

RELEASE IN PART
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From: sbwhoep [redacted]
Sent: Monday, January 24, 2011 9:32 AM
To: H
Subject: H: "Palestine Papers" & SOTU. Sid
Attachments: hrc palestine & sotu 012411.docx; hrc palestine & sotu 012411.docx

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CONFIDENTIAL

January 24, 2011

For: Hillary
From: Sid
Re: "The Palestine Papers" and SOTU

I. "The Palestine Papers"

So far this morning not a single word has been published or broadcast in the US press on the most extensive disclosure of internal documents on the Middle East peace process by Al Jazeera and The Guardian, a more significant cache than from Wikileaks. And already the Middle East is consumed with the revelations. I've enclosed below, just in case you haven't seen asap, the initial Guardian report and the Guardian column by Jonathan Freedland, the chief columnist on the subject in that newspaper, the Tom Friedman of Britain, a friend of mine, who also writes a column in the Jewish Chronicle, the leading Jewish newspaper in London. It all speaks for itself.

II. SOTU

For what it's worth (with a full sense of duty and futility), the Democrats should respond to the Republican response to the SOTU in the following manner: The Republicans have designated Rep. Paul Ryan (R-Weird) to give their formal televised response, but La Pasionaria of the Tea Party, Rep. Michelle Bachmann (R-Fringe) is also giving a response at the same time. Therefore, the Democratic talking points should be to characterize the President's SOTU as the program to meet the challenges the nation is facing while characterizing the GOP response as politically divisive and confused. In other words, the President is proposing policies, substance, solutions; the Republicans are embroiled in their own political mess and thus overshadowing whatever confusing policy prescriptions they might have. The way to do this: The Republicans are a politically divided party delivering two responses. The Republicans are divided and can't agree on a position. Speaker Boehner can't control his Republican members to deliver a single response. After Tucson, the Republicans have become even more divided and unable to control their extreme elements. Etc.

<http://www.guardian.co.uk/world/2011/jan/23/palestine-papers-expose-peace-concession?intcmp=23>

Secret papers reveal slow death of Middle East peace process

- Massive new leak lifts lid on negotiations
- PLO offered up key settlements in East Jerusalem
- Concessions made on refugees and Holy sites
- [Seumas Milne and Ian Black](#), [Middle East](#) editor
- [guardian.co.uk](#), Sunday 23 January 2011 20.08 GMT
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The biggest leak of confidential documents in the history of the Middle East conflict has revealed that Palestinian negotiators secretly agreed to accept Israel's annexation of all but one of the settlements built illegally in occupied East Jerusalem. This unprecedented proposal was one of a string of concessions that will cause shockwaves among Palestinians and in the wider Arab world.

A cache of thousands of pages of confidential Palestinian records covering more than a decade of negotiations with Israel and the US has been obtained by al-Jazeera TV and shared exclusively with the Guardian. The papers provide an extraordinary and vivid insight into the disintegration of the 20-year peace process, which is now regarded as all but dead.

The documents – many of which will be published by the Guardian over the coming days – also reveal:

- The scale of confidential concessions offered by Palestinian negotiators, including on the highly sensitive issue of the right of return of Palestinian refugees.
- How Israeli leaders privately asked for some Arab citizens to be transferred to a new Palestinian state.
- The intimate level of covert co-operation between Israeli security forces and the Palestinian Authority.
- The central role of British intelligence in drawing up a secret plan to crush Hamas in the Palestinian territories.
- How Palestinian Authority (PA) leaders were privately tipped off about Israel's 2008-9 war in Gaza.

As well as the annexation of all East Jerusalem settlements except Har Homa, the Palestine papers show PLO leaders privately suggested swapping part of the flashpoint East Jerusalem Arab neighbourhood of Sheikh Jarrah for land elsewhere.

Most controversially, they also proposed a joint committee to take over the Haram al-Sharif/Temple Mount holy sites in Jerusalem's Old City – the neuralgic issue that helped sink the Camp David talks in 2000 after Yasser Arafat refused to concede sovereignty around the Dome of the Rock and al-Aqsa mosques.

The offers were made in 2008-9, in the wake of George Bush's Annapolis conference, and were privately hailed by the chief Palestinian negotiator, [Saeb Erekat](#), as giving Israel "the biggest *Yerushalayim* [the Hebrew name for Jerusalem] in history" in order to resolve the world's most intractable conflict. Israeli leaders, backed by the US government, said the offers were inadequate.

Intensive efforts to revive talks by the Obama administration foundered last year over Israel's refusal to extend a 10-month partial freeze on settlement construction. Prospects are now uncertain amid increasing speculation that a negotiated two-state solution to the conflict is no longer attainable – and fears of a new war.

Many of the 1,600 leaked documents – drawn up by PA officials and lawyers working for the British-funded PLO negotiations support unit and include extensive verbatim transcripts of private meetings – have been independently authenticated by the Guardian and corroborated by former participants in the talks and intelligence and diplomatic sources. The Guardian's coverage is supplemented by WikiLeaks cables, emanating from the US consulate in Jerusalem and embassy in Tel Aviv. Israeli officials also kept their own records of the talks, which may differ from the confidential Palestinian accounts.

The concession in May 2008 by Palestinian leaders to allow Israel to annex the settlements in East Jerusalem – including Gilo, a focus of controversy after Israel gave the go-ahead for 1,400 new homes – has never been made public.

All settlements built on territory occupied by Israel in the 1967 war are illegal under international law, but the Jerusalem homes are routinely described, and perceived, by Israel as municipal "neighbourhoods". Israeli

<http://www.guardian.co.uk/commentisfree/2011/jan/23/palestine-papers-israel-peace-partner?intcmp=239>

governments have consistently sought to annex the largest settlements as part of a peace deal – and came close to doing so at Camp David.

Palestine papers: Now we know. Israel had a peace partner

Erekat told Israeli leaders in 2008: "This is the first time in Palestinian-Israeli history in which such a suggestion is officially made." No such concession had been made at Camp David.

But the offer was rejected out of hand by Israeli officials, including top high settlement Israeli holding it firm like on Adumim, Be'er Sheva, Har Homa and several others deeper in the West Bank, including Ariel. "We do not like this suggestion because it does not meet our demands," Israel's then foreign minister, Tzipi Livni, told the Palestinians, "and probably it was not easy for you to think about it, but I really appreciate it".

The overall impression that emerges from the 23 January 2012 NY Times from 1999 to 2010, is of the weakness and growing desperation of PA leaders as failure to reach agreement or even halt all settlement temporarily undermines their credibility in relation to their Hamas rivals; the papers also reveal the unyielding confidence of Israel's leadership.

Who will be most damaged by this extraordinary glimpse into the world of Israeli-Palestinian peace negotiations? Perhaps the first test of the will of the Palestinian national office at the UN is the Council of Foreign Affairs that "many years of daily documents by the papers revealed part of the incitement against the ... Palestinian leadership".

How many of the Palestinian negotiators, Deanal Butra, can justify the concessions offered by their reputation? "Sabbas stepping with me if he does not on the part of East Jerusalem, but by Israel's law attempts to damage the negotiations," she said.

Palestinians and Israeli officials both, Spencer Erekat, that the Israelis in the past has subject to the principle that "nothing is agreed until everything is agreed" – and then for the Hebrew with the city will take many as an act of humiliation.

Referring to Ariel Sharon as a "friend" will offend those Palestinians who still revile the former prime minister as the "Butcher of Beirut" for his role in the 1982 Israeli invasion of Lebanon.

Telling Tzipi Livni, Israel's then foreign minister, on the eve of national elections "I would vote for you" will strike many Palestinians as grovelling of a shameful kind.

It is this tone which will stick in the throat just as much as the substantive concessions on land or, as the Guardian will reveal in coming days, the intimate level of secret co-operation with Israeli security forces or readiness of Palestinian negotiators to give way on the highly charged question of the right of return for Palestinian refugees.

Of course it should be said that this cache of papers is not exhaustive and may have been leaked selectively; other documents might provide a rather different impression. Nevertheless, these texts will do enormous damage to the standing of the Palestinian Authority and to the Fatah party that leads it. Erekat himself may never recover his credibility.

But something even more profound is at stake: these documents could discredit among Palestinians the very notion of negotiation with Israel and the two-state solution that underpins it.

And yet there might also be an unexpected boost here for the Palestinian cause. Surely international opinion will see concrete proof of how far the Palestinians have been willing to go, ready to move up to and beyond their "red lines", conceding ground that would once have been unthinkable – none more so than on Jerusalem.

In the blame game that has long attended Middle East diplomacy, this could see a shift in the Palestinians' favour.

The effect of these papers on Israel will be the reverse.

They will cause little trouble inside the country. There are no exposés of hypocrisy or double talk; on the contrary, the Israelis' statements inside the negotiating room echo what they have consistently said outside it. Livni in particular – now leader of the Israeli opposition – will be heartened that no words are recorded here to suggest she was ever a soft touch.

Still, in the eyes of world opinion that very consistency will look much less admirable. These papers show that the Israelis were intransigent in public – and intransigent in private.

What's more, the documents blow apart what has been a staple of Israeli public diplomacy: the claim that there is no Palestinian partner. That theme, a refrain of Israeli spokesmen on and off for years, is undone by transcripts which show that there is not only a Palestinian partner but one more accommodating than will surely ever appear again.

Where does this leave the peace process itself? The pessimistic view is that what little life remained in it has now been punched out. On the Palestinian side these revelations are bound to strengthen Hamas, who have long

rejected Fatah's strategy of negotiation, arguing that armed resistance is the only way to secure Palestinian statehood. Hamas will now be able to claim that diplomacy not only fails to bring results, it brings national humiliation.

But the despair will not be confined to the Palestinians. Others may well conclude that if a two-state solution is not possible even under these circumstances – when the Palestinians go as far as they can but still fail, in Livni's words, to "meet our demands" – then it can never be achieved. This is the view that sees Israelis and Palestinians as two acrobats who, even when they bend over backwards, just cannot touch: the Palestinian maximum always falls short of the Israeli minimum.

The optimistic view will hope these papers act as a wake-up call, jolting the US – exposed here as far from the even-handed, honest broker it claims to be – into pressing reset on its Middle East effort, beginning with a determination to exert proper pressure on Israel, pushing it to budge.

It goes without saying that in any wager between optimists and pessimists in the Middle East, the smart money is usually on the latter.