

RELEASE IN
PART B6

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Sunday, May 1, 2011 1:49 PM
To: H
Subject: FW: Upcoming Intra-Palestinian Reconciliation

FYI

From: Rubinstein, Daniel H
Sent: Sunday, May 01, 2011 1:45 PM
To: Feltman, Jeffrey D; Hale, David M; Walles, Jacob; Rudman, Mara; 'Daniel_B._Shapiro [redacted]'; 'Dennis_B._Ross [redacted]'; Cunningham, James B; Jacobson, Linda; Sullivan, Jacob J; Schwartz, Jonathan B; Scobey, Margaret
Cc: Schlicher, Ronald L; Sachar, Alon (NEA/IPA); Reed, Julia G
Subject: Upcoming Intra-Palestinian Reconciliation

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A quick update on intra-Pal reconciliation events. The lead Fatah negotiator confirmed to us today the following sequence of events:

- **Palestinian factions meet in Cairo between now and Tuesday (May 2-3)**, representatives of all of the Palestinian factions will arrive in Cairo and will meet with the Egyptians on a “first come, first serve” basis to be briefed on the deal. Mish'al is reportedly in Cairo already per media.
- **Formal signature of the documents (May 3)**. Assuming no surprises, all of the Palestinian factions will formally sign the two documents (i.e., the earlier Egyptian paper, and the recent “minutes” of the 4/27 meeting) that together comprise the reconciliation agreement on Tuesday. (Hamas and Fatah have already initialed the minutes, and signed the Egyptian paper.)
- **Wednesday's (May 4) public ceremony at 11:00 Cairo time** will feature speeches by Egyptian Foreign Minister Nabil al-Arabi, AL SYG Amr Moussa, EGIS Director Murad Mowafi, and President Abbas. Reportedly, Khaled Mish'al will be seated in the front row of the audience together with the heads of other factions - not on the dais itself. (Even if no handshake or signing is planned, the optics from our perspective will still be terrible...) President Carter has been invited, and reportedly will attend if he can disentangle himself from previous commitments.

Abbas is still scheduled to travel to Berlin May 5 for meetings with the Germans, and will then return to Ramallah for a previously-scheduled Fatah Revolutionary Council meeting on May 8 when he is expected to give an address that may touch on succession-related issues. It is likely that I will have the opportunity to see Abbas on Friday evening as soon as he returns to discuss our reaction to events in Cairo, and to discuss next steps before the FRC.

Second, the agreed 4/27 minutes read that the understandings reached between the parties are “binding on the parties upon implementation of the Palestinian National Accord Agreement” (i.e., the Egyptian document). At least at the outset, it appears the focus will be on formation of the government itself, rather than the committees or other aspects of the accord. The main negotiating channel between the sides (which so far as we can tell is the only authorized channel) appears to be Fatah negotiator Azzam al-Ahmad on the Fatah side to Musa Abu Marzuq and (PLC Speaker) Aziz Dweik on the Hamas side. Al Ahmad claims the issue was only discussed on the margins of the April 27 meeting, and at the time Abu Marzuq pushed for the PM to be a Gazan. At the time, Al Ahmad claims he pushed back, and the two sides subsequently agreed only that the PM would be selected by

“tawafuq” (mutual consensus). Discussions will formally begin on Wednesday afternoon in Cairo, immediately after the ceremony concludes.

One bit of good news. The Fatah negotiator originally told us the Legislative Council (PLC) would have to form prior to the government itself, since under the Basic Law the new government must be confirmed by the PLC. Subsequently, he called (Hamas) speaker of parliament Aziz Dweik to discuss the issue. Fortunately for us, Dweik apparently overplayed his hand, and pushed for the legislature to reconvene not only to confirm the government, but also for the duration of the pre-election period. The Fatah negotiator pushed back, and ultimately the two agreed to defer the issue beyond the government formation period altogether, with the government confirmed only by Presidential decree.

Finally, below is our translation of the full text of the agreed minutes as published in some local papers yesterday. None of the substance is different from the summarized version in the cable we sent last week, but we understand there may be some cosmetic modifications (such as replacing “Fatah and Hamas” with “the Palestinian factions”) before this is signed on Tuesday. For that reason, we should view the documents that emerge from Cairo on Tuesday/Wed as the authoritative texts.

Text of the April 27, 2011 Agreed “Minute”

Fatah and Hamas delegations met under Egyptian sponsorship on April 27 in Cairo to discuss issues regarding ending the division and achieving reconciliation, foremost of which are the observations regarding the content of the 2009 Palestinian National Accord Agreement (i.e., the Egyptian paper).

Both parties agreed that the understandings reached regarding these observations are binding on the parties upon implementation of the Palestinian National Accord agreement.

These understandings agreed upon by Fatah and Hamas are as follows:

1. Elections

A. The Elections Committee:

The two sides, Fatah and Hamas, agreed to specify the names of the members of the Central Elections Committee by agreement with the Palestinian factions, and that the names will be raised to the Palestinian president to issue a decree forming the committee.

B. The Elections Court

Both parties, Fatah and Hamas, agreed to nominate no more than 12 judges to become members in the elections court, and that the names will be raised to the president to take the necessary legal measures to form the court in agreement with the Palestinian factions.

C. Date of the elections

Legislative, presidential and PNC elections will be conducted simultaneously a year after the signing of the National Accord agreement by the Palestinian factions and forces.

2. The Palestine Liberation Organization

Fatah and Hamas agreed that the tasks and decisions of the interim leadership body are not to be subject to obstruction so long as they do not conflict with the powers of the PLO Executive Committee.

3. Security

The high security committee, whose formation will be pursuant to a presidential decree and shall be composed from professional officers, shall be formed by mutual agreement (“tawafuq”).

4. The Government

A. Formation of the Government:

Fatah and Hamas agreed to form the Palestinian government and to appoint the prime minister by mutual agreement ('tawafuq').

B. Tasks of the government:

- (1) Prepare a conducive environment for presidential, legislative, and PLO National Council elections;
- (2) Oversee the handling of internal Palestinian reconciliation issues arising from the division;
- (3) Follow up on the process of reconstruction in Gaza and ending the Israeli siege;
- (4) Follow up on the implementation of the contents of the Palestinian National Accord agreement;
- (5) Handle the civil issues and the administrative problems ensuing from the division;
- (6) Unify the institutions of the Palestinian National Authority in the West Bank, Gaza, and Jerusalem;
- (7) Restore the status of charitable associations and civic organizations.

5. The (Palestinian) Legislative Council

To activate the PLC in accordance with the Basic Law.

Signed by Egypt, Hamas and Fatah

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