

Negotiations Principles Matrix

ISSUE	CORE PRINCIPLES	POSSIBLE FLEXIBILITY
CORE PRINCIPLES	<ul style="list-style-type: none"> • No end of claims until full implementation of the CAPS • Strong implementation and verification mechanism • No backdoor acceptance of state with provisional borders • No end of occupation until full withdrawal of army and all settlers and full Palestinian control over all the territory, its inhabitants and all external relations • Full normalization with Israel by any Arab State shall only commence following the full implementation of the Treaty. 	<ul style="list-style-type: none"> •
MUTUAL RECOGNITION	<ul style="list-style-type: none"> • Should include recognition of Israel along recognized and agreed borders. • Must not include recognition of certain characteristics of the state of Israel, i.e as a Jewish state. 	<ul style="list-style-type: none"> •
INTERNATIONAL BORDERS	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
Location of international borders	<ul style="list-style-type: none"> • Must be based on 1967. • 1967 line = 1949 armistice line, including all legal and agreed modifications. [Alternatively, 	<ul style="list-style-type: none"> • Land corridor/link could be part of swap package if Palestinians get sovereignty over the land corridor.

	<p>language could specify that the West Bank includes East Jerusalem and No Man's Land.]</p> <ul style="list-style-type: none">• Demographic arguments cannot be used to draw the border. If Israel wants to argue demographics then UNGA 181 must be the basis of discussion.• Negotiate size of area, not percentages.• Swaps must be minor - not more than 100 km² in TOTAL.• No swap of land inhabited by Palestinians, regardless of citizenship (<i>e.g.</i>, Um el Fahm).• Equal in quantity and quality (<i>e.g.</i>, Jerusalem land for Jerusalem land, agricultural land for agricultural land).• Swap only settlement built-up areas, not empty Pal land (<i>i.e.</i>, no 'blocs').• Swap only settlements adjacent to the border. Swapped areas cannot disrupt contiguity. (No annexation of Ma'ale Adumim, Ariel, Pisgat Ze'ev, Neve Ya'cov, Giv'at Ze'ev, or Efrat.)• No swap of land inhabited by Palestinians regardless of citizenship (<i>i.e.</i> Um el Fahm).• Proposals for tripartite land swap with Egypt (or Jordan) should be rejected.• No leasing.	<ul style="list-style-type: none">• Most of the options with respect to borders will be in the various swap scenarios, which should be guided by the principles herein.• Residency rights is a creative option to avoid swapping difficult areas and which may make Palestinians look more reasonable at the table.
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Delimitation and demarcation	<ul style="list-style-type: none"> • Delimitation on agreed and appropriately scaled maps. 	<ul style="list-style-type: none"> • This is purely a technical issue. It should not be contentious.
Maritime Boundaries	<ul style="list-style-type: none"> • Palestine will claim full share of what we are entitled to under international law as a coastal state. • Maritime boundaries must be agreed, according to international law. • Include clause that says maritime boundaries will be agreed in the future [ideal time would be at or immediately post CAPS]. 	<ul style="list-style-type: none"> • Willing to negotiate shared/joint zones. • Maritime boundary does not have to be agreed at the FAPS or CAPS stage. It can be agreed post-statehood. • There are many options for the maritime boundaries in line with international law and equitability.
Private property	<ul style="list-style-type: none"> • Deal with private property interests in the swapped areas separately from delimitation of the border 	<ul style="list-style-type: none"> •
Sovereignty and Inviolability	<ul style="list-style-type: none"> • West Bank, East Jerusalem and Gaza Strip are one united and integral part of the territory of Palestine • Palestinian sovereignty must be full and respected by Israel 	<ul style="list-style-type: none"> • NOTE: issues of sovereignty should not be confused with functional arrangements that suit both Palestinian and Israeli interests. For example, Palestine could enter into arrangements based on its sovereign equality on various issues in accordance with its own interests.
JERUSALEM		
Capital of two states	<ul style="list-style-type: none"> • East Jerusalem, within the pre occupation municipal lines, shall be the capital of Palestine, under full Palestinian sovereignty • The borders in Jerusalem will be determined in 	<ul style="list-style-type: none"> • Mutually agreed arrangements possible, based on reciprocity, on specified matters such as access rights, burial rights, visitation rights, coordination of municipal services

	<p>accordance with the rest of the borders and based on 1967 lines. All principles regarding swaps that apply to the border generally shall also apply in Jerusalem, such as the principle that all swaps must be equal and equitable.</p> <ul style="list-style-type: none"> • Land swaps in Jerusalem shall not affect maximum territorial contiguity with the rest of the West Bank • Land swaps shall not include any Muslim and Christian Palestinian inhabited areas • Land swaps shall not include individual houses or other small Israeli settlements • The settlement freeze in Palestinian territories, and including all related infrastructural projects, shall be applied to East Jerusalem • Land swaps shall not include any Muslim or Christian holy sites and holy places in East Jerusalem • The Haram al Sharif compound, in its entirety on, above and below ground, shall be under Palestinian sovereignty and administration • The Western Wall of the Haram, including the Wailing Wall, shall be under Palestinian sovereignty 	<ul style="list-style-type: none"> • Israel can be granted prayer rights to the Wailing Wall (as opposed to the Western Wall) but these rights shall not imply maintenance or other rights to alter the Wall in any way.
<p>Religious and cultural significance</p>	<ul style="list-style-type: none"> • Safeguard the character, holiness, and freedom of worship in the city and its holy sites and places • Safeguard the unique character of the Old City and promote the welfare of its inhabitants 	<ul style="list-style-type: none"> •

	<ul style="list-style-type: none"> • Uphold UNESCO World Cultural Heritage List regulations to the Old City 	
Jerusalem border regime	<ul style="list-style-type: none"> • The border regime between Palestine and Israel in Jerusalem shall correspond to the general border arrangements • 	<ul style="list-style-type: none"> • Specific border arrangements for Jerusalem to take into consideration the special character of Jerusalem and the Old City and with a view to enable the facilitated movement of persons and goods across the two parts of the city.
Jerusalem Coordination and Development Committee		<ul style="list-style-type: none"> • Establishment of a Jerusalem Coordination and Development Committee to oversee cooperation and coordination between the Palestinian Jerusalem Municipal Authority and the Israeli Jerusalem Municipal Authority
SETTLEMENTS	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
Settlement freeze	<ul style="list-style-type: none"> • A freeze is a must. • No compromise on: (1) territorial scope (must apply to all Pal territory occupied after 1967, including East Jerusalem; (2) all settlement-related construction (structures of every kind, roads, fences, the Wall, infrastructure, etc.); (3) all extra financing to settlements and settlers; (4) be permanent (until implementation of CAPS); (5) third party monitoring and verification mechanism; and (6) outpost evacuation (since Mar 2001). 	<ul style="list-style-type: none"> • Better freeze also includes: (1) all land confiscations and property destruction; and (2) all settlement planning.
Evacuation of settlers and	<ul style="list-style-type: none"> • No negotiating about sett 'blocs' or on basis of 	<ul style="list-style-type: none"> • Residency rights for <i>some</i> settlers is a

<p>dismantlement of settlements</p>	<p>settler pop. (<i>e.g.</i>, Israel wants to annex 80% of settler pop.)</p> <ul style="list-style-type: none"> • Negotiate on sett-by-sett basis and in reference to sett built-up areas. • Israel cannot remove/damage/destroy assets unilaterally. Fate of sett assets determined according to international law. • Pals will not compensate Israel or settlers for sett assets. • Israel is responsible for restoring the land to its prior condition. 	<p>creative option to avoid swapping difficult areas and make Palestinians look more reasonable at the table.</p>
<p>TRANSIT AND COMMUNICATION BETWEEN THE WEST BANK AND THE GAZA STRIP</p>	<ul style="list-style-type: none"> • A physical land corridor under Palestinian sovereignty. • Corridor on land (not tunnel nor bridge) and along the Beit Hanoun – Tarkumiya route. • Swap of underground area (not surface area) not sufficient. Split sovereignty will not work because technical needs do not allow for it (for example security, safety, maintenance, infrastructure installation, etc.). • Corridor shall be of sufficient width to allow for multiple lanes, a rail connection, and public utilities and water infrastructure. [Estimate for minimum needed width is 100m; total area of only 4 square km.] • Should also get supplementary safe passage arrangements. 	<ul style="list-style-type: none"> • Can accept something less than sovereignty but must be under Palestinian control and jurisdiction, permanently open. • Can accept third party role in policing or security, or hire 3rd party management. • Corridor could be sunken road in some parts not all the way. • Could be flexible on its construction, modalities of operation, control, financing, maintenance, possible third party role, and other specifications. • Construction and costs may be part of Israel’s compensation to Palestinians.

	<ul style="list-style-type: none"> • Safe passage must be for people and goods. No arrests. Meaningful and efficient access. No (or minimal) restrictions on who can use. • Guarantee unimpeded transit until corridor fully functional. Third party to monitor implementation. 	
REFUGEES	<ul style="list-style-type: none"> • Just and agreed upon according to UNGAR 194 • Right of return in principle should be recognized 	<ul style="list-style-type: none"> •
Admission of responsibility	<ul style="list-style-type: none"> • Israel should recognize its moral and legal responsibility for the expulsion and displacement of the refugees 	<ul style="list-style-type: none"> • Cannot agree to “recognizing the suffering” only, there should be recognition of responsibility
Right of return and settlement of refugees	<ul style="list-style-type: none"> • Menu of options for refugee settlement (which includes Israel, Palestine, host countries and third states) • MUST include return to Israel • Regarding Israel, the use of the word “return” should be emphasized, we cannot agree to combinations such as “admission/immigration” • Return to Israel should not be disguised as “family unification” • Must give refugees a genuine ability to choose • Should be in coordination with the other relevant states (host states, third states) 	<ul style="list-style-type: none"> • Return to Israel could be capped.
Restitution of refugees’ real property	<ul style="list-style-type: none"> • Restitution based on international law. • If not possible under international law, then the owners should be entitled to FULL compensation by Israel 	<ul style="list-style-type: none"> • International community can <u>contribute</u> to the compensation fund, but Israel should have a substantial contribution (not like just another country).

	<ul style="list-style-type: none"> • Will be dealt with by a restitution commission 	
Compensation for refugees	<ul style="list-style-type: none"> • FULL compensation paid by Israel, for material and non-material damages, according to international law standards • Individual basis, not a lump sum • Will be dealt with by a compensation commission 	<ul style="list-style-type: none"> • International community can <u>contribute</u> to the compensation fund, but Israel should have a substantial contribution (not like just another country).
REPARATIONS	<ul style="list-style-type: none"> • A provision must be included in the FAPS which safeguards Palestinian ability to argue for reparations (including compensation) in the Treaty. • Silence on the issue is not an option, as it may be viewed by Israel as having given up the right to reparations (including compensation) for all damage arising from Israel's occupation. 	<ul style="list-style-type: none"> •
WATER AND OTHER NATURAL RESOURCES		
General principles: International watercourses	<ul style="list-style-type: none"> • Water rights over watercourses that cross international borders – all major shared water sources between Palestine and Israel – must conform to the principle of equitable utilization under international law • Agree on the allocation of the shared water resources based on the principle of equitable utilization (mainly the Jordan river basin, the West Bank aquifers basins and the Coastal Aquifer Basin) 	<ul style="list-style-type: none"> • Equal per capita approach in determining equitable. • Agree to transition period of no longer than five years to implement new allocation. • Trade of water and exchange of water supply • Third Party Compliance Mechanism

	<ul style="list-style-type: none"> • Agree on the joint management of the shared water resources • Ensure that persons in its control take no action harming the quality of water or damaging to aquifers • Right of Palestine to capture its equitable share of watercourses and transport it to and within its territory • Ability to construct, maintain and operate water installations and water pipelines to transport water through Israel to Palestine 	
General principles: Natural resources	<ul style="list-style-type: none"> • The principle of permanent sovereignty over natural resources. Parties shall each enjoy sovereignty over natural resources that are located entirely within its respective international borders 	<ul style="list-style-type: none"> •
SECURITY: Military withdrawal	<ul style="list-style-type: none"> • Full military withdrawal from Palestinian territory including airspace and territorial waters. • Withdrawal according to clear timelines to be phased and coordinated with Palestinian security forces and international monitors. • <i>CAVEAT: In negotiating security demands by Israel, the details are critical. That is, an agreement at the political level that does not cover technical details leaves open a range of contentious issues that must still be carefully negotiated. Not addressing the details risks granting Israel the effective capability to assert a substantial and permanent military presence on</i> 	<ul style="list-style-type: none"> • May choose to agree to limited, temporary, and specific arrangements to meet clearly defined and legitimate security concerns of Israel. (e.g. early warning station, arrangements for deployment in emergency situations – see below.)

<p>Limits on Palestinian military capacity</p> <p>Early Warning Stations</p> <p>Israeli presence in the Jordan Valley</p>	<p><i>Palestinian territory.</i></p> <ul style="list-style-type: none"> • Palestine not seeking to be a military state (no offensive military capability); however, it requires a small adequately equipped army for defensive purposes including ground, air and maritime components. • No need for EWS on Palestinian territory. • Palestine will have full sovereignty over Jordan Valley; no Israeli presence. 	<ul style="list-style-type: none"> • Prepared to negotiate specific restrictions on types of permissible military equipment (based on international standards). • RED LINE: Will not agree to “dual use” equipment defined as such by Israel. May consider certain limited restrictions, but only based on international standards and practice. • In past negotiations agreed to EWS in principle – but no more than 2, and subject to detailed arrangements: use and access, leasing, time limits, international presence, inspection. • Note: Due to developments in technology there are other alternatives that adequately meet Israeli concerns (detecting a threat from the East), therefore EWS are technically not needed • This is a red line. As an alternative, Palestine could welcome a strong
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<p>Emergency deployment of Israeli forces on Palestinian territory</p> <p>Airspace</p> <p>Security Cooperation</p>	<ul style="list-style-type: none"> • Palestine will not agree to Israeli military presence on its territory under any circumstances. • Palestine will have full sovereignty over its airspace. • No military use for training or otherwise. • Civilian flights will be regulated by the Chicago Convention and applicable international norms of civil aviation. • Agree to bilateral and regional security cooperation 	<p>international presence in the Jordan Valley.</p> <ul style="list-style-type: none"> • Applicable standard should be international law (law of armed conflict) that regulates the deployment of forces on foreign territory. • In case of decision to agree to emergency deployment, it is critical to have detailed and specific agreement on such issues as: what constitutes emergency, duration, liability and compensation, restriction on areas of deployment etc...) • May agree to full coordination and cooperation in management and air traffic control for civil aviation; subject, however, to sovereignty of each state over its respective airspace.
<p>RELATIONS BETWEEN PALESTINE AND ISRAEL</p>		
<p>DIPLOMATIC RELATIONS</p>	<ul style="list-style-type: none"> • Full diplomatic relations both between Palestine 	<ul style="list-style-type: none"> •

	and Israel and between Arab States and Israel shall not be instated until full implementation of the comprehensive agreement	
ECONOMIC RELATIONS	<ul style="list-style-type: none"> • Trade Relations based on free trade and preferential treatment principles. • Removal of all tariffs and non tariff barriers, national and most favored nation treatment for both industrial and agricultural products. • Free trade in services, investments and free movement of labour. • Transit arrangements based on international standards. 	<ul style="list-style-type: none"> • Trade regime should preferably be based on a Free Trade Area model but can also be based on Most Favored Nation model with sectoral agreements. • Trade in services, investments and labour can be freed gradually. • Transit should preferably be based on door to door movement but can also be based on a modern and efficient back to back system.
SECURITY RELATIONS	<ul style="list-style-type: none"> • See security above 	<ul style="list-style-type: none"> • See security above
BORDER REGIME	<ul style="list-style-type: none"> • Palestinians must ensure control over their own border regime. 	<ul style="list-style-type: none"> • Border regime will depend greatly on the security and economic regimes agreed. The preference from the perspective of many files is a more open border regime.
CIVIL AVIATION	<ul style="list-style-type: none"> • Must comply with Chicago Convention and the 1944 International Air Services Transit Agreement. Palestine will have control of its air traffic. 	<ul style="list-style-type: none"> • Possible joint air traffic control.
ELECTROMAGNETIC SPHERE	<ul style="list-style-type: none"> • Palestine will have sovereignty and control over the Electromagnetic Sphere (“EMS”) covering OPT/Palestine as this is an essential and non-negotiable element of sovereignty. Any 	<ul style="list-style-type: none"> • Very little room to negotiate limited frequency use by Israel for security purposes. Palestine will consider Israel’s requests and allocate the necessary

	interference re: frequencies will be dealt with at the International Telecommunications Union	frequencies (which will be time limited). Any use will be charged at commercial rates and/or exchanged for use of Israel's EMS.
OTHER AREAS OF STATE TO STATE RELATIONS	<ul style="list-style-type: none"> Please see State-to-State Memorandum 	<ul style="list-style-type: none"> Flexibility is required in negotiations with respect to tourism, religious sites, archaeological artifacts, monetary affairs, etc.
PRISONERS AND DETAINEES	<ul style="list-style-type: none"> Release of all Palestinian detainees and prisoners immediately. 	<ul style="list-style-type: none">
IMPLEMENTATION MATTERS		
TRANSITIONAL ARRANGEMENTS	<ul style="list-style-type: none"> Israel shall continue to provide services to the Palestinian population consistent with its obligations under international law until the end of occupation. Palestinian Jerusalemites shall receive Palestinian citizenship once Palestine takes control of the area they reside in, and upon full implementation of the Treaty. All rights and monetary and other benefits accrued under Israel shall be preserved. 	<ul style="list-style-type: none">
INFRASTRUCTURE	<ul style="list-style-type: none"> Palestine shall have all right, title, interest and control to all water, sewage, electricity and communications installations and equipment in Palestinian territory. 	<ul style="list-style-type: none">
INTERNATIONAL ENDORSEMENT AND	<ul style="list-style-type: none"> Endorsement of the agreement by the United Nations Security Council 	<ul style="list-style-type: none"> The precise role and composition of the presence can be agreed in many

<p>SUPERVISION</p>	<ul style="list-style-type: none"> • International monitoring, verification and supervision needed of most elements of both FAPS and CAPS. • All international involvement must be coordinated and agreed. • Guarantees should be built in to the mechanism to ensure Israeli implementation of the agreements, and guard against another Oslo situation. • An independent commission(s) must be established for dealing with claims by both refugees and those Palestinians who suffered losses due to Israel's occupation. Details can be set in Treaty. 	<p>permutations. Core point is that the presence monitors and guarantees compliance with and implementation of the agreements.</p> <ul style="list-style-type: none"> • Similarly, details of the independent commission(s) can be agreed in the CAPS, but Israel's agreement to their establishment must be secured in the FAPS.
<p>SETTLEMENT OF DISPUTES</p>	<ul style="list-style-type: none"> • Palestine seeks robust mechanism for settlement of any disputes arising from interpretation and implementation of the FAPS or the Treaty. • Decisions made in this process must be binding and enforceable. 	<ul style="list-style-type: none"> •
<p>FINAL CLAUSES</p>	<ul style="list-style-type: none"> • Israel must not initiate or take any steps that will change the status of the West Bank, including Jerusalem, and the Gaza Strip or violate international law. • All interim or other agreements between the PLO and Israel shall remain in effect until the signature of the CAPS, insofar as they do not contradict the FAPS. • Parties shall share maps data and other 	<ul style="list-style-type: none"> •

	information relevant to the negotiations.	
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