

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”)]¹:

Reiterating their commitment to the United Nations Security Council Resolutions 242 and 338 and confirming ~~that the FAPS provides the mechanism for the implementation of these resolutions that the negotiations on the permanent status will lead to the implementation of UNSCRs 242 and 338;~~

[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;

¹ Check list of items and provisions to be addressed separately:

- ◆ [I: Immediately after the conclusion of the CAPS, the State of Palestine shall be established based on and realizing the legitimate right of the entire Palestinian people for self-determination – addressed separately].
- ◆ [I: Upon the establishment of Palestine, the PLO shall change its title, charter, and operational objectives to reflect the requisites of the new era of peace.]
- ◆ Article on succession / transition from Interim arrangements to Permanent Status.
- ◆ [I: ... and pursuant to the agreements concluded thereafter and the letters exchanged between Israel and the PLO since then]
- ◆ Steering and monitoring Committee
- ◆ [I: Upon the establishment of Palestine, the negotiations aimed at solving the Palestinian Refugee problem shall continue with the legitimate representative of the Palestinian people, which will succeed the PLO.]
- ◆ [I: Palestine shall supersede the PA, assuming all its undertakings and obligations including those of the PLO concluded for the benefit of the Council under Article IX-5b of the Interim Agreement [can be addressed separately an article that covers the FAPS]. [P: Palestine is committed to abide by previously signed agreements between PA or PLO and Israel].
- ◆ Border regime.

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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;

[I: Viewing the FAPS as providing the basis for the resolution of the Israeli-Palestinian conflict]

[P: Reaffirming their determination to put an end to decades of confrontation, to live in peaceful coexistence, mutual dignity and security, and to inaugurate a new era of reconciliation and peace.

[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:

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. [I: 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. [I: 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 a 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] [P: The Permanent Status Agreement shall form an integral whole. Its implementation shall constitute a complete resolution of the Permanent Status issues.].

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. [P: Relations between Palestine and Israel shall be based upon the provisions of the Charter of the United Nations, the principles set out in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, and other principles of international law governing relations among States in times of peace.]
- ~~7~~.8. Israel and Palestine shall establish full diplomatic [P: and consular] relations.
- ~~8~~.9. [I: Based on political and security separation], relations between Israel and Palestine shall be founded on peaceful coexistence.
- ~~9~~.10. [I: Israel and Palestine shall conclude subsequent agreements on issues of mutual interest and common concern.
- ~~10~~.11. The legislative bodies of Israel and Palestine shall develop programs for cooperation and coordination.] [P: Israel and Palestine shall conclude subsequent agreements and shall develop programs for cooperation and coordination on issues of mutual interest and common concern].
- ~~11~~.12. Israel and Palestine shall develop a [I: comprehensive] cooperation program along their [agreed] international border.
- ~~12~~.13. Israel and Palestine shall encourage cooperation among their civil societies, and local authorities.
14. 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 the agreement of the other party.
15. The Parties will respect the [P: legitimate and lawful] interests of each other in their international relations.
- ~~15~~.16. 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~~.17. [P: Without prejudice to the sovereign rights of Palestine and Israel, and with due regard to international human rights and humanitarian law] **Israel and Palestine shall create the appropriate atmosphere for lasting peace by promulgating laws to put an end to incitement for terror [I: and violence].**

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

Article 5 - Security Related Matters in Permanent Status

General

19. [I: 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.] [P: Each of the Parties recognizes the other's right to live in peace, free of the threat of war and to maintain the security of its territory].
- ~~19.20.~~ 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 [I: control] [P: command].
- ~~20.21.~~ Israel and Palestine shall fight violence and terrorism both unilaterally and jointly through co-ordination and co-operation [I: and complementary legislative and punitive measures].
22. Israel and Palestine [I: shall] [P: may] establish a Border Security Regime along [I: their borders] [P: the Israeli-Palestinian borders], with the aim of enforcing the rule of law and regulating cross-border movement.²
- ~~22.~~[I: Planning and zoning limitations in agreed areas aimed at minimizing friction shall be agreed upon.]

² All provisions related to the border regime shall be integrated in one article.

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23. Article 6 - Release of Prisoners [P: and detainees]
- ~~23-24.~~ [P: The Government of Israel shall release all Palestinian and other security prisoners and detainees immediately upon the conclusion of the FAPS.]
- ~~24-25.~~ [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.]
- ~~25-26.~~ Phase one of the release of prisoners shall comprise of the majority of Palestinian prisoners who are members of the organizations who publicly support the peace process. Phase two of the release of prisoners shall include all remaining prisoners except for those who oppose the peace process or pose a security threat.
- ~~26-27.~~ The lists of the prisoners for release shall be agreed upon by the Joint Committee and shall be recommended to the relevant Authorities.]

Article 7 — Refugees [See attached paper on the Palestinian position. the text below is not reflective of the Palestinian position]

~~27-28.~~ [P: Israel recognizes] [I: Recognizing] the suffering of the Palestinian refugees [I: due to] [P: caused by] the 1948 War and [P: Israeli-Palestinian Conflict] and the need for a just, humane, political, [I: and realistic] solution to their plight based upon UNSCR 242 [P: and the international law that will lead to the implementation of UNGAR 194] in the context of putting an end to the Israeli-Palestinian conflict;

~~28-29.~~ [I: Sharing a historical commitment for the final resolution of the Palestinian refugeeism in all its legal and practical aspects, The Parties, together with the Arab States and the international community, should work together to alleviate the suffering due to the 1948 Arab-Israeli War.]

~~29-30.~~ [I: Israel, in its recognition of the need to achieve a just, humane, political, and realistic solution to the Palestinian refugee problem and to put an end to their suffering as a result the 1948 Arab-Israeli War, shall, as a matter of its sovereign discretion, facilitate phased entry of [XX] Palestinian Refugees to its territories on humanitarian grounds. These refugees shall be reunited with their families in their present place of residence in Israel, accept Israeli citizenship and waive their legal status as refugees.]

~~30-31.~~ The Parties agree to the establishment of an International Commission (Commission). The Commission shall consist of Israel, the PLO / Palestine, the Host Countries (Jordan, Syria, Lebanon, and Egypt), the United Nations, the United States, Canada, the European Union, Japan, the Russian Federation and Norway.

~~31-32.~~ [P: The Commission shall prepare a special Form that will be filled by each Palestinian refugee. The [Commission] [I: Parties] shall determine the format and content of the Form aiming to provide the Commission with the answer as to whether the refugee, subject to the provisions of this article, wishes to:

One. return to their homes in Israel with compensation;

Two. return to Palestine with compensation;

Three. remain in his current place of residence with compensation; or

Four. move to a third country with compensation;]

~~32-33.~~ Every Palestinian refugee [household], for the purpose of compensation for its property [P: and losses], may attach its entire 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.]

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- ~~33~~.34. An International Fund (Fund) shall be established and supervised by the Commission and the World Bank. The Commission and the World Bank will determine the financial institution that will administer the resources pertaining to the rehabilitation of and compensation to Palestinian refugees. The Fund shall verify and evaluate all claims based on criteria, timeline, and procedures to be agreed in the CAPS.
- ~~34~~.35. 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] [P: by the resources accumulated] by the Custodian of the Palestinian Absentee Property in Israel].
- ~~35~~.36. [The transfer of compensation to every claimant shall be conditioned on his waiver of further proprietary claims.]
- ~~36~~.37. [I: The Funds for rehabilitation [P: and for the suffering] of the refugees shall be allocated based on the following principles:
- One. The rehabilitation funds shall be allocated to the Host Countries and to the individual refugees based on agreed Programs which will be prepared for each of the Host Countries with the aim of enabling the refugee to rebuild his life and the life of his family;
 - Two. The implementation of the Program shall be conditioned by gradual elimination of the formal and practical aspects of the refugee problem in that Host Country including the gradual withdrawal of UNRWA, the provision of full personal-legal status to all refugees, and by the settlement of the collective refugee-related claim of that Host Country;
 - Three. The Programs shall be prepared by the Fund within XX years of the conclusion of the CAPS and implemented within XX years. .???. The Fund shall also monitor their implementation and oversee their disbursement.]
- ~~37~~.38. [I: The mandate of the Fund and the Commission shall be concluded between the Parties in 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.]]
- ~~38~~.39. UNRWA records shall be the main basis for the implementation of this article. Records from other relevant sources shall be subject to the Commission's scrutiny and approval.
- ~~39~~.40. 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 [I: thus amounting to the implementation of UNGAR 194].