

DRAFT MINUTES
Meeting with U.S. State Department Officials
13 May 1993
Ana Hotel, Washington, D.C.

Present on the Palestinian Side: Dr. Hanan Mikhail-Ashrawi (HAM), Dr. Nabil Kassis (NK), Dr. Saeb Erakat (SE), Dr. Camille Mansour (CM), Raja Shehadeh. Minute-taker: PJ.

Present on the U.S. Side: Aaron Miller (AM), Dan Kurtzer (DK), Molly Williamson (MW).

The meeting convened at 9:15AM.

HMA: Let's begin. We would like to respond to the methodology of the American role and to the substance, and then proceed to a detailed response to the document. We recognize the stepped-up U.S. role and involvement. This role should not be mechanical, but to engage in substantial issues and find general bridging solutions, particularly on difficult issues, not merely on appearances. The reason we didn't show up yesterday was that we needed time to prepare for our bilateral discussions. We would have liked to look at the document earlier, to ensure the success of the trilateral meeting. We wanted to achieve substance, not form and to have a treatment of parity. Our objective is a joint Declaration of Principles. We came with the intention, the will, the documentation and the homework. We can't afford symbolic progress, we must tackle substantive issues for a new dynamism and a new phase for the peace process. If the Israelis want a new level of engagement, it cannot be on appearances, but on issues of substance that provide the groundwork for the future course of the negotiations. This didn't happen, which accounts for the change in tone from week 1 to weeks 2 and 3. The Israeli position did not signal a qualitatively new approach, it was semantic, not substantial. When we received the Israeli non-paper, we saw it as an attempt at creating the appearance of motion, while regressing earlier positions. The second reason for the regression is that commitments and promises are not fulfilled. A major key is Israeli action on the ground. They think that actions will be informed by a new level of engagement; we think a new level of engagement will be triggered by actions. The conditions on the ground are not conducive; they do not show good faith. We want to work on a joint Declaration of Principles. The American role is not just to signal progress reports, but rather to address issues and the foundations of the process. It should look at the documents of both sides and present a substantive document to set the future course, not just a descriptive one. We have structured this meeting to discuss our approach and the major areas of principle where there is agreement or disagreement, as well as a detailed discussion of the document. There are basic areas left out or not presented to our satisfaction. We are hoping thus to explain when more substance

is needed. We will be willing to work as long as it takes, continuously even if we have to bring back a small working group in between rounds. We hope to invest the added American commitment and rule to serve the real interests of the parties and to seek agreement on major issues.

AM: We tried during the course of the week that there are two possibilities on the table. A Declaration of Principles is a goal, working towards a framework agreement. We share the desire to reach an agreement but made a judgment that was constrained by time and by the inherent difficult issues. It is both things. We tried to figure out a way of not creating just a progress report; this is not fair, it's too superficial. We see it as a process, a positive first step which is a balance between a political statement and a definition of issues of substance. Your notion, which is interesting gets at a difference between you and the Israelis, you judge that actions on the ground trigger substance and that think substance triggers action. These are not mutually exclusive. Our approach deals with both issues. About the change in tone from the first week to the second: my sense is that your major shift in tone shut off major options for substance. Part of your perception of unfulfilled promises stands on fairly solid ground, but your shutting off made it difficult for us, even if you forget about the Israelis. Your minds did not shut off substance or engagement but you changed procedure which enables to Israelis to shut down on actions and substance. Procedural tools are used to protest.

HMA: We didn't occupy them.

AM: It is an important lesson. But you shut down - the working groups, reduction of the delegation and not coming to the trilateral, you know we think it was a mistake. You deprived yourself of tools.

DK: I was encouraged by part of what you said. It is a re-affirmation of what we already know and what we can convey to the other side: your seriousness in dealing with issues, and your indication of the possibility of working beyond this round. I don't want to lose that. We'll come back to it if we can't mark today. I'd like to go a little beyond our position as work-bees. You spend a lot of time studying internal Palestinian politics and studying the Israeli policies. They do the same. I would ask you to study us a little bit. There have been American administrations interested in Middle East peace; and others not. You benefited from an administration that was defeated in November that was very interested and now you're benefiting from an administration that is interested, but is also new, getting its feet wet, and with domestic problems. The early steps us workers take to put meaning in the words full partner are very important in keeping the interest of policymakers, senior decision-makers. It is not just a talking point. The Secretary involved in Bosnia is not just passing time. There is Haiti, and the former Soviet

Union. What is interesting is the degree of comfort the decision-makers have with this very dramatic escalation in our role and own universe - tabling an American piece of paper, which is not a small thing. But our leaders are not naive; they know just because the Americans present a paper, they parties will accept, but they want to know what the pay-off is in terms of progress in the negotiations. The Secretary spoke to Ed last night and asked what happened. We spent a lot of his time yesterday working through the piece of paper. He had to be comfortable with the trilateral meeting, with press stories on American intervention. We made your arguments to him.

HMA: This is why we want our working relations to be ongoing. We did have a problem with the document reflecting Israeli substance and an Israeli linguistic bias.

SE: As far as yesterday goes, let me remind you of your commitment to the Israelis not to surprise them. I don't know if this policy has changed in having a trilateral meeting where a paper is presented to both sides at the same time. But Prime Minister Rabin has noted the commitment not to be surprised. The point is that we have been the ones asking for an active role. But the paper presented indicates neither the role of a mediator or an arbiter. It is clearly an attempt to balance form and substance. We know the Israelis hate third party involvement; the paper seems to be an attempt to balance with Israeli substance a form we might like. I wonder why there is such a stress on a joint statement. We and the Israelis have presented to each other many documents, PISGA vs. ISGA, agenda vs. agenda, framework vs. framework, agenda vs. agenda, and in this round the Declaration of Principles. If you had wanted a joint statement describing what is taking place between the Palestinian and Israeli side, a narrow progress report, you could have done it before. There are gaps on security, territoriality, legislation and the council and its organizations. These are important issues and when we urged the Israeli delegation to work on a common Declaration of Principles, we wanted to address them and put the negotiations on a firmer basis, to put guidelines for negotiations in the future and give our constituencies a sense of achievement. For eighteen months, we have urged an active role by the sponsors. To come now with a joint statement balanced between the form we want and the substance they want - to set grounds for ISGA and the first phase of negotiations, delays difficult issues until further notice.

My disappointment on substance derives from the fact that a firmer basis cannot be achieved through stating points where we differ. We know the Israelis and Palestinians have a different interpretation of 242 and of keeping options open in relation to 242. We never said to them let's discuss the interpretations of 242; we want to give the process a chance. We have accepted the Madrid approach, the first serious attempt at Israeli-Palestinian peace, with its constraints. You told us these

constraints would evaporate as we went along, this is not fulfilled in many areas. What is in hand in this political statement? Should we tell our people we have discarded certain issues like settlements, which is here under security, Jerusalem, territoriality and even legislation? We have very clever constituencies, the Israelis and Palestinians. If we go with this approach, it will backfire. Our constituency is cover, they will look at the words and ask. I would have hoped for a bridging gap mechanism; I would love to see where you stand as sponsors. You can't just put, excuse me, dirt under the carpet. Our people are looking for real progress. To finish, I'm afraid if have a joint statement with conflicting points, it will backfire and Palestinians and Israelis will lose hope. The only thing that can stop the conflict on the ground is a sense of hope.

AM: I appreciate your comments' they're very thoughtful. When we decided to fashion this approach, we made a judgment that flowed from looking at the negotiations for the past eighteen months, not just in the room, in a vacuum. Faisal has made the point that substance does not exist in a vacuum, but in a real environment. The document is a way to affect the broader political environment, not just narrow negotiations, but the whole political agreement. If Palestinians and Israelis agree on a joint statement, this will affect the environment. In our judgment, if Palestinians and Israelis agree, it will be a positive message to the constituencies and move the negotiations to a new level. It will be the first time you agree with the Israelis on anything of substance and there will be dividends paid. That is the tactical logic behind this paper. Hanan has said that we are not negotiating human rights, it's not negotiating currency. But when there is an agreement, I'm convinced the situation on the ground will change. We tried not to highlight differences, but took note of them. We highlighted to positive, and recorded what was not yet positive.

DK: Whether this tactic is genius or a flaw is a matter of opinion; we think it's genius. One interesting test is that you haven't tried it this way. You tried pursuing a full agreement, you have not tried registering milestones or locking in the small parts of a whole. We are absolutely persuaded from our own negotiations and previous ones, that this works. Whether it does work or not, you must judge, you haven't tried it. I would add that your constituency is not just clever, it is intelligent and well-affirmed, and with this, will mandate negotiations for another round or two.

HMA: We have a commitment to the peace process, but want to prevent negative conditions for participation. The issue is American involvement. We have tried it before, but alone. There must be American involvement on issues of substance.

AM: On bridging, we have said before that our role will not change dramatically overnight. But we might have changed funda-

mentally in one respect and overnight at that. What we can do today is to legitimize the principle of trilateral encounters, well bilateral, almost tri, and the idea of a U.S. paper with one constituency that resisted both of these efforts, Israel. I am interested to see how this plays in Israel. Second is with another constituency, the senior decision makers who know that an American role means risk. We made an enormous dent in the resistance of two constituencies. If we make more of a dent, we have to go with the acceptance of you and Israel to more formal bridging proposals, we have to show success. It is wrong not to point out and reinforce the notion of continuous contacts; it demonstrates how you appreciate the seriousness of what happened.

SE: We are mixing objectives. There is the short term, your administration, the Israeli political line and there is involved effort on that short-term effect, but the main objective is to make our constituencies feel there is a real peace process. If you want to secure our return and the calculated risks of the senior decision makers, the crux of this objective should not be left for one minute. We want real progress. If the joint statement is just a progress report, it will backfire, with all due respect.

DK: A technical question. Rather than specify areas of disagreement, is it better not to specific? We have taken many areas of emerging agreement, and noted key areas of disagreement. I don't agree that the constituencies won't understand.

CM: I suggest two dimensions of difference. The first is general, which Saeb and Hannan have addressed the Second is specific, which we should speak about.

AM: Keep in mind several benchmarks. The first is the areas which are good with minor word changes not related to substance. The second is areas which are doable with some revisions. The third is issues that are too difficult for this piece of paper.

HMA: There are also things that are not in the paper.

AM: Four items them. The fourth is things that are omitted. I'm going to have four columns of stuff.

CM: There is also a fifth, things that have to be added.

AM: I'm leaving more space for agreement.

HMA: The Israelis accepted the Palestinian preamble in the plenary with the language "The Israeli and Palestinian side agree on the following principles in order to facilitate the progress of negotiations...."

DK: Anything contradictory in maintaining the goal and picking up the preambulatory language?

HMA: We don't want to be called the Palestinians.

SE: The Palestinian people.

CM: As in Camp David.

HMA: Or sides. Either both are adjectives or both nouns.

DK: The title is OK.

CM: On the 4th line, first paragraph, add "peaceful and just future." In the second paragraph, there is a problem for us. You speak about the objective of the negotiations between our two sides as the goal of the "Arab-Israeli peace process as real and comprehensive peace based on UNSCR 242 and 338." But on the Palestinian track, this goal is delayed until final status. It is weaker than the Israeli formulation that has already been accepted.

DK: Do you have the Letter of Invitation? It's that language.

HMA: I always carry it with me.

CM: We have agreed on the principles and points in the Letter, but we are now in a stage of elaboration. We must build on Madrid and build something more, not bypass or refuse it. IF we can clarify this and make it less ambiguous. We made steps with the Israelis and we prefer that formation.

SE: They had no problem with a just and comprehensive peace. They objected to land for peace and compliance. They have no problem with a "just, lasting and comprehensive peace based on UNSCR 242 and 338."

DK: We are satisfied with a presentation in the second paragraph with language you and the Israelis have agreed to.

CM: Palestinian-Israeli negotiations also aim for a just, lasting and comprehensive peace. If we put Arab-Israeli, we are limiting ourselves and 242 belongs only to the final status. The process must be comprehensive for the Palestinians.

AM: I'm not clear what you are saying. There is a process with the Arab states, and a process with Palestinians and Israel, both are comprehensive and based on 242.

CM: Here we are dealing with us and not other Arabs.

DK: Your language was the "objective of the peace process." You did not refer more specifically. It is your language.

NK: We are talking about the Palestinian-Israeli track. There are two aspects to comprehensive, one on all fronts, and the other aspect is comprehensive on our front, whether borders, economic matters, etc. The peace process here is what is on our track.

AM: This is not reflected in your language. The Madrid invitation talks of two tracks. What do you want, that the objective of the Palestinian-Israeli track is a comprehensive peace...

CM: Within the Arab-Israeli process.

DK: Let me say off the record, that you should have said that in your draft.

NK: The goal of the negotiations is to achieve a just and comprehensive peace with direct negotiations between Israel and the Palestinians based on 242 and 338.

AM: Maybe the Israeli formulation is better than yours -- Israeli-Palestinian negotiations to reach an objective..

DK: This is doable.

CM: What we don't like in the Israeli formulation is "in the framework of the objectives"

DK: Some of their language is better, some of yours is better.

NK: Let me add a point. The Israelis have borrowed our words and put them in a different context; they did this with comprehensive and implementation, and here with objective. We say the negotiations are based on 242 and 338; the Israelis say a comprehensive peace is based on 242 and 338.

DK: What do you want?

NK: Both. It is in the Madrid invitation. The negotiations are guided by 242 and 338.

CM: The following sentence should read: "Toward this goal, in line with the letter of invitation (here we add the letter of) to the Madrid peace conference, the two sides want to reach agreement as soon as possible on interim self-government arrangements for the Palestinians in the occupied territories." We had some problems with the last word. Before, there is no indication of what territory is concerned, no reference to location. We find there is a solution which explains the location and that they are occupied: "In the occupied territories." "the territories" could be close to Bermuda.

NK: "The territories" is Israeli language.

AM: You want acceptance of them as occupied.

SE: The Israelis use territories in their declaration on 28 June 1967 to exclude Jerusalem. We should take serious note of this.

AM: We thought about this problem more than once. It is hard to fix.

HMA: There is no way we can accept the territories as a neutral term. If it was not occupied, we wouldn't be negotiating.

NK: If it is matter of defining we can do it by "came under Israeli control on 4 June 1967." Another thing, the phrase "Palestinians in the territories" restricts Palestinians. We had a paragraph on voting and eligibility. We have to find a formulation, perhaps "of" or "from" to make sure it doesn't restrict.

HMA: Which is better, Raja?

RS: Of is better.

SE: There is an attempt to separate the Palestinians and the land.

AM: Not a conscious attempt.

SE: But it makes it possible.

DK: What's your proposal?

CM: "Of the occupied territories."

HMA: But also a formulation for the second paragraph.

DK: Is it easier to end the sentence after arrangements; it leaves options open?

SE: You can't have arrangements for people, and not for land.

DK: Since it is not fixed with the relation of people residing on 4 June 1967, it is better to end after the word arrangements.

CM: Let's leave it for awhile.

NK: A question. Perhaps sentence is needs that stresses on the interim nature.

DK: Maybe it's better to delete the whole sentence.

HMA: The perfect solution is to say "ending the occupation." They are not just occupying the people.

CM: Paragraph 3. "The negotiating process is being conducted in

two phases... Perhaps the omission of two is a typo.

DK: It is a typo.

NK: If everything that is missing is a typo, you should fire the typist.

SE: I thought you might be inclined to a third stage.

NK: "... two phases based on United Nations Security Council Resolution 242 and 338" the first phase of the negotiations is directed towards reaching agreement on Palestinian interim self-government for a period not exceeding five years, and the second phase of the negotiations starting from the beginning of the third year

SE: We noticed you didn't put beginning the third year. Why?

AM: It was stylistic. We wanted something not very technical.

SE: Maybe you meant a shorter period.

DK: Not here.

NK: ".... will be directed towards reaching agreement on permanent status." Period. We took out "based on United Nations Security Council Resolutions 242 and 338, as it is noted above."

NK: We are working with your draft; we still prefer outs. "The two sides concur that the agreements reached between them on interim arrangements and permanent status will achieve the implementation of Resolutions 242 and 338." We have added "interim arrangements" and replaced "constitute" with "achieve."

CM: We have a problem with "constitute," a big problem. What I read it what came to mind was the agreement between Secretary Christopher and Rabin on 799, where returning the 100 constituted implementation of 799. If we use this model, we are afraid.

AM: Your alternative?

CM: Achieve.

SE: I suggest "will be consistent with and achieve." 242 is land for peace and withdrawal. In the first phase, we are consistent, and in the second we achieve.

AM: Look at paragraph 4 which addresses your concerns.

DK: "Will be consistent with and achieve"? Ok, even though it's circular reasoning. Anything agreed at the end of the day will be an implementation. One other question, on the word "constitute," I thought it would be better for you. If it were not for

799, would constitute be alright?

CM: No.

HMA: You are giving the parties the right to define.

AM: This is an issue of ideal standards.

HMA: The two sides could agree, constituting implementation, but be in violation of international law and the spirit of the resolution.

SE: To be frank, if we were in a situation where Israel was not telling Syria that there was no common interpretation of 242, and not saying openly various interpretations of 242, the wording would be unimportant. We accept that 242 is land for peace. Saibel said the sponsors' words are not in 242. We need to be assured that the Israeli interpretation of 242 does not mean annexation.

AM: The broad interpretation is defined by negotiations; the withdrawal is in the context of negotiations. If the international community had been in full agreement, it would have been different.

SE: What about the non-acquisition of territory by force?

DK: It's in the UN Charter. You know that.

NK: All principles and provisions of 242 should be implemented.

DK: There could be a seminar of lawyers on this. If you are trying to lock in your interpretation of 242 in this document, it won't work. You can protect, but not lock in.

AM: It is illogical to expect us to give our preferred position on 242. You are thinking in idealized positions. We can spend years on this. 242 is a very important reference point. You didn't address it for 30 years. I didn't mention the Palestinians, it was totally unacceptable. You discovered 242 and it is an important tool and key frame of reference for these negotiations.

CM: Concerning land for peace and your interpretation of 242. Even your paper is based on three elements, the Palestinian document, the Israeli document and your own position. We came to the process based on your assurances. We would like the document you produce not just to mediate between the Palestinian and Israeli position, but to express your own position. We are fearful that it does not even represent a middle way, as Hanan and Saeb expressed, it is much more the Israeli document. It follows the same paragraphs as the Israeli document. Secretary Christopher, speaking two weeks ago after the Arab acceptance to

come to this round, spoke specifically of land for peace. This was after Madrid. Land for peace is built into this process, we would like to put it in.

DK: This is an Israeli-Palestinian joint statement. It is not a statement of Israeli policy. It is our best judgment as to what Israel and you can agree. If you can agree on land for peace, we judged wrong.

CM: I hope when Secretary Christopher said land for peace, he had some agreement with Israel. On "constitute," it's still not possible even without 799. There is also a political environment reason. If you say constitute, you will give a weapon to our opposition.

SE: I know it's a Palestinian-Israeli effort but we have the whole idea of 242 as the basis for all the tracks, except the Lebanese. We know the American position that the tool to implement 242 is direct negotiations. If we say it's open to negotiations, what's the point of Security Council resolutions?

AM: There is only one precedent for final status negotiations - Egypt and Israel - and it worked. Of course, West Bank, Gaza and Jerusalem are different than Sinai.

SE: Why?

AM: For a variety of reasons. But this precedent worked to the satisfaction of the largest Arab states; it's an important precedent.

HMA: The precedent of full withdrawal.

NK: You indicated you didn't include land for peace when Israel didn't accept it.

DK: I didn't say that.

NK: Or you dropped the word occupied.

DK: For us territories and occupied territories are the same thing. The press spokesman, the Secretary, we use the interchangeable.

MW: I try hard to refrain from speaking, because we often have the opportunity. But we have had this conversation repeatedly. There is nothing new.

NK: My point is that if you recognize a position is not acceptable to Israel, then we accept a similar approach to the Palestinian point of view.

CM: Paragraph 4. "The two sides agree that this process is one and its two phases are interlocked." Period. We drop "in the agreed time frame."

NK: I'll continue. "They further agree that the outcome of the permanent status negotiations should not be preempted by agreements reached for the interim phase (we have crossed out "should not be prejudiced after the word "negotiations") or prejudiced by any unilateral actions contrary to the provisions of the Fourth Geneva Convention since June 1967."

DK: "or prejudiced by any unilateral actions contrary to the provisions of the Fourth Geneva Convention since June 1967."

DK: What about the last sentence?

NK: We removed it.

DK: Are you kidding?

AM: This is one of the four points in the document, one of the big 4, we thought it's important for you.

DK: Suheir, the noose. I want to hang myself. We thought this was one of the sells for the Israelis.

NK: But the Israeli document has options open.

DK: They don't say "within the framework of the agreed basis of the negotiations." They use "agreed basis" as goobledgook. We took their language and revised it towards what you wanted.

SE: A comment. What the options are within the framework, what kind of options?

DK: Anything consistent with the basis of the negotiations, including confederation or an independent Palestinian state.

SE: Not including annexation?

AM: It precludes all radical Israeli options: annexation, permanent autonomy, we thought you were very afraid of that, transfer.

SE: They agreed to something different in the Declaration.

MW: Can we look at it?

SE: We have learned how to exchange views. In December, we both went to our leaderships with a formulation. "All options within the framework of 242 and 338 remain open."

MW: Do you have it in your pocket?

SE: It's not a problem.

DK: We should take the sentence out, or leave it in with 242 and 338?

NK: We must consult.

(back and forth whispering)

SE: There is no reason not to keep 242 and 338.

DK: You have two views; you'll get back to us.

NK: Fifth paragraph. "During the interim period, a major constitutional change will occur in the existing situation the occupied territories."

AM: What does constitutional mean?

RS: It's an adjective, not administrative, a fundamental change.

AM: Maybe we can say fundamental; it's a vocabulary people will understand.

DK: One moment of background. I remember Suad asked "what's major?" The Israelis told us the Prime Minister wrote that sentence. Since you didn't lose anything, we thought we would put in his language. If we thought the language hurt you, we wouldn't put it in. This is the backdrop.

RS: It's also possible to describe a military order as a major change. It is important to describe the nature of the negotiations, a change of a specific nature that is qualitative.

DK: How about a major political, social and economic change?

RS: People are skeptical. They want something real and basic. It will help us sell it.

CM: The Israeli occupation will be replaced by the self-government. It's a constitutional change, not just quality of life.

RS: We want something to convince people it's a qualitative change.

NK: Bunyawī in Arabic.

DK: A constitutional change could by the civil administration is abolished and returns to the military government.

SE: Something is dissolved and something inaugurated.

RS: We are trying to move out of the existing structure. Israel has done major changes within the structure.

NK: In the next sentence, we have replaced functions with "All powers and responsibilities of the Israeli military government and its civil administration will be transferred to the Palestinians and the civil administration will be dissolved."

SE: About the military government and the civil administration. "The civil administration will be dissolved" implies the military government is in force.

NK: It will be withdrawn. This point is later.

DK: You have inserted the Palestinians.

NK: We added the definite article. "The two sides agree that an important outcome of this first phase is the empowerment of the Palestinians through the negotiation of interim self-government which should give the Palestinians real control over political, economic and other decisions that affect their lives, natural resources and fate. The military government will be withdrawn."

SE: After "will be dissolved," I suggest "for these powers to be freely exercised, the Israeli army will start its withdrawal and the remaining forces be deployed in specific agreed-on locations." This is not language from 14 years ago; I'm not coming from Mars.

AM: These comments, who do they represent? I hear two things from Nabil and Saeb. When we go back and tell the Secretary we had a good working session, how do we weigh the comments?

HMA: We are in agreement unless we have deferred the issue, like for land for peace and for options.

DK: One comment. I recall the description 14 years ago; it has not been in these negotiations. For this to have a utility, we must capture things that are doable and workable.

HMA: There are three elements, the civil administration, the military government, and the army. Could we just say we agree on the whole subject but will give you a specific formulation later.

SE: The military government is abolished.

DK: You should not negotiate your own position in front of us. There's a major difference between withdrawal and abolition. Try to put it in the workable framework of this document.

SE: We're trying to be doable. Look at our statement on withdrawal, we trying to think of what's doable.

NK: On security, we don't think it is a good idea to put both views. We should skip both.

AM: I shouldn't, or maybe I should, say my view of your best interests. This parallelism is very important. It introduces in a formal paper the idea of security from both sides and doesn't give primacy to Israel's views. This will be a major headache for Mr. Rabin. It does not say Israel and the Palestinians agree. It expresses Israel's view and yours. We'll see how the Israelis react.

SE: When it says Israel views the over-all security responsibility as their own, it doesn't give our view. We have a view on this which doesn't appear.

DK: It is eminently fair to have parallel constructions. If you redraft your side, it is fair.

CM: I want to speak on this issue and strongly. We tried in our discussions to show sensitivity to the security concerns of Israel and to put it in a positive way. The Israelis have their detailed point of view. We say the Palestinians are responsible for internal security and public order. We have given signals that we are ready to accept Israel's responsibility for external security. We have not expressed it because the time has not come to narrow differences. There is a strong Israeli position on security and settlers, on everything. We have a mild expression of our view of security. If there was another paragraph on territorial jurisdiction with two views, the Israeli mild version on one single unit and the Palestinian strong view on territorial jurisdiction over the area occupied in 1967, then there would be parallelism. In one case, the Israeli position is strong, in the other the Palestinian.

DK: I disagree fundamentally. On security, you and Israel have not made much progress. On territorial jurisdiction and territoriality, you have made progress. We want to capture that progress. If it was just a compilation of the views of the parties, you would be right. But you have not made progress on the security issue. If you are not comfortable with the statement of your view, we should redraft.

CM: We agree.

HMA: When we represent the document, it is not in isolated sections.

DK: To find difference is not the point of the exercise, but there has been no discussion on security. When we can capture movement, as we have on land and territorial jurisdiction, we think it is critical to capture it now.

SE: You could say there has not been much discussion.

DK: "The parties have not have sufficient discussion on security issues."

CM: There is the sentence about omissions not prejudicing. This could apply.

DK: Take out both sides?

HMA: Take them out.

AM: Think of the continuum. The next paragraph discusses major steps. The security section is before that paragraph. Security is a critical issue; in our judgment it can't be omitted. The only way is that each side expresses our views.

NK: If we take the Israeli draft, it doesn't refer to Israelis in the territories under security.

SE: "Overall security will remain under Israel's responsibility. Security needs of both sides will be taken into consideration."

DK: We took the language out of the general sections.

SE: It's not just security. They mean responsibility for education, daily life, etc.

AM: In their view it is linked to security. We thought how to handle it and this was the way. There are two reasons the parallelism makes sense. It is implicit that security is a negotiating item and that Israel's view is not primary. If you don't like the expression, find an alternative form.

SE: Rubinstein says they will be responsible for schools, roads, etc.

AM: I'm sure it is a political issue for them. We judged this issue as one of the 2, or 3 hard issues for the Israelis. They will interpret it as limiting their own responsibilities with settlers to security. They will want to reformulate.

SE: It will not backfire when Jericho and Tel Aviv read it?

DK: Jericho and Bethlehem do not believe Israel will give up responsibility for the security of settlers. They've been sitting under the occupation for 26 years.

SE: What about the two systems?

DK: It will be a mishmash.

SE: Rubinstein is always talking about the day after. There is no document from Israel with an overall concept of security.

They mean everything, tree uprootings, school closures, demolishing houses.

HMA: We will try to defer the security issue.

CM: Next paragraph. "Over the past three weeks, the Israeli and Palestinian side have taken an important step towards these objectives. They have created working groups in key issues, including land and water, the concept of interim self government, and human rights.. The two sides have engaged in substantive discussions and have narrowed some of the differences between them, although there are many issues that have not been included in this statement and that remain to be resolved. The omission of these issues in this statement is without prejudice to the positions of the two sides."

AM: We thought it was humanitarian affairs?

HMA: It is agreed as human rights.

SE: Humanitarian affairs appeared in the eighth round.

HMA: We fought the battle in the multilaterals in Lisbon. It is human rights.

CM: One of the key differences is we have removed "discussed in the Israeli-Palestinian track and in the Israeli-joint Jordanian Palestinian plenary." We have no problem with the last sentence of the paragraph.

DK: Is that the first whole sentence that stayed?

CM: We didn't include Jordanian-Palestinian because so far we have not discussed trilateral issues.

SE: This joint plenary, what do you mean.

DK: Only that there is a Palestinian-Israeli track and a plenary where equal numbers sit.

SE: There are no equal numbers.

CM: It's called a general meeting, not a plenary and it discusses procedural issues.

SE: It's a 15 minute session to decide on the next round. What prompted the phrase?

MW: To cover all forums where you have discussed issues.

SE: There are no issues discussed relevant to this.

NK: Issues is a big word in Arabic. Matters not related exclu-

sively to each track could be discussed.

DK: Jordan and Israel are talking about the movement of goods. You are affected. Where do you discuss?

SE: There is the Jordanian-Israeli bilateral, the Palestinian-Israeli bilateral, the Jordanian-Palestinian bilateral, and the Jordanian-Palestinian-Israeli trilateral. Realistically they must be dealt with in sequence. In the last meeting, Chairman Arafat asked King Hussein to revive the committee for higher coordination.

NK: Paragraph 7. "The two sides have agreed that a Palestinian elected interim authority (whose name will be determined) will be established through free, fair, general and direct elections under agreed international supervision. Negotiations will take place concerning the modalities for these elections."

DK: You have gone back to your preferred position. The Israelis will go back to theirs. We thought we could capture international involvement and agreed method of supervision. Agreed international supervision is a non starter on the Israeli side.

AM: You have done a disservice to yourself in insisting on agreed international supervision. There are two things. International observers introduces an international element for the first time and agreed supervision can be negotiated to monitoring at some point. Agreed international supervision is a deal breaker.

SE: You are not making two things? Supervision and observers?

DK: We sometimes are clever. We are not excluding that supervision can have an international component. Agreed supervision and international observers are not exclusive.

HAM: We can put it in general terms, agreed international supervision, and then work out the modalities.

SE: Yossi Gal accepted agreed international supervision when talking to the Israeli press.

NK: What we proposed before was international supervision, we added agreed to accommodate the Israeli point of view. The Israelis wanted to include international supervision as a modality, we s a principle. In your draft, you have included it as a modality per the Israeli point of view.

AM: Principle or modality, the important point is working it out between you.

DK: I understood the distinction. I didn't think of it before. Perhaps your concerns would be met if we dropped the phrase after

held, dropped "in accordance with agreed modalities to be negotiated."

NK: We want agreed international supervision.

NK: Next paragraph. "The Palestinian authority will assume legislative, executive and judicial powers. It will have legislative power in all the general and specific responsibilities transferred to it. Due consideration will be given to the need to review legislation in force in specified remaining areas."

DK: This is new stuff. Can we reach agreement today?

AM: It would be very good.

DK: Do you want us to get fired?

HMA: We told you we'd hire you. Of course, you won't get paid.

NK: We tried to retain much of your text.

MW: That's the good part.

CM: Next paragraph. "The two sides have agreed that the occupied territories are viewed as a single territorial unit." I am going to skip the section on sovereignty and reserve it for later formulation. "negotiations on land issues during the interim period will preserve territorial integrity; that is the territories will be treated as a whole even while they negotiate the difficult issues of land. They have different views on jurisdiction, land and water, which they continue to discuss. " "Preserve," this is the word the Israelis use.

SE: We don't have to talk about differences.

AM: We put it in because we thought you wanted it.

HMA: Let's defer.

MW: Defer on sovereignty and the last sentence.

SE: Some of us received this document only at midnight, due to the Arab coordination meeting.

NK: Last paragraph. "This joint statement represents an important first step towards reaching agreement on an end to occupation

DK: If we can get these words in there, end to occupation, is it more meaningful up there in the first page. I have to have some leeway.

AM: If we see negotiations in the next 24 hours, we need an

answer, is this a containable exercise? If we close on language, do you suppose you could agree to this paper? We have to spell it out. There are other things out there in the environment, some bad things. We can't compartmentalize. Can we report to the Secretary that if we close on the substantial agreement on language, you could agree with it.

HMA: You know what we have been saying. We are engaged in this exercise because we want to reach a conclusion, more on the Declaration of Principle. What we told you yesterday if that we cannot come to an agreement unless there is action on the ground.

AM: If things change as a consequence of these negotiations, or are coterminous..

DK: You would have some flexibility.

HMA: We must see movement.

AM: There is a change. Israeli behavior on the ground will lead to flexibility, to authority to close.

HMA: Yes, but there are issues pertaining to Israeli behavior and conditions in the Occupied Territories.

AM: This is a logical extension of the first. You have another document, the Declaration of Principles. If conditions meet your needs and requirements, could we say that the joint statement leads to a Declaration of Principles to be worked on in intensive discussions, you and the Israelis, perhaps with our help. You could close on this without prejudice and preference.

CM: Step 1: the joint statement. Step 2: the Declaration of Principles. Step 3: A interim framework agreement.

HMA: Any progress depends on action on the ground.

SE: This is the first of many meetings as we have alluded.

AM: I could characterize as hearing the delegate's preliminary comments.

HMA: Consistent with our principled positions.

CM: We have taken your document and worked on it but there are points in our paper that are not included. We would like to maintain the reservation to add points without prejudice, perhaps two or three complementary points.

SE: You didn't mention liaison?

AM: The Israelis asked us the same thing when they called us last night. We know there is agreement but we thought people

would ask what it meant.

AM: It was a very good session.

The meeting ended at 12:20PM.