

Minutes from 5th Negotiation Team Meeting

(In Preparation for Annapolis)

31th October 2007, 5h15pm

Mount Zion Hotel, West Jerusalem

Attendees:

Palestinian

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

Israeli

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

Detailed minutes:

TL:

- We need to get something on paper. To start drafting – you and I [referring to AA] or with the teams.

[Reads their suggested language]

We, Ehud Olmert, the Prime Minister of the State of Israel, and Mahmoud Abbas, the Chairman of the PLO and the President of the Palestinian Authority, have convened in Annapolis, Maryland under the auspices of the United States of America and in the presence of [_____], having conducted serious, concrete and bilateral discussions with the vision of [creating] two states [for two people living side by side in peace and security] as expressed by President Bush [in his vision _____].

We express our determination to bring an end to our decades-long conflict which brought bloodshed and sorrow to both our peoples, [_____] coexistence free from violence and terror.

We affirm that peace can only be reached through historic reconciliation and the resolution of all outstanding issues by peaceful means guided by the fundamental principle of two states, Israel and Palestine, living side by side in peace and security with

each state constituting the homeland for its people and the fulfillment of their national aspirations and self determination in their own territory, Israel the state of the Jewish people and Palestine the state of the Palestinian people. We recognize that our commitment to peace and historic reconciliation must be expressed by actions and through words in education systems, in the media, and in the cultural and religious life of our respective societies. In this period we are committed to promoting a culture of peace and to confronting incitement, intolerance, hatred and terror throughout the region in order to instill the values of peace and coexistence for future generations. We reaffirm that, as stated in the Roadmap, “[a] two-state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism, when the Palestinian people have a leadership acting decisively against terror and willing and able to build a practicing democracy based on tolerance and liberty, and through Israel’s readiness to do what is necessary for a democratic Palestinian state to be established, and a clear, unambiguous acceptance by both parties of the goal of a negotiated settlement.”

We believe that our dialogue has reached a stage where following the formal adoption of this joint statement by the relevant internal mechanism on each side we can launch bilateral substantive negotiations with the goal of establishing a Palestinian state with the vision of two states for two people. We agree that implementation of any political agreements reached between us is subject to the full implementation of existing performance based obligations as stipulated in the Roadmap in accordance with its sequencing beginning with Phase One.

In this process, we will be guided by the agreed terms of reference for the peace process:

- *UNSC resolutions 242, 338*
- *The Roadmap and previous agreements as accepted by the parties*
- *President Bush’s vision*
- *The three Quartet principles*

As well as these principles.

[TL suggestion, outside the ToRs: “We recognize the importance of building the institutions of the future Palestinian state, especially those relating to security.”]

AA:

- I want to make some statements before we go on.

AH:

- But this doesn’t mean that we are working on this text.

TL:

- Yes, but we are trying to find a way to come towards common ground. What is agreed.

AA:

- Do you want to hear ours? Or talk about the elements first?

TL:

- We can talk about the elements.

AA:

- Principles. [TL: Tell us the principles you want to add.] No it is more about the principles that we want to delete. First, it is long. Second, the elements – in addition they are about the terms of reference [“TOR”]. We have our own position for the TOR. Then, the two state solution – without “self determination”, without “homeland”, without a “state for the Jewish people”.

TL:

- If I remember [from our last meeting] you said you’d consider the principle of self determination, and not a Jewish state.

AA:

- [Discusses problematic nature of homeland language.]

TL:

- From your perspective, taking out the issue of the homeland, etc. – I think that Saeb said that this refers to the core issues, when I said this.

AA:

- I am not talking about the text now. [Repeats the three principle issues noted above.]
- The other issue is about the two state solution. Then fourth issue is about the Roadmap [“RM”]. Without bringing what is in it. Not about the text that was accepted by both sides.

TL:

- Also about the culture of peace.

AA:

- Yes, we can add that too. We are trying to do a mutual exercise. Then we will write later. [Repeats the problematic elements above.]

SE:

- We can read your text and you can read my text and then it’s like exchanging papers. Now we agree that you [AA and TL] lead and we agree the principles and then we draft. If you two want to draft, that’s fine.

TL:

- But what is problematic [in our draft]?

SE:

- But that is not the question! If you want to agree 242, 338, the RM, President Bush's vision – as it's written, not bits and pieces of it. So why don't we discuss what the elements will be.
- The TOR is number one.
- [SE reads draft language]

The representatives of the Government of the State of Israel and the Palestine Liberation Organization (PLO), represented by Prime Minister Ehud Olmert and President Mahmoud Abbas in his capacity as Chairman of the PLO Executive Committee, respectively, meeting at [_____] under the auspices of President George W. Bush of the United States of America and with the support of [_____] , and determined to bring an end to bloodshed, sorrow and decades of conflict, to usher in a new era of peace based on freedom, justice, dignity, respect and mutual recognition, and to propagate a culture of peace and non-violence, have agreed on the following joint document for peace between Palestinians and Israelis.

Israel and the PLO shall negotiate in good faith in order to conclude a treaty, to be concluded within 6 months of agreeing on this joint document, providing a just resolution to all aspects of the Israeli-Palestinian conflict, based on the agreed terms of reference and principles herein, including: the Road Map as endorsed by United Nations Security Council resolution 1515 (2003) which embodied President Bush's vision and which called for an end to the Israeli occupation that began in 1967; the Arab Peace Initiative of 2002; international law; the establishment of the sovereign State of Palestine, living side by side in peace and security with the State of Israel; and all relevant UN resolutions including UNSC resolutions 242, 338, 1397 and UNGA resolution 194.

Both sides are committed to commence immediately the parallel implementation of their obligations emanating from the Roadmap. The US, on behalf of the Quartet, shall be the judge of the mutual implementation. It should be noted that both sides will continue to honor their commitment to all ongoing obligations under the Roadmap.

YT:

- I am like Abu Ala – I'm not worried about what we need to add but what we need to delete. I'm now in good company!

SE:

- That's exactly what I meant...

TL:

- I think that if we compare – not the words but the principles – peace, the end of this, the beginning of the other can be agreed. The idea of giving an answer to the open issues is also there. There are 2-3 major problems.
- We quoted parts of the RM, you quoted others. If we keep the RM, we can delete the quotes and make it shorter.

- Two real problems. One is the TOR. But we need to find a formula. I think we cannot agree to all the TORs that you put. But you can agree to all of ours. The Arab Peace Initiative [“API”] and 194 are just two examples.

AA:

- But they are all in the RM.

TL:

- 194 is not there.
- The question is do we need to find the obstacles or the common ground?
- [We don’t want to make it] less specific to create problems for one of the sides. If the RM is there... This is the first problem. It is an obstacle. We need to find a solution to the problem. We need to find maybe a vague formula to avoid putting once side in a corner. We need to solve this preamble.
- The next problem, and you know this, is the reference to the RM. On Friday it was clear that any agreement is subject to the RM. If you want to include parallel it is a problem.

SE:

- Explain [your point on] parallel – I didn’t understand.

TL:

- If you want the US to be the judge – we said ok. Don’t try to put your interpretation of the RM.

SE:

- I’m not putting an interpretation. It says parallel! [reads directly from RM]

TL:

- [discusses issue of each side citing different parts of the RM] We need three sentences: (1) agreements are subject to the RM, (2) we want to implement the RM and will implement now (3) US will judge, [prompted by YT] and (4) of course no timeline for completion of negotiations. [raises AA interview with Haaretz.]

AA:

- What I read, and what Saeb said, is what I heard [in Abu Mazen – Olmert meeting].

TL:

- [Continues chastising for the quote to Haaretz, and notes that she refused interview requests in China.]

SE:

- I agree, we’d like to include some things, you’d like other things. Like the parallel implementation –

TL:

- Do you think that the Americans know this?

AA:

- Let's take it word by word. [reads Palestinian proposal for the RM language.]

TL:

- Take out parallel.

ST:

- I'll explain the problem.

SE:

- I want to know what is different between what he read and what Abu Mazen and Olmert agreed?

YT:

- I will protect AA. He will not agree to something besides what they agreed. By asking you are deviating from this.

AA:

- [reads Palestinian proposal for the RM language again.]

TL:

- Fine but we need another sentence!

YT:

- What is missing is the problem.

TL:

- Even the RM says it is parallel unless it says otherwise. So the RM is enough!

[Discussion among the group on the US as judge and on what was agreed in the Friday meeting.]

AH:

- I want to ask, because I don't understand. Are you against the parallel implementation of the RM? Practically – not in language.

TL:

- [repeats logic of making it “subject to” and in not appearing to have skipped over Phase 1 obligations. Also makes point that she doesn't want to open a discussion on what exactly the details of the RM mean.]

- It is not our intention to [shirk obligations under the RM]. There are internal obligations of the RM – this is one thing. The other is that we now start discussions – that is the third phase.

AA:

- But the dates and times of the RM are irrelevant now. [side discussion on this point and on implementation up until this point. AA notes that it is not acceptable to create a situation where Palestinians are obligated to comply fully with their obligations, and Israel will “see” regarding implementation of the final treaty.]

ST:

- I’ll tell you what the real problem is. There are things that we have to do with no link to the Palestinians, and things that the Palestinians have to do with no link to Israel. But some are in parallel. Some are sequential. Return to Sept. 28th – we cannot withdraw until Palestinians are ready to go in.

YAR:

- Are you dissatisfied with the Palestinian leadership?

TL:

- Only with the Israeli...

YAR:

- [Notes that their draft calls for the removal of the Palestinian leadership. TL responds by noting their willingness to delete all details regarding the RM. Discussion on topic ensues.]

TL:

- [draws timeline for RM on a paper, with settlement freeze and security drawn on one end, phase two (noting Palestinians don’t like it) in the middle and phase three at the other end. Points out that we used to be at the very beginning of phase one, and discusses the skipping phases concern.]

SE:

- On the timeline, Olmert said very clearly he doesn’t want a timeline. Abu Mazen and AA said that they thought it was essential and asked that you think about it in the meeting on Friday. Second issue – when you Tsipi, kept saying “subject to”, we kept saying “in accordance with”. In the end, Olmert said “in accordance with”.

ST:

- [YT/ST express disagreement] He doesn’t know the meaning of “in accordance with”.

SE:

- [Continues along same lines, noting that Palestinians tried to draft language that would reflect Israeli concerns and interests, regarding security obligations throughout the three phases.]
- *In accordance with the RM, both sides are committed to immediately implement in parallel their obligations emanating from the Roadmap. The US, on behalf of the Quartet, shall be the judge.*
- Just to explain what we mean, by saying we'll continue to honor our obligations...

YT:

- If you agree that this is subject to, then what is the problem?

SE:

- I don't want to be a lawyer.

AA:

- If you say subject to, it's an excuse for Israel...

YAR:

- Every agreement has within it its own logic and timetables. We don't want to agree an agreement that is dependent on another agreement for its logic. [long discussion on this issue and the issue of sequentiality]
- If we have an agreement there will be five main subjects – borders, Jerusalem, refugees, settlements and security. There will be a security section. [makes point that all Israeli concerns should be addressed in that section, making phase one obligations irrelevant]

AA:

- And that's why we don't think we need any more discussion on this. This is what we can accept [referring to the language he read. He also notes that Palestinians have been implementing our obligations and will continue to implement.].

YT:

- Then why didn't you say this clearly on Friday?

AA:

- Abu Mazen has the same position. No one can accept conditionality. We work together to implement the first phase.

TL:

- Usually you give examples. I understand – let's use the RM.

AA:

- Even if it takes 5-10 years [to implement]?

TL:

- But the fact that we decided not to use it as an obstacle shows that we don't want to use it that way. [makes point that despite what people say about Palestinian ability to implement the RM, they want to agree on the core issues.]
- I agree with you that we may have some security obligations that are outside the RM. We don't know what will happen. The only reason we can give for opening negotiations now is to say that we are not losing anything [because implementation is conditional, etc.].

YAR:

- Let me ask you something. Suppose we have an agreement tomorrow. In this agreement there is a section about everything and a section on security. What will it say? I'll tell you. That the Palestinian government and Palestinian state is responsible for guaranteeing security against all terror acts emanating from its territory. That the Palestinian state will use international forces agreed by both sides [AG: what the Italians? AH: during permanent status, not now.] on its borders so that no security or terror threat will emanate from its territory to the other. And the Palestinian state will continue to take steps so that there is no danger of... do you have more? We can start tomorrow to finalize the security section. Abu Mazen told Olmert that he will have no difficulty on security issues with you. We are willing to go far with you.

TL:

- So what's your problem with it now?

YAR:

- Because we want every agreement to have its own mechanism within it and not to have another agreement outside it which can suspend it... [continues along same lines]

TL:

- The problem is that there are problems in the current Palestinian government. But you are leaders that we can agree a historic reconciliation with. This is why we took the decision to start talking. [repeats their logic again. Wants to make two points clear – not abrogating the first phase, and need to ensure that something will still be in place until there is a permanent status agreement.] If you want to say unless something else is agreed [that's fine].

SE:

- [raises discussion of trilateral committee and that Israelis accepted this]

ST:

- There is no trilateral committee in the RM. You have commitments, we have commitments, the US will judge.

SE:

- You agreed to move to third phase even though we have outstanding obligations. Moving to the third phase doesn't jump over the first phase. [discussed the judge point; raising the requirement that it be with the consensus agreement of the Quartet, cites from third phase.] First phase obligations are also in the third phase.

TL:

- Maybe this is the answer – subject to the consensus judgment of the Quartet.

AA:

- Let's talk about the concept.

TL:

- We agree the concept.
- Any implementation is subject to the consensus judgment of the Quartet.

SE:

- OK. [side discussion among Palestinian team]

TL:

- Implementation of any future understandings will be subject to the RM. Both sides will begin the immediate implementation of its obligations under the RM. The Americans will be the judge of the implementation of the obligations of both sides.

YAR:

- No because of the conditionality.

[argument continues along same lines]

TL:

- If you are afraid we are not going to implement our obligations, that will be clear by the time we agree the joint document. Because you said that there must be other improvements on the ground.

AH:

- You said something I don't understand – as AA said...?

TL:

- [you are saying we are trying to avoid...]

AH:

- Maybe my colleagues are more diplomatic... we are afraid because of the coalition in Israel that you will not be able to implement.

TL:

- [makes point that her opinion on outposts is that they should be removed as a matter of law and order] not this – it is something else. As AA said – the joint statement would refer to the preamble, the core issues, the Arab world and international community role, and steps on the ground.
- Anyway we will refer to the steps on the ground because there are people who suspect that Israel is not [serious and is unwilling to take real steps on the ground. We may do other steps as well outside the RM] like prisoners. I don't know. We need to think together. [discussion returns to implementation of all parties obligations]
- Even before the preamble we can say both sides agreed to discuss. Even though not at third phase yet. Both sides agreed to implement in accordance with RM. [immediate implementation]

TB:

- [asks question on what happens if we've agreed a complete treaty but all phase one obligations have not been implemented – will the Palestinians go back and ask for them to be forgiven? Or will we wait until it's implemented?]

TL:

- That is not as important.

AA:

- [discusses implementation again]

TL:

- Can we meet the two of us to draft [referring to AA]? Maybe tomorrow?

[It is agreed that AA and TL will meet to work out RM issue. No other follow up meetings discussed.]