

## **Minutes from 2<sup>nd</sup> Negotiation Team Meeting**

*(In Preparation for Annapolis)*

*15<sup>th</sup> October 2007, 5pm*

*Crowne Plaza Hotel, West Jerusalem*

### **Attendees:**

#### ***Palestinian***

- Ahmed Querei (AA)
- Dr. Saeb Erekat (SE)
- Yaser Abd Rabbo (YAR)
- Akram Haniyeh (AH)
- Dr. Saadi Kronz (SK)
- Zeinah Salahi (ZS)

#### ***Israeli***

- FM Tzipi Livni (TL)
- Yoram Turbovich (YT)
- Gen Amos Gilad (AG)
- Shalom Turjeman (ST)
- DG Abromovich (Abr)
- Tal Becker (TB)

### **Detailed minutes:**

#### **TL:**

- Thanks for all of your condolences. We have a common future and a common goal of two states. The future of the region lies on our two shoulders. We need to show our responsibility to the future of Palestinians and Israelis as well. Part of the responsibility is to find a common ground and to reach an understanding that expresses the interests of both sides. We all need to avoid any kind of failure. The meeting in Annapolis is important for both sides and for third parties as well. According to these feelings and understandings I came today as a newcomer.

#### **AA:**

- Thank you for coming despite all of this. At the previous meeting we spoke to see what kind of agenda, substance we needed to make the meeting successful because it is an opportunity for both of us; a challenge for Palestinians, Israelis and for the region.
- If, and we should, we reach a document that will satisfy both of us, this will satisfy both of our peoples. We have experiences with many Foreign Ministers (he lists several).
- This is the last round of the game. We hope this will open the door to success and to other tracks and to peace in the region. If this succeeds it opens the door to

normalization and regional security cooperation. We come with open hearts and instructions from Abu Mazen and the Palestinian leadership to take this very seriously. We all know how serious and difficult these issues are. The 6 meetings between Abu Mazen and Olmert started the process and now we must continue. We have good experience and we know each other's fallback positions.

- At the last meeting we discussed procedures. We agreed:
  - (1) The meetings shall be continuous to achieve something even by the beginning of November so we can present it at the meeting between Abu Mazen and Olmert.
  - (2) No media. No one even has to know that there was a meeting. (Discussion in the group ensues on the topic: Israeli side implying that it's ok for the media to know about the meetings, just not the substance, Palestinian side saying even that is unnecessary. TL noted that all the leaks to the media have been unhelpful.)
  - (3) No papers submitted to each other.

YT:

- [Because this will start a competition in which the NSU will win.]
- We will take Yaser's suggestion and have open brainstorming on all the issues and then pick out the key issues for Annapolis. We will have a joint statement/joint document. We can brief our bosses. No briefings to outsiders about the contents.
  - (4) Leaders will meet every 2 weeks.
  - (5) Should we come to a joint statement in Annapolis, each side will go through their own ratification process. Palestinians because of Hamas and Gaza will go through the PLO executive committee.

YAR:

- It's not because of Gaza but because of our own rules – this was always handled by the PLO.

YT:

- (6) No definitive calendar or timetable. Implementation is subject to the 1<sup>st</sup> Phase of the RM ("RM1").

AH:

- That was *your* understanding.

SE:

- The President wants timetables, and the Prime Minister said that it was not good because it will make problems for us. And the Prime Minister said that the implementation is conditional on the RM1. So on the first point, there is no agreement. On the second there is.

TL:

- Even on this we have mutual interests. Timelines create expectations, etc. I want to add something. The idea is not to find someone to blame if we can't find an agreement. We hope that this is also your position.

SE:

- This is what we agreed in Camp David. Less than 24 hours later both Barak and Clinton poked us in the eye.

TL:

- That's why I raise it now. It is not our goal. I hope it's not your goal too.
- Leaks from these meetings are not helpful. Statements from both sides. These can lead to high expectations and make it harder to reach compromises later. If there are statements in the press that are more tough than anything that can be agreed it will tie our hands.
- How do you see things on the ground? Approvals, Annapolis, after the meeting, etc. How do you see the process? What is Hamas's role?

AA:

- You have your domestic difficulties, we have ours. Ours came from the delays in implementing the peace process. This creates the balance on our side. If politics/peace is moving forward, things improve.

TL:

- Is it the facts on the ground or the peace process that people care about.

AA:

- We are talking about a credible peace process. Confiscating 1700 dunams on the date that we came to meet. Digging around the Haram. All of this reflects badly on us. Hamas uses this. Khomeini spoke about us as well.

AH:

- The whole Muslim world.

AA:

- These all reflect badly on us. Settlement expansion, roads, etc. it doesn't help.

TL:

- On the roads, we are trying to help. Why protest the road? I am trying to understand. Maybe you can explain it a little more? (to her side)

ST:

- It is West of E-1. There will be 4 interchanges. This plan, linking Ramallah to Bethlehem, was shown to Abu Mazen in Olmert's office eight months ago.

YAR:

- Your aim is to create two separate cantons that will be linked by roads, etc. There will be a road to Jerusalem outflanking Maale Addumim and that goes to Ramallah, making two divided and separate cantons breaking the area into two halves.

TL:

- Not everything is a conspiracy theory to take more land.

AA:

- How we see the problem is for you to stop all of these unilateral acts, outposts, at least without talking to us first. All this is done unilaterally and contrary to us. It is time to implement, not talk about, the RM1.

TL:

- You said to understand that this process is serious enough you need to see improvements on the ground. You also need to implement your part of the RM. Can we talk about how to show seriousness on the Palestinian side?

SE:

- I want to go back for a second. There is a difference between transportation contiguity and territorial contiguity. We've never accepted this scheme. It's to facilitate settlements. We listed 16 roadblocks to Olmert. Nothing has been done. The whole endeavor is not to tailor the outcome to one side's needs. It's to establish common ground. If after we decide on borders we want to do this, we can submit maps, plans etc. and get the others to fund them even. What you are doing with this road is establishing our road system. Transportation contiguity will kill us.

TL:

- You talk about the link between today and the future. I need to understand what troubles Palestinians today. This [discussing permanent status] is nice for the scholars. There are things that can give weight to the process.

AA:

- For Palestinians, first there is day to day life. What happens in Jerusalem. The closure in Jerusalem. Not even during Ramadan – people can't pray. [Discusses his life in Abu Dis and how Jerusalem used to be the center of life for him and his family.] Now I need an hour, if I get a permit. Imagine other people.
- Plus, Palestinians want to know where we are going. These must change simultaneously. Both of us should be speaking about hope. If these happen simultaneously, we will get support. If these go forward, Abu Mazen will be strong and he can deliver. If this continues without success there will be a serious problem.
- Between now and November we will hopefully make progress on RM1. We need to build the basis. Clear – without ambiguity. If this is solved it is the key to stability in the region.

TL:

- The first meeting I had with Abu Mazen was last year on the margins of the UNGA [SE: That was the second. The first was at Sharm.]. I was saying even

then that dialogue is important, even with the problem of Hamas. There is a joke in Israel about a game shaish baish (backgammon) [discussion of origins of the game; TL didn't know]. One friend says to the other, let's play shaish baish, and the other responds why bother – let's just fight, because in Israel that game always ends in a fight. Let's try to avoid the clashes at the beginning to reach a real understanding. We need to reach the end of the road, after Annapolis.

- Let's imagine that at Annapolis the Palestinians make a small compromise, hypothetically. The Arab league told me to use compromise, not concession for some reason. It will include Israeli compromises as well. Maybe this will be the excuse of Hamas to avoid continuing the process after Annapolis. I know the tools in Israel, what needs to go through the Knesset, etc. In Palestine I don't know.

YAR:

- At any time in the peace process there will be enemies. Are we going to be the hostages of these enemies? Khomeini said yesterday to refuse this process and called on all Arab states to boycott the conference.

TL:

- So we have a mutual enemy at least.

YAR:

- These are against, there are other international forces trying to play a more positive role. This is a book we've read many times. Either we are not hostages, or we must not use these people as a reason not to continue the process.
- We should look at implementation of RM1 commitments on both sides. Israel hasn't done anything. We should work together towards implementation, but not put it as a condition. Second – who will be the judge? That the first phase is complete? A 3<sup>rd</sup> party? (SE: the RM says that the Quartet is the judge.) Bibi used to say you do this, we decide if you did it, then we decide if we will reciprocate or not. We want RM1 as much as you do. I want law and order. Our Prime Minister was in Jericho instead of going to the Rice meeting because he wanted to be sure that the force there is adequately trained to enforce law and order in Nablus. If we don't negotiate this time in a spirit of partnership we are doomed.

TL:

- I believe that implementation of RM1 is also in Israeli interest. It is the implementation of law and order on the settlers. As a former Min of Justice I think this [lawlessness] is bad. I said this publicly and others and the press called me anti-Israeli interests. Time works against those working for a two state solution. Not everything is a zero sum game, even if there are things that may be (like we can't both own the same kilometer of land).
- I asked about Hamas not as an excuse (I am pro-dialogue) but to understand. It is our responsibility not to give them tools to stop the process. [Jokes about YAR going to the Israeli side, due to smoke; discussion about quitting smoking.]

AA:

- We cannot neglect that Hamas are there. On the ground in Gaza. They are in the West Bank. We follow them. Take their arms. Try to dismantle their infrastructure. 160 charities have been closed and are under investigation. 250 sheiks have been expelled. [TL: I met with Salaam Fayyad and I understand that you are taking this seriously.] They are very serious. How to deploy etc. Barak gave permission. The key is how to succeed in Nablus. They are in Hebron but not as aggressive as in Nablus. In Gaza they have lost a lot [TL: according to the polls?]. The continuation of the closure of Rafah and the tunnels – they are smuggling arms and money. This will give them more power. It is up to Israel and Egypt to stop the tunnels.
- If there is serious implementation of RM1 and permanent status negotiations, the people will see that this is the national program and support it. In 1993 we signed despite Hamas being against it. We did it anyway. [Israel not taking action on the tunnels either. TL: We are not there. [AA: yes you are.]]

TL:

- Maybe the Philadelphi corridor and stopping the arms coming across should be the first thing in Annapolis.

YAR:

- No! You will provoke Egypt and provide Hamas a victory. They will say that the Annapolis conference is about them.

SE:

- [in response to a TL question about the process of popular support] We will have a referendum and elections. They will not stand if we have an agreement. If we fail to reach an agreement your problem will be the West Bank.

TL:

- I want to understand the process. We reach an agreement. You take it to the executive committee of the PLO. Then we negotiate a treaty. Then the referendum. Then elections?

YAR:

- Elections can be before or after or whenever they come.

TL:

- Yes but will Hamas allow elections?

YT:

- They will prevent, protest, they are storing weapons, etc.

TL:

- We won't disagree that the disengagement was not coordinated with you. What we are talking about they got in Gaza. No Israeli military. No settlers. The 1967 border. [YAR protests that it is not the border. Starts short side discussion.]

- I always argue that we have to support the West Bank as the role model and then the Palestinians will choose the moderates.
- I always argue for a democratic election process according to the rules in the rest of the world. There are universal rules on elections to believe in these standards.

AH:

- We amended the law.

SE:

- They must accept the PLO charter and its commitments.

YAR:

- Every party must do two things. (1) accept the PLO charter and commitments, and (2) reject violence and only use democratic means for implementing their program.

TL:

- I promote this all over. We have the same problem in the rest of the world – like Lebanon with Hizbollah.

YAR:

- Maybe we can ban all religious parties.

YT:

- We should do this too.

TL:

- But that may result in a change in government before November – we don't want that.

YAR:

- This is a regional problem. Hamas is part of the Muslim Brotherhood. We don't have a plan to fight them. We should fight them with law and order. We also have the PNC of the PLO. We need to use the referendum and the PNC.

AA:

- Now, Haniyeh and Hamas keep asking for dialogue. That's all they want now. Abu Mazen rejects it.

SE:

- I don't like to quote Hamas but in Haniyeh's two governments it says explicitly that the PLO will negotiate and it will go to a referendum. In the Mecca Agreement too.

TB:

- It also says you will reform the PLO. [Jokes ensue about the reform of the PLO.]

TL:

- How do you see the role of the Arab world? We have some ideas but we need your help.

AA:

- If we reach a document that will clarify all of the core issues they will support it.

TL:

- But will they support any outcome? Are you free to make any understandings with Israel?

AA:

- Of course.

TL:

- In my conversations with the Arab world I encourage them to support the bilateral track as the only track, and to support this regardless of the outcome or borders. The Arab world, when we have been close to an agreement in the past, did not come out to support the bilateral negotiations.

AH:

- For example on refugees, Jordan needs to know the outcome will affect them. [TL: no it won't.] On Jerusalem, when we told Saudi that sovereignty of Jerusalem wasn't with us they supported our decision to reject the outcome.

SE:

- With all due respect, I respect your modesty in asking all of these questions. Your questions are all legitimate. Hamas. Law and order. Fatah reform (you didn't say this explicitly but you got to the point). The answers to all of your questions about internal Palestinian politics (by the way I can ask the same questions about your internal politics – you are not really a smoothly sailing boat!) – all depend on the outcome of the document. They will support an understanding based on the Roadmap, the Arab Peace Initiative, and agreements signed. Are we going to tackle the situation and find common ground or delay until we can resolve our own internal politics? [TL: please you can ask me any questions you want. I am fully prepared to answer.]

TL:

- This won't end at Annapolis. It is a station on the road. No one wants to make Annapolis impossible. Or the steps after impossible. The key is to find two things: common ground, and a way to continue the process.

SE:

- To be fair, Annapolis is not just a station on the way. Annapolis is like a fire – if we control it, it will warm us and bring us energy if not, it will burn us.

- We need to come out with 1 ½ to 2 pages with the parameters of all the key issues. Bush can bring everyone on board after. The definition of the day after depends on what is in the statement.

AH:

- [Raises the issue of a settlement freeze and Saudi conditionality of participation on the freeze.] If the document isn't clear you need at least that.

AA:

- At the last meeting we tabled ten points that the document must include:
  1. The Terms of Reference/framework
  2. Territory and borders:
    - 1967 borders
    - Modifications to be agreed
    - Not to exceed [\_\_]% [INTERNAL NOTE: we should be careful not to discuss percentages as it is inaccurate and Israelis and Palestinians use very different base numbers here.]
    - Not prejudice Palestinian natural resources
  3. Settlements (could be subsumed into #2 if borders are agreed)
  4. Jerusalem
  5. Refugees
  6. Security
  7. Prisoners
  8. Relations between Palestine and Israel (economic relations, etc.)
  9. Water and Environment
  10. ???
- These to be included. The details can be 60-70 pages.

TL:

- Is this the order? I'm not sure. I need to think about it. I may want to add some things too. Water – in general terms we can agree, but we need water. The same for security.
- I'm sorry that we wasted this meeting to catch me up to speed. The next meeting we will get into the real issues. If it's ten pages that are needed, we'll write ten pages. There is a trade off between the routine issues and the permanent status issues. In order for me to be easy on some issues we need to have some answers on security. You can say 1967 border. But for Israel's security, who will judge? Who will say if a demilitarized state part of Israel's security? We need to put everything on the table.

AH:

- We need the same degree of clarity on all the issues.

TL:

- (shakes head) there are degrees of vagueness. We need enough, but...

YAR:

- Why are we talking about this as if it's theoretical? Why don't we take the approach that Abu Ala suggested and go through each issue. Regardless, there are other players (ex. public opinion), etc. Let's talk about the issues now. Why speak in the abstract? And then we can discuss the document later.

TL:

- Tradeoffs like no refugees to Israel in return for the borders you want – we cannot discuss it like this if we go through the issues one by one. [INTERNAL NOTE: At another point she implied that the tradeoff for them would likely be security + refugees for borders.]

AA:

- Why not discuss systematically? Then nothing is agreed until all is agreed.

TL:

- We need to make clear the degree of clarity up front. If we discuss all the issues, for example refugees, we will come to a clash up front.

YT:

- So how do we start the next meeting?

TL:

- I need to ask your excuses until the next meeting. I know that there are papers that say I am avoiding the concrete issues. All I am saying is that we should avoid clashes. As general as it takes to get an agreement. If it doesn't answer to each and every issue it is a mistake.
- Not looking for excuses or blame.
- Can I meet you [AA] on a personal level before the next meeting?

[There was a discussion of the next meeting and it was agreed to be on Thursday. TL reject AA's offer for the teams to go away for three days.]