

## Trilateral Meeting Minutes

Jerusalem – Inpal Hotel (Larome)

15 June 2008

16:15 – 18:15

### Attendees

#### **American side:** - Condoleeza Rice

- David Walsh
- Eliot Abrams
- Jamal Hilal

#### **Palestinian side:** - Ahmad Qurei (Abu Ala)

- Dr Saeb Erekat
- Salah Ilayan

#### **Israeli side:** - Tzipi Livni

- Tal Becker
- Udi Dekel

**Rice:** - I thank you for this meeting. Our last trilateral meeting was very useful. These meetings are important for evaluating the negotiation process. The US wants to see what it can do to help both sides achieve progress in this process.

- I think that it possible to reach an agreement by the end of this year.
- I understood that at this time three issues must be dealt with: borders, security, refugees.
- I do not want to hear each side separately, but I want to discuss each issue together so that we can reach a decision concerning the mechanisms that we need in order to achieve progress in each issue and how to relate it to other issues.
- We start with borders, then we move on to security and refugees. Perhaps we will not be able to discuss these three issues today, but we can do that at another time, may be in Berlin.

**Abu Ala':** - We hope to reach an agreement by the end of this year, and therefore both sides must work seriously.

- The issues are difficult and need decisions, but there are serious clashes in the negotiations. We must see together and not separately how we can reach an agreement about each issue .
- Other difficulties that we face include the continuous settlement activities. This is a deadly point for us. Settlement activities have cornered us and if they continue they will embarrass us before Palestinian public opinion and the Arab world which is urging us to negotiate but at the same time is demanding us not to make the negotiations an umbrella for the continuation of settlement activities.

- We spoke with Olmert and Livni about settlement activities, but the activities go on. Each day bids to build settlement residential units in Jerusalem and the West Bank are announced.
- I hope that these settlement activities will stop immediately until we see what will happen at the end of this year.
- There are the other issues that are being discussed in the trilateral mechanism between Fayyad, Barak and Dayton regarding commitment to the first stage of Roadmap. We talked about this also with Olmert and Livni.
- There are C areas that surround restricted Palestinian areas where Palestinian civilians cannot expand in spite of the existence of large empty land in and around Area C. We talked with Olmert about Area C that surround Abu Dis and Ramallah, and he promised to study that. So far we have gotten no answer.
- We asked the Israelis to allow Palestinians set up tourist facilities on the Dead Sea like Jordan and Israel, but we have gotten no answer about this.
- These issues are not part of the negotiations, but they help create better ambiance for the negotiations and reinforce public opinion. We must have an Israeli response about these issues.
- As for the negotiations, we have talked about all the issues and focused on three main issues. We agreed to start drafting the Palestinian and the Israeli position regarding each issue. Then Abu Mazen, Olmert, Livni and I will sit together. We will also ask for your help to fill in gaps.
- If we started drafting, then we would move from the brainstorming stage to the practical stage.
- I will start with the land issue. If a breakthrough takes place in this issue then other issues become easier, because defining the land will determine our future.
- Our position is that the two state solution should be based on 1967 borders and this includes the West Bank, East Jerusalem, the Jordan Valley, No Man's Land, the Dead Sea and the Gaza Strip. 1967 borders are internationally recognized. Since the beginning we said we are ready to make slight amendments on the borders provided that these amendments do not undermine Palestinian rights and interests. Swap should be for the ratio of 1:1 and for the same value and area.
- The Israeli position is that there are facts on the ground and thus let us see what can be removed. This attitude creates disagreement between the two sides. Israel proposed to annex 7.3% of the total area of the West Bank according to Israeli estimation. The Israeli prime minister proposed in exchange 5% from the land of Israel in the desert area located south of Hebron and north of the Gaza Strip.
- We proposed that the ratio of swap should not exceed 1.9% from the total area of the West Bank, including East Jerusalem and the Gaza Strip, and that swapped land should be located on 1967 borders.
- As for settlements, we proposed the following: Removal of some settlements, annexation of others, and keeping others under Palestinian sovereignty.
- This last proposition could help in the swap process. We proposed that Israel annexes all settlements in Jerusalem except Jabal Abu Ghneim (Har Homa). This is the first time in history that we make such a proposition; we refused to do so in Camp David.

- We cannot accept the annexation of Ma'ale Adumim, Ariel, Giv'at Ze'ev, Ephrat and Har Homa settlements.
- There is a settlement belt around Jerusalem and work is done everyday to complete it. Only yesterday Minister of Housing Ze'ev Boim announced a plan to build 1300 residential units on land in Beit Hanina in order to connect Giv'at Ze'ev settlement in Jerusalem. This is not a way to achieve progress in the negotiations.
- We focused on our work and gave clear directives to experts; and I think we could achieve progress in the issue of borders.
- There is also the Safe Passage between the West Bank and the Gaza Strip. I think it is in the proposition presented by Olmert.

**Livni:** There will be a Safe Passage.

**Abu Ala':** If we agree on the concept, I think that in three weeks we can reach an agreement on borders and land issues.

**Livni:** I want to understand one thing, since you have come back to 1967 borders. At that time there was no Palestinian state. Today we want part of this land and we think that you deserve to be compensated for what we want. My question is: Do you have a problem because of the area of Ma'ale Adumim or its location?

**Abu Ala':** Our problem is not in the kilometers, but the settlement block Jerusalem from the East, and from the south there are Kidar and Jabal Abu Ghneim settlements that block Jerusalem. There is a settlement belt around Jerusalem.

**Livni:** I think I mentioned in the last meeting on borders that there is a misunderstanding and the idea we have is not to block Jerusalem completely.

**Abu Ala':** - We do not want to live in enclaves. We want people to live in peace and to fight against terrorism.

- Perhaps Ma'ale Adumim will remain under Palestinian sovereignty and it could be a model for cooperation and coexistence. We may also have international forces and make security arrangements for some time. It is the location of Ma'ale Adumim not its size.
- There is also Ariel settlement which was set up on the largest water basin. It was not set up simply to provide Israeli with housing units but rather to control the water basin.

**Livni:** - The idea behind our desire to annex Ariel settlement was not to get more water but because thousands of people live there. We want to have an answer for those who have lived there for forty years.

- Future borders will be complicated but clear. I have seen in Yugoslavia how areas can be connected. The matter is not simply giving a passport to settlers.

**Abu Ala':** Having Ariel under our control means also that the water basin will be under our control.

**Livni:** We have said that even if we agreed to have Ariel under Israeli control, we have to find a solution to the water issue.

**Abu Ala':** We find this hard to swallow.

**Rice:** - Let us put Ma'ale Adumim and Ariel aside. I am not trying to solve them here.

- Let us go back to ratios. You are not taking mere land but taking land that cannot be dealt with as ratios. Most settlements can be dealt with in terms of how much will be annexed and how much will be compensated for. But there are some locations that pose certain problems and must be dealt with creatively.
- There are settlements whose location poses a problem. But there will be a Palestinian state and Israel will annex part of the land of this state and give compensation for it.
- Let me ask Tzipi: There is part of the land that will be annexed and part that will be compensated for. We must start with the land occupied in 1967 and I believe that the basis is all the land that was occupied in 1967. Let us now leave Ma'ale Adumim and Ariel because their location is problematic.

**Livni:** - When we decided on the annexation, we made it clear to the Palestinians that we will not compensate them with land that is part of Israel now.

- The issue now is that the Palestinians will not accept that some locations become part of Israel.

**Rice:** This is exactly what I am saying.

**Livni:** Are you talking about two locations only?

**Abu Ala':** There are more than two locations. There are Ma'ale Adumim, Ariel, Ephrat, Giv'at Ze'ev, Jabal Abu Ghneim (Har Homa).

**Livni:** If we exclude Ma'ale Adumim and Ariel, how would the ratio be 1.9% only?

**Saeb:** Take it and study it.

**Abu Ala':** Our experts made a positive and constructive proposition that fascinated me.

**Saeb:** According to aerial pictures, the ratio of constructed areas is 1.2%. We suggested in our proposition the inclusion of the largest number possible of settlers. We found that most settlers live in Jerusalem settlements, Gush Itzyon and Latroun.

**Abu Ala’:** Ariel goes for 19 kilometers into the West Bank, and this impedes geographical contiguity and enables Israel to control water resources.

**Saeb:** Our proposition will allow for the inclusion of 70% of settlers, that is about 310,000 settlers.

**Rice:** Did you see their proposition?

**Livni:** We looked at it. There are no Ma’ale Adumim, Ephrat, Ariel, Giv’at Ze’ev or Hara Homa (Jabal Abu Ghneim).

**Saeb:** Why do I not say the opposite, that there are Zakhron Ya’cov, the French Hill, Ramat Eshkol, Ramot Alon, Ramat Shlomo, Gilo, Tal Piot, and the Jewish Quarter in the old city of Jerusalem.

**Rice:** - It is useful to talk about ratios and swaps. It is good to say also that some areas are important because of their locations and because they have natural resources. They are also important because of geographical contiguity. The question is how to find a creative way that would meet the needs of Israel by annexing these areas, on the one hand, and your control of natural resources and geographical contiguity with Jerusalem, on the other.

- If I come back in two weeks I will ask about the mechanism that you will agree on to solve these issues.
- Did you start talk about that?

**Livni:** Yes, we did.

**Rice:** My father used to say that if I asked something of him and I wanted an answer today then the answer was ‘no’, but if I waited for an answer till tomorrow, then the answer would be ‘maybe’.

**Livni:** And if you ask me today, my answer is nigh to ‘no’, and the means to get to ‘maybe’ is to go together in a filed tour on the ground.

**Rice:** Are you working on that?

**Saeb:** We want to do this, but until now we are not convinced that you need these areas. We go together to see the areas and you have to try to convince us that you need them.

**Rice:** I divided the problem into two parts: annexation and compensation; the rest is the state of Palestine. There are two sites that create a problem and they are Ma’ale Adumim because it prevents connection with Jerusalem, and Ariel because of the natural resources. My question is about swap, and it seems to me that it is not necessary now to know the areas for swap. But did you suggest to them the areas designated for swap?

**Saeb:** We did that on our part, but they have not suggested anything to us.

**Livni:** I think that before we talk about the areas for swap we must focus on the future of Ma'ale Adumim and Ariel.

**Saeb:** We presented our suggestion in full, and it includes the areas for swap because we want to prevent the market mentality of bargaining.

**Livni:** I believe we have gone beyond that.

**Abu Ala':** The problem is that if you take any settlement and its distance from 1967 borders, you will find out that the Israelis want to annex the settlement, the infrastructure and security areas around it. Therefore the easier way is to annex the settlements near the borders.

**Rice:** When will you go on the field tour?

**Udi:** We will arrange for this soon.

**Saeb:** All we ask from you is to present to us a logical and convincing offer. I don not wish to present to the minister the Israeli proposition made to us about the borders. This is your task.

**Livni:** We agreed that there will be no agreement before agreeing on everything.

**Abu Ala':** And not to inform the media about what is going on in the negotiations. All the issues are put for discussion, and we are working to reach a comprehensive agreement, this is our reference.

**Livni:** - We are not working to reach an interim agreement, and until now we have been talking about the land that you will take. 'Take' is perhaps not the right word; the land that will be the state of Palestine. You offered 1.9% and stopped there.

- As for drafting and regarding the issue of borders, all we need to write is one phrase: Borders as shown in the annexed maps.

**Abu Ala':** - It is not that easy. There is the issue of evacuation, withdrawal and dismantling military bases, the timetable for doing that, and the supervisory party.

- As for security, the gaps are not big, but the Israelis have put conditions which are cards for bargaining.
- The suggestion we offered in this field is that we are ready to fulfill the Israeli security demands without any exaggeration and in a manner that will reduce the Israeli presence on our land. Transparency in dealing with the Israelis in this field is more efficient than military bases and alert stations. We will also be the bridge for Israel to all countries in the region.

- The problem in Israel is with security personnel and not with politicians because they consider the current situation and build up on it. They do not look to the time after independence.
- We said that Palestine will be an independent state, with limited militarization but not limited dignity, and it will have sovereignty and full control over its land, air space and regional water.
- In order to fulfill our internal security needs, our security forces must be equipped with arms and other equipment so that they can perform their tasks and responsibilities in enforcing the rule of law, order and fight against terrorism.
- We want no more and no less than any other state that is able to protect its borders from any external threat, but Israel says that we want this to protect ourselves from her.

**Livni:** Yes.

**Abu Ala':** - We do not want an army. We want the army of a third party to help us build our security capabilities and protect us.

- Israel wants to have security areas and alert stations and control our air space and monitor crossings and borders.

**Rice:** Tzipi will present Israel's security needs.

**Livni:** We have a common interest in enforcing the rule of law and order, but we cannot accept protection from outside because we see that as a protection for you from Israel and not from Jordan and Egypt. Therefore we have disagreement about the main concept of security.

**Saeb:** If we find a solution to the security issue then we will be in good condition. We demand security forces to enforce the rule of law and order; one authority and legal arms. We specify the appropriate arms in order for our forces to be able to perform their tasks and duties. Abu Ala' did not talk about our need for a Palestinian army.

**Abu Ala':** Why not?

**Saeb:** - We heard ideas about preparing a 'yes' list for allowed arms and a 'no' list for disallowed arms. We said that if we do that we will be lost, and we also said that we will seriously take any Israeli worry regarding security so that their stay on our land will be shortened. A third party will monitor the implementation of the agreement, take part in its implementation, monitor our obligations in the agreement, and protect us from any external threats. We do not want borders that have Israeli forces.

- We suggested to you to present us with ideas on how to shorten your stay on our land but you never came back to us. You are following the British model in the negotiations and that is to tell us about things we cannot have. We also said that if

external threats reach Jordan then they will reach us as well and that is why we asked to have US forces. The idea of a third party emanated from this.

**Livni:** We agreed to prepare a list including the needs of your security apparatuses to be able to enforce internal security, but you added a third party on the borders.

**Rice:** Let us not leave the issues and talk about potential threat. At this time there is no threat from the east because our forces are in Iraq and will stay there for a long time.

**Saeb:** For a very, very long time.

**Rice:** - The potential threat comes from terrorism and smuggling, and I think there are solutions to these threats by including other parties to these efforts and not by the model of international peace forces.

- There is no state that can confront terror threats by itself; all countries cooperate to prevent threats.
- Another point for you Abu Ala': There will be a Palestinian state but it will not be friends with Israel. Usually the generals that sit together in a general staff meeting do not plan for possible peace but for a war that might break out. They meet to put a good system to confront something bad that might take place. When we talk about sovereignty, the Palestinian state will have sovereignty. America is a sovereign state but there are certain procedures in our dealing with Mexico concerning the issue of borders. Germany is a sovereign country, but it committed itself to have no more than 370,000 of its forces on the borders. I am not talking about restrictions on sovereignty.

**Abu Ala':** What we need is a state capable of providing security for its citizens and controlling its air space and borders. We understand the Israeli worry and sensitivity for security, but it should not be that kind of security that breaches our right for sovereignty and the establishment of a truly independent state.

**Rice:** Your air space is too small not like the American air space. How long does it take to fly from Jordan and enter into your air space?

**Udi:** Two minutes.

**Rice:** We have to identify the threats and the goals and then decide on the scenarios that fulfill the goals.

**Udi:** Unfortunately, at the other side they think that mere reaching an agreement will bring about peace between us and that Hamas will disappear and that we will live in peace and security.

**Abu Ala':** You have a stronger force.



**Rice:** - I try to put myself in the Israeli and Palestinian security. You have to think, after having your own state, that the situation will be different, and we will help you think of choices and different scenarios.

- Even we do not deal with our air space in the same way. I was with President Bush at the emergency center on September 11 and it was the hardest time in my life when we issued an order to drop down any airplane that enters our air space. How can I issue an order to drop down a civil airplane carrying 200 passengers. I was a bit relieved to know that our air forces did not drop down the civil plane that fell in Pennsylvania but that it fell by itself.

**Livni:** - I want to be able to live with the decisions that I take. I am not an expert in everything and I do not know if we are in need of alert stations. It is not our army only that decides. I supported withdrawal from the Gaza Strip.

- Hamas has missiles in the Gaza Strip because we are not there, and there are no missiles in the west Bank because we are there. We have to take into consideration the possibility of a threat that might come to the future state of Palestine; Hamas might control the situation. We have the example of Philadelphia Crossing and Lebanon. I admire Siniora and how he faced Hizbollah. But at the time that he sits as a head of government, there are arms that come to Hizbollah, and these arms are a threat to Siniora himself and to Israel.
- We have to think about what might happen if we do not reach a peace treaty. The choice is that the army is there. What will happen the next day is crucial to the decisions that I will take regarding the land and the borders because I have to live with the decisions that I will take.
- Potential threat will not come from Jordan but from Palestine. I understand your dignity but after signing a peace agreement we will face the threat of opponents to this treaty, and this is a common interest.
- In the meantime, you do not face any external threat and therefore we asked for the preparation of a list including the arms and equipment that you need to enforce the rule of law and fight terrorism. But you have added something else and that is the third part to protect you from external threats. The only external threat is Israel.

**Saeb:** Not true.

**Livni:** Now in Gaza we have the same problem, and it is not a question of fancy but a reality in which we are living. I do not want to convince myself that the Palestinian state does not constitute a threat because I do not want to reoccupy you. We want to leave and not come back. I want to trust that terrorism will not come to us from your state.

**Saeb:** - I respect your ideas and analysis, and I do not ask to be like Jordan or Egypt or Israel armed with thousands of warplanes and tanks. But do you agree that my air space be denied to all planes and my land is void of tanks? Do you want me to inform the Arab League, in which I am member, that the agreement forbids me to use my air space.

- What Abu Ala' means by the army of a third party is defense borders and whatever shortens your stay on our land.

**Rice:** We know that to confront terrorism we have to use the intelligence apparatuses.

**Livni:** I agree.

**Rice:** - We have to work to improve the performance of the intelligence. Even America cannot protect its borders without cooperation with Canada. What is the way then?

- Israel defeated some armies and we defeated others. Then armies do not pose a threat but terrorism does.

**Livni:** - Those who oppose an agreement in Israel want us to stay there and not to depend on Palestinians in our intelligence.

- The Palestinians have a choice either to remain under occupation or get enough independence and dignity—not through slogans. I think the latter is the better choice.
- I do not accept Palestinians who do not support Israel in what she is doing to confront our and their own common enemy, i.e. Hamas.
- When matters have to do with principles, I know how sensitive you are about the land and Jerusalem. Why then do you feel surprised at our security needs?

**Rice:** Technology has changed the situation. I already mentioned that sovereignty means the same for all countries, and I gave the examples of Mexico and Germany.

**Saeb:** All that I am asking is to shorten your stay on our land. Do you accept not to have any presence on our land?

**Livni:** Abu Ala', does Saeb represent you?

**Rice:** The most important thing in relation to borders is the customs and smuggling, and these call for enormous efforts from joint intelligence.

**Abu Ala':** The problem is that Israel wants to do the whole thing by herself. Since 2000 and during the Intifada, Israeli demolished all security quarters and equipment thinking that this would provide her with security; but it did not.

**Livni:** I remember the joint patrol in the Gaza Strip in which an Israeli soldier of Ethiopian origin was killed.

**Abu Ala':** I am talking about security.

**Livni:** There will be an interim period.

**Rice:** - The issue is that even if Israel has full trust in you, you are still incapable.

- I have full trust in Nouri Malki, Iraq's Prime Minister, but he is incapable. Canada has sincere desire but there came a time when Canada was incapable of controlling the borders.
- I have not heard from both sides about a defense force, but the Israelis have to be convinced that there will be no deterioration in the security situation, and you have to convince me that you will have a real state.

**Abu Ala':** They left the Gaza Strip and kept it under siege.

**Saeb:** Because this had happened unilaterally, and because I will build my capabilities gradually with the assistance of a third party, like what the Americans are currently doing in Nablus and Jenin.

**Rice:** Shall we try again in the next meeting.

**Saeb:** What do you suggest?

**Rice:** Berlin. I think Livni will be there.

**Livni:** I will consult with Rice and Abu Ala' about this.

**Saeb:** Let us prepare a matrix about the positions regarding the different issues.

**Livni:** I am worried that it will be leaked to the press. If we achieve progress in the issues of borders and security we can then start drafting. We want to agree that the ratio of 1.9% is not final.

**Rice:** Do you have a paper on the refugees.

**Livni:** - Saeb and Tal drafted 7 issues related to the refugees.

- Drafting positions and having others take part in it is against our interest. We agreed that the agreement is bilateral and that we should not have others take part in it.
- In the issue of security, we are still in the beginning.

**Saeb:** Ami Ayalon is a minister in your government and he made press statements about an agreement on swap land between the two parties.

**Rice:** - You can trust that we will have no one take part in what is happening between you.

- We will not announce Berlin meeting but we may announce about it after it takes place.

**Livni:** We will see what will happen between Abu Ala' and me, and then decide about the meeting.

Rice: It will be helpful to declare that the negotiations are achieving slow progress and that there are calls to convene international conferences since Annapolis has been torn apart.

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