, that in the Camp David Framework, part of the understanding is that these representatives will be involved in negotiations with Israel, Jordan and Egypt on the final status of the West Bank and Gaza. The question is that they have the right in campaigning, it seems to me under political expression, to display what their positions will be in the negotiations, where they stand politically. They do not have a right to do a number of other things, but that is one thing they do have a right to do. The whole

thing is that when you say "underlying principles of the Camp David Framework", it's hopelessly vague, and the ambiguity itself leads to all sorts of abuses. Beyond which, that the underlying principles of Camp David, when it comes down to this specific problem, itself seems to be a kind of limitation even from call it an ideological point of view, which is something we should not impose on a candidate in terms of his expression. Going beyond that, the discussion was that clearly these elections are taking place within the Camp David Framework. Clearly the candidate is running for the Self-Governing Authority whose powers are stipulated, or will be stipulated where they are not defined, in consultation, negotiations with Israel. There is no attempt whatsoever not to do that. I felt that we could handle the problem of limitations on expression, because this is a very sensitive issue, by having a preambular portion which clearly indicates that these elections are being held for certain purposes and for the implementation of the Camp David accords. But that it would serve us very poorly, politically and ideologically, and in fact it could be argued that that in itself is not in consonance with the Camp David Framework to insist that expressions which do not accord with the underlying principles of the Camp David Framework - and that is questionable and very vague - is something that we should impose on candidates. That became the central problem. Other than that, we can repeat the rest of this without any problem. It was just the question of handling that phrase "underlying principles of the Camp David Framework."

MR. GABAY: I must admit the more you speak, the more doubts I have. Because as I say, we are not going to get into the argument about the term "underlying principles of the Camp David Framework." We have agreed on that, and we are not changing that agreement. You know, the example that a person says after five years there should be A, B and C - this may not be against the underlying principles of Camp David. But if he comes and says: I don't want the Camp David framework, but I want a Palestinian state right now, this is against the Camp David principles. This is the difference. And that is exactly the point. So we have agreed on this. We are not changing anything we have agreed on previously. And that is why both of us, Ambassador Razek and myself, repeated that, and that is why I supported the point made by Mr. Masri about the question of reaffirming freedom of elections in the first paragraph. Because this was drafted very carefully at the time.

MR. EL-MASRI: I was just seeking a clarification as to whether it supersedes or adds to it.

MR. GABAY: The agreement was that this adds to it.

MR. EL-MASRI: I am afraid we are repeating ourselves. That is why I raised it in the first place.

MR. GABAY: The problem was solved last time when we said that whatever is agreed upon throughout the further negotiations would be an addition and not a replacement of anything agreed upon. And I think Mr. Razek emphasized it more than I did, several times.

So as I said, if by repeating the text it would look cumbersome, we can do it by reference. But definitely it comes as an addition.

MR. HAMMAN: I don't see the problem, about some candidate who is bound to stand on this clear-cut platform, as a candidate for the SGA where he will be a representative and stand for the transitional period limited by the Camp David accords, and then the future of the whole territory will be discussed later with representatives of the Palestinians as agreed. I don't see this particular candidate assuming the emergence of a Palestinian state immediately, because this actually is against the principle he has accepted implicitly by standing on this platform.

MR. GABAY: Not necessarily. He can come and say, for instance, that he thinks the elections should be held and there will be a new assembly and following this election after six months, not five years, they should declare themselves as a Palestinian state. This is definitely against the principles of Camp David.

MR. EL-MASRI: But it is still within the law. He did not commit any--

MR. GABAY: That is why we said we'd have two criteria.

MR. EL-MASRI: It is not politically wise to have all these things here under political expression. Believe me, this is the area where we can make progress, the area where you can show the world that you have real free elections for the Palestinians, and this is the area where if we keep adding restrictions, this will bring the Palestinians far away from the elections. It does not serve our goal. We should have this in mind.

MR. GABAY: I would say two things. First, I repeat the understanding that the previous text is there and cannot be replaced unless there is an agreement to replace it, and to my mind there was no such agreement. Second, if we come to the issue at stake, I think we have agreed on the principles of Camp David, and this is the minimum that we can ask of candidates in these elections, to accept the principles of Camp David and not to act against them. So if a candidate comes and says: please elect me because my purpose in being elected is not to be a member of the SGA (AC) but rather to assist in undermining the Administrative Council and replace it within six months by a new government of a Palestinian state, this may not be against the law but it is definitely against the principles of Camp David, unlike the example given by Michael which is different. Because the Camp David Framework indicates arrangements after five years. It's a different situation.

MR. EL_MASRI: Once he is a candidate on this platform of the Camp David Accords, how can he speak against it?

MR. GABAY: That is exactly the point. But I think this is the minimum understanding. We have already discussed it thoroughly at the time and we carefully drafted these two paragraphs. Now are we going to open the issue? At the time we sat together and discussed each word here. It was agreed upon. We are not going to replace it now, but add to it.

MR. EL-MASRI: We have made a clarification of the problems we are facing and have put this item under points needing elaboration.

MR. GABAY: Yes, but not replacement.

MR. EL-MASRI: Yes, elaboration. If we have reached agreement on certain issues and want to elaborate on others, we should sit down and re-write them. We have reported the previous texts, they stand as reports. If we agree to rewrite or elaborate on Freedom of Elections or Free Expression, bearing in mind all your proposals -- as a matter of fact, all the additions were Israeli proposals, all the papers were Israeli papers, and we decided to elaborate on them after discussing your papers - now we should re-write these paragraphs.

MR. GABAY: We cannot because as I said, and I think it is even in the minutes, we had the list of items to be elaborated, and it was Ambassador Razek in the meeting who said twice that we are elaborate and add, and we are not going to replace anything that was agreed upon. So the text here is finalized, and as I said, we can either include it by reference or repeat it.

MR. EL-MASRI: There is a third possibility, that we add whatever we agree upon and then make a re-reading of the whole document to see whether it makes good reading. We agree ourselves that this document will need a third reading.

MR. GABAY: This could be, providing we have a sentence in the report clearly indicating now that these additional elaborations are an addition to the document submitted and agreed upon in Annex A. After this discussion this afternoon, I must insist on that. And

then if we want this third reading, if we have some more time and want to amalgamate all the documents, either we do it or other s will.

MR. EL-MASRI: It is better that we do this.

MR. GABAY: Maybe, but we must have a reference to the original document.

MR. HAMMAN: It looks as if we need to get closer to the core of the issue. We agreed to the principle that we are not changing the substance of what we agreed on before, and we are going to elaborate in terms of additions, as you said. It doesn't replace what we have agreed upon. But we may face a situation whereby we have agreed on something in the past and then agreed on something later and there could be some discrepancy between the two. Are we going to give preference to what we agreed on later, or do we give the same power of authenticity, although there are some discrepancies, to both?

MR. GABAY: When we reach the bridge of such an item, we will cross it.

MR. HAMMAN: That is why Mr. Masri suggested the need for a final reading whereby we marry the addendum to the previous text in a way that makes it harmonious. And we are the authors of both, nobody else interferes. If we do it or somebody will do, it we just feel the need to produce through a final reading something that stands as a unitary and integral core of our work, the whole of our work.

MR. GABAY: In principle, I agree with you entirely, but as I said, so far we have not reached that stage. And so far we should indicate that any work is in addition to the previous work, unless of course if in a specific case which we may meet later on, we say specifically that this is a replacement. But as long as we don't say specifically that this is a replacement of the previous text, for both delegations, the new text is in addition to the agreed text and not a replacement. And this will save a lot of discussion on many things. And this was the point made by Mr. Razek. Otherwise, after all this work for many months, we can open everything. So I suggest we satisfy ourselves by saying in the report that these additional documents are in addition to the document agreed upon in Annex A in all respects.

MR. EL-MASRI: I think the only way out is to send this problem to the Plenary.

MR. GABAY: Which problem?

MR. STERNBERG: Let's go ahead and work on that basis. We will at least, ad referendum, add this to what we have here, see how it reads and just continue on that basis, with the idea that there will be a third reading to look at the whole document in its entirety after we get through with all the elaborations.

MR. EL MASRI: And we should also bear in mind that at one point we should acquaint the Plenary with this problem that they may find two different draftings.

MR. GABAY: We will then in that covering page that these additional papers and work being done now is in addition to the text agreed on in Annex A.

MR. MASRI: I mean with some explanations as to why we, the Egyptian delegation, see there is a conflict between the two; although we have agreed to it as an addition, we have preferred it to be a replacement because we see a contradiction between the two formulations. When we come to it later we will present it to the Plenary.

MR. GABAY: I don't think this was the Egyptian position. Because it was emphasized by your delegation more than by us. This was the basis of understanding.

MR. MASRI: No. Mr. Razek was keen to preserve our previous agreements on certain issues, just as a general principle. But as you said now, that we could agree on certain issues to make a replacement.

MR. GABAY: I have another proposal to make. Maybe we can have another sentence, saying that the delegations foresee the need to amalgamate the original text with the additions at the final stage. So they will know there is a need for such amalgamation. Why see it now as a big question of argument? We have sufficient problems without that. We will say that the delegations realize that the next might need re-writing in order to amalgamate the original text with any additions.

(Mr. Masri and Mr. Sternberg both agree).

MR. STERNBERG: Let me suggestion on the non-paper before us that we just scratch number 1 (Free Elections) totally, because it is redundant.

MR. GABAY: Yes. Basically what we need now is the Free Political Expression.

MR. STERNBERG: We can then have this language for 2A, and can retitile 2B to read Free Electoral Campaigning and Peaceful Assembly.

MR. MASRI: And that will be the document of last time, of April 10.

MR. STERNBERG: Yes. I think it is less confusing this way, if we change the title.

MR. GABAY: The only thing is that in terms of logical sequence what we had before is Peaceful Assembly and Political Expression. The term "Peaceful Assembly" actually relates to both Campaigning and Political Expression. We originally had it under A, following the text of the Haifa terms of reference. So why don't we leave it only with the change we agreed upon, that it be Free Electoral Campaigning, not only Campaigning.

MR. MASRI: The problem is that you have separated Peaceful Assembly and Political Expression.

MR. GABAY: But logically, Peaceful Assembly comes under both. But since last time, following the Haifa terms of feference, we used Peaceful Assembly and Political Expression as one item, let's leave it that way.

MR. MASRI: I have a suggestion which might meet your concern but would require getting rid of all the sub-titles, and that is to make only one title: "Free Political Expression, Campaigning and Peaceful Assembly."

MR. GABAY: We cannot do this, because the text of the Haifa terms of reference was not our invention.

MR. MASRI: We can do it by asking the Plenary.

MR. GABAY: We are not going to waste our time in proposing it to them. The title of Item 2 cannot be changed unless the Plenary changes it. We drafted the items of A and B, and at the time we put Peaceful Assembly and Political Expression together because this was more or less the sequence the Plenary had. So I suggest we maintain that, and then call B Free Electoral Campaigning, which is not different in substance from Campaigning.

MR. MASRI: But the content of B also speaks of Peaceful Assembly.

MR. GABAY: I don't object to repeating Peaceful Assembly (in B), although it would not be logical.

MR. STERNBERG: This discussion is getting more and more scholastic; I think we have gone back six centuries in the discussion and are being terribly hidebound. You know the words can become supreme and begin governing us. Let's say in this respect we are not all lawyers. I am simply going to rest on the fact that the content speaks for itself. Logically if you want the titles to really match the contents, it should be Free Electoral Campaigning and Peaceful Assembly (in B), and A is a discussion of Free

Political Expression. The reason I am even speaking up now is that I think as a matter of principle, particularly with work we have done ourselves, when it seems to us it might be better to try to change a formulation, particularly when it is not substantive, we should do it. My own feeling is that it makes sense to have 2A as Free Political Expression, and 2B as Free Electoral Campaigning and Peaceful Assembly, because that is really the substance of the two paragraphs. You are absolutely right in saying that peaceful assembly is involved in electoral campaigning as it is in political expression, and frankly if we were doing it again, I think there should be only one paragraph, but I also agree we can't really change it to that extent. But I think we should alter it to reflect the work we have done. I think we should call it as I suggested, because that is what is in these particular sub-paragraphs, and if that causes anybody any problems, I am willing to re-draft it.

MR. MASRI: No problems.

MR. GABAY: I think we'd better leave the headings as they were. It would be more in line with the original division of items that we had.

MR. STERNBERG: I hate to get bogged down in this discussion. But the problem is that it doesn't make sense. You just look at the text and ask yourself what it says and describe it. It doesn't make sense to write it that way. If you want to write it that way because of some sort of ideological position, fine.

MR. HAMMAN: As long as we agree on the substance, the title should emanate from the substance.

MR. GABAY: I suggest we leave it as it is. The only thing we have suggested is on campaigning to say Free Electoral Campaigning, and A will be Peaceful Assembly and Political Expression.

MR. STERNBERG: I am not sure where I stand on this. This may seem like a silly debate, but on the otherhand, I think it is foolish for us to agree to titles that don't reflect the substance of what is being said.

MR. GABAY: I don't object if you want to say again Peaceful Assembly (in B). But peaceful assembly is an integral part of political expression, so whatever we agree on political expression relates also to peaceful assembly, in terms of substance, not in terms of organization. And that is why it must appear in the first item, but by the mere fact that you use the term Campaigning, it includes peaceful assembly. That is why I don't think it needs to be repeated, but I don't object to repeating it.

MR. STERNBERG: I will take issue with your logic; there is no sense to it. But I'll be glad to repeat Peaceful Assembly with Electoral Campaigning and write Peaceful Assembly and Free Political Expression.

MR. GABAY: In B, I think it is redundant to say Peaceful Assembly because Free Electoral Campaigning includes peaceful assembly.

MR. STERNBERG: Free electoral campaigning also includes political expression.

MR. GABAY: Not necessarily. It doesn't relate only to campaigning. In terms of the position of our colleagues, we felt

that we want to emphasize the freedom of political expression.

MR. STERNBERG: I frankly don't understand what this is all about.

MR. GABAY: I don't understand why you are insisting. We are suggesting to maintain the original text on A and on B to say Free Electoral Campaigning, and if you want to add it, although I think it's redundant, you can add Peaceful Assembly.

MR. STERNBERG: I will explain why I am insisting and I will tell you I am also willing to change. I insist because a certain reason grows out of what you say. It doesn't grow out of the air and you pluck it down. You just read the text and see what grows out of the text. If we are going to get to a point where everything on this paper is sacred holy writ, we will be in trouble. That is why I am insisting that we also take a creative attitude and not one which is totally scholastic and rigid. We have written two things. I have already acceded to the point that we will have two texts and at some future date we will look at them to see if they are to be amalgamated or not. But let's at least reflect the work we are doing in a way which is expressive of what we are doing. The thing we have written on 2B, if you look at it, deals with peaceful assembly and logically when you read this, it should be Free Electoral Campaigning and Peaceful Assembly. If you pick up a newspaper and it says "Man rapes woman", you don't expect to see an article about a rat.

MR. GABAY: That is why I don't object to adding Peaceful Assembly to B, but I see no reason to change A, and that's it.

Why waste our time on arguments?

MR. HAMMAN: Mike has a really valid point, and I guess we all adhere to it.

MR. GABAY: We can argue this point as much as we want. There is logic in all positions.

MR. HAMMAN: No. Logic is not that flexible. It is exactly what he suggests and we suggest as well, that the title is not a sacrosanct thing. It only emanates from the substance we create in a certain paragraph. Then we title it the way we see it to be just suitable and consistent with logic. In the way we suggest it to be, Free Electoral Campaigning and Peaceful Assembly, it is only what is in there.

MR. GABAY: I don't object to that, if you want to put Peaceful Assembly in B. But as long as there is no specific need to change a title that we have agreed upon, I don't want to change it.

MR. HAMMAN: Are we just going to stick to titles when we discuss the substance and agree on it?

MR. GABAY: If there is a need to change, we will do so, but here there is no need.

MR. HAMMAN: That is the right answer. If we will feel the need to change, we will.

MR. GABAY: But here we don't feel the need. Both Peaceful Assembly and Political Expression are here, and there's no need to change it. On Campaigning, we have agreed on Free Electoral Campaigning, and if you want to put in Peaceful Assembly again, I think it's redundant, but you can do so. I think we will continue our meeting tomorrow.

MR. TAMIR: Ezer's statement contained much of what I wanted to say. I told Herb Hansell that it is easy for a lawyer to be easy-going. When the Israeli public heard last night of the statement of Gen. Aly what was achieved was a national unanimous consensus: If this is the autonomy, don't waste your time. Israelis differ somewhat on settlements. . .

MR. WEIZMAN: More than somewhat.

MR. TAMIR: But on one thing there is unanimity. Like yesterday's vote on Hebron.

DR. BURG: 110 out of 120.

MR. TAMIR: I hinted to you yesterday that from your point of view it was wrong to put it the way you put it. On external and internal security, we are united. Every Israeli mother is an expert on internal security. She guards the school several times a month. Every Israeli belongs to the Home Guard and considers himself an expert. They will not let anyone else decide for them on security. We want an agreement. There is no government or coalition or party which will go along with it. I suggest that you re-consider it totally.

When Sadat came to the Knesset, I adored his speech. I didn't agree completely though. It was a masterpiece. He said: when it comes to security, we have full recognition of your needs. Our position would have been more difficult if the Egyptian delegation had gone along with this approach. Don't make it difficult for those who want to say yes. Make it difficult for those who want to say no.

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administration of justice, and local affairs including police;

- (2) Payment for the financing of development of economic activities under the responsibility of the SGA (AC) such as agriculture, industry, tourism.

b) Vertical Cooperation

Agriculture, industry, tourism and services are in principle autonomous affairs. Nevertheless, in order to take advantage of economies of scale and in order to avoid duplication of effort, developmental endeavor should be subject to cooperation.

c) Horizontal Integration

Israel, Judea, Samaria and the Gaza District should avoid barriers hampering the flow of commodities, services, labor services and capital investments. Considering the "rest of the world", the entire area will be governed by a unified system of custom duties, and export and import regime. Also indirect taxes will be unified.

Israel, Judea, Samaria and the Gaza District will constitute one monetary unit, including foreign exchange, and have a common banking system as well as common finance institutions.

מדינת ישראל

משרד המשפטים

הסנהל הכללי

ירושלים, יד' באייר תשי"ח
30 באפריל 1950

אל: ועדת השרים לאוטונומיה

מאת: מאיר גבאי, מרכז הצוות הישראלי בוועדה למתכונת הבחירות

הנדון: דו"ח הוועדה למתכונת הבחירות

להלן דו"ח על דיוני הוועדה למתכונת הבחירות:

א. נושאים להשלמה - תעמולת הבחירות וחופש ההבעה הפוליטית

במסגרת ההשלמה לנושא "תעמולת הבחירות", סכמה הוועדה מסמך ממצה, המצורף כנספח א' לדו"ח זה. המסמך כולל בעיקרו את הכללים בדבר עקרון חופש ההתכנסות, חובת רישוי לכנס בו משתתפים למעלה מחמישים משתתפים, ושמירה על הסדר הציבורי במסגרת מעולת הבחירות. כמו כן, נקבעו במסמך כללים בדבר הפצת חומר מודפס, מניעת שימוש בכספי מוסדות ציבור, ושימוש בלעדי באותות ציון שייקבעו למועמדים. מועמדים אשר יפרו את ההוראות שנקבעו, מועמדותם עלולה להיפסל ע"י ועדת הבחירות המרכזית.

הוועדה לא הצליחה לסכם מסמך משלים אחר בדבר חופש ההבעה הפוליטית והמגבלות להבעה זו. כזכור, המסמך המקורי של הוועדה מגביל את חופש ההבעה הפוליטית במסגרת החובה לשמור על החוק והסדר הציבורי וכללי הסכם קמפ דייויד. המצרים הסכימו להשלים את הכללים האמורים במסמך אשר יוסיף מגבלות רק לענין מניעת תעמולה שיש בה כדי להסית לאלימות, שנאה בין-דתית או לוחמה בין-קהילתים, או שיש בה משום הוצאות דיבה. משלחתנו ביקשה להדגיש שניתן כי זכות חופש ההבעה כפופה להסכם האוטונומיה, הסכם קמפ דייויד, ולאיסור על תעמולה חתרנית (Subversive activities). מכיוון, שהמצרים לא הסכימו לנוסח זה, המופיע כנספח ב' לדו"ח זה, לא הגיעה הוועדה לידי סיכום משלים בנושא.



ב. הרכב ועדת הבחירות המרכזית

הועדה קיימה דיון ראשוני בהרכב ועדת הבחירות המרכזית. טענת האמריקאים והמצרים היא שנוסת לונדון אשר הוסכם ע"י ראשי המשלחות משמעו כי בוועדה תהיינה שלוש קבוצות: אזרחים ישראלים, ערבים פלשתינאים מקומיים כפי שיוסכמו, וגורמים אחרים (אישים ומוסדות) כפי שיוסכמו. לטענתם הקבוצה השלישית יכולה לכלול גם גורמים ואישים בינלאומיים. הצוות הישראלי זחה עמדה זו בטענה שיש לפרש את סיכום לונדון כמתייחס לשתי קבוצות בלבד: הישראלית מצד אחד, והערבית הפלשתינאית ומקומיים אחרים מצד שני. לאור חילוקי הדעות הבסיסיים, לא מצא הצוות הישראלי למועיל להמשיך בדיון זה לפני שיתקיים בירור בנושא בוועדת השרים.

ג. דו"ח למליאה

הועדה הגישה בהסכמה למליאה את הדו"ח הלוטה בנספח ג'. דו"ח זה כולל, פרט למסמך המשלים הנ"ל לענין תעמולת הבחירות, גם את מסמך האופציות בענין יחסי הגומלין שבין הנושאים: שיטת הבחירות, חלוקה לאזורי בחירה ומספר הנבחרים למועצה המינהלית. סיכום האופציות בסעיף האחרון למסמך (סעיף 4), עשוי לסייע בליבון הבעיות והשגת הסכמה.

סיכום:

במחכונת עבודה הועדה עד כה הושג נדבך נוסף למסמך המפורט שכבר טוכס על ידה בישיבותיה הקודמות. הועדה עומדת עתה בפני הכרעה בנושא של הרכב ועדת הבחירות המרכזית, שהוא בעל משמעות מעשית רבה. נושא זה מחייב ליבון והכרעה בוועדת השרים לפני שהצוות בוועדת העבודה יוכל להמשיך בדיוניו. ביתר הנושאים, יוכל הצוות להמשיך בהליכי השלמת הנושאים שנדונו עד כה.

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ANNEX A

Ad Referendum

2.B. Free Electoral Campaigning and Peaceful Assembly

Candidates for the elections shall be free to hold private meetings with voters at any time and place they choose, so long as the number of individuals attending such a gathering does not exceed fifty (50) and the other conditions enumerated below are met. Public meetings at which more than fifty individuals are present shall require a permit issued by the local police authorities. Such a permit shall be issued within three days, unless it is demonstrated that the assembly presents a clear and imminent threat to public order. Should a permit be denied, a candidate will have the right of appeal to the Central Electoral Commission, whose decision shall be final. Equal access to public facilities shall be guaranteed to all candidates.

In addition to public and private meetings, candidates shall be permitted to circulate printed material, exhibit posters and otherwise publicize their candidacy, so long as they do so in a manner which does not endanger public order. Any allegation concerning possible abuse of public order shall be referred to the local courts for adjudication.

During the campaign, candidates may not make use of any funds or material belonging to public institutions. Candidates may use, in their campaigns, only their authorized symbols and may disseminate their photographs to potential voters.

Candidates violating the above provisions may be disqualified from the election by the Central Electoral Commission, whose decision shall be final.

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2. Conduct and Limitations of Campaigning, of Political Expression and of Elections - Additional Provisions.

2.A. Peaceful Assembly and Political Expression

In accordance with the affirmed aim of holding free elections, candidates for election to the Self-Governing Authority (Administrative Council) will have the right to peaceful assembly and free political expression. Such right will be unlimited but shall be exercised in accordance with the provisions of this agreement, the Camp David Framework as well as the need to preserve law and order. A candidate may express himself freely on all issues, but such expression may not advocate or incite violence, subversive activities, inter-religious hatred and inter-communal strife or be of a slanderous or willfully false nature.

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Working Group to Consider Further, on the Basis
of the Terms of Reference Agreed to at Haifa on
August 7, Modalities for Elections and Other
Related Issues Provided for in the Camp David
Framework and the Joint Letter

Report for Consideration by the Plenary

This is a report on progress achieved in the Election Modalities Working Group in the four sessions (February 12-15 and 17-21 and April 9-10 and 27-29) since its last report to the Plenary in January. All delegations attended the meetings.

The Working Group agreed on April 29 to present to the Plenary two papers which it had written since January addressing, respectively, the question of "Free Electoral Campaigning" and an options paper dealing with the critical Article 3 issues of Constituencies, Number of Individuals to Be Elected to the Self-Governing Authority (Administrative Council) and Systems of Election. These papers are attached to this report at Annex A and B, respectively.

The Working Group also agreed that it would treat any amplifying language agreed to in its second reading of its completed draft report -- such as on Electoral Campaigning -- as additional to existing language. This agreement, however, was subject to the proviso that the Working Group would hold a third reading to amalgamate and reconcile the texts, where necessary.

The Working Group is currently working on the question of "Peaceful Assembly and Free Expression," Article 2A, which will still require further elaboration. It has also agreed to address the important question of the structure and composition of the Central Electoral Commission during this Plenary session.

Recommendation

That the Plenary adopt the text of "Free Electoral Campaigning and Peaceful Assembly" at Annex A.

That it consider the paper at Annex B and direct the Working Group on how to proceed in addressing the Article 3 questions.

ANNEX A

Ad Referendum

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OPTIONS PAPER FOR ARTICLE 3

For Plenary Review:

No agreement at the Working Group level has been possible on the following questions constituting Article 3 of the Election Modalities paper:

- Constituencies
- Number of Individuals to Be Elected to the Self-Governing Authority (Administrative Council)
- Systems of Elections

After lengthy discussions of these issues, the Working Group considers their resolution to be beyond its competence. Therefore, it has agreed, in accordance with the directive of the January 31 Plenary, to draft a joint referendum paper for consideration by the individual delegations in consultation with their respective governments.

I. The Problem

The parties hold widely differing positions -- mandated at the highest levels -- on the question of constituencies and the number of individuals to be elected to the Self-Governing Authority (Administrative Council). Systems of elections is not an issue which in and of itself lies beyond the competence of the Working Group. However, due to the differing positions of the parties, it would appear now that the resolution of the question of systems of elections depends on agreement on one or possibly both of the two major issues noted above.

II. Positions of the Parties

A. Israel

General: The three component parts of Article 3 -- described above -- should be addressed and resolved independently of one another.

Constituencies:

1. Israel and Egypt agree that representation shall be apportioned with due regard to population and municipal boundaries.

2. Israel proposes that a list of municipalities, villages and other localities will be compiled and agreed upon, on the basis of which a list of constituencies will be drawn up and agreed upon.

Number of Individuals to Be Elected: Israel has proposed 11.

Systems of Elections: Israel favors a single-member district system.

B. Egypt

General: The three issues constituting Article 3 -- Constituencies, Number to Be Elected and Systems of Elections -- are an integral whole. Decisions cannot be taken independently on one of the three issues without reference to the others.

Constituencies: Egypt proposes that the electoral zones (constituencies) which existed under the Egyptian and Jordanian administrations, respectively, be retained.

Number of Individuals to Be Elected: Egypt has proposed 80 - 100.

Systems of Elections: The system of election agreed to must be matched to the number of individuals to be elected.

III. Analysis

1. The adoption of a particular proposal on constituencies involves questions for the parties of the highest political sensitivities. Therefore, it appears that this issue would have to be considered at the appropriate political level.

2. The question of number of individuals to be elected to the Self-Governing Authority (Administrative Council) has been seen by the parties as related to the powers of the elected body. However, size in and of itself has not and cannot determine the powers of the elected body, which is the subject of discussions in the Working Group on Powers and Responsibilities.

3. The question of number, however, has particular symbolic significance. The Egyptian Delegation recalled that the West Bank returned thirty members to the Jordanian Parliament before 1967. It therefore feels that representation from the West Bank which falls short of pre-1967 standards will be a disincentive to Palestinian participation in the elected body. The Israeli position is that the number of individuals to be elected to the Self-Governing Authority (Administrative Council) by the inhabitants in the areas concerned should not necessarily be related to any previous elections which took place in those areas.

4. It seems that a simple majority system would offer the areas concerned -- given their cultural and demographic character -- a more representative system, with greater political stability. However, Egypt feels that a single-member district system, decided upon without reference to the number of individuals to be elected will seriously limit the number of individuals which can be elected. Therefore, it believes that in the case of a small number to be elected the question of the system of proportional representation would have to be reconsidered.

IV. Options for Resolution

Given the foregoing analysis, a compromise resolution along the following lines may be available:

1. Systems of Election and Number of Members to Be Elected be considered integrally.
2. The question of whether to adopt a specific system of delimiting constituencies be considered at the appropriate political level.
3. The question of Number to Be Elected be divorced from the issue of powers of the elected body, until this matter is resolved.
4. Subject to agreement on the Number of Individuals to Be Elected, the system of election be narrowed to a majority system, either single-member district or multi-member district.

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September 17, 1978

A FRAMEWORK FOR PEACE
IN THE MIDDLE EAST
AGREED AT CAMP DAVID

Muhammad Anwar al-Sadat, President of the Arab Republic of Egypt, and Menachem Begin, Prime Minister of Israel, met with Jimmy Carter, President of the United States of America, at Camp David from September 5 to September 17, 1978, and have agreed on the following framework for peace in the Middle East. They invite other parties to the Arab-Israeli conflict to adhere to it.

Preamble

The search for peace in the Middle East must be guided by the following:

- The agreed basis for a peaceful settlement of the conflict between Israel and its neighbors is United Nations Security Council Resolution 242, in all its parts.*
- After four wars during thirty years, despite intensive human efforts, the Middle East, which is the cradle of civilization and the birthplace of three great religions, does not yet enjoy the blessings of peace. The people of the Middle East yearn for peace so that the vast human and natural resources of the region can be turned to the pursuits of peace and so that this area can become a model for coexistence and cooperation among nations.

* The texts of Resolutions 242 and 338 are annexed to this document.

- The historic initiative of President Sadat in visiting Jerusalem and the reception accorded to him by the Parliament, government and people of Israel, and the reciprocal visit of Prime Minister Begin to Ismailia, the peace proposals made by both leaders, as well as the warm reception of these missions by the peoples of both countries, have created an unprecedented opportunity for peace which must not be lost if this generation and future generations are to be spared the tragedies of war.
- The provisions of the Charter of the United Nations and the other accepted norms of international law and legitimacy now provide accepted standards for the conduct of relations among all states.
- To achieve a relationship of peace, in the spirit of Article 2 of the United Nations Charter, future negotiations between Israel and any neighbor prepared to negotiate peace and security with it, are necessary for the purpose of carrying out all the provisions and principles of Resolutions 242 and 338.
- Peace requires respect for the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force. Progress toward that goal can accelerate movement toward a new era of reconciliation in the Middle East marked by cooperation in promoting economic development, in maintaining stability, and in assuring security.
- Security is enhanced by a relationship of peace and by cooperation between nations which enjoy normal relations. In addition, under the terms of peace treaties, the parties can, on the basis of reciprocity, agree to special security arrangements such as demilitarized zones, limited armaments areas, early warning stations, the presence of international forces, liaison,

agreed measures for monitoring, and other arrangements that they agree are useful.

Framework

Taking these factors into account, the parties are determined to reach a just, comprehensive, and durable settlement of the Middle East conflict through the conclusion of peace treaties based on Security Council Resolutions 242 and 338 in all their parts. Their purpose is to achieve peace and good neighborly relations. They recognize that, for peace to endure, it must involve all those who have been most deeply affected by the conflict. They therefore agree that this framework as appropriate is intended by them to constitute a basis for peace not only between Egypt and Israel, but also between Israel and each of its other neighbors which is prepared to negotiate peace with Israel on this basis. With that objective in mind, they have agreed to proceed as follows:

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

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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.

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(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 agreement 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 own 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.

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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.

B. Egypt-Israel

1. Egypt and Israel undertake not to resort to the threat or the use of force to settle disputes. Any disputes shall be settled by peaceful means in accordance with the provisions of Article 33 of the Charter of the United Nations.

2. In order to achieve peace between them, the parties agree to negotiate in good faith with a goal of concluding within three months from the signing of this Framework a peace treaty between them, while inviting the other parties to the conflict to proceed simultaneously to negotiate and conclude similar peace treaties with a view to achieving a comprehensive peace in the area. The Framework for the Conclusion of a Peace Treaty between Egypt and Israel will govern the peace negotiations between them. The parties will agree on the modalities and the timetable for the implementation of their obligations under the treaty.

C. Associated Principles

1. Egypt and Israel state that the principles and provisions described below should apply to peace treaties between Israel and each of its neighbors-- Egypt, Jordan, Syria and Lebanon.

2. Signatories shall establish among themselves relationships normal to states at peace with one another. To this end, they should undertake to abide by all the provisions of the Charter of the United Nations. Steps to be taken in this respect include:

- (a) full recognition;
- (b) abolishing economic boycotts;
- (c) guaranteeing that under their jurisdiction the citizens of the other parties shall enjoy the protection of the due process of law.

3. Signatories should explore possibilities for economic development in the context of final peace treaties, with the objective of contributing to the atmosphere of peace, cooperation and friendship which is their common goal.

4. Claims Commissions may be established for the mutual settlement of all financial claims.

5. The United States shall be invited to participate in the talks on matters related to the modalities of the implementation of the agreements and working out the timetable for the carrying out of the obligations of the parties.

6. The United Nations Security Council shall be requested to endorse the peace treaties and ensure that their provisions shall not be violated. The permanent members of the Security Council shall be requested to underwrite the peace treaties and ensure respect for their provisions. They shall also be requested to conform their policies and actions with the undertakings contained in this Framework.

For the Government of the
Arab Republic of Egypt:

For the Government
of Israel:

Witnessed by:

Jimmy Carter, President
of the United States of America

TEXT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 242
OF NOVEMBER 22, 1967

Adopted unanimously at the 1382nd meeting

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. Affirms further the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. Requests the Secretary-General to designate a Special

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Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles of this resolution.

4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

TEXT OF UNITED NATIONS SECURITY COUNCIL

RESOLUTION 338

Adopted by the Security Council at its 1747th meeting,
on 21/22 October 1973

The Security Council

1. Calls upon all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;

2. Calls upon the parties concerned to start immediately after the cease-fire the implementation of Security Council Resolution 242 (1967) in all of its parts;

3. Decides that, immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.