

Meeting Minutes
Saeb Erakat – David Hale
September 16 2009 9:00am
NAD – Jericho

Palestinian:

Dr Saeb Erakat (SE)
Issa Kassissieh (IK)
Rami Dajani (RD)

US:

David Hale (DH)
Mara Rudman (MR)

DH: Mitchell (along with Dan Shapiro) is now meeting with BN. Jonathan Schwartz couldn't come today. We're here to discuss the trilateral meeting to relaunch negotiations on the 2 state outcome. That session will not be long. Afterwards the president will make a statement. Today we should discuss issues to enable the meeting to take place. The package is essential – I am well aware you have misgivings regarding the quality of the package with Israel, but we will not be able to meet all expectations of all parties. In the aggregate, however, it's a good package. Our understanding is there will be language on Jerusalem in the president's statement, and a reference to 67 territory.

SE: What is the US understanding of a settlement freeze – as stated in the Road Map. Your Road Map.

DH: A freeze is a flexible concept – every Israeli official has a different concept of it. For the President it means an end to all settlement activity – and he will say this. His position is that the settlements are illegitimate, and we've been working to bring an end to construction that is credible and that the Israelis are willing to do.

SE: [notes the exclusions as stated by BN] For your information this will mean more settlement construction in 2009 than in 2008. This is the biggest game of deceit since 67. I am not saying this to undermine you – I am satisfied with your answer that a freeze means the end to all construction. You know BN stated these exclusions at the very beginning. I am not here to score points, just to explain my position. So I want to ask you questions to clarify your position in order to decide about the trilateral.

DH: You are prejudging the package based on what you hear in the Israeli media.

SE: Not media. Based on what Israeli officials are saying, and what BN said in the Knesset. I told the Arabs that it is not a US position, but Israel's. But, if this is in fact a deal ... it took us 4 years to rebuild our image – we will not allow him to destroy us, like he did in 96 to 99 – do you remember?

MR: I was working for the administration then.

SE: I simply can't ask less of BN than Livni did [SE discusses Kadima position and forming a coalition that excludes Jerusalem]. If this is the package, it's a no go. It's about credibility. You had three options: you convince BN, he convinces you, or you maintain a disagreement – it seems he convinced you.

DH: You're reacting to something that does not yet exist. Many things get said in the media. We intend to have a freeze – an end to activity. This is significant; no other president has invested so much and done so much on that before. If there is no meeting, there will be no freeze, so all our work will be wasted. And all the other elements will not be there. No one will get what they want. We said an explicit reference to Jerusalem and 67 territory. Will these change the equation?

SE: I need to clarify things first. What do you mean by “public construction”?

DH: We've discussed every angle, but there is no agreement yet.

MR: You're relying on public statements ...

SE: Last night GM told AM this is the best he could get. After several months of meetings with the Israelis. You need to give me a report. Instead you say a meeting on the 22nd – next Wednesday. You never discussed with me.

DH: We have not reached an agreement so there is nothing I can tell you.

SE: When can I find out? If it turns out these are the exclusions, it's a no go.

DH: Regardless of other elements?

SE: You spent 8 months with the Israelis – no time with me. We at least need to spend some time to build a political framework. You don't know what the framework will be. Maybe you don't have a plan. If you do you have to lay it out. I have to answer to Fatah and the PLO executive committees about this today. The Arabs are calling, asking about the press reports. I was on the phone till 2am with them. I said GM did not say anything – that these are Israeli positions. The meeting you propose is on the 22nd. In the past we would have a statement ready.

DH: This is a different president and a different approach – we won't negotiate letters of invitation or ToRs ...

SE: But he will make a statement ... ? on settlement freeze, if it's not a total freeze, it's a no-go. I know Israel. They will offer a state with provisional borders on 42% of the WB. Peres is trying to convince BN to make it 55%.. Do you think Uzi Arad will sit with me and discuss Jerusalem?! I've been through this –Rice threw me out of her office once.

We had Frazier and monitoring – and it was the same as always. This time let me make myself clear: We will not compromise on our people. We held the Fatah conference, we've carried out security reform – one authority one gun, rule of law – we've rebuilt the PA. This is the time for clarity. If BO cannot stop BN for 9 months while we negotiate, why would we negotiate 67 or Jerusalem?

DH: Our whole approach is based on the freeze ...

SE: Once they present it in the Knesset it is reliable ...

DH: I don't agree.

SE: Do you deny the statements in the Knesset?

MR: We're not done yet.

SE: These are statements not comments. I need information from you in order to make decisions. Information is the basis of our decisions.

DH: The package will not be 100% of what you want or we want. But we did what is required.

MR: Also you haven't done a 100% ...

SE: We have carried out our obligations. Ask your generals and the Israelis.

MR: There's the issue of incitement.

SE: We have asked for the convening of the trilateral committee on incitement. We have done our work – there are many things we would like to ask the Israelis about.

MR: But it's not complete.

SE: When will we know about the package? Before the 22nd? Is today the last meeting with BN?

DH: It's the last scheduled meeting. We can't predict.

SE: The package was submitted to the Knesset by BN yesterday. I told the Arabs it's Israel's package not the US. It's in Haaretz. Some of them believe me, others don't. I have more questions: regarding the trilateral, what is the agenda? The outcome? Why not have bilaterals instead?

DH: There are some important issues that need to be discussed prior to the 22nd, but there are others that do not. They can be discussed between the 22nd and mid-October. The outcome is that the president will emerge from the meeting with the two leaders and

he will make comments to the press (alone but in their presence). It will be straightforward and simple, it won't break new ground, it will state key pertinent aspects and to the extent necessary previous agreements. He will announce a package that enables us to relaunch negotiations to end the conflict. He will also announce the intention to meet in Egypt towards the end of October. He will say a "contiguous, viable, democratic state of Palestine living side by side – you know the formula – with the Jewish state of Israel.

RD: You said "Jewish"?

DH: Yes.

SE: Will he mention the core issues?

DH: To compensate for less than 100% freeze, maybe he will mention the core issues.

SE: We told Mitchell, we need recognition by the US of Palestinian state on 67 borders. You have the meeting with Rice on July 30 2008. She told me she wrote an 11 page memo on this. So what we need is consistency in the statement of Obama, according to the Road Map – ending the occupation that started in 67 – so recognition of Palestinian state on 67 border with swaps agreed between the parties and incremental steps, third party. We said this to Mitchell. He said he will use Road Map language.

MR: In the Annapolis statement you didn't get the core issues, so this is giving you more. We would like to be able to mention all core issues ...

DH: There will be reference to 2 states, a reference to West Bank territory – will that satisfy or compensate for the gaps?

SE: How can I? I am just asking you to state your own position – US policy and international law!

RD: [explains that reference to "territory" is not an acceptable alternative to "border" and illustrates with reference to state with provisional borders]

DH: we are trying to make a distinction between describing the principal goals (67 territory) and defining the outcome of negotiations. We want to say it in such a way that it doesn't impose an outcome.

MR: We can look at previous language for ToRs.

RD: The ToRs and the end game in Annapolis were not clearly defined which led to open-ended negotiations and stalling by Israel. Defining the ToRs is not imposing an outcome and it needs to be done at the outset for negotiations to be meaningful.

SE: I know BN and how he works. You're saying the outcome is more or less the Road Map. The formula I need is 1967 borders with agreed swaps, third party and incremental steps. Anything less is meaningless after all the way we have come. After the Cairo speech, Obama comes and says what Bush said! How do you sell that? I need to stay the course with my people.

DH: Let me elaborate: in addition to mentioning PS issues, 242, 338, the territory formula, lasting peace, mutual recognition, freedom from incitement and terror, respect for the principle of not prejudging outcome – that unilateral actions will not prejudice the outcome – the President will make clear that the US will have an active and sustained role ...

SE: At the level of Mitchell?

DH: Yes but he won't say that in the speech. The US will be involved actively but may not be there in the room at all times.

MR: On Gaza, he will make an overall reference to the challenges facing all parties as a result of what happened. He will allude to the Quartet principles and Hamas in the manner he did in the Cairo speech. He will refer to the problem of smuggling and he will mention Shalit.

SE: What about Palestinian prisoners? 9000 and their families? To balance Shalit. Believe me I want Shalit to go home, but as balance and humanitarian issue.

DH: He won't address that. He will talk about comprehensive peace- the regional initiative. He will mention the API and say it has constructive elements.

RD: So short of endorsing it?

DH: He will not endorse it. He will make a brief reference to the multilaterals – since it's premature. We will wait once there is traction in the bilateral. He will say "relaunch" negotiations ...

SE: Why not "resume negotiations from where the parties left off"?

DH: We prefer "relaunch" since there was no agreement – nothing is agreed until everything is agreed.

SE: There is a detailed record of our negotiations. The US administration kept it – it is perhaps our only achievement with the Bush administration. And so much for Obama and rapprochement ... there is not a new word! Give me something at least to save face!

DH: There is a lot of new stuff. The settlement freeze – new language; it is not the old formulas... we can use the period leading to October meeting to prepare

SE: We should not go into this thing leading to October without knowing what we will negotiate about. When can you tell me about the package?

DH: Hopefully soon.

SE: What about incentives on Jerusalem? Just mentioning it? It's already in Oslo. So now I need to pay a price to have it mentioned!? What about real incentives. There are families sleeping on the street, kicked out of their homes, there are institutions closed, Iftar dinners shut down ... fulfilling their obligations! That is what I mean by incentives!

DH: These elements are part of the preliminary package.

IK: Is the wall part of it?

DH: It is not on the agenda. For Israel there are five substantive elements: Settlements, Jerusalem, outposts, access and movement, and E1. We are also discussing monitoring. On the Arab side it's investment, support for PA and bilateral negotiations, and regional initiative. For the PA it's continued effort on security and anti-incitement. The president will speak generally. Mitchell will speak in more detail later.

SE: What do you include in what you consider settlements – what types of settlement activities are you including? What about guarantees, and result of violations, monitoring?

DH: We've reached an understanding with BN of the US monitoring role and access to information, and how we would respond if there is a violation.

RD: One of the lessons from Annapolis is the need for a real monitoring and enforcement mechanism. What we have now is a confidential report made by Selva to the State Department that is not even shared with the Quartet. What measures are you considering in case there is a violation?

DH: The strength of the monitoring is being discussed. Regarding types of settlements: all housing ...

RD: infrastructure, roads ...?

DH: It's being discussed in the package.

RD: But you don't consider the wall as part of the settlements?

DH: No.

SE: We need a fallback position – we need to make sure there is no finger pointing. We need to sit down and agree on a political framework that needs to be established before negotiations. I can sit with Arad or Molho. Do you know if they are prepared? Do they have a team? What about committees?

DH: This can be done as a practical matter after the 22nd.

SE: Regardless if there isn't a meeting on the 22nd. It shouldn't be all doom and gloom.

DH: If there is no meeting on the 22nd then there will be no freeze and everything we have accomplished will unravel. You will have nothing.

RD: If there is no freeze before or after what is there to unravel?

MR: Depends on how you define the freeze.

RD: It's objective.

SE: Let's not talk hypothetically. I have more questions: Will you define the end game? Incremental steps, third party, and timeframes? I would also like to hear your position on state with provisional borders. For us it is not an option, and we have informed everyone about this. Looking at the regional picture it is very dangerous [discussion of regional repercussions of US policy going in this direction]

DH: On the end game and 67 I will get back to you. On State with provisional borders I understand what you said. The US position is that we want negotiations to succeed regardless of approach. Our initial view is that state with provisional borders is not the best approach, and not likely to have success, but we won't dictate anything to the parties. On phased withdrawal and timeframes, that's just a creative way for you to get us to deal with the borders. As I said we will look into it. Regarding third party, I would like you to elaborate what you mean.

SE: *[Discusses PS implementation scenarios, work done with General Jones in 2008 and the security role for third parties following a PS agreement,. SE asked RD to provide the Mitchell mission with the materials submitted to Gen. Jones by the PLO on these issues].*

Have you asked BN about his seriousness and willingness to enter negotiations? Have you considered the lessons learned from Camp David – failure to prepare properly can lead to explosion? What about the rest of the Road Map phase I obligations? And

DH: Regarding BN's willingness to enter into negotiations, I'm not a mind reader, but he has told us he is willing to enter meetings for the "two state outcome". On Camp David – you know there are positive and negative lessons from all previous rounds. This time it's different from Camp David. It is not a "summit" and will not lead to collapsed expectations. Rather we are looking at launching a process. You asked about Road Map obligations: we've touched on all of them; they've been on the agenda with Israel since April – based on our discussion with you back in April. East Jerusalem institutions are not part of the package. However, access and movement is part. On Gaza, the

humanitarian situation needs to be addressed. Regarding your question about other interested parties: we've had contacts at multiple levels, but have not shared the elements of the package the same we did not share with you. The sense is they are generally supportive.

SE: Do you consider the credibility of the US, after Obama's speech in Cairo, when you are discussing this package?

DH: We do consider the credibility of the US. The Cairo speech shows that the President understands the consequences and the need to rebuild US image. This is the foundation of his approach. We need the help of friends like you.

SE: I hope this so. His success is my survival.

MR: You will not have a better president or a better moment in this presidency.

SE: I have no quarrel with Obama or the US administration. My quarrel is with the Israeli government. BN wants to undo everything we have achieved.

DH: Regarding the Arab states, there is a spectrum of support ranging from the meaningful to the rhetorical. But no other administration has put the regional dimension as centrally – embracing the API and working toward support from the Arabs – for example financial support like the president did with Saudi Arabia. Without Obama you would not have received it.

SE: Thank you for that.

DH: You are right about the importance of the regional dynamics, and we understand that you are being judged with the Fatah conference – that there are higher expectations...

SE: More limitations.

DH: But you are in a position to bring peace- this is what distinguished you and your leadership from the others. So yes we need certain principles, and we need something tangible soon. That is the point of New York ... something you can deliver. I understand the freeze possible is a little less than what you wanted, but if there is no New York, we lose everything and you have nothing to show for ...

SE: I hope we will not be put in this position: accept, or else – like previous US administrations. It's not that we don't want to – we can't. So please don't put us in this position. To allow us to help you, you need to help us.

[Parties agreed to meet again the following day (Sept 17) to continue discussion]

