

**Meeting Minutes**  
**Dr Saeb Erekat – Sen. George Mitchell**  
**United States Mission to the United Nations**  
**Thursday Sept 24 2009**

Attendance (not all were present throughout the meeting)

Palestine: Dr Saeb Erekat (SE)  
Akram Haniyeh (AH)  
Rami Dajani (RD)

US: Sen. George Mitchell (GM)  
David Hale (DH)  
Dan Shapiro (DS)  
Daniel Rubenstein (DR)  
Mara Rudman (MR)  
Jonathan Schwartz (JS)

DH: Apologies for GM's getting delayed. He is meeting with the Kuwaitis. Part of it is about getting aid to be more cash assistance.

AH: AM met with the foreign minister and discussed these issues.

DH: GM should be here in half an hour. We've met with Molho and Herzog, and now with you we want to discuss the way forward.

SE: And GM also say Ehud Barak ...

DH: This morning.

AH: Did he ask him about the new settlements he announced?

DH: I don't know. They met alone. Our intention is to move quickly to relaunch negotiations. We are wrapping up an agreement on a package with Israel, and including other parties. So we want to get the right context – and the formula to resume negotiations.. President Obama's speech at the UN yesterday is our starting point for the ToRs. We want to know if you think this is a good starting point. Regarding Palestinian steps, you know there is incitement, and demonstrable efforts on security and institution building. Our intention is to meet with both sides in the second half of next week. Based on the outcome of that, either we will be ready, or there will be one more trip by the senator.

SE: Are your negotiations still ongoing with Israel on the package?

DH: Yes – but agreement is within reach – hopefully by the end of next week in DC.

AH: Are the components the same that have been discussed? For example, is Jerusalem excluded?

DH: Jerusalem is not yet agreed. You know from the beginning we've treated Jerusalem and settlements as separate issues. So there will be something on Jerusalem in the package other than settlements.

SE: When the US president says settlements are "illegitimate", what are the consequences of that? Will anything change?

DH: In the interest of reaching a solution we need to reach a package. We need to move forward and get the parties to take steps – for example that lead to reduction – no new construction ...

SE: When we began I asked you about the package, because it is unfair if we are not told what it is before we are asked to respond. Until then we keep asking the same questions.

DH: But GM told you the other day about the elements. A couple of issues remain to be resolved: the time it starts, the duration, and the Jerusalem element – which I doubt we will reach agreement on.

SE: From the beginning we were clear and did not hide our position. If Jerusalem is not part of the moratorium, it's a non starter. You know what destroyed Camp David? It was Jerusalem. The US underestimated the importance of Jerusalem. Your colleagues did that and it led to the collapse. In the Trilateral on Tuesday, when President Obama said that Jerusalem will be in the negotiations, Netanyahu told him "you know my position" ...

DH: But these are two separate issues [meaning the freeze and ToRs].

SE: No. For me Jerusalem is the same as the rest of West Bank. No one, including your government says it's not occupied territory! So by allowing them this to take place we will be acquiescing to it. We cannot allow it. Again, I appreciate your efforts, but Israel is the occupier, not the US, so it is not enough for Obama to merely say the word Jerusalem. That's why I asked if you have anything new to tell me. For me this is about international law, legitimacy and principles, not making these deals. With this, you're better off without a deal than with one. The mere fact that Jerusalem is not part of the moratorium will mean the Arabs won't accept it. It's a victory for Netanyahu and he can continue to rule for years, and I will continue to live under occupation. I've stated this to you every time we met – wherever and whenever: Anything that takes Jerusalem out will be a non-starter.

DH: Our reaction is that obviously it is no surprise you are unhappy if the settlement package has imperfections (in this case Jerusalem) – but if you want a perfect settlements package you just won't get it. Even if partial, this package will be meaningful, it will restrain the activity – there will be less of it. Otherwise we can all just go home.

SE: OK. That's your call. What I know is what Bibi announced in the Knesset. With that he can have more settlements in 2010 than in 2009.

DH: I disagree. [Hands a chart depicting lower rates of settlement construction over time]. The only construction allowed will be completion of building under construction.

MR: As you see, as building is completed, there is nothing started, so it goes down.

SE: Let's go back to the Roadmap. It is US language. You knew what you were writing. What we have is ethnic cleansing in Jerusalem ...

DR: You are looking at words, not the numbers. There will be less signs of construction – visible signs because no new construction.

AH: So Jerusalem is over for you? You know the Arabs and Palestinians will not come to the table if that is the case.

DH: The package combined with the statement.

AH: So the issue is settled on Jerusalem?

DH: I don't believe we can reach a package on Jerusalem. But the statement from the US president that they are illegitimate ... a difference of opinion on Jerusalem. Maybe we can help if we can get them not to take provocative measures.

AH: The mere fact that you are agreeing to it gives Netanyahu the green light.

MR: No.

SE: You know Bibi! I've heard this before and I've been there before. I simply cannot afford to go into a process that is bound to fail. I am trying to defend my existence and way of life. You know I asked to meet with the Israelis several times- they refused because they told want to answer my questions. And then he says I am a "wild beast of a man" – you know the reference to Ishmael ... what a disgrace. I would shake hands with Lieberman and tell him "Shana Tovah" instead of this incitement. You talked about incitement – we have taken significant steps, the sermons in the mosques are under control ...

DH: Getting back to the significance of the package in terms of restraint ...

SE: It's a non-starter.

DH: So you would rather OK them building more ...

SE: They're the occupying power. They can do anything they want. I am not agreeing to anything.

DS: If the moratorium that lacks Jerusalem is very difficult for Palestinian to accept, is it preferable to have no moratorium? Would you be prepared to enter PS negotiations?

SE: That's a good question. When BO says settlements are illegitimate in front of the whole world, Israel continues, despite this and despite all of international law – the Fourth Geneva Convention, the Hague Convention, Security Council resolutions. Why then did you reach the position that there needs to be a freeze, including natural growth? This was your language. And why did you then change your mind? Why is it now changed to “restraint”?

DS: My question to you was not rhetorical.

SE: You want to restart negotiations we have to do that from where we left off with Olmert. We have the maps, the matrix ... So in order to be able to answer your question, we need to define these negotiations. For example, let's say we start negotiations and they say Jerusalem can wait, that borders can wait. Then it's acquiescence. Bibi is a non-negotiator. I told him this to his face. You have the example of Wye River, the Hebron Agreement. Even when he signs an agreement, he does not implement it. Now we have restored the PA, we have the rule of law, no corruption, we are building institutions. So I need the US to say: a state on the 67 border, third party role, and incremental steps to withdraw. Why can't you do it? I understand Bibi won't do it ...

DH: You ask why? How would it help you if we state something so specific and then not be able to deliver?

SE: With the Israeli public, they will side with their leaders against any foreign country. But when their prime minister differs with the US, people differ with the prime minister. And I need you to state these things to bolster the PA and Fayyad's government.

DH: But that's unilateral – we want to have negotiations.

MR: You're saying we should pick this issue, and not others? You want us to state something on refugees?

SE: Look at the matrix. We have offers and counteroffers on refugees. As I told you, Netanyahu will not move with me. He wants nothing to do with the 2 state solution. Maybe I should go on Israeli TV – channel 10 and announce that he has agreed to Jerusalem being on the table!

JS: Are you willing to look at the President's UNGA speech to be the ToR?

SE: No ...

AH: He said the Jewish state.

RD: Which is indirectly taking a position on refugees.

DS: That's our position.

SE: But not the 67 border?

JS: But when you did Annapolis you didn't refer to it...

[Break – both sides confer separately. Meeting resumes with GM, DH and DR only on the US side]

GM: Sorry I couldn't be here for the full meeting. I was with the Kuwaitis. We were talking about you. Afterward I have to head out for the Quartet meeting. DH and DR have filled me in on the discussion so far, but I want to hear from you. Undoubtedly you've perceived the sense of urgency of the President. His attitude was consistent: we need to proceed to negotiations; delay will not be beneficial to anyone. DH mentioned the issue you raised – that the package will apply only to the West Bank and not East Jerusalem. We will continue to include Jerusalem in our messages and to make clear our difference. So whatever the package ends up being, it will include a reference to Jerusalem but not in the manner that you (or we) would have liked. Regardless of the package with the Israelis, we are not asking you to agree to it. So there is no risk of acquiescence. And, if there is no deal, this will unleash a new wave of new settlements that they haven't yet approved. I want to hear how you came up with the statement you made to the President about construction increasing under the package.

SE: I will bring detailed information next time.

GM: I want to bring discussion to a conclusion. This can't go on indefinitely. The President is strongly committed to supporting AM and his government. I've devoted half my time over the last several months to things like getting your support (for example with Kuwait) – not just financial. We will stay the course on this. There will be setbacks. I hope you will join us by taking steps.

SE: There are diverse points of view in the Palestinian leadership but no one has any doubts about President Obama's or your commitment. So when he invited us to the meeting we issued a public statement noting his personal commitment. So we have no problem with the President. Our problem is with the occupying power. We've had these experiences before and don't want to repeat them. When you came up with the Roadmap, you knew what you were doing. You said "settlement freeze including natural growth". The logic was for Israel to do this, and for the Palestinian to get their act together. When the Palestinians began to deliver on our ongoing obligations – and we said we are doing it in our own interest; to defend our actions, for example in Qalqilya, it can only be to prevent those who are obstructing the national aspirations of the Palestinian people. So we are doing our part. Dayton and the US Consulate can submit a report on our behalf. So let be clear now: in Camp David, I told your negotiator Dennis Ross "you personally belittled and undermined the importance of Jerusalem. This led to the collapse of negotiations".

AH: Dennis Ross told me how he underestimated the importance of Jerusalem.

SE: So anything without Jerusalem is a non-starter.

GM: So we can have years of argument.

SE: On settlements I will present to you a chart and figures. What I heard was the package announced in the Knesset. If you couldn't deliver on this why did you say that at the beginning? Why didn't you say "limitations" instead of "freeze"? Now BO is saying "restraints". [Hands GM Roadmap Phase I chart showing each side's obligations and status of performance]. Look at Israel's obligations – minus the elections – what did they do? They are not freezing Palestinian life in Jerusalem. They are destroying it. I am not refusing negotiations. I wanted negotiations to start 6 months ago. That is not the issue. During the last negotiations, we had maps. Can I put it to Molcho [shows GM a map], can I put it on the table?

GM: You can put maps but they are not bound by them.

SE: Nations need to be responsible. We had an Israeli government that accepted the 67 line with Sec. Rice present.

GM: But that was part of the principle "nothing is agreed until everything is agreed". You agreed to this principle.

SE: You know there are tradeoffs within and between issues. That's what the principle is about. So if we have agreement on something, it is a card that I won't announce until the other issue is announced.

GM: I know something about negotiations. When you say "nothing is agreed until everything is agreed" these are not empty words.

SE: How come you've abandoned the approach you took in Northern Ireland? I've been studying it – how you prepared before bringing the parties to the table, and the single text.

GM: That was not the approach in negotiations to get an agreement – those negotiations culminated in the 98 Good Friday Agreement. Then in 99 there was a collapse. So we went back . Because there was so much mistrust we had to negotiate a series of steps ... so it was not for an agreement.

I have to go to the Quartet meeting, so let me conclude. I know it is hard on everyone. I faced this every day as leader of the Senate – the choice between 'bad' and 'worse'. All I can say is there is a moment in time – you don't like the PM in Israel, but you like the President of the US...

SE: I know the waiting game kills us.

GM: Then you've got to move forward.

SE: We need to have clarity.

GM: But the only way to get an agreement is with negotiations. You won't get it from us.

SE: So why does Obama say "Jewish state" but refuses to say 67 borders?

GM: Look at things another way: What Obama will tell Netanyahu on Jerusalem. Proclaim victory once in a while, rather than react to Netanyahu all the time. Set your objectives positively – don't always be reacting. I personally think this is the best moment. You can't negotiate detailed ToRs, so you need to say something positive. The only way to get it done is to get into negotiations. I wasn't involved in Annapolis, but one thing that guaranteed it would fail from the beginning was to keep it bilateral and keep the US out. I guarantee I will play an active role – me and DH. We want to help; to get good results.

SE: We do not doubt you at all. We are advising you about who you're dealing with.

GM: Regarding coming to DC next week – you should come next Friday.

SE: That does not give us enough time to go back and consult... You should raise it in your meeting with AM tomorrow morning.

END