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# מדינת ישראל

משרדי הממשלה

5147/11

משרד המשפטים  
רשמי

מס' תיק

לשם מנהל משרד המשפטים  
בן אהרון - רוני וצבי  
וסכחים לאוטונומיה  
15.1.15 - 29.11.20

מס' תיק משפטי

מחלקה



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- סודי -

כב' בכסלו תשנ"ב  
29 בנובמבר 1991  
סימוכין: 8-049-2

נדב ענר

עמדות ארה"ב במו"מ - האוטונומיה ודמותה  
1979-1982

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י"ז בכסלו תשנ"ב

24 בנובמבר 1991

סימולין 8-037-2

עמדות ארה"ב במו"מ - האוטונומיה ודמותה

1979-1982

א. מעמד ארה"ב והתנהגותה במו"מ

בחדשים הראשונים של המו"מ על האוטונומיה ניסו האמריקנים לבחון את מרחב התימרון שלהם במו"מ וזאת ע"י שילוב של שלוש דרכים: (1) קביעת המעמד של ארה"ב בשיחות; (2) ציון עמדות אמריקניות במו"מ; ו- (3) פעילות מחוץ למו"מ.

1. מעמד ארה"ב במו"מ

בישיבת האוטונומיה שנערכה ב- 11.6.79 באלכסנדריה הציעה ישראל נייר שכלל כללי נוהל למו"מ, בנייר צויין כי הצדדים למו"מ הם מצרים וישראל וארה"ב תשתתף בו כמשקיפה (observer). בוטרס גאלי טען כי ארה"ב היא full partner וכי היא חייבת להשתתף לא רק במו"מ אלא גם בביצוע. מעמדה זהה לזה של ישראל ומצרים. בעוד המשלחת האמריקנית פונה למחמ"ד לקבל הנחיות הצהיר השר בורג ב- 14.6.79 כלהלן:

At the recent Alexandria meeting the Egyptian delegation raised the question of the role to be played by the U.S. delegation in the now-proceeding Egyptian - Israeli negotiations.

The opinion of the Government of Israel, as already stated by its representatives in Alexandria, is as follows:

Egypt and Israel undertook commitments in the Camp David Agreement and in the Joint Letter by President Sadat and Prime Minister Begin addressed to President Carter. These commitments should be scrupulously carried out by both parties. In the Camp David Agreement it is stipulated: "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."

In the aforementioned letter dated March 26 1979 it is stated: "This letter also confirms our understanding that the U.S. Government will participate fully in all stages of negotiations."

And when an agreement is reached between the two parties, the representative of the United States will sign it as a witness in accordance with the established precedents.



תגובתה של ארה"ב באה ב- 16.6.79 בצורת מסר ממזכיר המדינה, ואנס, לרה"מ בגין  
באמצעות שגריר ארה"ב:

I have now received from Secretary Vance the response to your government's inquiry about how the United States sees its own role in the negotiations now under way between Egypt and Israel. The text of this response follows:

"The position of the United States with respect to the West Bank/Gaza negotiations is based on the framework for peace in the Middle East and on the Joint letter of March 26, 1979, addressed by President Sadat and Prime Minister Begin to President Carter. While as sovereign powers Egypt and Israel obviously have the right to reach agreements without U.S. assistance, the understanding of President Sadat and Prime Minister Begin "that the United States Government will participate fully in all stages of negotiations. We consider this to mean that the parties wish the United States to be a "full partner" in the negotiations with Egypt and Israel. As President Carter said on April 24 when he announced his appointment of Ambassador Robert Strauss to serve as Ambassador at Large for the United States' Participation in these negotiations, "I have personally promised President Sadat and Prime Minister Begin that the United States will contribute our good offices to see that those negotiations are as successful as those which resulted in the treaty which was signed between Israel and Egypt last month." Our purpose is to help the parties specified in the framework reach agreement on a transitional regime for the West Bank and Gaza. As in the past, we will welcome any progress toward this goal that can be made by the parties. We are prepared, as we have been asked to do, to play the same kind of role that we have played in the negotiations which led to the two frameworks and the Egypt-Israel Peace Treaty. Should the parties agree among themselves to invite the United States to sign an agreement in any capacity, the United States would respond in accordance with its constitutional procedures after studying the nature of the request and of the agreement. President Carter's instructions to Ambassador Strauss are in keeping with the above position."

השר בורג הגיב ב- 18.6.79 במכתב שבו התייחס גם למספר נושאים מהותיים העולים  
מניסוחי ואנס:

Thank you for your letter dated June 16, 1979, delivered by ambassador Samuel Lewis to the prime Minister, the Foreign minister and myself in my capacity as chairman as the Israel delegation to the Negotiation on the arrangements for providing Autonomy to the Arab inhabitants of Judea, Samaria and the Gaza District.

In general terms, this reflects the statement I presented to Ambassador Lewis on June 14, 1979 which was transmitted to you.

However, there are some passages or expressions in your letter to which the Government of Israel cannot agree because they are inconsistent with the text of the Camp David Agreement.

- A) In the first sentence you refer to the "West Bank/Gaza negotiations." No such term is to be found in the Camp David Agreement which stipulates clearly that the subject to be negotiated is providing full autonomy to the inhabitants of the areas concerned (in Israel's terminology: Judea, Samaria and the Gaza District).
- B) In both documents mentioned above we quote literally the last sentence of the joint letter addressed by President A. Sadat and Prime Minister M. Begin to President Jimmy Carter; certainly the noun derived from the verb "to participate" is "participant".
- C) On page 2 you write "Our purpose is to help the parties specified in the Framework reach agreement on a transitional regime on the West Bank and Gaza."

Again, it is my duty to stress that the words "transitional regime" do not appear at all in the Camp David Agreement. That international document signed by President A. Sadat and Prime Minister M. Begin and by President Jimmy Carter as a witness thereto stipulates:

"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."

I hope, Mr. Secretary, that we are all agreed that the Language of Camp David should not be altered.

האמריקנים הגיבו במסר בע"פ כלהלן:

Oral message from Sect. Vance to Dr. Burg - 24.6.79, 20.50 PM

I appreciate receiving your letter containing comments on our statement which sets forth our position with respect to the U.S. role in the negotiations, and take note of it. I hope that this matter will now be put behind us and that we can concentrate our full energies on organizing a work program for the negotiations.

ב- 26.6.79 דיווח בורג למוסטפה חליל על התפתחות זו והודיע כי ישראל "accepted the general outline of the U.S.G." וכי הנושא נסגר עם הודעתו בע"פ של ואנס.

2. עמדות ארה"ב בתחילת המו"מ  
בפתיחת המו"מ בבאר-שבע, 25.5.79, קבע למעשה ואנס את הפרמטרים של ההתייחסות  
האמריקנית לאוטונומיה. להלן קטעים מדבריו:



"We have come to the issues which will shape the destiny of the Lands and Peoples of the West Bank and Gaza, and of Palestinians beyond those areas who identify with the people there, while assuring peace, acceptance, and security to Israel...

"The only realistic approach, therefore, is to establish a transitional period during which the decisions that need to be made can be dealt with in a measured and logical way"....

"In the U.S. we believe deeply in the proposition that governments derive their just powers from the consent of the governed". We believe that the Palestinian people must have the right for themselves and their descendants to live with dignity and freedom and with the opportunity for economic fulfillment and political expression....

ראוי לציין כי בשיחה עם שגריר ישראל ב-4.8.79 אמר ואנס כי "אין הוא חותר להרחיב את מסגרת סמכויות האוטונומיה מעבר למה שסוכם בקמפ-דיויד, אבל הוא חושש שצמצום המסגרת והפיכתה ל-Mini-Autonomy תפוצץ את השיחות".

במקביל לכך פעל השגריר האמריקני לשיחות, גיימס ליאונרד, כגורם עצמאי. הוא הגיש נייר בנושא הבחירות לפיו יהיה צורך בפיקוח בינ"ל עליהן, כן הגדיר כלגיטימיות את הצעות מצרים כי: (1) ערביי ירושלים ישתתפו בבחירות למועצה המינהלית; (2) כי המועצה המינהלית תהיה גם תחיקתית ושיפוטית; (3) וכי הפלסטינים הנמצאים בחו"ל יוכלו להשתתף בבחירות.

התגובה הישראלית לדברים אלה היתה חריפה, כולל פניה לנשיא, שדעתו לא היתה נוחה מהתנהגות נציגו בשיחות.

כתוצאה מכך לא נקטו האמריקנים, בהמשך השיחות, עמדות משל עצמם אלא ניסו לגשר בין העמדות הישראליות למצריות, אולם מצורת הגישור ניתן למעשה ללמוד על עמדותיה של ארה"ב.

### 3. נסיונות לקבוע עמדות מחוץ למו"מ.

במקביל למו"מ התנהלה מערכה אמריקנית כנגד ההתנחלויות ביו"ש ועזה וכן במטרה לשנות את 242 ולהוסיף לה מימד פלסטיני. גם נסיונות אלה נתקלו בתגובה חריפה של ישראל ונזנחו.

### ב. המאבק על סדר היום

ביוני 1979 החל דיון ברשימות נושאים לסדר היום.

ישראל הגישה מסמך שהכיל:

A. Powers - general provisions:

הרשימה כללה נושאים כגון: התקנת תקנות; קביעת תקציב; מיסוי וכו'

B. The Powers and responsibilities of the Council in the Spheres of:



כאן באה רשימה של 14 תחומים כגון: חינוך, תרבות, כספים וכו'.

C. Composition and structure of the council:

כאן באה רשימה שכללה: מספר החברים, היו"ר; סדרי הפעולה; חלוקת המועצה; מקום מושבה.

מצרים הגישה מסמך נגדי שכלל את הנושאים הבאים:

- I status: (1) Transitional (2) אוטונומיה מלאה.
- II Scope: (1) דמוגרפי (2) גיאוגרפי (3) משך הזמן.
- III Mandate: (1) החלפת המימשל הצבאי והמינהל האזרחי; (2) רשות המימשל העצמי (3) השתתפות במו"מ.
- IV Spheres: 1. Legislative: (1) חוקים ותקנות; (2) מדיניות ופיקוח.  
2. Executive: ביניהן אדמיניסטרציה; בטחון פנים, סדר ציבורי ומשטרה; אוצרות טבע ורכוש הציבור; זכויות אדם וחרות בסיסית ועוד.

V Structure: 1. מקום המושב 2. Organs (1) Council (2) assembly Compositions (3)

VI Other related issues: 1. נסיגה ופריסה מחדש 2. ענייני בטחון של כל הצדדים.

האמריקנים הגישו מסמך גישור שהתבסס על מבנה המסמך הישראלי אליו נוספו האלמנטים הבאים:

- 1. נוסף סעיף ראשון ללא פירוט שנקרא - A. general considerations
- 2. לסעיף השני שנקרא עתה - B. general powers

נוספו הסעיפים הבאים:

Promulgation and enforcement of laws and regulations (1)  
Policy formulations and supervision (2)

שאר הסעיפים זהים למסמך הישראלי אך הוסף סעיף אחרון שנקרא - others.

- 3. לסעיף B הישראלי שנקרא מעתה C. Spheres בלבד נוספו הסעיפים הבאים:
  - 15. public utilities
  - 16. public domain and natural resources
  - 17. other matters

- 4. לסעיף C הישראלי נוספו או שונו הסעיפים הבאים:
  - 4. Organization of the council
  - 6. Other aspects

למרות שישראל היתה מוכנה לקבל את המסמך האמריקני בשינויים מסוימים (למשל לחוק את המילה laws, לא הושגה הסכמה על סדר היום בעיקר מכיון שהמצרים עמדו על הצורך לדון בסמכויות חקיקה של המועצה.

בנוסף לכך ביקשה מצרים בספטמבר כי ישראל תמסור לה רשימת סמכויות של המימשל הצבאי. כן הציעה מצרים כי יתקיים דיון מפורט בכל תחום בו יהיו למינהל העצמי

סמכויות, מבלי לדון תחילה בעקרונות הכלליים.

ארה"ב תמכה בהצעה זו ואף הציעה את הנוסח דלהלן (12.9.79):

IV. Yet another alternative approach is to discuss, one by one, each of the general areas of responsibility, for example, economic affairs, social affairs, and others as may be agreed. By isolating in this way, and examining in detail, the many concrete functions which will have to be performed in these specific circumstances, it may be possible for the parties to agree on those arrangements most likely to accomplish the common objective of providing a better life for the inhabitants.

זו היא אך דוגמא אחת לדרך בה ניסתה ארה"ב לנווט את השיחות.

דרכים אחרות היו בהצעות להקמת ועדות מישנה - העיקריות ביניהן שהוקמו היו הועדות לבחירות ול-Powers and Responsibilities ומאוחר יותר הוקמה ועדה משפטית וועדה כלכלית. כן היתה ארה"ב מעורבת בניסוח של ההודעות הפומביות המוסכמות ובניסוח הדיווחים של ועדות המשנה למליאה.

#### ג. חלוקת סמכויות ומודלים לאוטונומיה

עם כניסתו של לינוביץ לתפקידו כנציג הנשיא לשיחות האוטונומיה (דצמבר 1979) קיבלו השיחות מפנה.

1. התחילה להתגבש חלוקה אפקית של סמכויות שנוסחה ע"י ארה"ב בצורה זאת (ג'יה 17.12.79).

A presentation on powers and responsibilities will constitute three separate areas:

- Those powers and responsibilities to be transferred, to be specifically listed by activity.
- Those involving aspects which call for future mutual arrangements for sharing.
- Those to be dealt with as security issues.

2. במפגש ג'יה הוחלט גם כי ישראל תציג בפני המשלחות האחרות את סמכויות הממשל הצבאי וכי תוסמך להכין מודל של הסמכויות של רשות המינהל העצמי. ב-15 בינואר 1980 הציגה המשלחת הישראלית את מודל האוטונומיה שהוכן על ידה.

#### ראה נספח מס' 1

המצרים ניסו תחילה למנוע את הצגת המודל הישראלי בטענה כי אין המודל כולל חקיקה וכי בכל מקרה צריכה להיות העברה אוטומטית של סמכויות. לבסוף הסכים ראש המשלחת להצגה הישראלית אך הודיע כי ידחה המודל על הסף, ואכן כך עשה ובצורה גסה.

למחרת (16.1.80) הגישה המשלחת המצרית מודל משלה.

ראה נספח מס' 2

למרות חילופי הדברים החריפים בין משלחות מצרים וישראל בירכו האמריקנים על תחילת הדיון בנושאים הסובסטנטיביים.

3. בעקבות התנגדות ישראל לייחוד נושא הבטחון והגשת המודל הישראלי שונתה רשימת הסמכויות וב-16 בפברואר 1980 הגישו האמריקנים רשימת סמכויות בת ארבע קבוצות כאשר בכל קבוצה רשומות הסמכויות ועמדת הצדדים לגבי שייכותן הקבוצתית.

הרשימה כללה:

- סמכויות שיועברו במלואן (לגבי חלקן יש צורך בהסדרי תיאום).
- סמכויות שלגביהן יש צורך בחלוקה (Shared powers) לפי דברי ישראל, או בתיאום (COORDINATION), לפי דברי מצרים.
- סמכויות שישארו בידי ישראל (Residual powers to be retained by Israel) - לפי דברי ישראל, וסמכויות שמורות (reserved) כדברי מצרים.
- שטחים אחרים לדיון.

ראה נספח מס' 3

הדיון ברשימת הסמכויות נמשך על פני כמה ישיבות אך אין טעם לפרט הרשימות.

4. במקביל ניסה לינוביץ שלוש דרכים נוספות:

(1) דיון בנושאים ספציפיים כנושא המים. ב-15.1.80 כתב לבורג וציין עקרונות טיפול בנושא המים הנכונים גם לנושאים אחרים.

It seems to me we ought to be trying to do the following two things, among others, in our negotiations:

- 1) Establish a community of interests between Israel and the Palestinian Arab inhabitants of the territories that will last on an enduring basis.
- 2) Leave to the inhabitants the decisions that affect them solely, while encouraging them to participate and cooperate with Israel in determining the details of things which will affect you both.

This leads me to believe that these interests will be better served if in developing some form of agreement there are built-in mechanisms for cooperation and leave for later negotiation the kind of detailed arrangements that would have to govern complex areas of mutual concern such as water, in effect, as you said: "let us freeze water for these negotiations."



The problem, as I see it, is to build just enough into these negotiations and the agreement to demonstrate to the inhabitants that they have something to gain by participating in follow-up discussions on practical arrangements.

(2) לינוביץ ניסה אף ליצור (25.2.80) לוח זמנים קשיח וקבוע מראש למו"מ ששילב בתוכו אמצעים פרוצדורליים (מעבר בין הפורומים השונים - ועדות משנה ומליאה) יחד עם נושאי מהות כגון מים, נושאי משפט (כולל חקיקה), קרקע (כולל קרקעות מדינה והתנחלויות) נושאי בחירות, בטחון (דיונים בלתי פורמליים), כלכלה ועוד.  
נסיון זה נדחה ע"י ישראל.

(3) במהלך המו"מ שנערך בפברואר 1980 ניסו הצדדים להגיע לרשימה של other outstanding issues. על 5 נושאים הוסכם כי ייכללו ברשימה ומצרים ביקשה להוסיף שנים. האמריקנים נתבקשו להכין נוסח לסכום. להלן הנוסח:

#### OTHER OUTSTANDING ISSUES

The Working Group on Powers and Responsibilities has encountered a number of important issues during its work and brings them to the attention of the Heads of Delegation:

- 1) Source of Authority during the Transitional Period.
- 2) Promulgation of Legislation and Regulations
- 3) Scope and Jurisdiction of the Self-Governing Authority (Administrative Council).
- 4) Structure of the Self-Governing Authority (Administrative Council) - Unresolved Issues
- 5) Seat of the Self-Governing Authority (Administrative Council).

The Egyptian members of the Working Group proposed that the following two items be added to the above list. The American members supported the Egyptian proposal, The proposal was not accepted by the Israeli members.

- 1) Plan and Time-Table of Withdrawal of the Military Government and its Civilian Administration.
- 2) Security.

העובדה שארה"ב הביעה עמדתה בזכות העמדה המצרית גרמה להתנגדות ישראלית ולגניזת הסיכום.

#### ד. ראשי פרקים להסכם - Heads of agreement

##### 1. מסמך ליאונרד

באפריל 1980 חל שינוי בטקטיקת המו"מ של האמריקנים. לינוביץ, באמצעות השגריר ליאונרד, הציע להתרכז בהכנת מסמך שיכלול את ההבנות העקרוניות וישאיר את פרטים למו"מ מאוחר יותר.

להלן הנייר של ליאונרד מ-6.4.80:

- 1) The objective is to prepare a "heads of agreement" document which will include basic understandings, whilst the details will be worked out later.
- 2) The document will include a list of agreed areas which will be the responsibility of the S.G.A.
- 3) Within these agreed areas the S.G.A. will have the necessary powers to carry out its responsibilities including the power to make proclamations and when necessary to change existing statutes. The S.G.A. will not have the power to change the terms of reference of the basic agreement.
- 4) The S.G.A. will exercise its powers in a way that encourages good neighbourly relations.
- 5) In external defence and foreign affairs it is clear that Israel will have sole responsibility.
- 6) In security - the objective will be to enhance security of the inhabitants of Israel and the territories.  
A committee on security will be established to implement the provisions of camp david for security, police and public order.
- 7) There are areas where the details cannot be negotiated because of the absence of Palestinians. The continuing committee will discuss these matters later. The continuing committee will make decisions in unanimity and where agreement is not reached the status quo will prevail. The U.S. should become a full member of the continuing committee.

בעקבות נקודות אלו התפתח דיון במספר נושאים מרכזיים:

#### (1) הועדה המתמדת

האמריקנים ביקשו להרחיב סמכויותיה כך שתוכל לנהל מו"מ על אותם נושאים שלגביהם לא יספיקו הצדדים להגיע להסכם. כן רמזו כי בידי הועדה יופקד טיפול אופרטיבי בנושאים שהם כיום בידי הממשל הצבאי ושהמו"מ עליהם לא יסתיים לפני תחילת האוטונומיה ונסיגת הממשל הצבאי והמינהל האזרחי.

כן ביקשה ארה"ב לצרפה לועדה.

בפגישת רה"מ בגין עם קרטז ב-16.4.80 הוסכם הנוסח דלהלן:

In accordance with the provisions of the Camp david framework, 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.

The committee may also deal with other matters of common concern, E.G., the development of water resources for the benefit of all concerned, economic cooperation, etc. The united states will be invited to participate in the committee which will take its decisions on the basis of unanimity.

## (2) מהות האוטונומיה

ב- 15.4.80 הגיש רה"מ בגין לקרט מוסמך שכלל ארבע נקודות. להלן הנקודות ותגובות קרט:

- אוטונומיה מינהלית: קרט הציע לא להכנס לבירור מונח זה אלא להגדיר הסמכויות באופן מעשי.
- מספר חברי המועצה יותאם לפונקציות שלה. ארה"ב הציע כי מספרם יגיע ל-40 איש.
- הישראלים בשטחים יהיו כפופים לסמכות ישראל. לטענת קרט תוציא קביעה זו כ-20% מיו"ש ועזה מתחום סמכותה של מועצת האוטונומיה ובכך תהיה משום חבלה באוטונומיה.
- הסעיף האחרון עסק בבטחון - ראה נייר נפרד.

באשר לחששותיה של ישראל מהקמת מדינה פלסטינית, הביעה ארה"ב נכונות לכלול בהסכם סעיף מפורש שימנע הקמת מדינה כזאת. (לא ברור האם הכוונה היא למניעת הקמתה רק בתחום חמש שנות האוטונומיה).

## (3) תחום החקיקה

העקבות סעיף 3 במסמך ליאונרד הבהירו האמריקנים כי לדעתם יש להעניק סמכות מסוימת בתחומי החקיקה, לא תהיה זאת Sovereign Legislation, ואולי צריך יהיה בכל מקרה להגבילה אך חייבת להיות סמכות מסוימת לפחות באותם נושאים שישאל אינה מתכוונת להתערב בהם.

## 2. הטיוטא הראשונה 30.4.80

בהתאם לסיכום ליאונרד הגישו האמריקנים טיוטא ראשונה של הסכם עקרונות ב-30.4.80.

נוסח הטיוטא - ראה נספח מס' 4

להלן נסכם את ניתוחה של רות לפידות למסמך זה:

- מטרת המסמך היא לקיים בחירות בהקדם ולגרום להוצאת הממשל הצבאי. המשך הדיון בנושא הסמכויות יכול להדחות.
- המסמך דן רק בסמכויות שיועברו למועצה ואינו כולל איזכור לסמכויות המחייבות תיאום או כאלה שנשארות בידי ישראל.



- המסמך מבקש להעניק סמכויות נרחבות למועצה בתחומים שיועברו לסמכותה, כולל סמכויות חקיקה. מאידך קיימות סמכויות רבות שאין המסמך דן בהן כגון מקור הסמכות.

בדיונים שהתקיימו עם האמריקנים בנוגע לנייר הבהירו האמריקנים כי בכל הנושאים שלא מועברים למועצה או לוועדה המתמדת ישמר הסטטוס קוו, הם מוכנים לכלול התחייבות זו במסמך עצמו.

### 3. הטיטא השניה 7.7.80

הטיטא השניה, שנשאה את השם Heads of Agreement הוגשה ע"י האמריקנים לאחר הפסקה שחלה בשיחות למשך מספר חדשים.

#### ראה הנוסח בנספח מס' 5

בהערות שנכתבו בזמנו נותחה דמות האוטונומיה כפי שהיא משתקפת במסמך כלהלן (נדב ענר 8.8.79):

1. "האוטונומיה המלאה תוענק לתושבי השטחים אולם תחולתה תהיה טריטוריאלית, הגבולות הטריטוריאליים לסמכותה של רשות המינהל העצמי אינם מוגדרים במסמך.
2. חודש לאחר הבחירות החפשיות לרשות יסוג הממשל הצבאי ומינהלו האזרחי והסמכות תועבר לרשות.
3. הרשות תהיה גוף אחד שמספר חבריו עדיין לא נקבע. גוף זה הוא שיבחר את נושאי התפקידים.
4. בידי הרשות יהיו סמכויות מלאות בנושאים הבאים:  
המינהל המשפטי, פעולות אדמיניסטרטיביות, חקלאות, תקציב, תרבות, חינוך, בריאות, שיכון, תחבורה פנימית, עבודה וכח אדם, עניינים מוניציפליים, משטרה, עניינים דתיים, רווחה חברתית, מיסוי, תירות ושטחים אחרים עליהם יוסכם.
5. הרשות תוכל להוציא צוים, לתקן תקנות ולפרסם פקודות אשר בכוחם יהיה לשנות חקיקה קיימת באזורי אחריותה.
6. בידי הרשות יינתנו אמצעים להפעיל סמכותה למען קדם שיתוף פעולה ויחסי שכנות טובים.
7. הרשות תקים כח משטרה מקומי חזק לעזור בשמירת הבטחון. במשך תקופת המעבר לא תורשה הרשות לקיים כח צבאי אחר מאשר כח המשטרה המקומי החזק.

בסיכום ההערות נאמר:

"על פי התפיסה של המסמך שלפנינו, האוטונומיה תהיה רשות נפרדת שבראשה תעמוד רשות מימשל עצמי בעלת סמכויות מלאות בשטח שינתן לה. היא תצטרך לעמוד בתנאי ההסכם שיוסכמו בין מצרים וישראל אולם ההגבלה היחידה שתחול עליה תהיה בענייני בטחון. לישראל ינתן מעמד מיוחד רק בענייני בטחון הנוגעים לישראל גופה. הפיקוח וענייני הבטחון האחרים יהיו בידי גופים אחרים אשר ישראל תהיה שותפה להם, כגון הוועדה המתמדת".

בשיחות שהתקיימו עם האמריקנים בנוגע לנייר הוא הוגדר על ידם כהצהרת עקרונות וכוונות which is not legally binding ולכן אין לכלול בו אלמנטים שאחד הצדדים

אינו מסכים להם. הנייר הזה שימש כבסיס לדיונים בין ישראל לארה"ב, בדיונים אלה הגישה ישראל מסמך בעל אותה כותרת, שהתבסס על הנייר האמריקני בלווית הערותינו.

ראה נספח מס' 6

ה. כלכלה ומשפט

במקביל למליאה ולועדות המשנה לבחירות ולסמכויות הוקמו שתי ועדות אד הוק לעניני כלכלה ולעניני משפט. הועדות קיימו ישיבות באפריל וביוני 1980.

1. הועדה הכלכלית

בועדה זו הציגו ישראל ומצרים שתי גישות שונות:  
- הגישה הישראלית אמרה כי טובת שני הצדדים מחייבת שמירה על שילוב המרכיבים העיקריים של כלכלת ישראל וכלכלת האוטונומיה.  
- הגישה המצרית אמרה כי צריך להעביר את כל הסמכויות מן הממשל הצבאי לאוטונומיה והיא זו אשר תקבע את השינויים הרצויים לה עם מדינת ישראל. המצרים ודאי אינם יכולים לקבוע הסדרים בהעדר הפלסטינים.  
ב-27.7.80 הגישו האמריקנים למשלחתנו שורה של רעיונות בלתי רשמיים שרובם לא היו מקובלים עלינו.

להלן הרעיונות האמריקנים הבלתי רשמיים:

- 1) שלטונות האוטונומיה יהיו מוסמכים לקבוע הכנסות, הוצאות, וכניסה להתחייבויות כספיות (מילואות) של האוטונומיה.
- 2) יהיו מוסמכים לקבוע פרויקטים לפיתוח ציבורי (כגון כבישים) תוך התייעצות עם "אזורים שכנים" (להוציא פיתוח מקורות מים).
- 3) לא יוקמו מכשולים או תמריצים שליליים לתנועה החפשית של כוח העבודה בין ישראל לאוטונומיה.

4) מטבע ובנקאות

- א. המטבע הישראלי והירדני יהיו הילך חוקי.
- ב. שלטונות האוטונומיה צריכים להיות מוסמכים להעניק צ'רטרים לבנקים מקומיים וזרים בתחום שיפוטם.

5) מיסוי

- (א) מס רכוש - על בסיס הוגן בלי הבדל נתינות או בעלות.
- (ב) מס הכנסה - תוך התאמה הדדית בין האוטונומיה ל"אזורים שכנים".
- (ג) מיסים עקיפים - תהיה הרמוניזציה עם "שכני" האוטונומיה במידה שהינה אפשרית והולמת את טובת תושבי האוטונומיה.

6) האוטונומיה צריכה להיות מוסמכת להעניק הזדמנויות להשקעות מבית וחוצ.

(7) האוטונומיה תהיה חפשית לעודד פיתוח קשרי קומוניקציה וקשרים כלכליים "בתוך האזור האפרוכסימטיבי ומעבר לו", כולל שימוש במערכות הדואר והטלקומוניקציה של "שכנותיה".

(8) סחר:

לא יהיו מחסומים מכסיים או אחרים בפני סחר בין שטח האוטונומיה לבין "שכנותיה הסמוכות". האוטונומיה צריכה עם זאת להיות מוסמכת לשנות את תעריפי המכס שלה כלפי מדינות שלישיות בתוך גבולות של אחוזים מסויימים של תעריף המדינה המועדפת ביותר הקיים בראשית כל שנה קלנדרית.

(9) ביחסי "סחר חוץ" לא תוכל האוטונומיה לקבוע מדיניות מפלה או לעסוק בחרם כלכלי.

(10) הגדה המערבית ועזה "ושכנותיהן" לא יוכלו לגרום לעיוותי סחר ע"י דמפינג, סובסידיות או צעדים מלאכותיים אחרים.

בישיבה עצמה ניסו המשלחות להגיע לרשימה מוסכמת של נושאים והאמריקנים תמכו בגישה המצרית להוסיף לרשימה את נושאי הקרקע, המים ואוצרות הטבע.

להלן רשימה כפי שהוגשה לראשי המשלחות:

#### ECONOMIC COMMITTEE TENTATIVE AGENDA

- 1) Banking, financial institutions and foreign exchange
- 2) Currency
- 3) Investment and capital movement
- 4) Customs
- 5) Taxation
- 6) Trade
- 7) Budget
- 8) Labor
- 9) Agriculture
- 10) Industry
- 11) Infrastructure
- 12) Transportation
- 13) Economic Cooperation
- 14) Tourism
- 15) Other subjects to be Agreed

Items not agreed upon for inclusion in the agenda and referred to the Heads of Delegations for decision.

- 1) Land and Property System
- 2) Water



### 3) Natural Resources

לדיוני הועדה הכלכלית לא היה המשך.

#### 2. הועדה לעניני משפט

בועדה זו, שהתכנסה ביולי 1980, לא הצליחו הצדדים להגיע להסכמה בנוגע לרשימת נושאים מכיון שהמצרים דרשו הכללת נושאים כגון "המעמד המשפטי של הגדה המערבית כולל ירושלים ורצועת עזה".

בנושא מקור הסמכות טענו המצרים כי המקור הוא העם הפלסטיני אך נתנו להבין שיסכימו לראיית הסכם האוטונומיה כמקור הסמכות. ישראל טענה כי מקור הסמכות הוא הממשל הצבאי, והאמריקנים רמזו כי כפשרה ניתן יהיה להתעלם מן הנושא ולא להזכירו.

בנושא החקיקה, עמדת ישראל היתה, שלרשות המינהל העצמי תהיה סמכות להתקין תקנות ולא לחוקק חוקים, ואילו עמדת מצרים היתה, שהרשות תהיה גם מוסמכת לחוקק חוקים. למעשה הסכימו המצרים שסמכות החקיקה של רשות המינהל העצמי (כפי שיוסכם עליה) תהיה כפופה להגבלות הבאות:

- ההגבלות הנובעות מהוראות קמפ דייויד והסכם האוטונומיה.
- סמכות החקיקה קיימת רק בתחומים שהם בגדר סמכותה של רשות המינהל העצמי;
- הצורך במכניזם מיוחד לצרכי חקיקה בנושאים המחייבים תיאום במסגרת הועדה המתמדת.

המצרים מנו במפורש את המיגבלות הבאות על סמכות החקיקה.

- רשות המינהל העצמי צריכה לכבד את האופי הטרנסטורי של ההסדרים;
- המעמד הסופי ייקבע במו"מ החל בשלוש שנים אחרי הקמת האוטונומיה;
- אין הרשות רשאית לשנות את הסדרי הבטחון שייקבעו בהסכם לתקופת המעבר;
- רשות המינהל העצמי איננה מוסמכת להכריז על מדינה עצמאית, משום שזה מנוגד לקמפ דייויד;
- היא אינה מוסמכת לקיים יחסים דיפלומטיים וקונסולריים;
- היא אינה מוסמכת להקים כוח צבאי, פרט לכוח משטרה חזק.

נציג ארה"ב אמר שרצוי שחוקים ייעשו על ידי אותם האנשים הצריכים לחיות על פיהם. עם זאת הסכים, שיש לכלול בהסכם הוראות סובסטנטיביות שיגבילו את סמכות החקיקה (כגון, איסור התערבות בחופש הגישה והפולחן במקומות קדושים). כן ציין, שאפשר לתת לוועדה המתמדת תפקיד מסויים בנושא זה בתחומים עדינים. לדעת ארה"ב ההגבלות על סמכות החקיקה של רשות הממשל העצמי יכולות למצוא את ביטויין גם בסוגיה של יישוב סכסוכים בדרכי שלום במקרה של טענת חריגה מסמכות.

נציג ארה"ב גם ציין, שמוטב שסמכות החקיקה תהיה מוגבלת על ידי הסכם האוטונומיה, במקום קמפ דייויד, כי יש להניח שהסכם זה יהיה יותר מפורט וברור.

בנושא יישוב סכסוכים בדרכי שלום הציעה ישראל שני שלבים:

- (1) בשלב הראשון ידונו בנושא מספר שווה של נציגי ישראל ושל נציגי האוטונומיה. לצידו של גוף זה יעמוד סגל טכני וסגל של מומחים כדי לסייע לו. גוף זה יטפל בסכסוכים שטרם נתגלעו, וכן יטפל בסכסוכים לאחר שנתגלעו. הטיפול יהיה בלתי פורמאלי. הנציג המצרי ביקש לשלב במכאניזם גם את נציגי ירדן ומצרים.
- (2) השלב השני - לגבי סכסוכים שלא יבואו על פתרונם בועדה הבלתי פורמאלית - תכריע ועדת משפטנים המורכבת משלושת שופטים של ביה"מ העליון בישראל שימונו ע"י נשיא ביה"מ העליון. דגם זה מבוסס על הדגם של גרנלנד. משלחת מצרים התנגדה למתן סמכות לבית המשפט העליון הישראלי. לדעתם, השלב השני יכול להיות בוררות, או פנייה לוועדה המתמדת. ישראל השיבה שהדרך של בוררות מתאימה לסכסוכים בין שתי מדינות, אך לא בין מדינה לבין אוטונומיה.

ארה"ב סברה, שיש לקבוע מכאניזם שונה לפי מידת הרגישות של הסכסוך:

- (1) כשמדובר בסכסוך הפוגע באינטרס חיוני של ישראל, כגון בבטחון, ישראל בוודאי לא תסכים למסור את ההכרעה למישהו אחר;
- (2) אך כשמדובר בנושא פחות רגיש, או בנושא פנימי של האוטונומיה, יש למצוא מיכאניזם אחר.

לבקשת הצדדים ניסחה ארה"ב מסמך לא מחייב בנוגע להתקנת תקנות המכיל את מהלך הדיון ועמדת הצדדים.

ראה המסמך בנספח מס' 7

#### 1. שיתוף הפלסטינים

מהלך המו"מ הופסק מדי פעם ביזמת המצרים. אחד התירוצים להפסקת המו"מ היה אי השתתפות הפלסטינים במו"מ והצורך לשדלם להצטרף. במסגרת זו דרשו המצרים מישראל לבצע מספר פעולות בשטחים, שנקראו "Confidence building measures". ב-31.8.80 הציג לינוביץ לבורג רשימה כזאת שהוצגה כרשימה אמריקנית:

Mr. Linowitz: This is a United States list. These are some steps which Israel could take to improve the atmosphere in Gaza and the West Bank.

- 1) Eliminating travel restrictions on leadership and permitting consultation between leaders.
- 2) Physical move of a few offices of the military government outside the territories - at least from Gaza, at some specific point in the future.
- 3) Transfer of a few housekeeping functions currently performed by the military government to local control, to strengthen the local governmental infrastructure, perhaps first in Gaza.
- 4) Continue efforts by Begin and Burg to deal directly with Palestinians (even if rejected it can have positive impact).
- 5) Release of more prisoners - amnesties for certain minor violations.

- 6) Cease policy of destroying houses of families of those arrested.
- 7) Increasing West Bank/Gaza input into economic decision making in non sensitive areas.
- 8) Reunification of families.
- 9) Improve channel of communications between military government and Palestinians.
- 10) Stress importance at all levels of the military courtesy and respect..?
- 11) Improve atmosphere for coming school year by rescinding involuntary transfers and permitting establishment of new facilities if Palestinians so wish.
- 12) Letting Palestinians know that Israel would not object if Palestinian educators wished to form a territories-wide educational council to coordinate their educational efforts.
- 13) Avoid, whenever possible, eviction of families from their ancestral homes.
- 14) make public statements to remind the Palestinians that Israel's goal is to live with the Palestinians in peaceful cooperation - not domination.

נטיה זו, להדגיש את מקומם של הפלסטינים בהסכם ולצרפם למו"מ, מצאה ביטוי גם בניירות שהוגשו מאוחר יותר.

#### ז. מיזכר הבנה

##### 1. טיוטא ראשונה

ב-3.9.80 הגישו האמריקנים מסמך חדש-ישן שנקרא "Memorandum of understanding"

##### ראה נספח מס' 8

ישראל החליטה כי הערותיה למסמך זה רבות מדי ולכן סוכם שההערות יסוכמו בנייר ישראלי. הנייר הוגש לממשלה ואושר ב-21.9.80.

##### ראה נספח 9

1) להלן מברק המונה את הערות ושאלות הצוות האמריקני למסמך הישראלי שהוגש להם (12.10.80).

- מעמד הישראלים ביו"ש-האם פירוש הסעיף, שגם ישראלי הגורם לתאונת דרכים ביו"ש, יוכל להיתבע רק בבית משפט ישראלי. (השבנו בשלילה).
- מדוע הוצאנו הפסקה בעניין הפלסטינים מהמבוא (השבנו כי הם ממילא אינם באים וכן יש נושאים רבים אחרים הנזכרים במקפ-דיייד שלא הוכנסו למבוא).
- מדוע הוספנו הסייג של Disruption of order בפסקה על הבחירות. (השבנו כי ברור שיש הגבלות על הבחירות, והדבר איננו עולה מן הטקסט של ארה"ב משום שהם ביטלו את הכותרת).



- מהו המכניזם של שיתוף פעולה שאנו דורשים. (תשובתנו - זה תלוי בהתפתחויות בשטח, זה שונה בנושאים השונים).
- מדוע ביטלנו "תכנון" ברשימת הסמכויות המועברות (תשובתנו - כל אגף רשאי לתכנן בתחומי, אך אין לתת להם סמכות תכנון כללית).
- מדוע ביטלנו הפירוט בנושא של Finance (תשובתנו - לנו היה פירוט שונה משלכם מאחר שאנו בשלב של עקרונות, ביטלנו כל הפירוט).
- מדוע כתבנו רק Municipal Affairs (לא כפי שהם כתבו גם local) (השבנו שהביטוי שלנו נועד לכלול את שניהם).
- מדוע הוצאנו אנרגיה ו-PUBLIC UTILITIES (בקשנו פירוט מה כלול במונח זה הבהרנו שהעיריות יהיו רשאיות להמשיך ולספק השירותים כמו היום).
- לטענתם הסעיף שלנו על סמכויות שיוריות הוא בעייתי. הזכרנו להם שהם בשעתו הסכימו להמשיך הסטטוס קוו, אבל הם השיבו, שהכוונה היתה למצב העובדתי ולא המשפטי.
- מדוע השמטנו את האופי הייצוגי של המועצה (השבנו שזו מועצה מינהלית). לטענתם היא ייצוגית כי היא נבחרת בבחירות (לטענתנו בכל זאת מספר חבריה צריך להיקבע משיקולים פונקציונליים).
- הם שאלו מדוע איננו רוצים בסעיף על יישוב סכסוכים (השבנו כי טרם נסתיים הדיון בנושא זה בוועדה המשפטית. וכי נושא זה צריך להופיע בהסכם הסופי).
- בענין חקיקה הם מבקשים לראות בצווי הממשל חקיקת-משנה שהאוטונומיה תוכל לשנות. הם מתנגדים למלים "וכן סמכויות שניתנו על פי אותם חוקים", כי זה משאיר את סמכויות החקיקה בידי הממשל הצבאי (השבנו שזה חלק מן הסטטוס קוו שאותו ניתן לשנות רק בהסכמה).
- לגבי הוועדה המתמדת לדעתם לא תמיד צריך לקבל את כל ההחלטות פה אחד, כגון, החלטה בדבר כינוס הוועדה (השבנו שעל זה נדון).

העירו שלש הערות כלליות על עמדת מצרים:

- (1) המצרים מודאגים מאד מבעיית ירושלים.
- (2) המצרים מודאגים מאי-השתתפות הפלסטינים.
- (3) המצרים סבורים שבתקופה זו אין טעם במסמך נוסף.

מן הנייר הושמטו הסעיפים שעסקו במים, ובקרקע ובבטחון - ראה ניירות נפרדים.

- (2) לינוביץ' בהערותיו נקט גישה קצת שונה כאשר העדיף למנות את שטחי ההסכמה ואי-ההסכמה בין ישראל ומצרים - כלהלן (14.10.80):

#### I שטחי הסכמה

- בטחון (קרוב להסכמה): שני הצדדים הסכימו ל-3 הפסקאות, מצרים הוסיפה פסקה על CONTINUING LIAISON ישראל הציעה לבטל את הפסקה על איסור הקמת כוחות אחרים פרט למשטרה. הבעיה העיקרית ישראל רוצה את המילים AND BEYOND. לינוביץ' סבור שאפשר להתגבר על הקושי.

- מים: יש מידה רבה של הסכמה: החלוקה הנוכחית תימשך. ישראל מציעה הקמת ועדה משותפת לפיתוח מקורות נוספים וכן ועדה איזורית. זו גישה רצויה.
- הועדה המתמדת: יש פחות או יותר הסכמה. מצרים מטילה בספק את הצורך בפה-אחד לגבי כל ההחלטות.
- בחירות: יש הסכמה בין הצדדים אבל מצרים מבקשת שתהיה נוכחות גם של מומחים ושל אמצעי התקשורת הבי"ל.
- נסיגת הממשל הצבאי: יש הסכמה אבל ישראל החליפה את המלים AS SOON AS על ידי WHEN.

## II תחומי אי-ההסכמה:

1. מצרים מבקשת שבמסמך תופיע פנייה לפלסטינים להצטרף לתהליך. פניה זו לדעתם צריכה להופיע הן במבוא והן בסעיף הראשון.
2. תחומי הסמכויות: יש הרבה הסכמה אך יש עוד צורך בדיון. ישראל דורשת מכאניזם לתיאום ושיתוף פעולה.
3. סמכויות שיוריות: לדעת ישראל הן בידי ישראל ולדעת מצרים הן לאוטונומיה.
4. אופיה של ה-SGA (AC) : המצרים הציעו שתוכל להקים מועצה מינהלית, לפי ישראל זו רק מועצה מינהלית.
5. המבנה לפי עמדת ארה"ב, צריך להיות גם פונקציונלי וגם ייצוגי, ישראל מתנגדת לזה, אעפ"י שהיא הסכימה שהמועצה מייצגת את האוכלוסיה. (פה הערנו, שהאופי הייצוגי נוגע לבחירות ולא למבנה).
6. הקרקע: מצרים מציעה שכל הקרקע תהיה כפופה לאוטונומיה, ואילו ישראל מבחינה בין סוגים שונים של קרקעות - יש לשמור ולכבד בעלות פרטית ללא אפליה, קרקע שנועדה לבטחון וקרקע של ההתנחלויות תהיה תחת מינהל ישראלי. ואילו שימוש ביתר הקרקע טעון הסכמת ישראל והאוטונומיה.
7. חקיקה: זו הפעם הראשונה שישראל מסכימה שלמועצה תהיה סמכות לחקיקת-משנה. אך מצרים מבקשת לתת לה סמכויות חקיקה מלאות.
8. יישוב סכסוכים: ישראל בשלב זה אינה מסכימה להכללת סעיף בנושא זה.

## 2. הטיוטא השניה

- ב- 4.11.80 הגישו האמריקנים מסמך נוסף שכלל את ה MOU ונקרא "U.S NON PAPER DRAFT MOU"

מעבר להערות הספציפיות להלן הערות כלליות לגבי המסמך (נדב ענר 6.11.80):

(א) נראה לי כי זהו הנייר האמריקני החמור ביותר מבחינתנו לא רק מבחינת תכנון אלא גם מפני שהוא בא לאחר הנייר הישראלי מ- 21.9.80 אשר ניסה לגשר על הפערים. נראה כי האמריקנים לקחו את הנייר הישראלי כנקודת מוצא מובנת מאליה ועתה הם מנסים לדחוף את ישראל לעמדות אחרות תוך אי ויתור על עמדות אמריקניות ומצריות בסיסיות.

(ב) התפיסה האמריקנית הכללית הנובעת מהכתוב במסמך נראית כלהלן:  
- ישראל מחד ויו"ש ועזה מאידך הינן שתי ישויות טריטוריאליים נפרדות לחלוטין בעלות משטר שונה לחלוטין, כל אחת מהן שולטת על שטחה כאשר מקור הסמכות בשטחי האוטונומיה הוא ההסכם שיושג על מהותה.  
- לישראל אינטרסים מסוימים בשטחי האוטונומיה הנובעים מצרכיה הבטחוניים בלבד ויש למצוא דרך לשמור על אינטרסים אלה (נושא המים הוא חריג אך גם כאן יש צורך למצוא דרך כיצד לשמור על האינטרסים של ישראל מבלי שתהיה לה שליטה כל שהיא).

(ג) האוטונומיה תהיה ישות פלשתינאית עצמאית בכל, פרט לשם, נשלטת ע"י רשות מינהל עצמי שהיא מעין מועצה מחוקקת שתבחר בעצמה את הממשלה, סמכות החקיקה תהיה אמנם מוגבלת אך היא תתאפשר במידה מסוימת ע"י ההסכם שיחתם ואשר יהווה את מקור הסמכות.

(ד) ישראל תיסוג מהגדמ"ע ועזה ותעביר את הסמכויות במלואן לרשות המינהל העצמי. אינטרסיה של ישראל יישמרו באמצעות שיתופה בועדות משותפות לנושאים שונים שבחלקן לא תהיה לה אפילו זכות וטו.

(ה) נושא בטחון הפנים יועבר בהדרגה למשטרה המקומית והיא אשר תהיה אחראית לו באופן בלעדי. נושא בטחון ישראל, או בטחון החוץ, נשאר לגבי תקופת המעבר בכפוף להסכם האוטונומיה הסופי, ולגבי התקופה שלאחריה לדיון על הסטטוס הסופי.

(ו) הפתיחה שהוספה למסמך מתאפיינת בשני אלמנטים מדאיגים:  
ההליכה לקראת מצרים בדבר שיתוף הפלשתינאים: הן במו"מ על האוטונומיה והן בנוגע לצעדים שעל ישראל לנקוט בשטחים כדי לאפשר שיתופם.  
ההתעלמות מירדן מחד (גם במסמך עצמו) ומאידך הקריאה למדינות אחרות (והפניה בברור היא לארופה) לנקוט יזמות מקבילות כדי לתמוך בתהליך הנוכחי.

בשיחת השגריר ליאונרד עם קוברסקי (20.11.80) הביע האמריקני, הפתעה נוכח הביקורת הקשה שנתקל בה הנייר האמריקני. לדעתו, הם רק ניסו להפוך את המסמך לאטרקטיבי יותר למצרים והיו זהירים ורגישים כלפי עמדותינו היסודיות.



### 3. סיומו של פרק

עם כשלונו של קרטל בבחירות לנשיאות ובחירתו של רייגן, בא לסיומו פרק של כשנה וחצי של שיחות האוטונומיה. לא נערך סיכום רשמי של מה שהושג בשיחות והדו"ח של לינוביץ לממשל החדש, אם נכתב, לא הועבר אף פעם לישראל.

ביקורו של לינוביץ בארץ בדצמבר 1980 נועד לסיכום כזה, אך גם אז לא נערך סיכום רשמי, להלן כמה הערות שנאמרו ע"י לינוביץ וצוותו המעידות על הלך המחשבה האמריקני.

- לינוביץ וצוותו העלו על נס את גמישותה של ישראל, במיוחד בנושא הקרקע והמים, אבל לינוביץ אמר לרה"מ בגין בכנות:

"Israel does not know how to accept credit for the concessions it makes. It always appears to be intrasigent and when it does offer new openings it doesn't know to accept credit from them".

- מאידך התלונן לינוביץ כי הרגיש שישראל אינה בוטחת בו עד הסוף כדי לאמר לו במפורש את עמדתה - "I never knew how much room I had". לעומת זאת סאדאת בטח בו ועל כן הצליח, לדבריו, לסכם עם המצרים על גוף אחר.

- צוותו של לינוביץ ציין כי הרבה דברים במהלך המו"מ היו מקובלים קונצפטואלית (לדוגמא - הצורך בתיאום ושיתוף פעולה, אי קיום גבולות) אך כאשר מגיעים לניסוח מפורט, ההבנות מתנפצות.

היה זה אקורד סיום מריר לשלב ארוך במו"מ האוטונומיה, מו"מ שנפסק מאז, והחל מחדש רק לאחר תשעה חדשים.

### ח. חידוש השיחות

#### 1. ההכנות

פגישת רה"מ בגין עם סאדאת באלכסנדריה (25.8.81) היוותה הבסיס עליו נבנה חידוש שיחות האוטונומיה. הממשל האמריקני החדש לא גיבש לעצמו עמדות ברורות אך לדברי הנציגים האמריקנים החדשים (קלווריוס וווקר) עמדתו הכללית של המזכיר הייג מנותבת לשלושה מסלולים (שיחה עם קוברסקי 4.9.91):

- הבטחת בטחונה של ישראל (מבטיחים קרבה רבה לעמדה הישראלית).
- הענקת "אוטונומיה מלאה" לערביי יו"ש ועזה (מעל לרמה הקיימת של המימשל הצבאי והמינהל האזרחי שלו. לדבריהם, המימשל הצבאי ומתכונת פעולתו נועדו להבטיח סדר ושרותים "במצב של כיבוש", ואילו אוטונומיה צריכה לאפשר מימוש רצונם של האזרחים בניהול חייהם השוטפים כהבנתם, בתחומים שיימסרו לניהולם).
- לא לאפשר הקמת מחסומים ומחיצות בין ישראל וערביי יו"ש ועזה.

האמריקנים העירו בהמשך השיחה כי הבעיה הקשה ביותר היא עמדת ישראל בנושא

החקיקה, ארה"ב לא תוכל לקבל בהבנה שלילת טוטלית של סמכות החקיקה. הם יגלו הבנה לתביעה ישראלית לעכב חקיקה מסוימת עד לבירור והסכמה, אך אינם רואים הצדקה באי-מתן סמכות חקיקה בתחומים שישראל מוכנה להעביר לסמכותה ולאחריותה של האוטונומיה. חוקים שישראל תתנגד להם ניתן יהיה לעכבם ולקיים עליהם דיון בועדה המתמדת. האמריקנים העלו גם את הצורך לנקוט בפעולות שונות שיאפשרו לפלסטינים בשטחים להצטרף למו"מ.

בשיחות שהתקיימו בישראל ב-20-21.9.81 ובגיזה 23-24.9.81 הובהר כי המטרה היא להשיג הסכם על עקרונות כלליים לאוטונומיה, שיסלול את הדרך להסכם סופי, שרק לאחריו ייערכו הבחירות לכינון האוטונומיה. כן הובהר שהאמריקנים מתכוונים לתמוך במחווה (CBM) שיאפשרו שילוב הפלסטינים במו"מ.

בסיום המפגש בגיזה סוכם על סדר יום כלהלן (21.9.81).

#### Suggestions for the Agenda.

The following issues, among others, are recommended for discussion in the negotiations. Other key issues should be addressed at the appropriate level in the course of the negotiations

#### Common items:

Scope and jurisdiction of the SGA (AC).

Structure and procedures of the SGA (AC).

Powers and responsibilities of the SGA (AC).

Election of the SGA (AC) and beginning of the transitional period.

Continuing committee.

Settlement of disputes

Security issues.

#### Additional Egyptian proposals :

- Contacts with the palestinians
- Confidence building measures.

#### Additional Israeli proposals

- Reiteration of the invitation to Jordan and the Palestinian arabs, inhabitants of the areas, to join the negotiations.

בהעדר הסכם הוצגו בנייר עמדותיהן הנפרדות של מצרים וישראל.

#### 2. מפגש תל-אביב - אוקטובר 1981

שיחות הייאט שהתקיימו ב-22-28.10.81, היו בעיקרן שיחות פרקטיות שהתרכזו סביב תיאור המצב ביו"ש ועזה ונסיון לתאר המצב שישורר בהם עם קיום האוטונומיה.

השוני בין עמדת מצרים לישראל היה נעוץ בעיקרו במידת השינוי הנדרשת, כאשר המצרים חותרים ליצירת ישות עצמאית כמעט לחלוטין, וישראל חותרת לשינויים שלא יחרגו הרבה מן הסטטוס קוו.

האמריקנים ניסו להמנע מהבעת דעה לגופם של דברים, והתרכזו בנסיון לקרב עמדות הצדדים.

עמדתנו הוצגה בע"פ לפי נייר שמצורף בזה.

#### ראה נספח מס' 11

בתום השיחות ניסחו האמריקנים מסמך לא מחייב שהכיל תקציר עמדות הצדדים וסיכום הרעיונות והעמדות שהוצגו במהלך הדיונים.

#### ראה נספח מס' 12

להלן ניתוח הנייר האמריקני כפי שנעשה בזמנו (נדב ענר 30.10.81)

(א) הנייר איננו מסמך מוסכם או מחייב באיזו צורה שהיא. ניסוחיו אינם סופיים והתפיסות המובעות בו אינן בהכרח מקובלות. דבר זה חזר והובהר על-ידי כל שלושת המשתתפים.

הנייר מנסה לסכם את הדיונים שנערכו בצורה של מספר עקרונות כלליים ועלינו לזכור שחלק מן העקרונות הללו מבוססים על עמדות מנוגדות של ישראל ושל מצרים.

(ב) הנייר הוא תולדה של צורת הדיון החדשה בה נקטו האמריקנים - קרי:

- דיון פרקטי בבעיות שיווצרו בשטח עם הקמת האוטונומיה.  
- דיון קונצפטואלי בבעיות המטרידות את הצדדים ואשר עומדות בבסיסן של העמדות שננקטו במהלך המו"מ.

- נסיון להגיע לעקרון כללי אשר ניסוחו יענה על דאגות שני הצדדים.

(ג) ככל נייר המהווה גיבוש ותיאור עמדות של שלושה צדדים, יש בו מידה רבה של עירפול ועמימות, יש בו הרבה מוקשים שיש להזהר מהם ויש בו הרבה תפיסות שאינן מקובלות עלינו. להלן אנסה לנתח את הנייר ולעמוד על האלמנטים השונים שבו:

#### JURISDICTION (1)

הדיון בנושא זה התרכז בשלושה מישורים עיקריים:

(א) האספקט "הטריטוריאלי" של האוטונומיה הפרסונלית. הבעיה כאן היתה להבהיר כי יהיו תחומים פיזיים בהם תפעיל המועצה המינהלית את הסמכויות שיינתנו לה, אך מבלי ליצור יחידה גיאוגרפית נפרדת ביו"ש ועזה. אנו מעדיפים את הביטוי "תחומים פיזיים" על פני הביטוי האמריקני "תחומים גיאוגרפיים/פיזיים", המופיע בנייר.

בנושא זה הועלו גם הבעיות של הקשר בין יו"ש ועזה והתייחסות אליהם כיחידה אחת, ובגלל העמדה המצרית, גם נושאי חלל האוויר והמים הטריטוריאליים.



(ב) בעית החוק שיחול על ישראלים השוהים ביו"ש ועזה. בעיה זו סבוכה ביותר ונובעת מן התפיסות השונות של האוטונומיה, "הפרסונלית" לפי תפיסת ישראל וה"טריטוריאלית" לפי תפיסת מצרים, וכן מקו המחשבה האמריקני המתבסס על שיוויון והדדיות. הביטוי שקיבלה בעיה זו בנייר מתרכז לכן בבעית השפיטה ומנוסח במונחים עקרוניים, כמעט "אוניברסליים", כגון "שיוויון בפני החוק" ו"הצורך בשמירה של החוק" מחד (לביטויים אלה קשה להתנגד גם אם מסתתרת מאחוריהם כוונה פוליטית מסוימת), ומאידך הפרדה בין המשפט האזרחי לפלילי כאשר לגבי האחרון קיימות עמדות שונות לישראל ולמצרים.

(ג) בעית החקיקה. בעיה זו מוצאת ביטוייה בפסקא האחרונה בנושא השיפוט. הבעיה בכללותה הועלתה לדיון כאשר ישראל ומצרים מביעות עמדותיהן הידועות ואילו האמריקנים מנסים להקהות במקצת עמדתם בדבר הצורך להעניק ל-SGA (AC) סמכות חקיקה מסוימת, על-ידי הצעה להכיר בצורך של ה-SGA (AC) לשנות דברים. מכיון שנושא זה קשה לפתרון, ולא ניכרה בו תזוזה משני הצדדים, העדיפו האמריקנים דיון בחוק שיחול ביו"ש ועזה מיד עם הקמתה של המועצה המינהלית. גם בנושא זה לא היתה הסכמה.

## STRUCTURE (2)

בנושא זה העלתה ישראל את הצעת ראש הממשלה המבוססת על 3 אלמנטים: גוף אחד; רשימת הסמכויות שיוענקו לגוף בכפוף להסדרי תאום ושיתוף פעולה; התאמת מספר חברי המועצה לפונקציות שיוטלו על ה-SGA (AC). העמדה המצרית הידועה, המבוססת על הצורך בהיות ה-SGA גוף רפרזנטטיבי ועל הצורך בהפרדת רשויות נוסח מונטסקייה, הוצגה אף היא.

הנייר האמריקני בנושא זה מבוסס על עמימות ועירפול הניסוחים. הדוגמא הטובה ביותר ביותר לכך היא סעיף 1: "there will be one body elected"

העברת המילה elected לסוף המשפט מאפשרת הן למצרים והן לישראלים לפרש המשפט בהתאם לדעותיהם, ונראה כי משפט כזה יכול להיות אחד מעמודי התווך של הסכם על הבנות ועקרונות.

הסעיף השלישי בנייר, המחולק ל-3 תת-סעיפים, מתבסס על הדיון שנערך בנושא דרך תפקודה של המועצה המינהלית, והוא מעורר מספר בעיות שנצטרך להתמודד עמן:

- בעית הייצוגיות המועלית בתת-סעיף (a).
- בתת-סעיף (b) אנו כמובן מעדיפים את הנוסח שלנו שלפיו יש צורך להבהיר כי לכל החברים במועצה יוענקו תפקידים פונקציונליים.
- בתת-סעיף (c) הכוונה היא כי בתחומי הפעולה שיוענקו למועצה המינהלית היא תהיה גוף הקובע את המדיניות, המבצע אותה והמפקח עליה (תחומי הפעולה והסמכויות נדונו בהרחבה בפרק נפרד).

במשך הדיונים הוברר כי נושא מספר חברי המועצה הוא בעייתי וכי קביעת המספר תלויה

למעשה בעקרון שייקבע לגבי מהותה של המועצה.

### POWERS AND RESPONSIBILITIES (3)

הדיון בנושא זה התרכז בשני מישורים מרכזיים:

- (א) נושא שיתוף הפעולה והתיאום בין ישראל ל- SGA (AC)
- (ב) רשימת הסמכויות שיועברו ל- SGA (AC)

עובדה שהקלה על הדיון בנושא היתה החלפת הביטוי -  
shared powers & responsibilities

בביטוי "cooperation", כאשר הובהר על-ידי ישראל כי הביטוי "שיתוף פעולה" מכוון לפעולה משותפת בכל הרמות החל מקביעת המדיניות וכלה בביצוע המפורט בשטח.

הבעיה העיקרית בנושא זה היא ההתייחסות המצרית והאמריקנית לישראל ול- SGA (AC) כאל שני גופים או ישויות נפרדות ושוות. ומשום כך יש צורך בשיוויון ובהדדיות (reciprocity).

מבחינה זו הסעיפים הבעייתיים ביותר הם 3, 4 ו-5. לכן הציעה ישראל בסעיף 3 לשנות את הסיפא כך שיקרא:

"but not to matters which are completely local "

וכן לבטל את סעיפים 4 ו-5 בכלל.

הובהר כי עמדת ישראל מבוססת על העובדה שאין אוטונומיה שווה למדינה וכי אין המדובר כאן בשתי ישויות זהות במהותן.

שני המשפטים האחרונים בנייר הם ביטוי לדיון שהחל ברשימת הסמכויות שיועברו ל- SGA (AC). בנושא זה החלה להתברר הבנה שיש לאחד את רשימות הסמכויות שיועברו למועצה המינהלית (בניגוד לסמכויות שישארו בידי ישראל) לרשימה אחת שתופיע לאחר הקביעה: "subject to cooperation and coordination"

מכיון שבנושא זה קיימת עדיין אי-בהירות, בעיקר בהבחנה בין פונקציות לתחומי פעילות (לדוגמא משרד חקלאות הממונה על נושא המים), הוחלט להזכיר הנושא בצורה כללית ולהמשיכו מאוחר יותר.

יש לזכור שלנושא רשימת הסמכויות מתקשר נושא מספר חברי המועצה ומשום כך אין זה מאינטרס ישראל להגיע לפירוט רב של הסמכויות ותחומי האחריות, נטיה שהסתמנה הן אצל המצרים והן אצל האמריקנים תוך ערבוב (אולי מכוון) של פונקציות אדמיניסטרטיביות עם תחומי פעולה.

3. מפגש ג'זה נובמבר 1981

המפגש התקיים בדרג שרים ובדרג מומחים והתרכז בנושאים הקשורים למועצה

המינהלית.

האמריקנים הגישו (12.11.81) ניירות משלהם שנקראו issues for discussion.

ראה נספח מס' 13

ישראל הגישה מצידה נייר תגובה וכך עשו גם המצרים. כתוצאה מאי הסכמה הוחזרו הניירות לכותביהם.

(ראה נספחים מס' 14-15)

במהלך פגישות המומחים נדונו נושאים שונים ואני מצרף כאן את סיכומי השיחות מ-15 וה-16 בנובמבר המעידים על עמדות הצדדים.

ראה נספח מס' 16

בתום המפגש (17.11.81) הגישו האמריקנים נייר סיכום נוסף שנקרא American oral presentation. ה מצרים הודיעו כי אינם מקבלים אותו.

ראה נספח מס' 17

4. שיחות היאט דצמבר 1981

במפגש זה היה דיון בנושאים בהם לא דנו במפגש הקודם האמריקנים השתתפו באופן פעיל בשיחות אם כי לא הכינו נייר מסכם.

להלן הדיווח המתומצת של אלי רובינשטיין לגבי שיחות אלו:

(1) הסמכויות השיוריות. בנושא זה לא היתה תזוזה משמעותית. כל צד הסביר את עמדותיו. המצרים אמנם מכירים בכך שכיוון שאין המדובר במדינה אלא באוטונומיה, אין זו זכאית לניהול ענייני חוץ *Stricto senso*, אך מעבר לכך תובעים כי תהיה לה אפשרות מוגבלת להיות קשורה בהסכמים מסויימים עם מדינות חוץ (הבחינו כביכול בין הסכמים בינלאומיים לסתם הסכמים), וכן העלו תביעות נוספות. העיקר בעיניהם – הסמכויות הללו אינן בידי שום גורם, ודאי לא בידי ישראל. עמדתנו היתה כי הסמכויות השיוריות הן בידינו כמקור הסמכות, אנו נפעיל אותן סמכויות שיהיו נחוצות (כבטחון ועוד), ואילו בענייני חוץ לא תהיה האוטונומיה מיוצגת בשנות קיומה לא על ידינו ולא ע"י עצמה (לא נדבר בשמה באו"ם ולא נחתום על אמנות בשמה אך גם היא עצמה לא תעשה כן). הסדרים קיימים בקשר לדרכונים ותעודות מסע, מטבע, בולים וכו' יישארו בעינם. פיקוח על מים ואויר טריטוריאליים יהיו בידינו, וכיוצא באלה. האמריקנים לא ביטאו עמדה מיוחדת אך ניסו לזרוק רעיונות ליישוב פערם בתחומים מסויימים.

(2) חקיקה ותקינה. עמדתנו היסודית היא כידוע כי לאוטונומיה לא יהיו סמכויות חקיקה שהן סממני ריבונות ופרלמנטריזם. עמדת המצרים היא כי לאוטונומיות בעולם יש לעתים קרובות סמכויות כאלה, והם רואים את האוטונומיה כגוף בעל



סמכויות חקיקה גם בגלל אופיו הייצוגי. הסתמנה אפשרות למחשבה לפיה תינתן לאוטונומיה האפשרות, כמובן רק בתחומי הסמכויות המועברות לה ולא מעבר להן, לשנות או לבטל חוקים קיימים או ליזום חדשים, וזאת לא ע"י חקיקה (LEGISLATION) כי אם סובסטנטיבית תינתן סמכות כזאת, אך המסגרת הקונצפטואלית והעקרונית שאין המדובר בחקיקה ראשית אלא בתקנות תישמר. הדבר מותנה כמובן מבחינתנו בהשארת הסמכויות השיוריות בידינו, על כל החקיקה הקשורה בהן, וכן בתיאום ושיתוף פעולה, לפי המתאים, גם בתחום התקינה הנזכר, ובנוסף לכך בקביעת מנגנון ליישוב סכסוכים, במקרה של חשד לחריגה מן הסמכות ע"י האוטונומיה. המצרים אינם נלהבים מן הבטוי REGULATIONS אך אנו עומדים על כך שהמדובר בתקינה בלבד. אחרת אין כל אפשרות למתן הסמכות הסובסטנטיבית.

בהקשר זה ראה סיכום העמדות של מאיר גבאי (15.12.81) - ראה נספח מס' 18

(3) הועדה המתמדת. הוחלפו דברים בנושא זה, וביסודו של דבר הנוסח האפשרי הוא של קמפ דייוויד בצירוף מה שנקבע בינינו לארה"ב בשיחות רה"מ-קרטר באפריל 1980, בקשר לאפשרות כי הועדה תדון כדוגמה בנושאים כלכליים בעלי עניין משותף. הדגשנו כי אין לראות בועדה המתמדת מוסד-על לכל נושא.

כן נדונו נושאי ראשית תקופת המעבר ונושאי בחירות נותרים.

#### ט. רעיונות לגישור - ינואר-מרץ 1982

עם התקרב מועד פינוי סיני ע"י ישראל התעורר חשש כי העדר הסכם אוטונומיה ישפיע על עצם קיום הפינוי מחד, ומאידך הפינוי עצמו ידחה לזמן רב את אפשרות מימוש האוטונומיה.

האמריקנים נכנסו אפוא לתמונה במלוא המרץ, ובינואר 1982 גייסו את מזכיר המדינה, הייג, לצורך זה.

#### 1. ביקור הייג בישראל ובמצרים - ינואר 1982

ישראל קיבלה את פני הייג בהגשת מסמך המתאר את דמות האוטונומיה מנקודת ראותה היא.

המסמך של אלי רובינשטיין ראה נספח מס' 19

הייג, לדבריו, איתר התרחקות בעמדות בין מצרים לישראל ועל כן גיבש טקטיקה של חיפוש רעיונות שיגשרו על הפערים. להלן מספר דוגמאות לניסיונות הגישור שנעשו בשיחותיו.

- בנוגע למהות (nature) האוטונומיה ולתפקיד ישראל אמר הייג (שיחה עם שה"ח - 14.1.81):

"We understand that the Governing Authority would administer its responsibilities with respect to the Arab inhabitants and that its character should not suggest that it's an infant state. We also understand that Camp

David does not tend to create barriers between Israelis and the inhabitants of the territories and that arrangements will be needed to encourage Israelis and Palestinians to cooperate to their mutual benefit. However, We also appreciate the Egyptian concern that th SGA will be able to make a real difference in the daily lives of the inhabitants; that it be seen as an effective representative of the inhabitants and that it operate in its spheres of responsibility autonomously, without Israeli oversight as such.

There are a number of potential misunderstandings in this area, so I wonder what are your ideas on how your basic positions will be protected while at the same time giving to th SGA the real ability to make a significant change in the lives of the inhabitant and also serve as an effective political voice for the inhabitants in the Continuing Committee and in the final stages of negotiations.

- בנושאים הנוגעים לריבונות אמר הייג (באותה שיחה):

I guess We agree that issues indicating sovereignty reasonably defined should be held aside for the transition period.

I think the Egyptian side is comfortable in that. We can agree as well that where practical problems arise in this area that require practical solutions, not disagreement on principle. We have to function. I think the Egyptians agree with this as a principle, although there is a contradiction, but they have problems and I know you do too, in this area when you get down to practical solutions. Can We find a way to put sovereignty issues aside, away from both Israel and the SGA during the transition period?

לאחר מכן קושר הייג את הנושא לוועדה המתמדת באמרו:

Isn't it possible to have an issue of that kind dealt with within the framework, as it is already worked out, of a Continuing Committee. Let me raise it that way.

ובהמשך:

I would never allocate those powers. They are set aside. But a practical question which is really of such nebulous character that you could probably call it an elephant or a hippopotamus or whatever you wanted to call it. But as I am looking at the character of a Continuing Committee, it seems to me those kinds of nondescript issues, whether one would call it a sovereignty question or another question, undefined in the principles, because all we are talking about is a statement of principles, would lend itself to that kind of thing.



בשיחה מאוחרת יותר (עם צוות השרים בראשות רה"מ 27.1.82) הגדיר הייג ביתר בהירות את עמדתו בנוגע לסמכויות השירות הקשורות לריבונות:

Powers which came under the category of sovereignty should be reserved for the final status negotiations. During the transitional period, sovereign powers as such would not be exercised...

In other words, this was a practical way of saying that during the transitional period, Israel would continue to decide such matters. But we did not want to put the question of who holds these powers in such a way as to make it a big issue.

- בנושא גודל המועצה המינהלית אמר הייג (שיחה עם צוות השרים בראשות רה"מ 27.1.82):

The Secretary said he recalled that the Prime Minister had suggested that the criteria for the SGA size be functions. We are prepared to press the Egyptians on this issue. They have proposed 80-100 members as contrasted with your proposal for 15 or so. Frankly, said the Secretary, I don't accept their proposal for 80-100 members, which would give the SGA a parliamentary character.

We are trying to set up a viable and effective Administrative Council which eliminates problems and which does not pre-judge the final status. In taking this approach, I am assuming, as you do, a single body, and I think that any agreement on size would have to be contingent on Egyptian agreement to this. Similarly, I would not expect the Egyptians to give agreement to a size substantially smaller than they have proposed without clarification of the powers of the body, particularly in relationship to the existing laws and regulations.

Specifically, if we take as our criteria, effectiveness, and take into account all the responsibilities of the SGA (AC) and the particular problems posed by marrying the West Bank and Gaza, I think that we can arrive at the right solution, one which neither conveys the impression of a legislative assembly, which we know you do not want, nor of a village council. In suggesting this criterion, I have considered all the responsibilities of the SGA (AC).

לאחר שמנה את הסיבות מדוע אין 13 החברים המוצעים ע"י ישראל מספיקים אמר הייג כי לדעתו מועצה בת 32-45 חברים תהיה מתאימה. הייג הוסיף כי אינו מתרשם מן הטיעון כאילו ההבדל בין 20 לבין 38 חברים משנה את אופי המועצה. ובכל מקרה, הוסיף הייג:

You will have forces in the territory as well as adjacent areas and should any member of the SGA (AC) propose independence he would in effect be "committing suicide". Or, put another way, he would be forever discrediting autonomy.



- בנושא החקיקה אמר הייג (לשה"ח 28.1.82) כי כדי שתוכל לבצע את המוטל עליה צריכה המועצה להיות מוסמכת לשנות חוקים קיימים... התקנות שתקין המועצה, לדעת הייג, יוכלו לשנות את המצב החוקי באותם תחומים ספציפיים שהיא רשאית ומוסמכת לטפל בהם... למשל, בתחום המיסוי... זאת היא, לפי הגדרתי של הייג, אוטונומיה מלאה... עם זאת, צריך למצוא מכניזם שיבטיח שה-SGA לא תחרוג מהסכם האוטונומיה.

## 2. גלגול הרעיונות

הרעיונות שהעלה הייג בביקורו נדונו במפגשים שנערכו במהלך פברואר-מרץ 1982.

האמריקנים העלו על הכתב את רעיונות הגישור שלהם בנושאים של:

- מהות, גודל ומבנה ה-SGA(AC).
- יישוב מחלוקות ותפקיד הועדה המתמדת.
- תיאום ושתוף פעולה בתחומים:
  - \* תנועת בני-אדם
  - \* יחסי כלולה
  - \* מערכות משותפות
  - \* מידע

### ראה נספח מס' 20

הניירות המצורפים אינם נושאים תאריך ועל כן קשה למקם את עיתוי הגשתם המדויק. על כל פנים הם נמסרו במהלך השיחות, אם כי לא מצאתי עדות כי נדונו לגופם.

## ח. הדו"ח הסופי - מרץ 1982

### 1. דו"ח והערות

במפגש מינה-האוז בתחילת מרץ נידונו הרעיונות השונים שהעלו הייג וצוותו, במיוחד בועדות מישנה שמונו לצורך כך. האמריקנים הציעו לגבש את הרעיונות במסגרת של דו"ח לדרג המיניסטרילי. הדוחות עצמם, שהגישו האמריקנים, מנוסחים בצורה של דיווח על השיחות ועמדות הצדדים וכן בצורה של Non papers בנושאים ספציפיים. הדו"ח המרכזי מתייחס:

- לגודל ומבנה המועצה
- ל-Jurisdiction
- לבטחון
- לחקיקה וסמכויות Regulatory
- לסמכויות reserved/residual
- לסמכויות ותחומי אחריות
- לועדה המתמדת
- לנסיגת המימשל הצבאי

- ולנושאי בחירות נותרים

ראה נספח מס' 21

הדוחות הנפרדים מתיחסים  
- לסמכויות השיוריות ולועדה המתמדת.

ראה נספח מס' 22

- לקרקעות - ראה נייר נפרד בנושא זה.

בניגוד לעבר הציגה ישראל בפני האמריקנים (10-11.5.82) את הערותיה לדו"ח המרכזי אחת לאחת ולא בנייר נפרד משלה.

ההערות הישראליות (נוסחו על ידי יואל זינגר) מצ"ב.

ראה נספח מס' 23

בדיון זה הועלתה מחדש הצעתו של הייג לגישור בנושא סמכויות החקיקה כלהלן:

Legislative Powers

U.S. Bridging Proposal (given to Burg by Haig);

"The SGA(AC) alone will have the power within its spheres of responsibility to issue rules with the force of law which may amend, abrogate, or supplement existing laws in force.

"This power must be exercised in accordance with the autonomy agreement, including the security provisions. and any provision that are agreed concerning cooperation and coordination".

## 2. הערות וטיוטא שניה

הדיונים דלעיל הביאו את האמריקנים לנסח מחדש את דיווחם שכונה (בסוף מאי  
Progress report (1982  
(נייר זה אינו מצוי בידי.)

בדיון שהתקיים בין קלווריוס וקוברסקי ב-6.6.82 דיווח קלווריוס על פגישותיו עם המצרים אשר עוררו מחדש מחלוקות ישנות (לדוגמא - בנושא החקיקה בו דרשו סמכויות חקיקה למועצה) עם זאת בסוגית התיאום ושיתוף הפעולה אמר קלווריוס כי האמריקנים הסבירו למצרים שאל להם לצפות לאפשרות של ניתוק גמור בין ישראל והאוטונומיה (שילוב מלא בנושאי בטחון, שילוב ניכר בתחום הכלכלי, ושילוב ותיאום משתנים לפי הענין גם בכמה נושאים אחרים).

ב-7.6.82 נקראה המשלחת האמריקנית לארה"ב עקב פרוץ מלחמת של"ג.

3. סיום

כדי לסגור המעגל ראוי לצטט דברים שאמר אלי רובינשטיין לקלווריוס בשיחה שהתקיימה ב-6.12.82. יש לזכור כי השיחה התקיימה לאחר שפורסמה תכנית רייגן (1.9.82) וישראל דחתה אותה.

"ארה"ב, אמר רובינשטיין, היא "שותפה מלאה" למו"מ, אך מעמדה שונה מזה של מצרים ובמיוחד של ישראל. בשביל ישראל זו שאלת חיים, בעוד בשביל ארה"ב זו שאלה של מדיניות חוץ ודבר זה חייב להלקח בחשבון בצעדים האמריקניים".

נדב ענר



Israeli Comments to the U.S. Draft Report of the Working Team to the Ministerial LevelGeneral Remarks

1. The U.S. proposed report is drafted in a very cautious way in order to avoid all possible pitfalls,  
Consequently, not all the agreements and understandings reached between Israel and Egypt during the Autonomy negotiations are reflected in the draft report.
2. It should be indicated in the same manner as was done in the Camp David Accords or in the Treaty of Peace that the term "West Bank" is understood by Israel as Judea and Samaria.

Preamble

3. In the first para., after the words "... towards the implementation of the framework agreed on at Camp David", insert the following: "They were of the opinion that such an agreement would help in reaching the final agreement on full autonomy which must establish the practical arrangements for the transitional period". This sentence is taken from the joint statement of Sep. 24, 1981.

Size and Structure

4. Redraft the 2nd para. as follows:  
"... There will be one body elected which will represent the Palestinian Arab inhabitants, will be elected only by them, and will assume those powers and responsibilities that are transferred to it".  
(Proposed changes throughout <sup>cur</sup> paper are underlined).
5. Redraft the last para. on p.2 beginning with:  
"Israel maintains the number of SGA(AC) members ..." and ending with: "... as indicated in the discussion on legislation and regulatory powers" as follows:  
"Israel maintains that the number of SGA(AC) members will conform with its functions, which are administrative in nature, as enumerated in the section on Powers and Responsibilities, and that the SGA(AC) would administer its functional responsibilities, which would include administration of justice and the power to provide regulations, as indicated in the discussion on legislation and regulatory powers".
6. Delete the 2nd para. on p.3, starting with "The primary Israeli concern ... with little political nature".

Fall-back position:

Insert, after "closely parallels that of a state," the words: "which is in contradiction to the Camp David Accords".

Jurisdiction of the SGA(AC)

8. Redraft the first para, on p.4, as follows:  
"The working group has agreed that the authority of the SGA(AC) will be the same in Judea and Samaria and the Gaza , and that the two shall be treated , in relation to the exercise of its functions, as one integral unit".
9. In the same para, and through<sup>out</sup> the whole paper , replace the words "Israel's concern" with the words "Israel's position".
10. Delete the last sentence in the same para. beginning with the words "This definitional distinction ...".
11. Redraft the second para. on pp.4-5 (up to the words: "to the attention of the Ministers") as follows: "The working group will continue its discussion of jurisdiction as it pertains to the Jewish localities and the specified security locations.  
On Jerusalem, Egypt and Israel clearly restated their respective positions which remain as indicated in the letters of President Sadat and Prime Minister Begin which are attached to Camp David Accords".
12. Redraft the first sentence in the last para. on p.5, as follows:  
"The working team had a good discussion of the issue of the personal jurisdiction of the SGA(AC), and was able to conclude that all individuals will respect the law in force in the areas".
13. In the same para. redraft the sentence beginning with "Israel maintains ..." , as follows: "Israel maintains that the jurisdiction of the SGA(AC) should pertain only to the Palestinian Arab inhabitants of Judea and Samaria and the Gaza District".
14. Delete the rest of the para. since it does not reflect our position precisely.

Security

15. Redraft the title to read: "Issues of Security".
16. Delete the end of the para. after the first sentence because such a decision was not taken by the working group.

#### Legislation and Regulatory Power

17. Redraft as follows:

"At this point , the working team believes that it has achieved conceptual agreement that the SGA(AC) will have regulatory power in the spheres to be transferred to it , which under certain conditions might have the power , as appropriate , to change the law in force in the areas.

The two delegations have decided to withhold their final positions".

#### Coordination and Cooperation

18. Redraft the 3rd and 4th para. on p.8 , as follows:

"They further agree that this principle would not be served by new barriers and therefore there will be coordination and cooperation between Israeli authorities and the SGA(AC) to promote the welfare of the inhabitants of Israel , Judea and Samaria and the Gaza District , as in the development of common water aquifers (cooperation) or the prevention of animal diseases (coordination).

Nevertheless , Egypt maintains that coordinated action ..." (the text remains the same up to the bottom of p.8).

19. Replace the text on p.9 with the following:

" Israel maintains that in the nature of things , in view of the free movement that will prevail between Judea , Samaria and the Gaza district and Israel and for the general welfare of the inhabitants ,

arrangements will be agreed upon in the negotiations , in a number of domains , for cooperation and coordination with Israel. The administrative council will , hence , have full scope to exercise its wide - ranging powers under the terms of the autonomy agreement . These powers embrace all walks of life, and will enable the inhabitants the areas concerned to enjoy full autonomy .

The working group intends to continue its clarification of this issue with a view to developing criteria for the application of coordination and cooperation

#### Reserved/Residual Powers

20. Add at the end of the first para. the following:

"In Israel's view , it applies to a broader category of items , such as international communications and transportations , currency , postage and travel documents".

21. Redraft the passage starting with the second sentence in the second para. as follows:

"It is Israel's position that regarding powers and responsibilities not transferred to the SGA(AC) , the current situation shall continue and therefore Israel will hold them , although it may not exercise some of them. Egypt suggests instead that these powers and responsibilities be exercised through the continuing committee , or through agreed practical arrangements".

22. The last para. should be up dated in light of the discussions in the last session

and in annex - the last two words should be redrafted to read: "The transition



Powers and Responsibilities

23. The ~~last~~ sentence on p.11 should be redrafted as follows:  
"It will also have regulatory power as discussed in the section on Legislation and Regulatory Power".
24. Redraft the whole para. on p.12 as follows:  
"The working group suggests that further progress in this area may be easier to achieve once answers are found to the issues of Reserved / Residual Powers".

Continuing Committee

25. The passage should be redrafted in the light of the last session.

Withdrawal of the Military Government

26. The title should be redrafted as follows:  
"Withdrawal of the Military Government and the Beginning of the Transitional Period".
27. Redraft the passage as follows:  
"It has been agreed that a schedule should be included in the final autonomy agreement concerning the elections ; the withdrawal of the military government and its civilian administration, a withdrawal of the remaining forces into specified security locations and the inauguration of the SGA(AC)".

Remaining Electoral Issues

28. Delete the last sentence on p.16 .

NON-PAPER

Working Group Discussions, March 1-4, 1982

The working group discussed the issues of reserved/residual powers, and the Continuing Committee.

Reserved/Residual Powers

The working group continued its discussion of reserved/residual powers. It began by examining a particular problem -- the issuance of travel documents. Egypt maintained its position that the issuance of such documents is an internal matter and should be transferred to the SGA(AC). Israel maintained its position that the issuance of such documents is an aspect of foreign affairs and that, consequently, the responsibility should not pass to the SGA(AC). Israel suggested the maintenance of the status quo, whereby a Palestinian inhabitant lacking a passport would get a laissez-passer from the country from which he was exiting (e.g., Egypt, Israel or Jordan), with no passport or travel document needed for travel between the <sup>West Bank</sup> territories and Jordan, ~~Israel~~ or Egypt. This discussion was inconclusive. The Egyptian delegation suggested that the discussion be continued at a later session and consider as well the question of entry of foreign travelers to the West Bank and Gaza.

The American delegation then explained the bridging ideas on the general issue of reserved/residual powers which had been shared bilaterally with the parties by Secretary Haig and Ambassador Fairbanks. The American delegation said that it saw two issues involved in the reserved/residual powers debate.

The first issue was what subjects would be included in the category of reserved/residual powers, recognizing that the question of security would be treated separately. On this basis, Egypt's position is that only foreign affairs strictu sensu should be included, while Israel's position is that a number of additional matters (e.g., currency, postage, foreign affairs, territorial sea and airspace, international communications and transportation, and passports) should be included.

The second issue was how the category of powers will be handled during the transitional period. Israel's position is that it will hold these powers, although it may choose not to exercise some of them during the transitional period.



Egypt's position is that the foreign affairs power strictu sensu would not be exercised or held by anyone during the transitional period and that all other powers should be held by the SGA(AC).

*unilaterally*  
*exercise*  
*power*  
The United States' bridging idea adopts a wider concept of what is included among reserved/residual powers in exchange for agreement that neither Israel nor the SGA(AC) will ~~unilaterally~~ exercise these powers during the transitional period.

With respect to the category of reserved/residual powers, the United States said that it was not certain that agreement on the exact list of powers to be included in the category was needed at the stage of a statement of principles and understandings. However, the U.S. believed it would be helpful if the two delegations had more common understanding of what might appropriately be included in such a category, and the U.S. offered its view that, of the subjects mentioned for inclusion in such a category, it seemed reasonable that subjects such as passports, currency, postage, international communications and transportation, and foreign affairs be among those. The United States recognized that precedents could be found for the exercise of each of these powers by nonsovereign entities. Nevertheless, it seemed to the U.S. that these powers and responsibilities did suggest sovereignty, and that, if practical arrangements regarding these responsibilities could be found for the transitional period, it did not seem to derogate from full autonomy to deny the SGA(AC) the right to exercise these powers and responsibilities.

With respect to the handling of these reserved/residual powers during the transitional period, the United States said that, if these powers suggest sovereignty when exercised by the SGA(AC), thereby prejudging the final status, ~~then Israel~~ likewise should not exercise these powers during the transitional period, as that would equally prejudice the final status talks. Instead of unilateral exercise by either the SGA(AC) or Israel, the United States suggested that, during the transitional period, practical situations concerning reserved/residual powers be handled in one of four ways:

(a) Nonexercise of the power. For example, it would not be necessary for anyone to represent the inhabitants of the territories in international organizations during the transitional period.



(b) Maintaining existing practical arrangements where they are acceptable to all. For example, the existing currency arrangements whereby the Jordanian dinar and the Israeli shekel are legal tender in the West Bank seem acceptable and do not prejudice final status.

(c) Specifying new practical arrangements in the detailed autonomy agreement. For example, it might be specified that in addition to the Israeli stamp, the Jordanian stamp could be used in the territories.

(d) Handling specific problems as they arise during the transitional period, with the agreement of Israel and the SGA(AC). This agreement might be achieved in a bilateral forum or in the Continuing Committee.

The United States said that it might not be necessary in the statement of principles and understandings to specify which particular reserved/residual powers would be handled through which of the four alternatives. At this stage it might be sufficient to agree that reserved/residual powers would not be unilaterally exercised during the transitional period but would be handled through one of the four practical alternatives.

The United States also explained that there were two corollaries to this bridging idea. First, the final allocation of the reserved/residual powers would be decided in the final status talks. Second, the statement of principles and understandings would be silent on the question of who would hold these powers, as a theoretical matter, during the transitional period.

The Egyptian and Israeli delegations reiterated their basic positions of principle regarding reserved/residual powers, but expressed their appreciation for the U.S. suggestion and said that they would study it carefully.

#### Continuing Committee

The working group briefly returned to the issue of the Continuing Committee.

(a) Procedure. The Israeli delegation indicated that the previous U.S. non-paper had incorrectly suggested that Israel might accept a procedure in the Committee that allowed

decisions to be adopted with some members abstaining, provided each member had the right to prevent adoption of the decision by voting no. Israel's position was that every decision by the committee must be unanimous, with the affirmative vote of all members.

Egypt explained its view that Camp David anticipated a categorization of procedures. Since the CDA referred only to matters affecting displaced persons and disruption and disorder when it specified that decisions would be reached "by agreement," Egypt said that these questions must be interpreted as the "exception" and that normal rules of procedure (voting) would apply to other questions. Israel said that if a textual reading were to govern, then it should be noted that Camp David used the word "decisions" only with respect to displaced persons and disruption and disorder.

The United States said that the textual analysis should not obscure political realities and that the U.S. believed it was unreasonable to expect Israel to contemplate voting in a committee where the majority of members were Arab, notwithstanding the strength of Egyptian/Israeli relations. However, as long as each member of the committee had the ability to "veto" a committee decision, the United States wondered whether allowing for abstention and/or nonparticipation might not add some desirable flexibility.

(b) Role of the Continuing Committee. The Israeli delegation stated that it would only be able to contemplate giving the committee responsibility for more than two items specified in Camp David if the rule of unanimity were accepted with respect to these additional items. The Egyptian delegation stated that Camp David clearly anticipated that the Continuing Committee would handle additional matters.



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REPORT OF THE WORKING TEAM TO THE MINISTERIAL LEVEL

On September 24, 1981, delegations at the Ministerial level representing Egypt and Israel, and a delegation representing the United States, established as their initial and immediate objective, not excluding other avenues, an agreement on understandings and principles towards the implementation of the framework agreed on at Camp David. In the Joint Statement of that date, the Ministers charged the working team to address the issues of scope, jurisdiction and structure of the SGA(AC); security; legislation and regulatory power; Continuing Committee; remaining electoral issues; the beginning of the transitional period; further definition of powers and responsibilities; and other key issues. The working team was given further guidance in a Joint Statement issued November 13, 1981.

In the past \_\_\_\_\_ months, the working team has held \_\_\_\_\_ trilaterals, in addition to numerous bilateral sessions. The working team has made some progress in resolving certain issues and in conceiving options for the resolution of other issues. The working team believes that the Ministers should reconvene to consider this report of its work and its recommendations on what actions the Ministers might now take in order to facilitate the conclusion of an Agreement on Understandings and Principles.



### Size and Structure

The working team discussed the issue of the size and structure of the SGA(AC) at length, and was able to produce agreement on several factors which are related to these issues, including:

- There will be one elected body which will represent the Arab Palestinian inhabitants, will be elected only by them, and will assume those powers and responsibilities that are transferred to it.
- The members of the SGA(AC) will be able, as a group, to discuss all subjects within its competence and will be responsible for planning and carrying out their decisions;
- The members will apportion among themselves responsibility for the various functions within their competence, will select their own officers, and will determine their own internal procedures.

Despite agreement on these concepts, Egypt and Israel draw different conclusions on the size and structure of the SGA(AC). Egypt maintains that the SGA(AC) should be relatively large, that it should be free to devise its own structure, and that it should have legislative, executive and judicial powers. Israel maintains that the number of SGA(AC) members will be tied to its functions and therefore should be relatively small. The SGA(AC) would administer its functional responsibilities, which would include

administration of justice and the ability to change laws, as indicated in the discussion on legislation and regulatory power.

The primary Israeli concern with Egypt's approach is that its size and structure closely parallels that of a state. Egypt, on the other hand, is concerned that the Israeli approach gives the appearance of an administrative tool of continued occupation, with little political nature.

The working team believes that it has exhausted its efforts on this issue. For the benefit of the Ministers, the working team has attached to this report a list of all of the options which have been suggested with respect to the size and structure issue. In order to encourage creativity, it was agreed that options would be listed without attribution as to source and without comment on the various options.

### Jurisdiction of the SGA(AC)

The working group has agreed that the authority of the SGA(AC) will be the same in the West Bank and Gaza, and that the two shall be treated as one integral unit. It was also agreed that there are physical limits to the authority of the SGA(AC). However, there is a significant difference between Egypt and Israel on the nature of those physical limits, which derives from Israel's concern that autonomy is for the inhabitants of Judea and Samaria and the Gaza District and Egypt's concern that autonomy applies to the territories of the West Bank and Gaza. This definitional distinction raises directly the question of jurisdiction over the settlements and specified security locations as well as the issue of East Jerusalem.

The working group will continue its discussion of physical jurisdiction as it pertains to the settlements and the specified security locations in the course of its discussions on land and security. On Jerusalem both parties agree that the final status of Jerusalem is not an issue for resolution in the context of the autonomy agreement. Nevertheless, members of the Egyptian and Israeli delegations clearly restated their respective positions on Jerusalem, which remain as indicated in the letters of President Sadat and Prime Minister Begin which were attached to Camp David Accords. The working team has concluded that it cannot productively address the issue of East Jerusalem at its



level, and therefore draws it to the attention of the Ministers.

The working team had a good discussion of the issue of the personal jurisdiction of the SGA(AC), and was able to conclude that all individuals in the territories will respect the law in force in the territories. However, significant issues concerning the application of this principle remain. Egypt maintains that the SGA(AC) should have full jurisdiction over all persons in the West Bank and Gaza; Israel maintains that the jurisdiction of the SGA(AC) should be limited to the Palestinian Arab inhabitants. Israel is concerned that the principle be applied in a manner which ensures that there will not be discrimination against Israelis in the areas. Egypt agrees that the law should not discriminate and should be applied in an equitable manner, but does not want to see a procedure whereby a privileged category of individuals in the territories is created. These issues will also be discussed in the context of discussions on land and security.

## Security

The working team has heard a presentation by Israel concerning security. The team has decided to concentrate now on the issue of internal security and public order, and for this purpose has decided to create a subcommittee headed by military experts. This subcommittee will meet \_\_\_\_\_.

Legislation and Regulatory Power

At this point, the working team believes that it has achieved conceptual agreement that the SGA(AC) will have the power to change the laws in force in the territories, as indicated in the approach proposed by the United States (attachment 2). The two delegations have decided to withhold their comments on the language of the formula, because their conceptual agreement to its approach is understood to depend upon the satisfactory resolution of the issues of cooperation and coordination, reserved/residual powers, and settlement of disputes.



### Reserved/Residual Powers

Egypt and Israel agree that the SGA(AC) will not be given powers and responsibilities which can reasonably be considered to be indicia of sovereignty or which are unnecessary for full autonomy during a transitional period. In Egypt's view, this applies to a narrow category of powers and responsibilities, such as foreign affairs, strictu sensu. In Israel's view, it applies to a broader category of items.

Egypt and Israel also agree that powers and responsibilities which are not transferred to the SGA(AC) shall be handled during the transitional period in a manner which does not prejudice the final status talks. It is Israel's position that Israel will hold these powers and responsibilities, although it may not exercise them. Egypt believes that this would be prejudicial to the final status talks and has suggested instead that these powers and responsibilities be exercised through the Continuing Committee, or through agreed practical arrangements.

There would therefore seem to be two primary questions concerning this issue: (1) what powers and responsibilities will be included in this category; and (2) how will they be handled during the transition.

### Powers and Responsibilities

Egypt maintains that all the powers and responsibilities of the Israeli military government and its civilian administration exclusive of the security powers mentioned in the Camp David Framework agreement should be transferred to the SGA(AC), subject to certain limitations such as the power to declare independence or to conduct diplomatic relations. Egypt bases its position on the fact that Camp David provides for the SGA(AC) to replace the Military Government.

Israel maintains that this position is inconsistent with the Framework agreement which stipulates that the autonomy agreement will define the powers and responsibilities of the SGA(AC). Instead, Israel suggests that the powers to be transferred to the SGA(AC) will be in the following domains: (1) Administration of Justice; (2) Agriculture; (3) Finance; (4) Civil Service; (5) Education and Culture; (6) Health; (7) Housing and Public Works; (8) Transportation and Communications; (9) Labor and Social Welfare; (10) Municipal Affairs; (11) Local Police; (12) Religious Affairs; and (13) Industry, Commerce and Tourism. Israel suggests that the SGA(AC) will have full powers in its spheres of competence to determine its budget, to enter into contractual obligations, to sue and be sued, and to engage manpower. It will also have the ability to change laws in its spheres of competence as discussed in the section on Legislation and

12

**Regulatory Powers.**

The working group is unable to make further progress in this area until a decision is made on the approach we should follow: whether to transfer to the SGA(AC) all powers subject to an exhaustive list of limitations, or to provide an exhaustive list of powers. The working group suggests that this dilemma may be easier to resolve once an answer is found to the issue of reserved/residual powers, and to the issue of land. It suggests therefore that further discussion of powers and responsibilities be deferred pending resolution of these related issues.



Land

The working group has not discussed land.

Continuing Committee

The role of the Continuing Committee during the transitional period cannot be addressed in isolation from other issues, such as the settlement of disputes and land. The working group will take this up in the context of discussions of other items, as appropriate.

Withdrawal of the Military Government

In view of ambiguity in the Camp David Accords and the subsequent joint letter, it has been agreed that a schedule concerning elections, withdrawal, and inauguration of the SGA(AC) should be included in the final autonomy agreement. It has also been agreed that the withdrawal shall be accomplished in a manner which does not adversely affect the provision of basic services to the inhabitants.



Remaining Electoral Issues

The working team reviewed the work which has already been accomplished in the elaboration of procedures concerning the conduct of free elections. It is possible to draw from this work the following principles and understandings, leaving unresolved, technical issues to be worked out in the negotiations on the detailed, autonomy agreement:

(Insert Principles)

The issue of whether the Arab inhabitants of East Jerusalem will be able to participate in the elections for the SGA(AC) remains unresolved.

OPTIONS FOR RESOLVING THE NATURE, SIZE, AND STRUCTURE OF  
THE SGA(AC)

I. DEAL WITH THESE THREE ISSUES AS A PACKAGE

A. THE SGA(AC) WILL BE A SINGLE BODY WITH ADMINISTRATIVE NATURE AND A MEMBERSHIP OF APPROXIMATELY 13 ELECTED INDIVIDUALS.

B. THE SGA(AC) WILL DEVISE ITS OWN STRUCTURE, WILL HAVE FULL LEGISLATIVE, EXECUTIVE, AND JUDICIAL POWERS, AND WILL HAVE A MEMBERSHIP OF 80-100 INDIVIDUALS.

C. THE SGA(AC) WILL BE A SINGLE BODY WHICH WILL HAVE AN ADMINISTRATIVE AND REPRESENTATIVE CHARACTER AND WILL POSSESS, REGARDLESS OF THE TERMINOLOGY ADOPTED, THE ABILITY TO MAKE CHANGES IN THE LAWS AND REGULATIONS WITHIN ITS DEFINED AREAS OF COMPETENCE. THE SGA(AC) WILL HAVE A MEMBERSHIP OF 32-42 MEMBERS.

II. DEAL WITH THE SIZE ISSUE ALONE:

A. THE NUMBERS WHICH HAVE BEEN SUGGESTED ARE 13-15, 80-100, AND 32-42.

B. SUGGESTIONS HAVE ALSO BEEN MADE TO FIND A COM

PROMISE THROUGH MORE DETAILED TREATMENT OF THE SIZE  
ISSUE, SUCH AS:

- 1. ACKNOWLEDGE THAT THE SGA(AC) HAS A REPRESENTATIVE AND A FUNCTIONAL CHARACTER BUT THAT THE REPRESENTATIVE CHARACTER WILL ASSUME A NEW DIMENSION WHEN THE FINAL STATUS NEGOTIATIONS ARE INITIATED. THEREFORE, A CERTAIN NUMBER OF MEMBERS, PERHAPS BETWEEN 20 AND 30, WOULD BE ELECTED TO FULFILL THE INITIAL FUNCTIONS OF THE SGA(AC), AND AN ADDITIONAL NUMBER PERHAPS 20, WOULD BE ELECTED WHO WOULD JOIN THE SGA(AC) WHEN THE FINAL STATUS NEGOTIATIONS BEGIN.

- 2. ACKNOWLEDGE THAT THE WEST BANK AND GAZA MAY PRESENT SLIGHTLY DIFFERENT ADMINISTRATIVE REQUIREMENTS, AND THEREFORE ELECT 11-15 MEMBERS FROM EACH AND AN ADDITIONAL 11-15 AT-LARGE MEMBERS.

- 3. TIE THE NUMBER OF ELECTED OFFICIALS TO FUNCTIONS, BUT ELECT TWO OR THREE OFFICIALS FOR EACH FUNCTION.

- C. DO NOT ATTEMPT TO RESOLVE THE SIZE ISSUE AT THIS STAGE, BUT AGREE ON THE FACTORS WHICH ARE RELEVANT TO THE DETERMINATION OF THE SIZE:

- 1. THE FUNCTIONS OF THE SGA(AC).
- 2. THE FUNCTIONS OF THE SGA(AC) AND ITS REPRESENTATIVE CHARACTER.

- D. BASE SIZE SOLELY ON CONSTITUENT REPRESENTATION THAT ASSURES APPORTIONMENT WITH DUE REGARD FOR POPULATION, TAKING INTO ACCOUNT REASONABLE NORMS FOR REPRESENTATION AND THE PRACTICE OF APPROPRIATE STATES IN THE REGION.

III. CONSIDER THE ISSUES OF SYSTEMS OF ELECTION AND "NUMBER OF MEMBERS TO BE ELECTED" INTEGRALLY.



S. BRIDGING IDEA: SETTLEMENT OF DISPUTES AND ROLE OF  
- THE CONTINUING COMMITTEE

- IN THE COURSE OF BILATERAL DISCUSSIONS ON THE ROLE OF THE CONTINUING COMMITTEE, THE ISRAELI AND EGYPTIAN WORKING TEAMS EACH ASKED THE UNITED STATES FOR ITS IDEAS ON THE MANNER IN WHICH DISPUTES UNDER THE AGREEMENT MIGHT BE SETTLED AND THE ROLE OF THE CONTINUING COMMITTEE IN SUCH MATTERS.

- THE UNITED STATES TEAM RESPONDED THAT IT WAS TO BE EXPECTED THAT QUESTIONS CONCERNING THE INTERPRETATION OR APPLICATION OF THE AUTONOMY AGREEMENT WOULD ARISE DURING THE TRANSITIONAL PERIOD. THESE QUESTIONS SHOULD BE RESOLVED AS THEY ARISE, SO THAT ISSUES DO NOT ACCUMULATE. IN THE VIEW OF THE UNITED STATES, THE MECHANISM FOR SETTLING DISPUTES SHOULD VARY WITH THE

האם יש להאפשר להם לדון בזה  
באופן פורמלי או לא  
- IT IS TO BE THE POLICY OF THE UNITED STATES TO ALLOW AN OPPORTUNITY FOR THE PARTIES TO DISCUSS THE MATTER BETWEEN THEMSELVES AND WITH OTHERS INTERESTED BEFORE FORMAL RESOLUTION MECHANISMS ARE INVOKED.

- THE UNITED STATES SUGGESTED THAT DISPUTES WOULD ORDINARILY PROGRESS THROUGH THREE STAGES

- (1) WHEN A QUESTION ARISES CONCERNING THE INTERPRETATION OR APPLICATION OF THE AUTONOMY AGREEMENT, IT WOULD FIRST BE DISCUSSED BILATERALLY BETWEEN THE PRINCIPAL CONTESANTS.

- (2) IF THE QUESTION IS NOT ANSWERED THROUGH THESE BILATERAL DISCUSSIONS, IT COULD BE REFERRED BY EITHER CONTESANT TO THE CONTINUING COMMITTEE. THE CONTINUING COMMITTEE WOULD BE AVAILABLE FOR THE DISCUSSION OF ANY ISSUE, BUT NO DECISION COULD BE TAKEN OVER THE OBJECTION OF ANY MEMBER.

- (3) IF THE CONTINUING COMMITTEE CANNOT REACH A DECISION WITHIN A PREScribed PERIOD, THE DISPUTE WOULD BE RESOLVED AS FOLLOWS:

- (A) DISPUTES CONCERNING THE SECURITY PROVISIONS OF THE AGREEMENT WILL, IN THE ABSENCE OF JORDANIAN PARTICIPATION, BE RESOLVED BY ISRAEL. THE MECHANISM WILL INCLUDE PROCEDURES TO PROTECT AGAINST THE ABUSE OF THIS AUTHORITY. FOR EXAMPLE, THE DECISION WOULD BE MADE AT A DEFINED SENIOR

LEVEL AND, WHERE POSSIBLE, FOLLOWING FULL DISCUSSION IN THE CONTINUING COMMITTEE. IN ANY CASE, THE CONTINUING COMMITTEE WOULD HAVE THE OPPORTUNITY FOLLOWING A DECISION TO SEEK CLARIFICATIONS OF THE DECISION AND ITS BASIS.

(B) DISPUTES CONCERNING THE LAND PROVISIONS OF THE AUTONOMY AGREEMENT WILL BE ADDRESSED IN THE CONTINUING COMMITTEE. PENDING A DECISION BY THE COMMITTEE, THE CURRENT USER WOULD NOT BE DISTURBED.

(C) DISPUTES CONCERNING OTHER PROVISIONS OF THE AGREEMENT WOULD BE RESOLVED PROMPTLY BY ARBITRATION.

AS INDICATED ABOVE, THE U.S. VIEW CONCERNING THE ROLE OF THE CONTINUING COMMITTEE IS THAT IT WOULD BE AVAILABLE AS AN INTERMEDIATE STEP FOR THE DISCUSSION OF ISSUES DURING THE TRANSITIONAL PERIOD. THE PRESENCE OF MEMBERS OF THE CONTINUING COMMITTEE WHO ARE NOT DIRECTLY INVOLVED IN THE DISPUTE BUT WHO HAVE AN INTEREST IN THE SUCCESS OF THE TRANSITIONAL ARRANGEMENTS MAY MODERATE THE POSITIONS OF THE PRINCIPAL CONTESTANTS AND PRODUCE AN AGREED DECISION WITHOUT RECOURSE TO FORMAL DISPUTE SETTLEMENT. THEREFORE, THE COMMITTEE WOULD BE AVAILABLE FOR THE DISCUSSION OF ANY ISSUE. IT IS ALSO THE U.S. VIEW THAT NO DECISION OF THE CONTINUING COMMITTEE WOULD BE TAKEN OVER THE OBJECTION OF ANY OF ITS MEMBERS. SINCE A FORMAL MECHANISM FOR DISPUTE SETTLEMENT IS AVAILABLE IF THE CONTINUING COMMITTEE CANNOT REACH AGREEMENT, IT DOES NOT SEEM NECESSARY FOR THE COMMITTEE TO BE ABLE TO FORCE DECISIONS BY VOTE.

agreed?

אולי תהיה  
חלקה של הממשלה  
ואם לא תהיה  
מלחמה נוספת  
הייתם אמנם נאמין  
במחלוקת

ואכן בלתי  
אפשרי  
המחלוקת

סמכות הממשלה (אולי גורמן)  
הממשלה תהיה אחראית



## COORDINATION AND COOPERATION

- IT HAS BECOME CLEAR FROM NUMEROUS TRILATERAL AND BILATERAL DISCUSSIONS THAT THE PARTIES HAVE DIFFERENT PERSPECTIVES ON WHETHER AND TO WHAT EXTENT TO DEFINE THE INTERRELATIONSHIP BETWEEN ISRAEL AND THE SGA(AC) DURING THE TRANSITIONAL PERIOD. THE AREAS OF MOST CONCERN AFFECT THE TRAVEL OF PEOPLE, ECONOMIC RELATIONS, LINKED UTILITY SYSTEMS, AND EXCHANGES OF INFORMATION. ISRAEL HAS URGED THAT THE INTERRELATIONSHIPS (OR ARRANGEMENTS FOR THEM) BE INCLUDED IN THE AUTONOMY AGREEMENT IN ORDER TO PROMOTE CERTAINTY, PARTICULARLY IN THE INITIAL TRANSITIONAL PHASES. EGYPT HAS URGED THAT THE INTERRELATIONSHIP BE DEVELOPED DURING THE TRANSITIONAL PERIOD THROUGH NEGOTIATIONS AS REQUIRED.

- PERHAPS BECAUSE OF THE OBJECTIVE OF A STATEMENT OF PRINCIPLES AND UNDERSTANDINGS, RECENT DISCUSSIONS OF THE ISSUE OF "COORDINATION AND COOPERATION" HAVE PROCEEDED AS IF ALL ITS COMPONENTS MUST BE RESOLVED IN THE SAME MANNER. HOWEVER, IT MIGHT BE BENEFICIAL TO APPROACH THE ISSUE BY ANALYZING EACH OF ITS MAJOR COMPONENTS SEPARATELY.

### - I. TRAVEL OF PEOPLE

- ONE APPROACH WOULD BE TO AGREE THAT INDIVIDUALS WILL BE ABLE TO TRAVEL FREELY WITHIN THE WEST BANK AND GAZA AND BETWEEN THEM AND ISRAEL. TRAVELERS WOULD, OF COURSE, BE BOUND BY THE LAWS IN FORCE WHERE THEY ARE PRESENT.

*Handwritten note:* ...for the purpose of ...

- WITH ACCEPTANCE OF THIS PRINCIPLE, IT MIGHT BE SUFFICIENT TO PROVIDE THAT ISRAEL AND THE SGA(AC) WILL ESTABLISH A JOINT COMMITTEE TO DISCUSS RELATED ISSUES, SUCH AS TRANSPORTATION REGULATIONS AND STANDARDS, MEASURES TO PREVENT THE SPREAD OF POLLUTION OR COMMUNICABLE DISEASES, AND TOURISM FACILITIES. THE COMMITTEE WOULD DISCUSS SUCH ISSUES, AND WHERE POSSIBLE, REACH AGREEMENT ON COORDINATED POLICIES. NEITHER PARTY WOULD, HOWEVER, BE ABLE TO IMPOSE ON THE OTHER ANY PARTICULAR POLICY REGARDING SUCH ISSUES. INSTEAD, EACH PARTY WOULD IMPLEMENT ITS OWN POLICY, SUBJECT TO THE GENERAL OBLIGATION TO PERMIT TRAVEL. DISAGREEMENT AS TO WHETHER A POLICY IS A LEGITIMATE EXERCISE OF POWERS AND RESPONSIBILITIES OR AN ACTION WITH THE INTENT OR SUBSTANTIAL EFFECT OF LIMITING TRAVEL WOULD BE REFERRED TO DISPUTE SETTLEMENT.

- IF THIS APPROACH WERE AGREED, THE STATEMENT OF PRINCIPLES AND UNDERSTANDINGS MIGHT INCLUDE THE FOLLOWING PROVISIONS:

- (1) INDIVIDUALS SHALL BE ABLE TO TRAVEL FREELY WITHIN THE TERRITORIES AND BETWEEN THE TERRITORIES AND ISRAEL.

- (2) IN ORDER TO FACILITATE THIS MOVEMENT, THE SGA(AC) AND ISRAEL WILL FORM A JOINT COMMITTEE TO DISCUSS RELEVANT ISSUES, INCLUDING TRANSPORTATION REGULATIONS AND STANDARDS, MEASURES TO PREVENT THE SPREAD OF POLLUTION OR COMMUNICABLE DISEASES, AND STEPS TO PROMOTE TOURISM.

- (3) THE SGA(AC) AND ISRAEL SHALL EACH REFRAIN FROM DECISIONS WHICH HAVE THE INTENTION OR SUBSTANTIAL EFFECT OF INTERFERING WITH TRAVEL.



## - II. ECONOMIC RELATIONS

- THE ISSUE OF ECONOMIC RELATION- IS MORE COMPLEX AND WOULD PROBABLY REQUIRE MORE DETAILED TREATMENT IN THE AUTONOMY AGREEMENT, SINCE "FULL AUTONOMY" WOULD SEEM TO ENCOMPASS ESTABLISHING AND IMPLEMENTING ECONOMIC DEVELOPMENT PRIORITIES, THE SGA(AC) WOULD NEED THE POWER TO PROVIDE FOR THE ORDERLY MARKETING OF AGRICULTURAL GOODS, TO ATTRACT INVESTMENT, TO PROTECT DEVELOPING INDUSTRIES, AND TO STIMULATE CERTAIN BUSINESSES AND DISCOURAGE OTHERS. HOWEVER, THE POWER TO ESTABLISH CUSTOMS CAN BE SEEN AS AN INDICIA OF SOVEREIGNTY, AND THE CREATION OF A CUSTOMS BORDER MIGHT PREJUDICE CERTAIN FINAL STATUS ISSUES. THEREFORE, IT WOULD ALSO SEEM THAT THERE SHOULD NOT BE A CUSTOMS BORDER BETWEEN THE TERRITORIES AND ISRAEL AND THAT GOODS SHOULD MOVE FREELY BETWEEN THE TERRITORIES AND ISRAEL (AS SHOULD LABORERS).

- THE POSSIBLE DIFFERENCES IN ECONOMIC PRIORITIES OF ISRAEL AND THE SGA(AC) AND THE MOVEMENT OF GOODS SUGGEST THAT CONSIDERATION OF THE IMPACTS OF ACTIONS BY EACH SIDE IS APPROPRIATE. FOR EXAMPLE, TOO HIGH A SUBSIDY OR INDIRECT TAX IN ISRAEL MAY HAVE AN ADVERSE IMPACT ON THE ECONOMY OF THE SGA(AC) BECAUSE OF THE EASY ACCESS OF PALESTINIAN INHABITANTS TO ISRAELI MARKETS AND THE MOVEMENT OF GOODS, AND VICE-VERSA. THEREFORE, A STATEMENT OF PRINCIPLES AND UNDERSTANDINGS

MIGHT ACKNOWLEDGE THAT ARRANGEMENTS CONCERNING ECONOMIC RELATIONS WILL BE INCLUDED IN THE DETAILED AUTONOMY AGREEMENT, SUBJECT TO CHANGE BY AGREEMENT OF THE SGA(AC) AND ISRAEL. IT MIGHT ALSO BE POSSIBLE TO INCLUDE SOME GENERAL GUIDELINES CONCERNING THOSE ARRANGEMENTS, SUCH AS:

- (1) THERE SHALL BE NO CUSTOMS BORDER BETWEEN ISRAEL AND THE TERRITORIES.

- (2) ISRAEL AND THE SGA(AC) WILL FORM A JOINT COMMITTEE TO DISCUSS QUESTIONS RELATED TO ECONOMIC DEVELOPMENT WITH A VIEW TO THE ADOPTION OF MUTUALLY BENEFICIAL DEVELOPMENT PROGRAMS, BUT EACH WILL DETERMINE ITS OWN DEVELOPMENT PRIORITIES AND PROGRAMS.

- (3) IN ORDER TO FULFILL ITS RESPONSIBILITIES WITH RESPECT TO INDUSTRY, COMMERCE AND AGRICULTURE, THE SGA(AC) WILL HAVE THE POWER TO PROTECT DEVELOPING INDUSTRIES, TO ENCOURAGE INVESTMENT, TO PROVIDE FOR THE ORDERLY MARKETING OF AGRICULTURAL PRODUCTS, AND TO ENCOURAGE OR DISCOURAGE CERTAIN COMMERCIAL ACTIVITIES.

- (4) THE AUTONOMY AGREEMENT WILL INCLUDE PROVISIONS TO DEAL WITH ISSUES WHICH ARISE FROM THE INTERACTION OF THESE PRINCIPLES, SUCH AS:

- -- THE IMPACT OF VARYING INDIRECT TAXES VS.



- ENCOURAGEMENT OF DEVELOPING INDUSTRIES;
- -- THE LABELING OF DANGEROUS GOODS AND
- DRUGS.

### - III. COMMON SYSTEMS

- THE EXISTENCE OF CERTAIN SYSTEMS IN THE WEST BANK AND GAZA WHICH ARE LINKED TO ISRAEL RAISES QUESTIONS ABOUT THEIR OPERATION DURING THE TRANSITIONAL PERIOD. ON THE ONE HAND, IT IS INDISPUTABLE THAT THE INHABITANTS BENEFIT FROM THE PROVISION OF SUCH SERVICES. ON THE OTHER HAND, IT SEEMS CONSISTENT WITH FULL AUTONOMY TO PROVIDE THE SGA(AC)-RESPONSIBILITY FOR ELECTRICITY AND COMMUNICATIONS.

- ONE POSSIBILITY CONCERNING THESE SYSTEMS WOULD BE TO AGREE THAT SUCH SERVICES WOULD NOT BE INTERRUPTED BY THE SGA(AC) OF ISRAEL UNLESS A LOCAL SERVICE IS SUBSTITUTED. IT MIGHT ALSO BE AGREED THAT ISRAEL WOULD BE CONSULTED PRIOR TO A SUBSTITUTION AND THAT THE SUBSTITUTION WOULD BE ORDERLY. FURTHER, AS LONG AS THE ISRAELI SERVICE WERE MAINTAINED, THERE WOULD NEED TO BE ARRANGEMENTS CONCERNING ITS ADMINISTRATION. THESE IDEAS COULD BE REFLECTED IN A STATEMENT OF PRINCIPLES AND UNDERSTANDINGS AS FOLLOWS:

- (1) NEITHER THE SGA(AC) NOR ISRAEL SHALL DISTURB EXISTING ELECTRICAL AND COMMUNICATIONS SYSTEMS WHICH ARE LINKED BETWEEN THE TERRITORIES AND ISRAEL UNLESS AN ALTERNATIVE LOCAL SERVICE IS SUBSTITUTED. ANY SUCH SUBSTITUTION SHALL BE DONE IN AN ORDERLY MANNER FOLLOWING CONSULTATION.

- (2) THE AUTONOMY AGREEMENT SHALL INCLUDE ARRANGEMENTS CONCERNING THE ADMINISTRATION OF SYSTEMS WHICH ARE LINKED BETWEEN THE TERRITORIES AND ISRAEL.

- IV. INFORMATION

- THE FOURTH AREA WHICH RELATES TO THE NATURE OF THE INTERRELATIONSHIP BETWEEN ISRAEL AND THE SGA(AC) CONCERNS EXCHANGES OF INFORMATION. THIS ISSUE EXTENDS BEYOND ISRAEL/SGA(AC), AS THERE WILL BE CIRCUMSTANCES WHERE OTHERS WILL NEED ACCESS TO INFORMATION (E.G., THE EGYPTIAN LIAISON OFFICER). THEREFORE, A STATEMENT OF PRINCIPLES AND UNDERSTANDINGS MIGHT INDICATE THAT EACH MEMBER OF THE CONTINUING COMMITTEE WILL MAKE AVAILABLE TO THE OTHERS INFORMATION RELEVANT TO THE IMPLEMENTATION OF THE AUTONOMY AGREEMENT.

- THERE IS ANOTHER ELEMENT, NOT ADDRESSED HERE, WHICH ALSO REQUIRES ELABORATION IN ORDER THAT IT CAN BE TAKEN INTO ACCOUNT IN A STATEMENT OF PRINCIPLES AND UNDERSTANDINGS. THIS IS THE ARRANGEMENTS WHICH WILL PERTAIN DURING THE TRANSITIONAL PERIOD BETWEEN THE WEST BANK/GAZA AND JORDAN. IT SEEMS LOGICAL FIRST, THAT EXISTING ARRANGEMENTS WOULD BE CONTINUED, AND SECOND, THAT UNDER AUTONOMY THE SGA(AC) WOULD BE ABLE TO MAKE CHANGES IN THESE ARRANGEMENTS.

SEP 1980 - 1981  
1982 - 1983  
1984 - 1985

The subgroup has engaged in intensive discussions of the issues pertinent to the powers and responsibilities of the SGA(AC) including, although not exhausting, the topics of (1) transferred powers; (2) coordination; (3) cooperation; and (4) other powers specified by Israel as residual powers and by Egypt as reserved powers.

The Israeli delegation, by way of introduction, indicated that, in its view, the following powers and responsibilities would be transferred to the SGA(AC) to exercise for the Arab inhabitants of the areas: Administration of Justice; Agriculture; Finance; Civil Service; Education and Culture; Health; Housing and Public Works; Internal Transportation, Communications and Post; Labor, Manpower and Social Welfare; Municipal Affairs; Local Police; Religious Affairs; Industry, Commerce and Tourism.

The Israeli delegation stressed the general nature of these broad categories, each of which would incorporate numerous areas of activities. It was added that some topics such as water and land, which, while covered in other categories, ~~may~~ <sup>are</sup> of such major significance that they might need special treatment in separate paragraphs. The Egyptians did not specifically agree to Israel's list and indicated that they would include additional areas. The Egyptians made clear their belief that all the powers of the military government <sup>and its civilian administration</sup> should be transferred and it was generally understood that the list of transferred powers when coupled with the other powers should comprise a full catalogue of the powers of the military government. We did not pursue this discussion in these sessions. There was



concepts which require  
further clarifications:

understanding that in all transferred areas there would be no parallel or overlapping arrangements in Israel and the SGA(AC) would have full power over policy formulation and administration of these responsibilities based on the following ~~understanding~~:

In two sets of circumstances, both parties recognized that there will be special arrangements <sup>when</sup> necessary; one requiring coordination and one cooperation. The first set of circumstances involves activity, such as the free movement of goods and people between Israel and the areas, or between the areas through Israel, which, by its very nature, involves the jurisdiction of the authorities of both the SGA(AC) and Israel. The Israeli delegation stressed that the foregoing did not prejudice its position on the status of Israelis in the area. <sup>The Egyptian delegation also stated its position in this regard</sup> Under these circumstances, the parties agreed that <sup>in areas to be agreed upon</sup> coordination at the planning level between Israel and the SGA(AC) would be a practical necessity. By way of further elaboration and definition, the Israeli delegation pointed to an area, Education, where coordination would not be involved, even though Israel is concerned about the problems of possible incitement in school texts.

Through the course of the discussion, it became clear that (1) coordination in the spheres to be agreed upon can be requested by the authorities of either the SGA(AC) or Israel when it is useful or mutual benefits or interests are involved; (2) any agreement reached through coordination will be implemented by the authorities of the SGA(AC) through its separate regulation

and administration; and (3) while no agreement would be imposed, it is hoped and expected that agreement on coordination will in all cases be reached/ <sup>by virtue of the fact that this would be required for the</sup> Further elaboration will be needed <sup>/benefit of all concerned.</sup> in order to determine mechanisms to resolve differences of view and assure coordination where necessary.

The second set of circumstances discussed relates to common systems used by both the inhabitants of the areas and of Israel as in the case of the water system. The Israeli delegation pointed to other existing common systems such as the customs system, the telecommunication system and the electrical system, which would need cooperation. The Egyptian delegation made its view clear that our discussion of certain areas was designed to establish criteria relative to the principles of coordination and cooperation and did not represent agreement on the need for cooperation or coordination in any specific area. The Israeli delegation <sup>stressed</sup> <sup>the</sup> <sup>that will be required will apply to the levels of</sup> felt that cooperation <sup>in</sup> planning, policy formulation <sup>as well as</sup> ~~and implementation, would be required.~~ The Egyptian delegation stressed its belief that in the context of cooperation the SGA(AC) should also be empowered to take its own decisions.

The Israeli delegation stressed repeatedly that the concept of cooperation is not intended to retrieve or exercise control over powers transferred to the SGA(AC). Cooperation arises in a limited set of circumstances -- when a common system is involved -- and is designed for the equal benefit of all concerned.

In discussing various examples of cooperation there was no agreement on the specific areas where cooperation could be.

required, nor was it our intention to reach such decisions which will require expert discussion and, in any case, may not be necessary to arrive at principles and understandings. Nevertheless, we found that further discussion was needed to reach additional specific criteria for cooperation, and felt that we should continue these discussions in Israel.

In conclusion, a final, brief discussion was held on other powers which Israel calls residual and Egypt reserved. This discussion will be continued at our next session. <sup>Both</sup> ~~The Israeli~~ delegation indicated that discussion of the following issues, among others, have not been touched on in the present discussion, namely issues of security, land, and status of Israelis in the areas. It was recommended that these issues be discussed at our next session.



The S.G.A. (AC) will not have such powers in relation to powers and responsibilities not to be transferred to it. The Israeli position was that in relation to these residual powers, Israel will maintain the power to provide appropriate legislation.

The Egyptian position was that the arrangements for cooperation and coordination should be clarified before any position can be taken in this connection.

Compliance with the provisions governing the regulatory power of the S.G.A. (AC) will be subject to measures for settlement of disputes to be agreed upon.

סיכום ישיבת תת-קבוצת העבודה - מינה האוז 15.11.81בראותהצגת העמדה הישראלית

כל שטחי הבראות מועברים לניהול המועצה המינהלית. בשני נושאים יש צורך בחיאות - מניעת התפשטות מגיפות וסמים מסוכנים.

החלטה הוצרית

(SGA)

א. האם לא יהיו ל- תקנות ( regulations ) משלה בנושא הבראות?

ב. האם אין זה טבעי שבמקרה של פריצת מגיפה יש חיאות פעולה בין מדינות למניעת תפוצתה?

ג. יש הסדרים בינ"ל למלחמה במגיפות, מדוע והחשד כאן צריך להיות בילטרלי ולא במסגרת האמנות הבינ"ל?

החשובה הישראלית

א. בשטח אי"י לא יהיו גבולות כבין שתי מדינות, גבול המאפשר עיקרון על הפצת המגיפה אט תפרוץ. העקרון של חנועה חופשית של אנשים וטחורות מחייב חיאות למניעת מגיפות.

הסיכום האמריקני

א. הגדיר נקודת הראות הישראלית בכך שישראל תרצה לומר בהסכם כי הסמכויות בתחום הבראות מועברות אולם בנושא מניעת המגיפות יהיה חיאות עם ה- SGA(AC). לגבי מעצרים בעית המגיפות מחייבת באופן טבעי חיאות פעולות למניעת הפצתן ולכן בכל מקרה תרצה ה- SGA(AC) לתאם פעולה עם ישראל ולכן אין צורך לאשרר הנושא כלל.

ב. תקביעות המוסכמות לדעת האמריקנים:

1. ישראל לא תקבע התקנות הרפואיות של ה- SGA(AC). הסמכויות של ה- SGA(AC) בנושא הבראות יהיו full and extensive.

2. לא תהיה כפייה ( imposition ) של תקנות ישראליות על ה- SGA(AC).

3. הדאגה ( concern ) היחידה היא שידברו ( discuss ) ויחכנו לחימה במגיפות.

חינוך

כל נושא החינוך יועבר לידי ה- SGA(AC). תקווה כי תהיה הבנה הדדית ומניעת שינאה והסת

( incitement ) .

התגובה המצרית

בדאורי הגיבו הללויות באשר להטלת אחריות על המדינה כי בתנאי המדינה ייזו צורך בתעמולה הזאת.

החבורה

הצעת תעמולה הישראלית

בשטח התעמולה יהיה צורך בהיאוש בתחומים שונים, לדוגמא חקוקה על התעמולה, רישוי מכונ ונהגים, סגור מדינות וביטוח וכד'.  
העקרון הוא של מעבר חופשי של כלי רכב, אנשים ותחבורה בכל שטחי א"י.

התגובה המצרית

- א. האם אין זה טבעי שיהיה ריאיון בנושא זה?
- ב. האם ל- יהיו תקנות משלה לתחבורה?
- ג. בניסוח התקנות, תצטרך ה- להתחשב קודם כל בתנאים הטוריים בשטח שיפוט -  
בתח של ה- לתקן תקנות ( ) יהיה קשור למצב הנחון  
SGA  
SGA  
ד. האם אין בעמות הישראלית על מעבר חופשי הטלת מגבלות על האפשרות של ה-  
לממן תעבורה.  
ה. כדי לעודד את הפלמתינאים להצטרף לחי"ם אין ליצור את הרושם שאנו מגבילים כל  
נושא.  
ו. אין סתירה בין תכנית חופשית לגבולות. לשטח המדינה ( )  
של ה- יהיו גבולות גיאוגרפיים פיזיים (הן בצדדים והן בישראל מטכילום  
על כן) צורך גבולות אלה תסעיל ה-  
אם השטחים כלפי ישראל. בתוך תחומי שמורתה יהיו ל- תקנות התעבורה  
מחלה ואחריותה רחוקה גם על שמירת החוק (הפיראלי כאמור) של ה- יעבור בישראל -  
אך אין צורך בהיאוש לגבי התחומים עצמם.  
ז. אין לומר כי התקנות תהיינה שוות וכל שעה יש צורך להתחשב בתנאים של כל שטח  
ואם יש הבדל צריך ללכת לפי האמת.

התגובה הישראלית

- א. אין חששנה ישראלית למונח תיחוס גיאוגרפי/פיזי. מטכילום לביטוח החולה פיזית  
בתקשר לכך שבאיוזורים בהם חיה אוכלוסיה מקומית חחול האוטונומיה גט על  
ההיבט הלידי (כגון בתי ספר, בתי חולים שיבנו באיוזורים מטריומים).



כ. הדגש הוא על האינטרס החדדי בתיאום (מעבר חופשי בין ישראל, יו"ש ועזה, ורצועת  
גזר) ובין יו"ש ועזה דרך ישראל).

ג. ההסדרים הפרקטיים הם אשר קובעים למעשה את הצורך בתיאום.

#### העמדה האמריקנית

א. גאורג'י יש הבדלים בין מדינה למדינה בביטוח הרכב ובריטוי ואין חזר גורם  
לבעיות.

ב. היות יש סטנדרטיזציה של ההסדרים בין ישראל והטחחים, מדוע אם כן יש להזכיר את  
התיאום.

ג. בשני התחומים (בריאות ותחבורה) טבעי הוא שיהיה תיאום ויש הבדלים בין התחומים  
אן וארי שיהיה "package"

#### ד. העקרונות:

1. אנו מדברים על מקרים בהם מדובר על שני jurisdictions
2. אנו מדברים על חוּעֶלֶת הַדִּיחַ כְּשֶׁאֵשֶׁר אֵין אִלְמַגֵּס שֶׁל imposition
3. אפשר לתאר התיאום כהתייעצות (consultation) בומת התכנון.
4. יש צורך בתיאום ממופעל כאשר יש לוויא השפעה על המעבר בין שני ה-jurisdiction  
כאשר הנטרה היא מעבר חופשי.

#### הצעות מצריות

- א. יש לדון בנושאים לפי שני קריטריונים: מתי יש צורך בתיאום ומתי אין צורך בו.
- ב. יש לדון בתחומים המועברים בכללותם לטיפול הבלעדי של ה-SGA.

#### כספים

#### הצעת העמדה הישראלית

- זו דוגמא לשיתוף פעולה, בעוד המיסוי הישיר יועבר לטיפול ה-SGA (AC)
- הרי המיסוי העקיף מחייב שיתוף פעולה.
- חמטרה היא לא לחצב גבולות חדשים ע"י יצירת חיץ בפעילות הכלכלית.
- המכס יחיה על הירדן ובנמלי ישראל - כל הסחורות תיובאנה בשיטה אחת.

### התגובה המצרית

- א. הדגש המצרי הוא על שתי שיטות כלכליות שונות, כאשר יש לתת לכלכלת הגזע המערבית ועזה תנאים מועדפים כפי לקדמה.
- ב. יש לשנות את מצב הכיבוש וליצור ישות חדשה - ה - SGA, לשנות למעשה את המציאות הקיימת.
- ג. מודאגים ממונח התנועה החפשיית שהוא מקור כל והגבלות על ה - SGA, יש צורך לחשוב על יחסים שונים בין שתי ישויות פוליטיות שונות.
- ד. האם הבסיס לשיתוף פעולה הוא רצון חופשי.

### התגובה הישראלית

- א. יש עתה שיטה כלכלית אחידה ואין לפגוע בה.
- ב. אנו איננו יוצרים ישות חדשה או גבול חדש - העקרון הוא כי כל שטח אינו יחידה אחת.
- ג. אנו מזכירים על אוטונומיה לתקופת מעבר של 5 שנים.
- ד. ברור שיש צורך בהסכמה על המדיניות ועל יישומה ואם אין הסכמה יש צורך במכניזם להחליף על דרכי הפעולה.

### הסכום האמריקני

- א. אין כוונת ישראל להשאיר את השטחים במצבם היום או לפקח על החיים היומיומיים.
- ב. ההבדל בין שיתוף פעולה לבין תיאום:  
- רמת התיאום היא בדרג התכנון וקביעת המדיניות. אין הכרח בהסכמה חזית - הנושאים הדורשים תיאום הם למעשה self implemented.
- ג. ברמת שיתוף הפעולה חייב להיות הסכם בדרג התכנון וקביעת המדיניות וחייב להיות מכניזם להסכמה וכן הסדרים ליישום.

רשם: נדב ענר

הערות: כאשר דיבר מאיר גבאי על אי קיום הגבול העיר בוודאי כי אנו נכנסים לשטח טובעני ולמעשה הפסיק הדיון. כאשר אמר מאיר גבאי כי תחום הבריאות יועבר בכללותו העיר בדאוי but. מר גבאי תיקנו ואמר however - יהיה צורך בתיאום.

כללי

המצרים ביקשו תחילה לחת דוגמאות נוספות לשטחים שיועברו במלואם ל- SGA(AC) .

הבהרנו כי גם כאשר יש צורך בתיאום ובשי"פ הרי העברת הסמכויות היא למעשה מלאה. אין לומר שכאשר אחוז אחד נתון לתיאום ושי"פ אין בכך העברה מלאה.

האמריקנים רואים בדוגמאות שהבאנו (חינוך, בריאות, תחבורה) העברה מלאה של סמכויות. ניסוח העקרון לזעתם יכול להיות מבוסס על הבחנה בין: - קיום שתי רשויות (authorities) נפרדות אין בתיאום משום פגיעה באף אחת מהן.

- כאשר יש נושא המשותף לשתי <sup>הרשויות</sup> הסמכויות יש צורך לעשות הדברים יחדיו וגם בכך אין פגיעה באף אחת מהן.

מים

הצגת העמדה הישראלית

מאחר ומקורות המים באזור מנוצלים ע"י כל התושבים יחדיו והשימוש הוא ממקורות משותפים, יש להבדיל בין שני אלמנטים:

- הסטטוס קוו בנוגע לניצול מקורות המים יימשך.
  - יש צורך בהחלטה משותפת בנוגע לניצול ולפיתוח מקורות בעתיד. זהו שטח חיוני לשיתוף פעולה כאשר כל ההחלטות בשטח זה יתקבלו בהסכמה.
- הובחר כי נושא זה מורכב ויחייב התייחסות מיוחדת.

השאלות והעמדות המצריות

- א. האם יש חלוקה שווה ( equal treatment ) של המים בין ישראל והשטחים האם יש מכסות ( quotas ) של מים?
- ב. כאשר מדברים על שיתוף פעולה האם מדובר בגוף משותף ( joint body ) .
- ג. השמירה על הסטטוס קוו בנוסח הישראלי אינה מתאימה דווקא לתפיסה המצרית או הפלשתינאית- כדוגמא הביאו דיווחים שהגיעו לידיהם לפיהם אנחנו גובים מחיר גבוה יותר למים מאשר בהתנחלויות שבקרבתה.
- ד. בעקבות ההערות האמריקניות (ראה להלן) אחרו המצרים כי יש צורך שסמכות ה- SGA תחול על המים שברשותה - "האם הייתם (הישראלים) מקבלים את העובדה שמישהו היה אומר כי מקורות המים שבידיכם אינם למעשה בידיכם? ובהמשך: "האם ישראל תתאם כל ניצול המים שלה עם ה- SGA ? "האם ישראל תתאם כל ניצול המים ל- SGA תהיה אפשרות לקבל החלטות נפרדות לגבי המים שברשותה?

התשובות הישראליות:

- א. הסטטוס קוו מבוסס על שיויון בחלוקה ומבוסס על תכנון מדוקדק, על חלוקה שווה ולעתים, לו לגבי השימוש במים בחקלאות השיטה גמישה יותר בסקטור העבבי מאשר ביחמאל. אין כאן שמירה על הסטטוס קוו לשמו.
- ב. בנוגע לפיתוח מקורות מים ולשימוש בעתיד מדובר בגוף משותף שיחכן ויוקם אד-הוק, כאשר המטרה היא חלוקת המים לטובת כל האוכלוסייה.



ג. נושא המים הוא נושא מורכב שבו כל החלטה חייבת להחשב בצורה של שיתוף פעולה. איננו נכנסים לפרטים היום ומציעים כי הנושא ילובן ע"י הבאת מומחה למים. יתר על כן, נראה כי לנושא המים צריך להקדיש סעיף מיוחד ואין לכלול תחת הכותרת של - powers and responsibilities. יחד עם זאת את הפרטים יש ללבן בהסכם הסופי.

#### העמות האמריקנית

א. כאשר מדובר בגוף משותף האם תהיה לו סמכות (jurisdiction) על מי התחום (ground water) שברשותו, הכולנה היא למקורות המים שאינם משותפים (shared) - וכדוגמה היפוטטית נוספת "מה יהיה המצב אם ה-SGA תרצה לבנות מכון להמתקת מים ים בעזה?".

מיט זה נושא רגיש ואין מטרתנו להקים אוטונומיה שחביא לויכוחים על המים. ברור שהמים הסנושא משותף אך יש דברים שאינם משותפים - האם כל מה שה-SGA עושה צריך לבוא לפני הגוף המשותף. - יש לברר באיזה מקום נפסק שיתוף הפעולה.

ב. יש להניח שהאינטרס של תושבי יו"ש ובעיקר של תושבי עזה יהיה לא לדלדל את מקורות המים הנובעים מן האקוויפר המצוי מתחת ליו"ש ולישראל כאחד. לכן העקרון צריך להיות: ניצול המים לטובת כל הנוגעים בדבר ולא רק הגנת ישראל אלא הגנת כל התושבים.

ג. מסקנות אמריקניות מהדיון:

- נושא התיאום מופעל בתחומים בהם מדובר על מעבר בין אזורים המנוהלים על ידי שתי רשויות (AUTHorities).

- נושא שיתוף הפעולה מופעל כאשר יש מערכת משותפת (common system) כמו מים, כבישים, טלפון, מיסוי עקיף וכד".

- השאלה היא האם שיתוף הפעולה נוגע לכל התחום עליו חל העקרון או רק לכמה אספקטים שלו? (ראו דוגמת המים).

- מכיון שאין עדיין הגדרת מדויקת וחוססת של נושאי שיתוף הפעולה והתאום רצוי אולי להכנס לדיון מעמיק יותר בנושא אחד או שניים.

סכמ: להמשיך הניון דללו דבר מומחה ונראה בעיני. \*  
הסמכויות השיוריות

המצרים מתייחסים לרשימת סמכויות זו כאל reserved powers טוענת, ואילו אנו כאל residual powers. לחליפין הציעו המצרים לא לציין כוחות או לחיזוק לביטוי other issues. סוכט, בשלב זה, לא להמשיך בדיון באשר לכותרת.

#### הצגת העמדה הישראלית

אנו כוללים בסמכויות השיוריות:

#### יחסי חוץ

זה שטח שאיננו יכול להנתן לאוטונומיה ולכן חייב להשאר בידי ישראל. אנו כוללים בו:

1. אמנות בינ"ל. לא יידונו, ייחללו או יאשררו ע"י ה-SGA(AC) כל האמנות הבינ"ל הנוגעות לאיזור יבוצעו וייחתמו ע"י ישראל.

2. דרכונים - לא יינתנו על ידי ה-SGA(AC), אין לנו התנגדות להמשך השימוש בדרכונים ירדניים.

\* המצרים מניחו ל סימט נר דיטידת הזקן ל ו.ל.ל. 3/1  
בסניך שנואו המיר הוא מניח על הסמכויות ויש לזון דגת זכך.

3. תעופה - לא תנתן אפשרות חתימה על אמנות בינ"ל בנושא זה, נמלי תעופה וכו'.
4. האספקטים הבינ"ל של תקשורת, תחבורה, ודואר לא יחיו בידי ה- SGA(AC)
5. מטבע ופולים - מדובר בסממני ריבונות שלא יינתנו ל- SGA(AC) שיש להם גם השלכה לגבי יחסי חוץ.

#### העמדה המצרית

- א. מכיון שיחסי חוץ נוגעים לשאלת הריבונות אין אנו מכחישים את העובדה שאין גוף אוטונומי יכול להעול בתחום זה. אך אנו מתנגדים לקביעה שישראל היא הצריכה למלא תפקידים אלה במקום ה- SGA(AC) - תשטחים הם ללא ריבונות.
- ב. חציעים להוציא בכלל את יחסי החוץ מרשימת הסמכויות מכיוון שהמדובר בהעברת סמכויות הנתונות כיום בידי הממשל הצבאי ומינהלו האזרחי, ואין יחסי החוץ כלולים בתחום תפקידים אלה.
- ג. את הרשימה דלעיל ניתן למזר בין רשימת הסמכויות כגון פנים(תקשורת, תחבורה, מטבע) משטרה (נמלי תעופה) או שיפוט (jurisdiction) (בנוגע למרחב האווירי וחימי).
- ד. צריך להצוא חכמיים שיעסקו בענייני חוץ - ויש צורך לתת הסמכות ל- SGA(AC) לחתום על הסכמים בינ"ל בתחומי אחריותה - לדוגמא הסכם תרבות. בתשובה לשאלה מה ההבדל, אם כן, בין ה- SGA(AC) לבין מדינת השיבו המצרים "תא לא תוכל לשגר שגרירים".
- ה. אנו מדברים על גוף חדש שיוקם, האם ישראל מציעה כי היא תייצג אותו בארגונים בינ"ל?

#### התשובות הישראליות

- א. אנו מדברים על אוטונומיה בלבד שאין להעניק לה סממני ריבונות. אחד מסממני הריבונות המובהקים הינו יחסי חוץ.
- ב. אנו מדברים על תקופת מעבר שאין לקבוע בה מסמרות לגבי הריבונות אשר תידון בעת החו"מ על הסטטוס הקבוע.
- ג. אנו אמנם מקימים גוף חדש, אוטונומיה חדשה, שהיא general sui generis לכן יש לנהוג.
- ד. מכיון שלא כל הסמכויות תועברנה ל- SGA(AC) הרי אלה שלא תועברנה משארגה באופן פורמלי בידי ישראל - ביניהן - יחסי חוץ. ישראל מסכימה שתא לא תייצג את האוטונומיה בארגונים בינ"ל.
- ה. לגבי הסכמים בינ"ל - קיימים הסדרים פרקטיים בשטח הפועלים ללא הסכם פורמלי - כגון: שימוש בדרכונים ירדניים ע"י התושבים; מעבר חופשי מגשרי הירדן; תשלומי משכורות למורים ע"י ירדן וכד' יש להשאיר המצב כמות שהוא ללא התערבות חיצונית.
- ו. חודגש כי אין האוטונומיה יישות סוברנית.
- ז. אין לדון בסטטוס של ישראל - אין להתייחס למה שישראל יכולה או אינה יכולה לעשות - משום כך מציעים להשאיר את הדברים כמות שהם במציאות.
- ח. יש תחומים בתם האלמנט של יחסי חוץ נובע מעצם קיום השרות - לדוגמא: שרות הטלפונים לחו"ל יעבור בכל מקרה דרך ישראל לשרות שהטיפול בטלפונים הפנימיים יועבר לטיפול SGA(AC).

תעמלות האמריקניות

- א. יש אספקט ריבוני ליחסי חוץ, לכן מאותה סיבה שה- SGA לא תוכל לחתום על אמנות בינ"ל כסממן ריבוני, ניתן לומר שישראל לא תוכל לחתום על הסכמים בינ"ל בשביל ה-SGA מכיון שהחלטת שלא תהיה התייחסות לריבונות לפני חום תקופת המעבר.
- ב. המסקנה מכך היא שנוצר מצב בו קיימים non-exercized powers, כאשר אף אחד אינו מייצג את ה-SGA בחו"ל - לדוגמא, ולכן אולי לא כדאי להזכיר בנושא כלל מכיון שהמצב למעשה נשאר כמות שהוא כיום.
- ג. אם אין ברצוננו להכנס לחתום המסובך של מקור הסמכות נשארת הבעיה של ניסוח ( drafting ) כאשר תאופציות הן:
1. איזכור שיחסי החוץ לא יופעלו לא ע"י ה-SGA(AC) ולא ע"י ישראל
  2. אי איזכור קיום של יחסי חוץ תוך הסתפקות במניית הסמכויות שיועברו ל-SGA(AC) בהתאם ל-13 תחומי האחריות הידועים.

רשם: נדב ענר



1007

10/10/10

- THERE WILL BE ONE ELECTED BODY WHICH WILL BE 'THE REPRESENTATIVE' OF THE ARAB PALESTINIAN INHABITANTS OF THE WEST BANK AND GAZA.
- THE PERSONS ELECTED AS MEMBERS OF THE SGA WILL SELECT FROM AMONG THEM THOSE WHO WILL BE RESPONSIBLE FOR THE FUNCTIONAL AREAS WITHIN THE COMPETENCE OF THE SGA.
- ONLY THE ARAB PALESTINIAN INHABITANTS WILL PARTICIPATE IN THE ELECTIONS. ISRAELIS WILL NOT PARTICIPATE.
- THE NUMBER OF THE MEMBERS OF THE SGA WILL REFLECT ITS REPRESENTATIONAL CHARACTER, ITS FUNCTIONS AND WILL CORRESPOND TO THE CONSTITUENCIES PREVIOUSLY EXISTING BEFORE JUNE 5TH, 1967 IN THE WEST BANK AND GAZA.

JURISDICTION OF THE S. G. A.

THE JURISDICTION OF THE S.G.A. WILL EXTEND TO THE INHABITANTS AS WELL AS TO THE TERRITORIES OF THE WEST BANK AND THE GAZA STRIP, OCCUPIED SINCE 1967. THESE AREAS SHALL BE REGARDED AS ONE INTEGRAL WHOLE.

WITHOUT PREJUDICE TO THE RESULTS OF FUTURE NEGOTIATIONS ON THE FINAL STATUS OF THE WEST BANK AND THE GAZA STRIP, ISRAEL AND THE S.G.A. MUST RESPECT THE INTERNATIONAL STATUS OF THESE AREAS DURING THE TRANSITIONAL PERIOD. THEREFORE, THEY MUST ABSTAIN FROM INTRODUCING ANY CHANGES WHICH WOULD AFFECT THIS INTERNATIONAL STATUS.

## POWERS AND RESPONSIBILITIES

POWERS AND RESPONSIBILITIES CURRENTLY EXERCISED BY THE ISRAELI MILITARY GOVERNMENT AND ITS CIVILIAN ADMINISTRATION IN THE WEST BANK AND GAZA WILL BE TRANSFERRED TO THE SGA.

COORDINATION IN SPECIFIC AREAS BETWEEN THE SGA AND ISRAEL MAY BE ENVISAGED IF THE TWO PARTIES DEEM IT NECESSARY AND IN ACCORDANCE WITH A CRITERIA TO BE DETERMINED BY THE NEGOTIATING PARTIES (WATER - CERTAIN ECONOMIC FIELDS).

THE SGA WILL HAVE LEGISLATIVE EXECUTIVE AND JUDICIAL POWERS.



ISSUE FOR DISCUSSIONJurisdiction

In the course of the discussion of the jurisdiction of the SGA(AC) over individuals, the Working Team was unable to resolve the question of who would be responsible for prosecuting crimes by Israelis in the territories and crimes by inhabitants of the territories in Israel. Israel's position was that Israelis should be tried by Israel, because of the fear that they would not receive fair treatment in the courts of the SGA(AC). Egypt's position was that any offender should be prosecuted in the local courts where the offense is committed, in order to avoid creating the impression that there is a privileged class of individuals. (The issue of security offenses was separated and deferred.)

It has been suggested that there are several ways to deal with this problem:

Alternative 1: Provide that Israel will try Israelis regardless of where the offense is committed but incorporate in the agreement a mechanism to ensure that offenders are prosecuted and punished to the full extent of the law. !?

Alternative 2: Provide that the local courts where the offense is committed will try offenders, but incorporate in the agreement a mechanism to ensure that those prosecutions are conducted in an equitable manner.

Alternative 3: Establish a compromise based on reciprocal treatment for Israelis who commit crimes in the territories and Palestinians who commit crimes in Israel.

Alternative 4: Phase in SGA(AC) jurisdiction over Israelis by providing initially for jurisdiction only over certain criminal offenses, e.g., agreed offenses or misdemeanors.

Alternative 5: Agree that this issue does not need to be specifically resolved in the Statement of Principles and Understandings, but can be covered at this stage through agreement on the following principles:

-- All individuals in the territories must respect the laws and regulations in force in the territories;

-- All individuals who violate the law will be prosecuted to the full extent of the law.

The actual mechanism to accommodate these two principles could be left for a later stage.

יש באן התאמות בין דרישה הצדקה של דחיקה . לא תיבט דרישה  
לא פשיעה רצונית יש לקבץ מילונעצה ע תביה האזנה וזוית.

# Issues for Discussion

## Coordination and Cooperation

A subject that might usefully be discussed by the Ministers is coordination and cooperation between Israel and the SGA(AC). It is felt that such a discussion could be based on the treatment of this subject in the U.S. oral presentation and that, therefore, no additional paper is needed at this point. The Ministers might focus on the seven points outlined in the oral presentation and consider whether further points are needed to define more precisely the concepts and applicability of both coordination and cooperation.



## POWERS AND RESPONSIBILITIES

The group reviewed previous discussions concerning powers and responsibilities. The focus of discussion at this stage was the nature of coordination and cooperation between Israel and the SGA(AC) on matters which affect both of them. Various hypotheticals in such fields as electricity, health, and communications were discussed, and each Party gave its view as to how cooperation might be exercised.

A primary Israeli concern was that because of the interrelationships that currently exist between Israel and the territories and the fact that there would not be barriers to movements between them, it is essential that there be cooperation between Israel and the SGA(AC). In Israel's view, the nature of cooperation would vary depending upon the substantive area. Israel said the old concept of "shared" would more accurately be termed "cooperation" which was a higher degree of mutual involvement than "coordination." However, Egypt's primary concern was that cooperation be seen as a two-way street. In some areas, such as economic development, there were differences between Israel and the territories, and "cooperation" could not simply mean that the SGA(AC) accept the policies of Israel. Israel agreed that cooperation is designed to protect both sides and benefit both.

In the following discussion, several common elements were revealed in the approach of Egypt and Israel to the issue of cooperation and coordination.

1. There will be cooperation and coordination between Israel and the SGA(AC).

2. Criteria for cooperation and coordination should be agreed to by the negotiating parties.

3. This cooperation and coordination relates to issues which affect both the inhabitants of Israel and the inhabitants of the territories, but not to matters which are completely internal to Israel or the SGA(AC).

4. Cooperation and coordination is a two-way street.

5. Cooperation and coordination does not mean one Party imposing its will on the other side; it means each Party recognizing that an issue affects the interests of the other and arriving at decisions on the basis of mutual benefit.

6. The nature of the mechanisms for cooperation and coordination will vary, depending upon the subject matter. E.g., the mechanism for cooperation on matters concerning health may be different than the mechanism concerning water.

7. The nature of the mechanisms does not need to be elaborated at this time.

The group also reviewed previous lists of the powers and responsibilities of the SGA(AC) in the context of the above discussions.

It was felt that a new and comprehensive approach toward a list of areas of powers and responsibilities might be productive. It was agreed that this new approach would be pursued further at Mena house.



Issues for Discussion

אם מוכיח המל"ת  
הישראלית.

Size and Structure of the SGA(AC)

This issue has remained unresolved because of the gap between Israel's position that the number of members should be small, tied closely to the number of administrative functions to be performed, and the Egyptian position that the number should be large, reflecting the representative/legislative nature of the body. It has been suggested that one possible area of compromise in return for a small single body lies in acknowledging that the body has both an administrative and representative character and regardless of the terminology adopted, the ability to make changes in the laws and regulations within its defined areas of responsibility.

Alternatively, it has been suggested that the question of the size of the SGA(AC) should be divorced from the issues of its character whether it be administrative, policy making or legislative in nature and should be solely based on a constituent representation that assures apportionment with due regard for population taking into account reasonable norms for representation.

A third approach would be to acknowledge that the SGA(AC) has a representative and a functional character, but that the representative character of the SGA(AC) will assume a new dimension when the final status negotiations are initiated.

It has therefore been suggested that a certain number of members, perhaps between 20 and 30, be elected to fulfill the initial functions of the SGA(AC), and an additional number, perhaps 20, be elected, who would join the SGA(AC) when the final status negotiations begin.

מנין 35  
הצדה 15?  
יש אף 20  
דא?!



12.11.81

14.01.82

12.11.81

12.11.81

### Structure

There will be one body elected.

The SGA(AC) will represent the Arab inhabitants of the <sup>areas</sup> ~~territories~~ who elect them by assuming all the functional responsibilities to be transferred to it.

The number of the members of the SGA(AC) will be appropriate to and determined by its functions.

The persons elected as members of the SGA(AC) will allocate among themselves the responsibilities for the functional areas within their competence.

Its members will sit as a group and discuss all issues within the competence of the SGA(AC).

### Powers and Responsibilities

Subject to the terms of this agreement and the final autonomy agreement, the SGA(AC) will fulfill its functions and discharge its responsibilities in the following areas:

- Administration of Justice
- Agriculture
- Finance
- Civil Service
- Education and Culture
- Health
- Housing and Public Works
- Internal Transportation, Communications and Post
- Labor, Manpower and Social Welfare
- Municipal Affairs
- Local Police
- Religious Affairs
- Industry, Commerce and Tourism



There will be cooperation and coordination between ~~ISRAEL AND THE~~  
Israel and the SGA(AC).

Criteria for cooperation and coordination should be agreed to by the negotiating parties.

This cooperation and coordination relates to certain spheres within the above mentioned powers and responsibilities which affect both the inhabitants of Israel and the areas, but not matters which are completely local.

The nature of the mechanisms for cooperation and coordination will vary, depending upon the subject matter.



October 26, 1981

27.10.81  
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התאחדות העובדים  
27.10.81  
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JURISDICTION

There are geographic/physical limits to the exercise of the authority of the SGA(AC). That is, there is a physical area in which SGA(AC) responsibility will operate. For example, there is a physical point where the SGA(AC) authority for health ends and that of Israel begins and visa versa. While the Israeli side stated that autonomy was for the inhabitants, they made it clear that it also applied to their property as well and would govern exchanges of property. In this context, Israeli settlements, specified security locations, and East Jerusalem were not discussed.

It was also understood that the authority of the SGA(AC) will be the same in the West Bank and Gaza. The two will be treated as one integral unit. There was a brief discussion of territorial waters and air space. While the subject contains some aspects such as economic issues (e.g. fishing off Gaza) where the SGA(AC) might exercise authority, the topic was deferred because of its security component.

There was a lengthy and productive discussion of the application of the laws and regulations in force in the territories to individuals therein. It became apparent that there were two primary concerns on this issue: For Egypt, it is important that there not be a privileged class of individuals in the territories. For Israel, it is important that the law be applied to individuals with equity and without discrimination. Each

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recognized the concern of the other. Although each proposed different ways of meeting the two concerns, several common elements appeared:

1. All individuals in the territories will have to respect the laws and regulations in the territories. No person will be above the law.

2. The law should be applied to individuals in the territories in a manner which ensures that there is no discrimination and that there is equity.

3. With respect to civil jurisdiction, the plaintiff in a law suit should have the option of selecting the court in which he will proceed. The court will then decide whether it has jurisdiction over the case, and will decide what law to apply to the case in accordance with normal "conflict of laws" procedures.

4. With respect to criminal law, all individuals must respect the law and should be prosecuted for violations to the full extent of the law. However, Egypt and Israel disagreed over who should be responsible for the prosecution of crimes by Israelis in the territories. A number of options were discussed, and common to them was the desire by both Egypt and Israel to ensure that the criminal law is respected, that offenders be prosecuted, and that the prosecution be conducted with equity and without discrimination.

5. Security offenses raise additional issues, but the subject was not discussed.

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We also began discussing the question of what body of law will apply at the inauguration of the SGA(AC), but it was agreed to defer more detailed discussion of this subject until the issue of legislation is considered.



## STRUCTURE

We exchanged ideas on the structure of the SGA(AC). The discussion clarified several points relevant to the issue of structure:

1. There will be one body elected.
2. Israelis will not participate in these elections.
- 3.(a) The SGA(AC) will be representative of the Arab inhabitants of the territories who elect them.
- (b) The persons elected as members of the SGA(AC) will decide who among themselves will be responsible for the functional areas within their competence.
- (c) The SGA(AC) will be inter alia a policy-making body. Its members will sit as a group and discuss all issues within the competence of the SGA(AC)..

Nevertheless, no agreement was reached on the number of individuals to be elected to the SGA(AC).

## POWERS AND RESPONSIBILITIES

The group reviewed previous discussions concerning powers and responsibilities. The focus of discussion at this stage was the nature of coordination and cooperation between Israel and the SGA(AC) on matters which affect both of them. Various hypotheticals in such fields as electricity, health, and communications were discussed, and each Party gave its view as to how cooperation might be exercised.

A primary Israeli concern was that because of the inter-relationships that currently exist between Israel and the territories and the fact that there would not be barriers to movements between them, it is essential that there be cooperation between Israel and the SGA(AC). In Israel's view, the nature of cooperation would vary depending upon the substantive area. Israel said the old concept of "shared" would more accurately be termed "cooperation" which was a higher degree of mutual involvement than "coordination." However, Egypt's primary concern was that cooperation be seen as a two-way street. In some areas, such as economic development, there were differences between Israel and the territories, and "cooperation" could not simply mean that the SGA(AC) accept the policies of Israel. Israel agreed that cooperation is designed to protect both sides and benefit both.

In the following discussion, several common elements were revealed in the approach of Egypt and Israel to the issue of cooperation and coordination.

1. There will be cooperation and coordination between Israel and the SGA(AC).

2. Criteria for cooperation and coordination should be agreed to by the negotiating parties.

3. This cooperation and coordination relates to issues which affect both the inhabitants of Israel and the inhabitants of the territories, but not to matters which are completely internal to Israel or the SGA(AC).

4. Cooperation and coordination is a two-way street.

5. Cooperation and coordination does not mean one Party imposing its will on the other side; it means each Party recognizing that an issue affects the interests of the other and arriving at decisions on the basis of mutual benefit.

6. The nature of the mechanisms for cooperation and coordination will vary, depending upon the subject matter. E.g., the mechanism for cooperation on matters concerning health may be different than the mechanism concerning water.

7. The nature of the mechanisms does not need to be elaborated at this time.

The group also reviewed previous lists of the powers and responsibilities of the SGA(AC) in the context of the above discussions.

It was felt that a new and comprehensive approach toward a list of areas of powers and responsibilities might be productive. It was agreed that this new approach would be pursued further at Mena house.





Jerusalem, January 1982

- A. In the Camp David Agreement signed on 17 September 1978 between Egypt and Israel, with the United States signing as a witness, agreement was reached on a plan for the solution of the problem of the Palestinian Arabs, that includes a proposal for full autonomy for the Palestinian Arabs living in Judea, Samaria and Gaza. The manner of establishing this autonomy, as well as its powers, were to be determined in negotiations between the signatories (Jordan was invited to participate, but did not respond.) It was Israel that first raised the idea of autonomy that was later to serve as the basis of the Camp David Agreement. For the first time in the history of the Palestinian Arab inhabitants of Judea-Samaria and the Gaza district, they were offered an opportunity of this kind to conduct their own affairs by themselves. Since 1979, talks have been held for the implementation of this Agreement; there were intermissions in the negotiations, but talks were resumed intensively in the summer of 1981, leading to a thoroughgoing clarification of the positions of the parties. At these talks Israel put forward its proposals with regard to the self-governing authority (administrative council), its powers, responsibilities and structure as well as other related issues.
- B. The main points of Israel's proposals, as submitted in the course of the negotiations, were as follows:
1. Scope, jurisdiction and structure of the self-governing authority (administrative council):
    - (a) The Camp David Accords set forth the establishment of a self-governing authority (administrative council) that will comprise one body representing the Arab inhabitants of Judea, Samaria and the Gaza district, who will choose this body in free elections, and it will assume those functional powers that will be transferred to it. Thus the Palestinian Arabs will for the first time have an elected and representative body, in accordance with their own wishes and free choice, that will be able to carry out the functions assigned to it as an administrative council.



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- (b) The members of the administrative council will be able, as a group, to discuss all subjects within the council's competence, apportioning among themselves the spheres of responsibility for the various functions. Within the domain of its assigned powers and responsibilities, the council will be responsible for planning and carrying out its activities.

2. Powers of the self-governing authority (administrative council):

- I. (a) Under the terms of the Camp David Agreement, the parties have to reach an agreement on the powers and responsibilities of the authority. Israel's detailed proposals include a list of powers that will be given to the authority and that, by any reasonable and objective criterion, represent a wide and comprehensive range of fields of operation. Without any doubt, the transferring of these powers constitutes the bestowal of full-autonomy -- in the full meaning of that term.
- (b) The powers to be granted the authority, under these proposals, are in the following domains:
1. Administration of Justice. - Supervision of the administrative system of the courts in the areas; dealing with matters connected with the prosecution system and with the registration of companies, partnerships, patents, trademarks, etc.
  2. Agriculture - All branches of agriculture and fisheries, nature reserves and parks.
  3. Finance. - Budget of the administrative council and allocations among its various divisions; taxation.
  4. Civil Service. - Appointment and working conditions of the Council's employees (Today, the civil service of the inhabitants of Judea-Samaria and Gaza, within the framework of the Military Government's Civilian Administration, numbers about 12,000 persons.)





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5. Education and Culture. - Operation of the network of schools in the areas, from kindergarten to higher education; supervision of cultural, artistic and sporting activities.
  6. Health. - Supervision of hospitals and clinics; operation of sanitary and other services related to public health.
  7. Housing and Public Works. - Construction, housing for the inhabitants and public works projects.
  8. Transportation and Communications. - Maintenance and coordination of transport, road traffic, meteorology; local postal and communications services.
  9. Labour and Social Welfare. - Welfare, labour and employment services, including the operation of labour exchanges.
  10. Municipal Affairs. - Matters concerning municipalities and their effective operation.
  11. Local Police - Operation of a strong local police force, as provided for in the Camp David Agreement, and maintenance of prisons for criminal offenders sentenced by the courts in the areas.
  12. Religious Affairs. - Provision and maintenance of religious facilities for all religious communities among the Arab inhabitants of Judea, Samaria and the Gaza district.
  13. Industry, Commerce and Tourism. - Development of industry, commerce, workshops and tourist services.
- II. The Council will have full powers in its spheres of competence to determine its budget, to enter into contractual obligations, to sue and be sued and to engage manpower. It will, moreover, have wide powers to promulgate regulations, as required by a body of this kind. In the nature of things, in view of the free movement that will prevail between Judea, Samaria and the Gaza district and Israel and for the general welfare of the inhabitants,





arrangements will be agreed upon in the negotiations, in a number of domains, for cooperation and coordination with Israel. The administrative council will hence, have full scope to exercise its wide-ranging powers under the terms of the autonomy agreement. These powers embrace all walks of life, and will enable the inhabitants the areas concerned to enjoy full autonomy.

3. Size :

The size of the administrative council must reflect its functions and its essential purpose: it is an administrative council, whose representative character finds expression in its establishment through free elections, by the Arab inhabitants of Judea, Samaria and Gaza. Clearly, the criterion for determining the number of its members must be the functions that the council is empowered to perform. We propose, therefore, that the number of members will conform with the functions listed above.

4. Free Elections:

Elections to the administrative council, under Israel's proposals, will be absolutely free, as stipulated in the Camp David Agreement. Under the terms of the Agreement, the parties will agree upon the modalities of the elections; as a matter of fact, in past negotiations a long list of principles and guideline has already been prepared in this matter. In these free elections, all the rights pertaining to peaceful assembly, freedom of expression and secret balloting will be preserved and assured, and all necessary steps will be taken to prevent any interference with the election process. The holding of an absolutely free and unhampered election process will thus be assured in full, under the law, and in keeping with the tradition of free elections practiced in democratic societies. These elections will, in many respects, constitute a new departure in the region around us which in most of its parts is not too close to the ways of democracy, and in which free elections are a rare phenomenon. It is of some interest, therefore, to note that Judea-Samaria and Gaza, under Israel's Military Government since 1967, have exemplified the practical possibility of totally free elections in these areas.



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in 1972, and again in 1976, Israel organized free elections in these areas based on the tradition and model of its own democratic and liberal tradition and custom; voters and elected officials alike concede that these were free elections in the fullest sense. The elections in the administrative council will be organized and supervised by a central elections committee whose composition has been agreed upon by the parties.

5. Time of Elections and establishment of the self-governing authority (administrative council).  
The elections will be held as expeditiously as possible after agreement will have been reached on the autonomy. This was set forth in the joint letter of the late President Salal and of Prime Minister Begin to President Carter, dated 26 March 1979, setting forth the manner in which the self-governing authority (administrative council) is to be established under the terms of the Camp David Agreement.
6. Within one month following the elections, the self-governing authority (administrative council) is to be established and inaugurated, and at that time the transitional period of five years will begin - again, in conformity with the Camp David Agreement and the joint letter.
7. Hence, every effort will be made to hold elections without delay, once an agreement is reached, to be followed by the establishment of the self-governing authority (administrative council).
8. Following the elections and the establishment of the self-governing authority (administrative council) the military government and its civilian administration will be withdrawn, a withdrawal of Israeli armed forces will take place, and there will be a redeployment of the remaining Israeli forces into specified security locations, in full conformity with the Camp David Agreement. Israel will present to the other parties in the negotiations the map of the specified security locations of the redeployment. It goes without saying that all this will be done for the purpose of safeguarding the security of Israel as well as of the Arab inhabitants of Judea, Samaria and Gaza and of the Israeli citizens residing in these areas.



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9. All of the above indicates Israel's readiness to observe the Camp David Agreement fully and in every detail, in letter and spirit, while safeguarding the interests of all concerned.



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SCOPE, JURISDICTION AND STRUCTURE OF THE SGA (AC)

- a. The SGA (AC) will consist of one body
- b. Subject to the terms of this agreement and the final autonomy agreement, the SGA (AC) will fulfil its functions and discharge its responsibilities in the following areas:

Administration of Justice

Agriculture

Finance

Civil Service

Education and Culture

Health

Housing and Public Works

Internal Transportation, Communications and Post

Labor, Manpower and Social Welfare

Municipal Affairs

Local Police

Religious Affairs

Industry, Commerce and Tourism

- c. The number of the members of the SGA (AC) will be appropriate to and determined by its functions, in accordance with para b.
- d. (1) The SGA (AC) will be freely elected by the Arab inhabitants of the areas in accordance with modalities to be agreed upon.  
(2) Elections will be free elections based on the preservation of the rights of peaceful assembly, free expression and secret ballot, and appropriate measures to prevent disruption, bearing in mind the need to preserve law and order as well as the underlying principles of the Framework.

- (3) Free electoral campaigning will be guaranteed subject to the measures mentioned in para. 2 and in accordance with the agreement on election modalities. The election will be organized, conducted and supervised by a Central Electoral Commission, composed of authorized Israel civilian personnel and of local Palestinian Arabs agreed upon by the autonomy negotiators, together with other civilians - individual and institutions - as worked and agreed upon by the autonomy negotiators.
- c. The SGA (CA) will be established and inaugurated within one month after it has been elected, at which time the transitional period of five (5) years will begin.

Namely:

1. The Israeli Military Government and its civilian administration will be withdrawn.
  2. A withdrawal of Israeli armed forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations.
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US NON-PAPER DRAFT MOU

November 4, 1980

The Arab Republic of Egypt, the State of Israel, and the United States of America are agreed that the document entitled "Memorandum of Understanding" is a preliminary agreement on the nature of the arrangements to be established for the transitional period envisioned in the Framework for Peace in the Middle East agreed at Camp David ("Framework") their objective is to provide full autonomy to the inhabitants of the West Bank and Gaza during the transitional period, to ensure a peaceful and orderly transfer of authority and to give due consideration both to the principle of self-government by the inhabitants of these territories and the legitimate security concerns of the parties involved. They reaffirm that the aim of the Framework is a comprehensive peace based on the United Nations Security Council Resolution 242 in all its parts, assuring Israel's security in the transitional period and beyond and recognizing the legitimate rights of the Palestinian people and their just requirements.

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The parties agree that the principles in the Memorandum of Understanding must be more fully elaborated in a final autonomy agreement, and they have committed themselves to this end.

The parties further agree that the participation of the Palestinian inhabitants is essential to meet the goals envisioned in the Framework, and the parties therefore encourage Palestinian participation in completing the definition of the powers and responsibilities of the self-governing authority (administrative council). In order to provide the most constructive atmosphere for the elaboration of these principles, the parties recognize that the negotiations must rest on a firm foundation of mutual understanding and trust. They agree to seek to ease tensions which have arisen in the areas and invite the Palestinian inhabitants of the West Bank and Gaza to join in this effort. Further, the parties reaffirm their commitment to the Camp David Framework and agree to take actions to encourage its faithful implementation.

התכנית המוצעת  
הינכנר לפרקליט  
המדינה יום חמישי 10 בנובמבר 1980

התכנית המוצעת  
לפרקליט המדינה  
ביום חמישי 10 בנובמבר 1980

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The parties also recognize the significance of a comprehensive peace to the international community. Accordingly, the parties reiterate their invitation to all other concerned parties to support the on-going peace-making efforts. All states should consider ways and means to enhance the effectiveness of the existing peace process and to conform their policies and actions accordingly in order to further the attainment of a comprehensive, just and lasting peace in the Middle East.

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MEMORANDUM OF UNDERSTANDING

The Arab Republic of Egypt and the State of Israel, in coordination with the United States of America, have arrived at a number of understandings and agreements with regard to the nature of the transitional arrangements provided in the Framework for Peace in the Middle East agreed at Camp David ("The Framework"). Therefore, in order to achieve the objectives set forth in the Framework, the Arab Republic of Egypt and the State of Israel have, subject to the terms of the final (Autonomy) Agreement ("The Autonomy Agreement"), agreed as follows:

not steps

Elections

In order to provide full autonomy, a self-governing authority will be freely elected by the inhabitants of the West Bank and Gaza.

the new  
administrative  
council

Elections will be free elections based on the rights of peaceful assembly, free expression and secret ballot. Arrangements will be agreed upon to assure preservation of law and order during the electoral process.

Disruption and  
disorder?

Free electoral campaigning will be guaranteed. Representation will be apportioned with due regard to population and municipal boundaries. The elections will

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be organized, conducted and supervised by a central electoral commission, composed of authorized Israeli civilian personnel, local Palestinian Arabs and other civilians -- individuals and institutions -- as worked out and agreed upon by the autonomy negotiators. There will be free access for the international media and experts pursuant to agreed procedures.

Structure and Procedure

The self-governing authority will consist of one body of members. It will constitute an administrative council and allocate functions among its members. The SGA(AC) will select its officers from among its members and determine its rules of procedure.

The Transitional Period

There will be transitional arrangements for the West Bank and Gaza for a period not exceeding five (5) years.

The SGA(AC) will be established and inaugurated within one month after it has been elected, at which time the transitional period of five (5) years will begin.

Withdrawal of Israeli Military Government and Civilian Administration

The Israeli military government and its civilian administration will be withdrawn as soon as the SGA(AC) has been established and inaugurated to replace the existing military government in the West Bank and Gaza. At that time, the SGA(AC) will assume the powers and responsibilities defined in the Autonomy Agreement. The transfer of authority will be carried out in a peaceful and orderly manner.

Withdrawal of Israeli Forces

A withdrawal of Israeli armed forces will begin promptly and there will be a redeployment of the remaining Israeli forces into specified security locations.

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Powers and Responsibilities

(1) The SGA(AC) will have responsibility in the following areas: Administration of Justice; Administrative Operations and Civil Service; Administration of Public Buildings and Moveable Property; Agriculture; Education and Culture; Environmental and Energy Affairs (including Natural Resources); Finance (including Budget, Taxation and Banking); Health and Social Welfare; Housing and Public Works; Industry, Commerce and Tourism; Internal Transportation, Communication and Posts; Labor and Manpower; Local Police; Municipal Affairs and Public Utilities; and Religious Affairs.

(2) The SGA(AC) will, in addition, have the responsibilities with respect to land and water defined in the sections below dealing specifically with these matters.

(3) The SGA(AC) will also constitute the strong local police force stipulated in the Framework and will have the responsibilities with respect to assuring public order and internal security set forth in the provisions on security in the Autonomy Agreement.

(4) Provisions will be made in the Autonomy Agreement for the establishment of adequate mechanisms for cooperation and coordination between the SGA(AC) and Israel.

(5) The SGA(AC) will have the powers necessary for the discharge of its responsibilities, including all powers necessary to formulate plans and policies, supervise the implementation of policies and legislation, employ staff, sue and be sued, collect and disseminate public information, and fulfill its responsibility to promote and protect human rights and fundamental freedoms in the West Bank and Gaza including the right of the inhabitants to lawful travel.

(6) Following its establishment, the SGA(AC) will participate in all stages of subsequent negotiations provided for in the Framework as the representative of the inhabitants of the West Bank and Gaza.

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(7) In addition to other principles and limitations as may be agreed upon, the SGA(AC) will not:

- (a) Curtail or suspend individual freedoms; discriminate against individuals, groups, or other legal personalities on the basis of race, religion, sex, nationality or ethnicity; *Nationality or citizenship*
- (b) Alter its jurisdiction, enlarge its powers, or affect the status of the West Bank and Gaza; and
- (c) Conduct foreign relations.

Land

(1) The final settlement of the subject of land in the West Bank and Gaza will be determined in the course of the negotiations on the final status which will take place as soon as possible, but not later than the third year after the beginning of the transitional period.

(2) During the transitional period:

(a) The SGA(AC) will have responsibility with respect to private land transactions. Lawful private possession of and ownership of land by any person will be protected without discrimination on grounds of race, religion, sex, nationality or ethnicity. *nationality*

(b) Public land will be administered in accordance with the following principles: *citizenship*

(I) The title of public land will not be alienated or otherwise affected. ?

(II) Specified lands allocated for security purposes pursuant to the Framework will be administered in accordance with the security provisions of the Autonomy Agreement. *2/1/81*

(III) Existing lawful uses of public land will not be disturbed and the administration of such land will be consistent with this principle. *2/1/81*

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(IV) The SGA(AC) will have responsibility to administer and ensure the protection and preservation of public parks, grazing lands, and nature preserves.

(V) Presently unutilized public lands will be available during the transitional period for new uses which will be subject to approval by a joint body involving representatives of Israel and the SGA(AC). Priority will be given to use of such land for the rehabilitation of displaced persons and refugees and for the development of housing and infrastructure for the benefit of the inhabitants.

(3) Claims concerning the lawfulness of possession or use of land during the transitional period may be submitted for determination to a joint body involving representatives of Israel and the SGA(AC). Pending such determination by agreement, an existing use will not be disturbed.

Water

(1) The final settlement of the subject of water in the West Bank and Gaza will be determined in the course of the negotiations on the final status which will take place as soon as possible, but not later than the third year after the beginning of the transitional period.

(2) During the transitional period:

(a) The SGA(AC) will, consistent with the procedure and principles described below, have the responsibility to administer and determine the uses of the following water resources:

(I) Surface and subsurface water sources which lie solely within or under the West Bank and Gaza;

(II) The current relative rate of flow presently used in the West Bank and Gaza and

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derived from sources that underlie or flow between the West Bank and Gaza and one or more of its neighbors; and

(III) Such additional water resources as the SGA(AC) might obtain through negotiations.

Procedures will be set forth in the Autonomy Agreement to assure that existing users will not be adversely affected and to guard against depletion and spoilation of common water resources.

(b) A joint body involving representatives of both the SGA(AC) and Israel will deal by agreement with such matters as changing water needs affecting both the SGA(AC) and Israel and the preparation of cooperative development projects for the benefit of all those involved. All increases in the use of water resources which underlie or flow between the West Bank and Gaza and also Israel must be approved in advance by agreement of this body subject to the following principles: (I) The present use of water by the inhabitants of the West Bank and Gaza and of Israel will not be adversely affected; and (II) equitable apportionment will be promoted.

(3) Egypt, Israel and the United States will view with favor the establishment of a regional body representing the peoples of the area in order to develop and use the water resources of the area for the benefit of all these peoples.

Security

To assure the security of all parties during the transitional period:

(1) There will be a redeployment of the remaining Israeli forces into specified security locations.

(2) Arrangements will be implemented to assure internal and external security and public order.

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(3) To assist in assuring internal security, a strong local police force will be constituted by the SGA(AC), which will assume its responsibilities as its capabilities are developed. The local police force will maintain continuing liaison in internal security matters with designated Israeli and Egyptian officers.

Arrangements to assure the security of Israel and its neighbors beyond the transitional period will be determined in the course of the negotiations on the final status.

Laws

Laws in the nature of sovereign enactments presently in force in the West Bank and Gaza will remain in force to the extent consistent with the Autonomy Agreement, unless changed in accordance with procedures to be outlined in the Autonomy Agreement. The SGA(AC) will have the authority to issue necessary supporting legislation in its areas of responsibility consistent with the aforesaid laws in force. All supporting legislation must conform to the provisions of the Autonomy Agreement, and in particular the provisions concerning security.

Continuing Committee

In accordance with the provisions of the Framework, during the transitional period, representatives of Egypt, Israel and the SGA(AC) 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.

The committee may also deal with other matters of common concern.

The committee will take its actions and resolutions on the basis of unanimity, unless otherwise provided in the Autonomy Agreement.

The United States will be invited to participate in the committee.

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Preliminary Memorandum of Understanding

The Arab Republic of Egypt and the State of Israel ("The Parties"), in coordination with the United States of America, have arrived at a number of understandings and agreements with regard to the steps they will take to implement the terms of the Framework for Peace in the Middle East agreed at Camp David ("the Framework"). Therefore, in order to provide full autonomy to the inhabitants of the West Bank\* and Gaza District, to ensure a peaceful and orderly transfer of powers and responsibilities, to assure the security of Israel and its neighbors, and to achieve the other objectives set forth in the Framework, the Parties have agreed to this preliminary Memorandum of Understanding which will be subject to the terms of the final autonomy agreement ("the Agreement").

Elections

1. A Self-Governing Authority (Administrative Council) ("SGA (AC)") will be freely elected by the inhabitants in accordance with modalities to be agreed upon.
2. Elections will be free elections based on the preservation of the rights of peaceful assembly, free expression and secret ballot, and appropriate measures to prevent

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\* In each paragraph in which the expression "West Bank" appears, it is being, and will be, understood by the Government of Israel as Judaea and Samaria.



disruption, bearing in mind the need to preserve law and order as well as the underlying principles of the Framework.

3. Free electoral campaigning will be guaranteed subject to the measures mentioned in para.2 and in accordance with the agreement on election modalities. The election will be organized, conducted and supervised by a Central Electoral Commission, composed of authorized Israeli civilian personnel and of local Palestinian Arabs agreed upon by the autonomy negotiators, together with other civilians - individual and institutions - as worked out and agreed upon by the autonomy negotiators.

#### The Transitional Period

The SGA (AC) will be established and inaugurated within one month after it has been elected, at which time the transitional period of five (5) years will begin.

#### Withdrawal of Israeli Military Government and Its Civilian Administration

When the SGA (AC) is established and inaugurated, the Israeli military government and its civilian administration will be withdrawn. There will be an orderly transfer from the military government to the SGA (AC) of those powers and responsibilities which according to the Agreement will be exercised by the SGA (AC).



Powers and Responsibilities of the SGA (AC)

Subject to the terms of the Agreement and to the establishment and proper functioning of adequate mechanisms for cooperation and coordination with Israel, responsibilities in the following areas will be transferred to the SGA (AC):

Administration of Justice

Agriculture

Finance

Civil Service

Education and Culture

Health

Housing and Public Works

Internal Transportation, Communications and Posts

Labor, Manpower and Social Welfare

Municipal Affairs

Local Police

Religious Affairs

Industry, Commerce and Tourism

The SGA (AC) will, subject to the terms of the Agreement, have powers which are necessary for the discharge of its responsibilities.

Arrangements for coordination and cooperation will be defined in the Agreement.

In addition to other principles and limitations to be agreed upon, the SGA (AC) will, in particular not

- 1) curtail or suspend individual freedoms; discriminate against individuals, groups, or other legal personalities on the basis of race, religion, sex, national or ethnic origin, residence and citizenship;
- 2) alter its jurisdiction, enlarge its powers, or affect the status of the West Bank\* and Gaza District;
- 3) conduct foreign relations.

#### Residual Powers and Responsibilities

Powers and responsibilities which are not transferred to the SGA (AC) will be reserved to Israel.

Any change concerning the powers and responsibilities and the exercise thereof can be made only with the unanimous agreement of the Parties.

#### Structure and Procedure

The SGA (AC) will consist of one body. The number of its members will be appropriate to and determined by the practical functions to be fulfilled by its members. It will allocate its functions among its members and will determine the rules of procedure relating to its own proceedings.

#### Water

1. The final settlement of the subject of water in the West Bank\* and Gaza District will be determined in the course

of the negotiations on the final status which will start not later than three years after the beginning of the transitional period.

2. During the transitional period, every additional development of water resources in the West Bank\* and Gaza District and their use will be based on the following:
  - a. the present use of water by the inhabitants of the West Bank and Gaza District and Israel will not be adversely affected;
  - b. a unanimous decision of Israel and the SGA (AC).
3. A joint body of Israel and the SGA (AC) will be authorized to deal with the changing needs of water, and with the preparation of development projects for the benefit of all those involved, which will be decided upon unanimously by Israel and the SGA (AC).
4. Egypt, Israel and the United States will view with favor the establishment of a regional body representing the peoples of the area in order to develop and use the water resources for the benefit of these peoples.

#### Land

1. The final settlement of the subject of land in the West Bank\* and Gaza District will be determined in the course of the negotiations on the final status which will start not later than three years after the beginning of the transitional period.



2. During the transitional period -

- a) lawful private possession and ownership of land by any person will be protected without any discrimination on grounds of religion, national or ethnic origin, residence or citizenship;
- b) land in the possession of or allocated to or administered by localities inhabited by Israelis and lands included in the Israeli security locations will be administered by an authority designated by Israel;
- c) uses of other lands will be subject to approval by a joint body of Israel and the SCA (AC).

Law

The laws, orders and regulations in force in the West Bank\* and Gaza District and all powers vested by virtue of them shall remain in force to the extent consistent with the Agreement, unless changed in accordance with procedures to be outlined in the Agreement. The Agreement will define the authority of the SCA (AC) to issue the necessary subsidiary legislation in accordance with existing laws and orders, in the areas of its responsibilities. The subsidiary legislation will be subject to approval or review in accordance with a procedure to be agreed upon in the agreement.

### Security

All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond.

1. A withdrawal of Israeli armed forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations.
2. Arrangements will be implemented to assure internal and external security and public order.
3. To assist in providing internal security, a strong local police force will be constituted by the SGA (AC).

### Continuing Committee

In accordance with the provisions of the Framework, during the transitional period, representatives of Egypt, Israel, Jordan and the SGA (AC) 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.

The Committee may also deal with other matters of common concern (e.g. economic cooperation, etc.), as provided in the Agreement.

The Committee will take its actions and resolutions on the basis of unanimity.

The United States will be invited to participate in the Committee.

Israelis in the West Bank\* and Gaza District

The powers and responsibilities of the SCA (AC) will not apply to the Israeli Defence Forces nor to Israeli civilians in the West Bank\* and Gaza District. Israelis will not participate in the elections for the SCA (AC).

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September 3, 1980

MEMORANDUM OF UNDERSTANDING

The Arab Republic of Egypt, the State of Israel, and the United States of America are agreed that the document "Memorandum of Understanding" is a preliminary agreement on the nature of the arrangements to be established for the transitional period envisioned in the Framework for Peace in the Middle East agreed at Camp David ("Framework"). They agree that these principles must be more fully elaborated in a final autonomy agreement, and they have committed themselves to this end. They also agree that the participation of the Palestinian inhabitants is required in order fully to meet the goals of the comprehensive peace envisioned in the Framework.

Egypt and Israel, in coordination with the United States, have arrived at a number of understandings and agreements with regard to the steps they will take to implement the terms of the Framework. Therefore, to provide full autonomy to the inhabitants of the West Bank\* and Gaza during the transitional period, to ensure a peaceful and orderly transfer of authority, to assure the security of Israel and its neighbors and take into account the security concerns of all the parties, and to achieve the other objectives set forth in the Framework, Egypt and Israel, in coordination with the United States, have agreed as follows:

Elections

A Self-Governing Authority (Administrative Council) ("elected body") will be freely elected by the inhabitants in accordance with agreed modalities.

Elections will be free elections based on the principles of peaceful assembly and expression and secret ballot, bearing in mind the need to preserve law and order as well as the underlying principles of the Framework.

Free electoral campaigning will be guaranteed in accordance with the agreement on election modalities. Representation will be apportioned with due regard to population and municipal

\*In each paragraph in which the expression "West Bank" appears it is being, and will be, understood by the Government of Israel as Judea and Samaria.

boundaries. The election will be organized, conducted and supervised by a Central Electoral Commission, composed of authorized Israeli civilian personnel and of local Palestinian Arabs agreed upon by the autonomy negotiators, together with other civilians -- individual and institutions -- as worked out and agreed upon by the autonomy negotiators.

#### The Transitional Period

The elected body will be established and inaugurated within one month after it has been elected, at which time the transitional period of five (5) years will begin.

#### Withdrawal of Israeli Military Government and Civilian Administration

As soon as the elected body is established and inaugurated, the Israeli Military Government and its civilian administration will be withdrawn.

This replacement of the Israeli Military Government and its civilian administration will occur through the transfer to the elected body of the powers and responsibilities which are defined by the final autonomy agreement.

#### Structure and Procedure

The elected body will consist of one body. The number of its members will be appropriate to both its practical functions and to its representational nature. The elected body will select its officers from among its members and determine its own internal procedures.

#### Powers and Responsibilities of the Elected Body

Upon its establishment and inauguration, the elected body subject to the terms of the final autonomy agreement, will have responsibility in the following areas:

- Administration of Justice
- Agriculture and Natural Resources
- Civil Service, Administration and Planning
- Education and Culture
- Finance (including Budget, Taxation and Banking)
- Health
- Housing and Public Works
- Industry, Commerce and Tourism
- Interior and Energy Affairs
- Internal Transportation, Communications and Posts
- Labor, Manpower and Social Welfare



Municipal and Local Affairs and Public Utilities  
Local Police  
Religious Affairs

The elected body will have all powers, subject to the terms of the final autonomy agreement, which are necessary for the discharge of its responsibilities. Agreed coordinating arrangements will be implemented, and other appropriate arrangements will be made to enable all parties to promote cooperation and good neighborly relations.

The elected body will not:

1. Curtail or suspend individual freedoms; discriminate against individuals on the basis of race, religion, sex or national origin; or interfere with the rights of the parties under the final autonomy agreement.
2. Alter its jurisdiction, enlarge its powers, or affect the international status of the West Bank and Gaza or its boundaries.
3. Conduct foreign relations or enter into international agreements, subject to the final autonomy agreement.

Water

The elected body shall have responsibility with respect to the following water resources: (1) surface and subsurface water sources which lie solely within or under the West Bank and Gaza; (2) the current relative rate of flow presently used in the West Bank and Gaza and derived from sources that underlie or flow between the West Bank and Gaza and one or more of its neighbors; and (3) such additional water resources as may be agreed pursuant to negotiations involving representatives of the inhabitants of the West Bank and Gaza and Israel. Procedures to ensure the protection of existing uses and to encourage the development of regional water resources for the benefit of all concerned will be provided in the final autonomy agreement.

Land

The elected body shall have responsibility with respect to private land transactions, provided that it shall not discriminate against individuals on the basis of race, religion, sex or national origin. The elected body shall also have responsibility for the administration of public land in the West Bank and Gaza, provided that: (1) no public land shall be alienated; (2) existing uses of public land shall be



protected; and (3) new uses of public land will be subject to approval pursuant to a decision-making mechanism involving representatives of the inhabitants of the West Bank and Gaza and Israel. Procedures to ensure the proper classification of land and to effectuate the provisions of this paragraph will be provided in the final autonomy agreement.

#### Laws

The laws in force in the West Bank and Gaza will remain in force to the extent consistent with the final autonomy agreement, unless changed in accordance with procedures to be outlined in that agreement. In this regard, the final autonomy agreement will define the authority of the elected body and procedures regarding the exercise of such authority.

#### Security

All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond. (1) A withdrawal of Israeli Armed Forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations as provided in the final autonomy agreement. (2) Arrangements will be implemented as provided in the final autonomy agreement to assure internal and external security and public order. (3) To assist in providing internal security, a strong local police force will be constituted by the elected body. (4) The elected body shall not maintain any military or paramilitary force other than the strong local police force provided in the Framework.

#### Continuing Committee

In accordance with the provisions of the Framework, during the transitional period, representatives of Egypt, Israel, Jordan and the elected body 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.

The Committee may also deal with other matters of common concern, including matters that require detailed negotiations or coordination (e.g., economic cooperation, etc.), as provided in the final autonomy agreement.

The Committee will take its actions and decisions on the basis of unanimity.

The United States will be invited to participate in the Committee.

Dispute Resolution

Procedures will be agreed to facilitate the exchange of information and consultation on an ongoing basis in order to encourage the resolution of differences at a technical level. Procedures also will be agreed to allow the discussion of differences at a political level before their submission to formal dispute resolution procedures.

Disputes concerning the interpretation or application of the security provisions of the final autonomy agreement shall be determined in accordance with procedural arrangements which safeguard the security interests of Israel.

Disputes concerning the interpretation or application of other provisions of the final autonomy agreement will be resolved in accordance with agreed procedures which will take account both of the subject under dispute and of the differing degrees to which the vital interests of the parties are involved.

Negotiations Regarding Final Status

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 five-year transitional period, in accordance with the procedures and principles set forth in the Framework.



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(22 8.80)

ISRAEL DRAFT

Heads of Agreement

The Arab Republic of Egypt and the State of Israel ("The Parties") in coordination with the United States of America, have arrived at a number of understandings and agreements with regard to the steps they will take to implement the terms of the Framework for Peace in the Middle East agreed at Camp David ("Framework"). Therefore to provide full autonomy to the inhabitants of the West Bank and Gaza \* districts, to assure the security of Israel and its neighbors, and to achieve the other objectives set forth in the Framework, the Parties in coordination with United State have agreed as follows:

Elections

A Self Governing Authority (Administrative Council) ("Council") will be freely elected by the inhabitants of the territories in accordance with the modalities set forth in Annex A ("Election Modalities") to this Heads of Agreement.

The Transitional Period

The Council shall be established and inaugurated within one month after it has been elected at which time the transitional period of five years (5) shall begin.

Withdrawal of Military Government and Civilian Administration

The Israel Military Government and its Civilian Administration will be withdrawn after the inauguration of the Council. There will be an orderly transfer from the Military Government and its Civilian Administration to the Council of those powers and responsibilities which according to the Agreement to be reached by the Parties (The Agreement), will be exercised by the Council.



### Powers and Responsibilities of the Council

Upon its establishment and inauguration, the Council, subject to the terms of the Agreement, will exercise its responsibility in the following areas:

Administration of Justice

Agriculture

Finance

Civil Service

Culture

Education

Health

Housing

Internal Transportation

Labour and Manpower

Municipal Affairs

Local Police

Religious Affairs

Social Welfare

Tourism

(Other areas as agreed)

The Council will have all powers, subject to the terms of the agreement, which are necessary for the discharge of its responsibilities as herein provided, including the power to issue necessary subsidiary legislation in accordance with existing laws and orders, in the areas of its responsibilities.

All such subsidiary legislation will be subject to approval in accordance with procedure to be agreed upon.

Agreed coordinating arrangements will be implemented and appropriate agreed arrangements will be made to enable the Council to exercise its powers so as to promote cooperation and good relations as provided in Annex B ("Technical Planning for Mutual Interrelationship")

### Structure and Procedure

The Council will consist of one body, namely an Administrative Council to be freely elected, the number of its members will be appropriate to and determined by the practical functions to be fulfilled by its members. The Council will appoint its chairman and other office holders from among its members.

### Laws and Regulations

The laws orders and regulations in force in the West Bank and Gaza District\* and all powers vested by virtue of them, shall remain in force unless changed by the provisions of the agreement.

### Security

All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond;

- (1) A withdrawal of Israeli Armed Forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations as provided in Annex D ("Security").
- (2) Arrangements will be implemented as provided in Annex D to assure internal and external security and public order.
- (3) To assist in providing such internal security, a strong local police force will be constituted by the Council.
- (4) The Council shall not maintain any force of a military or para-military nature other than the strong local police force provided in the Framework.

### Continuing Committee

In accordance with the provisions of the Camp David Framework, during the transitional period, representatives of Egypt, Israel, Jordan and the 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.

The Committee may also deal with other matters of common concern, including matters that require detailed negotiations or coordination (e.g., the development of water resources for the benefit of all concerned, economic cooperation, etc.), as provided in Annex E ("Continuing Committee").

The Committee will take its actions and decisions on the basis of unanimity.

The United States will be invited to participate in the Committee.

Negotiations Regarding Final Status

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 five-year transitional period, in accordance with the procedures and principles set forth in the Framework.

\* The expression "West Bank and Gaza District" wherever it appears in this Memorandum and in other related documents is understood by Israel as Judea and Samaria.



7/29/80

Informal Draft

# FORMULATION OF LEGISLATION AND REGULATIONS:

## COURSE OF THE DISCUSSIONS

### (1) WHO LEGISLATES

The main area of discussion was who will have the power to alter or supplement the laws currently in force in the territories. Situations might arise during the transitional period where it might be desirable to change the current law or fill a perceived gap.

The Israeli Delegation believes that, as a matter of principle, such changes must be made by Israel because, in its view:

- The autonomous and transitional nature of the SGA(AC) does not call for legislative power;
- From the CDP, the SGA(AC) will be an Administrative Council, which excludes the possession of legislative powers;
- The ability of the SGA(AC) to exercise legislative power could prejudice possible outcomes of the final status negotiations under the CDP;
- The SGA(AC) may, however, participate in the legislative process by presenting suggestions for legislation to the competent Israeli authority.

The Egyptian Delegation believes that, as a matter of principle, the SGA(AC) must be empowered to enact new laws and regulations, amend existing ones and abrogate them, because, in its view:

-- Camp David provides for full autonomy, and most autonomous entities possess some legislative power. The possession of legislative power is not tantamount to sovereignty.

-- Camp David incorporates the principle of self-government.

-- Camp David provides for the withdrawal of the Israeli military government and its civilian administration and their replacement by the SGA(AC), thus removing Israel's authority to legislate in the territories.

-- Legislation is necessary for self-government during the transitional period.

## (2) LIMITATIONS

Apart from these "positions of principle," there was concern that the holder of legislative power might use the power in a way that might harm the vital interests of the other side. The Egyptian delegation indicated the willingness



to consider that the SGA, in exercising this power in accordance with the CDF and autonomy agreement and within its competence, would not have the power to do the following:

- a. Declare an independent state;
- b. Establish diplomatic or consular relations with foreign powers;
- c. Form any armed forces other than the strong police force referred to in the Framework for Peace in the Middle East;
- d. Amend unilaterally, abrogate, rescind or invalidate the security measures agreed upon for the transitional period.

The Continuing Committee could be given a role in the legislative process in some cases.

The Israeli delegation, however, expressed the opinion that it might not be possible to anticipate all possible abuses of legislative power.



### (3) MECHANISM REGARDING CONFORMITY WITH LIMITATIONS

Accordingly, the working level concentrated its attention on procedures to ensure that the legislative power would not be exercised, by whomever, in a manner which would interfere with vital interests. It was suggested that there could be a stage prior to promulgation at which a proposed bill could be challenged. In this framework, the following issues were discussed:

-- The composition of a body which would be empowered to review, approve, or veto the proposed legislation. A possible role for the Continuing Committee was mentioned, or another body might be devised. Also, a body of experts could be established.

-- The process by which, and the stage at which, the proposed bill would come to the attention of a party which might wish to initiate a challenge.

-- The basis on which a proposed bill might be challenged. For example, it was suggested that the bill could only be challenged on the basis that it was inconsistent with the CDF or the autonomy agreement. It was also suggested that a more general basis for challenge might be necessary, in order to protect vital interests which had not been foreseen in the agreement. It was further suggested that the notion of vital interests should be

discussed and defined to the extent possible.

-- Decision-making in the review mechanism. One suggestion was that unanimous approval of a bill would be required for its adoption. Another suggestion was that only unanimous disapproval would prevent adoption. Other suggestions were that a special body, perhaps of independent arbiters, might decide the issue.



(4) SUMMING UP

A. It is accepted that the SGA(AC) shall have the power to promulgate regulations (including bylaws and orders) under the existing laws, within its competence and subject to the terms of the autonomy agreement and the CDF.

B. Various suggestions concerning promulgation of legislation during the transitional period:

1. The SGA(AC) shall promulgate legislation, within its competence and subject to the terms of the agreement and the CDF.

2. Israel shall have the power to promulgate legislation. The SGA(AC) may suggest legislative changes for Israel's consideration.

3. The SGA(AC) shall promulgate legislation. Before it enters into force, Israel will have an opportunity to challenge its consistency with the agreement in the Continuing Committee. It would enter into force unless the Continuing Committee otherwise decides, by agreement.

4. Israel shall promulgate legislation. Before it enters into force, the SGA(AC) will have an opportunity to challenge its consistency with the agreement in an agreed body. It would enter into force unless the review body otherwise decides by agreement.



5. Israel shall suggest a law and notify the SGA(AC). If the SGA(AC) objects to the proposal, the law will be discussed in a review body, whose unanimous approval will be required for adoption.

6. The SGA(AC) shall suggest a law and notify Israel. If Israel objects to the proposal, the law will be discussed in the Continuing Committee, or another agreed body, in which unanimous approval of the law will be required for its adoption.

7. Either Israel or the SGA(AC) shall be able to propose legislation to a review mechanism, in which the SGA(AC) and Israel would each have a veto over its enactment.

It is hoped that additional ideas concerning promulgation of legislation will be submitted by any of the three delegations.

#### (5) POSSIBLE FUTURE COURSE OF ACTION REGARDING THE MECHANISM

The most difficult questions regarding the mechanism seem to be the basis on which the legislation might be challenged, and the procedure for resolving the challenge.

It was suggested that there may be a close relationship between these two questions. That is, it might be possible to construct a mechanism which will vary with the nature of the law and of the challenge.

Addressing this issue may facilitate the resolution of some of the differences concerning promulgation of legislation.



5 ON 100)  
7/7/80

Heads of Agreement

The Arab Republic of Egypt and the State of Israel (the "Parties"), in coordination with the United States of America, have arrived at a number of understandings and agreements with regard to the steps they will take to implement the terms of the Framework for Peace in the Middle East agreed at Camp David ("Framework"). Therefore, to provide full autonomy to the inhabitants of the territories involved, to ensure a peaceful and orderly transfer of authority, to assure the security of Israel and its neighbors, and to achieve the other objectives set forth in the Framework, the Parties, in coordination with the United States, have agreed as follows:

מדינת ישראל  
רשות הממשלה  
משרד המבחן  
משרד החוץ

Election

A Self-Governing Authority (Administrative Council) ("Authority") will be freely elected by the inhabitants of the territories in accordance with the modalities set forth in Annex A ("Election Modalities") to this Agreement.

council of gov

מדינת ישראל  
רשות הממשלה  
משרד המבחן  
משרד החוץ

The Transitional Period

The Authority shall be established and inaugurated within one month after it has been elected, at which time the transitional period of five (5) years shall begin.

Withdrawal of Military Government and Civilian Administration

Upon election of the members of the Authority, and as soon as the Authority is established and inaugurated, the Military Government and its civilian administration will be withdrawn.

Powers and Responsibilities of the Authority

Upon its establishment and inauguration, the Authority, subject to the terms of this Agreement and its Annexes, will exercise full responsibility in the following areas:

מדינת ישראל

- ✓ Administration of Justice
- Administrative Operations
- 777 - Agriculture
- Budget
- Civil Service
- Culture
- Education
- Health
- 777 - Housing
- 777 - Internal Transportation

מדינת ישראל  
רשות הממשלה  
משרד המבחן  
משרד החוץ



1. Labor and Manpower  
 2. Municipal Affairs  
 3. Police  
 4. Religious Affairs  
 5. Social Welfare  
 6. Taxation  
 7. Tourism  
 (Other Areas as Agreed)

The Authority will have all powers which are necessary for the discharge of its responsibilities as herein provided, including the power to issue necessary decrees, regulations or orders which may alter existing statutes in the areas of its responsibilities. Agreed coordinating arrangements will be implemented and appropriate arrangements will be made to enable the Authority to exercise its powers so as to promote cooperation and good neighborly relations as provided in Annex B ("Technical Planning for Mutual Interrelationships").

#### Structure and Procedure

The Authority will consist of one body of freely elected members which will determine its own procedures and elect and appoint its own officers.

#### Jurisdiction of the Authority

The Authority shall exercise its powers and responsibilities within the territories and according to the provisions specified in Annex C ("Jurisdiction").

#### Security

All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond and, consistent therewith: (1) a withdrawal of Israeli Armed Forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations as provided in Annex D ("Security"); (2) arrangements will be implemented as provided in Annex D to assure internal and external security and public order; (3) to assist in providing such security, a strong local police force will be constituted by the Authority; and (4) during the transitional period the Authority shall not maintain any armed forces other than the strong local police force provided in the Framework.

Continuing Committee

In accordance with the provisions of the Camp David Framework, during the transitional period, representatives of Egypt, Israel, Jordan, and the 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.

The Committee may also deal with other matters of common concern, including matters that require detailed negotiations or coordination (e.g., the development of water resources for the benefit of all concerned, economic cooperation, etc.), as provided in Annex E ("Continuing Committee").

The Committee will take its actions and decisions on the basis of unanimity.

The United States will be invited to participate in the Committee.

Negotiations Regarding Final Status

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 five-year transitional period, in accordance with the procedures and principles set forth in the Framework.



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חתימה:   
שם המוסד:   
מס' הדואר: 107...  
מס' התעודת: 22...

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Revised 4/30/80

DRAFT

The Arab Republic of Egypt and the State of Israel (the "Parties"), in coordination with the United States of America, have arrived at a number of understandings and agreements with regard to the steps they will take to implement the terms of the Framework for Peace in the Middle East agreed at Camp David ("Framework"). Therefore, to provide full autonomy to the inhabitants of the territories involved, to assure the security of Israel and its neighbors, and to achieve the other objectives set forth in the Framework, the Parties, along with the United States, have agreed as follows:

ELECTION

In order to ensure a peaceful and orderly transfer of authority, representatives to the Self-Governing Authority (Administrative Council) ("Authority") will be freely elected by the inhabitants of the territories in accordance with modalities set forth in Annex A to this Agreement.

WITHDRAWAL OF MILITARY GOVERNMENT AND CIVILIAN ADMINISTRATION

Following these elections and immediately after the establishment and inauguration of the Authority, the Military Government and its civilian administration will be withdrawn.



AREAS OF RESPONSIBILITY OF THE AUTHORITY

Upon its establishment and inauguration, the Authority, subject to the terms of this Agreement and its Annexes, will exercise full responsibility in the following areas:

Education  
Culture  
Religious Affairs  
Administration of Justice  
Agriculture  
Health  
Labor and Manpower  
Social Welfare  
Internal Transportation  
Municipal Affairs  
Housing  
Tourism  
Budget  
Taxation  
Civil Service  
Administrative Operations  
Police  
(Other Areas as Agreed)

POWERS OF THE AUTHORITY

The Authority will have all powers which are necessary for the discharge of its responsibilities as herein provided,

including the power to issue necessary decrees, regulations or orders which may alter existing statutes. Appropriate arrangements will be made to enable the Authority to exercise its powers so as to promote cooperation and good neighborly relations.

#### STRUCTURE AND PROCEDURE

The Authority will consist of one elected body of \_\_\_\_\_ members which will determine its own procedures.

#### SECURITY

All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors and, consistent therewith: (1) a withdrawal of Israeli Armed Forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations as provided in Annex B; (2) arrangements will be implemented as provided in Annex B to assure internal and external security and public order; and (3) other than as provided in Annex B, no security, defense, military or paramilitary forces of any origin will be maintained, raised or stationed in the West Bank or Gaza.

#### CONTINUING COMMITTEE

In accordance with the provisions of the Camp David Framework, during the transitional period, representatives

of Egypt, Israel, Jordan, and the 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.

The Committee will also deal with other matters of common concern that require detailed negotiations or coordination (e.g., the development of water resources for the benefit of all concerned, economic cooperation, etc.) as provided in Annex C.

The Committee will take its decisions on the basis of unanimity.

The United States will be invited to participate in the Committee.

#### NEGOTIATIONS REGARDING FINAL STATUS

When the Authority is established and inaugurated, a transitional period of five (5) 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, in accordance with the procedures set forth in the Framework.



February 16, 1980

Attached are the four lists presented at the Eighth Plenary and revised by the Working Group held at the Mena House February 12-14, 1980. Additions or deletions have been entered only where the changes were agreed. Where there was no agreement, the item remains in its original position with a notation of the position of either or both parties as to its allocation to another of the lists. Items proposed which were not on the original lists have been added to List IV with a notation of which lists the party proposing it believes it should be assigned to.

## LIST I

### ISRAEL

Powers to be fully transferred (coordinating arrangements in certain parts to be worked out by the Working Group on Powers and Responsibilities).

1. Education ✓
2. Culture ✓
3. Religious Affairs ✓
4. Administration of Justice ✓
5. Agriculture ✓
6. Health ✓
7. Labor and Manpower ✓
8. Social Welfare ✓
9. Internal Transportation ✓ *Commenced in 1948*
10. Municipal Affairs ✓
11. Housing ✓
12. Tourism ✓
13. Budget ✓
14. Taxation ✓
15. Civil Service ✓
16. Administrative Operations ✓
17. Police ✓
18. Finance, Industry and Commerce ✓
19. Local Posts ✓
20. Local Planning ✓

### EGYPT

Powers to be fully transferred (coordinating arrangements in certain parts to be worked out by the Working Group on Powers and Responsibilities).

1. Education
2. Culture
3. Religious Affairs
4. Administration of Justice
5. Agriculture
6. Health
7. Labor and Manpower
8. Social Welfare
9. Internal Transportation
10. Municipal Affairs
11. Housing
12. Tourism
13. Budget
14. Taxation
15. Civil Service
16. Administrative Operations
17. Police
18. Finance, Industry and Commerce
19. Local Posts
20. Local Planning

LIST II

ISRAEL

Powers to be Shared

1. Water
2. Technical Planning for Mutual Interrelationships
3. Internal Security (to List III?)

EGYPT

Powers to be Coordinated

1. Water (to List I)
2. Technical Planning for Mutual Interrelationships
3. Internal Security (to Continuing Committee?)



LIST III

ISRAEL

Residual Powers to be Retained  
by Israel.

1. Foreign Affairs
2. Defense and Security
3. Israeli Settlements

EGYPT

Powers to be Reserved

1. Foreign Affairs (Egypt contends this is a power which SGA will not have and, therefore, neither Israel nor any party can "retain" what does not exist. Strike it from the List.)
2. Defense and Security
3. Israeli Settlements (to List I)

## LIST IV

### ISRAEL

#### Other Areas for Discussion

1. (Public) Land (to List III)
2. Natural Resources and Energy in its "Crude State" (to List III)  
Energy importation, processing and production (to Economy category yet to be discussed).
3. Communication and Posts  
(Local Posts to List I, all else to List III)
4. Holy and Historical Sites (to List II, with understanding that holy sites unique to one religion would be under its sole control.)
5. Other
  - A) Legislative Matters probably not within WG's competence
  - B) \*Regional and District Planning and Land Registration to List II
  - C) \*Population Registration to List II
  - D) \*Economy to List II
  - E) \*Supervision of Airspace and Territorial Waters to List III

### EGYPT

#### Other Areas for Discussion

1. (Public) Land (to List I)
2. Natural Resources and Energy (to List I)
3. Communication and Posts  
(all to List I with understanding that Israel would have role where security aspects are involved)
4. Holy and Historical Sites  
(Historical sites to List I under "Culture." Position reserved on where holy sites should fall.)
5. Other
  - A) \*Legislative Matters to List I
  - B) Regional and District Planning and Land Registration to List I
  - C) Population Registration perhaps under Internal Security
  - D) Economy not to be on any list as separate topic
  - E) Supervision of Airspace and Territorial Waters to List I

\*Introduced by

2 SN 120)

PROPOSED MODEL OF FULL AUTONOMY  
FOR THE WEST BANK AND THE GAZA STRIP  
(THE EGYPTIAN MODEL, AS PRESENTED ON 29 JANUARY 1930)

- I Introduction
- II The Military Government and its Civilian Administration
- III Withdrawal of the Military Government and the Transfer of Authority
- IV Powers and Responsibilities to be exercised by the Self-Governing Authority
  - 1. Nature of the SGA
  - 2. Scope of the SGA
  - 3. General Powers and Responsibilities of the SGA
  - 4. Structure of the SGA
  - 5. Seat of the SGA
  - 6. Additional arrangements



## I. INTRODUCTION

(a) The Camp David Framework for Peace stipulates the withdrawal of the Military Government and its Civilian Administration, and the transfer of its authority to the Self-Governing Authority which will replace it.

(b) In reviewing the powers and responsibilities of the Military Government and its Civilian Administration, the Working Group was seeking to envisage, through a practical approach, the powers and responsibilities to be exercised by the SGA in the context of its replacement to the Military Government and its Civilian Administration as stated in the Camp David Framework. That was the purpose of the survey of the current situation. It was a way out of the deadlock caused by the conceptual discussions of the comprehensive approach, and a step to provide the parties with basic information for discussing the transfer of authority. Indeed the presentations of the powers and responsibilities of the Military Government and its Civilian Administration were meant to lead the Working Group, in the light of these presentations, and in the context of the transfer of authority, to prepare a model for the powers and responsibilities to be exercised by the SGA. This method was endorsed by the decision taken at the London Meeting of the Heads of Delegation on October 26, 1979

*"...presentations on the current situation will provide the parties with basic information for discussing transfer of authority as stated in the Camp David Framework."*

which led subsequently to the call of the Plenary on December 19, 1979 to the Working Group

*"to proceed to prepare for the Plenary's future consideration a proposed model for the powers and responsibilities to be exercised by the SGA."*

(c) When the method is thus set in perspective, it becomes clear that when a model of the powers and responsibilities of the SGA is to be prepared, the guiding frame should be the powers and responsibilities of the Military Government and its Civilian Administration, and that the focal points in discussing such a model should be:

- (1) Withdrawal of the Israeli Military Government and its Civilian Administration.
- (2) The transfer of authority.
- (3) Organs of the SGA which will take over from, and replace, the Military Government and its Civilian Administration.

## II. THE MILITARY GOVERNMENT AND ITS CIVILIAN ADMINISTRATION

(a) On June 7, 1967, the Israeli Military Command published Proclamation No. 2 entitled "Laws and Administration Proclamation," a section of which is concerned with the assumption of government by the Israeli Defence Forces, and under the title "Assumption of Powers," it reads:

*"Any power of Government, legislation, appointment or administration with respect to the region or its inhabitants shall henceforth vest in me alone and shall be exercised only by me or a person appointed by me to that end or acting on my behalf."*

(b) The Israeli Military Government currently existing in the West Bank and Gaza Strip has full comprehensive authority. It assumes the power of formulating all policies and coordinating all activities. Its decision-making emanates from different and inter-connected channels of Israeli cabinet and inter-ministerial levels as well as a chain of military command leading to the area or regional commander (one for the West Bank and one for Gaza) who was vested with full legislative and executive authority in the area as shown in the afore-mentioned Proclamation. Mandatory orders issued by the military commander presented legislative enactments and revisions. Policy is determined according to considerations adopted by the office of the coordinator of activities, the Israeli Ministry concerned and the Regional Command.

(c) Administrative authority is delegated to regional and district commanders. Routine administrative duties and conduct of ordinary activities are left to the relevant institutions that were already operating in the West Bank and Gaza or to newly organized units of administrative service.

The civil administration of the Military Government is carried out by branches, each branch supervising a number of units. The units carry out the conduct of every day



life. Heads of units who operate in the areas are directly subordinated through the chief of branch to the Military Commander while they come, at the same time, under the corresponding ministries in Israel on professional matters. From the Ministry they get instructions on professional matters, how to act, how to deal with the problems arising out of the daily life. From the Commander, through the chief of branch, they get the policy, the Command.

(d) The Military Government and its Civilian Administration is therefore composed of different levels manifesting different layers of authority. One layer legislates and formulates policies, another layer executes and carries out the policies.

The Camp David Framework stipulates the transfer of both. It is not a matter of transferring the administrative set-up which implements the orders, but - first and foremost - transferring the strata of authority which holds the power to issue the orders.

(e) It may be recalled that the Civil Administration of the Military Government is mainly composed, even now, of local inhabitants. According to the figures of December 1978 there were in the West Bank 11165 local employees in the Civil Administration (and only 980 Israelis) while in Gaza there are local director-generals heading 14 of the main units.

So, it may be said, that even now the Palestinian people in the West Bank and Gaza Strip are bearing most of the responsibility for running the affairs of their daily lives - but only carrying out decisions which were made for them and implementing policies which were formulated over their heads.

When the Camp David Framework promises them Full Autonomy, it can only mean that under the SGA they will be able to take their own decisions and formulate their own policies.

The Full Autonomy which the Camp David Framework for Peace provides for cannot amount to a reorganization of what the Palestinians in the West Bank and Gaza Strip already have, but rather the transformation of that set-up in an Authority which is self-governing. Hence, the withdrawal of the Military Government and the transfer of its manifold authority to the inhabitants.



### III. WITHDRAWAL OF THE MILITARY GOVERNMENT AND THE TRANSFER OF AUTHORITY

(a) The first step in establishing the SGA should be the withdrawal of the Military Government. The Camp David Framework for Peace states clearly that

*"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."*

The Joint Letter of March 26, 1979 states that

*"The Military Government and its Civilian Administration will be withdrawn, to be replaced by the SGA."*

(b) Distinction is made in both the Camp David Framework and the Joint Letter between two kinds of withdrawal:

1. The withdrawal of the Military Government and its Civilian Administration which is total and absolute. It is an unqualified withdrawal; and,
2. A withdrawal of Israeli Armed Forces which is going to be partial and there will be a redeployment of the remaining forces into specified security locations.

(c) The withdrawal of the Military Government and its Civilian Administration, which occurs as soon as the SGA is elected, is the first step towards the assumption of the SGA to its powers and responsibilities. The transfer of authority takes place by handing over the powers and responsibilities of the Military Government and its Civilian Administration to the newly elected SGA. The SGA replaces the outgoing regime.

(d) In this respect, the following elements should be stressed:

1. The transfer of authority implies the handing over of all powers and responsibilities presently exercised by the Military Government and its Civilian Administration.

2. The transfer of authority should be carried out in a peaceful and orderly manner.
3. Whenever Palestinian institutions already exist in the West Bank and Gaza Strip, as part of the prevailing system of civil service, they will, in the course of such transfer of authority, take over the functions of, and replace, the Military Government and its Civilian Administration. It is only when new functions, or new powers, are transferred to the SGA which were not exercised before under the Military Regime by the Palestinian people that new organs should be sought.

(e) Stress should be focussed more on the powers and functions that are not exercised by the Palestinian People under the Military Regime so that the necessary relevant organs would be suggested. The Palestinian People already played the major role in the Civil Service which obeyed the Commands and implemented the policies of the Military Regime. Under the Autonomy there will be need for an organ to fulfil their newly acquired power to make their own decisions and formulate their own policies.

The elected body of the SGA is obviously that organ.

#### IV. POWERS AND RESPONSIBILITIES TO BE EXERCISED BY THE SELF-GOVERNING AUTHORITY

For a model of powers and responsibilities to be exercised by the SGA, some key-words and guidelines from the Camp David Framework for Peace should be stressed at the outset.

- (a) It is a SELF-GOVERNING AUTHORITY, which means that it governs itself by itself. It is a self-generating authority. No outside source vests it with its authority.
- (b) To provide FULL AUTONOMY, and not an impaired or partial autonomy.
- (c) This Self-Governing Authority with Full Autonomy comes through free elections. It is a democratic structure of government by the people and for the people. As an elected body it has a representative character and its membership fulfill the functions and exercise the powers that an elected representative body usually does. ..

## 1. Nature of the SGA

The SGA is an interim arrangement for a period not exceeding 5 years. This transitional process - at the outset of which the Israeli Military Government and its Civilian Administration will be withdrawn and the SGA established can demonstrate that the practical problems arising from a transition to peace can be satisfactorily resolved. The transitional period is aimed at bringing about the changes in attitudes that can assure a final settlement which realizes the legitimate rights of the Palestinian people while assuring the security of all the parties.

The purpose of this transitional arrangement is:

- (a) To ensure a peaceful and orderly transfer of authority to the Palestinian People in the West Bank and Gaza Strip.
- (b) To help the Palestinian People to develop their own political, economic and social institutions in the West Bank and Gaza Strip so as to give expression to the principle of full autonomy which the SGA provides.
- (c) To provide the proper conditions for the Palestinian People to participate in negotiations leading to the solution of the Palestinian Problem in all its aspects and the realization of their legitimate rights including their right to Self-Determination.

## 2. Scope of the SGA

- (a) The jurisdiction of the SGA will encompass all of the Palestinian territories occupied after the 5th of June 1967 and which are delineated in the relevant Armistice Agreements of 1949 (Egyptian-Israeli Armistice Agreement of April 2nd, 1959 regarding the Gaza strip and Jordanian-Israeli Armistice Agreement of February 24, 1949 regarding the West Bank including Arab Jerusalem).
- (b) Authority of the SGA extends to the inhabitants as well as the land in the West Bank and Gaza Strip.
- (c) All powers and responsibilities of the SGA apply to the West Bank and Gaza Strip which shall be regarded under the Autonomy as one territory and integral whole.



(d) All changes in the geographic character, the demographic composition and the legal status of the West Bank and Gaza Strip or any part thereof are null and void and must be rescinded as they jeopardise the attainment of the legitimate rights of the Palestinian People as provided for in the Camp David Framework.

This applies in particular to:

- (1) East Jerusalem, the annexation of which by Israel is null and void and must be rescinded. Relevant Security Council Resolutions, particularly Nos. 242 and 267 must be applied to Jerusalem which is an integral part of the West Bank. Legal and historical Arab rights in the City must be respected and restored.
- (2) Israeli Settlements in the West Bank and Gaza Strip which 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.

### 3. General Powers and Responsibilities of the SGA

- (1) Promulgation of laws and regulations.
- (2) Policy formulation and supervision.
- (3) Budgetary provisions.
- (4) Taxation.
- (5) Employment of staff.
- (6) Issuance of identity and travel documents.
- (7) Control of in-and-out movement of persons and goods.
- (8) Power to assume obligations and own property.
- (9) Power to hold title to public land.
- (10) Power to sue and to be sued.
- (11) Power to enter into contracts.
- (12) Power to participate in negotiations on the final status of the West Bank and Gaza strip and to ascertain the views of the Palestinians.

- (13) Assuming responsibility for:
  - (a) public administration;
  - (b) public services;
  - (c) public order and internal security and police;
  - (d) public domain and natural resources;
  - (e) economic and financial fields;
  - (f) social and cultural fields;
  - (g) human rights and fundamental freedoms.
- (14) Administration of Justice.

#### 4. Structure of the SGA

- (a) The SGA will be composed of 80 - 100 members freely elected from the Palestinian People in the West Bank and Gaza Strip.
- (b) The structure of the SGA contains two main organs:
  - An Assembly composed of all freely elected representatives from the West Bank and Gaza.
  - A council composed of 10 - 15 members to be elected from among the membership of the Assembly.
- (c) The Assembly:
  - (1) It will take over, and replace, the authority of the Military Government in enacting laws and regulations, formulating and supervising policies, adopting the budget, levying taxes, etc.....
  - (2) Its internal organization of 1 Chairman with 1 or more vice-chairmen, its rules of procedure and the number and composition of its committees will be determined by the Assembly itself.
- (d) The Council:
  - (1) It assumes the actual administration of the West Bank and Gaza and implements the policies formulated by the Assembly in the different domains.

- (2) It covers the whole range of activities and has full power in organizing, operating, employing staff and supervising the following executive branches:

Education - Information and Culture - Health - Transportation and Communications - Social Welfare - Labour - Tourism - Internal Security - Housing - Religious Affairs - Agriculture - Economy and Finance - Commerce - Industry - Administration of Justice.

- (3) The Council will constitute its divisions as it deems necessary for the proper conduct of its functions and will determine the number of divisions, the internal organization of divisions and the machinery for coordination as befits the best and most effective administration of its activities. It may get in this respect, and if requested, expert help from the parties.

(e) The Judicial authority will be manifested in a system of courts of law, court of appeals and supreme court enjoying full guarantees for independence and efficiency in their administration of justice.

(f) The SGA will have a representative, alongside the representatives of Israel, Egypt and (Jordan), on the continuing Committee in accordance with Article 3 of the Camp David Framework. Matters of common concern to Israel and the SGA which need mutual arrangements can be dealt with through the Committee.

#### 5. Seat of the SGA:

The seat of the SGA will be East Jerusalem.

#### 6. Additional Arrangements:

(a) As soon as the SGA is established and inaugurated in the West Bank and Gaza Strip, a withdrawal of Israeli Armed Forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations. Permission will be required for any movement of military troops into or through the territory.

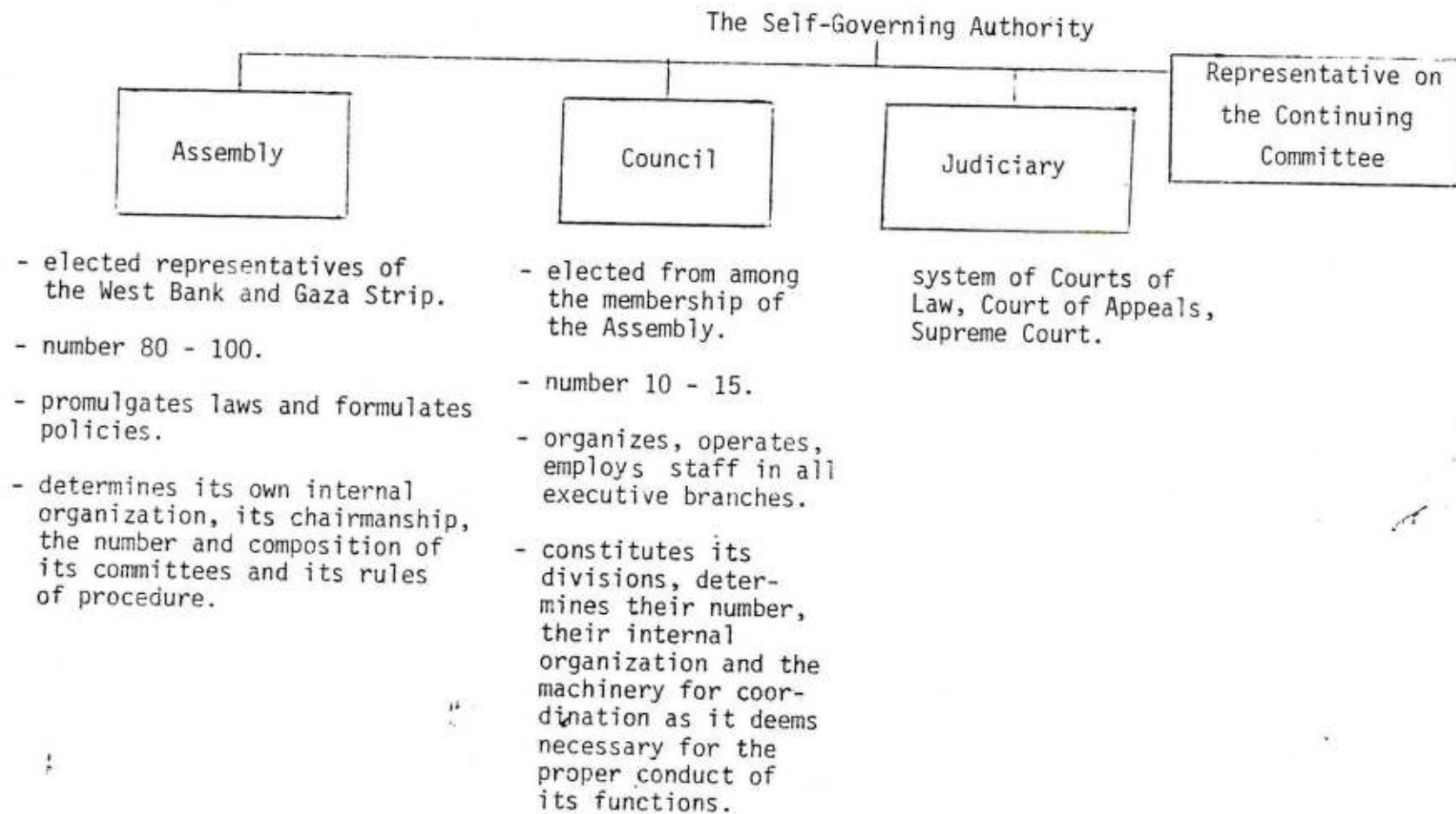
(b) The Camp David Framework for Peace requires the parties to negotiate an agreement which includes, inter alia, arrangements for assuring internal security and public



order. Responsibility for security and Public order will be decided jointly by the parties including the Palestinians, the Israelis, the Egyptians (and the Jordanians). The U.S.A. will participate fully in this responsibility.

(c) A strong police force will be established in the West Bank and Gaza Strip. It will be constituted by the SGA and composed of the people of the West Bank and Gaza Strip.

# PROPOSED MODEL OF FULL AUTONOMY FOR THE WEST BANK AND GAZA STRIP



17.1.80 - 11:17

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15.1.80

In opening I would like to quote from the communique issued at the conclusion of the last Plenary Meeting held at this place on 19 December 1979.

"The Plenary also approved the recommendation of the Working Group in its report that it proceed simultaneously to prepare for the Plenary's future consideration a proposed model for the Powers and Responsibilities to be exercised by the Self-Governing Authority (Administrative Council)."

In accordance with, and based upon contacts and clarifications which we have made, the Israeli Working Group has prepared a proposed model for full autonomy for Palestinian Arab inhabitants of Judea, Samaria and the Gaza District.

In this model we will present the Powers and Responsibilities and functions which the Administrative Council should have, in accordance with the provisions of the Camp David Framework.

In order to more easily convey our conception to all the participants here, we have made intense and minute preparations and we have in fact prepared a graphic representation of the model. On the one poster...the small one...we have delineated the Powers and Responsibilities of the Administrative Council itself, its Chairman, and its essential functions and attributes. Also on this poster you will see a list of the Divisions of the Administrative Council...the Divisions which will fulfill the Powers and Responsibilities and functions of the Council.

The other posters depict, in detail, the suggested structure of each of the Divisions with details of all the various sections of each Division. We have attempted to provide the model in detail and to present it clearly by using graphic illustrations so as to express Israel's position and Israel's preparedness to ensure full autonomy for Palestinian Arab inhabitants of Judea, Samaria and the Gaza District.



As we have said on numerous occasions, Israel sees three different categories of Powers and Responsibilities.

The first is that described in the model, and includes all the Powers and Responsibilities to be given to the Administrative Council. In our opinion, this model covers all those elements needed to ensure full autonomy for the Palestinian Arab inhabitants of Judea, Samaria and the Gaza District.

The second category includes Powers and Responsibilities which will be administered jointly and through cooperation...the so-called "shared powers"... between Israel and the Administrative Council.

The third category includes those Powers and Responsibilities which will remain in Israel's authority.

Permit me therefore to begin a detailed review of the structure of the Self-Governing Authority (Administrative Council) and of each of its Divisions as illustrated in the charts which we have provided for your convenience.

PROPOSED MODEL FOR FULL AUTONOMY FOR PALESTINIAN ARAB INHABITANTS  
OF JUDEA, SAMARIA AND THE GAZA DISTRICT

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Self-Governing Authority (Administrative Council)

1. The Administrative Council will be composed of 11 members, a Chairman and 10 members each of whom will be head of a division.
2. a. The Administrative Council will have the following general powers:
  1. the power to issue regulations
  2. the power to determine the budget and mode of financing of the Administrative Council
  3. the power to enter into contracts
  4. the power to sue and be sued in the local courts
  5. the power to employ personnel
- b. The Administrative Council will be entitled to delegate all or part of its powers to the heads of divisions functioning within its frame.
3. The following divisions will function within the frame of the Council: agriculture, health, religions, labor and welfare, commerce and industry, finance, transport and communications, education and culture, administration of justice and local affairs (including police),
4. The Agriculture Division will deal with all branches of agriculture and fisheries and with nature reserves and parks.
5. The Health Division will supervise the hospitals, clinics and other health and sanitary services.
6. The Religious Division will deal with matters of religious services to all religious communities.

7. The Labor and Welfare Division will be responsible for the welfare, labor and employment services including the operation of labor exchanges, and will be responsible for the rehabilitation of refugees.
8. The Industry and Commerce Division will be responsible for all branches of commerce, industry and workshops.
9. The Finance Division will deal with the budget of the Administrative Council and its distribution among the various divisions, and will be responsible for matters of direct taxation.
10. The Transport and Communications Division will coordinate matters of transport, road traffic, meteorology, shipping and ports and will be responsible for post and communications services.
11. The Education and Culture Division will operate the local system of educational institutions from kindergarten to institutions of higher education and will supervise cultural, art and sport activities.
12. The Administration of Justice Division will supervise the administrative system of the local courts, and will also deal with matters of the prosecution framework and with all matters of registration and association under the law (such as: companies, partnerships, patents, trademarks, etc.)
13. The Local Affairs Division will deal with matters of housing and construction inclusive of building licences, matters of local authorities, tourism and will be responsible for the operation of the local police force, including prisons for criminal offenders sentenced by the local courts.
14. Each Division of the Administrative Council will be managed by its own director-general who will have under his jurisdiction special assistants and section directors. The following sections will function in each of the divisions:



- a. Administration Section will deal with organization and management of the division, employee affairs, budgets, finances and internal audit of the division and its sections. The section will also be responsible for training and professional up-grading for employees of the division.
  - b. The Legal Department will provide legal advice to the head of the division, the director-general, his assistants and the sections.
15. The Chairman of the Administrative Council will be responsible for coordinating the operations of the various Divisions of the Council. In addition, there will be in his office a number of non-elected functionaries appointed by the Chairman or the Council, as follows:
- a. Statistics Section will be responsible for planning, collection, processing and publication of data in the form of surveys as, for example, on the following: population, labor force, wages and employment, consumption and standard of living, agriculture, industry and workshops, building, transportation, prices, etc.

b. Civil Service Commissioner will be responsible for employees of the Administrative Council in the following matters:

1. Establishment for the Council's divisions
2. Salaries and terms of employment
3. Employing and dismissing workers
4. Ongoing handling of all employee affairs

This section will, inter alia, supervise work and organizational arrangements of the employees, will define their powers, their duties, their rights and obligations.

c. Official Publications Section will plan, carry out and publish the official publications of the Administrative Council and the various divisions. Thus, for example, the Section will publish regulations issued by the Council and the by-laws of the local authorities, the various announcements of Divisions of the Council, such as trademarks, patents, designs, companies, etc.

d. Archives will be responsible for the following areas:

1. Collection of archive material from meetings of the Council and its Divisions, and the preservation thereof to the extent that its legal, administrative and research value so justifies.
  2. The opening of protected material for research by means of cataloguing and publication.
  3. Professional supervision in order that they should be properly kept.
  4. Destruction of archive material in accordance with regulations to be set down.
  5. Supervision of archive material held by private individuals and public institutions and which is of concern to the population at large.
16. The following will function alongside the Chairman's office: the Legal Advisor, Ombudsman and Comptroller of the Administrative Council.

a. The Legal Adviser will provide legal advice to the Council and its Divisions in all matters arising from its ongoing functions, and guidance on future affairs. Within its responsibility will also be the regulatory system under the powers of the Council: preparation, drafting and coordination of regulations.

The Legal Department will also be responsible for the function of the legal departments within each Division.

b. The Ombudsman will deal with all requests submitted to the Chairman of the Council or directly to him, and which relate to matters where regular channels cannot provide satisfactory answers. The Ombudsman will deal with all requests relating to: administrative methods, regulations, attitudes of officials and the establishment - whether himself or by causing speedier handling by the Divisions concerned.

c. The Comptroller will audit the activities of the various Divisions, and of the institutions connected with them: local authorities, legal entities in the management of which the Council participates or which it supports. The activities that he will audit are: functions according to law and regulations, public ethics, regular and efficient working and economies.

d. The Council Secretary will be responsible, under the direction of the Chairman, for preparing the agenda and other material connected with Council meetings, for relaying resolutions taken and for supervising their implementation. He will also be responsible for the functioning of those sections that operate in the frame of the Chairman's office.



- b. The Coordinator of Divisional Activities, alongside the Secretary, will coordinate activities between the Divisions whenever this is necessary in order to implement Council decisions.
18. Two separate representatives will operate in liaison roles:
- a. Liaison with the Continuing Committee in accordance with Article 3 of the Camp David Framework.
  - b. Liaison Representative with the Israeli Authorities will deal together with Israeli authorities on an on-going basis with all matters of common interest to the Council and Israel. This representative will also be responsible for coordination of all matters that require coordination according to the model to be presented.

This concludes my review of the Powers and Responsibilities....the proposed organizational and functional structure of the Administration Council and of its Divisions.

Let me stress that we are dealing with a draft model....organizational details can change when we, together, work out its final form.

We have put a considerable amount of effort into the construction of an organizational and functional model: not because we want this model to be accepted per se, as written here, but because we have tried to illustrate our concrete, practical approach. I reiterate that we may very well have to shape and modify this model....this can be done in accordance with practical suggestions which we can work out together. Our basis approach, however, is represented by the principles incorporated in this model.

I have already stated that there are two other categories of Powers and Responsibilities. With your permission allow me to illustrate those Powers and Responsibilities and spheres of activity which will need to be jointly administered:

Land Registry and Settlement

Water

Population Registry

Archaeology and Holy Places

Regional and District Planning Authorities

Emergency Situation Economy

or, for example,

Absentee property - Property from 1967 absentees will be handled by the continuing committee composed of representatives of Israel, Egypt, Jordan and the Administrative Council - the committee being responsible according to the Camp David Framework for the displaced persons of 1967.

These are, of course, examples. There are probably additional examples of fields where there will need to be joint administration.

Similarly may I mention some of those Powers and Responsibilities and spheres of activity which Israel intends to reserve in the future.

Foreign Affairs and Defence

Internal Security

Israeli Inhabitants and Settlements

State Lands

Natural Resources (including mines and quarries) - During the negotiations it is possible to transfer to the Administrative Council powers to license certain minerals such as building sand, stone, marble, etc., in coordination with Israel.

Energy, Fuel

Printing of Stamps and Currency

Radio, Television and Information

Aerospace Supervision

Supervision of Territorial Sea (Gaza)

Main International Communications Exchanges, International Telex,

International Mail

Supervision of Israeli Banking and Insurance Institutions in the Territories, and Representation of the Local Banking System

Abroad



These remarks do not constitute a complete and final list but are merely examples. The basic Israeli position is that the Administrative Council should only deal with those issues which are specifically enumerated on the posters which we have displayed today.

In conclusion, I would like to add a number of additional remarks:

a. This is the first time that the Palestinian Arab inhabitants of Judea, Samaria and the Gaza District have been offered full autonomy... full autonomy which includes the effective daily administration and conduct of a wide range of fields of activity. This is a turning point in their history and we should be united in realizing this truth. It is upon us to present the subject to them in this light. They should consider Israel's offer seriously and they should utilize this moment and this important product of our negotiating effort. The Palestinian Arab inhabitants of Judea, Samaria and the Gaza District would do well to join these negotiations within the delegations of Egypt and Jordan as provided for in the Camp David Framework, and together with them we can work out the framework for their future.

b. Certain items in this model need to be defined in greater detail. I suggest that we consider setting up sub-committees composed of experts in various fields in order to study the issues and assist us in finding solutions---in a spirit of understanding and agreement.

c. I believe that today we have entered upon the second stage of our work. I am sure that our discussions will be open and friendly and characterized by a spirit of understanding and by a mutual effort to proceed speedily and effectively.

I would like to stress that the Israeli delegations sees its suggestion as one comprehensive and integral proposal. There is a

connection between the three categories and approval should be in toto. I would therefore suggest that this debate and our suggestions be considered to be ad referendum until we have attained final agreement. We should proceed to discuss the range of issues before us simultaneously and in parallel.

May I close by offering my special thanks to my Israeli colleagues who have prepared today's presentations and to all those who have worked and helped in the preparation of material for these meetings.

I thank you for your attention.

PROPOSED MODEL OF FULL AUTONOMY FOR THE PALESTINIAN ARAB INHABITANTS OF JUDEA, SAMARIA AND THE GAZA DISTRICT

THE SELF GOVERNING AUTHORITY (ADMINISTRATIVE COUNCIL)

CHAIRMAN  
OF THE AD.  
COUNCIL  
DIVISION

CHAIRMAN OF THE ADMINISTRATIVE COUNCIL

COORDINATOR OF THE ACTIVITIES  
OF THE COUNCIL DIVISIONS

AD. COUNCIL  
COMPTROLLER

OMBUDSMAN

LEGAL  
ADVISER

REPRESENTATIVE IN THE  
CONTINUING COMMITTEE

(according to article  
A(3) of the first  
Camp David framework)

ARCHIVES

OFFICIAL COUNCIL  
PUBLICATIONS

ADMINISTRATIVE  
COUNCIL  
SECRETARY

LIAISON  
WITH ISRAELI  
AUTHORITY

CIVIL SERVICE  
COMMISSIONER  
(PERSONNEL)

STATISTICS

THE AD.  
COUNCIL  
DIVISIONS

AGRICULTURE  
DIVISION

HEALTH  
DIVISION

RELIGIOUS  
AFFAIRS  
DIVISION

LABOUR AND  
WELFARE  
DIVISION

INDUSTRY  
AND COMMERCE  
DIVISION

FINANCE  
DIVISION

TRANSPORTATION  
AND COMMUNICATIONS  
DIVISION

EDUCATION  
AND CULTURE  
DIVISION

ADMINISTRATION  
OF JUSTICE  
DIVISION

LOCAL AFFAIRS  
(INCLUDING  
POLICE) DIVISION



## AGRICULTURE DIVISION

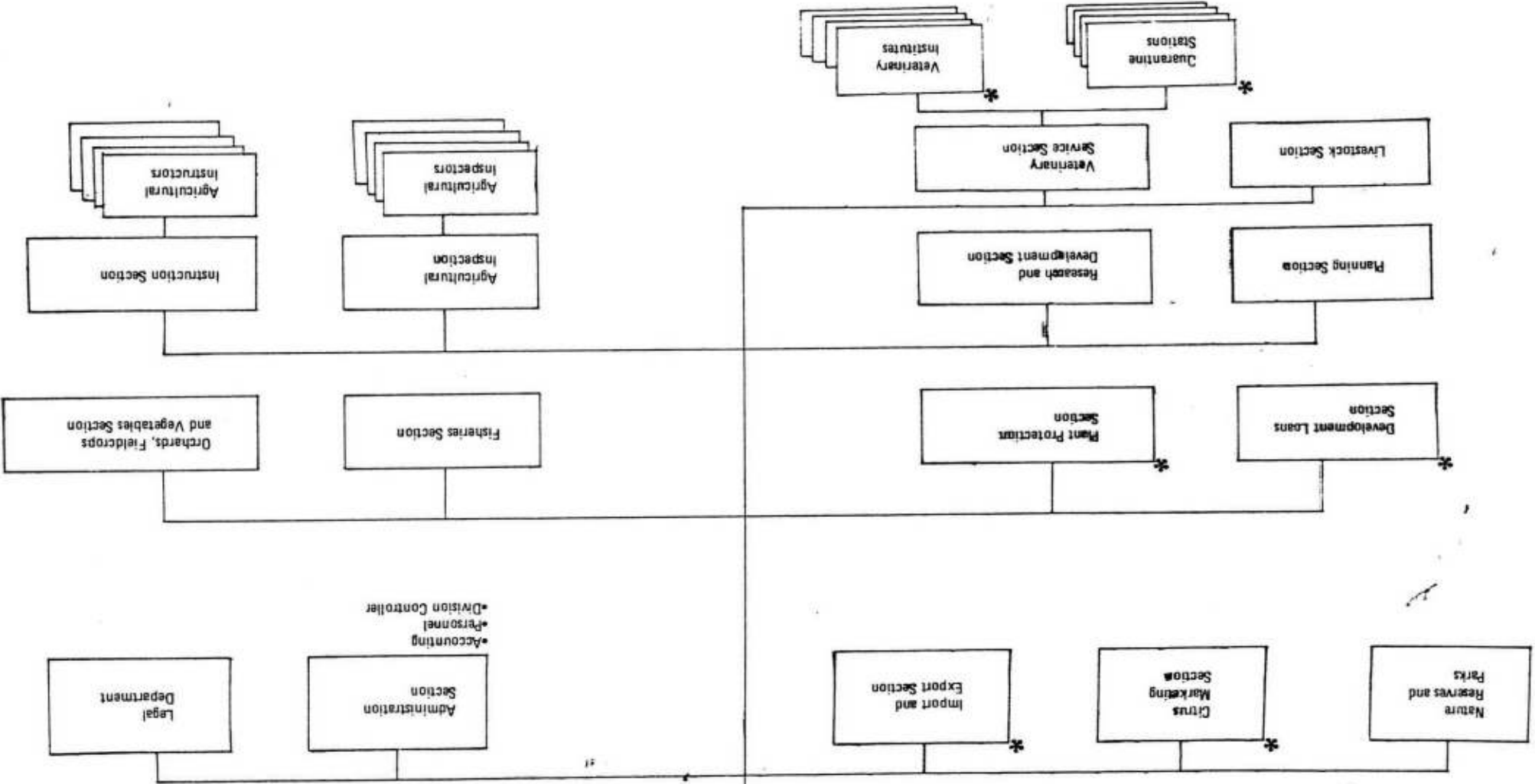
In the Agriculture Division the following sections will function:

1. Livestock Section - The section will deal with the keeping of livestock and the prevention of grazing in areas which are not designated for that purpose.
2. Veterinary Service Section - The section will be responsible for the prevention of animal diseases, the operation of quarantine services (coordinated) and veterinary institutes (coordinated, too).
3. Import and Export Section (Coordinated) - The section will issue import and export permits for agricultural produce and will supervise the movement of agriculture products from and to the areas.
4. Planning Section; 5. Research and Development Section - These sections will deal with research and planning subjects. They will initiate research to check new agrotechnical methods and to develop the existing methods, and to this end, they will be assisted by the Research Institutes in the areas. Yearly and long term plans will be made according to the needs of the agricultural sector in order to determine the trend of development of the different agricultural branches.
6. Development Loans Section (Coordinated) - In order to develop agriculture in the areas, the section will grant long term loans for the purchase of agricultural equipment and for investment in infrastructure of modern agriculture.
7. Agriculture Inspection Section - The section will be, inter-alia, in charge of the Agricultural Inspectors in the different regions.
8. Instruction Section - The section will operate Experimental Stations and will organize Agricultural Instruction by means of Agricultural instructors. The section will also be in charge of planning and organizing training for farmers.
9. Citrus Marketing Section (Coordinated) - The section will function in cooperation with the Israeli Citrus Marketing Board; it will determine the quotas for citrus groves, distribute the fruit to packing plants - for consumption and industry, and market the citrus fruits abroad through the Israeli Board, and in a direct manner to Arab countries.

10. Plant Protection Section - The section will employ foresters and forest supervisors who will be subject to the Regional Agricultural Bureaus. (Coordinated.)
  11. Fisheries Section - The section will operate in the Gaza District only and will regulate the licensing of fisheries (except for registration of vessels which is the responsibility of the Shipping Section under the Transportation Division) and the supervision of fishing.
  12. Nature Reserves and Parks - The section will supervise the nature reserves and parks in the areas.
- In addition to the above mentioned sections, regional bureaus will operate and be in charge of the divisional activities in every region in order to maintain direct connections between the division and the farmers.

# HEAD OF AGRICULTURE DIVISION

Director General



\* Powers and responsibilities are of the administrative council, and their implementation is subject to coordination with Israeli authorities. (The level, scope and type of coordination will be determined separately.)



## HEALTH DIVISION

The Health Division shall include the following sections:

1. Supervision of Hospitals Section:

This section shall be responsible for all health services in governmental and non-governmental hospitals, and the Blood Bank.

2. Section for Supervision of Clinics and Public Health Bureaux:

This section shall deal with general clinics, health centers, public health bureaux and counseling clinics.

3. Preventive Medicine Section:

This section shall be in charge of:

- (a) Mother care;
- (b) Infant and child care;
- (c) School children medical care;
- (d) Dental care;
- (e) Family health;
- (f) Epidemic prevention, inoculation and quarantine (coordinated).

4. Section for Supervision of Pharmacies, Pharmacists and Medicaments:

This section shall deal with the following matters:

- (a) Opening of pharmacies;
- (b) Supervision of pharmacies;
- (c) Licensing of pharmacists;
- (d) Supply of medicaments;
- (e) Production of medicaments (coordinated);
- (f) Dangerous drugs (coordinated).

5. Supervision of Voluntary Health Insurance:

This section shall supervise the operation of the voluntary health insurance which was established in the areas in 1978.

This insurance provides full medical services in all health institutions free of any charge.

6. Sanitary Section:

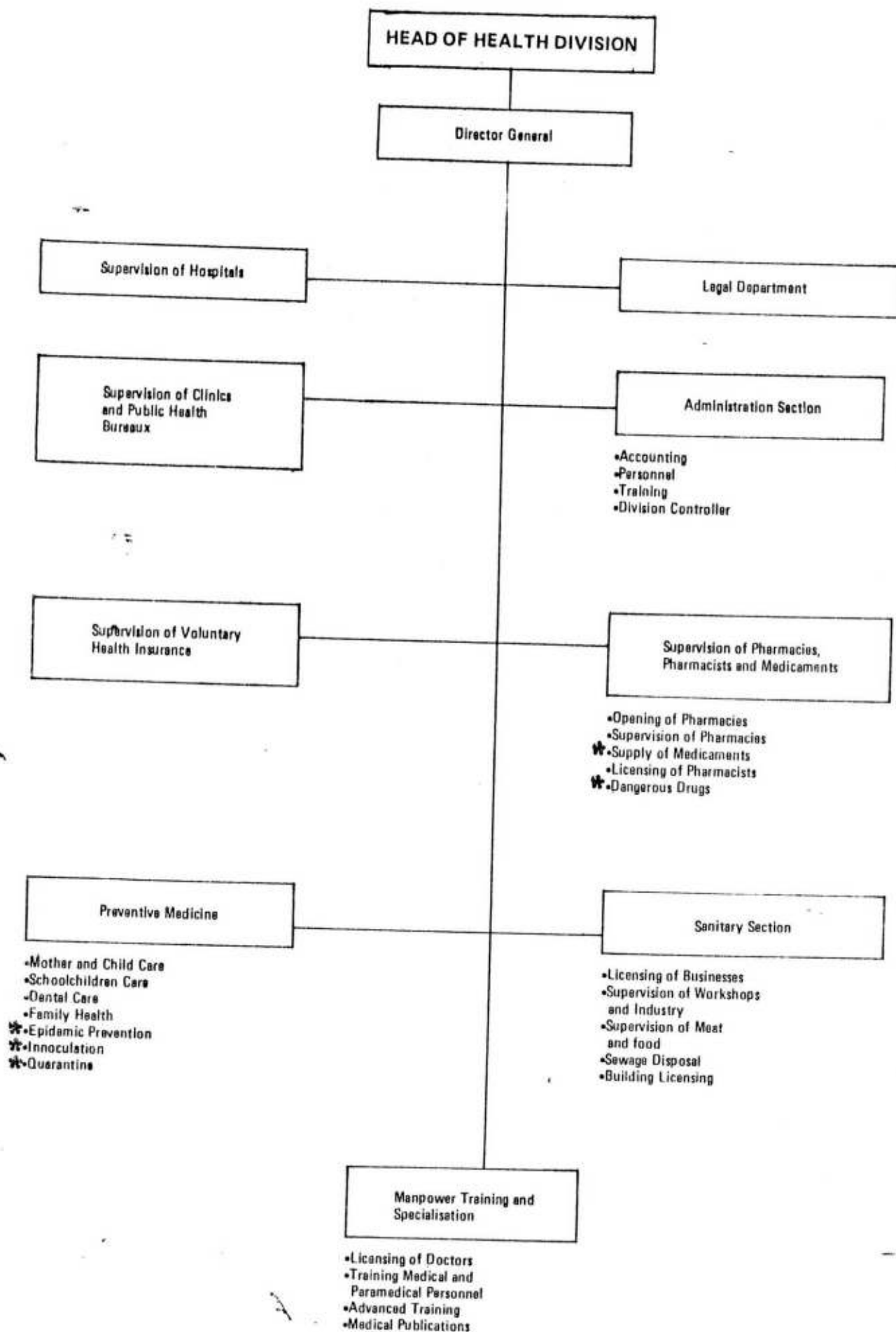
This section shall be in charge of the sanitary aspects of the following areas:

- (a) Licensing of businesses;
- (b) Supervision of workshops and industry;
- (c) Supervision of food including meat;
- (d) Sewage disposal;
- (e) Licensing of building.

7. Section for Manpower, Training and Specialization:

This section shall be in charge of the following areas:

- (a) Licensing of doctors;
- (b) Training medical **and** paramedical personnel;
- (c) Operating advanced training, seminars and professional courses;
- (d) Operating medical libraries;
- (e) Publishing medical publications.



\* Powers and responsibilities are of the administrative council, and their implementation is subject to coordination with Israeli authorities. (The level, scope and type of coordination will be determined separately.)



## RELIGIOUS AFFAIRS DIVISION

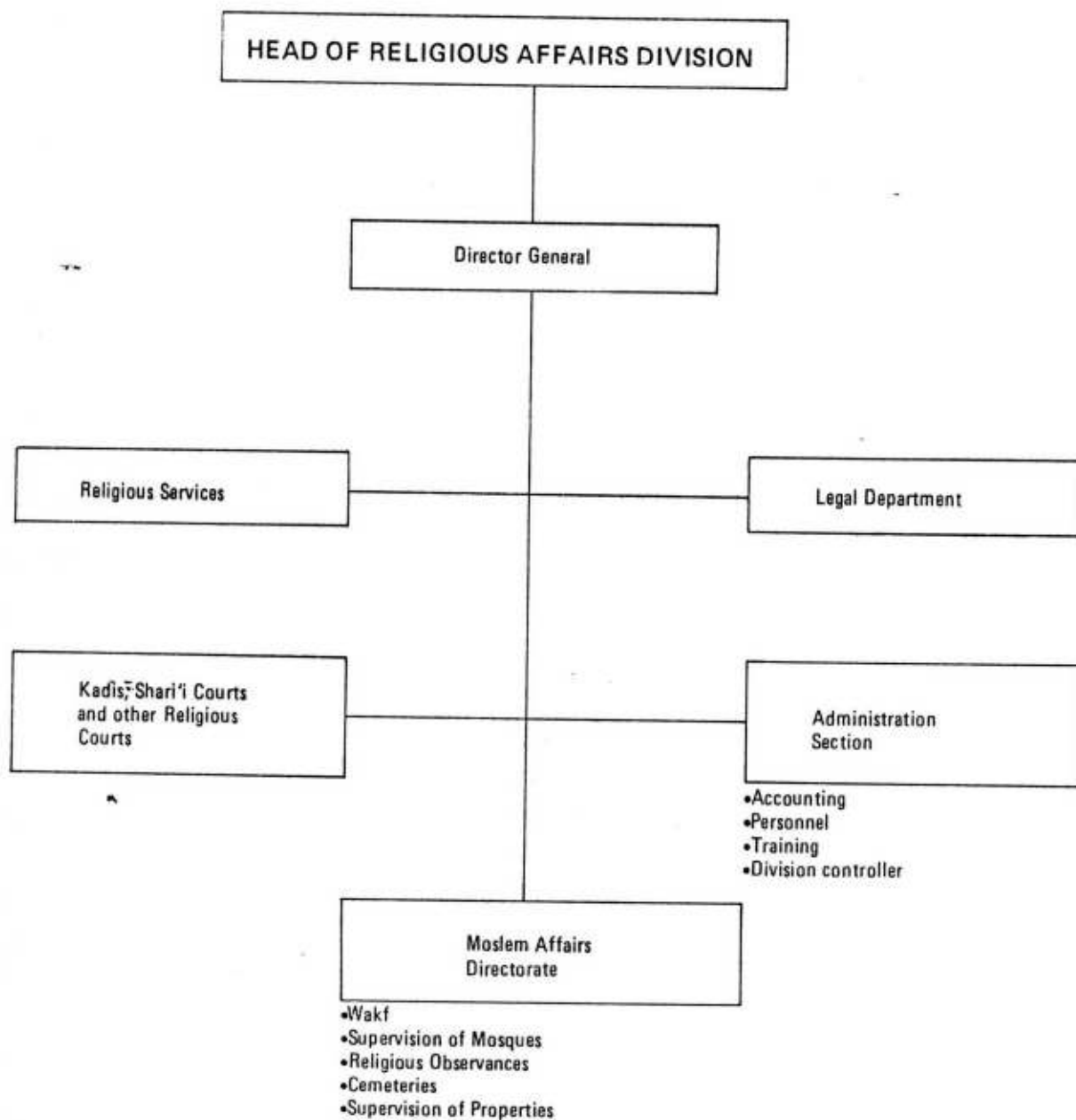
Three sections will operate in the Religious Affairs Division (except for the legal department and the administration section). These sections will consist of:

1. Religious Services Section - this section will supply religious services to all denominations (sects) whose members live in the areas, and in particular the Moslem, Christian and Samaritan communities.  
The religious affairs section will supply- among others - the following services:
  - (a) Assisting the establishment of community centers for the different denominations.
  - (b) Supervision of religious education.
  - (c) Guarding the cemeteries.
  - (d) Building of mosques in new neighbourhoods.
  - (e) Assisting in organizing the major ceremonies for the Christmas celebration in Bethlehem.
  - (f) Taking care of heads of different religious denominations that reach the area via the Jordan bridges.
2. Muslem Affairs Directorate - the religious affairs division which will be responsible for all matters related to the moslem sects, will deal, among others, through the muslem affairs directorate, with the operation of mosques, religious ceremonies, the guarding of cemeteries, the functioning and administration of the moslem wakf and assets control.
3. Section of Kadis, Shari'i Courts and Other Religious Courts - this section will be responsible for the operation of the personnel of the Shari'i courts and of other communities' courts.

LEGEND :

A SQUARE WITH A STAR INDICATES THAT POWERS AND RESPONSIBILITIES ARE OF THE ADMINISTRATIVE COUNCIL, AND THEIR IMPLEMENTATION IS SUBJECT TO COORDINATION WITH ISRAELI AUTHORITIES.

(THE LEVEL, SCOPE AND TYPE OF COORDINATION WILL BE DETERMINED SEPERATELY).





## LABOUR AND WELFARE DIVISION

In the Labour and Welfare Division there will function the following assistants and sections:

A. Assistant for Welfare Affairs - who will be in charge of the operation of the following sections:

1. Family and Community Services Section
2. Training and Continuation Programmes Section - This section will operate and supervise training centers that organize various courses for professional specialization.
3. Child and Youth Services Section
4. Hostels Section - This section will supervise the activities of the youth, old age, and protégé hostels and be in charge of their registration.
5. Planning Section - This section will plan the welfare facilities according to the population's needs.
6. Welfare Bureaus and Regional Rehabilitation Institutions Section - This section will be in charge of operating these Bureaus in the various areas and districts.

B. Assistant for Labour and Employment Affairs - who will be in charge of the following sections:

1. Manpower Planning Authority (Coordinated)
2. Training and Continuation Training Programmes Sections - This section will supervise the training of workers in the various professions and the re-training of workers who are switching from one profession to another.
3. Supervision of Work and Work Relations Section (including Regional Supervisors) - This section's duties will be to protect workers'

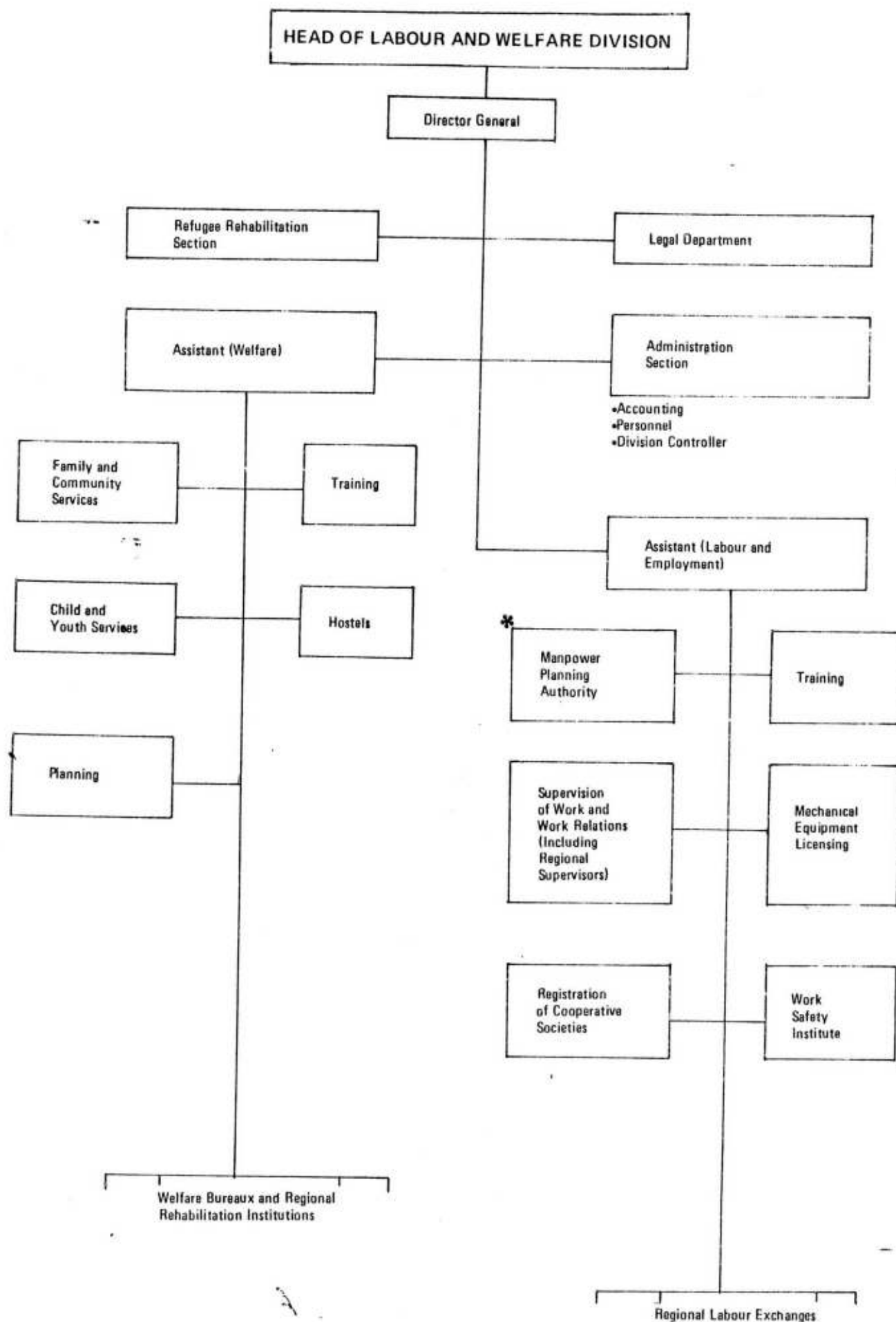
rights and working conditions and to supervise their relations with their employers.

4. Work Safety Institute - This Institute will establish safety standards at the various places of work, work methods, working tools, and safety precautions for employees and employers.

In addition, it will supervise the implementation of the safety directives.

5. Registration of Cooperative Societies - That section will execute the statutorial duties and powers assigned to it, including, for example, registration of cooperative societies, control and supervision over their activities and the societies' accounting books, and their financial administration.
6. Mechanical and Engineering Equipment Licensing Section - This section will be in charge of registering mechanical and engineering equipment, and extending their licenses after an annual check-up of their condition.
7. Regional Labour Exchanges - The Assistant will be in charge of these Exchanges' operation.

- C. Refugee Rehabilitation Section - This section will provide land for refugees wishing to leave the camps, plan projects for their rehabilitation such as community facilities, shopping centers, educational and health institutions, and additional facilities for the inhabitants. The section will naturally coordinate the planning of the projects with the Public Works Section (which will execute the projects by itself, or through contractors).



\* Powers and responsibilities are of the administrative council, and their implementation is subject to coordination with Israeli authorities. (The level, scope and type of coordination will be determined separately.)



## INDUSTRY AND COMMERCE DIVISION

The Industry and Commerce Division will be operated by the Divisional Director-General, who will be in charge of the following sections: industry development, exportation and importation, commerce and craft, prices and consumer affairs, professional facilities, restrictive trade practice, electricity, etc.,.

Details of the shared and coordinated powers and responsibilities in these issues will be discussed and defined in a joint economic sub-committee to be established by the working group for that purpose.

HEAD OF INDUSTRY AND COMMERCE  
DIVISION

Director General

Assistant (industry and commerce)

Administration Section

Legal Department

- Accounting
- Personnel
- Training
- Division controller

The Assistant will be in charge of the following sections:  
Development of the industry;  
importation and exportation;  
commerce and crafts; prices and consumers affairs; financing;  
restrictive trade practice;  
electricity; etc.  
Details of the shared and coordinated powers will be defined in a joint economic committee of the working group.

FINANCE DIVISION

1. The sections of the Finance Division will be under the direct responsibility of the Director General.
2. Apart from head-office sections - Administration and Legal Department, the following sections are proposed :
  - (a) Budget section - with responsibility to prepare the annual budget and follow-up on its implementation.  
The section will also be responsible for allocating the budget to the divisions according to priorities to be determined by it, and for changes in the budget, if needed, within the period.
  - (b) Accountant General - will be responsible for administration of the Council's revenue; administration of the employees pension fund.
  - (c) Economic Adviser section - will be in charge of financial and economic advice to the Council and the Finance Division.
3. The Finance Division will also be in charge of additional sections. The details of the shared and coordinated powers and responsibilities will be defined in a Joint Economic Sub-Committee to be established by the working group for that purpose.



HEAD OF FINANCE DIVISION

Director General

The Economic Advisor

Accountant General

- Council accounts administration
- Council employees Pension Fund Administration

Budget Section

- Preparing annual budget
- Follow-up of budget implementation

Administration

- Accounting
- Personnel
- Training
- Division controller

Legal Department

Other Matters  
Details of the shared and coordinated powers will be defined in a Joint Economic Committee of the working group

## TRANSPORTATION AND COMMUNICATIONS DIVISION

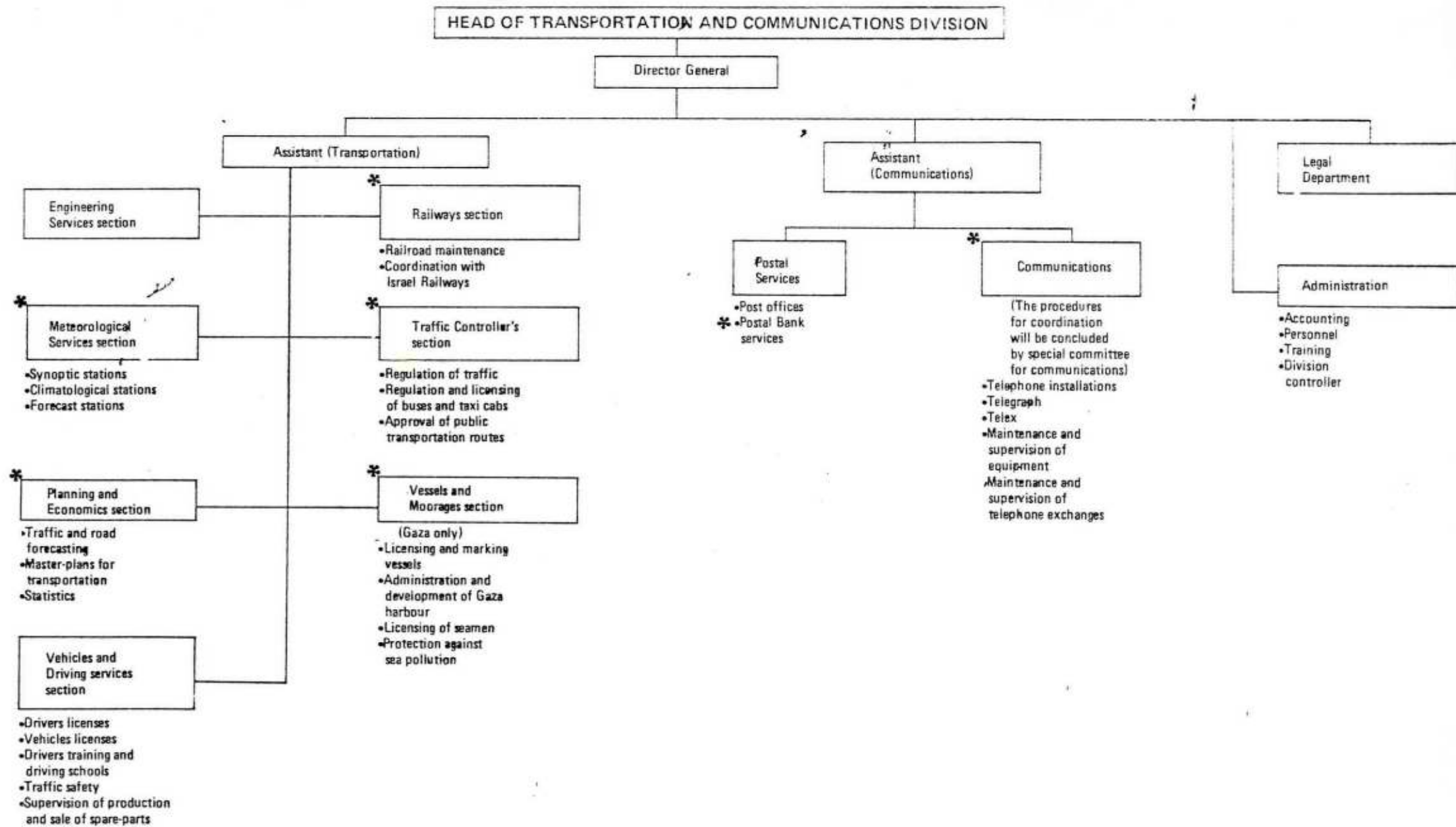
1. The Transportation and Communications Division will be operated by the Director General through two assistants :
  - (a) Assistant (Transportation) - will be in charge of all transportation matters : the Traffic Controller's section; Vehicles and Driving Services section; Vessels and Moorages section; Meteorological Services section; Railways section; Engineering Services section and Planning and Economics section.
  - (b) Assistant (Communications) - will be in charge of Postal services, Telephones, Telegraph, Telex, etc.,.
2. The Assistant for Transportation Affairs will be in charge of the following sections:
  - (a) The Traffic Controller's Section - will be in charge of regulation of traffic, regulation and licensing of public transportation including buses and taxi-cabs, regulation of traffic and traffic signs - via local and regional authorities dealing with road signs, supervision of traffic and road surveys and planning of road and traffic infrastructure. (Coordinated).
  - (b) Vehicles and Driving Services - will be in charge of the licensing authority dealing with registry, licensing and inspection of vehicles, including tractors and bicycles, supervision of production and sale of spare-parts (all these activities - coordinated). The section will also be in charge of driving schools, licensing and supervision of such schools, supervision of training of teachers for driving schools, courses for "preventive driving", prevention of road accidents, and supervision of garages, workshops and stores.
  - (c) Vessels and Moorages Section - will operate mainly in Gaza and will be in charge of licensing and marking of vessels, (mainly fishing craft), licensing of seamen, supervision of safety standards for vessels, determining mooring areas for crafts, administration and development of Gaza harbour and prevention of pollution. (Coordinated).
  - (d) Meteorological Services - will operate the synoptic stations in Nablus, Jericho, Hebron and Gaza as well as the climatological and forecast stations for agricultural needs. The stations will liaise with the Beit-Dagan station and others to enable accurate weather forecasts. (Coordinated).

- (e) Railways Section - will maintain the existing railroad in the Gaza district and other railroads, if built. The section will coordinate with Israel Railways Authority a time-table for trains, tariffs and railroad safety. (Coordinated).
- (f) Planning and Economics Section - will deal with the determination of economic priorities among the different projects that are undertaken by the assistant for transportation affairs and give advice concerning supply suggestions. (The section is coordinated).
- (g) Engineering Section- will advise the transportation sections and will deal, among other things, with traffic survey and traffic volume, planning traffic nets for public transportation, surveys for traffic safety and planning improvements in traffic routes in coordination with the section for public works,

3. The assistant for communications affairs will be responsible for the following sections:

- (a) Postal Services Section - will operate the existing 55 Post Offices (35 in Judea and Samaria and 18 in the Gaza District). It will also be responsible for the distribution of mail.  
The section will operate the Postal Bank branches which give services at the different Post Offices, too. (Coordinated).
- (b) Communications Section- the details of coordination between this section and the communications services in Israel will be determined in a special joint sub-committee of communications affairs to be established by the working group.  
The section will deal with telephone installation, maintenance of the telephone network, maintenance and supervision of communications equipment and telephone exchanges, and operation of telegraph and telex services.





\* Powers and responsibilities are of the administrative council, and their implementation is subject to coordination with Israeli authorities. (The level, scope and type of coordination will be determined separately.)

## EDUCATION AND CULTURE DIVISION

In the Education and Culture Division the following sections will function (in addition to the Legal Department and the Administration Section):

1. The Pedagogical Section - The section will determine the methods of instruction and will supervise the quality of instruction in the educational institutions, including private institutions. It will also supervise the Examination Commission's activities concerning interim examinations and, in addition, it will be responsible for the matriculation examinations.
2. Curriculum Section - The section will determine the curriculum in all educational institutions (except for professional schools and teacher's training and continuation courses schools which will be dealt with by a different section of the Division).
3. Section for Inspection of Textbooks to Prevent Incitement (Coordinated) - The section will approve all textbooks and additional instruction materials to insure that it does not include material that may cause incitement against the State of Israel.
4. Teacher's Training and Continuation Courses Section - The section will be responsible for determining criteria for hiring teachers in the various educational institutions and for extension programs to train teachers for seminars and institutions of higher education. The section will also be responsible for the raising of the professional standards of the educational staff.
5. The Educational Institutions Section - The section will be responsible for the registration of private institutions and the development of the different educational institutions according to the needs of the population, as well as the operation of the public institutions, from kindergarten to higher educational institutions.

6. Vocational Training Section - The section will supervise the operation of the professional and technical institutions.
7. Culture and Arts Section - The section will deal with cultural and artistic heritage in the areas and will be responsible for the establishment and operation of libraries, museums, theaters and clubs for youth and older citizens including centers for culture and sport for youth.
8. The Sports Section - The section will take care of physical education outside of the regular educational institutions and will organize the different sport branches either by itself or through private associations and sports authorities dealing with the different branches of sports.
9. District Education Offices - The division will operate the educational institutions and will inspect them by means of four district offices at whose head will be district supervisors.
10. Films and Public Performances Censorship - This section will operate a Censorship Board comprised of local dignitaries and officials whose role will be to inspect and approve films and public performances in accordance with the local laws. The inspection will aim at eliminating any scene in such films or performances which may cause harm to the public morals because of superfluous violence or sex. The activities of this board do not prejudice other forms of censorship to be performed by the authorities responsible for internal security; therefore, the activities of this section will be coordinated.



# HEAD OF EDUCATION AND CULTURE DIVISION

Director General

Curriculum Section

Legal Department

Educational Institutions' Section

Administration Section

Kindergartens  
Elementary Schools  
Preparatory Schools  
Secondary Schools  
Higher Education Institutions

•Accounting  
•Personnel  
•Division Controller

Pedagogical Section

Teacher's Training and  
Continuation Courses

Culture and Arts  
Section

Vocational Training  
Section

• Libraries  
• Museums  
• Theaters  
• Culture, Youth and Sport  
Activities

Films and Public  
Performance Censorship

Sports Section

Text-books Supervision  
to Prevent Incitement

Sport Authorities of the  
Various Branches

Khan-Yunes and  
Raffah Supervisor

Gaza  
Supervisor

Samaria  
Supervisor

Judea  
Supervisor

District  
Educational  
Office

District  
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Office

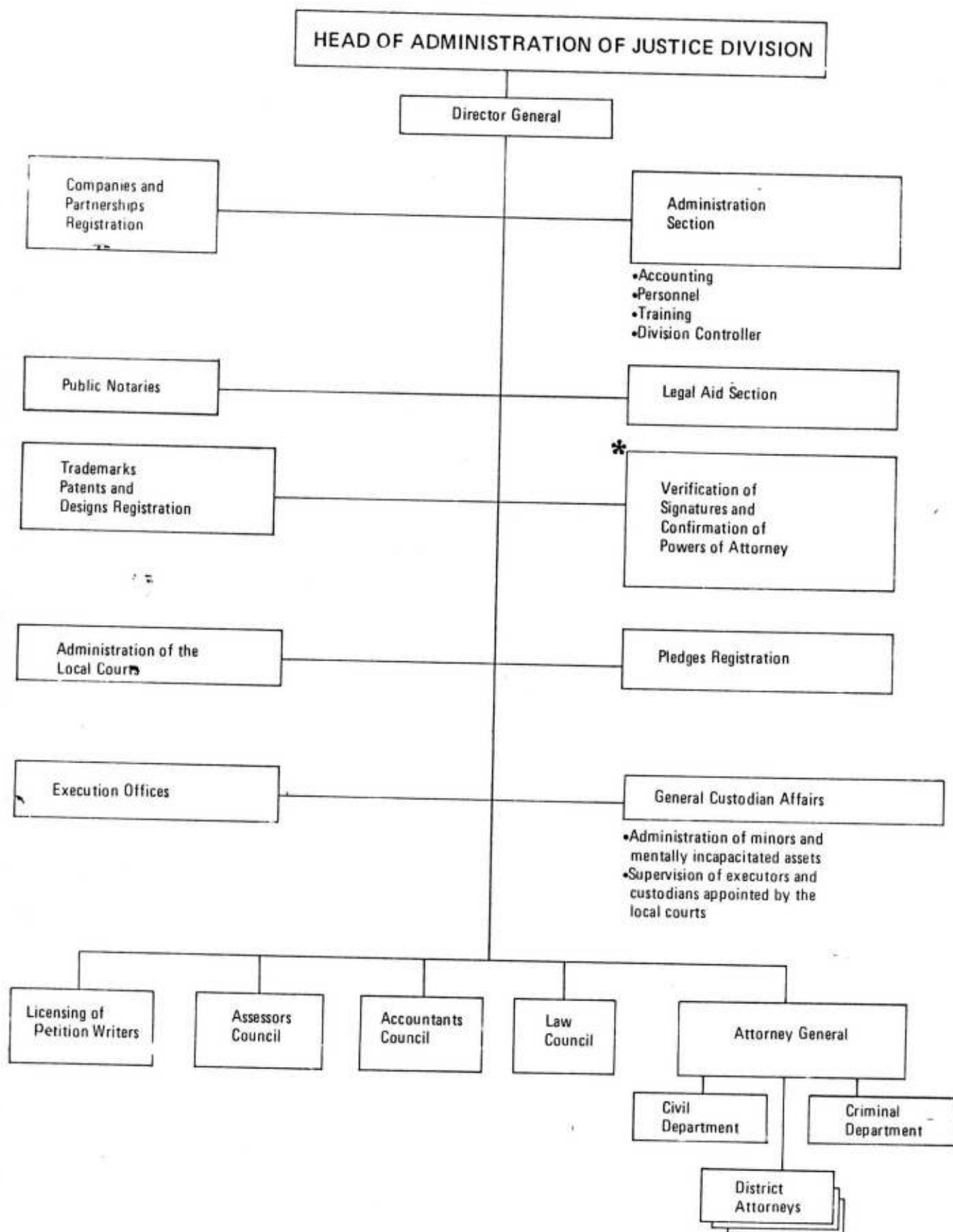
District  
Educational  
Office

## ADMINISTRATION OF JUSTICE DIVISION

The Administration of Justice Division will be responsible and supervise, through its sections, the following spheres of activity :

1. Registration of companies and partnerships.
2. Registration of trademarks, patents and designs.
3. Verification of signatures and confirmation of powers of attorney.(Coordinated).
4. Public notaries.
5. Law council (which is the local Lawyers Bar Association).
6. Accountants council.
7. Assessors council.
8. Legal aid.
9. The general custodian affairs section which will be in charge of the following activities:
  - (a) Administration of minors and mentally incapacitated assets.
  - (b) Supervision of the activities of executors and custodians appointed by the local courts.
10. The Attorney General who will represent the administrative council before the local courts. This section will consist of two departments:
  - (a) The criminal department (prosecution).
  - (b) The civil department.

The Attorney General will also supervise the work of the district attorneys.
11. The administration of local courts section will deal with supervision of the local court system, administration of its accounting and its assets and personnel.
12. Execution offices associated with the local courts.
13. Pledges registration associated with the local courts.



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LOCAL AFFAIRS DIVISION (INCLUDING POLICE)

1. The Head of the Local Affairs Division shall have four assistants who shall be in charge of the following areas:
  - (a) Local authorities.
  - (b) Housing and construction.
  - (c) Local police.
  - (d) Tourism.
  
2. The Assistant for local authorities affairs shall be in charge of the following sections:
  - (a) Supervision of local authorities section  
This section shall deal with the following matters:
    - (1) Supervision of the activities and meetings of local authorities: municipalities, local councils, local commissions and Moukhtars.
    - (2) Approval of regular ~~and~~ special budgets, checking the monthly and annual financial accounts of the local authorities, approval of public tenders and financial expenditures, approval of loans and grants.
    - (3) Supervision of the collection of local taxes - property tax and city business tax.
    - (4) Approval of Municipal by-laws.
  - (b) Firefighting Services (Fire Brigade)
  - (c) Supervision of Bathing Places Section
  - (d) Ecology Section
  
3. The Assistant for Housing and Construction Affairs shall be in charge of the following sections:
  - (a) Building Section - This section shall deal with the supervision of the building industry and licensing of buildings.
  - (b) Surveying Section (coordinated) - this section shall deal with the following matters:
    - (1) Supervision of all surveying.
    - (2) Licensing of surveyors.
    - (3) Approval of plans for land registration and corrections of errors in the field.
    - (4) Boundary marking in cases of dispute.
    - (5) Topographical mapmaking.
    - (6) Demarcation of roads, and sewage lines.

(c) Public Works (coordinated)

This Section shall be in charge of planning, implementation and supervision of road works and other public works.

4. The Assistant for Local Police Affairs - shall be in charge of the following sections:

(a) Local Police and Liaison Unit with Israel Jordan and Egyptian Police Forces according to article A2 of the first Camp David framework (coordination and cooperation with Israel Police will be defined by the working group).

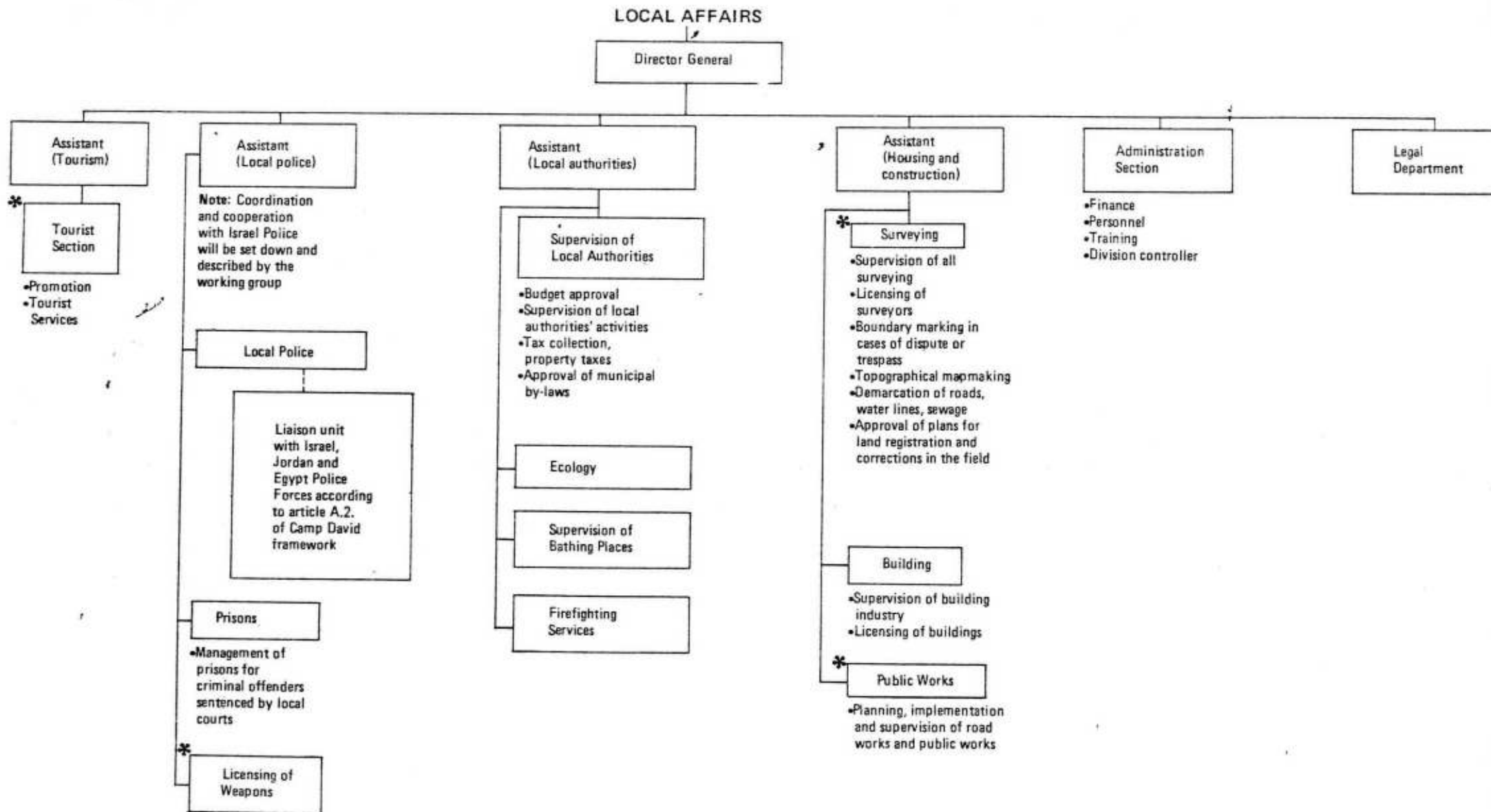
(b) Prisons Section - shall manage the prisons for criminal offenders sentenced by local courts.

(c) Licensing of weapons (coordinated).

5. Assistant for Tourism Affairs - shall be in charge of the following sections:

(a) Promotion of Tourism - This section shall deal with promotion of tourism from abroad (coordinated).

(b) Tourist Services - This section shall be responsible for keeping the services given to tourists on adequate level; it shall deal with training of manpower for tourism, shall supervise tourist guides, tourist agencies and hotels (coordinated).



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