
MEMORANDUM

TO: DR. SAEB EREKAT
FROM: NEGOTIATIONS SUPPORT UNIT
SUBJECT: THE 'PALESTINE PAPERS' – THE RIGHT CONTEXT
DATE: JANUARY 31, 2011

Executive Summary

This report examines the false allegations presented in media coverage of the “Palestine Papers” published by Aljazeera and the Guardian. Focusing on the central allegations listed below, this report evaluates excerpts taken from the “Palestine Papers” in regard to these issues and puts them into their proper context. It is clear that the media, spearheaded by Aljazeera, has deliberately misrepresented and taken statements out of context from informal meeting minutes, internal documents and internal NSU emails in order to attack the current Palestinian leadership and its national program.

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Palestinian “acceptance” of the “Jewish state”

<http://www.guardian.co.uk/world/2011/jan/24/palestinian-negotiators-jewish-state-papers>

Palestinian negotiators accept Jewish state, papers reveal

By Seumas Milne and Ian Black

Date Last Modified: 24 Jan 2011 20:00 GMT

Excerpt:

“Palestinian negotiators privately accepted Israel's demand that it define itself as a Jewish state”.

Basis for News Reports:

The Guardian report appears to be based on the following NSU documents:

[Excerpt from “Eight Negotiation Team Meeting” Prep for Annapolis]

13 November 2007: Mount Zion Hotel, West Jerusalem

TL:

- *Two states is the ultimate goal of the process. But also part of the TOR.*
- *Each state is the answer to the natural aspirations of its people.*

SE:

- *[Raises RM language regarding unequivocal duty to accept each state as is. Reads from the RM.]*

TL:

- *To say the idea that two nation states contradicts the RM...*

SE:

- *[But we've never denied Israel's right to define itself.]*
- *If you want to call your state the Jewish State of Israel you can call it what you want. [Notes examples of Iran and Saudi Arabia.]*

TL:

- *I said basically that our position is a reference to the fact that each state is an answer to the national aspirations of their people.*

AH:

- *There was an article in Haaretz saying that Palestinians would be stupid if they accept this [i.e. the Jewish state].*

TL:

- *Someone wrote the Palestinians?*

AA:

- *I want to say two state solution living side by side in peace security stability and prosperity, Palestinian democratic state independent with sovereignty, viable with East Jerusalem as its capital.*

TB:

- *That's all? [Sarcastically.]*

AA:

- *Yes that's our position.*
- *Two state solution living side by side in peace security stability and prosperity, Palestinian democratic state independent with sovereignty, viable with East Jerusalem as its capital.*
- *This is what we want to have. This small sentence.*

RETORT:

- Dr. Erekat starts the discussion by referring to the Road Map language and the “unequivocal duty to accept each state as is.” Dr. Erekat goes on to read from the Road Map
- What does the Road Map say about this?
 - **Palestinian leadership issues unequivocal statement reiterating Israel's right to exist in peace and security** and calling for an immediate and unconditional ceasefire to end armed activity and all acts of violence against Israelis anywhere. All official Palestinian institutions end incitement against Israel.
 - **Israeli leadership issues unequivocal statement affirming its commitment to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel**, as expressed by President Bush, and calling for an immediate end to violence against Palestinians everywhere. All official Israeli institutions end incitement against Palestinians.
- Abu Alaa’ repeats this language later on in the minutes. The Palestinian team presents a clear position on this issue.
- Dr. Erekat points out that Palestine cannot force Israel to name itself one way or the other. However, just because Israel chooses to define itself as a Jewish state, it does not mean that Palestine has to recognize it as such. PLO has already recognized Israel as a state, as per the 1993 Exchange of Letters between Arafat and Rabin, which comply with the Road Map language that Dr. Erekat referred to in the document.
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A referendum not including all Palestinians

<http://english.aljazeera.net/palestinepapers/2011/01/2011124123324887267.html>

“PA selling short the refugees”

By Laila Al-Arian

Last Modified: 25 Jan 2011 10:49 GMT

The quote as it was brought in Aljazeera:

Aljazeera referred to a [meeting on March 23, 2007](#), between Erekat and then-Belgian foreign minister Karel De Gucht, during which Erekat said, "I never said the Diaspora will vote. It's not going to happen. The referendum will be for Palestinians in Gaza, the West Bank and East Jerusalem. Can't do it in Lebanon. Can't do it in Jordan."

Aljazeera's conclusion:

While Erekat conceded the rights of Palestinian refugees to determine their own fate, during such meetings Israeli negotiators made clear their vision for the refugees.

RETORT:

- It is irresponsible journalism to attribute a quote to Dr. Erekat based on the document referred to. This document is a summary of a meeting. It was taken in shorthand and intended for personal use only.
- The note taker confirms that Dr. Erekat and the Belgian Principal in the meeting were speaking about the logistical challenges of holding a referendum with Palestinians scattered throughout the world. Dr. Erekat was speaking about the challenges of securing the cooperation of the governments hosting Palestinian refugees to conduct a referendum in those states. Similarly, the Belgian Principal estimated that it would be more practicable to seek Palestinian approval for any agreement through the Palestinian Parliament.
- Since 2007, Dr. Erekat's staff has been working on figuring out how to make a referendum of all Palestinians logistically practicable.
- More importantly, President Abbas has always said publicly, and even according to documents on Al Jazeera's website (March 24, 2009), that any agreement will be put to a referendum of ALL Palestinians.

Conceding Jerusalem

<http://www.guardian.co.uk/world/palestine-papers-documents/2648?INTCMP=SRCH>

SE on Jerusalem
May 4, 2008

The Guardian titled one of reports that Dr. Saeb Erekat said: “We are giving you the biggest Yerushalayim in history.”

RETORT:

- This meeting on borders took place on May 4th 2008. During the meeting the Palestinian team provided a presentation on a possible scenario for land swaps on the basis of 1:1.
- The notes taken during the presentation were only partial and unofficial. They do not document all of what has been said verbatim, in particular since the note taker was also one of the presenters. Moreover, the note taker may have misinterpreted what has been said or confused between the speakers.
- At the backdrop of these discussions was Israel’s refusal to discuss Jerusalem as part of the negotiations on borders or present a vision for Jerusalem. Rather Israel pushed for partial discussion over borders that exclude Jerusalem from negotiations, arguing that all of municipal Jerusalem according to the Israeli definition (70 square KM) should remain under Israeli control. This is in addition to other Israeli settlements around the city, such as Male Adumim and Givat Ziev- what is commonly referred by Israel as “Greater Jerusalem”. The Palestinian team insisted that borders negotiations must include Jerusalem, which will be the capital of a sovereign Palestinian state. Otherwise, the two state solution will not be viable.
- The Palestinians side also insisted that the Israeli expansion of the municipal borders of East Jerusalem from 6 square km to 70 square km and the annexation of that area is illegal and was not recognized.
- In light of this backdrop and the position of the parties, the said quote may have been in response to an Israeli comment that the Palestinian presentation for land swaps in Jerusalem is not sufficient.
- During the meeting the Palestinian team presented the overall vision which provides context for the presentation on a possible land swap scenario.
- A more accurate reading of the so called minutes published by Aljazeera supports these conclusions as illustrated from the excerpts below.

“Abu Ala’:

- *The safe passage*
- *Sea borders*
- *1967 borders are the only basis for the two-state solution. Palestinians have made a historic concession by accepting 242 UN Resolution for the two-state solution. By accepting the resolution, Palestinians have recognized the state of Israel, which was in fact a viable, contiguous and sovereign state along 1967 borders with 78% of the area of historic Palestine.*
- *Both of us agree that the settlement enterprise has a very negative effect and that the evacuation of settlements is for the good of both sides. Settlements confiscate large areas of Palestinian land, deprive Palestinians of many development spheres, impede communication and destroy Palestinian economy. Settlements were meant to artificially change the demographic structure and change realities on the ground, as well as to ensure that no viable Palestinian state would evolve. Now that you have accepted the idea of a Palestinian state, such a state must be geographically contiguous, viable and sovereign. But in order to make this a reality, the Israeli settlements must be evacuated. The issue is not whether evacuation should take place, but which settlements should be removed in order to be able to implement the two-state solution. Unlike the Palestinian state, the removal of settlements will not affect the viability of the state of Israel or its contiguity or security. Besides, if any of the settlers wish to live under Palestinian sovereignty, they have to be subject to the Palestinian law.*
- *For us, all settlements are illegal and their construction was a violation of the international law, and thus they should be evacuated. We are not the only ones who think this; this is also acknowledged by the rest of the international community. On the other hand, we understand that in order to reach a two-state solution in spite of all the Israeli measures that were taken in order to change realities on the ground, there is common interest in keeping some settlements. This is the concession that we make for the purpose of meeting your legitimate interests and making the two-state solution feasible. Thus any amendments on 1967 borders – the main basis for a two-state solution – should also meet our interests and keep geographical contiguity, viability and sovereignty of the state within the context of swap by the ratio of 1:1, with the same value and size.*

Livni: *Do you have any suggestions about the areas for swap?*

Abu Ala': *- You will see that on the maps.*

- *In order to meet Palestinian interests, swap of land with the same value and size and by the ration of 1:1 should take into account the following factors: (1) Any settlement included in the swap should not impede geographical contiguity especially with and within Jerusalem. This partially means that any settlement swapped to Israel should be near 1967 line. Therefore, any settlement swapped to Israel should be dealt with individually not as settlement blocs or individual houses. (2) All areas should be equal; in other words, all areas included in the swap should be in the same area (that is, land in Jerusalem for land in Jerusalem). (3) Areas swapped 'from' should not impede Palestinian development, and areas swapped 'to' should support Palestinian development, in accordance with the plans, and allow for urban expansion of Palestinian cities and towns. (4) The value of agricultural land should be preserved. (5) The Palestinian state must have adequate land, capabilities and resources to absorb Palestinian refugees who do not prefer to return to Israel, and those who hope to return to Palestine. (6) Areas of religious, cultural and historical significance for the Palestinians should not be included in the swap. (7) In any swap, there should be access*

to quality water and other water interests. (8) Civilians will not be included in any swap; in other words, land inhabited by Palestinians will not be subject for swap. (9) Empty land shall not be swapped to Israel. (10) Security is not a condition for land swap because there will always be borders between Palestine and Israel. (For example, no agreement will provide strategic depth because of Qalqilya and Tulkarem, etc.). Peace is the only means to provide Palestinians and Israelis alike with peace.

- On the basis of these factors, some settlements cannot be included in swap under any condition, including the settlements of Maa'le Adumim, Giv'at Ze'ev, Har Homa (Abu Ghneim), and Ariel. These negotiations are not a market, and the issue is not that of numbers for compromise and or disagreements. We want to meet the interests of both sides.

- We suggested that 63% of all settlers be included in less than 2%. This suggestion meets the interests of all parties. “

Also:

“Samih: - We tried in the proposition that we will present to you to be more fair than the proposition that was presented to us.

- Negotiations about land:*
- o 1967 line is the only basis.*
- o Swap by the ratio of 1:1 with the same size and value.*
- o Comprehensive, including Jerusalem, the Jordan Valley, etc.*

Livni: What do you mean by the same value?

Abu Ala': If annexation was in Jerusalem area then swap will take place in Jerusalem area.

Tal: How can we measure this? Land has the same value.

Livni: Or is it only a slogan?

Samih: It is not a slogan. I do not wish to have land in the Dunhiyyeh desert area for land in Jerusalem, for example.

Saeb: The value of the land determines how the other side will benefit from it.”

Another example that illustrates the Israeli discontent from the Palestinian proposal:

“Livni: Doesn't Har Homa exist?

Khaled: The interest is to reconnect Jerusalem and Bethlehem. Such reconnection has a social, religious, economic and tourist significance. It is even more important than the connection between Jerusalem and Ramallah. The area is also important for the

expansion of Beit Safafa which has become an isolated town between Gilo and Har Homa settlements.

Abu Ala’: *To address natural growth.*

Livni: *Now we are talking about natural growth?!”*

Another example:

“Livni: *It is clear that Ma’ale Adumim, Giva’t Ze’ev, Har Homa and Ariel do not exist.*

Samih: *Real peace cannot be reached with an 18-km long enclave inside Palestine. We do not want to create problems in the future. We do not wish to hurt peace.”*

Also:

“Dekel: *What is missing here is Ma’ale Adumim, Har Homa, separation between the Jewish clusters in Jerusalem, Gush Itzyon, Giv’at Ze’ev, and Ariel.”*

Haram al-Sharif

<http://english.aljazeera.net/palestinepapers/2011/01/2011122114545946119.html#>

Erekat's solution for the Haram

by Clayton Swisher

Last Modified: 23 Jan 2011 14:39 GMT

Swisher's article includes the following quotations:

"Saeb Erekat, the chief negotiator of the Palestinian Authority (PA), had suggested unprecedented compromises on the division of Jerusalem and its holy sites, the Palestine Papers obtained by Al Jazeera show.

Minutes of negotiations at the US State Department in Washington DC indicate that Erekat was willing to concede control over the Haram al-Sharif, or Temple Mount, to the oversight of an international committee."

Quotes from the minutes:

In a meeting on October 21, 2009 with George Mitchell, the US Middle East envoy, David Hale, Mitchell's deputy, and Jonathan Schwartz, the then-US State Department legal adviser, Erekat told the Americans that they would need a "creative" solution for the division of the Old City. Erekat: "It's solved. You have the Clinton Parameters formula. For the Old City sovereignty for Palestine, except the Jewish quarter and part of the Armenian quarter ... the Haram can be left to be discussed - there are creative ways, having a body or a committee, having undertakings for example not to dig [excavations under the Al Aqsa mosque]. The only thing I cannot do is convert to Zionism."

Schwartz: To confirm to Sen. Mitchell, [this is] your private idea ...

Erekat: This conversation is in my private capacity.

Schwartz: We've heard the idea from others. So you're not the first to raise it.

Erekat: Others are not the chief negotiator of the PLO.

RETORT:

The notes are not official and do not reflect the Palestinian position in the negotiations with Israel.

- The Palestinian Position for the Old City of Jerusalem is clear and has been reflected in our position paper given to Senator George Mitchell: "The PLO considers the Old City to be a single unit enjoying a unique character that will be preserved together with the promotion and development of the area and its inhabitants in accordance to the UNESCO World Cultural Heritage List regulations, in which the Old City is a registered site."

- Regarding the border regime and the assumption that Palestine would be willing to accept Israeli sovereignty over the Old City, the position is also clear: “The border regime between Palestine and Israel in Jerusalem will correspond to the general border regime arrangements between the two states, while taking into consideration the special character of Jerusalem and the Old City, and with a view to facilitating free and uninhibited movement of persons, vehicles, services and goods between the two parts of the city.”
- The quote does not suggest any cession of sovereignty to Israel over the Haram Al Sharif. It is once again an irresponsible conclusion taken from unofficial notes. On the contrary, what is clear that the Palestinian negotiator is insisting on a sovereignty over the Old City of Jerusalem (maybe with the exclusion of the Jewish quarter – in the framework of agreed land swaps). The Haram Al Sharif, specifically, and as part of the Muslim quarter will be under Palestinian sovereignty, with the possibility of establishing monitoring committee.

Refugees - Conceding the right of return

News reports from The Guardian and Al Jazeera

Palestinians agreed only 10,000 refugees could return to Israel

<http://www.guardian.co.uk/world/2011/jan/24/palestinians-10000-refugees-return-israel>

Date: February 2009 – March 2009.

[Excerpt]

The documents reveal that Olmert first offered a figure of 5,000 refugees over five years on "humanitarian" grounds as part of the "package deal" he presented to Abbas in August 2008. PLO lawyers responded that that was "not serious and cannot be accepted".

Erekat said later that "Olmert had accepted "1,000 refugees annually for the next 10 years" – a total of 10,000. Erekat told the US Middle East envoy, George Mitchell, in February 2009: "On refugees, the deal is there." He confirmed the figure later.

Last year, however, Erekat distributed a document to EU diplomats saying the PA had expressed willingness to accept an Israeli proposal to allow in 15,000 refugees.

Abbas, himself a 1948 refugee, privately argued against the large-scale return of refugees in a meeting in March 2009: "On numbers of refugees, it is illogical to ask Israel to take 5 million, or indeed 1 million," he told officials. "That would mean the end of Israel."

Al Jazeera Arabic:

Date: None Given

[Excerpt]

The PLO requested from Israel a deal including the return of 10,000 refugees per year over 10 years.

RETORT:

- In The Guardian article and during Al Jazeera's various reports on 'The Palestine Papers' and on its program 'Bila Hudud', reporters stated that Dr. Saeb Erekat agreed with Israeli negotiators that either five thousand Palestinian refugees (one thousand per year for five years) or ten thousand refugees (one thousand per year for 10 years), would be allowed to return to Israel. Dr. Erekat vehemently denies that such was ever agreed to during his negotiations with Israeli counterparts.
- The basis for these news reports appears to come from the reading of a number of NSU documents together which Al Jazeera has posted on its "Transparency Unit" website. These include
 - a document entitled "Summary of Ehud Olmert's Package Offer to Mahmoud Abbas", dated August 31, 2008 ("Olmert Offer");

- minutes of a briefing by Dr. Saeb Erekat to the NSU on June 16, 2009 (“NSU Briefing”); and
- minutes of a meeting between George Mitchell and Dr. Saeb Erekat dated February 27, 2009 (“Mitchell Meeting”)
- According to the Olmert Offer (and other documents prepared by the NSU around August/September 2008 which have been posted on Al Jazeera’s Transparency Unit website), the NSU indicates that Olmert offered to permit one thousand refugees to return to Israel over a period of five years:

[Excerpt from the document relating to refugees]

- *Israel would acknowledge the suffering of – but not responsibility for – Palestinian refugees (language is in the preamble). In parallel, there must also be a mention of Israeli (or Jewish) suffering.*
- *Israel would take in 1,000 refugees per year for a period of 5 years on “humanitarian” grounds. In addition, programs of “family reunification” would continue.*
- *Israel would contribute to the compensation of the refugees through the mechanism and based on suffering.*
- *Not clear what the heads of damage for compensation would be, just that there would be no acknowledgement of responsibility for the refugees, and that compensation, and not restitution or return (apart from the 5,000), would be the only remedy...*
- In a June 16, 2009 briefing to NSU advisors, Dr. Erekat reported that Olmert offered to permit ten thousand refugees:

[Excerpt from the document relating to refugees]

...

SE: Olmert accepted 1000 refugees annually for the next 10 years; ‘67 borders and 100% of the WB and Gaza; East Jerusalem as our capital – what is Arab is Arab, what is Jewish is Jewish - the Jordan Valley; the Dead Sea...

Unofficial minutes taken on February 27, 2009 of Dr. Erekat’s meeting with George Mitchell indicate that Dr. Erekat felt a deal could be made with Israel on refugees:

[Excerpt from the NSU meeting minutes quoting Dr. Erekat related to refugees]

...

We recognize that Palestine will not have an army, navy and air force, but will have no limitation on dignity, and will require a third party to help us. On refugees, there were discussions on numbers that will return to Israel over a number of years. The deal is there... [emphasis added]

Later on in the minutes, Dr. Erekat is quoted as saying

...We have looked at all details of the day after. Now it’s about decisions. I cannot negotiate on percentages and numbers of refugees any longer. The choice is yours now. It’s time for a decision. The two states are inevitable.

- Apparently, Al Jazeera and The Guardian are reading the two quotations above from the NSU Briefing along with the documents noting Olmert’s offer to conclude that there was an agreement between Dr. Erekat and the Israeli side.
- A more fair reading of the statements attributed to Dr. Erekat is that he believed that the parties could reach an agreement on return of a number of refugees. Though additional documents prepared by the

NSU around the same time as Olmert's offer which have been posted on the Al Jazeera's Transparency Unit website indicate that the NSU anticipated that there would be an agreement on a set "quota" for refugee return to Israel, there is no indication that Dr. Erekat agreed to any specific number from the documents which Al Jazeera referenced in its news report.

- The number of 1000 of year for a certain numbers was an offer that Olmert made. It was not made by Dr. Erekat and certainly never accepted by him.

Relevant Excerpt: 8 April 2008

Livni: Let us be fair. You referred to 1967 line. We have not talked about Jerusalem yet. There are some Palestinian villages that are located on both sides of the 1967 line about which we need to have an answer, such as Beit Safafa, Barta'a, Baqa al-Sharqiyeh and Baqa al-Gharbiyyeh. There are also some settlements that were built behind 1967 line but expanded inside 1967 line illegally, such as Uranit settlement south of Hebron.

Abu Ala': First, we cannot accept this proposition and I am sorry to hear it. This solution is not the two-state solution. It is the five-state solution: a state in Gaza, a state in Jerusalem, a state for settlers, a Palestinian state and an Israeli state. I do not think this will be the basis for any discussion.

Shlomo Ben Ami wanted to propose this to me but I told him no. Look how much Ma'ale Adumim has expanded since you suggested the swap. Thus if you want to be realistic and are concerned about the continuation of this channel, you have to come up with a realistic proposition.

I cannot look at you needs but I can look at swap by a realistic percentage.

If you want to terminate the PA with this proposition, we will leave it for our future generations to demand our rights.

Terza: Ma'ale Adumim was 64 kilometers in Taba.

Livni: At any rate, Taba is not a term of reference.

Saeb: I mentioned earlier that the establishment of the Palestinian state is the answer to the issue of 5 million Palestinian refugees, but this does not mean that you should make this state smaller.

Will what you need be swapped?

Livni: We do not create a state for every refugee but we create a concept. This is what happened in Israel when the state was created. The Jews came to the state and not to the land. There are things on the ground that you hate but they are there. There is enough chance to reduce the needs that we have proposed.

Saeb: Will you compensate us for what you will take?

Livni: We will talk about the type of compensation.

I know that your position is for 1:1 swap. I said I cannot accept this percentage, but we will negotiate.

I know that Abu Mazen has proposed this to Olmert but Olmert refused it. I know that you have your ideas and I suggest that during next meeting you propose them.

Abu Ala': I agreed to listen to your propositions because I thought you would come with

realistic propositions.

In light of these circumstances and these unrealistic propositions, I see that the only solution is a bi-national state where Moslems, Christians and Jews live together.

In Israel they do not realize our needs.

Is our demand for 1967 borders too much for us?

RETORT:

- From the context here, it's clear that the main point of the discussion is relating to territory not refugees. Dr. Erekat uses the Israeli logic/argument that the Palestinian state is the solution for the Palestinian refugee problem to make the case for why the Palestinian state should have as much territory as possible. In other words, he is stating to the Israelis, "Even by your own logic, we should have the maximum territory in our state."
- The position on refugees is expressed in the official PLO documents, which call for a recognition of the right of return, and implementation per refugee choice.

Relevant Excerpt: 24 July 2008; Ziyad Clot E-mail to Zeinah Salahi

As you know, SE decided to share our position on refugees very early in the negotiation process with the Israelis. He was willing to show to the US the Palestinians serious intentions to engage on the core issues. At the same time, he also did not feel that he had the expertise to handle real (oral) negotiations with the Israelis on this and preferred to proceed via an exchange of Is/Ps with T. Becker.

In parallel, AM offered an extremely low proposal for the number of returnees to Israel a few weeks only after the start of the process.

However, in the scope of the SE-TB track, we have not given away anything despite the pressure put by the Israelis, and now the US, and despite a very awkward and dangerous process (these exchanges of papers between TB & SE). The Israelis have also recently accepted the structure we have suggested for the Article on refugees (recognition of refugee rights and then implementation, rather than implementation via the international mechanism).

I remain convinced that the refugee file remains one of Israel's main concerns but that they believe that they can get a good deal on this considering the Palestinian leadership's weaknesses and the US recent involvement on the issue.

Strategically, it is in our best interest to keep the discussion over the substance of the file until the end in order to avoid giving any guarantee to the Israelis before we have a more precise idea of what the PLO might be able to get regarding the other files (???), and on Jerusalem, in particular.

We have now reached a point where a lot of pressure is going to be put on AM, AA and SE on the refugee file, with the US acting in support of Israeli interests. There is clear risk that SE and AA will have no choice but to comply with US instructions and discuss the issue under the conditions impose by the US.

RETORT:

- This is an internal memo between two technical advisors, and does not represent the positions of Dr. Erekat.
- What is worth noting is the reference to the fact that the Palestinian negotiators “**have not given away anything despite the pressure put by the Israelis, and now the US, and despite a very awkward and dangerous process (these exchanges of papers between TB & SE). The Israelis have also recently accepted the structure we have suggested for the Article on refugees (recognition of refugee rights and then implementation, rather than implementation via the international mechanism).**”
- The author of the e-mail may have had some issues with the tactics of the negotiators, but the fact remains that at the end of the day, they did not concede on any of the positions.

Relevant Excerpt:

Attendees: Karel De Gucht, Belgian Minister of Foreign Affairs (KDG)
 10 or so other Belgian officials
 Dr. Saeb Erekat (SE)
 Hala Rashed

Subject: Belgian Foreign Minister’s visit
Date: 23 March 2007 11am
Location: NAD

SE:

- Siege is composed of (1) bank restrictions and (2) tax revenues.
- “Bear-hugging”: International community pays lip service to AM.
- Saudis promised \$80M for Pals, but we never saw it.
- [Saeb gave him the Israeli cabinet decision regarding the NUG].
- AM needs to do three things: (1) one gun, (2) Fatah reform, (3) political horizon.
- We won’t allow what happened to Arafat to happen to AM.
- We can reverse the course. All we need is 3-4 months to conclude an agreement.
- **We will not give up refugees before PSN**
- Israel has three options: (1) two-state solution, (2) control from Med to the Jordan River, but give us our rights, (3) status quo.
- I don’t want Al-Qaeda’s evil to use my just cause.
- Anyone who says that Pals are not ready for democracy is a racist.
- I can’t stand Hamas or their social program.

RETORT:

- First, unlike other minutes, these notes were made in point form by the note-taker and did not reflect the totality of the conversation between the 2 parties.
- Dr. Erekat states that the Palestinian side will not give up on any permanent status issue, including refugees, before entering into negotiations on these issues, and that in response to the Israeli demands of recognizing Israel as a Jewish state.

- The phrasing is somewhat awkward, but this was essentially Dr. Saeb’s way of reiterating the general Palestinian position on negotiations in Annapolis, which utterly and categorically rejected the Israeli demands to recognize Israel as a Jewish state and that “nothing is agreed until everything is agreed.”

Major concessions on territory

“Napkin map” presented as a possible basis for a territory agreement

Source: <http://english.aljazeera.net/palestinepapers/2011/01/2011122114239940577.html>

Report: The two leaders met again on September 16, 2008. A set of talking points prepared by the NSU included a great deal of confusion about Olmert's offer; the memo urged Abbas to ask for a copy of the map, and raised a number of questions about the territory swaps. The NSU memo did not explicitly endorse or reject the Olmert offer; it did warn that continued settlement growth (particularly in East Jerusalem) would make any agreement "much more difficult."

RETORT:

- In response to Olmert's proposal, President Abbas raised a number of questions. Many of these questions were intended to fill in major information gaps that were present in Olmert's proposal. Others were leading questions intended to expose Israel's lack of seriousness and show that the proposal was unviable and unacceptable. There should be no ambiguity here that Olmert's proposal was unacceptable to us.
 - For details on our actual position on territory, please refer to the Territory Concept Paper submitted during the 2010 "proximity talks."
-

Palestinians willing to accept the annexation of all of East Jerusalem's settlements

Source: <http://english.aljazeera.net/palestinepapers/2011/01/2011122114239940577.html>

RETORT:

- We have not been willing to accept Israel's annexation of all of the settlements in the East Jerusalem area. In fact, in response to Olmert's proposal, we noted that "Maale Adumim, Givat Zeev, Har Homa and Efrat [settlements in the East Jerusalem area] clearly prejudice contiguity, water aquifers, and the viability of Palestine," to suggest that we are unwilling to consider these settlements as options for swaps. Here again, media reports are misleading.
 - One cannot assess the merit of an agreement piecemeal. One has to look at the entire agreement. In the negotiating process in question, nothing is agreed until everything is agreed.
-

Al-Jazeera reported on January 26, 2011 in "Bila Hudoud" that in the Palestinian offer and the map, the swap is 1:50 (for Israel) in the Jerusalem area and 1:1 in the WB.

RETORT:

- When we speak of territory exchanges between Palestine and Israel, the main principle to keep in mind is that the land exchanged must be of equal size and value.
 - To focus on the ratio of the swap in any given area is arbitrary and manipulative. Depending on the region, we may also find that the land we receive is far greater than the land we would be giving up in that particular region.
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- Again, one cannot assess a proposal on the basis of one of its elements without looking at its whole. For instance, even though in East Jerusalem land may be of greater value than it is in other parts of the West Bank. However, at the end of the day if Israel cannot offer us land on its side of the 1967 border that is comparable in size and value to the land on our side of the border it may seek after we conduct a detailed analysis of the proposal, that proposal could not move forward.
- In addition, some of the maps presented do not indicate some of the areas we seek on Israel's side of the border, which include destroyed villages near East Jerusalem that we would like to include as part of our state, allowing refugees to return to their ancestral villages in a Palestinian state.

Goldstone Report

The quote as it was brought in Aljazeera:

SE: “Then came Goldstone and all hell broke loose. You know the first public response to the Goldstone thing came from Lieberman, who said Abu Mazen agreed to postpone the vote because the Israelis threatened to release the “tapes” showing him coordinating the attack on Gaza with Israel. Then there was the report that he did it for Wataniya, which they said is owned by his two sons.”

RETORT:

- Reading the full quotations shows that Dr. Saeb repeated (not confirmed) vicious rumors by the Israeli.
- What is also interesting is that Al-Jazeera failed to refer to other parts of the minutes where the following is recorded:

SE: Abul-Gheit was candid. He said in public “Goldstone finished you [AM]. You’re finished”. Then he goes to Jordan on the 5th with Nasser Joudeh, and dares to say Egypt had no knowledge. Then hell broke loose – because this was Egypt ...

GM: It’s not true?

SE: Of course not. Hisham Bader was in the meeting. They were consulted. We are not even a member [of the UN Human Rights Council]. It was the Pakistani who read the resolution on behalf of the three groups. Instead they said AM sold out – and the [rumoured] story about Wataniya. I know life’s not fair – but this was despicable. The Emir of Qatar going on the phone personally, calling intellectuals telling them to attack AM – calling Azmi Bishara and Abdul-Bari Atwan. This is because AM wouldn’t go and do reconciliation in Qatar like the Lebanese. But there is nothing you can do with Qatar ...

- The attack on Goldstone Report issue is another old one and is now being recycled as part of a sensational attack on the President and Dr. Saeb.
- The President responded to this issue in October 2009 and said that the decision was to defer the Goldstone matter and not cancel it. Palestine isn’t even a member of the UN Human Rights Council and it was a decision made by the Arab States.
- What is more important, and which is not reflected in the public record is that at the same time the Goldstone resolution was being discussed, the President instructed Dr. Saeb and the NSU to work closely with the Minister of Justice, Dr. Ali Khashan to follow up on a request to the International Criminal Court to seek war crimes prosecutions. This is where the real matter is and which we did not make public for fear that it would undermine our efforts.
- We made the calculation that the Goldstone resolution was not going to be successful and would not achieve anything practical because of US threats to block any meaningful UNSC action, and that we could delay it without: 1) harming the political track; and 2) taking away from the real effort at the ICC for war crimes prosecutions. Pursuing ICC action directly was the only meaningful option, and we continue to pursue it.
- Goldstone is just a report and it needs UNSC action to make it operational. The ICC has the potential for real prosecutions which the Israelis are seriously concerned about. What you see in the incomplete

notes is reflective of the reality of politics and diplomacy, without compromising the real need to seek justice for the victims of Gaza.

- Sensationalized rumors by Al-Jazeera are simply that. Rumors repeated out of context. Aljazeera actions only show that they are after the leadership, not the truth. Dr. Ali Khashan and I have worked closely with the President on seeking accountability for war crimes in Gaza. Even if you look at the documents Al Jazeera put on its website, in March 2009 in the notes from the meeting with the President, the President told the NSU that he instructed Dr. Ali and me to continue with the ICC efforts and seek prosecutions of war criminals. This was a calculated decision because it was the only effective forum. Goldstone, however, we could defer for a few months for political gain without actually undermining the serious and quiet efforts at the ICC.
- In the end, it was a reasonable calculation to make and I stand by my decisions and those of the President and I continue to provide instructions for seeking prosecutions for war crimes in close coordination with Dr. Ali Khashan. Are these the actions of someone trying to sell out Palestinian human rights, or reasonable and calculated decisions to advance Palestinian interests? You are entitled to be critical, but please do it after knowing all the facts and not based on rumours, misinformation and without a fair context of reasonable differences of approach to advance Palestinian rights.

Collaborating with Israeli on Security

Available in the Arabic version. Please see the attached separate paper.