

# The United States and the Wye Memorandum: Expanding the Definition of a Full Partner

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## Brief Analysis

On October 26, 1998, Washington Institute executive director Robert Satloff addressed the Institute's Special Policy Forum, along with Zeev Schiff and Abbas Kelidar. The following is an expanded version of his remarks. [Read a summary \(templateC05.php?CID=1878\)](#) of Mr. Schiff and Mr. Kelidar's remarks.

History will judge the Wye River Memorandum by the faithfulness with which it is executed and its role in setting the stage for Israeli-Palestinian final status negotiations. Nevertheless, that eventual reckoning should not belittle the signal achievement of U.S. diplomacy in brokering what amounts to a "land-for-security-plus-charter-revocation" accord between Israeli Prime Minister Binyamin Netanyahu and Palestinian Authority Chairman Yasir Arafat. In contrast to the original Oslo Accords, it is clear that no agreement comparable to Wye would have been reached without intensive U.S.-- and especially Presidential -- engagement. For a variety of reasons, Israel wanted Washington's role; the Palestinians welcomed it; and, most importantly, the White House was more than willing to provide it.

At the same time, a close reading of the Memorandum suggests that virtually the same level of U.S. involvement is envisioned for the execution of Wye as was required for its negotiation. Indeed, in the seven pages of the Wye Memorandum, the United States (or President Bill Clinton himself) is mentioned thirteen times, excluding the president's signature. That is more than the United States is mentioned in the 1997 Hebron Protocol and Note for the Record, the 1995 Oslo II accord, the 1993 Declaration of Principles, the 1994 Jordan-Israel Peace Treaty and the 1978 Egypt-Israel Peace Treaty combined.

> Specific U.S. roles and responsibilities in the Wye accord are as follows:

- **Further Redeployment (FRD):** The United States will be briefed regularly on the progress of the Israeli-Palestinian committee addressing the question of the third redeployment. Whether the U.S. side will do more than receive a briefing on this sensitive matter is unclear.
- **Counter-terrorism Planning:** The Palestinians will "share" their counter-terrorism work plan with the United States. Whether the United States participates in the plan's drafting or development, comments on it, or then

"shares" it with the Israelis is left unclear. The text does not suggest the work plan is ever "shared" with Israel.

- Counter-terrorism Monitoring: The United States will participate in a committee with the Palestinian side that will meet biweekly to review the Palestinian counter-terrorism effort. In these meetings, the Palestinians will "inform the U.S. fully" of their counter-terrorism actions. The text does not state what the U.S. role would be beyond reviewing and receiving information.
- Judicial Supervision: The United States will participate in a committee with the Palestinian side to "review and evaluate pertinent decisions on prosecution, punishment or other legal measures which affect the status of suspected terrorists." The text does not state whether the U.S. side would have specific powers in this regard, such as spot-checking prisons to verify incarceration. The reported text of a side-letter from U.S. Secretary of State Madeleine Albright to Netanyahu, so far not authenticated, assures Israel that "there are procedures in place to prevent unwarranted releases" and offers the specific promise that the United States would "be prepared to express our position publicly" should unwarranted releases occur. This is the only reference to the U.S. adopting a public position on any relevant item.
- Weapons Confiscation Support: The United States "agreed to assist in carrying out" the program of collection and handling of illegal weapons. The text does not state whether the United States merely gives technical advice to the Palestinians or has a role in or responsibility for the warehousing, ongoing accounting, or final disposition of these weapons. The reported U.S. side-letter adds that this "assistance" will help ensure that any retention of weapons is consistent with the Oslo Accords, suggesting that the United States will have an ongoing role in the supervision of the collected weapons. Moreover, the letter adds that Washington "plans to inform Israel periodically of the progress of the [U.S.] assistance program" -- not of the confiscation effort, per se.
- Prevention of Arms Smuggling: The United States will participate in a trilateral committee to "assist and enhance cooperation" in the prevention of smuggling of weapons and explosives. The U.S. role is not further specified.
- Anti-incitement Activities: The United States will participate in a trilateral committee to monitor and make recommendations on preventing incitement. The text outlines the professional qualifications for four commissioners that each of the parties would appoint but it does not state how this committee would function; the implication of its wording is that the committee's recommendations are not binding.
- Facilitating Security Cooperation/Dispute Resolution: The United States will participate in a "high-ranking" trilateral committee, to meet not less than biweekly, to assess current threats, deal with any impediments to security cooperation, address other counter-terrorism issues, and discuss external support for terrorism. In these meetings, the Palestinian side will "fully inform the members of the committee of the results of its investigations concerning terrorist suspects" and the sides will "exchange additional relevant information."
- Assistance to Palestinian Police: The United States has indicated a willingness to help Palestinians meet technical assistance needs for the Palestinian Police Force, in cooperation with other donors. The implication of the text is that such assistance might be needed to help the Palestinians reduce the size of their police force to levels prescribed by the Oslo II accords. The U.S. side-letter to Israel reportedly relays to Jerusalem the assurance that the U.S. side received from the Palestinians to the effect that the United States "will receive all appropriate information concerning current and former policemen as part of our assistance program."

- **Monitoring Size of Palestinian Police:** The United States is the recipient of briefings from the Monitoring and Steering Committee responsible inter alia for overseeing the reduction of the size of the Palestinian police to the limits outlined in the Oslo II accord. Whether the U.S. side has an active role in this process is unclear.
- **Witnessing the Charter Revocation:** President Clinton will attend and address a December meeting of Palestine National Council members (technically not a PNC session) in which attendees will reaffirm a January 1998 letter from Arafat to Clinton specifying those articles of the PLO Charter that have been nullified. While Clinton's presence will underscore the importance of the nullification, it will also have great symbolic meaning for the PLO, whose status as a terrorist organization has been suspended but not ended under U.S. law.
- **Monitoring Requests for Transfer (Extradition):** The United States will report to the two sides on a regular basis on the steps being taken by each side to respond to the others' requests for arrest and transfer of suspects and defendants. Interestingly, this is the one provision in the text which gives a clue as to the negotiating history -- the text states that the U.S. has been requested by the sides to undertake this responsibility.
- **Facilitating Final Status:** The United States expressed readiness to facilitate permanent status talks, which will commence immediately after the Wye accord enters into force (ten days after signing, November 2). In an agreement between Israel and the PLO, inclusion of this item is unusual, especially since it was not prefaced by wording similar to item twelve above, i.e., that the two sides had requested U.S. facilitation. Though the text does not state that the parties have taken Washington up on its offer, the record of Likud-PLO peacemaking suggests that Washington will be a full partner in those talks, in all senses of the term.

Interestingly, there is no reference in the Memorandum to a U.S. role in Israeli-Palestinian economic matters. In fact, the United States is sure to play the key role in negotiating items such as the opening of the safe passage, just as it was instrumental with the airport and the industrial zone. Similarly, the Memorandum does not mention U.S. economic assistance to ease Israel's security burden of executing the redeployment or to help improve the Palestinian economy, but proposals in this regard have already been announced by the President.

**Trigger Points:** On the surface, the U.S. role is often defined in the passive sense -- the United States will receive briefings, participate in committees, etc. However, those understated and often vague formulations do not adequately describe the influence the United States will have over the implementation of the Wye accord as its twelve week process unfolds. According to a time-line attached to the Memorandum, implementation is divided into a series of five sub-phases. In each of those phases, the parties are responsible for fulfilling aspects of their commitments. In the three middle sub-phases, the Israeli FRD requirements are at the end of the list of items to be fulfilled, suggesting that Israel waits to see whether the Palestinians fulfill their part of the bargain before redeployment takes place. (This concept of a parallel phased approach was reportedly confirmed in the U.S. side-letter to Israel.)

At every point, FRDs will only happen once the U.S. side certifies Palestinian compliance with aspects of their obligations. For example, the first tranche of FRD is linked, in part, to the functioning of the U.S.-Palestinian counter-terrorism committee; the second tranche of FRD is linked, in part, to the start of the monitoring process of the updated list of Palestinian police. Given that the entire process would grind to a halt should the United States give the Palestinians a failing grade at any time on any issue, the incentive to give a passing grade will be enormous. Should Israel and the U.S. have conflicting views on these issues, to the point that Israel refrains from its FRD obligation, a major U.S.-Israeli clash could ensue.

**Conclusion:** Without derogating from its many positive and hopeful aspects, the Wye Memorandum confirms the two

year-old trend of the Americanization of the Israeli-Palestinian peace process. For good or for ill, virtually no step will be taken in that process without some sort of U.S. participation, judgment or intervention. While all parties publicly bemoan this development, it is not clear that any fought against the tide. For the United States, the difficult challenge ahead is to fulfill the responsibilities allotted to it under Wye, regardless of the immediate near-term implications; facilitate final status talks without becoming party to those core disputes as well; and insulate its larger strategic interests -- with Israel and the wider Middle East -- from the disagreements that will inevitably emerge from the Wye format. If the past two weeks have tried American diplomacy, the coming months will be even more complex and difficult.

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