



Peace Process: American Diplomacy and the Arab-Israeli conflict since 1967 (Third Edition)
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[List of Appendixes](#)

Appendix Z

Framework Agreement for Permanent Status, Discussion Draft, May 20, 2000, Harpsund, Sweden

Non-Paper Draft for Brainstorming and Discussion Purposes Only
This Non-Paper Draft replaces and supercedes any and all previous drafts

Framework Agreement on Permanent Status

Preamble

The Government of the State of Israel (Israel) and the Palestine Liberation Organization (PLO) acting as the sole legitimate representative of the Palestinian People [("the Parties")]:

Reiterating their commitment to the United Nations Security Council Resolutions 242 and 338 and confirming that the FAPS provides the mechanisms for the implementation of these resolutions;

[P: **Recognizing** the inadmissibility of the acquisition of territory by war, and the obligation of states to conduct themselves in conformity with the UN Charter and the norms of international law, and the right of the Palestinian people for self determination];

Reaffirming their determination to put an end to decades of confrontation and conflict and to live in peaceful coexistence mutual dignity and security based on a just, lasting, and comprehensive peace settlement and historic reconciliation through the agreed political process;

Recognizing each other's right for a peaceful and secure existence of their respective territory and peoples, within secure and recognized boundaries free from threats or acts of force;

Confirming that the FAPS is concluded within the framework of the Middle East peace process initiated in Madrid in October 1991 and the Israeli-Palestinian Declaration of Principles concluded on September 13, 1993;

Viewing the FAPS as providing the basis for the resolution of the Israeli-Palestinian conflict;

[I: Therefore its conclusion marks the end of the conflict between the Parties and the beginning of a period of reconciliation and peace;]

Therefore, the Parties hereby agree on the following~ [see attached note]:

Article 1 - The Permanent Status Agreement [I: and the End of the Israeli Palestinian Conflict]

1. The Permanent Status Agreement is comprised of the Framework Agreement on Permanent Status (FAPS) and the Comprehensive Agreement on Permanent Status (CAPS).
2. The FAPS stipulates the principles, guidelines, agreed timetable and mechanisms for the resolution of all issues of the Permanent status [I: Upon its signature no other issue emanating from the historic conflict may be raised in the future.]
3. The Parties shall conclude the CAPS no later than [P: September 13, 2000] [I: the date of the establishment of the State of Palestine].
4. The CAPS shall incorporate subsequent agreements and protocols on security matters, environmental protection, [water], law enforcement and legal assistance in criminal and civil matters [I: and telecommunications].
5. The Permanent Status Agreement shall form [I: an integral whole, which is] the basis for the resolution of all issues emanating from the historic conflict between the Parties [I: and renunciation of further claims relating hereto]. Its implementation shall constitute a complete, [I: conclusive, and irrevocable] resolution of [these] [any or all Permanent Status] issues on the agreed agenda].

Article 2 - The State of Palestine and Its Relations with the State of Israel

6. The State of Israel shall recognize the State of Palestine upon its establishment: the State of Palestine shall recognize the State of Israel.
7. Israel and Palestine shall establish full diplomatic relations.
8. Based on political and security separation, relations between Israel and Palestine shall be founded on peaceful coexistence.
9. Israel and Palestine shall conclude subsequent agreements on issues of mutual interest and common concern.
10. The legislative bodies of Israel and Palestine shall develop programs for cooperation and coordination.
11. Israel and Palestine shall develop a comprehensive cooperation program along their [agreed] international border.
12. Israel and Palestine shall encourage cooperation among their civil societies, and local authorities.
13. Israel and Palestine shall not enter into any military [I: economic or political] union or confederation with Third Parties whose objectives are directed against the interests of the other party without consultation with and agreement of the other party.
14. The Parties will respect the interests of each other in their bilateral international relations.

15. The Parties are committed not to intervene in each other's internal affairs. [I: Neither shall provide, or attempt or offer to provide, assistance or representation in any way, shape or form to individuals or communities of the other Party without the consent of the other Party.]

16. Israel and Palestine shall create the appropriate atmosphere for lasting peace by promulgating laws to put an end to incitement for terror and violence.

17. Israel and Palestine shall work together to enhance regional cooperation and coordination.

Article 5 - Security Related Matters in Permanent Status

General

28. The Parties recognize each other's right to live in peace free of the threat of war and terrorism, and in security of its territory and people.

29. The Parties shall refrain from direct or indirect acts or threats of [war], belligerency, and terrorism, against each other or by any elements under their control.

30. Israel and Palestine shall fight violence and terrorism both unilaterally and jointly through co-ordination and co-operation [and complementary legislative and punitive measures].

31. Israel and Palestine shall establish a Border Security Regime along their borders, with the aim of enforcing the rule of law and regulating cross-border movement.

32. [I: Planning and zoning limitations in agreed areas aimed at minimizing friction shall be agreed upon.]

Military and Para-Military Forces

33. Palestine may establish a strong Security Forces (PSF), comprised of ground and maritime elements for the purposes of internal security, law enforcement and public order, and the fight against terrorism. No other armed forces shall be established or operated within Palestine.

34. The Palestinian Party shall not be armed by heavy weapons and shall not maintain any other military forces or capacities because a Party to any alliance or agreement that is of a military, para-military, or security character.

35. The structure, size and mode of operation of the PSF shall be agreed upon in the CAPS.

36. Israel shall maintain a land force and early warning presence in SMLs designated for that purpose according to article 3. The SMLs shall serve for the protection of the vital interests of Israel against possible external threats. Israel and Palestine shall conclude special arrangements concerning the movement and status of Israeli security personnel through and within territories under Palestinian control.

37. Palestine shall not allow the entry into, deployment, stationing, or operation in or passage through land, air, or sea of any military or security forces, personnel, armament, equipment, or material of any third Party.

Article 6 - Release of Prisoners

44. Compromise suggestion for consideration - Upon the conclusion of the CAPS all Palestinian and other security prisoners shall be free persons. The majority of those prisoners shall be free persons upon the conclusion of the FAPS. The rest of the prisoners shall [P: be transferred to the responsibility of Palestine] [I: remain in the custody of Israel]. The joint committee will prepare a list including the names of those security prisoners that will be transferred to the responsibility of Palestine.

45. [P: The Government of Israel shall release all Palestinian and other security prisoners immediately upon the conclusion of the FAPS. The joint committee will prepare a list including the names of those security prisoners that will be transferred to the responsibility of Palestine]

46. [I: The Government of Israel shall release Palestinian and other security prisoners in two??? phases to be carried out starting upon the conclusion of the FAPS.

47. Phase one of the release of prisoners shall comprise of [P: all those who were arrested before May 4, 1994 and of] [I: the majority] of Palestinian prisoners [I: who are members of the organizations] who [I: publicly] support the peace process. Phase two of the release of prisoners shall include all remaining prisoners [I: except for those who oppose the peace process or pose a security threat.]

48. The lists of prisoners for release shall be agreed upon by the Joint Committee and shall be recommended to the relevant Authorities.

Article 7 - Refugees

49. Taking into consideration the suffering caused to [P: Palestinian refugees] [I: individuals and communities] as a result of the 1948 [I: Arab-Israeli] War and recognizing that a just, humane, political, and realistic solution to their right. The Parties are determined to put an end to their suffering based on UNSCR 242 [P: and leading the implementation of UNGAR 194] is essential to put an end to the Israeli-Palestinian conflict.

50. The Parties. [I: together with the Arab States and the international community,] share a historical commitment for final resolution of Palestinian Refugeeism in all its legal and practical aspects and alleviating the moral and material suffering due to the 1948 War.

51. Israel further acknowledges that the Palestinian refugees [P: were a victim of this war] [I: suffered as a result of the Arab-Israeli conflict];

52. The Parties agree to call for the establishment of an International Commission (Commission). The Commission shall consist of Israel, the PLO / Palestine, Egypt, the Host Countries - Jordan, Syria, Lebanon, the United Nations, the United States, the European Union, Japan, the Russian Federation and Norway.

53. The Commission shall prepare a special Form that will be filled by all Palestinian refugees. The [P: Commission] [I: Parties] shall determine the format and content of the

Form aiming to provide the Commission with the refugees' answer to whether he or she wishes to:

- a. [P: return to their homes in Israel with compensation];
- b. return to Palestine with compensation;
- c. remain in his current place of residence with compensation; or
- d. move to a third country with compensation.

54. Every Palestinian [household] defined as refugee in 1948 may attach its entire property claim due to the 1948 War to one Form to be submitted to the Commission. [I: No further individual claims may be filed. The completion of the property compensation shall resolve the entire collective and individual Palestinian claim for Property due to the 1948 War.]

55. [I: As a matter of Israeli sovereign discretion, Israel may facilitate phased and particular family reunification of [XX] Palestinian Refugees with their families in their present place of residence in Israel. Family reunification shall be carried on based on humanitarian grounds and conditions by acceptance of Israeli citizenship and waiver of refugee status.]

56. A Fund for Palestinian Refugees (Fund) shall be established [I: and managed by an internationally recognized financial institution] [and the World Bank] and directed by the Commission. It will collect, manage and disburse the resources pertaining to the resolution of the Palestinian refugee problem, and verify and evaluate all claims based on criteria, timeline, and procedures to be agreed in the CAPS.

57. The transfer of compensation to a claimer shall be conditioned on his / her waiver of all further refugee-related proprietary claims against Israel.]

58. The Commission will call the international community to support and contribute to the Fund. [P: The nucleus of the Fund shall be financed by a [I: finite] allocation [I: of XX USD] by the Custodian of the Absentee Property in Israel]

59. [I: The Funds for rehabilitation of the refugees shall be allocated with the aim of eliminating the formal and practical aspects of the Palestinian refugee problem and enabling the refugees to rebuild their lives, hence, settling the claim of the Host Countries.

60. [I: Upon the establishment of Palestine, the negotiations aimed at solving the Palestinian Refugee shall continue with the legitimate representative of the Palestinian people, which will succeed the PLO.]

61. [I: The mandate of the Fund and the Commission shall be concluded between the Parties in the FAPS and the CAPS based on this Article.] The commission shall complete its work within [. . .] of the date of signing this agreement [P: and no later than [. . .]. The work of the Commission shall form an integral part of the permanent Status Agreement.

62. [I: This article shall apply to all persons defined as "Palestinian Refugees" by UNRWA.]

63. The full implementation of this Article and the completion of the Commission's work as described in paragraph (X) shall resolve the Palestinian refugee's problem in a final and permanent way [! thus amounting to the implementation of the UNGAR 194].

[List of Appendixes](#)