

## Clinton Plan for Jerusalem, 23 December 2000

### **The Clinton Plan for Jerusalem**

These experiences did not alter the determination of the Barak government to go forward with its post-Camp David diplomacy, including consideration of new American proposals for Jerusalem that were more forthcoming for the Palestinians than what was proposed at Camp David. On December 23, 2000, President Clinton met with Israeli and Palestinian negotiators in the White House and read aloud the new American plan for Jerusalem. Just like at Camp David, Clinton did not present his proposals in writing. Significantly, according to notes taken by Giddi Grinstein, who worked for Israeli negotiator Gilad Sher, the oral presentation made by Clinton was to be regarded as "the ideas of the President." And if the ideas were not accepted, Clinton stated, "they are not just off the table; they go with the President as he leaves office."<sup>34</sup> Clinton's proposals could be summarized as follows:

#### *Division of Sovereignty in Jerusalem*

The "general principle" put forward was that "Arab areas are Palestinian and Jewish areas are Israeli." This principle of assigning sovereignty was to be applied to the Old City, as well. Clinton urged both sides "to create maximal contiguity." This new Clinton proposal was even more favourable to the PLO than the earlier Camp David ideas, since it transferred Palestinian residential areas in the inner neighbourhoods around the Old City to full Palestinian sovereignty instead of just giving the Palestinians functional powers in the framework of Israeli sovereignty.

#### *Temple Mount*

The Clinton proposals contained several alternative solutions for the Temple Mount:

1. Palestinian sovereignty over the Temple Mount and Israeli sovereignty over the Western Wall "and the space sacred to Judaism of which it is a part," or Israeli sovereignty over the Western Wall "and the Holy of Holies of which it is a part." This proposal would also contain a firm commitment by both sides not to excavate beneath the Temple Mount or behind the Western Wall.
2. Palestinian sovereignty over the Temple Mount and Israeli sovereignty over the Western Wall and "shared functional sovereignty over the issue of excavation," requiring the mutual consent of the parties before any excavation could take place. This second alternative eliminates the idea of Israeli subterranean sovereignty on the Temple Mount that was advanced at Camp David.

Clinton's final summary of his Jerusalem proposal was presented publicly in his parting address to the Israel Policy Forum on January 7, 2001: "First, Jerusalem shall be an open and undivided city, with assured freedom of access and worship for all. It should encompass the internationally recognized capitals of two states, Israel and Palestine. Second, what is Arab should be Palestinian, for why would Israel want to govern, in perpetuity, the lives of hundreds and thousands of Palestinians? Third, what is Jewish should be Israeli. That would give rise to a Jewish Jerusalem larger and more vibrant than any in history."

Neither Israel nor the Palestinians fully accepted the Clinton Plan; indeed, the Palestinian position was closer to outright rejection. The Israeli cabinet conditioned its acceptance of the proposals upon their acceptance by the PLO; moreover, the Israeli government prepared a list of reservations regarding the details of the Clinton Plan. No less significant was the reaction of the heads of Israel's security establishment. The Chief of Staff of the Israel Defence Forces, Lt. General Shaul Mofaz, severely criticized the Clinton Plan as a virtual disaster for Israel, before the Israeli cabinet: "The Clinton bridging proposal is inconsistent with Israel's security interests

and, if it will be accepted, it will threaten the security of the state."<sup>35</sup> With respect to its Jerusalem component, Mofaz added: "The proposed plan will turn Jewish neighbourhoods in Jerusalem into enclaves within Palestinian sovereignty that will be difficult to defend."<sup>36</sup> Avi Dichter, the head of Israel's General Security Services (GSS), was concerned about how the Clinton Plan would address the problem of terrorism in light of the situation that had emerged whereby Palestinian security services, that were supposed to fight terrorism, were now engaged in terrorism themselves.

The Palestinians had their own forceful argumentation against the Clinton Plan that they presented in the form of a letter from Arafat to Clinton:

We seek, through this letter, to explain why *the latest American proposals, that were presented without any clarifications, do not meet the required conditions for a lasting peace*. In their present form, the American proposals may lead to the following: 1) partitioning the Palestinian state into three different cantons connected by roads either for Jews only or for Arab [sic] only. These roads will also divide the cantons which may jeopardize the viability of this state; 2) *partitioning Palestinian Jerusalem into several islands detached from one another as well as from the Palestinian state* [emphasis added]; 3) forcing the Palestinians to concede the refugees' right of return.<sup>37</sup>

The Palestinian critique of the Clinton Plan included the formulae proposed for the Temple Mount: "it seems that the American proposal recognizes, in essence, the Israeli sovereignty underneath the Haram (al-Sharif), since it implies that Israel has the right to excavate behind the Wall (which is the same area underneath the Haram), but it voluntarily concede [sic] this right."<sup>38</sup> Implicit in this Palestinian objection is a residual claim to the Western Wall, itself, which the PLO leadership, in fact, voiced after Camp David. Clearly, the Palestinians were concerned that Israeli sovereignty over the Wall would lead to Israeli sovereignty behind the Wall and hence subterranean Israeli sovereignty under the Temple Mount plaza. This would be consistent with the PLO claim, according to the 1930 Shaw Commission from the period of the British Mandate, that the Western Wall is an integral part of the Temple Mount.