Not for Circulation

TALKING POINTS

Prospects for Negotiations - Israel

- Palestinians remain committed to negotiations, but to talk of negotiations in the absence of an explicit endorsement of the two-state solution by Benjamin Netanyahu is putting the cart before the horse.

- Prime Minister Netanyahu first needs to send a clear message of intent in terms of Israel’s involvement in negotiations. That means unequivocally affirming Israel’s support for the two-state solution and the establishment of a viable, independent and fully sovereign Palestinian state based on 1967 borders, with East Jerusalem as its capital.
  - The establishment of a viable and fully sovereign Palestinian state forms the cornerstone of the two-state solution, with its vision of two states living side by side in peace and security.
  - It also embodies the principle of ‘land for peace’ on which the entire Middle East peace process was built.
  - Negotiations for their own sake, without a clearly defined end goal, offer only the promise of more process, not progress.

- Words however are not enough. If there is one lesson that the last fifteen years of negotiations has taught us, it is that words are no substitute for actions.

- In particular, throughout negotiations Israel has continued to create ‘facts on the ground’ that erode the viability of the two-state solution and diminish prospects for a negotiated settlement based on the vision of two states living side by side in peace and security.

- Israel must abide by existing agreements, which means that it must implement its obligations under those agreements. By failing to implement its obligations, Israel has undermined the very credibility of the Middle East peace process.

- To restore credibility to the peace process, to restore confidence in negotiations, and to give hope to Palestinians, Israel must:

  1. SETTLEMENT FREEZE: Implement an immediate and complete freeze on all settlement activity, including all natural growth and the construction of Israel’s Wall.
     - Without a settlement freeze, there will be no viable two-state solution left to speak of.

  2. ACCESS AND MOVEMENT: Lift its regime of internal closures and restore normal movement for Palestinian goods and people in and out of, as well as within, the occupied Palestinian territory.
• Israeli settlements, checkpoints, roadblocks, permits, and Israel’s Wall, fragment the occupied Palestinian territory, restrict Palestinian movement, and have brought Palestinian life and the Palestinian economy to a virtual standstill.

3. GAZA: Ending its siege on Gaza – which continues to deepen the humanitarian crisis facing all Gazans
• This includes immediately reopening Gaza's borders, especially for much needed humanitarian aid and materials needed for reconstruction.

• These are not Palestinian preconditions for negotiations, but Israeli obligations that must be met if we are to salvage the peace process and make genuine progress.

On Prospects for Negotiations – US

• Palestinians are encouraged by President Obama’s early involvement in the Middle East peace process, and by his initial statements on the need for a halt to all settlement activities.

• The Obama Administration clearly understands that solving the Palestinian-Israeli conflict is in the national interests of the US.

• The US has an important role to play as an honest broker that creates a level playing field between Palestinians and Israelis. This includes holding both parties accountable for their respective obligations under existing agreements.

• What we need to see now are concrete actions on the ground from Israel in compliance with its obligations. Not just the removal of a few outposts here and there, but a comprehensive freeze on all settlement activity, including all natural growth.

Prospects for Negotiations - Palestinians

• Palestinians remain committed to a negotiated settlement as the only way to end decades of occupation and conflict.

• During the past twenty years, we have responded positively and in good faith to calls from the US and the international community to engage in negotiations with the objective of achieving two states living side by side in peace and security. Yet during all those years of negotiations, we have continued to see conditions on the ground rapidly deteriorate for Palestinians.

• A just and lasting solution to the Palestinian-Israeli conflict hinges on Israel ending its occupation and the establishment of an independent, viable and sovereign Palestinian
state based on 1967 borders, with East Jerusalem as its capital. This is consistent with international law, numerous UN Resolutions and existing agreements between Israel and the PLO, including the Road Map.

- Palestinians define this goal – full sovereignty – using the standards that the rest of the world has defined for us. Palestinians want the **same rights and responsibilities** enjoyed by other states, no more and no less. That means **full sovereignty** with all its attributes, including full control of our airspace, maritime space, territory, borders, water, electromagnetic sphere and other resources.

- Any proposal that merely consolidates illegal, unilaterally imposed facts on the ground created by Israel, would necessarily contradict both our basic rights and fundamental interests. The Palestinian people cannot be expected to **acquiesce** to a slightly improved version of the occupation repackaged as a “state.”

### The Arab Peace Initiative (API)

- The API offers a **unique opportunity** to move the Middle East peace process forward, one that complements America’s drive for a comprehensive regional peace. It is an opportunity that Israel has so far squandered.

- The API provides a framework for achieving a **comprehensive regional peace** not just between Israel and Palestinians, but between Israel and 57 Arab and Islamic states.

- The API offers Israel full normalization with 57 Arab and Muslim states in return for an end to Israel's occupation of Arab lands and a just and agreed-upon solution for Palestinian refugees.

- The API does not dictate one particular outcome for permanent status. Its terms allow sufficient **flexibility** for both parties to reach an outcome which meets their own interests. It lays out a fair set of standards as the basis for a comprehensive peace.

### Palestinian Obligations under existing agreements

- Palestinians have made **great progress** in fulfilling their obligations under existing agreements in spite of the limitations we face under occupation.

- Police have been deployed in major towns and cities and efforts have been exerted to restore law and order. We have continued to strengthen the institutions of state, with significant advances in the areas of financial and security sector reform. And initiatives have been created to encourage private sector investment and overall economic growth.

- The progress we have made **cannot continue to exist in a vacuum**. Israel’s failure to fulfill its obligations under existing agreements has not only undermined the very
credibility of the peace process, but created an environment of **cynicism and despair** that fosters **internal Palestinian divisions**, while undermining the voices of those committed to negotiations and reconciliation.

**Reasons for a Settlement Freeze**

- Israeli settlements are **illegal** under international law. They are also **incompatible** with the principle of “land for peace” on which the Middle East peace process is built.

- Israel’s continued settlement activity undermines the very **viability** of the two-state solution, by taking land and natural resources away from Palestinians.

- By building settlements, Israel is attempting to **prejudice** the outcome of permanent status negotiations. The aim and effect of Israel’s settlement enterprise is to artificially alter the status of the occupied Palestinian territory (oPt), both physically and demographically, to prevent its return to Palestinians.

- Israeli settlements, and the infrastructure that supports them like settler only roads, lead to the **fragmentation** of the occupied Palestinian territory, and further restrict Palestinian freedom of movement, impeding social and economic development and stifling regional and national trade.

- The presence of Israeli settlements and settlers foments **instability and violence**.

- The dismantlement of settlement outposts and a return to the situation that existed before September 28th is part of the Mitchell Report as well as the Road Map.

**East Jerusalem**

- Without East Jerusalem as its capital, there can be **no Palestinian state**.

- Israel’s actions in East Jerusalem are undermining the **prospects** of a two-state solution. International law and previous agreements call on Israel to refrain from any action that prejudices the status of Jerusalem before a final status agreement.

- Jerusalem must become the capital of **two states**. Yet according to comments made by Netanyahu last week, it is obvious he has no plans to end Israel’s illegal occupation of East Jerusalem.

- Home demolitions, settlement activity, and the destruction of Arab neighborhoods serve to unilaterally take Jerusalem off of the negotiating table, eroding the prospects of peace.
On Economic Development/Economic Peace

- Economic development is a right to which Palestinians are entitled, but which we are denied as a direct result of Israel’s occupation. ‘Economic peace’ is a slogan fashioned by PM Netanyahu to suit his own ends.

- According to the Quartet envoy Tony Blair himself, Israel’s regime of checkpoints, roadblocks, permits, settlements and the construction of Israel’s Wall - which fragment the occupied Palestinian territory into isolated cantons and strangle all freedom of movement for goods and people - remains the major obstacle to economic development for Palestinians.

- The key to Palestinian economic growth lies in open borders and freedom of movement.
  - Without a political settlement, meaning an end to Israel’s occupation and the establishment of an independent and viable Palestinian state, efforts at economic development for Palestinians will be piecemeal and insufficient.

On Security

- In practice, Israel has used security as a pretense to prolong the occupation, while the measures Israel adopts in the name of security translate into the further repression of Palestinian rights and basic freedoms.

- Israel’s security is not served by continuing the occupation or by denying Palestinians their basic rights. Nor is it served by undermining security for Palestinians, the full horror of which was brought into sharp focus during Israel’s recent devastating military assault on Gaza.

- An end to the Israeli occupation and peace based on the Arab Peace Initiative is the best assurance for achieving security.

On recognition of a “Jewish State”

- The demand that Palestinians first recognize Israel as a Jewish State before negotiations can commence is an admission by PM Netanyahu that he cannot deliver on peace.
  - The PLO has already recognized the state of Israel. PM Netanyahu refuses to even endorse the two-state solution.

- The precondition that Israel be recognized as a Jewish State is not included in any previous agreements signed between Israel and the PLO, has never been part of any previous peace treaties signed between Israel and other Arab states, and does not conform to the standards of international law, UN practice or state practice when it comes to the recognition of states.
• PM Netanyahu’s new ‘condition’ serves no other purpose than to **stall progress** towards negotiations, and to save his government from having to deal with the **real issues**, namely Israel's refusal to end its occupation, to freeze all settlement activity, to lift restrictions on Palestinian movement, and to unequivocally support the two-state solution

**Palestinian Rejection of ‘Generous Offer’**

• Like Ehud Barak when he was Prime Minister at the Camp David summit in July 2000, Prime Minister Olmert based his claim of having made a generous offer on the **percentage of land** he proposed to give back to Palestinians.

• Using percentages of land to favorably characterize Israeli negotiating positions is a tactic that Israel frequently employs. It is **misleading** for three reasons.
  1. The percentages Israel puts forward are based on calculations that exclude both East Jerusalem and the No Man’s Land from the total land mass of the West Bank. Both East Jerusalem and the No Man’s Land are part of the occupied West Bank, meaning that Israel’s percentages are inaccurate according to the internationally accepted baseline (the June 1967 Green Line).
  2. No matter what percentages of land are involved, any offer that excludes occupied East Jerusalem can never be accepted by Palestinians. East Jerusalem is the heart of Palestinian economic and social life, and without East Jerusalem as its capital, there can be no viable Palestinian state.
  3. A viable, independent and fully sovereign Palestinian state rests on more than the percentage of territory it controls. The attributes of sovereignty include full control of our airspace, maritime space, territory, borders, water, electromagnetic sphere and other resources.

• The ‘package offer’ then PM Olmert proposed to President Abbas during Annapolis, was communicated verbally, with nothing committed to paper and no supporting documents or maps.

• In terms of the territory to be annexed, PM Olmert not only sought to annex the built-up areas of the main Israeli settlement blocs in the West Bank, but demanded the transfer of vast adjoining land to be used for their later expansion.

• Olmert’s offer did not deal with the status of Jerusalem, but sought to defer it to future negotiations.

• Olmert’s offer made no mention of security arrangements.

• PM Olmert refused to recognize either the principle of the right of return as outlined in UNGA Resolution 194, or Israel’s moral and legal responsibility regarding the plight of Palestinian refugees.
• PM Olmert’s proposal deviated little from facts on the ground already created by Israel, while failing to address all permanent status issues. It fell far short of the basic parameters for a just and lasting solution to the Palestinian-Israeli conflict consistent with international law and numerous UN Resolutions.

• In short, PM Olmert sought to legitimize the status quo of Israel’s military occupation and control, but with Palestinian consent.

• No Palestinian leader can accept a proposal that fails to address or satisfactorily resolve all permanent status issues, and no Palestinian leader can or will negotiate away the rights accorded to Palestinians under international law, including freedom from foreign occupation and the right to self-determination.