



Peace Process: American Diplomacy and the Arab-Israeli conflict since 1967 (Third Edition)
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Appendix F

Carter's Answers to King Hussein, October 1978

1. *Does the United States intend to be a full partner in negotiations regarding the West Bank and Gaza and the Palestinian question in general? At what stage of the negotiations will the United States participate and in what role?*

Yes, the United States will be a full partner in all the Arab-Israeli peace negotiations, leading to the achievement of a just, lasting and comprehensive Middle East peace.

The United States will use its full influence to see that the negotiations are brought to a successful conclusion.

President Carter will continue to take an active personal part in the negotiations.

2. *What does the Framework agreement mean in its paragraph (A)1, where it refers to "the representatives of the Palestinian people?"*

No comprehensive definition is attempted. In some cases, the representatives of the inhabitants of the West Bank and Gaza are specified. In one case, it is clear that "other Palestinians as mutually agreed" refers to representatives from outside the West Bank and Gaza and need not be citizens of Egypt or Jordan. Palestinians who are citizens of Egypt or Jordan may, of course, be members of the negotiating teams representing those countries. In other cases, the self-governing authority itself is mentioned.

The United States interprets the phrase "the representatives of the Palestinian people" not in terms of any single group or organization as representing the Palestinian people, but as encompassing those elected or chosen for participation in negotiations. It is expected that they will accept the purposes of the negotiations as defined in United Nations Security Council Resolution 242, and in the framework of a settlement will be prepared to live in peace and good neighbourly relations with Israel.

3. *Why has the duration of five years been chosen for the transition period in the West Bank and Gaza?*

The idea of a five-year transitional period for the West Bank and Gaza was an American suggestion which was first put to the parties in the summer of 1977. The key point is the concept of a transitional period--not the precise duration of five years which has been suggested and agreed.

We believe a transitional process of several years--at the outset of which the Israeli military government and its civilian administration will be withdrawn and a self-governing authority established for the West Bank and Gaza inhabitants--can demonstrate that the practical problems arising from a transition to peace can be satisfactorily resolved. We see the transitional period as essential to build confidence, gain momentum and bring about the changes in attitude that can assure a final settlement which realizes the legitimate rights of the Palestinian people while assuring the security of Israel and of the other parties.

4(A). What is the geographical definition of the "West Bank" and of Gaza in the view of the United States Government? Is Arab Jerusalem and its surrounding Arab areas incorporated into Israel after June 1967 included in the definition of the "West Bank"?

In the view of the United States the term "West Bank and Gaza" describes all of the area west of the Jordan River under Jordanian administration prior to the 1967 war and all of the area east of the western border of the British Mandate of Palestine which, prior to the 1967 war, was under Egyptian control and is known as the Gaza Strip.

With respect to negotiations envisaged in the Framework agreement, we believe a distinction must be made between Jerusalem and the rest of the West Bank because of the City's special status and circumstances. We would envisage, therefore, a negotiated solution for the final status of Jerusalem that could be different in character in some respects from that of the rest of the West Bank.

The final status of Jerusalem should not be prejudged by the unilateral actions undertaken in Jerusalem since the 1967 war. The full United States position on Jerusalem remains as stated by Ambassador Goldberg in his address to the United Nations General Assembly on 14 July 1967, and by Ambassador Yost to the Security Council on 1 July 1969.

4(B). At the end of the five years of transitional arrangements, what would be the status of the West Bank and of Gaza from the point of view of sovereignty?

The final status of the West Bank and Gaza, including the question of sovereignty, should be determined on the basis of Security Council Resolution 242 in all its parts in negotiations among Jordan, Egypt, Israel and the elected representatives of the inhabitants of the West Bank and Gaza, which should begin not later than the third year after the beginning of the transitional period. Under the terms of the Framework agreement, the outcome of those negotiations--including determining the issue of sovereignty--shall be submitted to a vote by the elected representatives of the inhabitants of the West Bank and Gaza for ratification or rejection.

Since the negotiation of the peace treaty between Israel and Jordan and the negotiations on the final status of the West Bank and Gaza are interrelated, the Framework provides that representatives of the inhabitants of the West Bank and Gaza should participate in both these negotiations.

Thus Palestinians will participate in each negotiation to resolve the final status of the West Bank and Gaza.

4(C). What is the United States' position regarding these questions?

The view of the United States on the geographical definition of the term "West Bank and Gaza" is stated in paragraph 4(A) above. The United States' position regarding the question of sovereignty in the West Bank and Gaza is expressed in paragraph 4(B) above.

4(D). *Will any Israeli forces remain in any part of the West Bank and of Gaza after the transitional period of five years? If so, by what right and with what justification?*

Security arrangements after the five-year interim period in the West Bank and Gaza, including the question of the possible retention of Israeli security personnel and the duration of any such presence, must be dealt with in the negotiations on the final status of the West Bank and Gaza that are to begin no later than the third year after the beginning of the transitional period.

4(E). *What is the United States' position regarding these questions?*

The United States believes that the agreement on the final status of the West Bank and Gaza must meet the legitimate aspirations of the Palestinian people and provide for Israel's security needs. The United States would not oppose, if agreed to by the parties, the stationing in the West Bank and Gaza of limited numbers of Israeli security personnel in specifically designated areas, and with a defined role, as one element in providing for the security of Israel.

5. *During the transitional period of self-government in the West Bank and Gaza, under what higher supervisory authority would the self-governing authority operate? Would it be a United Nations or a similar neutral international supervisory authority? What source would finance the budgetary needs of the self-governing authority? What would be the extent of its powers? What would constitute the limitations on its powers?*

The Framework provides that the parties, i.e., Egypt, Israel and Jordan, with Palestinians in the Egyptian and Jordanian delegations, "will negotiate an agreement which will define the powers and responsibilities of the self-governing authority to be exercised in the West Bank and Gaza." Thus the self-governing authority in the transitional period is established by an international agreement among the three parties. The agreement will define the powers of the self-governing authority and provide full autonomy for the inhabitants. Nothing in the Framework excludes the parties from deciding, should they so agree, to give a supervisory or other role to a United Nations or similar neutral international authority or to decide that there should be no supervisory authority. In addition, during the transitional period, representatives of Egypt, Israel, Jordan and the self-governing authority will constitute a continuing committee which may deal with matters of common concern. Methods of financing of the self-governing authority were not discussed at Camp David and remain to be set out in the agreement among the parties.

6(A). *Where the document refers to the self-governing authority which is to be constituted in the West Bank-Gaza area, does the jurisdiction of this authority extend to the part of Jerusalem which had been part of the West Bank when it fell under occupation as well as other annexed area around it, both in terms of territory and people?*

As stated above, the issue of the status of Jerusalem was not resolved at Camp David and must be dealt with in subsequent negotiations. The questions of how the Arab inhabitants of East Jerusalem relate to the self-governing authority remains to be determined in the negotiations on the transitional arrangements.

6(B). *What is the United States' position on this question?*

In those negotiations the United States will support proposals that would permit Arab inhabitants of East Jerusalem who are not Israeli citizens to participate in the elections to constitute the self-governing authority and in the work of the self-governing authority itself. It is probably not realistic to expect that the full scope of the self-governing authority can be extended to East Jerusalem during the transitional period. Such an outcome would not, however, prejudice the final status of Jerusalem, which must be resolved in the negotiations that are to begin no later than the third year after the beginning of the transitional period.

7(A). At the end of the five-year transitional period, what would be the status of occupied Arab Jerusalem?

The status of the West Bank and Gaza, and their relationship with their neighbors, as well as peace between Israel and Jordan, will be determined in the negotiations referred to in paragraph A.1.(c) of the Framework. The United States believes that the status of that portion of Jerusalem which Israel occupied in 1967 should be resolved in those negotiations.* The Framework envisages that these negotiations will involve Egypt, Israel, Jordan and the elected representatives of the inhabitants of the West Bank and Gaza.

7(B). What is the United States' position on this matter?

The position of the United States on Jerusalem is stated in Paragraph 4(A) above. The final status of Jerusalem should not be prejudged by the unilateral actions undertaken in Jerusalem since the 1967 war. Whatever solution is agreed upon should preserve Jerusalem as a physically undivided city. It should provide for free access to the Jewish, Muslim, and Christian holy places without distinction or discrimination for the free exercise of worship. It should assure the basic rights of all the City's residents. The holy places of each faith should be under the full authority of their representatives.

8(A). What would happen to the Israeli settlements in the occupied areas during and after the transitional period? What would happen to the properties acquired and construction made there and what would their status be?

The Framework does not deal with the status of Israeli settlements in the occupied areas, nor with the properties acquired or construction made there. The powers and responsibilities of the self-governing authority, which will exercise full autonomy on the West Bank and Gaza during the transitional period, will be defined in an agreement to be negotiated between Egypt, Israel, Jordan and, as provided in the Framework, Palestinians from the West Bank and Gaza or other Palestinians as mutually agreed to be on Egyptian and Jordanian national delegations. The question of the Israeli settlements in the West Bank and Gaza, and their relationship with the self-governing authority during the transitional period, will have to be dealt with in the course of those negotiations. The Framework also provides for a continuing committee, including representatives of Egypt, Israel, Jordan, and the self-governing authority, which may deal with outstanding matters of common concern during the transitional period.

The question of the Israeli settlements and their status after the transitional period would be a matter for discussion during the negotiations regarding the final status of the West Bank and Gaza referred to in paragraph A.1.(c).

8(B). What will be Israel's obligation, during the coming period until the end of the transitional period, regarding the policy of settlement?

It is the position of the United States that Israel should refrain from creating new settlements on the West Bank while negotiations are under way on the establishment of the self-governing authority. These negotiations will determine the question of existing settlements as well as any new settlement activity during the transitional period.

8(C). What is the United States' position regarding both of the above questions?

The United States' position is that settlements established during a military occupation are in violation of the Fourth Geneva Convention on the Protection of Persons in Time of War. However, in a relationship of peace, the parties to the peace should define the mutual rights of inhabitants to do business, to work, to live, and to carry on other transactions in each other's territory.

9(A). *Will the Israeli citizens who reside at present in the settlements be eligible for participation in the establishment of the self-governing authority and its subsequent activities?*

Israeli citizens residing in settlements on the West Bank and Gaza could participate in the establishment of the self-governing authority only as members of the Israeli negotiating delegation; there is no provision for their separate participation. Their participation, if any, in the self-governing authority must be determined in the negotiations for the transitional regime.

9(B). *What will be the status of the Israeli citizens residing in the West Bank and Gaza during the transitional period and will there be any, and if so what would their status be after the end of the transitional period?*

The negotiations under paragraph A.1.(b) defining the powers and responsibilities of the authority will deal with the status of Israeli settlements on the West Bank and Gaza and, accordingly, with the status of Israeli citizens residing in them. Whatever number that might remain beyond the transitional period, and their status, would presumably be agreed in the negotiations concerning the final status of the West Bank and Gaza envisaged under paragraph A.1.(c).

10(A). *At the end of the five-year transitional period, will the inhabitants of the West Bank and Gaza exercise in freedom the right of self-determination in order to decide their political future?*

The Framework provides for the elected representatives of the inhabitants of the West Bank and Gaza to participate fully in the negotiations that will determine the final status of the West Bank and Gaza and, in addition, for their elected representatives to ratify or reject the agreement reached in those negotiations. The Framework further provides that the solution from the negotiations must also recognize the legitimate rights of the Palestinian people and their just requirements. The wide acceptability of the results of this process is in the interest of all parties and is directly related to its being carried out "in freedom." In this respect, at the time the process described above is taking place, a strong local police force will exist and will be responsible to the self-governing authority to ensure that there is no interference in the political process that ensures these rights.

10(B). *What is the United States' position on this question?*

The United States supports the right of the Palestinians to participate in the determination of their own future, and believes that the Framework provides for such participation in all the important steps in determining the future of the West Bank and Gaza. The United States believes that paragraph A.1.(c) (2) does not preclude the holding of an election by the inhabitants of the West Bank and Gaza, after the conclusion of an agreement on the final status of the West Bank and Gaza, for the express purpose of electing representatives to whom that agreement will be submitted for a vote.

11(A). *What solution does the Framework Agreement envisage for the problem of the Palestinians living outside the occupied areas as refugees and for the restoration of their rights?*

Paragraph A.4. of the Framework provides that Egypt and Israel will work together with other interested parties to agree on a resolution of the refugee problem. Implementation of the procedures agreed upon is to be prompt, just and permanent.

Paragraph A.3. of the Framework provides for a continuing committee to decide on arrangements for the admission to the West Bank and Gaza of persons displaced from those areas in 1967.

In addition, as the political institutions of self-government take shape on the West Bank and Gaza through negotiations among the parties the relationship between those institutions and the Palestinians living outside the area would be addressed.

11(B). What does the United States regard as the basis for the solution of this question? How does it define these rights?

The United States believes that a resolution of the refugee problem should reflect applicable United Nations Resolutions. Any program for implementation must provide those refugees living outside the West Bank and Gaza a choice and opportunity in settling themselves permanently in the context of present-day realities and circumstances.

12. What does the Framework Agreement envisage for the future of the rest of the occupied Arab territories? What is the United States Government's position on this question?

The Framework states that it is intended to constitute a basis for peace between Israel and each of its other neighbors. It further states that the objective is a just, comprehensive, and durable peace and that each negotiation must carry out all the provisions and principles of United Nations Security Council Resolutions 242 and 338. Paragraph C.1. specifically states that the principles of the Framework should apply to treaties between Israel and Jordan, Syria, and Lebanon in addition to Egypt. Concerning the West Bank in particular, paragraph A.1.(c) requires negotiations based on all the provisions and principles of Resolution 242 which will resolve, among other matters, the location of boundaries. The United States continues to advocate a comprehensive peace involving all of Israel's neighbors. As regards the possibility of negotiations for a peaceful settlement between Israel and Syria, the United States will support the application of all the principles and provisions of Resolution 242 to such a settlement.

13. In the definition of the security requirements in the area, does the United States Government endorse the principle of reciprocity on these requirements or does the United States Government regard these requirements to be one sided only?

The United States fully endorses the principle of reciprocity as applied to security requirements in the context of Middle East peace negotiations. The preamble of the Framework specifically refers to reciprocity as the basis on which the parties can agree to special security arrangements. The Framework also refers to the security concerns "of all parties" and to the security of "Israel and its neighbors."

14. As Security Council Resolution 242 is stated to be the basis of any negotiations for the settlement of the West Bank-Gaza and other aspects of the conflict, what would the United States Government do in the event of conflicting interpretations between the negotiating parties particularly in view of the United States Government's previous interpretations of Security Council Resolution 242 and commitments based thereon which were the basis of acceptance by Jordan of the said Resolution?

The United States will, first, adhere to its own consistent interpretation of Resolution 242, and in particular to its interpretation that the withdrawal provision of that resolution applies on all fronts. In the event of conflicting interpretations among the negotiating parties, the United States will seek, as it did during the intensive negotiations at Camp David, to bring about a consensus among the parties and will make known its own interpretations as required to bring about resolution of the conflict. The interpretations of the United States remain those it has held since 1967.

The text comes from a typed copy made available by the government of Jordan. The only point missing from this version is President Carter's signature at the bottom of the last page.

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