

DRAFT MINUTES
Meeting with the Americans
June 23, 1993

Palestinian side: Hanan Ashrawi, Saeb Erakat, Nabil Kassis, Camille Mansour, Ali Safarini, Rashid Khalidi. Farida Salfiti took the minutes.

U.S. side: Aaron Miller and Dan Kurtzer.

Miller: Can we spend one minute on something. Israel yesterday used the plenary to air its views on early empowerment. I have two questions for you. How did that presentation come across to you and what do you think they mean? Second, what is your initial reaction to what they tried to lay out?

Hanan: It was not a coherent, comprehensive presentation. They presented initial ideas and we haven't received a full-fledged proposal. Saeb told them that our mandate is to work on the DOP now. Since early empowerment has become a topic, we need to see whether it is empowerment in functions or whether it has geographic applications. It's from this that the idea of Gaza and Jericho can be approached.

Kurtzer: What idea?

Hanan: Of Gaza first. They are not in the negotiations but they are ideas that have been around. Perhaps this would be the opportune time to look at Gaza, Jericho and the corridor as early empowerment.

Miller: We can't have an authoritative discussion on the Gaza first. I don't know what standing it has. My question is concerning the conceptual issue of empowerment. If you agree to interim self government arrangement, empowerment becomes a tool to do a number of things and I want to know if this is a concept that you reject. You fear it has no context and isn't serious? That it only deals with the transfer of functions?

Hanan: We have a list of arguments: that it sabotages the talks, it prejudices the outcome, but as a concept we haven't said that it is garbage and they haven't presented a full-fledged proposal. You will find us open to hearing any serious proposals they have.

Miller: Why is it not serious? What is the problem with what they said?

Saeb: I felt he was doing it as homework in a way to say to someone that I did it. We were offered this under Shamir. We were

honest yesterday. He mentioned two points about not substituting the two agreements. In early empowerment he is talking about the furniture in the second floor. We have a full mandate to put down the foundations. We're surprised that since we accepted the interim self-government it doesn't contradict early empowerment. Now they come with these ideas and offer it as a package. The real thing is the separation between the ISG and the permanent status. The main concentration is on the ISG and we accept it as the means to reach an end so to talk of early empowerment is premature.

Kurtzer: Taking your metaphor, if what you want is a house and they are sitting in it and they are saying you can have 6-7 rooms and we will keep working with you on taking the whole house. How does this prejudice the outcome?

Saeb: We need to have broader foundations.

Hanan: You cannot have a transition and have an authority that continues to be Israeli. If you start with a partial approach, you'll have people working under Israel. Be we haven't given them a response.

Kurtzer: Could you develop for us a coherent approach, as they develop on why this is creating so much trouble for you? In our minds, you are making a mistake. You are being given the authority, for the first time, to start talking about taking control over your lives and you are saying no and holding out for something different. If somehow you are persuaded that this is done in good faith, it gives you a chance to find out what you can do and want to do. I don't see a down-side to it.

Miller: We're not trying to sell you Israel's idea. Whether Dan describes it as our simplistic U.S. mind, it's very difficult to understand as an American view why empowerment within a context does not become an implementing mechanism as an agreement is reached without prejudice to the agreement. There are philosophical reasons you don't accept and it's because you don't trust them. Testing their seriousness on empowerment is one way to see their seriousness.

Hanan: It could sabotage the whole agreement.

Kurtzer: You could not go on with early empowerment in 5-7 spheres for an extended time with the absence of progress and conditions. You could use early empowerment as a test of their intentions and of the agreement itself and it could be a way of affecting changes on the ground. This way instead of being objects of history you become subjects of history. If I heard you right, in the context of a DOP then early empowerment can make sense?

Hanan: There are certain requirements that would form the context of our discussions on early empowerment. A DOP is part of it.

There are ideas we're exploring to tell you that we are not closing the doors on early empowerment but are exploring the possibility of it containing a geographic dimension for example on Gaza, Jericho, and Jenin as a way of looking at early empowerment in a new way and getting reassurances in actions that will not be prejudicial to the final outcome. Also we have a problem with authority. Who appoints it? The delegation doesn't have the authority to do so.

Kurtzer: Can you get authorization to ask them and us questions on early empowerment?

Hanan: We'll talk about it.

Kurtzer: They were disappointed with your reply that you can't do anything other than the DOP. Without cutting across work on the DOP could you say we have a series of questions and throw them at them and say to them to come back to us with an amplified presentation?

Hanan: Saeb told them we will consult and get back to you. This is an urgent issue we need to get back to immediately. We didn't feel they presented something we can look at.

Kurtzer: Can they present something more seriously if they think that you are not prepared to listen? If you can look at it seriously tell them and tell them you are not sure that their proposal was anything more than scratching the surface.

Miller: Your conception is that the interim self-government will be implemented. You have a different view--you reach the principles and then they are implemented. That is the sense I get. When you think of the concept of early empowerment is implemented it accords with your view of negotiations. It becomes an implementing mechanism.

Hanan: We need assurances and we need to discuss the geographic scope. Maybe we can set up a meeting to discuss early empowerment later.

(Nabil entered)

Saeb: I have a question to you as far as early empowerment is concerned. Does it cover East Jerusalem?

Kurtzer: Ask them. I don't know.

Saeb: Please take note of the question.

Kurtzer: Let me ask you a factual question. At the level of the Palestinians working in the civil administration for example, education. Does that cover schools in East Jerusalem now?

Ali: There are schools run by the Jordanian government as a de facto system.

Miller: Palestinian schools in East Jerusalem, what is their relationship with them and the Israelis.

Nabil: It's a complicated thing and we'll get you the information. There are private schools with Jordanian curriculum.

Miller: Is there an official relationship between the Israeli and Palestinian schools in East Jerusalem?

Nabil: I think not.

Kurtzer: The Israeli Ministry of Education will run Israeli schools and Arab schools in Israel?

Hanan: The civil administration doesn't deal with anything in East Jerusalem. We should move on.

Nabil: One thing is that the books passed for curriculum in the West Bank I think are the same books in East Jerusalem. Let's check on this.

Kurtzer: But they are not the same books as in Israel proper?

Nabil: It's a grey area. I want to add that at the time of the Turks, Armenians had their schools and Christians had theirs.

Hanan: You have questions for us and we have questions for you and we need answers. We sent you a letter and you haven't responded. We do deserve a response.

Miller: Certain issues we responded to and certain issues we addressed in our meetings.

Hanan: No, we'd like a response to the memo and we will get down to business according to our agenda. We want to continue with the work plan established and go over the items of our DOP. Saeb will give a brief presentation on goals, security and then a summary of the basic ideas we have that are crucial components of the DOP.

Saeb: I want to start by saying that we don't stick to certain words because we like them but words that can translate into reality. Yesterday we asked the Israelis a question. We gathered all their basic ideas: that the permanent status is undefined, mutual trust, concerns of both, interlock, security with the Israelis. I asked them if this is still their guideline and they said yes.

As far as goals and the terms of reference, first we think that it is based on 242 and 338 and that the wording 'land for peace' must

appear and international law must also appear. As far as the interlock between the two stages, and that is our basic agreement, if it is one peace process divided into two, we can't speak of separating them. It is to us as though they are saying that there is a peace process now and there will be another one later. So interlock is saying that the two phases interlock as an integral whole. It's only logical. We cannot say interlock of phase one and then of phase two. Timelessness then becomes the name of the game.

As far as Israeli actions on the ground, whether if we agree on the first phase it will continue, we want to see in goal something that corresponds to no actions on the ground that will preempt the final status of negotiations. When we come to the permanent status, and 242 we really can't see how the Israelis refuse to see the Territories as occupied now and to see it as occupied in three years if they want to say that. How can that be? How can they look at the Territories as unoccupied, and disputed and to see them in the final status as becoming occupied. The basic idea is that we have two phases based on 242 and 338 so the agreements of the first and second stage must achieve the implementation of 242. You cannot discuss anything without the intention of implementing these elements. These are basically the ideas that we can't envisage not to see in it. We know and we told the Israelis that the DOP won't have any meaning if they are withdrawn but we want to make sure we will get it. I hope I was brief.

Kurtzer: Can I ask a question? You identified the five issues where there are differences between you and the Israelis. You stated "land for peace" must appear. Could you explain what is the relative priority and weight that you assign to this in terms of goal and other things in the DOP? Is there a difference between land for peace and territory for peace? We interchange them.

I have two questions. On the first one: what is the reason why it must appear as "land for peace" and what is its relative significance for other ideas related on land for peace for example, if interlock satisfies you does it make it less necessary to have land for peace?

Saeb: Basically because we don't look at 242 as a mere number. We have an Israeli delegation, an Israeli government that says openly that they have a different interpretation of 242 even though the Israeli government speaks of land for peace. It becomes essential to make clear in the goal that it is land for peace. Why did you use it and why did Baker use it? We tried to be close to the Madrid formula.

Miller: It's in our judgement that a solution has to be based on this.

Saeb: What's the difference between policy and judgement?

Kurtzer: We feel a settlement must involve an exchange of land for peace but we haven't defined to what extent. The closest to it was in 83 when Reagan said that it depends on the quality of peace.

Miller: Where does the logic of your question go? It may be Rabin's unstated policy. I believe Rabin, like us, believes that a comprehensive component of peace is land for peace.

Saeb: If they can't live with it we'll say "the inadmissibility of acquiring territory by force."

Miller: According to their DOP, they talk of a process that is one and then they propose to attach the terms of reference, the Madrid invitation and 242. They are willing to attach it to a phrase.

Saeb: If they are willing to attach it then why not have it in the goal?

Nabil: I want to make one comment on three things. First, in the Israeli SOP they don't treat 242 and 338 as in the Letter of Invitation. They say attached as well and add a semi colon. Secondly, with regard to U.S. position, I read somewhere, around the time of the Reagan initiative that where the borders are is qualified to mean something insubstantial.

Kurtzer: It hasn't become anything but a relationship to the extent that peace and security are offered in return.

Nabil: You said it is a judgement.

Miller: No, I said it is a policy.

Nabil: If Reagan talks of the quality of peace and ties it to the border directly to quality, this figures out here. You cannot have peace without withdrawal. If we talk of "inadmissibility of acquiring territory by force" then there is a reference to it in a way that is acceptable. Land for peace is something we settled for and would indicate it is tied to international legality and reflects the fact that we didn't stop considering UN Resolutions, international law and the Fourth Convention.

Hanan: There is a common discourse evolving everywhere and accepted everywhere except by Israel. I don't see why Israel is wary of using terms that are part of a political dimension and it says aren't prejudicial. They form part of the basis of negotiations.

Kurtzer: Of course they are prejudicial to Israel's position. They have a legal theory that they will try to preserve and enclose their interpretation of 242 and you will too.

Hanan: If you want to have a formulation it has to be from within

the terms of reference. We said that omissions are as important as commissions.

Kurtzer: The question we're posing, if you want to add an amplification to the letter of invitation through the goal, you can't simply say because the international community is using a phrase that we'll use it.

Camille: One point on the land for peace. We give much weight to Christopher's press conference when the Arab side and the Palestinians accepted coming to the ninth round he made an address after our acceptance. We thought what he said was some kind of understanding between the parties. It's an elaboration of the letter of invitation and he said in his address land for peace. Secretary Baker, for political reasons didn't include it in the Letter of Invitation but now Secretary Christopher is saying it.

Kurtzer: If you and we were negotiating the DOP land for peace would be in there. But you are not negotiating with us.

Miller: We are prepared to try and come to a better judgement before we draft. It is a combination of the following: 1) what your needs are, 2) what are your priorities, 3) if we could try and move you and what are your formulations.

What is the language which you want to express your needs and principles? Not everything you want can be accommodated. This is a mirror image of our discussions with the Israelis. ----land for peace, interlock, international law, implementation you didn't like.

Hanan: No, we want implementation.

Miller: You want implementation of resolutions and not of agreements. My questions are, and we're now coming to a point that you are summarizing your basic needs. It's very important that you try and address other issues--what are your positions? Do you need all those elements? Are some more important than others. Second, concerning the language. The question is how do we deal with your priorities and formulations? You need land for peace and international law. But do you need them equally?

Saeb: Is it a souk? I could put as my goal that the Occupied territories including Jerusalem, settlements and the fourth Geneva Convention. It's not a matter of our priorities but what is workable. We need a language of clarity. In the history of our conflict there has been much vagueness which has created problems. As far as the Letter of Invitation, it's not an agreement but its the guiding lines that we must build on and to put meat on the skeleton. We came with a pragmatic approach and listed five issues that we thought were relevant.

Kurtzer: Ten days ago, before this round began, we laid out a work plan and we identified these five issues. You now come and say that we must have these five. My personal assessment is that we cannot get all five your way. It would help us if we understood better--are there things here if you don't get you will walk or if you get them it would have a bearing on getting other things? If you get land for peace, would it cover you on areas 2 and 3.

Saeb: You know how we were peeled to come to the peace process. My question is where did the Israelis evolve in this? Do you have a draft you want to share with us?

Kurter: You have to assume we're having the same conversation with the Israelis. If you tell us that all of these five have to go in, I'll tell them we can't produce a DOP. We're trying to get from you a sense of your priorities and relationship of all of these things.

Hanan: We are dealing with areas and issues. Provided they are covered in ways that meet our needs, we are not talking of a specific form. When we talk of land for peace we need it and 242 and 338. We need to place them beyond a doubt as being the outcome of the implementation of 242 and 338.

Kurtzer: You are reacting to why all the elements of your DOP have to be included. If all you do is repeat your DOP you'll be disappointed in what we produce. If you want to influence our DOP give as a flavor.

Hanan: If they are covered in certain areas---

Miller: At some point before we write it, it would be helpful for you to take us behind where we've been. We're drawing on 6-7 things: 1) your DOP 2) the Israeli SOP 3) U.S. policy 4) our own idea related to this phase 5) May 12 paper 6) Our conversations. The one missing element is not your bottom line but an effort to help us think through what elements might be possible in the areas you need. But it might be useful to see whether or not you can get the authority to take us beyond that.

Hanan: You don't think our formulation will be acceptable to the Israelis?

Miller: No.

Kurtzer: We gave you feed-back. Concerning the word international legality, if we were negotiating with you we won't allow international law. You asked our views and we gave you our view on one issue. International legality is too vague and too broad.

Miller: Rest assured we know what the key elements of goal are and we will come up with a formulation of our own which we believe will

address your requirements and the Israelis.

Hanan: There are three areas that are important: when we talk of the basis of negotiations, interlock and the object. There has to be a clear basis, interlock and implementation. We cannot talk of areas of flexibility in precise terms.

Saeb: Today's position is one that has evolved over 20 months. The basic ideas of the Israelis haven't changed. When you ask them a question is this the idea of interim self-government they say Yes. We want to avoid vagueness. For your document to get a response including these areas would be helpful.

Miller: After you see what it is we produce, how are you going to respond? It may be the authoritative Palestinian reaction will be elicited in response to what we do.

Hanan: Or maybe there is a missing stage that is beyond making the U.S. document.

Kurtzer: We negotiated a Letter of Assurance with each party in a way for you to end up negotiating with each other. There was a progression to a point where we reached an agreement. What hasn't happened in your negotiations here is that progression. Because that hasn't happened, the Secretary said to try to figure out where they should be getting and try to get them there. If we had a sense of some progress then we may not put a paper out.

Saeb: It's clear why there is no progress. If you don't see things our way we can't progress.

Hanan: Let's move to other areas and then talk about security. We feel in our draft that we didn't express a detailed position on it. We wanted to keep it in an area of consensus but the Israelis have their own idea and so we said we will present our own ideas. These are basic issues that can be acceptable to both.

To us it is important that security is not in the sole domain of one party and therefore we insisted on mutuality in any security arrangement. We cannot accept for overall security to be in the hands of Israel because it means that Palestinians would be subject to Israeli control. We thought that one way is to deal with the agreement we're working on that would indicate appropriate security arrangements to maintain all the different types of security in the interim phase and on the basis of mutuality. We are willing to look into each sides security needs and concerns.

Miller: How would you take them into account?

Hanan: In the full blown agreement.

Miller: You are reserving it for the agreement itself? But do you

have a formulation for the DOP on security?

Hanan: We do and we'll discuss it later.

Rashid: Security cannot be the exclusive domain of one side and the mutual needs of both sides need to be considered. Even external security has elements that concern us.

Hanan: It has to be made clear that pertaining to the structure, they are the domain of PISGA and the public order in all their aspects. But here we also should insist as Palestinians that we need to draw on our external resources.

Kurtzer: What's external resources?

Hanan: There are Palestinians outside of the Occupied Territories with more experience and knowledge.

Kurtzer: In what scope? Ten or one thousand?

Hanan: We are not discussing the numbers but the right to draw on external resources. There are those outside capable of establishing these structures.

Rashid: We think that Israeli security managers think that for things to work properly there has to be experience and those respected who can maintain public order.

Hanan: We can't handle it and we want internal security. We think that there are Palestinians outside of the Occupied Territories who have had experience. There are officers in the PLA who can deal with this. We're not getting into the specifics. This serves the interest of both sides. But we don't have experience in certain areas.

Saeb: Maybe other forces also can come in like the U.N.

Hanan: Under security we also need the concept of withdrawal. The first issue of the withdrawal of Israeli forces begins in the interim period. We are not specifying total or partial withdrawal but we need a time-table. We think withdrawal would begin according to a time-table. Withdrawal is discussed in general but we have to have the appropriate security arrangements and we have to have international supervision.

Kurtzer: Of Israeli withdrawal?

Hanan: There is the withdrawal of the Israeli army and security forces from the populated areas and the redeployment of forces to mutually agreed security locations. There is the issue of withdrawal in general and the withdrawal and redeployment from populated areas has to be under international supervision. That

would help our organizations to carry out their jobs and it will create changes in the status-quo.

Kurtzer: Are there two different withdrawals?

Hanan: It's a broad formulation.

Kurtzer: And then you get into applicability?

Hanan: We did acknowledge in our discussions we need trilateral relations and that there are areas that have to be dealt with but external security is also not the sole domain of Israel, particularly relating to border points. Palestinians should have the right to control entry and exit. We must stress that the U.N. role is important particularly pertaining to external security.

Miller: These aren't new but they weren't elaborated in the March PISGA. This is the sum total of your views on security and of how they evolved for your DOP?

Hanan: We want to give you an insight into how security should be worked out. We don't exclude or preclude security as being part of the mechanisms of cooperation and coordination.

Miller: Is this after we pointed out the juxtaposition in your own paper?

Hanan: We also introduced the element of phasing which could be either in time or in geography.

Kurtzer: Well, for the first time we are speechless.

Miller: Your concerns are one thing but all this has to be part of your concerns, the negotiations and this current phase. They have to be separated and integrated in a way that makes sense.

Hanan: What doesn't make sense?

Miller: We got you to think of three elements: reflecting your concerns and requirements, setting priorities and setting formulations on which we can draw. This security presentation is otherworldly.

Hanan: What do you find so unbelievable?

Miller: One of the most sensitive issue is timing. I know you've been thinking of the security presentation...

Kurtzer: I can't relate to what may have been going on in your communications between Israelis and Palestinians and there may have been a broader arrangement. I have to fence off what I don't know. There are critical issues for each of you and the one I've always

referred to is security for Israelis. Most all others pale in significance to this. If the Israeli people believe that the security of Israel will be enhanced by something that happens they will be more willing on something else.

What I do when listening to you is put on an Israeli hat. Now I am Joe Israeli and I think how this is going to affect my security and I'll say forget it. I'll say they don't want to give us security but they want to have a state with the whole security apparatus. We will trade a bad situation for a horrible situation. In five years there will be the PLA, or the vanguards of the PLA and the UN which never safeguarded Israeli security. I do the same when I speak to them and put on a Palestinian hat.

If on this key issue my security fears come out, I don't want to see the rest of the document. I've had the same conversation with Ambassador Allaf of Syria. I said you know that if you can't produce an agreement with the Israelis which for the people in Israel isn't as good in security terms or better, you won't get it. The first thing that Rabin will have to defend is the security of Israel. What you've outlined gives Rabin talking points to say this won't protect our security. Maybe this is all wrong because you have an understanding with the Israelis. If you don't, that is why it is other worldly.

Camille: I want to explain the rationale behind this. The first point you yourselves asked us on May 13 to strengthen our security formulation. We said the Israeli formulation is too strong and let's look at the interests. If Israel thinks by putting a tight formulation where it binds us to have the security overall, that would be counter-productive and the interim self-government arrangement will go. We and the Israelis know that. Let's think of more positive terms. Does the Israeli term give security to Palestinians? Security for the Israelis without security for the Palestinians isn't security.

Miller: You can't sell a detailed structure now.

Rashid: The message we're giving is if you give credibility to security organs, the better the security concerns are met.

Kurtzer: That is different from what you outlined. If what you are talking about is an evolutionary process you are now in the universe.

Hanan: We have put in place a mechanism for time-phasing. Also, without strengthening Palestinian security organs there can be no security. What Israel considers to be its security concerns has to be paralleled with Palestinian security.

Rashid: Mutuality is then followed by what we meant by exclusive mutuality. Maybe this is early and we're not suggesting we have an

agreement with anybody but this is our reading of what they might accept.

Kurtzer: As you think this through think politically. If certain things are shown to Palestinians, the details can be easier. If Israelis see that Israel has a responsibility for security and Israel knows there will be a change and you can send the political signal to the people of Israel, they will give you something. All I am suggesting is you think not only of the elements you need but how they relate to others and how something in the DOP will over time affect your constituencies. They maybe can live with something because they see something else they can live with.

Rashid: It goes both ways. There has to be something in the language which addresses Israeli concerns but also talks to our people.

Miller: One of the purposes of the DOP is to get the attention of each other's public while keeping your own faithful. If we can't through this exercise get each other's attention, we won't succeed. The security issue will be crucial.

Rashid: We don't think we'll have a problem agreeing on this. It is based on a reading of both our security problems. There is a political problem selling it to the public in Israel but we're trying to be practical.

Miller: You need a laboratory, a framework to test a lot of the issues now like security. You have to test the Israelis and you don't have a practical way of doing it. That's another reason to find a focal point to have discussions on every issue reflected in your paper. We talk of the key to meaningful negotiations. We don't have the key but this provides the key and it is to enlist us in the process.

Saeb: I'm surprised to hear your reaction. When you put the Israeli hat on you become more Israeli than the Israelis themselves. Security was discussed with them and they said they will be responsible for who crosses the border, arresting our children, entering our homes. If we said we want planes, tanks, fleets then I will understand your reaction. As far as security is concerned, we want to make sure that anyone who commits a crime will be subject to the same law. They said no, first we catch these people (an example was a ring between Palestinians and Israelis who commit civil crimes). I asked what will we do? Rubinstein said your court will try the Palestinians and the Israelis will have a choice of either being tried by the courts in the settlements or in Israel. When it comes to political security both will be tried in Israel. Is this realistic? We've assured them in every way and to come up in the end with things that will complicate matters? We've never spoken of what the Israelis told us?

Kurtzer: Do you think that when the Israelis said it we said that it is a good idea?

Saeb: What we want is to be strong in the transitional period because it is going to be a testing period for us. Security is the real test for me.

Miller: What Hanan did was externalize an internal problem. You are talking of an interim self-government arrangement, and a DOP and then we hear of external resources and the UN. For this moment, this level of detail isn't necessary but what followed was an elaboration of things that aren't possible now.

Hanan: We mentioned a few taboos that bothered you. I think we're saying this so you keep them in mind but the basic principles are: no overall security, that security is not the sole domain of Israel, there are areas of cooperation and coordination, the stronger the Palestinian security force the better for both. We need the issue of withdrawal which can be discussed in two ways: a time-table and phases and the issue of being able to draw on our resources is not so incomprehensible. We don't want to reestablish the PLA but we need to draw on our resources. This will be by agreement.

Rashid: It would benefit us if we and you could meet and discuss this some time later.

--the meeting was adjourned--