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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Kendall P. Brown to Harold Ickes [partial] (1 page)	ca. 11/1994	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Records Management
[Jordan]
OA/Box Number: 224

FOLDER TITLE:

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2008-0732-F

ke1885

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- b(1) National security classified information [(b)(1) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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RECORD ID: 9409508
RECEIVED: 30 NOV 94 16

TO: SENS

FROM: SUTTON, J

DOC DATE: 22 NOV 94
SOURCE REF:

KEYWORDS: ISRAEL

JORDAN

PERSONS: BROWN, KENDALL P

SUBJECT: BROWN CONCERNS RE ISRAEL - JORDAN PEACE TREATY

ACTION: NO FURTHER ACTION REQUIRED/ PRE DMS DUE DATE: 03 DEC 94 STATUS: C

STAFF OFFICER: SATTERFIELD

LOGREF:

FILES: WH

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RECORD ID: 9409508

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DOC 1 OF 1

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THE WHITE HOUSE
WASHINGTON

Q508

November 22, 1994

MEMORANDUM FOR ANDREW SENS

FROM: John Sutton
Office of the Chief of Staff

Attached is a self-explanatory letter to Harold Ickes from Kendall P. Brown regarding his concerns with the Israel-Jordan peace treaty. Could you please forward this correspondence to the appropriate person in NSC to draft a response for Mr. Ickes. The draft can be returned to my attention -- First Floor/West Wing.

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Dear Mr. Ickes:

Please consider the enclosed summary of the hazards that certain features of the recent Israel-Jordan peace treaty present.

President Clinton needs, for national security reasons, to especially bring the Palestinian people into a sovereign status. This will help him politically.

Even more important, although many Israeli citizens do not currently realize it, the best insurance for Israel's long-term security is an independent, decentralized, and culturally diverse Palestine, on its borders. Such a Palestinian confederation, in political and economic confederation with Israel, would provide the kind of buffer that both Israel and the U.S. need in the Middle East to provide for regional and global security.

Please consider this need to revise this treaty: President Clinton needs to have continued national security and military successes.

Sincerely,



Kendall P. Brown

P6/(b)(6)

[001]

HAZARDS OF THE PROVISIONS REGARDING
THE STATUS OF JERUSALEM IN THE
RECENT ISRAEL-JORDAN TREATY

The provision in the treaty between Israel and Jordan which allocates to Jordan "a special role as the guardian of the Muslim holy shrines in east Jerusalem" was a terrible mistake and a real set-back to the peace process in the Middle East.

Why is that ?

First, because this provision sets a precedent for the "milletization" of Palestine and the Middle East, something which the U.S. has been attempting (and rightly so) to halt and reverse during the entire post-war period.

If the states of the Middle East develop a basis in law that defines civil rights based on membership in a religious state within-a-state (the millet), then the likelihood of civil conflict and accompanying terrorism becomes a near-certainty, as members of the same culture or nation attempt to force one another into exile and to divest one another of civil rights because of religious differences.

It is against American interests for states in the Middle East (or in the Balkans, or anywhere else in the world) to be dominated by religious law and a single religious community.

Second, because this section of the treaty encourages the use of political and military force to settle religious questions. This is because, if the relations between states can define religious roles and the governance of holy places, then war and diplomacy becomes the force majeure and the ultimate method for resolutions of such questions.

Third, this treaty provision is a mistake because it encourages the use of religious dogma and zealotry as a weapon between states. This is exactly what leads to terrorism. Yet that is what the U.S. government is supposed to be and has declared that it is opposing in Palestine.

If a state can claim that its religious role is being hindered by another state, or that its services to a particular religious community can be facilitated by the use of force against another state, then states will, as they have done since time immemorial, use the claims of religious right as a justification for the prosecution of war; such claims of religious right have often been used as a justification for the sponsorship by states of terrorism.

Fourth, because this will lead to the undermining of the

peace/process between Palestine and Israel. It lowers the confidence of the Palestinians and others in the peaceful and benign intent of the government of Israel, and thus enhances the power and the popular support for Hamas and other terrorist groups, as opposed to the secular democratic Palestinian leadership.

Most egregiously of all, this provision has no equitable or legal grounding; it simply compounds the level of mistrust between the Jordanians and the Palestinians. The Palestinians, in a subtext to the Jordanian claims on the West Bank, include in their fears the very reasonable worry that Jordan will impinge on their sovereignty, as was done in 1948 by Abdallah.

The argument can be made that the extremes of Palestinian nationalist responses are in fact responses to the combined and synergistic fears of both Israel's and Jordan's designs on Palestinian lands, with only their fears of Israel brought into public display.

Fifth, this provision is a mistake because it denies the Palestinians a right to sovereignty within their native land, and imposes a trusteeship on them that is in the keeping of the government of Jordan, a trusteeship which will always be prejudicial to the political interests of the Palestinians. This prejudice arises because the political interests of Jordan and Palestine will always be at odds.

Sixth, because this type of step fosters a tolerance of neocolonialism and the formation of hegemonies, the Western powers appear to be acquiescing in the whittling away of the sovereignty of small nations.

Seventh, this provision is also prejudicial to the safe democratization and secularization of Jordan. If the crown of Hussein rests on a religious mandate, then his legitimacy can be challenged if there is any slippage in his performance as a religious leader. This type of mandate forces Hussein, ultimately, to base his legitimacy on Quranic or Shari'ah-based theories of how a state should be operated, and this step in turn legitimatizes the entire range of interest groups in the Middle East that wish to base new powers of the state on a strict Islamic rule (what might be called collective Caliphism).

Eighth, this provision abrogates the agreements between Palestine and Israel not to open discussions on the future of Jerusalem except in consultation with each other. By doing so, it both raises the likelihood of those Palestinians inclined to terrorism and provides to the Palestinians the ominous scenario of their two dominating neighbors combining to halt Palestinian selfdetermination.

The only conclusion that one can draw is that some very bad advice went to the governments of Israel, the U.S., and Jordan,

in order for those nations to place such a millstone around their/collective necks. This provision, as is explained above, does as much damage to the national interests of the U.S., Jordan, and Israel, as it does to Palestine.

For example, it was probably this provision that led to the bad feelings that denied President Clinton a visit to the Dome of the Rock. The Palestinians must have felt that, if their sovereignty in East Jerusalem would be so callously dismissed, then at least they could make access to these shrines difficult. Thus, the President was unable to visit.

In fact, the more closely one examines the inclusion of this provision into the peace treaty, the more one is forced to conclude that it is the historical allegorical equivalent of a set of depth charges that have been placed in a major international shipping channel, nobody knows where, and with an uncertain fuses and timings.

It has been argued that this provision was either encouraged or acquiesced to by the Israeli negotiators, on the theory that it would increase their leverage over Jordan, in any future relations.

This proposition, on examination, can be shown to untrustworthy. Israel needs a stable dialogue and items in trade with the Palestinians much more so than with Jordan. Yet this move enhances a minor relationship and greatly increases the level of distrust in a long-term and major relationship. The Israeli negotiators were surely aware of this.

The only conclusion one can draw is that within the policy/formulating community within Israel and within the U.S. (the prime directive parties, as Jordan has a weak hand in this matter), there are those who are dead-set against a lasting peace in the Middle East, and would instead prefer to install mechanisms by which the peace can be disrupted in the future.

The way in which this mistake can be reversed is for the U.S. and Israel to repudiate this portion of the treaty, and to describe to the public why this provision is a mistaken approach to a settlement between Israel and her neighboring peoples.

THE NEED FOR U.S. MILITARY
SUPPORT FOR THE WITHDRAWAL
OF U.N. TROOPS AND WEAPONS FROM SOMALIA

The U.S. needs to provide military cover and support for the withdrawal of U.N. military forces from Somalia. This especially includes providing assurance that the U.N. does not leave any weapons behind, or anything that would be of use in a military way to either Mohammed Farid Aidid or to any of the other Somali warlords.

The U.S. could easily do this by placing close air support winged aircraft in the area. A logical base for such aircraft could be Somaliland, or Ethiopia, or Djibouti. Intermediate air bases could be maintained as exclusion zones, within southern and western Somalia.

This could also be done by stationing Marine basing warships along the Somali coast, and maintaining an exclusion zone within the principal Somali ports, including Kisimayu, Berbera, and Mogadishu. Within these exclusion zones, the U.N. could establish a protectorate, for instance, under U.S. supervision, with U.N.-chartered utilities, banks, and mercantile companies carrying out service, commercial, and banking activities. These would be under the protection of an adjacent U.S. naval base, and within a high-technology fortified perimeter.

The U.S. must now recognize the independence and sovereignty of Somaliland, and recognize that the remnant of Somalia will have to be partitioned into units that can be administered by the indigenous peoples, with western and southern Somalia given substantial sovereignty, and eastern Somalia, including Mogadishu placed in a special mandate status.

The error of U.S. policy in the past has been an unwillingness of the U.S. to see through to completion a stabilizing partition of Somalia, and an unwillingness to recognize the independence of Somaliland. The U.S. and the U.N. have also attempted to impose a centralized state on Somalia, which is not a practical solution (as history has shown).

THE NEED FOR COMPREHENSIVE U.S.
HUMAN RIGHTS MONITORS
IN BURUNDI

There is an urgent need for the U.S. to now provide human rights monitors in Burundi. The situation is very perilous. The remnants of the former Rwandan army and government, now in exile, are increasing the level of violence in Burundi.

The U.N. has not placed a large force of human rights monitors in Burundi, making it appear as if the fiasco of the U.N.'s willing failure of performance in Rwanda is about to be repeated in Burundi.

There should be a least several hundred U.N. human rights and police monitors in Burundi. America should participate in this U.N. force and should send in an equivalent force to provide its own independent monitoring of both the behavior of the U.N. and of the events in Burundi.

The U.S. should also be loaning military bomb-defusing and bomb-response units to both Rwanda and to Burundi, in order to assist with the removal of land mines and unexploded shells and other ordnance that has been scattered in farms, towns, and school grounds in the last two years in those two countries.