

Memo on meeting w/ A. Kreczko and T. Feifer, Washington, 8/12/91.

Present: Kreczko, Feifer, Dr. Haidar Abdel Shafi, S. Nuseibeh, A.F. Kassim, N. Qassis, G. Khatib, A.S. Khalidi, N. Ja'bari, R. Shehadeh, Y. Sayigh, RK. Meeting lasted from 3 to 5 PM.

HAS Re procedure, specifically the question of separation of the joint Pal.-Jord. del., we are content with the US letter: where the Pal. issue is concerned, del. would be made up of Pals. with 1 or 2 Jord., to retain the integrity of the joint del. and vice versa. Re venue, there is no valid reason to move unless there is progress. We should stay here until there is a breakthrough, and only then consider moving. We are interested in substantive issues.

AK Procedural issues remain to be ironed out. It will be good to get to substance. We want to know as much as you choose to say about your objectives on substantial positions so US can play its facilitator role.

HAS US said in its letter that venue could be moved early to the region. What does this mean?

AK There is no precise definition. We see an advantage in putting the talks closer to the region, as it will facilitate the process and make it easier to work. Decision depends on your talking to the Is. before we decide what if anything to do. Your US interlocutors want you to solve as much as possible with Is. We intend to be a "driving force" and if you can't agree we will act.

ASK Have the Is. indicated how long they are willing to stay?

TF We have had no in-depth conversations with them. We will have the first ones soon, and you will soon discuss things with them.

HAS We are willing to cover as much substantive ground as possible, and we will stay if they will.

ASK Have the Is. accepted the principle of simultaneity?

TF We know no more about the Is. position than you do. You will hear it direct from the Is., maybe before we do. In any case don't believe what you read in the press about their position.

NQ If we want to get anything done in this time frame, we can't repeat the experience of the Madrid bilateral.

AK I've seen conferences where entire sessions were devoted to drafting press statements and venue discussions.

ASK In the absence of a facilitator or chairman, how are agendas to be agreed upon?

AK Are your agendas going to be so far apart? We haven't heard

from the dels. if they feel our suggestions are good ones. It would be good if you can present ideas on transitional arrangements. If you and the Is. are prepared, get them out on the table, ask questions, get into the actual work, perhaps in sub-groups. Did you find our suggestions useful? Are you ready to put forward your idea of transitional arrangements? Do you have a complete concept, or will you propose specific issues first?

HAS There is a basic difference between our outlook and Is., which is preempting the transitional period by what they are doing. We do not want to be frozen in autonomy. We see it as a real transition from the interim period. If they agree, the transition will include land, resources, legislation: this is where we will need your help.

AK This will have to be the outcome of arrangements you agree on and implement. Focus on those arrangements you want to see implemented. This is better than disagreements at the end of the process. What interim self government arrangements do you want to see? It would be useful to focus on this as soon as possible.

HAS To give meaning to later phases you have to freeze the situation in the occupied territories. Is. is preempting final status to its advantage.

ASK How can you agree on issues where the ground is changing under your feet. There can be no agreement on an interim authority if the land is disappearing under our feet.

AK When you say frozen at this point, do you mean even before the agreement on transitional arrangements?

ASK If things are frozen only by the end, it is meaningless. There has to be a freeze, if not tomorrow, then soon.

AK To talk about a freeze, talk about something specific, and focus on what you would like to see not change, specifically.

ASK at this point read to AK his statement in FOREIGN POLICY in 1983 in which he said that without control over land and water such arrangements would be meaningless.

AK There are 2 different points. 1) What you seek as a result of transitional arrangements, which is what that article was addressing; and 2) what you seek during negotiations.

ASK There should be no beating around the bush: we mean the issue of settlements, and it requires a strong US stand.

AFK Settlements and water.

AK Clearly, we understand that this is an important point to pursue with them, but don't allow pursuit of this issue to prevent the discussion of other issues. You will only get substantial, durable change through an agreement on transitional arrangements.

I understand that you want to change things in advance. Pursue both avenues, and get into the second avenue.

GK Settlements are not only prejudicial. They are also related to practical issues like water, transportation, infrastructure. All are affected by land confiscation and settlement. They should be settled before we get to other things. This is a practical matter.

AK It is a practical matter. Even if there is a settlement freeze, you will need an understanding re settlements during the transition period. These issues have to be addressed as well: what is the status of existing settlements during the transition, and what is their relation to the Palestinian authority?

GK This is all correct, but it is impossible to deal with that while settlements are expanding.

AK This is a political point, not a practical point. A couple more settlements won't make a difference.

HAS At the pace of last year we are talking about many more than that.

SN this is especially the case in east Jerusalem.

TF We are here for ISGAs. How can we best achieve this? You have all sorts of requirements. Is it useful to treat settlements as a lump, knowing how difficult it is, or cut it into pieces and deal with it? The best way to deal with concerns on land is via an agreement. Deal also with other issues which are more manageable, showing all concerned that you are out to make an agreement, rather than focusing only on a single lump which causes problems.

YS When there is a legal dispute, a court issues an injunction in order to freeze the status of the disputed property before new fait accomplis are created, and to make negotiation possible.

AFK This is the ABC of good faith and fair dealing. We would have to negotiate about settlement while they colonize the land. At the end of 12 months there might be no water and no land.

RK How do you suggest we cut up what you call this lump of settlement in order to avoid the problems you talk about?

NQ No matter how you look at it, settlement must stop: it is an obstacle to peace and to reaching an agreement.

AK I can't debate the logic of what you are saying. The US opposes settlement. It is difficult to get Is. to stop. I know of only one case when they did during negotiations. My INFORMAL suggestion: don't put yourselves in a corner where you define this as a red line which stops all work from going forward. The Egyptians called for a settlement freeze, but went ahead with negotiations. Maybe your attitude will depend on whether Is. puts

forward a proposal in good faith, or an extreme proposal. I am afraid you will lay down a marker you can't move back from.

HAS The Egyptians negotiated when there were few settlements, after their peace treaty with Is. It is now too late to go back to what you are suggesting. The situation is very grave. Very frankly, why does the US behave so helplessly towards these violations of the Geneva conventions and UN resolutions? [HAS departed].

RK Let us go back to how to deal with what you called this lump of the settlement issue.

TF There are practical ways to slice it apart: working groups or issue groups for example. How do you focus on land during the interim or transition period so neither side benefits unilaterally from the agreement? Talk to Is about it. One obvious way is to break up the discussion into something more manageable: a transfer of authority to a self-governing authority, and alongside it, how to discuss the issue of land.

YS It is not as if there is now a quiet halt; not even that. We understand that it is alot to ask for official statements. Do you feel that we can hope to get an what amounts to a suspension?

AK I don't know if that is obtainable or not. I understand how important it is. If you can achieve a settlement freeze, great. I am concerned you not preempt other parts of the process before anything else. Let us say hypothetically that you start the process and no settlement is announced, and you talk about transitional arrangements, and there are still no settlements for a month and progress is being made with the idea that this transitional authority will have power over land and water. What if they then build a settlement?

TF Let me carry Alan's idea further. If the Is. govt. is prepared for a declared or undeclared freeze, fine, but if not there must be other ways to do this. Perhaps you can do this via an agreement. It is as politically difficult for them to do as it is necessary for you to get this.

SN A related question: when the Is. didn't turn up, we asked the US to help, and it failed. How do you conceive the US role in relation to settlements and other issues? If the US says both sides should reach an agreement, we are being led into lion's den to agree, in view of the asymmetry of power. We feel it is dangerous. We are willing to enter direct negs., and work things out with Is., but the US position has to be translated into something concrete.

AK The Secretary spoke to this issue in Madrid. He is committed to the process, and you have no basis to question this commitment. It is true they are here five days late, but the Is. are in Washington, where they didn't want to be. The Secretary is committed to the process, and he wants Arabs and Is. to agree directly. The US can't define an acceptable outcome; the parties

must negotiate. IF PARTIES DRAW RED LINES THE SECRETARY WILL HAVE TO DECIDE.

NQ If we got on the bus, as the Secretary said, our supporters assumed we would get a stop to settlement activities.

AK If you say no settlements, and ask for a statement from Israel, there will be no progress. If you say we know settlement activity prejudices the final outcome and so forth, and Is cannot expect Pals. to be at the table if settlement goes on, this is different. Then if they build another settlement, you could say, you might leave table.

NJ The US could give us an assurance based on getting one from the Is. No direct Is. assurances would be necessary.

AK 1) It is important to convey directly to the Is. your strong views on settlement, while preserving your options.

2) I EXPECT MORE SENIOR PEOPLE WILL TALK ABOUT SETTLEMENTS WITH IS. IN THE NEXT WEEK OR TWO OR THE NEXT MONTH OR TWO.

If you get progress on an agreement with real powers over land and water, then Is. actions which are offensive to you, and which will probably continue, will be tolerable. If Is. feel you are willing to reach agreement on ISGA, it will affect them positively.

TF You will show Is. govt. and people agreement is possible. THE KEY IS AN AGREEMENT. Land is a sub-issue. How you deal with it will be a problem. But how do you find the necessary trade-offs to convince the Is. govt.? Delineate the issues: settlement here, other issues there, so negotiations get moving and you make progress on an agreement which benefits them and you, and sends the right signals.

YS What does Is. want in an interim agreement?

AK We have no info from Is., but I think 1) security, especially external security; 2) they will also say transitional agreements should not prejudice final status: I would guess they will resist giving any foreign affairs authority to the transition regime: foreign affairs and int'l. rels. will be difficult; 3) they will be concerned about anything which resurrects the green line, i.e. the limits of the area of the ISGA; 4) They are concerned about their settlements and Israelis living in West bank and Gaza Strip.

RK You didn't mention Jerusalem.

AK They will assume it is not part of these negotiations, just as you will assume it is.

RS Land and other issues are not of the same quality. What about the level of int'l. law? The US position is consistent, that the 4th Geneva Con. is violated. What will your position be, beyond statements that things are "an obstacle to peace".

AK We don't see the settlements being dismantled during the interim period.

TF If there is an agreement in 1 year which meets your basic requirements, you will be ahead of the situation today, but the legal issue is valid.

AK Frankly, I don't think settlements will be undone.

SN What do you mean, during transition settlements will not be undone? What geographic extension, land etc. do you mean? And what will be your position during final status?

AK We dont know; and we haven't yet addressed the last question ourselves. What will Pal. priorities be in transition regime?

AFK Settlement, land and water.

RK We want a transitional regime with absolutely full powers of every sort. The question of borders, of how big the area where this transition regime will operate, is also important.

AK What about the nature of the relationship in any field, e.g. economics?

GK In our experience, economic development needs economic barriers between West Bank and Gaza Strip and Is.

AK They will argue that barriers revive the green line, and prejudice final status.

YS We can't even restore the green line?

AK I don't want to say Is. will say this. There may be resistance to the revival of the green line. Certainly, they don't want you to exercise authority over Arabs in Is.

TF The movement of goods and people is a desirable concept. How about development in Gaza? Perhaps there is more than one way to achieve development. Barriers may be a problem. There may be another way as effective, but freedom of movement of goods and services cannot be undesirable.

YS This requires an autonomous Pal. poliical authority.

AK What are you going to do in negotiations?

RK What do you suggest?

AK The model suggested in our last letter is a suggestion. What about working groups on land, or elections? How comfortable are you in working groups?

TF If you want substance rather than procedure, go for the model.

AFK In working groups would there only be delegates?

AK I have to check, but I think they would have to meet the conditions.

SN If they satisfy the conditions, any number can be there. Can I go back to the beginning: when the Pal. delegation arrives, do they go to one room?

AK They start in one room.

GK In Madrid we started the bilaterals in one room, and then discussed the issue of separation. Is. said it was not against, but did not want to separate on Sunday. Your side accepted the principle of separation.

SN What will Is. do? Will the co-sponsors work this out via direct contacts in the corridor?

GK This is a serious problem. It has to do with the basis of the process. There is agreement on two tracks [reference here was made to texts of letter of invitation and letter of assurances, and new letter of invitation]. This requires a clear and firm position from the co-sponsors. This is a clear violation of the ground-rules.

AK It is not a clear violation; it is a possible interpretation, and reasonable people can disagree on this interpretation.

It was agreed to hold another meeting on Monday.