

**What are the “Palestine Papers” and why are they controversial?**

The Palestine Papers are a set of over 1600 confidential documents about Israeli-Palestinian peace negotiations obtained by *Al Jazeera* news network and shared exclusively with the UK newspaper *The Guardian*. *Al Jazeera* and *The Guardian* began publishing the Papers Jan. 23, 2011. They are controversial because they reveal that the Palestinian Authority (PA) offered Israeli peace negotiators huge concessions at odds with the PA’s public stances and many Palestinians’ expectations, including:

- Conceding most of East Jerusalem to Israel:<sup>1</sup>
  - Allowing Israel to annex all of the Israeli colonies (a.k.a. “settlements”) built in occupied East Jerusalem in violation of international law, except Har Homa. This contradicts the PA’s public stance that East Jerusalem will be the future Palestinian state’s capital
  - Suggesting that a joint Israeli-Palestinian committee would control the Haram al-Sharif/Temple Mount holy sites.
  - Discussing giving up part of the flashpoint Arab neighbourhood of Sheikh Jarrah
- Only a symbolic return of 10,000 Palestinian refugees and their families (~ 100,000 people) would be allowed to return to what is now Israel: 1,000 families a year for 10 years. PA President Mahmoud Abbas (above, right) is recorded as saying, “On numbers of refugees, it is illogical to ask Israel to take 5 million, or indeed 1 million. That would mean the end of Israel.”<sup>2</sup> This potential concession is controversial for several reasons.<sup>3</sup>
- Recognition of Israel as a “Jewish state.” This disappoints and angers Palestinian Israelis pushing for an explicitly bi-ethnic Israel that recognizes them as the/an indigenous population.

As well, certain discussions recounted in the Papers have been interpreted, especially by Hamas, as indicating that PA leaders were forewarned of Israel’s assault on Gaza in early 2009. However, PA authorities say that they only knew what Israel was already announcing to the world: that it would respond with extreme force to rocketfire originating in Gaza in November and December of 2008.<sup>4</sup>

PA representative Saeb Erekat (above, left) has condemned the release of the Palestine Papers as a smear campaign. He says that the Papers have been taken out of context and that until everything in a peace agreement is agreed to, no single concession will be agreed to.<sup>5</sup>

**What do the Palestine Papers reveal about the PA’s negotiating stance?**

The Papers reveal that in a fruitless effort to secure Israel’s commitment to allow the Palestinians to establish an independent state, PA negotiators have been desperate enough to offer enormous and painful concessions guaranteed to be unpopular with many Palestinians.

However, as noted by Israeli peace group Gush Shalom—which accompanies Palestinians in their confrontations with the Israeli army and settlers in the Occupied Territories—these concessions do not represent a major departure from the PLO’s long-time stances. As early as 1992, the late PLO leader Yasser Arafat accepted similar proposals. He also reportedly accepted that Israel would define itself as a “Jewish state” and that the return of millions of Palestinian refugees to Israel was no longer practical.<sup>6</sup>

**What do the Palestine Papers reveal about Israeli negotiating stances?**

The Papers reveal that contrary to its claims Israel has had an extraordinarily flexible negotiating partner, the PA, yet rebuffed its offers, and instead made demands that most Palestinians would find humiliating:

- Tzipi Livni—then Israel’s foreign minister and now Kadima party leader—rejected the PA concessions on Israel’s East Jerusalem colonies as insufficient. She instead demanded that the PA allow Israel to annex *all* of them, including Har Homa, plus Ariel—a huge colony deep inside the West Bank—and Ma’ale Adumim, near Jerusalem. The Bush administration fully supported Israel’s stance.<sup>7</sup>
- Livni repeatedly pressed for the “transfer” of some of Israel’s citizens of Palestinian origin into a future Palestinian state as part of a land-swap deal exchanging Palestinian villages now in Israel for Jewish

settlements in the West Bank. (The PA rejected Livni's proposal to transfer Palestinian citizens of Israel out of Israel without their consent.)<sup>8</sup>

- Livni also told Palestinian negotiators in 2007 that she was against international law and insisted that it could not be included in terms of reference for the talks: "I was the minister of justice", she said. "But I am against law – international law in particular."<sup>9</sup> This is an astonishing admission by someone who, as minister of justice of a UN member state, ought to uphold domestic *and* international law.

## What else do the Palestine Papers reveal?

- Use of torture by PA security forces: The United States Security Coordinator for Israel and the PA (General Keith Dayton) complained about torture of Palestinians by PA intelligence forces. "The intelligence guys are good. The Israelis like them," Dayton said. "But they are causing some problems for international donors because they are torturing people."<sup>10</sup> Dayton also noted "the Canadians have expressed a commitment to this work" with PA security forces on border and crossings management.<sup>11</sup>
- Involvement of British intelligence in the drafting of a secret plan for a broad crackdown by the PA on Hamas. The plan asked for the internment of Hamas leaders and activists, the closure of radio stations and the replacement of imams in mosques. The Papers reveal that the project ballooned, with a huge investment in the PA security services' training and infrastructure, prisons for the internment of Hamas members, the establishment of military battalions to confront Hamas, plans to depose Hamas in Gaza, and plans to assassinate Hamas leaders.<sup>12</sup>
- The Obama administration made continuation of funding for the PA conditional on Salam Fayyad being Prime Minister,<sup>13</sup> obliging Abbas to appoint Fayyad as PM, even though Hamas had won the internationally supervised 2006 elections for the PA Council, and its leader Ismail Haniyeh, was thus the legal Prime Minister.
- The PLO urged Israel and Egypt to do more to prevent the smuggling of goods into Gaza.<sup>14</sup> Although Abbas's unease about Hamas obtaining arms is understandable, urging that *goods* be blocked contradicts Abbas's Jan. 2008 condemnation of the blockade as "collective punishment."
- The PA, along with Israel and the US, asked the UN Human Rights Council to delay from Oct. 2, 2009 to March 2010 a vote supporting the Goldstone Report—the UN's probe of alleged war crimes committed by Israel and Hamas during Israel's winter 2008-09 assault on Gaza.<sup>15</sup>
- Bush's Secretary of State Condoleezza Rice proposed settling displaced Palestinians in Argentina and Chile<sup>16</sup>

<sup>1</sup> The Guardian. "Israel spurned Palestinian offer of 'biggest Yerushalayim in history,'" Jan. 23, 2011.

<sup>2</sup> The Guardian, "Papers reveal how Palestinian leaders gave up fight over refugees," Jan. 24, 2011

<sup>3</sup> Reasons include: 1) most of the 3 million refugees in camps in Lebanon, Jordan or Syria would then have only two options—remain in the camps or move to the future Palestinian state, even if they originated in what is now Israel; 2) The "right of return" of Palestinians who fled or were expelled from Mandate Palestine during the 1947-48 civil war or the 1948-49 First Arab-Israeli war is considered by some an individual right that only the individuals themselves—not negotiators—can waive; 3) Palestinians still living in Israel will be unable to reunite their families without abandoning their homes there.

<sup>4</sup> The rocketfire occurred after Israel broke the ceasefire that had been in effect since June 2008 by assassinating a Hamas leader it believed responsible for suicide bombings.

<sup>5</sup> The Guardian. "Palestinian negotiator rejects claims of back door deals with Israel," Jan. 26, 2011

<sup>6</sup> Private correspondence between CJPME and Gush Shalom peace organization's founder Uri Avnery, who discussed peace negotiations extensively in person with Arafat and other PLO leaders in 1992.

<sup>7</sup> The Guardian. "Israel spurned Palestinian offer of 'biggest Yerushalayim in history,'" Jan. 23, 2011.

<sup>8</sup> The Guardian. "Israel spurned Palestinian offer of 'biggest Yerushalayim in history,'" Jan. 23, 2011.

<sup>9</sup> The Guardian. "Papers reveal how Palestinian leaders gave up fight over refugees," Jan. 24, 2011

<sup>10</sup> The Guardian, "Palestine papers: MI6 plan proposed internment – and hotline to Israelis," Jan. 25, 2011

<sup>11</sup> The Guardian. "The Palestine papers: 'They are torturing people'", Jan. 25, 2011. (Meeting Summary, Dr. Saeb Erekat – LTG Keith Dayton, NAD Ramallah, June 24, 2009: p. 2)

<sup>12</sup> The Guardian. "Palestine papers reveal MI6 drew up plan for crackdown on Hamas," Jan. 25, 2011.

<sup>13</sup> The Guardian. "US threat to Palestinians: change leadership and we cut funds," Jan. 24, 2011.

<sup>14</sup> The Guardian, "PLO urged Israel and Egypt to do more to prevent Gaza smuggling," Jan. 25, 2011. Erekat also complained to US envoy George Mitchell in 2009 that not enough was being done to seal off tunnels from Egypt into the Gaza Strip, saying the tunnels were undermining the siege of the Hamas-controlled territory. The PA's deep enmity for Hamas increased after Hamas's takeover of the Gaza Strip in 2007, but the PA did admit that over the long run, the rift with Hamas had to be healed in order to avoid the loss of Gaza and the breakup of the Palestinian territories.

<sup>15</sup> Al Jazeera. "PA stonewalled the Goldstone vote," Jan. 26, 2009. Abbas recognized that he asked for the delay, but stated he did so to gain time to consolidate support for the resolution, its implementation and punishment of those who perpetrated the crimes.

<sup>16</sup> The Guardian. "Condoleezza Rice: send Palestinian refugees to South America." Jan. 24, 2011.