

Meeting Minutes
Saeb Erakat – David Hale
September 17 2009 9:00am
NAD – Jericho

Palestinian:

Dr Saeb Erakat (SE)
Issa Kassissieh
Rami Dajani

US:

David Hale (DH)
Daniel Rubenstein (DR)
Dan Shapiro (DS)
Mara Rudman (MR)
Jonathan Schwartz

[SE, DH and DR meet in private. They are then joined by IK and RD]

DH: Senator Mitchell will be meeting with AM tomorrow at 9:45.

SE: From the Israeli view the deal is what BN spoke about in the Knesset: 2500 housing units under construction – notice it's units not buildings; 450 tenders; exclusion of Jerusalem; exclusion of public buildings.

DH: It is understandable that for political reasons BN talks only about part of the package, not all. What he said it's not the totality and it's his spin. The point about the package is that there is no new construction – nothing new begins.

SE: That's not true based on what BN is saying. If you think that he is putting you on.

DH: Construction will stop – all new activities.

SE: I know you did your best, and it's not the outcome you wanted. For the last decades you have been dealing with Israeli governments based on what is possible – what is it that Israel can live with. I've been saying you should pursue what is needed – what is in your interests. Instead this is the best you can get. With this deal Bibi will say settlements will continue, and they will continue – there will be more settlements in 2010 than in 2009 or 2008. Plus I don't have a framework: you will not recognize the 1967 border, or the resumption of negotiations from where we left off. Instead you give me

Shalit, the tunnels and the Jewish state. If Jerusalem is excluded, no Muslim or Arab will engage.

DH: Who said Jerusalem is excluded?

SE: BN did ...

DH: There are still issues under negotiation. The duration – and the public buildings will be limited.

SE: I know Bibi is preparing to announce a package of construction – Pisgat Zeev, Har Homa ...

DH: I know we wanted more but there are political constraints. Restraint on settlements is better than unrestricted growth everywhere.

SE: As far as I'm concerned settlements will continue everywhere. There is a difference this time from the past. We've had General Dayton, the EU COPPS and others. We have had to kill Palestinians to establish one authority one gun and the rule of law. We continue to perform our obligations. We held the Fatah conference – our country remains divided. With this in mind BN begins the process of destroying AM and SF and the PA institutions. We are back to 1996 – 1999 again. If the US government now tailors its policy to BN, not just the Palestinians, but the whole region will go down.

DR: The package includes no new tenders, no new confiscation ...

SE: I'm not coming from Mars! 40% of the West Bank is already confiscated. They can keep building for years without new tenders!

[MR, DS and JS join the meeting]

DH: Regarding the statement, if it includes a reference to Jerusalem – if we can achieve that – that would be a substantial concession from the Israelis. Regarding reference to 67, we've had a long discussion with Israelis yesterday. We are working on language to state in some fashion regarding territory a reference to 67. If we achieve these along with elements of the package, will that enable you to overlook the imperfections – with an end to new settlement activity – and start a political process?

SE: I need to see a text – I would need to work with you on it. Anything short of 2 states on the 1967 border is meaningless. We've had language formulas in the past, in Oslo, in the Road Map. Now after the last negotiations with Olmert, the US needs to state this position regarding the borders. So we can work on the statement ...

DH: Let's go over it again. There are two levels of text: first, what President Obama will say, the goals and principles; second, Mitchell will speak in more detail to the press as a background brief and explain the package and what each side, Israel, Palestinians

and Arabs have committed to. Regarding the president's statement, we want to make sure neither side is surprised.

DS: We are developing building blocks for the speech. We hope to be able to reach and understanding on the concepts. Then the White House speechwriting machine would take it and turn it into actual words. So we cannot go over the speech but can ensure there are absolutely no surprises.

DH: The statement will be general. We will have time after the 22nd to work on details before the next meeting, we hope in October. We also will want to make sure we don't close any doors.

SE: When talking with the Israelis, did you ask them if they are willing to resume negotiations from where we left off?

DH: We like to say "relaunch" and state the objective. That's our position on this.

SE: So let's say we do this. We go the trilateral and then to Sharm and then we sit in a room with the Israelis and Mitchell. I bring a map of Jerusalem – how would the Israelis react?

DH: We will look at these issue – sequencing etc. but we will be mentioning Jerusalem in the statement.

DS: If the president states Jerusalem clearly then it is an issue ...

SE: It is! Of course, but for now we can't talk about it ... problems with the coalition, Shas, Lieberman ... I know how this works.

DS: Clearly we can't give you guarantees on what Israel will negotiate – we can only speak on our position.

MR: Sequencing is always an issue.

SE: So what do I discuss with them – state with provisional borders? Let me be candid: you made a great effort to get a settlement freeze and you did not succeed. You did not get what was required from BN in order to relaunch PS negotiations. What Israel will tell me and everyone is: no Jerusalem, thousands of housing units, public buildings, 9 months – by the way they will agree to the 9 months – that is their bottom line. Then they will renegotiate it with you. Therefore: no settlement freeze at all – not for 1 hour! More construction in 2010 than 2009. [Speaking to DR] You know this. You team has the numbers.

On substance, from day one BN said: Jerusalem the eternal undivided capital of Israel, demilitarized state without control over borders or airspace, no refugees. Once you agree to this we can negotiate a piece of paper and an anthem. We have invested time and effort

and even killed our own people to maintain order and the rule of law. The PM is doing everything possible to build the institutions. We are not a country yet, but we are the only ones in the Arab world who control the Zakat and the sermons in the mosques. We are getting our act together. Now we have BN back again like in 96. Back then Israeli Palestinian relations were at their best. No attacks or violence. He consistently undermined this- and I believe he has begun that same process again. You know I tried to have meetings with the Israelis – with Arad and Molho. They adamantly rejected. Arad cancelled three times.

So there are three options: 1. we go to NY to the trilateral under this formula. This is a non-starter. It is not an option for us. 2. We don't go and declare failure – doom and gloom. This will lead to an explosion and strengthen Hamas and others. 3. we have bilateral meetings and continue talking about a package with much more clarity. Maybe you can recognize a Palestinian state on the 67 borders. Don't underestimate the Palestinian public and its expectations, and what you have helped us build. When Bibi talks about excluding Jerusalem it is to make sure we can't attend, because he doesn't want to.

DS: So by not going aren't you playing into his hand?

SE: You put me in this position! It's like having a gun to my head – damned if you do and damned if you don't. I thought at the very least you would have a moratorium and not surprise me with this.

DR: Put aside Bibi's statements. Your achievements are real – the future Palestine is in the making, and we will continue to support it. But you can't make that vision a reality without a negotiation process. So this point is a transition – a pivotal point.

SE: I've been doing this for 16 years. This is the last shot. I will only go into it with an end game. Preparations must be there. In the meantime, we continue to build and will continue security cooperation regardless because it is in our interest. This time there should be careful preparation for political negotiations.

DH: So what would you do instead of what we are proposing?

SE: I will sit with the Israelis and probe them to see if there is anything we can discuss. So if they want a state with provisional borders, we can discuss 3rd further redeployment instead. I need to see what they have to offer. What I don't want is the US to acquiesce to settlements and take me on a ride. We don't need to reinvent the wheel or eat the apple from the start – we've been through these discussions with the Israelis in detail – including arrangements for example for the cemetery next to the 7 Arches Hotel that would become the Israeli embassy. So I can ask the Israelis directly- what can you do with me? And remember Israel is not only BN and Molho and Arad. Many in Israel don't want to be crowned king of Israel for years to come. Many want to bring him down. This is politics – it's fair game.

Today we Palestinians speak with one voice on these matter. We have learned from previous mistakes. We are a young nation and lacked experience. But we have learned now from dealing with previous administrations.

DS: The President has demonstrated a personal and real commitment to you. What you are saying indicates that you tend to discount the President's commitment. It strikes me that it doesn't seem to be worth a lot to you.

SE: This is not about personalities or conscience. Bush did not wake up one day and his conscience told him "two state solution". It's about interests. We have waited a painful 17 years in this process, to take our fate in our own hands. We cannot allow this to be undermined.

DH: This will be undermined if you don't pursue the two state outcome.

SE: BN will not give 2 states. If the US government, over several months cannot get him to do what Senator Mitchell himself wrote – before the Road Map, in the Mitchell Report ...

DH: We cannot force a sovereign government. We can use persuasion and negotiations and shared interests.

SE: Of course you could if you wanted. How do you think this will reflect on the credibility of the US, if you can't get this done?

DS: We make the call on our own credibility...

[DH asks for a one on one meeting with SE]