

WYE RIVER PLANTATION MEMORANDUM

October 23, 1998

The following are steps to facilitate implementation of the Interim Agreement on the West Bank and Gaza Strip of September 28, 1995 and other related agreements including the Note for the Record of January 17, 1997 (hereinafter referred to as "the prior agreements") so that the Israeli and Palestinian sides can more effectively carry out their reciprocal responsibilities, including those relating to further redeployments and security, respectively. These steps are to be carried out in a parallel phased approach in accordance with the Memorandum and the attached time line. They are subject to the relevant terms and conditions of the prior agreements and do not supersede their other requirements.

I. FURTHER REDEPLOYMENTS

A. Phase One and Two Further Redeployments

1. Pursuant to the Interim Agreement and subsequent agreements, the Israeli side's implementation of the first and second F.R.D. will consist of the transfer to the Palestinian side of 13 percent from Area C as follows: 1 percent to Area (A); 12 percent to Area (B).

The Palestinian side has informed that it will allocate an area/areas amounting to 3 percent from the above area (B) to be designated as the Green Areas and/or Nature Reserves. The Palestinian side has further informed that they will act according to the established scientific standards, and that therefore there will be no changes to the status of these areas, without prejudice to the rights of existing inhabitants in these areas including Bedouins; while these standards do not allow new construction in these areas, existing roads and buildings may be maintained.

The Israeli side will retain in these Green Areas/Nature Reserves the overriding security responsibility for the purpose of protecting Israelis and confronting the threat of terrorism. Activities and movements of the Palestinian Police forces may be carried out after coordination and confirmation; the Israeli side will respond to such requests expeditiously.

2. As part of the foregoing implementation of the first and second F.R.D., 14.2 percent from Area (B) will become Area (A).

B. Third Phase of Further Redeployments.

With regard to the terms of the Interim Agreement and of Secretary Christopher's letters to the two sides of January 17, 1997, relating to the further redeployment process, there will be a committee to address this question. The United States will be briefed regularly.

II. SECURITY

In the provisions on security arrangements of the Interim Agreement, the Palestinian side agreed to take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against the Israeli side, against individuals falling under the Israeli side's authority and against their property, just as the Israeli side agreed to take all measures necessary in order to prevent acts of terrorism, crime and hostilities and against their property. The two sides also agreed to take legal measures against within their jurisdiction and to prevent incitement against each other by any organizations, groups or individuals within their jurisdiction.

Both sides recognize that it is in their vital interests to combat terrorism and fight violence in accord with Annex I of the Interim Agreement and the Note for the Record. They also recognize that the struggle against terror and violence must be comprehensive in that it deals with terrorists, the terror support structure and the environment conducive to the support of terror. It must be continuous and constant over a long-term, in that there can be no pauses in the work against terrorists and their structure. It must be cooperative in that no effort can be fully effective without Israeli-Palestinian cooperation and the continuous exchange of information, concepts and actions.

Pursuant to the prior agreements, the Palestinian side's implementation of its responsibilities for security, security cooperation, and other issues will be as detailed below during the time periods specified in the attached time line.

A. Security Actions

1. Outlawing and Combatting Terrorist Organizations

- a. The Palestinian side will make known its policy for zero tolerance for terror and violence against both sides.
- b. A work plan developed by the Palestinian side will be shared with the U.S. and hereafter implementation will begin immediately to ensure the systematic and effective combat of terrorist organizations and their infrastructure.
- c. In addition to the bilateral Israeli-Palestinian security cooperation, a U.S.-Palestinian committee will meet biweekly to review the steps being taken to eliminate terrorist cells and the support structure that plans, finances, supplies and abets terror. In these meetings, the Palestinian side will inform the U.S. fully of the actions it has taken to outlaw all organizations (or wings of organizations, as appropriate) of a military, terrorist or violent character and their support structure and to prevent them from operating in areas under its jurisdiction.
- d. The Palestinian side will apprehend the specific individuals suspected of perpetrating acts of violence and terror for the purpose of further investigation, and prosecution and punishment of all persons involved in acts of violence and terror.

- e. A U.S.-Palestinian committee will meet to review and evaluate information pertinent to the decisions on prosecution, punishment or other legal measures which affect the status of individuals suspected of abetting or perpetrating acts of violence or terror.

2. Prohibiting Illegal Weapons

- a. The Palestinian side will ensure an effective legal framework is in place to criminalize, in conformity with the prior agreements, any importation, manufacturing or unlicensed sale, acquisition or possession of firearms, ammunition or weapons in areas under Palestinian jurisdiction.
- b. In addition, the Palestinian side will establish and vigorously and continuously implement a systematic program for the collection and appropriate handling of all such illegal items in accordance with the prior agreements. The U.S. has agreed to assist in carrying out this program.
- c. A U.S.-Palestinian-Israeli committee will be established to assist and enhance cooperation in preventing the smuggling or other unauthorized introduction of weapons or explosive materials into areas under Palestinian jurisdiction.

3. Preventing Incitement

- a. Drawing on relevant international practice and pursuant to Article XXII (1) of the Interim Agreement and Note for the Record, the Palestinian side will issue a decree prohibiting all forms of incitement to violence or terror. This decree will be comparable to the existing Israeli legislation which deals with the same subject.
- b. A U.S.-Palestinian-Israeli committee will meet on a regular basis to monitor cases of possible incitement to violence or terror, and to make recommendations and reports on how to prevent such incitement. The Israeli-Palestinian and U.S. sides will each appoint a media specialist, a law enforcement representative, an educational specialist and a current or former elected official to the committee.

B. Security Cooperation

The two sides agree that their security cooperation will be based on a spirit of partnership and will include, among other things, the following steps:

1. Bilateral Cooperation

There will be full bilateral cooperation between the two sides which will be continuous, intensive and comprehensive.

2. Forensic Cooperation

There will be an exchange of forensic expertise, training and other assistance.

3. Trilateral Committee

In addition to the bilateral Israeli-Palestinian security cooperation, a high-ranking U.S.-Palestinian-Israeli committee will meet as required and not less than biweekly to assess current threats, deal with any impediments to effective security cooperation and coordination and address the steps being taken to combat terror and terrorist organizations. The committee will also serve as a forum to address the issue of external support for terror. In these meetings, the Palestinian side will fully inform the members of the committee of the results of its investigations concerning terrorist suspects already in custody and the participants will exchange additional relevant information. The committee will report regularly to the leaders of the two sides on the status of cooperation, the results of the meetings and its recommendations.

C. Other Issues

1. Palestinian Police Force

- a. The Palestinian side will provide a list of its policemen to the Israeli side in conformity with the prior agreements.
- b. Should the Palestinian side request technical assistance, the U.S. has indicated its willingness to help meet these needs in cooperation with other donors.
- c. The Monitoring and Steering Committee will, as part of its functions, monitor the implementation of this provision and brief the U.S.

2. PLO Charter

The Executive Committee of the Palestine Liberation Organization and the Palestinian Central Council will reaffirm the letter of 22 January 1998 from PLO Chairman Yasser Arafat to President Clinton concerning the nullification of the Palestinian National Charter provisions that are inconsistent with the letters exchanged between the PLO and the Government of Israel on 9/10 September 1993. PLO Chairman Arafat, the Speaker of the Palestine National Council, and the Speaker of the Palestinian Council will invite the members of the PNC, as well as the members of the Central Council, the Council, and the Palestinian Heads of Ministries to a meeting to be addressed by President Clinton to reaffirm their support for the peace process and the aforementioned decisions of the Executive Committee and the Central Council.

3. Legal Assistance in Criminal Matters

Among other forms of legal assistance in criminal matters, the requests for arrest and transfer of suspects and defendants pursuant to Article II (7) of Annex IV of the Interim Agreement will be submitted (or resubmitted) through the mechanism of the Joint Israeli-Palestinian Legal Committee and will be responded to in conformity with Article II (7) (f) of Annex IV of the Interim Agreement within the twelve week period. Requests submitted after the eighth week will be responded to in conformity with Article II (7) (f) within four weeks of their submission. The U.S. has been requested by the sides to report on a regular basis on the steps being taken to respond to the above requests.

4. Human Rights and the Rule of Law

Pursuant of Article XI (1) of Annex I of the Interim Agreement, and without derogating from the above, the Palestinian Police will exercise powers and responsibilities to implement this Memorandum with due regard to internationally accepted norms of human rights and the rule of law, and will be guided by the need to protect the public, respect human dignity, and avoid harassment.

III. INTERIM COMMITTEES AND ECONOMIC ISSUES

1. The Israeli and Palestinian sides reaffirm their commitment to enhancing their relationship and agree on the need actively to promote economic development in the West Bank and Gaza. In this regard, the parties agree to continue or to reactivate all standing committees established by the Interim Agreement, including the Monitoring and Steering Committee, the Joint Economic Committee (JEC), the Civil Affairs Committee (CAC), the Legal Committee and the Standing Cooperation Committee.
2. The Israeli and Palestinian sides have agreed on arrangements which will permit the timely opening of the Gaza Industrial Estate. They also have concluded a "Protocol Regarding the Establishment and Operation of the International Airport in the Gaza Strip During the Interim Period."
3. Both sides will renew negotiations on the Safe Passage immediately. As regards the southern route, the sides will make best efforts to conclude the agreement within a week of the entry into force of this Memorandum. Operation of the southern route will start as soon as possible thereafter. As regards the northern route, negotiations will continue with the goal of reaching agreement as soon as possible. Implementation will take place expeditiously thereafter.
4. The Israeli and Palestinian sides acknowledge the great importance of the Port of Gaza for the development of the Palestinian economy, and the expansion of Palestinian trade. They commit themselves to proceeding without delay to conclude an agreement to allow the construction and operation of the port in accordance with the prior agreements. The Israeli-Palestinian Committee will reactivate its work immediately with a goal of concluding the protocol within sixty days, which will allow commencement of the construction of the port.
5. The two sides recognize that unresolved legal issues adversely affect the relationship between the two peoples. They therefore will accelerate efforts through the Legal Committee to address outstanding legal issues and to implement solutions to these issues in the shortest possible period. The Palestinian side will provide to the Israeli side copies of all of its laws in effect.
6. The Israeli and Palestinian sides also will launch a strategic economic dialogue to enhance their economic relationship. They will establish within the framework of the JEC an Ad Hoc Committee for this purpose. The committee will review the following four issues: (1) Israeli purchase taxes; (2) cooperation in combating vehicle theft; (3) dealing with unpaid Palestinian debts; and (4) the impact of Israeli standards as barriers to trade and the expansion of A1 and A2 lists. The

committee will submit an interim report within three weeks of entry into force of this Memorandum, and within six weeks will submit its conclusions and recommendations to be implemented.

7. The two sides agree on the importance of continued international donor assistance to facilitate implementation by both sides of agreements reached. They also recognize the need for enhanced donor support for economic development in the West Bank and Gaza. They agree to jointly approach the donor community to organize a Ministerial Conference before the end of 1998 to seek pledges of enhanced levels of assistance.

IV. PERMANENT STATUS NEGOTIATIONS

The two sides will immediately resume permanent status negotiations on an accelerated basis and will make a determined effort to achieve the mutual goal of reaching an agreement by May 4, 1999. The negotiations will be continuous and without interruption. The U.S. has expressed its willingness to facilitate these negotiations.

V. UNILATERAL ACTIONS

Recognizing the necessity to create a positive environment for the negotiations, neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip in accordance with the interim Agreement.

This Memorandum will enter into force ten days from the date of signature

Done at Washington D.C. this 23rd day of October 1998

ATTACHMENT:

TIME LINE

Note: Parenthetical references below are to paragraphs in "The Wye River Memorandum" to which this time line is an integral attachment. Topics not included in the time line follow the schedule provided for in the text of the Memorandum.

1. Upon Entry into Force of the Memorandum:

- Third further redeployment committee starts (I(B))
- Palestinian security work plan shared with the U.S. (II)(A)(1)(b))
- Full bilateral security cooperation (II(B)(1))
- Interim committees resume and continue; Ad hoc Economic Committee starts (III)
- Accelerated permanent status negotiations start (IV)

2. Entry into Force - Week 2:

- Security work plan implementation begins (II(A)(1)(b)); (II(A)(1)(c)) committee starts
- Illegal weapons framework in place (II(A)(2)(a)); Palestinian implementation report (II(A)(2)(b))
- Anti-incitement committee starts (II(A)(3)(b)); decree issued (II(A)(3)(a))
- PLO executive committee reaffirms Charter letter (II(C)(2))
- Stage 1 of F.R.D. implementation: 2% C to B, 7.1% B to A. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I(A))

3. Weeks 2-6

- Palestinian Central Council reaffirms Charter letter (weeks two to four) (II(C)(2))
- PNC and other PLO organizations reaffirm Charter letter (weeks four to six) (II(C)(2))
- Establishment of weapons collection program (II(A)(2)(b)) and collection stage (II(A)(2)(c)); committee starts and reports on activities
- Anti-incitement committee report (II(A)(3)(b))
- Ad Hoc Economic Committee: interim report at week three; final report at week six (III)

- Policemen list (II(C)(1)(a)); Monitoring and Steering Committee review starts (II(C)(1)(c))
- Stage 2 of F.R.D. implementation: 5% C to B. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I(A))

4. Weeks 6-12:

- Weapons collection stage (II(A)(2)(b)); (II(A)(2)(C)) committee report on its activities.
- Anti-incitement committee report (II(A)(3)(b))
- Monitoring and Steering Committee briefs U.S. on policeman list (II(C)(1)(c))
- Stage 3 of F.R.D. implementation: 5% C to B, 1% C to A, 7.1% B to A - Israeli officials acquaint Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I(A))

5. After Week 12:

Activities described in the Memorandum continue as appropriate and if necessary, including:

- Trilateral security cooperation committee (II(B)(3))
- (II(A)(1)(c)) committee
- (II(A)(1)(e)) committee
- Anti-incitement committee (II(A)(3)(b))
- Third Phase F.R.D. Committee (I(B))
- Interim Committees (III)
- Accelerated permanent status negotiations (IV.)

From the Secretary of State . October 23, 1998

Dear Mr. Prime Minister:

The United States is pleased to have worked with you in achieving a successful outcome in the negotiations on "the Wye River Memorandum." We believe its parallel phased approach will help provide greater confidence to both sides in the implementation process, since actions in each stage of the time line are to be completed by both sides before moving to the next stage. I can confirm that the United States is prepared to play the role identified for it in the Memorandum.

The United States recognizes the importance of the security provisions of the "Wye River Memorandum" to the State of Israel. In this context, and given the role specified for the United States in the Memorandum, we wish to reiterate our ironclad commitment to Israel's security and to peace, and to stress that Palestinian security undertakings are a critical foundation of the Memorandum.

In this context, we wanted to confirm our understanding of assurances we have received from the Palestinians on several issues that you have indicated are of special concern to Israel. Regarding the Palestinian apprehension of terrorism suspects (II (A) (1) (d)), we have been assured that all the cases which have been identified will be acted upon. With respect to Palestinian decisions regarding the prosecution, punishment or other legal measures that affect the status of individuals suspected of abetting or perpetrating acts of violence or terror, there are procedures in place to prevent unwarranted releases. Furthermore, we will express our opposition to any unwarranted releases of such suspects, and in the event of such a release, we will be prepared to express our position publicly.

Regarding the Palestinian side's program for confiscation and disposition of illegal weapons under paragraph II(A) (2) (b), our assistance to the Palestinian side will help ensure that any retention of weapons is consistent with the relevant Interim Agreement provisions, including Article IV(5) of Annex I. The US plans to to inform Israel periodically of the progress of our assistance program. Finally, with respect to the Palestinian side's provision of its list of policemen to Israel (II(C) (1) (a)), the US has been assured that it will receive all appropriate information concerning current and former policing as part of our assistance program.

Sincerely

Madeleine K. Albright

From the Embassy of the United States of America Tel Aviv October 29, 1998

Mr. Dani Naveh

Dear Dani:

I wanted to confirm our policy on the issue of the 3rd phase of further redeployment. In this regard, the statement issued publicly by the State Department on October 27, 1998, is accurate and represents our policy.

Regarding the third further redeployment, the statement said: "during the discussions leading to this agreement, the U.S. made clear to both parties that it will not adopt any position or express any view about the size or the content of the third phase of Israel's further redeployment, which is Israeli responsibility to implement rather than negotiate."

"Under the terms of the memorandum, and Israeli-Palestinian committee is being established. Nonetheless we urge the parties not to be distracted from the urgent task of negotiating permanent status arrangements, which are at the heart of the matter and which will determine the future of the area."

"Our own efforts have been and will continue to be dedicated to that vital task."

This public statement by the State Department represents our policy. We will not change it and it will remain our policy in the future.

Sincerely

Edward S. Walker, Jr.

Ambassador

From the Embassy of the United States of America Tel Aviv

October 30, 1998

Dear Dani:

I wanted to confirm our policy on the issues of Reciprocity/Parallelism, Permanent Status Negotiations, and Prisoner Releases. In this regard, the statements issued publicly by the State Department on October 29, 1998, are accurate and represent our policies.

On Reciprocity/Parallelism, the statement said: "resolving the crisis of confidence between Israelis and Palestinians requires each side to fulfill a set of responsibilities based on the concept of reciprocity. I.E., both sides must carry out their respective obligations in accordance with the Wye River Memorandum. These obligations will be implemented or carried out in a parallel phased approach in accordance with the mutually agreed Time Line."

As for Permanent Status Negotiations, the statement said: "the U.S. is highly sensitive to the vital importance of the permanent status issues to Israel's future. We recognize that the security of the State of Israel and the Israeli public is at stake, and the U.S. commitment to Israel's security remains ironclad."

"We appreciate that if the U.S. is invited by both parties to participate in the permanent status talks, which are to be conducted between Israel and the Palestinians on a bilateral basis, we will do so for the purpose of facilitating the negotiations."

"Only Israel can determine its own security needs and decide what solutions will be satisfactory."

"We also understand that any decision to convene or seek to convene a summit to resolve permanent status issues will need the agreement of both parties."

With regard to the issues of prisoner releases and the question of a "revolving door", the statement said: "we have had discussions with the Palestinians and they have given us a firm commitment that there will be no "revolving door'."

These public statements by the State Department represent our policies: We will not change them and they will remain our policies in the future.

Sincerely

Edward S. Walker, Jr.

Ambassador

From the Embassy of the United States of America Tel Aviv

October 29, 1998

Dear Dani:

I wanted to confirm our policy on the issues of unilateral actions and the Charter of the PLO. In this regard, the statements issued publicly by the State Department on October 27, 1998, are accurate and represent our policies.

With regard to unilateral declarations or other unilateral actions, the statement said: "as regard to the possibility of a unilateral declaration of statehood or other unilateral actions by either party outside the negotiating process that prejudice or predetermine the outcome of those negotiations, the U.S. opposes and will oppose any such unilateral actions."

"Indeed, the US has maintained for many years that an acceptable solution to the Israeli-Palestinian conflict can only be found through negotiations, not through unilateral actions. And as we look to the future, that will remain our policy."

For the present, we are doing all we can to promote permanent status negotiations on an accelerated basis. And we are stressing that those who believe that they can declare unilateral positions or take unilateral acts, when the interim period ends, are courting disaster."

With regard to the PNC, the statement said: "the Wye River Agreement specifies that the members of the PNC (as well as the members of the PLO Central Council, the Palestinian Council and the Heads of Palestinian Ministries) will be invited to a meeting which President Clinton will attend."

"The purpose of this meeting of the PNC and other PLO organizations is to confirm Chairman Arafat's January 22 letter to President Clinton nullifying much of the Charter's provisions that are inconsistent with the PLO's commitments to renounce terror, and to recognize and live in peace with Israel."

"This process of reaffirmation will make clear, once and for all, that the provisions of the PLO Charter that call for the destruction of Israel are null and void."

These public statements by the State Department represent our policies. We will not change them and they will remain our policies in the future.

Sincerely,

Edward S. Walker, Jr.

Ambassador

From the US State Department October 30, 1998

Dear Mr. Naveh,

I wanted to provide further clarification of the understanding of the United States regarding one of the issues addressed in "The Wye River Memorandum."

With respect to the Palestinian side's provision of its list of policemen to Israel (II(C) (1) (a)), the U.S. has been assured that it will receive all appropriate information concerning current and former policemen as part of our assistance program. It is also our understanding that it was agreed by the two sides that the total number of Palestinian Policemen would not exceed 30,000.

Sincerely,

Dennis B. Ross

Special Middle East Coordinator

Source: Israel Ministry of Foreign Affairs,

<http://www.israel-mfa.gov.il/NR/exeres/EE54A289-8F0A-4CDC-93C9-71BD631109AB.htm>

and the Avalon Project at Yale Law School,

<http://www.yale.edu/lawweb/avalon/mideast/wyeriv.htm>