

Declaration of Principles: Israeli and Palestinian Formulations

July 1993

GOI Draft

July 13, 1993

The Palestinian side in the joint Jordanian-Palestinian delegation and Israel reaffirm their commitment to the peace process launched at Madrid. They seek to negotiate their differences and create a peaceful and just future in which Israel and Palestinians will live side by side, in peace, for generations to come. Toward this end, the two sides will negotiate a Declaration of Principles to guide the negotiations on interim self government arrangements. The following principles and/or areas of emerging agreement could be included in the completed Declaration of Principles, subject to agreement on the full Declaration.

THE GOAL OF THE NEGOTIATIONS

The two sides agree that the objective of the peace process is to reach a just, lasting, real and comprehensive peace settlement achieved through direct negotiations based on United Nations Security Council Resolutions 242 and 338. The negotiations between Israel and the Palestinians will be conducted, per the Madrid letter of invitation, in two phases: the first phase of the negotiations is directed toward reaching agreement on interim self-government arrangements for the Palestinians in the territories for a period of five years; and the second phase of the negotiations, beginning the third year of the period of interim self government arrangements, will be directed toward reaching agreement on permanent status. The two sides concur that the agreement reached between them on permanent status will constitute the implementation of Resolutions 242 and 338 on the basis of which the permanent status negotiations will take place in all their aspects.

The two sides agree that the negotiating process is one and that its two phases are interlocked by the time frame. They further agree that neither the negotiations nor the agreements reached for the interim period nor anything done in the interim period will be deemed to preempt or prejudice the outcome of permanent status negotiations. Furthermore, both sides will make their best efforts, as appropriate, to avoid actions during the interim period that undermine the environment for the negotiations. The two sides agree that all options for permanent status within the framework of the agreed basis of the negotiations – United Nations Security Council Resolutions 242 and 338 – will remain open, recognizing that the above resolutions are subject to different interpretations. Once negotiations on permanent status begin, each side can raise whatever issue it wants.

THE NATURE OF THE PALESTINIAN ELECTED AUTHORITY

The two sides agree that a Palestinian elected interim self government authority (whose name will be agreed) will be established through fair, free, general and direct elections. These elections will be held under agreed supervision and with agreed international observers and monitors. Negotiations will take

place concerning the modalities and timetable for elections. Once elections modalities are agreed upon by the two sides, and subject to the agreement, east Jerusalem Palestinians will vote in the elections

The Palestinian elected authority will have the necessary powers and responsibilities to carry out the authorities transferred to it under the agreement. It will assume executive authority. It will have legislative authority in the areas of responsibility transferred to it, subject to the agreement to be negotiated. There will be independent judicial organs. Legislation in force will be reviewed as appropriate.

The two sides agree that one of the key goals of the interim period is the transfer of authority, as agreed, to Palestinians. Functions of the Israeli civilian administration will be transferred to the Palestinians as agreed. This process will bring about a fundamental change in the existing situation on the ground and in the relationship between Israelis and Palestinians. An important outcome of this phase will be the empowerment of Palestinians through the establishment of interim self government arrangements which will give the Palestinians greater control over decisions that affect their lives and fate.

It should also put an end to the confrontation between Palestinians and Israel and create a new relationship between them of mutual respect, tolerance, peace and reconciliation, in which both sides eschew violence.

JURISDICTION

The two sides agree that discussion of the issue of jurisdiction as it relates to the interim period starts from the premise that issues related to permanent status are outside the scope of the interim status negotiations. Thus, the inclusion or exclusion of specific spheres of authority, geographic areas, or categories of persons within the jurisdiction of the interim self government will not prejudice the positions or claims of either party and will not constitute a basis for asserting, supporting or denying any party's claim to territorial sovereignty in the permanent status negotiations. As such, the issue of jurisdiction over the territories will only be resolved as an outcome of the permanent status negotiations.

For the interim period, the interim self government authority will as appropriate exercise its functionally authority, i.e. jurisdiction, in the territories, to the extent necessary to fulfill the responsibilities transferred to it and as agreed between the Israeli and Palestinian sides.

SECURITY

The Israeli and Palestinian sides agree that the security of both sides must be respected and enhanced as a result of the negotiating process. The objective of security arrangements during the interim period is to respond to mutual needs, as well as to create the conditions for real peace. Recognizing Israel's responsibility for its nationals and for overall security of the territories (Hague Regulations of 1907), and recognizing in the above framework the interim self government's responsibility concerning Palestinians during the interim period per the agreement to be negotiated, there will be arrangements and

mechanisms, particularly related to security, such as police functions, that will enhance mutual security and address the needs of both sides, subject to the overall security responsibility as stated.

LAND

The two sides have agreed that the territories are viewed as a single territorial unit. They agree that issues related to sovereignty will be negotiated during talks on permanent status and that negotiations on the land issue during the interim period will take place without prejudice to territorial integrity; that is the territories will be treated as a whole even while the two side negotiate the difficult issues of land ownership, registration, planning, zoning, usage and management, as well as other matters of law. The above is without prejudice to the land disposition in the permanent status negotiations.

COOPERATION AND COORDINATION

The two sides will conclude agreements and establish agreed arrangements for cooperation and coordination in specific areas of mutual and common concern. These areas of cooperation and coordination will take into account the mutual needs of both sides. The two sides will also establish a joint committee to consider and deal with matters of common concern and to resolve outstanding problems that may arise between them. The two sides recognize the need as well as the desirability of discussing matters related to the two tracks – Israel/Jordan and Israel/Palestinians – or having Jordanian-connected aspects in the framework of the general meeting of the joint Jordanian-Palestinian delegation.

IMPLEMENTING MECHANISMS

The Palestinian and Israeli sides seek early completion of the Declaration of Principles and a full agreement on interim self government and early empowerment. Toward this end, the two sides will discuss, as appropriate, a timetable and mechanisms for elections in the territories. They will also discuss early empowerment, i.e., the early exercise of power by Palestinians, which will change the situation on the ground and the relationship between Israelis and Palestinians. Such early empowerment could cover such issues as economic development, training for the local police force, health, education, welfare, tourism, and labor, and budgetary authority in all of these areas.

PAL DRAFT

July 29, 1993

The Palestinian and Israeli sides reaffirm their commitment to the peace process launched at Madrid. They seek to negotiate their differences and create a peaceful and just future in which Israelis and Palestinians will live side by side, in peace, for generations to come. Toward this end, the two sides will negotiate a Declaration of Principles to guide the negotiations on an interim self government authority.

THE GOAL OF THE NEGOTIATIONS

The two sides agree that the objective of the peace process is to reach a just, lasting and comprehensive peace settlement achieved through direct negotiations based on United Nations Resolutions 242 and 338 and the principle of land for peace. These negotiations between the Israeli and Palestinian sides will be conducted, per the Madrid letter of invitation, in two phases; the first phase of the negotiations is directed toward reaching agreement on a Palestinian interim self-government authority; and the second phase of the negotiations, starting not later than the beginning of the third year of the period of interim self-government arrangements, will be directed toward reaching agreement on permanent status. This agreement is to implement Resolutions 242 and 338 in all their aspects.

The two sides agree that the negotiating process is one and that its two phases are interlocked. They further agree that neither the negotiations nor the agreements reached for the interim period nor anything done in the interim period will preempt or prejudice the outcome of permanent status negotiations. Furthermore, both sides will make their best efforts to avoid actions between and during the interim period that undermine the environment for the negotiations. The two sides agree that all options for permanent status based on the provisions and principles of the agreed basis of the negotiations – United Nations Security Council Resolutions 242 and 338 – will remain open. In negotiations each side can raise whatever issue it wants. The agenda for the permanent status negotiations will include the final status of Jerusalem.